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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

SENATE—Thursday, February 10, 2011

The Senate met at 4 p.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Mighty God, thank You for Your great compassion that removes our guilt and purifies us from transgressions. As our lawmakers and those who work with them face the challenges to liberty, give them light for their path and courage to live for You. Lord, enrich them with the durable satisfaction that comes from doing Your will. In their attitudes and expressions, remind them that those who are slow to anger are better than the mighty. Give them courage to passionately seek the truth and the reverence to follow Your light that illuminates their path.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 10, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Ms. KLOBUCHAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks there will be a period of morning business with Senators allowed to speak for up to 10 minutes each.

There will be no rollcall votes during today's session of the Senate. However, I hope we will be able to extend the trade adjustment assistance legislation today.

Senators should expect the next series of votes to begin at 5:30 p.m. on Monday. We hope to have as many as three votes on Monday starting at 5:30.

CUTTING GOVERNMENT SPENDING

Mr. REID. Madam President, saying you want to cut government spending is an easy applause line. We all want to lower the deficit. We all wish Americans had less debt sitting in the treasuries of other countries. None of us wants to leave the most difficult decisions to the next generation. They deserve better from us.

But actually figuring out what and where to cut is the hard work. That is an entirely different story. The American people do not need to hear an applause line. They need us to ease the burden on our Nation's bottom line, and there is a fine line between doing so responsibly and recklessly.

It is our job to do that hard work, to figure out what and where to cut, to do the math carefully and practically and with common sense. It is our responsibility to remember we are not just taking numbers off a ledger. In many cases, these proposals may mean taking workers off the assembly line, taking teachers out of the classroom or police officers off the street.

I want to talk about taking police officers off the street. In the Republicans' haste to make as many cuts as possible, they have proposed eliminating the COPS hiring program. COPS stands for Community Oriented Policing Services, and it has helped put thousands and thousands of police officers and sheriffs on patrol around the country, about 450 of them in Nevada.

Under the Republican plan, many could lose those jobs and many more who want to join the force will not be able to. The COPS program also helps our law enforcement departments afford the computers and communications equipment they need to do their jobs. These jobs are keeping us safe. So cutting COPS does not just put them at risk, it puts all of us at risk.

This is not the kind of investment we gain from losing. This extreme plan does nothing to grow our economy or keep us competitive. It does not make our future more secure; it makes our neighborhoods less so. We have to cut responsibly. That is not the kind of cut we have talked about, wiping out the COPS program. We cannot support that.

When we talk about cutting government waste and excess, this is what we mean, among other things. We mean eliminating handouts to oil companies that are already making record profits. We mean cutting billions in wasteful Pentagon spending to contractors such as Halliburton. It means stopping the government giveaways to companies that ship American jobs overseas. These are commonsense cuts and a good place to start the conversation.

But so far Republicans have shown no interest in meeting us halfway and have shown every intention of protecting their rich corporate friends. As this conversation continues, Democrats do not need any lectures from the other side on fiscal responsibility. Remember, we were the ones who balanced the budget during the Clinton years. We did it. We were accused of reducing the deficit too much. We were spending less money than we were taking in. Because of the work we did during the last of the Clinton administration, even President Bush, during his

first year, because he got all of the largess from the Clinton administration, turned in a record budget surplus. But as soon as his policies went into effect, he changed that very quickly. In a matter of months, he turned a record surplus into a record deficit that we are fighting today.

In conclusion, any budget debate is going to be about numbers. That is the way it should be. But that is not the real priority, and those figures should not blind us to the real story behind the numbers. Our goal and our charge is not to cut billions of dollars just to say we did it. Our task is to make our government more efficient, our economy healthier, and our future more secure. Our challenge is to do so in a way that does not put our public safety at risk or break our promise to seniors.

So we need to think about what we are cutting and making sure those cuts are not counterproductive. We need to pay attention to the quality of those cuts, not just the quantity of those cuts. After all, you can lose a lot of weight by cutting off your arms and legs but no doctor would recommend it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

TAA AND HCTC EXTENSION

Mr. BROWN of Ohio. Madam President, I thank the majority leader for his support on our upcoming efforts. I am joined on the Senate floor by Senator CASEY, the senior Senator from Pennsylvania, who has been a leader for workers in this body.

I want to make some brief comments about something very important for workers and businesses and international trade. Then Senator CASEY will make a couple of unanimous-consent requests. He will make one that I hope is agreed to. If it is, then he will not need to make a second, and I will not need to make a third.

In December, just before the 111th Congress adjourned, it extended two critical trade programs which Senator CASEY and I were on the Senate floor working on. First, we extended the Andean Trade Preferences Act, thanks in part to Senator MCCAIN of Arizona. It provides assistance to Latin American

countries and also helps American businesses and workers by granting access to new inputs and products.

Second, critically important to our two States, Pennsylvania and Ohio, and I know to the Presiding Officer's State of Minnesota, we extended trade adjustment assistance. That is the least we can do when this Congress passes wrong-headed trade agreements.

We extended the health coverage tax credit so that together workers who lose their jobs because of bad trade agreements, such as NAFTA and CAFTA, and bad trade positioning such as PNTR for China, can at least get some help for retraining so they can get back to work in comparably paying jobs, we hope, and get some assistance, some tax credits to buy health insurance for them and their families.

As a result, thousands of workers and retirees who depend on TAA and the HCTC made it through the holidays, when we did this in late December, at the last minute—it should not have been that long, but in the last minute—with these critical sources of support.

The Andean Trade Preferences Act has brought benefits for our businesses and workers. It is nice that sunflowers from Colombia will be in florist shops for Valentines Day next week because of this act. But the difficult reality faced by too many workers reliant on TAA, reliant on the health care tax credit, reminds us of the effects of trade and globalization, the downside of trade and globalization.

It reminds us that our actions bring consequences. We hear Presidents and Congresses trumped the advantages of free trade. Yet they forget about fair trade, what happens to too many workers. Good for investors, good for some companies, good for some countries, not always good for our workers—they forget about that.

By this weekend, if we fail to act, crucial improvements to TAA and the health care tax credit will expire. Workers again will be hurt not just by loss of jobs but loss of these benefits. It will expire at the expense of workers who played by the rules, who lost their jobs, most of their pensions, and their health care—or all three.

Just last month I visited the Mahoning Valley on the Pennsylvania border in Northeast Ohio—the Mahoning Valley One Stop to visit with workers who are using TAA to develop new skills and training to find new secure jobs. One industrial manufacture worker, I believe, in her forties has a child, a daughter, I believe, in her late teens. She and her daughter both were in the same school studying to be health care workers, both becoming professionals, both getting their lives and their futures in order—the mother able to do it because of trade adjustment assistance.

I was there with a simple message: We cannot keep passing trade agree-

ments that undermine Ohio workers and then turn our backs on those workers when their jobs are offshored.

The TAA and HCTC enhancements are not expensive; they are not complicated. They are modest improvements that Congress passed to programs that help tens of thousands of Americans either get back to work or regain some measure of the financial security that had been stripped unceremoniously from them.

Last week, 12 Senators and I, including the majority leader, sent House leadership a request for a long-term extension of trade adjustment assistance, the health care tax credit, and the Andean Trade Preferences Act. TAA is a critical part of our Nation's competitiveness strategy.

In the last 2 years, more than 155,000 additional trade-affected workers across the country who might not have been certified under the former TAA program became eligible for TAA benefits because a year and a half, almost 2 years ago, in the Recovery Act, we added expanded trade adjustment to help those workers who had lost their jobs because of trade.

These Americans are rubber workers from Johnson Rubber Company in Wood County. They are furniture makers from Masco in Jackson County or aluminum castings workers from Mansfield Brass and Aluminum in my home county of Richland. In addition, workers in the service industry are eligible for TAA because of these changes. Those workers include engineers at Belcan Engineering in Cincinnati and computer programmers at Electronic Data Systems in Fairborn, a suburb of Dayton. It includes researchers at the Transportation Research Center in Moraine.

In total, 360,000-plus workers nationwide have been certified eligible for TAA since 2009. These workers use TAA to acquire new skills to return to work as quickly as possible. This is not theory; this is not some game. This is workers who have lost their jobs because of decisions in this body and in the White House that cost people those jobs. And it is helping those workers so they can get back on their feet.

It is not a game; it is not a happy time. It is the least we can do for those workers. Health coverage tax credit programs also help those same trade-affected workers and retirees who lose their benefits. I could go on about this. I will stop.

I hope Republicans do not object. The combination of TAA and HCTC, trade adjustment and health care tax credit, is a winner for business. The combination is a winner for workers; it is a winner for our economy. It will boost the economy. It is too important for the country. For decades there has been bipartisan support for the TAA program.

In 1962, President Kennedy, when this was conceived, said: Those injured by

foreign competition should not be required to bear the brunt of it.

When there are no replacements for good-paying, secure jobs, TAA and HCTC are there. They help workers acquire new skills. They help businesses compete. They are keys to our Nation's economic recovery. They are keys to our competitiveness. They are, simply put, the right thing to do.

I yield to the Senator from Pennsylvania, I believe, for a unanimous consent request.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

UNANIMOUS CONSENT REQUESTS— H.R. 359

Mr. CASEY. First, I thank Senator BROWN and others who have helped us in this battle. Just a couple of words about trade adjustment assistance as it relates to Pennsylvania and, more importantly, Pennsylvania workers.

As many people know, the trade adjustment assistance provisions were enhanced by amendments made to the program in 2009. It was updated in two critical ways. First, it expanded coverage to more workers, including service workers and workers whose jobs have been offshored to places around the world. The change was essential because it made workers whose jobs were lost to China and India eligible for assistance which these days is an essential safeguard for those workers. The amendments also increased and improved training, health coverage, and other benefits available to trade adjustment assistance certified workers.

What does that mean for Pennsylvania? The 587 certifications issued in Pennsylvania cover an estimated 67,000 workers. To give one example, General Electric announced in 2009 that they would be cutting 1,500 jobs. We have worked with them and others to get them through this period. They recently got a solution in the form of trade adjustment assistance. As a result of their certification, the workers have been able to go to school, feed their families, and contribute to the local economy. So General Electric in Pennsylvania is hiring again with the help of trade adjustment assistance.

With that by way of background, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 359, which was received from the House and is at the desk; that a Casey substitute amendment providing an 18-month extension of trade adjustment assistance and the Andean Trade Preference Act be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, the Sen-

ator's unanimous-consent request contains components he knows are controversial and opposed by numerous Senators and for that reason that proposal cannot pass the Senate today. Specifically, the proposal would extend the TAA-related provisions of the American Recovery and Reinvestment Act of 2009, better known as the failed stimulus package, which most Members of this side of the aisle strenuously opposed for very sound reasons. That stimulus spent approximately \$1 trillion under the guise that it would keep unemployment rates below 8 percent. Yet nearly 2 years later, we are still at a point where unemployment rates, which had risen to the area of 10 percent, are now still at 9 percent. I am reminded this is nearly double the average annual rate of the last administration.

It would be one thing if there was clear evidence that differing TAA programs were effective in meeting these intended goals, but research suggests the efficacy of the TAA training funding is not as convincing. At the insistence of Senators COBURN and ENZI, the GAO found that in fiscal year 2009, nine Federal agencies spent approximately \$18 billion to administer 47 separate employment and job training programs, including TAA. Despite large Federal spending, GAO could not conclude whether the programs have had any meaningful benefit. The GAO report states:

Little is known about the effectiveness of the employment and training programs we identified because only 5 reported demonstrating whether outcomes can be attributed to the program through an impact study.

As a result, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BROWN of Ohio. Madam President, will the Senator from Wyoming yield for a question?

Mr. BARRASSO. Yes.

Mr. BROWN of Ohio. Is he aware that 155,000 new workers have been certified, that under the new TAA program since May 2009, 155,000 Americans have been assisted under TAA?

Mr. BARRASSO. Madam President, I would be happy to, as a matter of record, submit for the record the GAO study that was reported by Senators COBURN and ENZI to outline the entire study and the reason I am objecting today.

Mr. BROWN of Ohio. Madam President, if the Senator would be willing to give us more specifics, it is very important to those 155,000 workers. I know a lot of them live in Pennsylvania. I don't know how many of them live in Wyoming. I could find that out. I understand his criticism of the Recovery Act, but that is a debate for another time. I understand Senator COBURN's disagreement and perhaps his too with worker training programs. I wish to see

a better consolidation. This President is actually beginning to do that. President Bush, I don't believe, ever attempted that.

More precisely, strip away all the other discussions of the Recovery Act. Precisely what did we do that you object to when we expanded the TAA language in the Recovery Act? We have the Recovery Act in place. We have the TAA in place. We expanded TAA so that more workers could be covered, those workers who lost their jobs from trade agreements—not from trade agreements, lost their jobs from trade losses from trade, not just in countries we had free trade agreements with but other countries. We expanded it there. We also expanded it to service workers. Since you are speaking for Mr. COBURN and others, what precisely was the expansion in TAA that you objected to? This is not a debate on all the worker training programs. This is a debate on making them more efficient. We should have that debate. We should make it more efficient. This is not a debate on the Recovery Act, even though any fair-minded economist will say it is not a well-known failure. It actually worked. But that is another debate.

But precisely the expansion of TAA to cover service workers and to cover those workers who lost jobs to countries with whom we did not have an FTA, what is your objection to those, the precise specific expansion of TAA that Senator CASEY's unanimous consent is trying to expand, to continue?

Mr. BARRASSO. Madam President, I do look forward to having those additional discussions and debates on all the issues raised by my distinguished colleague from Ohio. That is why, after the two distinguished Senators on the floor today offer the three different proposals, I have a counterproposal that I hope they would accept, an alternative package that maintains the underlying bill H.R. 359. It extends the Andean Trade Preference Act for 18 months and extends the permanent staffing prohibition for 18 months. I will be offering that after we have finished an additional discussion by the other side.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I have a second unanimous-consent request which I will offer. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 359, which was received from the House and is at the desk; that a Casey substitute amendment providing for a 4½ month extension of trade adjustment assistance and the Andean Trade Preference Act be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, and for the reasons I have stated during the previous request and debate, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BROWN of Ohio. Madam President, I am not surprised by this, but I am very disappointed. These are American workers who have lost their jobs. This body is responsible in part with a bunch of multinational corporations that have moved jobs out of this country, in some cases to get cheaper labor, to get trade advantages, to take advantage of tax breaks, to evade environmental laws, to evade worker safety and labor laws. They have moved out of this country with assistance from this Chamber. I don't know if it is Senator BARRASSO or COBURN or who, but we are turning our backs on those workers who have lost jobs not through their own doing. I am very disappointed.

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 359, which was received from the House and is at the desk; that a Brown substitute amendment providing an 18-month extension for the health insurance cost tax credit be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, this third proposal deals solely with the health coverage tax credit, including the increases contained in the stimulus that went from 65 percent to 80 percent. It is important to note that the health coverage tax credit is not going away. It is merely reverting to the previous level which will require recipients to increase their contribution for health coverage. The health coverage tax credit stimulus level of 80 percent, which represents one of the most generous health care premium subsidies provided by the Federal Government, is unsustainable.

As a result, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BROWN of Ohio. Madam President, I am again disappointed. This is a tax credit. The Senator from Wyoming knows this, as many colleagues do. This brings back the issue of health care generally. A bunch of us in this body who get our health insurance from taxpayers are not willing to assist people who have lost their jobs. The health care tax credit is available, just as COBRA is available. But tell me for most American workers that COBRA is not a cruel hoax. COBRA is what you get if you lose your job. You can keep your insurance. You have to pay the employer side and your own side. You are working at a job making \$40,000 a year. You pay your insurance, and your

employer pays part of your insurance also. If you lose your job, you keep paying your own insurance, but you have to pay the employer's part too. What kind of workers can get laid off and have the money to pay both? Is it still available? Sure it is. Isn't that a wonderful thing? Aren't we great in this body?

The fact is, it is not available. For Senators who want to repeal health care, for Senators who want to strip any assistance, because in the end it does strip assistance that the health care tax credit gives, it is basically turning our backs and saying to these workers: Sorry about that. Sorry about NAFTA. Sorry about PNTR. I know you lost your job because of the trade agreements. Sorry about losing your health insurance. Sorry about not having any job training money. And if your house is foreclosed on, that is just too damn bad too.

I don't get this. I don't understand why people in this body can't at least help those citizens who don't dress like this every day, who don't make \$170,000 a year, who don't have good health insurance provided by taxpayers. Why are we turning our backs on them?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Madam President, let me add a few words to what Senator BROWN said.

Think of what is happening here, what happened in the last couple minutes. We had three unanimous-consent requests. The first one I offered was an 18-month extension of trade adjustment assistance. What are we talking about? Trade adjustment assistance is basic to people's lives when they lose a job. Over the years it has had a lot of support from both parties. It is about training, income support, reemployment so people can get from joblessness through no fault of their own to a job. It is a very basic program. It works well. The evidence is clear. I asked for an 18-month extension. That was objected to.

Then we tried again. The next consent request I offered was a 4½ month extension. Just as we were leaving here in December, Senator BROWN and I worked out an agreement with two Members of the Republican side, two Members who said: Let's extend it for a short period, a much shorter period than I wanted and a much shorter period than Senator BROWN wanted, but we got an extension. That is what we are asking for here, helping people in the midst of what is still a very tough economy, almost 14 million people out of work, 13.9 according to the last number. That is what we are talking about, not some fuzzy theoretical program. This is a program we know works. It is a program that helps people get from here to there, from joblessness to a job, and provides some training and skills.

Why is this objected to time after time by people on the other side? Then you add to that the health care provisions Senator BROWN talked about.

Everyone in this Chamber—every elected official in this Chamber—has both a steady income and health care. All we are asking for is to extend, for a very short period of time, a program that helps people in the midst of a tough economy, and the other side objects and objects and objects.

It is hard to understand, as Senator BROWN said. It makes no sense. This is not some new program we are experimenting with. This is a program that works. As I said before, in our State, 67,000 workers are positively impacted by this program. So I would like to hear more from the other side about why they keep objecting to a program we know works in every State and we know people need at this time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. BARRASSO. Madam President, there are those folks around the country—and I go home to Wyoming repeatedly; I will be there again tomorrow evening—who are concerned about a \$14 trillion debt this country is trying to live with, a deficit this year of \$1.5 trillion. The United States, in this last year, spent \$3.7 trillion and brought in \$2.2 trillion. That is not sustainable. It cannot continue. We simply cannot continue at this level, where 41 cents of every dollar we spend in this country is borrowed, much of it from people overseas.

It should not catch anyone by surprise today that the stimulus provisions we are talking about—the provisions from that stimulus package—are set to expire. In fact, it has been well known since the day the stimulus passed.

The current financial position of the United States forces us to examine all Federal programs and make some very tough and difficult decisions.

I agree the Senate should extend the prohibition on implementation of the Department of Labor's merit staffing rule which I believe is harmful and unnecessary. For these reasons, I propose an alternative package that maintains the underlying bill, H.R. 359, regarding the elimination of the taxpayer-funded Presidential election campaigns, extends the ATPA, the Andean Trade Preference Act, for 18 months, and extends the merit staffing prohibition for 18 months.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 359, that all after the enacting clause be stricken, the amendment at the desk be agreed to, and the bill, as amended, be read a third time and passed.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I reserve the right to object.

I cannot walk out of here—and I think Senator CASEY feels the same—saying yes to workers governed by the Andean trade preferences—in other words, yes, we are going to help workers in Colombia and Peru and Ecuador and Bolivia—we are going to say yes to workers there—but the Senator from Wyoming wants us to walk out and have said no to workers in Harrisburg and Columbus and Toledo and Erie and Sharon and Youngstown, so, Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I think both sides understand these should move together as a package, both trade adjustment assistance and the Andean trade preference legislation as well. But let's try something here. We have talked about the arguments back and forth.

I would ask my friend from Wyoming if he would agree to an extension through Mother's Day, which is Sunday, May 8. I would ask him to respond to that request.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. BARRASSO. Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. What you have just heard is another objection. They object to another short period of time. Let me go through it again. They object to a 4½ month extension, they object to an 18-month extension, and now they object to an extension through Mother's Day. I do not think it is asking that much to go from here to May 8.

I do not think we are helping the economy at a very difficult time when there is objection after objection. But I hope the American people understand what is at stake here in the midst of a still recovering and for some people still—for many people I should say; millions of people—a horrific economic circumstance.

Madam President, I yield the floor.

LINCOLN'S FAREWELL SPEECH

Mr. DURBIN. Mr. President, I want to recognize the work of organizers in Springfield, IL, who are kicking off the national Civil War Sesquicentennial observation by reading President Abraham Lincoln's "Farewell Address" on the 150th anniversary of its original delivery. The speech will be reenacted in Springfield and individuals across the Nation are invited to join them online for a simultaneous reading of it. Organizers hope to set a Guinness World Record for the most people reading

aloud from the same document simultaneously.

This year marks the sesquicentennial of two momentous chapters in our national history: President Abraham Lincoln's inauguration and the beginning of the Civil War. Two years ago, we celebrated the bicentennial of Abraham Lincoln's birth. As part of that earlier celebration, the Library of Congress displayed a remarkable collection of Lincoln artifacts. They included copies, written in Lincoln's own hand, of his first and second inaugural addresses and his immortal Gettysburg Address. Also included was a copy of President Lincoln's poignant "Farewell Address" to Springfield, his adopted home, on February 11, 1861. More than a thousand residents came out that day to wish Mr. Lincoln goodbye as he headed to Washington to become President. He delivered his remarks extemporaneously:

My friend—No one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people, I owe every thing. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when, or whether ever, I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being, who ever attended him, I cannot succeed. With that assistance I cannot fail. Trusting in Him, who can go with me, and remain with you and be every where for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell.

President Lincoln, of course, did not live long enough to help write all of the chapters of American history that he had hoped for us. It has fallen to each generation of Americans since him to take up that pencil and write the next chapters: the Civil Rights Act, the Voting Rights Act . . . the first African American president, another lanky lawyer from Illinois. But we know there are chapters that still need to be written.

I urge my fellow Senators to join me in recognizing the 150th anniversary of President Lincoln's first inauguration, even as people in Springfield and around the country recite his Farewell Address.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I regret having missed the February 8 vote to consider an amendment to the FAA Air Transportation Modernization and Safety Improvement Act. I was celebrating the joyous occasion of my newest grandson's birth with my wife and children.

Had I been present, I would have voted in favor of Senator NELSON's amendment to strike section 605. Section 605 would have established an advisory committee on aeronautics, but

such a committee is not necessary because NASA already plays that role.

FAA REAUTHORIZATION

Mr. SESSIONS. Mr. President, I rise today to speak on behalf of Senator NELSON's amendment preventing the establishment of an extra advisory committee for NASA.

It is ironic that in his recent State of the Union Address, President Obama spoke of needing a "sputnik" moment to push America forward while the administration is supporting actions that complicate and weaken NASA and outsource its core capabilities.

Why should we transfer the responsibility for deciding how to affect aeronautics research from the National Aeronautics and Space Administration, the responsible agency? NASA provides the Nation's fundamental aeronautics research capability and any further dilution of its capabilities will negatively impact not only our research and development abilities but America's future space missions.

Furthermore, the advisory committee's function would directly and adversely affect the separate authorization of appropriations, Public Law 109-155, for NASA, wherein the Agency's lead role in civil aeronautics research was reaffirmed—Sec. 411.

This is why I voted in favor of Senator NELSON's amendment, which passed by a vote of 96 to 1. It is good that the formation of this committee has been struck by the Nelson amendment. The proposal has not been fully considered. It is unwise and goes against what Congress has already established.

I strongly believe it is of critical importance for the United States to maintain our competitive edge in human space exploration and civil aeronautics research. We should not abandon our position as an international leader in human space exploration. Creating another bureaucracy, blurring lines of responsibility and complicating decisionmaking by the responsible agency, NASA, will not be a step forward.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES BOYD

• Mr. SESSIONS. Mr. President, I wish to speak today about the noble service of a great American from the State of Alabama, Mr. James Boyd. Mr. Boyd serves the city of Anniston as a police officer and has served as a civilian adviser to the Afghani Police Force in Khost and Kabul, Afghanistan, from November of 2009 to November of 2010. He is currently featured in the laudable project "100 Faces of the War Experience." This exhibition displays portraits and brief stories of those who

have served in the multitude of possible ways in the theatres of war. The portraits are not for sale and not done at any cost to the participants. Mr. Boyd's story is as follows:

January 7th was the day of my war experience. I was embedded with the U.S. military in Afghanistan, advising the Afghan border police. We returned to our combat outpost at 3:20 PM after a supply mission. Right away I noticed that the local border police we lived with were all but gone and my police instinct immediately told me something was wrong. My partner and I were talking to the Lieutenant and Sergeant outside our building and decided to change into cold weather gear for the night. Just as it got dark, we started receiving heavy enemy gunfire; it was relentless and was all at head level. I could hear the Sergeant yelling, "Incoming!" A suicide bomber drove a 4,000 lb vehicle-borne improvised explosive device into our compound wall injuring 13 U.S. soldiers. I ran to those who were calling for help and found the Sergeant I had been speaking with moments before; he was severely injured and later died. My partner and I ran back-and-forth across the compound under heavy gunfire to get medical bags and stretchers, and to give combat aid. More than a dozen Taliban tried to breach our compound throughout the attack but the team held them back. The rush of emotions throughout was unbelievable—the highest of highs and lowest of lows. The carnage of war is horrendous. The valor of warriors is inspiring. We should all be grateful to the members of our military who defend our enduring freedom and I am honored to support them in their mission.

I thank Mr. Boyd and his family for their honorable contributions toward the goals of our great Nation. I wish him and his family only the best in their future endeavors.●

MESSAGE FROM THE HOUSE

At 4:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 188. An act to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse".

The message also announced that pursuant to section 4 of the Ronald Reagan Centennial Commission Act (Public Law 111-25), the Minority Leader appoints the following Member of the House of Representatives to the Ronald Reagan Centennial Commission: Mr. SILVESTRE REYES of Texas.

The message further announced that pursuant to section 4 of the Ronald Reagan Centennial Commission Act (Public Law 111-25), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Ronald Reagan Centennial Commission: Mr. SCHOCK of Illinois.

The message also announced that pursuant to section 4404(c)(2) of the Congressional Hunger Fellows Act of 2002 (2 U.S.C. 1161) the Minority Leader

re-appoints the following Member of the House of Representatives to the Board of Trustees of the Congressional Hunger Fellows Program: Mr. JAMES P. MCGOVERN of Worcester, Massachusetts.

The message further announced that pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 955(b) note), the Minority Leader re-appoints the following Member of the House of Representatives to the National Council on the Arts: Ms. BETTY MCCOLLUM of Minnesota.

The message also announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), the Minority Leader appoints the following Member of the House of Representatives to the Congressional Award Board: Ms. JACKSON LEE of Texas.

The message further announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. BURGESS of Texas.

The message also announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Chairman, Mr. PITTS of Pennsylvania, Mr. ADERHOLT of Alabama, and Mr. GINGREY of Georgia.

The message further announced that pursuant to 2 U.S.C. 2081, the Minority Leader re-appoints the following Member of the House of Representatives to the United States Capitol Preservation Commission: Ms. KAPTUR of Ohio.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. BURR, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. INHOFE, Mr. RISCH, Mr. WICKER, and Mr. BLUNT):

S. 312. A bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 313. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHANNIS (for himself, Mr. BOOZMAN, Mr. BURR, Mr. COCHRAN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr.

GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. THUNE, Mr. VITTER, and Mr. WICKER):

S. 314. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 315. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 316. A bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 317. A bill to allow for use of existing Section 8 housing funds, so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 318. A bill to increase the use of security cameras at airport security screening checkpoints and exits, to impose increased penalties on individuals who circumvent security screening at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. STABENOW, Mr. VITTER, Mr. MCCAIN, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. KOHL, Ms. COLLINS, Mr. BROWN of Ohio, Mr. KERRY, Mr. SANDERS, Mr. LEVIN, Mrs. SHAHEEN, Mr. LEAHY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. BEGICH, and Mr. NELSON of Florida):

S. 319. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 320. A bill for the relief of Genesio Januario Oliveira; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 321. A bill to provide for the status of the Northern Rocky Mountain distinct population segment of the gray wolf, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 322. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER (for himself and Mr. COONS):

S. 323. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 324. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Mrs. MCCASKILL):

S. 325. A bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself and Mr. LAUTENBERG):

S. 326. A bill to amend title 49, United States Code, to establish national purposes and goals for the Federal surface transportation activities and programs and create a national surface transportation plan; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself and Mr. MORAN):

S. Res. 47. A resolution recognizing the importance of biosecurity and agrodefense in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin):

S. Res. 48. A resolution congratulating the Green Bay Packers on winning Super Bowl XLV; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 91

At the request of Mr. WICKER, the names of the Senator from Nebraska (Mr. JOHANNES) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 197

At the request of Mr. ENSIGN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 197, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 210

At the request of Mr. COBURN, the names of the Senator from Montana

(Mr. TESTER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Wyoming (Mr. ENZI), the Senator from Wisconsin (Mr. KOHL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 218

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 218, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 219

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 226

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 226, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 238

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 238, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to require that fishery impact statements be updated each year and for other purposes.

S. 259

At the request of Mr. VITTER, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 259, a bill to require that the Government give priority to payment of all obligations on the debt held by the public and payment of Social Security benefits in the event that the debt limit is reached.

S. 281

At the request of Mrs. HUTCHISON, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SHELBY), the Senator from Georgia (Mr. ISAKSON), the Sen-

ator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Florida (Mr. RUBIO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Utah (Mr. LEE), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. ENZI), the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 282

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. LEE), the Senator from North Carolina (Mr. BURR) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 282, a bill to rescind unused earmarks.

S. 306

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S.J. RES. 3

At the request of Mr. HATCH, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

AMENDMENT NO. 27

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 27 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 313. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce legislation, cosponsored by my colleague MARK BEGICH from Alaska, that represents an

important step in the conversion to renewable energy sources in rural Alaska.

Today I introduce the Kantishna Hills Renewable Energy Act of 2011.

The Kantishna Roadhouse, owned by Doyon Tourism, Inc., is located 100 miles inside Denali National Park and Preserve. The settlement of Kantishna was founded in 1905 as a mining camp near the juncture of Eureka and Moose Creeks. Gold in the region brought a flurry of prospectors in the early days, but as the gold began to run out, so did interest in mining the Kantishna Hills. The original roadhouse at Kantishna was built in the early 1900s, serving as a private residence, a community center, post office, and informal hotel accommodations for those who visited Kantishna in Denali Park.

The Roadhouse, like many structures within Denali National Park, is entirely off the grid and generates all of its electricity needs with a diesel generator. As a result, all guests and supplies, including diesel, are trucked through the Park to the Roadhouse over National Park roads. The construction of the micro hydro project would allow the Roadhouse to cut down their diesel usage by approximately 50%, which would result in a decrease in diesel truck traffic on the Park Road, improved local air quality, and less sound pollution in this remote area, as well as reduce disturbance and vehicle impacts on park wildlife, allowing for an enhanced visitor experience for tourists within the National Park.

My bill will authorize the National Park Service to exchange roughly 10 acres of National Park land for an equivalent amount of land currently owned by Doyon Tourism, and would allow the National Park Service to obtain the highly desired Galena tract of land, located just off the Park Road in the Kantishna region. Doyon Tourism would obtain land over which the hydro project would be implemented. In the interim period, prior to completion of the land exchange, the National Park Service will issue a permit to allow Doyon Tourism, Inc., to construct the micro hydro unit.

I want to emphasize how important I believe that this bill is. The benefit to the citizens of Alaska, especially rural Alaska, of reducing their dependence on expensive diesel generation through access to renewable and clean sources of energy is enormous. This type of Micro-Hydro project within Denali provides an excellent blueprint for others around the State to follow suit.

I would like to thank Senator BEGICH, an original co-sponsor of this bill, for his and his staff's hard work in moving this bill forward. It is our hope that this bill will receive quick but careful consideration as the very short construction season in Alaska lasts only from May through September.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 317. A bill to allow for use of existing Section 8 housing funds, so as to preserve and revitalize affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, today I rise to introduce the Affordable Housing Preservation and Revitalization Act. I am delighted and honored to be joined in this effort by my good friend and colleague, Senator JEFF MERKLEY. It has been my privilege to work with Senator MERKLEY and his staff on an issue that is so important to our State of Oregon and to folks around the country.

There has been a lot of talk about housing in the media over the past year. The topic of most of these conversations has been the foreclosure crisis and the continued fallout from the mortgage meltdown.

But there is another housing story here, even though it may not get the same attention or airtime: It is the story of homelessness and the struggle to find affordable housing, and for thousands of Oregonians it's a daily reality.

Like many States, Oregon is experiencing a sharp rise in homelessness.

The most recent count available from Oregon, found 19,208 people homeless on a particular night. That number represented a 12 percent increase in homelessness over 2009.

This same count also indicates that 31 percent of those experiencing homelessness were children and the number of homeless families with children rose 33 percent from 2009.

In times like these, the Federal Government can hardly stand to lose its stock of affordable housing. Sadly, that is exactly what's happening.

As long-term contracts are coming due, many landlords are leaving the business of affordable housing for the private market. As these owners convert to market rents, which is in their economic interest, the low-income tenants will be unable to afford their homes. With fewer and fewer places to turn, many of these folks will end up on the street.

Some of these properties have what are known as residual receipts—funds left over once the operating expenses and owner's distribution have been paid. Currently, this money can only be used in the most extreme of situations. As a result, many of these residual receipts have accumulated for nearly 3 decades. In Oregon alone, estimates suggest there are more than \$10 million in untapped residual receipts.

Senator MERKLEY and I believe these funds represent a substantial asset that could be used to help preserve affordable housing projects with expiring contracts. That is why we are introducing the Affordable Housing Preservation and Revitalization Act.

Our legislation would permit residual receipts to be transferred with affordable housing properties that are sold to non-profits, provided the non-profits commit to preserving and maintaining the housing stock as affordable.

Our legislation isn't a magic bullet and it certainly will not ensure that every American can put a roof over their head. But we think it's the kind of commonsense approach that Americans can get behind. I hope that our colleagues will join us in supporting this bill.

By Ms. SNOWE (for herself, Ms. STABENOW, Mr. VITTER, Mr. MCCAIN, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. KOHL, Ms. COLLINS, Mr. BROWN of Ohio, Mr. KERRY, Mr. SANDERS, Mr. LEVIN, Mrs. SHAHEEN, Mr. LEAHY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. BEGICH, and Mr. NELSON of Florida):

S. 319. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I am proud to introduce the Pharmaceutical Market Access and Drug Safety Act of 2011. I am enormously grateful to partner with Senator STABENOW in this endeavor and to have the support of 17 additional bipartisan cosponsors. I also want to salute former Senator Byron Dorgan, who was such a tremendous ally on this issue for nearly a decade.

During health reform, I was disappointed with the \$80 billion deal struck by the drug industry in exchange for supporting the legislation. Make no mistake—this is hardly a generous offer from the industry. Consider the fact that last August, a report issued by AARP on retail prices of brand-name drugs showed that the 217 products most used by older Americans increased by an average of 8.3 percent during 2009, even as inflation was negative. So in other words, we have the industry setting a new pricing baseline that is entirely off kilter with the rest of the economy . . . widely unaffordable for the American people . . . and clearly unsustainable for the future. Negotiating concessions is no substitute for instilling market competition—which is exactly what this legislation will do.

It is unconscionable that more and more individuals are forced to skip doses or split pills as prices increase while our economy contracts. Today our bill could already be providing the access that Americans deserve to the more affordable drug prices available in other industrialized nations. It is simply indisputable that Americans pay far too much for prescription drugs—when other countries pay 35–55

percent less. And the cost of brand drugs in the U.S. increases at two to three times the inflation rate.

When nations institute safe, regulated trade in pharmaceuticals they see results—as Sweden did when it entered the European system of trade and saw a reduction of 12–19 percent in the price of traded drugs. Now, opponents claim importation will cause harm, but they fail to note the greatest prescription drug threat to the safety of Americans . . . that the inability to take a drug as it is prescribed . . . exacts a tremendous toll on thousands of American lives every year.

The bottom line is that safety is the foundation of our bill—our legislation not only addresses the safety of imports, but also was the first to provide FDA with the resources to improve inspection of foreign drug plants—many of which today produce medications marketed here by U.S. firms which consumers assume to be “domestic.”

They have also failed to understand or acknowledge we have left no stone unturned to assure importation will be safe . . . why we require FDA approval of all imported drugs . . . that the agency regulate, inspect and monitor those who handle medications . . . that we require strong prescription controls, improved labeling, anti-counterfeiting technology and tracking of shipments to assure the security of medications. We don't rely on “certifying safety”—this legislation ensures safety.

Indeed when all the provisions of this legislation are considered, this legislation will set a new standard for domestic drug safety. Because, right now—today—many of the drugs which Americans use every day are in fact manufactured in foreign factories. Yet today foreign plants are seldom inspected—it can be as many as 12 years between inspections. The fact is, global sourcing of production to lower cost countries—including those with inadequate regulatory oversight—means that FDA simply must be examining all facilities where our medications are made.

Under our bill, such plants—and in fact every step in the drug supply chain—are to be inspected and regulated by FDA. And we include long-sought incentives, to improve drug safety such as anti-counterfeiting technologies, drug “pedigrees,” and improved regulation and oversight of the handling of prescription drugs.

At the same time, this legislation will ensure that importation is effective in delivering savings to consumers. The Congressional Budget Office reports our bill will generate savings of \$19.4 billion to the Federal Government alone. Isn't that exactly the kind of savings we should achieve at a time of escalating health care costs?

So it is clear that the time for enactment of this legislation is certainly long overdue—and today the need for

this legislation is actually greater . . . not less. Among working age adults—only those with Medicare coverage saw any improvement in their ability to fill their prescriptions. All others saw a rise in their inability to obtain needed medications! Among the uninsured more than 1 in 3 individuals went without a required prescription—and in those with chronic disease that number doubles! So despite manufacturer assistance programs—despite the increased use of generics—the high and escalating cost of brand name drugs is directly impacting the health of millions.

It is indeed time to engender more competition, and the more affordable pricing that will bring. That is why I look forward to moving forward together to see passage of our bill this year.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 324. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to re-introduce legislation to support greater public involvement in the administration of one of Maryland's most treasured National Parks. The Chesapeake and Ohio Canal National Historical Park Advisory Commission Act ensures that the communities located along the 184.5 mile long C&O Canal National Historical Park have a voice with the National Park Service regarding decisions affecting the administration of the Park. The Commission keeps the people and small businesses most affected by the operation of the C&O Canal National Historical Park informed and involved in the decisions surrounding the Park. Citizen involvement in the governmental process is a hallmark of our democracy and the C&O Canal National Historical Park Advisory Commission Act exemplifies the goal of ensuring the public's role in government decision making.

The importance of the Commission is intrinsically tied to the uniqueness of the C&O Canal National Historical Park. The Park covers an area of 20,000 acres winding North and West along the Potomac River from the heart of Georgetown's old industrial district in Washington D.C. to Cumberland, MD nestled in the valleys and mountains of Western Maryland. The Park's watered canal, contiguous towpath, popular among cyclists, backpackers, day hikers and runners, hundreds of historic structures and towns like Hancock, Hagerstown, Harpers Ferry, Williamsport and Sharpsburg that grew during the Canal's heyday, all tell the story of how the C&O Canal once served as a crucial East/West commer-

cial link. The Park also preserves pristine views of the Potomac River, evocative of the C&O Canal's working days. At its widest points, the C&O Canal National Historical Park spans less than $\frac{3}{4}$ of a mile across and in many areas directly abuts neighboring commercial and residential properties bordering the Park.

During the commercial operation of the C&O Canal, these towns were local commercial centers where area farmers and tradesman utilized the canal boats to deliver their goods to market. Today, the hospitality and tourism industries of these communities thrive upon the C&O Canal National Historical Park's popularity and are integral to enhancing the park user experience. Whether it is hotel or bed and breakfast to spend the night in, a restaurant or diner to grab a meal, stores to shop in and perhaps stock up on camping provisions, boathouses to rent a canoe for the afternoon, bike shops to service a flat tire or make repairs to your bike or any of the myriad of goods and services park visitors may need, the communities along the C&O Canal are as important to the Park user experience as the Park's users are to maintaining their businesses.

In 2009, more than 3.75 million people visited the C&O Canal National Historical Park. To put it in perspective, in 2009, more people visited this historic treasure than the number of people who visited Yellowstone, Yosemite, the Everglades or Shenandoah National Park. Much of the C&O Canal National Historical Park's success is attributable to the positive relationship that has developed over time between the National Park Service and the local community leaders that span the length of the Park. The Park's Commission has greatly facilitated this relationship.

The Commission provides the vital link between the affected committee that the Park runs through and the National Park Service. The Commission ensures that the public is engaged in the numerous processes surrounding operational policy and infrastructure maintenance and restoration projects on the C&O Canal National Historic Park. The Commission plays a vital consultation and planning role for park activities and operations. The cooperation that has developed between the Commission and the National Park Service helps ties to the Park to its communities. The Commission serves a purely advisory function and does not have the authority to make binding park policy.

The Commission was first established as part of the 1971 Chesapeake and Ohio Canal Development Act sponsored by Rep. Gilbert Gude, R-MD. Every ten years, a bill like mine comes before congress, when the 10-year extension of the Commission's authorization expires. Three times over a 40-year period

extension bills have passed by unanimous consent and without controversy. My bill is another 10-year extension of the Advisory Commission's authorization and makes no changes to the Commission's authority. Legislative precedent has never set an authorization amount for the Commission, but the Commission has always functioned at a nominal cost.

The General Services Administration's Federal Advisory Commissions Act database determined that the C&O Canal Advisory Commission's expenses totaled \$33,199 for fiscal year 2010. All expenses came out of the National Park Service's general operating budget. Expenses covered the cost of travel for commission members, \$295, Federal staff time, \$28,074, and miscellaneous expenses, \$4,830, like meeting space, printing, supplies and website maintenance.

The National Park System is a showcase of America's natural and historical treasures. So much of the National Park System's success is rooted in the citizen stewardship projects and the involvement of caring citizens and community leaders. Like so many of our National Parks the C&O Canal National Historical Park has an extensive backlog of maintenance and repair projects. The Commission plays a critical role in helping keep these projects moving forward and assisting the National Park Service with their completion because there is recognition of the shared responsibility between the Park Service and the Commission about the importance of continuing to make the Park a desirable tourism and outdoor recreation destination. The Commission provides that bridge between the government and public. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking "40" and inserting "50".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 47—RECOGNIZING THE IMPORTANCE OF BIOSECURITY AND AGRO-DEFENSE IN THE UNITED STATES

Mr. ROBERTS (for himself and Mr. MORAN) submitted the following resolution; which was referred to the Com-

mittee on Agriculture, Nutrition, and Forestry:

S. RES. 47

Whereas following the attacks of September 11, 2001, the Nation took notice of the global threat of terrorism;

Whereas the new reality after the attacks of September 11, 2001, led to an increase of resources focused on combating attack from the enemies of the United States;

Whereas Congress established the Department of Homeland Security in 2002 with the intent of meeting the challenges plaguing our Nation;

Whereas the attacks made visible the vulnerability of our food supply and agriculture economy;

Whereas the President of the United States issued a Homeland Security Directive entitled the "Defense of United States Agriculture and Food" on January 30, 2004;

Whereas the Department of Homeland Security in partnership with the Department of Agriculture recognized the challenges of agroterrorism early on;

Whereas the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism assessed in its 2008 report entitled "World At Risk", "the U.S. government has invested most of its non-proliferation efforts and diplomatic capital in preventing nuclear terrorism. The Commission believes that it should make the more likely threat—bioterrorism—a higher priority. Only by elevating the priority of the biological weapons threat will it be possible to bring about substantial improvements in global biosecurity"; and

Whereas the threat of attack from the enemies of the United States continues and there is much remaining work: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) while the United States continues to combat terrorism in all forms around the world, the safety, security, and health of our livestock and agriculture commodities must not be forgotten;

(2) research and investment in biosecurity and biosafety should remain a top priority for Congress;

(3) providing the resources, both intellectually and materially, for the advancement of vaccines and hopeful eradication of deadly pathogens and emerging zoonotic disease is an integral part of providing homeland defense;

(4) a laboratory capable of handling such deadly diseases is necessary to meet the demand for such resources, and such laboratory should be constructed to the highest standards of safety and security, and should meet the requirements of a biosafety level 4 laboratory;

(5) without the tools necessary to protect the citizens, agriculture economy, and food supply of the United States, the United States remains vulnerable to attack and chaos;

(6) the world depends on the food and fiber that the United States produces;

(7) the world depends on the leadership of the United States in science and technology;

(8) the United States must remain the leader in the fight against bioterrorism; and

(9) biosecurity and agrodefense are achievable goals for the United States in the global war on terrorism.

SENATE RESOLUTION 48—CONGRATULATING THE GREEN BAY PACKERS ON WINNING SUPER BOWL XLV

Mr. KOHL (for himself and Mr. JOHN-SON of Wisconsin) submitted the following resolution; which was considered and agreed to:

S. RES. 48

Whereas on Sunday, February 6, 2011, the Green Bay Packers defeated the Pittsburgh Steelers with a score of 31 to 25 in Super Bowl XLV, in Arlington, Texas;

Whereas the victory marks the thirteenth championship win for the Green Bay Packers, the most of any team in the history of the National Football League, and the fourth Super Bowl win for the Green Bay Packers;

Whereas the victory brings the Vince Lombardi Trophy, which was named after the legendary Green Bay Packers coach, back to Green Bay, Wisconsin, also known as "Titletown, U.S.A.";

Whereas the Green Bay Packers are publicly owned by diehard fans of the team, making the team unique in professional sports;

Whereas the Green Bay Packers are known all over the world for their devoted fans, as demonstrated by the nearly 300 consecutive sellout games at Lambeau Field, the home field of the Green Bay Packers, and a season ticket waiting list that contains more than 80,000 names;

Whereas the Green Bay Packers never trailed an opponent by more than 7 points during the entire 2010-2011 season;

Whereas the Green Bay Packers overcame injuries to multiple players to secure a berth in the playoffs on the final day of the regular season, following must-win games in the final 2 weeks of the season against the New York Giants and the Chicago Bears;

Whereas the Green Bay Packers defeated the top 3 seeded teams in the National Football Conference to advance to the Super Bowl and became only the second 6th-seed to win the Super Bowl;

Whereas the Green Bay Packers won the Super Bowl due to contributions from an excellent offense, led by Super Bowl Most Valuable Player Aaron Rodgers' 304-yard, 3-touchdown performance, and a superb defense that forced 3 turnovers, including Nick Collins' 37-yard interception return for a touchdown; and

Whereas Head Coach Mike McCarthy, General Manager Ted Thompson, and President Mark Murphy compiled a team that exemplified the hard work, discipline, determination, and humility of Green Bay, Wisconsin, the home city of the Green Bay Packers: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Green Bay Packers on winning Super Bowl XLV; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Head Coach of the Green Bay Packers, Mike McCarthy;

(B) the General Manager of the Green Bay Packers, Ted Thompson; and

(C) the President of the Green Bay Packers, Mark Murphy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 60. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve

the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 61. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 62. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 63. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 64. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 65. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 66. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 67. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 68. Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 69. Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. MURRAY, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 70. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 71. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 72. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 73. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 60. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. REGULATORY FLEXIBILITY.

(a) PANEL REQUIREMENT.—Section 609(d) of title 5, United States Code, as amended by

section 1100G of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 2112), is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) the Department of Transportation.”.

(b) APPLICABILITY.—Paragraph (4) of section 609(d) of title 5, United States Code, as added by this Act, shall apply on and after the date of enactment of this Act.

SA 61. Mr. RUBIO (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. PROHIBITION ON EXPANSION OF FLIGHTS TO LOCATIONS IN COUNTRIES THAT ARE STATE SPONSORS OF TERRORISM.

(a) DESIGNATED AS A STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term “state sponsor of terrorism” means, with respect to a country, that the Secretary of State has designated the country as a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

(b) PROHIBITION.—In any fiscal year, the Administrator of the Federal Aviation Administration may not authorize more flights in foreign air commerce (as defined in section 40102 of title 49, United States Code) between locations in the United States and locations in countries that are designated as state sponsors of terrorism than were authorized in the last fiscal year ending before the date of the enactment of this Act.

SA 62. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 207 and insert the following:

SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project is—

- (1) for fiscal year 2012, 85 percent;
- (2) for fiscal year 2013, 80 percent; and
- (3) for fiscal year 2014, 75 percent.

SA 63. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS.

(a) IN GENERAL.—Section 47109(a) of title 49, United States Code, is amended by striking “90 percent” each place it appears and inserting “75 percent”.

(b) PROJECT COSTS FOR AIRPORTS TRANSITIONING FROM SMALL HUB TO MEDIUM HUB AIRPORTS.—Subsection (e) of section 47109 of title 49, United States Code, as added by section 204(a)(2) of this Act, is further amended by striking “95 percent” and inserting “75 percent”.

SA 64. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ORPHAN EARMARKS ACT.

(a) SHORT TITLE.—This section may be cited as the “Orphan Earmarks Act”.

(b) UNUSED EARMARKS.—

(1) DEFINITION.—In this subsection, the term “earmark” means the following:

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(B) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(2) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(3) IDENTIFICATION AND REPORT.—

(A) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(B) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publicly post on the website of OMB an annual report that includes—

(i) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance,

and the year when the funding expires, if applicable;

(ii) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(iii) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

SA 65. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, beginning with line 8 strike through line 25 on page 83 and insert the following:

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as “qualified third parties”) that includes the following:

(A) RNP OPERATIONS.—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Administrator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and to utilize those procedures at each of the airports in subparagraph (A).

(C) IMPLEMENTATION PLAN.—A plan for implementation of those procedures that establishes—

(i) clearly defined budget, schedule, project organization, environmental, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) coordination and communications mechanisms with qualified third parties;

(iv) specific procedures for engaging the appropriate Administration employee groups to ensure that human factors, training and other issues surrounding the adoption of required navigation performance procedures in the en route and terminal environments are addressed;

(v) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System;

(vi) outcome-based performance metrics to measure progress in implementing RNP procedures that reduce fuel burn and emissions;

(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipment to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipment.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 30 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) OTHER AIRPORTS.—

(1) IN GENERAL.—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and qualified third parties, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation, with priority given to those airports where procedures developed, certified, and published under this section will provide the greatest benefits in terms of safety, capacity, fuel burn, and emissions.

(2) SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

(3) IMPLEMENTATION SCHEDULE.—The Administration shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports within 18 months after the date of enactment of this Act;

(B) 50 percent of the procedures at such other airports within 30 months after the date of enactment of this Act;

(C) 75 percent of the procedures at such other airports within 42 months after the date of enactment of this Act; and

(D) 100 percent of the procedures before January 1, 2016.

(c) ESTABLISHMENT OF PRIORITIES.—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and imple-

mented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Administrator shall issue and file a categorical exclusion for such procedures.

SA 66. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 252, line 19, strike all through page 254, line 2.

SA 67. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 733. SECURING AIRPORT TERMINALS.

(a) SCREENING LOCATION AND STERILE AREA DEFINED.—In this Act, the terms “screening location” and “sterile area” have the meanings given those terms in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar rule or regulation).

(b) INCREASED USE OF SECURITY CAMERAS AT AIRPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations that—

(A) require the use of security cameras at all screening locations and all locations where passengers exit the sterile area at airports in the United States;

(B) set forth requirements for the use, maintenance, and testing of security cameras and other technological devices used for security at airports in the United States; and

(C) specify that employees of the Transportation Security Administration have access to all security cameras and technological devices described in subparagraph (B) and data or recordings from such cameras and devices that relate to airport security, including standards for—

(i) the timing of such access;

(ii) the accessibility of copies and acceptable formats for such data or recordings;

(iii) the period for which such data or recordings must be maintained; and

(iv) the permissible uses of such data or recordings.

(2) INTERIM REGULATIONS.—The Secretary of Homeland Security may issue interim final rules under paragraph (1) without regard to the provisions of chapter 5 of title 5, United States Code.

(c) IMPROVED MONITORING OF EXITS FROM STERILE AREAS IN AIRPORTS.—

(1) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration)

shall submit to the committees specified in paragraph (2) a report that—

(A) makes recommendations for improving the security of each location at an airport where passengers exit the sterile area; and

(B) assesses—

(i) differences in configurations of such locations; and

(ii) options for improving security at such locations, such as increasing personnel assigned to such locations and the use of technology to improve security.

(2) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

(3) REGULATIONS.—The Secretary of Homeland Security may prescribe regulations, including interim final rules implemented without regard to the provisions of chapter 5 of title 5, United States Code, requiring standards for security at each location at an airport where passengers exit the sterile area.

(d) INCREASED PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—

(1) CIVIL PENALTIES.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(A) by striking “or chapter 449” and inserting “chapter 449”; and

(B) by inserting “, or section 46314(a)” after “44909”.

(2) CRIMINAL PENALTIES.—Section 46314(b) of title 49, United States Code, is amended to read as follows:

“(b) CRIMINAL PENALTY.—A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than 10 years, or both.”

(3) NOTICE OF PENALTIES.—

(A) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) of title 49, United States Code, shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under sections 46301(a)(5)(A)(i) and 46314(b) of title 49, United States Code, as amended by this subsection, are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

(B) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to a penalty imposed under section 46301(a)(5)(A)(i) or 46314(b) of title 49, United States Code, as amended by this subsection, without regard to whether signs are displayed at an airport as required by subparagraph (A).

SA 68. Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 19 and 20, insert the following:

SEC. 614. AEROSPACE WORKFORCE CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the National Aeronautics and Space Administration and the heads of other Federal agencies, as appropriate, shall leverage existing resources to establish a program to develop education and career pathways in occupations within existing or emerging sectors in a regional aerospace industry cluster through grants or other measures, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall ensure that participants in the program established under subsection (a) include—

(1) employers or employer groups in the regional aerospace industry cluster;

(2) educational and research institutions that have existing facilities and experience in research, development, and commercialization in the aerospace industry;

(3) institutions of higher education (including community colleges) with experience providing education and training for aerospace industry occupations;

(4) high schools with demonstrated experience in providing career and technical education and training in occupations related to the aerospace industry;

(5) a State or local workforce investment board established under section 111 or 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2821 and 2832, as appropriate);

(6) representatives of workers in the regional aerospace industry cluster; and

(7) other appropriate organizations.

(c) COMPETITIVE GRANT PROCESS.—The Secretary shall require applicants to submit an application, at such time and in such a manner as the Secretary may reasonably require. The application shall contain a description of the eligible participants under subsection (b) and shall require applicants to describe how participants will work together to accomplish the purposes of the program.

(d) DESIGNATION AS CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—The Secretary and the Administrator of the Federal Aviation Administration shall award grants to not fewer than 6 applicants, which shall be designated as Regional Centers of Excellence in Aerospace Career Pathways.

(2) CONSIDERATIONS.—In making designations under paragraph (1), the Secretary and the Administrator shall—

(A) consider the existing aerospace industry presence and aerospace-related education, workforce training, and research and development activities in the region; and

(B) take any necessary measures to ensure—

(i) an equitable geographic distribution of funds; and

(ii) an appropriate balance in addressing the needs of aerospace industry segments.

SA 69. Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. MURRAY, Ms. CANTWELL, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the

air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. FLIGHT OPERATIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) NUMBER OF EXEMPTIONS.—Section 41718 is amended—

(1) in subsection (a), by striking “24” and inserting “48”;

(2) in subsection (b), by striking “20” and inserting “28”;

(3) in subsection (c)(2), by striking “3” and inserting “6”;

(4) in subsection (c)(3)(A), by striking “six” and inserting “eight”;

(5) in subsection (c)(3)(B), by striking “ten” and inserting “twelve”; and

(6) in subsection (c)(3)(C), by striking “four” and inserting “six”.

(b) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant and limited incumbent air carriers over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority afforded to beyond-perimeter operations conducted by new entrant and limited incumbent air carriers.”

(c) ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.—Section 41718(c) is amended by adding at the end the following:

“(5) SLOTS.—The Administrator of the Federal Aviation Administration shall reduce by 32 the total number of slots available for air carriers at Ronald Reagan Washington National Airport during a 24-hour period by eliminating slots during the 1-hour periods beginning at 6:00 a.m., 10:00 p.m., and 11:00 p.m. that are available for allocation, in order to grant exemptions under subsections (a) and (b).”

(d) WITHIN-PERIMETER EXEMPTION CRITERIA.—Section 41718(b) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) to State capitals.”

(e) UPDATING THE DCA ACCESS STANDARD SECURITY PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration and other relevant agencies, shall—

(1) assess alternatives to simplify the DCA Access Standard Security Plan for general aviation users who want to fly into Ronald Reagan Washington National Airport that will also ensure a high level of security;

(2) update and modify the Plan to incorporate the best alternative assessed under paragraph (1); and

(3) submit a report on the assessment and modification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SA 70. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the

air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 333, between lines 11 and 12, insert the following:

SEC. 808. FEES FOR CARRY-ON BAGGAGE TREATED AS PAID FOR TAXABLE TRANSPORTATION.

(a) IN GENERAL.—Subsection (e) of section 4261 is amended by adding at the end the following new paragraph:

“(6) AMOUNTS PAID FOR CARRY-ON BAGGAGE.—Any amount paid for baggage personally carried into the cabin of an aircraft by a person shall be treated for purposes of subsection (a) as an amount paid for taxable transportation.”

(b) EFFECTIVE DATE.—The amendment may by this section shall apply to transportation beginning on or after the date of the enactment of this Act.

SA 71. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:
SEC. 733. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

Section 44715 is amended by adding at the end the following:

“(g) CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.—

“(1) IN GENERAL.—Notwithstanding section 47502, not later than the date that is 1 year and 90 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Federal Aviation Administration shall prescribe—

“(A) standards to measure helicopter noise; and

“(B) regulations to control helicopter noise pollution in residential areas.

“(2) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK STATE.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and before finalizing the regulations required by paragraph (1), the Administrator shall prescribe regulations with respect to helicopters operating in the counties of Nassau and Suffolk in the State of New York that include—

“(i) requirements with respect to the flight paths and altitudes of helicopters flying over those counties to reduce helicopter noise pollution; and

“(ii) penalties for failing to comply with the requirements described in clause (i).

“(B) APPLICABILITY OF CERTAIN RULEMAKING PROCEDURES.—The requirements of Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review) (or any successor thereto) shall not apply to regulations prescribed under subparagraph (A).

“(3) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, AND MILITARY HELICOPTERS.—In

prescribing standards and regulations under paragraphs (1) and (2), the Administrator may provide for exceptions to any requirements with respect to reducing helicopter noise pollution in residential areas for helicopter activity related to emergency, law enforcement, or military activities.”

SA 72. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. NOTIFICATION REQUIREMENT WITH RESPECT TO WILDLIFE STRIKES ON AIRCRAFT.

(a) IN GENERAL.—Chapter 447, as amended by sections 521, 558, and 562, is amended by adding at the end the following:

“§ 44733. Notification of wildlife strikes

“The Administrator of the Federal Aviation Administration shall be notified, by the most expeditious means available—

“(1) by the operator of a civil aircraft or a public aircraft (other than a public aircraft operated by the armed forces or by an intelligence agency of the United States), if the aircraft collides with 1 or more birds or other wildlife;

“(2) by airport personnel or personnel of the operator of an aircraft described in paragraph (1), if such personnel see such a collision; and

“(3) by aircraft maintenance personnel, if such personnel identify damage to an aircraft resulting from such a collision.”

(b) CONFORMING AMENDMENT.—The table of sections for chapter 447, as amended, is amended by adding at the end the following:

“44733. Notification of wildlife strikes.”

SA 73. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, between lines 18 and 19, insert the following:

(d) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the Civil Aerospace Medical Institute study on flight attendant fatigue.

CONGRATULATING THE GREEN BAY PACKERS ON WINNING SUPER BOWL XLV

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 48 submitted earlier today.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 48) congratulating the Green Bay Packers on winning Super Bowl XLV.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 48

Whereas on Sunday, February 6, 2011, the Green Bay Packers defeated the Pittsburgh Steelers with a score of 31 to 25 in Super Bowl XLV, in Arlington, Texas;

Whereas the victory marks the thirteenth championship win for the Green Bay Packers, the most of any team in the history of the National Football League, and the fourth Super Bowl win for the Green Bay Packers;

Whereas the victory brings the Vince Lombardi Trophy, which was named after the legendary Green Bay Packers coach, back to Green Bay, Wisconsin, also known as “Titletown, U.S.A.”;

Whereas the Green Bay Packers are publicly owned by diehard fans of the team, making the team unique in professional sports;

Whereas the Green Bay Packers are known all over the world for their devoted fans, as demonstrated by the nearly 300 consecutive sellout games at Lambeau Field, the home field of the Green Bay Packers, and a season ticket waiting list that contains more than 80,000 names;

Whereas the Green Bay Packers never trailed an opponent by more than 7 points during the entire 2010-2011 season;

Whereas the Green Bay Packers overcame injuries to multiple players to secure a berth in the playoffs on the final day of the regular season, following must-win games in the final 2 weeks of the season against the New York Giants and the Chicago Bears;

Whereas the Green Bay Packers defeated the top 3 seeded teams in the National Football Conference to advance to the Super Bowl and became only the second 6th-seed to win the Super Bowl;

Whereas the Green Bay Packers won the Super Bowl due to contributions from an excellent offense, led by Super Bowl Most Valuable Player Aaron Rodgers’ 304-yard, 3-touchdown performance, and a superb defense that forced 3 turnovers, including Nick Collins’ 37-yard interception return for a touchdown; and

Whereas Head Coach Mike McCarthy, General Manager Ted Thompson, and President Mark Murphy compiled a team that exemplified the hard work, discipline, determination, and humility of Green Bay, Wisconsin,

the home city of the Green Bay Packers: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Green Bay Packers on winning Super Bowl XLV; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Head Coach of the Green Bay Packers, Mike McCarthy;

(B) the General Manager of the Green Bay Packers, Ted Thompson; and

(C) the President of the Green Bay Packers, Mark Murphy.

ORDER OF PROCEDURE— EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that on Monday, February 14, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 1 and Calendar No. 5; that there be 1 hour for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, without intervening action or debate, on Calendar No. 1 and Calendar No. 5, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order for any of the nominations; that any statements relating to the nominations be

printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. The vote on the Graves nomination will be by voice vote. The vote on the Davila nomination will be a rollcall vote.

ORDERS FOR MONDAY, FEBRUARY 14, 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, February 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 223, the Federal Aviation Administration authorization bill, and at 4:30 p.m. the Senate proceed to executive session, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, on Monday, we will continue to work through amendments to the FAA bill, and we will also consider two executive nominations. Under a previous order, at 4:30 p.m., the Senate will debate for 1 hour the nominations of James Graves of Mississippi to be a U.S. circuit judge for the Fifth Circuit and Edward Davila of California to be a U.S. district judge for the Northern District of California. At 5:30 p.m. on Monday, Senators should expect a voice vote on the confirmation of the Graves nomination, a rollcall vote on confirmation of the Davila nomination, and additional votes in relation to amendments to the FAA bill.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 14, 2011, AT 2 P.M.

Ms. KLOBUCHAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn until Monday, February 14, Valentine's Day, as under the previous order.

There being no objection, the Senate, at 5:05 p.m., adjourned until Monday, February 14, 2011, at 2 p.m.

HOUSE OF REPRESENTATIVES—Thursday, February 10, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CHAFFETZ).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 10, 2011.

I hereby appoint the Honorable JASON CHAFFETZ to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

EGYPTIAN ORPHANAGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS) for 1 minute.

Mr. PITTS. Mr. Speaker, as I rise today, I am mindful of events occurring in Egypt. And I want to extend my congratulations to the Lillian Trasher Orphanage of Asyut, Egypt, which is celebrating 100 years of service this month. As our ally Egypt stands on the cusp of a new future, one hopefully based on respect for democracy and human rights, we honor the people who have worked for decades to build an educated and productive civil society there.

The Lillian Trasher Orphanage, begun in 1911 by an American from Jacksonville, Florida, is one of the oldest and longest-serving charities in the world. It currently serves over 600 children, along with widows and staff. This pillar of the community has been home to thousands of children who needed food, shelter, and a family. Orphanage graduates serve around the world as bankers, doctors, pastors, teachers, and even in the U.S. Government.

Despite many challenges over the years, the wonderful staff, now led by

George and Fathia Assad, has continued serving the children no matter what the circumstances. We applaud that cloud of witnesses over the past 100 years who have supported this organization through service, friendship, prayers, and donations. And we support and stand with this great institution and voice our ongoing support for this and other similar Egyptian grassroots organizations during this critical period in the nation's history.

HONORING BEV RENS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Iowa (Mr. BRALEY) for 5 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, there are 435 Members of the House of Representatives. We come from all over the country, and every one of us encounters people from the towns and cities and rural parts of our district that inspire us through the heroic action that they exhibit every day of their lives.

Mr. Speaker, I rise this morning to talk about one of those heroic people that I've known for 35 years. Her name is Bev Rens, and I met her when I was working with her husband at a grain elevator in the small town of Hartwick, Iowa. I later got to know her better playing softball for a team called the Front Street Tap located in Brooklyn, Iowa, and Bev's voice was always the loudest voice on the field because that's the kind of person that she is. She is passionate, she is fierce in her dedication to her friends, and she has devoted her entire life to making her community, her State, and her country a better place for all Americans.

Bev recently had a curveball thrown at her when she was diagnosed with amyotrophic lateral sclerosis, also known as ALS—Lou Gehrig's Disease. Bev has always taken life head-on, and that's how she addressed this challenge, the same way she has lived her life every day that she has spent on this Earth. She didn't get into self-pity. She started thinking about what she could do to stay connected to her friends, her family, and the important issues that she has cared about all of her life.

Those of us who have known Bev have known her as a nurse, as a community volunteer, and a political activist. And, in fact, her start in politics began in 1988 in the Iowa caucuses when she went to caucus for a candidate named Jesse Jackson. And she participated in her last Iowa caucus for

another political candidate named Barack Obama. Bev recently celebrated her birthday on February 3, and you can see her surrounded in this picture by friends and family, including a granddaughter that is the light of her life.

But one of the things that Bev's life teaches us is that we face challenges every day, and no challenge is too great for us to solve if we come together in a spirit of cooperation and a belief in the common good, that we can solve the problems that we face as a country. And that's why I am here talking about my friend Bev Rens, because she is an inspiration to all of us in terms of what we can do to fight for a better America.

She decided a long time ago that access to health care was an important priority being denied millions of Americans, and she knew that from her work as a front-line care provider taking care of sick people and trying to take care of them in their end of life experiences, which is one of the most precious times that a family gets to spend together. So as a nurse, Bev fought for health care improvement that would improve quality of care to patients and expand access to care so that no American family could say that a loved one died because they didn't have access to the type of care that all Americans deserve.

It's important for those of us who are struggling with this issue of how we provide quality, affordable health care to Americans to think about inspirational people like Bev and what she has done her entire life to help people in need, whether as a community volunteer, as a nurse, as an activist. What is the legacy that we will leave to our children and grandchildren when they look back at this Congress and say, What did you do to help me in my time of need? Because Bev never worries about that question. She says, I'll be the first one in, and I will fight until I don't have any breath in me left to give. That's why you'll still find Bev on her computer every day, networked with friends around the country, talking about issues of vital public importance, trying to be part of the important discussion that Americans have every day about improving the quality of this country.

And predictably, in the wonderful small town where I grew up, Brooklyn, Iowa, Bev's story has inspired many others to pick up the cause, and they formed what has been called Bev's Brigade, an army of loyal volunteers who

show up at her house every day to take care of her basic needs after a lifetime of helping others. It's one way we pay it forward in this country, through the example that others have given us, to think every day about what we can do to help each other. And that's why Bev is an example to all of us of what the American spirit is all about.

REMEMBERING AMANDA ROS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, a few days ago, I lost an irreplaceable part of my family. My mother, Amanda Ros, passed away from complications due to Alzheimer's. She was a warm, loving, and caring woman who led an extraordinary life. She was my father's rock, soulmate, best friend, and companion for 65 years. They led a unique and joyous life. She always kept him company and guided him with her wisdom and her kindness.

It was her strength that helped our family transition as we fled the Castro regime and settled in south Florida. It was her determination and sense of purpose that inspired my father and her to start a small freight forwarding company in Miami that they ran together for over 30 years.

Abu Mandy, as we called her, was an amazing grandmother. When I was first elected to Congress, my kids were very young, and my mother was an unwavering source of support, taking care of them and traveling with me whenever I was in D.C. Her actions made my transition to Congress all the more manageable. My most ambitious goal was never to be a Member of Congress or to be chair of an important committee; it was to be for my children the kind of mother that she was to me.

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She always taught me to be proud of my Cuban heritage and of my Jewish legacy.

My mother had many causes that were near and dear to her heart. First and foremost, both my parents championed the cause of a free Cuba. They participated in many projects to achieve this noble goal, and it saddens me deeply that my mother did not live long enough to see this goal of a free Cuba become a reality.

Her other passion, Mr. Speaker, was promoting organ donations. My mother believed in a world where individuals would help and care for one another. She believed that organ donation was the least that one could do for others, and I hope that others heed my mother's passion and become enthusiasts of organ donations.

Losing someone we love to Alzheimer's is sadly becoming all too common in our country. They call Alz-

heimer's disease "the long goodbye," and it is something that no family should have to go through. You see a person whom you remember to be full of life, wonder and passion become a shell of her former self.

It destroys brain cells and causes memory changes, erratic behaviors and loss of body functions. It slowly and painfully took away my mom's identity, her ability to connect with others, to think, to eat, to talk, to walk, to find her way home.

Every 70 seconds someone new develops Alzheimer's. Too often Alzheimer's falls under the wrongly held belief that it's an expected part of aging. We must raise awareness of the disease and provide a voice to the voiceless. We must improve early screening and detection, giving families and loved ones a better chance to prepare for and slow the onset of this disease.

Families living with an Alzheimer's loved one need all the support that they can get. My mother was fortunate to have our entire family rallying around her, as well as outstanding medical personnel who helped us manage the disease.

Eighty-seven percent of the time, it is family members who are the primary caregivers. Family members need assistance. It is tough for families to deal with everyday struggles of caring for loved ones with this disease, and the emotional stress is quite high. One-third of caregivers develop symptoms of the disease. The financial toll is significant.

My mother may be gone, but her legacy and love will forever be a constant presence in our lives, and we must all work together for a cure for Alzheimer's.

EMPLOYMENT FOR OUR VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 5 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, let me first identify with the two previous speakers and offer my sincerest condolences and heartfelt feelings.

Mr. Speaker, there is no higher sacrifice in our Nation than military service. Our men and women in uniform serve honorably, whether they are stationed at a base here in the United States or serving in a combat zone far from home.

Some join the military out of patriotism. Some join in order to see the world. But for many, those motivations are coupled with another factor: the lack of jobs in our communities. Facing shaky prospects, many young people turn to military service as an honorable, good-paying career.

But too many veterans end up unemployed when they leave the military. After dodging bullets on the battle-

field, they find themselves jobless in the marketplace.

In the last few weeks, I've issued a call for unemployed Americans to send me their resumes at resumesforamerica@mail.house.gov so that I may enter their stories into the RECORD as a way of dramatizing the shameful unemployment problem in this Nation. I've heard from thousands of Americans, including a number of veterans, who are struggling under the weight of unemployment.

Mushi Israel of San Diego, California, is a Navy veteran who served for 20 years. He's an information technology specialist who's been out of work for an entire year. As Mr. Israel said, "There are a lot of great people who are out of work like myself who believe in the American Dream and society and just want to do an honest day's work for an honest day's pay."

David Reinke of Burbank, California, was an Army lieutenant who received an honorable discharge in 1980. Although Lieutenant Reinke said in an email to me that his service was "brief and undistinguished," I beg to differ. Anybody who puts on a uniform is distinguished and has the right to a good life right here in America.

David worked for an event staging company for over 20 years. As he put it, "Unfortunately the economic downturn forced our company to lay off 50 percent of the staff in an attempt to remain economically viable. I was one of those casualties."

So after serving our country, Lieutenant Reinke became an economic casualty. He lost his job in January of 2010 and has been substitute teaching, where he tries to make ends meet.

Andy Lang, a retired disabled veteran from Snow Hill, North Carolina, who's been out of work since last January, wrote, "You don't know how scared I am, Congressman. Some days I don't eat. Americans need help and they need it now."

Ms. Harmony Leonard of Bradford, Pennsylvania, wrote to me. She served in the U.S. Navy from 1975 to 1979 and was honorably discharged. Ms. Leonard has worked as a teacher, a grant coordinator, a development officer, a general manager of a restaurant. She's active in her community and said, "I did everything I could to be a vital part of my community, and now that I have accumulated experience and education I seem to be invisible and of little use to society."

She continues, "My saving grace is that I am a veteran, so I have medical care should I need it. And I am not starving because my partner is working in the natural gas industry. But what about me? What about my self-esteem? What about the stigma attached to not working?"

Mr. Speaker, there's not a Member of this body who has a good answer for Ms. Leonard. How can we look our veterans in the eye, thank them for their

service, and then tell them they are fresh out of luck when it comes to finding a job? How can we let them down like that?

I want to hear more stories like this because I know they're out there, and I know there are more veterans who serve our country with honor and dignity and now find themselves unemployed.

So I'm calling on unemployed and underemployed veterans to send me your resume and your story to resumesfromveterans@mail.house.gov. I'll submit them for the CONGRESSIONAL RECORD so that the unemployment problem among our veterans can be put front and center before our government. Sending me your resume will not get you a job, but it can help force Washington to end the unemployment problem once and for all.

Again, veterans and servicemembers can send their resume to me at resumesfromveterans@mail.house.gov.

Mr. Speaker, service to our Nation is an honorable profession, and we should honor that service by seeing to that every veteran has a job when their service is over. When you risk your life for your country, we should make sure you have a life when you return. No veteran should be left questioning how they will feed their family, wondering about their self worth, or fretting about their financial future.

It's time, Mr. Speaker, we did something to end unemployment once and for all for everybody, especially our veterans.

RESUME—MUSHI ISRAEL

Hello Resumes for America, after seeing Rev. Jesse Jackson on CNN this morning in discussion about the state of unemployment in the U.S., I decided to send in my resume. And I hope this will bring light to the government as to the real conditions of the country. There are lots of great people who are out of work like myself who believe in the American dream and society and just want to do an honest days work for an honest days pay.

I am a Navy veteran who served 20 years for my country. I have a BS degree in Information Technology, and my background in Naval Telecommunication is my expertise. I'm currently working on a Masters Degree in Information Technology Project Management. I'm also working on Cisco Certification Network Associate (CCNA), Cisco Information System Security Professional (CISSP) courses.

I believe it's so unfair for people like myself to be out of work when there are so many jobs that are outsourced to third world countries just for the profits of companies. What are we to do? I realize we are of a globalization for products and services around the world, but to the expense of US workers that help build this country and help to defend for the rights and privileges for all.

Help.

MUSHI ISRAEL.

Mushi Israel,
PO Box 86714
San Diego, CA. 92138
Phone: (619) 843-2270
Email: mushi003@gmail.com

<http://www.linkedin.com/pub/mushi-israel/a/72/85>

Monday, January 17, 2011

JOB OBJECTIVE

Information Technology Project Management, Naval Telecommunication Data Link Analyst, Crypto Logic Management Technician, C4I System Integration, Acquisition Support, Information Technology System Networking Test and Evaluation Analyst, Fiber Optics Maintenance/Installation.

SUMMARY

Exceptional professional with over 20 years experience of service working with Naval Telecommunications equipment with the US Navy.

Information Technology Project Manager. Communications Data Link-Navy Systems Analyst.

Microsoft 2000 Server System Administrator.

Technical Control Supervisor US Navy Telecommunication Systems.

Crypto, (EKMS) Electronic Keying Material Systems Management.

Certified Fiber Optics Installer.

DELPHI Connection Systems.

Current Secret Security Clearance (SBI).

EXPERIENCE

CDL-N System Analysts, SAIC, San Diego, CA, 10/2006 to 02/2010.

Performed as Project Program Management for tactical line of sight radio networks and wireless wide area relay networking systems.

Assisted in the development and research of Communications Data Link (CDL-N) system, revised system design/test procedures, and developed quality control standards.

Fiber Optic Installation and Test Certification on tactical Navy terminals and cables.

Perform shipboard installation, testing, Casualty Report (CASREP) activities, System Operational and Verification Testing (SOVT) documentation.

Develop training materials and provided operator/maintenance instruction. Performed Crypto operation/maintenance, managed EKMS material inventories and destructions.

Management Analyst, Telecom Network Team, San Diego, CA, 10/2004 to 10/2006.

Assisted in system analyst in joint operational testing with Navy, Army, Air Force, and Marine telecommunications engineers.

Project Manager for Tactical Line of Sight Wireless Wide Area Relay Network System; coordinated and organized research and development, analyzed and gathered data, and developed solutions.

Documented findings of study and prepared recommendations for implementation of new system procedures according to organizational policy.

Organized and assisted in development of test plans for tactical communications systems in support of research and analysis.

Communications System Analyst and Network Administrator, Information System Support, INC., San Diego, CA, 05/2003 to 10/2004.

Naval Telecommunications Computer System Administrator designed and implemented network architecture, configurations including hardware and software technology for Network Operating Center.

Utilized connectivity to include Frame Relay Devices, High Speed Data, Bandwidth Efficiency Satellite Transmission (BEST), INMARSAT, NERA-B terminal equipment and associated peripherals to support com-

munications for USNS ships and support shore stations.

Help desk support with Naval Telecommunications messaging service for the Network Operating Center supporting USNS ships.

EDUCATION

BS Information Technology
Certified Fiber Optics Installer
Forklift Operator Qualified
National University
KITCO Fiber Optics
Naval Base
San Diego, CA

U.S. NAVY ENLISTED CLASSIFICATION (NEC)
TRAINING

IT-2736 Information System Administration

IT-2306 Computer Based Training Technician

IT-2379 Transmission System Technician

IT-2318 Communication System Technician Control Operator

IT-2313 Communication System Manager

IT-2358 Super High Frequency/Satellite Communications System Operator

IT-2346 Low-Level Keying Teletype Repair

IT-2342 MOD 28 Teletype Repair

IT-9710 Electronic Equipment Repair

IT-2782 Defense Message System Administrator

ADDITIONAL TRAINING EXPERIENCE

Naval Aviation Logistics Database Administrator (NALCOMS)

Naval Global Positioning System Operator (GPS)

Communications Quality Monitoring System Operations

Common High Bandwidth Data Link (CHBDL) Terminal

Communication Data Link-Navy (CDL-N) Terminal

Video Integration Group (VIG) Terminal

Joint Tactical Radio System (JTRS)

AN/VRC-99A/B Radio Subject Matter Expert (SME)

Rave Computer and Sun Microsystems

Wideband Networking Waveform (WNW)

Radio System

Naval Tactical Data System (NTDS)

UNIX Based Computer Operating System Administrator

Automated Digital Network System (ADNS)

Integrated Shipboard Network System (ISNS)

Advanced Narrowband Digital Voice Terminal (ANDVT)

Demand Assigned Multiple Access (DAMA)

Global Command and Control System (GCCS)

Navy/Marine Corps Intranet (NMCI) Gig

(Global Information Grid)

COMSEC Security Operator

Naval Acquisition System

Navy Data Environment (NDE)

RESUME—REINKE, DAVID L.

DEAR REPRESENTATIVE JACKSON: This is an interesting project you have undertaken.

Perhaps it will put a human face on the statistics, perhaps it will even do some good. As a so-called "99'er" I must admit to a sense of desperation as the end approaches.

For the past 20+ years I have worked in the Event Staging industry providing audio/visual support to various clients and events. Unfortunately the economic downturn forced our company to lay off over 50% of the staff in an attempt to remain economically viable. I was one of those casualties.

By way of background I would note that I was commissioned as a Lieutenant of Armored Cavalry in the Regular Army of the

United States and received an honorable discharge in 1980. While my service was brief and undistinguished, my father, on the other hand, retired from the US Army as a full Colonel after 30 years including service in World War Two and Vietnam. My mother, who was an AAU age group swimming coach for over 30 years, had ancestors who fought in the American Revolution. Her two brothers and brothers-in-law all served in World War Two (one in Europe and three in the Pacific).

My wife's family too has a long record of service to our Republic. Her father is a civilian veteran of the attack on Pearl Harbor, while her two uncles served in both Korea and Vietnam (one a Marine and the other an Army NCO) as did her brother who served in Vietnam with the US Army and then joined the Air Force which he served in for 20 years.

Today my wife, who holds an MFA in Theatre, teaches Drama, Reading and Speech as a volunteer at a local school, while I work as a substitute teacher when occasion calls.

We are not asking for any special favors, just a opportunity to go back to work full time.

My resume is attached.

Best of luck to you with this project.

Respectfully,

DLR.

David L. Reinke
2312 West Verdugo Avenue
Burbank, California 91506-2129
Voice: 818-726-4581
Email: dreinke0624@gmail.com
Monday, January 17, 2011

EDUCATION

Master of Arts, Asian Theatre. University of Hawai'i. Honolulu, Hawai'i.

Bachelor of Arts (Cum Laude), History, Trinity University, San Antonio, Texas.

SCHOOLS ATTENDED

Virginia Military Institute, Lexington, VA, History.

Trinity University, San Antonio, TX, History/Asian Studies.

Trinity Graduate School, San Antonio, TX, History.

Claremont Graduate School, Claremont, CA, Asian Studies.

University of Hawai'i, Honolulu, HI, Asian Theatre.

ACADEMIC HONORS

Four-Year Army ROTC Scholarship.

Dean's List (3 Years), Trinity University.

Academic Excellence Scholarship, Trinity University.

Distinguished Military Graduate (academics), Trinity University.

Claremont Graduate Fellowship, Claremont Graduate School.

Kabuki Hawai'i Scholarship, University of Hawai'i.

MILITARY SERVICE

Commissioned, Second Lieutenant of Armored Cavalry.

Served, as Support Platoon Leader and Assistant Battalion Supply Officer for the 1st Battalion, 72nd Armor, 2nd Infantry Division, Korea.

Awarded, Parachute Wings.

Honorable Discharge.

WORK EXPERIENCE

Feb 09-Jan 10, Freelance AV Project Manager/AV Tech.

Feb 07-Jan 09, Manager Project Development, Videocam Inc Anaheim, CA.

Apr 04-Aug 06, IC Controller Operational Support, AVSC Long Beach, CA.

Feb 03-Jan 04, Equipment Return, Video Equipment Rentals Inc. Glendale, CA.

Sep 02-Feb 03, Freelance AV Technician.

Mar 01-Jul 02, Director of Operations, Creative Technology Van Nuys, CA.

Nov 87-Mar 01, Director of Operations, AVHQ Carson, CA.

TEACHING EXPERIENCE

1979 Delivered a series of lectures/demonstrations on Kabuki Theatre to elementary and secondary school students throughout the state of Hawai'i.

1979 Organized and presented a series of demonstrations on Kabuki Theatre to high school and university students in conjunction with the US tour of the Kabuki play 'Chushingura—The 47 Samurai.'

1980 Delivered a series of lectures/demonstrations on Kabuki Theatre to students and professional actors at the invitation of the South Carolina Arts Commission.

1981 Organized and presented a lecture/demonstration on Kabuki Theatre to secondary school teachers in Honolulu, Hawai'i.

2006 30-Day Substitute Teaching Credential granted by the CCTC—Current thru 2010.

2009 Delivered a lecture on the Roman Army to the Ancient Civilizations Class at the Johns Hopkins University Center for Talented Youth, Pasadena Campus.

2010 Substitute Teacher 3rd-8th Grade on an As Needed basis.

References and Other Supporting Documentation Upon Request

RESUME—ANDY LANG

Mr. Jackson, I am sending you my resume. I am a 24 year disabled Veteran retired. I served my country but it seems as though my country is not serving me! There is so much bickering and an unwillingness from the people we elected in Washington to help us. The price of gasoline keeps going up its over 3.15 a gallon where I live in North Carolina its hard to go look for a job. Something HAS to be done NOW to solve the problem not 5-10 years from now. Get rid of the tax on gasoline across the board. Even when they finally change over to another form of energy for automobiles how will the poor and middle class and older people be able to afford the change? I'm 55 now with no job, I fear soon I will be living on the street. Our elected officials in Washington say they care about us but in reality all they care about is themselves! You don't know how scared I am! Somedays I don't eat! We need to stop sending the millions of dollars to other countries! Americans NEED Help NOW!

TSGT ANDY LANG RET,
Sent from Yahoo! Mail
on Android.

Andy Lang
4797 Hwy 903 North
Snow Hill, NC 28580
(252) 292-3777
(252) 558-6961
Ablang@live.com

EDUCATION

Macon Area Vocational College—Macon, Ga., Business Education—January 1980-May 1982.

Middle Georgia Technical College—Warner Robins, Ga., Accounting, Associate Degree.

Rose State College—Midwest City, Ok., Music, Associate Degree.

EMPLOYMENT

Army Corps Of Engineers—Deck Hand
August 2009-January 2010

I performed a variety of work in the maintenance and repair of the deck and general housekeeping functions on dredges, towboats, barges or other floating plant vessels.

Midcoast Aviation—Aircraft Painter—July 2008-January 2009

I was a aircraft painter my many duties included taping, wrapping, washing of the airplane, wiping down the airplane with solvent, priming, applying the top coat with a HVLP gun.

Strom Aviation—Aircraft Painter—June 2008-July 2008

I stripped paint from Coast Guard C-130's by applying with high pressure hose. Let the stripper set for a while till paint blister then removed with high pressure washer till all paint was gone from airplane.

Areotek—Industrial Painter—April 2006-June-2008

I worked as a contractor as a Industrial Painter for Oklahoma Gas & Electric. I painted all of the states Power equipment. I also was responsible for the upkeep of the paint shop as well of the disposal of the hazardous paint booth filters, dirty floor paper, waste paint cans and the upkeep and everyday maintenance on my paint guns, sanders and other tools I used in the shop.

Adecco—Industrial Painter—November 2001-April 2006

I worked the same job site as the above! Oklahoma Gas & Electric just changed Temp services so I stayed in the same place but got paid by different people.

Tinker Air Force Base—August 1984-October 2001

I started out as a Corrosion control specialist. I painted Air Force F-4's and F-16 jets. Later the Air Force sent me to Sheet Metal School and I became a Aircraft Sheet Metal Mechanic.

Robins Air Force Base—April 1980-August 1984

I was a warehouseman. I issued tools, took daily and weekly inventories, built pallets to be shipped out daily. Drove a electric and gas powered fork lift. Was involved with daily shipping and receiving.

ACCOMPLISHMENTS

I served in the United States Coast Guard—April 1975-April 1979.

I served in the United States Air Force Reserves—April 1980-Oct 2000.

Attended Air Force NCO Leadership Academy Air Force Aircraft Airframe Repair Warehouseman Training school.

RESUME—HARMONY J. LEONARD

Attached is my resume.

Yesterday I received yet another rejection letter. I could paper a wall with them.

I moved to Bradford PA to combine households with my partner after dating long distance for 5½ years. With our youngest children graduating we thought it time. Before moving here the only job I could find was managing a health food coop in Virginia. At \$10 an hour I supported my son and myself. Poverty level? Absolutely. My son joined the Navy for job security and because there was no money for college.

Since moving I have given up finding employment. I have discovered I have several strikes against me: Education; experience; age; and I am a woman. While the first two can be addressed outwardly the last two I can not prove but I suspect.

Yesterday I had an interview with a local non-profit organization. Sitting with the director and two managers I was told, "We wanted to talk with you but we can't afford you." We talked for an hour and a half with me acting as a consultant. Should I send them a bill for my services?

My fear is that I will never work again; that I will age out before I find employment.

I feel betrayed by our society. I worked through college as a single parent in the hopes I could earn a better living for my children. I volunteered in my community. I did everything I could to be a vital part of my community and now that I have accumulated experience and education I seem to be invisible and of little use to society.

I was very disappointed during the recent State of the Union address that President Obama did not address the employed. There are over 30 million of us with no income, and in my case no unemployment. The vision of the speech seemed to skip over the current reality. At my age I probably will not see the future he predicts. What will happen to those of us who are caught between being productive citizens and retirement? We are the invisible people falling through the cracks.

My saving grace is that I am a veteran so I have medical care should I need it. And I am not starving because my partner is working in the natural gas industry. But what about me? What about my self esteem? What about the stigma attached to not working?

Thank you for all you are doing to bring the plight of the unemployed to light.

Sincerely,

MS. HARMONY LEONARD.

Harmony J. Leonard
549 W. Washington Street
Bradford, PA 16701
814.362.3348
lavendergrits@yahoo.com

EXPERIENCE AND ACCOMPLISHMENTS

ANNUAL GIVING

Planned and implemented the Annual Giving program soliciting alumni, parents and friends giving by direct mail and phone. (Catawba College and Mansfield University.)

Wrote and coordinated the production of segmented direct mail solicitations and outgoing correspondence to alumni, parents and friends. (Catawba College and Mansfield University.)

Hired, trained and supervised 10-25 student callers per semester for phonathon fundraising. (Catawba College and Mansfield University.)

Stewardship of donors through ongoing communication and relationship management. (Catawba College, TexasWoman's University and Mansfield University.)

Responsible for the stewardship of foundation and university endowment funds including ensuring timely distribution of funds as indicated by fund criteria, compiling yearly report and stewardship of donors. (Catawba College, TexasWoman's University and Mansfield University.)

GRANT FUNDING

Conducted the full range of activities required to prepare, submit and manage grant proposals to foundation and corporate sources. (Catawba College and Rowan Salisbury Schools.)

Wrote successful grant proposals to private and public funding sources. (Catawba College and Rowan Salisbury Schools.)

Performed research on foundations and corporations to evaluate prospects for grants. (Catawba College and Rowan Salisbury Schools.)

SPECIAL EVENTS

Co-founded and managed the Bath County Farmers' Market in rural Bath County, Virginia that grossed over \$18,000 in vendor sales the first year.

Planned, executed and evaluated a wide variety of special events. (Rowan Salisbury Schools, American Cancer Society, Mansfield

University, Catawba College, American Heart Association.)

Planned and managed volunteer driven special events resulting in revenue of over \$125,000, an increase of 78%, in a 15 county rural area of Northeastern Oklahoma. (American Heart Association.)

VOLUNTEER MANAGEMENT

Recruited, trained and supervised adult and youth volunteers including board formation. (The Science Place, American Heart Association, and American Cancer Society.)

Designed and produced volunteer recruitment materials and newsletter. (The Science Place.)

Created and managed summer volunteer program for over 60 youth ages 10 to 18 from the Dallas area. (The Science Place.)

TRAINING/TEACHING

Substitute teacher. (Bath County Schools, Warm Springs, VA; Mercer County Public Schools, Mercer County, WV.)

Long-term substitute teacher fourth grade. (Tazewell Public Schools, Tazewell, VA.)

Increased Food I and II student achievement test scores by 20%. (Rowan Salisbury Schools.)

Presented professional development workshops for central office, administrative and school staff in the areas of grant writing and grant development. (Rowan Salisbury Schools.)

Co-presented three day Facilitative Leadership, Tapping the Power of Participation, training to school system employees, school board members, and parents throughout the state of North Carolina. (Rowan Salisbury Schools.)

CAREER HISTORY

General Manager, Healthy Foods Coop and Café, Lexington, VA, 2009-2010.

Substitute Teacher. Bath County Schools, Warm Springs, VA, 2007-2008. Tazewell County Schools, Tazewell, Virginia and Mercer County Schools, Princeton, West Virginia. 2006 to 2007.

Teacher, Foods I and II. West Rowan High School, Rowan Salisbury Schools, Salisbury, North Carolina. 2005-2006.

Income Development Specialist. American Cancer Society, Williamsport, Pennsylvania. 2004-2005.

Director of the Mansfield Fund. Mansfield University Foundation. 2003 to 2004.

Development Officer, Major Gifts and Charitable Gift Planning. Texas Woman's University, Denton, Texas. 2002 to 2003.

Grant Coordinator. Rowan-Salisbury Schools, Salisbury, North Carolina. 1999 to 2001.

Trainer. Facilitative Leadership: Tapping the Power of Participation, Interaction Associates, and North Carolina Network. 2000 to 2001.

Director of the Catawba Fund. Catawba College, Salisbury, North Carolina. 1997 to 1999.

Manager, Volunteer Department. The Science Place, Dallas, Texas. 1995-1996.

Regional Director. American Heart Association, Oklahoma Affiliate. 1993 to 1995.

EDUCATION

Degrees

Bachelor of Science, Family Life and Marketing, Texas Woman's University, Denton, Texas. May 1991. Graduated Magna Cum Laude.

Associate of Applied Science, Small Business Management, Tarrant County College, Fort Worth, Texas. August 1990.

Professional Certificates

YMCA Personal Trainer Certification, 2008.

Long Term Substitute Permit, Business Education, State of West Virginia, 2007-2010.

ServSafe Certification and Instructor Certification, National Restaurant Association, 2005.

Training and Development Certificate, University of North Carolina at Charlotte and American Society for Training and Development, Charlotte Area Chapter, 2001.

Facilitative Leadership Trainer Certification, Interaction Associates, North Carolina Network, 2000.

Volunteer Mediation Certification, Cabarrus County Mediation Center, Concord, North Carolina, 2000.

Professional Training

RESA-1 Substitute Teacher Training, West Virginia, 2006.

PG CALC Training Program, Standard and Advanced Planned Giving Manager Training Courses, 2002.

Seize the Opportunity, Major Gift Seminar, The Institute for Charitable Giving, 2002.

Grant Proposal Writing Workshop, The Grantsmanship Center, Charlotte NC, 1999.

Facilitative Leadership, Interaction Associates, 1999.

COMMUNITY SERVICE

Bath County Farmers Market, Millboro, VA, 2008 to 2010.

Rockbridge Grown, Lexington, VA, 2008.

Community Fitness Center, Millboro, VA, 2007-2010.

Moomaw Madness Triathlon, Warm Springs, VA, 2008.

Rowan Helping Ministries, Salisbury, NC, 2006.

Rowan County United Arts Council, Salisbury, NC, 2000-2001.

Leadership Rowan, Class of 2001, Salisbury, NC.

MILITARY SERVICE

U.S. Navy, Radioman, 1975 to 1979. Honorable Discharge.

REFERENCES

Mrs. Donna Campagna
Bath County Farmers Market, Co-Founder
415 Mountain Creek RD
Millboro VA 24460
540.997.5452
donna@bath.k12.va.us
Mr. John Green
Community Fitness Center Director and Pastor
Calvary Baptist Church
Millboro VA 24460
540.997.5026
jmowryg@hotmail.com
Ms. Bonnie Johnson
Bath County Administrator
Bath County Courthouse
Warm Springs, VA 24445
540.839.7221
bathadmn@tds.net

GET DOWN TO THE BUSINESS OF PUTTING PEOPLE BACK TO WORK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Mr. Speaker, I rise today with a question for my friends on the other side of the aisle: When will we get down to the business of putting people back to work?

My constituents in the First District of Rhode Island sent me to here to do

everything I can to get our economy back on track, pave the way for sustained recovery, and get Rhode Islanders back to work. And that's why my colleagues and I in the Democratic minority are focused on job creation, economic development and debt reduction.

However, the first actions by the new Republican majority during their first month have not been consistent with these principles.

Unfortunately, my constituents, like Rhonda Taylor, for example, from North Providence, Rhode Island, whom I met with yesterday, do not have months and months to wait for my Republican colleagues to get their priorities straight. She's already been waiting and waiting. And that's because Rhonda lost her job in the information technology field due to outsourcing almost 3 years ago. And her unemployment compensation benefits were exhausted nearly a year ago.

Rhonda is a mother of three. She's liquidated her savings and sold all of her possessions, and now she's afraid she'll become homeless.

Rhonda proves why there is no time to spare. We need to focus on policies that create jobs today. The struggles of our unemployed friends and neighbors are heartbreaking and, unfortunately, all too common. People like Rhonda have no time to wait. The partisan games have to end.

Unfortunately, Rhonda's story is not unique. I've been hearing similar messages for the past year from men and women all across Rhode Island. But instead of working on policies that will help real Americans like Rhonda, my friends on the other side of the aisle are playing politics with the Federal budget and the national debt, a budget that even Republican economists say could lead to double-digit unemployment and reverse the economic growth that is starting to take hold.

Blind budget cuts my colleagues in the majority are pursuing won't help people like Rhonda but would, rather, do more to cut jobs than save or create them. What my friends fail to recognize is that partisan political games will not solve our Nation's unemployment crisis which plagues nearly 14 million of our friends and neighbors.

The fact of the matter is the challenges facing us as a Nation are not Democratic challenges or Republican challenges. They are our challenges, and they require American solutions.

□ 1020

The work is demanding, yes, and it will test the will of both parties to make difficult choices. But as a Congress, we need to both responsibly reduce the deficit, cut spending, but also make the smart investments that will create jobs now and guarantee the prosperity of our great Nation.

Our Nation must make the investments in education, innovation, infra-

structure, science and research that are critical to rebuilding our economy and putting people back to work because we cannot compete in the short term if we cannot innovate. And we cannot innovate in the long term if we fail to provide our children with access to a high-quality education. We cannot move goods and services throughout the economy if our infrastructure is crumbling. And America cannot make things again if we do not support the research, the entrepreneurs, the small businesses and manufacturers that transform ideas into new products.

People like Rhonda back home in Rhode Island, and hardworking people all across this Nation, have suffered for too long. We must have the courage to set the right priority, cut what doesn't work or isn't needed, live within our means, and make the right investments that ensure our ability to compete in the global economy today and into the future.

I call on my Republican colleagues to join me so we can focus on putting Americans back to work by developing commonsense solutions and focusing on jobs.

INGERSOLL-RAND OF MOCKSVILLE NAMED "BUSINESS OF THE YEAR"

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I am so pleased to hear my colleagues start talking about the need for jobs. For the last 4 years, since they have been in control of the Congress, Republicans have been talking about that and how their job-killing policies have worked against the American people.

But, Mr. Speaker, today I want to speak about an outstanding industry in the Fifth District of North Carolina that has gone about creating jobs.

Businesses that create jobs and invest in their communities are our ticket to economic growth and recovery in today's economy. That's why it's impressive that Ingersoll-Rand's manufacturing facility in Mocksville, North Carolina, recently received the Davie County Chamber of Commerce's Business of the Year award.

The hardworking people at Ingersoll have brought about 200 jobs to Davie County in recent years, which, during these difficult economic times, is a tangible boost to the community. These are good jobs that are strengthening the local economy.

Ingersoll's major investment in Davie County is a tribute to the fact that the area's skilled workforce is composed of men and women who are dedicated to producing the best products in the world. The hundreds of workers at Ingersoll in Mocksville are the driving force behind this award, and I tip my hat to everyone at Ingersoll-Rand in Mocksville for this important recognition for their hard work and investment in Davie County, North Carolina.

THE BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, next week President Obama will send his budget to Congress, and news coming from the White House will not be good. But the rumors of a budget war from the Republican leadership promises to make a bad situation much, much worse.

From what we are hearing, all of us can expect the same Republican policies which took an over-\$5 trillion surplus that Democrats and President Clinton sacrificed to create and turned it into the dream-crushing deficit that we are faced with today.

They have made cutting spending sound like a good thing, but it is not when you look at where the cuts will come from. They will not come from the tax cuts for the wealthy and not from the wars we need to end, but they will come from programs that communities and families need now more than ever. This is Bush *deja vu* all over again. And every economist that I have read says that with this economy in such a fragile state, with the country only at the beginning of recovery, and with far too many of our fellow Americans hurting, this is not the time to cut spending.

It is not that I am against making prudent cuts to reduce the deficit, but the cuts I am hearing about so far will hurt those the President said should not be hurt: the most vulnerable, children, the poor, the majority of whom are racial and ethnic minorities, and our disabled and elderly.

We in the Congressional Black Caucus have placed ourselves in the breach on behalf of those who would otherwise remain nameless because no one is willing to name them. They are Native Americans, Alaskan Natives, African Americans, Hispanic Americans, Asian and Pacific Island Americans, and the poor and rural Americans of every race and ethnicity.

As we do every year, we will develop a budget that treats all Americans fairly, does not leave anyone behind, but gives a helping hand to those who need it, and also reduces the deficit.

We agree with President Obama that his budget must put the country on a firm path to winning the future, and we know that winning the future means creating opportunity for everyone who lives in this country. But the CBC is further committed to making sure that everyone means everyone, to making sure that those who have been most hurt by this recession and those

who have long been marginalized even in the good times have the special help they need to be a part of creating that future and benefiting from it.

I cannot believe that there could be one Member of Congress who does not support our country being number one, who does not want to win the future. But we can't win the future without ensuring that every child has access to a quality education and that those schools which have lagged behind because they lack resources and adequate and well-trained staff are helped to meet the standards that are required to do that. And we cannot win the future if we turn back all of the newly gained benefits and savings in the Affordable Care Act. We will never win the future if we allow the Republicans to pass a budget that causes us to lose those provisions which enable minorities, rural residents, and the poor to achieve better health, to be more productive, and to have a better quality of life. These health equity provisions will begin to end the inequality and injustice in health care that Dr. King called shocking and inhumane.

And we cannot win the future if we don't do all that we can to make sure we address the mortgage crisis and help families keep the homes they need to raise their families in. We cannot win the future without jobs and more jobs. And I'm talking about good jobs.

So we know that there will have to be limits of spending, but we want to make sure that it starts at the most effective time and that the sacrifice is fairly spread, that those who have sacrificed over the last decade while corporations and the rich made off like bandits will not be the ones that continue to bear the brunt of the cuts and continue to suffer while Big Business and the wealthy continue to amass more wealth at their expense. That is an affront to the principles of fairness and equity that this country was founded on.

And so we want a realistic budget, not one that the Republicans are preparing that will cause us to lose more jobs, send more people into dire poverty, that will deny education and health care to those who need it most, that will continue the loss of homes, that will weaken programs like Medicaid, Medicare, and Social Security which so many depend on, and one that will decrease the deficit and continue to drive this country into decline, continuing what the Republican policies over the last decade have done.

That is not what we want. That is not what the country needs. That is not the kind of budget that will win the future.

And so we in this Congressional Black Caucus are willing to roll up our sleeves, put on our thinking caps and work with our President and our colleagues on the other side of the aisle to pass a different, a better budget, one

that will create jobs, that will give people the tools to lift them and their families out of poverty and keep them in their homes, one that will create an educational system that will put all of our children first, and a health care system that ensures quality health care to all Americans, a budget that will provide the retirement security our seniors deserve and keep our country competitive and strong and number one in the world, a budget that will win the future. We know it can be done because we have shown how it can be done every year with the CBC budget.

Working together, I know we can create a budget worthy of this country, one that lives up to our ideals, one based not on political ideology, but one that responds to the needs of our country and the needs of the people who are waiting and depending on us.

CBC BUDGETARY PRIORITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we prepare to debate the budget, and as we have already begun to debate, it is a budget that in many instances and in many ways spells gloom and doom for people who have been expecting and looking for some opportunity to move our government and our country forward.

In order to really understand how we got to where we are, I think it is important for us to remember that President Clinton left President Bush with a 10-year projected surplus of \$5.6 trillion in 2001.

□ 1030

Whereas President Bush on January 20, 2009, left President Obama with a \$1.2 trillion deficit. And let's keep in mind that this was the deficit on day one of the Obama administration, weeks before the President enacted a single piece of legislation and the American Recovery and Reinvestment Act.

The failed economic policies of the Bush administration led to this enormous deficit: the 2001 and 2003 tax cuts totaled \$1.3 trillion over 10 years, in which most of the tax relief went to the top 1 percent of income earners; a Medicare prescription drug benefit with a 10 year cost of nearly another \$1 trillion that was not offset; two overseas wars that are near a cost of \$1 trillion; a \$700 billion bailout of Wall Street banks.

And all of these unpaid-for policies were compounded by the worst economic recession in 70 years that began in 2007, which led to huge shortfalls in Federal tax revenue and increased reliance on unemployment insurance and other Federal social safety net programs.

In order to get these huge deficits under control, we have some tough de-

cisions to make. We have some very serious and some difficult decisions as we attempt to balance the budget and as we attempt to continue to promote and project economic recovery.

I have always been told that you can measure the greatness of a society by how well it looks after its young, how well it looks after its old, and how well it looks after those who cannot look after themselves effectively. So as we begin to talk about cuts, where I come from, I have been told that if all that you do is cut, cut, cut, all that you are going to get is blood, blood, blood; and, of course, the blood of the people will be on the hands of those who have the knives.

So as we cut, let's look seriously at the Community Services Administration, the one little program, one little agency, one little area that still provides resources to fund programs like those established during the OEO War on Poverty days, when we took a good look at poverty and what was causing it.

As we begin to cut, let's understand that health is essential for wealth, so let's make sure that we don't tamper with what I consider to be one of the most effective ways of providing primary health care to large numbers of poor people in this country, the community health centers, that provide primary care to more than 20 million low-income Americans without regard in many instances to their ability to pay.

And let's understand that our prison system has become the largest in the world. More than 2 million people are incarcerated, so let's not cut or decimate the little justice programs that we are funding to help these individuals try and successfully reintegrate back into society.

So, I thank you, Mr. Speaker, and I urge that when we cut, let's make good cuts, and not those that cut the poor.

How much longer can we afford to extend the Bush-era tax cuts? The President and Congress extended all of them through 2012 at a two year cost of \$800 billion. A ten year extension of all these tax cuts will cost \$3.8 trillion—\$3 trillion of which are the popular middle-class tax cuts.

Earlier this week, the Congressional Budget Office released its latest projections of the Social Security Trust Fund. It was previously projected to go into a cash deficit in 2017, but now CBO has projected that the trust fund is now running a deficit. The trust is expected to be exhausted in 2037.

We can no longer operate under the assumption of the last decade, that we can increase spending and reduce taxes without having to pay for it.

The last Congress took important steps to restore some important tools that were used to produce the first budget surplus in more than a generation in the late 1990s, such as Statutory Pay-As-You-Go—meaning if Congress wants to increase mandatory spending, we

have to offset it by reducing spending elsewhere in the budget or increase taxes to cover the increase.

Unfortunately, the new Republican Majority has changed House rules gutting PAY-GO's effectiveness in the Congressional budget process. The so-called CUT-GO rule prohibits offsetting any new mandatory spending with a revenue increase. This makes it nearly impossible to offset any new spending or tax cuts with revenue increases and will require only spending cuts.

In another unprecedented change, the House last week voted to give the House Budget Committee Chairman the sole responsibility for setting discretionary spending levels for the remainder of Fiscal Year 2011. The House of Representatives as a whole will be deprived of the right to vote up or down the Budget Chairman's levels.

We have to remember that what we do with Federal budget touches everyone. Our fiscal problems are very complex and they need to be addressed, but there is no simple, one-size-fits-all solution.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 34 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Cardinal Donald Wuerl, Archdiocese of Washington, Washington, D.C., offered the following prayer:

Let us take ourselves in the presence of God.

Good and gracious God, You call us to make our way through this life with You and challenge us to walk arm-in-arm with each other. As we confront the human condition, You bless us with intellect and free will to establish institutions to guide our human affairs, to confirm the possibility of freedom, personal development, and prosperity for the common good.

We ask You to bless and strengthen all who strive to improve the human condition and foster a caring respect for each person. In Your goodness, bless the Members of our Nation's House of Representatives. May all their deliberations and discussions be inspired by the wisdom and vision of Your kindness. And may the work conducted here today bear rich fruit that nurtures all of the citizens of this Nation and our dreams for a better world.

All of this we ask in Your Most Holy Name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MURPHY) come forward and lead the House in the Pledge of Allegiance.

Mr. MURPHY of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING CARDINAL DONALD WUERL

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Ohio (Mr. BOEHNER) is recognized for 1 minute.

There was no objection.

Mr. BOEHNER. Mr. Speaker, it is my distinct honor to welcome His Eminence Cardinal Donald Wuerl, Archbishop of Washington, D.C., and to thank him for offering the opening prayer as we begin our work today.

Like many of his parishioners, I know Cardinal Wuerl to be a man of generous spirit and immense gifts, a true leader of the faithful. When he was elevated to the College of Cardinals last fall by Pope Benedict, it was a proud and humbling moment for all of us. His elevation came nearly a quarter of a century after being ordained a bishop by His Holiness John Paul II. Cardinal Wuerl went on to serve as Bishop of Pittsburgh, where he was born and raised, until his appointment here in Washington, D.C.

Around the world, Cardinal Wuerl is respected and admired for his efforts on behalf of Catholic education. He currently serves as chancellor of the Catholic University of America and is a champion of the D.C. Opportunity Scholarship Program, which helps disadvantaged students gain access to quality education.

Again, on behalf of my colleagues, it is an honor to welcome Cardinal Wuerl to the People's House.

WELCOMING CARDINAL DONALD WUERL

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 1 minute.

There was no objection.

Mr. MURPHY of Pennsylvania. Mr. Speaker, as a Member who represents the area of Pittsburgh that is also part of the Pittsburgh diocese, I would also

like to welcome Cardinal Wuerl to the House of Representatives. He is a great leader in the faith community and a friend, and certainly a friend to everybody in the Nation now as well as those in the Pittsburgh region.

He began his career as an assistant pastor at Saint Rosalia Parish in Pittsburgh. There he became secretary to Pittsburgh Bishop John Wright. Then at Saint Paul's Seminary in Pittsburgh, he worked as a rector. In 1988, Bishop Wuerl was installed as the 11th Bishop of Pittsburgh, where he led 18 years. He led 800,000 Roman Catholics in 214 parishes throughout southwestern Pennsylvania.

I should say we also knew him from his television series called "The Teaching of Christ," which was distributed throughout the Christian Associates cable channel, and his best-selling catechism of the same name, which is now I believe in its 30th year of publication, translated into over 10 languages.

I echo the comments made by our Speaker in terms of the Cardinal's leadership and the esteem we all hold him in. We are most grateful that he came here today and led us in prayer.

COMMUNICATION

The SPEAKER pro tempore laid before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, February 10, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Attached is a facsimile of a letter of resignation submitted by Rep. Christopher J. Lee to the pertinent Executive authority in the State of New York. It was received in the Capitol last evening. The facsimile previously laid before the House was addressed to the Governor rather than to the Secretary of State. This document will round out the papers of the House on this matter.

Sincerely,

JOHN V. SULLIVAN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2011.

Hon. RUTH NOEMI COLON,
Acting Secretary of State, State of New York,
Albany, NY.

DEAR SECRETARY OF STATE COLON: I hereby submit my resignation as United States Representative of the 26th District of New York, effective 5:00 p.m., Eastern Standard Time, Wednesday, February 9, 2011. Attached is the letter I submitted to Governor Andrew Cuomo.

Sincerely,

CHRISTOPHER J. LEE,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

NEED TO WORK ON CREATING JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, it is time for Congress to roll up its sleeves and begin to work together. Democrats and Republicans must come together to create new jobs for the American people, strengthen our recovery, and reduce the debt.

Yet instead of finding some common ground solution, Republicans have put forward an agenda that only serves to divide the American people. Yes, we must lower the deficit and national debt, but it is wrong to balance the budget on the backs of honorable Americans with dangerous cuts that may lead to double-digit unemployment.

In my district in California in the Inland Empire, our unemployment rate is nearly 14 percent. My constituents can't afford to have Congress play politics with the budget and the national debt. They need jobs. They need to make sure that they are putting food on the table and paying their mortgage, not another government shutdown.

I urge all of my colleagues, Democrats and Republicans, to focus on the big picture and get to work on creating jobs. Let's build our future.

JUST ANOTHER DAY ON THE TEXAS BORDER, PART II

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, American missionaries Nancy and Sam Davis ran a charity in poor villages in Mexico. Recently, Nancy and Sam were driving home to Texas from Mexico when they were ambushed near the border by a roadblock of masked gunmen who opened fire on them. Nancy was shot in the back of the head. Sam bravely raced against oncoming traffic to the border while Nancy sat in the passenger seat bleeding to death. Nancy did not survive and died in McAllen, Texas.

The Mexican government has already said they will not investigate this homicide, and the American government must hold Mexico accountable. The narcoterrorists continue to murder Americans in lawless Mexico, and they will continue their terror on our side of the border if they are not stopped. They are international bandits. Meanwhile, our Federal Government continues to whistle by the graveyard of victims while the people in the border towns live in constant fear and danger. But it is just another day on the Texas border.

And that's just the way it is.

JOB CREATION, ECONOMIC RECOVERY, AND DEBT REDUCTION

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, as I listen to the debate in this House, we need to put politics aside and pursue policies that move America forward. I encourage my Republican colleagues to focus on legislation that creates jobs, economic recovery, and debt reduction.

While cutting spending is an important aspect of reducing the deficit, we must ensure that it is done in a way that will not threaten jobs, economic growth, and the security of our middle class. I am particularly troubled by recent proposals that would slash long-term investment in transportation, clean energy, innovation, and education. Spending cuts in these areas are unwise for our economic future, especially when it comes at the expense of the American workers. We need to continue to foster investment in these fields in order to expand private sector growth and put America back to work.

The situation in this country is such that every bill that comes before this House must be measured by whether it creates jobs, strengthens the middle class, and reduces the deficit. It is imperative that we come together to meet these goals in order to lay the foundation for future prosperity in this country.

□ 1210

FEDERAL RESERVE CHAIR BERNANKE: BIG DEFICITS COULD HURT THE ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Federal Reserve Chairman Ben Bernanke of Dillon, South Carolina, is the latest leading economist to admit that out-of-control deficits could hurt our national economy. Last week, Mr. Bernanke warned, "Sustained high rates of government borrowing would both drain funds away from private investment and increase our debt to foreigners." This borrowing would lead to higher lending costs for small businesses and consumers. This threatens small businesses across America trying to create jobs.

At the same time, House Republicans are proposing billions in spending cuts. House Budget Chairman PAUL RYAN called this is a "down-payment" in attacking Washington's spending spree. This is just the beginning. As Speaker JOHN BOEHNER has stated, "There's no limit to the amount of spending we're willing to cut." Republicans made a pledge to America, and we're now making good on it.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HOCKEY IS FOR EVERYONE MONTH

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, as you know, I come from Chicago, home of the world champion Chicago Blackhawks, and I rise today in support of the National Hockey League's designation of the month of February as "Hockey is for Everyone Month."

"Hockey is for Everyone" is a nationwide initiative that works to break racial and economic barriers that prevent children from playing ice hockey. It reaches more than 300,000 underprivileged boys and girls annually across North America and includes programs for veterans and the disabled. I believe that no matter your background, every child should have the opportunity to play the greatest sport in the world. Increased access to healthy exercise will aid in the fight against childhood obesity and continue to decrease high school dropout rates.

On behalf of kids all over the continent, I thank the National Hockey League and "Hockey is for Everyone" for putting more hockey sticks in more hands—and more pucks on those sticks.

WHERE ARE THE JOBS?

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Here we are, it's mid-February. The Republicans took control. They won the election in November on an agenda of trying to create jobs for the American people. Two months into after being sworn in, here we are now—still haven't created a job. We haven't put a single bill on the floor of the House of Representatives to create jobs for the American people. With over 9 percent unemployment—among African Americans, 16 percent unemployment—communities across this country hemorrhaging, corporations in this country sitting on \$2 trillion in cash—and still no jobs.

So what are the Republicans doing instead? Here's what they're trying to do. They're trying to further restrict a woman's right to choose—not creating jobs, but want to get in the middle of your doctor's office to restrict your right to choose. Hours and hours of debate to direct committees to oversee regulations. Well, that's our job, to oversee the regulatory process. We don't need hours of debate to give us permission to oversee the regulatory process. Still no jobs.

What else are the Republicans doing? They're reviewing, reviewing. Well, that's safe. What do we have to review? Our job, of course, is to review. But our job is to create jobs for the American people. That's what they expected out

of the election. That's what we need to deliver them.

TITLE X FAMILY PLANNING FUNDING

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. So far the Republican majority hasn't created a single job. In fact, they haven't even put a jobs bill on the House floor. Instead, they are focusing on partisan priorities that just don't help the country come out of this recession. Instead of putting people back to work, they are restricting women's reproductive rights.

Next week they will gut Title X funding for family planning. This Federal money is a critical health care safety net for women around the country. It has helped improve the quality of women's health, given women free choice, and also saved lives. Title X helps low-income women afford Pap smears and STD testing. It helps reduce unintended births and abortions. And who doesn't want to do that?

It's month 1; and instead of working on the economy, they are working to limit women's personal choices. Instead of doing the bidding of ideological extremists, let's join together and address the real needs of the American people—jobs.

BEADING TO BEAT AUTISM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, it takes real heroes and real leaders to believe in the possibility of what we can do through hard work, perseverance, and commitment to make the world a better place. I'm proud to say that my hometown of Louisville has many of these leaders, and this week, one of them, 13-year-old Michala Riggle, was recognized nationally with the Gloria Barron Prize for Young Heroes. It's a well-deserved recognition, and I rise to applaud Michala's work with Beading to Beat Autism, which has been nothing but miraculous.

Three years ago, after learning that an underfunded treatment program could help thousands of kids in Louisville with autism, like her brother Evan, Michala stepped up. She planned to enlist her friends and family to raise \$200,000 by making beaded bracelets and selling them for \$3 each. People told her it was impossible, but she said, It's just like a ball game. If you don't believe you can win, it's game over before you start. You gotta believe. And after 6 months, Michala had reached her goal. To date, she's raised \$350,000 to help children with autism. Now, through BeadingtoBeatAutism.org, she hopes to raise \$300 million to finance an autism research center in Louis-

ville. And I don't doubt that she can accomplish that.

Mr. Speaker, I urge the Members of the House to join me to salute her. I'm proud to wear her bracelets and proud that she's a resident of the Third District of Kentucky.

Congratulations, Michala.

JOBS CRISIS ON OUR HANDS

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. In a time of great economic strife, Americans deserve more from their leaders than recycled attacks on their constitutional rights. Let's not deny women access to birth control and wellness care provided by Planned Parenthood, or the Presidential Women's Center in my district, or the many other providers instrumental in reducing unwanted pregnancies in America. Let's not levy special taxes on women who have never had an abortion, but pay for a private health plan that covers these procedures. Let's not subject any citizen to government intrusion in the doctor's office because of their gender.

The retired women in my district who were on the front lines of the fight for equality in reproductive rights know what path these policies will lead us down. Let's not create a crisis in America—a crisis of public health, of back-alley abortions and accidental sterilization, of less education and more sexually transmitted diseases, of fewer routine screenings and more cervical cancer.

We already have a crisis on our hands in this country—a jobs crisis—and in November, Americans voted this Congress to address it.

TURN TO THE FUTURE OF OUR CHILDREN

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Mr. Speaker, today I rise with my colleagues for one reason—to talk about jobs. My constituents are hurting. They need help. They want to work. I've been here for almost 2 months, and I'm still waiting to hear a Republican plan for jobs. So far this week, the only things I've voted on are our renaming of a courthouse and taking back money that we have already given to the United Nations. When are we going to talk about jobs? I came to Washington to focus on jobs. My constituents sent me to Washington to focus on jobs.

All across the Nation, the high school class of 2011 is getting ready to graduate. Some will go on to higher education, and some will enter the workforce. What type of world are they entering? What type of jobs will await them? I propose that we invest in the

class of 2011. Instead of political games and bills that cut jobs, I propose that we invest in education, innovation, and infrastructure. Please, I urge all of my colleagues to turn toward the future of our children—turn toward creating jobs for them.

DON'T IGNORE THE MIDDLE CLASS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. I rise today on behalf of the regular, everyday American families and those who work for a living. Just yesterday, my friends on the other side of the aisle released their job-killing spending policies. Make no mistake about it, these policies will deeply hurt the middle class and will not help grow jobs.

Let's look at these statistics: 83 percent of all United States stocks are in the hands of 1 percent of the American public; the bottom 50 percent of income earners in the United States now collectively own less than 3 percent of our Nation's wealth. I encourage my Republican colleagues in this House to stop in their efforts to take money away from those who use it to stay warm in the winter and cool in the summer, to stop in their efforts to take away money from those who keep our air safe and our water clean, and to stop in their efforts to take investments away from technology and jobs of the future.

Mr. Speaker, the middle class has been ignored for far too long. As the backbone of our country, it is time they get their fair share. I stand for empowering our middle class, not reducing jobs in America.

□ 1220

ADVICE TO THE MAJORITY: KEEP YOUR PROMISES

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to give some advice to the Members of the majority party. My grandma used to tell me, "Son, keep your promises."

As we all know, the majority promised to be focused on job creation; but the 11 bills that have passed this body thus far, in 2 months, have failed to create a single job.

Watch out for these budget cuts that these Republicans are proposing also. I'm going to tell you, if you are a firefighter or a police officer or a teacher, you are out of luck. This recovery needs to work for the working people of this Nation, not just for the Wall Street bankers.

Today, we should be voting for investing and making products in America, not on toothless resolutions. If we

continue on this path much longer, the American people will see for themselves that they've been lied to.

To the majority party, you need to keep your promises and stop shrinking the middle class. You need to be about job creation like you promised. Don't turn America into a pink slip Nation.

WHERE'S THE BEEF?

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, about 15 years ago, there was a commercial that is really applicable to today. It was about a woman who looked through hamburger buns and asked, "Where's the beef?" The American people are asking us, Where's the jobs?

We managed to survive and avoid the Great Depression of this century. Let me tell you, Mr. Speaker, what we need to do to continue with our recovery is to build public confidence. The only way we are going to build that public confidence is for people to feel that we are looking at what is so essential to their futures, so essential to the building of their confidence back in themselves and in government, and that is the creation of jobs.

Mr. Speaker, I believe all Members of this Congress must look to that. We must get down and address jobs. That is what we are here to do. That is what we need to do, or we will have failed the people who have sent us here.

PARLIAMENTARY INQUIRIES

Mr. JACKSON of Illinois. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. JACKSON of Illinois. Can any Member rise, Mr. Speaker, and move to suspend the rules and pass H. Res. 72 prior to the rule being called up?

The SPEAKER pro tempore. That is within the Chair's discretionary power of recognition. In addition, today is not a suspension day.

Mr. JACKSON of Illinois. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. JACKSON of Illinois. If a resolution can pass with unanimous support, is there any provision in the House rules that would allow the House to bypass 9½ hours of debate proposed in House Resolution 73, agree to House Resolution 72, and begin to consider other legislation dealing with job creation?

The SPEAKER pro tempore. The Chair cannot respond to hypothetical questions.

Mr. JACKSON of Illinois. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. JACKSON of Illinois. Is there any provision in H. Res. 72 that will create jobs?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. JACKSON of Illinois. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. JACKSON of Illinois. Is it in order to ask unanimous consent to take from the Speaker's table H. Res. 72, ask for its immediate consideration, and for it to be adopted?

The SPEAKER pro tempore. The Chair is constrained not to entertain such a request.

Mr. JACKSON of Illinois. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. Res. 72 and ask for its immediate consideration in the House, so that we can move on creating jobs.

The SPEAKER pro tempore. Under the announced policy of previous Speakers, as recorded in section 956 of the House Rules Manual, the Chair is constrained not to entertain that request.

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. Res. 72 and ask for its immediate consideration in the House, so that we can move on creating jobs.

Isn't the appropriate response, Is there objection?

The SPEAKER pro tempore. Under the announced policy of recognition for such unanimous-consent requests, that request is not entertained.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 72, DIRECTING COMMITTEES TO REVIEW REGULATIONS FROM FEDERAL AGENCIES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 73 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 73

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth. The amendment recommended by the Committee on Rules now printed in the resolution shall be considered as adopted. The resolution, as amended, shall be considered as read. The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion except: (1) nine hours and 30 minutes of debate, with 30 minutes equally divided and controlled by the Majority Leader and Minority Leader or their respective designees, eight hours equally divided among

and controlled by the respective chairs and ranking minority members of the Committees on Agriculture, Energy and Commerce, Financial Services, the Judiciary, Natural Resources, Oversight and Government Reform, Transportation and Infrastructure, and Ways and Means, and one hour equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Education and the Workforce and Small Business; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. House Resolution 73 provides for a closed rule for consideration of H. Res. 72. It provides 9½ hours of debate, divided by the committees outlined in H. Res. 72, and provides the minority a motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of this rule and the underlying bill. This legislation is simple, direct, and easy to understand. The text of the three-page bill was posted last week on the Rules Committee Web site. This legislation is an attempt and an effort to provide more transparency and accountability in the government regulatory process, something that my colleagues and I have called for numerous times over the last two Congresses.

The legislation before us today calls for 10 House committees to review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effects on destroying jobs and economic growth.

With the current high unemployment rate, it is essential we do everything reasonably possible that we can to look at and to reduce government rules and regulations that impede job creation and economic growth, that discourage innovation, hurt or harm global competitiveness, limit credit, create economic uncertainty, impose unnecessary paperwork and cost on small businesses, and that result in large-scale and often unnecessary unfunded mandates on employers.

That is exactly what this legislation would do, and we are on the floor today to talk about this as an important component of allowing America to get

back to work and to highlight these rules and regulations that stifle not only investment but also job creation.

Every single Member of Congress understands and believes that regulations are needed to provide the rules, safety, and structures for this society to function properly. While regulations are important, they can also cross that fine line and can become too burdensome. It is essential to strike a balance to ensure that the imposed rules and regulations do not lead to higher costs and less productive societies.

□ 1230

The Federal Government creates an average of 4,000 final regulations each year with about 500 to 700 that are reviewed by the White House.

According to a recent report from the Small Business Administration, the total cost of Federal regulations has increased to \$1.75 trillion a year from the U.S. economy; \$1.75 trillion is what this burden is on the free enterprise system. Additionally, the study shows that regulatory and paperwork costs were found to be more onerous for smaller firms than their larger counterparts. More specifically, the costs of regulations per employee for firms with fewer than 20 employees is now \$10,585, a 36 percent difference between the costs incurred per employee by a larger firm.

This is absolutely outrageous. This is outrageous because small business is the backbone and the engine of our economy. It represents 99.7 percent of all employers. Small businesses, according to the Small Business Administration, have generated 64 percent of net new jobs over the past 15 years while employing over half of all private sector employees. One of the fastest ways to put Americans back to work, Republicans believe, is to limit the regulatory expenses that these small firms have to comply with simply to satisfy Federal Government regulations.

Regulatory burdens are hindering job growth. Regulatory burdens are hindering investment and innovation while eroding some of the most basic and fundamental freedoms in America. Congress and this administration must work together to do more than prevent harmful new regulations. They must also review, study, and eliminate unnecessary rules that are already on the books.

On January 18 of last month, President Obama signed an Executive order to provide a government-wide review of the rules already on the books to remove outdated regulations. In an op-ed placed in the Wall Street Journal last month by the President, he clearly states that "sometimes, those rules have gotten out of balance, placing unreasonable burdens on business, burdens that have stifled innovation and have had a chilling effect upon growth and jobs." Mr. Speaker, I applaud and I

appreciate the President for recognizing this, and I ask my colleagues on both sides of the aisle to understand what we are attempting to do today, and that is to support as best as we can not only the ideals that the President talked about but also a focus on these rules and regulations that stifle innovativeness, create costs, and ruin jobs in America.

Mr. Speaker, while the President is now taking a step in the right direction when it comes to regulation, in the last fiscal year alone the Obama administration unleashed 43 major new regulations that will cost America more than, new, \$28 billion annually. These costs will affect Americans in many ways, from raising the price of cars, where we buy food, where we eat, and every single one of these stands in the way of making the free enterprise more efficient and somehow does not help in creation of jobs.

The President will have to take a step back from some of the major bills that he signed last year, and I believe he can do that by employing the ideas that he had in this op-ed. He can do something about it, and that is join Republicans who today are attempting to work with the President. If the President is serious about reducing regulatory burdens impacting every American, we can do this job together. Fifteen of the 42 regulations proposed last year were from the Frank-Dodd financial regulatory bill. Another five stemmed from the ObamaCare bill, and 10 others come from the Environmental Protection Agency, or what is known as the EPA, including the first mandatory reporting of greenhouse gas emissions.

The annual compliance costs constitute only a part of the economic burden of regulations on business. Many of these new rules curtail the purchase of new equipment, conversions of industrial practices, and are about revising data collection and reporting procedures. One example is the new restriction on short sales from the Frank-Dodd bill that requires the Securities and Exchange Commission to make modifications to computer systems and surveillance mechanisms for gathering and managing this information that will cost over \$1 billion. Mr. Speaker, that defies balance and I think ultimate accountability of what the regulations should be about.

Mr. Speaker, we have an opportunity today to direct our committees to take the first step in reining in Big Government, reducing our deficit, and encouraging job growth and economic prosperity. This simple bill is three pages long, and it shines the light on the regulatory process and provides the necessary transparency and accountability on Federal agencies that has been lacking for years.

My Republican colleagues and I remain committed to putting America

back to work through creation of new jobs. This legislation is a way to be a part of that good start. I encourage all my colleagues to vote "yes" on the rule and "yes" on the underlying resolution.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in opposition to H. Res. 73, the rule providing for consideration of H. Res. 72, which directs certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, and I yield myself such time as I may consume.

The resolution isn't objectionable in and of itself. We all agree that regulations that do more harm than good should be eliminated. The President has said that, Democrats have said that, and Republicans have said that. And the rules of the House already require committees to carry out this sort of oversight. So I question, Mr. Speaker, why my friends on the other side of the aisle insist on spending 9½ hours debating a resolution that is entirely redundant. We're committing the same offense that Republicans claimed to abhor about government: wasting time, effort, and taxpayer dollars.

Devoting 9½ hours to this exercise is squandering yet another opportunity. We could be using this time to pass legislation that will create and retain jobs right here in this country instead of telling the committees of jurisdiction to continue to do what they are already mandated to do. What's next, Mr. Speaker? Nine-and-a-half hours of debate instructing the House to close for Thanksgiving or Christmas?

Republicans marched into the majority over a month ago vowing a laser-like focus on job creation, and they've done nothing towards that end since. Today's debate is yet another reminder that Republicans care more about their lockstep, anti-government ideology than they do about getting down to the business of improving the lives of hard-working Americans.

Democrats did offer to improve today's rule by adding language instructing the committees to make job creation legislation their highest priority and for such legislation to be considered under an open amendment process. In other words, Mr. Speaker, Democrats made the effort to work in agreement with Republicans on this matter and to ensure that this body emphasizes legislation to create jobs and improve the American economy, but the Republicans said "no." They said "no" to working with Democrats. They said "no" to prioritizing job creation. They said "no" to fulfilling their promise for an open and transparent legislative process.

My friend from Texas (Mr. SESSIONS) declared at the end of last year that, and I quote him, "Open rules will make a triumphant return to the House

floor," unquote, and that all Members, and I quote him again, "will have a chance to fully contribute in this legislative process."

□ 1240

The House has been under Republican control for 5 weeks. In that time, we have voted on 11 bills. None of those bills went through their respective committees and none of those bills had actual open rules. One had a modified open rule. That's not very triumphant in my opinion, Mr. Speaker.

It is already the second month of this Congress and Republicans are still dodging a real debate on real legislation that will create real jobs and improve the American economy. And Republicans are still refusing to address exactly what these cuts will mean to the lives of the American people. Which regulations do Republicans propose to get rid of? The ones for clean drinking water? The ones preventing financial abuse on Wall Street? I was here, Mr. Speaker, along with my friend on the other side of the aisle when Republicans assumed control and that we did not provide the necessary regulation at the Securities and Exchange Commission. I for one thought when a friend of ours who served with us went to be the chair of the Securities and Exchange Commission that finally we would get some regulations there. We did not get regulations. What we got—and there's no secret about this, no finger to point at anybody—the simple fact of the matter is by not having adequate regulation of Wall Street, this country came to the brink of disaster in November of '08. Do they want to get rid of the ones that protect against massive oil spills and mine collapses?

So far this year, Republicans have moved to repeal health care, they've moved to restrict a woman's right to choose, and they've moved drastically to cut spending for a huge range of essential government services that ensure public safety, economic opportunity and national security. It seems the Republicans want to use their majority to settle old scores. But I don't think that's what the American people have in mind as a national priority.

Republicans seem to think that if we spend 9½ hours debating a resolution that simply remarks on what House committees are already doing, they will suffice to convince the American people that Republicans have a plan for improving the economy.

It is clear that this resolution is really about demonizing Federal regulations. But the Republicans ignore the benefits of regulations, the importance of protecting existing jobs, and the necessity of leveling the playing field to ensure economic growth and prosperity for all Americans. If our constituents had the choice of whether to spend this time practicing our rhetorical skills or

actually passing meaningful legislation that creates more jobs, I believe they would vote for jobs. Let's get back to what the American people need from us, and that is to improve the American economy.

Mr. Speaker, I urge my colleagues to vote against this rule.

I reserve the balance of my time.

Mr. SESSIONS. I yield myself such time as I may consume.

Mr. Speaker, I appreciate the words of my friend the gentleman from Florida. I would like to state that the bills we have done in the Rules Committee during these 12 bills have been about original jurisdiction by the Rules Committee, which is what this bill is. This bill is a jurisdictional issue where the Rules Committee, through the legislation that my name sits on as the chief sponsor, is directing other committees to have hearings, to be part of an open process, to do the things that will be necessary not only for minority participation but any Member who chooses in these committees to come and have their voices heard, for hearings to be held, for thoughtful people across this country to come and provide us information about the way they see the regulatory burdens that are being placed upon them. If someone thinks that what we are doing today is all about trying to stifle regular order, it's completely the opposite. Nine-and-a-half hours of debate, which is unheard of for a three-page bill, is all about regular order and is exactly what I've been arguing for for years. That's what the Republicans are delivering today on the floor of the House of Representatives.

Notwithstanding that the gentleman brought up some good ideas about job creation, I would like to just put it into some bit of context. Today what we are trying to do is to gather steam behind rules and regulations that stifle the ability for the free enterprise system to employ people. But in the larger scheme of things, our friends on the other side are upset because what we as Republicans are going to do is to find a way to live up to our campaign promises to cut spending during the year by \$100 billion.

Now some people say, oh, that's not enough amount, or it's too big of an amount because it will mean all these draconian cuts across the government. Well, I would remind this House that \$100 billion is a small part of the \$3,000 billion spending plan that the Congress has already given to government—\$3,000 billion—and what we are talking about not just today and not just over the past few weeks but taking \$100 billion and trying to take that as a burden off the American people. The reason why is because 30 percent of all government spending today or more ends up as debt, meaning that we have to borrow it from somebody else.

"But this is so important, we've got to make sure we do it." Well, Repub-

licans disagree. We think not only a review of regulatory process but a review of spending is important in Washington. Mr. Speaker, I refer to what might be a sheet of paper that was in print described as Obama Announces Review of Government Regulations. Within this paper, there is a paragraph, a short paragraph that I would like to read which perhaps embodies exactly why we are here today:

"Business leaders say government regulations, including those being written for health care overall and financial reform, have hurt job creation at a time of high unemployment."

In fact, the Department of Treasury describes where we are as chronic unemployment for today and our immediate past for as far as the eye can see. Last year at some point even the longest projection by this government showed no net new job creation. That is what Republicans have inherited. We intend to be serious about what we're doing, and we intend to make sure that the American people see this for what it is, and that is an opportunity by Congress to work on the issues that they're demanding.

[From FoxBusiness.com, Jan. 18, 2011]

OBAMA ANNOUNCES REVIEW OF GOVERNMENT REGULATIONS

President Barack Obama said on Tuesday he would order a government-wide review of regulations with the goal of eliminating those that hurt job creation and make the U.S. economy less competitive.

In an op-ed piece in *The Wall Street Journal*, Obama said some government regulations have placed "unreasonable burdens on business—burdens that have stifled innovation and have had a chilling effect on growth and jobs."

He said he would require that in the future government agencies "ensure that regulations protect our safety, health and environment while promoting economic growth."

The president has recently ratcheted up efforts to soothe relations with the business community, after alienating corporate America through rhetorical attacks against Wall Street and an agenda heavy on regulation.

Business leaders say government regulations, including those being written for the healthcare overall and financial reform, have hurt job creation at a time of high unemployment.

"It's a review that will help bring order to regulations that have become a patchwork of overlapping rules, the result of tinkering by administrations and legislators of both parties and the influence of special interests in Washington over decades," Obama wrote.

Noting that small businesses create most new jobs in the economy, he said he would direct the government to make a greater effort to reduce the burden regulations place on them.

While vowing to eliminate rules that are "not worth the cost, or that are just plain dumb," the president said his administration wouldn't shy away from writing new rules to address obvious gaps in government oversight.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2

minutes to my good friend, the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I would suggest that we need more jobs and less speeches. And what we will get from this bill on the floor is more speeches and no jobs.

It is very disappointing in the current economic context that what we bring to the floor for 9½ hours is a bill that simply instructs the committees to do what we've already instructed them to do. This is already in the rules, it's already required, we all agree on it. What are we doing here wasting 9½ hours? If we just produced a thousand jobs an hour, we could have produced 9,500 jobs. Instead, we're going to produce 95 speeches. That's not what we need.

If you want to look for waste in government, take a look at this bill: 9½ hours down the tube doing something we're already doing. We had a hearing yesterday in the Commerce Committee. We're already talking about these regulations.

But let me give a warning to people about what happens when the Republican Party wants to look at regulations. You know the first thing they did, they're trying to repeal the Clean Air Act. They're trying to gut the Clean Air Act which is the guardian angel for the air that our kids breathe.

□ 1250

You know, they have introduced a bill, and we had a hearing yesterday. The first hearing we had was to pass their dirty air act. They have a dirty air act that would gut the ability—that would eliminate in total the ability of the Environmental Protection Agency to regulate harmful gases, carbon dioxide, ozone, and a host of other dangerous chemicals.

Now, can you believe that? Their dirty air act will eliminate the ability of the EPA to do things to try to prevent our kids from having aggravated asthma attacks. Their dirty air act would eliminate the ability of the EPA to deal with dangerous gases that exacerbate the respiratory problems of our senior citizens.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. INSLEE. If you think I'm just blowing smoke here, go take a look at their bill. Their bill doesn't try to fix the regulation. It absolutely eliminates in total the ability of the EPA. The EPA was started under a good Republican, Richard Nixon, and it is a sad story that the first bill out of the box they want to go backwards on clean air.

Mr. SESSIONS. Mr. Speaker, I am joined by the chairman of the Rules Committee, and I will tell you that he is so pleased that we have not only this

bill that has been brought to the floor, but he is so pleased that we are taking the time to speak about the facts of the case. And one fact is that the first bill that we took up was the bill to repeal ObamaCare. It had nothing to do with the Clean Air Act. It had everything to do with a bill which has caused an amazing number of regulations.

And I would like to quote, if I can, a fact that, since the passage in March 2010, the Patient Protection and Affordable Care Act, which is known as ObamaCare, has added 6,123 pages of regulations, and the Federal Register has printed those just over the last 9 months. Secondly, according to a September 2010 report from the Small Business Administration, total regulatory costs amount to \$1.75 trillion annually, which is nearly twice as much as all individual income taxes collected last year. That means that the ability for a person to have to fill out all of their paperwork, the cost of that is twice what we even collected in taxes. There is a balance here that's been overrun.

HOUSE REPUBLICANS: IDENTIFYING AND REMOVING ONEROUS JOB-DESTROYING REGULATIONS

This week, House Republicans are bringing a resolution to the floor directing the committees to inventory and review federal agency rules and regulations that may unfairly harm the ability to create jobs and grow the economy.

While the nation suffers from 21 straight months of unemployment at 9 percent or higher, President Obama and congressional Democrats have doubled down on their strategy to burden job creators with more government red tape.

With the U.S. economy struggling and American families hard pressed to pay their bills and put food on the table, the costs of federal regulations have never been more significant. The fact is that federal regulations increase the cost of doing business and destroy jobs.

Undue and archaic government red tape takes money out of the hands of families and businesses. Agencies should not be authorized to heap billions in new added costs on the economy without reducing another burden elsewhere.

JOB-CRUSHING REGULATIONS—BY THE NUMBERS

During the Democrats' leadership of Congress, unemployment skyrocketed from 4.6 percent to 9 percent as the economy has lost more than 6.8 million jobs.

With 243 expected rulemakings from the Democrats' permanent bailout of Wall Street law, and the inestimable number of regulations to come from ObamaCare's government takeover of healthcare, the President's newfound concern for the regulatory burdens facing employers does not match his actions over the past two years.

The Obama administration has not shied away from flexing its regulatory muscle since taking office. A recent study by the Heritage Foundation found that an unprecedented 43 major regulations were imposed in fiscal year 2010 with a total economic cost of \$26.5 billion, the highest total since at least 1981.

Since passage in March 2010, the Patient Protection and Affordable Care Act

(ObamaCare) has added 6,123 pages of regulations and Federal Register notices in just its first nine months.

According to a September 2010 report from the Small Business Administration, total regulatory costs amount to \$1.75 trillion annually, nearly twice as much as all individual income taxes collected last year.

WHO IS PAYING FOR THIS REGULATORY BURDEN? AMERICA'S SMALL BUSINESSES AND AMERICAN WORKERS

The cost of regulations is felt even harder by America's small business owners, the engine of our nation's economy. According to the Small Business Administration, the average small business with less than 20 employees faces a cost of \$10,585 in federal regulations each year per worker they employ.

Businesses with fewer than 20 employees spend on average 36 percent more per employee than larger firms to comply with federal regulations. These small employers represent 99.7 percent of all businesses and have created 64 percent of all new jobs over the past 15 years.

The cost of federal regulations to small businesses must either be passed on to the consumer or workers, either in the form of lower wages or a shortage of jobs that would have been otherwise paid for with money spent complying with federal regulations. Imagine if small businesses could put the \$10,000 they spend on federal regulations directly back into new jobs.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), my good friend.

Mr. ANDREWS. I thank my friend from Florida for yielding.

Mr. Speaker, as we meet this afternoon, there are 15 million Americans who are unemployed, and for them, this is another day of searching the Web or the want ads to try to find a job they've been unable to find after months of diligent searching. So what is the Congress of the United States doing about this? We are wasting yet another opportunity to work together, Republicans and Democrats, to create an environment in which small business people and entrepreneurs can create jobs for our country, the way we did work together at the end of last year and passed legislation that 80 Senators voted for, 270-some House Members voted for across party lines.

The majority says that this process will somehow help to create jobs. It is important to understand what this resolution really says. It says, in response to the 15 million unemployed people we have in this country, let's have a bunch of politicians have a bunch of meetings they were already scheduled to have; right? So their response, Mr. Speaker, is let's spend 9½ hours debating a bill that says a bunch of politicians should have a bunch of meetings they would have had anyway to talk about the problem.

You know, if we called 911 to report a fire in our home, we wouldn't be very happy if the fire department said, "We are going to immediately have a meeting to decide whether to put the fire

out at your house." We would expect the fire company to come put the fire out at your house.

The majority is not putting on the floor regulations they want to repeal. That would be a worthy debate. We should have that. What they are doing is saying let's, for 9½ hours, talk about whether to have a bunch of meetings to talk about the problem.

In the last 5 weeks, there has not been one word in one bill or 1 hour of debate about a plan to create jobs for the American people. So now we are going to spend 9½ hours talking about whether to have a series of political meetings.

Why don't we put on the floor and argue the pros and cons of a plan to put our people back to work building schools and bridges and highways? You can be for or against that, but it's a real plan that would actually put people back to work.

Now, the majority says that they do want to create jobs by cutting spending and reducing the deficit. But of course the very first bill they passed increased the deficit by more than \$1 trillion over the next 20 years. Then they ran on a promise—a promise—to reduce the current year's budget by \$100 billion, but 2 days ago, the Appropriations Committee reported out a bill that reduces it by \$32 billion.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. The American people are placing a 911 call to Washington that says this country needs help. It needs a real plan to produce real jobs for the American people. What they are getting from the majority once again is wasted words, wasted time, wasted opportunities.

Yes, looking at regulations is a good thing to do. We support that. But, Mr. Speaker, there is a difference between analysis and paralysis. The majority is giving us paralysis. All talk, no jobs. The right vote on this resolution is "no."

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from New Jersey (Mr. ANDREWS) coming down to the floor. I would like to let him know that we are doing 9½ hours of debate, and at the end there will be an opportunity for a motion to recommit with or without instructions that has been lacking for the previous 4 years by my colleagues on the other side, that they extended to us. So you will have every single opportunity, if you want, just to use your brainpower and put together that great jobs bill that you want to talk about.

But I would say to the gentleman, we have chosen to talk about the things which stifle jobs, and we believe that as we talk about these that a lot of the American people will get it. For instance, if you lived out in the coun-

try—I will just bring up one example. The EPA has issued a draft policy doubling the stringency of the standard by which dust is regulated—dust. Now, the Speaker would understand dust because he is from a rural State. I understand dust from some perspective, being from Texas. But the EPA regulates dust, and they are going to issue a draft policy—or already did—that doubles the stringency of the standard. Many farming activities kick up dust: tilling the field, operating a feed lot, driving farm vehicles, even dusty roads.

Mr. ANDREWS. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend.

I think we can have a very worthy debate about whether that rule is a good one or a bad one. Why aren't we having that debate? Why don't you just put on the floor a bill that says let's repeal that rule and have a debate? Why aren't we doing that?

Mr. SESSIONS. Well, that's a good point. I don't think the gentleman was up in the Rules Committee yesterday to hear this, but the Rules Committee has original jurisdiction on this bill. We are sending this bill, when passed on the floor, to 10 committees, asking them to look at specifics, and dust will be one of those issues. It will be in front of a committee, probably the Agriculture Committee. Perhaps it could be in front of the Resources Committee, where they will look at what this proposed ruling is.

Mr. ANDREWS. Will the gentleman yield?

Mr. SESSIONS. I continue to yield to the gentleman.

Mr. ANDREWS. It still seems to me to be all windup and no pitch, that if you really believe that that regulation should be repealed, why don't you put a bill on the floor that repeals it and let's do something rather than just talk about it.

Mr. SESSIONS. Reclaiming my time, the answer is because this floor is the wrong place to do it, and we need to do it in reverse order. We need to go—and I know this is a new concept to a lot of people on your side. We are going to send it to the committees. We are going to let there be hearings about it. We are going to let the Democrats and the Republicans have an opportunity—for instance, the gentleman from Minnesota, Mr. COLLIN PETERSON, as the former chairman of the Ag Committee, will have an opportunity in working with Mr. LUCAS, the chairman of the Ag Committee now, on who those witnesses will be who are experts.

□ 1300

I don't think we have enough intellectual content because we don't spend time on farms, I don't, to where I can make an accurate decision. But if I re-

view the transcript and listen to what happens in the committee of jurisdiction, regular order, like the 10 other committees, then it gives us a chance to realistically understand, study, talk about, and receive feedback.

Mr. ANDREWS. Will the gentleman further yield?

Mr. SESSIONS. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I appreciate his courtesy.

The gentleman just makes a very good point about the importance of hearings before legislation takes place. How many hearings have there been on the renewal of the Patriot Act?

Mr. SESSIONS. Reclaiming my time, Mr. Speaker, and I do appreciate the gentleman. This House of Representatives, after 9/11, debated to the fullest extent not only the issues of the Patriot Act, but we have had continuing hearings and dialogue on that. There's a requirement that these be looked at, and we intend to make sure that there's a full debate on this.

Mr. Speaker, I do appreciate the gentleman engaging me. I would also make my point that the economic impact of the regulation of dust that it will have on farmers, that it will have on people who live in rural areas, is enormous. And this is part of that overall cost. It's not a hidden cost; it's a real cost that makes us unproductive and costs consumers a lot of money. And this is the kind of discussion we're going to have.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to tell both sides the remaining amount of time?

The SPEAKER pro tempore. The gentleman from Florida has 17 minutes remaining; the gentleman from Texas has 9 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 11, the Build America Bonds to Create Jobs Now Act.

To explain that further and to explicate as she so desires, I am pleased to yield 1 minute to the distinguished gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. I thank the gentleman for yielding and thank him for his leadership in calling up H.R. 11, the Build America Bonds, later.

Mr. Speaker, it's very interesting to watch this debate because what you see here is that we are talking about jobs. The American people want us to create jobs now. And what you see on the floor of the House now today and tomorrow is a make-work project.

The Republicans have no job initiatives; so they need to fill time, and they're filling time with a resolution

that we all recognize the committees have the jurisdiction to do, and some of the committees already have.

We should subject every dollar, every initiative to the harshest scrutiny to make sure it fills its purpose, that we bring common sense to what we are doing. But we don't need to spend 10 hours on the floor of the House because we have no job proposal on the side of the Republicans and make it look as if this is a job creation bill.

This is a make-work product for Republicans who are without an agenda for job creation. However, we hope they will join us in renewing the Build America Bonds to build America to create jobs now.

In every district nationwide, our constituents, many of them struggling without a paycheck, tell the same story. They're waiting for us to create jobs, to focus on jobs and economic growth before we do anything else. Today I rise to echo their call and urge my colleagues on both sides of the aisle to act in the best interest of America's families and put people back to work.

In his State of the Union address, President Obama encouraged us to do what it takes to out-innovate, out-educate, and out-build the rest of the world. In that statement he continued his job-creating initiative. From day one, President Obama has been a job creator. We had to dig our way out of a deep recession, but, nonetheless, the Recovery Act created or saved over 3 million jobs, and other initiatives like Cash for Clunkers and other initiatives that this Congress took, working with President Obama, spared us an even worse unemployment rate.

Now, that isn't good enough if you don't have a job. And it isn't good enough for us who are responsible for creating them. And that is why the effort that the President started at the beginning of his administration, reiterated in his State of the Union address, starts with creating more jobs here at home, and in this Congress there should be no higher priority. Yet, the Republican leadership has not met that challenge.

Since taking charge of the House more than 1 month ago, they have yet to propose a single jobs bill. They have yet to unveil a concrete plan, and Americans are still waiting.

This week is no different. Instead of focusing on job creation, this Congress is spending 10 hours on the floor, a filler, as concrete evidence of the fact that they have nothing else to fill the time with, directing our committees to conduct oversight, a very appropriate instruction. The committees are already doing that.

These committees don't need a partisan resolution in order to start their work, and this House does not need a long floor debate that only diverts us from our purpose, which is to create jobs.

Instead, we should focus on investments that work, that create jobs, that build America and grow our economy. And that is why we are proudly putting forth the Build America Bonds to Create Jobs Now Act. This legislation would leverage public dollars probably 40 to 1: For every public dollar spent, \$40 of investment to strengthen the private sector and spur job creation at home by supporting projects to rebuild schools and transit projects.

Last week we had a hearing on this subject following the President's State of the Union address and his pronouncements about innovation, education, infrastructure, et cetera. We had a hearing on infrastructure to which the Build America Bonds directly relates. A representative of the Society of Civil Engineers told us that our country has trillions of dollars of deficits; that our roads and bridges get D's and C minuses in terms of their safety and effectiveness.

In addition, our water projects, some of them are ancient, made of brick and wood, and that's a health problem.

In terms of innovation for the future, our investments in infrastructure such as broadband are also essential to the growth and creation of jobs in our country. And so there's every reason for us to do this in the best of times. But we're not in the best of times. And so in this not good time, as far as jobs are concerned, it's absolutely essential that we make a decision as a Nation to put forth the greatest social initiative ever, job creation.

The initiative to Build America Bonds and leverage dollars for encouraging the private sector has the support of mayors, governors, and local businesses. It is good for taxpayers, using Federal investments, to unleash billions from private businesses in our neighborhoods. That's why Governor Martin O'Malley came to testify for this, and Mayor Nutter of Pennsylvania, giving us their direct experience on what a difference the Build America Bonds initiative, which was in the Recovery Act, makes, and which needs to be renewed.

Most significantly, Build America Bonds keeps our promise to stay focused on jobs, and it helps put Americans back to work.

Both parties agree that we must stay focused on reducing our deficit, and that's exactly what Build America Bonds do. You cannot achieve the goal of deficit reduction unless you invest in growth and job creation. Vigorous oversight is critical to that effort, and Democrats remain committed to doing our part. We are ready to eliminate waste, fraud, abuse, duplication, and obsolescence in our budget, and we would subject every dollar, taxpayer dollar, to the harshest scrutiny.

□ 1310

We are prepared to make tough decisions to get our fiscal house in order,

but we will not sacrifice key investments that are helping our economy grow, our small businesses expand. And we need to make more investments in small business, not less, and help our workers find jobs.

We said from the beginning of this Congress Democrats will measure every effort by whether it creates jobs, strengthens the middle class, and reduces the deficit. The resolution before us today does none of the above.

I think it's interesting just to make a contrast between the first month of this Republican majority and our first days here in the Congress. Most of what we proposed is along the line, some of it signed by President Bush in a bipartisan way.

H.R. 1 enacts the 9/11 Commission recommendations. This is 2007. The 9/11 Commission recommendations had not been enacted by the Republican Congress. We know our first responsibility is to keep the American people safe. H.R. 1, now the law of the land.

Raise the minimum wage. Economic fairness. It hadn't been raised in over a decade of Republican rule, and we raised the minimum wage and it became the law. Making college more affordable, which is now the law of the land. We also had the Energy Independence Act as part of our Six for 06, much of which is signed into law by President Bush at the end of that Congress and his term.

A couple initiatives did not become law. One of them was to remove the subsidies we give to Big Oil to give them an incentive to drill for oil, which has made \$1 trillion in profit over the last 10 years, does not need billions of dollars in taxpayer money to have an incentive to drill for oil.

And so on this side, H.R. 1, instead of enacting the 9/11 Commission recommendations, lowering the minimum wage, making us more energy independent, making college more affordable, H.R. 1: repeal the health care bill. No prospect of success in doing that, no hearings leading up to it; but, nonetheless, a filler for the floor, red meat for those of the health insurance industry, which opposes giving leverage to America's patients and consumers by saying that they will not be deterred from having coverage because they have a preexisting medical condition, or keeping kids on their parents' policies until they are 26 years old. That's what they wanted to repeal. Again, red meat for the industry, for the special interests, no jobs for the American people.

In the weeks ahead, we must renew our focus on job creation. Let's vote on bills that grow our economy through innovation, public-private partnerships, and tackle unemployment head on. Together, we can help Americans create jobs, rebuilding America in a very green way; and the technologies we will develop will make us and keep us number one, investing in transportation and manufacturing and clean

energy and new technologies and industries and in small businesses.

As my colleague Mr. HOYER reminds us every minute: If we make it in America, America's families can make it in America. Let's set our path on doing that, instead of frivolously using 10 hours that are unnecessary, but they are for only one purpose: you have nothing else to offer.

Today, we can keep our recovery on track and put Americans to work. I urge our colleagues to vote "no" on this resolution, not that we don't think we should subject regulation to scrutiny, but because we think we shouldn't waste the public's time on this when it's already being done in committee and we should be having a debate, a lively debate, on what the best approach is to create jobs, grow the economy, reduce the deficit, and strengthen the middle class.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California, my friend, Ms. SANCHEZ.

Ms. LORETTA SANCHEZ of California. I thank my colleague from Florida. And, Mr. Speaker, I urge my Republican colleagues to focus their priorities on saving and creating jobs, instead of spending 10 hours debating what Congress already has the power to do. We already have the power of oversight over the Federal agencies. And if 10 hours were not enough to debate this, imagine the 54 hearings already scheduled by the Republicans to focus on redebating the health care reform. Americans remember, we debated that for almost 2 years, but they took the vote on getting rid of the health care reform before they are ever even doing the 54 hearings.

Listen, we do oversight. Actually, a legislative and authorizing committee like the ones I sit on, be it Homeland Security or the Armed Services Committee, we already have the power to do that; and the Republicans hold the chairmanship. The chairman gets to decide what the committee does. Just tell your chairman, let's do oversight. It's really straightforward.

We don't have to spend 10 hours on C-SPAN telling the American people, oh, my gosh, we've got to pass a resolution telling the committees to do oversight. We already have that. We are already doing that. We have already got subcommittees. On Armed Services Committees, we have an oversight committee. I hope your chairmen know what they're doing. They don't need a resolution telling them to do their job. Or do they? We need jobs. Americans want jobs. That's what we want. When I go home, we want jobs.

Build it in America. The Build America Bonds, I am a cosponsor of that. Mr. HASTINGS, I'm so glad you're going to bring that up. Let's pass that. For

every dollar that we spend in that program, \$40 at the local, State, and private levels is used towards that.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the gentleman from Florida and as well my good friend from Texas on managing of this time.

Mr. Speaker, I know that there's a great opportunity to be redundant sometimes. And I would imagine that any American would consider 9 hours of debating the authority of oversight, which is vested in all of our committees, to be redundant. But let me share just a few points of opportunity.

First of all, in the Homeland Security Committee, having served as the chairwoman of the Transportation Security Committee, we introduced H.R. 2200, which would heighten the security for the Nation's mass transit. Jobs being created, of course, but also securing the homeland. The idea of increasing the professionalism of TSA or TSO officers, again, providing enhanced training for jobs, but also in essence protecting the homeland. These are quick and ready issues that could be addressed in the time allotted for debating redundancy.

Let me also congratulate my good friend on the infrastructure bank, because infrastructure creates jobs, the high-speed rail that our President is announcing, hearings to be able to assess how we can move quickly on investing in high-speed rail to create jobs.

Or, for example, as one of my colleagues and I mentioned in a hearing as well, a number of our airlines are using overseas airline repair stations. Bringing those back to the United States would create and provide more jobs. Again, an action item that could be done through this Congress, creating jobs.

So my question is, When will we get to the discussion of how we rebuild America? When will we get to answering the question, why, in some of our cities, huge sink holes exist where trucks, buses, and cars fall into sink holes because of the lack of resources in infrastructure. When will we fix the flooding that goes on in this country to avoid natural disasters?

So let me thank you for this time, but I'm ready to go to work in creating jobs for America.

□ 1320

Mr. SESSIONS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, thanks for the opportunity to be here today on this important bill. What I want to say to you is continually we need to make the point

that this bill is all about referring to committees the opportunity for them to look at onerous rules and regulations.

I would like to bring up just one more burdensome regulation. Milk contains animal fat, and the EPA has suggested that milk storage could be regulated under the Clean Water Act as large oil tanks. It is estimated that it would cost U.S. dairy farmers thousands of dollars to come into compliance with such a regulation that would be exactly the same as large oil tanks. The EPA, only after congressional pressure, has signaled that it would finalize an exemption for milk. However, it has yet to do so and continues to drag its feet. Meanwhile, farmers are having to face what is a burdensome regulation.

Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, it is true that this is all about creating jobs. Job creation and economic growth is our number one priority.

I have been listening to this debate over the last few minutes and have come to a really striking conclusion. My colleagues on the other side of the aisle seem to believe that Democrats believe that the government creates jobs, and we believe that the American people create jobs, and our goal is to get out of the way so that in fact that can happen. We want the government to get out of the way so that that can happen.

Now, my friend from Santa Ana earlier was talking about the fact that this institution has the ability to proceed with oversight to deal with these onerous regulations. Everyone seems to acknowledge that the regulations are great, but the fact of the matter is, in 2009, the Obama administration propounded 59 major new regulations; in 2010 it was 61; and under the permanent bailout bill, it is projected there will be 218 new regulations dealing with 11 agencies that will be impinging on the ability for economic growth.

We know that the average cost per employee for small businesses, businesses with 20 or fewer employees, is \$10,585. That is the average per employee cost for businesses with fewer than 20 employees. That is a study that came out last September from Lafayette University. So it is obvious that we have been talking about this regulatory burden undermining the potential for job creation and economic growth. This is all about creating jobs, contrary to what so many of my friends on the other side of the aisle are making.

We had in our pledge—we said we are going to rein in the red tape. That is the priority we established last summer when we came forward with our Pledge to America, and I am very

gratified to see that the President has followed through with his Executive order to try and deal with the regulatory burden.

We know that in *The Wall Street Journal* he penned a very important piece in which he recognized that this regulatory burden is very great and needs to be reduced, and, of course, we saw the President's speech before the United States Chamber of Commerce in which he talked about the problems of regulation and his priority of ensuring that we do that.

Why is it that we have this resolution? Let me say I greatly appreciate the fact that my good friend, the vice chairman of the Rules Committee from Dallas, Mr. SESSIONS, has authored this important resolution. Why? Because we believe that this institution, with the strength of a strong, bold, bipartisan vote, saying to committees that we understand that when you have a \$10,585 per employee cost for small businesses with fewer than 20 employees due to regulation, that we need to have a laser-like approach on dealing with that regulatory burden. That is why we are here. That is why we are doing this.

So we believe that the signal that this resolution will send, Mr. Speaker, will go a long way toward letting the American people know, the marketplace know, that we are going to be committed in a bipartisan way to getting input from both Democrats and Republicans to try and rein in this regulatory burden that exists and undermines the potential for job creation and economic growth. So I think that we will have a strong bipartisan vote on the measure, and I urge my colleagues to vote for it.

I say that I look forward, as I have upstairs in the Rules Committee, to continuing my effort to reach out to Democrats, to working with them on thoughtful proposals that they have, because there are good ideas that come from both sides, and I believe that as we tackle the issue of regulatory reform that both sides will be able to participate.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the Rules Committee, the chairman and two other Members cited repeatedly the January 18 article offered by President Obama that appeared in *The Wall Street Journal*. Interestingly, they leave out one section of what the President did, in fact, say. They do say, and I agree that he said in the article, "Sometimes those rules have gotten out of balance, placing unreasonable burdens on business, burdens that have stifled innovation and had a chilling effect on growth and jobs." That is where they stop. But the President in that article goes on: "At other times, we fail to meet our basic responsibility to protect the public interest, leading to disastrous consequences."

If you recall, Mr. Speaker, earlier I began by saying what a lack of regulation caused at the Securities and Exchange Commission. The President, in *The Wall Street Journal* article, says, "Such was the case in the run-up to the financial crisis, from which we are still recovering. There, a lack of proper oversight and transparency nearly led to the collapse of the financial markets and a full-scale depression."

Now, that began before Barack Obama was President of the United States. Most of us, especially those of us on the floor that are senior Members, were here in November when Secretary Paulson came here and cited with 3½ pages in his hands that the whole financial system of this country was about to collapse; and I, along with countless others, thought that that was the case, and we worked in a bipartisan fashion, I might add, to do what we could to shore it up.

"Over the past 2 years," the President said, "the goal of my administration has been to strike the right balance, and today I am signing an executive order that makes clear that this is the operating principle of our government."

Then what else do we need? Here is what we did one month ago, just one month ago. We approved the rules under which committees must, and I repeat, one, lay out a written plan for overseeing Federal regulations; and, two, conduct oversight through hearings and investigations and provide the American people a written report on the results of that oversight twice a year.

The rules even specifically tell committees to review, and I am quoting from the rules that we passed for the House of Representatives for the 112th Congress, they tell the committees "to review specific problems with Federal Rules, regulations, statutes and court decisions that are ambiguous, arbitrary or nonsensical, or that impose severe financial burdens on individuals."

□ 1330

Mr. Speaker, I find it passing strange, then, that we would come here today and say that we are doing something constructive and substantive for the membership. My friend Mr. SESSIONS said earlier that we're going to give every Member of the House of Representatives who so chooses during that 9½ hours an opportunity to speak out on the regulations and to have what they would offer to the committees for regulation oversight. But what he fails to say is that we're proceeding under a closed rule.

Now, it isn't that the American public always understands this Washington inside-baseball closed rule, open rule, modified rule. He was going to fix it, he says, by offering the Democrats a motion to recommit, as if that would then provide all the substantive input

that Members could have. One of the reasons we have a Rules Committee is so that Members of the House of Representatives can come to the Rules Committee to offer amendments to proposals. The proposal that we are here on today is regulatory reform. Not one amendment was permitted nor will be permitted under this rule. We can come down here and talk all we want, but it won't change anything substantively about this rule. As I have indicated, Democrats are not opposed to conducting proper oversight. If there are superfluous or excessive regulations clearly of no benefit to the American people, then we ought to take a hard look at how best to eliminate them.

Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 6½ minutes remaining.

Mr. HASTINGS of Florida. I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my good friend from Florida.

Mr. Speaker, we're more than 5 weeks into this Congress and the majority has yet to bring to the floor even a single bill aimed at job creation. Yesterday I asked, Where is the job creation agenda? The American people have said loud and clear job creation should be our top priority, and the Republicans have pledged a "laser-like focus" on the issue. Today they're planning 10 hours of meaningless debate to instruct committees to do oversight which they should be doing anyhow. Let me offer an alternative.

Today I introduced H.R. 11, legislation to extend the successful Build America Bonds program—a jobs bill. During the last 2 years, \$4.4 billion from the Recovery Act leveraged \$181 billion in new bonds at the State and local levels. And \$181 billion is needed in construction, bridge, and road repairs—\$181 billion in job creation. My own State of Virginia issued \$3.3 billion of those bonds in 45 distinct projects, and Nationwide, hundreds of thousands of jobs were created. We can create hundreds of thousands more if we extend this program. So I ask my colleagues, if you're serious about job creation, support H.R. 11.

Mr. HASTINGS of Florida. Mr. Speaker, with all due respect to my colleague Mr. SESSIONS, as a matter of comity, it was pointed out to me by the chairman that I could have asked him. I was of the opinion that the Speaker would give the direction you did, and therefore I apologize to Mr. SESSIONS for that.

But Democrats now stand for the wholesale undertaking of what is necessary to provide essential public safety measures and crucial economic benefits. We will not stand for Republicans eliminating rules that prevent polluters from dumping toxic waste into

drinking water resources. We will not stand for Republicans eliminating rules that prevent Wall Street greed from forcing people out of their homes. And Democrats will not stand for Republicans eliminating rules which ensure that Americans can purchase food at the grocery store without worrying about getting life-threatening illnesses.

While we won't object to Republicans wanting to debate the efficiency of Federal regulations, we do object to spending 9½ hours debating what everyone has already agreed to. House committees are already required to conduct oversight. They already examine Federal regulations. And they already promulgate legislation making changes to Federal law. Wasting this body's time debating this matter only serves to underscore that Republicans still have no plan for improving the economy and no interest, it does appear, in prioritizing legislation that will create jobs and best serve the American people.

In the 9½ hours this body will debate today and tomorrow this entirely unnecessary, inconsequential resolution, not a single regulation will be improved, not a single law will be changed, and not a single job will be created. The American people watching know that this is simply a waste of time. They know it is nothing but empty rhetoric. And they know that a 9½-hour ideological rant is no replacement for the job-creating measures our Nation so desperately needs.

If we defeat the previous question, Mr. Speaker, as I announced earlier, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 11, the Build America Bonds to Create Jobs Now Act.

I yield back the balance of my time.
Mr. SESSIONS. Mr. Speaker, Big Government is still alive and well on the floor today. Big Government is going to spend people's money from back home. Spending, spending, spending—all about the government.

Well, that's why the Republican Party is the majority party on the floor of the House of Representatives now, because the American people saw the effects of huge government, bigger government, and rules and regulations.

Mr. Speaker, you heard me earlier say that my Republican colleagues and I are committed to putting Americans back to work. We believe that what happens in Washington can aid and help the free enterprise system by telling the story, putting the spotlight, showing the light of day on the rules and regulations that are costing business \$1.7 trillion a year, which takes resources away from the activities that they would have of job creation and keeping our job growth, innovation, and our economy stable.

While small businesses are getting hit harder than any other firms in the

United States, now is the time to provide that relief to these businesses so that they can reinvest in themselves, create jobs, and level out the economy. This Republican Congress remains committed to scaling back some of the 43 major regulations imposed in the last year by the Obama administration that would add \$28 billion annually.

Mr. Speaker, it's obvious to me that we must do better.

Mr. THOMPSON of California. Mr. Speaker, today and tomorrow we are spending more than 10 hours of our time debating whether or not we should tell committees to do what they are already supposed to be doing.

Lake County, in my district, has 19 percent unemployment rate.

The people of Lake County know that we are not creating jobs by telling committees to do their jobs.

The people in my district, who are waiting on banks to call them back about their loan modification applications, know that this debate will not help them keep their homes.

There is real work to be done in Congress and this is not it.

I think we can stipulate that there are regulations that are redundant and unnecessary.

I, for one, know that a regulation from Federal Housing Finance Agency has shut down the incredibly successful Property Assessed Clean Energy (PACE) program.

PACE is an innovative program in my district, and districts across this country, that has created jobs, saved energy, and slashed homeowners' utility bills.

Spending 10 hours of debate on this meaningless resolution is not going to reinstate the PACE program.

It is not going to bring back the jobs for the people who installed residential solar panels and weatherized houses under PACE.

This resolution is a lot of talk and no action.

Committees have oversight responsibilities; it would be a much better use of our time to have simply scheduled 10 hours of Committee hearings on the matter.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 73 OFFERED BY
MR. HASTINGS OF FLORIDA

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to extend the Build America Bonds program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered

on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 2—of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule

[a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 514, EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 79 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, I am happy to yield the customary 30 minutes to my good friend and Rules Committee colleague, the gentleman from

Boulder (Mr. POLIS), pending which I yield myself such time as I may consume.

Mr. Speaker, 18 days from now, three key provisions of the Patriot Act are set to expire, leaving a gap in our national security framework. Today's underlying legislation would temporarily—and I underscore the word, Mr. Speaker—temporarily extend these provisions to allow for the development of a long-term solution, with the many questions that are out there.

□ 1340

With strong bipartisan support, the previous Congress simply passed a blanket 1-year extension without addressing any of the underlying challenges, questions and controversies. I am the first to admit that there are challenges, questions and controversies that relate to the Patriot Act. Unfortunately—and again, it was by a vote of 315-97 on February 25 of last year, Mr. Speaker—we went through that entire year. But guess what. Not a single hearing was conducted subsequent to the passage of that extension. Not a single hearing over the past year has been held.

I feel very confident that my colleagues who have joined me on the floor here from the Judiciary Committee—Mr. LUNGREN, who is here right now, Mr. SENSENBRENNER, who chairs the Crime Subcommittee, and Mr. GOHMERT—I mean, these gentlemen and I have just had a conversation, Mr. Speaker, in which they have made an absolute commitment that this Congress will not make the mistake that was made over the past year. Following this short-term extension, we will have a thorough oversight process in which the committees of jurisdiction will take a very close look at how we pursue the terrorists who threaten our homeland.

Now, everybody acknowledges that this is not only controversial, not only filled with questions and not only filled with challenges, but that it is very, very complicated. The individuals and networks who seek to do harm to Americans change and adapt every single day. Mr. LUNGREN and I were just having a conversation in which we were looking at the situation that existed a decade ago, right after September 11. The threat is much different today than it was 10 years ago, and that's why we need to recognize that they are constantly changing and adapting their tactics to try and undo the United States of America and the free world. Staying one step ahead requires a tremendous amount of flexibility, ingenuity, coordination, and of course the right law enforcement tools.

Just today, Secretary of Homeland Security Janet Napolitano said that the threat that exists today—and Mr. GOHMERT just showed it to me on his iPad; it's on the front of one of the

newspapers around here—is as great as it has been since September 11. Then when I said it to Mr. LUNGREN, he reminded me that it's a different threat, a different threat today than the one that we faced in the past. That's why flexibility, ingenuity, and coordination are absolutely essential if we are going to proceed.

We need to ensure that we are taking all necessary steps while fully protecting the rights of all Americans. I want to underscore that this is one of the reasons that, going back 10 years, as we were legislating through the prism of September 11, I was very insistent that we have the ability to have oversight and to look and make sure that we are not undermining the rights of the American people. We need to ensure that that is a priority as we proceed.

This process is going to be a lengthy process over the next 10 months. It is not a process that can be resolved in the 7 legislative days that exist between now and February 28 when this is scheduled to expire. In the immediate term, it is imperative that we temporarily extend the expiring provisions to ensure that we do not suddenly create glaring loopholes in our national security. It is imperative that we commit to a comprehensive and, yes, transparent process. I had a conversation downstairs with my California colleague, Mr. ROHRBACHER. All the way to when this measure comes to the floor, we want to ensure that we have an open and transparent process when it comes to changes/modifications to the Patriot Act, and we want amendments to be considered. We want there to be a free-flowing debate as we proceed.

Mr. Speaker, the last piece of legislation, the resolution that we were just discussing, has to do with job creation and economic growth because we want to unleash the potential of American workers by freeing them from the onerous regulations that have been imposed on them. Some might ask, Is this in fact a jobs bill? Well, I think about what happened to our Nation's economy following September 11 of 2001. We all know the devastation that took place. The New York Stock Exchange had to close down for a week. We saw tremendous disruptions in our economy and the job force.

This measure is designed to ensure our national security. Without national security, we won't have the potential to save and create jobs in this country. So as we are enjoying economic recovery today, I see this measure as being critical to our quest for sustained job creation and economic growth, and believe that they are so inextricably tied that it is essential that we put this extension in place so that, over the next 10 months, nothing will be done to undermine the security and the safety of our fellow Americans.

The five most important words in the middle of the Preamble of the Constitution, Mr. Speaker, are “provide for the common defense.”

That is what priority number one is.

Mr. LUNGREN and I were talking about this yesterday morning at the Republican Conference. It is absolutely essential that we recognize that as our number one priority because providing for the common defense and ensuring our security ensures that our economic security with the potential for job creation will be able to be sustained.

Mr. Speaker, I urge my colleagues in a bipartisan way—since we had a vote of 315-97 on February 25 of last year and with, again, strong bipartisan support from many, many, many Democrats who, unfortunately, chose to vote “no” when we had this under suspension of the rules, now we are considering it under a process. This is bipartisan, by the way. When a measure is not successful under suspension of the rules, Democrats and Republicans alike bring measures to the floor under this process that we are considering this measure today.

So I urge my colleagues to support this so that we can proceed with the very important work that Messrs. SEN-SENBRENNER, LUNGREN, GOHMERT, and others will be pursuing.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, the Patriot Act is a bill that has been plagued with abuse since it was first passed, and today's rule is yet another example of short-circuiting the system that our Founding Fathers set up. If there were ever the need for the close supervision and congressional oversight of a law, it is a law that discusses how and under what conditions a government can spy on its own citizens. After 10 years of public record, we all agree there are some clear sections of the law that can be improved; but instead of debating these sections of the law to better find that balance between protecting what makes it special to be Americans and protecting our national security, the Republican leadership has decided to ram through this bill with as little debate as possible.

Mr. Speaker, we spent an hour earlier discussing how we will spend 9½ hours discussing the organizational aspects of the House committee structure. Yet, for something that cuts to our core identity as Americans, we only have an hour under the rule and an hour under the bill to discuss it in its entirety.

This bill would reauthorize three of the most troubling provisions in the Patriot Act. Again, instead of actually debating the merits of these provisions and coming up with solutions that both sides can agree on to protect what it means to be an American, the Republican leadership has attempted first to force it through under the suspension calendar and now under a closed rule, the most restrictive kind of rule.

In spite of their plethora of promises to change the culture of Congress, this bill looks like it's being done under old business. On such an important issue, one that affects our national security and the civil liberties of every American, one that goes right to the heart of what it means to be an American and to our identity as citizens of this great Republic, the Republican majority has reverted to short-circuiting the system and closing down discussion.

Just yesterday, they held the vote open for more than half an hour, pressuring Members to switch votes. Thankfully, the effort failed to muster the majority, and that's why we are here before you today with an additional hour to discuss the Patriot Act, which is woefully insufficient; but I think the American people can be grateful that Members on both sides of the aisle stood up and said at least let's have more discussion about this. Only after failing to jam through the bill as a suspension bill did the Republican leadership bring it up under a rule.

The Judiciary Committee, which the Republicans argue has not had time to look at this or to consider this under the normal process, has actually already had several hearings in the past few weeks on other topics. Apparently, the topic of abortion was important enough on which to have a discussion by the Judiciary Committee but not the topic of the security of the American people and our civil rights as Americans.

□ 1350

So why can't the Judiciary Committee find the time to even hold a hearing to discuss an issue this important that cuts the very definition of what it means to be American? Even if a little more time is needed, a month, 2 months, why isn't there a 30-day extension, a 60-day extension before us instead of a 10-month extension? It should not be used as an excuse to prevent all proceedings from moving forward.

Mr. DREIER. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

I will explain why it is that we have more than a 30-day extension. As I said, with the controversies, the challenge and the absolute humongous task that is faced, we know that the legislative process takes a while, and to have that 10 months' extension is essential for them to do their work.

Mr. POLIS. Reclaiming my time, I think there would be broader agreement perhaps if there was a 60-day extension and then perhaps a need for another 60-day extension if there was no legislative business completed, but putting it off 10 months or a year can actually give an excuse not to bring to

the forefront these very important issues that need to be dealt with.

This body can produce results. The single most significant bill was H.R. 2, the repeal of an entire body of health care law, and somehow there was the ability to bring that to the floor within days of the opening of the new Congress.

You know, both parties want to ensure that the government has the tools we need to fight terrorism. We can all agree that the Patriot Act has issues that need to be resolved. If we can move this bill through the regular order, I'm confident that the Judiciary Committee can make improvements that they've already discussed in prior session. In fact, just last year, the Judiciary Committee reported out by voice vote reform measures that would improve the Patriot Act and add real oversight.

It's clear that there is bipartisan support to improve this bill. Even as we speak, the Senate is debating three different versions of the reauthorization bill, and yet here in the House, we have only this one, originally scheduled with hardly any debate and now with a very closed structure and no ability for Members of either party to offer amendments.

Apart from its procedural flaws, the reauthorization fails to provide the administration the tools and support it truly needs. The administration, which does support reauthorizing the Patriot Act, has repeatedly asked for a real reauthorization rather than the short-term extensions that increase the uncertainty surrounding long-term planning, intelligence, and law enforcement as they carry out this mission. Instead of a patch that will get us through another few months at the expense of the civil liberties of the American people, we need the opportunity to truly work together to fix this bill.

Specifically, this bill would reauthorize three provisions: section 215, 206, and 6001 of the Intelligence Reform and Terrorism Prevention Act.

Section 215 allows the government to capture any tangible thing that might be relevant to terrorist investigations. This includes your medical records, your diary, even what books you've checked out of the library and what Web sites you visited. In the past, these orders were limited to narrow classes of business and records, but the specific facts pertain to any agent of a foreign power, and the Patriot Act has swept away these basic requirements. In fact, it was reported by a bookstore that the information regarding everybody who purchased biographical books about Osama bin Laden had been requested.

The justification used for this provision is that the government needs to have the ability to protect our national security, and yet this goes against the basic constitutional notions of search

and seizure. We ought to seriously consider making changes to this section instead of blindly giving the government the ability to spy on its citizens.

Let me just give a few examples—and I think this will come as some surprise to many people—of the transgressions that have already occurred, the affronts to our civil liberties and freedoms as Americans that have already occurred under the Patriot Act.

Perhaps some of us have taken Christmas vacations to Las Vegas. Well, there is a list of 300,000 people that visited Las Vegas in Christmas of 2003 that according to an article in the Las Vegas Review Journal said the casino operators said they turned over the names and other guest information on an estimated 270,000 visitors. Now, I think a lot of people don't expect that to happen when they visit Las Vegas.

There needs to be an oversight process in place to ensure that, when extreme measures are necessary that interfere with our privacy, it goes through the right channels. This particular incident, even the FBI conceded that the personal records had not borne out a particular threat.

The Patriot Act has been used more than 150 times to secretly search individuals' homes, and 90 percent of those cases have had nothing to do with terrorism.

The Patriot Act was used against Brandon Mayfield, a Muslim American, innocent of any crime, to tap his phones, seize his property, copy his computer files, spy on his children, take his DNA, all without his knowledge, Mr. Speaker.

It's been used to coerce an Internet service provider to divulge information about Web surfing and Internet activity and then gagged that provider, preventing them from even saying that their information had been compromised.

It's been used to charge, obtain, and prosecute a Muslim student in Idaho for posting Internet Web site links to materials that were found objectionable by some, even though those same links were available on a U.S. Government Web site.

Mr. Speaker, part of what makes America special is the balance between our civil liberties and our rights as Americans and our national security. When so many Members of Congress, so many Americans on both sides of the aisle, of all ideologies, feel that we can do better, I think we owe it to the people of this country to do better and have a better process as a Congress, to improve the Patriot Act to help protect our liberties and keep us safe over the long term.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that I agree with much of what my friend from Boulder has said.

I will say this. It was February 25 of last year that a 1-year extension was

provided and not a single hearing held. It is very important that we deal with these questions that my friend has raised, and we have them as well. They need to be addressed.

The administration has come out in strong support of this extension. They'd like to have the extension not a 30- or 60-day; they'd like this extension to go to December of 2013 if they had their way. That's what the Statement of Administration Policy says.

And so, Mr. Speaker, I've got to say that I believe that we are very much on the right track to ensure that we get those issues addressed.

I now yield 4 minutes to my friend from Menomonee Falls (Mr. SENSENBRENNER), the author of this extension and the chairman of the Crime Subcommittee, who will be explaining in great detail the challenges that we face.

Mr. SENSENBRENNER. Mr. Speaker, first of all, the argument that has been advanced by my colleague from Colorado just doesn't mesh with the facts, and maybe I can give him a little bit of historical background.

First of all, I was the chairman of the full Judiciary Committee on September 11. When the Patriot Act was introduced, we had two hearings and a full committee markup. The Senate didn't have that, even though it was controlled by the Democrats, and there were long negotiations to come up with the original Patriot Act that the President signed.

At that time, I insisted that there be a sunset provision on all of the 16 additional provisions of the Patriot Act that expanded law enforcement powers, and I gave the commitment as chairman of the committee I would hold hearings on each of these 16 provisions, subsequently increased to 17, before the sunset expired, and I did.

At that time, the testimony was very clear that there was no controversy over making permanent 14 of the 16 provisions, and the Patriot Act extension did that. The three provisions that were not made permanent were the ones that were in controversy, and most of the complaints advanced by my friend from Colorado (Mr. POLIS) were on the 14 provisions, that there were no abuses that were brought out during the 2005 hearings.

Now, let me talk about the three provisions that do expire that are the subject of the underlying bill.

First of all, section 206, the roving wiretap authority. Law enforcement has had this authority on organized crime and drug pushing since 1986. The Patriot Act expanded it to include terrorism. There has been no constitutional challenge that has been filed against section 206.

Section 6001, which was the 17th provision and the lone wolf provision, says that someone who can be investigated under the Patriot Act doesn't have to

be a member of an identifiable group like al Qaeda in order for the Patriot Act's provisions to come into play. Constitutionality of that is unchallenged.

□ 1400

Now section 215, which is the business records provision, there was a constitutional challenge and it was withdrawn. The challenge was in the case of Muslim Community Association v. Ashcroft which was filed in the Eastern District of Michigan. The plaintiff in that case alleged that section 215 violated the First, Fourth and Fifth Amendments to the Constitution. The 2005 reauthorization of the Patriot Act amended section 215, and as a result of the amendment, the plaintiffs withdrew their complaint. We had solved those problems.

So, much of what we hear today are about issues that were made permanent because there really wasn't an issue, or something that involves other types of law enforcement activity other than the Patriot Act.

This Congress, I am the chairman of the Subcommittee on Crime, and we will have those hearings before this extension expires on December 8, and we will give everybody a chance to thoroughly air their complaints just like I promised and just like I delivered in 2005. And when the record is brought up to date, I hope that the Members will confine their debate to what is actually in the expiring provisions of the Patriot Act rather than talking about a lot of other things, some of which don't even involve the Patriot Act whatsoever.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I appreciate the historical account that was just delivered by my colleague on the Judiciary Committee, former Chairman SENSENBRENNER, and I have abundant respect and admiration for him and his motives and his desire to protect the civil rights that we all hold dear. But I find it disturbing that today we're going to start out on a 9½-hour debate on a meaningless, redundant measure that simply instructs Congress and its committees to review regulations and we could be spending that time dealing with such a very important, serious issue such as reauthorization of this so-called Patriot Act.

This bill is too serious, it's too important, to be reauthorized without any hearings, no markups, no opportunity for amendments. I was glad to be one of the true patriots to vote against this measure when it was brought to the floor yesterday on a suspension of the rules without due consideration by our Judiciary Committee.

There is bipartisan consensus that these provisions need some improvement—roving wiretaps, the lone wolf provisions, especially business records. While the threat of terrorism is real and law enforcement must have the right tools to protect Americans, any counterterrorism measure must have a solid constitutional footing and respect the privacy and civil liberties of the American people.

If Congress reauthorizes these provisions with no changes, Americans will remain subject to warrantless intrusions into their personal affairs and a gross overreach of Federal investigative authority that could be and has been abused. It's just not how we do things in this country, ladies and gentlemen.

Rather than taking the time to craft reforms that will better protect private citizens' communications and privacy from overbroad government surveillance, the Republican Party simply wants to ram this bill through without providing any opportunity for anybody to offer amendments that would improve the bill.

The SPEAKER pro tempore (Mr. KINGSTON). The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. We all acknowledge that law enforcement needs new tools to keep up with 21st century threats, but surely it's our responsibility in Congress to reexamine legislation that was hurried through Congress in the wake of 9/11 to make sure it lives up to our national ideals.

Because this bill fails to contain any checks and balances to prevent law enforcement abuses and protect civil liberties, I must oppose the rule and the underlying bill, and I urge my colleagues to do the same.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say to my good friend from Georgia that no one is trying to ram anything through at this point. President Obama strongly supports this extension, I would say to my friend. He, in fact, wants it to go to December of 2013. We had a 1-year extension that was put into place, passed here by a vote of 315-97 on February 25, 2010.

There was a commitment then, and certainly people inferred, that we would have hearings. There was not a single hearing held during that entire period of time, and we've made an absolute commitment. We've just heard from the gentleman from Wisconsin (Mr. SENSENBRENNER). We are about to hear from the gentleman from California (Mr. LUNGREN), the chairman of the Cybersecurity Subcommittee, that we are going to, in fact, have the process that my friend desires.

Mr. Speaker, I now yield 5 minutes to the gentleman from Gold River, California (Mr. LUNGREN), the chairman of the Cybersecurity Subcommittee.

Mr. DANIEL E. LUNGREN of California. I thank the chairman of the Rules Committee for granting me this time.

I sit on this floor as the author of the sunset provision that requires us to consider these three portions of the Patriot Act. I offered that when we had the reauthorization of the overall bill because I thought these were three sections that were at that time controversial and that we ought to be required to review it. So I did support the authorization for a year that we had last year, but I fully expected that the Judiciary Committee would hold hearings so that before this date we would have acted on any changes that anyone deemed necessary.

I would say, I am not aware of any changes that are necessary, and I have followed this ever since they put the sunset provisions in. But nonetheless I had thought that during the last year while my friends on the other side were in charge, we would have acted. As a matter of fact, I believe our committee passed out a full reauthorization of the Patriot Act, that is, the Judiciary Committee, under the leadership of Chairman CONYERS, but it was never brought to the floor for us to consider, under any rule, open or closed.

So what we are asking for, in concert with the President of the United States, is to extend it to the end of this year so that we can carry out the constitutionally mandated obligation of oversight.

Chairman SENSENBRENNER, chairman of the Crime Subcommittee, has a track record. I believe it was 13 hearings that we held on these subjects. We went through chapter and verse. We had the FBI before us. We had the Attorney General before us. We had the head of the criminal division before us. We had the ACLU before us. We had classified briefings as well as public hearings. We made some changes in 2005 pursuant to requests and information that was presented to us.

Now, I know some of our members said after they voted against this on the suspension calendar, "Well, look this bill's been in effect for 10 years. Times have changed." Yes, they have. And if we would examine the changes, we would see that these three provisions are more necessary today than they were when we first put them into the law. Why? Because as Secretary Napolitano, the Secretary in the Obama administration, stated just today, we are on as high alert today, as far as she's concerned in terms of the threat, as we have been at any time since 9/11. And as the two coauthors of the 9/11 Commission said in testimony last year, which is basically repeated by Secretary Napolitano and the head of the NCTC in testimony this week, we have a different threat today.

□ 1410

We have the continuing threat of those of al Qaeda on the international

scene, still attempting to probe and find where they might be able to provide a catastrophic event against the United States. But the new facts show that the greater threat to us today is, as they have said, less consequential attacks from smaller groups, some not even officially allied with al Qaeda, sometimes inspired by them, sometimes incited by them. And these three provisions go directly to the investigations that are necessary for us to deter that.

This is not the regular criminal justice system where you examine the evidence after the crime has been committed to try to convict the individual. This is in the essence of deterrence, to make sure that we're not collecting body parts after the attack has occurred. As a result, we have tried to make changes in the law that will allow us to do what the 9/11 Commission said we couldn't do beforehand, connect the dots.

Why do we have the lone wolf provision in here? Because that is more and more the concern we have to have. Now, this would not apply to Major Hasan because he is an American citizen. We are talking about lone wolf provisions for those who are not U.S. citizens. But he was a lone wolf, if you want to understand what a lone wolf is. He wasn't officially connected with al Qaeda or anybody else, but he was in conversation. He was incited by or inspired by. And if anybody doesn't believe that he committed a terrorist attack, they don't know what terrorism is.

You talk about a lone wolf. How about the guy who was on the airplane on Christmas a little over a year ago? That would be a lone wolf. We might have been able to collect information on him had we had an opportunity to get some of this information.

Mr. DREIER. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, we have the benefit of having my friend from Gold River, my friend from Menomonee Falls here on the floor, and I would like to ask each of them, if I might, if they would underscore the commitment that was raised by the gentleman from Georgia.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I yield myself 1½ minutes.

I would like to inquire of both my friends what kind of commitment they are prepared to make in dealing with this, in light of the fact that we have gone for an entire year following the 315-97 vote passage of this measure without a single hearing being held.

First, I yield to my friend from Menomonee Falls, the chairman of the Crime Subcommittee.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

I plan on doing, with this reauthorization of the Patriot Act, the same thing I did with the 2005 reauthorization of the Patriot Act. Examine every one of the expiring provisions, let everybody speak their piece, and let the House of Representatives work its will.

There have been no civil liberties violations on these three expiring provisions. They have all been upheld as constitutional or not challenged. And we did have a problem with business records, and we solved that in 2005. So all of the fears that the gentleman from Colorado is making I think are a red herring. We did it when we were in the majority in the Judiciary Committee; and unfortunately, when the other side was in the majority, they didn't do it. That's why we are here today.

Mr. DREIER. Reclaiming my time, I would say to my friend that I think it's very important to note that, as those hearings proceed, issues that relate to civil liberties will clearly be part of the hearing process and part of the debate. Am I correct in concluding that?

I yield to my friend.

Mr. SENSENBRENNER. You are absolutely right. I did it 5½ years ago, and you have my commitment I will do it again.

Mr. DREIER. I appreciate that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I yield myself an additional 45 seconds.

And I am happy to yield to the gentleman from Gold River to respond to the question I propounded earlier.

Mr. DANIEL E. LUNGREN of California. Absolutely. I mean, the reason I came to the House of Representatives was in response to 9/11, to try to make sure we had the tools necessary to protect this country from these kinds of attacks and, at the same time, as someone who has devoted his entire life to enforcing the law but with the protection of civil liberties, to make sure that is done in this case as well.

Let me just say one last thing about the roving wiretap. It is not controversial. It has been used in domestic criminal cases since at least 1980. And all it does is respond to new technology.

You have a wiretap that now grants authority—once proven—grants authority to follow the person with whatever device he uses because—guess what?—most people are not confined to a single landline today. That's all this does. And you would think that we would have the same provisions we use against criminals, that we could use those against those who would want to destroy Americans and America, terrorists.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. Mr. Speaker, I yield myself an additional 30 seconds.

I would just like to say in response to my friend on the roving wiretap issue, it is fascinating. As I began my opening remarks, I was talking about the fact that Mr. GOHMERT showed me his iPad, which had the headline on that iPad that the Secretary of Homeland Security, Janet Napolitano, has indicated that the threat that exists today is greater than it has been at any time since September 11, 2001. That technology didn't exist back in 2001 or certainly back in 1980. The roving wiretap is designed to focus on the potential terrorist and not on some antiquated technology that we have.

With that, I reserve the balance of my time.

Mr. POLIS. I yield myself 30 seconds.

The gentleman from Wisconsin mentioned that he is not aware of abuses under section 215. I would remind my colleagues that most of the uses are classified under 215, and there has not yet been a briefing for Members this Congress for us to make our assessment of whether there have been abuses of section 215. I have not had a briefing nor has there been one offered here to the Members of the 112th Congress. And I think before we make a decision about section 215, we need to know how it has been used. That's a very simple request.

With that, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I would like to get back to first principles here. The First Amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

This Patriot Act represents a wholesale abandonment of the right to assemble peaceably, of the right of freedom of association. This Patriot Act is a square violation of the Fourth Amendment, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Now, I can trust my friends on the other side of the aisle. They are decent people. This isn't about Democrat versus Republican. It's not about a Democratic President. It's not about if there was a Republican President or if we will have one in the future. This is about something actually much more important than all of us and then whoever might be an executive. It's about the Constitution of the United States.

Congress made a mistake when it passed the Patriot Act. Instead of sunseting it and being done with it, we kept the provisions going. Some of them were made permanent. This law today, we seek to reauthorize certain sections of the Patriot Act. What I

maintain is that what we have here is a destructive undermining of constitutional principles. We can't just say, well, let's trust our friends to do the right thing. This is about the Constitution. This is beyond friendship. This is beyond party. This is beyond who is the President. So I disagree with President Obama on this.

It's interesting. At this very moment that our President is on television celebrating the tremendous movement towards the free will of the people of Egypt who have suffered real repression and suppression of their basic liberties, we can celebrate something happening thousands of miles away, but it would be much better for America if we celebrated our Constitution.

What we have done with the Patriot Act, we have given the government enormous power. We have given the government the authority to reach deeply into people's private lives, into their business affairs without a court order. We need to think about that. Some people say they don't want government involved in certain things. Well, government is involved in a way that is devastating when you come to the devastation of constitutional principles, you give the FBI the ability to reach into people's private lives without a court order.

□ 1420

I'm telling you, whether you're a Democrat or Republican, this is a very dangerous thing that we're doing here. Stand up for the Constitution.

[From the New York Times, Jan. 9, 2011]

TWITTER SHINES A SPOTLIGHT ON SECRET

F.B.I. SUBPOENAS

(By Noam Cohen)

The news that federal prosecutors have demanded that the microblogging site Twitter provide the account details of people connected to the WikiLeaks easel including its founder, Julian Assange, isn't noteworthy because the government's request was unusual or intrusive. It is noteworthy because it became public.

Even as Web sites, social networking services and telephone companies amass more and more information about their users, the government—in the course of conducting inquiries—has been able to look through much of the information without the knowledge of the people being investigated.

For the Twitter request, the government obtained a secret subpoena from a federal court. Twitter challenged the secrecy, not the subpoena itself, and won the right to inform the people whose records the government was seeking. WikiLeaks says it suspects that other large sites like Google and Facebook have received similar requests and simply went along with the government.

This kind of order is far more common than one may think, and in the case of terrorism and espionage investigations the government can issue them without a court order. The government says more than 50,000 of these requests, known as national security letters, are sent each year, but they come with gag orders that prevent those contacted from revealing what the agency has been seeking or even the existence of the gag orders.

"It's a perfect example of how the government can use its broad powers to silence people," said Nicholas Merrill, who was the first person to file a constitutional challenge against the use of national security letters, authorized by the USA Patriot Act. Until August, he was forbidden to acknowledge the existence of a 2004 letter that the company he founded, the Calyx Internet Access Corporation, received from the F.B.I.

Mr. Merrill is now free to speak about the request, but part of the gag order remains in place, and he is still barred from discussing what information he had been asked to provide. As a result, he said, before he gives a talk he consults a six-page guide prepared by his lawyers at the American Civil Liberties Union to be sure that he complies with the order to avoid risking a punishment of five years in prison.

The government cites national security as the reason the contents of the letters—even their existence—are kept secret. The F.B.I. is trying to prevent plots as they are being hatched, according to Valerie Caproni, the general counsel of the agency, and thus needs stealth.

In the case of a small Internet service provider like Calyx, which was located in downtown Manhattan and had hundreds of customers, even mentioning that the F.B.I. had been sniffing around could harm an investigation, she said, especially if "the target is antsy anyway."

Mr. Merrill, a 38-year-old from Brooklyn who studied computer science and philosophy, said he created Calyx in 1994 when it was "really pretty easy, there wasn't really any competition." His clients included "dozens of nonprofit organizations and alternative media outlets."

Mr. Merrill challenged the constitutionality of the letter he received in 2004, saying the request raised "red flags" of being politically motivated. As a result of his suit and two later ones, the law governing the letters has been overturned and then revised by Congress.

In 2007, the F.B.I.'s inspector general found that the agency had abused its own guidelines by including too many peripheral people in its searches. The letters now receive the "individualized scrutiny" of the agents who are filing them, Ms. Caproni said.

All sides agree that it has become significantly easier to challenge the letters' requests as well as their secrecy. At the moment, there are no new challenges in the court system, the government and the A.C.L.U. say.

The program, whose use has "ticked up" a bit in recent years, Ms. Caproni said, is humming along. She added, however, that the government had become more selective about the types of companies to which it sent letters. "All other things being the same, one of the things investigators think about is, 'Who are we serving this? Are they comfortable with this?'" she said. "Most of these N.S.L.'s are filed on large companies. Why would they want to disclose that? Most companies view it as good corporate citizenship."

One critic of the law, former Senator Russ Feingold, said in a statement that it was long past time for Congress "to rein in the use of national security letters."

"This is not a partisan issue," Mr. Feingold said, "it is about the legislative branch providing an adequate check on the executive branch. Republicans advocating limited government should take a close look at these statutes and consider supporting changes."

Mr. Merrill argues that the blanket gag orders have prevented a full public debate on

the subject. He himself largely left the I.S.P. business in 2004, independent of his legal case, and only now has returned to hosting a couple of clients as part of a nonprofit project, the Calyx Institute, which aims to study how to protect consumers' privacy.

Regarding the news about Twitter, he wrote in an e-mail: "I commend Twitter's policy of notifying their customers of government requests for their private data and for their challenging and subsequently removing the gag order. This is a great example of the government's misuse of secrecy provisions and of exemplary privacy ethics on behalf of Twitter."

Ms. Caproni, who has testified before Congress about the program, said that it had been more than amply debated. "People at the A.C.L.U. and the press" think the letters are "a bigger deal than the companies."

To one of Mr. Merrill's A.C.L.U. lawyers, Jameel Jaffer, the smooth operation of the system is a sign that it is not working. The privacy rights at stake are not those of the companies who hold the information. Mr. Jaffer said, but "about people whose records are held." And those people should be told, he said.

"People used to be the custodians of their own records, their own diaries. Now third parties are custodians of all that," he said. "Everything you do online is entrusted to someone else—unless you want to go completely off the grid, and I'm not even sure that is possible."

[From the New York Times, Mar. 13, 2008]

F.B.I. MADE 'BLANKET' DEMANDS FOR PHONE RECORDS

(By Eric Lichtblau)

WASHINGTON.—Senior officials of the Federal Bureau of Investigation repeatedly approved the use of "blanket" records demands to justify the improper collection of thousands of phone records, according to officials briefed on the practice.

The bureau appears to have used the blanket records demands at least 11 times in 2006 alone as a quick way to clean up mistakes made over several years after the Sept. 11, 2001, attacks, according to a letter provided to Congress by a lawyer for an F.B.I. agent who witnessed the missteps.

The F.B.I. has come under fire for its use of so-called national security letters to inappropriately gather records on Americans in terrorism investigations, but details have not previously been disclosed about its use of "blanket" warrants, a one-step operation used to justify the collection of hundreds of phone and e-mail records at a time.

Under the USA Patriot Act, the F.B.I. received broadened authority to issue the national security letters on its own authority—without the approval of a judge—to gather records like phone bills or e-mail transactions that might be considered relevant to a particular terrorism investigation. The Justice Department inspector general found in March 2007 that the F.B.I. had routinely violated the standards for using the letters and that officials often cited "exigent" or emergency situations that did not really exist in issuing them to phone providers and other private companies.

In an updated report due out on Thursday, the inspector general is expected to report that the violations continued through 2006, when the F.B.I. instituted new internal procedures.

The inspector general's ongoing investigation is also said to be focusing on the F.B.I.'s use of the blanket letters as a way of justifying the collection of large amounts of

records at one time. F.B.I. officials acknowledged the problem Wednesday, calling it inadvertent, and said officials had been instructed that they could no longer issue blanket orders. Instead, officials have to determine why particular records are considered relevant.

A letter sent last week to Senator Charles E. Grassley, Republican of Iowa, provides new details on the F.B.I.'s use of the national security letters, including the practice of issuing the blanket demands.

A copy of the letter was provided to The Times. It was written by Stephen M. Kohn, a Washington lawyer representing Bassem Youssef, an F.B.I. agent who reported what he thought were abuses in the use of national security letters and was interviewed for three days by the inspector general. In a separate matter, Mr. Youssef is suing the F.B.I. in a discrimination claim.

Mr. Grassley said Wednesday that he was concerned by the issues raised in Mr. Kohn's letter.

"In the past, the F.B.I. has shown a propensity to act as if it were above the law," he said. "That attitude clearly needs to stop. Part of the way we can help the F.B.I. clean up its act is to pay close attention to information from whistle-blowers like Bassem Youssef. We need aggressive follow-up from the inspector general to ensure accountability and reform."

By 2006, F.B.I. officials began learning that the bureau had issued thousands of "exigent" or emergency records demands to phone providers in situations where no life-threatening emergency existed, according to the account of Mr. Youssef, who worked with the phone companies in collecting records in terrorism investigations. In these situations, the F.B.I. had promised the private companies that the emergency records demands would be followed up with formal subpoenas or properly processed letters, but often, the follow-up material never came.

This created a backlog of records that the F.B.I. had obtained without going through proper procedures. In response, the letter said, the F.B.I. devised a plan: rather than issuing national security letters retroactively for each individual investigation, it would issue the blanket letters to cover all the records obtained from a particular phone company.

"When Mr. Youssef was first informed of this concept, he was very uncomfortable with it," his lawyer, Mr. Kohn, said in his letter to Senator Grassley. But the plan was ultimately approved in 2006 by three senior officials at highest levels of the F.B.I., and in the process, Mr. Kohn maintains, the solution may have worsened the problem.

"They made a mistake in cleaning up a mistake," Mr. Kohn said, "because they didn't know the law."

An F.B.I. official who asked for anonymity because the inspector general is still examining the blanket warrant issue said the practice was "an attempt to fix a problem."

"This was ham-handed but pure of heart," the official said. "This was nothing evil, but it was not the right way to do it."

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, the Patriot Act has been the law for over 9 years, and not one of those 17 sections has been declared unconstitutional by any court in the United States. The argument that has been advanced by the gentleman from Ohio is

just plain wrong. There has been plenty of opportunity to sue and to get parts of the Patriot Act declared unconstitutional. Most of these provisions haven't been challenged. So let's stick to the facts, rather than making up arguments that simply do not exist with the Patriot Act.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE of Texas. Mr. Speaker, we are not the judiciary. We are the people's voice. We are the United States Congress. The issue of whether a court has ruled any of this unconstitutional is the prerogative of that court, but we have the prerogative to address the issues dealing with the people's voice. And so I am disturbed that this comes to the floor, first, as a suspension, which was defeated by the people's voice, and then now through some unique trickery to come with a closed rule so that the people's voice is shut down. This Constitution deserves more.

The Founding Fathers were wise enough to establish three branches of government. This House is called the people's House and, therefore, we have the right to have a voice. That voice was already expressed by Members on both sides of the aisles, Republicans and Democrats, who voted this down because of the lack of opportunity to engage on behalf of the people. What more needs to be said?

Now, let me say this about the Constitution and about this process. First of all, we have been in some very difficult times, and we understand the crisis of terrorism and the aftermath of 9/11; but let us be reminded that in those early stages when we developed this Constitution, those men who were on this floor had to be concerned about the oppressiveness of the state that owned and dominated this country before it was. Yet they did not yield to not putting in the Constitution the Fourth Amendment, which says that we should not be subjected to unreasonable search and seizure.

I want to remind my friends that when the Democrats attempted to have open hearings in 2005, the Republicans shut us down. They would not allow us to have people of a different perspective. They turned off the lights. They sent us home. They wouldn't let the people be heard. Is that what we're going to get now?

And so I raise the question about the roving wiretap. My friend on the other side of the aisle is incorrect. This is more restrictive than general criminal law, and all we ask is allow us to amend it so it conforms to general criminal laws. That is the point.

I offered an amendment with Mr. CONYERS that talks about requiring a different standard other than the knowledge requirement when someone

breaks into your house. When they come into your house and come into your office, we need to have a standard that is articulated so that innocent persons are protected.

We realize that we live under a cover of terrorism. We are patriots as well. We join with the Patriot Act.

And I must say to my good friend from Wisconsin, the most shining moment of the Judiciary Committee was after 9/11 when we constructed together, Republicans and Democrats, I believe, the best Patriot Act going forward. But, unfortunately, his majority at that time took that bill that we had developed in the Judiciary Committee in a responsible bipartisan manner with the emotion and the backdrop of 9/11 behind us and skewed it in a way that, frankly, narrowed the rights of Americans.

It doesn't matter whether these cases have been selected.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentlewoman another 30 seconds.

Ms. JACKSON LEE of Texas. It doesn't matter if these cases have been challenged by the court, Mr. Speaker. It matters whether the people of this place, the people's House, have a time to respond.

Mr. DREIER. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman for a few seconds.

Mr. DREIER. I thank my friend for yielding. And I would just say, first of all, I appreciate the bipartisan support for the effort led by our friend from Menomonee Falls, Wisconsin, which I think is terrific.

The question that I would propound to my friend is, if we look at the February 25 passage of this measure by a vote of 315-97 and the 1-year period of time, I know that the gentlewoman, as a member of the Judiciary Committee and the Homeland Security Committee, certainly would have wanted to have hearings or support the notion of hearings. I wonder why there weren't hearings held during that 1-year period of time.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. POLIS. I yield the gentlewoman another minute.

Ms. JACKSON LEE of Texas. As the gentleman well knows, February 25 is coming up. So the very fact that hearings had not been held—

Mr. DREIER. I am talking about February 25 of last year. Last year was when this was passed, a year ago.

Ms. JACKSON LEE of Texas. Hearings had not been held as of December 2010. He knows that if we were in charge we would have had the appropriate hearings necessary to go forward before February 25.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. POLIS. I yield the gentlewoman another 15 seconds.

Ms. JACKSON LEE of Texas. Mr. Speaker, if hearings were not held by December 31, 2010, the gentleman knows that he cannot question whether or not we would have had the appropriate hearings before February 25 because we are not in charge. And why we're asking you to let the voice of the people speak, and 2 days ago the voice of this House spoke, Republicans and Democrats voted this down because they believed the voice of the people should ensure that the Fourth Amendment of unreasonable search and seizure has not been violated. And by the passage of this bill today we thwart that and we fly in the face of those constitutional supporters that we can still have freedom.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds.

The point is, February 25 of 2010 there was an entire session of Congress. It was when the Democrats were in the majority. During that period of time, through the entire 1-year extension, there was not a single hearing held; and I know that my friend, as a member of the Homeland Security Committee and the Judiciary Committee, would have been a strong proponent of holding those hearings. And that's why it just surprises me that, assuming that she did insist on them, that she was unsuccessful, Mr. Speaker, in the quest to get those hearings.

And I should add that the organization for the 112th Congress is just under way today, in fact, due to the fact that the minority has refused to allow the organization to take place. So there has been a year period of time. And I wish very much, Mr. Speaker, that there had, in fact, been hearings over the last year.

I am happy to yield 3 minutes to my very good friend from Tyler, Texas (Mr. GOHMERT), the vice chairman of Mr. SENSENBRENNER's Crime Subcommittee.

Mr. GOHMERT. Mr. Speaker, there have been some great questions raised about these provisions in the Patriot Act; but it's hard to believe that for all of last year, when Democrats had the majority in this body, that if those same arguments had been made to Speaker PELOSI and to Chairman CONYERS, that they would have just continued to deny for an entire year the chance to have a hearing on these things. Either, surely, they were not asked for the hearings on those things when they had the majority and could have done it, or they did ask. But if they did ask, why would they elect the same Speaker to be their leader going into this term if she was so entirely nonresponsive to their pleas like they've made on the floor this year?

Now, look, going back to 2005, for that first extension, we had some very heated debates, as Chairman SENSENBRENNER will remember, in private

over what we should do. And there were a couple of us that fought hard in private to have sunsets on those provisions.

And my friend, Mr. LUNGREN, happened to have the amendment there that would allow the sunsets on these.

□ 1430

And some of those concerns are the very concerns that have been brought up by my Democratic friends here. We want to make sure the abuses are not occurring, but so far we have not gotten the information from this administration to tell us what they have been doing. And one of the reasons we have sunsets on there is so that we can force them to be accountable as they have not for the last 2 years.

I want those hearings. You have been assured we will have those hearings that you couldn't get from your own party last year. We are going to have them. We are going to find out if there are any abuses, and then we will be able to know what should be done.

But please know, under the Fourth Amendment, of course, a person has the reasonable expectation of privacy in their own person, house, or place. And that does not apply here. This is not to an expectation of privacy in somebody else's property. That's not what the Fourth Amendment addresses. But I want to find out how this has been used.

Please know that last year in the extension, all the things that my friends across the aisle are screaming about, we didn't have a chance to amend; we didn't have a chance to recommit. You have got that on this bill.

And as far as the vote on Monday, it was under suspension, had to be two thirds. I think it was stupid to bring it under suspension, because if they had brought it under a rule it passed because the vote was 277-148. Now they are doing what they should have done the other day. They are new at leadership. They are living and learning; hopefully, they are not just living. But we will have the hearings. We will address these matters, and we will find out if it should be done for more than 1 year. But in the meantime, we appreciate the concern and hope you will express it this year.

Mr. POLIS. I yield myself 1 minute to respond.

At this point in the 112th Congress, the Judiciary Committee has found time to hold several hearings. I have been informed that they have held hearings on topics that are certainly important—immigration, relating to health care and malpractice—and yet this topic that is being discussed today, something that is so fundamental to our identity as Americans, has not benefited from a single hearing in the 112th Congress.

And one cannot say, oh, it's because they haven't had hearings or they're

just reconstituting themselves. I have been informed that they have actually had several hearings to date; they have just simply been on other topics. Apparently, this hearing isn't important enough to warrant a hearing in the early part of the 112th Congress.

One of the difficulties in exercising oversight with regard to section 215 is that the orders are prohibited from being disclosed that they got an order to anyone but their attorneys. So we have very little ability, absent a classified briefing, which we have not been offered, to even find out if section 215 has been abused or not.

With that, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The gentleman makes a point; and that is, if you are under a gag order, how are we supposed to know if there are any abuses? Hello.

What Mr. GOHMERT said a moment ago, I want to associate myself with much of his remarks. And I have here, to submit for the RECORD, correspondence that I submitted on November 3, 2009, asking for review of the provisions of the Patriot Act that actually we are looking at today.

We create government to secure our rights, not to give them away. The Patriot Act represents giving away rights, not securing them. It's said, well, it hasn't been adjudicated.

The laws that we make derive from our constitutional authority, and that's not just a matter of political will but it's about moral reasoning. And when we look at section 215, which lets the government obtain orders for private records or items from people who are not connected to any investigation—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. KUCINICH. When we look at section 206, which allows the FBI to obtain an order from FISA to wiretap a target without having to specify the target or device; when we look at section 6001, which authorizes the government to conduct investigations of non-U.S. individuals not connected to a foreign power or terrorist group, effectively allows the government to circumvent standards that are required to obtain electronic surveillance orders from criminal courts; when we look at these things, these provisions are divorced from our constitutional experience. They are divorced from what we know are commonsense provisions of what our rights ought to be. That's why I'm opposed to the extension of the Patriot Act and why, if we had any sense, we would repeal the whole thing.

NOVEMBER 3, 2009.

Hon. JOHN CONYERS, Jr.
Chairman, Committee on the Judiciary, House of Representatives,
Washington, DC.

DEAR CHAIRMAN CONYERS: I applaud you for your leadership on reconsideration of various

provisions of the Patriot Amendments Act and FISA Amendments Act of 2009. These bills provide a number of significant reforms that are important steps toward restoring Congressional oversight of government surveillance and civil liberties protections. I urge you to protect the Constitutional rights and the civil liberties of all Americans by ensuring that the legislation includes the following essential reforms:

Enact stringent requirements for obtaining "Roving Wiretaps": Section 206 of the USA PATRIOT Act, known as the "John Doe wiretap" currently allows the Federal Bureau of Investigation (FBI) to obtain an order from the Foreign Intelligence Surveillance Court (FISC) to wiretap a target without having to specify the target or the device. Any reauthorization must include reforms that require the FBI to identify the device(s) to be wiretapped and to provide evidence that the person they are targeting is "an agent of a foreign power" and is using the device prior to wiretapping the device(s).

"Lone Wolf" surveillance provision must not be reauthorized: Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 authorizes the government to conduct investigations of non-U.S. individuals not connected to a foreign power or terrorist group. The government has never had to use this provision. The likelihood of someone acting alone while engaging in international terrorism is highly unlikely. This provision must not be reauthorized.

Repeal blanket authorities in Section 215 of the PATRIOT Act: Section 215 of the USA PATRIOT Act, known as the "Business Records" provision, allows the FBI to order any entity (person or business) to turn over "any tangible things" as long as it specifies it is for "an authorized investigation." Section 215 orders constitute a serious violation of Fourth Amendment and First Amendment rights" by allowing the government to demand access to records often associated with the exercise of First Amendment rights such as library records and medical records. Authorization that allows the FBI to demand information from or about innocent Americans who are not a target of an investigation or who are not "agents of a foreign power" must be repealed.

Reform National Security Letter (NSL) Issuance: The Justice Department's Inspector General has found that upwards of 50,000 NSLs are issued every year, many against innocent people two and three times removed from a terror suspect. The Department of Justice Inspector General report in 2008 on the FBI's use of NSLs stated that 57 percent of all NSLs were issued to gather information on Americans. Judicial review must be reinstated and any legislation that includes this powerful tool that can collect communication, financial and credit information must only be used against suspected terrorists.

Reform NSL Gag Orders: NSLs come with a draconian gag order that is almost impossible to fight in court because they simply are not allowed to communicate about it. If the government certifies to a judge that national security would be harmed without a gag on the recipient of an NSL, the court must find that certification conclusive. This bill must force the government to justify a gag order to a judge and permit that judge to engage in long standing First amendment analysis before ruling.

Reform Material Support Statute: The government has used the material support statute of the USA PATRIOT Act to criminalize humanitarian aid by penalizing individuals or groups that provide aid to communities in conflict zones. Inside these zones,

groups that are often included on the Treasury's Foreign Terrorist Organization (FTO) list control schools, refugee camps and hospitals. The statute as currently written does not require the government to prove the individual or group accused of supporting an FTO had any specific intention of directing aid to the FTO. This statute must be reformed by requiring the government to provide "specific and articulable" facts that make the case that there was a specific intention to direct aid to an FTO.

Repeal de-facto immunity to telecomm companies for illegal spying: The FISA Amendments Act of 2009 repeals de-facto immunity afforded to telecommunication companies that spy on Americans as allowed by the FISA Amendments Act of 2008. The government and telecommunication companies must be held accountable for violating privacy and First Amendment rights of Americans. This year's reauthorization must ensure that immunity for telecommunication companies is repealed.

Enact a ban on "bulk collection" under FISA: The FISA Amendments Act of 2008 allowed the dragnet collection of all international phone calls and emails of U.S. residents without warrants or even suspicion. We must ensure that the surveillance of suspected terrorists abroad does not infringe the civil liberties and Fourth Amendment rights of Americans. Any language regarding surveillance of international phone calls and emails of U.S. residents must ensure that the government is required to provide evidence that the targeted communication pertains to a foreign power.

Thank you for consideration of these legislative benchmarks. I and my staff stand ready to work with you in your efforts to restore Constitutional protections and civil liberties to the American people.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

Mr. DREIER. Mr. Speaker, I am happy to yield 3½ minutes to the distinguished chair of the Intelligence Committee, our friend from Brighton, Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I am excited at my colleague's renewed interest in the Constitution. This is a good day for this House and this country, but I can't think of a bill and provisions that have been more misrepresented than what happens in this Patriot Act extension. And, A, I think they make all the arguments in the world why we don't make this permanent: Let's give this an extension so you have time to talk about it. But there is an inescapable fact at hand: By the end of this month, these provisions will expire.

There are agents in law enforcement and our intelligence community who are preparing briefs to go to the court, the FISA court, to use these provisions. They will not be able to do it on March 1. Why would we let that happen? Let me give you a great example.

I used to be an FBI agent. I worked organized crime. When they were involved in drugs, we went out. We built a case. We did a brief. We took it to the judge and we got a court order to do whatever, roving wiretaps. Yes, before this bill, roving wiretaps. Why? Be-

cause they would use different phones to conceal the criminality of their efforts.

Well, guess what? We have that happening now with terrorists. They go and buy a thousand—a thousand phones that you buy that are already preprogrammed. They will use it for one call and throw it away.

What you are saying is we don't care that somehow it's okay for you to go after a drug dealer, a Mafia don who uses his brother-in-law's phone, but you don't want to use this provision to go after a terrorist who is trying to hide their identity and their conversations and their contents to build a radiological bomb. It's ludicrous. Why would we do that to ourselves? And make no mistake; you are putting Americans in danger when you let this expire.

On the roving wiretap, the FBI Director today said, in an open hearing, less than 500 times it has even been used. It is hard to get a wiretap. But what you are saying is, after March 1, well, we can continue to do it for a drug dealer, but you can't go to the FISA court and get a wiretap on a terrorist who is using these phones for God knows what. Why would we do that to ourselves? Why would we jeopardize American safety?

When it comes to business records, at the New York Times, if you got him before he wanted to do his event, you could actually go to the hardware store and get those business records where he was buying materials to assemble a bomb, under the FISA court and Patriot Act. But what you are saying is we would rather wait until it explodes and kills thousands and thousands of people, and the FBI can go to the same hardware store and use a criminal subpoena to get the same records.

It makes no sense whatsoever that we would let this bill expire at the end of the month and jeopardize the safety and security of the United States.

When you look at the lone wolf provision, if you heard what the Director of the NCTC today and yesterday was talking about, that the most dangerous threat that we have is somebody like Awlaki from Yemen trying to radicalize an individual and get them to do something God awful, like The New York Times Square bomber, like the Christmas Day bomber, like the Hasan shooting at Fort Hood. That's their interest. If you take away the lone wolf provision and the government can't quite prove that they are a part of al Qaeda but we know they are doing something, you have handcuffed them to stop it before it happens.

One of the reasons that we don't have an attack here is because this act has been in place and they have used it judiciously. There have been no civil liberties violations, Mr. Speaker.

I urge this body's appreciation to pass this rule.

□ 1440

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair.

Mr. POLIS. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to a hardworking new Member of this body, my friend from Drexel Hill, Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, it is a great pleasure to be here as a Congressman, but before I came here, I served as a prosecutor, both a Federal prosecutor and a State prosecutor, and I have actually been probably one of the few people who has actually been involved in investigations who have used the Patriot Act, used the Patriot Act against the proclaimed Imperial Wizard of the KKK in plotting to take handgrenades to blow up an abortion clinic. It helped us to be able to resolve a case and see a just sentence.

But what is happening today by virtue of these provisions is the ability for us not to just use what was important then in 2003, but to appreciate the changing nature of technology and the need for law enforcement to be able to keep pace with that.

This roving wiretap simply allows law enforcement to be able to track the individual rather than the phone. You have to appreciate that law enforcement is operating in real time. I have heard many references as well to the idea of the sort of lack of due process, and because we are dealing with the issue of a potential terrorist, we are looking at it differently from the context of the probable cause context, but we are going before the FISA court.

Mr. ROGERS explained specifically about the need to take this same information of probable cause before a court, and even if that phone is changed after the fact, we have to report back to the judge about what has been done with that phone. The protections have been built in with what Congress did. I was in the Justice Department when we came before you, and you fixed these provisions significantly.

Lastly, I now chair a subcommittee of Homeland Security dealing with the issue of terrorism and the lone wolf provision. It was Janet Napolitano who talked about the changing nature of the threat and this being one of the most serious times since 9/11.

Mr. Speaker, we must stand together and support those that are on the front line with these commonsense changes that have already been put into the bill. We are not going over new territory here. What we are doing is allowing those on the front line to use the tools before them to keep America safe. I urge support for this provision.

Mr. POLIS. Mr. Speaker, I want to again bring your attention to section 215 and the difficulty which we in this

body and the American people as a whole have with regard to exercising oversight over abuse of government authority.

An example that I gave earlier, the American Library Association confirmed that the Federal Government went into a library and asked for the list of everybody who checked out a book on Osama bin Laden. Now, recipients of 215 orders can't even disclose that they received such an order to anybody but their attorneys. So what ability do we have as the People's House to exercise oversight about whether there are abuses?

It has been brought out by several people on the other side, my colleague from Wisconsin, oh, there aren't abuses. Well, if there is a secretive process that prevents us from knowing about abuses, how are we to know in fact whether there are abuses?

I also want to discuss section 206 that we are discussing the renewal of here today, the provision of the bill that allows the government to conduct the roving wiretaps. This allows the government to obtain surveillance warrants that don't even specify the person or the object that is being tapped. It could involve tapping an entire neighborhood of telephones that a suspect might use—an unnamed suspect—might use or might not use. There is nothing even to specifically prohibit it from being an entire city of telephone calls being tapped. And we don't know how it has been used. The Fourth Amendment clearly states that warrants need to specify the person and places to be seized and searched with particularity.

Mr. Speaker, we began this session of Congress by reading the United States Constitution, including the Fourth Amendment, here in the House of Representatives. We did that to help make sure that the executive branch or the legislative branch don't have unfettered power to decide singlehandedly who and how to search private citizens and seize their properties.

The Founding Fathers were rightfully worried about the possibility of the central government issuing general warrants that would give it far-reaching power to spy on its citizens and intervene in their private lives. We should honor the Founding Fathers' clear wishes expressed in our Constitution instead of authorizing our Federal Government this kind of power.

Now, the justification used for this provision is that the government needs to have the ability to spy on a suspect as they move from phone to phone. No, no one objects to that authority when the security of the American people is at stake. But that doesn't mean that the government shouldn't have to specify who they are going to spy on and under what conditions. In fact, under Federal criminal law, the government is already required to state ei-

ther the person or the place that is subject to the wiretap.

It is these sorts of commonsense revisions that I think we could achieve bipartisan consensus on to provide a longer-term stability with regard to the necessary provisions of the Patriot Act.

The final section that will be reauthorized in the bill, section 6001, deals with the "lone wolf" provisions which were alluded to by the last two speakers which allows secret surveillance of noncitizens in the U.S. even if they are not connected to any terrorist group or foreign power.

Now, this authority is only granted in secret courts and again threatens our understanding of the limits of our Federal Government's investigatory powers within the borders of our own country. It blurs the line between domestic national security and foreign intelligence. It is clear that we allow a process to improve this.

My friends on the other side of the aisle say they are worried about the growth of government, yet in spite of all the rhetoric about how the government is trying to take over your lives, this, their fifth bill under a rule, actually gives the government the ability to spy on innocent Americans. No wonder so many Republicans joined so many Democrats in voting against this bill earlier this week.

I urge all of my colleagues who are worried about the unchecked growth of the state, anyone who seriously believes in protecting the rights and liberties of Americans, or anyone who simply thinks that we need to take some time to seriously look at these issues to debate them, to vote "no" on this bill, to force a discussion of these issues, rather than vague promises of future hearings or markups to improve this bill. Let's accelerate that timeline, Mr. Speaker, to ensure that the concerns of the American people to help protect what it means to be an American, what is so close to our identity as Americans, protecting our individual liberties according to the Founding Fathers as articulated in our Constitution, we can reconcile that with the need to protect the American people's safety, and let us begin that work.

With that, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the only way for us to guarantee the rights of every American and to ensure that we will be going down the road to be a safe nation is to pass this extension so that these very able gentleman can proceed with the kinds of hearings that are necessary so that we assure that all the rights we need are protected and that we are a safe and secure country.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 79 will be followed by 5-minute votes on ordering the previous question on House Resolution 73 and adopting House Resolution 73, if ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 176, not voting 9, as follows:

[Roll No. 29]

YEAS—248

Ackerman	Emerson	Latta
Adams	Farenthold	Lewis (CA)
Aderholt	Fincher	LoBiondo
Akin	Fitzpatrick	Long
Alexander	Flake	Lucas
Altmire	Fleischmann	Luetkemeyer
Amash	Fleming	Lummis
Austria	Flores	Lungren, Daniel
Bachmann	Forbes	E.
Bachus	Fortenberry	Mack
Barletta	Fox	Manzullo
Bartlett	Franks (AZ)	Marchant
Barton (TX)	Frelinghuysen	Marino
Bass (NH)	Galleghy	McCarthy (CA)
Benishke	Gardner	McCarthy (NY)
Berg	Garrett	McCaul
Biggart	Gerlach	McCotter
Bilirakis	Gibbs	McHenry
Bishop (GA)	Gingrey (GA)	McIntyre
Bishop (NY)	Gohmert	McKeon
Bishop (UT)	Goodlatte	McKinley
Black	Gosar	McMorris
Blackburn	Gowdy	Rodgers
Bonner	Granger	Meehan
Bono Mack	Graves (GA)	Mica
Boren	Graves (MO)	Miller (FL)
Boswell	Griffin (AR)	Miller (MI)
Boustany	Griffith (VA)	Miller, Gary
Brady (TX)	Grimm	Mulvaney
Brooks	Guinta	Murphy (PA)
Broun (GA)	Guthrie	Myrick
Buchanan	Hall	Neugebauer
Bucshon	Hanna	Noem
Buerkle	Harper	Nugent
Burgess	Harris	Nunes
Burton (IN)	Hartzler	Nunnelee
Calvert	Hastings (WA)	Olson
Camp	Hayworth	Palazzo
Campbell	Heck	Paulsen
Canseco	Heller	Pearce
Cantor	Hensarling	Pence
Capito	Herger	Peters
Carter	Herrera Beutler	Peterson
Cassidy	Huelskamp	Petri
Chabot	Huizenga (MI)	Pitts
Chaffetz	Hultgren	Poe (TX)
Chandler	Hunter	Pompeo
Coble	Hurt	Posey
Coffman (CO)	Issa	Price (GA)
Cole	Jenkins	Quayle
Conaway	Johnson (IL)	Reed
Cooper	Johnson (OH)	Rehberg
Costa	Johnson, Sam	Reichert
Cravaack	Jones	Renacci
Crawford	Jordan	Ribble
Crenshaw	Kelly	Rigell
Culberson	King (IA)	Rivera
Davis (KY)	King (NY)	Roby
Denham	Kingston	Roe (TN)
Dent	Kinzinger (IL)	Rogers (AL)
DesJarlais	Kissell	Rogers (KY)
Diaz-Balart	Kline	Rogers (MI)
Dold	Lamborn	Rohrabacher
Dreier	Lance	Rokita
Duffy	Landry	Rooney
Duncan (SC)	Lankford	Ros-Lehtinen
Duncan (TN)	Latham	Roskam
Ellmers	LaTourette	Ross (AR)

Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (NE)

Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden

Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING COMMITTEES TO REVIEW REGULATIONS FROM FEDERAL AGENCIES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 73) providing for consideration of the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 180, not voting 13, as follows:

[Roll No. 30]

YEAS—240

Andrews
Baca
Baldwin
Barrow
Bass (CA)
Berkley
Berman
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva

NOT VOTING—9

Becerra
Bilbray
Garamendi

Giffords
Harman
Lewis (GA)

Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Platts
Ryan (OH)
Shuster

□ 1511

Messrs. INSLEE, LARSON of Connecticut, and RANGEL changed their vote from “yea” to “nay.”

Mr. MACK changed his vote from “nay” to “yea.”

Mr. JOHNSON of Illinois changed his vote from “present” to “yea.”

So the resolution was agreed to.

Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)

Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—180

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

Fudge
Gonzalez
Green, Al
Green, Gene
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebback
Loifgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver

Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Bachus	Giffords	Platts
Becerra	Grijalva	Ryan (OH)
Bilbray	Harman	Shuster
Crawford	Latham	
Garamendi	McCarthy (NY)	

□ 1519

So the previous question was ordered.
The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 255, nays 169, not voting 9, as follows:

[Roll No. 31]

YEAS—255

Adams	Duncan (SC)	Kingston
Aderholt	Duncan (TN)	Kinzinger (IL)
Akin	Ellmers	Kline
Alexander	Emerson	Labrador
Altmire	Farenthold	Lamborn
Amash	Fincher	Lance
Austria	Fitzpatrick	Landry
Bachmann	Flake	Lankford
Bachus	Fleischmann	Latham
Barletta	Fleming	LaTourette
Bartlett	Flores	Latta
Barton (TX)	Forbes	Lewis (CA)
Bass (NH)	Fortenberry	LoBiondo
Benishkek	Foxx	Long
Berg	Franks (AZ)	Lucas
Biggert	Frelinghuysen	Luetkemeyer
Bilirakis	Galleghy	Lummis
Bishop (GA)	Gardner	Lungren, Daniel
Bishop (UT)	Garrett	E.
Black	Gerlach	Mack
Blackburn	Gibbs	Manzullo
Bonner	Gibson	Marchant
Bono Mack	Gingrey (GA)	Marino
Boren	Gohmert	Matheson
Boustany	Goodlatte	McCarthy (CA)
Brady (TX)	Gosar	McCaul
Brooks	Gowdy	McClintock
Broun (GA)	Granger	McCotter
Buchanan	Graves (GA)	McHenry
Buchson	Graves (MO)	McKeon
Buerkle	Griffin (AR)	McKinley
Burgess	Griffith (VA)	McMorris
Burton (IN)	Grimm	Rodgers
Calvert	Guinta	Meehan
Camp	Guthrie	Mica
Campbell	Hall	Michaud
Canseco	Hanna	Miller (FL)
Cantor	Harper	Miller (MI)
Capito	Harris	Miller, Gary
Carney	Hartzler	Mulvaney
Carter	Hastings (WA)	Murphy (PA)
Cassidy	Hayworth	Myrick
Chabot	Heck	Neugebauer
Chaffetz	Heller	Noem
Chandler	Hensarling	Nugent
Coble	Herger	Nunes
Coffman (CO)	Herrera Beutler	Nunnelee
Cole	Huelskamp	Olson
Conaway	Huizenga (MI)	Owens
Connolly (VA)	Hultgren	Palazzo
Costa	Hunter	Paul
Cravaack	Hurt	Paulsen
Crawford	Issa	Pearce
Crenshaw	Jenkins	Pence
Culberson	Johnson (IL)	Peters
Davis (KY)	Johnson (OH)	Peterson
Denham	Johnson, Sam	Petri
Dent	Jones	Pitts
DesJarlais	Jordan	Poe (TX)
Diaz-Balart	Keating	Pompeo
Dold	Kelly	Posey
Dreier	King (IA)	Price (GA)
Duffy	King (NY)	Quayle

Rahall	Ryan (WI)
Reed	Scalise
Rehberg	Schilling
Reichert	Schmidt
Renacci	Schock
Ribble	Schrader
Richardson	Schwartz
Rigell	Schweikert
Rivera	Scott (SC)
Roby	Scott, Austin
Roe (TN)	Sensenbrenner
Rogers (AL)	Sessions
Rogers (KY)	Shimkus
Rogers (MI)	Simpson
Rohrabacher	Smith (NE)
Rokita	Smith (NJ)
Rooney	Smith (TX)
Ros-Lehtinen	Southerland
Roskam	Stearns
Ross (AR)	Stivers
Ross (FL)	Stutzman
Royce	Sullivan
Runyan	Terry

NAYS—169

Ackerman	Green, Gene	Pallone
Andrews	Grijalva	Pascarell
Baca	Gutierrez	Pastor (AZ)
Baldwin	Hanabusa	Payne
Barrow	Hastings (FL)	Pelosi
Bass (CA)	Heinrich	Perlmutter
Berkley	Higgins	Pingree (ME)
Berman	Himes	Polis
Bishop (NY)	Hinchey	Price (NC)
Blumenauer	Hinojosa	Quigley
Boswell	Hiron	Rangel
Bradley (PA)	Holden	Reyes
Braley (IA)	Holt	Richmond
Brown (FL)	Honda	Rothman (NJ)
Butterfield	Hoyer	Roybal-Allard
Capps	Inslee	Ruppersberger
Capuano	Israel	Rush
Cardoza	Jackson (IL)	Sánchez, Linda
Carnahan	Jackson Lee	T.
Carson (IN)	(TX)	Sanchez, Loretta
Castor (FL)	Johnson (GA)	Sarbanes
Chu	Johnson, E. B.	Schakowsky
Cicilline	Kaptur	Schiff
Clarke (MI)	Kildee	Scott (VA)
Clarke (NY)	Kind	Scott, David
Clay	Kissell	Serrano
Clyburn	Kucinich	Sewell
Cohen	Langevin	Sherman
Conyers	Larsen (WA)	Shuler
Cooper	Larson (CT)	Sires
Costello	Lee (CA)	Slaughter
Courtney	Levin	Smith (WA)
Critz	Lewis (GA)	Speier
Crowley	Lipinski	Stark
Cuellar	Loeb sack	Sutton
Cummings	Lofgren, Zoe	Thompson (MS)
Davis (CA)	Lowey	Thompson (CA)
Davis (IL)	Lujan	Tierney
DeFazio	Lynch	Tonko
DeGette	Maloney	Towns
DeLauro	Markey	Tsongas
Deutch	Matsui	Van Hollen
Dicks	McCarthy (NY)	Velázquez
Dingell	McCollum	Visclosky
Doggett	McDermott	Walz (MN)
Donnelly (IN)	McGovern	Wasserman
Doyle	McIntyre	Schultz
Edwards	McNerney	Waters
Ellison	Meeks	Watt
Engel	Miller (NC)	Waxman
Eshoo	Miller, George	Weiner
Farr	Moore	Welch
Fattah	Moran	Wilson (FL)
Filner	Murphy (CT)	Woolsey
Frank (MA)	Nadler	Wu
Fudge	Napolitano	Yarmuth
Gonzalez	Neal	
Green, Al	Oliver	

NOT VOTING—9

Becerra	Garamendi	Platts
Bilbray	Giffords	Ryan (OH)
Cleaver	Harman	Shuster

□ 1527

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SESSIONS. Mr. Speaker, pursuant to House Resolution 73, I call up the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 73, the amendment printed in the resolution is adopted and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

H. RES. 72

Resolved, That each standing committee designated in section 3 of this resolution shall inventory and review existing, pending, and proposed regulations, orders, and other administrative actions or procedures by agencies of the Federal Government within such committee's jurisdiction. In completing such inventory and review, each committee shall consider the matters described in section 2. Each committee shall conduct such hearings and other oversight activities as it deems necessary in support of the inventory and review, and shall identify in any report filed pursuant to clause 1(d) of rule XI for the first session of the 112th Congress any oversight or legislative activity conducted in support of, or as a result of, such inventory and review.

SEC. 2. MATTERS FOR CONSIDERATION.

In completing the review and inventory described in the first section of this resolution, each committee shall identify regulations, executive and agency orders, and other administrative actions or procedures that—

- (1) impede private-sector job creation;*
- (2) discourage innovation and entrepreneurial activity;*
- (3) hurt economic growth and investment;*
- (4) harm the Nation's global competitiveness;*
- (5) limit access to credit and capital;*
- (6) fail to utilize or apply accurate cost-benefit analyses;*
- (7) create additional economic uncertainty;*
- (8) are promulgated in such a way as to limit transparency and the opportunity for public comment, particularly by affected parties;*
- (9) lack specific statutory authorization;*
- (10) undermine labor-management relations;*
- (11) result in large-scale unfunded mandates on employers without due cause;*
- (12) impose undue paperwork and cost burdens on small businesses; or*
- (13) prevent the United States from becoming less dependent on foreign energy sources.*

SEC. 3. COMMITTEES.

The committees referred to in the first section of this resolution are as follows—

- (1) The Committee on Agriculture;*
- (2) The Committee on Education and the Workforce;*
- (3) The Committee on Energy and Commerce;*
- (4) The Committee on Financial Services;*
- (5) The Committee on the Judiciary;*
- (6) The Committee on Natural Resources;*
- (7) The Committee on Oversight and Government Reform;*
- (8) The Committee on Small Business;*
- (9) The Committee on Transportation and Infrastructure; and*
- (10) The Committee on Ways and Means.*

The SPEAKER pro tempore. The resolution shall be debatable for 9 hours and 30 minutes, with 30 minutes equally divided and controlled by the majority leader and minority leader or their designees, 8 hours equally divided and controlled by the chairs and ranking minority members of the Committees on Agriculture, Energy and Commerce, Financial Services, the Judiciary, Natural Resources, Oversight and Government Reform, Transportation and Infrastructure, and Ways and Means, and 1 hour equally divided among and controlled by the chairs and ranking minority members of the Committees on Education and the Workforce and Small Business.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House Small Business Committee, I often see the impact that regulations have on small businesses. Harmful Federal regulations can put serious hurdles in the way of entrepreneurship, making it difficult to create jobs and expand businesses. As we try to encourage a lasting, stable economic recovery, it is critical we review and analyze the impact of proposed and existing regulations on small businesses. We must make sure regulators are not making irreversible decisions that could strain the competitive ability of small businesses, prevent expansion, reduce access to capital and harm the overall growth of the American economy.

□ 1530

Not only are regulations potentially harmful to small businesses, there are simply too many regulations for businesses to follow. In 2010, the Federal Register, the daily digest of the Federal agency regulatory announcements, contained about 82,000 pages, in comparison to the roughly 42,000 pages in 1980.

President Reagan and every President since ordered Federal bureaucrats to review regulations. Despite this, very few rules are ever repealed. President Reagan and every President since has ordered the Office of Management and Budget to review new regulations. And despite this review, Federal agencies continue to issue new regulations. President Reagan and every President since has issued an Executive Order mandating that agencies only promulgate rules in which benefits exceed the costs. Despite this, agencies continue

to issue regulations imposing undue costs on small businesses. President Reagan and every President since has sought to strengthen the enforcement of the Paperwork Reduction Act. But despite this, reporting and record keeping requirements continue to bury small business owners.

Ultimately, what is at stake is whether small businesses will succeed in the free market or have their success determined by the whims and dictates of Federal bureaucrats. If the President and agencies are unable to stem this tide and allow small businesses to do what they do best—that is create jobs—then Congress has to act. The resolution before us today is just that, a call for Congress to act.

I strongly endorse this resolution and look forward to the Committee on Small Business reviewing agency regulations that are duplicative, unnecessary, or otherwise inhibit small business expansion.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. I yield myself such time as I may consume.

Mr. Speaker, small businesses are central to the economic recovery currently underway. Unfortunately, there are many obstacles for entrepreneurs to overcome in order to be successful. One of the most notable is regulatory burden, the hours upon hours it takes an entrepreneur to navigate and complete Federal, State, or municipal government paperwork.

This impediment has grown dramatically in recent years. According to the SBA's Office of Advocacy, rules imposed from the Federal Government now cost Americans some \$1.75 trillion each year. This is 50 percent higher than the \$1.1 trillion in costs reported in 2005. We know that this burden falls heaviest on small firms. Research shows that small businesses face an annual regulatory cost of \$10,585 per employee, an amount that is 36 percent higher than those facing large firms. And Federal agencies continue to release tens of thousands of pages of regulations each year.

With this problem getting worse, it is certainly worth Congress' time and attention. In the Committee on Small Business, we have been reviewing regulations in a bipartisan fashion for years. As a result of this examination, we have called on Federal agencies to modify or eliminate regulatory requirements that adversely affect small firms, whether they are related to medical equipment at CMS, accounting requirements at the SEC, real estate procedures at HUD, or environmental regulations at the EPA.

The reality is that we already do what this resolution calls for. As a result, today's resolution does not help one small businessperson. It sets up a bureaucratic process here in Congress with the goal of producing a list of reg-

ulations. How does a "list" help small businesses? It doesn't. Anyone that has spent 5 minutes with a small business owner knows that this is a top problem for them. This resolution is nothing more than a vehicle to rehash old politically motivated fights and just creates more paperwork here in Congress.

Instead of approving this green eyeshade bookkeeping resolution, what we need to do is make sure that the actual tools already available to reduce regulatory burden are effective. This includes the Regulatory Flexibility Act, which mandates that Federal agencies consider the potential economic impact of Federal regulations as well as conduct periodic reviews of rules that have a significant economic impact on businesses. Making these laws work better—or expanding them further—is what we should be doing instead of passing this resolution. Requiring tougher and more agency reviews of regulation as well as considering broader economic effects of regulations are necessary. Here in the House, our committee reported bipartisan legislation in the 110th Congress to do just that.

As we navigate this issue over the next 24 months, we cannot lose sight of who we are trying to actually help. It is the small business owner that needs our assistance. Unfortunately, if this resolution is the best we can do, small businesses may have to wait a long time for real and meaningful relief.

Mr. Speaker, I ask unanimous consent that all time on the resolution be yielded back and that H. Res. 72 be adopted so we can move to consider legislation creating jobs.

The SPEAKER pro tempore. Does the majority manager, the gentleman from Missouri, yield for the purpose of that unanimous consent request?

Mr. GRAVES of Missouri. No.

The SPEAKER pro tempore. The gentleman does not yield for the purpose of that request.

Ms. VELÁZQUEZ. Mr. Speaker, we will continue this debate that will end up not creating one single job.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, at this time, I yield 2 minutes to the gentlelady from North Carolina (Mrs. ELLMERS), the chair of the Subcommittee on Health Care and Technology.

Mrs. ELLMERS. Mr. Speaker, in all of my years in business, I can honestly say that I have never seen an administration so prepared to regulate nearly every ailment, either real or perceived. Nearly every segment of industry has been subjected to increased regulation, whether it be banking, energy, automotive, services, and of course, health care. Ronald Reagan once said, "Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves."

As a nurse and small business owner, I worked with my husband as a clinical director of the Trinity Wound Care Center in Dunn, North Carolina, where I saw firsthand the damage that government regulations can do to the growth of small businesses. The costs of these rules pile up. It's easy to understand why businesses are reportedly sitting on \$2 trillion in cash. Businesses don't know the true cost to comply with the rules just imposed and are concerned about the costs and rules yet to come.

No business can properly plan with roaming regulatory activity. This halts job growth and investment in its tracks. Just yesterday, a small business owner in my district testified in the Small Business Committee about this issue. He said working through a recession is tough, but adding to the burden with cumbersome and confusing new laws and regulations makes a recovery twice as hard. The uncertainty being created by Washington is stifling his small business recovery. He testified that the new health care law and the uncertainty it is creating for small business owners makes it harder for him to determine what his costs are. This is a time when he is struggling to meet the most basic costs of running his business. Another witness, a restaurant owner, even stated that if he had to start his business today, he would probably decide against starting.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GRAVES of Missouri. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Mrs. ELLMERS. Thank you, Mr. Chairman.

He even stated that he wouldn't start his business. He further stated that he still may have to close his doors. Beyond existing businesses, regulations may prevent new firms and startups from entering the market. These startups are the very businesses that create the jobs in America.

□ 1540

According to a study using business dynamic statistics between 1977 and 2005, in their first year new firms add an average of 3 million jobs. My message today is simple. We must remove burdensome regulations so that businesses can grow and entrepreneurs can start new businesses.

Ms. VELAZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, the rapidly expanding Federal regulatory burden is a bipartisan problem, and I commend the chairman of the committee, my friend from Missouri, for his efforts in working, not just in his time as chairman, but working with the committee in the previous years.

And I know that he understands that this is not a Republican or a Demo-

cratic problem, because the regulatory burdens on small businesses increased by \$30 billion from the years 2001–2008, and Federal regulations now cost Americans \$1.75 trillion each year, which is up 50 percent from the \$1.1 trillion in annual costs just in 2005.

And last year, the Federal Register contained 80,000 pages. In its first year in print, the Federal Register contained 2,355 pages. And each year, Federal agencies continue to release thousands of pages of new regulations and accompanying information. And I know that the gentleman understands that, and we share the goal of reducing this burden because the burden is detrimental, and it affects small businesses.

In fact, Mr. Speaker, studies indicate that adhering to Federal rules cost \$10,585 per worker for small businesses with 19 or fewer workers, but only 78 percent of that amount for businesses with 500-plus workers. It affects small businesses disproportionately.

Overall, on a per-employee basis, it costs \$2,400, or 45 percent, more for small businesses to comply with Federal regulations than their larger counterparts.

Small businesses face the greatest disadvantage in complying with environmental and tax regulations. Compliance with environmental regulations cost 364 percent more in small firms than large, and 67 percent more for the cost of corporate tax compliance.

So we agree on the problem. The question is, Where do we go from here?

And this is where I have a concern with what Chairman GRAVES is putting forward. What does H. Res. 72 call for that we're not already doing?

The Committee on Small Business has been reviewing regulations in a bipartisan fashion for years. The gentleman has been involved in that. And as a result of these examinations, it's called on Federal agencies to modify or alter regulatory requirements that impose costs on small firms. This has included regulations pertaining to medical equipment at CMS, accounting requirements at the SEC, real estate procedures at HUD, environmental regulations at the EPA, and on it goes.

So the reality, Mr. Speaker, is we've already done, as a committee, what this resolution calls for. And I will include in the RECORD the 112th Congress Small Business Committee's Oversight of Federal Regulatory and Paperwork Burdens administrative plan, what the committee has already passed.

So my question for the gentleman from Missouri to answer during the course of the debate is: What exactly does this resolution do for small businesses that we're not already doing? Is there anything in this that's not already being done now? Does it actually reduce any real regulatory burden on small businesses? Does it reduce paperwork? Does it limit government requirements on the small business community?

I would submit that this particular resolution does not. It sets up a bureaucratic process here in the Congress with a goal of inventory of regulations, a long list of inventory regulations. But this list will be submitted as part of an administrative reporting process. It does nothing for small businesses.

So I would suggest, Mr. Speaker, in closing, that instead of approving this bookkeeping resolution, what Congress really needs to do is strengthen the tools it already has available to reduce regulatory burdens. This includes the Regulatory Flexibility Act, which mandates that Federal agencies consider the potential economic impact of Federal regulations, strengthening the requirements and increasing agency reviews and regulations, regulatory relief that we passed here in the Congress during the 110th Congress, reported out by the Small Business Committee related to bipartisan regulatory reductions.

And as we continue to revisit these issues here in the 112th Congress, we must remember that small businesses are who we're trying to help.

So, in closing, I'm concerned, Mr. Chairman, that what this legislation does is add an unnecessary step to getting down to the business that we can all agree on, which is actually reducing the regulations that we all agree are a problem.

OVERSIGHT OF FEDERAL REGULATORY AND PAPERWORK BURDENS

The Committee will conduct hearings and investigations into unnecessary, burdensome, and duplicative federal rules, reporting and recordkeeping requirements affecting small businesses that may include any or all of the following, as well as matters brought to the attention of the Committee subsequent to the filing of this Report:

Centers for Medicare and Medicaid Services.

Consumer Financial Protection Bureau.

Consumer Safety Products Commission.

Department of Agriculture.

Department of Energy, particularly the Office of Energy Efficiency and Renewable Energy.

Department of Interior, particularly the Bureau of Land Management and Minerals Management Service.

Department of Labor, particularly the Occupational Safety and Health Administration.

Department of Homeland Security, particularly the Transportation Security Administration.

Department of Transportation, particularly the Federal Aviation Administration and Federal Motor Carrier Safety Administration.

Environmental Protection Agency.

Federal Communications Commission.

Federal Financial Institutions Examination Council and its constituent agencies.

Food and Drug Administration.

Office of Federal Procurement Policy.

Securities and Exchange Commission.

The Committee will identify specific rules and regulations already issued or at the proposed rule stage to assess the impact on small businesses. The Committee will pay close attention to the effect that regulations

have on the implementation of advanced technologies including, but not limited to, the deployment of broadband communications (either by wireline or wireless services) throughout the United States. Oversight of the regulatory process also will, to the extent relevant, examine the work of the Office of Information and Regulatory Affairs at the Office of Management and Budget. Special attention will be paid to the work performed by the Chief Counsel for Advocacy at the United States Small Business Administration to ensure that Office is fulfilling its mission to advocate vigorously on behalf of America's small business owners in regulatory matters at federal agencies. Finally, this oversight will entail an examination of compliance by federal agencies with amendments to Executive Order 12866 and memoranda on regulatory flexibility and regulatory compliance issued by the President on January 18, 2011.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Mr. Speaker, our government is working against us. Dana Dugas in St. Martinville wanted to continue to live the American Dream. He wanted to start his own small business.

Mr. Dugas had all the credentials needed to secure a loan: he had run a small successful business before, creating jobs and helping fuel coastal Louisiana's economy. He had the approval from two banks in St. Martinville, \$200,000 in cash, a prime location, \$205,000 worth of renovations to bring the building up to code, \$205,000 in equipment and fixtures that he needed.

Mr. Dugas had an 800-plus credit score and 20 percent-plus cash in the bank for the down payment. He had a sound business plan with projections showing a 14 percent profit. His business would employ 10 to 15 full-time employees, and 10 to 20 part-time employees. His appraisal came in at \$605,000, \$200,000 more than he needed.

Everything looked great. Right? So you'd think. Everything looked great until his community small bank told him they could not make that loan. Due to new regulations, they directed him to work with a larger bank and through SBA.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. LANDRY. Then the Feds needed him to prove that he could pay back the loan without the income of his restaurant. That sounds like someone buying a house and having to prove that he can pay the note without a job.

Mr. Speaker, we need to get our government back on the side of Mr. Dugas and the American people, back on the side of free enterprise, back on the side of small businesses, and back on the side of the job creators.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Mr. Speaker, I rise today in opposition to H. Res. 72. H. Res. 72 is basically a solution in search of a problem. The House Small Business Committee already has a long bipartisan legacy of providing oversight and, when necessary, calling on government agencies to alter regulatory requirements that adversely affect small businesses.

H. Res. 72 does nothing to assist small businesses to create jobs, nor does it reduce Federal requirements on small businesses. All it does is order committees to do what they already do anyway.

Instead of distracting the American people's attention with this ploy disguised as a resolution, we should be focusing on doing what the American people want from us, which is to focus our efforts on the sorely needed real job-creation measures.

We are currently in our fifth week of the 112th Congress, and the new majority has not brought one bill to the floor that specifically focuses on job creation. How much longer must the job seekers of Brooklyn's 11th Congressional District wait before the new majority begins bringing legislation to the floor that promotes meaningful job creation?

If this is the best we can do, we are falling woefully short of the expectation of America's small businesses.

President Obama has made it clear that his primary objective is to promote job growth. We should be working with President Obama for the American people by bringing to the floor substantive legislation specifically targeted towards our small business entrepreneurs and meaningful and substantive job growth.

□ 1550

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado, the chairman of the Subcommittee on Agriculture, Energy and Trade, Mr. TIPTON.

Mr. TIPTON. I thank the gentleman from Missouri.

Mr. Speaker, regulations cost the American people \$1.75 trillion annually. And just last year, the Obama administration unleashed 46 new regulations that will place an additional \$26.5 billion drain on the American economy.

Of those 46 new regulations, 10 came from the EPA, including job-killing regulations of carbon emissions and increased CAFE standards. The cost of these new EPA regulations alone total \$23 billion annually. These EPA regulations run counter to the free market principles and directly impact rural communities, small businesses, and families in my district. We simply cannot continue down the path of creating unnecessary regulatory traps that drain our economy and do little more than penalize small businesses and discourage job creation.

To be clear, not all regulations are unwarranted. Commonsense rules play an important role in our economy and in keeping the American people safe. However, common sense has been lost in the regulatory process that has become politicized and wrought with bureaucracy and overlap.

As a small business owner, I know firsthand the negative impacts that unnecessary regulations and excessive government involvement can have on entrepreneurs. Just yesterday, I participated in a hearing with the Small Business Committee where we focused on one such example of the job-killing government interference of the 1099 reporting requirement included in the President's health care law.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Speaker, I yield the gentleman 30 additional seconds.

Mr. TIPTON. Repealing the 1099 requirement is a good start, and our focus must remain on restoring a stable climate in our economy so it will not be rife with uncertainty and over-regulation so small business, the backbone of our economy, can do what it does best: create jobs and grow our economy.

As chairman of the Subcommittee on Agriculture, Energy and Trade for the Small Business Committee, I will take action. The fact that the Federal regulation targets on small businesses more than on any other sector is not acceptable. It's time we change the way that regulation is enacted and increase congressional oversight.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire as to how much time each side has.

The SPEAKER pro tempore. The gentlewoman from New York has 5 minutes remaining, and the gentleman from Missouri has 7¼ minutes remaining.

Ms. VELÁZQUEZ. I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Tennessee (Mr. FLEISCHMANN).

Mr. FLEISCHMANN. I thank the gentleman from Missouri.

Mr. Speaker, today I rise to speak on behalf of small business men and women all across America in their fight to survive and grow. Winston Churchill once said: If you have 10,000 regulations, you destroy respect for the rule of law. And that is exactly what our government is doing. We are destroying respect for law and losing the respect and trust of those who sent us here to do our job, not dictate through regulations how they do their jobs. Government regulations are putting a stranglehold on businesses in America, and it must be reined in.

I just returned from spending 12 days across the Third District of Tennessee,

and I heard the same thing over and over again: CHUCK, please get the Federal Government out of our lives. It's destroying our businesses and preventing us from growing.

As a member of the Small Business Committee, I was proud to cosponsor the Small Business Paperwork Relief Act that does away with the onerous 1099 reporting regulation found within ObamaCare. It is long overdue for the government to get out of the way and allow the American entrepreneurs to do what they do best: create jobs and produce capital.

Ms. VELÁZQUEZ. I yield 2 minutes to the gentlewoman from California (Ms. CHU).

Ms. CHU. I rise today to oppose House Resolution 72. This is a meaningless gimmick that only wastes time.

While I do not oppose its spirit, I do oppose spending House floor time debating a bill that is wholly and completely redundant. It is already the job of committees to review Federal regulations and laws, and, in fact, the Committee on Small Business has been actively doing this.

But this bill doesn't do one thing to help small business. It does nothing to actually reduce real regulatory burden on small businesses. It does not reduce paperwork nor limit government requirements on the business community. In fact, it only sets up a bureaucratic process here in Congress with a goal of producing an inventory of regulations, something we already do.

We have already passed strong bills, the Regulatory Flexibility Act, and, most recently, the Dodd-Frank bill, which sets up a very strong protection, something that has not been done before. The Consumer Protection Agency must meet with small businesses before any new regulation is passed.

So why aren't we doing something to actually help small business come out from this tough recession? Why haven't we voted on a single bill creating jobs since the Republicans took over the majority? Why haven't we voted on a single bill to help small businesses?

Small businesses are responsible for two-thirds of net new jobs. But if this resolution is the best we can do, small businesses will have to wait a long time for real relief, and that's not good enough for our economy or the American people.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado, the chair of the Subcommittee on Investigation, Oversight and Regulations, Mr. COFFMAN.

Mr. COFFMAN of Colorado. I thank the gentleman for yielding.

I rise today in support of H.R. 4, the Small Business Paperwork Mandate Elimination Act of 2011.

Yesterday, we heard testimony in the Small Business Committee from the bill's author, Representative DAN LUNGREN of California. In addition, small

business owners, including a constituent of mine, Mark Eagleton of Golden, Colorado, also testified.

H.R. 4 would repeal the provision from the recently passed health care reform law that requires every business to file a 1099 form with the IRS for every vendor with which they conduct business transactions of \$600 or more on an annual basis. This requirement will force businesses to use scarce resources to comply with this burdensome government mandate, and it will take away from their ability to grow and create jobs.

In these tough economic times, it is important for government to take proactive steps that will foster small business expansion and job growth. Unfortunately, the recently passed health care reform law will lead to the opposite. Increased government mandates, such as the 1099 reporting requirement, will lead to reduced revenues, job losses, and will only extend this economic downturn with its high levels of unemployment.

Mr. Speaker, I urge my colleagues to support the Small Business Paperwork Mandate Elimination Act of 2011, which will rid American businesses of this job-killing requirement. We must start over and pass meaningful reforms that will lower the cost of health care for all Americans while supporting growth of America's small businesses.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentlewoman has 3½ minutes remaining.

Ms. VELÁZQUEZ. Mr. Speaker, the resolution that we are considering today will not help one single small business. It will not reduce paperwork for entrepreneurs nor will it result in a less intrusive government.

□ 1600

This resolution will do none of this.

The previous speaker was talking about the fact that yesterday we held a hearing in the Small Business Committee discussing the burden of 1099s. We know that there is bipartisan agreement on this issue, so let's fix it instead of wasting time, hours here that will take us nowhere. Why can't the Republican leadership bring the issue of the 1099, where there is bipartisan agreement, and get it done? That will help small businesses, and it will create jobs. But this resolution will not achieve that.

What it does do is create bureaucratic bookkeeping requirements for House committees. I guess for some this might be a good sound bite, but this does not provide any concrete solutions for our Nation's small business owners who are drowning in government regulations.

If we want real change, we have to transform how executive branch agencies create and approve regulations. This means ensuring that businesses

are given meaningful involvement in the process, not just a token role. It also means that agencies should consider the impact on the business community before they begin writing the regulation, not when it is nearly complete.

Changes like this are long overdue. The reality is that the regulatory burden has grown dramatically under both Republican and Democratic administrations, rising by over \$30 billion under George W. Bush's administration alone.

This is a bipartisan problem that needs a bipartisan solution. With this in mind, I look forward to working with anyone that is interested in bringing real regulatory relief to small businesses.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WEST).

Mr. WEST. Mr. Speaker, I thank the chairman.

As we are seeing unfold throughout our country and also especially my 22nd Congressional District in Florida, this health care bill has been detrimental to the survival and growth of our small businesses. Employers are choosing to drop health care for their employees, which will flood this government-run health care system, eventually leading to a lower quality of health care.

According to the Small Business Administration, the smallest firms spend 36 percent more per employee than larger firms to comply with Federal regulations. It comes out to about \$10,585 per employee for all Federal regulations. The multitude of rules, restrictions and mandates imposes a heavy burden on Americans and the U.S. economy and could destroy an untold number of jobs.

The Obama administration promulgated 59 major regulations in 2009, 62 in 2010, another 191 regulations are in the works, and the Dodd-Frank permanent bailout bill alone requires no fewer than 243 new rules by 11 agencies over a dozen years.

The SBA also estimates the total cost for all Federal regulations is roughly \$1.75 trillion each year. All of the Federal red tape is a tax and regulatory straightjacket that is crippling our economic recovery.

Mr. GRAVES of Missouri. Mr. Speaker, in closing, I just want to say that this resolution before us, as has been said, it is not a Democratic or a Republican issue; rather, it is an issue of good government and it identifies those irrational rules that represent barriers to job growth.

Mr. Speaker, the last Congress and this administration passed bill after bill after bill that either taxed or regulated businesses and small firms right out of business, and it is going to take time to unravel that mess. With this

bill, again, we are going to identify a lot of those irrational rules that represent those barriers.

With that, I would strongly urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the pending resolution, particularly with respect to the effect on jobs and the economy.

My colleagues on the other side are going to oppose this effort, claiming we are seeking to strip basic public health and safety protections. No one is in favor of hurting those in those areas, but that is not the purpose of us being here today.

We have had numerous hearings over the last couple of days on rules and regulations and how they hurt job creation. This gives power back to the committees to then do that, fine-tooth comb through rules and regulations and address what the President talked about in his State of the Union; where there are rules and regulations that don't make sense, we need to eliminate them, because we need to focus on job creation. We can't regulate existing businesses into the ground on the hope that better ones will come later. We must protect the jobs currently we have and open the doors for new businesses as well.

As the chairman of the Subcommittee on Environment and the Economy, I am particularly interested in the activities of the EPA. I am going to talk about three examples, one we heard yesterday in testimony.

United States Steel came before us and said imagine a regulation where we have to decrease the heat in the preparation of steel to comply with NO_x, but as we move to EPA rules and regulations on greenhouse gasses we actually have to use the same process and heat that process up. So U.S. Steel will be caught in a catch-22. Under one reg, they have to keep the heat low to comply with nitrous oxide regulations; on the other hand, in the same process, they have to heat it up to meet the greenhouse gas rules.

Now, what is a steel company going to do? They are going to move to China. You can't develop rules and regulations that cannot be complied with by existing known technologies, and that was just a perfect example.

Another one that I find, and a lot of these things not only hurt jobs, but they are going to hurt the environment. The example is the redefinition of used oil as a solid waste. Now, this sounds like, what are they talking about?

Many of us, and there are times when many of us, when we were young, we changed our own oil. We would get underneath the car, pull the plug and drain the oil. Fortunately, in today's

world, you can take it to an auto repair shop, you can take it to maybe a parts store, and you can then recycle that used oil.

Not if the EPA has its say, because what they do in the redefinition of this is the only way you can dispose of this off-brand, off-used oil is to burn it. Oh, that is real great for the environment, burning the used oil. And what will the home do-it-yourselfer do? They are probably going to pour it on the ground. So EPA regs not only hurt job creation, but they have a great effect in hurting and harming the economy.

The next one, one of the issues we will address next week in the committee is coal ash byproducts. This is another one that is curious in which the EPA is trying to meddle in. Despite EPA's own testing and admittance that these coal byproducts do not qualify as hazardous waste based on their toxicity, EPA wants to label them as toxic material.

What does that mean? Any byproducts used will then be required to be disposed of in special landfills or dumps and not recycled. Coal ash can't go into concrete. Gypsum can't go into wallboard. Wallboard that has to be disposed of or you are going to remodel your home, what happens to that wallboard? The cost of doing business increases, and these all are things that hurt job creation.

□ 1610

We applaud President Obama in his State of the Union when he says there's too many regulations and we need to ease the regulatory burden. That's the importance of what we're doing here—one of the few things we agree on with the administration. And this will allow us committee by committee to go through the process and identify those hindrances and start to move legislation to address those.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Our highest priority should be to put America back to work. We need jobs, investment, and growth; but that's not what we're doing in Congress. Yesterday the Energy and Commerce Committee held one hearing attacking women's reproductive rights and another promoting legislation to roll back the Clean Air Act. And today we're spending all day debating a meaningless resolution no one disagrees with. None of this will create any jobs or make our economy stronger.

The resolution we're debating directs several committees, including my committee, the Committee on Energy and Commerce, to conduct oversight of government regulations. Well, I support oversight and reforming unnecessary or outdated regulations. That's part of our job. We don't need a resolution to do our job.

But we need to be honest with American families. Our economy is not in a recession because of regulations. We are in a recession because Wall Street ran amok and Federal regulators were asleep on the job. It is too little regulation of Wall Street—not overregulation—that caused our economic woes. And that's why this resolution is going to do nothing to get our economy growing again.

I ask my colleagues to remember the collapse of Wall Street in 2008. This meltdown in the financial markets threw our economy into the deepest recession since the Great Depression. Millions of Americans lost their jobs, and it cost U.S. taxpayers billions of dollars to bail out AIG and Wall Street banks. The cause wasn't regulation. As Alan Greenspan, the head of the Federal Reserve Board, testified before me and other members of the Oversight Committee, he had "made a mistake" in promoting deregulation. He said he had "found a flaw" in his free-market ideology and was in "a state of shocked disbelief."

The Deepwater Horizon oil spill wreaked havoc on the economies of the Gulf States. It wasn't caused by too little oversight and too much regulation. It was because there wasn't enough oversight and regulation. Thousands of jobs were lost in the gulf because Deepwater Horizon was not subject to proper safety and environmental regulations.

No one disagrees that ongoing oversight of regulations is necessary. In his address to the Chamber of Commerce on Monday, President Obama said that Federal agencies are already conducting a comprehensive review of existing regulations to identify and fix those that are outdated and unnecessary. As the President said, we should design regulations intelligently and "get rid of regulations that have outlived their usefulness or don't work."

But this isn't going to create new jobs, reduce our deficit, or make the middle class stronger. To grow our economy, we need to invest in new clean energy jobs; we need to bring broadband connections to all parts of America; and we need to continue to make health care more efficient. That's what we should be talking about on the floor today.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Colorado (Ms. DEGETTE), and I ask unanimous consent that she be allowed to control the time for the Energy and Commerce Committee.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHIMKUS. I now yield 2½ minutes to the chairman of the Health Subcommittee, JOE PITTS.

Mr. PITTS. The United States is in danger of losing its status as the world

leader in medical device innovation. Multiple studies have shown that regulatory uncertainty and a delay and inefficiency at the Food and Drug Administration are damaging this critical industry.

Shorter, more predictable and more transparent approval processes in Europe have led many device companies to seek to market their products in Europe before submitting them to the FDA. This hurts American patients who, on average, have access to innovative medical devices 2 years later than patients in European countries, and, in some cases, never have access to these devices. And does a longer, more uncertain regulatory process by FDA result in making American patients any safer? The answer is no.

According to recent studies, medical devices marketed through the shorter and more transparent European regulatory processes are statistically as safe as FDA-cleared and -approved devices and have comparable patient outcomes. Regulatory uncertainty also hurts American competitiveness as innovative device companies are moving jobs overseas.

And these are good jobs. Nationally, jobs in medical technology pay almost 40 percent higher compared to the national earnings average. San Diego-based NuVasive, a medical device company, is a case study of what regulatory burdens and delays can do to a company. NuVasive reports that in the last 18 to 24 months, "longer FDA approval times have directly resulted in significant revenue loss estimated at \$70 million, increased operating expenses of over \$2 million, hundreds of new jobs eliminated, and less investment in research and development."

The company continues: "It is becoming far more efficient and faster to innovate outside the U.S.A. in such places as Europe. Non-U.S.A. systems have more timely, predictable, and transparent process. We have seen U.S.A. delays of 3 to 70 months, which has forced NuVasive to rethink longer-term strategies around where to place research and development jobs and even whether or not to invest in innovation of new products."

This is just one company, but this scenario is playing out nationwide. Unfortunately, this scenario also is playing out in prescription drugs space. The uncertainty and lack of transparency in the drug approval process is hurting American job creation and hurting American patients. We need to improve these problems at FDA so American patients have timely access to life-saving, life-improving drugs and devices and American workers have access to these good jobs.

Ms. DEGETTE. I yield myself 5 minutes.

Mr. Speaker, Congress needs to get going. We were sworn in over a month ago now, when the highest priority in

this country, everybody agrees, is creating jobs. And, frankly, with unemployment still hovering around 9 percent, we have no time to waste dithering around arguing about what we should do.

This resolution does not do one thing to create one job. So, once again, what are we doing? We're standing on the House floor debating for 9½ hours, wasting the American people's time, which is time we could be using to sit down on a bipartisan basis and bring jobs, investment, and growth to this country. What we're doing here is time-consuming, but it really means nothing in the end. It's a resolution. It's a resolution that directs certain standing committees to look at regulations and to decide if they think that it has some impact on jobs. It lists a number of matters for consideration. It gives no deadline by which the committees have to investigate these issues. It gives no standards for the various matters for consideration, including impede private sector job creation, et cetera. So you can bet we'll have long debates over each one of those criteria.

But, then, what is most unbelievable about this resolution, it really doesn't say what we should do about it. Let's say all the committees meet month after month determining day after day, hearing after hearing that there's some impeding on business. Then what do they do? And that's what's so frustrating, because the American people don't want more review, inventory, or compilation of regulations. They want their families to have jobs. And so that's why we really need to sit down and talk about how will we create jobs.

This resolution won't save one home from foreclosure, it won't help repair one crumbling bridge or potholed road, it won't extend a mile of broadband. It wouldn't ensure one school lunch for our children or provide a patient greater access to hospitals or doctors. It won't do any of that.

□ 1620

What's worse, Mr. Speaker, is that, as we take this debate on today, we need to remember the committees are already bound by the rules of the House to provide proper oversight. We don't need 2 days to debate a resolution that tells the committees what they already have a constitutional duty to do.

Frankly, I am concerned, too, because there is nothing this Congress has done today to give us any indication that the majority intends to spend any time creating jobs. We had 7 hours of debate on a bill to repeal health care, which everybody knows is not going anywhere in the other body and which doesn't create one job. This week, today—it's Thursday—we passed exactly one piece of legislation, and we are done voting for the day.

While this resolution does nothing to create jobs and nothing, frankly, to

make Congress expeditiously use its already existing regulatory oversight, at the same time it neglects the fact that laws and regulations can be important to protect our constituents' health.

For example, when we had insufficient laws and regulations to deal with outbreaks of foodborne illness, we acted on a bipartisan basis to reduce 76 million foodborne illnesses, 300,000 hospitalizations, and 5,000 deaths a year in the United States. This type of regulation and oversight is important. It keeps Americans safe. It reduces the cost to our economy, and it ultimately helps save jobs. There are billions of dollars of lost productivity for workers, damage to our economy, and lost profits due to foodborne illnesses, which this Congress acted on a bipartisan basis to reduce.

Mr. Speaker, I've also introduced legislation to foster the development of a clear and predictable regulatory pathway that enables better approval of safe and effective products and the support of regulatory research to promote the understanding of regenerative medicine. These types of regulatory initiatives can actually help create jobs in the future and are a critical part of our work in this body.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. DEGETTE. I yield myself 1 additional minute.

Look, there is nobody on either side of this aisle who thinks we should have an unnecessary or overly burdensome regulation, but that's not what this is about. We have a long history of regulatory review, and we can do that without spending 9 hours debating a resolution like this. A few hours ago, we all stood here and read the Constitution aloud together. I am sure everybody remembers that the authority for committees in this Congress to review and inventory regulations is already provided.

So I would suggest, Mr. Speaker, that what we do is bring this debate to an end, that we focus on the regulations that we can repeal, and that we really focus on what the American people want us to talk about, which is creating jobs for the American public.

I reserve the balance of my time.

Mr. SHIMKUS. It is business that creates jobs. Easing the regulatory burden helps create jobs.

Mr. Speaker, I would now like to yield 2 minutes to the gentlewoman from California, Congresswoman BONO MACK, who is the chairman of the Commerce, Manufacturing and Trade Subcommittee.

Mrs. BONO MACK. I thank the gentleman for yielding.

Mr. Speaker, we are going to rightfully hear a lot today during this debate about how excessive government regulations are hurting our economy, but there are other forces at work as well, and they are just as damaging, even, perhaps, more insidious.

Shortly after taking office, President Obama issued an executive order encouraging Federal agencies, which was really sort of a wink and a nod, to require project labor agreements on government construction projects costing more than \$25 million.

Mr. Speaker, with unemployment in my California district over 14 percent and unemployment in the construction industry above 20 percent, these so-called “crony contracts” are not only wrong; they are immoral. Instead of an executive order, what we really need from the White House is a cease and desist order.

Simply put, project labor agreements mandating “union labor only” are anticompetitive. The infamous Big Dig in Boston is clearly the biggest boondoggle of them all. Originally projected to cost about \$3 billion, this 3-mile tunnel project turned out to be one of the most expensive Federal highway projects in U.S. history. At last count, the meter was still running: \$15 billion in construction costs and another \$7 billion in interest alone. Put another way, when it's all said and done, the Big Dig is going to cost us about \$1.2 million per foot.

Not only do these PLAs waste taxpayer money, but they are also un-American. Today, less than 15 percent of construction workers in our Nation are unionized. So every time a PLA is mandated by some government bureaucrat, 85 percent of America's construction workers, some 8 million hard-working men and women across the country, are told either tough luck, too bad, or maybe next time. Since 2007, nearly 2 million construction workers across America have lost their jobs.

Enough already. Let's put an end to political favoritism. Let's demand the best deal for the taxpayers. Let's say “no” to the “wink and nod” culture in Washington.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SHIMKUS. I yield the gentlewoman an additional 15 seconds.

Mrs. BONO MACK. As the new chairman of the House Subcommittee on Commerce, Manufacturing and Trade, I am going to do everything to make “made in America” matter again. That starts by taking a critical look at what we do here at home to foster competitiveness. Today, with the economy still struggling to recover, it is time to do what is best for all Americans, not what is best simply for a select, favored few.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, this resolution being offered by my colleagues on the other side of the aisle is a simple waste of time, and it doesn't address job creation, which must be the number one priority of this Congress.

Today, we are literally coming to the floor to spend nearly 10 hours of debate

telling the committees of the House to do what they already should be doing. Since January 5, when this Congress was sworn in, we have not voted on one bill that will strengthen our economy or create jobs—not a single one. While we're doing this, the Republican leadership is putting together a spending bill that will cost our economy jobs. The bill makes sweeping cuts in research and development, cuts that will jeopardize America's position as a world leader in innovation.

In the State of the Union, the President set the right priorities with his focus on job creation, economic recovery, debt reduction, and economic opportunity for all Americans.

I am here with my Democratic colleagues from the Energy and Commerce Committee where we worked over the last 4 years to keep America at the forefront of the world in clean-energy technologies and quality health care, so I am trying to understand why our committee is down here today, wasting our time, when we could be having hearings to generate new ideas on how to create jobs and strengthen our economy.

Republicans simply don't get it. They don't have a clue. Democrats have lots of ideas. Investments in clean energy will not only reduce greenhouse gas emissions and keep our environment healthy, but they will also create countless new jobs.

I am encouraged by the President's announcement this week that he is going to prioritize offshore wind development in areas off the Atlantic coast, including in my State of New Jersey. This is exactly the type of clean energy America should be investing in, which will reduce our dependence on foreign oil and gas and create jobs. That's why I oppose the Republican plan to cut almost \$900 million from energy efficiency and renewable energy programs that create jobs and move America towards a more self-efficient energy market that doesn't rely on foreign oil from volatile places like the Middle East.

Another important issue that we could be discussing in our committee is health science and innovation. The health science industry, which includes pharmaceuticals, medical devices and biotechnology, plays a critical role in our national economy as well as in New Jersey's economy. A recent report by Research America noted that New Jersey is the third largest research and development employer in the U.S., with more than 211,000 jobs supported by health R&D, including 50,000 direct jobs in health R&D.

Federal R&D investments are critical for continued economic growth. For example, the National Institutes of Health award many grants to universities, which, in turn, bring money and jobs to States. In 2007, New Jersey received \$280 million in research grants

from NIH, which helped create and support 3,738 new jobs.

We need to continue to make smart, disciplined, forward-looking investments in innovation. Unfortunately, my colleagues on the other side of the aisle have proposed cutting \$1 billion from NIH funding in the spending bill they plan to bring to the floor next week. This is not the solution to keeping America at the forefront of R&D in the world, and it is going to hurt our ability to create high-quality high-tech jobs.

□ 1630

Mr. SHIMKUS. Mr. Speaker, I yield 2½ minutes to the chairman of the Oversight and Investigations Subcommittee, Chairman STEARNS.

Mr. STEARNS. I thank my distinguished colleague.

My colleagues, recently the Oversight and Investigations Subcommittee of Energy and Commerce held a hearing, and I chair this subcommittee. It was one of the first hearings on the rapid pace of regulations that are coming from the Obama administration. We made clear to the witness, regulation czar Cass Sunstein, that we objected to the fact that the administration is considering and issuing regulations with regard not to jobs and the economy, but is simply using as a standard such ridiculously amorphous terms as equity, human dignity, fairness, and distributive impacts. I asked him what this meant and he said, well, basically distribution of income. What? The administration is making a decision on regulation on the basis of distribution of income? I thought the market was supposed to decide that, not a government czar.

In fiscal year 2010, Federal agencies promulgated 43 major rules that impose costs that are estimated to cost industry \$28 billion, the highest annual level since 1981. Along with all these major rules come daunting levels of red tape, the cost of which cannot easily be counted. The Obama administration's regulatory agenda released this past fall identifies 4,225 rules under development.

Now, the EPA alone has finalized almost 1,000 new regulations since the start of the administration and has also proposed a number of expensive and complex new rules affecting our energy system, our industrial and manufacturing infrastructure, and even the electric power we rely upon every day.

Now, with this Nation suffering from 21 straight months of unemployment at 9 percent or higher unemployment, our focus should be on jobs. Unnecessary and burdensome regulations act as a de facto tax on every American family and small business in this country; yet there's no end in sight for all the regulations that are coming from the Obama administration. From our health to our wealth to the freedom to

live our lives the way we want, the Federal regulatory state continues to grow and grow and intrudes.

It's time for Congress to reduce this burden and get our economy growing again.

Ms. DEGETTE. Mr. Speaker, I would just say that in this hearing with Professor Sunstein, the evidence was that the regulations that came out in the first 2 years of the Obama administration were less than the regulations that came out in the last 2 years of the Bush administration.

With that, I yield 5 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in opposition to House Resolution 72. This resolution does nothing to actually create jobs and is a distraction from what should be our focus: creating jobs here in this country. Instead of spending time debating and creating legislation that would create jobs and further our economic recovery, we are here debating legislation that basically reiterates what the Energy and Commerce Committee is currently doing.

In contrast, I believe that the American people have been clear. They want this Congress to focus on jobs, and that should be our number one priority. In fact, I recently sent a survey to my constituents asking them what they thought should be the top priorities of this Congress. Not surprisingly, 81 percent responded that creating jobs should be our top priority.

Mr. Speaker, I routinely hold clean energy roundtable forums in Sacramento with CEOs and with other local leaders, including one just last week, and they consistently tell me that they need real incentives and assistance in expanding their manufacturing base and finding new markets abroad for their products and services. In doing so, they recognize that new jobs will be created. They will have additional revenues to purchase new equipment, invest in R&D, and benefit our economy. Perhaps, instead of debating today's resolution, we could instead be focused on debating legislation that would create jobs.

Mr. Speaker, we need to be focussing on moving our economy forward by creating new jobs in different sectors of our economy. Just as the President emphasized in his recent State of the Union address and announced in his Startup America initiative, America must continue to lead the way in innovation in order to both rebuild today's economy and bolster the industries of tomorrow.

The clean energy manufacturing sector is a critical area where most leading economists believe our Nation can experience the highest job growth potential. In fact, the Department of Energy has found that continued invest-

ment in the U.S. clean energy sector could create more than 750,000 jobs over the next decade. However, it is one area where the U.S. is unfortunately falling behind many of its competitors, including China and Germany. Mr. Speaker, we must change that.

America has an historic opportunity to become a leader in clean technology manufacturing and creating new, good-paying jobs in this country. That is why I, along with Congressman JOHN DINGELL, recently introduced legislation to bolster the U.S. clean energy and manufacturing industry with the goal of creating jobs and advancing our Nation's standing in the ever growing clean energy economy.

As part of the Make It In America agenda, this legislation, H.R. 502, the Clean Energy Technology Manufacturing and Export Assistance Act of 2011, would help boost U.S. innovation and competitiveness by promoting the manufacturing of clean energy technology at home and supporting its exports abroad. The bill helps strengthen America's domestic clean tech manufacturing industry by directing the Commerce Department to provide specific tools and resources to those companies that need it most: America's small and medium-sized manufacturing businesses.

Mr. Speaker, manufacturing jobs are the fabric of our country that could put millions of Americans back to work. But we must manufacture the products that are in demand and that have an exponential potential to grow, and the clean energy sector is that ever growing industry. But in order to create those jobs, this Congress must pass legislation that will help us do just that.

Mr. Speaker, this bill passed the House last Congress with bipartisan support, and it is my hope that it will be considered again soon during this new Congress so we can move our Nation's clean energy economy forward and create new, good-paying jobs here in this country. Unfortunately, H. Res. 72 fails that test.

I urge my colleagues to vote against the resolution before us.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

We don't care which administration created all these burdensome regulations. If they do not protect public health and harm job creation, we want to review them. I don't see what's the big damage of that, and every time you hear the word "incentives" you know what that means? Tax dollars. That means borrowing money from China to incentivize who knows what.

We want capital formation through the private sector to create jobs. The government can no longer do that.

I now yield 2 minutes to my colleague from Pennsylvania (Mr. MURPHY), who is the vice chairman of my subcommittee.

Mr. MURPHY of Pennsylvania. Thank you, Mr. Chairman.

You know, we now have 29 million people in America who are either out of work or looking for work, and we also are facing a problem of trillions of deficit spending that affects those jobs. There's four pillars to what we need to do to turn our economy around.

One is the issue of cutting government spending and turning that deficit around. Two is to deal with making sure we're keeping taxes low and regulations fair that promote growth of jobs and not hinder that growth. We must also have trade enforcement law changes that allow us to grow in another way.

China alone, for example, is exploiting loopholes big enough to sail a freight ship through. They tax and embargo the export of raw materials and rare Earth minerals. They mandate local content requirement so American companies can't build in the U.S. and ship to China. They steal patents, copyrights, and reverse-engineer U.S. technology and products. They offer below-market government loans to their companies, and they manipulate their currency. All of this has created a great wall of illegal and unfair manufacturing trade practices, and we cannot sit by while they undermine our jobs.

But a fourth pillar has to do with how we need to grow our resources, an important issue for the Energy and Commerce Committee. While the Outer Continental Shelf of this country is off limits for oil drilling, we are passing by massive amounts of jobs and massive amounts of economy for our Nation.

□ 1640

If we were allowed to have drilling on the Outer Continental Shelf, the Federal revenue alone, without borrowing money, without buying from OPEC, without increasing our trade deficits, would yield \$2.5 trillion to \$3.7 trillion in Federal revenue, and all of that based upon 1970s estimates of how much oil is out there.

In addition to that, even though there is not supposed to be a moratorium on drilling off the Gulf of Mexico, there is in effect a "permatorium" because all of these wells which previously have been permitted are now told they can't drill. Regulatory agencies dither, which means higher oil prices at the pump for American families, greater reliance on OPEC, and with the threats of Egypt and the worries about the Suez Canal, we are sitting by as American families are wondering what's going to happen next. Let's deal with all these issues and grow American jobs.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentlelady from Colorado.

Three points. Number one, any regulations that aren't doing their job, they're imposing excessive burdens, let's change them. I agree with that. The President agrees with that. You're arguing that. You're right. The American people want regulations that are limited to achieving legitimate goals and not imposing unnecessary burdens.

Second, and this is a question, why are we going to debate this? Why are we going to substitute words for actions? The Committee on Energy and Commerce and all the other committees that are being charged to act on this resolution are free to act. And rather than have a discussion and debate about it, ask those committees to come in with what their specific recommendations are. Let the House of Representatives vote yes or no on any proposed action.

But third, jobs. Both sides have been saying we've got to focus on jobs. A couple of very good speeches, Mr. MURPHY from Pennsylvania, Mr. STEARNS from Florida, we agree with that. Why don't we dust off a proven and bipartisan job-creating bill, Home Star, which the Energy and Commerce Committee passed out on a bipartisan basis last year, and bring it forward to this Congress this year? It's something that saves money for our homeowners on their energy bills, it's something that puts local contractors who are reeling from the decline in homebuilding back to work retrofitting our homes, and it saves \$10 billion in energy bills, creates 170,000 jobs and it's all about using less, not more. It's about efficiency. And that's common ground. We're not having a debate about whether we should or shouldn't be drilling, or what's the preferred energy source, whether it's coal, nuclear or solar. It's really whatever energy source you're using, if you use less of it, as a business or as a consumer, you're going to save money. So it's something we can do together. The new majority would have the final say on how we would pay for this. It could be designed in a way to take care of the capital formation concerns that the other side has expressed.

What we're talking about here is important. Regulations should be limited to the legitimate purpose for which they're intended. They shouldn't be excessively burdensome. If there are specific regulations that ought to be adjusted and it requires statutory action, come back with the specific statute, let this body vote on it and move on. That's action. It's not words. But then the common goal that we have, even if it's a significant debate and disagreement about how best to get from here to there, is we've got to create jobs in this economy. Home Star is a way we can do it with the new majority working with the new minority.

Mr. SHIMKUS. Mr. Speaker, I want to share with my colleagues, we'll have a chance next week to vote on green-

house gas regulations, which will kill jobs. Those bills are coming.

I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I think our colleagues across the aisle are showing their displeasure. They think that it requires passing a law to create jobs and they want to tax and spend so that they can use the term "invest." But I think the American people have really wised up to what is going on. They know that every time a law is passed, rules and regulations start to pile on. They also know that if money is coming to D.C., then they can't use that money there in their communities to create jobs. Because the way it really works is this: Government does not create jobs. Government creates the environment in which the private sector can create jobs.

Last week, as we were home, I visited. I worked with my Chambers of Commerce and with job creators to tell us, what is getting in the way. We heard a lot about regulation and the overreach of regulation. From bankers, we heard about auditors and regulators and the FDIC. From builders, we heard about OSHA and the EPA. From small business manufacturers, we heard about the EPA and carbon emissions. From retailers, we heard about the FTC. From our implement device manufacturers and biotech community, we heard about the FDA overreach. From our high tech innovators and our health informatics, we heard about the overreach of the FCC.

Regulation is stifling job growth. It is time for us to cut back on this \$1.75 trillion a year hit that the business community, the job creators, are taking; rein this regulation in; and, yes, my friends, let's repeal some of these laws and rules and regulations, get them off the books and free up the private sector so they do what they do best—create the jobs that the American people want to see.

Mrs. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my Colorado colleague for yielding.

Mr. Speaker, I'm sort of troubled that we're here this afternoon. Americans are still facing staggering unemployment rates and our economy has not yet fully recovered. But instead of focusing on job creation, we're wasting 2 days—and taxpayer dollars—on a resolution directing committees to conduct oversight on government regulations.

I have been a Member of Congress for over a decade and I know that committees already do oversight on government regulations. Without prompting, a well-run committee will make sure the government's regulations are necessary and effective at protecting the American people. In fact, the Energy and Commerce Committee, under the

leadership of HENRY WAXMAN in the last Congress, did just that. Our committee conducted oversight on the failures that led to the BP oil spill in the gulf and the reckless Wall Street behaviors that caused a near meltdown of our economy.

When insurance companies announced that they would pad their profits with huge rate increases on American families—after they dropped individuals from coverage just because they got sick—it was our committee that stood up to them. I'm afraid, though, that in this new Congress, American families won't get that same kind of protection.

Yesterday, our committee held a hearing on legislation that would insert the government into private decisions between a patient and her doctor. We also held a hearing on legislation that would put the interests of polluters ahead of the health of millions of Americans, including our children, our seniors and the most vulnerable among us. That wasn't oversight to help create jobs or to help the American people; it was just examples of promoting an extreme agenda that puts the public's health at risk.

Mr. Speaker, instead of telling committees how to do their jobs, we should be creating jobs for the American people—health care jobs, clean energy jobs, high tech jobs, manufacturing jobs. This is America's top priority. This is what we should be talking about here on the House floor today.

Mr. SHIMKUS. Mr. Speaker, I now yield 1½ minutes to my colleague from Ohio who is from the largest manufacturing district in the country, Mr. LATTA.

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, the EPA has indicated they intend to overturn 30 years of precedent and designate coal ash as a hazardous waste, despite findings from the Department of Energy, the Federal Highway Administration, State regulatory authorities and the EPA itself that the toxicity levels in coal ash are well below the criteria that requires a hazardous waste designation. In fact, in the EPA's May 2000 regulatory determination, they concluded that coal ash does not warrant regulation as a hazardous waste, and that doing so would be environmentally counterproductive.

About 45 percent of the coal ash generated is recycled, being used as an additive in cement, concrete, wallboard and roofing materials, road-based fill materials, and snow and ice control. While all of this is completely safe, designating coal ash as a hazardous waste would halt these beneficial uses, which the EPA estimates will lead to \$16.7 billion in increased costs per year, further damaging our economy.

□ 1650

Finally, the increased cost of coal ash disposal will lead to the closure of

up to 18 percent of current coal-generated power, resulting in lost jobs, higher electricity costs, and further increasing our dependency on foreign countries for our energy needs, which we cannot afford.

Mr. Speaker, I urge support.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, there is nothing wrong with having our committees review regulations. But the problem is we are wasting 9½ hours when we are involved in a great race, a great competition.

We are in a race with China and other places in the world to build a clean energy economy that can create millions of new jobs in solar and wind and electric cars and lithium ion batteries.

And you can be assured that the Chinese are not wasting 9½ hours when it comes to figuring out how to form capital formation for solar power companies. That's what we should be doing.

You can be assured the Chinese aren't wasting 9½ hours trying to figure out how to site high-density transmission lines so we can have clean energy plants and move that electricity across their country. That's what we should be doing on a bipartisan basis.

You can be assured that the Chinese aren't wasting 9½ hours figuring out how to create a demand for new wind energy so we can put people to work building wind farms. That's what we should be doing.

And you know what, last year the Republicans passed a clean energy standard which we could be talking about this year on a bipartisan basis. Instead, we're wasting 9½ hours talking about something all of us agree to do.

Now, how do the Republicans intend to do this going out of the gate next week? We're told that their first act is to remove from our Federal law the ability to create jobs in the green, clean energy sector because they want to pass their dirty air bill. Their dirty air bill will strip the Environmental Protection Agency of the ability to create an incentive for 1.5 million jobs: jobs in the solar sector industry, jobs in the wind industry, jobs in the enhanced geothermal industry. These are jobs.

Don't let them pass the dirty air bill.

Mr. SHIMKUS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Washington, CATHY McMORRIS RODGERS, the vice chairman of the Republican Conference.

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise in strong support of H. Res. 72.

Last week, I met with a company who said the only way to comply with the regulations is to not operate. Just last month, America slipped in its economic freedom rating. We are no longer

an "economically free" society but a "mostly free" society because of the costly and duplicative regulations—not labor costs, but regulations. We don't have to look any further than the hard rock mining industry, many of which operate in eastern Washington.

Despite effective safeguards implemented by States, the Federal Government, through the EPA, has decided that it needs to step in and add regulations that will all but certainly drain this industry of capital, forcing businesses to cut jobs, not invest in America, and ultimately make us more dependent upon foreign countries for these important minerals.

Mr. Speaker, regulation is not what our Nation is all about. America is about entrepreneurialism, innovation, and living the American Dream.

Let's get these oppressive rules and regulations off the books. A good first step is the passage of the resolution we are considering today.

The SPEAKER pro tempore. The gentleman from Illinois has 10½ minutes remaining; the gentlewoman from Colorado has 5½ minutes remaining.

Ms. DEGETTE. I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield 2 minutes to the gentleman from Houston (Mr. OLSON) the former Navy fighter pilot.

Mr. OLSON. I thank my friend from Illinois.

Mr. Speaker, I rise today in strong support of H. Res. 72. In this economic environment, it is critically important for this Congress to find and eliminate government regulations which are damaging to the economy and are destroying American jobs.

According to the Heritage Foundation, the current administration has imposed 43 major regulations in fiscal year 2010 alone, with an estimated cost of \$26.5 billion. A prime example of this senseless regulation is the EPA's new greenhouse gas regulations which will adversely affect every business and energy consumer in America. The increased costs associated with the new EPA regulations will be passed on to consumers in the form of higher energy costs. Those impacted include small businesses and individuals still struggling to make it out of the current recession.

The EPA's regulations will eliminate American jobs and send them overseas. It's just plain and simple. The bureaucratic EPA permitting process will cause countless construction delays on new projects, and the increased compliance costs will drive many companies abroad where the regulatory environment is more favorable. Again, American jobs heading overseas to foreign soil.

America has suffered 21 straight months of unemployment above 9 percent. Our top priority should be to reduce the cost of doing business so com-

panies can expand their operations and hire new employees.

The new EPA greenhouse gas regulations are a tax on energy. They will only serve to drive up energy costs, reduce economic activity, and destroy American jobs. Most importantly, under the Constitution, it is Congress—not unelected EPA bureaucrats—who determines whether and how greenhouse gases are regulated.

The Energy and Commerce Committee will soon be reviewing existing regulations to determine if they make sense. If so, we will keep them. If not, we will throw them in the dustbin of history.

Ms. DEGETTE. I continue to reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I now yield 2 minutes to one of our new colleagues from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from Illinois for yielding.

Mr. Speaker, I rise today in support of House Resolution 72 and of Congress' new emphasis on oversight. Over the past few years, Federal agencies have promulgated a litany of rules and regulations with little regard for their impact on American businesses, jobs, and everyday American workers.

Last week, I met with a business in my district that employs nearly 1,000 people. They expressed their concern that the onslaught of rules and regulations threaten our energy infrastructure, power stability, and electricity costs. In other words, reckless regulation threatens their very existence.

I met with a business that employs 53 people, whose owners said they won't expand because they don't know what the cost of health care regulations will mean to their business.

At a committee hearing just yesterday before the Energy and Commerce Committee, businesses stated that the regulatory environment is hindering investment in our economy, not promoting it.

In Colorado, Federal regulations that could usurp the State's role over energy production may stop the creation of jobs that are set to employ thousands of people in northern Colorado.

It's time for Congress to listen to the voices that are America, that move our country, feed our country, power our country, and make our country great. It is time to put an end to reckless regulation.

If there are 1.5 million jobs to be created, then let's get started creating them. But let's not turn to the role of government to regulate people out of business to create other jobs. That's not the job of the Federal Government. Let's put an end to reckless regulation.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I rise today to express my deep concerns

about attempts to undermine one of our country's most cherished and effective environmental policies, the Clean Air Act.

Simply put, recent attacks against environmental protections threaten the health, safety, and quality of life of the American people. All credible scientific evidence proves that emissions of carbon and other pollutants change our climate and harm our environment, posing risks for our communities and our children. Americans deserve to breathe the clean air and drink clean water.

□ 1700

We know beyond any doubt that pollution can increase asthma, heart attacks, and cancer. I do support legitimate efforts for regulatory reform. But the majority's attempt to pass a new dirty air act by gutting needed health provisions is a travesty.

Now, the majority party, on the other side, my friends, will try to tell you that we have to make a choice between clean air and jobs. And that is a false choice. We can create, in fact, if we create clean air we will create jobs, we will create an environment where businesses will want to do business in our country. So our country needs forward-thinking energy and environmental policies that create jobs and protect public health. And we will not tolerate a return to the pollution allowed before the Clean Air Act.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume.

I'm glad my colleague talked about the Clean Air Act. The Clean Air Act was passed in the 1990s, and it identified six criteria pollutants. And we know a lot of what those are—nitrous oxide, sulfur dioxide, particulate matter. Carbon dioxide was never identified in the law. In fact, Chairman Emeritus DINGELL said numerous times the Clean Air Act was never designed to regulate carbon.

Even as the EPA now moves in the direction of climate, they've changed the rules. They are not complying with the Clean Air Act because of their tailoring rule, thus picking winners over losers.

If we go down the road to regulate carbon, we raise the cost of creating jobs. Jobs move overseas. That's what the Waxman-Markey debate was last year. That's why the majority last year could not pass a bill to regulate carbon, because of the impact on jobs.

So why are we here?

We're not trying to end regulation. We're trying to make sure that there's an economic analysis on what occurs on jobs. What's the job impact?

Administrator Jackson, throughout the entire process, could not tell us. In fact, they only do it in silos and never the cumulative effect of what are the jobs lost based upon regulation.

What is the compliance cost?

We ought to know that because the more there is a requirement to comply with the rules and regulations when we're competing against China, who has no rules and regulations, we are less competitive, we lose jobs.

Is it so harmful to ask where's the benefit, a cost-benefit analysis of all these regulations?

So we'll get a chance. I know I was asked by the other side earlier in the debate, where is the legislation to affect rules and regulations that will create jobs?

Well, it's coming next week, and it's the greenhouse gas rules and regulations, which does not affect the Clean Air Act, which does not change, after all their portrayals on dirty air, it does not affect a single criteria pollutant in the Clean Air Act.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I would like to inquire if the gentleman has any further requests for time.

Mr. SHIMKUS. I was expecting a few Members, but I don't expect them to come now.

Ms. DEGETTE. I yield myself the balance of my time.

Mr. Speaker, it has now been 36 days since we were sworn in in the 112th Congress. Yet, in the Energy and Commerce Committee, which I know Mr. SHIMKUS and I will both agree is the most illustrious and powerful committee in the U.S. House of Representatives, the committee with broad-ranging jurisdiction, everything from energy policy to food safety to health care, even to national league sports, we have not passed one legislative bill in those 36 days. We haven't passed one bill to repeal an onerous regulation. We haven't passed one bill to create one new job.

In fact, the first subcommittee markup in the Energy and Commerce Committee is tomorrow. This markup is of an extreme bill which will restrict a woman's right to choose. This is a divisive bill that has nothing to do with repealing one onerous regulation, and, in fact, it doesn't create one job, except maybe a job for lawyers who, if this actually became law, would have a field day litigating the legislation.

Look, Mr. Speaker, we all agree that if there are burdensome regulations, they should be repealed. But let's not let this discussion devolve into a partisan debate under the guise of regulatory reform.

So we know our colleagues on the other side of the aisle don't like the new EPA greenhouse gas regulations. We know that they don't like the new health care bill. But just because those bills have been passed and are being implemented does not mean that the regulations, per se, cause a loss of jobs.

So what I would suggest the American people would like us to see, what they told us in the election, what

they've told us since the election, what all of my constituents told me when I was home last week is, when are you going to stop the partisan bickering? When are you going to create jobs?

I believe that if my colleague from Illinois and I, and all of the rest of us got together, we could identify a number of regulations, regulations passed under Democratic and Republican administrations that are burdensome, that are outdated, and that we could repeal. But in the meantime, let's just call it what it is. Let's have the debate if we're going to have it. But let's not call it a debate about burdensome regulations. Let's create jobs.

Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I think this has been a great debate. And DIANA DEGETTE is a great friend of mine. We've served here in the Chamber for a long time. And I think it's good for the public to understand that we can have strong disagreements without being disagreeable. And I'm probably one of the strongest, outspoken loudmouths on the committee. And I have been recently. But I think it's also good to know that we can continue, even on very controversial issues on life. She has very strong opinions, and I have very strong opinions. But Congresswoman DEGETTE has my respect, and she's a friend.

During last fall, businesses kept coming to me and saying, all we want to be is left alone. That's really part of this debate.

The Democrat majority, in fact, in the last 2 years, they had the whole shooting match. These are the same debates you had about us. You could have addressed the regulatory burdens on business, but you didn't. You had the House, you had the Senate, you had the Presidency. Not one bill to ease the regulatory burden.

So now the pendulum has shifted. We're into job creation. One of the burdens of job creation is excessive regulation. Businesses want to be left alone. There's too much uncertainty.

What have we done to bring to the floor to help provide certainty? We voted to repeal the health care law. If you want to talk to businesses, both large and small, one of the biggest things that has created uncertainty is Obamacare. And that was on the floor.

The second thing that created the most uncertainty is climate and a carbon tax, raising the cost. That's going to come to the floor.

So here are two major provisions passed in this Chamber, hurt jobs, we get a chance to address on the floor. And so this is an important exercise. We're going to be doing it in the committee. We've had four hearings in the committee on issues all around the regulatory burdens.

I gave you the example of U.S. Steel. Here they've got a NO_x requirement so

they keep the burners on low. But a carbon requirement would require that the burners are on high. How do they comply? I'll tell you how they comply. They move the steel mill to a country that does not have those regulations. Or we import it.

Should we look at these and address these? The answer is yes.

I see my colleague from Louisiana has shown up. If my colleague from Colorado doesn't mind, I yield the balance of my time to my colleague from Louisiana (Mr. SCALISE).

Mr. SCALISE. Let's talk really quickly about just what's so important about this resolution.

□ 1710

As my colleague from Illinois talked about, we have had those hearings. In fact, we had the EPA administrator yesterday in committee, and she actually tried to state that her regulations are helping create jobs. The only problem is that, right after that, we had panelist after panelist of American job creators talking about how those exact EPA regulations are running jobs out of the country. So there must be some parallel universe that these bureaucrats are living in. They think they are creating jobs. And I guess, if you want to really look at it, they are creating jobs, in China, in India, in other places around the world instead of in America.

We just had another hearing today on the problems with what is happening with the administration not issuing permits in the Gulf of Mexico. They are actually making our country more dependent on Middle Eastern oil at a time when you are seeing the Middle East in total disarray with what is happening in Egypt. There was just another super tanker that was hijacked by Somali pirates right off the coast of Oman, just yet another example that this is a volatile world. Yet you have got an administration that's using regulations to run more jobs out of this country. This is a time when we should be creating jobs.

I'm really glad that we are actually focusing under this Republican Congress on exposing what those regulations are doing to destroy jobs in America. We can create jobs. We have got to get ahold of these regulations.

Mrs. SCHMIDT. Mr. Speaker, before I give my opening remarks, I yield 3 minutes to my good friend from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this resolution. We have all heard the expression, Keep It Simple, Stupid, the KISS formula. Our government needs to do a better job of adhering to this phrase.

In the transportation sector, there are numerous examples where the regulatory process is burdensome and impedes private enterprise.

The Department of Transportation has regulations pending that classify lithium cells and batteries as hazardous materials. If implemented, this could create an impediment in getting batteries to consumers, the military, and government agencies. As a result, this could jeopardize manufacturing jobs in my district, jobs we cannot afford to lose.

DOT has also put forth regulations that would implement changes to hours of service regulations. This proposal is soliciting comments on whether to retain the current 11-hour time limit, or reduce the maximum driving time to 10 hours, something the agency prefers. If implemented, it will create ramifications for goods movement and likely affect consumers' wallets and private enterprise.

Finally, the National Mediation Board recently published a rule that alters how labor elections occur. Under previous guidelines, a majority of the eligible electorate must vote in favor of unionization. Under the new proposed rules, this majority is defined by those who actually vote in elections, meaning the outcome could form a union when the majority of persons affected did not express the desire to do so. This is simply another way for the labor movement to gain traction and dictate an outcome that they cannot achieve otherwise.

We support reducing the number of regulations, Mr. Speaker. But that is not to say that we support compromising safety. Indeed, we do not.

Mr. Speaker, we can do better. We can provide oversight that is simple and straightforward without impeding private enterprise. Our economy will benefit if we bear in mind the saying, Keep It Simple, Stupid.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 72. Under both Democratic and Republican administrations, Federal agencies can, and do, abuse their regulatory powers.

For the last 2 years, in my own district, coal miners in communities that depend on coal have been struggling with the uncertainty created by the Environmental Protection Agency that has pushed its regulatory authority to extremes.

As a result of EPA's extensive intervention in Clean Water Act section 404 permitting for service mines, miners in my district and their families are in an untenable limbo, wondering from week to week whether their mines will get a permit and whether their jobs will end.

EPA is setting new timelines and new criteria for permits, timelines and criteria that differ from what is in statute and regulation. And they are doing so not through the proper regulatory procedure, but through interim guidance, skirting the rulemaking process that would provide for greater transparency and public comment.

The agency is setting a terrible precedent that opens the door for further abuses in future administrations. So I stand here today supporting the contention that Congress ought to check overzealous executive agencies. We ought to be conducting rigorous oversight and siphoning off regulations that hamstringing our economy and the wellbeing of Americans. And I fully expect our committee, the Committee on Transportation and Infrastructure, to soon review the EPA's actions with respect to coal mining permits throughout central Appalachia.

But I also remind my colleagues that this is not a new responsibility. It is the duty placed on Congress, the people's branch, by the Framers of the Constitution, who knew firsthand the abuses of an all-powerful executive.

Nothing in this resolution changes or enhances that responsibility. Rather than expending so much time, energy, and taxpayer dollars in a display on this floor that provides the Members of this body and the American people not a single ounce of new or enhanced benefit, we ought to be concentrating on the real work. We ought to be moving legislation that creates jobs, good family-wage jobs.

There is no better way to create family-wage jobs than investing in our Nation's transportation and water resources infrastructure. These investments create and sustain millions of American jobs and generate billions of dollars of economic activity.

According to the Federal Highway Administration, for example, each \$1 billion of Federal investment creates or sustains 34,799 jobs and \$6.2 billion of economic activity. Moreover, these investments strengthen our ability to compete in the global marketplace.

It is for these reasons, creating family-wage jobs and strengthening our global competitiveness, that the presidents of the Chamber of Commerce and the AFL-CIO have linked arms in support of increased infrastructure investment. Yet, in the first six weeks of this Congress, the only action to date has been to wipe away the legacy of former Republican Chairman BUD SHUSTER, the budgetary firewalls that ensured that we invest the revenues of the Highway Trust Fund in highway and transit infrastructure. We have abolished the "trust" in the Highway Trust Fund.

In the last Congress, the House passed a Federal Aviation Administration reauthorization bill that significantly increased airport investment, including runway, terminal, and tarmac construction. The bill also authorized and accelerated the FAA's next-generation air transportation system, which will be an engine of economic growth. It will benefit airlines, workers, the traveling public, and the FAA over the long term, providing greater job security and opportunities

for the Nation's 567,000 airline workers and the 624,000 employees that work for companies that manufacture aircraft and components.

We also passed a bill to help cash-strapped States and communities invest almost \$14 billion in wastewater treatment facilities and sewer lines.

In addition, the committee, on a bipartisan basis, approved a \$500 billion Surface Transportation Authorization Act to significantly increase investment in highway transit and rail infrastructure. The bill would create and sustain an estimated 6 million jobs.

Finally, our committee on T&I approved a water resources development bill to invest in our Nation's water resources infrastructure and an Economic Development Administration reauthorization bill that provides grants to economically distressed communities to help them build the necessary infrastructure to foster business investments and create jobs.

Mr. Speaker, these are the bills that we should be debating on the floor today. These are the bills that make a difference in people's lives.

We cannot wait. The construction season is upon us, and 1.9 million construction workers are still out of work.

□ 1720

They need a job, not another feel-good resolution from this Republican majority.

Mr. Speaker, I ask unanimous consent that all time on the resolution be yielded back and that H. Res. 72 be adopted so we can move to consider legislation creating jobs.

The SPEAKER pro tempore. Does the majority manager, the gentlewoman from Ohio, yield for the purpose of that unanimous consent request?

Mrs. SCHMIDT. I do not, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman does not yield for the purpose of that request.

Mr. RAHALL. I reserve the balance of my time.

Mrs. SCHMIDT. I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. I thank the gentlelady from Ohio for yielding me this time. Mr. Speaker, I rise in strong support of H. Res. 72.

I thank the Speaker and the House leadership for giving us this time to help call to the attention of the Nation something that has become a very serious problem, and that is the explosion of rules and regulations and red tape that has taken place over these last several years at a very rapid pace.

In 2005, a study by the Small Business Administration found that businesses spent approximately \$1.1 trillion to comply with Federal Rules. Confirming that, another study in 2009 by the Competitive Enterprise Institute said Federal regulatory compliance had reached \$1.2 trillion for businesses.

The annual outflow of rules has meant that nearly 60,000 Federal rules have been issued just since 1995. Regulatory agencies issued over 3,500 final rules in 2009. Today's Code of Federal Regulations contains an astounding 157,974 pages. They haven't designed a computer that can keep up with all of that, much less a human being. And the average family, according to another study by the SBA in 2010, they said the cost of Federal rules and regulations now costs the average family over \$15,000 a year, and that has increased by more than \$4,000 just in the last 5 years.

George Mason University put out a report earlier this year which said that U.S. regulations "are now more onerous than those in other countries, particularly countries that offer similar property rights and infrastructure," and that "the United States risks losing investment capital and jobs."

Speaking more specifically about the Transportation Committee, according to a GAO report the typical transportation project now takes between 9 and 19 years to plan, gain approval of and construct a new major federally funded highway project.

Let me give you two examples. Several years ago when I chaired the Aviation Subcommittee, we had a hearing in which they said the main and newest runway at Atlanta airport at that time took 14 years from conception to completion. It took only 99 construction days. They were so happy to get all the final approvals they did those in 33 24-hour days. It was all environmental rulings and regulations and red tape.

Four years ago, we had a hearing in the Highways and Transit Subcommittee, and they said that a highway project in Southern California, a 9-mile project, took 17 years from conception to completion, from 1990 until 2007.

What these delays and rules and regulations have done is driven up the cost. We now take on average three times as long and three times the cost of any other developed nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. SCHMIDT. I yield the gentleman an additional 30 seconds.

Mr. DUNCAN of Tennessee. What this does is it hurts the poor and lower-income and working people of this country because it destroys jobs, it drives up prices, all these regulations. It even kills people, when you delay for years widening and improving highways and making them safer. So it is causing problems for everything that comes out of our committee.

This is a very important resolution, and I urge my colleagues to support it.

Mr. RAHALL. Mr. Speaker, I reserve my time.

Mrs. SCHMIDT. Mr. Speaker, I yield 2 minutes to the former chairman of the Transportation Committee, the

gentleman from the great State of Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the good lady for yielding.

Mr. and Mrs. America, our economic growth is being stifled by 165,000 pages of regulations; 1.4 million laws were never voted on by this body. They are the law of the land, passed by the bureaucracy. We are to blame for this ourselves.

As you can see from the chart—I venture they will get it up here—the number of environmental laws and executive orders affecting the construction industry has exploded since 1965. Just take a look at this. Here is where we are. Look at what they have to go through here. All these things have to be met by the construction company. This is why it takes 17 years to build a highway.

I want to keep in mind now—you keep hearing about creating jobs. You do not create a job; you allow a job to be created, and regulations prohibit that. We see regulations every day that prohibit the growth of industry and jobs in this country. You mentioned, Mr. Ranking Member, who was chairman, we can't even mine coal because of regulations.

So let's start thinking about the money. By the way, it costs \$1,000,100,000,000 a year to implement these regulations that were never voted on. We can balance the budget in 13 years if we eliminate these regulations.

The agencies keep going forth each day spending more money. Their idea of success is having another law that has never been voted on. It gives an untold power to the executive branch. This is the House of the people, and if we don't address this issue, shame on us. It is absolutely important.

I just got a regulation proposed at Alaskan Airlines. They had to get a permit. By regulation, they are required to apply to the Pipeline Hazardous Materials Safety Administration before they could fly it. You know what it was? It was whipped cream. You can't fly whipped cream without a permit. Another regulation from an agency. Who thought that up?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. SCHMIDT. I yield the gentleman 30 additional seconds.

Mr. YOUNG of Alaska. The second one, the newest one to come out is a regulation by EPA under the oil spill liability clause where the EPA is proposing a regulation to apply to dairies because milk has fat in it. They want to apply the oil spill liability regulation to a dairy. That means each cow costs \$600 per life of the cow because they want to clean up milk. The saying "don't cry over spilt milk" is now going to cost you money, a regulation by an agency that makes no sense at all.

Wake up, Mr. and Mrs. America. Let's eliminate these regulations that prohibit job creation in this country. That is what we ought to be talking about.

Mr. RAHALL. Mr. Speaker, I continue to reserve.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American voter spoke loud and clear in November. They said they are tired of business as usual in Washington. They want less government intrusion and more freedom to prosper. This resolution begins that journey. It ensures freedom from government overregulation.

The buck stops here in this Chamber. The Transportation and Infrastructure Committee alone, in this committee there are overregulations in every mode of transportation and in every area of infrastructure.

Specifically, our committee is going to look at a recent rulemaking by the National Mediation Board; arbitrary revocation of environmental permits by the EPA; new hours of service regulations for truckers by DOT; costly implementation of positive train control by DOT; the overly broad lithium battery rule; an extremely burdensome EPA rule to comply with the Cotton Council versus the EPA decisions; EPA's regulation of leaded general aviation fuel and airport de-icing fluid; EPA's expanded regulations of storm water discharge; and EPA's jurisdiction grab while they claim to implement the Clean Water Act.

An issue of particular concern to me and others are the actions taken over by the National Mediation Board.

□ 1730

Mr. Speaker, under the current administration, unelected and unaccountable political appointees at the National Mediation Board have been bullying hardworking airline employees. As many of us know, Delta Airlines merged with Northwest Airlines in 2008. Northwest employees were represented by unions and traditionally most Delta employees were not. To complete the merger, employees have to decide whether they will elect union representation or not.

Beginning in 2008, Delta repeatedly urged the unions to seek elections so that the issue could be resolved one way or another. The only way to start that process was for the employees who wanted a union to call for an election. Many of the merged Delta working groups had already made their decision about representation. Pilots, mechanics, dispatchers, and meteorologists had all chosen, and the mediation board affirmed those decisions promptly.

In August of 2009, everything was in place to allow votes to proceed for the remaining work groups. The mediation board, however, dragged its feet and

did not act on these requests, despite receiving and acting on three other requests from three other employee groups at other airlines in the intervening time.

The reason became clear in September of 2009, when the AFL-CIO asked the mediation board to change the rules in the middle of the merger. With no consultation or transparency, the mediation board rushed through new rules which makes it much easier to join a union. The new rule does so by only requiring a majority of those voting—not the majority of the work group, as required under the Railway Labor Act—to decide whether or not employees would be represented by a union. This meant that if, of a workforce of 20,000 people, only 1,000 people voted and 501 wanted a union, the entire 20,000 would be then represented.

At the same time, the new rule, while making it easier for unions to gain a foothold among employees who might not want them, didn't provide any mechanism for decertifying the union. In other words, the mediation board made it easier to get the union in and nearly impossible to get it kicked out.

With these new rules proposed, the unions which represented Northwest employees withdrew their request for votes while they waited for the new, easier rules to be finalized. The rules change was then finalized. They refiled for elections under the easier rule, and the mediation board promptly acted on those requests.

So what the unions wanted and got was the chance to have their vote under the new, more favorable rules. It begs the question, Mr. Speaker, of how much the mediation board is mediating on behalf of workers as opposed to coordinating with special interests.

If the mediation board were reasonable, it would have allowed Delta and Northwest flight attendants and airport workers to decide whether or not they wanted union representation as soon as the unions filed. The NMB let three other airline elections go forward under the old rules but not Delta.

I would hope that the mediation board is watching out for workers' rights and not just union dues. Nothing appears to have been done to enhance worker rights and protections, and many feel that their rights are being trampled on by the very agency that is supposed to be looking out for them.

Despite the rule change, Mr. Speaker, when votes were eventually held late last year, a majority of the employees in fact voted not to join the union. The unions now have filed a complaint with the mediation board, asserting that Delta interfered with these elections and asking for new elections under—guess what?—another new set of rules. The National Mediation Board has not yet responded, but there are rightfully concerns with how it will proceed based on its past behavior.

It should be up to the employees and no one else to decide whether or not they will have a union—not the company and certainly not the Federal Government. Forcing employees to unionize through regulation is not why the National Mediation Board exists.

Mr. Speaker, at this time I yield 2 minutes to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. I thank my colleague for yielding.

Mr. Speaker, I rise today, along with many of my newly elected colleagues, as one of the Members that came to Washington to stop the "red tape" factory of regulations and help businesses get back to creating jobs.

In every community I visit in my district, I have met a business owner who is fed up with spending tremendous amounts of money to comply with unlimited, burdensome regulation—or have invested dollars that are tied up for months or even years waiting for Federal agencies to make the decisions held up by regulations and also the permitting process. This is what I came to Congress to stop. These rulemakings create uncertainty and costs, as the details of the regulations take extensive periods of time to finalize. At a time when job creation is paramount to economic recovery, businesses are being forced to postpone decisions on hiring and expansion.

A prime example of these harmful regulations is a company in my district that asked the EPA in 2001 to make changes to the Land Disposal Restrictions to ensure proper treatment and promote recycling. EPA decided to take a different track on their request, and 10 years later that company is still waiting for an answer—10 years later. This has to stop.

Another example, EPA has overextended its authority over 404 permits by allowing a permit to be issued, then years later, retroactively vetoing the exact same permit. By doing so, it not only leaves the business questioning the worth of the permit, it leaves investors wondering if they can commit funding to a project without fear of the EPA arbitrarily revoking the permit. EPA has fundamentally changed the term from "permit" to "perhaps." This has to stop.

We need to hold our regulators accountable and make sure they are carrying out the intent of the law, not enhancing their own agenda or stifling economic and job recovery.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to our distinguished leading Democrat on the Subcommittee on Highways and Transit, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for the generous grant of time.

So here we are trying to fill up space while America is in crisis. Now, why do I say that? One of the most important and ongoing obligations of the United

States Congress is oversight. We don't need to pass a meaningless hortatory resolution to tell the committees to do oversight. I've observed a number of the Republican-led committees are already vigorously engaged in oversight. I held dozens of hearings in oversight of the bureaucracy and programs when I chaired the Surface Transportation Subcommittee. That's something we have not done enough of and we should do more of. But spending 10 hours on the floor instead of a few hours marking up some bills that could create jobs in America is a waste of time and meaningless.

We had two commissions that were named when the Republicans controlled the House, the Senate, and the White House in the Bush era. Both of those commissions, Republican-led, Republican-authorized commissions, came to the same conclusion: We are dramatically underinvesting in our Nation's infrastructure. We are becoming Third World: 150,000 bridges on the National Highway System need substantial repair or replacement; 40 percent of the pavement on the National Highway System fair or poor, causing blow-outs, axles broken, accidents. It's a mess. Talk to anybody. A \$60 billion backlog on capital investment in our transit systems. And you know what? When we make these investments, there's a great thing about it. We have strict buy America requirements—buy America requirements I intended to make more strict, and I hope the Republicans will now that they're in charge, when we reauthorize the Surface Transportation Bill.

You get a phenomenal multiplier of jobs out of those investments. Instead of the stupid stimulus bill we passed, if we had taken one-fifth of the money that went into that stimulus bill and we had invested it in surface transportation in this country, we could have created another couple of million jobs a year; because they aren't just jobs of people out there building the bridges and the highways and those sorts of things; they're the people that make the things that we use to build the bridges and highways—the steel industry. They're the people who make the tires for the buses or the engines for the buses or the streetcars that we now make in Oregon again, made in America for the first time in 70 years. A huge multiplier effect. Inadequate.

□ 1740

So what they said is, the amount of money we're currently investing won't even keep the Eisenhower-era system up. Now the Republicans are refusing to look at enhanced investment in transportation infrastructure, and we haven't even begun a discussion of authorizing that legislation.

As for the Federal Aviation Administration, we are wasting billions of gallons of fuel and people's time in the air

because we don't have an adequate aviation system in terms of air traffic control and the tools that our controllers need. They're focused on the controllers: Oh, those controllers, they just earn too much money.

They're working with 1950's equipment. You can't get vacuum tubes anymore.

Let's focus on the things people need in order to do the jobs more efficiently, to get our planes where they're going as safely as we do today but more efficiently. Let's stop the congestion in the skies. Allow our airports to expand. Get the jobs out of construction. Let's talk about those things.

Today, the Democrats introduced a bill, our first major bill, H.R. 11, to authorize more Buy America Bonds. Now, this doesn't cost the Federal Government anything in the end. What we are trying to do is help the local jurisdictions, the States, and others who are strapped now—their bonding authority is either tapped out or they don't have good credit because of other problems—to do needed projects and give it to them at interest rates they can afford. Yeah, there's a little subsidy there in the interest rate—but guess what? With the jobs we generate, we're going to get more than that back in the taxes.

The best way we can deal with the deficit in this country is to put Americans back to work. Thirty to 40 percent of our deficit could be dealt with if we had full employment and reasonable rates of taxation like in the Clinton era. But no. The Republicans want to sit here and pretend they really care about these things.

We're going to get rid of those job-killing regulations and we'll start to do something new—oversight.

Well, good as to the oversight. You're already authorized to do oversight. Don't pretend you aren't, and don't pretend that this meaningless resolution is going to make any difference at all. Why are we wasting this time? Why are we wasting this time? Because you want to put on a show. Well, good for you. You're putting on a show. You're in charge. You can put on a show whenever you want, but someday, you're going to come to account for it, and if you haven't delivered on the jobs, and you're not doing much so far that I've seen to produce any jobs. You can pretend this is about jobs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman an additional 3 minutes.

Mr. DEFAZIO. What this is really about is your day-in, day-out agenda, which is big business. This isn't about independent truckdrivers who struggle to make a living. This isn't about small, independent businesses that go out and get contracts through the States with Federal money to build highway projects and some of the pa-

perwork they have to deal with. I'm all with you on that stuff. Let's streamline that stuff. Let's get rid of that junk.

Just today, I had some people in my office who I've helped to get some money to reopen a rail line that was closed by some hedge fund in my district that bought it out, and they're being hung up on getting a Federal grant, which I helped them get one of those horrible earmarks we get around here to further enhance that short rail line, by some paperwork at the Fish and Wildlife. It just happened that the regional guy from the Feds for Fish and Wildlife was there in my office to talk to another staffer. I put them together, and we solved the issue in a couple of minutes, but it shouldn't have happened. We can streamline the paperwork. We can do that in a transportation bill and deal with those sorts of things.

So if you want to do real stuff to help real people, small business, Main Street, I'm with you, but not if this is yet another ruse to either engage in some sort of political, you know, pursuit of the administration, or if it's just something else to help your big business allies or something else to coddle Wall Street. Get rid of those burdensome regulations on Wall Street. Why, they can regulate themselves. Look what a great job they did over the last 10 years in regulating themselves. Well, they did crater the U.S. economy and the world economy and cost a few million people their jobs, but they would never do anything that would jeopardize our country.

Those burdensome regulations on Wall Street. Those burdensome regulations on BP. My God, how can we have those burdensome regulations on those big oil companies? Just free them up. They'll drill safely anywhere and everywhere, and there will never be a problem.

We had crappy regulation. Let's fix that. But we need regulations to avoid abuses. Don't pretend that we don't. Don't pretend that big business won't choose to abuse the privilege if we don't regulate them properly and smartly.

Do you want to have an aviation industry further deregulated? Let's deregulate safety. Let's get rid of those troublesome inspectors and all that stuff that goes on. No one would ever fly a plane that isn't safe. They wouldn't ever engage in cutting corners. Whoops. That already happened a few times in history, didn't it, during the deregulatory binge in the Reagan years.

So if you want to focus on meaningless, bothersome, trivial regulations, things that impede real working people, small businesses, truckers, other people who use our transportation system, the general aviation pilots, you know, and the airlines, great. But if

it's just another hortatory thing, which it seems to be, or another gift to your big business allies, forget about it.

Mrs. SCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I rise today in support of House Resolution 72 to review regulations and orders from agencies and their effect on jobs and the economy.

One example of an unnecessary proposed rule change is a change in the hours-of-service rule being considered by the Department of Transportation. It would have a detrimental impact on productivity and the economy.

Under the current rule, both the number and rate of fatal and injury-related accidents involving large trucks have declined by more than one-third. These accidents are now at the lowest levels in recorded history. We are successfully balancing safety with productivity, and this current rule works.

The proposed rule change would put additional trucks on the road to deliver the same quantity of goods. This puts more drivers at risk, increases congestion, pollution, and will result in higher final product costs, not to mention the burden this would place on the trucking industry, particularly the small business truckers, some of whom could be forced out of business. Furthermore, the proposed rules are so complex and restrictive, compliance and enforcement would become nearly impossible.

Why would we replace a rule that has served us well, particularly when the proposed change is hardly practical and would negatively impact productivity and our ability to compete?

In the least, this is a redundant and unnecessary process. At worst, it is designed to appease a narrow group of special interests.

On two prior occasions, the Federal Motor Carrier Safety Administration estimated that this change to the rules would cost the U.S. economy \$2.2 billion, and that number includes the safety benefits. Somehow and for some reason, the Federal Motor Carrier Safety Administration then changed its methodology for estimating both the costs and the benefits for this new proposed rule. This led to a statistically positive benefit-cost ratio. Strangely, however, the agency's own analysis still demonstrates the estimated benefits of retaining the current rule exceed the estimated benefits of the proposed change.

Changing this rule is both unnecessary and wasteful on the part of the Federal Government and of small businesses and large businesses everywhere.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to a valued member of our Committee on Transportation and Infrastructure, the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I thank my colleague for yielding me time.

Mr. Speaker, the resolution before us is simple. It instructs the committees to do the job they already do—conduct oversight of the laws passed by Congress.

I believe clarity of purpose is an important component to successfully tackling the challenges we face as a Nation. So, while I have no objection to this resolution, I question why we need to spend 9½ hours debating what we should all unanimously agree on. Spending this much time on this resolution is like making sure we finish chewing our gum before we start walking—when just a few months ago we were doing both at the same time.

Take the American Recovery and Reinvestment Act, for example. This legislation was passed as an unprecedented response to the most severe economic crisis our Nation has faced since the Great Depression. We knew that there was a lot of taxpayer money involved in this legislation. That's why we included reporting requirements for the recipients, and that's why we included diligent committee oversight. Because of these measures, I know that approximately \$1.5 billion was allocated to Hawaii. Since 2009, this money has helped to save or create 13,000 full-time equivalent jobs in Hawaii.

□ 1750

I also know that Hawaii received approximately \$156 million for highway and water infrastructure improvements. These funds are helping to build Hawaii's infrastructure for the future right now.

For example, when completed, the Waimea Wastewater Treatment Plant expansion project on the island of Kauai will double the capacity of the existing plant. It will allow the county to take advantage of photovoltaic systems that will minimize the facility's carbon footprint. The expanded capacity will also reduce the county's reliance on potable water for irrigation, water that they need for other purposes besides irrigation. Altogether, this investment will allow for expanded development in the area, which will lead to more new businesses and, importantly, more new jobs.

Mr. Speaker, we need to learn how to walk and chew gum at the same time again. As the Recovery Act demonstrates, when we do, we can make a positive difference in the lives of our constituents, create jobs, and address the challenges we face together.

Mrs. SCHMIDT. Mr. Speaker, I yield 2 minutes to the gentlelady from Washington State (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Mr. Speaker, let me clear up something really quickly. The reason I'm rising in support of this resolution and the reason it is so important that we debate the job-killing costs of regulation is

because we are at an all-time high in my neck of the woods for unemployment. We're at double-digit unemployment in southwest Washington, and we've been doing it just in about every single county in my district for weeks.

The other side keeps saying, oh, my goodness, this is simple, this is kid's stuff. If this is kid's stuff, why are we dealing with it today at the beginning of this Congress? Why wasn't it dealt with last Congress? I'll tell you why, because we need to make changes. We need to tell these agencies back off small businesses, back off families, back off our cities. Operate within the law. Don't make your own laws.

Last year, the EPA promulgated 928 new rules last year alone, 928 new rules. You know, when I have my construction workers who are out of work right now come to me and say we've got these storm water regulations and they're requiring us to go back into pre-Lewis and Clark days, we don't even know what that looks like. We've got these regulations handed down to us from the Feds and we can't hire new workers. We can't build new businesses. We can't even redevelop without cutting our arms off, when it comes to costs.

It needs to change. I'm all for commonsense solution-oriented regulation. I want to protect our environment. I want to protect our way of life, but business and our economy are not mutually exclusive with our environment. We're simply saying, and we're taking the time today to say, that the EPA and other Federal agencies that have overstepped their bounds need to check themselves, or we're going to have this debate.

So I invite my colleagues on the other side of the aisle. We want to create jobs. We want America to be working again. I have friends and family out of work in southwest Washington and they want to work; but then their small employer says, I'm sorry, I've got to put new money into this infrastructure piece to retrofit it to bring it up to speed with this new regulation, I can't hire you or I need to minimize your hours.

So there is work to be done.

Mr. RAHALL. I reserve the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I yield 2 minutes to the good gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. I thank the gentlelady for the time, and, Mr. Speaker, I also want to briefly at the beginning comment on why we're here today. We're here today because the 111th Congress didn't do some of this work, and we have a resolution that is going to make the 112th Congress get the job done.

Mr. Speaker, I rise today in support of H. Res. 72, and I'm speaking about the egregious overregulation by the current administration. One specific

instance I would like to bring up to the floor occurred with Spruce Number One surface mine in southern West Virginia.

I know that it is not uncommon for the EPA to veto mine permits, but this is the first time in the history that the EPA has vetoed a mining permit after it has been issued and placed into action. The portion of the Clean Water Act referenced was section 404, a requirement for commercial investment in several industries, including mining and transportation.

I'm the son of a coal miner who worked in an underground coal mine for 37 years, and now I'm representing southwestern Indiana, a district rich in coal reserves; and in State of Indiana, 95 percent of our electrical energy comes from coal. Every coal mine in Indiana, except for one, is in my district. I find it very troubling that the EPA would veto a mining permit after it had been issued by the Corps of Engineers and put into operation by the mining company. The mining company had invested \$250 million and was going to bring good jobs to southern West Virginia.

I am troubled by this overstepping by the EPA because I am fearful that all mining companies going through the permitting process in my district are going to be at risk, even if they're granted a permit. I'm also fearful for all the industries that require section 404 permits that could have theirs retroactively vetoed and would waste private capital investment and hurt job creation.

With our Nation's labor force participation rate at a 26-year low, we must end the overregulation and stop the atrocious overreaching by government agencies. We need jobs in America.

Mrs. SCHMIDT. Mr. Speaker, I believe I have my last speaker. I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, we have a unique opportunity today to begin the long process of addressing the hidden tax of burdensome regulations. These are the regulations that choke small businesses, hinder U.S. manufacturers, and obstruct job creation.

Last year alone, the Federal Government created 43 major new rules that cost our economy approximately \$28 billion, and my friends on the other side of the aisle wonder why jobs are going overseas.

By directing committees to review and purge outdated and unproductive regulations from the books, this resolution provides much-needed oversight to a regulatory system that is spiraling out of control.

As the co-chair of the House Manufacturing Caucus, I hear almost every day from manufacturers and other small businesses that are being crushed by unnecessary regulations which con-

strict job growth and yet don't make us any safer, any healthier, or any more secure.

Our country needs a sensible and economically competitive regulatory policy. We need to give the Office of Advocacy of the Small Business Administration a stronger voice within the executive branch to stop or amend bad regulations before they become finalized. We also need to pass the REINS Act that will require Congress to have the final say on major regulations before they take effect to ensure that they are following congressional intent.

I urge my colleagues to support H. Res. 72.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, in closing, I just want to say I look forward to working with the gentleman from West Virginia and all in this House to make our America a better place to live, work, and raise a family.

I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

□ 1800

Mr. Speaker, I commend my colleague from Texas (Mr. SESSIONS) and Speaker BOEHNER, Leader CANTOR and the House leadership for bringing this important resolution forward.

This resolution represents the opening battle in the fight against the continued expansion and overreach of the regulatory state, that state being the Federal Government.

We have just gone through 4 years of a very liberal Congress and 2 years of a very liberal administration, and working hand in hand, they have passed massive new laws that expanded government and weakened personal freedom. The 10th Amendment says that all powers not specifically granted to the Federal Government are left to the States and the people. But from health care to financial services to other sectors of the economy, Congress has ceded its constitutional responsibility to unelected and unaccountable Federal bureaucrats.

Two years ago, President Obama reminded us that elections matter when he said, "I won." Well, Mr. Speaker, in November, the American people won. In doing so, they made it clear to anyone listening that they strenuously objected to the direction that our country has taken. They object to the limitations imposed on our freedom, on our choices, and on our ability to create jobs. This is not new. In the past as well as in the current administration, liberal Presidents who could not achieve their goals by the consent of the people have resorted to regulatory fiat to give their most extreme supporters what they want.

Under these regulatory regimes, the power of Congress and the people has been reduced to notice and comment, a

notice and comment period in which they can only state their objections. However, as is becoming increasingly apparent to the American people, these comments are regularly ignored by the regulators. The expansion of the regulatory state continues to concentrate power in the executive branch and to marginalize representative government with congressionally enacted legislation being replaced by decrees from regulators who are insulated from the popular vote.

Fortunately, this Congress is committed to doing something about unnecessary and unreasonable regulatory burdens, and the resolution we are debating today is a great start.

Under this resolution, 10 House committees—including the Financial Services Committee—will review pending and existing regulations to determine their impact on our Nation's economy, on its ability to create jobs and, most importantly, our own personal freedoms.

This review comes not a moment too soon. Our job creators struggle under a seemingly endless and constant flurry of mandates pushed out by the administration and initiated under the former majority in Congress. Nothing better illustrates the rule of the unelected in the regulatory state than the Dodd-Frank Act. As a result of this one massive piece of legislation passed in the last Congress, there will be a tsunami of 300 new Washington rules and regulations. The burden of these regulations will almost certainly limit access to credit for small businesses and consumers. They will divert private sector resources that should go to expanding businesses and creating jobs. And they will also limit the owners and the consumers of those firms from making their own choices and decisions.

The Financial Services Committee has heard testimony from many witnesses about the harmful impact of the act. One of them, the Cargill Corporation alone, told us that the act's requirements on derivatives would cost the company \$1 billion, funds that otherwise would be deployed for the construction of a new plant in Kansas City, a plant that would create thousands of jobs and put Americans back to work.

That is only one example of the uncertainty our economy faces due to these new Washington regulations. It shows how the expanding regulatory state too often forces U.S. companies to divert resources and time away from job creation and investment and instead toward obeying the ever-growing demands of a bigger and more intrusive government.

In a hearing in my committee only this morning, there was bipartisan agreement and no opposition to a provision in our oversight plan offered by the gentleman from Georgia (Mr.

WESTMORELAND) requiring a review of the mixed messages in which we hear Washington regulators calling for increased lending by banks but examiners in the field micromanaging bank activities and stifling lending. These conflicting signals are creating uncertainty that prevents banks from lending to small businesses, and in extreme cases they have caused the failures of those very banks. This uncertainty, in turn, impedes economic growth and costs jobs.

Let me conclude by saying this Congress was elected to limit the scope of the Federal Government, not to expand it. Our forefathers who fashioned the 10th Amendment would be pleased with our debate and our efforts today.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. I yield myself such time as I may consume.

Mr. Speaker, as ranking member of the Subcommittee on Capital Markets and Government Sponsored Enterprises, I am extremely concerned about the impact of the Republicans' continuing resolution on the ability of the Securities and Exchange Commission, the SEC, to police our capital markets, thereby preventing another financial crisis.

To be clear, the Republican continuing resolution, with its \$100 billion in proposed cuts, is an assault on job creation, vulnerable populations and our communities. However, it is also an assault on our financial markets. If the Securities and Exchange Commission is level-funded or funded at 2008 levels, we risk defunding the main agency with oversight over the risky financial products that started the 2008 financial crisis. The SEC is supposed to be our Wall Street cop. It is supposed to make sure that the brokerage firms are obeying the law. It is supposed to protect the investors. It is supposed to make sure that those people who work every day having their money invested by institutional investments like the pension funds are not losing their investments in their 401(k)s.

Let's talk about what happened in 2008. In 2008, our financial markets collapsed. In 2008, it was clear that the SEC didn't have the tools or the resources it needed to monitor or police those markets. So, frankly, I don't understand why Republicans would want to underfund the SEC with the same amount of funding it received in the year that it lacked the resources to monitor financial markets that were spinning out of control.

From 2005 to 2007, during the buildup to the crisis that imploded in 2008, the SEC lost 10 percent of its staff. In addition, from 2005 to 2009, the SEC's investments in information technology declined by 50 percent. During this time period, trading volume doubled, the number of investment advisers has increased by 50 percent, and the funds

they manage have increased 55 percent to \$33 trillion.

Let's put these numbers into perspective. The SEC's 3,800 employees currently oversee 35,000 entities—including 11,450 investment advisers, 7,600 mutual funds, 5,000 broker dealers, and more than 10,000 public companies. Furthermore, these staff police companies that trade on average 8.5 billion shares in the listed equity markets alone every day.

The Dodd-Frank Act will prevent the next crisis by authorizing the SEC to regulate derivatives, provide oversight of investment advisers and broker dealers, and rein in credit rating agencies. In order to do this, the SEC needs additional funding. The Securities and Exchange Commission that is our Wall Street cop to protect us all needs additional funding. Unfortunately, House Republicans don't want the SEC to staff up or to even maintain their current staffing levels. Why? If funded at fiscal year 2008 levels, the SEC would have to lay off hundreds of staff and cut its IT budget down to \$86 million, its lowest level of IT spending since 2003.

□ 1810

At this level, the SEC would not be able to implement the new systems it needs to protect the Nation's securities markets.

We have all said to the public in so many ways, and certainly through Dodd-Frank, that we are going to change the way the SEC has been working; we are going to make sure we have some protections for consumers and investors. Yet we know it can't be done without the resources, without the money. You can tell where your priorities are based on where you put your funding. This attack on the SEC is more disturbing because the agency's funding will be deficit-neutral. Beginning in fiscal year 2012, fees collected by the SEC will match its congressional appropriation. The critical role that the SEC plays in our Nation's financial markets is precisely why Wall Street, the very entity that the SEC regulates, is asking for Congress to fully fund this agency.

According to a February 7 article in The New York Times, 41 prominent securities lawyers and professionals have already written to Congress to ask for full funding for the agency. Why do we have to beg for funding for the SEC if we are truly about the business of protecting our consumers?

Mr. Speaker, the SEC needs a sufficient level of funding. If Wall Street's cop on the beat is unavailable, we risk another financial crisis and loss of more jobs.

I reserve the balance of my time.

Mr. BACHUS. At this time, Mr. Speaker, I yield 1½ minutes to the gentlelady from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Thank you, Mr. Chairman, for yielding me the time. Thank you for your leadership on our committee as we work toward better solutions for a modernized financial regulatory structure.

Last year, the Dodd-Frank Wall Street Reform and Consumer Protection Act was signed into law. Today we are realizing the overarching effects such legislation will have on our economy, and this has only just begun. Onerous new regulations and the creation of an entirely new agency with vast influence over consumer choice will only impede our recovery. Instead of expanding the scope of government, we need efficient and effective regulatory oversight to support the private sector which will drive our economy's recovery.

I have deep concerns about what this new law will mean for employment, as do many of my constituents. Charles Maddy, who is the president of Summit Community Bank, testified before our committee. The bank is headquartered in my district, and he testified just this month about the effects of the new rules and regulations enacted under the Dodd-Frank financial reform legislation on small institutions. Even though small institutions are supposedly "carved out" of this law, Charlie expressed serious concerns about his institution's ability to compete in this new regulatory regime. Banks that didn't take excessive risks or use exotic financial products are going to see higher compliance costs, limited access to capital, and regulatory pressures on lending issues, all of which hurt our ability and his ability to serve the community.

While it is necessary to regulate those that acted irresponsibly, it is important that the regulations be targeted and effective, not broad and burdensome. At a time when we should be creating economic certainty in our markets, we are seeing the unintended consequences of this law. According to Mr. Maddy, "New standards are being applied without banks having a clear understanding of where they are." This will only discourage investment and innovation and hinder job creation.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentlelady.

Mr. Speaker, I come after a couple of members of the Financial Services Committee with whom I like to work and I admire; but I've got to say, what's being proposed here today is that America forget what happened on Wall Street 2 years ago, 4 years ago, 6 years ago. It's a request to have collective amnesia and forget that giant Ponzi schemes were perpetrated on hundreds of thousands of people. Pension funds, firefighter funds, people all across this country.

Let's just start with one guy named Madoff. The reason you have regulations, the reason you want a regulatory body is to stop crooks like Bernie Madoff. And under the Republican watch, it was, Let's not regulate. Let's not enforce regulations. Let's allow the market to regulate and police itself. And then we have a guy like Bernie Madoff.

I heard Mr. BACHUS talk about a company that, because of regulations, won't invest \$1 billion. Well, regulations and the lack of regulations under the Bush administration cost investors \$65 billion in the Madoff Ponzi scheme alone. Forget about Stanford and the other ones where these bandits were running rampant.

Our economy expects regulation. It requires regulation so people aren't defrauded and looted. And it's this kind of oversight where we make sure the regulators are doing their job to look out for crooks who are stealing people's money. That's their job.

The thing that threw this country into a tailspin was the Wall Street excesses and the rampage that these Ponzi scheme artists put on America, and my friends on the Republican side of the aisle want us to forget that. They want to say, Let's not have any regulation. We have too much regulation. Well, that lack of regulation almost killed this country's economy, millions of jobs lost. We don't hear anything from the Republicans about, Let's put people back to work; let's create jobs. It's about, wait a second; we've got to get rid of these regulations that they did not enforce when they were in power, causing this country to lose billions of dollars and millions of jobs.

So we all agree that there should be oversight of the executive branch. No ifs, ands, or buts about it.

The SPEAKER pro tempore (Mr. CULBERSON). The time of the gentleman has expired.

Ms. WATERS. I yield the gentleman an additional 30 seconds.

Mr. PERLMUTTER. The regulations are important, especially in an arena where huge amounts of money are being transferred. Billions of dollars were stolen from Americans. We have regulations in place. We need those regulations enforced. And if the Republican Party thinks that these things are in excess, they should go talk to some of the victims of those giant Ponzi schemes that occurred under their watch.

Mr. BACHUS. Mr. Speaker, I would like to yield 1½ minutes to the gentlelady from Illinois (Mrs. BIGGERT), the chairman of the Housing and Insurance Subcommittee.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, government burdens are the number one concern that employers in my district share with me every

time I visit a small business or talk with local entrepreneurs. Among all the economic hurdles we face, Federal demands clearly play a leading role in driving the uncertainty that has frozen our job market. And it's no wonder.

Over the last few years, contrary to what the gentleman from Colorado just talked about, Congress has enacted sweeping new laws regulating finance, health, and more; and as a result, employers are facing thousands of new pages of Federal regulations, mandates, and paperwork nightmares. For example, the Dodd-Frank financial overhaul will result in an estimated 330 new rulemakings that have the potential to raise the cost of credit, impede private investment, and curtail innovation in the financial sector.

As a result, the Small Business Administration estimates that America's most active job creators, small businesses, are the hardest hit by Federal regulations. Those with 20 or fewer employees pay an astounding \$10,585 per year per employee to comply with Federal regulations. It's time to go line by line through the Federal rule book. Let's examine what works, throw out what doesn't, and make sure we aren't imposing unfair and unnecessary burdens on job creators.

I urge my colleagues to support House Resolution 72.

Ms. WATERS. I yield 3 minutes to the gentlelady from New York (Mrs. MALONEY).

□ 1820

Mrs. MALONEY. I thank the gentlelady for yielding and for her leadership, and I join her and my other colleagues in speaking out in strong protest to the projected cuts that they are pushing through the Securities Exchange Commission, the watchdog agency that is looking to find corruption, abuse and to protect the investors and to protect our financial community.

Our Republican colleagues have proposed that the SEC's budget should be cut back to 2008 levels. But I can hardly imagine that they can be pleased at the level of oversight that was performed by the SEC in 2008, the year the economy cratered, the year that massive abuses such as the Madoff scandal came to light, and other abuses.

We should not be scaling back the staff and oversight capability of the SEC. We should be adding to it so that they can do a better job in protecting investors and the American taxpayer.

According to the SEC inspector general, the Republican proposal would force the agency to cut over 600 staff members—over 600.

Now, we know that the SEC has 60 studies that they have to come out with, hundreds of rules, and they are clamoring for more staff to meet the mandates of this Congress and of the regulatory reform bill that has been written to save taxpayers from having

to bail out too big to fail and excesses and mismanagement in the financial industry.

Just as our colleagues on the other side of the aisle are calling for more accountability, they would cripple one of the key agencies that holds people in a key sector accountable. The SEC's budget for all of 2010 is equal to just a small fraction of the bonus pool for just one major firm in the financial sector.

So let's look at the facts here. The total loss of household wealth as a result of the Great Recession has been estimated to be approximately \$14 trillion. \$14 trillion. It was a financial disaster that did not have to happen.

There was a movement on the Republican aisle to roll back regulation. There was a lack of adequate oversight, and the lack of oversight and regulation were major contributing factors to this financial disaster.

So the Republicans' new proposal to cut the badly needed oversight of our financial system brings to mind the old American saying, "They are being penny wise and pound foolish" with the economy of our great country.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), a senior member of the Financial Services Committee.

Mr. ROYCE. Mr. Speaker, in terms of a lack of regulation, I think it's interesting to note that it was the Republicans who attempted to regulate Fannie Mae and Freddie Mac. It was the Republicans who were attempting to bring regulation against those government-sponsored enterprises because the Federal Reserve had approached us and told us that we faced a systemic economic consequence that might bring down, not only the housing sector, but the other sectors of the economy.

And who was it that pushed for those zero down payment loans? Who was it who pushed for the arbitrage over at Fannie and Freddie?

Now, here's the reality. The SEC has always had the ability to prosecute securities fraud. But what happened under Madoff for, what, 18 years, 20 years under President Clinton and under President Bush is that you had an inability on the part of the young lawyers at the SEC to find that fraud. And this is something I and others have pushed for.

One of the things we tried to do during the Dodd-Frank bill was to get a reform of the culture over at the SEC. Why? Because that over-lawyered institution was incapable of even understanding what Madoff and others had done with these Ponzi schemes. And when we tried to push those reforms through, what did we get out of it on the other side of the aisle? They agreed to a study, a study, of the SEC culture.

Now, in the meantime, we have 3,800 people over at the SEC. At a time when

we're running a \$1.5 trillion deficit, we're going to have to have haircuts. We cannot ramp up everybody's salary around here. We can't give promotions to everybody all the time. Everybody's going to have to take a little bit of the cut in order for us to get this budget back into balance.

And I can share with you a couple of other thoughts, too, about the way in which we've approached this, because we've magnified too big to fail with what we've done with Dodd-Frank.

Ask any economist about some of the consequences of this legislation. We've reduced the cost of capital for the largest institutions at the expense of their community bank competitors or their credit union competitors. It is the large institutions that have a 100 basis point, a 1 percent interest point advantage now in the market, because now we have made them too big to fail under this legislation.

If we don't reform this, if we don't change our system in a way in which we get some commonsense regulations out there, it's not as though we're not competing around the world. Think for a minute about what's happening in Germany. Think about what's happening in Britain and Brazil and Singapore. They are competing against us because of the antibusiness environment we have created, and not only in terms of regulations that don't make sense many times. But I appreciate the opportunity to point this out.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, it has been said that the SEC has 3,800 employees, and this is correct; it does have 3,800 employees. But it also has to be said that they oversee 35,000 entities. It must also be noted that they have to police 11,450 investment advisers. It also must be said that they have to monitor 7,600 mutual funds. They have 5,000 broker dealers that they have to keep an eye on. And they also have 10,000-plus companies that they have to monitor. Yes, 3,800 employees, but they are overworked already and they are overwhelmed with what they have to do.

I might note, also, that if we go back to the 2008 levels, we're talking about over \$200 million in cuts to the SEC. The SEC needs help, not hurt. This piece of legislation, if it is implemented to its fullest thought intent, will indeed hurt the SEC.

Let's talk for just a second about who the SEC employees actually are. These are the first responders to possible financial disasters. They are the ones who have to catch the Madoffs of the world, as has been indicated. And I must add, also, that it was under the 2008 levels that Madoff was able to make off with about \$80 billion with his Ponzi scheme.

We need to protect the SEC. Let's make sure that we don't cut jobs in an

effort to save the economy—and these are jobs that are actually needed. So let's not just cut any jobs. Let's make sure that we protect the jobs that are going to help protect the financial security of the United States of America.

□ 1830

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from California, our subcommittee chairman of the international policy, Mr. MILLER.

Mr. GARY G. MILLER of California. This side hasn't forgotten what went on. We haven't forgotten about Madoff. But the problem is that some people have forgotten that, in 1998, a whistleblower first went to the SEC on Madoff and they did nothing—nothing. Repeatedly, individuals went to the SEC on Madoff and they did nothing.

Now, we can pass all the new regulations through Dodd-Frank we want to pass. Madoff went to jail because he was a criminal. He violated the law. And you don't need 20 laws in place to punish a person for one act. We did it. Dodd-Frank goes far beyond that. It is 243 new regulations in the pipeline; 243 is scary.

Now, the SEC has failed in many ways. I know many of my friends on this side of the aisle heard me talk about mark to market principles for 4 years with the SEC. Now, mark to market means when the lender makes a loan, they have to mark the value on their books of what the product is worth at current market value.

For example, if 5 years ago a piece of property is worth \$20 million, they lent \$15 million, today it's worth only \$12 million, well, the SEC says we should lend no more than \$8 million. Now the loan comes up for renewal and the loan is performing, meaning the individual who owns the property is current on his payments. What the lender is required to do based on SEC requirements, because Federal regulators have no control over that because SEC sets the requirements, they can either set a \$7 million set-aside because the loan is overvalued based on the books, or they can say to the individual, You owe us \$7 million to reinstate the loan. In this economy, most people don't have the \$7 million.

Had we modified mark to market standards and looked at loans on realistic fortune principles in the future, most of these lenders today would be in business and many people would not have lost their loans and their product that they had under that loan.

We have done nothing through the SEC. In fact, the first time I asked the SEC Chairwoman in the hearing, and the question was 4 minutes long regarding mark to market principles, she looked at me and she said, I'll get back to you on that, Congressman.

Nothing to date has happened.

So to look at the SEC and say they are saints, they are doing their job and

they are protecting the citizenry and the individuals out there, I can't say that. I would like to see these individuals held accountable for what they did not do. In 1998, had they moved with Madoff and done what they should have done, or in 2000 or 2002, a lot of investors would have more money than they have today, but they did not.

Just as our Nation is trying to recover, it seems like the Obama administration is doing nothing but making it harder for American businesses.

Ms. WATERS. Mr. Speaker, I yield 5 minutes to another member of the Financial Services Committee, the gentleman from North Carolina, Mr. MEL WATT.

Mr. WATT. Mr. Speaker, I came in in the middle of this debate, and I have been trying to figure out if the American people who may be watching this, and even my colleagues here on the floor, may even understand what this debate is about.

The original resolution talks about inventorying and looking at and evaluating regulations. I think that's a substitute for trying to figure out how to cut back on various agencies and their authority and what they are doing, and we don't want to lose sight of that. I think that is an honorable objective.

The problem is that this debate has wandered off into a discussion about whether the SEC effectively did what it was supposed to do with respect to Bernie Madoff. And when I hear my colleague, Mr. MILLER, say, well, this is about holding the SEC accountable for what they did not do, I don't know how you hold the SEC accountable for what they did not do by decreasing their ability to regulate an industry and by decreasing their budget. Those two things don't compute with me. I just am having a big problem internalizing this.

You have an agency here that has a \$1 billion annual budget. It has responsibility for policing and monitoring all of the things that Mr. GREEN talked about in his debate. But on a gross level, 8.5 billion shares of stock are transferred every day, so \$1 billion a year. We are supposed to monitor and control 8.5 billion shares a day transferred and transacted, and here we are talking about, well, let's take authority from the SEC and let's take money away from the SEC to do what it's supposed to do.

Friends, that does not compute, and the American people know that it does not compute.

Now, the underlying resolution says that you are supposed to find ways to identify how these regulations impact and limit access to credit and capital. Well, imagine what is going to happen with investors in this country if the SEC isn't available to regulate the transactions, 8.5 billion transactions a day. And you are going to say, Okay, we want your capital, but we are not

going to do anything to protect you as an investor. We are going to let Bernie Madoff do whatever he wants to do, because we are getting ready to limit the number of regulations the SEC can impose on Bernie Madoff, and we are getting ready to limit their budget to enforce the regulations that they have.

Friends, that does not compute. It does not compute with Members of this House, and, I will tell you, it will not compute with the American public.

This is a simple debate: Do you allow the private sector to do whatever they want to whenever they want to in whatever circumstances they want to so that we can be back in another economic chaos like we had for the last 2 or 3 years, or do we have some reasonable regulations and reasonably fund the ability of the regulators to enforce those regulations? That's what this debate is about.

I don't know what Mr. MILLER was talking about. I don't know how this relates to Fannie and Freddie. It doesn't. Everything in our committee seems to relate to Fannie and Freddie. But this is about how we are going to regulate these stock transactions. And if you reduce their budget and reduce their ability to regulate, I guarantee you, we will be out of control. It does not compute.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished freshman from Ohio (Mr. STIVERS).

Mr. STIVERS. Mr. Speaker, I thank the gentleman for yielding.

Our focus this Congress should be on supporting job creation. I would like to refocus this debate a little bit, because I support a pretty simple proposition when it comes to regulation, and that is the benefits of regulation should exceed the costs.

Last week, in Worthington, Ohio, I heard from over a hundred small business owners at a local chamber of commerce. They are worried about uncertainty. They are worried about limited transparency in this current regulatory environment, and it causes them to slow down on job creation and it stifles our economy.

Over the past couple of weeks, the House committees have had hearings on jobs, including the Financial Services Committee, that talked about job growth. We discussed the need to compare the benefits of the costs of regulation to those benefits even with the independent agencies. Experts suggested that we review overly burdensome and duplicative regulation, which hurts access to capital and job growth.

I believe the Office of Management and Budget should be required to analyze the tradeoffs between proposed regulations and what they have on affecting job creation, economic growth, innovation, and competitiveness.

We must ensure that our new Federal regulations don't interrupt consumers'

ability to obtain credit, or prevent small businesses from adding jobs or hindering economic growth.

□ 1840

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS), who also serves on the Financial Services Committee.

Mr. MEEKS. I thank the gentlelady from California.

You know, I have been listening to the debate in my office, et cetera, and I agree with my colleague MEL WATT. Sometimes we get confused, I think. Maybe if we can just break this down to the common denominator.

I used to be a prosecutor, and I asked the following question: If a burglar breaks into your house and steals your life savings, do you then go to the police department and ask the police department to have the investigator or someone there so you can try to find out who did it or put in measures to prevent it from happening again, because you ask him to look to see how they broke into your house, what they did, how can you fix it? Or do you say, we don't need a police department. Forget having the police department, so that other people's homes can be broken into also. That is really what we are talking about here.

So in the aftermath of the largest crisis of our lifetime, a crisis that not only wiped out trillions of dollars worth of investments and savings but led to the exposure of what we talked about, the Ponzi schemes and crimes perpetuated against the American people, it is imperative that we don't handcuff the people who can look and put in preventive measures and make sure that we don't have this catastrophe again.

The amount of money that the SEC and the CFTC are requesting, \$160 million, is less than we spend a day in petroleum marketplaces, in Baghdad or Kabul. We all agree, this argument comes in, everybody knows that government needs to tighten its belt. But indiscriminate cutting across the board is not only absurd, it is dangerous. Reducing funding for the SEC and the CFTC is irresponsible and will lead to additional Madoffs in the future. I think that we owe the American people much more than that.

What we are simply talking about here is making sure that those individuals whose responsibility it is to make sure that we don't get in this predicament again, that people don't lose their life savings, have the resources that are necessary to do it. That is what we are talking about.

So I would urge that we not cut, but give the amount of money that is requested by the SEC and the CFTC, because I think that is what the American people would expect of us as being Members of the People's House, taking care of them and making sure that their life savings are protected.

Mr. HUIZENGA of Michigan. Mr. Speaker, I yield 5 minutes to the distinguished freshman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I am a small business owner. I own and operate a business. I employ just under 100 people. For me, that is 100 families. One of the reasons that I am here today is I decided the government was making it harder and harder for me to put the key in the door and open up my business every day, and it should be quite the opposite.

We need regulation. I am going to agree with my colleagues on the other side. We need regulation, but it has to be smart regulation. H. Res. 72 finally gives the American public, employees, consumers, businesses, and families a bright light at the end of what is a very dark and long regulatory tunnel. And while we agree that many regulations are there to safeguard the American public, this resolution will simply require that House committees review these government regulations.

While doing so, each committee will identify each regulation's effects on jobs and economic growth, and, more specifically, ask certain sets of fundamental questions, including, will the proposed regulation impede private sector job creation? That is the number one goal right now, to try to create jobs. Will the proposed regulation discourage innovation and the entrepreneurial spirit? Will the proposed regulation harm economic growth and investment? Will it harm America's global competitiveness? Will the proposed regulation limit access to credit and to capital? Will it create economic uncertainty?

Unfortunately, for years, many in the Congress and regulators have simply ignored these questions, with devastating results for job creation.

Mr. Speaker, in our global marketplace we must ask, analyze, and debate the questions contained in this resolution if we are serious about creating an environment where private sector jobs are created.

Unfortunately, in the past we had multiple massive bills with thousands of pages of legislative text written and jammed through the Congress without meaningful debate, without transparency, and without opportunity for most Members to actually read and to analyze the mountain of legislation, creating countless regulations, rules, studies, and commissions. How can we possibly expect businesses to invest scarce capital in new equipment, in new research, in development, in new product lines, in new marketing programs, maintaining existing jobs and new initiatives, when our regulations are paralyzing businesses and entrepreneurs with a tremendous amount of uncertainty?

I hear back in my district all the time from those that are trying to create jobs. A good example of the regulatory environment is a small business in the 10th District back in Illinois, Learning Resources, whose sole mission is to provide better resources for teachers and students to learn more easily.

Learning Resources has suffered along with its current employees, and I would argue potential employees and their families, because of undue burdensome regulations. Their regulatory compliance costs have increased ten times, 1,000 percent, in just the last 5 years, even though the company has not had any safety issues or any problems during that time or the years prior to. With unduly burdensome regulations, jobs have been lost, business expansion opportunities have been cut short, employee benefits have been shaved and consumer prices have been artificially inflated.

The Small Business Administration estimates that a total regulatory compliance cost imposed on American businesses amounts to over \$1.75 trillion each and every year. This is nearly twice as much as all individual income taxes collected each year. This takes away from productive investment and growth.

We live, Mr. Speaker, in a global marketplace where businesses and capital are mobile, where businesses and jobs gravitate to where they are most welcome, where customers can easily choose to buy goods and services from businesses based anywhere in the world. We want those businesses and those jobs here in the United States. We want businesses to innovate. We want them to make sure they are welcome here in our borders. We have to create, however, an environment where they can grow and they can thrive.

H. Res. 72 is good for individuals, for families, for employees, for businesses. It is good for our government, and it is good for our Nation, and I would respectfully urge my colleagues on both sides of the aisle to support its passage.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. HIMES), who also serves on the Financial Services Committee.

Mr. HIMES. Mr. Speaker, we have on this side spoken tonight at some length about a dangerous and poorly thought out effort on the part of the majority to underfund and gut the financial services regulatory apparatus that was established in the 1930s, which, yes, failed us in the last couple of years. And let's be clear: There is a legitimate tension between the amount of regulation which creates stability and confidence in a system and that which puts undue burden on the vigor of the private market. But this effort is wrong-headed.

Let's look at the SEC. The mission of the SEC is to protect investors. The

notion that we should gut the funding of the SEC is anti-free market, it is anti-jobs and it is anti-growth, because we must protect those investors who take their savings and write a check and put it in the mail to a company in some town they have never visited, in a fund that they don't fully understand, because they know that there is a cop on the beat.

The families who write those checks, that is not just money. That money is a college education, it is a secure retirement, and they do it because they have faith. They have faith that there is a cop on the beat, that whoever takes that check is closely watched, that they are responsible and prudent. This is the fundamental aspect of our vigorous economy—that families and pension funds invest. We have efficient and vigorous capital markets because of faith.

Let's look at the lessons that have been learned in the last couple of years. It wasn't that the SEC was somehow complicit in what happened.

□ 1850

Yeah, they fell asleep at the switch. They didn't perform any better than a myriad of other organizations. But, if anything, the lesson is that the SEC was outgunned, underfunded, and needed help. And the effort of the majority now is to further underfund and gut that agency. It's particularly wrong-headed because the SEC pays for itself. In fiscal year 2012, the SEC will be budget-neutral. Why do this? Why risk the faith of the investors that are at the very heart of our system?

We hear a lot about uncertainty; there's so much uncertainty. Imagine the uncertainty for American families and pension funds and savers and small businesses if they need to send that check without knowing that there's a cop on the beat.

Mr. Speaker, we've seen this movie before. When the SEC was established in the 1930s, the Republicans at the time said this would be the end of capitalism. It would be the end of the free market. It would crush the U.S. economy. Instead, putting in place a well-balanced and vigorous regulatory apparatus led to 60 years of the most aggressive and intense economic growth human history has ever seen—because people had faith in the system.

Ms. HAYWORTH. Mr. Speaker, may I inquire how much time we have remaining?

The SPEAKER pro tempore. The gentlewoman from New York has 9 minutes remaining, and the gentlewoman from California has 5 minutes remaining.

Ms. HAYWORTH. Thank you, Mr. Speaker.

I yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the gentlelady for yielding.

I rise today in support of House Resolution 72.

The greatest challenge facing this new 112th Congress is our responsibility to support policies that foster an environment of economic certainty and that will provide businesses in Virginia's Fifth District and across this Nation with the confidence necessary to hire and expand once again.

It was refreshing to spend last week meeting with constituents and businesses in the Fifth District. People and businesses continue to struggle, and it is clear that job creation remains the top priority for the people that I represent. As I have talked to these same job creators and constituents over the past years, it is equally clear that access to capital is the lifeblood of Main Street business. It is also clear that the overregulation represented in Dodd-Frank will make it increasingly difficult for capital to be available so that our small businesses can succeed and hire new employees.

My constituents believe that we must rein in the size and scope of the Federal Government by removing unnecessary regulations for our job creators. House Resolution 72 will begin this process in a deliberative and thoughtful manner as it directs our committees to review Federal regulations and assess their negative impacts on our economy.

As a member of the Financial Services Committee, I look forward to working with the chairman and my colleagues as we conduct a close review of the regulations that are hindering job creation and economic growth for the people of the Fifth District and our Nation.

I urge a "yes" vote on House Resolution 72.

Ms. WATERS. I reserve the balance of my time.

Ms. HAYWORTH. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today in support of House Resolution 72, which would direct the Financial Services Committee to conduct an inventory reviewing existing, pending, and proposed regulations that impede job creation and economic growth. Once again, my colleagues on the other side of the aisle are afraid of the answers that they will find when we shine the light of truth on what these regulations do.

As Members of Congress, we need to work with job creators to help create an atmosphere in our country that will foster job growth, particularly within the small business community. Simply put, the private sector, not the public sector, creates prosperity. We don't need more government or a bigger one. Last year alone, the executive branch issued more than 3,000 new rules and regulations which their own Small Business Administration reports will cost businesses over a trillion dollars.

Both sides of the aisle agree that small businesses are the backbone and the engine of the economy and provide more than two-thirds of all American jobs. As a small business owner, I know firsthand how Federal regulations can choke small businesses. The average small business with less than 20 employees faces an annual cost of \$10,585 to comply with a myriad of Federal regulations per worker they employ. For my small gravel company that employs two full-time workers, including a gentleman who's worked for my grandfather, my father, and myself, that equates to more than \$21,000 that I have to spend towards compliance—money that I could be using to invest in much-needed new equipment.

Last month, the Bureau of Labor Statistics reported that the national unemployment rate fell from 9.6 percent to 9.4 percent. This drop is due largely to people who have simply stopped looking for work. In some areas of my district, the Second District in Michigan, that number is nearly double the national average.

I believe there are some universal principles of successful businesses that Congress could work on to help grow our economy again. For government, that means creating an atmosphere for success through a reasonable tax and regulatory environment.

Ms. WATERS. Mr. Speaker, I would like to engage my colleague, Mr. HIMES, in a colloquy for the balance of our time.

I appreciated the comments that you made just a few minutes ago, but you alluded to the length of time that we have organized the SEC and some protections and what happened, the kind of growth we had, but now things have changed somewhat and the oversight responsibility is a little bit more complicated and a little bit more difficult.

What did you mean by that?

Mr. HIMES. I thank the gentlelady from California for that question.

If you look at when these regulatory bodies were established in the 1930s and you look at the volatility and the growth that happened in the next 60 years, volatility was way down and growth was way up, and the American middle class took hold because they had confidence in the system. They knew that their investor dollars would be protected.

Then we began in the early nineties, policymakers from both sides of the aisle, to dismantle that regulation, to take the referee off the field. And so we find ourselves where we are today—uncertainty, a financial crisis meltdown—at the very moment when the technology, the flash trading, the complicated securities are bewildering in their complexity.

Now is exactly the wrong time to be gutting the SEC. We do that and people lose their confidence.

Ms. WATERS. I want to ask you, is it true that the average investor—I'm not

just talking about the big institutional investors, but the average investor understands the complication of this? Do they expect that we understand it and we're going to regulate it, we're going to watch out for them? What does the average investor know about the system?

Mr. HIMES. The average investor, the mom and pop, the widows and orphans funds, they're not necessarily financially sophisticated. They need somebody looking over the shoulder of those that are selling them stock, selling them bonds.

The institutional investors that you're talking about, of course, in many instances, are exempt from regulations by the SEC. They're deemed to be sophisticated, so they can participate in private placements. They can use 144(a) or reg D to make investments.

But our individual investors who are so important to this economy need somebody looking over their shoulder and protecting them from snake oil salesmen and deception and poor disclosure.

Ms. WATERS. We heard on several occasions here today the tremendous oversight responsibility given all of the capital markets that have to be monitored, that have to be regulated. What do we need to do to make the SEC stronger? We've gone through this meltdown. We've have gone through this crisis. The American people expect something to happen. What do they need in order to be good overseers, good cops?

Mr. HIMES. In a more complicated and sophisticated financial world, the SEC must be faster. It must be more efficient. It must hire people who really understand the markets. It must be more robust, and it should be held accountable. One thing it should not be and cannot be is underfunded and weak, which is what the proposal of the majority would do to it.

Ms. WATERS. Thank you very much.

Mr. Speaker, at this point I would yield the balance of my time to the gentlewoman from New York (Ms. HAYWORTH).

The SPEAKER pro tempore. Without objection, the gentlewoman from New York will control 1 additional minute.

There was no objection.

□ 1900

Ms. HAYWORTH. I yield myself 2 minutes.

Mr. Speaker, in New York's 19th District, our employers and small businesses and community banks tell me costly regulations are crushing economic growth by discouraging investment and expansion, by creating uncertainty in the marketplace, and by delaying hiring. We can all agree that some commonsense regulations are good, but excessive government rules and regulations are bad.

On the Financial Services Committee, we know, from reporting requirements in Sarbanes-Oxley to countless excessive new regulations in Dodd-Frank, the Federal Government is sending a message to our financial institutions—an industry vital to my home State of New York. The message is: you aren't welcome here.

The United States is currently the financial capital of the world. Our capital markets must be vibrant, and we must foster an environment that promotes growth and attracts enterprise. If we fail to do that, we will see an exodus—and that threat is very real—to nations like Singapore and China, which appreciate the opportunity a healthy financial industry brings.

What a shame, because the American people want to go back to work. They want jobs. Burdensome, costly, and unnecessary regulations must be eliminated; and we must trust and empower our enterprises and our entrepreneurs and our small businesses and community banks and our employers. By supporting the resolution, we will start America on the path to creating jobs and prosperity for our citizens in New York 19 and our Nation. They deserve it.

Mr. Speaker, I yield the balance of my time to the gentleman from Alabama (Mr. BACHUS).

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 4½ minutes.

Mr. BACHUS. Mr. Speaker, what we are talking about is the size of the Federal Government and the size of our regulations.

In the last 4 years of our Democratic Congress, which took power in January of 2007—and I will remind everyone that that was prior to the financial crisis—our national debt doubled in that period of time. In other words, we have incurred more debt in the past 4 years under a Democrat Senate and a Democrat House and in the last 2 years under a Democrat President than we had in the 220 years before. We are talking about a record national debt of \$14 trillion. We are talking about a growth in the size of the Federal Government which in 10 years will absorb every dollar and every dime and every penny generated by our economy.

Now think of such a thing—every dollar being spent by the Federal Government.

You have to ask yourself: With record deficits and record debt, don't we have too much Federal Government? Don't we have more government than we can afford? Don't we have more government than we need?

So I think it is entirely fitting for us to look at each government program and ask ourselves: Is there a benefit from this program? Is there a cost to this program? Does it eliminate jobs?

If you will go through a list of comments that people have made to these

regulations, you will see comment after comment after comment: this regulation will cost my business this much money. This regulation will cost this much money. I won't be able to create a job.

So the government is spending record amounts of money. Yet it's adding to the cost, not only to the taxpayers, but to the cost for them to earn a living themselves.

Our Secretary of Defense, a member of the administration, has warned—he said that this country's dire fiscal situation and the threat it poses to American influence and credibility around the world will only get worse unless the U.S. Government gets its finances in order. He actually says that our financial situation is affecting our credibility, and that's absolutely true. Didn't we see Japan's sovereign debt downgraded recently? Standard & Poor's has said, if we don't act, our debt will be downgraded.

We talk about foreclosures. If our credit rating goes down, can you imagine the wave of foreclosures, the wave of job losses? We talk about foreclosures. What causes foreclosures? Most of it is job loss. We have testified here today—and we will tomorrow—that this regulation will cost jobs. You talk about foreclosures. Regulations that cost jobs cause foreclosures. It's that simple. We talk about the State and local governments not having tax revenue. When people lose their jobs, they don't pay the State; they don't pay the city; they don't pay the Federal Government. They can't. Yet we continue to add cost and job-killing regulations.

Admiral Mullen, our own chairman of the Joint Chiefs of Staff, said this: Our national debt is our biggest national security threat.

What does it take for us to finally realize that we are putting our country in jeopardy? We for 224 years have lived and enjoyed an independent democracy, a Republic, but we are threatening that by our inability to say "no," by our inability to say "no" to more Federal Government.

Ladies and gentlemen, the answer is not growing government. It's turning the private sector loose.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, gasoline prices are rising, and we have near double-digit unemployment. The Obama administration should be doing everything within its power to spur economic growth and to create new jobs. Unfortunately, they have not.

This administration has chosen to impose regulation after regulation and policy after policy on American businesses that impede their potential growth and thus impede our economic recovery. Many of these regulations delay or flat out prevent Americans

from responsibly developing our own natural resources. They block access to American energy; they block access to American minerals; they block access to American water supplies; and they block access to American forest products.

By their actions, this administration is jeopardizing our economic competitiveness. This jeopardy is making America more reliant on foreign countries to meet our everyday needs.

Mr. Speaker, I don't believe Americans are content with locking up our valuable resources.

□ 1910

I don't believe Americans are content with sending American jobs overseas, but that's exactly what these regulations and policies are doing.

President Obama says that he wants to eliminate regulations that are strangling businesses. That's noble, but this appears to be one more example of his rhetoric not matching his actions. The rules and regulations imposed by the Obama administration have allowed the Federal Government to insert itself in places that it's never been and, frankly, doesn't belong. Let me give you several examples.

First, burdensome regulations are being used to restrict access to American energy production on public lands, both onshore and offshore. Last year, new rules were imposed for onshore lease sales that have significantly decreased energy production throughout the intermountain West. Offshore, the administration continues to impose a de facto moratorium on drilling in the gulf and has yet to issue a single deep-well permit since last April. President Obama's de facto moratorium has put thousands of Americans out of work.

These regulations are not only impeding oil and natural gas production but also renewable energy such as wind and solar. Why? Because these regulations will restrict renewable energy development to only a tiny, tiny fraction of our public lands.

Second, the Obama administration is aggressively pursuing sweeping new changes to mining regulations. These regulations—Mr. Speaker, let me repeat this—these regulations, by their own admission, will cost thousands of American jobs and decrease American energy production in 22 States.

Third, the Obama administration has reversed a long-standing legal agreement and moved to establish a new "wild lands" policy that will further restrict public access to multipurpose public lands. This backdoor approach will prohibit many popular forms of recreation and severely restrict job-creating, energy-producing activities. By creating de facto wilderness, the administration is circumventing Congress' sole authority to establish wilderness areas.

Fourth, the President has signed an Executive order establishing a new Na-

tional Ocean Policy and Council that could severely restrict recreational and commercial use of our oceans. This policy establishes mandatory marine spatial planning, otherwise known as ocean zoning. The reach of this policy may stretch far inland, extending to potentially all rivers, tributaries, and lands that drain into the ocean.

Fifth, the Environmental Protection Agency has allowed questionable science to be used to impose regulations that could end the use of vital farm crop and tree protection products. This will cost jobs and adversely impact trade of our agricultural products.

And last, Mr. Speaker, but certainly not least, the Obama administration has supported withholding valuable water from communities in California's San Joaquin Valley, prioritizing the needs of a 3-inch fish over thousands of workers and their families. This Government and manmade drought caused hundreds of thousands of acres of fertile farm land to dry up, and that has resulted, Mr. Speaker, in an unemployment rate that exceeds 40 percent in that area.

So this is just one example of how the implementation of the Endangered Species Act, which I might add hasn't been reviewed for almost 20 years, is being used to block or delay job-creating projects. Mr. Speaker, the goal of the ESA was to conserve key domestic species, but today, unfortunately, it's being used by special interest groups to file lawsuits and drain resources away from the real recovery efforts of those species.

The National Environmental Policy Act, or NEPA, and other environmental regulations are going far beyond their original intent, and they, too, are being used to place unnecessary and costly burdens on economic development projects throughout the country. NEPA has become a tool for litigation, sometimes resulting in decades worth of delays before a project can move forward.

The list of burdensome regulations and policies go on and on, and what I have described just scratches the surface. American businesses are struggling to keep their doors open. Rural communities who depend on these resources are feeling their livelihoods threatened. And American families, many of whom are already finding it difficult to make ends meet, are paying more for everything from gasoline to fruits and vegetables.

A clean, healthy environment is a priority for all Americans. But an equal priority is a Federal Government that sets sensible rules that provide clarity, certainty, and allow job-creating initiatives to move forward in a timely, efficient manner.

The Obama administration needs to exercise common sense. Spending more money and imposing new rules will not lead to economic recovery. Businesses

and communities need relief from these top-down policies that are costing American jobs.

The Natural Resources Committee and all of its subcommittees will be conducting thorough oversight of the Obama administration policies, taking a close look at how and why decisions are made. So, Mr. Speaker, I fully support this resolution, and Republicans on the Natural Resources Committee are committed to promoting policies that will reduce spending, strengthen the economy, and create American jobs.

I reserve the balance of my time.

Mr. MARKEY. I yield myself 5 minutes.

This is a very important debate because it goes right to the very heart of what is needed in order to ensure that we provide the proper protections for families across our country, from the despoliation of the environment and all the public health and safety and environmental catastrophes that then can affect American families.

I have here a picture of the Deepwater Horizon in flames as it's about to go to the bottom of the ocean. This is what happened because of deregulation. This is what happened when regulations are not applied and enforced in a way that ensures that the public health and safety is protected, the greatest environmental disaster in the history of the United States, devastating the lives of 11 men and the livelihoods of millions of people in the Gulf of Mexico. This is the legacy of what happened during the Bush administration, a ticking timebomb that exploded across our country, leading to this environmental catastrophe.

The same thing, by the way, is true in our financial marketplace where, in the Bush years, they turned a blind eye to obvious problems with derivatives, obvious problems with chicanery inside of the financial marketplace, a ticking timebomb that exploded, that has wreaked havoc on millions of Americans, losing their home, their jobs.

When George Bush left office, the Dow Jones industrial average at 6,400, 6,400, after 8 years in office. That's what George Bush left in office, by turning a blind eye to the kinds of regulations that it needed there to protect the lives of families. Today, with Barack Obama on the job, with a Securities and Exchange Commission doing its job, the Dow is now over 12,000, almost doubled, because people have confidence in the regulations. They can trust their money in the stock market once again. That's what happens when regulations are there to protect ordinary people.

Now, what is their proposal? Their proposal is to take the Environmental Protection Agency and to turn the Environmental Protection Agency into every polluter's ally. They're going to bring a bill out here onto the House

floor that says they're going to repeal the ability of the EPA to improve the fuel economy standards of the vehicles which we drive, to ensure that regulations are on the books that we have renewable fuels that we develop here in the United States, not imported from OPEC.

The result of that bill that they're going to bring out here on the House floor in the next 2 weeks? Some 5 million barrels of oil per day that otherwise would be backed out, that we would not import from the Middle East, will now have to be imported. At \$100 a barrel with 365 days in a year, we're talking about \$162 billion a year that the American consumer will have to send to the Middle East because they do not want to regulate.

□ 1920

They do not want to ensure that the efficiency of the cars which people drive, the amount of pollution that comes out of those cars, they say, is too high a price to pay. While here as we watch Egypt explode, Tunisia explode, other countries in the Middle East on the verge of having the same kind of explosions, this kind of environmental, this kind of safety protection that we put on the books enforces the need for us to ensure that we do not allow for the repeal of these environmental and safety protections. That's what this debate is all about.

This is the same kind of war on the environment that we saw during the 8 years of the Bush administration. This is the result of that, ladies and gentlemen. And that's where they're going to take us if we have this wholesale destruction of this environmental and safety regime which has been put on the books in order to protect the American public.

At this point I ask unanimous consent that all time on the resolution be yielded back and that H. Res. 72 be adopted so that we can move on to consider legislation to create jobs in our country, which is really what we should be debating out here on the House floor.

The SPEAKER pro tempore. Does the majority manager, the gentleman from Washington, yield for the purpose of that unanimous consent request?

Mr. HASTINGS of Washington. I do not.

The SPEAKER pro tempore. The gentleman does not yield for the purpose of that request.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the chairman of the Indian and Alaska Native Affairs Subcommittee, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman.

I have a prepared statement here and I'll probably use some of it. I can't help

but answer the gentleman from Massachusetts, who has never supported at any time, has never supported in any way, any energy development in this country. He was against nuclear power many years ago. He is still against it. He was against solar power and then since it is wind power in his State. And he's against, very frankly, any fossil fuel development. And depending on his so-called make-believe wind power, make-believe solar power, in the meantime, we're buying oil from overseas. And you know that.

The EPA, very frankly, is part of the problem. I am the chairman now of the American Indian and Alaska Natives and their lands can't be developed because of EPA. The Navajo Nation had a coal plant. They had the coal. They had the financing. And the Obama administration says, no, you can't do that through the EPA, through the Fish and Wildlife, et cetera, and they lost the financing for a coal project because they don't believe in coal. We have a trust relationship to the American Indians. And to have other agencies within the government say, "No, you can't do it, you stay right where you are" is wrong. They have the highest potential of energy of any land mass in this Nation and they're precluded from development because of regulations.

EPA just came out—I mentioned this earlier today—with a new concept of a regulation for dairies. This is your government, the Obama administration. And, by the way, thank God for George Bush. They're still blaming him for everything. But if I remember correctly, Horizon was done under the Obama administration. If I remember correctly, it was his Minerals and Management agency that wasn't doing their job. There were enough regulations in place. They weren't doing their job. If I remember, that's correct. George Bush was out of office.

But EPA now comes out with a new regulation under the oil spill liability where we develop oil that the moneys will be put aside for a cleanup, of which I support, but there are new regulations because they want to regulate the dairies of our Nation today. Mr. and Mrs. America, keep in mind, they want to regulate the dairies today because there's fat in the milk. Fat in the milk. And they want to have each cow be charged \$600 per lifetime of that dairy, put aside in a fund to clean up spilt milk. That's your EPA and regulations. Remember, the term "don't cry over spilled milk" is going to cost you money now. That's the government regulations. I can go on and on what they've done to American Indians. They don't allow them to develop their resources. There's a paternalistic type of society they have today. And I'm saying here as chairman, we are going to develop those resources in the

nations that they are. That's our responsibility as a Congress. And to preclude that because of actions of regulatory agencies is dead wrong.

I am asking my colleagues to remember this. Every committee should be looking at every regulation. You want to balance this budget?

The SPEAKER pro tempore (Mr. CULBERSON). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. YOUNG of Alaska. By the way, 1,600,000 laws on the books today were never voted on by anybody. Not ever voted on. It costs \$1.01 trillion a year to implement those regulations. You want to balance the budget? Eliminate those regulations and you can balance it in 13 years. We could have industry again.

I'm just saying this is a good idea. Let's pass it.

Federal policies and regulations stand in the way of economic progress and free enterprise for all Americans, but the problem is especially bad in Indian Country.

Indian reservations have the highest rates of unemployment and poverty of any comparable areas in America.

These statistics are astounding when you consider that tribes own an estimated ten percent of the Nation's energy potential.

But so many tribal lands lie vacant and unused.

The problem is that development of Indian land is based on outdated, paternalistic Federal laws and policies.

Let me describe a few examples of these laws and policies.

We have the Long-Term Leasing Act . . . a 56-year-old statute that restricts most Indians from leasing their property for more than 25 year terms. In some cases this has prevented tribes from constructing new homes.

There is the National Environmental Policy Act, a law routinely used to delay and stop the use of lands reserved exclusively for tribes under solemn treaties with the United States.

The Endangered Species Act has become the weapon choice by special interests seeking to harm tribal development.

And then we have the Environmental Protection Agency, the Fish and Wildlife Service, and the Bureau of Indian Affairs. One of the first acts of the Obama Administration was to have these agencies stop the Navajo Nation from building and operating a 1,500 megawatt power plant on its reservation.

The project would have created thousands of good jobs on a reservation with 50 percent unemployment, generating \$1.5 billion over 30 years for the tribe's treasury.

Thanks to our government, the tribe is not allowed to create jobs for its citizens or produce power for millions of consumers.

This is wrong.

Tribes are caught in a Catch-22. They have over 50 million acres of land pursuant to treaties and Acts of Congress, but the catch is they can't use them without permission of Washington, DC.

Tribes are suffering from 19th-century Indian policies, and the result is a continuing Great Depression across many reservations.

Fortunately, a number of tribes have taken control of their resources from Washington, DC. They have proven to be outstanding stewards of their lands while providing huge energy resources needed by the country.

The Subcommittee on Indian and Alaska Native Affairs is going to study the accomplishments of these tribes. We will consider changing outdated laws and policies that stand in the way of tribal economic development.

I look forward to the Subcommittee making progress—on a bipartisan basis—to create more tribal opportunity, and more tribal freedom from outdated Federal laws.

These sort of harmful regulations are not unique to Indian Country. For example, my Alaska fishermen are faced with similar crippling stupidity.

EPA now requires fish processing vessels operating in the Bering Sea to take water samples which are then tested at such a high resolution level that the tests cannot be performed by any labs in Alaska. The samples have to be sent out of Alaska at great expense.

To make matters worse, the test are required to be so precise and to such an unrealistic resolution level that if a technician has mercury amalgam fillings, his breath could alter the result.

In another instance, EPA is requiring complex seafood processing permits and gear for Alaska's small freezer troll fleet.

These folks only catch about 1,000 pounds of fish a day. They have 45-foot fishing boats and one or two deck hands—they fish with hook and line and clean their fish immediately. They toss fresh fish heads right back into the waters they came from—one at a time, and EPA wants them treated like a big factory ship. This is preposterous!

Again, this Committee will examine these issues and take steps to remove these foolish regulations that are stopping the production of new wealth.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentlelady from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Thank you, Mr. MARKEY.

Mr. Speaker, I'm listening to the debate, and I can relate to a lot of what is being said.

I am going to speak to the issue of water and the role it plays in our local economies. We've been working steadfastly with my colleagues on the other side, although sometimes I don't think they buy into some of the issues that we're trying to push forward, the water recycling, water conservation, water efficiencies that create, not paper water, that is paper on ledgers, but real water that create jobs because of what it does in the local communities.

When we refer to the ESA, I sat through many a hearing with Mr. Pombo on the Endangered Species Act and I can tell you that protecting domestic species is one of the ideals that we have in this great country of ours. Species. Fish. Species. Man. When is our turn? That's one of the things that we look towards to protect the Amer-

ican public, the ability for us to ensure that whatever is delivered to them, whether it is food, transportation, water, anything, that it is going to be safe not only for people but for other species.

The Bureau of Reclamation's WaterSMART grants and title XVI projects, which is water recycling, are locally initiated and fully supported and are an important part of our water supply solution. These projects create in our areas and have in the past many jobs which allow communities to sustain their economic growth while producing potable water, or water for agriculture, through real efficiencies, conservation and water recycling.

The Bureau of Reclamation created 62,000 jobs and supported through funding in 2009 through all their programming, including title XVI, and it has already awarded over \$93.2 million in Federal funding for 235 WaterSMART grant projects in 16 western States from 2004 to 2010. These projects will conserve approximately 705,000 acre-feet of water per year when fully constructed at an approximate cost of \$132 per acre-foot. Currently it runs anywhere from \$300 to \$1,500 in Arizona in some areas. Title XVI projects have produced an estimated 260,000 acre-feet of real, pure water in 2010.

Please, ladies and gentlemen, speak to your local water agencies; ask how critical projects in your communities, their funding, create jobs, local jobs, and create water so badly needed especially during times of drought, and Mother Nature does have drought cycles upon us in the United States. Real water and jobs are created through conservation, not by talk or conversation about regulation. We must support projects to conserve water, to conserve our communities and thereby create jobs.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Utah (Mr. BISHOP), the chairman of the National Parks, Forests and Public Lands Subcommittee.

Mr. BISHOP of Utah. Mr. Speaker, last year the Senate and House Western Caucus produced a document that was entitled the War on Western Jobs, in which we discovered 10 areas in which regulations from this administration and past administrations have created specific problems and specific loss of jobs to the West.

□ 1930

The Bureau of Labor Statistics has said that the West has the highest regional unemployment for the past year; that, indeed, six of the top 12 States that had the largest decline in employment-to-population ratio since the recession began were found in the West. Three of the top five States showing the most stress were found in the West, and Washington's misguided

policies were making the matter worse. Whether it was in the areas of energy use, takeover of water, domestic energy mandates, prioritization of species, multiple use on national forests, overregulating, seizing Western lands, bureaucratic overreach, all 10 of those areas illustrate the problems that we face in the West.

In Western public lands, it is essential to have a resource management plan. It is an effort where professionals on the ground were able to come up—in the case of Utah after 6 to 10 years of planning—following the law, including the public process to come up with a policy and procedures for our plans, all of which have been turned upside down by arbitrary regulations coming out of the Interior Department here in Washington.

Let me give you simply two examples: an arbitrary decision that made a restrictive new regulatory framework for U.S. oil shale. The U.S. Geological Survey said in a 16,000-square-mile area of Utah, Wyoming, and parts of Colorado, they estimate at least 2 trillion barrels of oil shale—that is equal to what Canada is enriching themselves through their tar sands proposal—were available and experimental programs were moving forward until a regulation stopped it. The estimate: a potential loss of 100,000 jobs and \$1.9 trillion to the GDP of this country was lost in that particular project.

The day after the last day of our lame duck session, the Secretary of the Interior, using questionable authorities, created a new or announced a new wild land policy which, once again, stopped those management plans in their tracks.

The result of that, let me simply give you one example: one company in two counties of my State, having 300 high-paying jobs, that had been working for 3 years with leasing and environmental review process with the BLM, within hours of that wild lands announcement, special interest groups recommended the area they were working being managed as wild lands; and their leasing process was delayed indefinitely for a potential wild lands inventory, despite the fact that this entire area consists of 800 drill holes with cement casings, roads, man-made Earth berms, and every other sign of man that would be prohibited if it was a wilderness designation.

Local governments desperately need those management plans because they provide the consistency for business to understand that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 15 seconds.

Mr. BISHOP of Utah. Once again, in the West, thousands of jobs have been lost. Millions of dollars that should be going to schools on trust lands have been lost. Billions in capital invest-

ment have been lost because of this war on the West through regulation. It's time to end the war. It's time to help the people out. I look forward to this process.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, let me thank our ranking member, Mr. MARKEY, for the opportunity.

This resolution is, quite frankly, an unfortunate use of our time. Rather than discussing jobs proposals, we are discussing a resolution that is telling ourselves to do something we are already doing, which is the regulatory review. The majority is intent on talking about what they perceive the unemployment problem to be while spending no time at all attempting to work on some real solutions.

In the New West—and the chairman of our subcommittee, Mr. BISHOP, mentioned that—there is high unemployment. I would suggest that we need to look deeper than the regulatory issues that he pointed out. The West leads the country in foreclosures. Those were the manipulations of banks and mortgage companies and shenanigans that Mr. MARKEY called. And as a consequence of that, we lead the Nation in unemployed construction workers. We lead the Nation in unemployed labor. And that is a deregulated industry. So I would suggest that if we are going to use unemployment as an example, we look at the root problem of where our unemployment is in the West.

The Republican majority on the Natural Resources Committee seems to think that American people have to choose between healthy, vibrant national parks, forests, and public lands or jobs. If you ask them for their ideas regarding job creation, what you hear is that we have got to roll back existing environmental protections and open up the ever-expanding areas of public lands to unregulated, destructive resource extraction. This is a horribly false choice created by those who care more about increasing the profits for oil, timber, and mining companies than really about creating jobs. This is a false choice because with a little bit of forward thinking, we can create jobs that will not only provide people with paychecks but will actually improve our environment and the economy and at the same time take care of our public lands.

We have heard many examples from Members on this side of the aisle, and we will continue to hear that today, and I am proud to try to do my part as well. Yesterday I reintroduced, with the senior member of our committee, Mr. MARKEY, the Public Lands Service Corps legislation, H.R. 587. This legislation passed the House last Congress, and I am pleased to reintroduce it.

At the same time that we are facing high unemployment, we also face huge

backlogs of labor-intensive work needed on national park lands, forests, wildlife areas, historic sites, and Indian lands. Years of inadequate funding have put land management agencies far behind on the vital maintenance work while infrastructure continues to crumble.

Our legislation would provide opportunity through three Departments: Interior, Agriculture, and Commerce; provide service learning opportunities on public lands; help restore our natural, cultural, and historic resources; train a whole new generation of public land managers; and promote the value of public lands. This legislation will modernize the scope of the corps projects to reflect the new challenges, such as climate change and adding incentives to attract new participants, especially from underrepresented populations.

By providing job training, by providing opportunity, we are providing people with a chance to succeed. I would suggest that as we talk about legislation and we talk about jobs, that we talk about job creation and not merely talk about the need for jobs but talk about the specificity, what are going to be the mechanisms and the techniques to put people back to work.

To use the misery of unemployment in this community as a reason to give away our natural resources is cynical at best. It doesn't create jobs; it doesn't protect Americans; and it doesn't empower our communities or protect our very valuable and cherished public lands.

And to do so, this bill begs the question. It does not talk. It does not specify what we need to do. It merely reiterates an ideology that says, no regulation. We've seen that history. We have seen its consequences, and I urge a "no" vote on this.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Colorado (Mr. LAMBORN), the subcommittee chairman of the Energy and Minerals Subcommittee.

Mr. LAMBORN. I thank you, Mr. Chairman.

Mr. Speaker, under normal circumstances, the programs under the jurisdiction of the Energy and Mineral Resources Subcommittee bring in the second-highest revenue to the Federal Treasury, provide opportunities for American job creation, and contribute to our Nation's economic and national security. However, the Obama administration is crippling American energy and mineral production through restrictive new policies, rules, and regulations.

President Obama's de facto moratorium on offshore drilling in the Gulf of Mexico has left many thousands of people out of work. Since last spring, the administration has issued only a handful of new shallow water permits, and

they have issued no new permits for deepwater leases. Why are no new permits being issued? The reason is simple: it's regulatory confusion. The administration is attempting to create new rules for oil and gas permitting and has repeatedly changed the rules and moved the goal posts on companies operating on both Federal lands and waters. Instead of thoughtful, reasoned rulemaking that seeks public comments and engagement, the administration unilaterally directed the change of over 14,000 engineering requirements.

□ 1940

The Louisiana Secretary of Natural Resources has said the changes would not enhance safety but, instead, "creates a regulation with increased safety risks, mandates that cannot be met, and too many ambiguous and unenforceable requirements to count."

This same regulatory uncertainty is happening all over the country. Take the Western United States. While the administration has announced that solar energy is one of its highest priorities, it has once again created tremendous regulatory confusion.

The new solar energy zones proposal, while potentially helping some solar development, has left dozens of major energy projects and many jobs with no regulatory path forward.

The regulatory confusion on Federal lands is even worse for onshore oil and gas production. Rule changes and regulations have cost billions in lost investments in the West. In my home State of Colorado, there's been nearly a 90 percent drop, a 90 percent drop in new leases on Federal land.

A recent study by the respected Western Energy Alliance has documented \$3.9 billion in investment that was diverted from the West in 2010 because of red tape and overregulation by the Department of the Interior. The Western Energy Alliance estimates this lost investment could have helped create upwards of 16,000 jobs in the West. And these are high-paying jobs.

The administration is now examining how to impose Federal regulations for the first time on hydraulic fracturing on Federal lands. This proposal would duplicate State permitting and create an unnecessary obstacle for American energy development.

Finally, no discussion of burdensome regulations would be complete without addressing the administration's war on coal. Nowhere is this effort more evident than their effort to rewrite current surface mining rules. The current rule was the result of years of environmental review, public comment and hearings, and responsible rulemaking. The administration is now purposefully limiting public comment opportunities and rushing forward with a rule that, by its own admission, will cost thousands of jobs.

Even worse, the Obama administration recently pulled a permit 3 years after it was approved for a coal mine that was already hiring people. What sort of confidence can anyone have in an administration and its regulatory environment when issued permits can be stripped away at whim?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. LAMBORN. Mr. Speaker, to conclude, this resolution asks us to focus on the impacts of restrictive regulations just like these, and that is what we plan to do. We will focus on how we can clear away these regulatory hurdles to create a path for energy security, lower energy prices, help for balancing our budget, and, most of all, more high-paying energy jobs for Americans.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. As I listen to this debate this evening, Mr. Speaker, I find myself wanting to focus on jobs, but what I just heard makes my blood boil.

I was the Deputy Secretary at the Department of the Interior while the rapers and pillagers of the public land wanted all regulations to disappear. They wanted to have open hunting for minerals, for oil, for gas and coal on all public lands.

And you talked a moment ago about the pulling of that permit for that coal mine. They would, in that permit, level the hills of Appalachia, flatten them, ruin the streams, destroy, destroy, destroy.

The regulations are there for a reason. They are there to protect the precious environment of America. And if it is your intent to do away with those regulations, then know this: You will have a fight on your hands.

You will have a fight on your hands when you try to do away with the regulations that protect the men and women on those drilling rigs from the extraordinary accidents that happen in deepwater drilling.

But, my purpose here tonight is different. My purpose here tonight is to ask why it is that the Republican majority has spent 5 weeks, 5 weeks leading this Congress, and not created one bill that creates one job, not one. Five weeks, zero jobs. You ran on jobs. Where are your job bills?

Your regulations are hiding—this whole debate is hiding something, because, as we speak, here you are in the process of figuring out how to cut \$100 billion out of the Federal budget for the next 7 months.

What does that mean? It means that national parks will close. It means that the clean water people that came to my office today will have no money, no money to build the sanitation systems

and provide clean water for their citizens in the rural communities that you were just talking about.

What is this about? This is about hiding the ball. This is about wasting our time. When we ought to be talking about jobs, instead, you are hiding a \$100 billion cut that will displace hundreds of thousands of workers in the next 7 months. That's what this is about.

We're talking about hiding the ball when it comes to the men and women that maintain those very places you talk about out there in the great western lands.

You're hiding the bill about the cuts you are going to make to education, for the teachers that will lose their jobs, for the janitors, for the bus drivers, for those people that are now employed that will lose their jobs as you attempt to put those cuts in place.

This is about jobs. The Democrats are talking about jobs. We're talking about making it in America. We're talking about those solar projects. Yes, we're talking about who's going to win the next energy, the next energy systems for this world. It's not coal. It's not oil. It's the green renewable energy and nuclear. That's what we're talking about on our side. We're talking about how we can do that.

And you're talking about wasting 9 hours of precious time on this floor doing what you've already done. You've already issued the edicts of what you are going to do in this committee. I received it 2 weeks ago. You're going to explore this; you're going to review that. Two weeks ago you told me, a new member of this committee, what you intend to do, and now you're wasting our time on this floor when we ought to be talking about jobs.

We ought to be talking about China getting ahead of us on tomorrow's energy, wind, solar, solar thermal, all of those things. But no, no, we're going to talk about what you've already done. You did it 2 weeks ago.

Why are you wasting our time when Americans want jobs, when Americans want solid legislation like Make It In America, using our tax money to buy solar and wind equipment that is manufactured in America? Why don't we talk about that?

Why don't we talk about using our money, our tax money that we pay every day at the gasoline pump, about American-made buses and trains?

But no, we're going to talk about regulations. You already have told us what you're going to do.

Let's talk about creating jobs. That's what we ought to be doing here. We ought not be wasting our time doing what you've already done. You've told us what you're going to do.

And, by the way, if you think for a moment you can do away with those regulations that are protecting America's precious resources and lives, know

this: You've got a fight. You've got a fight that you lost in the 1990s. You lost it in the 2000–2008 period, and you will lose that fight because we are about creating good, healthy jobs in America that do not destroy the American environment.

Mr. HASTINGS of Washington. Mr. Speaker, after hearing the last gentleman, I yearn for these open rules we're going to have.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

□ 1950

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. FLEMING), the subcommittee chairman of the Fisheries, Wildlife, Oceans and Insular Affairs Subcommittee.

Mr. FLEMING. Mr. Speaker, first of all, I want to bypass the hysterics that have been going on tonight from some of our speakers and let's talk about the things that are important to Americans.

I have the great honor of representing the people of the Fourth District of Louisiana. I have a deep and abiding appreciation for the coastal wetlands and the thousands of jobs that are dependent on the health of the Gulf of Mexico. We in Louisiana understand that the offshore oil and gas industry is critical to our long-term economic survival.

Despite the tragedy of the Deepwater Horizon accident, the citizens of Louisiana support environmentally safe offshore energy development, and they are growing increasingly frustrated, if not angry, at the Obama administration's de facto moratorium that occurs today in the gulf, time delays that recently resulted in a Louisiana Federal judge finding the Department of the Interior in contempt of court. This moratorium has caused the loss of thousands of jobs; it has increased our growing dependence on imported oil, and it has contributed to the accelerated increase in the price of gasoline.

We have also heard an ongoing drumbeat of misinformation about hydraulic fracturing, which is a longstanding practice that has been effectively regulated by the States for over 60 years. In my own congressional district, hydraulic fracturing is necessary for the development of the Haynesville Shale play.

As a result of this energy activity, our local and State tax revenues have increased by at least \$900 million in 2009 alone, and more than 57,600 new jobs in Louisiana have been created. Let there be no mistake; if you add unnecessary and strangling bureaucratic red tape to hydraulic fracturing, the net result is less jobs and less energy for this country.

As the chairman of the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, I will be conducting comprehensive oversight reviews, hearings on several job-destroying regulations and policies that are being promoted by the Obama administration.

The most far-reaching and least understood of these policies are those being proposed by President Obama's National Ocean Council, which will add additional layers of bureaucracy as well as a new zoning process for the coastal and marine environments. Yes, actual zoning out in the ocean. The council is in the process of creating a new layer of oversight over both recreational and commercial activities. This effort will either override or replace a number of existing State-initiated cooperative efforts with a federally led planning process based on new Federal guidelines. In addition, the administration has undertaken a process to zone the Nation's oceans and coastal areas. This process could reach far inland and could override local planning and zoning processes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 15 seconds.

Mr. FLEMING. Clearly, this will have an effect on the jobs and economic livelihood on coastal and fishery-dependent communities and could have a devastating economic impact on a range of ocean users. So, for that reason, I stand in support and urge my colleagues to support this resolution as well.

Mr. MARKEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the independent bipartisan commission on the BP oil spill issued its final report last month. And what did it conclude? Well, that the Deepwater Horizon that went to the bottom of the Gulf of Mexico, creating the worst environmental disaster in our country's history, was not an isolated incident; that the problems were systemic across the entire oil and gas industry.

That report was a blistering, scalding indictment of the deregulatory environment which was created at the Department of the Interior that led inexorably, inevitably to this catastrophe, this environmental catastrophe.

But are we here tonight debating legislation to implement the reforms that the commission presented to the Congress in order to prevent another catastrophe like this? No, we are not. We are instead debating whether or not we should have fewer regulations, whether or not regulations that actually protect against incidents like this hurt job creation.

Well, ladies and gentlemen, what we learned from the Deepwater Horizon catastrophe was that lax regulation doesn't save money; lax regulation

costs money. Lax regulation does not create jobs; lax regulation destroys jobs. And in this case, lax regulation led to the loss of 11 lives and 155 other individuals who were seriously injured. Lax regulation, ladies and gentlemen, leads to catastrophe.

Boosterism breeds overconfidence, and overconfidence breeds disaster. That's what happens in our financial markets. That's what happens in environmental and health regulation when you just trust the private sector to always do the right thing. Ladies and gentlemen, this is what happens when the government doesn't move in to protect the little guy, to protect ordinary citizens.

The reason that we were able to move from the average age of death at 48 years of age in the year 1900, after 5,000 years from the Garden of Eden until 1900, to 79 years of age just 100 years later is we started to regulate for public health and safety for ordinary people. Methuselah always lived to 900 years. The wealthy always did well. But only when regulation started to be put on the books to protect the meek—the water, the air, and the environment in which people live—did ordinary families start to benefit as well. That's what they want to take off the books. That's the agenda of large companies across our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARKEY. I yield myself 1 additional minute.

How do you create jobs? We haven't heard that yet. We haven't heard that yet. Well, they say drilling. Well, last year there were 4,700 new leases that were granted by the Bureau of Land Management, but the oil industry only began drilling on 1,400 of them, only one-third.

Now, we don't really have to worry going forward in the future, because at \$100 a barrel plus, ladies and gentlemen, the \$40 billion in tax breaks that the Republicans want to give to the oil industry over the next 5 years, we don't have to worry that they are going to go drill, because they are going and drilling.

But why are we giving them \$40 billion? Why aren't the Republicans out here as free market devotees saying let's take that \$40 billion of taxpayers' money away from the oil industry? Why aren't they doing that? Why are they going to allow the taxpayers to be shaken upside down at the gas pump and have money come out of their pockets for the rest of this year as the price of a gallon of gasoline goes to \$3.30, \$3.40, all the way up to \$4 a gallon again?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MARKEY. I yield myself 1 additional minute.

Because the real agenda here is to create as many red herrings as they

can about the real agenda. As a matter of fact, we can put an aquarium out here there are so many red herrings. As a matter of fact, so many red herrings are being created by the Republicans in this debate that they wouldn't be an endangered species there are so many things that are taking us off the real agenda that they are taking about. And the real agenda is to make sure that we do not invest in wind, that we do not invest in solar.

And, by the way, in the Waxman-Markey bill that was passed that year, \$60 billion was put in to the Waxman-Markey bill for clean coal technology; \$75 billion was put into that bill for nuclear technology that they could apply for low-interest loans to build new nuclear power plants in our country, plus wind, plus solar, plus geothermal, plus all the other things that we could do domestically in our country.

What we are talking about here, though, is a different agenda altogether. It's an agenda that will just allow the oil industry to go back to business as usual without the regulations to protect the public health and safety.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Washington has 9 minutes remaining. The gentleman from Massachusetts has 6½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the subcommittee chairman of the Water and Power Subcommittee, Mr. MCCLINTOCK, from California.

□ 2000

Mr. MCCLINTOCK. I thank the gentleman for yielding.

I know I speak for all of my Republican colleagues on the Water and Power Subcommittee when I say that we are excited and eager to undertake the mission outlined in House Resolution 72 to identify the Federal regulations in this field that are impeding job creation and that are slowing the economy. The only problem we have got is deciding where to start.

A generation ago, the principal objective of our water and power policy was to create an abundance of both. It was an era when vast reservoirs and hydroelectric facilities produced a cornucopia of clean and plentiful water and electricity, on a scale so vast that many communities didn't even bother to measure the stuff. But that objective of abundance has been abandoned in favor of the rationing of shortages that have been caused by government. The result is increasingly scarce and expensive water and power that now undermines our prosperity as a Nation. Nowhere is that more evident than in the Central Valley of California.

This last Congress sat idly by as this administration deliberately diverted

200 billion gallons of water away from the most abundant agricultural region of our Nation, all to satisfy the environmental left and its pet cause, a 3-inch minnow called the delta smelt. This willful diversion cost over 20,000 farm workers their jobs. It inflicted up to 40 percent unemployment rates in the region. It destroyed more than a quarter-million acres of the most fertile farmland in America. And it forced up the price of groceries for us all.

Or we could start with the Klamath, where this administration is pushing to tear down four perfectly good hydroelectric dams that generate 155 megawatts of the cleanest and cheapest electricity on the planet, enough to power over 150,000 homes, because we are told of catastrophic declines of salmon.

When I suggested building a salmon hatchery instead, I was informed there already is one. It produces 5 million salmon a year, 17,000 of which return to that river as fully grown adults to spawn. But they are deliberately ignored in the population counts. To add insult to insanity, as they tear down these dams in the name of saving the salmon, they are also tearing down the fish hatchery that actually is saving the salmon.

Or we could begin in Colorado, where they have sacrificed over 1,000 megawatts from the Glen Canyon Dam for the humpback chub—at the expense of a long-neglected species called *homo sapiens*.

Mr. Speaker, Ronald Reagan was right: In this crisis, government is not the solution to our problems, government is the problem. The good news is that it's entirely within our power to correct, and it was clearly the mandate of the American people last fall, and we will act on that mandate beginning with a series of hearings and actions directly related to this much-needed resolution.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute. I do so just to say that Democrats see high unemployment and we look forward. We recognize that American ingenuity, innovation, and hard work can dig us out of this hole by creating high-paying, long-term domestic jobs in new vibrant industries.

The Republican majority, they see high unemployment and they look backwards. They seek to increase the already massive profits for huge international corporations and hope that on their way to the bank they hire a few people here and there.

Ladies and gentlemen, the great challenge of our time is to not allow China and Germany to replace OPEC as the place from which we have to import our energy technologies. If there is no plan which is forthcoming from the Republican majority, which so far has not presented itself, because they have yet to have one bill that actually

creates one job come here onto the House floor in the first 5 weeks that they have controlled the majority, then I am afraid that the next generation of young Americans will wonder why all the solar and wind technology is being manufactured in China, and they here in America are unemployed.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the valuable new member of our committee, Mr. GOSAR from Arizona.

Mr. GOSAR. Mr. Speaker, rural Arizona is under attack from overregulation, out-of-control spending, and government redtape. The small businesses that power my district can no longer compete. I just wrapped up a weeklong tour of my district, and one thing was clear: The Federal Government is in the way and inhibiting my district from creating jobs. Government agencies have over-regulated our businesses out of existence.

Take for example the Schultz Pass Fire in Coconino County. Last year, a 12-year-old girl, Shaelyn Wilson, lost her life because of the government's inability to use our forest resources in a commonsense fashion. As a further insult, this manmade, bureaucrat-dictated disaster resulted in a fire that could have been prevented, and now we, the American taxpayer, will be forced to pay for it for the next 50 to 100 years.

Enough is enough. A bureaucrat in Washington, D.C., should not dictate decisions that are best left to local communities that have to suffer the tragic consequences of government's actions.

Mr. MARKEY. Mr. Speaker, we only have one speaker remaining on our side, so until the majority is down to one speaker, we would like to reserve the balance of our time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 2 minutes to another new valuable member of the Resources Committee, Mr. JOHNSON of Ohio.

Mr. JOHNSON of Ohio. Mr. Speaker, I rise today in strong support of House Resolution 72. For too long, the EPA, the Department of the Interior, and other permitting agencies have held vitally important energy projects hostage to their unreasonable job-killing demands.

In eastern and southeastern Ohio, our unemployment rates are among the highest in the State, and we are falling behind the rest of the Nation. But we are blessed with an abundance of natural resources that we could tap into to create thousands of high-paying jobs and economic opportunity, if the government would simply get out of the way.

Over the last week, I met with my constituents at three town hall meetings, and there was one message that came through loud and clear: Get the government out of the way so we can get back on the right economic track.

Right now, there is a company that wants to invest \$6 billion in eastern Ohio for a clean energy project that would turn coal to liquid while capturing 85 percent of all carbon dioxide produced. This project would create at least 2,500 direct jobs that would help revitalize the local economy. But at each and every turn, Federal regulators have moved the goalposts, making it more and more difficult for this project to get off the ground.

Mr. Speaker, eastern and south-eastern Ohio cannot afford to lose the jobs this project would create. We can't afford for the company to call it quits due to what can only be described as Federal harassment.

It is time that the Federal Government gets out of the way so we can unleash our natural resources, both onshore and offshore, to create high-paying jobs and put us on the road to energy independence. We have got to get serious, Mr. Speaker, about our energy future.

I encourage my colleagues to support this important resolution.

Mr. MARKEY. Mr. Speaker, I am the last remaining speaker on our side. I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very, very pleased to yield 2 minutes to another new member of the Natural Resources Committee, the gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Speaker, one of the top concerns I am hearing from my constituents is the state of our economy and jobs, and that is why I rise today in support of this resolution directing the committees of the House to examine and exercise oversight of Federal agency regulations and their impact on the economy.

The U.S. Department of Energy recently announced that we currently have the highest gas prices in this country that we have ever had during the month of February, and it makes no sense for the Department of Interior to continue to resist access to our own sources of American energy. This is critical, because our country's economic health is tied to having a robust energy sector.

Obama administration officials estimated it would cost roughly 23,000 jobs if they enacted the deepwater drilling moratorium, but it went ahead anyway. And to add further insult to Americans, it also included a shallow water regulatory permit slowdown. Recently a judge held the Department in contempt for administration's drilling moratorium.

□ 2010

Congress and this administration can and should encourage private sector job growth, not hinder it with unreasonable regulations. We risk losing more scarce jobs and more investment capital every single day due to the

ever-increasing weight of our Federal bureaucracy. Many of these regulations place significant burdens on manufacturers and small businesses at a time when our economy can least sustain them. According to the Small Business Administration, Federal regulations cost American businesses between \$8,000 and \$10,000 per year per employee and between \$15,000 and \$37,000 per American household each year.

One of the worst offenders of this regulatory epidemic under the Obama administration is the Environmental Protection Agency. Unfortunately, the expansion of their power is not without cost. To name a few of EPA's pending egregious actions and estimated consequences:

One, a ban on the pesticide Atrazine, which will result in a potential loss of 45,000 ag-related jobs;

Two, a mandate requiring the use of expensive and/or economically unsound renewable energy sources, causing a \$5.2 trillion cut in our GDP, a \$2,400 cut in household incomes per year, and the loss of more than 1 million American jobs;

Number three, new unsubstantiated ozone standards costing \$1 trillion in compliance costs and 7.3 million jobs lost.

The SPEAKER pro tempore (Mr. HERGER). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. FLORES. And to add insult to injury, when asked if their regulations had a cost benefit analysis, they said that they didn't need them, that their rules were the most cost-effective in government. I strongly beg to differ. I think that the arrogant nature of the EPA and the administration is not doing American business any favor or American jobs any favors. Something has to be done to stop this epidemic.

I urge my colleagues to join me in supporting this resolution.

Mr. MARKEY. I yield myself the balance of my time.

I say to the gentleman from Washington State that just 2 weeks ago we passed by unanimous consent the oversight plan which the majority has for the Department of the Interior, and the minority signed off on that oversight plan over all of the regulations and all of the various agencies that come under the jurisdiction of our committee. We did not fight that.

This debate tonight is something that doesn't really even have to take place. The committee—our committee, the Natural Resources Committee—is already fully empowered to do all of the oversight that they believe is necessary, and we will be there joining with them where it is necessary to conduct that oversight.

Coming back, though, to the central point, that's something that we all

agree upon. What the American people want is to see what the agenda is for creation of jobs in our country. That's what has been lacking on the House floor since the Republicans have taken over the House of Representatives. And that's the most important agenda for our country. And I don't believe that we can accomplish that goal if the Republicans continue with their objective of \$100 million in profits going to oil companies at the same time that they want to give \$40 billion worth of tax breaks to them.

That is not really a good policy for our country. That's not going to create any new jobs. It would be better if we took that \$40 billion, moved it over to wind and solar and all-electric vehicles; that we moved it over to take care of the low-income people whose oil prices are just skyrocketing across this country, so that people don't freeze in their own homes. That would be a better use of that \$40 billion instead of handing it over to the oil and gas industry. We would create more jobs, we would protect people and keep them safe in their own homes, and we would have a better balance for where this country should be going. Instead, we're here debating oversight of these agencies, and we agree with the need to do so.

We probably disagree over the extent to which we should deregulate them. In fact, if we deregulate too much, if we take too many regulations off the books, we're just going to see a repetition of the same kind of environmental disasters that have ravaged our country over the years, the same kind of economic collapse that was a result of turning a blind eye to the shenanigans that went on in the financial marketplace with the big Wall Street firms that were not given the proper oversight, and on and on down the line.

So I want to just say again to the majority that we want to work with you on our committee. We want to work with you on the oversight that is necessary. That's why we signed off on the plan to do the oversight. I just think that we have wasted an hour here on an issue that we already agree upon; that we should be partnering to make sure that wherever there is chicanery, wherever there is wrongdoing that we should partner together to root it out.

But I'm afraid that this is part of a larger agenda that really seeks to destroy the wind and solar industries in our country, to cut dramatically the low-income heating assistance that we give to the poorest people in our country, to keep the \$40 billion in tax breaks on the books for the largest oil and gas companies in our country even as they are going to enjoy \$100 billion worth of profits this year given to them by tax breaks that are a hundred years old, with the price of a barrel of oil now at \$100 a barrel.

That is absolutely absurd, ladies and gentlemen. It is a squandering of the limited resources that we have in our country that should be spent on creating new jobs in the renewable energy sector and creating jobs by the millions that young people in our country want to create. They want to be able to tell OPEC, We don't need your oil any more than we need your sand.

And as Mubarak is teetering, the one message that we can send to the Middle East is the same message that President Kennedy sent to Khrushchev in 1961. We are going to use our technological might in order to fend off this threat that is posed to our country economically, militarily, diplomatically, environmentally. We are going to use this as an opportunity.

That is not what this debate is about. That's where we should move over the next weeks and months. My hope is that we can do it together.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Washington has 1¼ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time, and I appreciate my friend from Massachusetts' willingness to work with us on this very important issue.

But I want to make it very, very clear because there are some on the other side that were suggesting that we want to do something that we're not even debating here, and that is to wipe every regulation off the book. No, what we are trying to do here is to look at the regulations and see where perhaps they are not being carried out as Congress intended them. And I think specifically what we want to do, since this President took office, even though we should have done that with past Presidencies on both sides of the aisle, but since this President took office, the scope and reach of the executive branch has greatly expanded as has been documented by just about every speaker and even acknowledged by speakers on the other side. And the question, Mr. Speaker, is: Why? And what is the cost to our economy and American jobs?

Congress has an obligation to look into this and to hold the administration accountable—and any administration, for that matter, in the future. So, Mr. Speaker, what we are doing here tonight and what this resolution on the floor that we are debating by virtually all committees in the House is simply starting that process. And I look forward to working with my friends across the aisle because we appear to have common ground.

With that, I yield back the balance of my time.

□ 2020

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 72. It instructs the Committee on Ways and Means, as well as nine other committees, to review existing, pending, and proposed regulations and orders from Federal Government agencies and to focus on their impact on the Nation's economy.

In listening to the stories I hear tonight from both sides, one thing that I would like to say for the record is that oftentimes our discussion about regulations gets caught up in unnecessary emotion and ideology.

One point that I would like to make is that so much of what we address are process issues. When we increase complexity—and I'm speaking as an engineer, not as a Member of Congress—we can reduce effectiveness. I am not opposed to regulation, but I am a strong supporter of sensible regulation, of honestly looking at the secondary and tertiary effects of regulations that either come from poor legislation that was too broadly written or from compromises so great, so elastic that the bills were thrown over the wall to agencies that may or may not act within the intent of Congress and are not working closely with those who are regulated.

I think it is of constitutional importance for our body to make sure that we work together with those who are regulated and with those who are the executive agencies that we oversee to ensure that there is a high-quality outcome and that our communities are not unreasonably burdened with the objective that is defined. Much of that context has gotten lost from the original intent of many of the agencies that have come into being over time.

I will tell you that the motivation for me, after my professional career prior to Congress, that the motivation for me in addressing this issue of regulations doesn't come from feeling that standards are wrong, but that so many regulations impede or prevent actual job growth and innovation.

The question that I'd asked time and again over the period of the last Congress, particularly last year, was: Where are the jobs?

With this growth of a regulatory state, what we do not understand are those impacts on business owners, who need predictability in order to hire people. We can have fine sounding language about the intent of legislation, which might sound okay here in the Chamber, but as we know from the health care bill and others, many Members didn't read the bill, didn't understand the secondary effects that would come from implementing policy, and left regulators with a near impossible task. And many of the rules that have begun to come out on this are nearly impossible to implement effectively and in a cost-effective manner.

I would say that any reforms in government should be bipartisan. This should be one of those—first for the institution and second for the people we represent to create jobs. We can remove a great deal of that unpredictability and give certainty rather than create an adversarial relationship between the executive branch and the people who create the jobs and who pay the taxes, and I am speaking specifically to our small business owners.

This resolution is necessary because the ever-expanding regulatory code is far too complex and burdensome. Regulations are the off-budget hidden cost of government impeding Americans' ability to create jobs. The Small Business Administration estimates the annual cost of Federal regulations in the United States exceeded \$1.75 trillion in 2008, almost double the amount of all individual income taxes collected last year.

Both sides agree all the time on the ability to refine regulations. I would say that the Government Reform Act was only used one time in its existence since 1995 to stop a regulation that was going to be considered unnecessary or too costly.

There is a program through the Small Business Administration to address regulations and their costs over time. In coming out with their top 10 regulations for review in that time, the only thing that has been done out of thousands and thousands of regulations that have been reviewed or pushed for reform was to simply remove a withholding of payment to architects and construction companies doing government contracts. That's not affecting the core of this, which is our tax-paying base—the ability to create the jobs that generate the taxpayers that fund the government.

At a time when our economy is struggling to recover, we can't afford to have anything other than a sensible and competitive regulatory code. It must be the mission of this Congress and our government to improve the competitiveness of the United States and the global economy and thus create jobs.

The resolution we consider tonight represents an important first step in the process by learning to develop eyes to see the roots of the problem and the impositions on businesses. Again, this is not anti-regulation. It is asking the question: Why are we accepting a regulation? What are the impacts of it going to be? It is allowing those who are being regulated to be part of this discussion, and more than comments from the Federal Register that are very rarely heeded by the agency community.

It is important for us to reform the code and to reform the process of how we view that code so that there is transparency and accountability and a check and balance that the American

people have, not only on us but on the executive branch as well.

We've just entered our 21st straight month of at least 9 percent unemployment or more. As Americans across the country continue to look for work, Members of Congress have a responsibility to ask ourselves: Are we adequately addressing job creation by removing the barriers to growth and creating conditions that encourage businesses to hire? In industrial engineering language, we would call that asking the questions: Is this a non-value-adding regulation? Does it add value to safety in a true and tangible form?

For example, half of all the regulations in OSHA have nothing to do with actual safety. They have to do with paperwork compliance standards that could shut a business down. This is not a statement against the importance of industrial safety. It's simply asking the question so as to remove excesses and remove extraneous overhead. The agencies will be more efficient, and we will be much more effective in creating jobs in the private sector.

For the past 2 years, the answer to one question is simply that we have not been adequately addressing job creation by removing these barriers to growth and encouraging businesses to hire. From the failed stimulus package to the misguided attempt at health care reform to financial regulatory reform, American businesses have been hit with an explosion of new taxes and regulations. They increase the cost of doing business, and therefore make it more difficult for businesses to hire.

For small businesses that have less than 20 employees, the regulatory burden amounts to an average of \$10,585 per employee per year. These small firms have been responsible for 64 percent of the net new hires over the last 15 years and could play a role in lowering our unemployment rate if the regulatory burden on them were reduced and brought into a scale of context for their size versus a very large business. Excessive regulations can also have a direct impact on American families, many of whom are already struggling to make ends meet, by increasing the cost of food, medicine, doctor visits, and utility bills for basic services such as electricity, water, and sewer rates.

I am encouraged that President Obama has recognized the potential negative economic effects of regulations and rules in both his State of the Union address and in a recent op-ed in *The Wall Street Journal* that followed an editorial about a bill that I introduced last year called the REINS Act.

This is not a partisan issue. Both Republican and Democratic administrations have contributed to the massive growth of government and to expanding the volume and complexity of the regulatory state. However, I am concerned that the President's recent

rhetoric on regulation may be just that—rhetoric. Despite these comments, the administration has used the regulatory process, not the Congress, to advance elements of its agenda that cannot be passed in the Congress.

After Speaker PELOSI forced the job-killing cap-and-trade bill through the House of Representatives, the legislation was stopped in a democratically controlled Senate. In December of 2009, however, the Environmental Protection Agency took matters into its own hands, without the express approval of the Congress, to begin moving to regulate greenhouse gas emissions.

This raises serious questions of our ability to control and provide oversight of the executive branch on behalf of the constituents we represent. These regulations would have disastrous consequences for a weak economy. They would result in higher energy costs, which, in turn, will result in increased utility rates for struggling families and for the small businesses and manufacturers that employ millions of Americans.

Any time a regulation or rule enacted by an executive branch agency can have this kind of impact and broad-reaching implications on our economy, it should be subject to the review of the Congress to be accountable to our citizens and not a faceless bureaucrat in an agency.

This was the idea behind H.R. 10, the REINS Act, legislation that I introduced to provide greater accountability and transparency in the rule-making process. On all rules that have a direct economic impact of over \$100 million, the REINS Act would require an up-or-down, stand-alone vote by both the House and the Senate and require that they be signed by the President before they can be enforced on the American public.

While the REINS Act reforms the process of how these regulations are approved going forward, the resolution we are debating tonight addresses those rules already on the books or those that have been proposed. President Obama has also ordered his agencies to review rules and proposals that may be hindering job creation or economic growth. However, H. Res. 72 is superior to the President's review in several important ways.

First, the resolution before us would ask the House committees to review regulations rather than the agencies that created them and enforce them. The fox should not guard the henhouse. Before even beginning the review required by the President's Executive order, the EPA announced that it was confident that the review process would not result in the repeal or alteration of a single current or pending rule.

That is not internal oversight, and it goes against the clear, express will of the American people and their elected

Representatives and Senators. In fact, when House Oversight Committee Chairman DARRELL ISSA called on business and trade associations to identify regulations that burden their businesses, EPA rules were cited more than any other Federal agency.

□ 2030

By passing this resolution, we will begin a regulatory review that is both objective and analyzes costs and benefits in real numbers.

Before being elected to Congress, I ran a small manufacturing consulting business. What we did for a living was process improvement and flow management. In other words, we took inventory of a manufacturing facility's processes. We understood the flow. We sought to decrease complexity, remove processes that didn't add value, and increase the overall throughput and efficiency of the facility, thus protecting the existing jobs and creating more jobs in return. That's exactly what H. Res. 72 asks the House committees to do with the Federal regulatory process.

Removing and altering outdated, costly or ineffective rules will streamline our regulatory code and make our economy more competitive and inviting to investment and job creation. Even saving a small percentage of the \$1.75 trillion that is currently spent on regulatory compliance each year by job creators would free up capital which can be reinvested into our economy to create jobs.

Please join me in supporting this resolution so that we can begin the process of reforming the Federal code and get our economy moving and hiring again.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. I yield myself as much time as I shall consume.

This is about oversight, and what the majority is doing is losing sight of the needs of tens of thousands of workers in this country. What they are doing is overlooking the needs of the workers of this country.

Our committee has jurisdiction over trade adjustment, and what's happened this week regarding trade adjustment assistance is really incomprehensible and, I think, disgraceful. This Congress is going to leave town tomorrow. On Saturday, the extension of TAA expires, the 2009 extension. And what's going to happen? Tens of thousands of people, who will be laid off because of trade, will no longer be able to be certified—tens of thousands. They will be out of luck when they hit bad luck through no fault of their own.

We've received all kinds of communications from people in my State, and I'm sure there are people like this in every single State. We heard from a machinist laid off, qualified for TAA, and is now pursuing a career as a technician. He's in a program that goes on

for a few years. Before TAA was overhauled in 2009, States could not have approved training of that length nor have approved the prerequisite training.

We heard of another worker, a service worker in the State of Michigan, laid off, qualified for TAA, and is now pursuing an associate's degree. She's planning to complete her program in June of 2012. Before the TAA reforms of 2009, service workers were not even eligible for TAA.

We also know of another person who was laid off, a die helper, who's qualified for TAA to continue training on a part-time basis. Only because of the extensions of 2009, the changes, the improvements, could this person have been in that training.

And then another worker in Michigan—and you know, workers throughout the country are like this—who learned that she would be laid off, petitioned for TAA and began pursuing an M.A. degree before she actually lost her job.

There are thousands of people who are going to be in this position, and because the majority in this House have failed to act, there are going to be tens of thousands of people who will have no place to turn in terms of training.

Since the 2009 improvements, about 177,000 people have been able to receive training—170,000—and now, beginning Monday, tens of thousands will not be able to be certified for help.

Now, this isn't only in the State of Michigan. It's not only in the State of Ohio. It's not only in the State of Indiana. It's not only in Pennsylvania. This is true throughout the country—true throughout the country—and essentially, the majority here is leaving, turning their backs on the people of this country.

So what happened this week was the following: that a few groups outside of this institution decided they did not want to support the 2009 expansion of benefits; and a group within this House, the Republican Study Committee, issued a document urging Republicans not to support the extension. There are many, or some, Republicans in this House who were ready to support it, but they pulled back the bill, and the document from the study committee has this as one of the reasons why we should not step up to the plate.

They said, under TAA programs, the government picks winners and losers because TAA favorably discriminates towards workers who lost their job due to trade. Well, picking winners and losers, what TAA does is to fill in gaps that were not filled in previously and often gaps that were increased because of the inaction of the now-majority of this House.

And talking about winners and losers, the losers are going to be the unemployed people of this country, unemployed through no fault of their own,

unemployed, looking for work, who will not be able to be certified for TAA. This is a disgrace. And there are some people who will continue to be eligible for TAA who are going to have to now pay more for their health care if they can afford it.

When we put this together a few years ago, this is what Senator GRASSLEY said about the reforms, and I quote, Today's achievement is the result of the dedication, hard work, and commitment of many individuals. It is the culmination of years of effort, and I am confident that the result will serve to benefit American workers in Iowa and across the United States for years to come, end of quote.

The failure of the Republicans to bring this bill to the floor this week means that what Senator GRASSLEY said will serve to benefit American workers in Iowa and across the United States for years to come, that's going to end on Monday, because Saturday is a weekend. People who are laid off because of trade are going to hit a wall, a wall.

So we are in favor of oversight. We made that clear earlier. We are also sure we should not be shortsighted about the needs of productive people who want to work and cannot find a job.

The person speaking on behalf of the Republicans, my distinguished colleague on the Ways and Means Committee, talked about those who are out of work through no fault of their own. You mentioned 9 million. There's a record number of people in this country who have been unemployed for a longer period of time than has been true in the past, and now all they ask for, unemployment comp in many cases—they're looking for work—and a chance to be retrained. On Monday, for thousands that chance will be gone.

□ 2040

That should not have happened.

Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. McDERMOTT) manage the balance of the time on the Democratic side.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield 2 minutes to a distinguished fellow member of the Ways and Means committee, the gentleman from California, Chairman HERGER.

Mr. HERGER. Mr. Speaker, I want to thank the gentleman from Kentucky for his leadership in working to bring more congressional oversight to the regulatory process. The heavy hand of overbearing environmental regulations has struck my northern California rural congressional district in full force. The Endangered Species Act, in

addition to regulations under the Clean Water Act, Clean Air Act and other environmental laws continue to be enforced by Federal agencies and activists to curtail irrigation water for family farms and ranches, force communities and developers to spend hundreds of millions of dollars on environmental "analysis" and even threaten public health and safety by delaying forest management to reduce catastrophic wildfire and much needed infrastructure such as flood preventing levees and transportation improvements. Another set of job-crushing regulations surrounds the 3 percent withholding tax that is set to go into effect next year. This tax will cost far more in unfunded mandates on small businesses and State and local governments than it will ever raise in revenue for the Federal Government.

Mr. Speaker, tomorrow I will be reintroducing bipartisan legislation to repeal the unfair 3 percent withholding tax. I would like to enter into the RECORD a letter from the Government Withholding Relief Coalition highlighting this provision's regulatory burden and urging its repeal. I strongly support this resolution and look forward to stopping the regulatory assault on my constituents and our Nation's economy.

GOVERNMENT WITHHOLDING
RELIEF COALITION,
January 28, 2011.

Re: regulations and their impact on the economy and jobs.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR CHAIRMAN ISSA: The Government Withholding Relief Coalition and its 116 member associations appreciate your interest in regulations that negatively impact the economy and jobs. We welcome the opportunity to highlight one specific issue that was the genesis for the creation of this coalition: the 3% tax withholding mandate. This requirement is set to go into effect on January 1, 2012 if it is not repealed. It will cost jobs and waste significant amounts of time and money for companies as well as governments to implement.

The 3% withholding law, which was enacted in Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222) as section 3402(t) of the Internal Revenue Code, mandates that federal, state, and local governments withhold 3% of nearly all of their contract payments, Medicare payments, farm payments, and certain grants. Compliance with this law will impose significant, unnecessary financial burdens on both the public and private sectors, with a disproportionate impact on small businesses.

The Internal Revenue Service (IRS) issued a proposed rule in December 2008 and is scheduled to issue a final rule to implement this counterproductive law in the near future. However, this is just the beginning of the regulations that need to be altered and issued. The Federal Acquisition Regulations (FAR) will need to be changed, and regulations for Medicare payment, farm payments, and grants will also need to be modified. These are merely the federal regulations that will need to be changed, but since this

requirement flows down to state and local governments (as an unfunded mandate), every state and many city, county, and municipal governments will need to change their regulations and companies will have to learn to comply with these numerous and likely divergent implementing regulations.

The provision is already proving costly and will increase exponentially as the implementation deadline moves closer. If this tax is not repealed, it will cost companies and governments at all levels substantial amounts of money. These exorbitant expenditures will be at the expense of hiring new employees, expanding businesses, and providing government services at a time that neither the public nor private sector can absorb such unnecessary costs.

The Department of Defense in April 2008 estimated that it would cost more than \$17 billion in the first five years to comply with the 3% withholding requirement, which far exceeds any estimated revenue gains due to tax compliance. While this estimate may be reduced depending on how the law is implemented, needless to say, the costs will be huge across all levels of government.

The Coalition believes this law and its corresponding regulations are a prime example of wasteful requirements that have a negative impact on the economy and job-creation. As you develop your agenda, we strongly urge you to consider the damaging effects of the 3% withholding tax and include its repeal among your priorities for this year.

Sincerely,

GOVERNMENT WITHHOLDING RELIEF
COALITION.

Aeronautical Repair Station Association, Aerospace Industries Association, Air Conditioning Contractors of America, Air Transport Association, America's Health Insurance Plans, American Bankers Association, American Clinical Laboratory Association, American Concrete Pressure Pipe Association, American Congress on Surveying and Mapping, American Council of Education, American Council of Engineering Companies, American Health Care Association, American Institute of Architects, American Logistics Association, American Moving and Storage Association, American Nursery and Landscape Association, and American Road & Transportation Builders Association.

American Society of Civil Engineers, American Subcontractors Association, American Supply Association, American Traffic Safety Services Association, American Trucking Associations, Armed Forces Marketing Council, Associated Builders and Contractors, Associated Equipment Distributors, Association of National Account Executives, Association of School Business Officials International, Business and Institutional Furniture Manufacturers Association, California Association of Public Purchasing Officers, Coalition for Government Procurement, Colorado Motor Carriers Association, Computing Technology Industry Association, Construction Contractors Association, and Construction Employers' Association of California.

Construction Industry Round Table, Construction Management Association of America, Design Professionals Coalition, Edison Electric Institute, Electronic Security Association, Engineering & Utility Contractors Association, Federation of American Hospitals, Financial Executives International's Committee on Government Business, Financial Executives International's Committee on Taxation, Finishing Contractors Association, Gold Coast Hispanic Chamber of Com-

merce, Government Finance Officers Association, Independent Electrical Contractors, Inc., International City/County Management Association, and International Council of Employers of Bricklayers and Allied Craftworkers.

International Foodservice Distributors Association, International Municipal Lawyers Association, Management Association for Private Photogrammetric Surveyors, Mason Contractors Association of America, Mechanical Contractors Association of America, Medical Group Management Association, Messenger Courier Association of the Americas, Miami Dade County, Modular Building Institute, Munitions Industrial Base Task Force, National Asphalt Pavement Association, National Association for Self-Employed, National Association of College & University Business Officers, National Association of Counties, National Association of Credit Management, and National Association of Educational Procurement.

National Association of Government Contractors, National Association of Manufacturers, National Association of Minority Contractors, National Association of State Auditors, Comptrollers and Treasurers, National Association of State Chief Information Officers, National Association of State Procurement Officials, National Association of Wholesaler-Distributors, National Beer Wholesalers Association, National Corn Growers Association, National Council for Public Procurement and Contracting, National Defense Industrial Association, National Electrical Contractors Association, and National Electrical Manufacturers Association.

National Emergency Equipment Dealers Association, National Federation of Independent Business, National Institute of Governmental Purchasing, National Italian-American Business Association, National League of Cities, National Precast Concrete Association, National Office Products Alliance, National Roofing Contractors Association, National Small Business Association, National Society of Professional Engineers, and National Society of Professional Surveyors.

National Utility Contractors Association, National Wooden Pallet and Container Association, North-American Association of Uniform Manufacturers & Distributors, North Coast Builders Exchange, Office Furniture Dealers Alliance, Oregon Trucking Association, Plumbing-Heating-Cooling Contractors—National Association, Printing Industries of America, Professional Services Council, Regional Legislative Alliance of Ventura and Santa Barbara Counties, Santa Rosa Chamber of Commerce, Security Industry Association, Service Disabled Veteran Owned Small Business Council, and Sheet Metal and Air Conditioning Contractors National Association, Inc.

Shipbuilders Council of America, Small Business & Entrepreneurship Council, Small Business Legislative Council, TechAmerica, Textile Rental Services Association of America, The Associated General Contractors of America, The Association of Union Constructors, The Distilled Spirits Council of the U.S., The Financial Services Roundtable, U.S. Chamber of Commerce, United States Telecom Association, Veterans Entrepreneurship Task Force, and Women Impacting Public Policy.

Mr. McDERMOTT. I yield myself such time as I may consume.

Mr. Speaker, as we come out to discuss this resolution, H. Res. 72, I couldn't help but think of a story from

the middle part of the United States of America. There was a Methodist minister who fell ill, very, very seriously ill, and the head of the board of deacons called the board together to have a discussion about what they should do about the problems of the ailing minister. They had a long discussion. It took, not as long as this debate will take, but it took 2 hours. And at the end, by a vote of 4-3, with 17 abstentions, they wrote a letter to the minister urging him to get well.

Now this resolution has about as much effect as that letter to that minister in central Illinois. Two years ago—and what a difference a day makes—January 28, 2009, this Congress passed the American Recovery Act. Seven hundred billion dollars that stopped the economic collapse in this country, that got us started on recovery from the problems created by the previous administration. We did that in less than a hundred days.

We've been here a hundred days. There used to be a TV program I liked when I was a kid called *This Is The Week That Was*. Now let's review this week that was. I arrived back from Seattle and on the calendar were two bills. One was a bill to deal with, as the gentleman from Michigan has suggested, the problems of workers who have been displaced by trade, the so-called Trade Adjustment Act, TAA. That was one bill. The other bill was a bill to extend the Patriot Act. I don't know what the leadership on the other side was thinking. Maybe they can't count. But the bill to extend the Patriot Act went down in flames. They then pulled the bill on extending TAA. That was Tuesday.

Then we came to Wednesday. That was the day they brought the bill in, a meaningless bill, messing with the United Nations funding, that didn't save one single dollar but simply said we weren't going to pay our dues to this, then that section of the United Nations that somebody didn't like, and so they decided they'd come out here and make a big show about the United Nations. That bill went down in flames.

Now the week has not been a total loss. We did change the name of a courthouse; we did it on Wednesday, and I think we got something to go home and talk to our people about in our districts.

And now we're to Thursday. Here we are spending 9 hours out here on a meaningless piece of legislation. It is truly a sad day for the House that we are spending another day not helping the people of America. Not helping the private sector create jobs. Not doing what the people sent us here to do. Early this morning, congressional representatives and staff came to work on Capitol Hill to work for the American people. It is the job every day for Members and staff to oversee the agencies of the Federal Government, to oversee

the regulations so that the common good is served. It doesn't require House Resolution 72. We are here to track how money is being spent and that it is being done responsibly. That is the Congress' constitutional responsibility and has been for 224 years.

You would have thought that maybe the people on the other side would have figured this out, Mr. Speaker. We stood out here and read the Constitution. I guess for some of them it was the first time they had ever read it but they weren't paying attention or something because this resolution is simply restating what has always been our responsibility.

Now it's been 100 days, as I said, for the Republicans in control of the House, and they have done not one single thing to create a job. Nada. Nil. Zilch. Nothing. Not a single thing to create a job in 100 days. We have 14.9 million unemployed in this country. We have an intense economic competition with the rest of the world that we are in danger of losing if we don't get moving. We have a home foreclosure crisis in this country. We've got two wars. We've got huge energy and environmental issues to deal with and an economic system that's falling further and further behind the rest of the world. We do not lead the world in college graduates per capita. We are about sixth or seventh or eighth, somewhere down there. Other countries are passing us because of our inaction.

And what do we do? The Republicans say, let's go out and waste the 10th of February. Now, instead, the Republicans are having us working for two whole days to tell the House of Representatives to do its job. For heaven's sakes, what a silly piece of legislation. This bill is an insult to the American people. It's an insult to the people who work here, and they don't even seem to understand they're insulting themselves, as though they didn't know what their job was. It's like Nero fiddling while Rome burned. The House is sitting here while millions of Americans are unemployed. They're selling their belongings. They're emptying their 401(k)s. They're doing everything possible to stay afloat.

□ 2050

Now, this isn't 1930. In 1930, what people did was, they took what few belongings they had, went out, put it on the top of the car, drove to California, and found a job. That's what people did. But every day, millions of Americans can't move to take a new job because they can't sell their house because their homes are under water, according to the banks. In Seattle today, one-third of the homes are under water. Now, if you don't think some foreclosures are coming out of that, you don't understand how it works. There is a whole new underclass of unemployed, undertrained Americans who

are not being helped to compete in the world economy.

And while Americans across the country suffer, the Republicans come out here with H. Res. 72. They are going to do nothing. The Republicans, the party of "saying one thing and doing another," promised big action on jobs during the election: If you elect us, we will get this country rolling again. So they have taken control of the House, and what do the American people get? Instead of helping the private sector with a smart science, technology, and energy investment policy, we are considering Republican legislation on pornography. That certainly makes a lot of sense if you don't have a job.

Instead of compassionately and energetically helping the unemployed, the Republicans want to redefine the rape of women to keep some women who have been raped from getting abortions. You will see that one next week. That's going to be the great bill.

Where's the job bill? Where are the job bills? I have no idea. There are more 99ers every week. Now in case you don't know what a 99er is on the other side, let me educate you. We have an unemployment system that provides for unemployment insurance for 99 weeks; and when it runs out, you are done. And there are four or five people for every job that comes up in America. So if you go out looking for a job, you have a one in four chance of having any chance at getting it. And yet these 99-weekers are piling up all over the country because they've run out of their unemployment insurance, and the Republicans do nothing about creating jobs.

Instead of intelligently debating administration plans in Afghanistan, Iraq, Iran, Republicans want to vote on meaningless bills like the one I talked about with the United Nations that save no money and don't advance the U.S. interest in anything.

The Republicans ran on a slogan, Mr. Speaker: Government spending kills jobs. They are the extreme party of "everyone for themselves," no action for the common good. And now that the Republicans have responsibility, all they have is their message machine. That's what these 9 hours are about. Just in case you haven't broken the code, they are all in their offices now, Mr. Speaker, cranking out press releases: I'm going to take on this regulation. I'm going to take on that regulation. And somehow they think that those messages will get them reelected in November of 2012. They are creating a paper blizzard. Like we have had some snow around here, well, this is a real blizzard.

Now when you try to govern without ideas, it doesn't go over very well with the American public, and slowly the Republican leadership is hearing the feedback. What is the new Republican

response? They say the need to "retool their messaging."

Since we have to waste the people's time on the floor today on this meaningless resolution, I thought I should try and be helpful to the Republican effort. It's my civic duty. As a member of the minority, I should help the majority rule. Now, the problem the Republicans are having is that what they ran on, that "Big Government is the problem," isn't true. Big Government is not the problem. No one wants Big Government. What do we want that for? We've all been through TSA. We don't want that stuff.

But the government is not the problem. The government is made up of Americans, good Americans who are writing rules and regulations to do things that Americans want. Americans want clean water. They want to be able to drink the water. They want some water to irrigate their crops. They want water for a lot of things. And it takes regulation because if you let anybody take as much water as they want, some people and some very important things are not going to get done.

They want clean air. Americans want clean air. They know there is an epidemic of asthma among children living in cities, and they're worried about it. And they want regulations. They want regulations in construction so that you don't create an epidemic of youngsters with asthma who fill the emergency rooms every night in hospitals in this country.

Now, the American people want fairness. They want the rule of law. They want laws fixed that don't work. Sometimes you pass a law; and 10 years ago, it seemed like a good idea at the time. Things change. Things need to be changed. Sure, we ought to be doing that. But you don't need House Resolution 72 to tell you to do it. Common sense would tell you to do it. And the American people need the collective help that we can give them. The American people want effective government that deals with people's problems.

Now the Republican "fear and blame machine" is an old, tired, failed philosophy that from time to time can be used to scare the American people in an election. They did it in 2004. Remember the orange alerts and the Oh, God, yellow alerts. Oh, God, we've got to have 4 more years of the same stuff. And we got 4 more years of it. In 2010, here they are again.

We were over in the Ways and Means Committee today doing oversight with a wrecking ball. Let's wreck the bill that we passed last year on health care. Now Bill Frist—you are not going to call him a wild-eyed liberal. He used to be the majority leader in the Senate. Bill Frist said to the Republicans, Mr. Speaker, don't repeal it. Fix it. But what we're doing today is getting ready to blow the bill out of the way so

that we can have the Paul Ryan road to the end of Medicare and to a voucher system. Paul Ryan vouchers for every senior citizen in this country is the goal. And that oversight is really set to blow apart any chance of developing better law than we got through here last year.

It would work better if both sides worked together, there's no question about it. But if you're going to use a wrecking ball and try to put in a voucher system and say to all the old people in this country, Hey, here's your voucher. This is an \$8,000 voucher. Go out and find yourself an insurance company that wants to give you insurance. Mr. Speaker, consider that idea. I mean, I don't know how old the Members' mothers and fathers are; but when you get to be 75 or 80, and you go out with an \$8,000 voucher and try to build health insurance, you can't do it, except by taking another \$5,000 or \$6,000 out of your pocket.

The seniors in this country spend already one-third of their income on health care. They have got plenty of skin in the game. They don't need any more. But the Ways and Means Committee today is doing that rather than trying to figure out what it is that we can do to make the law better. There wasn't a single question about how can you make the law better. All it was was an attack on the man who ran CMS. The first question was, Do you still believe that the national health system of Great Britain is the best thing since sliced bread? The question wasn't, Doctor, how can we help you make this law work more effectively for the American people?

There is an extreme agenda here, and it won't be helped by retooling the message. Now, the other thing that is kind of ridiculous about this whole thing is, we have an Oversight Committee on the Ways and Means Committee. We have a very distinguished Member from Louisiana. Dr. BOUSTANY is a very smart Member of Congress. He is the ranking member on the Oversight Committee. He does not need H. Res. 72 to tell him to do oversight. He is a very thorough man. He is a cardiac surgeon. I mean, come on. This guy is smart and able and can see what the problems are, and he doesn't need these 10 hours out here flogging this resolution so that we can then have our press releases.

□ 2100

The American people deserve better than this. They deserve us to put positive proposals forward that will create jobs, that will deal with the foreclosures, that will deal with the health care problems they have, that will deal with the energy problems, will deal with what's happening in the world and what's going on overseas.

And we are about to see in the budget that comes out what the priorities of

the Republican Party are. The budget is a moral document. It is when you say what you really care about. And when you look at that document, you will see what they really care about.

Mr. Speaker, I urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, returning to the subject of regulations and its impact on the creation of jobs and the need to create jobs to create taxpayers, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH), a distinguished new member of the Ways and Means Committee.

Mr. SMITH of Nebraska. Mr. Speaker, I rise in support of today's resolution directing committees to review existing, pending, and proposed executive agency regulations. Congress is charged not only with legislating but with also overseeing the implementation of legislation.

Agencies continue to promulgate blanket rules which ignore Congressional intent. Forty-three major regulations were published by executive agencies in 2010, and another 191 are currently in the works. These regulations marginalize small businesses and communities which have less ability to absorb the cost of compliance. Small towns in Nebraska, for instance, are spending millions of dollars installing water treatment facilities and electric generation units to comply with EPA standards which continue to be arbitrarily changed, regardless of the science. These people are, in good faith, purchasing lower emission units. They want to comply with the law, Mr. Speaker. But cities and residents can no longer afford higher prices because of these arbitrary and inconsistent regulations. It's not fair, and it's not good government.

I would also like to touch on some Medicare regulation, which has the potential to disproportionately hurt rural hospitals. Medicare outpatient physician supervision requirements have a serious impact in my district and I'm sure many others. For the last 2 years, Medicare rules for outpatient hospital procedures have included a provision to require a medical doctor be on site for even the simplest of procedures, for example, a phlebotomist taking a blood sample. Certainly, I don't think that was congressional intent.

Without the current temporary suspension of this rule for small rural hospitals, many critical access hospitals in my district would not have the manpower to perform outpatient procedures on a regular basis, the result for patients being lengthy travel to larger cities for care, be it routine care or otherwise.

This regulation is also having a negative impact in more urban areas. Yesterday I was speaking to a group of physicians from Nebraska, and one shared with me his ability to remotely

order a CT scan at the hospital when he knows such a procedure is necessary.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Kentucky. I yield the gentleman an additional minute.

Mr. SMITH of Nebraska. However, the hospital cannot begin the scan until after he arrives at the hospital to oversee the scan, although not even necessarily perform the scan.

As a cosponsor of the REINS Act, I also applaud this effort to begin curbing unchecked agency regulation hampering families, job creators, and the growth of America's economy.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, it is a privilege to yield 2 minutes now to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

Mr. PAULSEN. Mr. Speaker, I want to rise also in support of this resolution which directs committees to review Federal agency rules and regulations which indeed may unfairly harm the ability to create jobs and grow our economy.

I continue to hear on a pretty regular basis from my small businesses in my community in Minnesota about new rules and new proposed regulations that absolutely could hamper their operations and opportunity for growth. I'm just going to give a couple of examples real quickly.

I've heard from financial service companies in my district about a rule that the Department of Labor is proposing now that fundamentally changes a 35-year-old definition of "fiduciary" under ERISA. Now, if implemented, this new rule would cause a major disruption to the marketplace and directly result in higher costs and severely limited access to much-needed products and services to consumers.

I've also heard from some of my medical device companies in my district that are leading the world in developing these new lifesaving technologies. And there's a new rule now that's been proposed by the Department of Transportation which would require finished medical devices and other products that contain lithium batteries to now be shipped as hazardous cargo. Now, this is going to have a devastating impact on the production of pacemakers, defibrillators, and neurostimulators.

This is a new requirement that would severely disrupt the medical industry's just-in-time delivery system. It's going to lead to bottlenecks in the supply chain, and it's going to delay access to care for patients all over the country, even though these devices pose no demonstrable safety risk.

And it isn't just medical devices, Mr. Speaker. The regulation is also going to have a significant impact on shipping of everyday technologies. All in

all, it's estimated that this new regulation alone is going to cost about \$1 billion annually to the economy and these businesses.

Mr. Speaker, these are just a few of the examples, and we've heard others tonight of some of the burdensome regulations that are out there and being proposed, and it clearly outlines the need for some oversight and reform.

I ask for support of the resolution.

Mr. McDERMOTT. I yield myself the balance of my time.

Mr. Speaker, I'm just sitting here thinking about this whole business about regulation. Since I've been in Congress, when I arrived here we were in the midst of the savings and loan crisis which cost this country something like \$50 billion or something to bail ourselves out of. It wasn't the fact that we didn't have the right rules and regulations; we just weren't enforcing them.

Then we had Enron went on down in Texas, and we had the *Exxon Valdez*, and you look at all these issues.

We need regulation and enforcement to make sure that the people are protected. It is our job, in part, to protect the American people from the capitalist system. The capitalist system is not bad. It simply doesn't have any morals. It is designed to make money. That's all it's about.

And the regulations that are put in are, in large measure, to protect the American people from the excesses of the economic system. And if we don't do that, we don't do our constituents what they sent us here to do, which is to represent them and protect them. We think about protections in terms of, you know, things overseas and missiles flying in from somewhere and all that kind of stuff, but there is more damage done to American people by what happens here in this country by our own companies to the water and the air and the land and the air we breathe. So it is very important that we do this. We should be doing continuous oversight. And in some instances, we should be tightening the regulations.

The banking system that collapsed collapsed because we allowed Wall Street to have a heyday with derivatives and said, you know, do whatever you guys think is right. What they thought was right was to gamble with our pensions and our people's savings, and the whole system collapsed. And we're digging our way out of it.

And to come out here and say what we need is to remove regulations is simply not—doesn't make sense, and it shouldn't make sense to anybody who thinks about it for 1 minute. And I urge my colleagues to vote against this. It's useless. It's stupid. Every committee already has an oversight subcommittee and they will do it, and I think that there is no reason to pass this.

Mr. Speaker, I yield back the balance of my time.

□ 2110

Mr. DAVIS of Kentucky. Mr. Speaker, in closing, I find some degree of irony in the gentleman's comments that anybody saying that we need to do away with regulation was stupid, because the President of the United States stood in this Chamber last month and was citing specific regulations that were redundant or were inappropriate.

The resolution that we have been debating tonight is a critical step toward restoring our economy and getting Americans back to work. I would like to point some context out on this.

I think we have 100 percent agreement in the Chamber tonight that we want clean water and we want clean air. I'm the father of an asthmatic child, two asthmatic children, I might add, who has been up all night and made the trips to the ER and understands this. But there's a significant difference between the context of application there and dealing with some of the changes and the moving standards in the regulatory community that have huge economic impact on our communities.

I would like to cite three brief examples of different contexts of regulations that need to be modernized or changed, or have lost their context.

Again, we are not talking about an anti-regulation issue here. The fact is that regulations have never been aggressively attacked. What happens is we layer another regulation on top of an existing regulation. We increase the complexity of that. We create new organizations that do the same thing, costing more money, creating uncertainty. And I think we have common ground on the need for that reform. But let me give you the first example.

Clean air is a great concern to me. I grew up around the steel and the mining industries as a small boy on the other side of the tracks and got to see the bad things that were done. When the EPA came into being, there were some good starts. Ironically, the real efforts of true environmental remediation began in the States. Operation Scarlet in Pennsylvania began changing the way the land was treated. Much of that was copied by the Federal Government and changed our community demonstrably. But those days are long gone, those good old days, and the complexity and the intrusiveness of the bureaucracy is even different to a greater degree.

The Marathon oil refinery that's in Catlettsburg, Kentucky, spent tens of millions of dollars in full compliance with existing regulations. Long-term capital investments were made to deal with sulfur, nitrous oxide, and mercury, other chemicals that were in potential emissions, both in water and in

the air. And then, after these huge, multiyear capital investments, the ball was moved again. It has crippled the ability of that specific facility to grow and to create jobs.

That is what I'm talking about, context and predictability. Having overseen long-term capital investment plans in the manufacturing industry, when you have to take 10 years, you cannot afford to have that lack of predictability. This is what we are talking about.

At a closer level to home, we talk about veterans a lot here, we talk about prescription drug problems, drug addiction issues. That's something I care very much about. Growing up in a dysfunctional household and seeing the worst of substance abuse or substance addiction in family members, I can say, as somebody who has volunteered for over 30 years to help people escape from these kinds of things, that regulation in fact is helping to create a worse problem.

We work very closely with the Veterans Administration. As a former Army Ranger myself, I care very much about our veterans coming home. And the one thing I would say here, Mr. Speaker, is that we do have a prescription drug diversion problem with older veterans in certain parts of the country.

I was approached by a group of doctors from the Veterans Administration who shared with me that they had been banned by the Veterans Administration general counsel from using the drug registries that are in the State of Indiana and the State of Kentucky, as well as all other States in the Union that have these registries, from simply checking to make sure that the patients weren't seeing a civilian doctor in another State or a civilian doctor in Kentucky and going to the VA to get a double or triple dosage of the same pain medications like Oxycodone and selling it on the street or abusing it themselves to a degree. The doctor said to me, "I'm not interested in criminal prosecution. I don't want to kill my patients. I want to make sure they receive the best health care."

With a stroke of a pen, the general counsel of the VA has added to the complexity of this problem. I spoke to the head of National Drug Control Policy at the White House personally about this, and he said his hands are tied and, "We are looking into that." All of this impacts jobs ultimately.

Finally, I will give a context of the small business owner who gets trapped in this before fully closing. We have lots of great innovative small business owners who go out and they see an opportunity, and they take the risk, usually with their life savings, which may not be much. We only had a few thousand dollars when we started our business that became successful and supported a number of families for many years before I came to Congress.

My friend, Nick Bell, who started Braxton's Cleaners, was an entrepreneur that wanted to take a chance and build a dream with that. His customer service is outstanding, and people flock to him for the responsiveness, the creativity, the initiative, the kindness of his people. He implemented home delivery and suddenly wanted to set up satellites. So many people were coming to him for business, he realized he needed to put another dry cleaning machine in place. One would think that, to support more customers, we could do that.

He suddenly found out, as he bumped up against the Division of Water and the Environmental Protection Agency for the first time, that he had to do a soil sampling under the pad, the concrete pad of his building, before putting that second machine in. What he didn't know along the way was that an arbitrary decision was made in another Federal agency that dry cleaning fluid was put on a list of carcinogens. As one oncologist told me, you would probably have to drink about 80 gallons of this product daily to create the chemical pH in your body to cause cancer in the first place. But that's beside the point. Here is the context of why we have to forcibly address regulations, and I will point this out.

Mr. Bell suddenly found out that one teaspoon of water under 14 bore holes under the pad was discovered. In that teaspoon of water were several parts per million of dry cleaning fluid. Guess what. They said, "Well, you're going to have to remediate this." Mr. Bell said, "I can't afford to do that." The response from the compassionate Federal agency that cares about jobs was, "If you don't remediate it, you are going to shut it down." That made him an activist. He was going to have that business shut down, every family working there, over one teaspoon of water, and he had to spend effectively his life savings of \$60,000 to clean up one teaspoon of water, and it took him years to recover.

Those are the stories. I appreciate all the comments about caring about workers. I care about those. My grandfather was a mine inspector after he retired. I care about those issues. And I think that it's incorrect to try to create this demonization of those of us who just ask the question, why is that there? We have regulations that not only impede jobs, but regulations that make it so complex.

And I will speak with authority as an engineer on this. The more complicated you make something, the more likely you will have errors. Thus, many of the things that have been cited tonight as reasons we need more regulations are because we have got so many that it can become arbitrary overnight.

I agree with the gentleman that we need to address these issues, but we

need to do them in a manner that is devoid of emotion and with a technical focus on what the numbers actually say. And, regarding regulations, let's measure the right things, because we don't do that. What worked in 1960 is not necessarily applicable with the technology and the tools today.

Reviewing all current and proposed rules is the first step. We should do it, because successful businesses, successful schools, any successful institution, even, I guarantee you, the champion Green Bay Packers, review their playbook on a regular basis throughout the season to make sure that they were adaptive and agile for that great game we saw last week.

Reviewing it is a necessary step for us, and it's one that by reviewing this will not hinder economic growth; it will help it. It will free people to achieve, to fulfill the spirit of regulations and help enhance prosperity for all Americans. On behalf of the Ways and Means Committee, we are eager to do our part in this task.

The next step will be to change the way that major rules take effect in the first place. We need more accountability up here. That is nonpartisan. And the last administration, I am sure that the gentleman and I could find plenty of opportunity to point out regulations that were against the will of Congress that were being implemented regardless of who was in the majority here. For the sake of our Constitution and the people who sent us here, we should embrace that.

To provide greater transparency and accountability to this process, I look forward to the House moving forward with the REINS Act, which will be a complement to H. Res. 72. I urge all of my colleagues to support this resolution as the critical first step of opening the eyes of the Congress, opening the eyes of the American people to the impact of these regulations honestly, and to alleviate job creators from not the burdens of legitimate safety standards, of legitimate standards to benefit our communities, but those non-value-adding overheads that are imposed upon us that prevent the hiring and create unpredictability.

Let's move forward. Let's take the burden off our families from these excessive and unnecessary regulations, and create jobs and put America back to work.

Mr. CANSECO. Mr. Speaker, I rise in support of the H. Res. 72, the great engine of America for the last 235 years has been innovation. American ingenuity is a tremendous source of pride in our nation's history. Sadly, this aspect of American life is reeling today from a wave of new regulations that have been added on top of an already complex regulatory system that costs money, jobs, and growth across every sector in our economy. We've been told that more regulation is somehow "good for us," that a select few know better than our citizens how to make the day to

day decisions in our small businesses. But every time a teenager in our country is prohibited from entering the work force because his would-be employer has to comply with a new health law and can't afford his labor, we lose the chance for that teenager to learn valuable skills and perhaps create something special later in his life. Every time a small bank in West Texas is forced to comply with a law that came as a result of the irresponsibility of others, we lose the chance for that bank to extend a loan to an entrepreneur that is capable of creating hundreds of jobs in a small community. Mr. Speaker, Pecos County State Bank in Fort Stockton, Texas takes in 50 percent of the deposits of that town's residents. The cost to run their annual audit is now almost four times as much as it was before the onslaught of regulations we've seen passed in the last two years. We cannot keep placing these burdens on our small businesses.

Mr. Speaker, I urge this Congress to begin the work of placing the responsibility and trust in our society back where it belongs—in the hands of the people. We must begin it now before it's too late.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the Ranking Member of the Committee on Natural Resources, Mr. ED MARKEY, for the opportunity to speak on this important issue. I also like to thank Chairman DOC HASTINGS for his leadership.

Every year, thousands of federal rules or regulations governing almost every aspect of society are conceived through the federal rule-making process. Consequently, federal agencies perform quasi-legislative functions and, in many ways, serve as an extension of Congress. This notion of an unelected entity having such tremendous impact on society rests uneasily with democratic theory. For this reason, a critical feature in our democracy is to control excessive bureaucratic discretion and to ensure that rules and regulations promulgated by federal agencies are consistent with the intent of Congress as expressed in the law.

The Administrative Procedure Act (APA) of 1946, exists for this purpose—to constrain excessive bureaucratic discretion through procedural requirements for agency decision making, including setting goals and standards for regulations, and ensuring public participation through notice and comment. Other statutory rulemaking requirements applicable to a wide range of agencies include the Regulatory Flexibility Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, and the Information Quality Act. These statutory requirements established a clear process for agency rulemaking and standard by which the quality of regulations should be measured.

I appreciate the concerns of my Republican friends that there are problems with many federal regulations. Over the years, we have seen evidence of excessive bureaucratic discretion that result in federal regulations being too burdensome, costly, counterproductive and even prohibitive. Critics argue that mundane requirements have led to the ossification of the rulemaking process, which at times could mean years before the final regulations are put in place.

Meanwhile, federal regulations are derived from the laws that are enacted by Congress.

These laws are put in place to safeguard public interest. Without federal regulations though, we could have situations such as the recent Deepwater Oil Spill in the Gulf of Mexico. The lack of regulatory oversight contributed to one of the biggest oil spills in the country, in which, the deepwater well released about 200 million gallons or 4.9 million barrels of crude oil into the Gulf of Mexico, over a period of 84 days. To prevent such environmental disaster in the future, we need stronger federal regulations to ensure that appropriate standards are in place.

Mr. Speaker, I support a more common sense approach to federal regulations. Federal agencies should strive to protect the public interest and to ensure that proposed regulations do not stifle economic growth and job creation. For this reason, I am pleased that President Obama has ordered a government wide review of federal regulations to root out those regulations that stifle job creation and make our economy less competitive.

As the lawmaking institution in our system of government, we also have a responsibility to ensure that federal agencies are given the resources and better guidance to formulate regulations that are consistent with the intent of the law.

Mr. CRITZ. Mr. Speaker, I rise today to remind this body of what the American people asked of us in November. They did not ask us to continue the parliamentary back and forth this institution has become known for; nor did they ask us to stand around while small businesses are hurting on Main Street. What the constituents of the 12th district of Pennsylvania asked of me, and what the American people demanded from this Congress, is for us to help build an environment where business can create jobs.

Yet today, we are here considering a resolution that would give lip-service to creating jobs, but have no actionable results. H. Res. 72 simply instructs House Committees to review existing, pending, and proposed regulations by federal agencies. These Committees are to then create an inventory of these regulations to report this information. Mister Speaker, this is what our committees are already doing. These are the actions we are already taking to ease the burden on the small businesses in this country. What productive action are we taking by debating and voting on our Committees to fulfill a role in Congress that has already been defined for them?

This resolution is the epitome of the redundancy. I can say with certainty that H. Res 72 does nothing to reduce real regulatory burden on small businesses. Yet we are on the cusp of adopting a rule that will have my colleagues charged in a debate for an extended amount of time. This is what Americans see as the problem in Washington. As they are struggling, we are engaging in debate on a symbolic measure that does nothing more than reiterate what we have already been charged to do as Members of Congress. What are we doing for our small businesses today?

Small businesses create two-thirds of net new jobs each year in this country. It is our duty to make sure that we help generate the best environment to allow these job creators to thrive. Some of the reasons we were all elected to the 112th Congress was to help

these small businesses and help our economy. What we are considering today, will produce no actionable result for either of these two goals.

There is no question that the small businesses of America face a large burden when it comes to federal regulations. Federal regulations now cost Americans \$1.75 trillion each year; that's up 50% from their annual costs in 2005. Federal agencies continue to add thousands of pages of new regulations which add to the already challenging task of creating a small business. It's estimated that these federal rules cost \$10,585 per worker for businesses with less than 20 workers. This cannot be the environment in which we expect our unemployment rate to turn around. It will take a bipartisan effort to reduce this burden and guarantee that our economy continues to thrive.

As a member of the Small Business Committee, I am determined and ready to work with my colleagues on both sides of the aisle to review these challenges and barriers faced by job creators in this country. But I am sure this can be accomplished with the rules already set in place for this body. What will hinder this process and do nothing for small business is a debate on the House floor for nine and a half hours, as this rule sets in place, on instructing members to do what has already been asked of them. After that time, how can Congress say that it helped foster the environment for small businesses to create jobs? How many jobs can we say have been created as a result?

What our small businesses need is action. What the American worker needs is action. What our economy needs is action, and today, with this resolution, we have no action. I urge my colleagues to vote no on this rule, which will result in no jobs for the small businesses of America.

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of H. Res. 72, a resolution directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.

While it is clear that across government there are tremendous amounts of red tape that we must cut in order to more effectively and efficiently spur job creation, I would like to focus on four specific issues under the jurisdiction of the House Transportation and Infrastructure Committee.

FMCSA HOURS OF SERVICE

Proposed changes by the U.S. Department of Transportation to hours of service rules for truck drivers would have a substantially negative impact on productivity and the U.S. economy.

The rules currently in place are working well and do not need to be changed. Since the current rules were implemented seven years ago, the trucking industry's safety performance has improved at an unprecedented rate. Both the number and rate of fatal and injury accidents involving large trucks have declined by more than one-third and are now at their lowest levels in recorded history. The remarkable reduction in the number of truck-involved fatal and injury crashes occurred even as truck

mileage increased by almost 10 billion miles between 2003 and 2008, the latest year for which data is available.

If the proposed changes are implemented, trucking companies will need to put additional trucks and drivers on the road to deliver the same amount of freight, adding to final product costs and increasing congestion on the nation's already clogged highways. Small business truckers would be especially hard hit.

On two prior occasions, the Federal Motor Carrier Safety Administration (FMCSA) estimated that similar changes would cost the U.S. economy \$2.2 billion, inclusive of safety benefits. However, in the new proposed rule FMCSA has changed its methodology for estimating both the benefits and costs of changes to the hours of service rule, effectively decreasing estimated annual costs by \$1.5 billion and increasing estimated annual benefits by \$1.1 billion in order to produce a positive benefit-cost ratio. Further, the agency's own analysis shows that the net benefits of retaining the current daily driving time limit exceed the net benefits of reducing allowable driving time by one hour, the option favored by FMCSA. Frankly, it is very difficult to understand how FMCSA rationalizes its proposal on this fact alone.

In addition to encumbering the industry and a struggling economy, the proposed changes would significantly challenge law enforcement. Because the proposed rules are complex and restrictive, motor carriers could have difficulty understanding them and enforcement officers could have difficulty accurately identifying violations. For instance, in order to determine if a driver can legally claim to have met the conditions of a weekly rest provision, enforcement officials would have to ensure that at least 168 hours had elapsed since the beginning of the most recent weekly rest period, and that the break included two consecutive nighttime periods between midnight and 6 a.m. Such complexity will only serve to hamper both industry compliance and motor carrier enforcement.

Now is not the time to impose costly new regulations that would impede the nation's economic recovery and increase the cost of almost every product Americans produce and buy.

Along with my good friend, the gentleman from Missouri, Mr. GRAVES, I am circulating a letter on this issue to be sent to the Secretary of Transportation, Ray LaHood. I encourage all of my colleagues to join in signing on to this important letter.

SUBCOMMITTEE ON RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS ISSUES

As the Chairman of the Subcommittee on Railroads, Pipelines, and Hazardous materials, there are three issues under my jurisdiction that I want to draw attention to—two related to railroads and another related to hazardous materials.

Put simply, the United States has the greatest freight rail network in the world. Our system is the most efficient and cost-effective in existence, and relies on virtually no subsidies from the federal government. Over a century ago, America's railroads opened the door for economic expansion, literally ushering in the great advancements in industry that sparked America's emergence as an economic power on the world stage. By linking our coasts, rail

opened markets for goods and services in parts of our nation before rendered inaccessible. America's railroads revolutionized transportation, gave promise to freedom of movement and made business more efficient. That heritage continues to this day.

Today, we find ourselves in the midst of a new era of a freight rail renaissance. With 140,000 miles of track carrying almost two trillion ton-miles annually, freight rail is an immense jobs generator and a major driver of the nation's economy. In fact, the industry supports directly or indirectly over 1 million jobs, and 43 percent of all freight carried each year in the U.S. is moved by train—with demand projected to grow. In order to meet this demand, it is essential that there is continued growth in rail capacity.

SURFACE TRANSPORTATION BOARD

Yet given their successes and self-reliance, the railroad industry appears to be in the crosshairs of the Surface Transportation Board (STB). The question is this: will America's railroads continue to be given the freedom necessary to grow their industry without direct interference by the federal government or will the STB attempt to move to re-regulate the industry?

Re-regulation would be a potentially catastrophic public policy that could erase 30 years of positive growth in rail, and threaten to reduce the railroads to the ruinous decreases in services and disinvestment not seen since the 1970's. I firmly believe that if the Surface Transportation Board attempts to re-regulate this vital industry, it will be only a matter of years before our once self-reliant railroads will be forced to rely on taxpayer dollars to invest in infrastructure, safety and efficiency as federal mandates mount.

The Surface Transportation Board has recently announced two hearings. One will review rail traffic exemptions while the other will assess the competitive marketplace in which the railroads operate. In connection with those hearings, we would like to express our collective view about the importance of the freight rail industry as a critical component of our nation's transportation system, and impress upon you the importance of maintaining the existing regulatory balance between the railroads and shippers.

The passage of the Staggers Act in 1980 created a balanced regulatory system that has allowed the rail industry to build the world's best freight rail system, while protecting shippers in areas where there is no effective competition. Since its passage, average inflation-adjusted rail rates measured by revenue per ton-mile are down over 50 percent and freight railroads have re-invested more than \$480 billion back into their operating networks. That could not have been done—and will not be done in the future—unless the STB maintains the current regulatory balance as contemplated by the Staggers Act.

Recently I joined with my senior colleagues on the Transportation Committee, what we call the "Big 4"—the Chairman of the full Committee, Mr. MICA, the Ranking Member of the Full Committee, Mr. RAHALL, the Ranking Member of the Railroads Subcommittee, Ms. BROWN, and myself, the Chairman of the Railroads Subcommittee—in sending a letter to the Chairman of the Surface Transportation

Board regarding maintaining the existing regulatory balance between the railroads and shippers.

In our letter, we made it clear that any policy change made by the STB which restricts the railroads' abilities to invest, grow their networks and meet the nation's freight transportation demands will be opposed by the Transportation Committee.

POSITIVE TRAIN CONTROL

Notably, these debates are occurring at a time when the rail industry is at a crossroads dealing with massive new mandates and proposals that threaten to undermine our rail renaissance. Recent unfunded mandates on the freight rail industry to retrofit equipment with Positive Train Control (PTC) equipment are expected to cost in excess of \$10 billion, with limited, if any, operational benefit. This mandate will divert scarce capital from critical investments in one of the most capital-intensive businesses in the world.

The Federal Railroad Administration (FRA) issued a Final Rule in January 2010 to implement the statutory requirement in the Railroad Safety Improvement Act of 2008 to implement Positive Train Control (PTC) systems by December 31, 2015 on mainline rail tracks that carry passenger trains or hazardous materials that are toxic by inhalation.

Positive Train Control is a technology (or combination of technologies) that is designed to automatically stop or slow a train before accidents caused by human error can occur. The accidents PTC is intended to prevent include:

- Train-to-train collisions;
- derailments caused by excessive speed;
- unauthorized incursions by trains onto sections of track where maintenance is taking place;
- trains moving through track switches left in the wrong position.

A fully functional PTC system must be able to precisely determine the location and speed of trains, warn train operators of potential problems, and take action if the operator does not respond to a warning. The type of accidents that PTC systems are designed to prevent are very rare. Of all train accidents on rail mainlines over the past seven years, only around 4 percent would have been prevented if PTC systems had been in place.

According to the FRA, freight railroads will have to spend up to \$13.2 billion to install and maintain PTC systems over the next 20 years, but PTC will yield just \$608 million in benefits over the same period—a cost-benefit ratio of 20 to 1.

An April 2010 study by the consulting firm Oliver Wyman found that the so-called "business benefits" of PTC—reducing train delays and being able to move more trains through congested sections of track—are actually very low or nonexistent. In fact, systems very similar to PTC that are currently being implemented in Europe do not support that claim that PTC will yield significant business benefits for U.S. railroads.

The manner in which FRA determined which track will be required to have PTC installed has caused a great deal of concern in the railroad industry. Many provisions of the Final Rule go well beyond the statutory requirements of the Railroad Safety Improvement Act. These provisions add hundreds of millions

of dollars to costs, but will not improve safety in any meaningful way.

In the final rule, the FRA orders railroads to install PTC on rail lines that carried toxic-by-inhalation hazardous materials in 2008. Nothing in the law refers to using 2008 as the base year for determining where PTC must be installed.

As it currently stands, the Final Rule will require that approximately 70,000–80,000 miles of rail miles have PTC systems installed, about half of the total Class I railroad 160,000-mile national freight network.

The decision to use 2008 as a base year for determining which tracks require PTC implementation makes no sense, because hazardous materials routing in 2015 will be vastly different than in 2008, for the following reasons:

Significant hazardous materials rail routing changes were recently implemented in response to a Department of Transportation/Department of Homeland Security joint regulation requiring railroads to ensure that toxic-by-inhalation chemicals are transported on routes posing the least overall safety and security risk.

Additionally, marketplace dynamics are changing the transportation of hazardous materials. For example, many chemical companies are phasing out production of chlorine, or moving their production sites to where the chemical will be used, thereby dramatically changing the amounts and routes over which these toxic-by-inhalation materials are moved.

Finally, the rule does not provide for a "de minimis" exception, where a rail line carrying very little of these materials could be exempted from the PTC requirement. Such an exception would significantly reduce costs without compromising safety in a meaningful way.

The PTC mandate applies to all passenger railroads on the general railway system, including Amtrak and 26 different commuter railroads.

Amtrak's capital needs and operations are fully subsidized by annual appropriations. Commuter railroads also receive capital funds from the Federal Transit Administration for repair and modernization of their systems, but these federal funds represents only about 40 percent of total funds spent on their systems, which are primarily supported by local governments.

The cost of installing PTC is a significant burden for these commuter railroads. The American Public Transportation Associations estimates that installation of PTC on commuter railroads will cost more than \$2 billion—these agencies are already cutting service levels or raising fares because of the recession's impact on local government budgets.

Additionally, most commuter railroads operate over freight rail-owned track. These agencies must ensure that the PTC technology they install on their commuter systems is interoperable with the systems that their host railroads put in place.

Because of issues like interoperability, there is real doubt that PTC can be successfully implemented by December 31, 2015.

There is also a severe shortage of available broadband spectrum for the wireless communications networks that are central to PTC implementation. The Federal Trade Commission

has authority over allocating spectrum, and the FTC decision process is slow and cumbersome.

Instead of penalizing the rail industry for its success, Washington should be promoting new investment and expansions in service to keep America's railroads in the driver's seat of the global economy. That's why I support tax credits for the expansion and rehabilitation of the nation's rail infrastructure.

Tax credits are a proven and effective policy tool to encourage businesses to invest in worthwhile projects. Because the railroads still pay for their projects under tax credit plans, tax credits ensure that the railroads will only pursue projects that will grow their businesses, and ultimately expanding the economy. Direct grants, on the other hand, could be seen as "free money" that would not be subject to the same rigorous business decisions. There are two tax credit bills that I support, including a 25 percent tax credit for rail projects that expand the rail network and ease congestion, and a short line tax credit that expired at the end of last year.

America's railroads are at a crossroad. The direction the Administration pushes the rail industry will have a lasting impact on American competitiveness and economic growth. Washington must resist the urge to over-regulate an industry that has proven it to be largely self-sufficient and capable to weather economic stress and improve upon its business model. We cannot go back to the days of stifling over regulation and I will do my part as a member of the Transportation and Infrastructure Committee to make sure it does not happen.

LITHIUM BATTERIES

Finally, I want to touch on the transportation of lithium batteries.

In January 2010, the Department of Transportation issues a Notice of Proposed Rulemaking to regulate the air transport of lithium batteries.

The proposed rule:

Regulates and treats as a hazardous material all lithium batteries and most devices shipped with or containing such batteries, such as laptop computers, cell phones, and medical devices.

Applies to air shipments within the U.S. and to shipments carried on U.S. registered aircraft traveling anywhere in the world.

Proposes to limit stowage of lithium batteries on cargo aircraft to crew-accessible positions or in yet-to-be-approved Federal Aviation Administration fireproof containers.

Billions of lithium batteries have been safely transported as air cargo in the last twenty years. This is not one of NTSB's "Most Wanted" safety recommendations. In fact, there are no confirmed fatalities associated with the lithium batteries transportation that I am aware of.

The proposed rule grossly underestimates the cost of the regulation to American businesses. The Department of Transportation analysis estimates approximately \$9 million per year in cost to the U.S. economy. But actual costs to hundreds of businesses—battery manufacturers, consumer goods manufacturers, freight handlers, and air transportation companies—could easily top \$1 billion a year.

I believe the Department of Transportation analysis did not take into account:

Additional annual payroll and internal handling costs,

Administrative costs associated with negotiating and executing hazardous materials contracts for customers shipping these newly-regulated goods,

Adverse impacts on retail shipping outlets, Potential layoffs associated with the burdensome requirements, and

Commercial consequences from potential lithium battery shipment consolidation.

The United Parcel Service alone estimates this new regulation would cost the company \$264 million in the first year, and more than \$185 million in each following year.

This proposed rule threatens to stifle job creation and industrial advancement, and affects a wide segment of the economy, including U.S. manufacturing, transportation, and retail sectors. It will also give foreign cargo carriers a competitive advantage over U.S. companies.

Transportation regulations for lithium batteries have been extensively considered by international bodies such as the United Nations, International Civil Aviation Organization and International Air Transport Association. In order to protect the competitiveness of the U.S. in the international marketplace, standards for the transport of lithium batteries should be fully harmonized with international rules and regulations. This is the only reasonable focus of any regulatory action on air transportation of lithium batteries. I strongly support efforts to make the transport of lithium batteries as safe as possible, but we must do so in a reasonable, responsible manner.

I applaud our House leadership for bringing this important resolution to the floor and thank them for the opportunity to discuss these important issues.

Mr. BACA. Mr. Speaker, I urge all my colleagues—Democrats and Republicans—to support small business and small business trucking.

As we debate H. Res. 72, the most critical issue facing America is how to increase jobs so that families can rise up against economic hardships.

Small businesses are essential to our nation's economy.

They account for half of our gross domestic product, more than half our jobs, and three-fourths of new jobs created each year.

We must support new and small businesses through open access to loans, credit and capital.

We can reduce onerous paperwork, and give small companies the tools they need to take care of their employees and build their companies.

By passing legislation focused on protecting the economic vitality of small businesses in the trucking industry and all other sectors, we will facilitate economic growth for all Americans.

Mr. HOLT. Mr. Speaker, our first priorities in the House of Representatives must be helping to foster job creation and supporting middle class families. More than one month into the 112th Congress, we have not considered one bill that would achieve these goals.

The symbolic resolution before us last Friday directs House committees to conduct oversight of government regulations, one of

their principal job functions. We do not need a resolution to tell us to do our job. We need to get to work on behalf of the American people.

On the first day of this session of Congress I introduced a series of bills that would provide tax relief to businesses struggling in this economy and invest in the innovation that leads to long-term economic growth and jobs that will not be shipped overseas. Rather than wasting valuable time to make a political statement, we ought to be considering these or other bills that would promote jobs, innovation, investment, and growth.

One of my bills, the Creating Jobs from Innovative Small Businesses Act, would encourage small business investment by establishing a temporary 20 percent tax credit for investments in research-intensive small businesses. Angel investors play a crucial role in supporting early-stage companies. Angel investors and their investments have a strong local impact and some have immense potential. A \$100,000 angel investment, for example, allowed Larry Page and Sergey Brin to move out of their dorm rooms and make Google a commercial success.

A second bill, the Create Jobs by Expanding the R&D Tax Credit Act, would help businesses by strengthening the research and development tax credit, which rewards businesses who invest in innovation and allows them to expand and hire new workers. Another bill would make permanent the R&D tax credit, which studies show returns two dollars in private research investment for every dollar spent. Businesses need the certainty that the R&D tax credit will exist year after year, and they should be able to use the credit to generate capital now.

Let us move beyond symbolic, political resolutions such as this one and get to the important work of rebuilding our economy.

Mr. DAVIS of Kentucky. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of this resolution is postponed.

□ 2120

HONORING COLORADO STATE UNIVERSITY

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, tonight I rise to honor the 141st anniversary of the founding of Colorado State University, located in Fort Collins, Colorado.

On February 11, 1870, Colorado Territorial Governor Edward McCook signed the Morrill Act establishing the State Agricultural College in Fort Collins. In its 141 years, Colorado State University has grown to over 26,000 students, 1,400 faculty members, and has become one of the Nation's leading research universities. On average, CSU's research expenditures top \$300 million annually.

To this day, Colorado State University still maintains the commitment of a State agricultural college. It provides countless support for promoting

economic development throughout the rural communities in Colorado. CSU has over 90,000-plus alumni that live in the State, accounting for nearly \$4.1 billion annually in household income for Colorado. The CSU alumni list includes State Governors, business leaders, Olympic gold medalists, teachers, researchers, artists, and even a Member of the U.S. House of Representatives.

I am proud to call myself a Colorado State alumnus. It is my honor to recognize CSU on the House floor for its 141 years of excellence in education and research.

JOBS, THE DEFICIT AND FEDERAL SPENDING

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 18 minutes as the designee of the majority leader.

Mr. AKIN. Thank you, Mr. Speaker, and congratulations. You look good up in the chair there.

We are going to have a chance to talk for just a few minutes about an interesting topic. It is something on the minds of Americans everywhere, and that is about jobs, about the deficit and about Federal spending and what we have to do in those areas.

I think sometimes it is helpful, you hear so much detail that you need to step back at the 30,000-foot view and say what is the big picture of what is going on. So I have here one of those traditional pie-type charts, and it has an overview of the total spending of the Federal Government in the year 2010. So what I want to do is just take a look at that and then talk about what that means relative to the problems we have in overspending in the Federal Government.

Also, this connects to unemployment in this sense, that when the Federal Government spends too much money and is too intrusive and takes too much in taxes, all of those things destroy the jobs created by small businesses.

So let's just be completely clear. We have heard stories about unemployment and these "heartless Republicans." The problem is that if you destroy businesses, you don't have any jobs. And that is what we have been doing. How is it we destroy businesses? One, we overtax them; two, we overregulate them with red tape; three, we make it hard from a liquidity point of view to get loans from banks, because the Federal officers are looking over the bankers' shoulders second-guessing the loans; fourth, we create an era of uncertainty because we don't know what the silly government is going to do next; and, last of all, we spend money like mad, which then makes the econ-

omy that much harder for our businesses to compete in a world competitive environment.

But let's take a look at this pie chart here, and there is something here that when you start to think about it is really a little bit on the frightening side. Let's take a look at some of the big chunks of money.

The bottom one down here is defense. The Constitution of the United States says that the Congress will provide for the national defense. It is the one main thing that Congress is supposed to do. States can't do it; locales can't do it. It is something that has to be done by the Federal Government. That is why our U.S. Constitution says even in the preamble to provide for the national defense. That is \$692 billion here in the 2010 budget. So there is defense.

This over here is the non-defense, what is called discretionary. These are the funds that Congress spends every year, and that is \$666 billion. This includes things like the Education Department, the Energy Department, the Department of Commerce. It would be jails and prisons, things like that. All of those, the Park Service, would all be in this non-defense discretionary area. So these two, kind of similar size, running in there about a little bit under \$1.5 trillion in total.

Now, the other one that I want to call to your attention, though, is all the rest of these. This is Social Security, this is Medicare, this is Medicaid. And so what these things are, a lot of times people call them mandatory spending. What does that mean?

Well, what it means is that sometime a long time ago a Congress came along, passed these laws, and the law works like a little machine and the machine spits out dollar bills whenever anybody meets certain criteria. So we call it an entitlement. These little machines are spitting out, printing out, dollars; and the Congress doesn't have to do anything at all and the Federal Government is spending lots of money. How much money? Well, Social Security, there is \$700 billion, there is another \$519 billion in Medicare, and Medicaid, \$273 billion.

Another thing that works a little bit like an entitlement is the debt. So if we sell a Treasury bill, we have to pay the interest on it; and when we do that, we get this interest. And then there are these other mandatory things which are really other kinds of entitlements. So it is not just Social Security, Medicare and Medicaid. You have got SCHIP, you have got food stamps and things like that that are additional entitlements.

So these things here, when you put all of these together, this is kind of a spooky number. These things come out not too far away from a little over \$2 trillion, maybe \$2.3 trillion. And what does that mean, \$2.3 trillion? What that is, that also is the amount of rev-

enue in a given year for the Federal Government.

So what has happened is all these entitlements now plus the interest on the debt have gotten to the point that they are chewing up all the money that the Federal Government takes in in taxes in a given year. So then the question is, well, how about defense? How about non-defense discretionary? How about these things? Do we have any money? No.

The point of the matter is you can zero this out, zero these out, and these together are using all of the money that the Federal Government is taking in in revenue in a given year. Now, that is kind of scary. What that says is that we are starting to run deficits of over \$1 trillion.

In fact, the Obama deficits for the last 2 years have been about \$1.5 trillion. That is a lot of money. That is three times a bigger deficit than President Bush's worst budget deficit. So you take his worst budget deficit, which is about \$450 billion, and we are talking the last 2 years we are running at a \$1.5 trillion deficit. So this is what is going on.

So let's take a look. If you are like an awful lot of Americans, you want to solve a problem. We have got a problem here. We are apparently spending too much money. So you say, well, what are our alternatives? How do we approach this?

I am thankful this evening also that we have got one of our very bright young freshmen Congressmen from the State of Colorado. SCOTT is here to join us, SCOTT TIPTON.

SCOTT, I just want to make sure you knew, any time you want to jump in here, we could talk a little bit about this.

What is your reaction here? You are a little bit newer here to D.C. But you take a look the size of this entitlement that is the same size as what we take in for a whole year, isn't that a little bit of a spooky thing to be walking down here and run into this as a problem?

Mr. TIPTON. You know, it really is. We just finished a tour of the Third Congressional District of Colorado. Our district is about the size of the State of Florida, the fifth largest congressional district in the United States which is not an entire State, a massive land area, a lot of diversity in terms of the economies.

Incredibly interesting to me as we traveled throughout that Third Congressional District over this past week, we put on probably a little better than 1,500 miles.

□ 2130

Better than 30-plus meetings throughout that district. The frustration level of the American people, the people in my district, their understanding of the challenges that we face

as a nation is truly remarkable. The American people get it. And what they want to see out of Washington is that Washington truly gets it.

As we're looking at your chart right now and we go to the revenues that are coming in, the spending which is going out, we're looking at a \$1.5 trillion deficit that we are facing. That's going to be going on top of a debt in this country of \$14.3 trillion, an unsustainable glide path that is going to take us to economic ruin.

As I traveled through my district, we found people that understood that it's important to be able to build for the future. We challenged them, and they rose to that challenge when we brought it down to taking a picture out of their own wallet and looking at their child or their grandchild. Many of us, myself and perhaps you as well, were raised with that concept of the American Dream. We always believed that we would have it better than our parents and our grandparents before them. The challenge which lies before us is to deliver that American Dream to our children and to our grandchildren.

I was in a conversation with a man from Craig, Colorado, born in 1924. In this conversation he recounted his life. He talked about living through the Great Depression; obviously, World War II. And we were talking about the economic circumstances of our time. And he said, SCOTT, this is the challenge of your generation. The question yet to be answered is: Will we rise to meet that challenge?

We've seen the government—and I think none of us can question the intent has always been good. And I would challenge anyone who will demonize others for their intent, because I think no matter whatever program, there was a thought behind it. But the problem is, as Americans, when we pull that checkbook out of our hip pocket, we know there's only so much money. And if we exceed that amount, there are going to be consequences that have to be paid. That's the reality that the American people expect us to truly deal with here in Washington. And they know that there are going to be some sacrifices. But those sacrifices are going to be from the standpoint that we have overspent. We're going to have to cut back. We have to be looking to the future. We have to be standing for our children, for our grandchildren, to deliver that dream that we have always believed as the American promise.

Mr. AKIN. SCOTT, when I heard you talking, it just kind of reminded me, a few years back I spent a fair amount of time with the Boy Scouts because I had four kids that went through the Boy Scouts program. They got to be Eagle Scouts and all. One of the things we always used to say, and to me, at least, it paints kind of a picture. You move in with the Boy Scouts to a camping area,

and some of them a little wet behind the ears, but they somehow get the tents all assembled and they'd have a little bit of fun spraying some hairspray into the fire and things that little kids do; yet when it came time to clean up, we had this one rule, and that is you're going to leave the campsite better than you found it.

Our forefathers, my immediate parents, dad fought in World War II, and he had the attitude that we've got a job to get done and we're going to go over and get the job done. And they came back with the attitude that they wanted to give you and me a better life and better opportunities than what they had. And we've always wanted to pass that down.

Now I've got some kids of my own and I want to pass to them a better America, and yet what we're doing is we're passing them this tremendous debt. And we're the first generation that's really passing a worse America off to our kids than what we had before. And I think that's why your constituents elected you to come down here and get this thing straightened out.

Mr. TIPTON. It truly is. I believe that I grew up with—and perhaps you did, too. My parents raised me with phrases like “Yankee ingenuity,” “American know-how.” And I think that when we look at the entire mesh of what's been coming out of Washington, frankly, over the course of the last 10 years, we have seen an overreach of government, which has stifled American creativity.

I'm a small business man, not a career politician. I've actually gotten my hands dirty. I've created a business from the ground up. I have risked. We've had to work hard. But one thing I've learned being a small business man is you have to be nimble. You have to be creative in terms of addressing the problems.

One of the real challenges that we face is there seems to be a mentality in Washington, D.C., that once a program starts, it never ends. We will build on it. We will expand it. We will create redundancies, and we will build out that bureaucracy.

In the private sector, we do things a little bit differently. Periodically, we audit. We take a look to see what we are doing and is it achieving the goals that we are trying to achieve. If not, we eliminate it. We start to approach it from a different fashion to be able to make it work. I think it's that sort of creativity, that sort of nimbleness, which Washington lacks, and it's what the American people are truly crying for. They want to see us be innovative. If it isn't working, don't do it.

Ronald Reagan made the comment, he said the nearest thing to eternal life on Earth is a government program. Nothing has ever been said that is probably more true here on Earth.

Mr. AKIN. Let's take a look at this problem because you've got all these entitlements. And this represents all the money that comes in in a year. Then things here are beyond. And yet we're thinking that you've got to do defense and you've got to have the park open or you've got to have a prison open. So how are you going to deal with this problem?

Let's take a look at the next chart. This is an optimistic way of saying it. This is Medicaid, Medicare, Social Security, and it shows over time—this is 1965—and over time, these things are getting bigger because some of us baby boomers are coming along and putting more demand on the system. But this is an optimistic chart because the problem with it is you don't have the other entitlements in here or the debt service.

So what the problem is, if you put those other things in, what we're saying with this first pie chart is that, as you take a look at our revenue from taxes, it's averaging about 18 percent. So here comes the revenue along at an average of 18 percent, and here we are at 2011, somewhere in here, and you put these other things in and it comes all the way up to here. We can zero defense. We can take every soldier off the field, every ship out at sea, every plane out of here. We can zero defense to zero and all the other discretionary spending and, boom, here we are. Our entitlements have eaten up everything that the government takes.

One of the things that I find amusing and I've had to struggle with a little bit, too, is the idea of how you lose weight. You get older. I used to eat the double pecan pie ala mode, no problem, up to my mid-forties. But as you get a little older, you've got to watch that carrot cake or cheesecake or whatever. There's all of these ways of packaging weight loss programs, but the hard facts are there's just two variables: one is how much exercise you get, and how much food you eat. And, unfortunately, all of these supposedly complicated budget things come down to two things: how much money you're going to spend and how much revenue you've got coming in.

And the problem is here, this 18 percent. I'd like to talk to this in a couple of minutes. I don't think we can increase the amount of Federal revenue that much. Maybe we can do some things to get that to improve. But you can raise taxes, but the trouble is you raise taxes, you do just what you're saying: You crash the economy; the businesses close; there aren't jobs; you aren't picking up tax revenue.

So you can raise taxes, but it doesn't actually get you more money. And yet we've got all this spending going on, which says it's a little bit like if you can't do any more exercise, you're going to have to stop eating. We're going to have to stop spending on all these things.

Jump in, SCOTT.

Mr. TIPTON. I think that, first of all, just to set the plate, and I know that you will join with me on this, we have an obligation to our senior citizens that are receiving Social Security, to those who are about to receive it. And we also have another obligation, again, to our children and our grandchildren. And we need to be able to have that conversation in terms of how are we going to make sure that their opportunities are going to be the equivalent or even better than what our current senior citizens are receiving.

You show a pattern right now in terms of average revenues in relation to expenditures, particularly as baby boomers come on line. That is going to be something that we are going to have to deal with as a Congress, and I think it's something certainly that they're expecting leadership out of Washington. We are compassionate people. We will stand up for our senior citizens. It's a pledge that I made that I will keep for our senior citizens that are receiving Social Security. But I'm also making a pledge to our children and our grandchildren. We are going to be looking at ways to be able to address this so that their future can be as bright and they're going to be looking at a better America as well.

Mr. AKIN. Right. I think a lot of ways that you hear people talking about how do you get into this kind of problem, some people who are already very senior and dependent on some of these things, you're probably not going to touch their things at all. But it may be that the people who were not—maybe people in their thirties or forties, you put a different kind of program together and may give them some alternatives: Choose this, this, or this.

□ 2140

Those are the kinds of ideas we've got to look at, but we have to be honest with ourselves. I wasn't really aware of how bad these numbers were, even though I've been here for a while, until a few months ago. These entitlements are totally absorbing, even now, all of our revenues here. So really this is a little bit like the guy who's overweight. He's got a choice. You know, you're either going to have to reduce the spending here or you're going to have to somehow get in more revenue. The interesting fact on this is that there is evidence to suggest that, when you drop taxes, you actually get more revenue.

As a business guy, you probably understand that to some degree, SCOTT.

So here is an example of this top marginal tax rate. Back here in 1960, it was up at 90 percent for the guys making the most money. As this thing was brought down—Ronald Reagan brought it down a lot—what happened, as you see, is that the total Federal tax re-

ceipts actually increased. A lot of times, it seems like: How in the world can you drop taxes and get more revenue from the government?

SCOTT, say you were sort of king for a day and you had to put a tax on a loaf of bread, not for a day but for a year, and that you've got to get the maximum revenue for your little kingdom by taxing bread. You think, Huh, I'll put a penny tax on it. Then you think, No, \$10. Then you think, Well, if I do \$10, not enough people will buy the bread. So you come up, and at a certain point, you've got an optimum tax. If you raise it, you lose revenue. If you reduce it, you don't. So there is an optimum point.

What this thing called a Laffer curve shows us is that, as we drop taxes, we actually get more revenue into the Federal Government. So, to a degree, we can use growth of the revenue to deal with some of the problem. The trouble is that it's not anywhere near going to deal with all of it, which means, no matter what you do, you're going to have to cut spending, particularly that entitlement spending. So we have to do that sensitively and carefully. It's going to be politically controversial, but we've got to do something.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. AKIN. I thank you, Mr. Speaker. You've done an admiral job.

Thank you very much, SCOTT TIPTON, from Colorado—a great new Congressman—and the very top of the evening to the rest of my colleagues.

OUR NATION'S ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 18 minutes as the designee of the minority leader.

Mr. ELLISON. Thank you, Mr. Speaker, for recognizing me. I am coming down to the floor tonight to speak on behalf of the Progressive Caucus to talk about the real situation when it comes to our Nation's economy.

First of all, the Republican Caucus essentially created this massive budget deficit themselves through two wars and a massive tax cut for the very wealthiest Americans—the people who didn't need a big tax cut, who didn't ask for a big tax cut but who got one anyway, and who demanded, in exchange for poor people who were unemployed, getting unemployment extensions, that the richest of the rich get a bunch of tax breaks or get them extended so that, even when they die, they can just pass on massive amounts of money to their heirs and never have to do anything to help the society that helped them make all that money in the first place. I'm not talking about taking it all. I'm talking about some-

thing called the estate tax, which is something that every society has, and it just makes sense.

You have heard, Mr. Speaker, a lot of things that just ain't so—aren't true—and are just invented.

We see our Republican colleagues saying very piously, Oh, we've got to make sure we don't pass on this deficit to our children and grandchildren. Well, they created the deficit. They created the deficit through massive tax cuts for the wealthiest people and an Iraq war, which never, ever, ever should have been fought. So now what they say is the richest of the rich don't have to chime in; they don't have to help out; they don't have to give up anything. They just want to take it out of the poorest of the poor. Now they want to say, Oh, we have to have an adult conversation with our seniors.

What does that mean, Mr. Speaker? That's insulting to me.

To say to a 65-year-old person who has worked his whole life, who maybe has pain in his back because of the hard work he has done and tell him, We have to have an adult conversation, I hope every senior in this country turns to the Republican Caucus and says, Sonny, young lady, don't you tell me about having an adult conversation. I'm the adult around here.

Mr. Speaker, I just want to say that an adult conversation means you're going to try to cut benefits for people who have worked hard and have paid into Social Security. That's not fair. That doesn't make any sense. By the way, Social Security doesn't contribute to the budget deficit. We actually borrow money from Social Security. Social Security is something that is the crown jewel of American politics and the crown jewel of our Nation. It is one of the finest programs that our country has ever seen, and it is something that says that our seniors will not live their golden years in abject poverty. It's an income source. It's how we honor our people who have been able to stick around and carve a path for the rest of us. Now some folks in our Republican Caucus want to have an adult conversation with them. That is an absurdity, and I think we ought to call it what it is.

In a few days, we're going to be dealing with the budget. In a few days, we're going to deal with the CR. The CR is the continuing resolution. The CR really represents a Republican pink slip for America.

The Republican Caucus had their way. They were against regulation. They deregulated everything. We said, You know what? Those things, those derivatives, they don't need to be regulated at all. They promoted this philosophy of no regulation of big business. What it resulted in is the worst financial crisis since the Great Depression—the worst one. A financial crisis and housing crisis all over the place were

caused because the people who were supposed to mind the store refused to. They figured that, you know, all the folks who work in our Nation's economy—the businesspeople, the industry folks—would just always do the right thing. The market would solve every question.

Well, the market didn't solve every question.

Markets are important things, as people know, and they can be extremely helpful, but they need folks to regulate them because there are social activities that human beings conduct and engage in. Everybody knows, when human beings get together and do something, some of them will do the right thing, and some of them will not. That's why we have police. The police officer is not for the honest person. He's for the person who needs to be watched after. In every market, most people do the right thing, and some people do not; but we said no regulation, so the cop on the beat was gone, and even the good actors in the housing market were getting out-competed because the bad ones were willing to do anything, so it was a race to the bottom.

Then after the Republicans pushed their philosophy of laissez-faire economics, it failed us. That's why under President Bush there needed to be a massive bailout of Wall Street, because that philosophy failed us.

Now, all of a sudden, these guys act like, well, it's the Democrats' fault that the budget deficit is here. President Obama literally helped to lead saving this economy. We saved the American auto industry. You would think they'd say thank you. We saved Goldman Sachs. We saved all these big banks. Now you would think, by the bonuses they're handing out to each other, that they would have more appreciation than they've shown so far. Literally—literally—President Obama helped save this economy and put it back in shape.

Private job growth is going up. When the Republicans had the Presidency and both Houses of Congress, in President Bush's last month in Congress, we saw 741,000 jobs lost. We were losing millions of jobs under Bush. Then as soon as the Democrats get in, we begin to add jobs back on, but we didn't add them on fast enough. Part of the reason is we couldn't get any cooperation from the Republican Caucus.

The fact is now they have gone out there, and they have told the American people it's not health care; it's death panels. Oh, it's not financial reform; it's the Democrats' bailing out people. Wait a minute. The bailout happened in the Bush regime. The Bush White House was in operation during that, and they just sort of bamboozled a lot of folks.

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The fact is that once they get in, first thing they do is they read the

Constitution. Now, there's nothing wrong with that. I love our Constitution. I'm a lawyer, studied constitutional law, taught it in fact; but I can read the Constitution on my own time. I don't need to take up floor time for that.

Okay. So then you'd think they're going to get to getting America back to work and doing some jobs after that. Well, guess again. What they do next after that is they want to repeal health care. They want to repeal seniors' ability to get that doughnut hole closed up. They want to repeal seniors' ability to get free preventative care. They want to repeal seniors' ability to be able to get some real help when it comes to meeting their basic needs in the health care system. They want to get rid of the system to squeeze out waste, fraud, and abuse out of Medicare so we can make it a program more solvent and to last longer.

They want to repeal all that. They want to repeal health care; but you know what, the Senate was never going to go for it and the President is not going to go for it. And they knew it and they knew it and they knew it, but that didn't stop them, Mr. Speaker. The Republican caucus went on ahead with health care repeal anyway, wasting hours on the floor when we could have been talking about jobs.

So, first of all, we take up floor time to read the Constitution, which you should do on your own anyway, and then they take up time with this repeal effort, which they knew was never going anywhere. We haven't dealt with jobs yet. It's February 10 and we haven't seen the Republican caucus take up a single measure that would put anyone back to work. And you know what, I hope the American people are watching and paying attention very closely because they promised a lot, and so far they've given absolutely nothing.

The other day they brought in a measure to try to take money from the United Nations. The problem facing the American people is not the United Nations. It's no jobs. But our friends in the majority caucus, they went out and told the American people some stuff. They took advantage of people's pain, and they got themselves elected and then the first thing they do is abandon any effort to get the American people back to work.

So this week we've had nothing on jobs. This week we've had nothing on jobs at all, and next week they're not just going to do nothing on jobs, they're going to start putting in policies that are going to get rid of jobs.

So let's talk about it. The Republican pink slip for America will further devastate the economy. The best way to get the economy moving is to create jobs. You hear Republicans in the caucus say, well, the government doesn't create jobs. Well, tell that to a police

officer, tell that to a teacher, tell that to a firefighter, tell that to a construction worker, tell that to somebody who makes sure that our streets and our lights on our streets are in good working order. Of course, the government creates jobs. It not only does that, the government helps create rules that actually help the private sector make jobs. This is just a fact.

If you want to balance the budget and deal with the deficit, which I certainly do, start putting America back to work, but that's not what the Republicans are doing.

What they're doing is they are going after public employees, and they are going after programs that provide important and vital services to the American people which are provided by public employees. Republicans are giving a pink slip to America as they try to go after the public employees, as they try to stop and even end up cutting people who provide important public services to our country. The American people voted for jobs, and all they got was a pink slip.

The Republican budget cuts, which we are beginning to already hear serious rumbles about, mean cuts if you're a nurse, mean cuts if you're a teacher, mean cuts if you're a firefighter or a police officer or a construction worker; but not only that, not only that, we're talking about, folks, more than that. Here's a list in front of my face. I have a list of 70 spending cuts to be included in the continuing resolution coming up next week if they can ever get around to it. They've been having problems with that recently.

Flood control and coastal emergencies, \$30 million, they want to cut that. Wait a minute. These are people who make sure that when there are floods and when there are coastal emergencies, there is someone who will help people who are in peril and in trouble. This is not some nameless, faceless program. These are hard-working professionals who work on our Nation's coasts to make sure that things are not dangerous. Oh, that's \$30 million. How many jobs does that cut? I don't know how many jobs it cuts, but it cuts \$30 million from the budget.

Energy efficiency and renewable energy: \$899 million. \$899 million cut out of energy efficiency and renewable energy in a time when we need to be going toward green jobs. We need to be doing more with efficiency. We need to do something. We need to weatherize those old, windy homes so we don't need so much energy to heat them up or cool them down. In a time when we are driving toward the future, when nations around the world are greening themselves, our Republican caucus says cut \$899 million, that \$899 million which employs the American public and, of course, some private workers to help provide important services.

They want to cut the Office of Science by \$1.1 billion. Science and innovation. Where do the members of the Republican caucus think the jobs are going to be? And if you cannot get people to work, then you can't get them to pay taxes; and if you can't get them to pay taxes, then we're not going to lower the deficit. But still, they want to cut the Office of Science \$1.1 billion.

The Internal Revenue Service. They want to cut the Internal Revenue Service. Aren't those the guys who actually go get the money to deal with the budget deficit, Mr. Speaker? They want to cut the Internal Revenue Service \$593 million. They want to cut the people who actually go get the money to help fill the budgetary holes. That is absolutely not logical. Those who don't pay, who don't pay their taxes, they want to get rid of the people who go get that revenue.

International Trade Administration. Now, our country could do much more in the area of exports. International Trade Administration helps to produce and promote exports. That's us selling things to foreigners which makes money for our country which helps us push down the deficit. They say cut it. They don't have a vision for growing our economy. They have a vision, a dark vision of just cutting it, reducing it, lowering it. They have a defensive view of America and not a bold courageous view of America.

The COPS program. The COPS program, community-oriented policing. They want to cut it by \$600 million. How many of our Nation's brave members of law enforcement wearing those blue uniforms, protecting our streets all over this country are employed through a COPS grant? Quite a few. The Republican caucus says get rid of them.

What about NASA? Space exploration? So many important things come from space exploration, from satellites, all kinds of important things that we have learned here and get from NASA, \$379 million. Get rid of it.

The EPA, you would think we can keep the program that keeps us breathing clean air. Nope, got to get rid of those; and, you know, I can go right on down the line.

What about WIC: women, infants and children? WIC. A poor mom and her kids better figure out what they're going to do because the Republican caucus wants to cut \$758 million out of that program. That's just cold-hearted and mean right there.

And let's keep on marching down the list. HUD community development block grants which have helped cities all over this country apply funds to problems that are facing them and doing it on a flexible basis because it's not just for this program or for that you give the city block grant money. They decide how they apply those funds. Cut that by \$530 million.

LIHEAP contingency fund. This is so people who live in cold northern States can have some heat. Now you want to cut that program, so people can be in the cold? Literally in the cold and figuratively, too.

What about the Drinking Water State Revolving Fund? I actually am a big fan of clean drinking water, Mr. Speaker, and the Republican caucus wants to get rid of that one to the tune of \$250 million.

It goes on and it goes on and it goes on and on and on. Important programs that are literally powered by men and women who work for the Federal Government, tossed away. It will result in the pain and injury to this very fragile economy.

You know, people listening to this broadcast tonight, Mr. Speaker, should know that if I am a public employee and somebody else works for a private employer and we both go to the local grocery store and buy groceries, the dollars spend the same way. If you cut all these people out, you're going to cut consumer demand and you're going to send this economy back into recession.

Thank you for the time, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PLATTS (at the request of Mr. CANTOR) for today on account of attending a funeral.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 188. An act to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse".

ADJOURNMENT

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), the House adjourned until tomorrow, Friday, February 11, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

336. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazinam; Pesticide Tolerances [EPA-HQ-OPP-2009-0032; FRL-8859-3] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

337. A letter from the Assistant Secretary of the Navy, Manpower and Reserve Affairs,

Department of Defense, transmitting the Navy Fisher House annual report for Fiscal Year 2010; to the Committee on Armed Services.

338. A letter from the Under Secretary, Department of Defense, transmitting an accreditation report conducted by the Commission on Accreditation of Rehabilitation (CARF) and the Continuing Care Accreditation Commission (CCAC), pursuant to 24 U.S.C. 418; to the Committee on Armed Services.

339. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-B-1160] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

340. A letter from the Chairman and President, Export-Import Bank, transmitting report on transactions involving U.S. exports to the Republic of Azerbaijan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

341. A letter from the Administrator, Department of Transportation, transmitting a report on the activities of the National 911 Program; to the Committee on Energy and Commerce.

342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — List of Non-conforming Vehicles Decided To Be Eligible for Importation [Docket No.: NHTSA-2010-0125] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

343. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plan and Operating Permits Program; State of Missouri [EPA-R07-OAR-2010-0176; FRL-9248-6] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

344. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona [EPA-R09-OAR-2010-0718; FRL-9250-1] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

345. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Minnesota; Gopher Resource, LLC [EPA-R05-OAR-2010-0675; FRL-9250-8] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

346. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi; Prevention of Significant Deterioration; Nitrogen Oxides as a Precursor to Ozone; Correction [EPA-R04-OAR-2009-0041-201058(c); FRL-9250-4] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

347. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of 8-hour Ozone Standard and Related Reference Conditions, and Update of

Appendices [EPA-R03-OAR-2010-0881; FRL-9251-9] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

348. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Case-by-Case Reasonably Available Control Technology [EPA-R03-OAR-2008-0780; FRL-9251-8] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

349. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Fossil-Fuel-Fired, Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units [EPA-HQ-OAR-2005-0031; FRL-92551-1] (RIN: 2060-AQ46) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

350. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Waste Confidence Decision Update [NRC-2008-0482] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

351. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

352. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 28-10 informing of an intent to sign a Memorandum of Understanding with Finland; to the Committee on Foreign Affairs.

353. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting annual certification concerning the continued effectiveness of the Australia Group; to the Committee on Foreign Affairs.

354. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

355. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

356. A letter from the Secretary, Department of Commerce, transmitting the semi-annual report on the activities of the Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

357. A letter from the Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles (POVs), including privately owned automobiles, motorcycles, and airplanes, while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Oversight and Government Reform.

358. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — New Agency Logos [NARA-10-0006] (RIN: 3095-AB70) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

359. A letter from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

360. A letter from the Under Secretary, Department of Defense, transmitting account balance in the Defense Cooperation Account as of December 31, 2010, pursuant to 10 U.S.C. 2608; to the Committee on Natural Resources.

361. A letter from the Secretary, Department of the Interior, transmitting transmitting an order that would cancel construction debt assessed against Indian-owned Lands; to the Committee on Natural Resources.

362. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XA070) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

363. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Fort Worth Launch, Marinette, Wisconsin [Docket No.: USCG-2010-1044] (RIN: 1625-AA00) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

364. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Traffic Separation Schemes: In the Strait of Juan de Fuca and its Approaches; in Puget Sound and its Approaches; and in Haro Strait, Boundary Pass, and the Strait of Georgia [Docket No.: USCG-2002-12702] (RIN: 1625-AA48) received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

365. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -300, and -300ER Series Airplanes [Docket No.: FAA-2007-27042; Directorate Identifier 2006-NM-225-AD; Amendment 39-16531; AD 2010-24-12] (RIN: 2120-AA64) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

366. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30758 Amdt. No. 3404] received January 14, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

367. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Using Agency for Restricted Areas R-5301; R5302A, B, and C; and R-5313A, B, C, and D; NC [Docket No.: FAA-2010-1071; Airspace Docket No. 10-ASO-28] (RIN: 2120-AA66) received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

368. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of action with respect to the GAO report GAO-11-107; to the Committee on Science, Space, and Technology.

369. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections: Matters Subject to Protest and Various Protest Time Limits [CBP Dec. 11-02] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

370. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-7] received January 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

371. A letter from the Secretary Attorney General, Department of Health and Human Services Department of Justice, transmitting the thirteenth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2010; jointly to the Committees on Energy and Commerce and Ways and Means.

372. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) January 2011 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONNOLLY of Virginia (for himself, Ms. LORETTA SANCHEZ of California, and Mr. CARNEY):

H.R. 11. A bill to amend the Internal Revenue Code of 1986 to extend the Build America Bonds program; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. MARKEY, Mr. WELCH, Mr. POLIS, Mr. CONYERS, Mr. LANGEVIN, Ms. LEE of California, Mr. MORAN, Mr. HOLT, Mr. HINCHAY, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. STARK, Mr. McDERMOTT, Mr. PRICE of North Carolina, Mrs. CAPPS, Ms. PINGREE of Maine, and Ms. SUTTON):

H.R. 601. A bill to amend the Internal Revenue Code of 1986 to repeal fossil fuel subsidies for large oil companies; to the Committee on Ways and Means.

By Mr. HARPER (for himself and Mrs. McMORRIS RODGERS):

H.R. 602. A bill to amend the Individuals with Disabilities Education Act to make improvements to the individualized education program under that Act and facilitate the transition of children with disabilities to

adulthood, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HARPER (for himself and Mrs. MCMORRIS RODGERS):

H.R. 603. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide assistance to States for development and implementation of an individual transition plan for each individual with a developmental disability in the State who is making the transition from the secondary school system into adulthood, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HARPER (for himself and Mrs. MCMORRIS RODGERS):

H.R. 604. A bill to amend the Rehabilitation Act of 1973 to authorize grants for the transition of youths with significant disabilities to adulthood, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAULSEN (for himself, Mr. TIBERI, Mrs. BLACKBURN, Mrs. MCMORRIS RODGERS, Mr. KLINE, Mr. CRAVAACK, Mrs. BACHMANN, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. COLE, Mr. DENT, Mrs. ELLMERS, Mr. FRANKS of Arizona, Mr. GIBBS, Ms. GRANGER, Mr. HARRIS, Mr. JONES, Mr. LAMBORN, Mrs. LUMMIS, Mr. NEUGEBAUER, Mr. NUGENT, Mr. PAUL, Mr. ROE of Tennessee, Mr. SESSIONS, Mr. WALBERG, Mr. WALSH of Illinois, Mr. DUNCAN of Tennessee, Mr. GARDNER, Mr. ROSKAM, Mr. GERLACH, and Mr. GOODLATTE):

H.R. 605. A bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits; to the Committee on Ways and Means.

By Mr. SCHOCK (for himself, Mr. COOPER, Mr. WALSH of Illinois, and Mr. QUIGLEY):

H.R. 606. A bill to establish a Commission to provide for the abolishment of Federal programs for which a public need does not exist, to periodically review the efficiency and public need for Federal programs, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. THOMPSON of Mississippi, Mr. ROGERS of Alabama, Ms. CLARKE of New York, Mrs. MILLER of Michigan, Mr. LONG, and Mr. GRIMM):

H.R. 607. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a wireless public safety broadband network, to provide standards for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. McDERMOTT, Mr. INSLEE, Mr. DICKS, and Mr. SMITH of Washington):

H.R. 608. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. HANNA (for himself, Mr. AMASH, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. COLE, Mr. DUNCAN of South Carolina, Mr. FITZPATRICK, Mr. FRANKS of Arizona, Mr. MANZULLO, Mr. McCLINTOCK, Mrs. MYRICK, Mr. RIBBLE, Mr. AUSTIN SCOTT of Georgia, Mr. SENBRENNER, and Mr. WESTMORELAND):

H.R. 609. A bill to amend the Internal Revenue Code of 1986 to reduce the corporate in-

come tax rate; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. SESSIONS, Mr. FITZPATRICK, Mr. KING of New York, Mr. McDERMOTT, Mr. MARKEY, Mrs. MYRICK, Mr. SMITH of New Jersey, Mr. KLINE, Mr. FORBES, and Mr. DOLD):

H.R. 610. A bill to authorize the issuance of United States bonds to fund Alzheimer's research; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 611. A bill to foster transparency about the commercial use of personal information, provide consumers with meaningful choice about the collection, use, and disclosure of such information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARAMENDI (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. STARK, Mr. FARR, Ms. HIRONO, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SCHRADER, Ms. SPEIER, Mr. WU, Mr. BERMAN, Ms. LEE of California, Mr. SCHIFF, Mr. HONDA, Mr. THOMPSON of California, Ms. EDWARDS, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, and Mr. HOLT):

H.R. 612. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington; to the Committee on Natural Resources.

By Mr. GARAMENDI (for himself, Mr. HOLDEN, Mr. GEORGE MILLER of California, and Mr. ELLISON):

H.R. 613. A bill to strengthen Buy America requirements applicable to airports, highways, high-speed rail, trains, and transit, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MOORE (for herself, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. KISSELL, Mr. MEEKS, Mr. STARK, Mr. GRIJALVA, Mr. MCGOVERN, Ms. TSONGAS, Mr. WAXMAN, Mr. SCHIFF, and Mr. TOWNS):

H.R. 614. A bill to amend title 38, United States Code, to extend the age of eligibility of dependent children for receipt of transferred educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. LUMMIS (for herself, Mr. DONNELLY of Indiana, Mr. REHBERG, Mr. BROUN of Georgia, Mr. MILLER of Florida, Mr. CARTER, Mr. KING of Iowa, Mr. ROSS of Arkansas, and Mr. BISHOP of Utah):

H.R. 615. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Ms. NORTON, Mr. CONNOLLY of Virginia,

Mr. HOYER, Mr. GRIJALVA, Mr. CONYERS, Mr. SERRANO, Mr. STARK, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. LANGEVIN, Ms. MOORE, Mr. MCGOVERN, and Ms. WOOLSEY):

H.R. 616. A bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. MARKEY, Mr. CHAFFETZ, and Mr. WEINER):

H.R. 617. A bill to prohibit the importation of certain low-level radioactive waste into the United States; to the Committee on Energy and Commerce.

By Mr. BOSWELL:

H.R. 618. A bill to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BOSWELL:

H.R. 619. A bill to rescind amounts for certain surface transportation programs; to the Committee on Transportation and Infrastructure.

By Mr. DUFFY (for himself, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. McCLINTOCK, Mr. SCHOCK, Mr. YODER, Mr. LABRADOR, Mr. RIBBLE, Mr. DUNCAN of South Carolina, Mr. FARENTHOLD, Mr. HUIZENGA of Michigan, Mr. WEST, Mr. MULVANEY, Mr. DENHAM, Mr. ROKITA, Mr. SHIMKUS, Mr. HECK, Mr. GOSAR, Mr. DOLD, Mr. GOWDY, and Mr. WILSON of South Carolina):

H.R. 620. A bill to rescind unobligated stimulus funds and require that such funds be used for Federal budget deficit reduction; to the Committee on Appropriations.

By Mr. COFFMAN of Colorado:

H.R. 621. A bill to deauthorize the Military Selective Service Act, including the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, except during a national emergency declared by the President, and for other purposes; to the Committee on Armed Services.

By Mr. CAMP:

H.R. 622. A bill to extend the Andean Trade Preference Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. FILNER, Mr. GRIJALVA, Mr. KILDEE, and Mr. STARK):

H.R. 623. A bill to establish the National Commission on State Workers' Compensation Laws; to the Committee on Education and the Workforce.

By Mr. CARNEY:

H.R. 624. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Natural Resources.

By Mr. CARTER:

H.R. 625. A bill to ensure that the victims and victims' families of the November 5, 2009,

attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER:

H.R. 626. A bill to require the Secretary of Education to establish a pilot program to award grants to State and local educational agencies to develop financial literacy programs in elementary and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CLEAVER:

H.R. 627. A bill to require energy audits to be conducted for any single-family and multifamily housing purchased using federally related housing loans, and for other purposes; to the Committee on Financial Services.

By Mr. CLEAVER:

H.R. 628. A bill to amend part A of title IV of the Social Security Act to temporarily re-instate, with certain adjustments, the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 629. A bill to amend the Internal Revenue Code of 1986 to modify the private activity bond rules to except certain uses of intellectual property from the definition of private business use; to the Committee on Ways and Means.

By Mr. CRITZ:

H.R. 630. A bill to waive the annuity buyback requirement under the Federal Employees Retirement Service with respect to certain law enforcement officers involuntarily called or retained on active duty, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. EDWARDS (for herself, Mr. FILER, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. KILDEE, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. NADLER, Mr. TONKO, Ms. BALDWIN, Mr. JOHNSON of Georgia, Ms. LEE of California, and Mr. NORTON):

H.R. 631. A bill to amend the Fair Labor Standards Act of 1938 to establish a base minimum wage for tipped employees; to the Committee on Education and the Workforce.

By Mr. FLAKE:

H.R. 632. A bill to permit a State to elect to receive the State's contributions to the Highway Trust Fund in lieu of its Federal-aid Highway program apportionment for the next fiscal year, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE:

H.R. 633. A bill to rescind unused earmarks; to the Committee on Appropriations, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. FLEMING, Mr. HUELSKAMP, Mr. BISHOP of Utah, and Mr. SENSENBRENNER):

H.R. 634. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income

tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 635. A bill to require that all Federal agencies, contractors, and government-sponsored enterprises use the words "mother" and "father" when describing parents in all official documents and forms; to the Committee on Oversight and Government Reform.

By Ms. GRANGER:

H.R. 636. A bill to repeal PPACA and the health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, House Administration, Appropriations, Natural Resources, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. CHAFFETZ, Mr. LAMBORN, Mrs. SCHMIDT, Mrs. BACHMANN, Mrs. MYRICK, Mr. CALVERT, Mr. BILBRAY, and Mr. FRANKS of Arizona):

H.R. 637. A bill to amend the procedures regarding military recruiter access to secondary school student recruiting information; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Illinois:

H.R. 638. A bill to impose a moratorium on the use of appropriated funds for official travel outside of the United States by Members, officers, and employees of the House of Representatives until the Comptroller General issues a report on the costs of such travel and makes recommendations regarding appropriate restrictions and reporting requirements on such travel; to the Committee on House Administration.

By Mr. LEVIN (for himself, Mr. ACKERMAN, Mr. ALTMIRE, Mr. AUSTRIA, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of Utah, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. BURTON of Indiana, Mr. CARSON of Indiana, Mr. CICILLINE, Mr. CLARKE of Michigan, Mr. COBLE, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CRAVACK, Mr. CRITZ, Mr. DAVIS of Illinois, Mr. DEFazio, Ms. DELAURO, Mr. DINGELL, Mr. DONNELLY of Indiana, Mr. DOYLE, Mr. ELLISON, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. HUNTER, Mr. JOHNSON of Georgia, Mr. JONES, Ms. KAPTUR, Mr. KILDEE, Mr. KISSELL, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. LATOURETTE, Mr. LEWIS

of Georgia, Mr. LIPINSKI, Mr. LOEBACK, Mr. MANZULLO, Mr. MCHENRY, Ms. MCCOLLUM, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCKINLEY, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Mr. MURPHY of Pennsylvania, Mrs. MYRICK, Mr. NEAL, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PETERS, Mr. PETRI, Ms. PINGREE of Maine, Mr. PLATTS, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROHRBACHER, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SENSENBRENNER, Ms. SCHAKOWSKY, Mr. SHULER, Mr. SHUSTER, Ms. SLAUGHTER, Mr. STUTZMAN, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TONKO, Mr. TOWNS, Mr. TURNER, Mr. VISLOSKEY, Mr. WELCH, Mr. WOLF, and Ms. WOOLSEY):

H.R. 639. A bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country; to the Committee on Ways and Means.

By Ms. MATSUI:

H.R. 640. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 641. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PENCE (for himself, Mr. WALDEN, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. CANSECO, Mr. COLE, Mr. CONAWAY, Mr. CRAWFORD, Mr. FLEMING, Mr. FLORES, Mr. FRANKS of Arizona, Mr. GARDNER, Mr. GOHMERT, Mr. ISSA, Mr. JORDAN, Mr. KING of Iowa, Mr. LUTKEMEYER, Mrs. LUMMIS, Mr. MCKINLEY, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. ROE of Tennessee, Mr. STUTZMAN, Mr. WALBERG, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. HUNTER, Mr. MACK, Mr. TURNER, Mr. SOUTHERLAND, Mr. LAMBORN, Mrs. HARTZLER, Mr. WALSH of Illinois, Mr. NUGENT, Mr. POSEY, Mr. KINGSTON, Mr. JONES, Mr. AMASH, Mrs. MILLER of Michigan, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. FLAKE, Mr. DREIER, Mr. GARRETT, Mr. DUNCAN of Tennessee, Mr. ROYCE, Mr. THOMPSON of Pennsylvania, Mr. TERRY, Mr. HASTINGS of Washington, Mr. TIBERI, Mr. HENSARLING, Mr. BACHUS, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. POE of Texas, Mr. MCCOTTER, Mr. ROGERS of Kentucky, Mr. MCCLINTOCK, Mr. WILSON of South Carolina, Mr. ROHRBACHER, Mr. MCCAUL, Mr. BARTON of Texas, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. FARENTHOLD, Mr. YARMUTH, Mr. MANZULLO, Mrs. MCMORRIS RODGERS, Mr. LATTI, Mr. SMITH of Nebraska, Mr. WHITFIELD,

Mr. SCALISE, Mr. SMITH of Texas, Mr. WITTMAN, Mr. LATOURETTE, Mr. KING of New York, Ms. JENKINS, Mr. PITTS, Mr. GRAVES of Missouri, Mr. HARPER, Mr. SCHOCK, Mr. WEST, Mr. LANKFORD, Mrs. ELLMERS, Ms. GRANGER, Ms. FOXX, Mr. YOUNG of Florida, Mr. BUCHANAN, Mr. BISHOP of Utah, Mr. HELLER, Mr. CRENSHAW, Mr. ROSS of Florida, Mr. GRIFFIN of Arkansas, Mr. SIMPSON, Mr. BONNER, Mr. CRAVAACK, Mr. PLATTS, Mr. STEARNS, Mr. WOMACK, Mr. ROKITA, Mr. LANDRY, Mrs. BONO MACK, Mr. QUAYLE, Mr. KLINE, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. DUNCAN of South Carolina, Mr. GARY G. MILLER of California, and Mr. PETRI):

H.R. 642. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Energy and Commerce.

By Mr. POLIS:

H.R. 643. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. RAHALL:

H.R. 644. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

By Mr. ROSS of Arkansas (for himself and Mr. JORDAN):

H.R. 645. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H.R. 646. A bill to authorize the appropriation of funds to be used to recruit, hire, and train 100,000 new classroom paraprofessionals in order to improve educational achievement for children; to the Committee on Education and the Workforce.

By Mr. SIMPSON:

H.R. 647. A bill to authorize the Secretary of the Interior to permit an exchange of land between the city of Ketchum and the Blaine County School District, Idaho; to the Committee on Natural Resources.

By Mr. TERRY:

H.R. 648. A bill to amend title 4, United States Code, to authorize members of the Armed Forces not in uniform and veterans to render a military salute during the recitation of the Pledge of Allegiance; to the Committee on the Judiciary.

By Mr. WELCH (for himself and Mr. DOGGETT):

H.R. 649. A bill to amend title 10, United States Code, to require consolidation of the defense exchange stores system; to the Committee on Armed Services.

By Mr. WELCH:

H.R. 650. A bill to amend title XII of the Social Security Act to extend the provision waiving certain interest payments on advances made to States from the Federal unemployment account in the Unemployment Trust Fund; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Mr. DUNCAN of Tennessee, Ms. LEE of California, Mr. JONES, Mr. ELLISON, Mr. PAUL, Mr. GRIJALVA, Mr. HONDA, Mr. MCGOVERN, and Ms. WATERS):

H.R. 651. A bill to require the President to seek to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. ROTHMAN of New Jersey, and Mr. CARTER):

H.R. 652. A bill to amend title 10, United States Code, to limit the increase of premiums, deductibles, copayments, or other charges for health care provided under the TRICARE program; to the Committee on Armed Services.

By Mr. DUNCAN of South Carolina (for himself, Mr. GARDNER, Mr. MACK, Mr. BURTON of Indiana, Mrs. McMORRIS RODGERS, Mr. HARRIS, Mrs. HARTZLER, Mr. GINGREY of Georgia, Ms. BUERKLE, Mr. WILSON of South Carolina, Mr. SCOTT of South Carolina, Mr. MARCHANT, Mr. FLORES, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. LONG, and Mr. POSEY):

H. Res. 82. A resolution amending the Rules of the House of Representatives to establish the Committee on the Elimination of Nonessential Federal Programs; to the Committee on Rules.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BOSWELL, Mrs. MCCARTHY of New York, Ms. BORDALLO, Mr. MCGOVERN, Mr. CONYERS, and Mrs. CAPPS):

H. Res. 83. A resolution recognizing National Nurses Week on May 6 through May 12, 2011; to the Committee on Energy and Commerce.

By Mr. MORAN:

H. Res. 84. A resolution commemorating 100 years of natural resource conservation achievements made possible through the vision and leadership of Representative John W. Weeks and the enactment of the Weeks Act in 1911; to the Committee on House Administration, and in addition to the Committees on Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. FORTENBERRY, Mr. ROYCE, Mr. BERMAN, Mr. CARNAHAN, Mr. MEEKS, Ms. BASS of California, Ms. WILSON of Florida, Mr. CAPUANO, Ms. LEE of California, Mr. ELLISON, Mr. TOWNS, Mr. DAVIS of Illinois, Ms. RICHARDSON, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. FATTAH, Ms. CLARKE of New York, Ms. MOORE, Mr. WATT, Mr. CLYBURN, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Ms. BROWN of Florida, Ms. WATERS, Mr. CARSON of Indiana, Ms. FUDGE, Mr. BISHOP of Georgia, and Mr. RICHMOND):

H. Res. 85. A resolution supporting the democratic aspirations of the Ivoirian people and calling on the United States to apply intense diplomatic pressure and provide humanitarian support in response to the political crisis in Cote d'Ivoire; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

3. The SPEAKER presented a memorial of the House of Representatives of the State of Indiana, relative to House Resolution No. 5 supporting the participation of Taiwan in the United Nations Framework Convention on Climate Change; to the Committee on Foreign Affairs.

4. Also, a memorial of the Congress of the Federated States Of Micronesia, relative to Congressional Resolution No. 16-154 expressing condolences to those affected by the violence in Arizona; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CONNOLLY of Virginia:

H.R. 11.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. BLUMENAUER:

H.R. 601.

Congress has the power to enact this legislation pursuant to the following:

The Constitution of the United States provides clear authority for Congress to pass legislation regarding income taxes. Article I of the Constitution, in detailing Congressional authority, provides that "Congress shall have Power to lay and collect Taxes . . ." (Section 8, Clause 1). Further clarifying Congressional power to enact an income tax, voters amended the Constitution by popular vote to provide that "Congress shall have power to lay and collect taxes on incomes, from whatever source derived . . ." (Sixteenth Amendment).

By Mr. HARPER:

H.R. 602.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 3 of the Constitution of the United States.

By Mr. HARPER:

H.R. 603.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 3 of the Constitution of the United States.

By Mr. HARPER:

H.R. 604.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 3 of the Constitution of the United States.

By Mr. PAULSEN:

H.R. 605.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SCHOCK:

H.R. 606.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, Section 9 and Amendment X of the United States Constitution.

By Mr. KING of New York:

H.R. 607.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. REICHERT:

H.R. 608.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. HANNA:

H.R. 609.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 8 of Article 1 of the United States Constitution.

By Mr. BURGESS:

H.R. 610.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to borrow money on the credit of the United States; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures as enumerated in Article I, Section 8, Clauses 1, 2 & 4 of the United States Constitution.

By Mr. RUSH:

H.R. 611.

Congress has the power to enact this legislation pursuant to the following:

[The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes. U.S. Const., Art. I, §8, Cl. 3. More specifically, the Interstate Commerce Clause—the second of the three enumerated commerce clause powers that the Constitution confers upon Congress—serves as the constitutional basis for this legislation. Further, per the landmark U.S. Supreme Court case, *Griswold v. Connecticut* (1965), the Court held that the Constitution protects an individual's right to privacy, which is contained in the "penumbras" and "emanations" of other constitutional protections. Three of the concurrences to the majority *Griswold* opinion based the right to privacy on both the Ninth Amendment and the due process clause found in the Fourteenth Amendment. Finding such support in the Fourteenth Amendment is notable, in part, as at least ten (10) states (AL, AZ, CA, FL, HI, IL, LA, MO, SC, WA) expressly recognize a person's right to privacy in their own state constitutions. Elected federal public officials, federal and state policy makers, industry, consumer and privacy advocacy groups all agree that personal privacy of consumer information must be protected in order for e-commerce business models and businesses (in particular), which make use of Internet- and intranet-based platforms and networks to be successful and sustainable.

By Mr. GARAMENDI:

H.R. 612.

Congress has the power to enact this legislation pursuant to the following:

Article 1—The Legislative Branch, Section 8—Powers of Congress: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GARAMENDI:

H.R. 613.

Congress has the power to enact this legislation pursuant to the following:

Article 1—The Legislative Branch, Section 8—Powers of Congress: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. MOORE:

H.R. 614.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution.

By Mrs. LUMMIS:

H.R. 615.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Article 1, Section 8 of the Constitution.

By Mrs. MALONEY:

H.R. 616.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. MATHESON:

H.R. 617.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and 18.

By Mr. BOSWELL:

H.R. 618.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. BOSWELL:

H.R. 619.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DUFFY:

H.R. 620.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is Clause 7 of Section 9 of Article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ."

By Mr. COFFMAN of Colorado:

H.R. 621.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. CAMP:

H.R. 622.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BACA:

H.R. 623.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 8, Clause 18.

By Mr. CARNEY:

H.R. 624.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution; Clause 18 of Section 8 of Article I of the Constitution; and Clause 2 of Section 3 of Article IV of the Constitution.

By Mr. CARTER:

H.R. 625.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution Clause 14, which grants Congress the power to make Rules for the Government and Regulation of the land and naval Forces.

By Mr. CLEAVER:

H.R. 626.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution

By Mr. CLEAVER:

H.R. 627.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution and Clause 18 of Section 8 of Article I of the Constitution.

By Mr. CLEAVER:

H.R. 628.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. CLEAVER:

H.R. 629.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. CRITZ:

H.R. 630.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution.

By Ms. EDWARDS:

H.R. 631.

Congress has the power to enact this legislation pursuant to the following:

Congress is authorized to enact this legislation under the Commerce Clause, Article I, Section 8, Clause 3, "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." Additionally, Congress has the authority to enact this legislation pursuant to the Preamble of the Constitution, "to promote the general welfare."

By Mr. FLAKE:

H.R. 632.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to "lay and collect taxes, duties, imports, and excises, to pay the debts . . ."

By Mr. FLAKE:

H.R. 633.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to "provide for the common defense and general welfare of the United States . . ."

By Mr. FLAKE:

H.R. 634.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8, which include the power to "lay and collect taxes, duties, imports, and excises, to pay the debts . . ."

By Mr. FORBES:

H.R. 635.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1 and Section 8, Clause 18.

By Ms. GRANGER:

H.R. 636.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. HUNTER:

H.R. 637.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority for the Fairness for Military Recruiters Act is Article I, Section 8, Clause I. Also, Article I, Section 8, Clauses 12, 13, 14 and 16.

By Mr. JOHNSON of Illinois:

H.R. 638.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

By Mr. LEVIN:

H.R. 639.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect duties and to regulate Commerce with foreign Nations, as enumerated in Article I, Section 8.

By Ms. MATSUI:

H.R. 640.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 18.

By Ms. NORTON:

H.R. 641.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of Section 8 of Article I of the Constitution.

By Mr. PENCE:

H.R. 642.

Congress has the power to enact this legislation pursuant to the following:

This bill protects against infringement upon the essential liberty of freedom of speech, in accordance with Amendment I of the United States Constitution.

By Mr. POLIS:

H.R. 643.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. RAHALL:

H.R. 644.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 of the United States Constitution which states that the "Congress shall have the Power To make Rules for the Government and Regulation of the land and naval Forces."

Article I, Section 8, Clause 18 of the United States Constitution which states that the "Congress shall have the Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ROSS of Arkansas:

H.R. 645.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 17 of the United States Constitution.

By Mr. SERRANO:

H.R. 646.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which gives Congress the power "To regulate Commerce

with foreign Nations, and among the several States, and with the Indian Tribes," Article I, Section 8, Clause 1, which gives Congress the power to "lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States," and Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Mr. SIMPSON:

H.R. 647.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. TERRY:

H.R. 648.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WELCH:

H.R. 649.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18; the Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. WELCH:

H.R. 650.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18; the Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. WOOLSEY:

H.R. 651.

Congress has the power to enact this legislation pursuant to the following:

Article I.

By Mr. YOUNG of Alaska:

H.R. 652.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. BRALEY of Iowa.

H.R. 5: Mr. COLE, Mr. COFFMAN of Colorado, Mr. BENISHEK, Mr. FITZPATRICK, Mrs. ELLMERS, Mr. FORBES, Mr. LATHAM, Mr. KLINE, Mr. SCHOCK, and Mr. TIPTON.

H.R. 21: Mr. GOODLATTE.

H.R. 24: Mr. GRIMM, Mr. LAMBORN, Mr. HUNTER, Mr. CONAWAY, Mr. VISCLOSKEY, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. COBLE, Mr. MCHENRY, Mr. SCHOCK, Ms. BORDALLO, and Mr. TERRY.

H.R. 68: Mr. PITTS and Mr. BARTON of Texas.

H.R. 69: Mr. PITTS, Mr. BARTON of Texas, and Mrs. MILLER of Michigan.

H.R. 86: Mr. MANZULLO and Mr. FRANKS of Arizona.

H.R. 91: Mr. QUAYLE, Mr. DUNCAN of Tennessee, Mr. HOLDEN, and Mr. NUGENT.

H.R. 96: Mr. KINGSTON, Mr. YOUNG of Florida, Mr. BACHUS, and Ms. JENKINS.

H.R. 97: Mr. FORBES.

H.R. 100: Mr. SESSIONS.

H.R. 110: Mr. CICILLINE, Ms. SUTTON, and Mr. BOSWELL.

H.R. 114: Mr. TERRY.

H.R. 118: Mr. GOODLATTE.

H.R. 121: Ms. TSONGAS.

H.R. 140: Mrs. ADAMS, Mr. MANZULLO, and Mr. BENISHEK.

H.R. 143: Mr. MILLER of Florida, Mr. GRIFFITH of Virginia, Mr. CONAWAY, Mrs. HARTZLER, Mr. MCINTYRE, and Mr. MCCOTTER.

H.R. 152: Mr. FRANKS of Arizona, Mr. GIBBS, and Mr. GOODLATTE.

H.R. 153: Mr. TIPTON, Mrs. MYRICK, and Mr. FORBES.

H.R. 155: Mr. FORBES.

H.R. 177: Mr. FRANKS of Arizona, Mr. GOSAR, Mr. RAHALL, Mr. MCCOTTER, and Mr. FORBES.

H.R. 198: Mr. COURTNEY.

H.R. 205: Mr. KILDEE and Mr. LUJÁN.

H.R. 218: Mr. FARR, Mr. SERRANO, and Mr. GRIJALVA.

H.R. 280: Mr. FORBES and Mr. ADERHOLT.

H.R. 290: Ms. FOXX and Mr. DUNCAN of South Carolina.

H.R. 297: Mr. HASTINGS of Washington.

H.R. 302: Mr. LABRADOR.

H.R. 303: Mr. LATHAM, Mr. BUCHANAN, Mr. CALVERT, Mr. LOBIONDO, Mr. COURTNEY, Mr. SCOTT of Virginia, Mr. BARROW, Ms. BALDWIN, and Mr. FILNER.

H.R. 304: Mr. FILNER.

H.R. 305: Mr. FLORES.

H.R. 308: Mr. TOWNS, Mr. ENGEL, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Mr. CAPUANO, Mrs. NAPOLITANO, Ms. LEE of California, Mr. SCOTT of Virginia, Mr. TONKO, Mr. PAYNE, Mr. OLVER, Mr. FATTAH, Ms. SUTTON, Ms. TSONGAS, and Mr. FRANK of Massachusetts.

H.R. 327: Mr. PLATT.

H.R. 330: Mr. CRITZ.

H.R. 335: Mr. SCHWEIKERT.

H.R. 337: Mr. DUNCAN of South Carolina and Mrs. HARTZLER.

H.R. 340: Mr. STARK.

H.R. 349: Mr. MCCOTTER.

H.R. 358: Mr. STEARNS.

H.R. 361: Mr. LATTI, Mr. CALVERT, Mr. KLINE, Mr. LONG, Mr. LATHAM, and Mr. CRITZ.

H.R. 365: Mr. COURTNEY.

H.R. 372: Mr. HASTINGS of Florida.

H.R. 397: Mr. GOODLATTE.

H.R. 399: Mr. CAPUANO, Mr. MORAN, Mr. POLIS, and Mr. GINGREY of Georgia.

H.R. 402: Mr. CICILLINE, Ms. SLAUGHTER, Mr. TONKO, and Mr. PASCRELL.

H.R. 412: Mr. BENISHEK, Mr. COURTNEY, Mr. THORNBERRY, and Mr. KLINE.

H.R. 421: Mrs. ADAMS, Mr. DUFFY, Mr. FARENTHOLD, Mr. KINGSTON, Mr. MARCHANT,

Mr. PITTS, Mr. RIBBLE, Mr. RIGELL, Mr. ROONEY, Mrs. SCHMIDT, Mr. AUSTIN SCOTT of Georgia, and Mr. STUTZMAN.

H.R. 431: Mr. FORBES.

H.R. 432: Mr. COURTNEY.

H.R. 435: Mr. PETRI.

H.R. 436: Mr. POSEY, Mr. STEARNS, Mr. MCCOTTER, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. ROONEY, Mr. CONAWAY, Mr. FRELINGHUYSEN, Mr. MANZULLO, and Mr. ROYCE.

H.R. 440: Mr. FORBES, Mr. DUNCAN of South Carolina, Mr. BISHOP of Utah, and Mr. PENCE.

H.R. 457: Mr. GRIFFITH of Virginia, Mr. JONES, Mrs. BLACKBURN, Mr. LATTI, and Mr. CHAFFETZ.

H.R. 458: Mr. JACKSON of Illinois and Mr. ROTHMAN of New Jersey.

H.R. 469: Mr. COURTNEY and Mr. COHEN.

H.R. 497: Mr. CONAWAY, Mr. COBLE, Mr. CHAFFETZ, Mr. HULTGREN, Mr. DOLD, Mr. GOHMERT, and Mr. TERRY.

H.R. 498: Mr. REED, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. BENISHEK, and Mr. COFFMAN of Colorado.

H.R. 509: Mrs. MCMORRIS RODGERS, Mr. PETERSON, and Mr. MCCLINTOCK.

H.R. 535: Mr. MCGOVERN.

H.R. 547: Mr. MCCOTTER.

H.R. 548: Mr. COFFMAN of Colorado, Mr. HERGER, Mr. BISHOP of Utah, Mr. DUNCAN of Tennessee, Mr. PAUL, Mr. HALL, Mrs. LUMMIS, Mrs. BLACKBURN, Mr. MARCHANT, Mr. LAMBORN, Mr. FLEMING, Mr. MANZULLO, Mr. RIGELL, Mr. BRADY of Texas, Mr. FLORES, Mr. GOHMERT, Mr. KING of Iowa, Mr. HUELSKAMP, Mr. ROSS of Florida, Mr. BROUN of Georgia, Mr. HARPER, Mr. JONES, Mrs. MCMORRIS RODGERS, Mr. CHAFFETZ, Mr. LONG, Mr. BARTLETT, and Mr. CARTER.

H.R. 559: Mr. ALEXANDER.

H.R. 567: Mr. GOWDY and Mr. PETRI.

H.R. 584: Mr. POLIS.

H.J. Res. 1: Mr. CAMP, Mr. DENHAM, Mr. FLAKE, Mr. GRAVES of Georgia, Mr. NUNNELEE, Mr. TERRY, Mr. ROKITA, Mr. GUINTA, Mr. STEARNS, and Mr. JOHNSON of Ohio.

H.J. Res. 2: Mr. QUAYLE, Ms. HARMAN, Mr. CAMP, Mr. CRENSHAW, Mr. DENHAM, Mr. FLAKE, Mr. GRAVES of Georgia, Mr. NUNNELEE, Mr. TERRY, Mr. THORNBERRY, Mr. TIBERI, Mr. ROKITA, Mr. YODER, Mr. GUINTA, Mr. STEARNS, and Mr. WOMACK.

H.J. Res. 15: Mr. STEARNS and Mr. GERLACH.

H.J. Res. 23: Mr. HUELSKAMP, Mr. WALSH of Illinois, and Mr. BISHOP of Utah.

H. Con. Res. 3: Mr. KINZINGER of Illinois.

H. Res. 15: Mr. FORBES.

H. Res. 25: Mr. LOBIONDO, Mr. SHERMAN, Mr. LUETKEMEYER, Ms. RICHARDSON, Mr. BARTLETT, Mr. HUNTER, Mr. FARR, Mr. DAVID SCOTT of Georgia, Ms. JACKSON LEE of Texas, Mr. CHAFFETZ, Mr. FILNER, Mr. ROSS of Florida, Mr. CARDOZA, Ms. BROWN of Florida, and Mr. DEFazio.

H. Res. 35: Mr. SCOTT of Virginia, Mr. FATTAH, and Mr. CUMMINGS.

H. Res. 44: Mr. DUNCAN of South Carolina.

H. Res. 55: Mr. CONYERS, Ms. MOORE, and Ms. BORDALLO.

H. Res. 69: Ms. NORTON, Ms. ZOE LOFGREN of California, Mr. KISSELL, Mr. YARMUTH, Mr. HOLT, Ms. SEWELL, Mr. WU, and Ms. MCCOLLUM.

H. Res. 81: Mr. MARKEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF MICHIGAN

The provisions in H.R. 514 that warranted a referral to the Permanent Select Committee on Intelligence do not contain any congressional earmarks, limited tax benefits, or lim-

ited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII:

2. The SPEAKER presented a petition of the Legislature of Rockland County, New

York, relative to Resolution No. 624 requesting that the United States Senate and House of Representatives pass bills S. 1619 and H.R. 4690; which was referred jointly to the Committees on Financial Services, Transportation and Infrastructure, and Energy and Commerce.

EXTENSIONS OF REMARKS

HONORING RONALD AND DORIS
RAMSEY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, Ronald and Doris Ramsey are celebrating twenty-five years (25) in marriage today in Lithonia, Georgia; and

Whereas, on May 10, 1985 because of their union then, our community today has been blessed with a family that has enhanced our district with a stellar academy for educating our youth, Kingdom Kare Academy which was co-founded by Ronald and Doris Ramsey, wherein Doris Ramsey has utilized her background in business and education to keep the academy moving forward and Ronald Ramsey has given of himself as an attorney, judge and as a legislator in the Georgia Senate, they both are instruments in our community that uplifts the spiritual, physical, economic and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God and this phenomenal and virtuous Proverbs 31 woman have given hope to the hopeless, fed the hungry and are beacons of light to those in need, they both have been blessed with two wonderful children, Ronald Ramsey, II and Christyn Ramsey both of whom are honor students that are now enjoying college life; and

Whereas, Ronald and Doris Ramsey are distinguished citizens of our district, they are spiritual warriors, persons of compassion, fearless leaders and servants to all, but most of all visionaries who have shared not only with their family, but with our District their passion to improve the lives of others; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ronald and Doris Ramsey as they celebrate their Silver Anniversary, twenty-five (25) years in marital bliss;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 10, 2010 and May 29, 2010 as Ronald and Doris Ramsey Day in the 4th Congressional District. Proclaimed, This 10th day of May, 2010.

PERSONAL EXPLANATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. GARRETT. Mr. Speaker, on rollcall No. 26, due to an unexpected family health emergency, I was unable to make rollcall No. 26. Had I been present, I would have voted "yea."

STATEMENT SUPPORTING SELF-
GOVERNMENT FOR THE DIS-
TRICT OF COLUMBIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. TOWNS. Mr. Speaker, I stand before you today to voice my unequivocal support of the right of the 600,000 residents of the District of Columbia to be self-governed. There is no reason on Earth that these American citizens must take orders from the federal government on how best to use locally-collected tax dollars. The federal government already dictates to them how they must use their federal taxes. Now this body wants to deny them the freedom to decide what to do with their local taxes.

We have heard a lot of talk in recent days about how much we as Americans cherish our freedom and liberty. Yet, there are those among us who believe that freedom and liberty ends for residents of the District of Columbia when they make decisions contrary to their wishes and beliefs. The District of Columbia, like any other local jurisdiction, should have the right to pass its own laws and spend its own local-taxpayer raised funds without congressional interference.

I am certain most of you would resist federal interference in the local affairs of your cities and counties. Whether it involves matters of health, safety or the education of children in your Districts—these are decisions best left to the people who must live or die with their choices.

Who are we in this body to ram our beliefs and ideology down the throats of others? I understand why my colleague Congresswoman ELEANOR HOLMES NORTON and the people of the District of Columbia are angry and upset. I urge you to let the people of the District of Columbia decide what to do with their tax dollars.

If liberty and self-governance is available for some Americans, then it should be given to all Americans.

CELEBRATING THE LIFE OF MRS.
BERNICE CLEVELAND

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. ALEXANDER. Mr. Speaker, I rise today in celebration of the life and achievements of Mrs. Bernice Cleveland, who passed away on January 6, 2011 in Minden, LA.

Mrs. Cleveland was a passionate humanitarian who dedicated 40 years of service to children and families in the Boyce and Lena

areas. For decades, she worked for the Louisiana Head Start Program through the Bo Peep Head Start Center in Boyce, La., teaching the pre-school age group. Her daughter, Sheila Joyce Bryant, says "She had a passion for children and believed you must have patience in dealing with the little ones."

For her devotion to Head Start, Mrs. Cleveland received numerous awards and accolades, such as Excellence in Teaching, Excellence in Attendance, and in August of 2005, she was recognized with the 40 Years of Service Award by the Cenla Community Action Committee, Inc.—Louisiana Head Start Program.

Mrs. Cleveland had two brothers, Joseph Jones, Jr. and Nathaniel Jones, Sr., and one sister, Miss Etta Mae Jones, who preceded her in death. She leaves behind her adoring husband, James "Ted" Floyd Cleveland, her loving daughter, Sheila, and two granddaughters, Rachel Joyce Bryant and Bathsheba Felice Bryant.

Upon her marriage in 1953, Mrs. Cleveland joined her mother-in-law, the late Cora Beatrice Cleveland, and united with Good Hope Missionary Baptist Church where she faithfully served for 50 years. In May 2009, she received a Christian Service Award by the Louisiana Baptist State Convention, and since 1956, she has been a member of the Queen Esther Household of Ruth, No. 2853. She was also heavily involved in the church, singing in the sanctuary choir, teaching Sunday and vacation bible schools and working with the youth department.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the late Mrs. Bernice Cleveland. Her altruistic nature and selfless dedication warrant this laudable recognition. For her unyielding efforts to help others, Mrs. Cleveland leaves this world a better place.

GUARDIANS OF FREEDOM ACT OF
2011

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. RAHALL. Mr. Speaker, today, I rise on behalf of all of West Virginia's National Guard and proudly introduce the Guardians of Freedom Act of 2011—a bill to elevate the Chief of the National Guard Bureau to a position on the Joint Chiefs of Staff.

The National Guard is one of our Nation's longest standing institutions, empowered by Congress and providing to the States a highly trained and well equipped force to protect life and property.

Over the course of its nearly four hundred year history, the National Guard has remained a dual State-Federal force, providing security on the home front and fighting threats to our Nation and our freedoms all over the globe.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Our National Guardsmen are true American patriots. Theirs is a proud story of tradition, service, sacrifice, and uncommon acts of heroism. They make each of us so very proud.

Aristotle said, "Men acquire a particular quality by constantly acting a particular way . . . you become just, by performing just actions . . . brave by performing brave actions."

The American people owe an enormous debt of gratitude to our nearly 500,000 men and women members of the National Guard in service to these great United States. These extraordinary individuals maintain the Guard's multi-mission role—providing nearly 33 percent of America's combat power globally. Yet, simultaneously and with great skill, from approximately 3,400 community-based armories they serve their fellow citizens in defense of our homeland, and in support to States and local civil authorities and emergency response needs.

West Virginians volunteer for the National Guard at nearly double the national rate. The West Virginia National Guard has 38 units and activities stationed in 22 counties throughout West Virginia, and currently has units deployed in military operations around the world.

Mr. Speaker, for 35 years I have been privileged to represent the people of southern West Virginia, and it is with humble sincerity I say, our West Virginia National Guard is a model example of a commitment to excellence, and professional dedication to America's defense.

From the home front to the front lines, we call upon our National Guard to fulfill missions of public safety and security on and between our borders here at home, and send them to foreign lands to combat terrorism abroad. They are among the first called to aid in a domestic disaster and have oftentimes been the last to leave a battlefield.

This year the National Guard will mark its 375th birthday. Formed as colonial militias, the new colonies in North America depended upon the Guard to protect fellow citizens from Indian attack, foreign invaders, and later to help achieve our independence. Recognizing the militia's role for the newly formed United States, the Framers of the Constitution empowered Congress to provide for training and equipping the militias.

Since the Guard's founding and through an historic journey of "call outs" and stand out missions—from the bayou communities ravaged by Hurricane Katrina to the frontiers of freedom during the Cold War—our National Guard has seen its Federal mission change.

Our National Guard has a duty and commitment to the citizens and communities of the States in which these soldiers call "family" and "home." It is a military service tradition that has been challenged by long-term and multiple deployments to front lines in two active theaters, and in support of missions in all corners of the globe as directed by our Nation's Commander in Chief.

Therefore, it is not only our duty, it is an absolute necessity, that Congress take action to elevate the Chief of the National Guard Bureau to a position on the Joint Chiefs of Staff to serve as an advocate and liaison for the National Guard of each State to inform of all actions that could affect their Federal or State missions.

In a nation such as ours, it is a stunning reality that today we ask our brothers and sisters, husbands, and wives to serve around the globe to preserve democracy and promote freedom. But in our country, where every voice counts, our Nation's active duty leadership excludes the voice of the Chief of the National Guard Bureau.

Congress must ensure the National Guard has appropriate input during the planning and budgetary process within the Department of Defense, and end the challenge to live with "after-the-fact" process, as is now the case.

As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau would have responsibility and authority to advocate and coordinate the Guard's warfighting support and force provider mission with its homeland security and support missions to ensure the Guard has the resources to perform its multiple missions and fulfill its Constitutional role to our States.

Mr. Speaker, from the battlefield to the home fields, our National Guard—America's patriots—exemplifies sacrifice and commitment to duty.

Now more than ever, this Nation is relying upon the Guard to wage combat on foreign soil, straining our resources here on the home front to respond to domestic disasters and the Guard's traditional duties. The training, equipping, and deployment of the Guard, and their budget, ought to be matters decided with input from the National Guard Chief at the highest levels of the military echelon. Now more than ever, the Guard needs a seat at the head table.

I urge my colleagues to support the Guardians for Freedom Act of 2011. We have a responsibility to respectfully and gratefully fulfill our duty to support the original intent of our Constitution for each State to maintain an organized militia with integrity, and effectively support and acknowledge the great sacrifice so many willingly make for all of us.

HONORING THE LIFE OF PRIVATE FIRST CLASS ZACHARY SALMON

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, on January 12, 2011, Private First Class Zachary Salmon died from his injuries after sustaining small arms fire in Kunar Province, Afghanistan.

Salmon enlisted in the Army in March 2010 and was assigned to the 32nd Cavalry Regiment, 101st Airborne Division, stationed at Fort Campbell, Kentucky.

A devoted family member and father, Salmon grew up in Harrison, Ohio. He was a 2008 graduate of Pigeon Forge High School in Tennessee and most recently lived in Hebron, Kentucky before joining the Army.

His awards and decorations include the National Defense Service Medal, the Global War on Terrorism Medal, the Army Service Ribbon and the Combat Action Badge.

He leaves behind his three-year-old son Noah; his mother, Sonya Christian and step-

father, who live in Hebron; his father, Steven Salmon, of Hamilton, OH; a brother, Steven Salmon of Hamilton; and two sisters, Kelsi Salmon and Katrin Maurer.

Pfc. Salmon, who served as a cavalry scout, joined the Army because he wanted to better himself and to make his son proud. By giving his life for the freedom of others, we are reminded of the great price at which our freedom is preserved.

We are all deeply indebted to the service and sacrifice of Private First Class Zachary Salmon, and our thoughts and prayers are extended to his family and friends as we celebrate his life and accomplishments.

HONORING THE LIFE OF JUNE WHEELER PEACH

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the life and achievements of Mrs. June Wheeler Peach, who passed away at her home on January 31 at the age of 72.

Mrs. Peach was a renowned community activist and passionate humanitarian who dedicated her time to countless organizations and charities. For much of her adult life, Mrs. Peach was active in the operation and financing of nursing homes as well as devoting her energy to care for the elderly. For the past 34 years, she served on the Board of the Louisiana Nursing Home Association—working on almost every committee and in every role possible. At the time of her passing, she served on the Executive Committee and as Secretary of the LNHA, a position she held for the last 32 years.

In addition, Mrs. Peach was involved in other community outreach efforts including: the Governor's Commission on HIV/Aids, the Department of Health and Hospitals Advisory Committee on Medicaid, Alexandria Town Talk Advisory Board, Vo-Technical College, Salvation Army, Little Theatre's Sheltered Workshop, Food Bank of CenLa, Central Louisiana Coalition to Prevent Homelessness, Retired Senior Volunteer Program, Cabrini Foundation, Rapides Primary Health Care, Region 6 Health Care Consortium, Central Louisiana Health Care Ethics Coalition, Regional Special Olympics, Central Louisiana Community Foundation, YWCA, Alzheimer's Association and Chairman of the Board of Trustees of Canterbury House.

Mrs. Peach was also heavily affiliated with Friendship House, a nonprofit day-care facility for adults who can no longer care for themselves, as well as an active member of her beloved place of worship, Horseshoe Drive United Methodist Church.

For her unyielding efforts to help others, Mrs. Peach earned countless professional and civic awards, and even had the mayor declare October 10, 2008 "June Peach Day."

Beyond her humanitarian and professional contributions, Mrs. Peach was a caring wife, mother and grandmother. She was preceded in death by her husband, John Hill Peach III; parents, Henry Paul and Myrtle Wurster

Wheeler; brothers, Jack Glen Wheeler, Harvey March Wheeler and Henry Paul Wheeler; and sister, Alice Wheeler Newkirk. She leaves behind her sons, John Henry Peach and Tom Glen Peach and wife, Jennifer; daughters, Tammy Peach Lee and husband, John; and Cindy Peach Branham; brother, Johnny Wurster Wheeler; sister, Ruby Wheeler Noe; granddaughters, Lainey Peach Branham, Tamera Nicole Branham and Abbey Peach.

To say that Mrs. Peach left her fingerprint on the world is an understatement. She was a friend to many, and deemed a gracious and compassionate person by all who had the good blessing to know her.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the late Mrs. June Wheeler Peach. Her altruistic nature and selfless dedication warrant this laudable recognition.

HALEY WHATLEY OF NORTH RICHLAND HILLS SELECTED AS PRUDENTIAL SPIRIT OF COMMUNITY AWARDS DISTINGUISHED FINALIST

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. BURGESS. Mr. Speaker, I rise today in recognition of our youth who demonstrate enormous capacity for service. In particular, I would like to commend the selflessness of Haley Whatley of North Richland Hills, Texas. Ms. Whatley has been selected as a Distinguished Finalist in the 16th annual Prudential Spirit of Community Awards which recognizes top youth volunteers throughout the nation. She was awarded this distinction out of 29,000 other applicants.

Ms. Whatley was only 5 years old when she began a stuffed animal drive for pediatric patients at Cook Children's Medical Center. Her toy drive has distributed over 20,000 stuffed animals over the past 11 years and a charity Celebrity Waiter Dinner allowed her to raise \$5,300 for the hospital's Pastoral Care Department.

The Prudential Spirit of Community Awards recognizes young people who are making a positive difference in their community, and inspire other young people to follow their example. Ms. Whatley has gone above and beyond these expectations and it is my honor to recognize her and represent her in Congress.

REMEMBERING BISHOP FRANK MUNSEY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with deep sadness and the utmost respect that I take this time to remember a dear friend and one of Indiana's most distinguished citizens, Bishop Frank Munsey, founder of Family Christian Center in Munster, Indiana. On Saturday, February 5, 2011, Bishop Frank Mun-

sey passed away at the age of 80. Known for his commitment to the church and his missionary work, Bishop Munsey will surely be missed by his family, friends, parishioners, and the many people whose lives he influenced.

Bishop Frank Munsey and his wife, Ruth, founded their church in 1953. Initially, the church was named Evangelistic Temple and was located in Hammond, Indiana. The church's congregation continued to grow, and in 1971, Bishop Munsey moved the church to nearby Griffith, Indiana. It was at this time that the church was renamed Family Christian Center. Bishop Munsey's family has always been very active and dedicated to the Bishop's aspirations for the church, and in 1985, Pastor Steve Munsey, Frank's son, took over leadership of the Family Christian Center. In addition to his son, Steve; Bishop Munsey's daughter-in-law, Melody; grandson, Kent; and Kent's wife, Alli, serve as Pastors for the church. Due to its continued, tremendous growth, in 1999, the church moved to its current location in Munster. Today, because of Bishop Frank Munsey's commitment, loyalty, and spiritual guidance, as well as the continued leadership and dedication of his son, Pastor Steve Munsey, and family, the Family Christian Center has an astounding following of more than 30,000 parishioners.

In addition to founding and building the Family Christian Center, Bishop Munsey's passion for missionary work was a significant part of his life. In 1985, he and Ruth became missionaries in Latin America. After seven years of traveling missionary work, they established a Christian school in Bulgaria. In 1992, the American English Academy opened in the city of Sofia, the capital of Bulgaria. Today, there are 175 students from 31 countries who attend this school.

Bishop Frank Munsey is survived by his wife, four children, nine grandchildren and nine great-grandchildren. He has been called, "an amazing man of God" and "a gentleman . . . who walked the walk" by parishioners. Bishop Munsey will be remembered for his truly outstanding contributions to his community and throughout the world.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Bishop Frank Munsey for his devotion to the numerous people whose lives he touched. His unselfish and lifelong dedication to the church, his family, friends, parishioners, and those he served through his missionary work is worthy of the highest commendation. His legacy will serve as an inspiration to all in the spiritual community, and he will remain an inspiration to the people of Northwest Indiana and beyond.

A TRIBUTE TO RETIREMENT HOUSING FOUNDATION ON THE OCCASION OF THE NON-PROFIT ORGANIZATION'S 50TH ANNIVERSARY OF PROVIDING QUALITY AND AFFORDABLE HOUSING TO THE COUNTRY'S ELDERLY, LOW INCOME FAMILIES, AND PEOPLE WITH DISABILITIES

HON. LUCILE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize Retirement Housing Foundation—also known as RHF—on the occasion of the organization's 50th anniversary of providing quality and affordable housing and services to more than 17,000 seniors, low-income families and people with disabilities.

With a strong mission to provide dignified, affordable housing and services for the elderly, RHF is one of the nation's largest non-profit sponsors and managers of housing and services for older adults, persons with disabilities, and low-income families.

RHF was formed in 1961 by three visionaries: two California United Church of Christ clergymen and one layman. The organization, which began with a \$7,000 grant, today operates 161 communities in 25 states throughout the United States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. While these communities are comprised of mostly apartments, RHF also provides senior housing with assisted living units and skilled nursing beds.

A total of four RHF communities are located within the 34th District. The Rio Vista Village for low-income families is located in Boyle Heights. RHF operates three communities for low-income seniors: Colonia Jess Lopez in Boyle Heights, which is named after a strong community activist and outspoken advocate of older Americans whom I was proud to call a friend; Sangnok Villa in Westlake; and Angelus Plaza in Downtown Los Angeles.

During my years in Congress, I have had the privilege of working closely with RHF as a member of the Advisory Council for Angelus Plaza—the nation's largest affordable housing community for seniors in the country. Angelus Plaza is the only facility of its kind in the country. Covering two city blocks and two postal zip codes, it has nearly 1,100 apartments. Angelus Plaza is home to 1,300 independent seniors whose average age is 82.

RHF prides itself on its culturally diverse programs and services offered to Angelus Plaza's residents who speak more than 10 different languages. Angelus Plaza's six-story senior center offers more than 100 monthly classes and activities for seniors throughout the Greater Los Angeles Area. The complex also houses the Tom Bradley Senior Health Center (operated by Good Samaritan Hospital) as well as a continuation high school operated by the L.A. Unified School District and office space for more than 10 non-profit organizations and senior groups.

In addition, RHF continues to partner with local organizations and government agencies to secure support and funding for affordable

housing throughout the country. RHF preserves properties within the HUD inventory by acquiring those properties in danger of becoming market rate.

RHF also reinvests in its own properties to ensure that they remain viable affordable communities for decades to come. In the last five years, RHF invested more than \$95.9 million to rehabilitate and update existing communities.

RHF takes its role as an affordable housing advocate seriously. As a respected national voice in this area, Dr. Laverne Joseph, RHF's President and CEO, has testified before various Congressional Committees about a variety of affordable housing-related issues.

Mr. Speaker, as the organization prepares to mark its 50-year milestone at a special February 18 anniversary celebration at their annual conference in Downtown Long Beach, I ask my colleagues to please join the Los Angeles County community and me in recognizing the Retirement Housing Foundation for its steadfast commitment to providing quality, safe and affordable housing and services for America's seniors, low-income families and persons with disabilities.

I also commend RHF's Board Chair, Don King, its National Board of Directors, its President & CEO, Dr. Joseph and the 2,600 dedicated staff throughout the country who make this organization the safety net that it is today for thousands of America's most vulnerable residents and I wish them many more years of continued success.

MR. AND MRS. LEO MILLS 58TH
WEDDING ANNIVERSARY RECOGNITION

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. MARINO. Mr. Speaker, I rise today to honor the 58th Wedding Anniversary of Mr. and Mrs. Leo Mills.

Esther Mills, born Esther Jean House, is the daughter of the late Mr. and Mrs. Raymond House of Towanda, Pennsylvania. Silas Leo Mills is the son of the late Mr. and Mrs. Lewis Mills also of Towanda. Prior to their union in marriage, Esther attended Troy High School and Leo attended New Albany High School. Leo entered the United States Army during the Korean War and in September 1952, he was honorably discharged after serving our country for three years.

The couple was then joined in marriage at 2:00 p.m. on February 1, 1953 at the Monroeton Methodist Church. Reverend Glenn Stewart performed the union and Mrs. Fay Arnold provided the music for the ceremony, "I Love You Truly" and the "Bridal March." The sister of the bride, Mrs. Kenneth Bouse, served as the matron of honor, and Mr. Kenneth Bouse served as the best man. The groom's brother, Stanley Mills, and the groom's cousin, Vern Perry Jr., served as ushers for the ceremony. The Church was decorated with white gladiolas and ferns and the reception was held right there in the basement of the Church.

Following their union, the couple spent their first year of marriage living in Buffalo, New York while Leo worked at Western Electric. The couple then moved back to the Commonwealth of Pennsylvania and built their home on a farm in Sheshequin Township where they raised their six children: Marsha, Connie, Colleen, Lewis, Silas, and Marlene.

Leo and Esther worked together to maintain the farm and the couple raised veal calves as well as dairy cows. In addition to maintaining the farm, Leo worked for many years at Ingersoll Rand in Athens. Esther worked for a number of years at JV Discount in Wysox and later, at Dupont in Towanda.

Both Leo and Esther are proud members of the Towanda American Legion and its Auxiliary and the Northeast Memorial VFW Post 6824 and its Auxiliary. They remain very active in the community and participate in the annual Veterans Appreciation Day Picnic.

Leo and Esther are much beloved by their family that has grown now to include their six adult children as well as eleven grandchildren and six great-grandchildren.

Mr. Speaker, Leo and Esther Mills are now married 58 years. I am proud to rise today in their honor and salute their commitment to one another, their growing family, their community, and our nation.

INTRODUCTION OF THE "END BIG OIL TAX SUBSIDIES ACT"

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. BLUMENAUER. Mr. Speaker, as Congress prepares to consider a draconian continuing resolution next week that will include painful cuts to important programs, I'm pleased to announce legislation that will save American taxpayers almost \$40 billion over the next 5 years.

Right now, Americans are subsidizing some of the largest and most profitable oil companies in the world with their tax dollars.

This bill, the "End Big Oil Tax Subsidies Act," would end 10 of the most egregious tax loopholes enjoyed by the oil industry—tax loopholes that have helped BP, Chevron, ConocoPhillips, ExxonMobil and Shell make a combined profit of nearly \$1 trillion over the past decade.

In the tax code, we currently subsidize oil injection, extraction, exploration, drilling, manufacturing, pricing, and inventory valuing, by creating price floors, offsetting foreign taxes, providing generous credits and deductions, offering tax shelters, and allowing the valuation of inventories at deeply discounted prices.

The well-established and extremely profitable oil industry no longer needs the help of American taxpayers. Their profit margins are enough incentive for them to keep doing what they're doing. As former President George W. Bush said in 2005, "I will tell you with \$55 oil we don't need incentives to the oil and gas companies to explore. There are plenty of incentives."

There are many better ways to spend \$40 billion. It could be used to deficit or stove off

some of the most painful cuts proposed by my Republican friends—such as LIHEAP funds, which help low-income Americans pay their utility bills so they can keep their heat on in the winter.

We could also redirect the subsidies in the tax code to level the playing field for emerging technologies like wind and solar. This is where the jobs are: A University of Massachusetts study found that investment in clean energy creates anywhere from two to four times more direct and indirect jobs compared to the same investment in oil and gas production.

I hope my colleagues will join me in supporting this important legislation.

HONORING WILLIAM FARMER WILSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, one hundred years ago a tenacious man of God was born in Ringold, Virginia, on November 25, 1910; and

Whereas, Mr. William Farmer Wilson graduated from North Carolina State University with a B.S. in Agricultural Education; and served as a Teacher, and Principal; and

Whereas, he served our country in World War II in the Air Force, Retiring as a Lt. Colonel, and received recognition and medals for his heroics in the War, blessing our nation with his outstanding service; and

Whereas, Mr. Wilson has shared his time and talents as a Teacher, Solider and Community Leader, giving the citizens of Georgia a person of great worth, a fearless servant advancing the lives of others; and

Whereas, Mr. Wilson along with his family and friends are celebrating this day, his 100th Birthday, we pause to acknowledge a man who is a cornerstone in our community in Conyers, Georgia, with his wife Ruth, his daughters and grandchildren; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Wilson on his birthday and to wish him well and recognize his outstanding service to the District and the Nation;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim November 25, 2010, as Mr. William Farmer Wilson Day in the 4th Congressional District.

Proclaimed, this 25th day of November, 2010.

INTRODUCTION OF THE DISTRICT OF COLUMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Ms. NORTON. Mr. Speaker, today, I introduce the sixth in our series of bills, "Free and

Equal D.C.," to give District of Columbia residents the self-government and democracy enjoyed by other American citizens. The bill, the District of Columbia District Attorney Establishment Act of 2011, would establish the Office of the District Attorney for the District of Columbia, headed by a district attorney elected by D.C. residents, to prosecute the local criminal laws of the District, now handled by the U.S. Attorney for the District of Columbia, a federal official. The bill effectuates a 2002 advisory referendum, approved by 82 percent of D.C. voters, on the creation of an office of the district attorney, headed by a locally elected district attorney.

There is no law enforcement issue of greater importance to D.C. residents, or on which they have less say here, than the prosecution of local crimes. A U.S. attorney has no business prosecuting the local criminal laws of a jurisdiction, an anomaly from the past that is out of place in 21st century home-rule D.C. The goal of the legislation is to put the District of Columbia on par with every other local jurisdiction in attention to its local criminal laws. Under the bill, the locally elected district attorney would become the city's chief legal officer. The U.S. Attorney for the District of Columbia would continue to handle federal matters, like the other U.S. attorneys in our country. As presently constituted, the U.S. Attorney's Office for the District of Columbia is the largest in the country, only because it serves as the local city prosecutor. The U.S. Attorney for the District of Columbia needs to be freed up to handle national security and other vital federal cases, particularly in the post-9/11 nation's capital.

Amending the District of Columbia Home Rule Act to create a local district attorney would be an important development toward our goal of achieving true self-government. I urge my colleagues to support this important measure.

THELMA BROTZMAN 90TH BIRTHDAY RECOGNITION

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. MARINO. Mr. Speaker, I rise today to honor Mrs. Thelma Brotzman on the occasion of her 90th birthday.

Born Thelma Aileen Green on her family's farm in Auburn Township in Susquehanna County, Pennsylvania on February 3, 1921, Mrs. Brotzman is the daughter of the late Bruce and Edna Green. Mrs. Brotzman began her education in a one-room schoolhouse in Beech Grove and graduated from Laceyville High School in 1938.

On June 25, 1938, she married Mr. Elston S. Brotzman and in 1948, after Mr. Brotzman's service to our nation as a member of the Army Air Corps in World War II, the couple settled in Silvara, Pennsylvania.

Mrs. Brotzman has been an active member of her community. Since 1940 she has been a member of the Silvara Ladies Aid Society and for many years she was a member of the committee for the Oldest House in Laceyville,

a wonderfully preserved monument to our region's people and pioneer past that is regarded as the oldest frame house in four counties. Mrs. Brotzman also planned events for the Oldest House and served as a tour guide. Amongst her friends and family Mrs. Brotzman is also known as a skilled gardener and bird watcher and she is well known in her community from her many years of work at Tyler Memorial Hospital in Tunkhannock.

Most importantly, Mrs. Brotzman is a proud parent, grandmother, and great-grandmother. She is the mother of six children; Tina, Stephen, John, Julie, Jeffery, and Lee. Mrs. Brotzman also adores her 13 grandchildren and 3 great-grandchildren.

Mr. Speaker, it is a great honor for me to rise today to honor Mrs. Thelma Brotzman on the occasion of her 90th birthday. I am proud to have the opportunity to salute her commitment to her growing family, her community, and our nation.

A TRIBUTE IN HONOR OF THE LIFE OF ALLEN R. HUGHES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of Allen R. Hughes, who passed to his eternal life on December 6, 2010 at the age of 101. A caring and committed family man, he blessed us with a century of steadfastness and sweetness.

Like the bee colonies Allen kept, the Hughes house was always a hive of activity. Children, grandchildren, great-grandchildren, cousins and close friends swarmed around Allen, drawn to his good cheer. Allen was always on the move as well. "Sitting under a tree was not for him," Allen's beloved son Rich noted. Allen loved the outdoors, and spent his time raising Shelties and bees, bird hunting and gardening. He was a devoted and active Mason, a pillar of the Nineveh Lodge in Olney. He enjoyed painting the world around him, even as he energetically took part in it.

Allen was blessed with wondrous qualities, with which he blessed us in turn. His selflessness and uproarious sense of humor touched all who met him, and his honesty and incredible work ethic strengthened and sustained his family and community. Few people exercise their hands and their hearts like Allen did. No doubt this was what enabled him to lead such a long, loving and healthy life.

Mr. Speaker, I ask my colleagues to join me in honoring Allen Hughes' full and vigorous life and extending our sincere condolences to his family. He is survived by his wife, Sue Harness Hughes, and her daughters, Jamie and Joyce; his extraordinarily devoted son Rich and Sandy; his grandchildren, Kate, Steve and Kristina; and his great-grandchildren, Lauren, Olivia and Lea. In a century of unprecedented change, Allen was a constant, always there for his family and friends, and the rock of his community. I'm proud to pay tribute to his extraordinary time in this world.

EXPRESSING HOPES FOR A FULL AND SPEEDY RECOVERY TO DEPUTY JOHN ROY STACY AND DEPUTY ANDREW EJDE, WHO WERE INJURED IN THE LINE OF DUTY ON JANUARY 23RD, 2011 IN PORT ORCHARD, WASHINGTON

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. INSLEE. Mr. Speaker, I rise today to speak to the tragic injury and loss of life that occurred in Port Orchard, Washington on Sunday, January 23rd.

Responding to a call of a man with a gun, two Kitsap County Sheriff's deputies were dispatched to a local Wal-Mart. After making contact with the individual, the suspect sprinted away and fired his gun at the deputies. During the encounter there was an exchange of fire, resulting in the death of the armed man and a young woman. In this exchange, both of the Sheriff's deputies sustained gunshot wounds and were transported to a local hospital.

I am very saddened by this incident, and regret the harm that was done to the innocent people involved. Law enforcement officials in this country risk their lives every day so that we may all live without fear of harm, and at moments like these I believe it is important to reflect on the sacrifices that are made by these public servants on our behalf. Deputy John Roy Stacy has been with the Kitsap County Sheriff's Office for 9 years, while Deputy Andrew Ejde has served our community as a Deputy Sheriff for more than 6 years. Both represent the selfless commitment to the safety of their community that we prize in law enforcement officials and members of our armed services.

I would like to send my best wishes for a full and speedy recovery to these brave men who were hurt while protecting our community. They and their families will be in our thoughts and prayers during these difficult times.

HONORING THE THANKFUL MISSIONARY BAPTIST CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, the Thankful Missionary Baptist Church has been and continues to be a beacon of light to our county for the past one hundred twenty-eight years; and

Whereas, Pastor Jack Marks and the members of the Thankful Missionary Baptist Church family today continues to uplift and inspire those in our county; and

Whereas, the Thankful Missionary Baptist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past one hundred twenty-eight (128) years by preaching the gospel, singing the gospel and living the gospel; and

Whereas, Thankful Missionary Baptist Church has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Thankful Missionary Baptist Church family for their leadership and service to our District;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim September 26, 2010, as Thankful Missionary Baptist Church Day in the 4th Congressional District.

Proclaimed, This 26th day of September, 2010.

HONORING POLICE OFFICER DAVID
MOORE

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. CARSON of Indiana. Mr. Speaker, the hearts of Indianapolis residents are hurting right now because we have lost one of our true heroes in public safety. Police Officer David Moore passed away on January 26 after being shot on duty protecting the people of Indianapolis. Officer Moore answered his community's call to service when he joined the Indianapolis Metropolitan Police Department in 2004. Now, Officer Moore is moving on to a higher calling, as difficult as it may be for all of us to see him go.

There's no doubt Officer Moore knew the dangers of police work, as both of his parents were part of the IMPD family. But like so many who wear the badge in communities across our nation, David Moore took an oath to serve and protect others. To run to danger—not away from it. Officer Moore did just that, and our community is better and safer because of his service and sacrifice.

In honor of Officer Moore, let us never forget the daily sacrifices our law enforcement officers make in order to protect our families and neighborhoods. I ask my colleagues in Congress to pay respect to Officer Moore by going back to their districts and thanking their local law enforcement officers for the work they do and the daily dangers they place themselves in to protect us all.

I also ask the American people to join the city of Indianapolis in mourning the loss of this hero. Let us continue to keep Officer Moore's family and the entire law enforcement community in our thoughts and prayers.

INTRODUCTORY REMARKS FOR THE FAIRNESS FOR MILITARY RECRUITERS ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. HUNTER. Mr. Speaker, today, I am introducing the Fairness for Military Recruiters Act, legislation to ensure that America's military recruiters are not denied or unfairly restricted access to high school campuses. Most students on the verge of completing high school undoubtedly think about the future. For some, immediately entering college is an option. Others choose to follow a different path, including taking full advantage of the benefits and educational opportunities offered through military service.

The intent of the Fairness for Military Recruiters Act is straightforward. The legislation simply reaffirms and strengthens existing federal law, enacted in 2002 under the No Child Left Behind, NCLB, Act, providing military recruiters the same access to high school campuses and basic student contact information that is provided to other institutions of higher education.

Before the enactment of NCLB, it was reported that nearly 2,000 high schools across the country either banned military recruiters from campuses or restricted access to student directories. In the years since the implementation of NCLB, despite early opposition from several school boards and administrators, most schools ultimately altered their policies and allowed some form of recruiter access.

Under current law, any high school that receives federal education funding must provide military recruiters access to its campus and student directory—the same access provided to colleges and universities. Schools are also required to notify parents and students of their right to "opt-out," which occurs when a parent or student 18 years of age requests not to be contacted by a military recruiter.

This is a balanced approach to ensuring that students are familiar with the multitude of education and career opportunities offered by any one of the military service branches. Military service promotes discipline and a strong work-ethic. Young Americans should not be discouraged from serving their country or, at the very least, considering the benefits of serving in the armed forces with the assistance of a military recruiter.

The American military is an all-volunteer force. Without patriotic and talented young Americans continuing to step forward, end-strength won't be the only thing adversely affected. So will American security.

Despite the necessity to recruit qualified candidates for the armed forces, there are some school administrators and activist groups who vehemently oppose the idea of military recruiters in high schools. There are reported instances of groups, known as "counter-recruiters," attending parent-teacher conferences and distributing opt-out forms. In one case last year, the New York Civil Liberties Union sent volunteers to stand outside 24 high schools, in the interest of discouraging students from interacting with military recruiters.

Others take a different approach. Amy Hagopian, a professor of Global Health at the University of Washington, who is equally committed to ending recruitment in high schools, wrote an article for the American Journal of Public Health that compares military recruiters with child sex predators. She alleges that military recruiter behavior is "disturbingly similar to predatory grooming."

What an insult to anyone who has ever worn a uniform in defense of our nation, especially those who have made the ultimate sacrifice in defense of freedom. The ultimate goal of Hagopian—who was behind the first successful effort to close the door on military recruiters in high schools—and others who share the same viewpoint is nothing less than a complete, across-the-board prohibition against military recruiters.

Meanwhile, some school administrators have creatively interpreted notification and consent requirements in the interest of limiting campus visits or access to student contact information. There are numerous examples of this occurring, but a recent decision by the San Diego Unified School District, which incorporates several high schools in my congressional district, restricts all recruiters—military and private—to only two visits a year and needlessly complicates recruiter-student interaction.

This decision is in fact consistent with federal law since military recruiters are provided the exact same access as private recruiters. But most private recruiters interface with students far less regularly than military recruiters. Often time, private recruiter interactions are limited to college or career fairs, instead relying on other forms of advertising and outreach. Military recruiters on the other hand have a steadier presence in high schools and, while it is absolutely necessary that these recruiters follow school guidelines and not interfere with individual learning, decisions like this, whether intended or not, are a significant step toward shutting the door on our military.

When it comes to "opting-out," students and parents should make that decision on their own, without undue influence from activists and administrators with anti-military bias. Families that recognize and honor the commitment of our military to defending freedom should not be represented by the small minority of those who actively seek to marginalize or even denigrate the armed forces.

The legislation I am introducing protects the rights of parents and students to opt-out while also maintaining military recruiter access to high school campuses and directories. Schools would still be obligated to notify parents and students of their options, ensuring there is a mechanism in place that prevents contact information from being released.

The alternative suggested by some of my colleagues, in anticipation of the upcoming reauthorization of the Elementary and Secondary Education Act, is to create an opt-in process. In other words, military recruiters would be denied access to student information unless a parent sends in a release authorization form. They question whether the recruitment provision violates a student's right to privacy, even though it's consistent with federal law and court-tested privacy rights. An analysis by the Congressional Research Service

acknowledges this fact, noting that, unlike medical records, the basic information available to recruiters is no different than information "typically found in a phone book."

The Fairness for Military Recruiters Act specifically prohibits the implementation of an opt-in process and clarifies the notification and consent requirement by placing the personal information and career interests of students firmly in the control of parents.

Mr. Speaker, our national security hinges on brave Americans coming forward to volunteer for military service. Restricting recruiter access to high schools would not only reduce the quality and effectiveness of the military, but also constrain the ability of students to consider military career and education opportunities.

REMEMBERING VIRGINIA'S FIRST AFRICAN AMERICAN CHIEF JUSTICE LEROY R. HASSELL, SR.

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. CANTOR. Mr. Speaker, I rise today to honor the distinguished life and achievements of the Honorable Leroy R. Hassell, Sr., former Chief Justice of the Supreme Court of Virginia, who passed away this week at the very young age of 55. While he left us in the prime of his life, his compassion and commitment to justice will leave a lasting impression on the judicial system and the world beyond the bench.

A Norfolk native, he grew up in Broad Creek and attended Norview High School. He graduated from the University of Virginia and earned his law degree from Harvard Law School. He then returned to Richmond where he quickly rose through the ranks to become partner at McGuire Woods, one of Virginia's largest law firms.

After graduating from William and Mary Law School and passing the Virginia bar, I remember when Governor Gerald Baliles nominated him to the Virginia Supreme Court in 1989. At the age of 34, Justice Hassell became the second African American justice on the court after John Charles Thomas. In 2002, his colleagues elected him to serve as Chief Justice, making him Virginia's first African American Chief Justice. Remarkably, he was the first leader of the high court chosen by his peers rather than through seniority. At the time, he was also the youngest serving member of the court.

Chief Justice Hassell always had a great love of law. He was a man of faith and deep personal convictions. He cared deeply about the people of the Commonwealth and was passionate about helping others. He was a tireless advocate for the poor and the mentally ill and fought hard to make the courts more accessible and more equitable.

Mr. Speaker, please join me in remembering Justice Hassell, a lifelong public servant and powerful voice for all Virginians.

A BRIGHTER COMING DAY: REDISCOVERING FRANCES ELLEN WATKINS HARPER

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. FATTAH. Mr. Speaker, this month in Philadelphia, in the midst of Black History Month and on the cusp of Women's History Month, we will be celebrating the centennial of the death of Frances Ellen Watkins Harper—a great and talented woman of our city and our Nation.

Frances E. W. Harper, born September 28, 1825, was a poet, novelist, lecturer, advocate and activist for the towering causes of 19th century America: the abolition of slavery and the freedom of all people, especially her fellow African Americans. She was the contemporary and equal of such figures as William Still, Octavius V. Catto, Lucretia Mott, the Fortens, William Lloyd Garrison and Frederick Douglass (who published her work).

She was a woman of such bravery that she stayed with and comforted Mary Brown, wife of John Brown, in the weeks leading up to his execution. And more: She wrote to John Brown, in a letter addressed "Dear Friend" and smuggled into his jail cell: "In the name of the young girl sold from the warm clasp of a mother's arms to the clutches of a libertine or profligate, in the name of the slave mother, her heart rocked to and fro by the agony of her mournful separations, I thank you, that you have been brave enough to reach out your hands to the crushed and blighted of my race."

To her list of character traits, one rises above all others: Frances E. W. Harper was a fighter.

In the century since her passing, on February 22, 1911, at age 85, Frances E. W. Harper's achievements may have faded in memory for many, but her luster has never dimmed. The lessons and examples of her life have held special meaning for my family and me, and for Philadelphians who honor history while vowing never to repeat it.

Now, in this momentous time, comes "A Brighter Coming Day: Rediscovering Frances Ellen Watkins Harper." A partnership of nearly 20 organizations and foundations, brought together by Larry Robin and the Moonstone Arts Center, will spotlight her achievements with a dozen events across the City of Philadelphia between February 20 and 27.

For the benefit of my colleagues in the House and for all Americans who may be "Rediscovering"—or simply discovering—this amazing woman, here is a primer:

Frances Ellen Watkins was born of free black parents in Baltimore in 1825, orphaned at a young age but raised by an aunt and uncle in comfortable circumstances. Her talents and potential were evident from the start. By age 20 she had published her first collection of poetry, "Forest Leaves." In the 1840s and 1850s, as a young abolitionist, she traveled and lectured widely—and sent the proceeds back home to fund the Underground Railroad.

Soon after moving to Philadelphia, not yet 30 years of age, she refused to give up her

seat on the city's shamefully segregated horse-drawn trolley system. It was an act of defiance and illegality that helped set in motion the ultimate desegregation of the trolleys. A brave and impressive act in any time, this was when slavery was still legal. In 1854, she was "Rosa Parks" a century before Rosa Parks.

Following the Civil War, as a widow raising four children, in a time when even the most dedicated advocates for civil rights for African Americans were cool to women's empowerment, Frances E. W. Harper in 1866 delivered a fierce speech before the National Women's Rights Convention. Then she headed south to spend four years lecturing in Freedmen's schools in the often hostile environment of Reconstruction. Three decades later, still advocating women's rights as well as those of African Americans, she was elected vice president of the National Association of Colored Women.

The writer's muse never left her. In 1892, at age 67, Frances E. W. Harper published the greatest of her three novels, "Iola Leroy."

Throughout her life, Frances E. W. Harper was a pillar of temperance and faith, first at Philadelphia's historic Mother Bethel in the African Methodist Episcopal tradition in which she was raised, and later at the First Unitarian Church of Philadelphia.

The saga of Frances E. W. Harper is a Philadelphia story, and for me, a personal one. It has been the tradition in my family to name the first-born girl Frances Ellen in her honor. And so this great woman of the 19th century has been an inspiration to great women of today—among them my mother, Falaka Fattah, born Frances Ellen, and my daughter, Frances Ellen Fattah, a young lawyer specializing in education issues. My parents, Falaka and David Fattah, have been activists, community organizers and leaders, inspirational figures for generations of young people across Philadelphia. It is fitting that one of the 12 programs of "Rediscovering," to be held on the exact anniversary of February 22, is titled, "Falaka Fattah and the Political Legacy of Frances Ellen Watkins Harper."

On February 20, I will be privileged to participate in the first program in this weeklong series. I will read from the work of Frances E. W. Harper and join my family in the ribbon cutting for her portrait by Leroy Forney, commissioned by and unveiled at the First Unitarian Church of Philadelphia.

This week of tributes will raise Frances E. W. Harper's profile and forever stamp her upon the soul of Philadelphians of good will. The final event will be a graveside memorial at Eden Cemetery, Collingdale, Pennsylvania, where so many of Philadelphia's illustrious African Americans of the 19th and 20th century are interred. One of Frances E. W. Harper's earliest and most acclaimed poems, published in 1858, was "Bury Me in a Free Land."

I ask no monument, proud and high,
To arrest the gaze of the passers-by;
All that my yearning spirit craves,
Is bury me not in a land of slaves.

Frances Ellen Watkins Harper has, indeed, a monument for us to gaze upon: her life's work, her character, an example to finish the work at hand—and in eternal peace, a dream and yearning fulfilled.

EXPRESSING SUPPORT FOR
NORTHWESTERN UNIVERSITY'S
DANCE MARATHON

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise to express my strong support for the Northwestern University Dance Marathon, one of the largest entirely student-run philanthropies in the world.

Created in 1975 by students at Northwestern, the annual Dance Marathon is just one example of Northwestern University's strong commitment to bring the university body together with the nearby community to raise money for a good cause. Last year's Marathon rose over \$850,000 for charity and organizers expect an even bigger amount for this year's charitable recipient, the Children's Heart Foundation.

I would like to thank all the dancers, supporters, and organizers of this terrific event. This year's Northwestern University Dance Marathon, will take place from March 4th through March 6th, 2011. It is a great opportunity to spend time with members of the community on behalf of a great cause.

HONORING DELPHENIA DAVIS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, thirty-four years ago a virtuous woman of God accepted her calling to serve on the DeKalb Community Service Board; and

Whereas, Mrs. Delphenia Davis has served the citizens of DeKalb County as an Advocate for People with Disabilities and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as an Advocate, Teacher and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader and a servant to all who want to advance the lives of others; and

Whereas, Mrs. Davis is formally retiring from the DeKalb Community Service Board today, she will continue to serve those in need because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Delphenia Davis on her retirement from the DeKalb Community Service Board and to wish her well in her new endeavors;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim January 28, 2011, as Mrs. Delphenia Davis Day in the 4th Congressional District.

Proclaimed, This 28th day of January, 2011.

SELECTIVE SERVICE SYSTEM

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on a warm summer morning in 1972 I stood outside of the Military Entrance Processing Station in downtown Denver. I was a volunteer for military service, but many of those around me were conscripts—draftees as they were commonly called. As the line moved slowly forward I listened as many of them rehearsed what they would say once they got inside to convince the Army why they were unfit for military service.

The conscript Army that I joined in 1972 suffered from a fundamental lack of discipline and low morale. By 1976 conscription had ended and the last of the draftees had completed their military obligation—the U.S. Army was now an all volunteer force. Every year since then the Army has improved in the quality of its personnel, training, and professionalism. Today, it is a much smaller force but an extraordinarily elite one.

In late 1979, the Soviet Union invaded Afghanistan and in 1980 President Jimmy Carter sought to demonstrate the resolve of the United States against the Soviet incursion. President Carter asked the Congress to reinstate the Selective Service System. Congress did so, and to this day all males are required by law to register with the Selective Service System within 30 days of their 18th birthday.

However, conscription has not been requested by our military as a viable option during the first Gulf War, the Iraq War, or for Afghanistan—despite periodic shortages of military personnel. And while many draft age males have failed to meet registration requirements, no one has been prosecuted for failure to comply with this law since 1986. We have a requirement on the books that isn't used and clearly doesn't merit enforcement.

The Select Service System was never meant to be permanent. Now, 31 years and over \$700 million later, and with Congress never having given serious consideration to establishing a conscripted force, it is finally time to end the registration requirement and dismantle the Selective Service System.

Today I introduce legislation to do just this. The bill will allow the President, if needed, to reinstitute national registration by executive order. Until then, my bill will end registration. It will do so without negatively affecting our defense capabilities and will save the taxpayers over \$24 million annually. It also releases military personnel currently working within the Selective Service System to more pressing duties on national security, and removes an obviously moribund and outdated program that was never more than a symbolic gesture.

INTRODUCTION OF FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mrs. MALONEY. Mr. Speaker, when the national economy suffers, families face significant financial challenges and pressures—making measures that protect their health and prevent unnecessary job loss more important than ever. Helping families stay afloat in these economic times is critical—even for families of federal employees. That is why I am introducing the Federal Employees Paid Parental Leave Act, which would provide 4 weeks of paid parental leave to federal workers following the birth, adoption, or fostering of a child. Paid leave ensures that a new child does not further destabilize families who are struggling to make ends meet.

The federal government should be a leader in family-friendly workplace policy. As the nation's largest employer, with over 1.8 million employees across the nation—including 85% of those outside the Washington, DC area—the federal government can serve as a role model for other employers.

Nearly ten percent of the workforce is unemployed, and many more are underemployed. Millions of families that once relied on two incomes are forced to survive on one—or none at all. A sharp rise in male unemployment has increased the number of families entirely dependent on a woman's earnings. Without paid leave, the birth or placement of a child means that many working families are left with no income at all coupled with rising expenses associated with a new child.

This bill is a straightforward, cost-effective way to help families while rebuilding a strong national economy. As of January 2011, the United States is the only industrialized nation with no paid parental leave. We are in the company of Lesotho, Swaziland and Papua New Guinea by not offering paid parental leave.

In the 111th and 110th Congresses, this bill passed the House with bipartisan support. I hope that my colleagues in the 112th will support this measure. In a tough economy, parents should not have to choose between a paycheck and caring for a new child.

COMMEMORATING THE CENTENNIAL OF THE WORLD'S FIRST AIRMAIL DELIVERY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate the 100th anniversary of the world's first official airmail delivery, completed by Fred Wiseman on February 17–18, 1911. The private airman's pioneering voyage took him from Petaluma to Santa Rosa, California, a distance of only 14 miles, but a momentous step forward in the history of aviation and the United States Postal Service.

Wiseman was born on a ranch in rural Sonoma County on November 10, 1875, and he grew up fascinated by the mechanics of transportation—bicycles, racecars, and of course airplanes. In the spring of 1910, less than seven years after the Wright Brothers built the world's first successful airplane, one of Wiseman's own projects was already taking to the air. The Wiseman-Peters, as his final pusher biplane design was eventually known, was a local collaboration between Wiseman and a group of fellow aviation aficionados, as well as one of the first planes built in California to fly.

Throughout 1910 and early 1911, Wiseman practiced his flying, even taking part in an early 1911 air race in San Francisco. Then, on February 17, 1911, Wiseman loaded his plane with three letters, 50 copies of the Santa Rosa Press Democrat, and a bag of groceries, and he set out on his flight across Sonoma County. Total flight time was less than 20 minutes, but the journey included two forced landings and ultimately spanned two days. Wiseman's plane flew roughly 100 feet off the ground, reportedly at speeds of up to 70 mph.

Although Wiseman did not continue making airmail deliveries, he did go on to fly in several other air shows in 1911, and his Wiseman-Peters would be redesigned for use in future exhibition flights. In September 1911, the U.S. Postal Service would eventually hire its first official airmail pilot in New York.

Mr. Speaker, I ask you to join me in celebrating the centennial of the world's first airmail delivery. Fred Wiseman's independent spirit and passion for adventure live on in Sonoma County, and we are proud to mark this milestone in our history.

HONORING PASTOR MICHAEL A.
SHINN

HON. HENRY C. "HANK" JOHNSON, JR.
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, Pastor Michael A. Shinn is celebrating nineteen (19) years in Pastoral leadership this year at New World Harvest Church and has provided stellar leadership to the church on an international level; and

Whereas, Pastor Michael A. Shinn under the guidance of God has pioneered and sustained New World Harvest Church as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Pastor Shinn is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Michael A.

Shinn as he celebrates nineteen years on his Pastoral Anniversary;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim September 26, 2010, as Pastor Michael A. Shinn Day in the 4th Congressional District.

Proclaimed, This 26th day of September, 2010.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House chamber on February 8, 2011. Had I been present, I would have voted "no" on rollcall vote No. 26.

CONGRATULATING GIANT FOODS ON ITS 75TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Giant Foods on its 75th anniversary of service to the residents of the District of Columbia and the national capital region.

Throughout its 75 years, Giant, as it is commonly known, has been known for its high-quality food and customer service. Beginning in 1936, when the first Giant opened in the District of Columbia, our city has embraced its convenient neighborhood locations, bargain prices, and quality customer service.

We appreciate Giant's long presence in the District and its continuing service to our city throughout population growth and transportation and infrastructure development here. We are particularly grateful that Giant has always adapted to the ever changing needs of the community, offering pharmacies, BonusCard programs, which come with special product discounts, Peapod, a home-delivery grocery service, and Super Giant, a department store that offers bulk items at reasonable prices.

Giant has become such a focal point and meeting place for residents that my office frequents Giants in the District for my Government-to-Go program, which offers casework services in the community to assist District residents with federal concerns, saving them from having to visit my offices.

Mr. Speaker, I ask the House of Representatives to join me in celebrating the 75th anniversary of Giant Foods.

HONORING THE LIFE OF ALEX SOLA

HON. JERRY MCNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. MCNERNEY. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the life of Alex Sola.

Alex was born on January 18, 1930 in Daly City, California. Alex served in the U.S. Air Force for four years, serving as a crew chief at Tyndall Air Force base in Florida. This posting allowed Alex to proudly serve his country while also pursuing his passion for working on the P-51 Mustang aircraft. After his career in the military, Alex remained involved in the aviation field working as an air traffic controller.

In addition to his love for all things aviation, Alex enjoyed film. He earned a role in the 1987 film "Six Against the Rock," playing a prison guard, and he also made appearances in various TV programs.

Alex passed away January 19, 2011, at the age of 81. He is survived by his daughter Debra, her husband Don, and their two children, Theresa and Sarah. Alex lived a long and eventful life, and I am grateful for his service to America.

I ask my colleagues to join me in honoring the memory of Alex Sola and in sending our thoughts and prayers to his beloved family and friends.

HONORING PASTOR JASPER WILLIAMS, JR.

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, Pastor Jasper Williams, Jr., is celebrating sixty (60) years in preaching the gospel this year and has provided stellar leadership to his church on an international level; and

Whereas, Pastor Jasper Williams, under the guidance and calling of God began preaching and singing the word of God as a child and has transformed over the years as a "Son of Thunder" through his style of preaching and teachings; and

Whereas, from Memphis, Tennessee, to Atlanta, Georgia, he has pioneered and sustained Salem Bible Church, as an instrument in our community which uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Pastor Williams is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Jasper Williams, Jr., as he celebrates sixty years (60) in preaching the gospel;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim August 8, 2010 as Pastor Jasper Williams, Jr., Day in the 4th Congressional District.

Proclaimed, this 8th day of August, 2010.

RECOGNIZING THE VISION OF REPRESENTATIVE JOHN W. WEEKS AND HIS CONTRIBUTION TO THE CONSERVATION MOVEMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. MORAN. Mr. Speaker, I am on the floor today to introduce a resolution acknowledging the 100th year anniversary of the passage of the Weeks Act. This little-known act marks a significant conservation achievement in the annals of this nation's conservation movement. John W. Weeks, a Republican Congressman from the Commonwealth of Massachusetts, was relentless in his efforts to pass this legislation, which authorized the federal purchase of cutover and denuded forestlands in the headwaters of navigable streams for the purpose of conserving the flow of streams and rivers and to restore lands for future timber production. It took close to two years of fierce battle with his colleagues before he succeeded as the Weeks Act cleared Congress on March 1, 1911.

Few of my colleagues may be aware, but at the turn of the 19th century, vast amounts of private forested land in the eastern United States had been ravaged by clear cut logging. In the absence of trees, vast areas of the East were prone to flooding and soil erosion, as well as destructive forest fires. No longer productive, these lands were often abandoned and came into state and local ownership for nonpayment of taxes. To bring these lands back from the ecological brink, Rep. John Weeks introduced legislation directing the federal government to offer states and localities the opportunity to relieve themselves of these nonproductive lands and at federal expense restore them to their former condition.

Today 26 eastern states are home to 52 National Forests encompassing almost 25 million acres. These forests provide significant economic benefits. Not only are the forests recreational sanctuaries, they are also a major contributor in keeping America's drinking water clean. Many eastern municipal water supplies depend on National Forest watersheds and currently \$450 billion in food and fiber, manufactured goods, and tourism depends on clean water and healthy watersheds. In addition, the timber supply managed by the Forest Service provides a significant monetary benefit. The timber resource was almost nonexistent when the federal government purchased the land, but today these lands host an estimated 42 billion cubic feet of growing stock and about 210 billion board feet of saw timber.

With this resolution we recognize and commemorate the vision of John W. Weeks and

his contribution to the conservation movement. Both Republicans and Democrats recognized the importance of federal government in conserving the forests and the water supply for long-term environmental goals. Today I encourage both Congress and the Forest Service to begin a centennial celebration commemorating this major bipartisan accomplishment. Our 52 National Forests in 26 eastern states would not exist today were it not for passage of the Weeks Act of 1911.

I encourage my colleagues to support this resolution.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,098,789,113,781.32

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,460,363,367,487.50 since then.

This debt and its interest payments we are passing to our children and all future Americans.

DEFEND AMERICANS FROM DRUG MANUFACTURERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. FILNER. Mr. Speaker, I recently introduced H.R. 542, the Consumer Protection Act. This bill will repeal the Learned Intermediary Doctrine and allow the American consumer to sue a drug manufacturer directly.

Medications are meant to heal us, but sometimes, something goes horribly wrong, and the medicine that was supposed to make us better, only makes us sicker. When this happens, Americans should be able to hold the drug manufacturers responsible.

However, because of a court precedent called the Learned Intermediary Doctrine, Americans are not able to sue the manufacturers of the drug that harmed them. According to the Learned Intermediary Doctrine, a patient cannot sue the drug manufacturer on the grounds that their doctor (the Learned Intermediary) should be able to warn them about the possible negative side effects.

However, in this day of direct to consumer advertising, so often Americans get their information about medication from the manufacturer's advertising, or off the internet. H.R. 542, the Consumer Protection Act, will repeal the Learned Intermediary Doctrine, allowing the consumer to sue the drug manufacturer directly. If drug manufacturers are able to advertise directly to the consumer, then they must be held responsible when something goes wrong.

HONORING WILLIE AND JOSEPHINE WILDER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, Willie and Josephine Wilder are celebrating fifty years (50) in marriage today in Decatur, Georgia; and

Whereas, on December 23, 1960, because of their union then, our community today has been blessed with a family that has enhanced our district. Mr. Wilder was captain of the football team and Mrs. Wilder was a cheerleader when they married and now, they both are instruments in our community that uplift the spiritual, physical, economic and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God and this phenomenal and virtuous Proverbs 31 woman have given hope to the hopeless, fed the hungry and are beacons of light to those in need, they both have been blessed with two wonderful children, three wonderful grandchildren and three great grandchildren; and

Whereas, Willie and Josephine Wilder are distinguished citizens of our district, they are spiritual warriors, persons of compassion, fearless leaders and servants to all, but most of all visionaries who have shared not only with their family, but with our District their passion to improve the lives of others; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Willie and Josephine Wilder as they celebrate their 50th Anniversary, fifty (50) years in marital bliss;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim December 11, 2010, and December 23, 2010, as Willie and Josephine Wilder Day in the 4th Congressional District.

Proclaimed, This 11th day of December, 2010.

HONORING EVA LASSMAN

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to honor and commemorate the life of Eva Lassman. As a resident of Spokane, Washington for over sixty years, Eva raised three sons in her inspiring likeness. However, Eva's life story was forever altered far before coming to Eastern Washington.

Eva Lassman was born into an Orthodox Jewish family in Lodz, Poland, in 1919. Following Nazi invasion of Poland, at 20 years old, Eva and hundreds of thousands of Jews were confined in the infamous Warsaw ghetto and later moved to the Majdanek concentration camp. Overcoming unspeakable acts of horror—Eva survived for five years in Nazi ghettos and camps before being liberated by Allied Forces in the Spring of 1945. Like far

too many Jewish families, nearly all of Eva's immediate and extended family were murdered in the Holocaust.

Looking for a place to restart her life, Eva accepted the invitation and sponsorship of the Spokane Jewish community for resettlement in Spokane. Despite, initially not knowing English or having jobs, Eva and her husband Walter moved to Spokane where over the next 60 years they would become pillars of the Spokane community. Eva dedicated her entire adult life to what she often referred to as her obligation of survival—educating the world on the atrocities of the Holocaust and why it is so important to challenge hate wherever it may be.

Eva told her story to thousands of elementary, junior high, high school, and college students throughout the Pacific Northwest. It has been said that, the exceptionality of Eva's experience is only paralleled by the exceptionality of her commitment to use that experience in making the world a better place. I could not agree more. To that end, Eva's life work is reflected in the countless awards and recognitions she received including the Carl Maxey Racial Justice Award and the inaugural Eva Lassman Award issued annually by Gonzaga University to honor an individual who has committed her or his life to challenging hate.

As an active Letter to the Editor contributor, Eva's life and work inspired all those who heard her words to lead lives to reject hate and courageously combat evil. Of the 200,000 survivors of the Holocaust that were liberated in 1945, fewer and fewer are alive with each passing day.

Mr. Speaker, Eva Lassman sadly passed away early this week and will be laid to rest tomorrow in Spokane, Washington. I urge all of my colleagues to honor Eva's legacy by continuing to spread her message of respect and tolerance.

A TRIBUTE TO DR. D.E. WARD, JR.

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to a truly outstanding North Carolinian, Dr. D.E. Ward, Jr., of Lumberton, North Carolina. On January 31, 2011, a month after his 90th birthday, Dr. Ward retired from the practice of medicine after 57 years of service to his community, which is also my own hometown. I ask that you join me in recognizing his long and honorable career.

After graduating from Wake Forest School of Medicine, Dr. Ward interned for a year at the Philadelphia General Hospital, and then served our country in the U.S. Navy Reserve. After returning to Wake Forest and finishing his residency, Dr. Ward became a surgeon in Lumberton, where he has remained all of these years. In addition to his professional practice, Dr. Ward has bettered his community in countless ways. He has served with distinction as president of the North Carolina Medical Society and on my Seventh Congressional District Advisory Committee on Medical and Health Affairs.

Dr. Ward volunteered for 22 years as Lumberton High School's football, baseball, and basketball team doctor. He also has been recognized by numerous civic and medical organizations for his contributions, including receiving the Order of the Long Leaf Pine—North Carolina's highest civilian honor—in 2001 and the Wake Forest Distinguished Alumni Award in 2004. His patients (including my late father, who was a fraternity brother of Dr. Ward's in college), employees, and colleagues praise him as courteous, professional, kind, and one of the best doctors and best people they know.

Mr. Speaker, Dr. D.E. Ward, Jr., has practiced medicine in Robeson County for decades and has made our community a better and healthier place. As he closes the final chapter of his career, I wish Dr. Ward and his family well, and may God's richest blessings be upon them. I ask that you join me today in recognition of his impressive career of serving the community.

IN RECOGNITION OF DR. JOSE LUNA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. REYES. Mr. Speaker, I rise today to recognize an outstanding medical professional in my congressional district, who has dedicated his life and profession to helping those who are most in need. Dr. Jose Luna serves as the Chief Medical Officer at Centro San Vicente and is currently the chairman of the El Paso County Hospital District Board of Managers. He is a tireless advocate for those who do not have access to affordable health care, and has committed himself to improving the lives and health of residents along the U.S.-Mexico border. In honor of his work, the El Paso Diabetes Association is recognizing Dr. Luna at their 3rd annual HOPE Ball as an individual who has been an invaluable partner in the fight against diabetes.

The statistics regarding diabetes are staggering. Diabetes is an epidemic affecting nearly 24 million Americans and another 57 million with pre-diabetes. Every 24 hours, 4,100 people in the U.S. are diagnosed with diabetes. In El Paso, as many as one in six people are currently living with diabetes, and many more are unaware that their lifestyle choices are putting them at risk or have already made them pre-diabetic.

It is important that we all understand how diabetes affects us, our families, and our community. Since 1968, the El Paso Diabetes Association has been an invaluable asset to my congressional district by providing personalized services including diabetes management and prevention. The organization's mission is to promote education and early detection, empower people to take control of their health, and increase access to resources, and Dr. Luna, this year's HOPE recipient is dedicated to those goals.

Dr. Jose Luna has been involved with the El Paso Diabetes Association for over 8 years, and has made a significant impact, especially

with the uninsured and medically underserved. His service to the organization and our community is having a positive impact on the lives of El Pasoans and is helping stem this growing epidemic. Dr. Luna is most deserving of this honor, and I applaud his work and dedication to make El Paso a better and healthier place.

Today, I am proud to recognize Dr. Luna and everyone at the El Paso Diabetes Association, and I greatly appreciate their hard work for the betterment of our community.

A LIFE OF SERVICE AND SHARING

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Ms. BROWN of Florida. Mr. Speaker, on behalf of the constituents of the Third Congressional District of Florida and myself we rise now to offer our heartfelt condolences and pay tribute to the life of Dr. Michael Bernard Butler, a humanitarian, healer, life activist and friend.

We are moved and encouraged when recalling the life achievements of this giant in the field of medicine and community and social activism. As a husband and father, we embrace his wife, his foundation for more than four glorious decades, Mrs. M. Jean Clarkson, and their children Brian and Michele. As man for whom education was the key, Dr. Butler received his B.S. Degree from Talladega College in Talladega, Alabama and the degree of Medical Doctor from Howard University, Washington, D.C. Additional studies took him to Frankfurt Hospital in Philadelphia, Pennsylvania and Mercy Catholic Medical Center, also in Philadelphia. These academic and professional accomplishments insured his certification by and admittance to prestigious medical societies, and he was an Assistant Professor at the University of South Florida.

As a man who served his country, Dr. Butler distinguished himself on the field of battle in the Vietnam War with his service to and for the physical health and morale of those in his charge. He distinguished himself as a fine Naval Officer who valued his service to others and extended that service to other international theatres of need.

As a community activist, he gave of himself and his talents to benefit both the individuals and the many organizations he served. From the American Cancer Society to the Seminole County Rotary Board, the YMCA, the United Negro College Fund, Kappa Alpha Psi Fraternity, Inc., NAACP and was a founding member of the Sweetwater and Heathrow Country Clubs. These and many other civic activities were distinctive and the accolades received for all his good works from many were prolific and countless.

And as a man of integrity, Dr. Butler was both gifted and inspiring. Where he saw pain, he sought to relieve it with medical acumen and personal interaction; where he saw potential in others, he gave them impetus and encouragement; where he saw despair, he brought direction and promise; and where he saw the need for love and caring, he gave of himself.

The life of Dr. Michael Bernard Butler was one of accomplishment, service and sharing. And now in his passing we pay tribute to the man and his life of service to all of us, and we pray that by his example each of us become the bearers of his legacy of caring. We come now to join in prayer for mother Janie Bell Butler, wife M. Jean Clarkson Butler, son Brian Butler, daughter-in-law Cathy Brown-Butler, daughter Michele Butler, two grandsons Michael James and Andrew, sister Judy Butler Rivers and husband Nathaniel, sister-in-law Rogena Butler and a host of loving relatives, friends, whose lives have been forever changed by this man of peace. We thank Our Heavenly Father for allowing us to be blessed with the time spent with Dr. Butler, our friend and brother.

HONORING PASTOR WOODROW
WALKER II

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, Pastor Woodrow Walker II is celebrating fifty (50) years in preaching the gospel this year and has provided stellar leadership to his church on an international level; and

Whereas, Pastor Woodrow Walker, under the guidance and calling of God began preaching the word of God as a child and has transformed over the years; and

Whereas, he has pioneered and sustained Abundant Life Church, as an instrument in our community which uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Pastor Walker is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Woodrow Walker II as he celebrates fifty years (50) in the ministry;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim October 29, 2010, as Pastor Woodrow Walker II Day in the 4th Congressional District.

Proclaimed, This 29th day of October, 2010.

RECOGNIZING THE CONTRIBUTIONS
OF MR. ALAN MACNOW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. RANGEL. Mr. Speaker, it brings me great sadness to pay final tribute to Mr. Alan Macnow. He died peacefully on December 25,

2010, after a long and courageous battle with COPD. He was 78.

He was born in 1932 in New York City to Rose and Maxwell Lawrence Macnow, and married Yoko Hamada Macnow, a New York-based fashion editor, author and journalist. They remained married until her death in 1993.

A lifelong resident of New York City, Mr. Macnow attended and graduated from Columbia University, and then he served in the U.S. Army before becoming a freelance journalist for Time-Life Magazines. He began his career in public relations as a writer for the American Heritage Foundation, and then worked at Grey Advertising, Inc., before forming his own public relations, marketing and market research firm, Tele-Press Associates, Inc.

He introduced and helped to bring to the U.S. market a wide range of Japanese products, initially as part of the effort to promote trade and positive relations after his service in the United States Army during WWII, and afterward to help to change the image of Japanese products from low cost to high quality, good value products. These included steel, Toyota automobiles, fireworks, transistor radios, shiitake mushrooms, and nori. He was instrumental in developing the U.S. market for Japanese cameras and cultured pearls.

Mr. Macnow worked tirelessly and passionately to promote greater understanding and more equitable treatment for Japan's fishing and whaling industries in U.S. and international waters. In 2001, he was awarded the Order of the Sacred Treasure by the Emperor of Japan for his long and meritorious service to Japan. He was also awarded a Certificate of Commendation from the U.S. House of Representatives on August 2, 1984.

He loved New York City, and he loved to travel. He visited many countries around the world and was interested in history and fascinated by different cultures.

He is survived by his beloved wife, Grace; his son, Devin, and grandson, Max; and daughter, Didi, and granddaughters Asia and Lena. He also leaves a step-daughter, Duoduo, and her husband, Tse. He is survived by his brother, Donald and wife, Georgie, and a niece and nephew.

A TRIBUTE TO PRIVATE FIRST
CLASS AMY SINKLER

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. MCINTYRE. Mr. Speaker, two weeks ago, General David Petraeus designated our troops in Afghanistan part of the "New Greatest Generation." I agree wholeheartedly with the General's words, and rise today to pay tribute to one of those great American heroes, Private First Class Amy Sinkler, of Chadbourne, North Carolina. On the morning of January 20, 2011, Amy lost her life while defending our Nation in Afghanistan during an attack by insurgents. I ask that you join me in honoring her memory and service as we mourn this tragic loss.

A native daughter of Chadbourne, Amy had always expressed her desire to serve her

country. Amy graduated from West Columbus High School in 2006. While in high school, she participated in the Junior Reserve Officers Training Corps to prepare for a career in the Army, which she joined in August of 2009. After training at Fort Leonard Wood in Missouri, Amy joined the 109th Transportation Company, the "Rough Riders," stationed at Fort Richardson in Alaska. She began serving in Afghanistan in July 2010, and she was sadly taken from us just six months into her first tour of duty. Amy was only 23.

Amy will be sorely missed by her family and friends. She was the daughter of Randolph and Jackie Bullock Thompson and a sister to four siblings, Britney, Sharonda, Sabrina, and Randolph Jr. She was the loving wife of Douglas Sinkler, her high school sweetheart, with whom she made her home. Her grandparents were Roosevelt and Irene Thompson and Raleigh Early and Juanita Bullock. Amy touched countless lives by serving as an admirable example of selfless service. She was so admired by her family, friends, and community, in fact, that hundreds of people attended vigils in remembrance of her. Amy's funeral on January 30, 2011, was one of the largest ever held in Columbus County, with over 1,000 people coming to pay their respects to Amy and her family.

Mr. Speaker, it has been said that a person demonstrates greater nobility in war than in peace. Amy Sinkler's inspirational life and service to our country prove this to be true, and we will always remain in awe of the life she lived. May God bless her family, and may we always remember the life of Private First Class Amy Sinkler.

SUPPORT AMERICA'S BORDER
COMMUNITIES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. FILNER. Mr. Speaker, I recently introduced H.R. 543, legislation to include certain Department of Homeland Security facilities, such as ports of entry, under the Payments in Lieu of Taxes, PILT, program.

Since 1976, communities have received payments from the Interior Department's PILT program to help offset losses in property taxes due to nontaxable Federal lands administered by the BLM, the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service.

However, all along our Border, communities are not reimbursed for land that the Department of Homeland Security uses for ports of entry. The community often provides resources and services to these facilities without reimbursement from the government. My bill, H.R. 543 provides support for these communities.

H.R. 543 amends existing law to include certain Department of Homeland Security facilities, such as ports of entry, under the PILT program. Providing access to these payments will help these communities with the important work they provide along our borders.

HONORING ERICA LYNN CRUMP

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, today I rise to pay tribute to my constituent Erica Lynn Crump of Walton, Kentucky who passed away suddenly on December 28, 2010.

Erica worked as a clerk for the I.R.S. and was a member of Erlanger Baptist Church. Not only did she serve others through her work and church; she also gave back as a dedicated and passionate volunteer for the Republican Party, the Republican Women's Club, numerous campaigns and other conservative political causes.

She considered volunteerism her niche in life. She loved the responsibility it gave her, the opportunity to learn and make a difference—and she loved the people with whom she worked.

More importantly, Erica was a mother. She cared for and unconditionally loved her daughter Grace.

Her commitment to her daughter, family, friends and community will be greatly missed. Erica's example is inspiring to all those who serve others.

Today, as we celebrate the life and accomplishments of this exceptional individual, my thoughts and prayers are with Erica's family and especially her daughter Grace. I share in their sadness, and pray that God's peace will comfort them in their time of need.

CELEBRATING THE CENTENNIAL ANNIVERSARY OF THE NEW YORK BRANCH OF THE NAACP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the Centennial Anniversary of the founding of the New York Branch of the National Association for the Advancement of Colored People.

On January 27, 1911, 100 years ago, the New York Branch of the NAACP received its Charter. Organized by Executive Committee members Mary White Ovington, Charles H. Suddins, Frances Blascoer, Oswald Garrison Villard, Gilchrist Stewart, Joel E. and Arthur Spingarn, the New York Branch was the first Branch established in the National Association's history.

In April 1911, Dr. W.E.B. DuBois proposed that the Branch should have an investigator and organizer to examine cases and complaints, to raise funds and develop a "forum for discussion." Gilchrist Stewart, a young attorney, was chosen to fill this role and become Chairman of the New York Branch Vigilance Committee. In the fall of 1911, the Branch opened in Harlem where "colored people could report any cases of injustice before the law." During the first six months, three cases were handled involving police brutality, which led to the trial and suspension of one police officer.

The New York Branch had successful campaigns to break up the pattern of theatre segregation. Despite these activities, the Branch was adversely affected by a lack of stability. In December 1913, the Board decided that the New York Vigilance Committee be reorganized and focus on fundraising for the National Association. The legal work handled by the Vigilance Committee was transferred to the National NAACP office, which by then had a full-time lawyer.

At one time, the New York Branch became inactive, and when the NAACP Annual Report was published in 1916, the Branch was not listed. According to historian Charles Flint Kellogg, the original charter had been lost. Since there was no record of its date of issue, a new charter had been issued on November 11, 1917, when James Weldon Johnson succeeded in organizing a Harlem Branch and became its Vice President. That same year, Ms. Mary White Ovington secured approval from the NAACP National Board to enroll those individuals who participated in the 1917 Silent March on 5th Avenue. Each individual received a compensation of \$1 while serving as a member of the branch for the duration of 1 year.

During the fall of 1931, the New York Branch reverted back to an inactive status, and the NAACP National office enlisted Field Organizer Daisy Lampkin to conduct a membership campaign which ended on October 2, 1931. As a result of the campaign, 500 new members were enrolled and \$3,323.00 was raised. As a result, the Branch was reorganized and granted a renewed charter on November 9, 1931.

In addition to Dr. Annie B. Martin, the New York Branch has had several distinguished activist and civil right leaders to serve as President during its history, including: James E. Allen who later helped to organize and become the first New York State Conference President; the Honorable Ella Josephine Baker, who was one of the visionaries who created the Southern Christian Leadership Conference in 1957; the Honorable Judge Jawn Ardin Sandifer was one of two NAACP staff lawyers who successfully argued *Henderson v. United States*, the unanimous Supreme Court decision ruled that railroads that operate across state lines may not bar passengers from eating in dining cars because of their race.

It also includes two of my dearest friends and brothers, the Honorable Basil A. Paterson, former Secretary of the State of New York and renowned national labor attorney; and the Honorable Percy Ellis Sutton, our former Manhattan Borough President, civil rights attorney, business leader and founding Chairman of the Board of the largest black-owned radio stations in the nation, Inner City Broadcasting, Inc. Other past Presidents who served include Russell Crawford, Lind H. White, I. Joseph Overton, Richard A. Hildebrand, Jeff L. Greenup and Carl Lawrence.

Today, the New York Branch has been one of the largest leading membership Branches of the NAACP. Led by its President, Dr. Annie B. Martin, the New York (Harlem) Branch is continuing to work steadfastly on the front lines of the fight for justice. The Unit played a prominent role in the "Overground Railroad" dem-

onstrations over voter registration concerns, started a Saturday program to help students develop study habits, and held legal redress forums, community health fairs and civic engagement activities.

OPPOSING THE REPEAL OF THE AFFORDABLE CARE ACT

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. CICILLINE. Mr. Speaker, America is the strongest Nation in the world, we hold our freedoms sacred—and we have fought to protect these freedoms for centuries, and many have paid the ultimate sacrifice. Yet, there is a great and impending threat to that strength and freedom, a threat that imperils millions of Americans—the repeal of our Nation's Health Care Reform.

As a new member of this Congress, protecting Health Care Reform is the first line in the sand. I was sent to Washington to fight for Rhode Islanders. As I have heard loudly over the past year, and witnessed first-hand as a Mayor for the last 8 years, families in my state have spent enough time awake at night worrying about where they'll find work, or the security of their current job. I will not support any action that places an additional burden on the people of Rhode Island. I will not have them lie awake at night, now having to once again worry that they will lose their health care when they need it most, or wondering how they'll pay for this month's prescriptions, or whether their child will be denied coverage because of a pre-existing condition.

Just yesterday I had the privilege of hearing from a Rhode Islander, Alex Lataille, who spoke at the one and only hearings Congress had, to discuss the negative effects of repealing the new health care law.

Alex graduated last May with two bachelor's degrees, and while looking for a job after graduation, he is able to afford health insurance because he can stay on his parents' policy. Repealing this law means Alex and millions of Americans will lose their coverage.

Recently while having breakfast in Woonsocket, Rhode Island, I met a young woman named Beth. She said she was going to be a constituent of mine, and she had only one request. For years she had been, and remains, an insurance sales agent. But for as many years, she has been denied access to health insurance because of a pre-existing condition. Each and every day served as a painful reminder that while she was selling insurance to others, she was being denied the very same coverage. As someone well attuned to the health care industry and the Affordable Care Act itself, this young woman knew that health care reform meant hope, provided certainty, and would finally allow her to get the access to affordable health care she would need—relieving her of years of fear and anxiety. She asked for my commitment to defend health care reform.

The Affordable Care Act establishes a Pre-Existing Condition Insurance Plan—one that

would provide new coverage options for Americans like Beth until 2014, when, finally, all discrimination against Americans with pre-existing conditions will be prohibited. Recently I also had the opportunity to speak with Susan, a mother of five from Rhode Island. Susan and her husband Ed are both middle-income earners. Recently their two sons, age 22 and 23, graduated from college. Both sons found entry level work, but neither receives health insurance from their employers. Under the current law, both sons will be eligible for coverage under their mother's health insurance plan when it renews in eight months. Susan went on to tell me that it would cost her more than \$600 per month to provide coverage to her sons through COBRA. She said that with three children still at home, and despite the fact her and her husband are employed, they cannot support the added expense beyond eight months.

With repeal of the Affordable Care Act, the temporary gap that Susan and her family face would become a permanent gap. We are sending a deplorable message to Americans, and indeed the world, if we abandon hard working men and woman like Susan and Ed, and let their two sons—both college graduates, both duly employed, go without health coverage until they find jobs that provide health insurance.

I come to this Congress to help bring common sense solutions to complex problems. When I look at the impact of repealing the Affordable Care Act, I think about the struggles of Alex, Beth and Susan, Ed and their two sons. I think about the number of Rhode Islanders who will once again find themselves saddled with greater financial burdens. I think about the many men, women, and children of my state who will once again face uncertainty over something as fundamental as their own health and well-being. When I think about these consequences, it is common sense, and an understanding of the struggles faced by so many Rhode Islanders that compels me to object so strongly to this proposed repeal.

I was sent here to find practical solutions to solve the problems facing Rhode Island families. Let's work to improve this law, not repeal it.

CONVEYANCE OF SUBMERGED LANDS TO THE NORTHERN MARIANA ISLANDS

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE NORTHERN MARIANA ISLANDS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. SABLAN. Mr. Speaker, today I am introducing H.R. 670, a bill that will give back to the people of the Northern Mariana Islands three miles of submerged lands surrounding our islands.

Exactly two years ago, I introduced the same bill, which was H.R. 934. The bill was lauded by the leaders of the Commonwealth Government and the Legislature. The bill received wide support from both sides of the aisle and in fact was unanimously passed by the House on July 15, 2009. The bill was also

approved by the Senate Energy and Natural Resources Committee in May 2010. The bill was made part of Senate Majority Leader REID's The America's Great Outdoors Act of 2010, which was introduced in the closing days of the 111th Congress. However, the Senate did not act on Senator REID's omnibus lands bill because of many competing priorities.

But allow me to explain why this bill is crucial to the people of the Northern Mariana Islands and why it has received such wide support. The Northern Mariana Islands is the only U.S. jurisdiction that does not have ownership of the submerged lands three miles off its shores. We have been a Commonwealth under a permanent Covenant with the United States since 1976. For thousands of years, the Chamorro and Refaluwasch people farmed the land and fished the seas. However on February 25, 2005 the people of the Mariana Islands were shocked to discover that the waters and the submerged lands below them did not belong to them. But that they were the property of the United States of America, as concluded by the Ninth Circuit Court of Appeals. In the same breath, the Court recognized the integral connection between the land, water and my people. The Court pointed out that Congress can return these lands back to the people of the Northern Mariana Islands. H.R. 670 does exactly that.

I want to thank all those Members who are original cosponsors of this bill and I ask that my colleagues support H.R. 670.

ROBERT H. RAWLINGS

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. TIPTON. Mr. Speaker, It is my sincere privilege to rise and pay tribute to the lifetime achievements of Robert H. Rawlings, a man whose personal compass has guided him to business success, philanthropic accomplishment, and given him a deep conviction for civic duty. For all of this Mr. Rawlings will be the recipient of the Distinguished Eagle Scout Award from the Rocky Mountain Council and The Boy Scouts of America. In receipt of this prestigious honor, Robert Rawlings joins an exclusive fraternity whose roster includes Secretary of Defense Robert Gates and President Gerald Ford.

This Las Animas, Colorado, native is most prominently known for his successful ownership and editing of The Pueblo Chieftain, Southern Colorado's most circulated publication. This alone merits recognition, but Mr. Rawlings' accomplishments are far more reaching than simply owning and editing a newspaper. Mr. Rawlings admirably served his country in World War II as a member of the Navy in the South Pacific. Then he endeavored to become the newsman he is today. As his newspaper career began to flourish, so did Mr. Rawlings ability to give back to Southern Colorado. The size and scope of his community involvement has been immense; ranging from the financing and leadership behind the Robert H. Rawlings Outdoors Sports Complex

to co-founding of the Pueblo Economic Development Corporation. Mr. Rawlings has also made notable contributions as president of the Colorado Press Association, Colorado Associated Press, Colorado Bar Press; he has been involved with the Robert Hoag Rawlings Public Library, served as chairman of The Pueblo Medal of Honor Committee, and has worked to establish a water district to help preserve Arkansas Valley water. This may sound like an incredible list of accomplishments, but it only scratches the surface of what Robert H. Rawlings has been able to do for Southern Colorado, and our nation.

Mr. Speaker, I cannot think of man more deserving of this esteemed honor than Mr. Robert H. Rawlings.

LARSEN CRITICIZES MAJORITY PARTY FOR FAILING TO PROPOSE A JOBS PLAN

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. LARSEN of Washington. Mr. Speaker, I rise today to speak in support of investing in our nation's infrastructure to create good, family-wage jobs.

The American people want Congress to focus on growing jobs and getting the economy back on track.

But the new majority has failed to present any plan to tackle our economic problems or create new jobs for Americans left struggling in the wake of the economic recession.

Of course oversight is important. In fact, the Democrats conducted 1,400 oversight hearings in the 110th Congress. But let's not waste two days debating something we are already doing while the American people need us to focus on jobs and the economy.

We need a jobs plan now that will invest in our infrastructure so we can rebuild our nation's crumbling roads, bridges, highways and railroads to keep our economy moving and create good jobs in our communities.

As a member of the Transportation and Infrastructure Committee, I am committed to improving and enhancing our infrastructure so we can expand our workforce and maintain U.S. economic leadership in the world.

I urge my colleagues to oppose this misguided effort and direct our attention instead to policies that will get our economy moving and create jobs.

TRIBUTE TO DR. CHARLES B. JACKSON, SR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a ministerial wunderkind who at the age of 58 has led his home church for a remarkable 40 years. Dr. Charles B. Jackson, Sr., is the spiritual leader of Brookland Baptist Church and a community leader in the Columbia, South Carolina metropolitan area. I am

proud to call Dr. Jackson a dear friend, and acknowledge that he has presided over some very important events in my life, including the marriage of my youngest daughter, Angela.

Charles Jackson is a product of West Columbia, South Carolina, and attended the local public schools. Even from a young age, there was no doubt the path that his life would take. At the age of nine, Dr. Jackson responded to the call to preach. The next year he was licensed, and at age 12 he became an ordained minister. At the age of 18, when most young men are searching for a direction in life, Dr. Jackson was installed as the Pastor of his home church—Brookland Baptist Church of West Columbia.

At the time he officially took over the ministerial leadership of the church, he was also a student at Benedict College. Despite the demands of his chosen career, he graduated *Magna Cum Laude* with a Bachelor of Science degree in Mathematics. As a dedicated student, he received the Distinguished Mathematics and Physics Award for achieving the highest academic average in those disciplines.

Dr. Jackson continued his studies by attending the Interdenominational Theological Center of Morehouse School of Religion in Atlanta. He graduated with honors in 1977 with a Master of Divinity. He was also awarded the Distinguished Board of Directors Award for High Academic Achievement. In August 1978, Dr. Jackson completed one year of certification of residency in Clinical Pastoral Education at the South Carolina Academy for Pastoral Education. He has received Honorary Doctor of Divinity Degrees from Morris College in Sumter, South Carolina, and from his alma mater, Benedict College.

During his 40 years at Brookland Baptist, the church has grown exponentially. As one of the fastest growing churches in the state, Brookland Baptist offers 65 ministries, a full-service Federal Credit Union, the Brookland Foundation—a charitable 501(c)(3)—the Brookland Center for Community and Economic Change, the Brookland-West Columbia Community and Housing Development Corporation, and the Brookland Community Pediatric Center, which is a collaborative effort with the Eau Claire Cooperative Health Center.

Nearly 12 years ago, Dr. Jackson led his growing congregation to a new 2300-seat sanctuary. In addition to the beautiful new church, Brookland Baptist also opened a

68,000 square-foot Community Resource Center in September 2005, which houses an Academy Child Development Center, a Health and Wellness Center, and a Banquet and Conference Center. In 2008, the board of Lexington School District Two awarded Brookland Baptist the building that once housed the former Lakeview/Northside School. This 94,000 square foot educational facility on 11 acres of land will be converted into the Brookland-Lakeview Empowerment Center. As a result of the church's Economic Empowerment Initiative, over 160 people are employed in Brookland's ministry.

Due to the tremendous growth in the church family, Dr. Jackson opened a second campus of the church. Brookland Baptist Church Northeast opened on October 5, 2008, and Dr. Christopher Leevy Johnson was installed as the Campus Pastor. He has also expanded his ministry overseas. Dr. Jackson has partnered with Providence Baptist Church in Liberia to provide a weekly radio broadcast in that African country.

Dr. Jackson held and still holds membership in a number of denominational, civic and community organizations. He is a former president of the South Carolina Baptist Congress of Christian Education and the Gethsemane Baptist Congress of Christian Education. He is also Past Moderator of the Gethsemane Baptist Association. Dr. Jackson is a member of Kappa Alpha Psi Fraternity, Inc., Golden Square Lodge #283, NAACP, 100 Black Men of Greater Columbia, Inc., and the Cayce-West Columbia Rotary Club.

He serves on the Board of Governors for the Capital City Club, the Board of Directors of the Fellowship of Christian Athletes, the Board of Trustees for Morris College in Sumter, SC, the Board of Directors for Morehouse School of Religion in Atlanta, the Board of Visitors for the University of South Carolina and is the Chairman of the Distressed Areas Task Force for New Carolina.

His honors include: the 1995 Affirmative Action Award from the Black Faculty and Staff Association of the University of South Carolina; the Lincoln C. Jenkins Achievement Award for Economic Empowerment by the Columbia Urban League; the Whitney M. Young, Jr., Service Award by the Boy Scouts of America, the Distinguished Service Award by the Greater Columbia Community Relations Council (2004), West Metro Chamber of Commerce

Citizen of the Year (2005), Lifetime Achievement Award by the 100 Black Men of Greater Columbia, Inc., and the March of Dimes African American Achievement Award (2006).

He has preached revivals throughout the United States and delivered lectures at more than fifteen colleges and universities. In observance of his 30th anniversary as Pastor of the Brookland Baptist Church, Governor Jim Hodges awarded him the Order of the Palmetto, which is the highest honor that the State of South Carolina confers upon its citizens.

Dr. Jackson is married to the former Robin Hoefer, and is the father of two children, Reverend Charles B. Jackson, Jr., pastor of the New Laurel Street Baptist Church in Columbia, SC, and Candace, a graduate of Duke University School of Law, and an associate of Nelson Mullins Riley & Scarborough LLP. A daughter-in-law, the former Iva Gaymon and four grandchildren Kayla, Charles III, Caleb and Carter.

Mr. Speaker, I ask that you and my colleagues join me in congratulating Dr. Charles Jackson, Sr., on his extraordinary 40 years in the ministry. We are extremely fortunate that Dr. Jackson is still in the prime of his career, and we can look forward to many more years of his growing ministry and his dedicated service. He embodies the admonition of our Christian faith to do "good works." His ministry has touched countless lives over the past 40 years, and he deserves our commendation.

PERSONAL EXPLANATION

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 10, 2011

Mr. CICILLINE. Mr. Speaker, on January 25, 2011, I was listed as "not voting" for House Resolution 49, to provide Capitol-flown flags for recipients of the Medal of Honor. I intended to vote "yea" on this resolution, as I support the provision of flags flown over the Capitol for those who receive the Medal of Honor. I also wish to express my appreciation for Staff Sergeant Salvatore A. Giunta for his valiant and courageous service to our country.

HOUSE OF REPRESENTATIVES—Friday, February 11, 2011

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our fortress and source of freedom, You are always attentive to our pleas. We need to be more attentive to Your response and Your commands. Or we are left to ourselves.

You are loving with those who love You. With those sincere, You show Yourself to be sincere. With the cunning, You can undo their cunning.

So shed Your light upon the House of Representatives; that step by step, in a unified effort, we may build a society where stability and creativity will flourish and we may even glimpse Your glory, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. ALTMIRE) come forward and lead the House in the Pledge of Allegiance.

Mr. ALTMIRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side of the aisle.

PROPOSED BUDGET CUTS

(Mr. RIGELL asked and was given permission to address the House for 1 minute.)

Mr. RIGELL. Mr. Speaker, when future generations look back at the 112th Congress, they should be able to remember us as the Congress that made the tough decisions that got our economy back on track and restored America to greatness. That's why I fully support the commitment to cut at least \$100 billion from the President's budget. We're a country that is over \$14 trillion in debt, which is placing every American, regardless of political party, at serious and increasing risk.

We're borrowing more than 40 percent of what we're spending, and my 2-year-old grandson is already \$45,000 in debt. And to say that our spending is simply unsustainable, that doesn't quite capture in my mind the gravity of our situation.

To meet the deep obligation that we have to pass on to the future generations the blessings of liberty and freedom, we must act now and act decisively. That's why I'm here this morning to emphatically ask that this Congress, in this session, works together to find our way to \$100 billion in cuts.

PROPOSED BUDGET CUTS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, the new Republican proposal to eliminate all funding for the many services provided by organizations such as Planned Parenthood are not merely anti-choice, they are also anti-health, anti-woman, and anti-poor.

The Republican proposal would eliminate the title X family planning which gives millions of American women access to primary and preventive health care. These budget cuts would deny crucial health services and cancer screening just to women. Their proposal would set up insurmountable cost barriers to family planning, just for the poor.

Their vision of smaller government would expand the government's power over a women's choices. It is wrong, it is shortsighted, and it is unjust.

Let's turn to the business of creating jobs and economic opportunity and away from the business of ruling other people's lives.

MILITARY TRIBUNALS FOR TERRORISTS ACT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, I recently introduced legislation that ensures that foreign terrorists are tried in military courts instead of civilian courts like common criminals. Attorney General Holder originally wanted some terrorists, including the mastermind of 9/11, to be tried in a New York City courtroom. This proposal was soundly rejected on a bipartisan basis. My bill solves this problem.

The Military Tribunals for Terrorists Act requires terrorists to be prosecuted and sentenced before military courts. This is the appropriate judicial review for terrorists who kill innocent men, women, and children. Classified intelligence may be made public if terrorists are given access to trial in public courtrooms.

I urge all my colleagues to cosponsor this important legislation.

CONGRATULATING THE GREEN BAY PACKERS ON WINNING SUPER BOWL XLV

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, I rise today to fulfill my side of a friendly wager with my good friends in the Wisconsin delegation to commemorate the Green Bay Packers on winning Super Bowl XLV.

Quarterback Aaron Rodgers was flawless, throwing for more than 300 yards and three touchdowns without an interception to earn Super Bowl MVP honors. And despite playing much of the game without injured stars Charles Woodson and Donald Driver, the Packers never trailed, and ended their season by winning the trophy named after the franchise's most storied coach, Vince Lombardi.

In winning Super Bowl XLV, current Packer coach Mike McCarthy, a Pittsburgh native, led Green Bay to its 10th NFL championship, the most of any NFL franchise since the league first initiated a playoff system in 1933. Again, I offer my congratulations to the Green Bay Packers.

THE FEDERAL POLAR EXPRESS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the President announced to this Congress that he would freeze all domestic spending. But this week we heard the administration say it wants to spend billions of dollars for more high-speed rail. And that's not all. The administration wants to give wireless to everyone in the country at taxpayer expense.

It sure would be nice for all Americans to ride on fast choo choos throughout the fruited plane while reading the news on their wireless iPads, but the country's out of money. Our national debt has risen over \$1.7 trillion since last year.

We need to focus on getting ourselves out of this crisis by cutting spending, not more spending. Ask the 44 million people living under the poverty level if they want their taxes to go to the administration's Federal Polar Express.

We need to cut spending, cut borrowing, cut the taxes, and cut the size of government. We are long overdue to stop subsidizing the government's special projects for its special people with money that does not exist.

And that's just the way it is.

REMEMBERING VICTIMS OF THE KLEEN ENERGY SYSTEMS EXPLOSION

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Madam Speaker, this past Monday marked the 1-year anniversary of the disaster at the Kleen Energy Systems power plant in Middletown, Connecticut. That blast claimed six lives and injured dozens of others last February. It could have been prevented. Unsafe pipe cleaning procedures and poor ventilation helped ignite a basketball arena's worth of natural gas in an explosion that could be heard across a 30-mile radius in central Connecticut.

One of the six plant construction workers who lost their lives that day hailed from Thomaston, Connecticut, in my district, Peter Chepulis. And as we look back at the terrible events of February 7 last year, it's up to us to honor Peter's memory and those who died alongside him by ensuring that disasters like this never happen again. The cost of powering our homes and businesses should never be measured in lives. Industry and government alike failed Peter that cold winter morning, and we have much work ahead of us to right that wrong. While those who lost loved ones in Middletown a year ago will never be made whole again, we owe them our diligence and our best work to make sure that it never happens again.

□ 0910

REPUBLICAN BUDGET CUTS

(Mr. SCOTT of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Madam Speaker, last year we passed a 2-year \$850 billion tax cut bill with the benefits skewed toward millionaires; \$24 billion of that was a bonus reduction in taxes on estates of multimillionaires over and above the generous reduction that most had expected. When the bill passed, many of us asked how we were going to pay for it. Well, now we know.

This week, the Republican majority released a list of spending cuts, and look how we are going to pay for it: cuts in heating assistance for low income families, job training programs, National Institute for Health, NASA research, community health centers, and women, infant and children's nutrition programs.

Madam Speaker, the worst part is that the savings from the 70 programs slated to be cut only total \$23 billion, less than the cost of the bonus estate tax changes for dead multimillionaires, a long way from the \$100 billion demanded by the tea party, nowhere close to paying the \$850 billion tax cut bill, and it doesn't fix the long-term structural imbalance in the Federal budget. Madam Speaker, that's not right.

LOOK BEFORE YOU LEAP

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Madam Speaker, I rise with serious concerns with the lack of debate in this House.

I was taught growing up that there is a right way and a wrong way to do things. The right way is to look before you leap. We are not today looking at the consequences of our actions. Reckless cuts are as dangerous as reckless spending.

While the Democrats talk about creating more jobs, the other side talks about the race to the bottom in fiscal cuts. Think about it. You can't create jobs by removing the foundation that creates an educated workforce. Cutting access to education won't create more jobs. Cutting job training won't create a more competitive workforce. Cutting social safety nets won't save lives.

Not having hearings on the impacts of our cuts is not a smart thing to do. That's why my granddaughter reminds me we should stop, look, and listen before we cross the street. But not the new Congress, which embraces a race to the bottom rather than informed reductions. We should look before we leap. It might save jobs and lives.

DIRECTING COMMITTEES TO REVIEW REGULATIONS FROM FEDERAL AGENCIES

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. When consideration was postponed on Thursday, February 10, 2011, 4 hours of debate remained on the resolution, with 3 hours equally divided and controlled by the chairs and ranking minority members of the Committees on the Judiciary, Agriculture, and Oversight and Government Reform, and 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce and the majority leader and minority leader or their designees.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, 2 years ago, and 2 years into the current administration, Washington policies have not rescued our economy from crisis. In fact, they have entrenched the crisis. American workers and American companies pay the price as Washington regulations stifle job creation and slow economic recovery.

The Judiciary Committee doesn't have jurisdiction over sweeping economic regulations, but it does have jurisdiction over something that sweeps with just as much force. That is the administrative law that governs how agencies must respond to Congress and what agencies must consider before they regulate at all.

The REINS Act enables us to reassert Congress' authority over the most burdensome regulations that our agencies churn out. These are major regulations—those that impose a burden of \$100 million or more on our economy.

The REINS Act requires Congress, not an unelected agency head, to decide whether regulations with massive costs become the law of the land. The Judiciary Committee has already begun hearings on the REINS Act and intends to move quickly to mark up this legislation.

Small businesses are the heart of job creation. Rather than bend to small business' needs, Washington too often rigidly demands that small businesses bend to Washington.

Overbearing one-size-fits-all Federal regulations have long been the order of the day. Small businesses cannot bear their weight. Since small businesses

are the engine of job creation, it is clear what suffers—that is, jobs.

This week, I introduced the Regulatory Flexibility Improvements Act of 2011 to force Federal agencies to accommodate the needs of small businesses. Yesterday, the Judiciary Committee held a hearing on the bill, and it intends to mark up that bill soon.

Let's reform the Administrative Procedure Act, the fundamental charter for all agency rulemaking. While it is not time to retire the APA, it is past time to strengthen it with commonsense reforms. We should make permanent cost benefit analysis requirements that Presidents have developed through Executive orders. Practice has proved that cost benefit analysis improves regulatory effectiveness and lowers regulatory cost. But an Executive order, no matter how wise, can be revoked by the next resident of the White House.

Other vital reforms also must take place. Agencies' favorite and almost universal course under the APA is informal notice-and-comment rulemaking. This procedure is certainly convenient and it does have its place, but under its shelter, it has long been too easy for Big Government to impose hard-hitting rules without sufficiently vetting them. This should change. We should consider tougher requirements that agencies must demonstrate a need for regulations.

Congress and the courts provide daily proof that evidence tested with witnesses at hearings produces the best judgments. Why shouldn't agencies use formal rulemaking hearings to evaluate the need for major regulations that cost hundreds of millions of dollars?

We also should make sure the public has earlier opportunities to comment on potential agency action. Public input should come well before agency positions harden into settled, but often underinformed, judgments. Under traditional one-time notice-and-comment procedures, agency decisions are too often made before public comment even happens.

President Obama has embraced a number of these principles with both spoken and written words. So I hope we will have bipartisan support for our efforts to pass meaningful legislation that will help create jobs.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

I am curious about the reference and surprised that my friend, the chairman of the House Judiciary Committee, would come to the floor in this discussion and lift up the REINS Act as a way that we may prevent the regulations for inhibiting jobs.

□ 0920

Dear friends, under the REINS Act we would be violating the separation of

powers doctrine that I am sure that Members of the Judiciary Committee, particularly my friend the chairman and ranking member for many years, would be familiar with.

The REINS Act, which we have under consideration in our committee, would be the last thing we would want to enact in this Congress to create more jobs—the last thing. I am surprised that the separations of powers doctrine is now required for me to explain on the House floor, about a 1988 case entitled *Morrison v. Olson*, 487 U.S. 654, that the REINS Act would be constitutionally infirm and that the REINS Act would be a terrible thing for us to do if you are serious about jobs.

Supporters of the REINS Act argue that Congress, and the chairman has said this, that Congress has delegated too much authority over the years to what they call “unelected bureaucrats” in the executive branch—of course, they are appointed—creating thereby a lack of accountability among Federal agencies and resulting in burdensome regulations.

The REINS Act does not address even the problem that they are arguing about. Some might argue that there is a need to strike a balance between protecting the safety and health of all Americans and fostering economic growth and job creation. But the President of the United States has already anticipated this need with his issuance just days ago of the executive order improving regulation and regulatory review. I intend to put this in the RECORD at the appropriate time. This directs agencies to consider these concerns in promulgating rules.

But the bill that the chairman of the committee refers to would not achieve this balance. Rather, it will distort the rulemaking process and will hamper implementation of every single law on the books by changing the presumption in the Congressional Review Act and requiring affirmative congressional approval for all major rules. This act will serve as a chokehold and stifle regulatory review, which may in fact be the real intent of REINS legislation.

So I must respectfully hope that all of the Members of this House will carefully review the REINS Act, which will be coming up for a vote in the committee. We have had the hearings. I would like you to all weigh in on this, because nothing could be more seriously destructive to trying to create jobs than doing what is proposed in that bill.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), who is chairman of the Administrative Law Subcommittee.

Mr. COBLE. I thank the distinguished chairman from Texas for yielding.

I rise in strong support, Madam Speaker, of this resolution. It has been far too long since the Congress conducted a comprehensive review of our regulatory policies and procedures. I am not here today to be a demagogue or accuser, but it appears that many of our regulations have simply become another cost of doing business in America.

My district is no different than many others. We are suffering from the recession; and while we once claimed many manufacturing and producing distinctions, a significant number of directly related jobs have either disappeared or gone elsewhere. This situation has grown so dire that the general feeling in many places in America is that if the government wants to hold you in violation, the chances are trouble is imminent.

I support public safety, public health, safe work conditions, and other areas covered by Federal regulations; but I simply do not agree with those who feel that the only problem with our regulations is that there are not enough. This mentality, Madam Speaker, is exactly what has gone wrong with many of our regulations.

I have no doubt that if we clean up our regulatory system, new business and investment will be forthcoming in America, and I believe we can do this in such a way as to reinforce good, sound regulations. The Judiciary Committee, Madam Speaker, has jurisdiction over the Administrative Procedures Act and many other areas of the Commercial Code which can be improved without compromising consumer interests.

A lot is at stake here. And this is not a fight between businesses and their regulators. It is a fight, Madam Speaker, for the American Dream, that a business, an entrepreneur or innovator can have an idea, perhaps a dream, and then fully pursue it.

I am not implying that the sky is falling, but the reality is disappointing indeed. Our country is becoming less conducive for economic growth; and a major contributing factor, in my opinion, is the failure of our regulatory system. I hope we can change this very soon, Madam Speaker.

Mr. CONYERS. Madam Speaker, I am pleased now to yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. COHEN), the ranking member of the Subcommittee on Courts and Administration.

Mr. COHEN. I want to thank the ranking member for the time.

Madam Speaker, my subcommittee, Courts, Commercial and Administrative Law, has had hearings on these bills, the REINS Act, as well as the regulatory reform bills that have been proposed. The REINS Act would require all measures that have a cost of \$100 million or more, before their regulations go into effect, within 70 days of

the promulgation of those regulations, they would have to be approved by a positive vote of this House and our equal House, the Senate, and signed by the President before they go into effect.

The reality, Madam Speaker, is this would stifle government and stifle growth, because, as we have seen, the Senate has difficulty doing much of anything within 70 days. In fact, it had difficulty doing much in 2 years. And to ask the Senate, where any one Senator can put down a slip on a judicial nomination or hold up legislation if they so choose unless they get what they desire and want, the last vestige in reality that we have in this county of "don't ask, don't tell"—don't ask the Senator what they want and don't tell what they got—all of these regulations would be at the whim and caprice of any one individual Senator.

That is not what the American public wants. The American public wants the government to work. They want the House and Senate to work. They don't want the system in the Senate where one Senator can kill almost anything, to where "Senator No" can stop the government from actively promoting the general health, welfare, and safety of the American public.

Now, the REINS Act wasn't needed, apparently, during the time that George Bush was President, and yet there were more regulations and rules during that time than there have been during President Obama's time as President. It is interesting to note that my colleagues on the other side understood the separation of powers doctrine and the fact that article II allows the executive to carry out and administer the laws, and they should be able to do so.

□ 0930

But once President Obama came into office and there was financial services reform—the financial services reform we needed, because without regulations the financial services sector almost took this country into another Great Depression. They did take us into a Great Recession, costing us jobs and jobs and jobs and jobs.

The high unemployment rate is the result of the lack of regulation in the housing industry, in the financial service industry, where those two worked together to almost bring down this Nation's economy and the world's economy to where we had a day when President Bush brought us the TARP to save our economy. And in a bipartisan fashion we passed the TARP that Secretary Paulson told us we had to pass because we were on the brink, as President Bush also said, of financial collapse. Yes, financial collapse because of the lack of regulation. And yet in this Congress, the 112th, we're being asked to say that no regulations would take effect unless the House, and the Senate—

that body known not for its alacrity but for its "deliberateness"—would have to act and possibly pass something within 70 days.

Health care legislation; regulations couldn't go into effect to keep young people on their parents' insurance until they're 26 unless the Senate acted within 70 days. Preexisting conditions would continue to be an impediment for children to get insurance and to be treated. Lifetime caps would continue to exist because we couldn't get regulations approved within 70 days.

The fact is, it's the executive's responsibility to carry out the laws that the Congress passes, that Congress is not the Executive. And because Barack Obama is President is no reason to change what the Founding Fathers set up as a great document, with three separate and equal branches of government being challenged now. The REINS Act would go back to what the Founding Fathers wanted. It would go back on the Constitution, which we spent time reading on this floor—the entire Constitution—that included article II, the powers of the executive, an equal branch of government to the legislature. And the REINS Act would say that the Constitution doesn't matter; that the Congress, the legislative branch that is supposed to pass the laws, will also be a part of executing the laws.

I hold the Constitution in high regard and don't believe we should shred it because we want to have an opportunity to slow up financial regulations passed as part of the Dodd-Frank bill and health care for the American public. The whole idea of this review of regulations that we've gotten and this discussion on this floor of the House has taken this House to a place where the American public doesn't watch the Congress make laws and make improvements to create jobs and to improve the welfare of the American public, but it makes it a debating society, because we already have the power to review rules, and we do it in the Judiciary Committee and we do it in all committees. But now we're going to have reality television; and C-SPAN, instead of watching us pass laws, is going to watch us discuss what we already have been doing, always do, and are supposed to do, which is review regulations and have oversight but not veto over the executive.

So, Madam Speaker, it is with great regret that I participate in this debate because this debate is not a part of a law and an action and a bill to improve the American public but simply a political show. And with all due respect to the chairman of the committee and the members who have brought this legislation, it violates the Constitution, which we read. That shouldn't have been a show. That should have been something we held deeply to our hearts. This violates the Constitution and the powers of article II.

Mr. SMITH of Texas. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I just want to point out to my friends on the other side of the aisle and to those who are watching this debate that both Supreme Court Justice Breyer and well-known and well-regarded Professor Larry Tribe have written supporting the constitutional basis of the REINS Act. It is clearly constitutional. It is clearly going to create jobs. By the way, that's as opposed to the new health care bill, which the CBO said yesterday was actually going to cost 800,000 jobs.

Madam Speaker, I yield 3 minutes to my colleague from Texas (Mr. POE).

Mr. POE of Texas. I thank the chairman for yielding.

Madam Speaker, the Nation is overregulated. You talk to any business owner, small or big, one of the first things they will talk to you about is the massive amount of Federal regulations that are imposed on them, many of them making no sense but costing them money. Of course, that cost is always transferred down to the consumer, the American citizen.

I have tried to find out in the last few days how many regulations there are. Nobody knows. We can't find anybody in Washington that can give us an exact number of how many. One person that I trust said that there are over 300,000 Federal regulations that have punitive fines for failure to abide by that regulation. That's a lot of regulations.

It seems to me—and this is just my opinion—that down the street where the bureaucrats work in those offices—and we don't know who those people are—they get up every morning; they go into a room; they sit around a big conference table, drink coffee, and they say, "Who can we regulate today?" And they write out another regulation and pass it down to the fruited plain and make the American citizen comply with that regulation.

Some regulations are probably pretty good. Some probably are not so good. And it's our duty as representatives of the people to control and regulate the regulators. That is our job. I believe that is our constitutional requirement since we allow these agencies to exist in the administration.

It seems to me the Federal Government should help business, not get in the way of business. And we should start our job of doing away with burdensome regulations that don't help the country.

This law allows Congress to review, by means of an expedited legislative process, Federal regulations issued by the government agencies and by passage of a joint resolution to overrule a regulation. We should have oversight over those regulations.

The health care bill is probably a pretty good example of this overregulation. Regardless of where we are on

that issue, it brings about new massive, expensive regulations. Section 906 of H.R. 3590 will require business owners to submit a separate 1099 form for every single business transaction that they have with another business that totals more than \$600 a year. What that means, you've got a business and they deal with other businesses. If they deal with them more than \$600 a year, which many businesses do, they've got to file a 1099 form.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Madam Speaker, I yield the gentleman 2 additional minutes.

Mr. POE of Texas. It's expensive regulation that makes no sense. Why should all this paperwork be sent up to Washington so bureaucrats can review it? I don't understand the logic. It makes no sense. It costs money.

But the bill also requires 16,000 new IRS agents to oversee the individual mandate requirement that every person must comply with. I think that mandate is unconstitutional. The Supreme Court will eventually decide. But why do we need 16,000 new IRS regulation agents under the health care bill? I think that's overregulation. And, in fact, the Congressional Budget Office, as my friend, the chairman from Texas, said, Director Elmendorf yesterday testified that the health care bill will cost 800,000 jobs for Americans. He said that yesterday. So the bill is not going to help the economy. It's not going to help get jobs. It's going to cost us 800,000 jobs.

These are some reasons why I think Congress has the obligation to review the regulatory process and to get our house in order and probably eliminate a few of those 300,000 expensive regulations that are imposed upon businesses and on citizens.

And that's just the way it is.

□ 0940

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

In the time allotted to the Judiciary Committee, Judge POE, if he is still here, has raised two specific grievances about overregulation diminishing job opportunity. One was on the 1099 form, which I am going to examine more carefully; and the other was about the fact that the Health Care Reform Act frequently, derogatorily, is referred to as the ObamaCare Act, but which I call the ObamaCare Act because I think it's going to go down in history as a major accomplishment of the President's within the first 2 years of his office.

He said it would cost 800,000 jobs. I would like to ask him or anyone in the House for any evidence that there is an 800,000 jobs expense. The health care bill that both sides refer to as ObamaCare now creates jobs because we're adding many more people to the

health care system, which, ladies and gentlemen, is going to require more doctors, more nurses, more clinics, more hospitals.

How on Earth can we expand the provisions of health care, which incidentally should apply to every American in this country, and then say that it's going to reduce the number of jobs?

I think that logic defies explanation, but I would yield to anybody who would like to explain it to me.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas, chairman of the Judiciary Committee.

Mr. SMITH of Texas. I thank my friend, the ranking member, for yielding.

The source of the information that I have used and that Judge POE has used in saying that the health care bill is going to cost 800,000 jobs is from a report released yesterday by the Congressional Budget Office, saying that the health care bill would cost 800,000 jobs.

The CBO, as we all know, is an independent, credible, outside agency upon whom we rely for information on a regular basis. For them to come out and say that the health care bill is going to cost 800,000 jobs is, quite frankly, believable and the reason, I think, we can cite them as a credible source.

Mr. CONYERS. Reclaiming my time, I frequently cite them as a credible source myself; but would the chairman of the committee explain how we insure millions more people and then have fewer and fewer jobs?

Did the CBO explain anything about this job loss and about how the health care system would be considerably expanded but would at the same time lose jobs and would do it with fewer people? Would the chairman of the committee assist me in understanding that apparent disconnect?

I yield to the gentleman.

Mr. SMITH of Texas. I can't explain the disconnect because I don't think there is a disconnect.

We can certainly supply you with the testimony that was offered by the CBO yesterday in which they said it would cost 800,000 jobs. We'll look for a copy of that testimony, or the other Judiciary staff members might be able to supply us with a copy of that as well.

I don't think there is a disconnect. I believe the CBO. I do believe that the health care bill is going to cost 800,000 jobs.

I thank the gentleman for yielding.

Mr. CONYERS. Madam Speaker, I am now pleased to yield such time as she may consume to the distinguished gentlelady from Houston, Texas, SHEILA JACKSON LEE, a senior member of the committee.

Ms. JACKSON LEE of Texas. Let me thank Mr. CONYERS for yielding as I think it is important that we explain to our colleagues what we're doing here.

Madam Speaker, this is part of a 7- or 9-hour marathon for committees of jurisdiction to come to the floor to respond to how important it is to, in essence, clog up the government. It sounds pretty, and it sounds attractive to be able to suggest that we have not been exercising due diligence as relates to the regulatory process of the executive branch.

My colleague from Tennessee was right: when we cite the Constitution, what we are saying is that the Founding Fathers recognized the importance of three distinct branches:

The legislative writes legislation. It has the right to oversight, and those who are part of this body are elected to represent certain perspectives.

The executive is elected by all of the people, electing the President of the United States.

The third branch, the judiciary, has oversight.

So what we have taken to the floor to do is to spend 9 hours in redundancy, talking about what this body should be doing anyhow. We have the responsibility of oversight. We have the ability to question regulations in regular order; but what we will be doing is ignoring the people's business of creating jobs and, frankly, putting ourselves in the role of a clogged toilet, meaning that we are doing nothing, that we are stuffed up.

I would make the argument that the REINS Act, maybe through good intentions, is a dilatory tactic that keeps us from doing our work. As a member of the House Judiciary Committee, let me give you a few examples.

One of the subcommittees I have the privilege of sitting on—and I thank Chairman SMITH for designing this committee again—is a committee dealing with competitiveness. What could be more important than assessing whether or not this country is losing its competitiveness to countries around the world or that corporations are doing noncompetitive acts that cause us to lose jobs?

I am not happy with the United-Continental merger. We've just lost jobs in Houston—500 of them. I would prefer our continuing to have oversight over whether these large-type mergers cause us to lose jobs. There are any number of merging industries that believe that's the best way to go, and therefore I would welcome that opportunity.

Mr. CONYERS. I understand that the mayor of New York is suggesting that Germany should take over Wall Street. I'm offended. I'm hurt. Not that I have anything against Germany, but I know that there is a type of intellectual property that is possessed: if nothing else, the pride of Wall Street as it relates to the body politic of finance in this country and around the world. I would like to have a hearing as to whether or not that is detrimental to the loss of jobs or whether, in fact, it

diminishes the competitiveness of this Nation. That is what the Judiciary Committee has powers to do.

If you put this bill in place—and I don't mind conceding that something is going to pass—I hope that there is a thought process that recognizes that staff has indicated to us that last year, under this rule, there were 94 major regulations that this body would have to attend to. So we would have had to eliminate our work on food safety; we would have had to eliminate our work on Wall Street reform; we would have had to eliminate our work on ensuring that Americans get good health care, all in order to stop the work of this body to address a regulation that we would have every right in an oversight process to handle.

Then, as a member of the Crime Subcommittee, I want you to be aware of the fact that I've been told by representatives of the Federal Bureau of Prison that our Federal prisons now house more convicted international and domestic terrorists than Guantanamo Bay. Yet we are at a hiring freeze. We don't have enough Federal Bureau of Prisons corrections officers. As the rising inmate population—nothing that I'm proud of—continues to grow, the ratio of Federal prisons correction officers diminishes.

□ 0950

You can see it in a tragedy in Washington State: Not enough officers in a State prison, and a prison officer is killed. We need to have hearings on how we can address the crisis in the Federal Bureau of Prisons. I might say, they would add jobs. We need more individuals there to protect those who are serving their country as being part of the Federal Bureau of Prisons system, creating jobs. Why are we not attending to that?

When you have to address major regulation and stop the business of this House to either hold a hearing in committee or in 15 days discharge to the floor, we have to debate it on the floor, that's what we will be doing, rather than engaging in the legislative process. We write the laws, and I might say that I have a great deal of respect for the CBO, but I also know that they are not without vulnerabilities, and they are not without imperfection. If there's 800,000 jobs being lost, are they being lost throughout industry because of certain requirements and then, on the other hand, some 3 million-plus jobs may be created because of the access to health care and the increase in resources for more doctors and nurses, health technicians, providing scholarship dollars, more community health clinics that will employ people—it doesn't make sense. It's an oxymoron to suggest that you're going to have a finite loss of 800,000 but you're not going to be able to increase.

Let me add, I'm on Judiciary, and this is what we're here for. I've already

cited to that I'd like the Competition Subcommittee to be addressing the questions of whether mergers are still good for America and the working people; whether or not our intellectual property that is being hacked and stolen is diminishing the ability for American workers to work; whether or not even entertaining selling Wall Street is a rational approach to take.

And then let me get on a more controversial subject. Someone would make the argument now this couldn't be a job creator, but we have been frustrated by the immigration system for now the lifetime of my tenure in Congress. We have had the pros and cons, or we have been mad at the 1996 reform and the 1980s reform. Some of us have continued to press one refrain: That we must do security, border security, and also a comprehensive approach to immigration. Some would argue that that absolutely cannot create jobs, but I will tell you, why are we not fully addressing the broken immigration system in this Nation? If we pull at the heartstrings of many Members of Congress, who will proudly speak of their German heritage, their Irish heritage, their Hispanic, Latino heritage, African American heritage, Asian heritage, heritage from all around the world, they will point to the fact that they came from somewhere.

We understand that if we can regularize this broken immigration system, not only do we have individuals legitimately investing in America through Social Security and taxes, but immigrants, new immigrants also create jobs for others, and it builds an economy. The agricultural economy, for example, that is playing hide and seek with workers who they have to hire—hide and seek, because they don't have a regularized system. Our agricultural industry, one of the greatest in the world, in fact the greatest—we can feed the world. I applaud our family farmers and the industry that has grown. I've always admired being able to do something with the land.

We could be addressing an immigration reform system that puts people to work, that allows the agricultural industry to grow and thrive and build jobs. In fact, I was listening to a colleague from the other side of the aisle who indicated he had come out of the agricultural industry, has a farm or land that is doing agricultural work, and he said that we have not been hampered by the economy; we are thriving, we could grow. So if we put an immigration system in place, the work of the Judiciary Committee, we create jobs. Isn't that what we're supposed to be doing?

So I ask my colleagues, as my ranking member has said, to thoughtfully think of this particular resolution, the REINS Act. It is truly that. I would add that it will strangle with the reins the work of this body and the work of

the Judiciary Committee, and it will not create any jobs. We will be stifled, dead in our tracks, working with one regulation after another.

What I'd like to say: If you have got a bad regulation, send it to the Judiciary Committee. We can handle it, but I don't want to see corporations getting away with criminal activity, which we could address in the Subcommittee on Crime. I don't want to see us getting away with food safety problems because we're not addressing it.

Madam Speaker, let me just say, this is a lot of great intentions, and I have a great respect for my colleagues. This institution is one that I love, but I frankly believe we can do better in this House, and the President of the United States and the administration don't deserve this. What we do deserve is a hard fight to reduce the deficit and to build on jobs and to serve the people back home who are struggling with their own problems and need this government to respond to the needs of education, health care and science, and many other issues.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to say to my Texas colleague who just spoke that I know and appreciate how strongly she feels about saving jobs in Houston, creating jobs in Houston, as I do, too, but we heard yesterday from the CBO that this new health care bill is going to cost America 800,000 jobs. And it just so happens if you prorate that out, that would mean that the new health care bill will cost Houston, Texas, around 600 jobs, and of course, it will cost other communities around the country jobs as well. So the best way to try to save jobs in Houston, the best way to try to prevent jobs from being lost in Houston, would be to vote to repeal the health care bill.

Now, the gentlewoman from Texas also raised the subject of immigration. I wasn't aware that that was connected to this bill, but I'm also happy to reply to her comments about that subject as well. Today in America, there are roughly 7 million people who are working illegally in this country. They are taking jobs that should go to the 26 million Americans who are either unemployed or underemployed. So, once again, if we want to create jobs for Americans in this country, one way to do so would be to make sure that only legal workers are employed in this country, and we have ways to accomplish that end.

Madam Speaker, I now yield 3 minutes to the gentleman from South Carolina (Mr. GOWDY), who is the vice chairman of the Administrative Law Subcommittee.

Mr. GOWDY. I rise in support of H. Res. 72, but I also want to commend the distinguished gentleman from

Texas (Mr. SMITH) for not only his leadership on this issue but also the judicious way in which he leads our Committee on the Judiciary.

The Constitution gives Congress limited but critical functions. The very same Constitution that we all swore an allegiance to when we took the oath, the very same Constitution that we read when we started the 112th Congress, gives important, limited, critical functions to Congress, and one of those functions is to pass laws that are easily understood and reasonably enforced. It is not the function of this body to merely pass broad ideas and leave it up to someone else, an unelected official in the executive branch, to fill in the details.

And make no mistake, I do not blame those in the executive branch. I blame the Congress of the United States for abdicating its responsibility. Nature abhors a vacuum, and one look at our code of Federal regulations—and I encourage anyone, anyone who challenges this or doubts it, go to your local library and look at the code of Federal regulations, and you will see that that vacuum created by this body has been more than filled by the executive branch.

The labyrinth that has become this Nation's regulatory scheme has exported jobs, imported litigation, all the while eroding the very limited amount of public trust that is left in the institutions of government.

We had a witness, Madam Speaker, in Judiciary yesterday, and I asked him a very simple question: When you get a call from a member of the executive branch who works with a regulatory agency, is your first impression that he or she is there to help or to accuse? And this representative of middle America, a businessman from Kentucky, without hesitation said, They are there to accuse. It is an adversarial relationship between the regulators and our business creators.

□ 1000

We do not and should not leave it to the FBI to decide what is bank robbery. We do not and should not leave it to the Drug Enforcement Administration to decide which controlled substances under title 21 should be criminalized or not. That is a function of this body. The executive branch does not write laws, at least not yet, in this Republic. Yet we let other regulatory agencies decide the very details that either create or destroy the environment that is conducive to creating jobs.

While other Congresses may have delegated and abdicated, we must reclaim the responsibility to govern and legislate, and the accountability that is attendant thereto. H. Res. 72 does exactly that, and I am pleased to rise in its support.

Mr. CONYERS. Madam Speaker, I would like to yield such time as she

may consume to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member, and I thank the chairman as well.

The gentleman from Texas (Mr. SMITH) and I have worked together on the immigration issue. And I would beg to differ. It is well documented that regularized individuals in certain industries would, in fact, create jobs and create investment into this country as well. But as you have one person working, that person generates the opportunity for another. In construction jobs, for example, when you are involved in construction and have the right trained person, it creates expanded jobs.

But I also want to make mention that as it may have been cited, the 600 jobs lost because, allegedly, of a CBO report, I know that 500 jobs have been lost because of a merger between two major giants in the aviation industry. And, frankly, I am hopeful that we could focus on whether that is one of the diminishing aspects of mergers, that individuals do lose jobs.

But I will also say to you that we have documentation here that 1.1 million private sector jobs have been created since the enactment of health care reform. I mentioned 3 million jobs in my statement; 1.1 million private sector jobs have already been created; 207,000 jobs in the health care industry have been created since the enactment of the health care reform.

Under the past administration, President Bush, 673,000 private sector jobs were lost, and this was the Bureau of Labor Statistics. The claim that the health care reform law would cost 800,000 jobs, or has, is misconstrued because last year's debate showed that the health care bill will save taxpayers billions of dollars and give consumers more better access to health care. In fact, private sector job growth has been strong since the enactment of health care. Again, 1.1 million jobs have been created.

So we will have a constant debate about numbers, but I think there is a vigorous debate on how these jobs could be lost. The real issue is, this is the Judiciary Committee, to protect the rights of the American people. And I have cited, and the ranking member has cited, and Mr. COHEN has cited ways that we can be constructive to create jobs in America, to protect the consumer, and to ensure that competition is fair and healthy. And I would, Madam Speaker, simply ask my colleagues to engage in that kind of work as opposed to work that will take up the time of this body and delay us from doing the people's work and providing justice for all.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. ROSS), a member of the Judiciary Committee.

Mr. ROSS of Florida. I thank the chairman for this opportunity.

Madam Speaker, today I rise in strong support of House Resolution 72. Now more than ever, regulatory reform is needed. Agencies have expanded their authority to levels far beyond what was ever intended, in circumvention of the legislative process.

At a time of record unemployment, the last thing businesses, and in particular, our small businesses, need are burdensome regulations and added compliance costs. Why would we make it harder for our job creators to expand and grow? Shouldn't we create an environment that fosters prosperity, innovation, and global marketplace competitiveness?

For example, in my home State of Florida, we have what's known as Numeric Nutrient Water Criteria that is being thrust upon us by EPA, a regulatory law that is supported by nothing but junk science, not accepted principles of science. And yet what it's going to do is cost my citrus industry \$325 million in initial compliance costs. It is going to cost my agricultural industry anywhere from \$855 million to \$3 billion in initial costs, with an annual impact of \$1.1 billion to Florida's overall economy and over 14,000 jobs lost. Those jobs, lost in an economy like this. In Florida, water is our livelihood. We can regulate our own control of water. We believe in clean water. But we need to have a voice in what is happening to us with these regulatory controls.

Is it fair for an unelected regulatory agency like the EPA to have unchecked rulemaking authority and prevent Florida's job creators from employing hardworking citizens in need of jobs? We are regulating jobs out of existence. Would those who promote more regulatory control not be satisfied until we have choked the last breath out of our American economy and our American job market because of too much regulatory control?

Massive oversight is needed, and I applaud congressional efforts to reform the current out-of-control regulatory process. The REINS Act, the Regulatory Flexibility Improvements Act, and the Administrative Procedure Act reforms are necessary. They will provide transparency to a rulemaking process and give businesses, large and small, proper due process in agency decisions that greatly affect them. They are the important first steps that will allow businesses the ability to grow, our citizens to work, and our economy to flourish.

The SPEAKER pro tempore. The gentleman from Michigan has 15 seconds remaining.

Mr. SMITH of Texas. Madam Speaker, I would like to yield 4 minutes of the time that I have remaining to the gentleman from Michigan.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. CONYERS. I thank the gentleman from Texas, Chairman SMITH. I appreciate that very much.

I wanted to suggest that the gentleman from Texas, Judge POE, a distinguished member of the Judiciary Committee, raised the criticism about the new 1099 rule being a job-killer. And apparently, he and the President are in agreement on the rule expanding reporting requirements to include transactions of \$600 or more. President Obama has stated that he is open to reconsidering these rules in light of the burden that it brings on small business. So I would like to suggest that there is at least one point of accord. There may be others between the members of the Judiciary Committee in the consideration of the matter before us.

Now I return to the assertion that the health care bill, proudly referred to by some on this side of the aisle as ObamaCare, that this bill will cost 800,000 jobs. And I would like to suggest that this misleading figure has been floating around since last summer. This is why The Hill article on the CBO today said, "GOP jumps on old job numbers." What CBO said last summer was that if health insurance is affordable, a person who is working a bad job just to keep health care might be able to leave the job.

Surely we wouldn't want a person who is suffering from a preexisting disability, who would be covered under this expanded health care law, to keep on working when the only reason he was working in the first place was to get the health care that was otherwise, until now, unavailable.

□ 1010

If people can get health insurance despite preexisting conditions, then such folks might be able to leave their work. I'm sure that my colleagues on the other side of the aisle wouldn't have any objection to that. Yes, it might reduce the number of people working, but it would save lives. That's what health care is about. A person who is not eligible for Medicare because he or she was under 65 might choose to retire and get private insurance instead of staying on the job until Medicare becomes available. Others who needed to work a second job just to afford health care may not now need to do it because we have made health care more affordable.

For goodness sake, I can't imagine that anybody under the example that I have used would be opposed to a person leaving a job under that circumstance. That does not mean that that is costing jobs in America. It's saving lives.

[From the Healthwatch—The Hill's Healthcare Blog, Feb. 10, 2011]

GOP JUMPS ON OLD CBO JOB NUMBERS
(By Jason Millman)

Eager to exploit an opening to attack the healthcare reform law, Republicans on

Thursday touted testimony by Congress' budget scorekeeper that the law would result in 800,000 fewer people working.

Congressional Budget Office Director Doug Elmendorf first made the projection last summer, but it didn't stop Republicans from circulating his Thursday comments during a House Budget Committee hearing as fresh proof that the reform law "destroys" jobs.

"The Verdict Is In: CBO Confirms New Health Care Law Will Cost Jobs," was the title of a Senate Republican Conference press release.

"CBO: ObamaCare Will Destroy 800,000 Jobs," was the headline from the National Republican Congressional Committee.

However, the CBO prediction is a little more nuanced. Last summer's CBO report said the projected labor reduction is "largely" the result of more people voluntarily staying out of the workforce because the healthcare reform law gives them better healthcare options through an expansion of Medicaid and new state-run health insurance exchanges.

From the report:

"The expansion of Medicaid and the availability of subsidies through the exchanges will effectively increase beneficiaries' financial resources. Those additional resources will encourage some people to work fewer hours or to withdraw from the labor market."

Further, a ban on discriminating against preexisting conditions will likely "increase the appeal" of health insurance plans offered outside the workplace for older workers.

"As a result," CBO said, "some older workers will choose to retire earlier than they otherwise would."

Rep. Chris Van Hollen (D-Md.), the ranking member on the Budget Committee asked Elmendorf to explain the report on Thursday.

"One of the impacts you said was that there will be some individuals who, because they can get their health care through the exchange . . . would now have the freedom to choose to not get a job simply because they needed the health care," Van Hollen said, according to a transcript from CQ. "Isn't that correct?"

"Yes, that's right," Elmendorf replied.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. Madam Speaker, I yield myself 30 seconds.

I just want to point out that the figure we have been using that the health care bill is going to cost 800,000 jobs is not necessarily an old figure. Or maybe I should concede it's a day old, because that figure came from yesterday's testimony by the Budget Director in front of the Budget Committee. I said Budget Director. Let me read the statement:

"Testifying today before the House Budget Committee, Congressional Budget Office Director Doug Elmendorf confirmed that ObamaCare is expected to reduce the number of jobs in the labor market by an estimated 800,000 people."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Here are excerpts from the exchange. In response to a couple of questions by Members of Congress, the last question

was from Representative JOHN CAMPBELL of California, the Director of the CBO said in response to a question, "Is it going to cost 800,000 jobs?" his one-word answer was "yes."

So those are fresh figures, they are accurate figures, and I think we need to be very acutely aware of just how many jobs the new health care plan is going to cost.

Madam Speaker, I would now like to yield 3 minutes to the gentleman from Arkansas (Mr. GRIFFIN), who is also a member of the Judiciary Committee.

Mr. GRIFFIN of Arkansas. Thank you, Mr. Chairman.

Madam Speaker, I rise today in strong support of H. Res. 72 because I believe that a number of regulations issued by Federal agencies are stifling job creation. And, from the sound of it, President Obama agrees. On January 18 of this year, President Obama issued an executive order stating that, quote, our regulatory system must promote economic growth, innovation, competitiveness, and job creation. I agree with the President on all those points.

Some regulations are critical to protect our health and provide a safe place to live and work, but there are a number of regulations affecting job creators, including small businesses and community banks. These regulations are overly burdensome, repetitive, and just plain don't make sense. Not a day goes by without one of my constituents complaining over the EPA's overreaching policies. The administration is trying to do through regulations what it couldn't get passed into law. As a result, job creators spend their money complying with these burdensome regulations—money that should be used to create jobs, money that should be used to invest in research, in capital improvements, and money that should be used to spur innovation. For example, job creators are spending money planning for more burdensome EPA regulations on boilers; boilers used every day to heat schools and businesses. And now the EPA wants to apply the oil spill law to force dairy farmers to spend millions of dollars preparing for spilled milk, because of the amount of fat in it. What if it's skim milk? If it wasn't so troubling, it might be funny.

On top of this, regulations yet to be written inject uncertainty into the economy, further stifling job creation. Uncertainty over renewable tax credits, for example, is forcing a Little Rock company back home in my district to stop building wind turbines because they don't know if they can sell them.

I've heard concerns back home over the lack of transparency from unelected Federal workers that have never met the folks in Arkansas and they've never held a town hall. They don't hold town halls before they write these regulations, yet they pass the equivalent of laws every day.

We can do better. Let's seek commonsense solutions to our problems and stop the Federal Government from killing jobs.

Mr. SMITH of Texas. I yield myself the balance of my time.

Madam Speaker, the American people and American employers know what Washington has not learned: too many regulations impose too many costs and cost too many jobs. The Judiciary Committee is working hard on the reforms we need to tame Washington and unleash American businesses to create jobs. We should pass the REINS Act, pass the Regulatory Flexibility Improvements Act, reform the Administrative Procedure Act and the practice of too many regulations with too many costs for too few benefits.

Madam Speaker, I think this debate really comes down to a very simple question. There are those who favor a government of regulations and there are those of us who feel that Congress should oversee and approve the most burdensome regulations. Any Member of Congress who feels that Congress should oversee and approve the most burdensome regulations, I believe, will support this bill.

Madam Speaker, I yield back the balance of my time.

Mr. KLINE. Madam Speaker, I rise in support of the resolution, and I yield myself such time as I may consume.

Today's effort is driven by a simple goal: to ensure every area of the Federal Government is dedicated to job creation. If we are to get the Nation back to work, we all must work together to remove barriers to economic growth and prosperity.

Every job matters, and every effort to help create a new job matters. The American people have demonstrated a relentless determination to make the difficult choices necessary to get through these tough times. We should do no less.

Employers need certainty, flexibility, and freedom to expand their businesses and hire new workers. Red tape should not tie down economic growth, and onerous regulations should not be roadblocks to job creation. Congress can no longer accept sweeping changes that affect the lives of students and workers without first determining whether it is good for our long-term competitiveness, good for job creators, and good for our economy.

We were sent here to focus on getting the economy back on track and the American people back to work. Today we are moving forward with our commitment to do just that. In my conversations with constituents, I have seen the desperation that follows months of searching in vain for work. I also have witnessed the hope that is renewed at the prospect of future employment.

Everyone agrees you need rules of the road and commonsense protections;

bad actors will always exist, and they must be held accountable for breaking the law. But we shouldn't accept lost wages, lost jobs, and lost opportunities as inevitable consequences to advancing fairness, accountability, and responsibility.

□ 1020

The Education and Workforce Committee oversees a broad range of policies that affect the Nation's workplaces and classrooms. A number of those policies will be discussed by other leaders of the committee in a few moments.

In the time remaining for myself, I would like to discuss one area in particular that deserves closer examination. Is the Federal Government using its authority fairly and on behalf of American workers, or is it pursuing a partisan agenda that makes our workplaces less competitive?

The National Labor Relations Board is an independent Federal agency created by Congress more than 75 years ago. The NLRB is charged with preventing and remedying unfair labor practices and establishing whether employees desire union representation. Its responsibility is to fairly protect the rights of workers against unlawful encroachments by employers and unions.

Unfortunately, the board has recently shown an eagerness to tilt the playing field in favor of powerful special interests. A culture of union favoritism has seized the board, with consequences that reach into virtually every workplace. Stripping workers of their right to a secret ballot through a backdoor card check scheme is just one looming threat. The board also has threatened legal action against States seeking to protect the secret ballot, and it has diminished safeguards for employers. We cannot allow the board to rewrite the rules of the game to circumvent the will of Congress in pursuit of its own job-destroying agenda.

This same culture of union favoritism has also swept across the administration, expanding protections for big labor at the expense of rank-and-file workers. Project labor agreements and high road contracting sound innocent enough, but they put small businesses and the vast majority of their workers at a disadvantage—at the expense of the taxpayers, I might add.

These are the kinds of policies that should be examined to determine whether they undermine economic growth. Our efforts will not be blinded by partisanship. If we learn of a rule or regulation that stands in the way of a strong workforce, regardless of the Congress or administration that put it in place, we will take a look at it. This is a critically important responsibility, and I look forward working with every Member of Congress to get it done.

Madam Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, as we meet this morning, there are 15 million unemployed people in our country. And what I'm hearing from our constituents is they want us to work together to find ways to help the job generators of this country, small businesses and entrepreneurs, to put Americans back to work.

Here we are again, really, just having a political discussion that doesn't hire a person, help a company, or really go anywhere. Frankly, the majority has gone from ignoring the unemployment problem to worsening it in the last couple of days. In the 5 weeks that they've been in the majority, there has not been one bill, not one word, not 1 hour of debate on a bill that would create jobs in the American economy. Instead, what we've had is a series of political exercises that have ignored their promise to "focus like a laser beam on job creation."

Now, the problem has gotten worse this week, and it will get worse as the day goes on with the announcement of the majority's plan to finish out the budget year with massive cuts in the budget.

Now, let me say from the outset, we agree completely that sensible spending restraint is necessary to reverse our trend of deficit and debt and help the American people and the American economy, and we look forward to working with our friends in the Republican Party to make this a reality. But one of the areas that is being considered for up to a 30 percent cut is education.

Now, the Federal Government spends education money on essentially five things: We help the most disadvantaged children in the country learn how to read and do mathematics through Title I; we help children confronted with a learning disability, with Downs Syndrome or autism, get special education services through the IDEA; there are scholarships and student loans for people of all descriptions to get a higher education at a college or a tech school; there are programs for someone who's lost his job at an oil refinery or her job at a bank to be retrained for their next job; and there's a small but crucial amount of money that helps our teachers become better instigators of science education or math education and instill in the next generations the hunger to learn and the power to achieve.

You need not listen to Members of Congress about the consequences of these kinds of cuts. Listen to the job generators of our country. Listen to Andrew Liveris, the leader of the Dow Chemical Company, who, as part of the business roundtable report in December, said the following, and I quote. "I

think if you had to go to the easy ones, education is a sweet spot for the government, for Congress and for all of us. If we don't get a well-educated workforce back in this country, if we don't invest in science, technology, engineering and math, if we don't pull it all together," he goes on to say, "there will be trouble." And he further says, so what we've got to do is "have a sustained investment, government and public companies together, private partnerships in education."

This is not the Democratic leader of the House. This is not President Obama's administration. This is the leader of Dow Chemical Company saying that to grow jobs in America and win global economic competition, we need to invest in education.

The majority's taking us in exactly the wrong direction. Proposing cuts of up to 30 percent in education programs will be on the floor next week. So, sadly, they've moved from ignoring the jobs problem to worsening it.

We want to work together with the Republican Party and with Independents to find ways to empower small businesses and entrepreneurs to put our country back to work. We've spent 9½ hours in this debate talking about something else. Let's get on with this debate, get on to business, put the American people back to work.

Mr. KLINE. Madam Speaker, before I yield to the gentlelady from North Carolina, I feel compelled to respond for just a minute to the remarks of my good friend from New Jersey that underscores the fundamental difference here.

We believe that the issues that we have been talking about and are talking about today and will be talking about next week strike directly to the problem of unemployment and the lack of jobs in this country. Without fiscal responsibility, without addressing the exploding debt, without addressing the job-killing health care plan, which we've done, and without addressing the blizzard of regulations that are coming out of this administration and every industry, we're not going to be able to create those jobs. It's a fundamental difference.

The debate will go on, but clearly we believe, and I believe, that we are directly addressing jobs because we found out over the last few years, certainly the last 2 years, that spending billions and hundreds of billions and trillions of dollars does not, in fact, put America back to work.

I yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I rise today in support of H. Res. 72, which directs certain House committees to review the effect of Federal regulations on job creation and economic growth.

Last year, the Department of Education published a proposed regulation that sets a Federal definition of "gain-

ful employment" and requires certain institutions of higher education to seek the Department's approval before creating new educational programs. This regulation will likely eliminate hundreds of course offerings and degree-granting programs at proprietary and nonprofit institutions of higher education, preventing students from having access to these programs and, often, to careers that will ensure that the United States remains competitive.

Access and affordability remain important pieces of the higher education discussion. As voters resoundingly underscored in November, the Federal Government should be focused on accountability for taxpayer money, but that responsibility should not come at the expense of educational opportunities for students.

□ 1030

Thomas Donohue, the president and CEO of the U.S. Chamber of Commerce, in a recent speech on the "State of American Business," listed the gainful employment regulation as a prime example of Federal overreach. He pointed out that, if permitted to become final, the regulation would deny students access to colleges and universities across the country.

Fewer students receiving the education and gaining the skills necessary to get a high-skilled, high-paying job means fewer people entering the workforce. While the proprietary school sector is a diverse group of institutions, many of these colleges and universities serve individuals who are looking for short-term education or seeking certifications that can be obtained in a year or less. These are exactly the types of educational programs that provide individuals with new skills that can immediately be put to use in today's dynamic workplace.

One of the many benefits of the proprietary school sector is its ability to create quickly new programs to train students to help the local population meet the labor shortages of a particular area. Many of these institutions have advisory boards composed of key business leaders in the program areas offered by the institution. The proposed gainful employment regulation will take away that flexibility by requiring the Federal Government's approval for every new program created at a proprietary institution.

While we can all agree that we do not want bad programs to exist, this regulation paints an entire sector of higher education with the same brush and does nothing to give incentives to institutions to improve their student outcomes. This regulation could also have a disproportionate impact on programs that serve low-income students who may need to borrow more funding under Federal student loan programs to pay for their education.

In either case, colleges and universities will have difficulty enrolling stu-

dents into educational courses that prepare them for careers. The gainful employment regulation is the exact opposite of what the Federal Government needs to be pushing during an economic downturn.

Ms. WOOLSEY. I yield myself such time as I may consume.

Once again, instead of working to rebuild our country and create jobs, this House of Representatives is engaged in a debate on a measure that offers neither. For 10 hours and 2 days, the House of Representatives' time is tied up on a motion telling our committees to perform their constitutional duties.

We understand that vigorous oversight and rooting out inefficiencies and waste are absolutely essential, and they are our duties and we must perform them on behalf of the taxpayer. That's not a question. We know that. In fact, on January 15, the Education and Workforce Committees unanimously approved an oversight plan. That plan calls for review of regulations. This resolution calls for review of regulations.

Today's debate is duplicative. It is duplicative of our oversight plans. It is unnecessary and a total waste of taxpayers' dollars. Worse yet, we are taking away valuable time when we could be rolling up our sleeves, getting the number one priority of the American people in front of us: creating jobs.

For instance, the Education and Workforce Committee could be responding to the very real skills crisis that our Nation's workers and businesses are facing. A recent article in the Washington Post found that, in November, there were an estimated 3.2 million job opportunities across the country. However, businesses interviewed by the Washington Post with "help wanted" signs were struggling to find workers with sufficient skills. This is in the United States of America. This has crippled their ability to keep the line running and keep their doors open. This is a major disconnect, Madam Speaker, a disconnect that must be explored and it must be quickly addressed.

Certain sectors, such as health care and technology, are projected to grow considerably over the next decade. These sectors actually require more skilled workers, not fewer. That's why our committees should be back in our committee rooms right now looking to ensure the connection between employers that want to hire and workers can be fulfilled. That means looking at training and education programs that connect to the jobs available today and in the future.

At a time when jobs are important, this shortfall means lost economic opportunity for millions of Americans. It means a shortfall of businesses that want to make it in America, with American workers.

Now, when it comes to reviewing regulations, I have heard some disturbing

views from the other side of the aisle recently. I refuse to accept the argument that our Nation's health and safety protections need to be reduced to the level of China's in order to compete.

There is a reason why the law of the land ensures basic health and safety protections on the job, and that reason is too often written in the blood of dead workers.

Rolling back protections to satisfy powerful special interests at the expense of worker safety is a fool's errand. Relying on faulty one-sided studies that exaggerate the cost of worker safety regulations while excluding any of the benefits, such as the life of a family's breadwinner, leads to a dishonest debate.

We have seen the deadly results of failing to properly regulate. We have seen what happens when you rely on self-certification, voluntary compliance, and inadequate protections. Eleven workers die when an oil rig blows up in the Gulf of Mexico. Workers die over and over again on massive construction projects on the Las Vegas Strip. Fourteen workers die in a sugar refinery outside Savannah, Georgia, because there are no protections covering combustible dust.

There are 700 workers losing their jobs in North Carolina because loopholes in OSHA regulations allow a massive factory explosion to happen. The explosion killed three and injured more than 50 workers; and that factory is now relocating rather than rebuilding, dealing this community a double tragedy.

Madam Speaker, without proper regulation and enforcement, workers are misclassified as independent contractors, robbing them of benefits, robbing our Nation's Treasury, and putting law breakers at an unfair advantage over law-abiding employers. And workers' hard-earned pensions are gambled away.

We have the best workers in the world, and these workers deserve basic protections. Our Nation's workers also deserve a Congress devoted to growing and strengthening the middle class, not meaningless debate like today's.

I urge this Congress, get to the business of the American people without delay. The business of this Congress should be about jobs, and the business of this Congress should be about rebuilding our Nation's competitiveness, and that business should begin now. We cannot afford any further delays or distractions.

I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I am pleased to yield 5 minutes to the chair of the Workforce Protection Subcommittee, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Madam Speaker, last November the people of Michigan, workers that long defined manufac-

turing, sent a message to Washington that business as usual in this town is not working.

Currently, the unemployment rate in my home State is at 11.7 percent and even higher in some counties in my Seventh Congressional District.

Over the past 2 years, we have witnessed burdensome laws being imposed on businesses and still feel the threat of costly regulation that prevents companies from growing and hiring. Small businesses are the engine of job creation in this country. Even the current administration believes "that they bear a disproportionate share of Federal regulatory burden."

The Office of Advocacy of the Small Business Administration reports the total cost of Federal regulation has increased to \$1.75 trillion. The cost per employee for businesses with fewer than 20 workers now averages \$10,585. A Heritage Foundation study found last year alone the Federal Government issued 43 major regulations, with costs estimated in tens of billions of dollars.

One of the threats many employers face is working with the current Department of Labor's Occupational Safety and Health Administration. Everyone recognizes the need for common-sense rules that promote workplace safety.

□ 1040

However, onerous rules and regulations should not be a roadblock to job creation and economic growth. Currently, regulations by OSHA cost small businesses, which are defined as businesses with fewer than 500 employees, between \$650 and \$781 per employee. There are serious questions about whether OSHA's "punishment before prevention" approach to workforce safety is really in the best interests of the workers.

Last month, OSHA withdrew two costly proposed regulations. OSHA's noise standard proposal would have mandated companies spend thousands or millions of dollars for quieter machinery when simple adequate solutions are already in place. A week later, OSHA temporarily repealed its musculoskeletal disorders reporting requirement after claiming it did not receive enough insight from small businesses to proceed. This would have overwhelmed our small business owners in paperwork and potentially opened the door for increased fines. And while it was repealed, I cannot stress the unease many businesses feel about knowing the fact that this is only a temporary withdrawal.

There have also been expressed concerns about the Department of Labor's Wage and Hour Division recently establishing a new arrangement with the American Bar Association. This agreement, known as the Bridge to Justice Program, sets the stage for the potential of costly litigation of a great many

companies by trial lawyers who are out to line their own pockets. This arrangement goes into effect when the Department of Labor's Wage and Hour Division receives a complaint that it will not investigate. It sends the claimant referral to the American Bar Association, who will help provide private attorneys for them to pursue their claim. Will this new referral arrangement between the Wage and Hour Department and the American Bar Association truly help workers, or is it intended to punish the employers? This is a critical issue, especially for small businesses.

In our subcommittee, it is my goal to find answers to many questions facing our workforce and employers; questions like: Are the rules providing the necessary protection to workers or merely creating costly animosity between government and free enterprise? How can we more fully understand and protect the interests of workers and employers alike? In other words, are the regulations that govern our workforce sensible or arbitrary?

Madam Speaker, Congress needs to step up its oversight of the Department to ensure their proposals do not hinder a business's ability to grow, hire new workers, or ensure the cooperation of its employees to advance workforce safety.

It is my objective as the Subcommittee Chairman of Workforce Protections to examine regulations as they relate to the workplace. The committee will look at any policy or proposal, regardless of whether it is a Democrat or Republican idea, that may lead to fewer jobs and opportunities for the American workforce. We plan to hold hearings to determine how to best remove the burden of government regulation on our businesses while holding fast to our commitment to workplace safety.

Ms. WOOLSEY. Madam Speaker, we need to talk more about what real regulations are that we should be focusing on, not the regulations for oversight that we have already determined we are going to handle committee by committee, particularly this committee, and we always have.

USA Today had an article about the sugar blast victims in Savannah, Georgia, and one of the victims is quoted in that article, because his brother was killed and he was injured. He says, "I've been thinking about my brother," who was burned over almost half his body, and "I know it could've been prevented."

Now, I am going to say, with the right regulations, it could have been prevented.

Then the article goes on to say, "Despite the outcry after the blast," the blast that I said had killed 14 people and injured 40 others, "the United States still lacks Federal regulations requiring industrial plants to prevent

the buildup of fine dust particles that can form explosive clouds in confined areas.”

The regulations that OSHA has to work with are so outdated that they don’t include sugar refineries or other industries that would benefit from having dust regulations.

The article went on to say that “Federal regulators concluded that the explosion and fire at the refinery in Port Wentworth, just west of Savannah, was caused by a spark that ignited sugar dust like gunpowder.

“The blast set off secondary dust explosions that turned the packaging plant where Butler worked with his 35-year-old brother, John Calvin Butler, into fiery rubble.

“Last summer, the Occupational Safety and Health Administration proposed \$8.7 million in fines against Imperial Sugar and cited the company for 211 safety violations at its two refineries here in coastal Georgia and in Gramercy, Louisiana.

“OSHA has a dust regulation from,” as I told you earlier, “the 1980s covering grain and plant silos. But another Federal agency says that’s not enough because food processors,” yes, “wood manufacturers,” yes, “and other industries face the same risks.”

Why are they not covered? Where are the regulations? Why are we not bringing OSHA into the 21st century, instead of having a debate today that has nothing to do with jobs and protecting our workers, and instead talking about oversight regulations that we are already committed to deal with on our committee.

Madam Speaker, “In 2006,” the USA Today article goes on to say, “the U.S. Chemical Safety Board, which investigates industrial accidents, called on OSHA to close that gap by adopting a new combustible dust regulation. Over the past three decades, the board says, about 300 dust explosions have killed more than 120 workers nationwide.”

Those are the regulations we should be dealing with. Those are the debates we should be having. Those are the steps we should be taking to bring OSHA into the 21st century, not keeping it back in the dark ages.

With that, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. Thank you, Mr. Chairman, for yielding.

I think we all agree that quality education is important, and I rise today to discuss a regulation that will unduly burden our schools and communities.

Last October, the Department of Education released the Program Integrity regulations. Many educators fear that these regulations will have a broad reach and require programs to be licensed in each State where students reside. Let me give you an example of

a small university in a small county in Ohio, Pickaway County. This county lost 2,500 jobs and only has an 11 percent baccalaureate rate.

OCU created an online degree program which currently has 1,000 students enrolled from 15 States. In addition to educating these students, OCU has created over 150 jobs in 5 years. If required to be licensed in all 15 States, OCU will be forced to unenroll at least half of the online students and lay off staff. If implemented improperly, this regulation would impact smaller colleges and universities like OCU who don’t have the resources to comply with this heavy burden.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 15 seconds.

Mr. AUSTRIA. Let me just conclude by just saying that the regulations are unclear with States as to what extent they are going to cover this program, and my hope is that the chairman will address this and the Education Workforce Committee will review this job-killing regulation.

Ms. WOOLSEY. I yield myself the balance of my time.

So we have had 1½ hours, 2 days of debate on regulations, oversight regulations, that our committee and other committees have already agreed they are going to deal with. This, to me, shows that the Republicans are truly in disarray. We are not discussing jobs, the most important issue in the United States of America for our people, and at the same time, in their disarray, the Republicans are pushing an irresponsible and dangerous spending bill that will threaten jobs.

I yield back my time.

□ 1050

Mr. KLINE. Madam Speaker, I am very pleased that we’re spending this time talking about real job creation. For the last 2 years, we’ve watched the Democrats spend literally trillions of dollars in failed efforts to create jobs, with more government spending. We need to get the private sector back to work.

We’ve heard examples here today, and we’ll hear more this afternoon, of how this blizzard of regulations is getting in the way of that job creation and preventing Americans from getting back to work. We need to step up to our responsibility, and this is just the opening of that discussion as we step up to do our jobs in oversight.

I yield back the balance of my time.

Mr. LUCAS. Madam Speaker, I rise today to claim the Agriculture Committee’s time, which I believe I am sharing with my colleague from Minnesota, and I yield myself 5 minutes.

Today, American agriculture is under attack. Every day, the administration seems to demonstrate just how vastly disconnected it is from the folks who

feed us. The administration fails to realize that rural America’s economy is dependent upon agriculture. The in-your-face approach that the administration has taken regarding government regulation has increased the cost of doing business for America’s farmers and ranchers. If the administration is allowed to continue down this path, the only choice many farmers and ranchers will have will be to stop farming altogether. From the dairies of Vermont to the wheat fields near the Chesapeake Bay to the cornfields in the Midwest, American agriculture is under a constant barrage of irrational and unworkable regulations from the Environmental Protection Agency, which are burdensome, overreaching, and that negatively affect jobs in rural economies.

This EPA is mostly interested in pursuing the extreme agenda of environmentalist groups without any consideration for the impact it will have on our farmers and ranchers. For example, the EPA wants to treat milk spills like oil spills simply because milk contains animal fat. The EPA has suggested that milk storage should be regulated under the Clean Water Act as large oil tanks. The EPA wants farmers to till fields without producing any dust. Clearly, the folks at the EPA have never stepped foot on a farm in western Oklahoma, or otherwise they would know that dust happens, and all the regulations in the world can’t eliminate its existence. The EPA wants farmers to ensure that none of the spray we use for pests drifts even 1 foot away from the original source.

The EPA has started an unprecedented re-evaluation evaluation—yes, I said re-evaluation—of the popular wheat control product Atrazine. In 2006, the EPA completed a 12-year review involving 6,000 studies and 80,000 public comments, yet one of the first orders of business for the Obama administration was to start all over after an article appeared in *The New York Times*. The EPA is trying to regulate watersheds based off of inaccurate and flawed models—a problem recognized even by the top officials at USDA.

The list goes on and on. But what further illustrates the alarming frame of mind of the EPA is that the agency has gone so far as to recently hold a contest for the public to create videos explaining what Federal regulations are “important to everyone.” In many instances, the agency is overreaching its authority. Instead of operating within the law, the EPA believes it can order Congress to pass legislation that gives it more authority and threaten to regulate anyway if Congress chooses not to act.

The message from the President is clear: Pass a cap-and-tax bill or we’ll pursue an endangerment finding. Pass more authority to regulate watersheds or we’ll proceed with an Executive order.

Sadly for America's farmers and ranchers, these regulations are not limited to the EPA. The Department of Agriculture's Grain Inspection, Packers, and Stockyard agency's proposed rule on purported "fairness" far exceeds congressional intent expressed in the 2008 farm bill. It lacks a credible economic analysis and has so far been the result of a regulatory process that can only be described as flawed. We have a responsibility to producers, packers, processors, retailers—and yes, consumers—to continue to examine this proposal's implications and act accordingly.

In addition, over the past several months the CFTC and other Federal financial regulators have been engaged in writing unprecedented new regulations over the derivatives market. As Chairman Gensler reported in our committee yesterday, since September alone the CFTC has issued 39 new rule proposals involving thousands of pages of regulation. By comparison, before Dodd-Frank, the CFTC averaged about five rules per year. The speed with which the CFTC is issuing new rules precludes their ability to conduct an adequate cost-benefit analysis to ensure that the rules do not impose unnecessary or undue regulations on our financial system and our economy. And unlike many of the provisions of Dodd-Frank, title VII is not limited to financial firms. In fact, it has the potential to impact every segment of our economy, from farmers and ranchers to manufacturers and energy companies to the fields of health care and technology.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LUCAS. Madam Speaker, I yield myself an additional 30 seconds.

Many of the rules the CFTC has proposed would substantially increase the costs of hedging for commercial end-users, extending Wall Street regulation to Main Street companies. As we work to revive the economy and create new jobs, we simply cannot afford sweeping new regulations that are poorly vetted, that impose substantial costs that outweigh the benefit for our financial system and our economy, or that are crafted in the interest of speed rather than in sound policy.

The Agriculture Committee has set forth an aggressive oversight plan that will shine a bright light on these regulations and show the real-world consequences of them. I hope the administration will work with us in our efforts. Our Nation's farmers, ranchers, and small businesses are all counting on us to do it.

I reserve the balance of my time.

Mr. PETERSON. Madam Speaker, I rise today to join in this discussion with my good friend Chairman LUCAS of the Agriculture Committee, and I yield myself such time as I may consume.

As the chairman indicated, yesterday on a bipartisan basis we adopted the oversight plan, such as what we have done in the past when we were in charge of the committee, working in a bipartisan basis. And I would argue that the committee, under my jurisdiction, did the oversight work that was necessary and we made the changes and addressed the issues as they came up. We made significant improvements in the farm bill back in 2008 in terms of conservation programs, other kinds of things—crop insurance—through the new SRA that was adopted in May. So I would argue that we did our work on the Agriculture Committee.

A good part of the chairman's time was taken talking about the EPA. I couldn't concur with him more. But the problem is, we don't have jurisdiction over the EPA. I hope that under the new leadership here that we will be able to work with the committees that have jurisdiction so we can straighten out some of the things that are going on over in the EPA and some of these other agencies. But all we can control is what we have under our jurisdiction in the Agriculture Committee. And I can commit to you that the Democrats on the committee will work with the Republicans to make sure that we do the right things on the Agriculture Committee; that we follow the plan that we adopted yesterday, and we do the aggressive oversight. We are 100 percent in favor of that.

In terms of the issues that the chairman talked about that are under our jurisdiction, the GIPSA law or rule that's being proposed, the CFTC rule that's being proposed, these are still proposed rules, and they're going through the process. And I have some optimism that at the end of the day that those things are going to come to a point where they're readable and acceptable. But if they aren't, we will take a look at them.

□ 1100

In terms of the CFTC, there are a lot of rules and regulations that they are in the process of implementing. The reason they are doing it is that we asked them to do it. This is not something they have manufactured over there. This has been directed by the Congress, and I would argue that it's needed.

We had a situation before where they were only doing five regulations a year because we had a \$600 trillion, \$700 trillion market that was completely unregulated, completely in the dark, and it was a big part of this financial crisis and collapse that we had.

At the time that we did the CFMA back in 2000, we were told that the folks who were in the swap market were rich people, that they had to have \$10 million to even get into this market, that they were gambling with their own money. Really, it was none

of our business that they were rich. They knew what they were doing. If they wanted to gamble their money, that was their business. The problem, we find out, is that they weren't putting the money up. They weren't putting the capital and collateral behind these swaps, and it almost took down the entire world financial system.

So I would argue that a lot of what the CFTC is working on are things that are going to have to be done. Not that I'm a big fan of regulation, but in this case, the private sector went amuck in some of these areas. I think we are going to have to require that they put their money up, that they put up the capital and collateral, and that we make sure we don't get in this situation again where the public has to bail out these financial firms.

We heard yesterday from the Secretary that he has no intention of regulating the end users. We gave that exemption in the law, and it looks like, in the way he has implemented it, the end users are not going to be subject to these capital and margin requirements. On the other hand, the financial firms that qualify as swap dealers or as swap participants are going to have to put their money up, and it needs to happen because we don't want to get in this situation again.

Having said all of that, let's see what happens and what the final rules are that they come out with at the CFTC. Let's see what happens with the final rules that come out with regard to GIPSA. I am hopeful that we are going to get the right kind of outcome when they listen to everybody. They've had an open process, and they've been listening and taking thousands of comments. If there are problems and if they've gone beyond the law or if they've gone off in a direction that we didn't intend, I will work with the chairman to make sure we get that straightened out.

So I am here today to pledge the cooperation of the minority on these issues. I hope the chairman can convince his colleagues on these other committees, which are driving us nuts in some of these areas as well as some of these other agencies, to come up with some process where we can be involved to straighten some of that out. I would love to work with you on that. We are with you 100 percent, and I look forward to working with the chairman and with the other members to get the right kind of outcome.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LUCAS. The ranking member is always a pleasure to work with.

Madam Speaker, I now yield 1 minute to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Madam Speaker, I rise today as a lifelong farmer in support of House Resolution 72.

My family has been involved in farming for generations. My Granddad Zellmer raised corn and threshed wheat with the help of neighbors as a threshing crew. My Granddad Purdy was a cowboy, raising Hereford cattle.

Like today's farmers, they worked hard—investing their lives and resources to make a living for themselves and to feed the world. They would be shocked today by the amount of government interference in farming today and by the overreach of government.

The EPA is advancing numerous proposals that are harmful to agriculture. One rule wants to regulate dust on our farms. They call it "air quality." Where I'm from, it's called "living in the country." In case the bureaucrats in Washington haven't heard, driving on a gravel road and planting seeds in soil make dust. We don't need Washington to regulate dust. We need common sense.

The EPA wants to do more. It is reviewing again the registration of atrazine, which is a common, useful herbicide that has been used safely for over 50 years. This product encourages the protection of soil and less dust by using no-till agriculture.

It is time to get government out of agriculture and to preserve the farming heritage my parents and grandparents and so many others have passed on to future generations.

Mr. LUCAS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), one of our subcommittee chairmen.

Mr. CONAWAY. Madam Speaker, I am here today to address regulations, primarily pending, that fall under the jurisdiction of the subcommittee I chair. These regulations, many of which seem to be both illogical and prescriptive, possess the ability to adversely impact economic growth.

The General Farm Commodities and Risk Management Subcommittee has jurisdictional oversight over the CFTC, the Commodity Futures Trading Commission. Historically, the CFTC has been a model regulatory agency. As the implementation of Dodd-Frank has begun to unfold, however, this reputation has begun to suffer. With each rule proposed, a newfound distrust is growing between participants and the CFTC. I believe this springs largely from the arbitrary and confusing way in which the Commission is undertaking its mandates.

Currently, the commission's consideration of costs and benefits is sorely lacking. By prioritizing speed over deliberations, the Commission is not only producing poorly understood proposals; it is also creating an irrational sequence of rulemaking. Because so many of the rules hinge upon components of other rules, the order in which they are drafted and put before the public matters.

For example, the Commission has still failed to provide certainty regarding its definition of what constitutes a "swaps dealer" and who may be captured in that definition. The Commission is already attempting to categorize various commercial entities as "swaps dealers," which makes no sense.

Following the financial crisis our country faced, Dodd-Frank was enacted. Make no mistake that the intent of Congress and the act was not to manage the individual risk on behalf of market participants but rather to mitigate those broad systemic risks that threaten the entire financial system. Yet the Commission is currently headed down a path that extends well beyond the statutory requirements of Dodd-Frank and is attempting, at the request of no one in particular, to micromanage individual risk across all industries and sectors.

To return to the "swaps dealer" example, in his confirmation hearing 2 years ago, CFTC Chairman Gensler stated that there were roughly 15 to 20 swaps dealers around the globe that represented 99 percent of the market for over-the-counter derivatives. Compare those comments to Chairman Gensler's stating just yesterday in front of the Agriculture Committee that he now believes over 200 entities would be captured by the definition.

This expansive definition will categorize far more firms as "swaps dealers," and it moves far beyond the intent of Congress. It isn't difficult to see that the continued overreach of the Obama administration has become the rule, not the exception.

Again, Madam Speaker, we and the varied agencies of this country, independent or not, owe it to the American public to ensure the assorted regulatory schemes carried out by the Federal Government work to promote economic growth, competitiveness, and innovation. The CFTC's current track seems to be sacrificing these principles for the sake of political expediency.

Mr. LUCAS. Madam Speaker, I yield 3 minutes to another outstanding subcommittee chairman on the Agriculture Committee, the gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. Thank you, Mr. Chairman.

Madam Speaker, I rise in support of the resolution on regulations and jobs.

In particular, I would like to discuss the USDA's Grain Inspection, Packers and Stockyards Administration's, or GIPSA's, proposed rule governing livestock and poultry marketing practices. This proposed rule should be carefully considered for its unintended consequences, particularly for those it is supposed to protect—livestock producers.

In the proposed rule, GIPSA is attempting to overturn numerous judicial decisions by stating, Finding that

the challenge, act or practice adversely affects or is likely to adversely affect competition is not necessary in all cases. In other words, a plaintiff would no longer have to show actual harm when challenging a packer's activity. The rule would also ban packer-to-packer livestock sales and restrict dealers to representing a single packer.

While intending to strengthen the cash market, these changes are likely to actually disrupt orderly market transactions. It will have far-reaching implications for livestock procurement, impacting producers, packers, processors, retailers, and consumers. It far exceeds congressional intent in the 2008 farm bill. It lacks a credible economic analysis and is the result of a flawed regulatory process.

A subcommittee hearing last year demonstrated that concerns are widespread in the livestock community, and concerns are bipartisan here in Congress. We must continue to examine this proposal and act accordingly.

The 2008 farm bill process considered numerous proposals to address livestock marketing and procurement issues.

□ 1110

Most of these ideas were rejected by Congress, and the USDA was directed to conduct rulemaking on a narrow range of technical issues. The proposed rule that emerged went far beyond the intent of Congress and was seen by many as an agency trying to win by rulemaking what it had failed to win in courts.

The USDA determined that this was not a significant rule, even though observers assert that it will incur costs beyond the \$100 million threshold for a significant rule. Therefore, no comprehensive economic analysis accompanied the proposed rule.

At least 10 times in the proposed rule GIPSA states some version of the phrase "GIPSA believes that potential benefits are expected to exceed costs" without offering any supporting evidence. The Secretary has since indicated that he will conduct a cost-benefit analysis. The taxpayers appropriated \$13 million this year for USDA's Office of Chief Economist. That office should have performed an analysis before the rule was proposed so it could have been available during the comment period.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The time of the gentleman has expired.

Mr. LUCAS. I yield the gentleman an additional 30 seconds.

Mr. ROONEY. Madam Speaker, concerns about this bill are broad and bipartisan. Members of both parties have raised questions about the scope, process and intent of this rulemaking. The American people spoke in November to avoid these kinds of Washington insider bureaucratic nightmares. Our

work on this rule is far from complete. We must continue our efforts. Therefore, I rise in support of the resolution.

Mr. LUCAS. Madam Speaker, I yield 3 minutes to the subcommittee chairwoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Madam Speaker, I rise in support of this resolution.

Madam Speaker, I can't think of a single agency of the Federal Government that poses more threats to jobs in our economy than the Environmental Protection Agency. As chairwoman of the Nutrition and Horticulture Subcommittee, I am especially alert to the threat the EPA poses to those charged with providing food and fiber for our Nation.

There are so many examples of actions undertaken by this President's EPA that defy sound science, good judgment, and will only result in putting America's farmers and ranchers out of business.

For example, the EPA has proposed a zero-risk standard on pesticide spray drift. The EPA is proposing a standard that even it admits is unachievable. This proposed standard leaves our agricultural producers vulnerable to enormous compliance costs and untold numbers of potential lawsuits.

Another example, the EPA has withdrawn a proposed exemption for milk from the Oil Spill Prevention, Control and Countermeasures program. This move puts the livelihoods of our dairy farmers in jeopardy because they could face enormous compliance costs. Under this regulation, milk would be treated as if it were motor oil, thereby necessitating dairy farmers across the country to comply with costly, burdensome rules designed to control storage of toxic substances. As far as I can tell, the agency's only stated reason for withdrawing this proposed exemption is that it was initiated under the Bush administration. Yet more than 2 years later, our dairy farmers are still in limbo.

Another example of the EPA's disconnect with science at the expense of the economy is the agency's unprecedented multiyear, multimillion-dollar re-evaluation of a popular herbicide. Only 2 years earlier, the agency completed a 12-year review of 6,000 scientific studies and concluded that the product is safe. I suppose the logic for this re-evaluation is that with trillions of dollars deficits we face, we have the money to burn on pet causes of radical environmental groups.

As if the agency didn't have enough on its plate, we see that they have issued a draft pesticide registration notice entitled, "False or Misleading Pesticide Product Brand Names." Note that the EPA is now attempting to regulate not the safety of the product but the name of the product and even the name of the company that manufactures it. This notice threatens to undermine the very investment in our econ-

omy that this President spoke about 2 weeks ago in this very Chamber.

The President's EPA is threatening a potential loss of approximately \$2.5 billion in brand equity for U.S. businesses.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LUCAS. I yield the gentlelady 30 additional seconds to conclude.

Mrs. SCHMIDT. I could go on and on, Madam Speaker, but the point of this is that the EPA is getting into areas where it doesn't belong, costing American farmers, American businesses, and good old Americans more money than they can afford.

Mr. LUCAS. Madam Speaker, I yield 3 minutes to a first-term subcommittee chairman, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise in strong support of H. Res. 72.

This administration's EPA has been allowed to operate unchecked by proposing regulations and actions not based on sound science and data. For example, an issue receiving more attention in Pennsylvania is the proposed regulation of the Chesapeake Bay and surrounding watershed. These regulations have a devastating economic impact on my constituents. Unquestionably, the bay is in need and truly worthy of our support. However, the EPA's "shoot first and ask questions later" approach will have detrimental economic effects on rural communities.

The EPA, through a Presidential executive order, has created a Federal backstop for watershed implementation plans, commonly known as WIPs. This action has prevented the State's authority to implement their own strategies to clean up watersheds. Additionally, the EPA has proposed accelerated and unreasonable timelines for court-mandated total maximum daily loads, or TMDLs. The TMDL is a mandatory diet to restrict nutrient and sediment runoff. EPA has based the Chesapeake Bay TMDLs on its own bay modeling. This model has been called into question by many, including Limnotech, an independent and respected consulting firm on water issues.

Using the EPA's own data, Limnotech compared it against data from the USDA which showed inconsistent assumptions between agencies. The head of the USDA's Natural Resources Conservation Service has recently gone as far as to say that the EPA's data on conservation practices is erroneous.

Agriculture is not receiving the credit it deserves towards reducing nutrient and sediment runoff. Yet the EPA is forcing the bay States to move forward on accelerated mandates using the agency's flawed bay model and limited feedback from the public and

stakeholders. Although the EPA unfortunately has not performed any kind of economic analysis of TMDL, continuing on this path will undoubtedly cause severe economic impact on producers in rural communities.

For example, the Commonwealth of Virginia estimates it will cost \$4,665 per taxpayer to meet the TMDL requirements, and Maryland estimates they're looking at \$8,500 per taxpayer, or \$10 billion over the next 10 years.

This is simply a fundamental difference between the approach of the Agriculture Committee and the strategy of this administration. The goal is the same, the vitality and health of the Chesapeake Bay, but the methods of achieving these goals could not be more different.

The 2008 farm bill provided incentive-based aid for farmers and ranchers to improve management practices which would have a direct result of improving water quality; but the administration simply does not want to give the time for these programs to work. Instead, they have done what they have been doing since taking office, overregulating farmers and ranchers and punishing States for not meeting certain arbitrary benchmarks.

Rural America cannot afford for the EPA to continue this arbitrary regulation and not recognize current conservation efforts. I strongly believe that we need to hit the pause button on the TMDLs and first perform a study on the progress already being made on the Chesapeake through existing efforts already being employed.

I'm proud of the fact that the farmers are taking real action on the ground every day to improve water quality in the Chesapeake Bay region and across the country.

Mr. LUCAS. Madam Speaker, I now yield 3 minutes to one of the senior members of the House Agriculture Committee and one of our subcommittee chairmen, the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Thank you, Mr. Chairman.

Madam Speaker, with the comprehensive and detailed analysis that we've already received from our distinguished chairman and my colleagues, I'm not sure what I can add, but I will try.

Article I, section 1 of our Constitution provides that all legislative powers be granted to the Congress of the United States. I remember when I was in fifth grade, I had a teacher named Mrs. Arndt in a seminal moment in my education who taught us what was right at the time and what's been badly distorted since, and that is, that we have three branches of a government: an executive branch to apply the law; a judicial branch to interpret it; and a legislative branch to make the law.

□ 1120

Unfortunately, that has all been turned on its head. We used to have the

conventional wisdom that as we left here, that the people's life, liberty, and property were safe. In fact, as my colleague and good friend RON PAUL said, When we leave here, we lose accountability, and we turn the process over to unelected bureaucrats.

The purpose of those constitutional provisions was to provide accountability through elections, the popular will; and yet this administration has consistently ignored separation of powers and legislative functions, blatantly and defiantly through unelected, often even unratified, unaccountable, nameless, faceless bureaucrats who continually thwart the popular will and sound public policy.

American agriculture, the worldwide leader in creativity and progress, the source of cheap food for a hungry world, is the prime target and victim. My colleagues have dealt very articulately with issues of price controls, GMO regulations, restrictive fees, and overly burdensome regulations.

In addition and specifically, Madam Speaker and Members of the House, we have dealt and continue to deal with an EPA, a USDA, and a U.S. Department of Transportation that have dealt in areas of dust, backdoor cap-and-trade enactments, the Clean Air Act, hours of service, GMO coexistence, and otherwise. The key is this: none of these actions by themselves could ever pass the House or the Senate. None of these usurpations of authority are authorized by the Congress, and all of these serve to add dramatically to the cost of doing business and to reduce America's ability to feed our Nation and help feed the world.

Each one of us represents up to 800,000 people, and each one of us has to face the voters every 2 years. We have a sworn constitutional obligation to the American people which is being twisted and subverted daily by perhaps well meaning, but nonetheless unresponsive, people and agencies who have no practical scrutiny or control. And this bill, I contend, Madam Speaker, Mr. Chairman, and Members of the House, starts the process of restoration of legislative powers and upholding our fundamental, constitutional values, and the obligation to represent people rather than allowing people who were never elected or are unaccountable to run our public policy.

Mr. LUCAS. Madam Speaker, I now yield 1 minute to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the chairman for yielding.

Madam Speaker, I rise today in support of the resolution and to share the sentiments of our hardworking dairy farmers in upstate New York. When I talk with farmers and other small business owners throughout the district, they constantly share with me the primary impediments to their growth:

high taxes, out-of-balance regulations, spiraling health care costs, and rising energy costs.

Today I'll highlight just one example of an onerous regulation, a bureaucratic overreach that the EPA is threatening to visit upon our dairy farmers. Because milk has animal fat that the EPA defines as a nonpetroleum-based oil, the EPA is essentially treating our milk, our dairy product there, as a hazardous material. And if they do not get a waiver by November, our dairy farmers will have to invest in specialized containers and other equipment to be in compliance with new spill regulations. This will come directly out of their bottom line, and it makes no sense. I think we can all agree that we don't want to see spilt milk, but it's not a hazardous material.

Madam Speaker, I support this legislation because I want to help our family farmers thrive and flourish.

Mr. LUCAS. I now yield 1 minute to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I rise in support of the resolution and look forward to reviewing a number of regulations and orders from Federal Government agencies.

One regulation I would like to address today is the USDA's departure from a science-based regulatory system for biotech crops. Two weeks ago, I spoke to a number of farm and agriculture groups from my district, and they indicated a real concern that the current politicization of the regulatory process could set dangerous precedents for open pollinated and biotech crops in the future.

The USDA has departed from the longstanding science-based "coordinated framework" between the USDA, EPA, and FDA that has been accepted throughout the world. By altering the process through using a rules approach, rather than science, this could have a significant negative impact on trade. In addition, I think it is important to make sure that all government agencies are allowing for a proper comment time for proposed rules and regulations. As a government, we need a full understanding of how our actions will affect those governed by the rules.

Mr. LUCAS. Madam Speaker, I now yield 1 minute to the Congresswoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Madam Speaker, I rise today in support of House Resolution 72.

Since becoming a Member of Congress, there has been a recurring theme in almost all of my meetings with constituents, the overreaching and burdensome nature of regulatory authority in Federal agencies. In my committee work just this week, I heard about the difficulties and the haphazard nature in which Dodd-Frank is being implemented and the negative impact of regulations in health care, education, and

the National Labor Relations Board. It is obvious that the problem is not limited to one agency or industry, but is a growing trend by the administration in their approach to implementing regulations.

I would like to take a moment to talk specifically about the Environmental Protection Agency's boiler MACT ruling. It would lead to the loss of hundreds of thousands of jobs, and it is estimated that the cost to the paper and pulp industry would be over \$5.5 billion in capital and \$1.2 billion in annualized costs.

The boiler MACT ruling is only one in a long line of troubling rulemaking decisions by the EPA and other agencies. Farmers have continually been faced with overreaching decisions such as rulings on pesticides, regulations of concentrated animal feeding operations, and nonpoint source pollution, to name a few. Alabama has a strong presence of agriculture, and I look forward to Congress exerting their oversight.

Madam Speaker, I rise today in support of House Resolution 72. Since becoming a Member of Congress, there has been a reoccurring theme in almost all of my meetings with constituents—the overreaching and burdensome nature of the regulatory authority of Federal agencies. Regardless if the meeting is with farmers, business owners, factory and mill workers, energy producers, doctors and teachers, all of them have been negatively impacted by unbalanced decisions by Federal agencies. All these groups want is fair, reasonable and balanced decisions. In my Committee work this week, I heard in the House Agriculture Committee about the difficulties in the haphazard nature in which Dodd-Frank is being implemented. In the House Committee on Education and Workforce, I heard testimony regarding the negative impact of regulations in health care, education, and the National Labor Relations Board. It is obvious that the problem is not limited to one agency or industry, but a growing trend by the Administration in their approach to implementing regulations.

I like to take a moment and talk specifically about the Environmental Protection Agency's proposed Maximum Achievable Control Technology for boilers. It is not even clear that the technology the EPA is requiring even currently exists. I have heard from several groups both here in DC and back in the district that the ruling would lead to the loss of hundreds of thousands of jobs at a cost of tens of billions of dollars in cost in implementing the rule. For example, it could result in the loss of 17,000 jobs in mills and 55,000 jobs in surrounding communities in the pulp and paper industry. It is estimated the cost to the industry would be over \$5.5 billion in capital and \$1.2 billion in annualized cost. New air regulations could total about \$4 billion annually, which is over 4 times the entire industry's profit in 2008. This would eliminate the industry and push jobs overseas leaving us relying on foreign markets for products.

The Boiler MACT ruling is only one in a long line of troubling rule-making decisions by the

EPA and other agencies. In my State of Alabama, that has a strong presence of agriculture, farmers have continually been faced with over-reaching decisions such as rulings on pesticides, regulations of concentrated animal feeding operations, ruling on genetically engineered crops, definition of navigable waters and nonpoint source pollution, to name a few. We cannot continue to be faced with regulations that are not consistent, that overly impede on particular industries, discourage innovation and eliminate jobs and businesses.

I look forward to Congress exerting their oversight power and to reign in the Federal agencies. Congress must ensure that we have regulations that are done fairly in a balanced manner to ensure the safety and health of the American people while controlling for overly burdensome cost on our society.

Mr. LUCAS. Madam Speaker, I next yield 1 minute to the good gentleman from the great First District of Kansas (Mr. HUELSKAMP), my neighbor from across the line in Kansas.

Mr. HUELSKAMP. I would like to thank Chairman LUCAS for the time to speak on an issue that is near to my heart.

Madam Speaker, I came to Washington, hoping to bring some common sense to a city sorely lacking it. We have too many regulations being written by too many bureaucrats who have no idea what the real world is like. And let me give you one real-world example.

Regulators at the EPA think that dust poses a serious health and pollution threat and have proposed significant reductions in the amount of dust that can be in the air. It's dry and it's windy in western Kansas, where I come from. So when we drive on the dirt roads common to rural America, we turn up dust in the air. To keep this from happening, the EPA recommends spraying dirt on the dry roads twice a day. Obviously they have never been to Kansas before. Kansans are hard-working people; and we don't have time to do this and, frankly, Madam Speaker, nor do we have the water to spray on these roads.

I welcome the opportunity this resolution provides for us to bring these regulators in and give them a picture of what life is like in the real world outside of Washington. I urge my colleagues to join me in support of House Resolution 72.

Mr. LUCAS. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. Madam Speaker, we all know this is a challenging time for many families across America. Just like the rest of the country, folks in middle and south Georgia are struggling because of this economy. You see, the government has taxed and spent the American home into a recession. In fact, Madam Speaker, the current administration, in the last 2 years, in piling on regulation after regulation has made it more

difficult for small businesses and family farms to grow and create jobs. Agencies like the EPA and laws like the recently enacted financial regulatory reform bill stand to do nothing but kill jobs. As a member of the Agriculture and Armed Services Committees, I look forward to working with my colleagues to tackle the burdensome regulations at these Federal agencies.

President Eisenhower famously said, "Farming looks mighty easy when your plow is a pencil and you're 1,000 miles away from the cornfield." We need to take an eraser to a lot of these rules and regulations that the bureaucrats in Washington are placing on the American small business owner.

Mr. LUCAS. Madam Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Oklahoma has 3¼ minutes remaining.

Mr. LUCAS. Madam Speaker, I yield myself 2 minutes.

I would note to my colleagues on the floor, as you have seen today, the members of the House Agriculture Committee are very concerned about the impact that these regulatory issues have on farmers, ranchers, on processors, on the American consumer; and we are very committed to working in a bipartisan way with our colleagues on the entire Ag Committee to try and make sure that this onerous, burdensome, potentially economically destructive path that we seem to have gotten on in recent years is reversed.

□ 1130

We will use the oversight hearing process. We will use every tool available to us, working with other committees. We will in areas where perhaps we have some jurisdictional questions at least dwell upon the impact and the effect of direct regulation.

I promise you over the course of this session of Congress the next 2 years, it will be one of the highest focuses of the House Agriculture Committee, and perhaps, if we are successful, we will enlighten some unelected bureaucrats. Perhaps, if we are successful, we will prevent the implementation of rules and regulations that will not only prevent jobs from being destroyed but perhaps, if they are unfortunately implemented, destroy jobs that exist in this country. That's our commitment on this committee. That's our effort. We pledge very much to do that.

With that, Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Madam Speaker, this week is the 100th anniversary of the birth of Ronald Reagan, and I think it is altogether fitting that we quote Ronald Reagan at a time in which, 30 years from when he said it, we're dealing with the burdens

of increasing regulation creating a noncompetitive situation for American workers. It was 30 years ago that America was in a malaise. It was 30 years ago that Americans found themselves without jobs and without hope. It was 30 years ago that they elected Ronald Reagan, a man of hope and conviction to tear down anything that impeded freedom and liberty, including the growth of government, who said:

"Now let there be no misunderstanding. It is not my intention to do away with government. It is, rather, to make it work; work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it."

When our committee put up AmericanJobCreators.com, we thought we might get a few hits. Today, the letters we have received from small and large businesses around the country, giving us with specificity regulations and regulatory excesses that are stifling their ability to create jobs, now is more pages than ObamaCare, more pages than any bill I've ever seen come from here are stacking up with specific problems that America is dealing with here today, whether it's EPA, OSHA, or just regulators who won't give an honest answer to a fair question based on laws in which we require them to provide answers.

America is falling behind and American jobs are suffering. So, Madam Speaker, our committee is dedicated to ensuring that regulatory reform occurs and occurs on our watch.

I reserve the balance of my time.

Mr. CUMMINGS. I yield myself such time as I may consume.

Madam Speaker, as the ranking member of the Committee on Oversight and Government Reform, I rise in support of H. Res. 72. In fact, Madam Speaker, all of the ranking members of the committees that are debating H. Res. 72 have also joined me in expressing their support for this resolution. I believe that we should take every opportunity to thoughtfully and comprehensively reform regulations to ensure that they protect the health and welfare of the American people while not unduly impeding job creation.

Obviously, however, this resolution is unnecessary. Our committee already convened a hearing on this exact topic just yesterday. We also adopted an oversight plan that specifically addresses the topic. So spending 10 hours debating this noncontroversial resolution does not seem to be the best use of Members' time.

Importantly, any meaningful discussion of regulatory reform must be based on a comprehensive examination that considers the costs and benefits of regulations, that develops conclusions based on solid data, and that seeks input from a wide variety of sources.

President Obama launched such an examination when he issued an executive order last month requiring agencies to examine the costs and the benefits of regulations to the overall economy, to small businesses, and to American workers and families. Several of the witnesses who appeared before the committee yesterday testified that the President's initiative is an important first step. By the way, these were the witnesses that were called by the majority. I look forward to receiving the results of the President's review. I hope that our committee will also undertake a balanced and thoughtful evaluation of regulations.

And now, instead of wasting 2 days debating a resolution we all agree with, we should use our valuable floor time to consider legislation that will actually create jobs. With our national unemployment rate at 9 percent, and even higher among minority communities—and as I told my committee yesterday, there are areas in my district where the unemployment rate probably approaches anywhere from 20 to 35 to 40 percent—we should be focusing on concrete proposals to get our economy moving. That's what America wants, that's what America sent us here for, and that's what we should be about the business of doing.

In his State of the Union message, the President proposed an initiative to create jobs and encourage economic growth through the modernization of our Nation's infrastructure. And on January 26, the President of the U.S. Chamber of Commerce, Thomas Donohue, and the President of the AFL-CIO, Richard Trumka, issued a rare joint statement applauding this proposal. Here is what they said:

"Whether it is building roads, bridges, high-speed broadband, energy systems and schools, these projects not only create jobs and demand for businesses, they are an investment in building the modern infrastructure our country needs to compete in a global economy."

Similarly, in a study released by the National Transportation Policy Project in January 2011, Douglas Holtz-Eakin and Martin Wachs concluded after extensive analysis, quote, wise and well-targeted expenditures on transportation infrastructure can generate lasting productivity gains, while also providing a more immediate stimulus to accelerate the Nation's ongoing recovery from a devastating recession.

These are exactly the kinds of bipartisan efforts our committee and the Congress should be supporting. For this reason, I wrote yesterday to the chairman of the committee, Congressman ISSA, asking that we schedule a hearing on these issues, these job-creating issues. I asked that we invite the Chamber, the AFL-CIO, and Transportation Secretary Ray LaHood. I hope we will follow through on that idea. I

think it would be a lot more productive than the debate we are having here today on this noncontroversial issue.

Importantly, as we consider such investments, we must also ensure that programs are in place to support small and minority-owned businesses that are so critical to the success of our economy. According to a report published in September 2010 by the Joint Economic Committee, three out of every four workers in the United States are hired by a firm with fewer than 250 employees.

□ 1140

These small businesses, which are the backbone of our economy, have struggled over the past 2 years with a lack of access to capital. And minority-owned businesses are particularly limited by their access to bonding. I would ask that the majority join us in trying to find ways to make sure that these businesses have an opportunity to be bonded. This is an issue that I started working on 30 years ago, and we see roadblock after roadblock with regard to bonding for small and minority businesses and women-owned businesses. We see it over and over and over again. That's what we need to be dealing with. Those are the kind of things.

And another thing that we find is that if you were to go into my district and bring together small businesses of all kinds, they would tell you that the thing that's stopping them from hiring people is things like access to capital. Many of them have had their lines of credit taken away. That's very significant. Anybody who has run a small business knows that a line of credit is essential and is extremely important for those small businesses to survive. And so, if we want to talk about trying to create jobs, which we should be, then I would hope that we would address that issue today.

And so with regard to bonding, I am introducing legislation that would expand the Department of Transportation's ability to assist disadvantaged business enterprises working in the transportation industry in obtaining bid, payment, and performance bonds. This legislation would also create a program through which up to five States could receive Federal funding to implement their own bonding assistance programs.

If the Republican leadership is serious, and I mean if they are really serious about creating jobs and making investment in our Nation's future, they should schedule time on the floor to consider legislation like this, rather than squandering days on pointless debates guaranteed to create zero jobs.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, as I introduce each of the members of my committee who sat through yesterday's hearing with witnesses on one

side giving, in specificity, the problems, the regulations, what were the impediments to farming, to manufacturing and to mining, it is amazing that the gentleman quoted them, the gentleman from the other side of the aisle quoted them, but ignored his own witness who disputed any cost-benefit analysis being appropriate for looking at regulatory reform or even regulatory creation, preferring to simply say that all regulations should be judged on whether they do something, not what they cost.

Madam Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. Madam Speaker, I rise to add my voice to those calling for the end of overregulation that is strangling our small businesses here in my home State of New Hampshire and across our great Nation. I believe that this is a central focus of the challenges that we face in this 112th Congress.

As other Members have suggested and stated, our Nation is run by small business owners, by employers who are hardworking, put their time and energy and effort into creating something, building something, creating new jobs for new opportunities. In my home State of New Hampshire, about 75 to 80 percent of our economy is dependent upon small business.

And what I heard in the testimony, in committee, and what I'd like to convey today is my great and grave concern for the fact that every small business owner has to pay \$10,585 per employee for the regulatory burdens and requirements. That is a grand impediment to the creation of a small business opportunity. This is something that is centrally focused, that we have to address as a Congress. And I certainly urge the passage of this resolution.

Whether you are Laars, Incorporated in Rochester, New Hampshire, or Tee Enterprises in North Conway, New Hampshire, or J Dubbs in Manchester, New Hampshire, this impediment disallows the incentive that we believe is most important in our Nation.

I, as a Member representing New Hampshire, want to ensure that we create an environment where small business can grow, can succeed and employ people, in our great State and in our Nation.

There are two interesting things going on in New Hampshire: Project labor agreements that are infringing on the ability of a \$35 million project being supported; and the OSHA demands over our small businesses. I hope and trust that we can pass this resolution.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I want to clear up something that the chairman of the committee just said that is not completely accurate. Yesterday, in our committee hearing, we

had Dr. Shapiro to testify. And the thing that he said was that when regulations are created, they are created in favor of protecting the health, welfare, and safety of American people. And basically, what he was saying is that we want to make sure that while you look at the cost-benefit analysis, you've got to understand that sometimes it's kind of hard to quantify the benefit of not seeing a baby strangled in a crib, the benefit of making sure that people have clean water, the benefit of making sure that when we eat food that that food is healthy and that it's not poison, the benefit of seeing that if we eat a piece of fish that it's not filled with *pfisteria*. Those are the kinds of things that he was talking about. And so he wasn't saying that we should not look at it. What basically he was saying is that you've got to understand that when we came to this Congress and we put our hands up and we swore, we swore that we would protect Americans. And that's what this is all about.

Mr. ISSA. Will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from California.

Mr. ISSA. I was only quoting what the gentleman had said and reiterated that he still supported: Cost-benefit analysis is neither sound in theory nor useful in practice. We asked him. He said he still stands behind that. That's much broader than the gentleman said, I believe.

Mr. CUMMINGS. Reclaiming my time, as I said before, again, he was saying that regulations are put into effect to protect Americans. And I want to make it clear that we, on this side of the aisle, we have absolutely no problem with making sure that we look at regulations. If they are outdated, if they are overburdensome to the degree that there's no balance there, if they don't make sense, then we want to see those regulations go. But at the same time, what we're also saying is that it has to be a comprehensive examination. And I would think that the chairman of the committee would agree with me on that; that whatever we look at, because we want whatever comes out of this Congress to be credible and to be based on integrity, and we want the American people to buy into it, and hopefully this Congress to buy into it, that it would be a comprehensive view, that we'd look at the total picture, not just the cost, not just the benefit, but looking at it all.

Madam Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, my Republican colleagues advocate a free market unfettered by what they say are job-killing regulations. It seems like to them every regulation is job-killing. We hear a lot about that.

What we don't hear from the Republican majority is anything about job growth. We don't hear any plans about

job growth because the majority doesn't have any plans for job growth.

□ 1150

In fact, the Republicans spent the last 2 years obstructing pro-job growth policy just to score political points; but they are wrong about regulation.

For example, on the environment we hear from Republicans that environmental regulations are killing jobs, but the facts prove just the opposite. Based on recent estimates, total employment created by capital investments in the power sector over the next 5 years is estimated at 1.46 million jobs. That's an average of 290,000 jobs a year, in each of the next 5 years, and in a sector Republicans are telling us is full of job-killing regulations.

While we don't hear anything from the Republican majority about job growth, we do hear a lot about free markets. To them, all we have to do is eliminate regulations, and everything will be fine. Well, at least for some of their wealthy corporate contributors. The rest of us? We're on our own in the free market.

Madam Speaker, I wonder if my Republican colleagues think a market free of regulations will ensure the safety and reliability of the Nation's roads, railways, and airways. Our transportation system allows American businesses to transport their goods to retailers and consumers, and regulations make that system safe and reliable.

Do they think a market free of regulations will enforce international agreements? Agreements help American businesses sell their goods and services abroad, and regulations protect and enforce those agreements.

Do they think a market free of regulations will defend American's patents, copyrights and trademarks? Regulations protect American businesses against infringement, theft, and piracy.

Does the Republican majority think a market free of regulations will protect the hundreds of millions of Americans who are their consumers and workers, and ensure their continued safety and security?

When they were in the minority, Republicans worked hard to slow or even end the recovery from an economic crisis that they created, the crisis that the President and the Democratic Congress began to solve, the economic crisis that the new Republican majority, again for political reasons, seems bent on bringing back by eliminating the very regulations that create jobs.

And I want to know if my Republican colleagues, who have not advanced one single plan to grow jobs here in this country, do they want to eliminate all regulations? Or do they just want to eliminate regulations that create jobs and protect Americans and that secure the economic and environmental future of this country? But they may also cut

into the record profits of their wealthy contributors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman an additional 30 seconds.

Mr. CLAY. Instead of spending hours or days on trying to score political points, the Republican majority should be joining Democrats and the President and focusing on growing jobs. Regulations—pro-growth, job-creating regulations—are a necessary successful way we can continue the Democratic recovery from the Republican economic crisis.

PARLIAMENTARY INQUIRY

Mr. ISSA. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ISSA. Under the rules of the House, isn't it true that the limitation on taking down somebody's words based on casting aspersions or specific actions against an individual, for example, not caring about Americans or wanting children to die for lack of regulation—isn't it true that we can only do that if they cite a person, not the Republican Party as a whole?

The SPEAKER pro tempore. The Chair does not respond to such a hypothetical question.

Mr. ISSA. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ISSA. Would it be in order for me to bring a motion to take down the words based on that accusation that was just made against my entire party, alleging that we want to roll back so that children are not protected and the like?

The SPEAKER pro tempore. The Chair can not issue an advisory opinion. Is the gentleman from California making such a demand?

Mr. ISSA. Would it be in order for me to make such a demand?

The SPEAKER pro tempore. The Chair can not respond to such a hypothetical question. If a demand is made, the Chair will follow the regular process.

Mr. ISSA. Madam Speaker, I think we're bigger than those accusations, regardless of it being likely to have been inappropriate by any standard.

With that, I yield 2 minutes to the gentleman from New York (Ms. BUEKLE).

Ms. BUEKLE. I thank the gentleman from California for yielding his time.

Madam Speaker, I rise in support of H. Res. 72.

Last November, the American people sent a message to all levels of government: get the government out of the way so that employers can create new jobs.

Many in Washington seek a solution to our country's economic slowdown

through a revision of the Tax Code and broad cuts in all levels of spending. I support these initiatives, but I do not believe they are enough. We must provide a climate for economic growth and job creation. Congress must relieve the American people from the hidden tax of excessive regulation and red tape. It is a tax that affects everyone, passed on every day in increased costs of products and services.

To put things in perspective, according to a report issued last year by the Small Business Administration, the approximate economic cost of regulation is a staggering \$1.75 trillion annually. Increased regulations stifle job creation and the expansion of businesses, both large and small. It cripples their competitiveness in a global market while smothering the innovative spirit that has made the United States of America great.

Moreover, businesses are not the only ones who are harmed by these unnecessary regulations. Municipalities, school districts, not-for-profits, health care providers, and others serving the public pay a high cost to comply with the Federal bureaucracy.

Regardless of who I talk to in the great State of New York, I ask, What regulations burden you? Businesses of all sizes and from all industries talk about how they incur unnecessary overhead for compliance.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ISSA. I yield the gentlewoman an additional 30 seconds.

Ms. BUERKLE. School districts tell my office of receiving Federal grants that will cost them two to five times the size of the grant to administer the grant.

Not all regulations are unwarranted. Most Americans would agree on the need for regulatory protection, and to assume otherwise of this committee is irresponsible.

Congress must address the cost to both business and the public before a new regulation is adopted. As Members of Congress, we cannot cede over the responsibility of legislation to the unchecked regulatory regimes that end up levying this hidden tax.

Mr. CUMMINGS. Madam Speaker, it gives me great honor to yield 3 minutes to the distinguished gentleman from Maryland, the whip, Mr. STENY HOYER.

Mr. HOYER. I thank the gentleman for yielding.

This resolution directs the House committees to review Federal regulations for their effect on our economy. I agree with this resolution and I will vote for this resolution. In fact, that is an oversight, of course, that committees should in fact be carrying out without this resolution.

Democrats believe that it's important to vigorously review regulations to make sure they are keeping pace with the changing economy, and that's

why President Obama has already issued an executive order that calls for such a review.

Where regulations are duplicative, where they stifle innovation and entrepreneurship, where they hold job creation back without protecting consumers, they should be revised or ended.

But let's also remember that Federal regulations keep our drinking water and our air clean, protect our children from unsafe toys and food, put a check on abusive practices of insurance companies and credit card companies, and help control the kind of Wall Street gambling that wrecked our economy just a few years ago.

□ 1200

As a matter of fact, even though regulations were on the books, we know they were not enforced, which led to literally the loss of trillions of dollars by homeowners, individuals and businesses. We want regulations that protect Americans and foster economic growth and will call the committees to review regulations with both of those goals in mind.

There is a reason that the Democrats have worked so hard to pass the Make It In America agenda, an agenda with which I am particularly identified. We need to in that agenda, if we are going to create the environment that I heard one of the Members on this floor talking about that will lead to businesses being able to make things in America and do so profitably, review regulations, review tax policies, and review other government policies to make sure we are competitive in the global marketplace. But we also want to make sure that we have consumers protected, as I said, and the environment protected, because there should not be a trade-off, but a complementary working of the two together.

The new environment the Federal Government ought to work to create will promote growth, jobs, and success of the American people. Make It In America not only means manufacturing it, but it means succeeding in America, succeeding in global markets.

I will, as I said, vote for this resolution. But the test will not be whether this resolution passes or fails. The test will be whether or not in fact we do the work that the American public expects us to do. The test will be whether our economy does succeed under the revisions we have made.

I tell my friends on that side of the aisle, neither one of us have done perhaps the job we should have done.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. HOYER. But we ought to also be humbled by the fact that during the 30 years that I have been in office, for 20 of those years the Republicans have

been in charge of the executive department of government. Just recently they were in charge, as a matter of fact, from 2001 to 2008, when we saw the deepest recession start and flourish and continue into this next administration since the Great Depression.

So let none of us on this floor point the finger at one another. The American people want to see solutions, not angry rhetoric. The American people want to see this economy grow and create the jobs that they need. All of us ought to be committed to that objective, and we ought to project to the American people that we are prepared to come together and work together and legislate together to achieve that end.

As I said, I will vote for this resolution, but the hard work is ahead of us.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CUMMINGS. I yield the gentleman 30 additional seconds.

Mr. HOYER. Frankly, the adoption of this resolution could have been, as I am sure most of us on this floor know, probably been done by unanimous consent, because what it calls for is our responsibility and is absolutely essential if we are going to create the kind of environment to grow this economy, create the kinds of jobs and be competitive in international markets.

I again thank my friend for yielding the time, and I urge the adoption of this resolution.

Mr. ISSA. Madam Speaker, I would like to associate myself with the minority whip's statement that both sides over the years have not done enough. The 30-year buildup of regulatory excess is something that both sides need to take down.

With that, I yield 4 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I thank the gentleman from California for yielding.

I do rise in support of H. Res. 72.

When the framers of the Constitution started writing, they began article I, section 1, with a simple and clear statement: "All legislative powers herein granted shall be vested in a Congress." After a great debate, the priority concern was the possibility that some other entity other than Congress would attempt to exercise legislative powers or compel their will on American citizens.

If laws could be made by someone who has no accountability, they could create any rule based on their own preferences and force unchecked spending on the will of their fellow citizens without accountability. This is an unfunded regulatory mandate.

It is my concern that in the race to regulate, we have moved from regulating American business to running State and local governments and have made them, in effect, Federal Government extension employees charged

with regulating all aspects of public and private business. Every stage of business is now regulated, from how to interview an applicant to how to fire an employee.

Government paperwork abounds. Every company needs compliance officers and attorneys just to make sure they are running their business based on the preferences of someone from some agency they have never even heard of. That is not real job creation. American companies want to produce products and services, not hire de facto government employees. We need real job growth.

It is time for Congress to assume its responsibility. If there is a grievous regulation, it shouldn't be EPA's fault, HHS's fault or even the executive branch's fault. It is ours.

Let me give you some examples of these unfunded mandates in my own home State of Oklahoma. The City of Bartlesville, Oklahoma, is currently drowning under a new EPA requirement to filter the storm water. That is correct, filtering the rainwater.

The City of Bethany, Oklahoma, spent over a quarter of a million dollars in 1987 to put in two water wells, only to be required a few years later to take them out by EPA because of their wastewater. Then EPA changed their wastewater requirements in 2006 and cost the City of Bethany over \$9 million. The street signs in Bethany must also change to a new type of reflective material to meet new DOT regulations, costing the city who knows how much.

The Oklahoma Department of Transportation has to go through millions of dollars of hoops to tear down an old bridge to replace it with a new bridge in the exact same spot. They have to navigate the Clean Water Act, the National Historic Preservation Act, the Endangered Species Act, the Migratory Bird Treaty Act, and many more, while people drive over an old, deteriorating bridge.

I will tell you, I will be the first to promote wheelchair ramps on sidewalks, but Federal interpretation of ADA to construct accessible curb ramps at intersections and other locations has been invoked where no connecting sidewalks even exist. In Oklahoma City, where I live, such a wholesale directive results in curb ramps that terminate in adjacent vacant lots, to a ditch, embankments, and sometimes straight into a light pole. The desire to do the right thing sometimes leaves no room for exercising common sense.

We are regulating common sense out of Federal, State and local governments, and we are costing State and local taxpayers millions in unfunded mandates.

Sometimes our regulations don't cost money but they do cost trust in the relationship between citizens and their Federal Government.

Last Christmas, a community bank in Oklahoma was told by a Federal regulator that their employees had to take off the buttons that said "Merry Christmas, God is with us," and remove the scripture verse announcement on their board because it might cause someone to feel discriminated against that walked into the bank. This is a privately owned business in America.

Every person in that community has lost trust with the commonsense leadership of the Federal Government because we have allowed unchecked regulation. The assumption that Federal agencies are the only people who care about clean water, clean air, fair business practice, et cetera, is arrogant and misinformed. I don't know anyone who loves the air, water and land in Oklahoma more than Oklahomans, and I am confident that is true for other States as well.

We must take a serious look at unfunded mandates and regulations. We need to hear the cry of our cities, counties and States where they say please stop the flood of regulations. They want two things: predictability and clearly defined limited scope.

This is a bipartisan issue. We have common agreement with the other members of my subcommittee, and we will immediately take this up next Tuesday in our first subcommittee hearing.

Mr. CUMMINGS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Any review of our regulatory structures or the orders that are issued therefrom must weigh the cost of regulations against their benefits. Everyone who makes or installs air bags in cars, smoke detectors in office buildings, HVAC units in businesses and homes and tamper-proof packaging for food and pharmaceuticals, just to name a few, has a job, thanks to regulation. And when we don't have adequate regulations, bad things happen. We don't have to look that far.

Look at our financial crisis. Look at the recession. A financial disaster was created by a lack of regulation and by erroneously relying on the narrow self-interests of corporate management to protect their own businesses, let alone the common good.

□ 1210

And this is according to Alan Greenspan, because Mr. Greenspan told our Oversight Committee a few years ago, "I made a mistake in presuming that the self-interest of organizations, specifically banks and others, were such that they were capable of protecting their own shareholders and their equity in the firms."

Last year, the Office of Management and Budget performed a cost-benefit analysis of Federal regulations, which

showed that the benefits of regulations far outweigh their costs. Between 1999 and 2009, the estimated cost of regulations were between \$43 billion and \$55 billion, while the estimated economic benefits were between \$128 billion and \$616 billion. That means during that 10-year period the cost-to-benefit ratio of regulations was one-to-two, based on OMB's lowest estimations, and one-to-fourteen based on OMB's highest estimations.

So as we go into this great adventure about all of these regulations, we must look at the benefits of regulations—the economic benefits, the social benefits, the health benefits—if we're to come up with an accurate picture of the role of regulations in our society.

Mr. ISSA. Madam Speaker, it is now my pleasure to yield 4 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN. I want to thank the distinguished gentleman from California for yielding and for his good work on this resolution and a host of other issues in leading our committee.

The President's executive order directing agencies to take into account the cost of cumulative regulations is an important step, moves us in the right direction, and something that we just, frankly, are getting an understanding of how the Federal Government should work relative to the private sector. Job creators do not live in a world where they are only subject to one regulation issued by one agency. Rather, job creators are subject to a myriad of regulations and compliance obligations enforced by the EPA, the Department of Labor, the IRS, Health and Human Services, and on and on and on.

The utilities sector offers fertile ground to begin understanding how Federal agencies should take into account the cumulative effect of regulations. From early 2009 to 2017, this industry will have to contend with no less than 35 separate regulatory deadlines. Those affected say looming regulatory changes have already caused two power plants to be shut down.

The manufacturing sector: this industry is hit the hardest by cumulative regulatory costs, with per-firm costs at over \$600,000—half a million greater than the national average. Small manufacturers bear a proportionately larger regulatory burden, with an estimated cost of \$26,000 per employee—more than double the burden faced by other larger manufacturers. The impact of regulations is especially important on small business owners. They serve as both entrepreneurial leaders but also as the regulatory enforcer within their company. The more time spent complying with regulations is less time they can spend meeting the needs of their clients and their customers, growing their business, and, most importantly, creating jobs.

I had an experience a few years ago. One of our manufacturers, a very successful business owner, wanted to meet with our U.S. Senator. I remember this meeting because I'll remember it forever. We were sitting in the meeting and our constituent said to our U.S. Senator, Senator, we can outcompete anybody. We are so efficient at what we do, the way we manage our business, our efficiencies we put in place, we feel like we can outcompete anybody. What makes it tough to win in the international market, what makes it difficult to compete and grow jobs, what makes it really difficult is the stuff you guys do. And he pointed right at the Senator. And it had an impact. He said, It's all the things we have to do to comply. That's what makes it difficult.

The American worker, the American family, they can outcompete anybody. Let's just get government off their backs so they can do the things that we've been doing in this country for 200-plus years—grow our economy, grow jobs, put families back to work, put people back to work, and improve this situation.

I look forward to the work that our Subcommittee on Regulatory Affairs will focus on, trying to understand the cumulative impact that regulations impose on the job creators.

Mr. CUMMINGS. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I think we're a little perplexed over here. There's nobody on this side of the aisle that doesn't feel regulations ought to be reviewed. I don't think there's anybody on the other side that feels that way, and I think that everybody understands it's one of the roles of Congress, and particularly one of the roles of the Government Oversight and Reform Committee. It's in our rules. Every committee has already passed an entire plan for doing oversight.

So, essentially, the real question is we're spending 9½ hours here today to ostensibly give authority that already exists. So we're not spending 9½ hours on dealing with helping 14 million Americans who are out of work. Instead, we're not advancing any bill that would repair our economy or restore our manufacturing industry. We're not ensuring the country's global competitiveness. We're not enhancing our education system. We're not enhancing or reinvesting in our public infrastructure. We're spending 9½ hours allotting authority that already exists on that, and that just doesn't seem to be a good use of the time of this House. I think that's been noted over and over again.

It didn't stop Chairman ISSA from issuing 170 letters looking at the regulatory matters the other day. It didn't stop him from having hours of a committee hearing yesterday where we

beat this same drum over and over again. Everybody understands that some regulation is sometimes taken to excess and sometimes the enforcements are taken in the wrong direction.

I take a back seat to nobody. I spent 4 years as chairman of the Subcommittee on Foreign Policy and National Security. We had hearing after hearing exposing fraud, waste, and abuse in the billions in the Defense Department and related activities. So, yes, let's do it; but let's not waste our time talking about what we're going to talk about. Let's get out there and have the hearings. The committee is set up for that.

But let's also understand what's going on here. There's one side of this debate, my friends on the Republican side, who want to say the only factor to be considered when we're looking at regulation is its cost, and that's it. Well, if that were the case and we only focused on cost, there would probably be no regulations.

But if we look at our history, we've found it important and that there was undeniable progress when we implemented the regulations on child labor, on civil rights protections, 5-day workweeks, cleaner lakes and rivers, clean air, seatbelts and air bags, child-proof medicine caps, fire safety codes, and on and on.

There's value in some of these regulations that also have to be balanced against the cost. And when in fact the Office of Management and Budget did that, as Mr. KUCINICH just noted, their report estimated that between 1999 and 2009 the cost of the regulations was about \$43 billion to \$55 billion, but they were outweighed by economic benefits that were between \$128 and \$616 billion.

If you just look at the Clean Air Act, by some estimates that act accounted for \$23 trillion in economic and health benefits. Thirty times higher than the cost to businesses. The Clean Air Act has created jobs—lots of jobs. In 2010, 1.7 million Americans were employed in environmental technology industries; 119,000 environmental tech companies produced \$300 billion in revenues in 2010. And we're exporting these technologies. In 2008, the United States exported \$43.8 billion in environmental technologies—more than any other country in the world.

So, Madam Speaker, let's be serious about this. We're talking about regulations. We're talking about the costs and the benefits and doing an analysis. And let's not waste 9½ hours talking about what we already have the authority to do.

Mr. ISSA. Madam Speaker, in section 2, article 1, asking for regulations that impede private sector job creation, I'm just sorry the other side doesn't understand. That's not cost; that's jobs.

With that, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Thank you, Mr. Chairman.

Madam Speaker, I'm here today because I represent those small businessmen that are trying to make a living in towns like Butler, Pennsylvania, and Erie, Pennsylvania, and Greenville, and I've got to tell you, the rhetoric is absolutely off the charts. What we really need to see now are some results. Until we get government's boot off the throat of small business people and allow them to move forward, do we want to be in the game? Heavens yes, I want to be in the game. So does everybody else want to be in the game.

We need to realize that all these taxes that we create or that we're trying to take in come from businesses that are profitable and people who are working. So if we're talking about growing an economy and if we're talking about cutting spending—and I do agree that cutting spending is important—we better wake up and start to smell the coffee.

We have overregulated these people to the point that they don't want to be in this game anymore. We've got to wake up. I repeat that because we are missing the boat on a very vital thing that's happening right now in this country. We need to get onboard with this. And I've got to tell you, insiders in this Beltway talk about too big to fail. For small business people, you know what we are? We're too small to survive, because we can't get the help from the people we need. All we get is a lot of talk and a lot of overregulation.

Mr. CUMMINGS. Madam Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1220

Ms. NORTON. I thank the gentleman for yielding.

The President has begun a review of regulations. Madam Speaker, you would think the majority would do something like declare victory. Instead, they prematurely held an oversight hearing with business, a one-sided hearing, rather than joining issue by calling in the agencies one by one to see what kind of a review the President is, in fact, doing.

I favor government for the good of the general welfare; therefore I have always hated government bureaucracy and regulations that make government, even the best of government, look bad. I headed a Federal agency, and I believe I will be more remembered for streamlining its processes than for the underlying mission. I eliminated a huge backlog of cases, and settled cases which had usually been carried to the full stream. Guess what? When we started to settle them, we got more remedies.

Instead, look at what the majority has done. They have changed the subject from jobs to reducing Federal

power in the District of Columbia. One way in which they have done this is to spend their first month on bills which usurp control of local power and local funds from a local jurisdiction. That is the opposite of what they have claimed they want to do.

They have introduced a harsh anti-choice bill. What is the District of Columbia's spending of its local funds doing in such a bill? Yesterday, they introduced a bill to wipe out the local gun laws of a local jurisdiction after the courts have now found them to be constitutional. They have introduced a DC-only private voucher bill, not a national bill, after a compromise on vouchers for DC was already achieved and even though the District of Columbia has a home rule alternative, the largest alternative school system in the United States, where almost half of our children are in public charter schools.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CUMMINGS. I yield the gentlewoman an additional 30 seconds.

Ms. NORTON. I am grateful.

The majority has taken regulation, a subject on which there is a basis for areas of consensus, and has polarized it. They have broken their promises on jobs—look, no jobs bill—and on reducing Federal power by trying to literally usurp power from a local jurisdiction and dictate to that local jurisdiction from the Federal Government what it should be doing.

Mr. ISSA. Madam Speaker, I now yield 1½ minutes to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I would like to thank the gentleman from California for yielding me time this morning.

Madam Speaker, I rise today in support of this resolution. I commend the gentleman from Maryland, the minority whip, for rising in support of this resolution; and I would urge the rest of the Members on the other side of the aisle to follow their whip in support of this resolution.

As families struggle to pay their bills and as small businesses falter, the impact of overregulation could not be more devastating than it currently is. I stand here today, supporting and representing the good, hardworking men and women of Florida's Second District.

In Florida, we stand at nearly 12 percent unemployment. It is a historic number. I will tell you that the regulations that are coming through the EPA are going to further destroy and hamper job growth in our State. The EPA has allied with environmental activists to finalize numeric nutrient criteria for rivers and lakes. These crippling regulations due to take effect this year will penalize the State of Florida and could possibly destroy 14,500 agricultural jobs just in our State, according to the Florida Department of Agri-

culture and the University of Florida study. It could cost cash-strapped government entities across my State \$21 billion in new water treatment facilities.

This week, I met with a member from a local municipality who said they had just completed a \$17 million project and that, if these regulations go into effect, it is going to have to be repeated again, which will be another \$17 million on top of the \$17 million that they have just implemented.

It is time for Washington to get out of the way and to allow small businesses across my State and this great Nation to create jobs.

Mr. CUMMINGS. I would just say one thing to the gentleman who just spoke, which is that we agree with the gentleman from Maryland. We want a comprehensive look at these regulations.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Idaho (Mr. LABRADOR).

Mr. LABRADOR. Madam Speaker, I want to briefly speak about the impact the overbearing Environmental Protection Agency has in my district.

I want to begin by relating an anecdote that illustrates the arrogant and tone-deaf attitude the EPA has taken in its attempts to regulate almost everything that moves or breathes in Idaho's First Congressional District.

In the Federal Register, the Environmental Protection Agency announced a public meeting in Boise where my constituents could come and provide oral comments. Relying upon the EPA's notice in the Federal Register, my constituents attended in order to share their thoughts with the EPA, only to be told that oral comments would not be accepted.

My constituents try to do the right thing and play by the rules; but when the EPA writes the rule book in erasable or even invisible ink, my constituents become jaded and distrustful of the EPA, and they come to this body for assistance. They are done being treated unfairly by a Federal bureaucracy that no longer seems to care if it even obeys its own rules. This body must no longer tolerate such actions.

We must also not tolerate the job-killing regulations that the EPA dreams to implement. Even though the current and past administrations have recognized that the Clean Air Act is not appropriate for the regulation of greenhouse gases, the EPA nonetheless has chosen to ignore those findings and treat greenhouse gases as though they endanger the public health and welfare.

The EPA and other Federal agencies led by the White House are also charging ahead with policies, using questionable climate change science under the guise of protecting vulnerable or endangered species, policies that will do

very little, if anything, to aid species, but that will most surely empower Federal bureaucrats and environmental lawyers. These policies will further restrict access to our water and land and will further hit our already struggling agriculture and resource-dependent communities.

Finally, the EPA and the National Marine Fisheries Service have ignored the "best available data" of farmers as they determine how pesticide registration affects salmon in the Pacific Northwest.

In an era in which the administration's failed fiscal and energy policies are inflating food prices, the EPA piles on with its procedures that add nothing but uncertainty to the process.

Mr. CUMMINGS. Madam Speaker, I continue to reserve the balance of my time.

Mr. ISSA. Madam Speaker, may I inquire, do I have the right to close?

The SPEAKER pro tempore. The Chair will recognize the gentleman from California to close this portion of debate.

Mr. ISSA. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank my committee chair for yielding me time. I appreciate his leadership.

Madam Speaker, I rise today in support of this resolution and recommend that we review regulations and the order from Federal agencies that they submit and control the private sector.

Since the onset of the recession, the driving policy in Washington has been to grow our economy for the long term. Some of our colleagues believe that we can achieve that by growing the Federal Government. However, more government and more regulations do not lead to more jobs. In 1988, Ronald Reagan stated that, in the end, it was not government regulation, high taxes or Big Government spending but, rather, free enterprise that led to the building of a great America.

Over the past 2 years, the American business owner has seen darker economic days than this country has seen in generations. Yet our businesses still push forward, innovating and adapting to the increasingly global marketplace that we live in. Our government must do the same thing. Astonishingly, a number of our colleagues believe that Federal regulations actually lead to more jobs and more productivity. Some have even called for more Federal regulation to spur job growth. Quite frankly, I think that's insane; and I think most Americans believe the same.

After hearing from job creators yesterday in our Oversight and Government Reform hearing, as well as hearing from job creators in my district, it is clear that the best way to help small businesses, America's job creators, is to look in our own backyard to see what onerous regulations and wasteful

spending programs are getting in the way of free enterprise. That means a renewed commitment to tough government oversight and transparency. That's what this resolution does.

□ 1230

This Chamber must remain committed to enacting policies based on the principles of Ronald Reagan, reducing the size of government, increasing its efficiency, and making it accountable to those it serves, the American people.

Mr. CUMMINGS. I continue to reserve.

Mr. ISSA. Madam Speaker, I yield 2 minutes to the gentleman from Texas, Judge CARTER.

Mr. CARTER. I thank the gentleman for yielding, and I want to commend the chairman and his committee for the hard work they're doing here today.

While we look at bad rules, Madam Speaker, already on the books, let's not take new, worse rules on in the future. With a split House and Senate, it will be a tough job to repeal existing regulations in light of the Senate requirement of 60 votes to bring something to a vote in the Senate. It will be very difficult, but we have a special parliamentary tool to block new rules with the Congressional Review Act, which mandates a Senate vote on blocking new regulations of just 30 Members of the Senate. So we can have closure in the Senate with only 30 Senators joining us.

Today, we face new EPA attempts to shut down the Portland cement industry in our Nation, costing thousands of jobs. We face an EPA grab to take away Texas' ability to issue emission permits, undermining the economy of Texas and destroying job growth in our State.

We face an HHS scheme to kick small health insurers out of the market because they can't match the administrative cost ratios of their mega-insurer competitors.

But if we use our majority in this body to disapprove these bad rules, we can then convince just 30 of our Senators to join us and go along with it to bring it to the floor of the Senate for a vote, a straight up-or-down vote. I think we have a very good chance to stop these new rules that are in the pipeline.

Madam Speaker, I urge all Members to join our effort to use the Congressional Review Act to fight bad rules and save jobs. I thank you.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I said a little bit earlier, this is not controversial. We're on the same page and the gentleman from Maryland (Mr. HOYER) said it quite appropriately: We believe in effective and efficient government.

There's nothing more important. When government performs effectively and efficiently, we all benefit.

I think the President was right when he issued Executive order number 13563, when he said that we want to look at outmoded, ineffective, insufficient, or excessively burdensome regulations to modify and streamline our rules. That's what we're all about, but I want to make sure that we do have that balance on both sides because of the fact that the American people are depending on us to be their line of defense.

As Mr. Stanley "Goose" Stewart said—he's a fellow who was part of the Sago Mine incident in West Virginia—and I'll close with these words. He said this to our legislators in a letter. He said, You were elected to represent the American people, but more importantly, you are Americans, and at the very base of it all you are human beings. The safety of our American people should mean more to you than extra profits for big corporations. It seems wrong to justify the filling of corporate bank accounts with the blood of American workers and the tears of their families.

With that, Madam Speaker, I urge all Members to vote for the resolution.

I yield back the balance of my time.

Mr. ISSA. Madam Speaker, I yield 2 minutes to Dr. GOSAR from Arizona.

Mr. GOSAR. Madam Speaker, red tape, the EPA, government regulations. When I travel my district, these words come up over and over again. These are not words of encouragement; these are words of frustration. Small businesses across Arizona are struggling to keep their doors open because government will not get out of the way. Enough is enough. Now is the time to make changes that will empower our Nation and put our people back to work.

Take, for example, the Navajo Generating Station in my district. They have state-of-the-art technology that makes them one of the cleanest coal power plants in the country. Yet, the EPA says this technology is not good enough. Out-of-touch bureaucrats at the EPA are threatening over 500 high-paying jobs in my district, over 80 percent of which go to the Navajo Nation, where unemployment is approaching 60 percent. The plant provides power to the major cities of Arizona and 95 percent of the power to the Central Arizona Project's canal, which in turn delivers 45 percent of the city of Phoenix's projected water demand and 80 percent of Tucson's projected water demand.

The EPA's attempt to shut down the Navajo Generating Station will put Arizona's water and energy security at risk. What is worse, the Navajo Generating Station is willing to comply with the EPA, yet the EPA is imposing timelines that no businesses can rea-

sonably meet. Why, you may ask? Because the EPA is more concerned with their agenda than they are about the people of Arizona.

Today, I stand here asking my colleagues, the Senate, and the administration to listen to the people of my district. We have no more time to waste. We need to rein in government before it puts the rest of our country out of business.

Mr. ISSA. Madam Speaker, I yield myself the balance of my time.

In closing, Madam Speaker, the American people do not yet really know the CFPB, the Consumer Financial Protection Bureau, but they probably know better the FCC, the SEC, the FTC, and the Consumer Product Safety Council—and to be honest, I got really tied up in the rest of the letters they put here. None of them, I repeat, none of them, are covered by the President's Executive order. For whatever reason, the President limited his Executive order to the non-independent agencies, not even calling on the independent agencies to begin a review.

Madam Speaker, over the last half hour, we've heard again and again my colleagues on the other side of the aisle saying this is frivolous, it's not necessary. Yesterday, they called the whole hearing with American job creators, many of whom had responded to Americanjobcreators.com, they called it sort of anecdotal, or frivolous, or hyperbole.

Madam Speaker, it's time that we take seriously the loss of American jobs. Today's resolution does have specificity, does deal with the fact that Americans are suffering, and regulations are part of our competitive challenge.

Madam Speaker, I take STENY HOYER at his word that he supports this and wants to work together. I take the President at his word that it is time to do this review. I don't take the bureaucrats at their word that, like foxes guarding the henhouse, if you go back and tell them to guard again more carefully, that you are any more likely to have anything other than less chickens in the morning.

Madam Speaker, we cannot assume here in the House that over the last 2 years when Democrats controlled the House, the Senate, and the White House and did nothing to reduce regulations—just the opposite, increased them—and that the President, currently who is increasing regulation without one piece of legislation, trying to get card check through the back door and hundreds of other programs far beyond our demand, that if given the mandate to re-regulate what they've regulated, that they won't in fact use it as a chance to expand a liberal agenda in a way that will further hurt the American jobs.

We must be there hand-in-hand with this administration to make sure that

every change in regulations is followed up with binding law that will, in fact, help the American people get back to work.

So, Madam Speaker, I am absolutely convinced that this resolution is necessary as a first step to make it clear that the House of Representatives is fully committed to getting Americans working again and American job creators.com and other sites that are trying to collect this data from people who create jobs in America and the private sector, we are going to continue to gather and disperse those areas that American job creators are finding are impediments to their creating the jobs in America.

□ 1240

Lastly, Madam Speaker, you will hear in the days and weeks to come about corporate profits in America, and you will hear about the great profit growths of some of our best-known corporations. After yesterday's hearing, I went back and checked. Almost to a corporation, the growth in their profits has been disproportionate from overseas earnings, on overseas labor, and overseas development. Meaning, Madam Speaker, do not look to corporate profits as the bellwether. Do not look to the stock market as a bellwether.

American jobs are created when American companies are incentivized and given an opportunity to create jobs in America. That's what this resolution is about today. That's what the hearings and the markups will be in the days and weeks to come. That's the reason why we cannot leave it to bureaucrats behind doors that created these problems. Allow them to, in fact, reevaluate their own sins.

So, Madam Speaker, I am delighted today to support House Resolution 72 and to urge its consideration.

I yield back the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time, I would like to yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the Republican leadership.

Mr. WALDEN. I thank my colleague from Texas.

Madam Speaker, I rise in support of this bill and the examination of the rules and the regulations that create uncertainty and increased costs and disadvantage our businesses, farmers, and ranchers. My wife and I were small business owners for nearly 22 years. I know what it's like to sign the front of a payroll check and to deal with government rules and regulations.

Here is a perfect example of what my farmers and ranchers face in Oregon. These are new rules that are coming out from the Environmental Protection Agency that are relying on what they even termed as a National Marine Fisheries Service document that was less than transparent. This affects new

set-asides if you use modern chemicals at all to grow America's food and the world's food. These are new setback provisions that are being required in buffer zones that could, in some cases, be from 100 to 1,000 feet along any body of water, including intermittent streams. Now, if you are from sort of the dry side of Oregon, you have a lot of intermittent streams that only kind of flow with runoff, and they dry up. The practical effect, though, is that you could lose most of your farmland.

This is an example, run through their models, of what this could mean if this rule goes into effect. And you would take from 108 acres, which is the whole area here, and you would begin to reduce down the buffers to where you would be able to farm less than 10 acres. That means that for this farm, you could lose upwards of—this crop yield now would produce \$21,000 in income. When the Federal Government's rules are fully implemented as described here, you would be down to \$1,500. You can't farm if you lose much of your farm ground and you go from 108 acres down to 10.

This will occur all over the country, all over eastern and western Oregon, and it is an enormous Federal Government land grab that could affect between 40 and 67 percent of farmlands in Oregon. And in this case, it's an 83 percent reduction if taken all the way to the 1,000-foot buffer along these intermittent streams.

Ladies and gentlemen, we need to examine this and many other rules and regulations and look at their practical effect on the ground throughout the countryside, on the men and women who raise our food and produce the jobs in America.

Mr. CLYBURN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, back when I was campaigning for Members all across the country, I heard Republicans constantly talking about jobs. Despite the fact that the Democratic majority in the 111th Congress brought America back from the brink of a depression and presided over 10 straight months of private sector job growth, with Republicans obstructing every step of the way, the Republicans insisted they would focus on jobs, jobs, jobs.

But something must have happened to the Republicans over the holidays, because for the full month since the opening of the 112th Congress, the Republican majority has done literally nothing to create jobs. Republicans have held votes on 11 bills that do things like denying insurance to people with preexisting conditions and denying security funding to the area around the United Nations building in New York. Not a single one of these votes has created a single job for a single American.

Republicans are holding a host of committee hearings on issues like re-

stricting access to women's legal health services and rolling back injured patients' legal rights. Not a single one of these hearings has created or will create a single job for a single American. Today we are talking and talking about a resolution that will instruct committees to conduct oversight, which they are supposed to do no matter what. This resolution would not create a single job for a single American.

This week, as our economic recovery is just gaining steam, the Republicans are proposing a spending bill that will curtail American innovation and clean energy and cut the number of cops on our streets. This will result in Americans losing their jobs and America being less safe and less prepared to compete in the 21st century global economy and to create jobs years into the future.

Republicans talked last year about how they would focus on jobs. But it seems that when they decide to focus on jobs at all, they are focusing on how to eliminate jobs.

Madam Speaker, I come from a district and a State where unemployment is unacceptably high and too many people have been out of work for much too long. I honestly wish the Republican majority would focus on commonsense and pragmatic ways to create American jobs. If they decide to do this, they will find me to be a willing partner. But let's stop these shenanigans like we are seeing here today.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, the cynicism on the part of the Democratic leadership is interesting. It was just announced yesterday that the Obama health care plan will net lose America 800,000 jobs. But it's also true that it will create millions of jobs, but it destroys millions more, a net 800,000 jobs. The Republican Party is here because of the miserable failure of the Democratic leadership in this House of Representatives and our President who has ruined millions of jobs in this country, and that is why the Republican Party is here to do something about that. Don't worry, we'll be adding millions of jobs.

Madam Speaker, at this time I would like to yield 1 minute to the gentleman from South Carolina (Mr. SCOTT), a freshman member of the Republican leadership.

Mr. SCOTT of South Carolina. I thank the gentleman from Texas for yielding me the time.

Madam Speaker, every single day Americans are asking, Where are the jobs? The answer is simple. Current regulations are destroying jobs. Last year alone, government regulations cost businesses more than \$1.7 trillion.

As an example, this chart illustrates the significant burden that the Clean Air Act imposes on pulp and paper businesses in my district. These are all

the regulations that could impact the industry in the next 10 years, with a price tag of 17 billion job-killing dollars, \$17 billion.

Another example, the FDA has threatened General Mills with regulating Cheerios. Cheerios. Why? Because they don't like the health claim benefits on the box.

□ 1250

If we want to create more jobs in America, let's get the government out of the way, and we can start with the 157,000 pages of regulations.

Mr. CLYBURN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my leader from South Carolina.

Madam Speaker, the prior gentleman who spoke is right. Americans are asking, "Where are the jobs?" And the majority is saying, "We'll get to that later."

This week, the first thing that they did was to try to rush to the floor, without hearings or consideration, an extension of the Patriot Act, which is a very serious and profound issue for the country. And it didn't work.

Then they brought to the floor a bill that was supposed to recover money from the United Nations, which we're all for, but the Congressional Budget Office says it wouldn't actually save any money. The New York City police commissioner said it would be harmful to his efforts to protect the people of New York against terrorism that might come up around the United Nations. And I think the rest of the world said, Why is the United States rocking the boat at a time when there is profound global crisis going on in the most dangerous area of the world? So that didn't work.

They then brought to the floor this bill, which commendably says that committees should look at whether there are regulations that don't make any sense, that are harmful to jobs and businesses in our country. They're right. We should do that. We're already doing it. In other words, each committee adopts what's called an oversight plan when it meets. It talks about all the different things it wants to do. In Education and the Workforce, we did that. In Armed Services, we did that. So we've now spent 9½ hours debating whether we should keep doing something we're already doing and bring to the floor someday, in the distant ozone future, actual bills that might actually reduce such regulations.

Now if that really weren't bad enough, the majority really switched this week, from ignoring the jobs problem to worsening the jobs problem. Because out of the view of the public on this floor, in their private meetings, they're planning to bring to the floor next week a bill that will dramatically

reduce investments, and let me give you an example. We only know what we read in the newspaper because my understanding is that they have yet to post their spending bill online, which they've promised to do 72 hours before it comes up, but you can project this out that they're probably calling for a 30 percent cut in things like air traffic controllers.

I want you to think about this, Madam Speaker, for a moment. Putting aside the obvious safety consideration, I don't think any of us would put anyone we love or care about on a plane we didn't think was safe. That's obviously true on both sides of the aisle, and I'm not suggesting the other side wants to do that. But there are consequences to not having a full complement of air traffic controllers. And beyond the safety consideration is an economic consideration: How can you have a thriving economy if people feel like they can't fly safely?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLYBURN. I yield the gentleman an additional minute.

Mr. ANDREWS. I come from a State, New Jersey, which prides on being the medicine chest of the world, in our pharmaceutical industry. How can you have a cutting edge in pharmaceutical products if you lay off people from the FDA, the Food and Drug Administration, that review the applications for new drugs? How can you have a supermarket industry that's thriving and employs millions of people in the agriculture and food industries if the people who inspect our meat and our milk and our food are not there?

Now these are questions that are going to be debated and answered next week here. They do have an effect on jobs—a profoundly negative effect on jobs. We understand that there is a common responsibility to enact sensible restraint on what our government spends. That's why Democrats balanced the budget when President Clinton was in office. That's why Democrats passed a pay-as-you-go statute.

I would urge that we return to the business of the House.

Mr. SESSIONS. Madam Speaker, I yield 1 minute to the gentlewoman from South Dakota (Mrs. NOEM), a member of the Republican leadership.

Mrs. NOEM. I thank the gentleman for yielding.

Madam Speaker, it is all about the jobs, and that's exactly what this Republican majority has been fixated on ever since we've come into control of this House.

I will tell you that specifically we recognize that what we need to do to create jobs in this country is provide certainty, tax certainty, and, right here in this resolution, certainty that we are being clear, that we are going to address the regulations that are killing jobs in this country that the Demo-

cratic Party has allowed to happen over the last several years. We're going to change that today.

I rise in support of this resolution because small business owners in South Dakota and across this country are losing more of their bottom lines to red tape this year and in the past several years than they have in decades. Federal agencies continuously overstep their powers and impose new regulations, which not only raises the cost of doing business but feeds the uncertainty of doing business here in America. Today's economy is uncertain enough. The least we can do for our job creators is to provide them with stability by eliminating unnecessary and costly burdens.

The EPA is rife with examples of these burdens. This agency wants to penalize farmers for dust on their operations and what they produce. You can bet any South Dakota farmer tending their livestock, baling hay, or harvesting their crops would agree this is absurd.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. NOEM. I want to thank you for letting me voice my opinions on these regulations. We will address the problem.

Mr. CLYBURN. Madam Speaker, may I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from South Carolina has 7½ minutes remaining. The gentleman from Texas has 10½ minutes remaining.

Mr. CLYBURN. Madam Speaker, I would now yield 2 minutes to the gentlelady from California, Ms. BARBARA LEE.

Ms. LEE. I thank the gentleman from South Carolina, our assistant Democratic leader, for yielding and for his leadership.

I strongly oppose H. Res. 72. This does nothing to create jobs. Secondly, it does nothing to address really the regulations and the policies that impact the poor and the long-term unemployed.

I submitted an amendment to this resolution that required each standing committee to review administrative actions or policies that "reduce poverty and address the needs of the chronically unemployed." However, the Republican majority on the Rules Committee refused to include this modest but important provision. I am forced to conclude that my Republican colleagues don't quite understand the desperate conditions that confront the poor and long-term unemployed. Within the resolution, I see a list of directing actions to committees to review regulations that impede, discourage, hurt, harm, or limit the ability of agencies to achieve specific policy objectives. However, there are no directions to address the pain and the misery experienced by millions of poor

people and the chronically unemployed.

In the United States, the number of persons below the poverty line increased from 39.3 million in 2008 to 42.9 million in 2009. In California, the rate increased from 4.8 million in 2008 to 5.1 million in 2009. Yet the resolution before us gives marching orders to committees to identify regulations that impede, fail, hurt, or limit. I cannot understand why the majority does not want to identify regulations that fail, hurt, or harm the poor and the chronically unemployed or limits the poor from achieving middle income status. This is not a partisan issue and we must all remember that poverty affects constituents that reside in Republican and Democratic districts.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The time of the gentlewoman has expired.

Mr. CLYBURN. I yield the gentlelady an additional minute.

Ms. LEE of California. I thank the gentleman.

Mr. Speaker, the new majority promised to provide a comprehensive plan to restore America to prosperity and to create jobs. Unfortunately, this resolution does not do anything to deliver on that promise.

Furthermore, I hope that this body, both Democrats and Republicans, will begin to focus on the fact that we have millions of people who are poor, who are low income, and who are chronically unemployed.

□ 1300

Whatever we do, we need a yardstick, and we need a criteria, and we need standards so that we can look at how what we do here on this floor elevates and lifts up people who are below the poverty line and helps them move into middle-income status. This resolution does not do that. It's really a bunch of rhetoric, as I see it. I really can't figure out what it's about. It does nothing, and it certainly does nothing to create jobs for those whom we care about.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the favorite son of the State of Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, today the folks on the other side of the aisle are actually arguing in the alternative. We heard the gentleman from New Jersey say, well, Republicans at least are finally getting to it. You don't need this resolution. And the gentlelady from California says, the resolution isn't good enough.

I think what is clear is one thing. What we've seen from the past 2 years has been failure. I mean, it's ironic. There's nobody, Mr. Speaker, that's on the floor today defending the economic policies of the past 2 years, the stimulus that promised 8 percent and obviously, the overpromising and under-delivering.

Jobs are job one of this Congress. It is imperative that we focus. And what we're doing with this resolution is putting an imprimatur of the work of these committees, saying your priority is to go through chapter and verse on these regulations and separate that out. The ones that don't add value, the ones that aren't making people safer, the ones that are complete nonsense, let's focus in on them, highlight them, and remove them.

We have to remove the barriers to job creation. That is our responsibility. That is what should be bringing us all together.

I urge the swift passage of this resolution.

Mr. CLYBURN. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, we just spent the past 2 days telling committees to do their jobs. Why aren't we focusing on creating jobs, creating jobs for the American people?

Let me be clear: I'm in favor of a strong and vigorous debate here on cutting redtape and finding bipartisan solutions to our Nation's problems. But to pretend that commonsense oversight measures to protect families and businesses are inherently burdensome with no benefit fails to acknowledge the reality of the financial disaster that was brought upon this country on Wall Street. It fails to acknowledge the disaster of the BP oil spill in the Gulf of Mexico. It fails to acknowledge toxic toys and drywall coming into this country. It fails to acknowledge the increase in deadly food-borne illnesses from lax oversight of our food safety system. And it fails to acknowledge what the American people want us to work on right now, and that's creating good jobs to support their families.

I believe that we all want what is best for the people we represent, although we often have different ideas about how to get there. But to structure a debate that is so one-sided, that attempts to gloss over the very events that created this recession, is not serving the American people. Let's look at the entire picture.

I will be offering a motion to recommend that will ensure we place a high priority on protecting the safety of America's food supply, safe drinking water, and the safety of children's toys in this country. This is, and should be, an essential function of our Nation's government.

Just last year, cadmium, a known carcinogen, was found in amounts in excess of 90 percent in children's bracelets imported from China. This stuff happens far too often, and without strong oversight and commonsense regulation, American children would continue to be put at risk.

I don't believe any of my colleagues here are against protecting public health and ensuring that we are doing

our duty as elected officials to protect our constituents. That's why I'd like to reach out to my colleagues on the other side of the aisle and ask them to join us, join us in this motion to recommit which will instruct House committees to make the health and safety of our families a priority also. Preserving commonsense safety standards is just as important as reforming overly burdensome regulations.

Let's work together to help create the environment that protects our citizens. Let's move quickly to the jobs agenda that Americans want and deserve. Americans are still waiting for this House to take up the jobs agenda.

Mr. SESSIONS. Mr. Speaker, my point to the Democratic Party and the leadership of that party is, wait no longer. The Republican Party is now in charge in this House, and our agenda is about jobs. It is about reducing spending, and it is about reducing the size of government.

And today, after 9½ hours of debate, we start with rules and regulations that not only stifle innovativeness, that stifle inventions, and jobs, and job creation, but it is harming the way of life of the free enterprise system and sapping the energy from that system.

By reviewing existing, pending, and proposed regulations from agencies of the Federal Government, Congress can begin to assist small and large businesses to focus on job creation, economic growth, and innovation. We first need to understand the too true impact that is being placed upon the free enterprise system.

We know with the current rules that are in place, \$1.75 trillion dollars is the cost annually to the U.S. economic free enterprise system. It's time for Congress to reevaluate these rules and regulations.

Regulatory burdens are hindering job growth. They're hindering investment, and innovation is eroding from the most basic elements of freedom in America. Congress and this administration must work together.

It made me proud to hear the minority leader, STENY HOYER, say today that he would be a part of and vote for this bill. However, our opportunity today must direct our committees and the entire focus of Congress to take the first step in reining in Big Government, reducing our deficit, and encouraging job growth and economic prosperity. This bill will shine the light on that process and will provide the necessary transparency and accountability for Congress to be looking at Federal agencies and rules and regulations.

Mr. Speaker, my Republican colleagues and I remain committed to putting America back to work. And this legislation is a step in the right direction. I encourage my colleagues and all of the Members of the Congress who are here today to say that we want to bring jobs back to America, but we're

going to look at the rules and regulations that inhibit that. I say we should all vote "yes" on H. Res. 72.

Ms. FOXX. Mr. Speaker, as a former small business owner and steadfast advocate of government accountability, it is a pleasure to speak today recognizing the important work that must be done to reduce the economic, job-crushing harm imposed by Federal over-regulation.

As the economy struggles to recover and so many Americans remain jobless, it is critical that Congress takes immediate action to reduce waste and free up capital to unleash the job creating potential of small businesses and other private sector employers.

The need to improve government transparency and accountability motivated me to author bipartisan legislation, H.R. 373, the Unfunded Mandates Information and Transparency Act, which would expand cost estimate reporting requirements and close loopholes that have been used to leave the public unaware of the full impact of Federal mandates.

It is important to understand the real-world impact of overly burdensome Federal regulations that are acting as a boot to the throat of so many would-be job creators.

One example comes to me from a budding entrepreneur who has recently started his own remodeling business specialized in installing energy efficient doors and windows.

This man, who is too scared of the long arm of the Environmental Protection Agency to be identified, represents the universe of private employers who are uniquely positioned to quickly create the new jobs Americans so desperately need.

In his own words, this beleaguered entrepreneur explains that:

"Since the new lead laws were initiated on April 1, 2010 then moved to July 1, 2010 because the EPA was ill-prepared for all of the contractors to be registered and monitored, the complete law and process we must follow has been nothing short of a confusing, unnecessary mess.

"Although the law started with an 'Opt out option' allowing homeowners to opt out of 'Lead safe renovations' if they met the criteria of no children under age six and no one pregnant in the household, that exception was eliminated because we were told that it is 'unconstitutional' to ask if someone is pregnant. Now we are required by law to follow a laundry list of 'Lead Safe Renovations' guidelines, with fines for each violation amounting to \$36,000 per occurrence.

The contractor continues: "The EPA states the health risks but I am unaware of any data to support this outrageous new law. There are so many contradictions in this law such as we are to test for lead on any house built on or before 1978 and if there is lead we must be certified as a 'lead safe renovator' which requires spending \$200 to attend a class, \$300 on the EPA's registration fee and \$60 to register in Iowa. At that point, we must initiate lead 'abatement' procedures. This multi-step process involves:

"1) Testing for lead with lead test swabs costing \$4.50 each.

"2) Properly recording all data for six years or risk a significant fine and audit by the EPA.

"3) Plastic off inside rooms by taping plastic on doors, vents, windows, floor and all other indoor surfaces."

"4) Plastic off the outside area, 10 feet away from structure and 20 foot wide posting with warning sign and caution tape, which imposes approximate costs of \$100 for each section of the structure for plastic and tape.

"5) Optional donning of a non-reusable lead suit, respirator and shoe covers, which cost \$40 to \$60 each time used.

"6) Start abatement process of removing wood with lead on it and wrapping this wood in more plastic, duct tape shut and throw in landfill. Although I am uncertain how safe the heavy duty plastic is for the landfill, I'm sure the EPA will find out 15 years from now and make the public pay for it.

"7) Use a certified HEPA vacuum cleaner to clean the room before using baby wipes to wipe down the inside of the room from ceiling to floor. When complete, test sections of each room must be wiped with clean baby wipes and photograph comparisons of the test wipes with official EPA chart. HEPA vacuums cost anywhere from \$250 to \$3000 and baby wipes a few dollars for each job and every photograph and all information must be recorded or risk large fines.

"Originally the EPA said this would only add approx 5% onto the cost of a job. In my experience it has added no less than 25% and sometimes as much as 40% per job, depending on difficulty.

"Furthermore, these rules are inconsistent as they do not apply to nursing homes and homeowners can still work on their own homes without following the regulations.

"The lead laws contradict OSHA requirements as putting a ladder on plastic or scaffold creates an obvious safety hazard, meaning we could be fined by OSHA for following EPA lead laws.

"The EPA is relentless in accusing businesses of not following all the rules, even though the businesses are following the rules they were taught in the class.

"We in the industry understand parts of the law, but things continue to change fast without proper notice. Something must change before this continues to suffocate the remodeling industry in this free democratic society. Unfortunately we feel these new laws are nothing less than a government power grab in the name of 'keeping people safe from lead poisoning'."

Mr. Speaker, this is just one of a million examples of the long arm of the Federal Government reaching down to grab the throat of innocent, hard-working job creators of this great country.

If we are serious about creating jobs, we should stop the talk. Stop the government spending. And act to unleash the job growing potential of the private sector.

I urge your support for this resolution which is a first step towards these ends.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in opposition to H. Res. 72.

It's been five weeks since the House Republican leadership convened the 112th Congress. But we've yet to see any legislation brought to the floor to spur job creation, as they promised. None.

And just yesterday Republicans voted against allowing a jobs bill—the Build America

Bonds to Create Jobs Now Act—to even come to the floor for a vote.

Instead of focusing on jobs, they are spending ten hours this week talking about how Congress should perform oversight duties.

Forgive me if I point out that this is one of the main responsibilities of Congress. Don't waste ten hours talking about it, just do it.

And if a House Committee does anything right now, I'm sure our constituents would appreciate sending them an American job-creating bill.

Our economy is showing clear signs of recovery, but it is fragile and there is still much more work to do. There are too many Americans out of work and even more struggling to make ends meet.

We should be building on the economic recovery efforts of the last two years, not backtracking. But that's just what's happening.

Budget Committee Chairman PAUL RYAN is dictating spending caps for fiscal year 2011, which will cut the same types of discretionary spending that was such a critical component in the Recovery Act—making Chairman RYAN's plan a veritable "anti-Recovery Act."

Democrats in Congress have committed to measuring every effort by whether it creates jobs, strengthens the middle class, and reduces the deficit. Well so far, the Republican leadership gets a ZERO for the 112th Congress.

I say to my Republican friends, let's stop wasting time and let's get to work!

Oh, and if you are serious about weighing the benefits of Federal regulations, I recommend my colleagues read the Bush Administration's 2008 report to Congress on the subject.

That report found the annual benefits of Federal regulations to the American public outweighed the costs by as much as 14 to 1. So perhaps we should be reading that report on the floor instead of this colossal waste of time.

Ms. JENKINS. Mr. Speaker, the American economy and the American people are still struggling to get back on their feet. Unemployment has remained between 9 and 10 percent for over two years and there is no immediate relief in sight.

Each week I return to Kansas and meet with local businesses, and each week, whether I am meeting with infrastructure providers like WATCO in Pittsburg, manufacturers like MGP Ingredients in Atchison or Alexander Manufacturing in Parsons farmers and ranchers in Brown County or CPA's in Baxter Springs, I hear the same sad story time and again.

Overbearing regulation from the Federal Government, whether it be from the EPA, the USDA, HUD, the Department of Transportation, the SEC, or the IRS Regulators, at every turn are making job creation, investment, expansion, or growth too complex and too costly.

For too long Washington has sent mixed messages to the nations job creators and small businesses. It appears we have one foot on the gas pedal and one foot on the brake. The rhetoric has urged our employers to step on the gas and invest and begin hiring again but this administration has slammed their foot on the breaks issuing hundreds of burdensome regulations that make job creation private investment and innovation nearly impossible.

It's time for the rhetoric in this town to be met with corresponding action. I urge all my colleagues to support this resolution to reduce burdensome regulation and create a measure of certainty for our nation's job creators.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in opposition of H. Res. 72, which would allow for nearly 10 hours of debate on Congress' authority to conduct oversight of executive agencies and the regulatory process. While there is no express authority in the Constitution for oversight, it is implied in Congress' myriad enumerated powers. We have a long-standing system where the executive branch promulgates regulations. If there is a problem with the regulations, the remedy is for the Court to invalidate—not the Congress.

The new House majority promised leaner, more efficient, more focused government. Yet today we are wasting time and money debating a question that was already resolved. This is cheap political theater.

This resolution is redundant and unnecessary. It is simply a waste of time. Americans are hurting. Spending 9½ hours debating something House Committees already have the authority to do is a slap in the face to the millions of unemployed individuals in this country.

I am ready to roll my sleeves up and get to work and help those who have been harmed because of deregulation. I am ready to do what my constituents elected me to do—focus on growing the economy and creating jobs.

We should be spending our time discussing legislation that will allow us to invest in America and grow the middle class.

I strongly oppose this resolution and urge my colleagues to do the same.

Mr. HECK. Mr. Speaker, I rise today to support House Resolution 72.

House Resolution 72 directs House Committees to review excessive and costly Federal Government regulations. These excessive and costly Federal Government regulations stifle job creation and contribute to the uncertainty preventing small-businesses from hiring new employees.

Recently, the Washington Post reported "nonfinancial companies are sitting on \$1.8 trillion in cash." I wondered why that is. After speaking with many Nevada small-business owners the answer is clear: economic uncertainty. The uncertainty created by these government regulations is a key reason Nevada suffers from the highest unemployment in the Nation at over 14 percent.

We are only beginning to scratch Obamacare's overly burdensome, regulatory-riddled surface, and what we've found is alarming. Just this week I asked Gail Johnson, who employs young teachers, if there are regulations in Obamacare she feels are overly burdensome and interfering with her ability to do business. One example she pointed to is a regulation that now requires employers who provide health insurance plans to offer policies that have no dollar limits on durable medical equipment—like a walker.

Unsurprisingly, there is a cost to having that kind of coverage added. Yet, Ms. Johnson's employees are young, so why should they be forced to have coverage they don't need! There are many people like Ms. Johnson in Nevada, forced to pay for something they neither want, nor need.

I'm anxious to dig into the rest of Obamacare and the many other regulatory-riddled laws passed through Congress without regard for their economic impact. Nevada families shouldn't suffer because Washington bureaucrats are out of touch with reality.

I do believe smart regulations are a necessary and important part of the Federal Government's role in keeping us safe. That said, we must not allow the Federal Government to continue stifling our return to economic stability and growth. I look forward to reviewing and removing job-killing federal regulations so we can get Nevadans back to work.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule and the underlying resolution, H. Res. 72.

What's happening right now is that Congress passes a law, but then doesn't get any say in the policy.

Well intentioned laws like the Clear Air Act and the Clean Water Act are emboldening the executive branch to advance policies through rulemaking that they know would never make it out of Congress.

During Fiscal Year 2010, the Obama Administration adopted 43 new major regulations. These regulations put over \$26.5 billion in new burdens on Americans. Ten rules adopted by the Environmental Protection Agency alone cost \$23.2 billion.

Today, I want to bring attention to one example of agency rulemaking: the EPA's numeric nutrient water quality standards rulemaking.

I want clean air and water. It's what Florida's about. The numeric nutrient criteria proposed is an EPA takeover of the state's water quality. Given the organic makeup of Florida and the natural phosphorus levels in our state, the ratios set by the EPA may be scientifically impossible to reach.

Compliance will require an investment of billions of dollars that will be passed on to Florida taxpayers, effectively resulting in a new tax levied on all Floridians. Another analysis estimates that the EPA rulemaking will impose statewide costs ranging from \$3.1 to \$8.4 billion per year for the next 30 years. To put that in perspective, Florida's total budget is \$64 billion. Florida Dept. of Agriculture study shows that Florida's agriculture community alone will lose 14,545 jobs and of lose \$1.148 billion annually.

During the State of the Union, President Obama promised to fix federal regulations that put an unfair burden on business and hinder growth and development.

I can't think of a better example of such a regulation than the numeric nutrient criteria.

The Federal Government creates an average of 4,000 final regulations each year.

H. Res. 72 is an important step in reining back these regulations.

With that, I encourage my colleagues to join me in supporting both this rule and the underlying resolution.

Mr. BLUMENAUER. Mr. Speaker, today I voted against H. Res. 72. I am slightly puzzled about why we used floor time for a resolution that directs committees to conduct oversight, which they already have the power to do and should be doing, but I appreciate this opportunity to highlight how we can change the narrative from good regulations vs. bad or unnec-

essary regulations to one of better results achieved faster and at less expense.

Through my experience as an administrator responsible for compliance, and as a policy maker at the local, State and Federal levels, I have spent a great deal of attention on regulations.

Commonsense regulations from food safety, to lead-free children's toys, to environmental protections keep us safe and have saved countless lives. They prevent us from prioritizing short-term gains by corporations over the long-term prosperity of this nation. Indeed it was the lack of regulation in the financial industry that led us into this current recession.

I hope we can reframe the regulatory debate to satisfy both sides and better serve the public. I believe we can, and should, move towards the next generation of performance driven regulation. This can reward innovation and increase efficiency while at the same time holding people accountable and achieving better results.

The administration has already made great strides in this area by appointing a Chief Performance Officer at OMB. There is a tremendous opportunity between the White House and other Members of Congress in both parties who want to usher in a new era of more effective government.

Instead of repealing regulations and continuing to rehash old arguments, which will be to the detriment of our constituents' safety and our nation's long-term interests, I hope my colleagues will join me in thinking about how we change the way we regulate to be more effective and efficient.

Mr. SESSIONS. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 73, the previous question is ordered on the resolution, as amended.

MOTION TO RECOMMIT

Mr. CARNAHAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. CARNAHAN. I am opposed to it in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Carnahan moves to recommit the resolution H. Res. 72 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following new section:
SEC. 4. PRIORITY.

In carrying out the requirements of section 1, relevant committees shall place a high priority on preserving the standards that ensure the safety of the Nation's food supply, safe drinking water, and the safety of children's toys.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 178, nays 242, not voting 13, as follows:

[Roll No. 32]

YEAS—178

Ackerman	Garamendi	Nadler
Altmire	Gonzalez	Napolitano
Andrews	Green, Al	Olver
Baca	Green, Gene	Pallone
Baldwin	Grijalva	Pascarell
Barrow	Gutierrez	Pastor (AZ)
Becerra	Hanabusa	Payne
Berkley	Hastings (FL)	Pelosi
Bishop (GA)	Heinrich	Perlmutter
Bishop (NY)	Higgins	Peters
Blumenauer	Himes	Polis
Boren	Hinche	Price (NC)
Boswell	Hinojosa	Quigley
Brady (PA)	Hirono	Rahall
Braley (IA)	Holden	Rangel
Brown (FL)	Holt	Reyes
Butterfield	Honda	Richardson
Capps	Hoyer	Richmond
Capuano	Inslee	Ross (AR)
Cardoza	Israel	Rothman (NJ)
Carnahan	Jackson (IL)	Roybal-Allard
Carney	Jackson Lee	Ruppersberger
Carson (IN)	(TX)	Rush
Castor (FL)	Johnson (GA)	Ryan (OH)
Chandler	Johnson, E. B.	Sanchez, Loretta
Chu	Kaptur	Sarbanes
Cicilline	Keating	Schakowsky
Clarke (MI)	Kildee	Schiff
Clarke (NY)	Kind	Schrader
Clay	Kissell	Schwartz
Cleaver	Kucinich	Scott (VA)
Clyburn	Langevin	Serrano
Cohen	Larsen (WA)	Sewell
Connolly (VA)	Larson (CT)	Sherman
Conyers	Lee (CA)	Shuler
Costello	Levin	Sires
Courtney	Lewis (GA)	Slaughter
Critz	Lipinski	Speier
Cuellar	Loeb sack	Stark
Cummings	Lofgren, Zoe	Sutton
Davis (CA)	Lowe	Thompson (CA)
Davis (IL)	Lujan	Thompson (MS)
DeFazio	Lynch	Tierney
DeGette	Maloney	Tonko
DeLauro	Markey	Towns
Deutch	Matheson	Tsongas
Dicks	Matsui	Van Hollen
Dingell	McCarthy (NY)	Velázquez
Doggett	McCollum	Visclosky
Donnelly (IN)	McDermott	Walz (MN)
Doyle	McGovern	Waters
Edwards	McIntyre	Watt
Ellison	McNerney	Waxman
Engel	Meeks	Weiner
Eshoo	Michaud	Welch
Farr	Miller (NC)	Wilson (FL)
Fattah	Miller, George	Woolsey
Filner	Moore	Wu
Frank (MA)	Moran	Yarmuth
Fudge	Murphy (CT)	

NAYS—242

Adams	Brady (TX)	Costa
Aderholt	Brooks	Cravaack
Akin	Broun (GA)	Crawford
Alexander	Buchanan	Crenshaw
Amash	Bucshon	Culberson
Austria	Buerkle	Davis (KY)
Bachmann	Burgess	Denham
Bachus	Burton (IN)	Dent
Barletta	Calvert	DesJarlais
Bartlett	Camp	Diaz-Balart
Barton (TX)	Campbell	Dold
Bass (NH)	Canseco	Dreier
Benishek	Cantor	Duffy
Berg	Capito	Duncan (SC)
Biggart	Carter	Duncan (TN)
Bilirakis	Cassidy	Ellmers
Bishop (UT)	Chabot	Emerson
Black	Chaffetz	Farenthold
Blackburn	Coble	Fincher
Bonner	Coffman (CO)	Fitzpatrick
Bono Mack	Cole	Flake
Boustany	Conaway	Fleischmann

Fleming	Lankford
Flores	Latham
Forbes	LaTourette
Fortenberry	Latta
Fox	Lewis (CA)
Franks (AZ)	LoBiondo
Frelinghuysen	Long
Gallegly	Lucas
Gardner	Luetkemeyer
Garrett	Lummis
Gerlach	Lungren, Daniel
Gibbs	E.
Gibson	Mack
Gingrey (GA)	Manzullo
Gohmert	Marchant
Goodlatte	Marino
Gosar	McCarthy (CA)
Gowdy	McCaul
Granger	McClintock
Graves (GA)	McCotter
Graves (MO)	McHenry
Griffin (AR)	McKeon
Griffith (VA)	McKinley
Grimm	McMorris
Guinta	Rodgers
Guthrie	Meehan
Hall	Mica
Hanna	Miller (FL)
Harper	Miller (MI)
Harris	Miller, Gary
Hartzler	Mulvaney
Hastings (WA)	Murphy (PA)
Hayworth	Myrick
Heck	Neugebauer
Heller	Noem
Hensarling	Nugent
Herger	Nunes
Herrera Beutler	Nunnelee
Huelskamp	Olson
Huizenga (MI)	Owens
Hultgren	Palazzo
Hunter	Paul
Hurt	Paulsen
Issa	Pearce
Jenkins	Pence
Johnson (IL)	Peterson
Johnson (OH)	Petri
Johnson, Sam	Pitts
Jones	Platts
Jordan	Poe (TX)
Kelly	Pompeo
King (IA)	Posey
King (NY)	Price (GA)
Kingston	Quayle
Kinzinger (IL)	Reed
Kline	Rehberg
Labrador	Reichert
Lamborn	Renacci
Lance	Ribble
Landry	Rigell

Bass (CA)	Harman	Smith (WA)
Berman	Neal	Wasserman
Bilbray	Pingree (ME)	Schultz
Cooper	Sánchez, Linda	
Crowley	T.	
Giffords	Scott, David	

NOT VOTING—13

□ 1334

Messrs. STIVERS, BROOKS, JONES, Ms. FOXX, Messrs. YOUNG of Florida, SAM JOHNSON of Texas, AKIN, and SMITH of Texas changed their vote from “yea” to “nay.”

Mr. CARNEY changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. BLACKBURN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the resolution will be followed by a 5-minute vote on approval of the Journal.

The vote was taken by electronic device, and there were—ayes 391, noes 28, not voting 14, as follows:

[Roll No. 33]

AYES—391

Ackerman	Cuellar	Holden
Adams	Culberson	Holt
Aderholt	Cummings	Honda
Akin	Davis (CA)	Hoyer
Alexander	Davis (IL)	Huelskamp
Altmire	Davis (KY)	Huizenga (MI)
Amash	DeFazio	Hultgren
Andrews	DeGette	Hunter
Austria	Denham	Hurt
Baca	Dent	Inslee
Bachmann	DesJarlais	Israel
Bachus	Deutch	Issa
Baldwin	Diaz-Balart	Jenkins
Barletta	Dicks	Johnson (IL)
Barrow	Doggett	Johnson (OH)
Bartlett	Dold	Johnson, E. B.
Barton (TX)	Donnelly (IN)	Johnson, Sam
Bass (NH)	Doyle	Jones
Becerra	Dreier	Jordan
Benisehek	Duffy	Kaptur
Berg	Duncan (SC)	Keating
Berkley	Duncan (TN)	Kelly
Biggart	Edwards	Kildee
Bilirakis	Ellmers	Kind
Bishop (GA)	Emerson	King (IA)
Bishop (NY)	Eshoo	King (NY)
Bishop (UT)	Farenthold	Kingston
Black	Farr	Kinzinger (IL)
Blackburn	Fattah	Kissell
Blumenauer	Fincher	Kline
Bonner	Fitzpatrick	Labrador
Bono Mack	Flake	Lamborn
Boren	Fleischmann	Lance
Boswell	Fleming	Landry
Boustany	Flores	Langevin
Brady (PA)	Forbes	Lankford
Brady (TX)	Fortenberry	Larsen (WA)
Braley (IA)	Fox	Larson (CT)
Brooks	Frank (MA)	Latham
Broun (GA)	Franks (AZ)	LaTourette
Brown (FL)	Frelinghuysen	Latta
Buchanan	Gallegly	Levin
Bucshon	Gardner	Lewis (CA)
Buerkle	Garrett	Lipinski
Burgess	Gerlach	LoBiondo
Burton (IN)	Gibbs	Loeb sack
Butterfield	Gibson	Lofgren, Zoe
Calvert	Gohmert	Long
Camp	Gonzalez	Lowe
Campbell	Goodlatte	Lucas
Canseco	Gosar	Luetkemeyer
Cantor	Gowdy	Lujan
Capito	Granger	Lummis
Capps	Graves (GA)	Lungren, Daniel
Capuano	Graves (MO)	E.
Cardoza	Green, Al	Lynch
Carnahan	Green, Gene	Mack
Carney	Griffin (AR)	Maloney
Carson (IN)	Griffith (VA)	Manzullo
Carter	Grimm	Marchant
Cassidy	Guinta	Marino
Castor (FL)	Guthrie	Markey
Chabot	Gutierrez	Matheson
Chaffetz	Hall	Matsui
Chandler	Hanabusa	McCarthy (CA)
Cicilline	Hanna	McCarthy (NY)
Clarke (MI)	Harper	McCaul
Clay	Harris	McClintock
Cleaver	Hartzler	McCotter
Clyburn	Hastings (WA)	McCollum
Coble	Hayworth	McDermott
Coffman (CO)	Heck	McGovern
Cole	Heinrich	McHenry
Conaway	Heller	McIntyre
Connolly (VA)	Hensarling	McKeon
Costa	Herger	McKinley
Costello	Herrera Beutler	McMorris
Courtney	Higgins	Rodgers
Cravaack	Himes	McNerney
Crawford	Hinche	Meehan
Crenshaw	Hinojosa	Meeks
Critz	Hirono	Mica

Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble

Richardson
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Welch
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NE)

Smith (NJ)
Smith (TX)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—28

Chu
Clarke (NY)
Cohen
Conyers
Dingell
Ellison
Engel
Filner
Fudge
Garamendi

Grijalva
Hastings (FL)
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Kucinich
Lee (CA)
Lewis (GA)
Moore

Nadler
Olver
Payne
Rangel
Richmond
Schakowsky
Towns
Waters
Woolsey

NOT VOTING—14

Bass (CA)
Berman
Bilbray
Cooper
Crowley
DeLauro

Giffords
Gingrey (GA)
Harman
Neal
Pingree (ME)

Sánchez, Linda
T.
Smith (WA)
Wasserman
Schultz

□ 1351

Mr. TONKO changed his vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 344, nays 50, answered “present” 1, not voting 38, as follows:

[Roll No. 34]

YEAS—344

Adams
Aderholt
Akin
Emerson
Alexander
Andrews
Austria
Bachmann
Bachus
Barletta
Berg
Berkley
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Holt
Hoyer
Huelskamp
Cohen
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn

Ellison
Ellmers
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Frank (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Holt
Hoyer
Huelskamp
Cohen
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn

Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
LoBiondo
Loebback
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Mack
Maloney
Manzulio
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Rigell

Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)

Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Thornberry
Tiberi
Tierney
Tipton

Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—50

Altmire
Baldwin
Brady (PA)
Burgess
Capps
Capuano
Cardoza
Chandler
Clarke (NY)
Clyburn
Costa
Courtney
Dicks
Donnelly (IN)
Filner
Folxx
Fudge

Garamendi
Hanabusa
Hanna
Heller
Hinchey
Hirono
Johnson, E. B.
Kucinich
Lee (CA)
Lewis (GA)
Lipinski
Loftgren, Zoe
McGovern
Miller, George
Moore
Olver
Payne

Pelosi
Perlmutter
Peters
Peterson
Price (NC)
Rahall
Richmond
Rush
Ryan (OH)
Shuler
Thompson (CA)
Thompson (MS)
Visclosky
Waters
Weiner
Wu

ANSWERED “PRESENT”—1

Amash

NOT VOTING—38

Ackerman
Baca
Bass (CA)
Bass (NH)
Berman
Bilbray
Bishop (NY)
Buchanan
Carnahan
Carter
Cooper
Crenshaw
Crowley
Davis (IL)

Gallegly
Giffords
Gohmert
Grijalva
Harman
Hastings (FL)
Holden
Honda
LaTourette
Lynch
Markey
Meeks
Neal
Paul

Pingree (ME)
Quigley
Sánchez, Linda
T.
Sanchez, Loretta
Schakowsky
Slaughter
Smith (WA)
Wasserman
Schultz
Welch
Young (AK)

Ms. WILSON of Florida changed her vote from “nay” to “yea”.

□ 1358

So the Journal was approved.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the coming week.

I now yield to my friend, the majority leader, Mr. CANTOR.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning hour and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Thursday, the House will meet at 9 a.m. for legislative business.

No votes are expected in the House on Friday.

The House will consider two bills next week. On Monday, the House will consider H.R. 514, a bill to extend for the short term three expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005.

□ 1400

As the gentleman knows, we passed a rule for its consideration yesterday. The balance of the week will be spent on H.R. 1, a bill to fund the government through the remainder of the fiscal year. And I yield back.

Mr. HOYER. I thank the gentleman for yielding.

Let me ask the gentleman, he mentioned on Thursday, is the gentleman confident we will be leaving by 3 o'clock or shortly thereafter on Thursday and doesn't expect to be here on Friday?

Mr. CANTOR. I will say to the gentleman from Maryland that he is correct. We expect to abide by the calendar and the provisions set for it therein, intending to depart here by 3 p.m. on Thursday of next week.

Mr. HOYER. I thank the gentleman for that comment. I know the gentleman will be brief today. But I do want to ask a question with reference to the 302(a) allocations, 302(b) allocations that the Appropriations Committee dealt with and then dealt with a product consistent with those numbers.

It is my understanding that that has now changed or is expected to change in terms of the 302(b) allocation numbers and that they are being modified; am I correct? As I understand it, they have not been modified in the Appropriations Committee and will not be subject to a vote in the Appropriations Committee, and that that number out of the Appropriations Committee may not be the number that will be reported out to the floor next week. Is that correct?

Mr. CANTOR. I would say to the gentleman, 302(a) always was intended to be spending brought down to 2008 levels or less. And that is the intention of the bill that will come to the floor next week, H.R. 1, that we will abide by our commitment to reduce discretionary nonsecurity spending by \$100 billion for the remainder of the fiscal year.

Mr. HOYER. I thank the gentleman for that answer. Will there be another markup of the Appropriations Committee to attain that number?

Mr. CANTOR. I would say to the gentleman, it is very straightforward. The

next action of the committee will be to file the bill. The bill will be put online this evening for the public to see, for Members to review, so that we abide by the rules of this House which require for a 3-day layover prior to taking up a bill for debate on the floor of the House.

Mr. HOYER. I thank the gentleman and will end it with this: I am then to understand there will be no markup in the Appropriations Committee on the proposed cuts that will be brought to the floor? Am I correct in that?

Mr. CANTOR. The gentleman is correct.

Mr. HOYER. I thank the gentleman. We can discuss it at a later time when we have more time.

Mr. CANTOR. I thank the gentleman very much.

ADJOURNMENT TO MONDAY, FEBRUARY 14, 2011

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HONORING ROBERT H. SHUMAKER AND THE VIETNAM PRISONERS OF WAR

(Mr. DOLD asked and was given permission to address the House for 1 minute.)

Mr. DOLD. Mr. Speaker, today I rise to address this body because in 1965 on this day, my uncle Robert Harper Shumaker was shot down over North Vietnam. He was the second pilot shot down and spent 8 years and 1 day in captivity. Tomorrow we celebrate the release of the POWs in Vietnam, a day that many will remember, one of the bright spots of the Vietnam war, when so many of our servicemen were released. Those 8 years in captivity, while we can never regain those years, we can never thank the heroes for what they have done quite fully. But we can remember and we can thank them for all that they have done. Those that wear the uniform today, we thank you for your service.

I am honored today to be among my new colleagues, the gentleman from Texas, SAM JOHNSON, who has served in this House ably for a long number of years. He actually served with my uncle and was next door in solitary confinement for over 3 years. So today, while we remember those who were shot down in 1965, my uncle Robert Harper Shumaker, tomorrow we recognize all those who were released.

NORTHEAST REGION UNITED WAY 211

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to recognize the Northeast Region United Way 211. United Way 211 is a free, confidential number to call for anyone who needs help and answers in the capital region, from securing adequate care for a child to helping an aging parent to finding substance abuse assistance.

Mr. Speaker, 2010 was a busy year for United Way 211 northeast region, with over 9,100 calls, and they are projecting over 1,000 calls a month for 2011. Why do people call this number? The top reasons deal with some of the most basic needs a person has: keeping a roof over one's head, putting food on the table, and trying to find a place to go to work.

Take Mary in my district, for example. Mary made \$48,000 in the first 6 months of 2009 but then got laid off with the downturn in the economy. As an unemployed individual who had gone through all of her savings since losing her job through no fault of her own, she called to receive help in filing her taxes. Or take George—again, a resident of the 21st Congressional District—a senior who suffers from seizures who called because he couldn't afford Medicaid deductibles for his seizure medication. He was in danger of running out of medication the following week. United Way 211 was able to assist George with his finances and get him back on track to managing his own health.

Mr. Speaker, these are the benefits of the United Way 211 Northeast Region.

WHAT WILL HAPPEN TO PUBLIC BROADCASTING?

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, this next week we are going to have a very interesting conversation here in Washington, D.C., where the zeal that some of our friends have for both an ideological agenda and an effort at trying to cut government spending wherever they can, will put public broadcasting in the crosshairs.

I think it's an unfortunate development, one that's going to be a disappointment to the 170 million Americans who rely on public broadcasting every month. It's going to be particularly unfortunate if this agenda succeeds because it's not going to punish people in New York, or Portland, Oregon, or Seattle, or San Francisco. They will always have public broadcasting, although it will be diminished because of what some of my friends on the other side of the aisle hope to accomplish. But the real losers are going

to be people in small-town and rural America. It costs 11 times as much to broadcast a signal to the far reaches of eastern Oregon than it does in the metropolitan Portland area. People should watch this discussion carefully. A lot depends on it.

LOST PUBLIC SECTOR JOBS

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, both sides of the aisle agree that the top three priorities for this Congress are jobs, jobs, jobs. But when you look at what the new majority wants to do with the Federal budget, you really have to wonder, are they serious?

Now in the private sector, we've actually seen job growth for the last 12 months, 36,000 more jobs last month. But we've lost hundreds of thousands of public sector jobs. And what should be of most concern to all Americans is that since 2008, more than 200,000 public sector jobs in the education arena—primarily teachers—have been lost; and at that very same time, student enrollment has gone up by 750,000 students. So you lose 200,000 educators while student enrollment goes up 750,000? That's our seed corn for our future. And what's going to happen with this new budget that we will be debating next week is that it is going to be far worse than anything we could have imagined, and that will hurt the future of this great country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1907

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BISHOP of Utah) at 7 o'clock and 7 minutes p.m.

PUBLICATION OF COMMITTEE RULES AND BUDGETARY MATERIAL

RULES OF THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY FOR THE 112TH CONGRESS

RULE 1. GENERAL PROVISIONS

(a) IN GENERAL.—The Rules of the House of Representatives, so far as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day, or a motion to recess subject to the call of the chair (within 24 hours), or a motion to dispense with the first reading (in

full) of a bill or resolution, if printed copies are available, is a non-debatable motion of privilege in the Committee. [House Rule XI 1(a)]

(b) SUBCOMMITTEES.—Each Subcommittee is a part of the Committee and is subject to the authority and direction of the Committee and its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each Subcommittee of the Committee. [House Rule XI 1(a)]

(c) COMMITTEE RULES.—The Committee's rules shall be publicly available in electronic form and published in the Congressional Record not later than 30 days after the Chair of the Committee is elected in each odd-numbered year. [House Rule XI 2(a)(2)]

(d) AVAILABILITY OF PUBLICATIONS.—To the maximum extent feasible, the Committee shall make its publications available in electronic form, including on the Committee website. [House Rule XI 2(e)(4)]

(e) COMMITTEE WEBSITE.—The Chair of the Committee shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House. The Ranking Minority Member of the Committee may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee Members and other Members of the House.

(f) VICE CHAIR; PRESIDING MEMBER.—The Chair shall designate a member of the majority party to serve as Vice Chair of the Committee, and shall designate a majority member of each Subcommittee to serve as Vice Chair of each subcommittee. The vice chair of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the Chair. If the Chair or Vice Chair of the Committee or Subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing. [House Rule XI 2(d)]

(g) MOTION TO GO TO CONFERENCE.—The Chair is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chair considers it appropriate. [House Rule XI 2(a)(3)]

(h) CONFERENCE COMMITTEES.—Recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio of the Committee.

(i) USE OF HEARING ROOMS.—In consultation with the Ranking Minority Member, the Chair of the Committee shall establish guidelines for the use of Committee hearing rooms.

(j) NATIONAL SECURITY INFORMATION.—All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chair of the Committee may establish such regulations and procedures as in the Chair's judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

(k) OTHER PROCEDURES.—The Chair of the Committee, after consultation with the Ranking Minority Member of the Committee, may establish such other procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee.

RULE 2. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

(a) REGULAR MEETINGS.—Unless dispensed with by the Chair of the Committee, the Committee shall meet on the second (2nd) Wednesday of each month at 10:00 a.m. if the House is in session. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. [House Rule XI 2(b)]

(b) ADDITIONAL MEETINGS.—The Chair of the Committee may call and convene, as the Chair considers necessary and in accordance with Rule 4(b), additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose under that call of the Chair. [House Rule XI 2(c)(1) 3]

(c) SPECIAL MEETINGS.—Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference. [House Rule XI 2(c)(2)]

RULE 3. MEETINGS AND HEARINGS GENERALLY

(a) IN GENERAL.—Meetings and hearings of the Committee shall be called to order and presided over by the Chair, or in the Chair's absence, by the Vice Chair of the Committee or by the ranking majority member of the Committee present as Acting Chair. [House Rule XI 1(c)]

(b) OPENING STATEMENTS.—Insofar as is practicable, the Chair, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chair and Ranking Minority Member.

(c) ADDRESSING THE COMMITTEE.—The time any one (1) Member may address the Committee on any bill, motion, or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five (5) minutes, and then only when the Member has been recognized by the Chair. This time limit may be waived by the Chair pursuant to unanimous consent. [House Rule XI 2(j)(2)]

(d) REQUESTS FOR WRITTEN MOTIONS.—Any motion made at a meeting of the Committee and which is entertained by the Chair of the Committee or the Subcommittee shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

(e) OPEN MEETINGS AND HEARINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, including to radio, television, and still photography coverage, unless closed in accordance with clause 2(g) or 2(k)(5) of rule XI of the Rules of the House of Representatives.

(f) AUDIO AND VISUAL COVERAGE.—

(1) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by audio and visual means, except as provided in Rule XI 4(f)(2) of the House of Representatives.

(2) To the maximum extent practicable the audio and video coverage shall be in a manner that allows the public to easily listen to and view the proceedings.

(3) Operation and use of any Committee internet broadcast system shall be fair and nonpartisan and in accordance with all other applicable rules of the Committee and the House.

(4) To the maximum extent practicable, the Committee shall maintain the recordings of the coverage of such hearings or meetings in a manner easily accessible to the public.

(5) The Chair of the Committee or Subcommittee may not limit the number of television, or still cameras to fewer than two (2) representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(6) Radio and television tapes, television films, and Internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(7) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(A) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(B) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(8) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(9) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(A) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(B) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(C) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(D) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(E) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(F) (i) Except as provided in subdivision (ii), floodlights, spotlights, strobe lights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(ii) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(G) If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chair for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(H) Photographers may not position themselves between the witness table and the members of the Committee at any time during the course of a hearing or meeting.

(I) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(J) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(K) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(L) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner. [House Rule XI (4)]

RULE 4. CONSIDERATION OF MEASURE OR MATTER

(a) IN GENERAL.—Bills and other substantive matters may be taken up for consideration only when called by the Chair of the Committee, except those matters which are the subject of special call meetings outlined in Rule 2(c).

(b) NOTICE.—

(1) (A) The Chair of the Committee shall announce the date, place, and subject matter of a committee meeting, which may not commence earlier than the third day on which members have notice thereof. [House Rule XI 2(g)(3)]

(B) A committee meeting may begin sooner than specified in subdivision (A) (in which case the Chair shall make the announcement specified in subdivision (A) at the earliest possible time) if—

(i) the Chair of the Committee, with the concurrence of the ranking minority member, determines there is good cause to do so; or

(ii) the Committee so determines by majority vote, a quorum being present. [House Rule XI 2(g)(3)]

(2) (A) At least 24 hours prior to the commencement of a meeting for the consideration of a measure or matter, or at the time of the announcement under (b)(1)(B) made within 24 hours before such meeting, the Chair shall cause the text of such measure or matter to be made publicly available in electronic form. [House Rule XI 2(g)(4)]

(B) To the maximum extent practicable, a written copy of the measure or matter to be considered and the original text of the meas-

ure to be considered for purposes of markup shall be made publicly available in electronic form for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(3) A notice provided shall be published promptly in the Daily Digest and made publicly available in electronic form. [House Rule XI 2(g)(3)]

(c) SUBMISSION OF AMENDMENTS.—To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter.

(d) INVESTIGATIVE OR OVERSIGHT REPORTS.—A proposed investigative or oversight report shall be considered as read in Committee if it has been available to the Members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). [House Rule XI 1(b)(2)]

(e) PRIVATE BILLS.—No private bill will be scheduled by the Chair of the Committee if there are two (2) or more Members who object to its consideration.

RULE 5. POWER TO SIT AND ACT; SUBPOENA POWER (A)

(a) IN GENERAL.—

(1) Notwithstanding paragraph (2), a subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by majority vote of the Committee or Subcommittee (as the case may be), a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chair of the Committee, or by any Member designated by the Chair. [House Rule XI 2(m)(3)(A)]

(2) The Chair of the Committee, after consultation with the Ranking Minority Member of the Committee, or, if the Ranking Member cannot be reached, the Ranking Minority Member of the relevant Subcommittee, may authorize and issue such subpoenas as described in paragraph (1) during any period in which the House has adjourned for a period longer than three (3) days. [House Rule XI 2(m)(3)(A)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee. [House Rule XI 2(m)(3)(B)]

(4) The Chair, or any Member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee. [House Rule XI 2(m)(2)]

(b) SENSITIVE OR CONFIDENTIAL INFORMATION.—Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chair of the Committee, in the Chair's judgment and after consultation with the Ranking Minority Member of the Committee, deems that in view of all of the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

RULE 6. QUORUMS AND VOTING

(a) QUORUMS.—

(1) One-third (1/3) of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule. [House Rule XI 2(h)(3)]

(2) A majority of the Members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, authorizing a subpoena, closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the House, releasing executive session material pursuant to clause 2(k)(7) of Rule XI of the Rules of the House, or where required by any other Rule of the House.

(3) Two (2) Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chair of the Committee after consultation with the Ranking Minority Member of the Committee, shall include at least one (1) Member from each of the majority and minority parties. [House Rule XI 2(h)(2)]

(b) VOTING BY PROXY.—No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [House Rule XI 2(f)]

(c) REQUESTS FOR RECORD VOTE.—A record vote of the Members may be had at the request of three (3) or more Members or, in the apparent absence of a quorum, by any one (1) Member.

(d) POSTPONEMENT OF PROCEEDINGS.—The Chair of the Committee, or of any Subcommittee, is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and to resume proceedings on a postponed question at any time after reasonable notice. Upon resuming proceedings on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [House Rule XI 2(h)(4)]

RULE 7. HEARING PROCEDURES

(a) ANNOUNCEMENT OF HEARING.—The Chair shall make a public announcement of the date, place, and subject matter of a hearing, and to the extent practicable, a list of witnesses at least one (1) week before the commencement of the hearing. If the Chair, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chair shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and made available in electronic form. [House Rule XI 2(g)(3)]

(b) WITNESS STATEMENT; TESTIMONY.—

(1) Insofar as is practicable, no later than 48 hours in advance of his or her appearance, each witness who is to appear before the Committee shall file in printed copy and in electronic form a written statement of his or her proposed testimony and a curriculum vitae. [House Rule XI 2(g)(5)]

(2) Each witness shall limit his or her presentation to a five (5) minute summary, provided that additional time may be granted by the Chair of the Committee or Subcommittee when appropriate.

(3) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements,

with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears. [House Rule XI 2(g)(5)]

(c) QUESTIONING WITNESSES.—The right to interrogate a witness before the Committee shall alternate between Majority and Minority Members. Each Member shall be limited to five (5) minutes in the interrogation of witnesses until such time as each Member present who wishes to be recognized has been recognized once for that purpose. No member may be recognized for a second period of interrogation until each Member present has been recognized at least once. [House Rule XI 2(j)(2)]

(d) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—Notwithstanding Rule 3(c), upon a motion, the Chair, in consultation with the Ranking Minority Member, may designate an equal number of Members from each party to question a witness for a period of time equally divided between the majority party and the minority party, not to exceed one (1) hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one (1) hour in the aggregate. [House Rule XI 2(j)(2)]

(e) MINORITY WITNESSES.—Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chair by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one (1) day of hearing thereon. [House Rule XI 2(j)(1)]

(f) ADDITIONAL QUESTIONS FOR THE RECORD.—Members of the Committee have two (2) weeks from the date of a hearing to submit additional questions for the record to be answered by witnesses who have appeared in person. The letters of transmittal and any responses thereto shall be printed in the hearing record.

(g) ADDITIONAL HEARING PROCEDURES.—Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

RULE 8. PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) FILING OF REPORTS.—

(1) It shall be the duty of the Chair of the Committee to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance filing. [House Rule XIII 2(b)(1)]

(2) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven (7) calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the Clerk of the Committee shall transmit immediately to the Chair of the Committee notice of the filing of that request. [House Rule XIII 2(b)(2)]

(b) CONTENTS OF REPORT.—The report of the Committee on a measure or matter that has been approved by the Committee shall include the matters required by clauses

2(c) and 3 of rule XIII of the Rules of the House.

(c) SUPPLEMENTAL; MINORITY, OR ADDITIONAL VIEWS.—Clause 2(I) of House Rule XI is hereby incorporated by reference.

(d) IMMEDIATE PRINTING; SUPPLEMENTAL REPORTS.—This Rule does not preclude—

(1) the immediate filing or printing of a Committee report unless a timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule; or

(2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(e) REPORT LANGUAGE ON USE OF FEDERAL RESOURCES.—No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the Committee during a meeting or otherwise in writing by a majority of the Members.

RULE 9. OTHER COMMITTEE PUBLICATIONS

(a) HOUSE REPORTS.—

(1) Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 8(c).

(2) Not later than the 30th day after June 1 and December 1, the Committee shall submit to the House a semiannual report on the activities of the Committee.

(b) OTHER DOCUMENTS.—

(1) Subject to paragraph (2) and (3), the Chair of the Committee may approve the publication of any document as a Committee print which in the Chair's discretion the Chair determines to be useful for the information of the Committee.

(2) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees, other than a report of the Committee on a measure which has been approved by the Committee, must be approved by the Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(3) Any document to be published as a Committee print, other than a document described in subsection (2) of this Rule, shall—

(A) include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and

(B) not be published following the sine die adjournment of a Congress, unless approved by the Chair of the Committee after consultation with the Ranking Minority Member of the Committee.

(c) JOINT INVESTIGATION OR STUDY.—A report of an investigation or study conducted jointly by the Committee and one (1) or more other Committee(s) may be filed

jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report. [House Rule XI 1(b)(2)]

(d) **POST ADJOURNMENT FILING OF COMMITTEE REPORTS.**—

(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a Member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than seven (7) calendar days in which to submit such views for inclusion with the report. [House Rule XI 1(b)(4)]

(2) After an adjournment sine die of a regular session of a Congress or after December 15, whichever occurs first, the Chair of the Committee may file the second and fourth semiannual Activity Report for that Congress with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least seven (7) calendar days and that the report includes any supplemental, minority, or additional views submitted by a Member of the Committee. [House Rule XI 1(d)]

RULE 10. GENERAL OVERSIGHT AND INVESTIGATIVE RESPONSIBILITIES

(a) **OVERSIGHT.**—

(1) **IN GENERAL.**—The Committee shall conduct oversight of matters within the jurisdiction of the Committee in accordance with House Rule X, clause 2 and shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development. [House Rule X 3(k)]

(2) **OVERSIGHT PLAN.**—Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plan for that Congress for submission to the Committee on Oversight and Government Reform and the Committee on House Administration, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives. [House Rule X 2(d)]

(b) **INVESTIGATIONS.**—

(1) **IN GENERAL.**—The Chair of the Committee may undertake any formal investigation in the name of the Committee after consultation with the Ranking Minority Member of the Committee.

(2) **SUBCOMMITTEE INVESTIGATIONS.**—The Chair of any Subcommittee shall not undertake any formal investigation in the name of the Committee or Subcommittee without formal approval by the Chair of the Committee, in consultation with other appropriate Subcommittee Chairs, and after consultation with the Ranking Minority Member of the Committee. The Chair of any Subcommittee shall also consult with the Ranking Minority Member of the Subcommittee before undertaking any investigation in the name of the Committee.

RULE 11. SUBCOMMITTEES

(a) **ESTABLISHMENT AND JURISDICTION OF SUBCOMMITTEES.**—The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) **SUBCOMMITTEE ON ENERGY AND ENVIRONMENT.**—Legislative jurisdiction and general oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, commercial application of energy technology, and environmental research, including:

(A) Department of Energy research, development, and demonstration programs;

(B) Department of Energy laboratories;

(C) Department of Energy science activities;

(D) energy supply activities;

(E) nuclear, solar and renewable energy, and other advanced energy technologies;

(F) uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities, as appropriate;

(G) fossil energy research and development;

(H) clean coal technology;

(I) energy conservation research and development;

(J) energy aspects of climate change;

(K) pipeline research, development, and demonstration projects;

(L) energy and environmental standards;

(M) energy conservation, including building performance, alternate fuels for and improved efficiency of vehicles, distributed power systems, and industrial process improvements;

(N) Environmental Protection Agency research and development programs;

(O) the National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, the atmosphere, marine fisheries, and oceanic research;

(P) risk assessment activities; and

(Q) scientific issues related to environmental policy, including climate change.

(2) **SUBCOMMITTEE ON TECHNOLOGY AND INNOVATION.**—Legislative jurisdiction and general oversight and investigative authority on all matters relating to competitiveness, technology, standards, and innovation, including:

(A) standardization of weights and measures, including technical standards, standardization, and conformity assessment;

(B) measurement, including the metric system of measurement;

(C) the Technology Administration of the Department of Commerce;

(D) the National Institute of Standards and Technology;

(E) the National Technical Information Service;

(F) competitiveness, including small business competitiveness;

(G) tax; antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization;

(H) technology transfer, including civilian use of defense technologies;

(I) patent and intellectual property policy;

(J) international technology trade;

(K) research, development, and demonstration activities of the Department of Transportation;

(L) surface and water transportation research, development, and demonstration programs;

(M) earthquake programs (except for NSF) and fire research programs, including those related to wildfire proliferation research and prevention;

(N) biotechnology policy;

(O) research, development, demonstration, and standards-related activities of the Department of Homeland Security;

(P) Small Business Innovation Research and Technology Transfer; and

(Q) voting technologies and standards.

(3) **SUBCOMMITTEE ON RESEARCH AND SCIENCE EDUCATION.**—Legislative jurisdiction and general oversight and investigative authority on all matters relating to

science policy and science education, including:

(A) the Office of Science and Technology Policy;

(B) all scientific research, and scientific and engineering resources (including human resources), science, technology, engineering and mathematics education;

(C) intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs;

(D) international scientific cooperation;

(E) National Science Foundation, including earthquake programs;

(F) university research policy, including infrastructure and overhead;

(G) university research partnerships, including those with industry;

(H) science scholarships;

(I) computing, communications, networking, and information technology;

(J) research and development relating to health, biomedical, and nutritional programs;

(K) research, development, and demonstration relating to nanoscience, nano-engineering, and nanotechnology;

(L) to the extent appropriate, agricultural, geological, biological and life sciences research;

(M) and materials research, development, and demonstration and policy.

(4) **SUBCOMMITTEE ON SPACE AND AERONAUTICS.**—Legislative jurisdiction and general oversight and investigative authority on all matters relating to astronomical and aeronautical research and development, including:

(A) national space policy, including access to space;

(B) sub-orbital access and applications;

(C) National Aeronautics and Space Administration and its contractor and government-operated labs;

(D) space commercialization, including commercial space activities relating to the Department of Transportation and the Department of Commerce;

(E) exploration and use of outer space;

(F) international space cooperation;

(G) the National Space Council;

(H) space applications, space communications and related matters;

(I) earth remote sensing policy;

(J) civil aviation research, development, and demonstration;

(K) research, development; and demonstration programs of the Federal Aviation Administration; and

(L) space law.

(5) **SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT.**—General and special investigative authority on all matters within the jurisdiction of the Committee on Science, Space, and Technology.

(b) **RATIOS.**—A majority of the majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chair of the Committee to negotiate that ratio with the minority party; Provided, however, that the ratio of majority Members to minority Members on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Committee.

(c) **EX-OFFICIO MEMBERS.**—The Chair of the Committee and Ranking Minority Member of the Committee shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

(d) REFERRAL OF LEGISLATION.—The Chair of the Committee shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate primary and secondary jurisdiction within two (2) weeks of the matters being referred to the Committee, unless the Chair of the Committee deems consideration is to be by the Committee. Subcommittee Chairs may make requests for referral of specific matters to their Subcommittee within the two (2) week period if they believe Subcommittee jurisdictions so warrant.

(e) PROCEDURES.—

(1) No Subcommittee shall meet to consider for markup or approval any measure or matter when the Committee or any other Subcommittee of the Committee is meeting to consider any measure or matter for markup or approval.

(2) Each Subcommittee is authorized to meet, hold hearings, receive testimony or evidence, mark up legislation, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies.

(3) Subcommittee Chairs shall set meeting dates after consultation with the Chair of the Committee and other Subcommittee Chairs with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(4) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no Member who is not a Member of the Subcommittee shall vote on any matter before such Subcommittee, except as provided in subsection (c) of this Rule.

(5) During consideration of any measure or matter for markup or approval in a Subcommittee proceeding, a record vote may be had at the request of one (1) or more Members of that Subcommittee.

(6) Each Subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with the rules and regulations of the House.

(f) CONSIDERATION OF SUBCOMMITTEE REPORTS.—After ordering a measure or matter reported, a Subcommittee shall issue a Subcommittee report in such form as the Chair of the Committee shall specify. To the maximum extent practicable, reports and recommendations of a Subcommittee shall not be considered by the Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to the Members of the Committee and printed hearings thereon shall be made available, if feasible, to the Members of the Committee, except that this Rule may be waived at the discretion of the Chair of the Committee after consultation with the Ranking Minority Member of the Committee.

RULE 12. COMMITTEE RECORDS

(a) TRANSCRIPTS.—The transcripts of those hearings conducted by the Committee and Subcommittees shall be published as a substantially verbatim account of remarks

actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chair of the Committee. [House Rule XI 2(e)(1)(A)]

(b) KEEPING OF RECORDS.—

(1) The Committee shall keep a complete record of all Committee action, which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be included in the report of the Committee, made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and shall be made publicly available in electronic form within 48 hours of such record vote. [House Rule XI 2(e)(1)(B)]

(2) Information made available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [House Rule XI 2(e)(1)(B)]

(3) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee, the Chair shall cause the text of each such amendment to be made publicly available in electronic form. [House Rule XI 2(e)(6)]

(c) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chair of the Committee shall notify the Ranking Minority Member of the Committee of any decision, pursuant to Rule VII 3(b)(3) or clause 4(b) of the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. [House Rule XI 2(e)(3)]

(d) PROPERTY OF HOUSE.—

(1) Except as provided for in paragraph (2), all Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as its Chair. Such records shall be the property of the House, and each Member, Delegate, and Resident Commissioner, shall have access thereto.

(2) A Member, Delegate, or Resident Commissioner, other than Members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee. [House Rule XI 2(e)(2)]

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING INTERIM BUDGET ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 2011–2015

HOUSE OF REPRESENTATIVES,

COMMITTEE ON THE BUDGET,

Washington, DC, February 11, 2011.

MR. SPEAKER: Pursuant to Section 3 of House Resolution 5, I submit for printing in the Congressional Record budget aggregates and allocations for fiscal year 2011. This submission includes allocation of budget authority and outlays for fiscal year 2011 and the period of fiscal years 2011 through 2015.

These interim levels will be used to enforce sections 302(f), 303(a) and 311(a) of the Congressional Budget Act of 1974. Sections 302(f) and 311(a) prohibit the consideration of legislation inconsistent with the budgetary levels set forth in the budget resolution and the accompanying report. Section 303(a) prohibits the consideration of legislation providing new budget authority or changing revenue until Congress adopts a budget resolution for a fiscal year.

For House authorizing committees, the interim allocations and aggregates are set for fiscal year 2011, and the period of fiscal years 2011 through 2015, at the levels included in the “Budget and Economic Outlook: Fiscal Years 2011 Through 2021” published by the Congressional Budget Office (the CBO baseline). They reflect legislation enacted through the end of the 111th Congress. A separate 302(a) allocation to the Committee on Appropriations for fiscal year 2011 was inserted in the Congressional Record on February 8, 2011.

The aggregates serve as a ceiling on spending and a floor for revenue. These levels serve as the budget for fiscal year 2011, a year for which Congress did not adopt a budget resolution. They are temporary and will be effective until they are superseded by the adoption of a concurrent budget resolution for fiscal year 2012.

For questions, please contact Paul Restuccia, Chief Counsel of the Budget Committee.

Sincerely,

PAUL RYAN,
Chairman.

APPROPRIATE LEVELS

[In millions of dollars]

	Fiscal Years	
	2011	2011–2015
Budget authority	2,964,850	.....
Outlays	3,131,363	.....
Revenues	1,662,481	11,420,669

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

[In millions of dollars]

	Fiscal Year 2011	Total 2011–2015
Committee on Agriculture		
BA	16,075	290,699
OT	15,575	288,356
Committee on Armed Services		
BA	138,450	739,019
OT	142,424	738,484
Committee on Education and the Workforce		
BA	16	–17,002
OT	2,847	–8,040
Committee on Energy and Commerce		
BA	348,856	1,858,975
OT	345,001	1,822,721
Committee on Financial Services		
BA	–4,155	59,880
OT	–1,762	30,392
Committee on Foreign Affairs		
BA	31,596	126,407
OT	26,346	134,041
Committee on Homeland Security		
BA	1,535	8,135
OT	1,411	7,897
Committee on House Administration		
BA	60	304
OT	58	391
Committee on the Judiciary		
BA	7,186	43,296
OT	7,382	41,466
Committee on Natural Resources		
BA	9,937	35,120
OT	7,602	35,279
Committee on Oversight and Government Reform		
BA	95,290	502,784
OT	91,439	483,402
Committee on Science, Space and Technology		
BA	116	614
OT	123	628
Committee on Small Business		
BA	0	0

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE
COMMITTEES OTHER THAN APPROPRIATIONS—Continued
(In millions of dollars)

	Fiscal Year 2011	Total 2011–2015
OT	0	0
Committee on Transportation and Infrastructure		
BA	71,549	360,915
OT	15,988	82,574
Committee on Veterans' Affairs		
BA	1,161	11,827
OT	1,295	12,443
Committee on Ways and Means		
BA	1,156,980	5,587,569
OT	1,158,913	5,590,239

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Monday next for morning-hour debate.

There was no objection.

Accordingly (at 7 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, February 14, 2011, at noon.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRES- SIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of May 28, 2010, through January 5, 2011, shall be treated as though received on February 11, 2011. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

373. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Community Reinvestment Act Regulations [Docket No.: R-1387] (RIN: 7100-AD50) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

374. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

375. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1165] received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

376. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket

No.: FEMA-8161] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

377. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Fiduciary Duties at Federal Credit Unions; Mergers and Conversions of Insured Credit Unions (RIN: 3133-AD40) received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; Hybrid III 6-Year-Old Child Test Dummy, Hybrid III 6-Year-Old Weighted Child Test Dummy [Docket No.: NHTSA-2010-0147] (RIN: 2127-AK34) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

379. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants [EPA-HQ-OAR-2002-0051; EPA-HQ-OAR-2007-0877; FRL-9253-4] (RIN: 2060-AQ59) received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revision Required of Louisville Metro Air Pollution Control District for Jefferson County, Kentucky [EPA-HQ-OAR-2010-0107; FRL-9253-2] received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan for Jefferson County, Kentucky [EPA-HQ-OAR-2010-0107; FRL-9253-3] received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

382. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities [EPA-HQ-OAR-2006-0406; FRL-9253-7] (RIN: 2060-AP16) received January 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

383. A letter from the Deputy Chief, OET, Federal Communications Commission, transmitting the Commission's final rule — Establishment of a Model for Predicting Digital Broadcast Television Field Strength received at Individual Locations [ET Docket No.: 10-152] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

384. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — High-Cost Uni-

versal Service Support Federal-State Joint Board on Universal Service [WC Docket No.: 05-337] [OC Docket No.: 96-45] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

385. A letter from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Preserving the Open Internet Broadband Industry Practices [GN Docket No.: 09-191] [WC Docket No.: 07-52] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

386. A letter from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Preserving the Open Internet Broadband Industry Practices [GN Docket No.: 09-191] [WC Docket No.: 07-52] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

387. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Guides for the Jewelry, Precious Metals, and Pewter Industries received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

388. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability of the Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-513, Revision 3, "Revise PWR Operability Requirements and Actions for RCS Leakage Instrumentation" [NRC-2009-0444] received January 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

389. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-703, "Food, Environmental, and Economic Development in the District of Columbia Act of 2010"; to the Committee on Oversight and Government Reform.

390. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-723, "Procurement Practices Reform Act of 2010"; to the Committee on Oversight and Government Reform.

391. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-722, "Criminal Code Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

392. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-721, "Fiscal Year 2011 Supplemental Budget Support Act of 2010"; to the Committee on Oversight and Government Reform.

393. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-720, "Brownfield Revitalization Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

394. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-719, "West End Parcels Development Omnibus Act of 2010"; to the Committee on Oversight and Government Reform.

395. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-718, "Homeless Services Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

396. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-711, "Comprehensive Plan Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

397. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-710, "Reasonable Health Insurance Ratemaking and Health Care Reform of 2010"; to the Committee on Oversight and Government Reform.

398. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-709, "Southwest Waterfront Redevelopment Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

399. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-708, "District Property Security Assessment and Implementation Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

400. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-707, "Alternative Equity Payment Allocation Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

401. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-706, "Washington Convention and Sports Authority Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

402. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-705, "2 M Street, N.E., Real Property Tax Abatement Act of 2010"; to the Committee on Oversight and Government Reform.

403. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-704, "H Street, N.E., Retail Priority Area Incentive Act of 2010"; to the Committee on Oversight and Government Reform.

404. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-717, "TANF Educational Opportunities and Accountability Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

405. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-716, "Bicycle Commuter and Parking Expansion Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

406. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-715, "Payment of Full Hotel Taxes by Online Vendors Clarification Act of 2010"; to the Committee on Oversight and Government Reform.

407. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-714, "Real Property Tax Appeals Commission Establishment Act of 2010"; to the Committee on Oversight and Government Reform.

408. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-713, "Interstate Compact for Juveniles Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

409. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-712, "Attorney General Subpoena Authority Authorization Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

410. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Retention Standard; Emergency Rule [Docket No.: 101203602-0602-1] (RIN: 0648-BA29) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

411. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts [Docket No.: 0910131362-0087-02] (RIN: 0648-AX119) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount [Docket No.: 0910131363-0087-02] (RIN: 0648-XA120) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

413. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea Pollock Total Allowable Catch Amount [Docket No.: 0910131363-0087-02] (RIN: 0648-XA121) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

414. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Vessel Capacity Limit in the Purse Seine Fishery in the Eastern Pacific Ocean [Docket No.: 100311144-0623-02] (RIN: 0648-AY75) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

415. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program [Docket No.: 100212086-0532-05] (RIN: 0648-AY68) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 347. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code (Rept. 112-9). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 394. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes (Rept. 112-10). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 386. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes (Rept. 112-11, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Budget discharged from further consideration. H.R. 386 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROGERS of Kentucky:

H.R. 1. A bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mr. HASTINGS of Florida, and Mr. FILNER):

H.R. 653. A bill to amend the Gramm-Leach-Bliley Act to improve regulations dealing with the disclosure by financial institutions of nonpublic personal information, and for other purposes; to the Committee on Financial Services.

By Ms. SPEIER (for herself, Mr. HASTINGS of Florida, and Mr. FILNER):

H.R. 654. A bill to direct the Federal Trade Commission to prescribe regulations regarding the collection and use of information obtained by tracking the Internet activity of an individual, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 655. A bill to honor Susan B. Anthony by celebrating her legacy on the third Monday in February; to the Committee on Oversight and Government Reform.

By Mr. RUSH (for himself, Mr. HONDA, Mr. CONYERS, and Mr. COHEN):

H.R. 656. A bill to advance the mutual interests of the United States and Africa with respect to the promotion of trade and investment and the advancement of socioeconomic development and opportunity, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. LUMMIS (for herself, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mr. LAMBORN, Mr. HELLER, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. POSEY, Mr. OLSON, Mr. MARCHANT, Mr. SCHOCK, Mr. KLINE, Mr. ROSKAM, Mrs. SCHMIDT, Mr. MULVANEY, Mr. FLORES, Mr. GOHMERT, Mr. KING of Iowa, Mr. FLEMING, Mr. HUELSKAMP, Mr. FRANKS of Arizona, Mr. HALL, Mr. RIGELL, Mr. DESJARLAIS, Mr. DENHAM, and Mr. GIBBS):

H.R. 657. A bill to amend title 5, United States Code, to reduce the number of civil service positions within the executive branch, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MICA (for himself, Mr. PETRI, Mr. HULTGREN, Mr. YOUNG of Alaska, Mr. GRAVES of Missouri, Mr. LONG, Mr. MEEHAN, Mr. HANNA, Mr. SOUTHERLAND, Mr. WESTMORELAND, Mr. GIBBS, Mr. BUCSHON, Mr. COHEN, Mrs. CAPITO, Mr. DENHAM, Mr. BARLETTA, Mr. FARENTHOLD, Mr. REED, Mr. COBLE, Mr. LANKFORD, Mr. SHUSTER, and Mr. GARY G. MILLER of California):

H.R. 658. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BROUN of Georgia (for himself, Mrs. LUMMIS, Mr. RIGELL, Mr. FRANKS of Arizona, Mr. POSEY, Mr. GOHMERT, Mr. MARCHANT, and Ms. FOXX):

H.R. 659. A bill to amend the Internal Revenue Code of 1986 to waive the 10-percent penalty with respect to early retirement distributions for certain unemployed individuals; to the Committee on Ways and Means.

By Mr. BROUN of Georgia (for himself, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. FLEMING, Mr. LAMBORN, Mr. GOHMERT, and Mr. MARCHANT):

H.R. 660. A bill to amend the Internal Revenue Code of 1986 to provide individual and corporate income tax relief and to extend 100 percent bonus depreciation, and for other purposes; to the Committee on Ways and Means.

By Ms. FOXX:

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to allow rollovers from other retirement plans into simple retirement accounts; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. RAHALL, Mr. DUNCAN of Tennessee, Mr. DEFazio, and Mr. HANNA):

H.R. 662. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself and Mr. GRAVES of Georgia):

H.R. 663. A bill to delay the implementation of the health reform law until the Supreme Court determines the constitutionality of the individual mandate; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Natural Resources, the Judiciary, Rules, Appropriations, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 664. A bill to amend the Public Health Service Act to authorize appointment of Doctors of Chiropractic to regular and reserve corps of the Public Health Service Commissioned Corps, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHAFFETZ (for himself, Ms. FOXX, Mr. JONES, Mr. BRADY of Texas, Mr. HUELSKAMP, Mr. WOMACK, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. CRAWFORD, Mr. PRICE of Georgia, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. ISSA, Mr. FLEMING, Mr. HERGER, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. KLINE, Mrs. BLACKBURN, Mr. MARCHANT, Mr. FLORES, and Mr. BURTON of Indiana):

H.R. 665. A bill to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Oversight and Government Reform.

By Mr. COHEN (for himself, Mr. CONYERS, and Mr. BUTTERFIELD):

H.R. 666. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services, acting through the Center for Health Statistics, to allocate such sums as may be necessary for the collection of statistics from the most recent versions of the Standard Certificates of Live Birth and Death and the Standard Report of Fetal Death; to the Committee on Energy and Commerce.

By Ms. LINDA T. SANCHEZ of California (for herself, Ms. BROWN of Florida, Mr. ELLISON, Mr. FILNER, Mr. GRIJALVA, Ms. NORTON, Mr. HOLT, Mrs. NAPOLITANO, Mr. RYAN of Ohio, and Ms. LORETTA SANCHEZ of California):

H.R. 667. A bill to amend the Elementary and Secondary Education Act of 1965 to create a demonstration project to fund additional secondary school counselors in troubled title I schools to reduce the dropout rate; to the Committee on Education and the Workforce.

By Mr. FRANKS of Arizona (for himself, Mr. BARTLETT, Mr. HALL, Mr. LAMBORN, Mr. KING of Iowa, Mr. AKIN, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. POSEY, Mr. WEST, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. HUNTER, Mr. TERRY, Mr. KLINE, Mr. DANIEL E. LUNGREN of California, Mr. STEARNS, Mr. KING of New York, Mr. TURNER, Ms. CLARKE of New York, Mr. GARAMENDI, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Ohio, Mr. JORDAN, and Mr. ROYCE):

H.R. 668. A bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense and well-being of the United States against natural and manmade electromagnetic pulse ("EMP") threats and vulnerabilities; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself and Mr. DOGGETT):

H.R. 669. A bill to amend title XIX of the Social Security Act to require 12-month continuous coverage for children under Medicaid; to the Committee on Energy and Commerce.

By Mr. SABLON (for himself, Mr. YOUNG of Alaska, Ms. BORDALLO, Mrs.

NAPOLITANO, Mr. PIERLUISI, Ms. HIRONO, Mr. HONDA, Mr. BOREN, Mr. FLAKE, Mrs. CHRISTENSEN, Mr. RAHALL, Mr. FALEOMAVAEGA, Mr. BACA, Ms. LEE of California, Mr. KILDEE, Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, and Mr. GEORGE MILLER of California):

H.R. 670. A bill to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Natural Resources.

By Mr. GENE GREEN of Texas (for himself and Mr. DOGGETT):

H.R. 671. A bill to amend title XXI of the Social Security Act to require 12-month continuous coverage under the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. HARPER (for himself, Mr. DANIEL E. LUNGREN of California, Mr. GINGREY of Georgia, and Mr. ROKITA):

H.R. 672. A bill to terminate the Election Assistance Commission, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER (for himself, Mr. THOMPSON of California, Ms. BERKLEY, Mr. JONES, Mr. BURTON of Indiana, Ms. WASSERMAN SCHULTZ, Mr. MCCOTTER, Mr. POSEY, and Mr. SCOTT of Virginia):

H.R. 673. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. BLUMENAUER, Mr. NUNES, Mr. RANGEL, Ms. BERKLEY, Mr. BURTON of Indiana, Mr. CONNOLLY of Virginia, Mr. MCCLINTOCK, Mr. PETRI, Mr. VAN HOLLEN, and Mr. WILSON of South Carolina):

H.R. 674. A bill to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. STARK, Mr. NUNES, Mr. LEVIN, Mr. TIBERI, Mr. RANGEL, Mr. DAVIS of Kentucky, Mr. MCDERMOTT, Mr. REICHERT, Mr. LEWIS of Georgia, Mr. BOUSTANY, Mr. NEAL, Mr. HELLER, Mr. DOGGETT, Mr. GERLACH, Mr. LARSON of Connecticut, Mr. BUCHANAN, Mr. BLUMENAUER, Mr. PAULSEN, Mr. KIND, and Mr. PASCRELL):

H.R. 675. A bill to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Ms. BALDWIN, Mr. ELLISON, Mr. FILNER, Mr. HINCHEY, Mr. JACKSON of Illinois,

Ms. LEE of California, Ms. PINGREE of Maine, Mr. TONKO, Mr. FRANK of Massachusetts, Mr. FARR, Mr. MEEKS, Mrs. MALONEY, Mr. DICKS, Ms. CHU, Mr. GRIJALVA, Mr. DOYLE, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, Ms. ZOE LOFGREN of California, Ms. ROYBAL-ALLARD, Mr. COHEN, Mr. CAPUANO, Mr. WEINER, and Mr. NADLER):

H.R. 676. A bill to provide for comprehensive health insurance coverage for all United States residents, improved health care delivery, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. PETRI, Mr. KIND, and Mr. REICHERT):

H.R. 677. A bill to amend the Employee Retirement Income Security Act of 1974 to require a lifetime income disclosure; to the Committee on Education and the Workforce.

By Mr. KISSELL (for himself and Mrs. BLACKBURN):

H.R. 678. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide for the treatment of dividends paid on shares of preferred stock, held by the Secretary of the Treasury, that were issued by financial institutions which received financial assistance under such Act, and for other purposes; to the Committee on Financial Services.

By Mr. KISSELL (for himself, Mr. MICHAUD, Mr. ROSS of Arkansas, Ms. SUTTON, Mr. LIPINSKI, Mr. JONES, Ms. WOOLSEY, Ms. LINDA T. SANCHEZ of California, Mr. MCCOTTER, Mr. FILLNER, Mr. DUNCAN of Tennessee, Ms. FOXX, Mr. MCINTYRE, Mr. GRIJALVA, Mr. MANZULLO, Mr. COBLE, Mr. THOMPSON of Mississippi, Mr. DEFazio, Mr. ADERHOLT, Mr. RYAN of Ohio, Mr. SHULER, Mr. KILDEE, Mr. PASCRELL, Mr. BOSWELL, Mr. HOLDEN, Mr. BRALEY of Iowa, and Mrs. MYRICK):

H.R. 679. A bill to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. LUETKEMEYER (for himself, Mrs. BLACKBURN, Mr. PENCE, Mr. CHAFFETZ, Mr. OLSON, Mr. SENSENBRENNER, Mr. GRAVES of Missouri, Mr. ROSS of Florida, Mr. BURTON of Indiana, Mr. MANZULLO, Mr. LAMBORN, Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. LATTA, Mr. FLORES, Mr. CRAWFORD, Mr. SCHOCK, Mr. MCCOTTER, Mr. CRAVACK, Mr. DUNCAN of Tennessee, Mr. LONG, Mr. POSEY, Mr. DUNCAN of South Carolina, and Mr. WOODALL):

H.R. 680. A bill to prohibit United States contributions to the Intergovernmental Panel on Climate Change; to the Committee on Foreign Affairs.

By Mrs. MILLER of Michigan (for herself, Mr. LUCAS, Mr. LATTA, Mr. COURTNEY, Mr. DENHAM, Mr. GRAVES of Missouri, Mr. OWENS, Mrs. EMERSON, Ms. JENKINS, Mr. BARTLETT, Mr. GIBSON, Mr. NUNES, Mr. HUIZENGA of Michigan, Mr. LUETKEMEYER, Mr. GIBBS, Mr. PETRI, Mr. CARTER, and Mr. SIMPSON):

H.R. 681. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself and Mrs. CAPITO):

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits to dependent care flexible spending accounts and to provide for a carryover of unused dependent care benefits; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. JACKSON of Illinois, and Mr. RANGEL):

H.R. 683. A bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants to the National Urban League for an Urban Jobs Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROHRBACHER:

H.J. Res. 26. A joint resolution proposing an amendment to the Constitution of the United States relating to Congressional succession; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H. Res. 86. A resolution recognizing the importance of trade to the United States economy and the importance of passing free trade agreements with Colombia, South Korea, and Panama; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. MCGOVERN, Ms. NORTON, Ms. MCCOLLUM, Mr. STARK, Mr. HASTINGS of Florida, and Ms. WASSERMAN SCHULTZ):

H. Res. 87. A resolution supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Month; to the Committee on the Judiciary.

By Mr. SCHIFF:

H. Res. 88. A resolution expressing solidarity with the people of Egypt in their democratic aspirations as they begin a new chapter in their country's proud history; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself and Ms. FUDGE):

H. Res. 89. A resolution expressing the sense of the House of Representatives that the Internal Revenue Service should immediately update its collection policies and procedures in order to more adequately protect and assist taxpayers suffering an economic hardship; to the Committee on Ways and Means.

By Ms. JACKSON LEE of Texas (for herself, Mr. HALL, Mr. CLEAVER, Mr. SAM JOHNSON of Texas, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Ms. WILSON of Florida, Mr. THOMPSON of Mississippi, Ms. FUDGE, Ms. RICHARDSON, Mr. JACKSON of Illinois, Ms. MOORE, Mr. CARSON of Indiana, Ms. WOOLSEY, Mr. ELLISON, Mr. WAXMAN, Mr. WEINER, Mr. SERRANO, Mr. DINGELL, Mr. DOGETT, and Mr. BUTTERFIELD):

H. Res. 90. A resolution recognizing the 75th birthday of the Honorable Barbara Charline Jordan, American politician, leader of the Civil Rights movement, first African-American elected to the Texas Senate, first Southern black woman ever elected to the United States House of Representatives, inspirational figure in the Progressive movement, and recipient of the Presidential Medal of Freedom Award; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROGERS of Kentucky:

H.R. 1.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Ms. SPEIER:

H.R. 653.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Ms. SPEIER:

H.R. 654.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Congress shall have the power to regulate commerce among the states, and provide for the general welfare.

By Mrs. MALONEY:

H.R. 655.

Congress has the power to enact this legislation pursuant to the following:

Article I—The Legislative Branch.

Section 1—The Legislature: All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. RUSH:

H.R. 656.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. LUMMIS:

H.R. 657.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 ("spending" clause) and 18 ("necessary and proper" clause) of Article 1, Sec. 8 of the Constitution.

By Mr. MICA:

H.R. 658.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.

By Mr. BROWN of Georgia:

H.R. 659.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BROWN of Georgia:

H.R. 660.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Ms. FOX:

H.R. 661.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of, and the 16th Amendment to, the United States Constitution.

By Mr. MICA:

H.R. 662.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. BRADY of Texas:

H.R. 663.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution. "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GENE GREEN of Texas:

H.R. 664.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, Clause 3, the Commerce Clause.

By Mr. CHAFFETZ:

H.R. 665.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clause 2.

By Mr. COHEN:

H.R. 666.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18 of the Constitution.

By Ms. LINDA T. SANCHEZ of California:

H.R. 667.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. FRANKS of Arizona:

H.R. 668.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. GENE GREEN of Texas:

H.R. 669.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, Clause 3, the Commerce Clause.

By Mr. SABLAN:

H.R. 670.

Congress has the power to enact this legislation pursuant to the following:

Under Article IV, Section 3, Clause 2 of the Constitution, Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. GENE GREEN of Texas:

H.R. 671.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, Clause 3, the Commerce Clause.

By Mr. HARPER:

H.R. 672.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution granting Congress the authority to make laws governing the time, place, and manner of holding Federal elections.

By Mr. HELLER:

H.R. 673.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. HERGER:

H.R. 674.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. HERGER:

H.R. 675.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. CONYERS:

H.R. 676.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. HOLT:

H.R. 677.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution.

By Mr. KISSELL:

H.R. 678.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KISSELL:

H.R. 679.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. LUETKEMEYER:

H.R. 680.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to explicitly lay and collect taxes, duties, impost and excises, to pay the Debts and provide for

the common defense and general welfare of the United States; and therefore implicitly allows Congress to cut spending; as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mrs. MILLER of Michigan:

H.R. 681.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority for this bill is Article I, Section 8 of the Constitution of the United States, which allows Congress to do that which is necessary and proper for the execution of laws. In this case, it is necessary and proper to direct the EPA to avoid the excess and duplicative regulation of dairy farmers and producers.

By Mr. SENSENBRENNER:

H.R. 682.

Congress has the power to enact this legislation pursuant to the following:

Power granted to Congress under Article 1, Section 8, Clause 3 of the U.S. Constitution.

By Mr. TOWNS:

H.R. 683.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution, known as the "General Welfare Clause." This provision grants Congress the broad power "to pay the Debts and provide for the common defense and general welfare of the United States."

(Please note, pursuant to Article I, section 8, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.")

By Mr. ROHRBACHER:

H.J. Res. 26.

Congress has the power to enact this legislation pursuant to the following:

The joint resolution proposing an amendment to the Constitution on congressional succession is proposed pursuant to the authority granted Congress by Article V to propose amendments to the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. BERG, Mr. GRIFFIN of Arkansas, Mr. HULTGREN, Mr. LUCAS, and Mr. STIVERS.

H.R. 5: Mr. CRENSHAW, Mr. CALVERT, Mr. SHUSTER, Mr. GUINTA, and Mr. LUETKEMEYER.

H.R. 11: Mr. KILDEE, Mr. OLVER, Mr. CUELLAR, and Ms. HIRONO.

H.R. 29: Mr. MICHAUD.

H.R. 59: Mr. PAUL, Mr. SHIMKUS, Mr. WEST-MORELAND, Mr. ROE of Tennessee, Mrs. MILLER of Michigan, Mr. STEARNS, Mr. KELLY, Mr. FLORES, Mr. DUNCAN of Tennessee, and Mr. KINZINGER of Illinois.

H.R. 104: Mr. CASSIDY.

H.R. 116: Mr. GALLEGLY.

H.R. 132: Ms. EDWARDS.

H.R. 140: Mr. BROOKS and Mr. BARLETTA.

H.R. 153: Mr. HUELSKAMP.

H.R. 178: Mr. THOMPSON of Pennsylvania, Mr. SCOTT of Virginia, Mr. LOEBSACK, Mr. ROONEY, Ms. BALDWIN, Mr. MCGOVERN, and Mr. RUSH.

H.R. 181: Mr. CALVERT and Mr. LOEBSACK.

H.R. 186: Mr. CALVERT.

H.R. 198: Ms. CLARKE of New York and Mr. DEFazio.

H.R. 213: Mr. TIPTON.

H.R. 217: Mr. HARRIS and Mr. TIBERI.

H.R. 262: Mr. HUIZENGA of Michigan.
 H.R. 303: Mr. GONZALEZ, Mr. YOUNG of Florida, and Mr. TURNER.
 H.R. 321: Ms. WATERS.
 H.R. 333: Mr. LYNCH, Mr. GEORGE MILLER of California, Mr. SCOTT of Virginia, and Mr. ACKERMAN.
 H.R. 343: Mr. REHBERG.
 H.R. 351: Mr. SABLAN.
 H.R. 358: Mr. PAULSEN, Mr. CHABOT, and Mr. FORBES.
 H.R. 384: Mr. FILNER. —
 H.R. 387: Mr. DUNCAN of Tennessee and Mr. PAYNE.
 H.R. 397: Mr. PAULSEN.
 H.R. 408: Mr. LONG, Mr. DUNCAN of South Carolina, Mr. SCHWEIKERT, Mr. BURTON of Indiana, Mr. DESJARLAIS, Mrs. BLACKBURN, Mr. WILSON of South Carolina, and Mr. ISSA.
 H.R. 410: Ms. RICHARDSON, Mr. WAXMAN, and Ms. CHU.
 H.R. 413: Ms. NORTON and Mr. DEFazio.
 H.R. 417: Ms. TSONGAS.
 H.R. 420: Mr. POE of Texas and Mr. CALVERT.
 H.R. 426: Mr. BROUN of Georgia, Mr. SCHWEIKERT, and Mr. STARK.
 H.R. 428: Mr. AKIN, Mr. GARRETT, Mr. PAUL, Mr. LAMBORN, Mr. ROHRABACHER, Mrs. BLACKBURN, Mr. HERGER, Mr. MACK, Mr. KLINE, Mr. BARTLETT, Mr. DUNCAN of Tennessee, Mrs. LUMMIS, Mr. BURTON of Indiana, and Mr. JONES.
 H.R. 436: Mr. TIBERI.
 H.R. 440: Mr. BARTLETT, Mr. BURTON of Indiana, Mr. HUELSKAMP, and Mr. CHABOT.
 H.R. 445: Mr. MCCOTTER.
 H.R. 459: Mr. WALBERG, Mrs. ADAMS, and Mr. SENSENBRENNER.
 H.R. 462: Mr. HASTINGS of Washington, Mr. WALBERG, Mr. STEARNS, and Mr. PETRI.

H.R. 470: Ms. ROYBAL-ALLARD, Mr. GARY G. MILLER of California, Ms. LORETTA SANCHEZ of California, Mr. CALVERT, and Mr. CAMPBELL.
 H.R. 472: Mr. REYES.
 H.R. 481: Mr. POLIS.
 H.R. 509: Mr. NUNES, Mr. QUAYLE, Mr. THOMPSON of Pennsylvania, Mr. PEARCE, Mr. CONAWAY, Mrs. MILLER of Michigan, Mrs. NOEM, Mr. BERG, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mr. BENISHEK, Mr. GUTHRIE, Mr. BONNER, Mr. SENSENBRENNER, and Mr. LAMBORN.
 H.R. 520: Ms. WOOLSEY, Mr. CONNOLLY of Virginia, and Mr. BLUMENAUER.
 H.R. 521: Ms. WOOLSEY and Mr. CONNOLLY of Virginia.
 H.R. 525: Mr. PALLONE and Mr. GINGREY of Georgia.
 H.R. 548: Mr. COBLE, Mrs. MYRICK, and Mr. GALLEGLEY.
 H.R. 556: Mr. ROSS of Florida.
 H.R. 584: Mr. CROWLEY.
 H.R. 589: Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CASTOR of Florida, Mr. CONYERS, Mr. ENGEL, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. OLVER, Mr. PALLONE, Ms. LINDA T. SANCHEZ of California, and Mr. YARMUTH.
 H.R. 606: Mr. KINZINGER of Illinois.
 H.R. 609: Mr. DUNCAN of Tennessee, Mr. RIVERA, and Mr. ROSS of Florida.
 H. Con. Res. 13: Mr. CAMP, Mr. MCCOTTER, and Mr. CRENSHAW.
 H. Res. 11: Mr. HASTINGS of Florida.
 H. Res. 20: Ms. LINDA T. SANCHEZ of California.
 H. Res. 36: Mr. CARNAHAN, Ms. CLARKE of New York, Mr. RYAN of Ohio, Ms. RICHARD-

SON, Ms. BROWN of Florida, Mr. PAYNE, Mr. BUTTERFIELD, Mr. FALEOMAVAEGA, Mr. GARAMENDI, Mr. RUPPERSBERGER, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. BRADY of Pennsylvania, Mr. FILNER, Mr. CONYERS, Mr. CLAY, Mr. MORAN, Ms. WATERS, Mr. CICILLINE, Ms. CHU, and Ms. TSONGAS.
 H. Res. 60: Ms. BALDWIN and Mr. GENE GREEN of Texas.
 H. Res. 61: Mr. COURTNEY and Mr. CICILLINE.
 H. Res. 69: Mr. REYES.
 H. Res. 74: Mr. RIGELL, Mr. GINGREY of Georgia, Mr. BROUN of Georgia, Mr. GIBBS, Mr. WITTMAN, Mr. PETRI, and Mr. MILLER of Florida.
 H. Res. 84: Mr. WELCH.
 H. Res. 85: Mr. CLARKE of Michigan, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, and Mr. DAVID SCOTT of Georgia.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF KENTUCKY

H.R. 1, Full-Year Continuing Appropriations Act, 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.

EXTENSIONS OF REMARKS

A TRIBUTE TO HATTIE RUTH
PERSONS-NELSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the life of Hattie Ruth Persons-Nelson.

Hattie Ruth Persons-Nelson was born on July 20, 1938 to the late Woodward Thomas Person and Hattie Williams-Persons in Buena Vista, Georgia. Hattie was a delightful youngster who loved to laugh and had a zest for learning, completing two grades in one year in grade school.

Hattie migrated to New York City in 1959 where she resided on Washington Avenue with her aunt, Fannie Williams, and maternal uncle, Elder Eugene Williams, founding pastor of the Evergreen Church of God In Christ. Hattie was a dedicated member of Evergreen before changing her place of worship in 1972 where she joined the New Canaan Baptist Church under the leadership of the late Reverend A.L. Cunningham and Reverend Richard J. Lawson, current pastor.

Hattie's dedication to the Lord and her church compelled her to work tirelessly in pursuit of the crown she will receive in heaven. In her service at Evergreen Church of God In Christ, Hattie served as a Trustee, Data Entry Secretary, president of the Hospitality Committee, Christian Council member, Women's Day Committee secretary, and special projects organizer. In her service at New Canaan Baptist Church, this servant of God was president of the Senior choir, president of Georgia/Alabama Club, member of the dynamic traveling Mass Choir, member of the Matron Mission Club, Chairperson of Women's Day, Pastor's Aide Club member and Church Clerk.

Hattie loved organizing a project and recruited any and everyone who crossed her path. She was passionate about upholding the legacy of the African-American Experience through her yearly Black History Month celebrations, empowering youth with educational trips to Washington, DC, giving out literature, overseeing yearly family reunions, and organizing various fundraisers and events bringing family and friends together, including her famous Reach One, Teach One programs. Hattie can surely be described as a people person, a mover and shaker, a person of purpose and passion, always lending a hand in support of some cause, albeit large or small.

Hattie was an employee of the Equitable Life Assurance Society in New York for thirty years before retiring. After retirement, she joined the campaign for Congressman EDOLPHUS TOWNS and was later hired to work at the Towns' House of Representatives District Office on Court Street, downtown Brooklyn. She was always dedicated to the service

of her community. Hattie will be dearly missed by all who worked with her.

Mr. Speaker, I urge my colleagues to join me in recognizing the life of Hattie Ruth Persons-Nelson.

RECOGNIZING NATIONAL
MARRIAGE WEEK

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. PENCE. Mr. Speaker, I rise today in support of National Marriage Week, which occurs annually during the week of February 7th. National Marriage Week was established to help couples strengthen their commitment to each other by hosting special events, marriage classes, and home support groups. While it is important for couples to focus on their marriage every day, National Marriage Week is an excellent opportunity for Americans to rededicate themselves to their spouse and to their family.

Marriage was ordained by God and instituted among men. It is the glue that binds the American family, and the safest harbor in which to raise children. Studies indicate that men and women who have a strong marriage tend to live longer, have better health, and experience more personal joy. Strong marriages also create the safest harbor for children to flourish and experience the complete spiritual, moral, emotional, educational, and financial benefits of both parents.

I have been a long-time advocate of traditional marriage, and have been proud to support numerous pieces of legislation to protect this sacred institution. The family structure is the cornerstone of our society, and I can think of no better time to emphasize its importance than National Marriage Week. I encourage all Americans to use this opportunity to renew their commitment and devotion to their spouse, and to personally take the steps they can to preserve this important institution.

WAYNE PISANO CONGRESSIONAL
REMARKS

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. BARLETTA. Mr. Speaker, I rise to congratulate Wayne Pisano, Sanofi Pasteur President and CEO, for his service to the vaccine industry and Pennsylvania upon his retirement from the company.

A St. John Fisher College biology undergraduate and MBA graduate of the University of Dayton, Ohio, Wayne combines a deep un-

derstanding of science as the key to human health, while employing a perceptive knowledge of business strategy and growth through meeting critical public health needs. Wayne has consistently demonstrated a keen ability to understand the movement of the vaccine market and work proactively to position Sanofi Pasteur as both a leader in vaccine production and a role model for partnerships and foresight within the industry.

Upon joining Sanofi Pasteur as Vice President, U.S. Marketing in 1997, Wayne quickly established a unique role for Marketing in a historically industrial- and commodity-driven organization. In his Marketing leadership role, he revised the business plan process and introduced product branding, positioning and the concept of core-brand selling arguments, driving significant net sales growth through innovative thinking. As the head of the more than 480-member team, Wayne created a multi-disciplinary team approach within the Marketing and Sales organization, achieving high-level, unprecedented collaboration across the group.

Next, as Senior Vice President of Commercial Operations, Wayne collaborated with the Canadian business unit president to develop Canada's first long-term growth strategy, resulting in full restructuring of the marketing and sales group. As Wayne facilitated the transition of the U.S. operations to the new U.S. business unit head, the company continued to exceed budget, experiencing double-digit growth and breaking the \$1 billion revenue milestone for the first time in 2003.

Within the vaccine industry, Wayne played a key leadership role when routinely administered vaccines were in short supply. In 2002, Wayne presented on behalf of PhARMA to a congressional hearing on fragility of vaccine supply. Backed by a U.S. General Accounting Office report, Wayne eloquently presented the facts regarding the complicated nature of vaccine manufacturing and the economic challenges of vaccine manufacturers, resulting in changes to the national policy on Vaccine Injury Compensation.

In 2003, Wayne stepped into the role of Sr. Vice President, Global Commercial Operations, in which he put his talents once again to the company's long-term growth, assuming responsibility for the Strategic Planning function and developing the company's first 10-year strategic plan. In this role, he introduced the franchise concept and implemented the portfolio design to drive the growth strategy. Wayne led the formation of global Commercial Operations, integrating the U.S., Canadian and International business units; Medical Affairs; Pricing & Health Economics; Franchise Management; New Product Marketing and Demand Management groups. In doing so, Wayne moved the Commercial Operations organization of more than 2,000 associates into a cohesive and collaborative team focused on achieving overall corporate goals. For the first

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

time in company history, the organization exceeded 2 billion Euros in sales, with all business units achieving double-digit growth.

Understanding the growing importance of the influenza franchise, Wayne drove the development of the long-term global strategy for influenza, resulting in the elevation of several projects within the R&D portfolio and the decision to invest more than 200 million Euros in new and expanded manufacturing facilities. This investment included the production of a second influenza production facility at Sanofi Pasteur's Swiftwater, Pennsylvania campus, which remains the largest influenza vaccine manufacturing facility in the world. Additionally, he drove the global licensing strategy for Fluzone and Vaxigrip influenza vaccines, making them interchangeable in some markets.

Wayne advocated and implemented a comprehensive global formulation, filling and packaging strategy to ensure early and timely delivery of influenza vaccine and, years before the onset of the 2009 influenza pandemic, established the Pandemic Planning function placing it at a high level of importance for imminent public health needs. Still looking to the future, Wayne has paved the way for new influenza products to meet unique patient immunization needs, including Sanofi Pasteur's Fluzone High-Dose for those 65 years and older and the upcoming intradermal vaccine technology targeting young adults.

Three years ago, Wayne brought his strategic expertise to the role of Sanofi Pasteur President and CEO. Soon afterward, he began replenishing the pipeline through project in-licensing and acquisitions. By the end of 2008, the company, under Wayne's leadership, acquired and fully integrated biotech firm Acambis, adding several phase-II projects—C. difficile and Dengue (Acambis) and Mabs Rabies (Crucell)—and important pre-clinical projects (e.g., *Pseudomonas aeruginosa* Mabs, Intra-dermal influenza, HPV) into the pipeline. That year, he also implemented a pre-emptive effectiveness and efficiency program focused on shifting resources into critical activities to secure the company's long-term growth.

In 2009, Wayne further strengthened the company's critical emerging markets position through the acquisition of India's Shantha Biotechnics to provide a high-tech platform of affordable vaccines and a robust pipeline. His leadership saw the expansion of global industrial operations with new vaccine manufacturing facilities in Shenzhen (China), Ocoyoacac (Mexico), and solid partnerships across all continents, including Brazil, Russia, Japan, Turkey, Thailand and Algeria. His committed global focus has led to significant steps forward in addressing the gap between developed nations and countries with vast and dire unmet medical needs, setting Sanofi Pasteur apart as a leader truly dedicated to its Vision of preventing suffering or death from any vaccine-preventable disease.

At the end of February 2011, after 14 years of service, Wayne Pisano will retire as the chairman and CEO of Sanofi Pasteur. I commend Mr. Pisano for his distinguished career and leadership in the advancement of immunizations and the eradication of vaccine-preventable diseases.

IN MEMORY OF BILL PORTMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Bill Portman, the father of our fellow colleague Senator ROB PORTMAN. Bill was a loving father who taught his son the value of hard work and devotion to his community.

Bill exemplified the American dream. He founded his own business, Portman Equipment Company. Through his hard work he was able to turn his business into a successful enterprise, one that eventually employed over 300 people in the Cincinnati community. Throughout this venture, his son, Rob was working right beside him, learning the virtue of hard work through his father.

On top of being a successful businessman, he was also a loving and caring father. In fact, he always put his family first. He strove to teach his children the values that allowed him to be so successful. He made sure to pass on these values and educate his children on the importance of honesty, integrity, faith, respect for others and community service.

Mr. Speaker and colleagues, please join me in remembrance Bill Portman. His achievements and legacy will forever be remembered. I extend my sincerest condolences to our colleague ROB PORTMAN and the entire Portman family as they mourn the loss of this extraordinary and loving individual.

ROOSEVELT DAM CENTENNIAL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. PASTOR of Arizona. Mr. Speaker, today I wish to note that on March 18, 2011, my home State of Arizona will celebrate the centennial of Roosevelt Dam, a great accomplishment that for 100 years has served our people. I wish to reflect on what the structure has meant for the Salt River Valley, the State of Arizona, and the Salt River Project, SRP.

Growing up in Claypool, Arizona, I journeyed north on State Route 88 hundreds of times to visit Theodore Roosevelt Lake and view Theodore Roosevelt Dam. The massive dam seemed to tower into the sky and was an engineering marvel to a small boy. The lake provided hours of recreational activities and adventures well into my teen and young adult years.

To understand what Roosevelt Dam will mean to the greater Phoenix metropolitan area during the next 100 years, there are a few attributes that must be noted.

The most important characteristic is certainty. Roosevelt Dam was designed to bring stability to weather-related patterns ranging from drought to flooding, so it is well-suited to provide certainty for the greater Phoenix metropolitan area's future water supplies. The conservation ethic will continue to be an important facet in Arizona's water future. In

1911, Roosevelt Dam was one of Arizona's first significant acts of conservation; 100 years later, the dam is still one of the most important examples of resource stewardship, as it stores water for millions of people. As the ethic of conservation evolves during the next 100 years, Roosevelt Dam will continue to epitomize this concept because it helps ensure certainty.

Adaptability is Roosevelt's second most important attribute, enabling the dam to be the continual cornerstone for the Phoenix area's development. The dam has been modified multiple times, including improving water management operations, increasing storage capacity, enhancing hydropower capability and creating features for flood control. Roosevelt Dam and SRP provided Arizona the ability to adapt from an agriculturally based economy to a knowledge-based one. Both must continue to adapt to deal with the changing nature of Arizona, including evolving economies, increasing political complexity and emerging environmental challenges. This ability to adapt is vital, because the delivery of reliable water and power is the underpinning for Arizona's next century.

A final characteristic is stewardship. Roosevelt Dam and SRP have been leaders in renewable water and power for Arizona during the past century, and must continue to do so to ensure Arizona's future. From the beginning of the 20th century, SRP's visionary founders were advocates for Arizona as they used federal resources to build Roosevelt Dam, which created the state's largest sustainable water supply.

Mr. Speaker, Roosevelt Dam and SRP have been with us since before Statehood. This vital bedrock of infrastructure, and the home-grown organization that operates it, will continue to be stewards for Arizona's future prosperity.

HONORING DANIELLE COLSON

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. DIAZ-BALART. Mr. Speaker, I would like to congratulate and honor a young lady from South Florida, who has achieved national recognition for exemplary volunteer service in her community. Danielle Colson, 18, of Pembroke Pines has been named one of the top honorees in Florida by the 2011 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. Colson, a senior at American Heritage School in Plantation, is being recognized for distributing 4,500 backpacks filled with school supplies and toiletries to needy children and people living in homeless shelters since 2007. Danielle, who volunteers at the shelter and has also collected other items for its residents, encourages members of the community and students at local schools to make donations to support her backpack project.

In light of numerous statistics that indicate Americans today are less involved in their

communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our town and neighborhoods. Young volunteers like Ms. Colson are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow. Prudential Financial created the program that brought this young role model to our attention in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their lead. Over the past 16 years, the program has become the nation's largest youth recognition effort based solely on community service, and has more than 95,000 young volunteers at the local, state, and national level.

Mr. Speaker, I heartily applaud Ms. Colson for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of many. She has demonstrated a level of commitment and accomplishment that is truly exemplary, and deserves our sincere admiration and respect. Her actions show that young Americans can, and do, play important roles in our communities, and American's community spirit endures and holds promise for the future.

HONORING THE SESQUICENTENNIAL OF TRANSYLVANIA COUNTY IN NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor the sesquicentennial of Transylvania County in Western North Carolina. Transylvania, a county of 29,000 residents, is home to picturesque beauty and is known as the "Land of Waterfalls."

In 1861, Representative Joseph P. Jordan introduced a bill to the North Carolina House of Commons to establish a new county. Transylvania County was then formed and held its first County Commission meeting on May 20th of that year. This day is notable in North Carolina's history as it represents the day the State seceded from the Union. The next day, Transylvania County possessed no money, courthouse, jail, or a bank, yet was busily mustering a company of volunteers to serve for the Confederacy.

A century later, Transylvania County led the State of North Carolina in fully integrating its public school system. In 1963, Brevard High School became the first high school in the State to field integrated athletic teams.

Over one-third of the County's area is comprised of national and state parks and forests. This includes Blue Ridge Parkway, DuPont State Forest, Gorges State Park, Caesar's Head, Holmes Educational State Forest, and Pisgah National Forest. From the spectacular views from Chestnut Knob to the humbling cascades at Pisgah National Forest's Looking

Glass Falls and the other 249 waterfalls in the area, Transylvania County embodies all that is Appalachian.

On February 15, 2011, Transylvania County will hold a very special public gathering celebrating the 150th anniversary of its formation by the North Carolina Assembly. This will launch a year-long series of events, activities and education. Mr. Speaker, I ask my colleagues to join me in recognizing Transylvania's sesquicentennial and its contributions to the United States and the great State of North Carolina.

INTRODUCING THE RETIREMENT SAVINGS ACT OF 2011

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. BROWN of Georgia. Mr. Speaker, today, I introduced the Retirement Savings Access Act of 2011. This legislation would allow financially struggling Americans access to their retirement dollars without penalty.

As the economic downturn continues, most Americans who have fallen on hard times are not looking for the Federal Government to bail them out. Instead, they are simply asking for the government to get off their backs.

Currently, the Internal Revenue Service (IRS) levies a 10% penalty on all early withdrawals from Investment Retirement Accounts (IRAs), meaning money that is taken out of an account before a beneficiary turns 59½ years old. This provision encourages saving for retirement and planning for the future, but it is a menacing tax to levy on people who are in dire financial straits, such as the unemployed.

This legislation would exempt individuals who have already exhausted the standard 26 weeks of unemployment benefits from the tax penalty they would otherwise normally incur for a withdrawal from their retirement accounts before they reach 59½ years of age.

We have bailed out Wall Street financial institutions and propped up the ailing automotive sector. But it is our constituents who are hurting the most, and this legislation would help them access their own money without a government penalty for doing so.

HONORING MICHAEL STARKS

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. RICHMOND. Mr. Speaker, I rise today to honor the life and legacy of Mr. Michael Starks, the first African-American graduate of Tulane University School of Law and the first African-American lawyer in the New Orleans City Attorney's office. As the Congressman from New Orleans and a graduate of Tulane University School of Law, I would like to call attention to Mr. Stark, a man whose dedication to the legal institution knew no bounds.

Mr. Starks, was a native New Orleanian who graduated from the University of New Or-

leans and the first African-American admitted to Tulane's law school. He graduated from Tulane's School of Law in 1968.

He served as an Assistant City Attorney during the tenure of three mayors. After leaving City Hall, Mr. Starks was an attorney for the Housing Authority of New Orleans until Hurricane Katrina struck.

Mr. Starks passed away on Saturday, January 29, 2011 at Life Path Hospice in Temple Terrace, Florida at the age of 67.

He was survived by his sister, Sandra McCollum, and daughter, Michelle Starks, and granddaughter.

I am saddened by his passing, in prayer for his family, and inspired by his life's achievements.

Thank you, Mr. Speaker, for giving me the opportunity to recognize Mr. Michael Starks.

FIGHTING MEDICARE FRAUD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. STARK. Mr. Speaker, I rise with my colleague Ways and Means Health Subcommittee Chairman WALLY HERGER (R-CA) to re-introduce the Strengthening Medicare Anti-Fraud Measures Act.

This bipartisan legislation is a direct byproduct of a joint hearing held by the Ways and Means Health and Oversight Subcommittees last year. The hearing was on efforts to reduce fraud, waste and abuse in Medicare.

We heard testimony at that hearing from two panels of witnesses. The first panel consisted of Members of Congress pursuing legislative initiatives to reduce Medicare fraud, waste and abuse. The second panel was made up of government witnesses: Office of the Inspector General of the Department of Health and Human Services (OIG), The Centers for Medicare and Medicaid Services, and the Government Accountability Office.

Numerous witnesses raised concerns about limitations to the authority of the Office of the Inspector General to minimize Medicare fraud. From this discussion it became clear to Representative HERGER and me that we should change the law in order provide the Inspector General with the additional requested tools to better protect Medicare.

This is a simple bill with only two provisions. It expands the OIG's permissive authority to ban executives whose companies have been convicted of Medicare fraud from the program. Second, it expands the OIG's permissive authority to exclude affiliates of corporations convicted of fraud, including parent companies hiding behind convicted corporate shells.

The first change is important because it will enable the OIG to protect Medicare from executives who circumvent exclusion by moving to another company. Under current law, executives whose companies are convicted of fraud can be excluded from Medicare. However, if the executive has left the company by the time of conviction, he or she cannot be barred from Federal health care programs. These executives are able to move from one company to another and continue to defraud Medicare, seniors, and taxpayers.

The second change provides the OIG with stronger tools to address corporations that have engaged in fraud. Companies that engage in fraud often set up shell companies to insulate themselves from liability. Criminal settlement negotiations can result in the conviction of these shell organizations with no real operational impact on the parent company. Without discretionary authority to exclude parent companies from the program, the OIG is missing a tool in its arsenal that could allow the government to exclude particularly bad actors or obtain stronger prospective remedies in settlements.

This legislation passed the House of Representatives last year by voice vote. Unfortunately, it was not taken up in the Senate. We urge our colleagues to cosponsor this bill so we can quickly enact these new anti-fraud tools to protect Medicare beneficiaries and all of America's taxpayers.

INTRODUCING THE SUSAN B.
ANTHONY BIRTHDAY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mrs. MALONEY. Mr. Speaker, I rise today in honor of Women's History Month to introduce the Susan Brownell Anthony Birthday Act. This bill will designate the third Monday in February as the day to celebrate the legacy of Susan Brownell Anthony, a pioneer of the women's rights movement, and its leader for more than 50 years.

Born on February 15, 1820, Susan Brownell Anthony met Elizabeth Cady Stanton in 1851 and attended her first women's rights convention in Syracuse in 1852. At that convention she was inspired to join the fight for women's suffrage, asserting that this was 'the right women needed above every other.' The first proposal for women's suffrage was presented to Congress in 1868, and the first formal women's suffrage amendment to the Constitution of the United States was introduced in January 1878. For 35 years after that first proposal was made, Susan Brownell Anthony appeared before every Congress to ask for passage of a suffrage amendment, demonstrating her unwavering dedication to the cause. Her last public words before her death on March 13, 1906 were 'Failure is impossible.'

Between 1917 and 1919, over a thousand women held a vigil outside the White House, asking, 'How long must women wait for liberty?' Unfortunately, Susan Brownell Anthony did not live to see her dream of women's suffrage become a reality, but her heroic efforts were not in vain. The nineteenth amendment, also called the Susan B. Anthony Amendment, was ratified on August 26, 1920 giving the right to vote to American women. The text of the 19th amendment states that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation."

The United States has previously recognized Susan Brownell Anthony's tremendous

contributions to our Nation. To commemorate her legacy, a marble statue of her and her women's rights colleagues, Lucretia Mott and Elizabeth Cady Stanton, was dedicated in the United States Capitol in 1921. Susan Brownell Anthony's picture appeared on postage stamps in 1936 and 1955. Her home in Rochester, New York, has been a National Historic Landmark since 1966, and in 1979, her image was placed on a dollar coin.

I am proud that the work of Susan Brownell Anthony and her fellow suffragists has been acknowledged and honored in these ways. However, as the founder and leader of the women's movement in the United States, Susan Brownell Anthony deserves a permanent place in our history. The journey to equality is long and difficult, but it well worth the fight. Passage of the Susan Brownell Anthony Birthday Act would make February 21st the first Federal holiday that celebrates the birthday of a woman, and would allow all women and men in the United States to celebrate and honor the legacy of a true American heroine.

CONGRATULATING ODALMY
MOLINA

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. DIAZ-BALART. Mr. Speaker, it gives me great pleasure to congratulate a young student from South Florida, who has achieved national recognition by excelling in the classroom and in her community. Odalmy Molina, from Cuban descent and a student at Hialeah High School, received the Youth Award from the Hispanic Heritage Foundation, which recognizes the most impressive Latino High School seniors.

Ms. Molina's family history is a sadly familiar story to many of us, that of losing a loved one to cancer. I too, have experienced the same loss, but know that family suffering can strengthen our passion to succeed and become better individuals. Ms. Molina's deep desire to one-day find a cure for cancer is fueled by her passion to replace the hurt and suffering of those affected by cancer with hope and solace. Her desire has led to a constant quest for knowledge, by either assisting scientists in performing lab work at the Miami project to Cure Paralysis; co-publishing original research presented during the Annual Neuroscience Research Day; or serving as the youth co-chair for the American Cancer Society. These extraordinary accomplishments at such a young age are an inspiring example to all of us.

The Hispanic Heritage Foundation is a national non-profit that inspires, identifies, prepares and positions Latino leaders for classroom, community and workforce. After receiving 10,000 applications annually, HHF honors more than 150 students at ceremonies with partner universities in ten regions across the country.

Mr. Speaker, I heartily applaud Ms. Molina for her accomplishments, for she is a fine example of the best and brightest in South Florida. She has demonstrated a level of commit-

ment that deserves our sincere admiration and respect. I am confident that she will continue to accomplish great things for our community in South Florida and our country.

IN RECOGNITION OF BOY SCOUT
TROOP 1818 AND CUB SCOUT
PACK 1818

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Pack 1818 and Troop 1818, the Jewish Cub Scout Pack and Boy Scout Troop that are based in my Mantua neighborhood in Fairfax County. Cub Scout Pack 1818 boasts 34 boys ranging from Grade 1 to Grade 5. Chartered by the Olam Tikvah Men's Club since 2000, Pack 1818 provides an opportunity for these boys to take in a variety of sports, crafts, and outdoor activities, like hiking and camping.

This year, Tiger Cubs include: Jacob Boyett, Elijah Fischer, Benjamin Golden, Ari Pearlstein, Nathan Rothberg, Isaac Saiger, and Matthew Wurmser. Wolf Cubs include Jacob Book, Nathan Chernys, Ben Engler, Daniel Fertel, Alex Frame, Zach Grossman, Sebastian Jones, Aidan Jupiter, Jacob Hemmerdinger, Rueben Hemmerdinger, Solomon Hutchins, Ben Neifeld, and Zachary Shmargal-Ellison. Bear Cubs include Mitchell Akawie, Samuel Goldberg, Jared Johnson, Michael Krasovsky, Ilan Nabatkhorian, Lars Rosen, and Jacob Rutzick. First year Webelos include Solomon Jones while second year Webelos include Joshua Ackerman, Kenny Book, David Chernys, Daniel Dorlester, Jordan Lamar, and Aaron Shurberg.

I am especially pleased to note that these last six boys—the second year Webelos—will transition to Boy Scouts during a ceremony this evening. Each of those boys has earned the Arrow of Light award.

Following this ceremony, the number of boys in Troop 1818 will be 18, which in Jewish tradition corresponds to life. Troop 1818, which is only three years old, has emerged as an important force in the lives of these young boys. Troop 1818 provides opportunities to build lifelong skills and values and to make lasting friendships through weekly activities and a variety of outdoor programs. The boys have a chance to earn merit badges in such diverse areas as engineering, camping, orienteering, nuclear science, and first aid. This past year, boys from Troop 1818 got to learn CPR, build and sleep in a snow igloo, and attend the 100th anniversary National Jamboree with Scouts from around the country and world.

Troop 1818 currently includes Benjy Ackerman, Max Chernys, Jamie Frame, Josh Hone, Casey Lamar, Ezra Lapidus, Levi Meerovich, Josh Rutzick, Sam Rutzick, Ezra Postelnek, Yosef Postelnek, and Zach Watts. These boys have made significant accomplishments over the past year—earning merit badges and multiple rank advancements—which they will receive at their semi-annual Court of Honor this weekend.

Finally, I'd like to also recognize Robert Book, who founded Troop 1818 and currently serves as Committee Chair for Pack 1818. An Eagle Scout himself, Robert is being recognized this weekend for his accomplishments by being presented with the Shofar Award.

Mr. Speaker, I ask my colleagues join me in congratulating these scouts and also in thanking the troop leaders, parents and families for their dedication to our youth.

CONGRATULATING MS. BARBARA ALLEN AS A WINNER OF THIS YEAR'S PURPOSE PRIZE

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Ms. SCHWARTZ. Mr. Speaker, I rise today to honor and congratulate Ms. Barbara Allen on the occasion of being named as a winner of the Purpose Prize. Ms. Allen was selected from over 1,000 applicants for her work raising funds for public school art programs.

The Purpose Prize is an award given by Civic Ventures, a think-tank that focuses on work and social purpose. For the past five years the Purpose Prize has been given to 10 people, all age 60 and over, who have developed new ways to solve social problems. As individuals who have completed their mid-life careers, the winners of the Purpose Prize have all shown that social innovation is not the sole province of the young. Civic Ventures considered the Purpose Prize to be not a lifetime achievement award, but an investment in the future of the winner.

Ms. Allen has won this award through her laudable efforts to maintain the arts in public schools. She is the founder and CEO of Fresh Artists, a nonprofit that has raised more than \$100,000 benefiting 272 Philadelphia public schools to the enrichment of over 53,000 children. Fresh Artists utilizes the creativity of our students to achieve the goal of funding the art programs that can help more students harness their own creativity. The organization invites students in grades K through 12 to donate their artwork to be used in large-scale reproductions. Fresh Artists then collects monetary donations from businesses and organizations who display the artwork in their buildings. The donations are then used to buy art supplies for Philadelphia's most under-resourced public schools. Since its founding in 2008, Fresh Artists has installed nearly 600 reproductions. Barbara Allen's vision and dedication to the arts have provided students with an opportunity to not only have their work displayed, but also to have their work contribute to the purchase of supplies that allow other students to produce further works of art.

I ask that my colleagues join me in congratulating Ms. Allen on this momentous occasion. Her dedication to the art will ensure that the students of Philadelphia's public schools continue to have access to the supplies that will allow them to fully realize their creative potential.

TRIBUTE TO MR. CHARLIE BURRELL

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Ms. DEGETTE. Mr. Speaker, I rise today to honor the extraordinary life and exceptional accomplishments of Mr. Charlie Burrell, known internationally as "the Jackie Robinson of classical music" and the "titan of the classical and jazz bass," on the occasion of the celebration of his 90th birthday.

Charlie was born in Toledo, Ohio, in 1922, and raised in Detroit, Michigan. An acclaimed contrabass player, he was one of the first African-American musicians to break the color barrier of a major U.S. symphony. Honored by the Alphonse Robinson African-American Music Association for his invaluable contributions, he has received accolades from his colleagues for having opened the door for other African-American musicians by demonstrating that they did not have to be relegated to stereotypical musical styles.

Charlie began the pursuit of a musical career at an early age at the encouragement of his mother. A chance hearing of a performance of the San Francisco Symphony led to his desire to become the first African-American musician to perform with the company—a dream he would realize twenty-eight years later.

Although a dedicated student of classical music, Charlie and his friends embraced jazz music and practiced it whenever possible. At seventeen, Charlie was even asked to join the Lionel Hampton Big Band, affording him the opportunity to travel the country with some of the jazz greats of the time. Upon graduation from Cass Technical High School in Detroit, then one of the most prestigious music schools in the nation, Charlie saw his classmates move directly into professional symphonies, while he was unable to because of the color of his skin. But that never deterred his resolve to play.

In 1941, he attended the New England Conservatory of Music and then joined the Navy where he was stationed at the Great Lakes Naval Base outside Chicago. There, he was selected to join the first-ever all-Black Navy band, a recruiting device the Navy developed to encourage African-American enlistment. Following his honorable discharge from the Navy, he attended Wayne State University with an eye towards teaching music in the public schools. At the time of his graduation, he once again faced the challenge of discrimination when was told by the administrator of music for the Detroit School System there would be no African-American music teachers in their schools.

But Charlie continued to pursue his dreams. After he was turned down for auditions with four different companies, he moved to Denver, Colorado, where he worked at Fitzsimons Army Hospital and enrolled in the University of Denver to earn his teaching certificate. He later taught for the Denver Public Schools. A chance meeting with John VanBuskirk, the lead bass player with the Denver Symphony, led to an audition with the company. Charlie

broke through the color barrier of the time to become the first African-American musician to join the Denver Symphony Orchestra.

And in 1959, realizing his childhood dream, Charlie Burrell went on to become the first African-American musician to ever play in the San Francisco Symphony. During his five-and-a-half year stay in San Francisco, he also became the first African-American to play with the San Francisco Opera and the San Francisco Ballet orchestras, and the first African-American professor at the San Francisco Conservatory of Music.

Upon arriving back in Denver, he was hired again by the Denver Symphony Orchestra where he performed for more than thirty years. Whenever top jazz musicians performed in Denver, Charlie was often called on to play with them.

During his lifetime Charlie has mentored and performed with many musicians. He has played with nearly all of the great names in the jazz world: jazz bass great Milt Hinton; jazz stride pianist Fats Waller; Lionel Hampton; jazz trumpeter Clark Terry; bassist Major Holley; and jazz trombonist Al Grey. One of his favorite vocalists was the late Billie Holiday. He is especially proud of his cousin, the renowned pianist George Duke, and his two-time Grammy award-winning niece, jazz vocalist Dianne Reeves, both of whom he taught and mentored.

On a personal note, Charlie played bass in a jazz trio founded by my uncle Al Rose. The Al Rose Trio became the first racially integrated jazz group in Denver, and when my uncle passed, Charlie asked me if he could be my Honorary Uncle—which he is to this day.

Retired from the Denver Symphony Orchestra since 1999, Charlie continues to be an active member of the community, on occasion playing his bass with his Cousin Purnell Steen's swing quartet. A comment he made during a PBS "Special Jazz in Five Points" broadcast best sums up his life, "Music is my great love affair, and, in fact, it is my first, and always has been, my first."

Charlie has been and continues to be an inspiration to musicians young and old all across our country, but we in Denver are incredibly blessed and proud to call him one of our own. I join all my constituents in wishing Charlie a very happy birthday and congratulating him for his lifetime of achievement.

HONORING LELA DUFFEL MORRIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of Mrs. Lela Duffel Morris, the first African-American graduate with a Bachelor of Science in Nursing at the University of Washington, a career nurse, and a trailblazer in the field of occupational and public health. Mrs. Morris and her husband of 62 years, Dr. Walter Morris, have been stalwart members of the Bay Area community for decades. A loving wife, mother, grandmother, friend and colleague, Mrs. Lela Morris will be forever remembered for her

warmth and compassion. With her passing on February 1, 2011, we are reminded of her life's journey and the joyful legacy she inspired.

Lela Duffel Morris was born on April 23, 1927, and was the youngest of Thomas Duffel and Harriett Jones Duffel's 12 children. Just before Lela's birth, the family relocated from the state of Louisiana to Beaumont, Texas. And, not long after Lela was born, her mother passed away. As the family struggled through the heights of the depression, Lela was sheltered from hardship and nurtured by her father and siblings.

In the fall of 1945, she enrolled in the School of Nursing at the University of Washington (UW), becoming the first African American to be admitted, and later, graduate from the nursing program. Mrs. Morris' subsequent career in public health began in the District of Columbia, where she saw a need for regulation and advocacy in occupational and environmental health issues.

At a time when workers were far too often exposed to hazardous workplace conditions, Mrs. Morris became founding director of continuing education for the Northern California Occupational Health Center, a division of the National Institute for Occupational Safety and Health.

In her over 50-year career, Mrs. Morris received many accolades, including the 2001 Distinguished Alumna Award from the UW School of Nursing and the Alumni Advisory Council, as well as special recognitions from the Northern California Public Health Association, the American Lung Association, the Golden State Medical Association and the American Cancer Society.

In the midst of her career and raising four children, Mrs. Morris received a Master of Public Health degree from the University of California, Berkeley. She also taught college health education courses and served as guest editor of the American Association of Occupational Health Nurses Journal. She was an active volunteer with community organizations, such as the Oakland Bay Area Chapter of The Links, Inc., Alpha Kappa Alpha Sorority, and the Auxiliaries of the National, Golden State and Sinkler-Miller Medical Associations.

On a personal level, I will always remember Mrs. Morris' gentle and kind spirit, but also her strength and brilliance. Her smile lifted my spirits, and she always offered a word of encouragement. She and her husband, Dr. Morris, were my early supporters when I first ran for public office in 1989. They consistently supported me throughout my many campaigns. And for that, I am deeply grateful.

Today, California's 9th Congressional District salutes and honors a wonderful human being, Mrs. Lela Duffel Morris. The contributions she made to others throughout her life are countless and precious. Our community is indebted to her work with East Bay organizations and to her many civic contributions over the years. My thoughts are with Dr. Walter Morris, his family, and Lela's extended group of loved ones as we celebrate her incredible life. May her soul rest in peace.

TRIBUTE CELEBRATING THE CENTENNIAL OF THE CITY OF EAGLE POINT, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. WALDEN. Mr. Speaker and colleagues, I rise today to mark the centennial of the City of Eagle Point, Oregon. Eagle Point was named for a prominent rocky cliff east of town that was a popular nesting place for eagles.

Today Eagle Point is known as "The Gateway to the Lakes" as it sets the scene for tourists and other visitors traveling east to view Crater Lake and the majestic natural wonders of the southern Cascade Range.

During the gold rush days of the 1850s—before it was even considered a "town"—Eagle Point was known for its rich agricultural production and became the "food basket" to the Rogue Valley. That regional importance was solidified in 1872 when the Snowy Butte Mill was built along the banks of the nearby Little Butte Creek. The grist mill quickly became an economic hub for the area. It is said that wagons lined the road to the mill for miles waiting to have their grain ground into flour. In addition to local farmers, the mill was important to Native Americans, who traveled more than 90 miles over the Old Military Trail from Fort Klamath to trade leather and berries for flour.

It wasn't until the Pacific & Eastern Railroad arrived in the early 1900s that a commercial district was established in Eagle Point, and as a result, the city became incorporated in 1911. As Eagle Point blossomed it became the home to three hotels, a livery stable, blacksmith shop, a few saloons, and some dance halls known for their "rowdy behavior and bootleggers." Three of the original brick buildings which housed the bank, confectionary store and general store still stand and are now home to modern businesses.

Eagle Point residents have gone to great lengths to preserve their history. In 1987, the citizens of Eagle Point relocated a queenpost truss covered bridge built in 1922 from Antelope Creek and placed it across Little Butte Creek for children to cross as they make their way to and from school. In addition to the covered bridge, the Butte Creek Mill also serves as a link to the past, and is still in operation today. This historic, water-powered grist mill with its original, 130 year-old, French-quarried buhr stones is listed on the National Register of Historic Places and is a popular tourist attraction.

Despite nearly doubling in size over the last decade, modern day Eagle Point continues to be a great place to live and raise children because of its small town rural charm, excellent schools and beautiful surroundings. Along with its rich history and rural setting, Eagle Point boasts a world-class Robert Trent Jones II-designed 18-hole golf course, which has attracted golfers and new residents alike.

Many notable celebrities have called Eagle Point home including Ginger Rogers, Patrick Duffy, and Kim Novak.

Mr. Speaker, on February 12, 2011, Eagle Point kicks off its Centennial Celebration. I invite my colleagues to join with me in wishing

"Happy Birthday" to a growing, thriving city which serves as the "Gateway to the Lakes" and a window into southern Oregon's rich history.

TRIBUTE TO LA GRAN PARADA DOMINICANA DEL BRONX, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. SERRANO. Mr. Speaker, during the month of February our nation celebrates Dominican Heritage Month. I rise today to pay tribute to La Gran Parada Dominicana del Bronx, Inc., a valued institution in New York that promotes and celebrates Dominican life and culture.

The Bronx is home to one of the fastest growing Dominican populations in the country, and organizations like La Gran Parada Dominicana del Bronx help us to keep pace with this cultural enlargement. They articulate the Dominican experience here in the U.S., as well as the many ways in which Dominican Americans activate our national endeavor and strength.

Mr. Speaker, Dominican Heritage Month commemorates the anniversary of Dominican independence. It represents, as well, a moment when we pause to consider the growing influence Dominican Americans are having in this country.

Most Dominicans in the U.S. migrated here after 1960; the first generations put down strong roots in the Northeastern states of New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania and also Florida. Migration increased steadily in the 1970s and more so during the 1980s. Today the Dominican American community is primarily an immigrant community, with all the struggles and triumphs that accompany this experience. It is also a relatively new immigrant community, which means, among other things, that we—as a nation—have the joy of being able to witness history unfold before us, as newness gives way to establishment, and first steps lead to progress and ultimately to Dominican power. Already, we idolize Dominican Americans in our national culture and sport, and see an ever-growing number in public offices throughout the land, serving their constituents with honor.

La Gran Parada Dominicana del Bronx, Inc., was founded in May 1989 by Felipe Febles and Rosa Ayala. Its founders, friends, and allies had the foresight to recognize the value the Bronx would hold for Dominican Americans in years to come. They believed the Bronx would one day serve as a launch pad for Dominican aspirations across the U.S., and that the borough deserved an institutional partner worthy of the people who reside here. This belief has proven correct and in La Gran Parada Dominicana del Bronx, Dominicans from the Bronx have support to match their considerable talents.

Mr. Speaker, this is a bridge-building organization, one that understands honoring cultural achievement in America is at its best a shared experience. For this reason, I ask that my colleagues join me in paying tribute to Dominican

Heritage Month 2011, and to an organization helping to bring it to life in New York City, La Gran Parada Dominicana del Bronx.

**HONORING BRIGADIER GENERAL
CAROL ANN FAUSONE**

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge Brigadier General Carol Ann Fausone upon her retirement from the Michigan National Guard after 34 years of dedicated and meritorious service.

In 1971, Carol Ann Fausone graduated from Cardinal Mooney High School in Youngstown, Ohio. After earning a bachelor of science in nursing from the University of Michigan in 1975, Carol Ann received her commission as a medical officer in the United States Air Force in 1977. She went on to earn the first of two master of science degrees from Madonna University, the first in administration in 1985 and the second in nursing in 1995. Brigadier General Fausone completed numerous compliments to her vast education in the interim and also attended Capstone National Defense University in 2003.

Brigadier General Fausone has been the recipient of numerous military awards and commendations including the Air Force Legion of Merit, Air Force Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal, Air Force Outstanding Unit Award with one oak leaf cluster, the National Defense Service Medal with one oak leaf cluster and the Air Force Achievement Medal. She has also been decorated with the U.S. Air Force Senior Nurse and Chief Nurse Badges. In addition, Brigadier General Fausone was honored as the Air National Guard's Medical Readiness Officer of the Year in 1988. In 1994, she received the Nightingale Excellence in Nursing Administration Award from Oakland University and the 191st Airlift Group Commander's Trophy. The Brigadier General earned the highest award given by the National Guard Association of Michigan in 1995, the Major General John A. Johnston Award for Excellence.

Truly a pioneer of service women, Carol Ann Fausone was the first to be Michigan medical officer to achieve the rank of a general officer and on March 1, 2002 became the first woman in the Michigan National Guard to be promoted to the rank of Brigadier General. After having spent the last 8 years of her illustrious career as Assistant Adjutant General for Veterans Affairs for the State of Michigan, Brigadier General Fausone was pinned with the Distinguished Service Medal and praised for her dedication and service upon her retirement.

Mr. Speaker, as Brigadier General Carol Ann Fausone begins a new chapter in her life with her beloved husband Jim, there is no doubt that she will continue to advocate for the rights of our nation's veterans. Today, I ask my colleagues to join me in honoring Brigadier General Carol Ann Fausone and in recognizing her years of loyal service to our community and country.

HONORING THE SESQUICENTENNIAL OF CLAY COUNTY IN NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor the sesquicentennial of Clay County in North Carolina. Clay, the smallest county in North Carolina with an area of only 221 square miles, has developed a flourishing community and embodies all that is Appalachia.

In 1860, George Hayes ran for a seat in the North Carolina House of Commons on a platform of creating a new county and county seat in the area of southern Cherokee County. In February of 1861, after his successful election, Representative Hayes introduced a bill to establish Clay County, was named in honor of Henry Clay, U.S. Secretary of State and Senator from Kentucky. Rep. Hayes later received recognition for helping form the new County when the County seat, Hayesville, was named in his honor.

Now, Clay is a thriving community of 10,000 residents. Clay County's education system received national recognition through the prestigious Communities in Schools Organization Accreditation. This award shows the commitment the entire County has to educating the youth in the community and preparing them for successful and productive futures.

Clay County is home to the beautiful Nantahala National Forest which is being developed as a forest, game, and trout preserve. The county also boasts one of the best trout streams in Western North Carolina at the Fires Creek Wilde Life Management. From the spectacular views of sapphire-blue waters in Chatuge Lake to the picturesque beauty of Nantahala National Forest, Clay County encompasses some of the best of Western North Carolina's natural treasures.

On February 21, 2011, Clay County will hold a very special public gathering in celebration of the 150th anniversary of its formation by the North Carolina Assembly. Mr. Speaker, I ask my colleagues to join me in recognizing Clay's sesquicentennial and its contributions to the United States and the great state of North Carolina.

NATIONAL MARRIAGE WEEK

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. MCINTYRE. Mr. Speaker, I rise today in support of National Marriage Week, which occurs annually during the week of February 7th. National Marriage Week was established to help couples strengthen their commitment to each other by hosting special events, marriage classes, and home support groups. While it is important for couples to focus on their marriage every day, National Marriage Week is an excellent opportunity for Americans to rededicate themselves to their spouse and to their family.

Marriage was ordained and instituted by God. It is the glue that binds the American family, and the safest harbor in which to raise children. Studies indicate that men and women who have a strong marriage tend to live longer, have better health, and experience more personal joy. Strong marriages also create the safest harbor for children to flourish and experience the complete spiritual, moral, emotional, educational, and financial benefits of both parents.

I have been a long-time advocate of traditional marriage, and have been pleased to support numerous pieces of legislation to protect this sacred institution. The family structure is the cornerstone of our society, and we should emphasize its importance. I encourage all Americans to use this opportunity to renew their commitment and devotion to their spouse, and to personally take the steps they can to preserve this important institution.

COMMEMORATING BLACK HISTORY MONTH

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. SIRE. Mr. Speaker, I rise today to celebrate Black History Month and commemorate the heroes of the African-American community, the accomplishments they have achieved for their communities and the freedoms they bravely championed for all Americans.

This year, the theme of Black History Month "African Americans and the Civil War" allows us to reflect on just one of the many moments in history where African Americans played a significant role in the fight for freedom.

Roughly 179,000 African-American men served as soldiers in the U.S. Army and another 19,000 in the Navy. 2,900 of these men were from the State of New Jersey. African American women, while not formally permitted to join the army, nonetheless served as nurses for the wounded.

Their valiant efforts and the extraordinary sacrifices helped unite a divided country and free millions from slavery.

During Black History Month we must also commemorate the accomplishments of the civil rights activist, both known and unknown, who helped imbue equality in the fabric of our great nation.

The impact of African American's service to this country since its founding has been immeasurable, and there is no doubt that they will continue to shape the future success of our country.

**REGARDING LEWISBURG, WV AS
"COOLEST" SMALL TOWN IN
AMERICA**

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. RAHALL. Mr. Speaker, one hundred and thirty nine thousand and sixty eight visitors and residents and still counting have cast

votes to designate Lewisburg in my home State of West Virginia, as the coolest small town in America. Whether victory in this contest is ultimately ours or not, we have learned a lot, reminded a whole lot of our friends not to be strangers, and have won new interest from around the country. To all those who competed in this year's effort, we salute you. Of course there are many towns across this great country and in West Virginia that are cool, worthy of recognition, and multiple honors. But to be the coolest, you have to heat up a lot of energies, and fire up plenty of old fashioned grit and hard work, and burn untold candles at both ends, and exhaust a multitude of warm hearts.

And Lewisburg has done just that. Not just in the last year, either. Lewisburg's charm, its endearing hospitality, historically spans the centuries, back to America's earliest beginnings. Nestled in the peacefully lush valley of the Greenbrier River, Lewisburg has hosted Presidents and Generals, Yankees and rebels, patriots and loyalists.

Historic Lewisburg is the county seat of Greenbrier County, and named after Andrew Lewis, a young surveyor, who, in 1751, established a camp near the spring, located behind the present courthouse, and known since that time as the Lewis Spring. In 1782, Lewisburg was formally established by an act of the Virginia General Assembly. The Old Stone Church in Lewisburg, the county seat, was the first Presbyterian Church built west of the Allegheny Mountains and has been in continual use since 1786.

The Greenbrier Valley and mineral-rich springs were fertile grounds for prosperous farming and elegant resort hotels and spas for visitors.

Today, Lewisburg—with its many 18th and 19th century buildings—is home to families, young professionals, and senior citizens and hosts thousands of visitors from all across America and around the world each year. Its vibrant performing arts community offers live performances by artists from around the world, arts in education programming, classes, workshops, fine art exhibits, an independent film series, and more in its own Carnegie Hall—one of only four Carnegie Halls still in continuous use in the world.

But above all its fine attributes, Lewisburg's lasting legacy will be its people, and their close knit neighbors in West Virginia.

INTRODUCING THE JUMPSTARTING OUR BUSINESS SECTOR ACT OF 2011 (JOBS ACT)

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. BROWN of Georgia. Mr. Speaker, today, I introduced the Jumpstarting Our Business Sector Act of 2011 (JOBS Act). This legislation permanently eliminates capital gains and dividends taxes, as well as the corporate tax rate. Additionally, it allows for 100 percent of business expensing for 2012.

As our Nation's unemployment continues to hover around 10 percent and the federal

"stimulus" bill passed last Congress did little to improve our economy, it is time that Congress does what should have been done in the first place: help small businesses create jobs.

Abolishing capital gains and dividend taxes would be a much more effective means of stimulating the economy than more government spending. The elimination of these taxes would not only provide a short-term "stimulus," but they would encourage new long-term investment and growth.

By the end of 2011, the United States will have the highest corporate tax rate of the 34 countries in the Organization for Economic Cooperation and Development (OECD). Eliminating the corporate tax rate will immediately increase the competitiveness of our economy, attract more investment, and lead to job creation.

In addition, extending 100 percent of business expensing for 2012 will provide an incentive for businesses to invest more money back into the business, setting the stage for expansion and the creation of new jobs.

Small businesses are the engine of our economy and create the vast majority of new jobs in this country. And yet, nothing that the Federal Government has done so far to address our economic crisis has been directed towards helping our business community.

We have seen the effects of unchecked and unwarranted Federal Government spending on our economy and employment. Now is the time to once again put our trust in the small businesses and entrepreneurs and to get the Federal Government off their backs and out of their way. I believe the JOBS Act will be a positive step towards that goal.

ANDEAN TRADE PREFERENCE ACT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. PAYNE. Mr. Speaker, while it is my hope that the Andean Trade Preference Act has promoted trade between the Andean countries and the United States and in so doing it has acted to limit drug production, I and many of my colleagues remain deeply concerned over certain recent conduct by the Peruvian government with reference to its treatment of U.S. investment in Peru. I would ask that a letter my colleagues and I recently sent in regard to this matter be made a part of the RECORD. And I would hope our Government would work diligently to protect the interests of our U.S. citizens in this regard. I would hope before Congress is asked to extend this Act again, the Peruvian government will have addressed this concern so that it will not be an issue when a further extension is requested.

FEBRUARY 8, 2011.

Hon. HILLARY CLINTON,
Secretary, Department of State,
Washington, DC.

Hon. TIMOTHY F. GEITHNER,
Secretary, Department of Treasury,
Washington, DC.

DEAR MADAM SECRETARY AND MR. SECRETARY: We are writing you to raise a serious concern relating to the treatment of a

U.S.-based company by the Government of Peru. We understand that this company has received disparate treatment by that Government and is apparently the subject of a possible expropriation. We understand that the Department of State is aware of this situation and that it has already expressed its concern to the Government of Peru.

As we understand it, Doe Run Peru ("DRP"), owned by the Renco Group, a U.S.-based holding company, owns a smelter in Peru that has been in operation for almost 100 years, though DRP has only operated the smelter since 1997. At the time that DRP acquired the smelter from the Government of Peru, DRP agreed to assume certain environmental upgrade costs associated with the smelter, and the Government of Peru assumed soil remediation costs for cleaning up the surrounding community. We understand that by 2009 DRP had invested \$315 million in meeting the terms of the agreement, and, during this same period of time, and up until this date, the Government of Peru has spent nothing to fulfill its obligations.

While DRP has proposed good faith negotiations, to date the Government of Peru has refused to enter such discussions. Though DRP has completed eight and a half of the nine environmental commitments contained in the 1997 agreement, DRP has indicated its willingness to take further and additional steps, but for whatever reason the Government of Peru refuses to enter such negotiations.

We urge the Treasury Department and the State Department to work together on this matter as it raises very serious issues, particularly since the U.S. provides major funding to the Inter-American Development Bank that in turn is quite active in Peru. A de facto expropriation would raise questions about the appropriateness of further IDB investment in Peru. We would hope that your two Departments would communicate on this matter with the IDB and express the concerns of this Government and the consequences that might flow from an expropriation by the Government of Peru.

Sincerely,

DONALD M. PAYNE,
Member of Congress.

A TRIBUTE TO MR. MICHAEL P. KUZMA, JR.

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to honor Mr. Michael P. Kuzma, Jr., who has virtuously served the United States and the Commonwealth of Kentucky.

Since 1999, Mr. Kuzma has served as the ARISS/Technical Support Division Chief at the U.S. Army Recruiting Headquarters at Ft. Knox, KY. This month, Mr. Kuzma will retire after 44 years of dedicated service to the United States Army.

In his role as Technical Support Division Chief, Mr. Kuzma is responsible for supporting all USAREC mission requirements through modernization of automation tools, business processes and training. He has worked on innovative and cost effective automation solutions to help provide technical support and services to the G3 staff.

A native of Long Island, NY, Mr. Kuzma enlisted in the Army in September 1966. Mike

and his wife Pat have been married for 41 years and have two sons, Travis and Michael.

I ask my colleagues to join me today in honoring Mr. Michael P. Kuzma, Jr., because of his dignified and steadfast commitment to the U.S. Army, U.S. Army Reserve, his soldiers, the citizens of this country and the Commonwealth of Kentucky.

TRIBUTE TO BOB WILSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Florence sporting community, Mr. Bob Wilson. For over 30 years, Mr. Wilson has been passionately involved in the sport of basketball in my district. In honor of his unwavering commitment, later this month Mr. Wilson, a former player and coach at Francis Marion University (FMU), will be inducted into the University's Athletic Hall of Fame.

As a player, Mr. Wilson made an exceptional contribution to the University's basketball team. After transferring from Western Kentucky University in 1978, he played two seasons for the Patriots from 1978 to 1980. Wilson appeared in 58 games, assisting the team to a combined 42–19 win-loss record. He averaged an impressive 15.2 points and 5.0 rebounds per game. At the end of his career, Mr. Wilson owned the Patriot men's record for free-throw accuracy. To this day, despite playing only two seasons, Mr. Wilson ranks 22nd on the career scoring list with 880 points.

The 1979–80 season was a professional highlight in Mr. Wilson's basketball career. As co-captain, he scored a career-high 33 points in a win over Coastal Carolina in 1979. He also won the Francis Marion Coaches' Award and was voted the "Best Shooter" by the coaches in District Six of the National Association of Intercollegiate Athletics (NAIA). That season the Patriots also recorded a 24–7 mark, which was the best the school had achieved to that date.

At the conclusion of his playing career, Mr. Wilson was named as part of the Francis Marion University All-Decade Team for the 1970s. He also graduated from FMU with a B.A. Degree in History in 1982 and later a Master's Degree in Education in 1991.

Reflecting his love and passion for the game, Mr. Wilson returned to Francis Marion as an assistant coach for eight seasons. In his tenure as part of the coaching staff, Francis Marion achieved a 142–100 mark and the program's only appearance in the NAIA National Tournament in 1991.

Mr. Wilson has subsequently taught in Florence School District One and has taught and coached at both West Florence and Wilson high schools. In his four seasons coaching at Wilson he guided them to a 76–31 mark and the 2007 AAA State Championship.

Mr. Wilson will be inducted into the Hall of Fame in a ceremony that will take place during the Homecoming activities on Saturday the 26th of February in the Smith University Center gymnasium on campus. Another Florence resident, Ms. Kim Slawson Hawkins, will also be inducted at the ceremony. Mr. Hawkins and Ms. Wilson will join 35 other members in the Francis Marion University Athletic Hall of Fame, which has been in existence since 1991.

Mr. Speaker, I ask you and my colleagues to join me in recognizing the significant contributions that Mr. Bob Wilson has made as an athlete and coach for the past three decades. I applaud and thank him for his services to the youth of my district and to the broader South Carolina sporting community.

HONORING MARSHALL FAULK

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. RICHMOND. Mr. Speaker, around this time last year, New Orleanians celebrated the Saints' Super Bowl victory. This year, we are celebrating Mr. Marshall Faulk's recent induction into the Pro Football Hall of Fame. Despite Louisiana's rich football heritage, Marshall is the first native New Orleanian to receive the honor and we are very proud of him.

Marshall Faulk is one of the best hybrid running backs and receivers in the world, which is why he was inducted into the Hall of Fame in his first year of eligibility. During his 12 years in the National Football League, split among the Indianapolis Colts and St. Louis Rams, he earned amazing statistics and awards. Marshall ranks fourth all-time in total yards from scrimmage. His 6,875 receiving yards are the most ever by a running back. Marshall's 136 career touchdowns, 100 of which are rushing, rank seventh of all-time. He has won three Offensive Player of the Year awards, was recognized in 2000 recognition as the NFL's Most Valuable Player, and called the "greatest show on turf" when the Rams won the Super Bowl in 2000.

A graduate of Carver High School, Marshall is really dedicated to New Orleans. He became a three-time consensus All-American at San Diego State and then the No. 2 overall pick in the NFL draft by the Colts, but began as a humble kid in the 9th Ward with a dream.

I was touched to learn that, as a kid, Marshall sold popcorn at the Superdome to get closer to the football world. He recognized his gift and studied his craft—even as a stadium vendor.

After Katrina, Marshall toured his childhood neighborhood, the 9th Ward, and then donated \$70,000 to Desire Street Ministries, a youth organization near the old housing development site. He understands that it takes the entire New Orleans community to rebuild our hometown.

I applaud Marshall Faulk for his induction into the Pro Football Hall of Fame and, on behalf of all New Orleanians, wish him well.

HONORING JOSEPH D. BUFF FOR
HIS SERVICE TO McDOWELL
COUNTY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 11, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor a remarkable community leader, Jonas D. Buff. For ten years Mr. Buff served on the Board of Commissioners for McDowell County while also serving as its Chairman in 1994. His dedication and commitment have brought growth and progress to McDowell County.

Mr. Buff's work to strengthen his County has included securing the location and grants to oversee the purchase of the McDowell County Industrial Park which is now home to three industries that are currently providing jobs to residents and economic development to the area. Mr. Buff also sought to recruit the State Prison facility to the County which now employs close to 400 individuals.

A strong proponent for the Nebo community owning its own water supply, Mr. Buffs advocacy helped bring about the "Nebo Community Water System." Water lines and waste management are now extended to include a greater area, servicing more residents and laying a foundation for future growth.

In addition to aiding in the County's infrastructure growth, Mr. Buff was a strong supporter of volunteer and emergency services. During his tenure, the county implemented E-911 and Emergency Medical Dispatch and two EMS Base Stations were constructed.

I ask my colleagues to join me today in recognizing the dedication that Mr. Buff has demonstrated in creating positive change for his County. His legacy highlights the lasting impact each hardworking person can impart to their community.

SENATE—Monday, February 14, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Hear our prayers, Lord, and deal graciously with our petitions. We put our trust in Your word, as we lean upon Your loving kindness and tender mercies. Bless this land we love, infusing its citizens with strength, wisdom, and faith. Lord, guide those whom we ourselves have set in authority, keeping them from disorder, discord, and division. Lift them to the heights of Your great purposes so they will have daily insights into Your will and way.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will re-

sume consideration of the FAA authorization bill. I have spoken to the chairman of the committee. I have spoken to the Republican leader. We are going to do everything we can to move this matter forward as quickly as possible. Those who have amendments should offer them. We will try to set up the votes for those that are already pending at the earliest possible date. We could do some of them in the morning. We may even be able to get a number of them out of the way tonight, if we can work something out on that. At 4:30, we will turn to executive session to consider the nomination of James Graves of Mississippi to be a U.S. circuit judge for the Fifth Circuit and Edward Davila of California to be a U.S. district judge for the Northern District of California.

At 5:30, there will be a voice vote on Graves and a rollcall vote on Davila. Senators should be prepared for additional rollcall votes this evening relating to amendments to the FAA bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE PRESIDENT'S BUDGET

Mr. MCCONNELL. Mr. President, earlier today, President Obama showed the American people just how he intends to spend their tax dollars, and how much more intends to borrow, to fund his vision of the future. And it is a huge disappointment to those in both parties who were hoping the President would take this opportunity to address the grave and imminent fiscal crises we face. The President's budget is the clearest sign yet he simply does not take our fiscal problems seriously.

It is a patronizing plan that says to the American people that their concerns are not his concerns.

It is a plan that says fulfilling the President's vision of a future of trains and windmills is more important than a balanced checkbook.

It is a plan that asks our children to pay for an imaginary vision of the future that may or may not come about by adding trillions to a debt that will be very real to them indeed.

The President's budget comes in at close to a thousand pages. The people who voted for a new direction in November have a five-word response: We don't have the money.

We don't have the money.

Americans have been asking a crucial question as we approached this debate:

how do we get back to balance, how do we get to a place where Washington spends less than it takes in. And the simple fact about this budget is that the President and all his advisers couldn't come up with a single year in the next 10 where we do that.

That is the key question in this debate, but it is the one question that the President and all of his advisers don't seem to have been the least bit interested in.

The White House wants us to engage in a debate this week about percentage cuts at this or that agency, about multi-year projections and CBO scores. It all misses the point. The real point is this: We are broke. We don't have the money.

Look: there is a time to experiment with high-flown plans and to test theories. But we have to balance the checkbook first. We have to be able to afford it. The American people get that. This administration doesn't seem to.

After 2 years of failed stimulus programs and Democrats in Washington competing to outspend each other, we just can't afford to do all the things the administration wants.

The President has said he wants us to win the future. But this budget abdicates the future. It spends too much, taxes too much, and borrows too much. It says that the President does not have the will or the ability to do what we need to do with the money that we have. But that is precisely what the Americans are demanding that we do.

Americans reject the idea that they have to live with another \$13 trillion in debt to fund the President's or anyone else's vision of the future.

This budget was an opportunity for the President to lead. He punted. It only pretends to do the things people want. And the reaction we have seen from across the political spectrum so far today suggests that nobody is buying it.

The President may be determined to keep spending levels at the current high levels—high levels he put in place—in the hope that people will get used to them. But he has clearly misread a public that has had enough.

We must live within our means. We must begin to do the difficult but necessary work of reining in a government that has grown beyond our ability to pay for it. We must acknowledge the mistakes of the past 2 years and work to correct them.

The stimulus failed. This budget says "Do it again."

The President has already added more than \$3 trillion to the debt as we lost another 3 million jobs. This budget

says let's add more debt and see if we get a different result.

The President had an opportunity to cut domestic spending from the 25 percent he has increased it since he came into office. Instead, he locked it in place.

He had an opportunity to start to pay down the tremendous burden of debt that he has added over the past 2 years. He wants to increase it instead.

He had an opportunity to work with Republicans on reforming long-term entitlements such as Social Security, Medicare, and Medicaid. He took a pass.

This is a status quo budget at a time when serious action is needed.

This is business as usual at a time when bold, creative solutions are needed.

This is not an I-got-the-message budget. It is unserious, and it is irresponsible.

We need to look for ways to preserve what is good that does not put us on path to bankruptcy. That was the challenge of this budget. The administration failed the test.

After years of overspending by both parties, it is time to make tough choices, just as any family does when times are tough, even among very good things. We have to cut even from programs that are good, as difficult as it is, recognizing that the values we are fighting for in this debate are more fundamental than the survival of any one program. We need to face that fact that we do not have the money. It is not an American value to borrow from others to pay for programs we do not need and cannot afford. And it is not an American value to put off tough decisions because we refuse to say no to things we want.

If there is any good news in this debate, it is that we are finally beginning to talk about how much to cut in this town instead of how much to spend. But we are going to need more people to join the fight. We will need Democrats to join us. Above all, we need a President who gets it. And this President clearly does not get it yet.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THIRD ANNIVERSARY OF THE NORTHERN ILLINOIS UNIVERSITY SHOOTING

Mr. DURBIN. Mr. President, 3 years ago today, a mentally disturbed gunman walked into a campus lecture hall at Northern Illinois University in DeKalb and shot 22 students, killing 5 of them.

John Peters, the president of Northern Illinois University, the students, families, faculty, and employees pulled together after that tragedy, and I joined them at an observance with then Senator and now President Obama to acknowledge the grief they all felt and we shared. I am proud to report that the Northern Illinois University community is stronger and more resilient today than ever.

In the aftermath of the shooting, we asked a lot of questions about what led to it. Naturally, there were so many innocent victims. We asked what we could have done to prevent it. Three years later, we are still trying to make sense of it.

Some believe that nothing can be done if a disturbed person is determined to commit an act of violence. But I believe something can be done.

For a long time, we have overlooked a very obvious and very compelling fact. Many young people do not demonstrate serious mental illness until they have left their home and high school and go off to college. We have overlooked the mental health of students on campuses.

Many mental illnesses manifest in this period when young people leave the security of home, regular medical care, and the support of a network of family and friends.

A friend of our family, a young man, went to the same university over 30 years ago. Gary was a peculiar kind of his own type of person in high school. But within 30 days at the university, living in a college dorm, certain mental illnesses we were not even aware of manifested themselves and he suffered from schizophrenia the rest of his short life. It manifested itself at that campus.

It is easier for a young person's problems to go unnoticed when they are away from parents, old friends, and the high school community. Sometimes they get worse. People do not even notice.

The consequences of not detecting or addressing mental health needs among students are very real. Forty-five percent of college students report having felt so depressed it was difficult to function. Ten percent even contemplated suicide.

But while the needs for mental health services on campuses are rising, colleges are facing financial pressures of their own and are having trouble meeting the demand. A recent survey of college counseling centers indicates the average ratio of professional staff

to students is 1 to 1,952, and at 4-year public universities it is 1 to every 2,600 students. It is little wonder that many young people with these problems go unnoticed.

Shortly after the tragedy at Northern Illinois University, I wrote a bill called the Mental Health on Campus Improvement Act to help schools meet the needs of their students. The bill would provide resources for colleges and universities to improve their mental health services and would call for the development of a public nationwide campaign to educate campus communities about mental health. We know troubled students who receive appropriate counseling and support can succeed in college and life. These services make an impact. Students who seek help are six times less likely to kill themselves.

By providing critical resources to colleges, the Mental Health on Campus Improvement Act would ensure that more young people receive the help they need before facing a crisis.

The main elements of this bill were included in a proposal to reauthorize the Garrett Lee Smith Memorial Act last year. I will continue to work on this legislation to get it enacted so we can give colleges the help they need to identify and treat students with mental health issues.

We also know from Northern Illinois University, as well as from the tragedies at Virginia Tech and Tucson, that we need to fill the gaps in the Federal gun background check system.

No one is proposing to take guns away from responsible American hunters and law-abiding citizens. The Supreme Court has made it clear that individuals have a right to own guns. I respect that decision. But the Court has also said that the second amendment is "not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose."

For years, laws on the books have prohibited those with histories of serious mental illness and substance abuse from buying guns. State agencies and Federal agencies need to work more closely together to make sure the background check system is fully updated with this critical information.

Today is a time for our country to remember the lives and mourn the loss at Northern Illinois University of five promising young Americans whose life stories were cruelly cut short 3 years ago. But as we look back, we must also—as they say at Northern; their slogan—move "Forward, Together Forward" in the true Northern Illinois University spirit.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, might I ask, what is the pending business?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The bill clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Wicker modified amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.

Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.

Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the administration for fiscal year 2008.

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe amendment No. 6, to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations.

Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the Essential Air Service Program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits and to clarify the liability

protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Reid amendment No. 55, to require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, NV.

Udall (NM)/Bingaman amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Nelson (NE) amendment No. 58, to impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Mr. ROCKEFELLER. Mr. President, my cochair, Senator HUTCHISON, is on the floor, and I know she wishes to speak.

It occurs to me we are back on the Federal aviation bill. We have been on this bill for several years. There is an interesting sort of dilemma which has developed. If one listens to the conversation on the floor and around in the hallways, everything has to do with slots—how many flights in and out of National Airport, what are we going to do about the west coast, Seattle, and all the rest of them. Actually, that is a very small part of the overall bill, reflecting on the overall health and progress of the Federal Aviation Administration, compared to things such as NextGen, the new air traffic control system entirely, and a variety of other things which are already in the bill which the Senate passed last year 93 to nothing. So I am losing my patience a little bit with slots.

KAY BAILEY HUTCHISON and I agree on most things in our work, and we have an amendment. Other people seem to be going back and forth—they are amenable, then they are not amenable—and we are running out of time. I think the leader, with that in mind, is going to ask for cloture on this to sort of force everybody's hand.

What I am really suggesting is that those who are working on slots try to come to an agreement during the course of the rest of this day because I think we are talking only about that, and perhaps a little bit of tomorrow morning. Then I think the Senate just kind of—and I know the leader on our side—has to do the bill. We have been debating these slots for 6½ months this year. We did it for a whole bunch of months last year. Progress is made, progress is unmade; people agree, peo-

ple don't agree. Senator HUTCHISON and I are getting a little bit frustrated by that. We think we have a good amendment, but let's see.

So we have some pending amendments. I am hopeful we will be able to work through them this evening and the remainder of the week. I think we have made reasonable progress on some matters, but on the question of the bill itself and the substance of the bill and those amendments which are germane to the substance of the bill, I think we have made a lot of progress. A lot of that progress actually comes from last year on our unanimous vote to approve this issue. So I believe we can and must finish this bill this week. I think my cochair agrees with me on that. If not, we risk further extensions of the FAA and a less stable agency.

Again, I would point out that I think we are on our 18th extension of this massive bill keep all of our planes in the air and everybody at work and includes safety and all kinds of things. We need a very swift resolution. So I urge the Senate to promptly move forward on the passage of the FAA reauthorization act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am fully in support of what the chairman has said. We have been on this bill now for over a week of actual Senate time. It is an important bill for our country because we are trying to set in place the next generation of air traffic control. America has over 50 percent of the air traffic in the world. We need to be the leader of the next generation of air traffic control systems. We are trying to transfer from the ground-based radar system to a satellite-based system. It will be more efficient. It will open many more opportunities for airspace. We need to be able to move forward so that more planes can use the airspace we have. Yet we are finding a reluctance to vote on amendments. There are several amendments that are pending. We need to have votes on those amendments. There are safety measures; there are consumer protection measures in this bill.

The chairman and I have worked together on making progress because we both want to pass this bill. It is a good bill. The sticking point is the slots at Reagan National Airport. Honestly, the chairman's staff and my staff have worked with all of the affected airlines and States and constituents to try to come to a fair opening of Washington National Airport to people who live west of St. Louis, MO. Basically, west of St. Louis, there are very few straight flights from Washington National. Most of them have to stop. So we are trying to gradually add to the capabilities for people who live out West to come into Washington National Airport, but we are also trying

to keep the people who live around the airport from having undue noise or undue traffic or congestion at the airport. So we are trying to come up with a fair system. But, to be honest, the sides are not giving. There is a western Senator position. There is a Virginia Senator position. There is a far-Alaska, far-west position. And nobody is giving an inch. Well, it is kind of hard to negotiate when you keep putting things out there, which the chairman and I are doing, and we get no response but "I want everything my way." Well, "everything my way" is not going to work.

We are facing a deadline now where possibly we won't be able to get a vote. I think that would be very bad for the western half of the United States because I think they are being unfairly kept out of access to the convenience of the airport to the Capitol and to downtown Washington. So I hope the sides will meet and come together with something that accommodates all of the needs and concerns, and I hope we can pass this bill this week. I think both the majority leader and the Republican leader are in support of the bill going forward. So we need to get our amendments up, get them voted on, and let's try to make progress.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, let me add to what my distinguished colleague said. People who are working on slot amendments should remember that in the bill that was passed and therefore the pending legislation, S. 233, there are no slot amendments. So they have to be under the discipline of understanding that slot amendments at this point are nongermane, and that will change as circumstances change in the next day or they won't.

At this point, with the indulgence of Senator HUTCHISON, I know Senator MURKOWSKI from Alaska is going to give a speech, with whom I know I am going to fully agree.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I wish to acknowledge the chairman and the ranking member on the Commerce Committee. I know they have been working diligently throughout this process not only with this particular reauthorization, but they have been great leaders on this issue over the years, and I appreciate that. We are working on some difficult issues, some contentious issues, including the issue of the slots which the chairman just discussed. It is one that is critically important to a person such as myself who represents the farthest of the West, along with Hawaii, so we look at how we are able to gain access through our airways and to travel. So the issues in front of us are incredibly important,

but I don't want to speak to the issue of the perimeter slots today.

I wish to address an amendment that was raised exactly a week ago by my colleague from Arizona, and this is regarding the importance of the Essential Air Service to my State of Alaska. I think the Members of this body have heard very often not only from myself but from Senator BEGICH and, prior to the two of us, the Alaskan Senators who for years stood on this floor and said: Alaska is different.

When we are talking about the Essential Air Service and what it allows and what it provides, I repeat, Alaska is different. It is unique from anywhere in the lower 48, and the necessity to maintain the Essential Air Service is yet one more example.

It was last week that the Senator from Arizona referred to a figure from the FAA that stated "99.95 percent of all Americans live within 120 miles of a public airport that has more than 10,000 takeoffs and landings annually." That statement clearly does not refer to Alaska.

When the Essential Air Service was created in 1978, after the airline industry was deregulated, Congress correctly determined that air carriers that supported our rural locations would need a financial subsidy to ensure their passengers could receive not only a price but quantity of flights and quality of service that was necessary to provide for effective transportation and movement of goods.

At the creation of the EAS Program, nearly every community in the State of Alaska was affected by the deregulation of the airlines industry. There were about 130 communities that were put on that list in 1978. Today we have 44 communities in Alaska that are receiving EAS.

Let me tell you some things about Alaska that do make it unique, and when we refer to Essential Air Service one can see that title is actually a very apt description of what is provided in my State.

I have a map of the State of Alaska. The red lines that look like little arteries represent our road system. We have just short of 11,000 miles of a road system in the State of Alaska. I said that seems like a lot of roads. To put it in context, California has 2.3 million miles of roads.

Our road system is one—if you look at it—that is up and down. We do not have much in southeastern Alaska. We do not have a thing along the Aleutian chain. We do not have anything in the southwestern and northern part of Alaska. We have just a few roads around the Seward Peninsula. Eighty percent of communities in the State of Alaska are not connected by a road. How do you get there? If you happen to be in the southeast, you get there by boat.

The bottom line is we fly. This is not a luxury; this is a necessity. We have

to fly. We are the most flown State in the country. About 80 percent of our communities are nonaccessible by road while in the rest of the country, if you want to get in your car, if you have an emergency, you need to get to the hospital, you hop in and drive. If you want to go for a spring break, you get in your car and drive 4 or 5 hours and you are at the beach. If you want to get somewhere—anywhere—you pretty much have an opportunity to do so.

We do not have that opportunity in Alaska. Given what we face with a limited road system—the weather and terrain issues—we in the State of Alaska treat airplanes or helicopters like most Americans would treat their minivan. Aircraft in Alaska are not just a nice thing to have. They are a lifeline for survival, for subsistence, for travel, for recreation. They are truly an essential part of our everyday lives.

The city administrator of Atka—Atka is all the way at the end of the Aleutian Islands—the city administrator of Atka, Julie Dirks, sent a letter to the Alaska delegation explaining how the loss of EAS subsidies would negatively impact the city of Atka and other rural communities in the State. In the letter, she writes:

Loss of this program would be devastating to remote rural communities such as Atka and others in our region. Atka is not on a road system connecting the communities to other places nor is there any type of marine ferry service connecting Atka to other islands or mainland Alaska.

Even though there is a lot of water out there, you cannot get there by boat.

Air transportation presently is the only method available providing access in and out of Atka. Costs of service are already high even with the subsidy. Without the subsidy service would be too expensive or even nonexistent.

I ask unanimous consent to have printed the letter from the city administrator of Atka.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 7, 2011.

Re Essential Air Service Program.

Alaska Delegation,
Senator MARK BEGICH,
Senator LISA MURKOWSKI,
Congressman DON YOUNG,
Washington, DC.

It is my understanding Senator John McCain has introduced legislation to the FAA Reauthorization Bill that, if passed, would repeal the Essential Air Services Program. I am writing on behalf of the remote Aleutian community of Atka, Alaska to protest the elimination of the program.

Without the federal government subsidy provided by the Essential Air Service program remote communities in Alaska like Atka are unlikely to have any air service at all and could cease to exist. Regular scheduled transportation service is important to the sustainability of the community and to support economic activity of the local seafood processing plant owned jointly by local residents and the regional CDQ organization.

Loss of this program would be devastating to remote rural communities such as Atka and others in our region. Atka is not on a road system connecting the communities to other places nor is there any type of marine ferry service connecting Atka to other islands or mainland Alaska. Air transportation presently is the only method available providing access in and out of Atka. Costs of service are already high even with the subsidy. Without the subsidy service would be too expensive or even non-existent.

Your efforts to keep this important program funded will be appreciated by Atka residents.

Sincerely,

JULIE DIRKS,
City Administrator.

Ms. MURKOWSKI. Mr. President, we have 44 communities in the State of Alaska that receive an EAS subsidy. Thirty eight of those communities are not connected in any way to this road system so they are forced to use air travel as their primary means of travel. Then one has to say: OK, that means you have six that are on a road. Why can't they use the road? Why do we have to provide EAS for these six communities?

Let's look at some of these communities. McCarthy does not have any road maintenance during the winter months. Pretty much between October and April we are looking at a situation where this community is shut off. That means no mail. That means no emergency services. That means no ability to get food supplies. They basically have to wait it out until the road thaws in the spring. If we do not have air service in a community such as McCarthy, even though there is technically a road, for about 7 months they are without.

Another of the communities, Gulkana, is on a two-lane paved road, but it is over 210 miles to the nearest medium-hub airport. The other four communities, which are Circle, Central, Minto, and Manley Hot Springs, are all located on two-lane gravel roads. They require driving distances of at least 125 miles to the nearest hub airport.

Again, we need to remember what kind of roads they are driving on. This is not like jumping on to I-95 or I-10. These are, for the most part, single-lane roads during most of the year. They are snow covered, with limited visibility. They have tough temperatures they are dealing with in the interior. It is pretty dark during this time of year. It is not a road about which one says: Let's drive to town.

It has been noted by some of the opponents of the Essential Air Service Program that the spending in Alaska is just out of whack, that it is too much. Let's look at the facts as they relate to Alaska.

There are currently 153 communities that are receiving subsidies, according to the USDOT. The Department of Transportation says there are 44 communities in Alaska and 109 commu-

nities combined for the lower 48, Hawaii, and Puerto Rico. Critics say it looks as if Alaska has almost half as many EAS communities as the rest of the United States.

OK, that may be true. We will grant that. But what they ignore, what they forget is how we compare in Alaska in conjunction with the rest of the country. I know people get tired of looking at these maps about how big we are. The fact is, we do not make this up. We do not just superimpose Alaska on a map of the country and say: Isn't this a nice shape? We put it on the map of the lower 48 States to show the size. We are not that little State that is down in the water next to Hawaii or off California, despite some of the maps that are still out there on people's walls. We are this big.

We have over 47,000 miles of shoreline, going all the way out to the Aleutians and coming all the way up—47,000 miles, more than all of the other 49 States combined. We cover an area of over 586,000 miles. We go from California to Florida, beyond the Great Lakes and into Canada.

The comment was made that if I want to go from Adak, which is one of the EAS communities, to Anchorage, which is the largest city in our State, it is a \$1,400 round-trip airfare—with EAS subsidies, I might add. But it is almost 1,200 miles. That just gets you from Adak into Anchorage. It does not get you down to the rest of the lower 48.

Put that in context and that is like going from Kansas City to Boston where, I might add, their round-trip airfare is \$571. It helps to put things in context when people are saying that Alaska is getting too much of a share of this program. Monetarily, Alaska gets about \$12.6 million in EAS subsidies. The rest of the Nation gets over \$163 million in EAS subsidies. In Alaska, we have over 700 registered airports, 1,200 airstrips, and over 10,000 registered aircraft.

When we look at how our 44 communities that receive the subsidies receive less than 10 percent of the subsidies of the lower 48, to suggest somehow they are getting something that is not equitable, again, is important to put into context. There are no roads to most of these communities.

It was commented by my colleague from Arizona that there was a 2009 GAO report on the Essential Air Service Program. It was indicated that the GAO thought the Essential Air Service Program might have outlived its usefulness. But there is a section of that report that was left out. I think it is important to note that the writers of that report stated:

[The] review focuses on communities within the continental United States that have received EAS subsidized service. We focused our review on these communities because the requirements for communities in Alaska are

different than for communities in other States, and airports outside the contiguous States are not representative of the program in the rest of the country.

It is critically important that we look to what that full GAO report said and how it recognized that the circumstances in Alaska are entirely different and are not representative of what we see in the lower 48.

When we look to that GAO report, we need to put that into context again. Another thing that must be kept in mind when we are talking about Essential Air Service is that—that we are all talking about on the Senate floor—is jobs, what is going on with jobs. The number of jobs that would be lost, the economic impact that would result from the repeal of this program in Alaska would be consequential.

Aviation in our State provides \$3.5 billion to the economy. It represents 8 percent of the gross State product. It is the fifth largest employer in the State, employing about 10 percent of our total workforce. And it is not just the jobs that would be lost, these folks who handle and sort the mail, load the packages into the aircraft would likely lose their jobs. The commercial fishermen, the workers at the fish processing plants would be impacted. Emergency medical professionals, the tourist industry, recreational professionals—they would all feel the negative impact of the repeal of EAS in Alaska. All of these vital industries and services are connected to the everyday Alaskan by one common thread, and that is aviation.

Many of us look forward to the wild fresh salmon that comes out of the Copper River in May. That comes from a community in Prince William Sound, Cordova. Mr. President, 2,200 people live there. They receive Essential Air Service. The fact that they are able to fly into this community that does not have access to a road allows those fishermen to receive a price for their product that maintains and sustains them. The repeal of EAS means hundreds of my constituents would be forced to purchase expensive airline tickets just so they would have access to the most basic and yet very essential things.

Kodiak Island is the recipient of a lot of our EAS communities. Island Air is an airline that services these 12 communities. Eleven of these communities are served by float planes because there is no runway. So we don't even have the basic runway. You are flying in on a seaplane. Two of the communities Island Air supports are Karluk and Alitak. Round-trip airfare from Karluk to Kodiak, which is sitting right in here, is \$254 a person, to Alitak it is \$346 a person. Flights to these locations occur only three times a week. So if you are going to fly into Kodiak, you have to assume you are going to have a couple nights of hotel costs—lodging expenses—so this brings the

price of your trip to about over \$500. But if the EAS Program is repealed, the cost per person to get to these locations jumps to over \$1,800, and that is just to get from the little village to Kodiak. This is not getting you to Anchorage, where you can get medical services. It is not getting you to where you can get to the shopping you and your family might need. These expenses are also just for the airfare and not for the lodging. It doesn't allow for the purchase of supplies, mail, tourism or any of the other activities that members and visitors to these communities might engage in. So I think it is fair to say if we repeal EAS, Island Air will no longer be able to serve these communities. They would be forced to lay off their employees. But you don't have service to these areas.

I can't speak for every location in the United States that receives funding from EAS and tell you how each would be impacted by the McCain amendment, but I can say, without any reservation, that this amendment would create an economic and a transportation disaster for Alaska, including the loss of jobs, livelihoods, and would potentially impact health and medical situations. The complete elimination of the EAS Program could destabilize many of our rural communities, could negatively impact the integrity of Alaska's interconnected aviation system, and severely reduce air services to essential parts of the State. EAS has been and will continue to be a critical and instrumental component of Alaska's aviation transportation system network, while providing important jobs and allowing necessary and critical access to rural and isolated communities within our State and across the Nation.

I have consumed the time I was allotted this morning, but I cannot repeat enough, I cannot reiterate enough the importance of a program such as Essential Air Service to a remote and rural State such as Alaska. It truly is essential. When this amendment comes before the body, I would urge defeat of the McCain amendment.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am only going to comment for a minute, but what the Senator from Alaska has just said is completely true. It also points out the overall philosophical question of what are we doing with this bill: Are we going to pass it or fight over all these slots? I am for passing the bill and leaving slots for conference or whatever, unless we can work something out. Nobody wants to agree. Everybody thinks they have the leverage. Maybe they do, maybe they do not. But in the meantime, this bill, which has been languishing for all these months, in fact, solves one of the problems of Alaska in its entirety be-

cause of the NextGen system, which I have been talking about—and which I could talk about more but not today—which is a global satellite network. It will provide the safety and capacity that is needed for safe flight in tricky weather, where weather changes very quickly, and, in fact, it is now in place in Alaska.

So that doesn't, in any way, take away from the Essential Air Service problems which the Senator from Alaska is talking about. I totally agree with her on that. But it just shows that if we hold up this bill and make ourselves slaves to working out slots agreements, which probably can't be worked out on this floor—maybe they can, I hope so, but I doubt it—we are depriving her State and others—but hers in particular since hers is a test State which has this system in place because of the changing weather, because of the unpredictability of virtually everything when you are flying. It is in effect there and in four other States. We are trying to get it to all States. This will change the whole future of aviation.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

THE PRESIDENT'S BUDGET

Mr. HATCH. Mr. President, today, the President released his budget for fiscal year 2012. If this is his idea of a Valentine's gift to America and to the American people, he has an odd way of showing his affection. It is the equivalent of taking your fiancée to dinner, asking her to marry you, and then leaving her to take care of the check, your maxed out credit cards, your underwater mortgage, and the bill for the ring.

This budget is, quite simply, an abdication of adult responsibility, and it is a particular abdication of the responsibility of the President of the United States, who takes an oath to protect and defend our Constitution. Our economy is dealing with the hangover from the 2008 economic collapse, the greatest fiscal crisis I have seen and that we have seen in several generations. Our recovery has been sluggish, and it is not being helped by this administration's regulatory overload and ObamaCare, which is set to kill 800,000 jobs.

We can already see a still larger crisis approaching. This is nothing short of an existential challenge. Continued deficits and accumulated debt are a genuine threat to individual liberty, continued prosperity, and national security. Absent immediate action—and let me stress this needs to be immediate action—we face a future where our union is not more perfect and where government will stand in the way of enterprising businesses and citizens whose only wish is the opportunity to thrive. Yet the President's response to this impending disaster is

to vote present. His response is to pass the buck.

With due respect, the budget released today is a sorry joke. I would hate to be the White House staffers forced to spin this budget as a step in the right direction. The United States is demanding a "Churchill" on the issue of deficits and debt, but the administration has delivered us a "Chamberlain."

Let me break this down. The administration is going to reduce the deficit by \$1.1 trillion over 10 years. That sounds like a mighty big number, and I am sure the White House has some consultants who have told them the American people can be duped into thinking this represents meaningful deficit reduction or change. Let me be clear. This is not meaningful deficit reduction. The administration wants to reduce the deficit by \$1.1 trillion over 10 years. What does the administration project the deficit to be for this fiscal year—\$1.65 trillion. At 10.9 percent of the gross domestic product, this is the largest deficit as a share of the economy since World War II. Unbelievable.

But it is consistent with the way Democrats have behaved since taking over Washington. In 2010, the deficit was \$1.3 trillion and in 2009 \$1.4 trillion. So let us put this in perspective. The administration is out there touting today its fiscal responsibility. Yet its 10-year total deficit reduction is smaller than this year's deficit.

The President's much touted 5-year freeze on discretionary spending, which will save \$400 billion, is smaller than the Congressional Budget Office's recent upward revision of the 2011 deficit. Spinning this budget as the fiscally responsible thing to do betrays a profound lack of respect for the intelligence of the American citizens.

This budget contains \$53 billion for construction of high-speed rail in Florida, California, and several other States. If there is a bigger government boondoggle out there, I am not aware of it. But the Vice President, in promoting this spending spree, tells Americans they need to get a grip. With due respect, the American people's grip on the situation is fine. They understand something that apparently has eluded the best and brightest over on Pennsylvania Avenue—we are out of money.

The well that has been financing the New Deal, and the New Frontier, and the Great Society, and the stimulus, and ObamaCare has finally run dry. It is past time that we stop playing politics with the deficit and debt and make the tough choices necessary to put America's finances back on solid ground. Yet there is no effort in this budget to take care of our long-term fiscal problems—none at all.

Not even the Washington Post is able to spin this one. This is a \$3.7 trillion budget. What is the future of our deficit and debt? This is what the Post had to say. After next year, the deficit

will begin to fall, “settling around \$600 billion a year through 2018, when it would once again begin to climb as a growing number of retirees tapped into Social Security and Medicare.”

The new normal under this budget is one of permanent budget deficits, long after President Obama has returned to private life. He will be out working on his Presidential library while Americans are left holding the bag for his big spending policies. He may not want to admit it, but the most fitting volume for his Presidential library might be “The Road to Serfdom.”

How exactly does the administration propose to pay for Social Security and Medicare and national defense under this budget? The bottom line: It doesn't. This budget amounts to gross negligence. Even the progressive blogger, Ezra Klein, concludes that when reading this budget, it is almost like the fiscal commission never happened.

Remember that? The President's fiscal commission? It issued a report recommending over \$4 trillion in cuts, including adjustments to entitlements. It offered controversial but appropriately bold proposals to get our Nation back on track. The President and his team looked at those proposals and bravely decided to leave this problem to the next administration and future generations.

Clearly, I am not a fan. But there is one useful item to consider in this budget. It is what progressives might call a teachable moment.

To achieve these paltry deficit reduction numbers, the administration had to resort to massive tax increases.

As the Post concludes, the tax hikes in this bill will be around \$1.6 trillion over 10 years.

Here is the point that people need to be reminded of.

Even with possibly more than \$1.6 trillion in job killing tax increases in this budget, it still comes nowhere close to reining in our deficits and debt.

For years we have heard Democrats say that if the rich people and businesses paid their fair share in taxes, we could balance the budget and reduce the debt.

Well, they sure tested it out in this budget.

They soak the so-called rich and American business with a fire hose, and yet we are still facing trillions in debt and hundreds of billions in deficits.

After the much maligned Bush tax cuts expire and undermine small business job creation, according to the President's own numbers we will still have to borrow an additional \$7.2 trillion through 2021 to pay the bills that are coming due from the Obama administration's spending policies.

This budget should be a turning point in our debate about deficit and debt reduction.

Tax increases simply cannot get us there.

Unfortunately, the message that tax increases lead to deficit reduction is the Democrats' good word.

Over the past decade, I have participated in many discussions about spending and tax policy.

As my colleague from Iowa, Senator GRASSLEY, has noted, Democrats basically have two talking points.

First, all of the good fiscal history of the 1990s was derived from the partisan tax increase bill of 1993.

And second, all of the bad fiscal history taking place within the past 10 years is owing to the bipartisan tax relief plans originally enacted during the last administration and continued under the present administration.

The Democrats' platform does have the virtue of simplicity: higher taxes—good; lower taxes—bad.

This record needs to be corrected. Regular viewers of C-SPAN 2 have probably heard others on my side do so before.

But it bears repeating, particularly in light of today's budget, that higher taxes will not right our fiscal ship.

The myth that higher taxes lead to lower deficits is a persistent one.

This is the mainstream account of the Clinton tax hikes.

According to this theory, the positive fiscal history of the 1990s resulted from the 1993 tax increases.

It is a simple enough argument.

According to the other side, by raising taxes and taking more money out of the economy, the government successfully reduced the deficit.

Yet, as you can see from this chart, the Clinton administration's own Office of Management and Budget concluded that the 1993 tax increase accounted for only 13 percent of deficit reduction between 1990 and 2000.

As a percentage of deficit reduction, the 1993 tax increase ranks behind other factors such as defense cuts—and interest savings.

The message here is simple.

Tax increases did not drive deficit reduction.

It may seem counterintuitive, but raising taxes does not necessarily mean that revenues collected by the government, as a percentage of GDP, will increase.

Consider this chart, which compares changes in Federal revenues as a percentage of GDP for two key 4-year periods. Each of these 4-year periods was preceded by a major tax policy change.

The first 4-year period occurred after the 1993 tax increase was enacted.

The second 4-year period occurred after the Jobs and Growth Tax Relief Reconciliation Act of 2003 was enacted.

The Jobs and Growth Reconciliation Act was the second of the major tax relief bills enacted during the last administration. It featured reductions on tax rates of capital gains and dividends.

Let's take a look at the first of those 4-year periods in each case.

One year after the 1993 hike, we do see increased revenues.

One year after the 2003 tax cut, revenues drop.

But take a look at the second through fourth years following the adoption of each bill.

You will see that the trend of the first year reverses itself in the second year after the tax hike.

As the policies in both bills had time to take effect, the revenue patterns are clear. The positive change in revenue was generally greater after the tax cut bill than it was after the tax increase bill.

There is no doubt that our deficits are a serious issue. They threaten the future of our Nation. It is irresponsible, however, to say that our dire fiscal situation is the result of the government not extracting enough money from the people who actually earn it.

The President's budget, with its massive new tax increases and permanent deficits, demonstrates yet again that our problem is spending.

Our budget deficits are being driven by spending.

Spending has not grown arithmetically.

Spending has not grown geometrically.

Spending has grown exponentially.

Over the past few years, while Democrats exercised complete control over Washington, non-defense discretionary spending has grown by 24 percent. As I have said before, that figure does not even include the bloated stimulus bill, enacted in early 2009.

Yet these deficits continue to grow in spite of increased revenues.

On January 26, CBO published its Budget and Economic Outlook for Fiscal Years 2011 through 2021. I am going to quote from that report. By CBO's estimates, Federal revenues in 2011 will be \$123 billion—or 6 percent—more than total revenues recorded two years ago, in 2009.

This increase in Federal revenues for 2011 includes the net effect from a 1-year across-the-board reduction in payroll taxes.

The important fact here is that revenues have increased over the past 2 years, and the deficit has still increased. Our deficit and debt problems are not being driven by tax relief.

Despite this evidence, many of my friends on the other side still see raising taxes as the best and only solution.

They want to fund out-of-control spending by taking even more money from the people who actually earn it.

Proponents of this approach know that the confiscation of what has been lawfully earned can be a hard sell.

That is the reason they resort to clever rhetoric, telling us that paying taxes is inherently patriotic.

Or we hear talking points about some people not paying their fair share.

These sound bites might sound good to the base, but they are not grounded in reality.

CBO has published a booklet entitled "The Long-Term Budget Outlook." In its most recent version CBO confirmed that Federal revenues have fluctuated between 15 percent and 21 percent of GDP over the past 40 years, averaging about 18 percent.

Because of the recession, revenues dipped to around 15 percent recently. But that should not deceive us into thinking taxes are abnormally low. Using current-law assumptions, CBO projected revenues to reach 23 percent of GDP by 2035.

Arguably, those current-law assumptions are unrealistic, since they assumed the bipartisan tax relief enacted in 2001 and 2003 would expire along with relief from the alternative minimum tax, at the end of last year.

Yet CBO evaluated an alternative, more realistic, fiscal scenario. In that scenario, CBO assumed that most of the tax relief enacted in 2001 and 2003 would be extended through 2020. It still assumed that tax relief would expire for so-called high-income taxpayers. But CBO did anticipate that AMT relief would continue, along with other deviations from current law.

Even using this alternative fiscal scenario, CBO found that revenues as a percentage of GDP would increase to just over 19 percent in 2020 and stay at that level for several years.

That is to say, in this scenario, the level of taxation would still be above the 40-year historical average of about 18 percent of GDP.

I want to briefly return to the January CBO analysis that I referred to earlier.

That analysis, which assumes that most of the components of the tax package enacted at the end of 2010 will continue to be extended, along with the modified estate and gift provisions also in that same legislation, calculates that annual government revenues will steadily increase going forward, but will still average about 18 percent of GDP through 2021.

I have spent the past few minutes discussing CBO projections of various policy scenarios.

I am sure this presentation has made for some very gripping television.

But the point I am trying to convey is a critical one.

The fiscal reality is that taxes are not abnormally low.

Continuing current tax policy yields Federal revenues at about the historical average of GDP for the past 40 years.

Increasing taxes on anyone, even so called high-earners, will push government revenues above the 40 years' historical average, as a percentage of GDP.

I know there are many who would still support raising taxes above this historical level.

The President made clear today that he certainly does.

But it is important to heed the words of the CBO before we raise taxes.

In its Long-Term Budget Outlook, CBO had this to say about a scenario where the bipartisan tax relief of 2001 and 2003 expired, along with AMT relief.

According to CBO:

Marginal tax rates on income from labor and capital would rise considerably under the extended-baseline scenario. The increase in the marginal tax rate on labor would reduce people's incentive to work, and the increase in the marginal tax rate on capital would reduce their incentive to save.

The basic point I am making is that tax hikes are not like finding a pot of gold at the end of a rainbow. That money comes from somewhere, and there will be consequences to redistributing it.

Moreover, as we saw in the budget released today, even spiking taxes by over \$1.6 trillion will not help us to balance our books.

Abnormally high spending drove the deficits of the past. It is driving the deficits of today. And it will drive the deficits of the future.

Some folks, in response to the question of whether the President is triangulating after the drubbing Democrats took in November, have answered no. He's just being himself.

You can say that again. He supported big government as a community organizer. He supported it as a Senator, on this floor and in committees.

He supported it as a presidential candidate, and he supports it today.

But the stakes are higher now.

He is the Nation's chief executive, and ultimately the President is responsible for guiding our Nation through the treacherous waters of an impending fiscal crisis. These are not easy shoals to navigate yet the statesman cannot shirk his duty.

As Senator Henry Clay once put it, "I would rather be right than be President."

Some things are bigger than the next election, and getting our deficits under control is one of those things.

The American people know that President Obama's budget is not right.

The present administration is spending almost 25 percent of our GDP, historically high except during and shortly after World War II. The last time we had that kind of expenditure was in 1950. That is why I am so strongly for a balanced budget constitutional amendment. I wish we did not have to go to that, but I don't see any other way we will get spending under control because I think Congress has been institutionally incapable of bringing down spending.

One reason is that with the help of the mainstream media, Members of Congress actually believe they will be kept in office by spending, and up to

now that has been pretty true. But the American people are starting to wake up, they are starting to realize that, as sincere as my colleagues are on the other side, their economic policies are corrupt—maybe "corrupt" is too strong word, but it is wrong, definitely wrong.

We know the American people are not going to stop demanding real leadership on this issue. I feel badly because I know I personally like the President. There is no question about it. I showed him great friendship when he was here. I have shown him friendship since he was elected.

We all know that in order to resolve these problems we have to get entitlements under control. As good as some here in Congress are, we can't do it without Presidential leadership. We just can't.

I have a suggestion for the President. He would go down in history as one of the truly great Presidents if he would work with us, work together, bringing bipartisan people together and work to resolve these conflicts. You cannot do it with just 15 percent of the budget and you cannot do it with just tax increases. You cannot do it with an ever-expanding Federal Government. You cannot do it with an ever-expanding set of Federal employees. You cannot do it with ever-expanding regulations—although some of them are important. All of these things may be important, but you can't do it with those concepts. The only way you can do it is to get in and take the whole budget and work with both sides and see what we can do to bring people together and see if we have the courage to resolve these problems, not only for today but for our kids and grandkids, and, in my case, great-grandkids as well, hereafter.

I don't want the President to fail, but I have to point these things out. Let's face it, he is getting some very poor advice. Even when he wants to come to the center he gets rapped hard on the knuckles by the far left of his party, most of whom are far left, as least those here on the floor.

There are very few moderates on the Democratic side. I found most of the people who are moderates are moderate when their vote doesn't count. I think if you go back and look at the record you will find that to be true. The vast majority of our friends on the other side believe we should keep spending, keep taxing, and that will keep them in power. But all the power in the world doesn't count if we are wrecking the greatest country in the world.

I think our side has to wake up a little bit, too. We can't just do it with tax cuts either. On the other hand, I would rather have tax cuts that spur on the economy and create small business jobs than continue to spend us into oblivion.

Nevertheless, we are all going to have to work together if we are ever to

get this problem solved. The only way I know to solve it is through Presidential leadership combined with courage on the part of Members of Congress.

But what they are pursuing with this budget is pathetic. There are so many budgetary gimmicks in this bill that it is plain pathetic. I will repeat what I said earlier; that is, the little over a trillion dollars, \$1.1 trillion, in deficit reduction this budget will achieve over 10 years is barely \$100 billion a year. The total proposed deficit reduction is not even as much as our deficit for this year alone. During those 10 years, there will be hundreds of billions, if not trillions, of dollars of additional deficits until we reach a point, in about 2022, where we will be around \$22 trillion in debt.

I do not know about you, Mr. President, or anybody else in this Chamber, but I think it is time for us to start standing up. I think it is time for the President to lead. I think the Democrats who have control of the bureaucracy ought to start working with us on to get that bureaucracy trimmed down. Let's consider the one aspect of constitutional politics that has worked; that is, allowing 50 States to participate, and through 50 State laboratories we can pick and choose the things that work best. Had we done that with health care, we would not be in the mess health care is today, and the oblivion it is headed for.

We cannot fix this deficit problem with tax increases. Frankly, my experience has been that tax increases do not work. What does work is giving the small business sector incentives, real incentives, not "investments" but real incentives to keep creating the 70 percent of jobs that only the small business sector can do.

If we increase those taxes, we are going to be in a mess. I can tell you, the budgeteers at OMB and CBO, as sincere and dedicated as they may be—I like Mr. Lew very much, and I think Mr. Elmendorf is a very fine budgeteer and economist—are always low in their estimates of deficits. It could be much worse than what we know right now. I hope we will have the guts, I hope the President will have the guts to lead, and I hope we would have the guts to follow that lead, and hopefully turn this ship of state around.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, I want to talk on Essential Air Service, but I do want to make a couple of comments after hearing my colleague from the other side talk about the budget. I want to assure him, there are some moderates over here who understand the value and the managing of the budget. If someone comes from Alaska, you know we support gun rights, oil and gas drilling, we support a lot of

things as Democrats that the Senator may not be aware of.

But the other thing is, leadership is about all of us working together. I look for the President's budget, but that does not mean we are going to sit here and wait for him to make all of the decisions. We have a responsibility here. I know last year, I sat here and voted for the Sessions-McCaskill amendment that would have reduced some of the spending, controlled some of the spending. We could not get all of the votes on the other side to make it happen.

I supported every dime that came back from the TARP repayment to go to pay off the deficit, which now we are close to 80 percent or better of that money coming back, maybe as much as 90 percent. I supported the Gregg and Wyden legislation, a bipartisan effort to deal with tax reform to get corporate rates from the second highest in the world back to about midstream; lowering the six individual rates down to three rates; making it simplified so people can fill out their taxes on one form, and getting rid of a bunch of loopholes.

It is the combination of all of us that will create leadership. It is not one person; it is not one President. It is Republicans and Democrats and Independents sitting on the floor making tough decisions, not a bunch of political speeches. Let me end there and get to the topic I wanted to talk about. At some point I will come down here and talk about the budget as it is rolled out. I know on the Budget Committee we will have plenty of presentations on that.

I came down here to talk about Essential Air Service. I want to thank Chairman ROCKEFELLER and Senator HUTCHISON for their leadership on this very important bill. They have worked tirelessly to pass this bill in the 111th Congress, and they are again putting in long hours on it this year.

The bill before the Senate is an incredibly important piece of legislation. The FAA bill is about creating jobs. It puts Americans to work rebuilding our Nation's deteriorating airport infrastructure. It modernizes our air traffic control system to reduce congestion in the skies, and it makes our Nation's air space safer and more efficient.

There are so many important reasons why we should succeed in passing this legislation, which passed the Senate 93 to 0 last year. Even in a year that was marked with contentious and partisan battles, this FAA bill was truly a bipartisan piece of legislation, and this can largely be credited to the hard work of Chairman ROCKEFELLER, Senator HUTCHISON, and their staffs.

This bill has been delayed far too long. We are currently on the 17th short-term extension since the last comprehensive FAA bill expired in 2007. We owe it to the American people to help reduce airport delays, put Ameri-

cans back to work, and provide the 21st century air space our Nation needs to facilitate commerce and compete in a world economy.

This bill is especially important for States such as mine. Aviation is the lifeblood of Alaska. It is truly our highway in the sky. We have six times more pilots and 16 times more planes per capita than the rest of the country. In Alaska small planes are the equivalent of minivans in the lower 48. They are how Alaskans get around.

I wish to talk briefly about the Essential Air Service Program, which is vital to my constituents. My friend from Arizona has introduced an amendment which would repeal the Essential Air Service Program. I truly have grave concerns for what this would mean, not only for my rural Alaskans but for rural Americans as a whole.

The Essential Air Service Program originated at the same time as airline deregulation in 1978. When airline deregulation passed, it gave airlines almost total freedom to determine which markets to serve domestically and what fares to charge for that service. This is not a bad thing. Some good things came out of airline deregulation. It fostered competition among airlines. It brought down ticket prices for many air routes between large urban centers.

But when Congress passed airline deregulation, it also recognized that something needed to be done to protect rural communities. They were not the most profitable routes for air carriers, so the idea was to maintain a minimum level of service. That is where the Essential Air Service Program came in. The program provided modest subsidies to air carriers to provide service to communities that would have otherwise lost all air service through deregulation. Since 1978, the Essential Air Service Program has successfully guaranteed small communities that were served by certified air carriers before deregulation that this would maintain a minimum level of scheduled air service. The program has been a vital link for rural America.

There are very real consequences to eliminating this program for my constituents, especially in the 44 communities served by the EAS Program. Let me show you this poster. This poster shows Alaska's limited road infrastructure. Eighty-two percent of Alaska's communities are not on the road system and rely on aviation as a primary means of transportation, for goods, people, mail. It all has to come by aircraft. Let me not confuse those who are watching. We did not oversize the State of Alaska. Alaska does not sit down here by California or in a little box somewhere. This is actually the size of Alaska in comparison to the lower 48.

The red lines show the road network. You can imagine the road network that

would be shown in the lower 48. But this is all of the road network we have. So for the rest of the State it is by air or boat. People in communities face some of the highest costs of living in the country. Rural Alaskans cannot drive to a Safeway when they need something. There are no roads, and there are no Safeways. If you eliminate the EAS Program, it is going to drive these prices even higher in rural Alaska.

Gary Williams, from the village of Kake, sent me a letter about what the McCain amendment would mean for his community. By the way, the EAS ensures Kake receives at least three weekly flights from a small Cessna 208 aircraft during the winter. Again, this is not a jetliner. Maybe in Alaska we think a Cessna 208 is a jetliner, but that is a very small plane.

Gary Williams in Kake says:

I frankly cannot imagine being without service. It would isolate and cripple us on many levels.

In addition to eliminating the only source of transportation for many communities, Senator MCCAIN's amendment would actually put people out of work. It would hurt small businesses in Alaska and across this country. It is truly a job-killing amendment.

I wish to read from a letter my office received from the owner of PenAir. PenAir is a family-owned business, started in 1955 by a young 19-year-old teenager named Orin Seybert. When Orin started his business in 1955, he had a two-seat Taylorcraft and a four-seat Piper Tri-Pacer. Orin is a great example of the pioneering spirit that embodies Alaska. Over the years Orin grew the business into a successful regional air carrier, serving communities throughout rural Alaska. PenAir is now run by Orin's son Danny. This is a letter from Danny Seybert, the president of PenAir:

For many of these communities, PenAir is the only scheduled passenger air service link to the rest of the world.

He goes on to say if the McCain amendment is passed, it:

would have a devastating effect on many remote communities in Alaska, on many air carriers who provide those communities with air transportation services, and on Alaska's economy.

Here is an e-mail my office received from the Copper Valley Air Service. Copper Valley flies two EAS routes serving the communities of McCarthy and May Creek. The e-mails read:

If this amendment is approved, it will put Copper Valley Air Service out of business. It will cost eight jobs. This cannot pass.

This is an e-mail from Bruce Phillips, the chief pilot of Wings of Alaska: Repealing EAS would "not only diminish jobs and raise costs, but also potentially abolish air service to some communities entirely. Villages in Southeast Alaska have no roads and limited, if any, ferry service making air service

a lifeline. This is how they receive everything from medication to mail to groceries as well as how they travel for medical, personal and business."

I have got a stack of these letters that my office has received in the past few days from communities that would lose air service if the McCain amendment is adopted, from individuals in the communities who are terrified about what this would mean for the price of goods in their communities, from those worried about the cost of air travel if they get sick and they need to seek medical attention at a hospital, and from small air carriers worried that they will either have to lay off employees or go under altogether.

I ask unanimous consent that some of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTON SOUND HEALTH CORPORATION,
Nome, AK, February 2, 2011.

Senator MARK BEGICH,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BEGICH: We are extremely concerned and worried by Senator McCain's efforts to repeal EAS in Alaska. We know that these efforts will more than double ticket prices within rural Alaska. Just for our Materials Management department alone we spent over \$46,000 in freight from October 2009 to October 2010. Norton Sound Health Corporations expenditures for freight, company-wide exceed \$250,000 for that same time period.

We are asking you to please speak against the repeal of EAS in Alaska. People in rural Alaska will be terribly affected by the repeal if it passes. Recruitment and retention for medical professional staff is dependent on our ability to fly staff and household goods to our region. If passed, the repeal will more than double the costs of transporting goods, patients, critical service workers and will have an insurmountable affect on an already challenged economic situation in rural Alaska.

At Norton Sound Health Corporation we rely completely on travel to provide critical patient access to and from our villages. Air transport is the only way to bring patients into Nome, our regional hub, and to Anchorage, when needed, for appointments. We rely entirely on the Essential Air Services for keeping the cost of transporting medicine and supplies to an already exorbitant minimum.

Sincerely,

CAROL J. PISCOYA,
President/CEO.

NANA REGIONAL CORPORATION, INC.,
February 2, 2011.

Hon. MARK BEGICH,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BEGICH: I am writing you to express NANA Regional Corporation's (NANA) opposition to Senate Amendment 4 to S. 223, the Federal Aviation Administration (FAA) Air Transportation Modernization and Safety Improvement Act, which proposes elimination of the Essential Air Service (EAS) program. Dismantling the EAS program will create an unreasonable

burden on rural Alaskans; further increasing the already high cost of living, further limiting rural residents' access to basic services, and potentially increasing rural Alaska's already high rate of unemployment.

As you know, the majority of communities in Alaska are not connected by any road system. Many of these communities are surrounded by lands that are federally protected from basic roadway transportation infrastructure or located in areas where building bridges is not economically feasible. Weather also limits transportation to many of these areas of the state.

Air transportation is the only year-round means of accessing most rural Alaska communities. Air freight brings essentials supplies like food, home heating fuel, transportation fuel, construction materials, vehicles, medical supplies and other goods and services to our villages. Even with EAS in place, the cost of air transportation affects all aspects of rural Alaskans' lives, affecting the consumer price of most goods. Transportation costs dramatically affect the cost of living in Kotzebue, the NANA region's hub village, where the cost of living is 61 percent higher than Anchorage, Alaska's most urban city located on a road system.

In addition to living costs, the cost of air transportation affects rural Alaskans' ability to access basic services that are available to urban Americans or Americans connected to a road system. Air transportation is often the only access that rural Alaskan's have to critical medical care that cannot be supplied locally. Public safety is also affected by access to air transportation. Many communities do not have local public safety officers and, in the event of an incident, public safety officers have to be flown into communities.

The EAS program exists to ensure rural communities have access to air transportation services despite the fact that they have a limited number of passengers to offer certain air carriers. As you know, 45 communities in Alaska receive financial support from the EAS program and with most of these areas receiving guaranteed service, even if it is not subsidized, because of the EAS program.

The EAS program has a profound economic affect on our region and all of rural Alaska, creating reliable air service and making air transportation affordable for most rural Alaskans. Eliminating this essential program would create further barriers to the success of the most rural reaches of our state. Organizations in Alaska, including NANA, are working hard to create viable rural economies. Eradicating the EAS program would strike a significant blow to the progress these organizations have been able to make.

It is important for citizens of the United States to have reasonable access to the rest of the country. EAS guarantees Alaskans, who are citizens of this great nation, the same access afforded to Americans who live in areas of the country where the federal government has spent trillions of dollars to develop surface transportation alternatives. Preserving the EAS program will ensure that our rural Alaska communities are not forgotten as Congress and the federal government work to improve our national economy. NANA supports the EAS program and it is our hope that SA 4 to S. 223 will be defeated.

Taikuu,

MARIE N. GREENE,
President/CEO.

CALISTA CORPORATION,
Anchorage, AK, February 1, 2011.
Re SB 223 Repealing Essential Air Service.

Senator MARK BEGICH,
Russell Senate Office Building,
Washington, DC.

HONORABLE SENATOR BEGICH: Senator McCain has introduced amendments to bill S. 223, to modernize the air traffic control system, improve safety, reliability, availability of air transportation in the United States, provide air traffic control modernization, reauthorize Federal Aviation Administration, and repeal Essential Air Service subsidy program (EAS). We strongly oppose any actions to repeal the EAS program for the eligible communities for which it was intended for.

The essential in EAS is just that: "Essential" to the access, survival, and economy of isolated and rural communities throughout America, as well as Alaska which do not have alternatives:

The EAS program was intended for—and has successfully kept—scheduled air service to those cities and rural Alaskan communities that were served at the time of deregulation, and, which would otherwise lose or have lost ALL air service after the airline deregulation of 1978, and in any anticipated subsequent and more recently poor market conditions.

EAS ensures small communities served by air carriers before the deregulation, can maintain minimal service to retain their link to the national air transportation system. It guarantees air service even during: low passenger volumes; low profitability to air carriers; less than ideal operating conditions (great distances and remote areas, weather, and mountainous terrain); and periods where air carriers will simply leave for better, easier, and more profitable market areas.

EAS provides and maintains stability to the National Aviation Transportation System and network in America, by ensuring the system is not overly modified or changed suddenly, again simply due to carrier profitability in some communities or areas at the expense of those smaller and less profitable markets.

EAS keeps ticket prices to MANY smaller rural communities down. As an example, even with EAS subsidies, ticket costs to some communities can be over \$1,100, such as Adak, Alaska, and other cities ranging in population from 35,000 to a few hundred. Nearly every community in Southeast Alaska depends on EAS to receive jet and even any scheduled air service in that area. Without EAS, ticket prices would more than DOUBLE costs of air travel to RURAL communities throughout Alaska; as well as in many cities throughout the U.S.

In Alaska, EAS provides funding subsidies to 44 of 300+ communities, with 38 of those relying on aircraft as the primary access and transport mode because there is NO other transportation access alternative—they are completely isolated from any roads.

The EAS program provides an average \$285,559 community subsidy in Alaska, as compared to the average subsidy in other U.S. communities of \$1,495,505. Other U.S. communities actually have roads and other transportation mode options and backup.

Unlike most parts of the U.S. with a long history of infrastructure building and access to well established National Transportation System roads, highways, railroads, buses, ferries, and airports; Alaska is a new state and the only state in the union where a majority (82 percent) of our 300+ remote com-

munities are inaccessible and unlikely (due to being largely or entirely surrounded by Federal wilderness, preserves, park, and restricted lands) to ever become accessible by roads! This problem was realized during the original drafting, debates, and establishment of the EAS program. Airports and airways in Alaska have had to by necessity, had to serve as 'highways' in order to provide reliable, scheduled air service that would become essential to the health, safety, economy, and literally survival of people living in our state. We have 8 times the enplanements and 39 times the freight per capita compared to the rest of the U.S.; and aviation provides 1 in 10 jobs and is the 5th largest employer in Alaska.

Even the smallest of air carriers often provides a full or part time job in most communities they serve assisting with schedules, passengers, and cargo; while, each runway and airport also has an employee to maintain and operate the smallest of facilities. Airport, carrier, and related service positions provide critical jobs that help support the economy and rural communities.

A better solution (rather than repeal an entire important program such as EAS), would be updating the criteria utilized for EAS eligibility; as well as, including consideration of what nearby airports, carriers', and modes of transportation communities have for access options to receive EAS program funds.

In summary, complete elimination of EAS could destabilize some small communities, would have an extremely negative impact on the integrity of Alaska's interconnected aviation system, and seriously reduce air service. EAS has been and will continue to be critical for the aviation transportation system network, provides important jobs, and enables access for rural isolated communities across America.

Thank you for your attention and consideration to this serious matter. Please do not hesitate to contact us with questions, or if we can assist in defending this essential program (907) 644-6309.

Sincerely,

CHRISTINE KLEIN, AAE,
Executive Vice President & COO.

ORGANIZED VILLAGE OF KAKE,
Kake, AK, February 1, 2011.

Re Essential Air Service to Rural Alaska.

Senator MARK BEGICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BEGICH: Our office received word late this afternoon that was released by the Alaska Air Carriers Association, reporting that a bill (or amendment to a bill) is being introduced in the Senate for the repeal of the Essential Air Service program. This program serves rural areas throughout the U.S., including many areas in Alaska. Further, we understand that you will be speaking tomorrow against this bill; thus, we are providing this letter in the hope that it can assist your efforts, and we are confident similar efforts from Senator Murkowski and Congressman Young.

As fellow Alaskans, we all know the need to retain the Essential Air Service program for our rural areas. Loss of the program would be crippling to the many rural communities that rely on it—its title so accurately describes its function—it is "essential" to the health & welfare, economy, education, and the list goes on and on. All of these communities are an integral part of the fabric of Alaska and we cannot let them be unjustly harmed, which would surely

occur if a necessity as basic as transportation is crippled.

Each community has a story, with many similar needs around the State, and ample justification to retain the Essential Air Service Program. Allow me to briefly share our situation, with the hope that it can assist in the defense of this important and essential program. The community of Kake is located on an island in Southeast Alaska and is without road access to other communities. We are extremely reliant on safe and effective air service for basic transportation to/from other cities for health care, business, education, pleasure, etc.—essentially any goods or services that require a transportation connection. In addition to passengers and freight, reliable and daily delivery of U.S. mail to/from Kake is critical for both business and personal. The reasons for this necessary service to Kake are based on essential requirements that will allow the community to function and live in today's society—with an adequate number of daily flights absolutely required to meet those needs.

Please feel free to contact our office for further information and as always, thank you for your efforts on behalf of our community and others around our great state.

Sincerely,

CASIMERO A. ACEVEDA,
President.

PENAIR,
Anchorage, AK, February 1, 2011.

Re Essential Air Service in the State of Alaska.

Hon. MARK BEGICH,
U.S. Senator, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BEGICH: I am President and Chief Executive Officer of Peninsula Airways, Inc. ("PenAir"), the largest commuter airline in Alaska with several hundred employees. PenAir provides critical passenger, cargo, and mail services to dozens of remote communities throughout southwestern Alaska, from the Aleutian Islands in the west to Unalakleet in the north, to our base at Anchorage in the east. For many of these remote communities, PenAir is the only scheduled passenger air service link to the rest of the world.

It has come to our attention that an amendment has been proposed in the U.S. Senate to eliminate the federal government's Essential Air Service ("EAS") Program. Such an amendment, if passed, would have a devastating effect on many remote communities in Alaska, on many air carriers who provide those communities with air transportation service, and on Alaska's economy. Accordingly, PenAir respectfully asks that you vigorously oppose any such amendment.

The EAS Program was established by the U.S. Congress to ensure that smaller communities would retain a link to the national air transportation system even if federal subsidies were necessary to maintain such service. It is a particularly important program for Alaska because, as you well know, the federal government's ownership of lands in Alaska and the limited access to those lands means that air transportation is the only way to reach most rural communities in Alaska.

For its part, PenAir currently provides subsidized essential air service to the remote communities of Akutan, Atka, and Nikolski. Other small and large air carriers provide subsidized air service to dozens of other communities throughout Alaska.

Without the EAS Program and corresponding federal subsidies, service to these remote Alaskan communities would simply not be economically viable, and therefore these services—including PenAir's scheduled Atka, Nikolski, and Akutan service—would be discontinued. As a result, the residents and businesses in these communities would lose their only scheduled passenger air transportation service, effectively cutting them off. PenAir would also be compelled to reduce the ranks of its employees and its aircraft fleet as its route network contracted with the discontinuation of these essential air services. And, of course, with the loss of these scheduled passenger air services and the jobs associated with those services, Alaska's economy would suffer greatly as well. In sum, the elimination or repeal of the EAS Program would have devastating effects on the remote EAS communities in Alaska that rely on these services and on the air carriers that serve them.

PenAir therefore respectfully asks that you vigorously oppose any such elimination or repeal of the EAS Program.

Sincerely,

DANNY SEYBERT,
President.

TO WHOM IT MAY CONCERN: I would like to express my immense concern over Senator McCain's amendment to bill 223 proposing to repeal Essential Air Service. This would not only diminish jobs and raise costs but also potentially abolish air service to some communities entirely. Villages in Southeast Alaska have no roads and limited, if any, ferry service making air service a lifeline. This is how they receive everything from medication to mail to groceries as well as how they travel for medical, personal and business.

Air carriers cannot afford to personally subsidize service into small communities whose population is not great enough to support air service. Disruption in air service will have deep reaching effects that are far removed from simply loss of airline service, loss of airline service may well affect the viability of some communities that we presently serve.

Sincerely,

BRUCE PHILLIPS,
Chief Pilot.

40-MILE AIR,
Fairbanks, AK, February 1, 2011.

TO WHOM IT MAY CONCERN: We serve two communities under an Essential Air Service contract. Then communities are in remote, road less areas of Alaska. These communities, others like them and businesses like ours will be economically devastated if the Essential Air Service contract was to end.

Their ability to get essential things, like groceries and medications will become very difficult and cost prohibitive. I believe communities that do not have year round roads should continue to receive Essential Air Service subsidies.

Thank you for your time and consideration.

Sincerely,

LEIF WILSON,
President.

ALASKA AIRLINES,
Seattle, WA, February 2, 2011.

Hon. MARK BEGICH,
*U.S. Senate,
Washington DC.*

DEAR SENATOR BEGICH: We are writing to express our concerns regarding Senator

McCain's proposed amendment to the pending FAA reauthorization bill to repeal the Department of Transportation's Essential Air Service program. Given the vital importance of the EAS program to the state of Alaska, we are opposed to any modifications to the program that in any way affect EAS service in the state.

The EAS program is part of the critical transportation infrastructure in the state of Alaska. On a statewide basis, the EAS program provides compensation for service by 13 carriers to 47 communities. Quite understandably, no other state has comparable air service needs. Without it, many parts of the state would suffer from lack of connectivity to the larger cities within the state and beyond. Alaska Airlines operates under two EAS agreements in the state of Alaska, one to serve Adak and the other to serve the Southeast Alaska communities of Cordova, Gustavus, Wrangell, Petersburg and Yakutat. Under these agreements, we connect these communities on a single-flight basis to our Anchorage, Juneau and Seattle hubs, providing for both their passenger and cargo needs. It also bears mentioning that, in enacting EAS legislation, Congress recognized the state of Alaska's special needs by providing that the EAS program would uniquely cover cargo as well as passenger service in the state. As you are very much aware, these EAS communities are extremely remote and not accessible by road. Air service is truly "essential" for them.

Alaska's air service to Adak and these Southeast Alaska communities would simply not be economically feasible without EAS compensation. Alaska Airlines, having provided EAS service to these communities for decades, views its relationship with them as extending well beyond a traditional commercial airline relationship. The company readily acknowledges its special continuing obligation to serve as their vital transportation link to our hubs within the state and beyond. The EAS program is critical to our ability to provide such service.

We sincerely appreciate your support for the program and respectfully encourage you to oppose Senator McCain's amendment.

Sincerely,

W. L. MACKAY,
Senior Vice President.

ALASKA AIR
CARRIERS ASSOCIATION,
Anchorage, AK, February 2, 2011.

Hon. MARK BEGICH,
*Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR BEGICH: The Essential Air Services program allows 45 communities in Alaska to be connected to life sustaining services. Alaska is approximately 1/3 of the communities served under EAS contracts, however, expenses to serve these 45 communities are less than 10% of the EAS program.

Alaska has the largest aviation system in the US, which includes 700 airports and 1,200 airstrips. Over 10,000 aircraft are registered in the State of Alaska. These aircraft are the backbone of transportation for the State. Alaska is served by 304 certificated carriers, of which over 90% employ less than 10 employees.

Eighty-two percent of our communities are not accessible by road and rely on air transport for all life sustaining goods and services. Alaska's people travel by air eight times more often per capita than those in rural areas of the Lower 48, and ship 39 times more freight per capita—nearly one ton per person per year.

Aviation in Alaska provides \$3.5 billion to the State's economy, is eight percent of the Gross State Product, and is the fifth largest employer in the State, employing 10% of our total workforce.

Since 1966 the Alaska Air Carriers Association (AACA) has represented the interests of aviation businesses in Alaska. AACA is a statewide organization representing over 150 members. Our members meet the needs of the traveling public and rural Alaskans by providing scheduled commuter travel, on-demand air charter, cargo transport, mail delivery, emergency medical evacuation, flight seeing, pilot training, aircraft maintenance, parts sales, fuel sales, storage, rental, and airline servicing.

Please help insure that the viability of communities in Alaska and small businesses struggling to survive are not unfairly swept away or categorized alongside communities on road systems in the Lower 48.

Sincerely,

C. JOY JOURNEY,
Executive Director.
GERARD H. ROCK,
President.

ALASKA FEDERATION OF NATIVES,
Anchorage, AK, February 13, 2011.

Re AFN BOARD RESOLUTION 11-04, SUPPORTING THE CONTINUED FUNDING OF ESSENTIAL AIR SERVICES PER S. 223.

Hon. MARK BEGICH,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR BEGICH: On behalf of the Alaska Federation of Natives (AFN), thank you for opposing the proposed McCain amendment repealing Essential Air Services (EAS) as it affects the air transportation services to communities in rural Alaska. EAS is a program that was set in place when the airline industry was deregulated, and it was intended to provide a notice and subsidy when community (that had regularly scheduled service as of 1978) received notice that it would no longer receive regularly scheduled air service.

The significance of the EAS program in Alaska is that it provides a vital link that connects, sustains, and maintains our communities in rural Alaska. The communities that depend on EAS would be effectively cut off from the rest of the United States resulting in the cessation or decreased delivery of mail, food, and fuel to most rural parts of the United States, and particularly in rural Alaska, if the McCain Amendment is enacted.

The attached AFN Board Resolution 11-04 was passed unanimously by the Board of Directors of AFN in a duly called meeting where a quorum was present. This resolution fully supports your efforts on the floor of the U.S. Senate as the U.S. Senate is considering S. 223. Keep up the good fight!

Sincerely,

JULIE E. KITKA,
President.

RESOLUTION 11-04
SUPPORTING THE CONTINUED FUNDING OF
ESSENTIAL AIR SERVICE

Whereas: The U.S. Senate is considering S. 223 to "modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes;" and

Whereas: Senator John McCain has proposed an amendment to repeal Essential Air

Service (EAS), and its repeal will likely have a negative impact on air transportation and communities in rural Alaska; and

Whereas: EAS provides a vital link that connects, sustains, and maintains our communities; and

Whereas: Alaska is a vast state, with millions of acres of wilderness and has few transportation options and ground transportation is non-existent to most rural communities; and

Whereas: EAS is a program that was set in place when the airline industry was deregulated, and it was intended to provide a notice and subsidy when community (that had regularly scheduled service as of 1978) received notice that it would no longer receive regularly scheduled air service; and

Whereas: The communities that depend on EAS would be effectively cut off from the rest of the United States, which would result in the cessation or decreased delivery of mail, food, and fuel to the most rural parts of the United States; and

Now therefore be it *Resolved by the Board of Directors of the Alaska Federation of Natives*, That it conveys its thanks and support to the Alaska Congressional Delegation for its support and effort to maintain the Essential Air Service (EAS) as it now exists and respectfully urges them to continue to oppose any legislation repealing EAS as it applies to Alaska.

Passed This Day, 10th of February 2011.

JULIA E. KITKA,

President.

Mr. BEGICH. It is easy to call this wasteful if you do not understand the needs of rural communities. They do not have any other means of transportation. When he introduced the amendment, my friend in Arizona suggested that folks are bypassing Essential Air Service flights to drive to a hub and the hub airports, where they can get cheaper fares to more destinations. Consider how that applies in my State. For the community of Adak, in the Aleutian Islands, the connection to the nearest medium hub is Anchorage. I laugh a little bit, because I want to put this truly in perspective. It is almost 1,200 miles.

So if one wants to, as Senator MCCAIN says, drive to the hub, they can't do that because they are here. In order to get to here, they have to go by air or catch a boat, assuming the weather is good. So his analysis that the people are just driving off to these hubs and catching flights that are cheaper is inaccurate. He is unfamiliar, obviously, with what is going on in Alaska.

To put the number in perspective, it is about the same distance from Los Angeles to Houston, except, unlike Los Angeles and Houston, there are no roads between these two places.

I agree with Senator MCCAIN that we need to do something to address our Nation's budget deficit. Before I started this conversation, I made some comments on things I have done, and I will continue to work on that. But I don't believe we should balance the Federal budget on the backs of communities and people facing some of the highest costs of living and the toughest condi-

tions in the country, and that is exactly what the McCain amendment would do.

When Senator MCCAIN introduced this amendment, he cited a July 2009 GAO report and suggested that the EAS has outlived its usefulness. I have that very same report. Sometimes when people make speeches, they read selectively. I wish to go to page 2 of this report. There, the GAO said:

Our review focused on communities within the continental United States—

We like to refer to them as the lower 48—

that received EAS subsidized service. We focused our review on these communities because the requirements for communities in Alaska are different than for communities in other states, and airports outside the contiguous states are not representative of the program in the rest of the country.

I can't speak for Senator MCCAIN's constituents in the four communities in Arizona that receive Essential Air Service. Maybe the folks of Kingman, Page, Prescott, and Show Low, AZ, who receive EAS don't think it is necessary. I am not sure if Senator MCCAIN has checked with them; maybe that is how they feel. But I can speak for rural Alaskans who have contacted my office, who are terrified about this amendment and what it would mean for their community, for their way of life, for the very health and well-being of their families. We are in the midst of a recovery from an economic collapse. It makes no sense to eliminate a valuable program that helps rural America and puts small business to work.

This amendment would take us in the wrong direction. I strongly urge my colleagues to oppose this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET

Mr. DURBIN. Mr. President, each year the President presents a budget. It is the beginning of the formal conversation about what next year's budget will be, and each President presents their offering and their suggestion. Then, of course, the House and the Senate have to try to reach an agreement as to what the actual budget will be. The President suggests a bottom line in spending, and then the House and the Senate make appropriations decisions within that bottom line.

Today, President Obama kicked off this conversation by presenting his budget to America. He presented it at a time when he faces two very significant challenges: how to create more jobs and less debt. It is a tough balancing act because we know that to reduce the debt, we need to reduce spending. What the President reminds us is, let's not cut spending in areas that are critical for the growth of our economy and the creation of good-paying jobs in America.

The unemployment rate is about 9 percent. Mr. President, 13.9 million Americans are out of work. In Illinois, it is 9.3 percent, with 620,000 people actively looking for jobs. Too many people want to work so they can keep a roof over their heads but cannot find a job.

At the same time, though, we have a \$14 trillion debt. I hope the Presiding Officer will forgive me for a little history because I think it is worth noting when we talk about the debt of America how we have reached the point we are at today.

The fact is, 10 years ago—10 years ago—when President William Jefferson Clinton left office, the debt of America was \$5 trillion. The President said to his successor, President George W. Bush: The budget is in surplus as I leave office. We are collecting more money than we are spending in Washington, and we project a \$120 billion surplus in the next fiscal year. Welcome to Washington, President Bush.

Now fast-forward 8 years later—the next transition, from President George W. Bush to President Obama. What was the state of play? The national debt was no longer \$5 trillion; 8 years later, it was \$12 trillion—\$12 trillion. President George W. Bush said to President Obama: Welcome to Washington. I can't give you a surplus, but I can give you a deficit of \$1.2 trillion for the next fiscal year.

In 8 years, what a massive turn of events. How did we go from a \$5 trillion debt to a \$12 trillion debt? How did we go from surplus to deep deficit in 8 years? Well, you do it by waging two wars you do not pay for, being the first President in history to call for tax cuts in the middle of a war, and by creating programs, such as the Medicare prescription drug program, that are not paid for. Put those policies together, and you end up with the sorry state of affairs President Obama inherited. Now that deficit has gone from \$4 trillion to \$14 trillion because of the recession he inherited, and we are still struggling to get out from this mountain of debt that was created during the 8 years of the President George W. Bush administration and continues to this day.

So President Obama is trying to strike the right balance: How do you responsibly go after a deficit that calls on us to borrow 40 cents for every \$1 we spend and at the same time not kill the

economic recovery? So he has tried to parse out those things that he thinks and I agree are critical for economic growth: education, innovation, and building America's infrastructure. He has done it with this budget and I think done it in a responsible way. He calls for freezing our spending for 5 years, which will save us \$400 billion off of the anticipated deficit, and he also talks about in the same period of time reducing the amount of money for domestic discretionary spending to a level, as a percentage of GDP, where it was under President Eisenhower back in the 1950s. We understand there is more to do, but I think the President sets out on a course that is responsible. We will change it—we always do—but I think the goals he has given us are worthy goals.

We know we have to act on our fiscal situation. I was appointed by the majority leader to be a member of the President's deficit commission. With Erskine Bowles, a former chief counsel to the President, and Alan Simpson, our former colleague in the Senate, our bipartisan Commission studied it for 10 months and came up with a proposal that we should deal with this budget deficit in a sensible way.

One of the things they suggested and I agreed with is, let's not cut too soon. If you cut too soon in some areas, you are going to spoil the recovery, you are going to slow down the recovery. You have to make sure the investments are there that will help us build jobs.

Now, the House Republicans see things differently. They started calling for cuts in spending and then were trumped within their own membership to raise those cuts to a level of about \$100 billion. Among the things the House Republicans want to cut are the following: \$74 million from the Small Business Administration at a time when small businesses are turning to the SBA for loans so they can stay in business and hire more people; \$1.4 billion from the clean water revolving loan fund that local communities use for basic infrastructure so they have good, clean drinking water for the families in their communities; \$600 million in TIGER II grants. These were grants that went directly from Washington to local units of government—no middleman involved at any State capital—for economic development. We need them in my State in communities such as Peoria and Moline. They also want to cut \$2.5 billion from high-speed rail. That is a national project of significance that hires thousands of private sector employees who would be out of work if the House Republicans have their way.

In education, the House Republicans would cut \$1.1 billion from Head Start. How many people have to remind us if we don't intervene in the lives of small children from families at risk, that those kids, sadly, may end up as poor

students or worse. Head Start gives them a chance, and it is one of the first programs the Republicans called to cut.

They propose to cut \$700 million from schools across America serving disadvantaged students. They are going to have to lay off 10,000 teachers because of this House Republican cut.

House Republicans also call for an \$845-per-student cut in Pell grants for 8 million college students across America. There is a way for us to make sure Pell grants are well spent, but cutting the assistance for these students will discourage some from the training and education they need to find a job in the future.

House Republicans propose to cut \$1.5 billion from grants to States for job training. Again, at a time when we need new skills, when many people have lost a job to which they can never return, cutting this money could be very tragic.

Then, when it comes to research and development, I think the House Republicans have lost their way. They want to cut \$300 billion from the National Science Foundation, cutting grants to researchers, teachers, and students across America.

They want to cut \$1 billion from the National Institutes of Health. What are they thinking, to cut \$1 billion in medical research funds from the National Institutes of Health? If there is ever an area where we cannot lose our edge, not only for the good of humanity but for the good of our own people, it is in medical research. That is one of the first areas the Republicans turn to, to cut \$1 billion; and money from the Office of Science at the Department of Energy, \$1.1 billion. That is research for innovation in areas such as batteries for electric vehicles and other forms of clean energy, and that is clearly the future. What the Republicans want to cut, sadly, is too much in areas that promise a better future for America. We can do better.

Government can't directly create jobs at the pace we need to get this economy moving forward, but we can make the right investments. For example, infrastructure. In Illinois, we need to make sure we invest in high-speed rail. I am glad our State was chosen. It is going to mean more and more passenger service within our State, fewer cars on the highway, more construction. Ultimately, it is a benefit to the environment. So high-speed rail is an important infrastructure investment.

Modernizing O'Hare Airport, not just for the flight times so they will be more on time for arrivals and departures, but also for safety—the modernization of O'Hare needs to continue.

We need to have safer roads and bridges.

We need broadband across Illinois and across America so small towns have the same advantages as big cities.

We need to put money into Head Start for education.

We can do this. There is waste in this government to be cut. We can work on that together and find it, but let's not eliminate the jobs of teachers whom we need so badly or the money for elementary and secondary schools or grants for families and loans to help them put their kids through college, and worker training. These are things where the President has the right priorities and, sadly, the House Republicans do not. It is a sharp contrast. It is an important debate, and it is one we will hear on the floor of the Senate and the House in the weeks ahead.

We can reduce our debt. I think the President is right. His budget would reduce projected deficits by \$1.1 trillion over the next 10 years. He wants to freeze nonsecurity discretionary spending for 5 years, and I think he has shown leadership in making that proposal. We need to work with him to come up with a bipartisan plan that reaches our goal of reducing debt in America while still creating jobs.

I went through that exercise with the deficit commission. I didn't agree completely with their product, but I thought it was a move in the right direction and I joined the bipartisan group of 11 who supported it. The fiscal commission report was called the moment of truth, and it was. With funding for the current fiscal year unresolved, with the next fiscal year looming, and with the debt ceiling within shouting distance, this is a seminal moment for the fiscal and economic future of America.

I commend the President for his approach in the fiscal year 2012 budget proposal. Just as America has faced down great challenges throughout our history, we can do this too. We can meet the dual challenges of more jobs and less debt. It takes leadership and constructive activism and realism. Bringing those together, Democrats and Republicans can work together to make equally painful but important political sacrifices. It will take a lot of work, but we can do it if we work together.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JAMES E. GRAVES, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

NOMINATION OF EDWARD J. DAVILA TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit and Edward J. Davila, of California, to be United States District Judge for the Northern District of California.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate with respect to the nominations, with the time equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will not use all my time. I do want to note that by starting the week considering two of President Obama's judicial nominations, the Senate is building on the progress we began to make last week. With judicial vacancies in this country remaining over 100, nearly half of them judicial emergencies, the Senate's action on the two outstanding nominees we will consider is much needed. I thank the majority leader for scheduling the time. I thank the Republican leader for his cooperation.

James Graves of Mississippi is a justice of the Mississippi Supreme Court and has been a judge in Mississippi for 20 years. President Obama has nominated Justice Graves to fill a judicial emergency vacancy on the Fifth Circuit. When he is confirmed, he will be the first African American from Mississippi to serve on the United States Court of Appeals for the Fifth Circuit.

Edward Davila has been a California State trial judge for 10 years. For 20 years before his service on the bench, he was a deputy public defender and worked in private practice. President Obama nominated Judge Davila to fill a judicial emergency vacancy in the Northern District of California.

Both of these nominations were reported unanimously by the Judiciary Committee this year. Both also had been reported by the Judiciary Committee unanimously last year. We have reported them out twice unanimously. It is time now to vote on them. They were among the 19 judicial nominees we voted out unanimously and were ready to be confirmed by the Senate last year before we adjourned. When

there was objection to proceeding last year, the vacancies persisted, the President had to renominate them and the Judiciary committee had to reconsider their nominations. We passed them out unanimously from the committee. I expect the Senate will confirm both tonight and will do so unanimously.

Both have the support of their home State Senators. I will begin with Justice Graves. Both Senator COCHRAN and Senator WICKER have worked with the President and me in connection with the nomination of Justice Graves. Both have been enthusiastic in their support of Justice Graves. The Governor of Mississippi, Governor Barbour, came up to me a few days ago at an event and urged me to move forward with the nomination of Justice Graves. I told him I have been ready to move forward on this nomination since last year. This is an example of a nominee with bipartisan support. Senator FEINSTEIN and Senator BOXER have worked with the President and with me in connection with the nomination of Judge Davila.

I hope the votes we had last week and the votes we are having tonight signal the return to regular order that I have been seeking for months. Nominees who have been voted out unanimously by every Republican and every Democrat on the Senate Judiciary Committee ought to be brought up for a vote on the Senate floor without unnecessary delays. My experience over the last 37 years is that when you have nominations like these, they almost always also go through unanimously in the full Senate. These are two of the eight judicial nominees unanimously reported by the Judiciary Committee who are ready for final consideration and final action by the Senate. I hope the other six judicial nominations to fill vacancies in Georgia, California, North Carolina, and the District of Columbia will all be considered before the President's Day recess.

As I indicated before, when these two nominees are confirmed, there will still be 100 Federal judicial vacancies around the country. That is too many, and they have persisted for too long. If you are a litigant and trying to get a case heard, you do not care whether your judge was nominated by a Republican or a Democratic President, you just want to make sure there is a judge there so your case can be heard. All over the country, however, people cannot get their cases heard because of the judicial vacancies.

That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer, and many others, including the President of the United States, have spoken out and urged the Senate to act. That is why the front page story in the Washington Post last Tuesday bore the headline: "Vacancies on Federal Bench Hit Crises Point." As

that report stated, vacancies are "increasing workloads dramatically and delaying trials in some of the Nation's Federal courts."

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my statement a copy of the Washington Post report on the judicial vacancies crises.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, nearly one in eight Federal judgeships across our Nation—east to west, north to south—are vacant. That puts at risk, as I mentioned earlier, the ability of all Americans to get a fair hearing in court. The real price for these unnecessary delays falls upon judges who are already overburdened with cases, unable to put the time into them they should, and the American people who depend on our courts, and are being denied hearings and justice in a timely fashion.

Regrettably, the progress we made during the first two years the Bush administration has not been duplicated and the progress we made over the eight years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than four percent in 2008 has now risen back to over 10 percent. In contrast to the sharp reduction in vacancies during President Bush's first 2 years in office, when the Democratically-controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first two years in office. We have not kept up with the rate of attrition, let alone brought the vacancies down. Judges die and judges retire and there are additional vacancies created all the time. By now, those vacancies should have been cut in half. Instead, they continue to hover above 100.

I believe the Senate can do better. In fact, I believe the Senate has to do better. The Nation cannot afford further delays in the Senate taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. That is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with Democratic and Republican home state Senators to identify superbly qualified consensus nominations. None of the nominations on the Executive Calendar are controversial. Half of them have Republican home state Senators who support them, like the nomination of Justice

Graves we consider today. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

I want to thank Senator GRASSLEY, the Judiciary Committee's ranking member, and all the members of the Judiciary Committee for working with me at the start of this Congress to establish a fair and timely schedule for holding confirmation hearings and considering nominations in committee.

Again, I would note that during President Bush's first term, in his first four tumultuous years in office, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of those during the 17 months when I was chairman during President Bush's first two years in office. Democrats were in charge and I was the chairman. So we have shown that we are willing to cooperate. In contrast, now in President Obama's third year in office, the Senate has only been allowed to consider 65 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. We have to do better. When we approach it, we can reduce vacancies of historically high levels at which they have remained throughout these first three years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

The nominations we consider today both demonstrate President Obama's commitment to working with home state Senators to select well qualified nominees. Justice Graves, nominated to fill an emergency vacancy on the Fifth Circuit, is currently the only African American on the Mississippi Supreme Court. When confirmed, he will be the first African American from Mississippi to serve on the Fifth Circuit and only the second African American in the circuit's history. His confirmation will be a significant milestone after years of broken promises.

President Obama's commitment to increase diversity on the Federal bench helps ensure that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, is a reality and that justice is rendered fairly and impartially. I thank Senator COCHRAN and Senator WICKER for their strong support of the nomination of Justice Graves. His nomination received a rating of unanimously well qualified from the ABA's Standing Committee on the Federal Judiciary, its highest possible rating. He will make an excellent addition to the Fifth Circuit.

Judge Davila has been nominated to fill an emergency vacancy on the Northern District of California. Currently a judge on the Superior Court of California, Judge Davila previously spent 20 years as a trial lawyer, first as a deputy public defender in the Santa Clara County Public Defender's Office

and then as a lawyer in private practice. He also has taught trial advocacy course sessions at Stanford Law School, Santa Clara University School of Law, and the University of San Francisco School of Law. If confirmed, Judge Davila will become the first Latino to take the Federal bench in the Bay Area in more than 15 years. He has the strong support of his two home state Senators, Senator FEINSTEIN and Senator BOXER. I am glad his nomination will finally be considered by the Senate.

I have often said that the 100 of us in the Senate stand in the shoes of over 300 million Americans. We owe it to them to do our constitutional duty of voting on the President's nominations to be Federal judges. We owe it to them to make sure that hard-working Americans are able to have their cases heard in our Federal courts.

Again, I commend both the majority leader and the Republican leader for moving forward.

Mr. President, I yield the floor, and I reserve the remainder of my time and my voice.

EXHIBIT 1

[From the Washington Post, Feb. 8, 2011]
FEDERAL JUDICIAL VACANCIES REACHING
CRISIS POINT

(By Jerry Markon and Shailagh Murray)

Federal judges have been retiring at a rate of one per week this year, driving up vacancies that have nearly doubled since President Obama took office. The departures are increasing workloads dramatically and delaying trials in some of the nation's federal courts.

The crisis is most acute along the southwestern border, where immigration and drug cases have overwhelmed court officials. Arizona recently declared a judicial emergency, extending the deadline to put defendants on trial. The three judges in Tucson, the site of last month's shooting rampage, are handling about 1,200 criminal cases apiece.

"It's a dire situation," said Roslyn O. Silver, the state's chief judge.

In central Illinois, three of the four judgeships remain vacant after two of President Obama's nominees did not get a vote on the Senate floor.

Chief Judge Michael McCuskey said he is commuting 90 miles between Urbana and Springfield and relying on two 81-year-old "senior" judges to fill the gap. "I had a heart attack six years ago, and my cardiologist told me recently, 'You need to reduce your stress,'" he said. "I told him only the U.S. Senate can reduce my stress."

Since Obama took office, federal judicial vacancies have risen steadily as dozens of judges have left without being replaced by the president's nominees. Experts blame Republican delaying tactics, slow White House nominations and a dysfunctional Senate confirmation system. Six judges have retired in the past six weeks alone.

Senate Republicans and the White House are vowing to work together to set aside the divisions that have slowed confirmations, and the Senate on Monday approved Obama nominees for judgeships in Arkansas, Oregon and Texas. Eight more nominees are expected to receive votes in the coming weeks.

If the backlog eases, Obama will have the chance to appoint dozens of judges who

might gradually reverse what many consider a conservative drift in the lower federal courts under the George W. Bush administration.

Even with Obama's difficulties in the past two years, his appointees have given Democrats control of two of the nation's 13 federal circuits, including the influential U.S. Court of Appeals for the 4th Circuit in Richmond, long a conservative bastion.

And about three-fourths of his appointees have been women or minorities, a historically high rate aimed at diversifying a judiciary that is made up of nearly 60 percent white men.

"It's fair to say that the Obama administration has had an impact on the federal courts and that at the end of this Congress, I believe that impact will be reinforced," said Sheldon Goldman, an expert on judicial selection at the University of Massachusetts at Amherst.

Obama's opportunity is brief, however, because the presidential election season will ramp up by next year. And even with the current promises of bipartisanship, Senate rules allow individual senators to hold up nominations.

There are now 101 vacancies among the nation's 857 district and circuit judgeships, with 46 classified as judicial emergencies in which courts are struggling to keep up with the workload. At least 15 more vacancies are expected this year, according to the administrative office of the U.S. Courts. When Obama took office in 2009, 54 judgeships were open.

Most of the departing jurists have taken what is known as senior status—A semi-retirement in which they receive full pay but can take a reduced workload and are not considered active members of the court. But court officials say the increased work, heavier caseloads and lack of pay increases are prompting more judges to leave the bench entirely.

The effect is most visible in civil cases, with delays of up to three years in resolving discrimination claims, corporate disputes and other lawsuits.

"Ultimately, I think people will lose faith in the rule of law," said Alex Kozinski, chief judge of the U.S. Court of Appeals for the 9th Circuit in California. "We as a nation believe that if you have a dispute, you go to court and within a reasonable period of time, you get a decision."

Kozinski, who oversees the federal court in the Commonwealth of the Northern Mariana Islands, a U.S. territory, said the government has spent at least \$250,000 to fly visiting judges to the island of Saipan, where the sole judge retired last year.

In Arizona, the number of criminal cases has increased 65 percent since 2008, while three of the 13 federal judgeships are vacant. Former chief judge John M. Roll was working on the judicial emergency declaration when he was killed during last month's shootings in Tucson.

Beyond the practical need for judges, the political stakes are high. The vast majority of federal cases are dispensed through the district and circuit courts of appeal, with the Supreme Court hearing fewer than 100 cases each year.

And control of the influential appellate courts tends to shift with the party in power: By the time Bush left office, his appointees had given Republican nominees a majority of about 56 percent on those bodies.

Party affiliation is not a perfect predictor of a judge's behavior, but studies have shown that Democratic and Republican nominees

vote differently on some ideologically charged issues, such as abortion, gay rights and capital punishment.

When Obama took office, experts predicted he would flip the Republican appellate court majority in his first term. But in 2009 and 2010, the administration nominated 103 district and circuit judges, compared with 129 during Bush's first two years and 140 in President Bill Clinton's first two years, said Russell Wheeler, a Brookings Institution scholar who studies federal courts.

White House counsel Bob Bauer attributed the slow start to the administration's large legislative agenda, two time-consuming Supreme Court vacancies and an increasingly complicated background review process for nominees.

"We have made progress," Bauer added, pointing out that the pace of nominees picked up significantly last year. But those nominees faced a tough road in the Senate, as Republicans repeatedly exercised their right to "hold over" nominees before sending them to the floor.

The 60 nominees confirmed in Obama's first two years in office made up the lowest number in 35 years, according to the Senate Judiciary Committee.

Still, Obama has been putting his stamp on the courts. When he took office, Democratic appointees had small majorities on two appeals courts—the New York-based 2nd Circuit and the 9th Circuit. Obama's nominees have also given Democrats control of the 4th Circuit and the 3rd Circuit, which covers Pennsylvania, New Jersey and Delaware.

The 4th Circuit is an influential voice on national security and one of the appellate courts expected to hear challenges to the health-care overhaul law. It has a 9-5 Democratic majority, because of four Obama appointees.

"That's almost unimaginable," said Curt Levey, executive director of the conservative Committee for Justice. "When I first went to law school, that was the one circuit you knew was conservative."

If the Senate approves the 48 pending White House judicial nominations, the circuits would be about evenly divided between Democratic and Republican nominees, according to Wheeler's analysis. "This Congress has the power to shift the balance rather substantially," he said.

Saying the courts face "a severe problem," Bauer vowed that the White House will move nominees "at a very steady clip. . . . We will use all the resources at our disposal to bring attention to the issue and work on a bipartisan basis."

Senate Majority Leader Harry M. Reid (D-Nev.) and Minority Leader Mitch McConnell (R-Ky.) struck a "gentleman's agreement" in January to quash many of the procedural tactics that have slowed nominations.

"We'll be discussing with Senator Reid how to begin moving them in an orderly fashion," said Don Stewart, a spokesman for McConnell.

Liberal groups, which have blasted what they call Republican obstructionism and pushed the White House to focus more on judges, said this year will be key.

"This is really a critical time for the legacy this president will be able to create on the federal judiciary," said Marge Baker, an expert on judicial selection at People for the American Way. "We have an opportunity now, and we have to take advantage of it."

THE PRESIDING OFFICER. The Senator from Tennessee.

THE BUDGET

Mr. CORKER. Mr. President, I thank the Senator from Vermont, and I will be very brief.

I know today the President has put forth the administration's proposal on the budget, and a lot of people on both sides of the aisle have spent a tremendous amount of time over the course of this last year—

Mr. LEAHY. Would the Senator yield for a moment? I assume the Senator is speaking on the time reserved for the Republican side.

Mr. CORKER. That is correct, Mr. President, and I thank the Senator from Vermont for being so fastidious.

Back to what I was talking about. I know a lot of people on both sides of the aisle have spent a great deal of time looking at ways for us to lessen, if not close, the tremendous amount of the deficit we have in this country. I think everybody understands what a threat this is to our economic security—candidly, to, I believe, our national security—and I think many of us have paid close attention to what has happened to other countries in this type of situation. There is a strong sense on both sides of the aisle, and becoming even stronger, that this is an issue we as a country have to deal with.

What is unique about the issue of this fiscal deficit our country has is that it is something totally within our hands. In other words, we can deal with this. This is not like some of the situations we deal with in Afghanistan or other places, where it takes others, if you will, working with us to ensure our efforts there are successful. This is something we as a Congress can solve. Again, the economy requires private sector investment and people doing work outside of this body to create the kind of prosperity we would like to see. But this is totally within our control.

So, Mr. President, I really do try to look at the bright side of things. On the other hand, I was disappointed to see the President's budget today and the lack of urgency that was displayed there and the lack of concern. I think what that means for those of us in this body and in the House who are going to have to—as we should—deal with this issue, it is much more difficult when dealing with a national crisis not to have the administration pulling along with you. It is my hope, even though I think the President did miss an opportunity to lead on this issue, that over the course of the next several months he will come to the table and deal with this issue in a responsible way with both the House and Senate.

I know the House is wrestling with these issues right now. My guess is that by the time they get ready for recess this weekend, they will send over something that deals with some cuts in discretionary spending. I think we all know we have to deal with the entire budget if we are actually going to make the type of headway all of us know needs to be made. But I do hope what we will do this spring, early on, is

go ahead and vote to pass on some very large reductions in spending. I hope we will pass something like the Cap Act that CLAIRE MCCASKILL and I have cosponsored, which takes us from where we are in spending relative to our country's economic output down to the 40-year average.

I would think most people in this body would consider that to be a reasonable approach over a 10-year period that would be a straitjacket on Congress to ensure that we actually make those cuts. So those are two steps that need to occur, and it is my hope the administration, after putting forth what has been put forth, will join us in this effort.

Mr. President, I think all of us know that in order to deal with the big issues of this country, it is going to take the executive branch, the House, and the Senate. We have divided government, but this is a perfect opportunity for us, as a country, to deal with this huge issue that threatens certainly the future of the young people sitting before me, but threatens our country's economic security and our national security.

So, Mr. President, I thank you for the time. I hope all of us will deal with this budget in a serious, sober, and responsible manner. I think we have several months over which we have a tremendous opportunity to come together and do the right thing as it relates to our country's economic and fiscal situation.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, what is the order right now?

THE PRESIDING OFFICER. The Senate is currently debating two nominations.

Mrs. BOXER. Is it appropriate that I speak on one of those nominations but also make some comments about the budget?

THE PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, I am very happy today to know that we are about to cast a vote on Edward Davila, nominee for the U.S. District Court for the Northern District of California. This is a wonderful nominee, and he deserves this up-or-down vote. I am convinced he is going to get an overwhelming vote, and I am going to speak to that in a moment. But the Senator from Tennessee was critical of President Obama's budget, and I wanted to just make a response to that.

The Senator from Tennessee is not the only Republican to criticize President Obama's budget. They are all reading out of the same playbook. I just have to say that while no one agrees with everything in that budget—I certainly don't—the basis of the budget is critical, and this is the basis of the budget: The President is addressing the deficit in a very responsible

way—freezing domestic discretionary spending—very tough, very tough—cutting billions and billions and billions of dollars of red ink while not jeopardizing the economic recovery that we are in the midst of.

To me, it is very interesting because I had the privilege of being in this body the last time we balanced the budget. As far as I know, I don't recall any Republicans voting for Bill Clinton's budget. Maybe there were one or two, I don't recall. But that budget was in balance and we went into surplus. Frankly, we learned how to do it then.

What did we learn? We learned that when we are facing a crisis like this—a budget deficit that is growing too fast and an economic recovery that we don't want to disrupt—we have to be responsible. We don't take a meat ax to this economy and cut things just for the sake of telling the American people we met a certain number. Every billion dollars of cuts means real people with real jobs.

Then the Republicans are criticizing our President for investing in the infrastructure of this country. Mr. President, you and I know we can't have a great nation if we can't move goods, if we can't move people, if people are stuck in traffic, if we have sewer systems that are overflowing, water systems that are antiquated, and we have millions of people who can't get access to broadband and the Internet. We all know the value of that.

So I would say to my Republican friends: Please don't be against something simply because our President is for it. He is reaching out his hand. Don't give him the back of your hand. I am very optimistic we can work together. I am certainly pleased the President has reached out his hand, and Republicans and Democrats have reached out their hands, too, in this Congress.

I am pleased to say on the highway bill I am working very closely with Mr. MICA, who is the chairman of the Transportation and Infrastructure Committee in the House. I am working with JIM INHOFE, my friend and ranking member of the committee in the Senate. So let's, in our rhetoric, not each go to our corners. Let's welcome this President's budget. Let's take a look at it, let's ask economists what the impact is of cutting so much that we derail our economic recovery.

We can do this. We did it under Bill Clinton. We balanced the budget and created 23 million jobs. Under George W. Bush, that was gone in 5 minutes—tax cuts to the people who didn't need it—and with it a horrible economic recession, which this President—President Obama—stepped to the plate and dealt with, without much help from the other side. A couple helped us, yes. And I am preparing a little presentation on what we did and what was the impact. We had capitalism on the brink of fail-

ure, and this President had the courage to deal with it.

There were calls from the Republican side of the aisle to nationalize the banks. I remember that. President Obama said: No way. We are not going to do that.

Now, has it been rough? Has it been tough? Horribly so. My State is suffering from this mortgage crisis. We have to do more. We all know that. But economists are saying we are moving forward. We have turned the corner. Therefore, I don't understand this chorus of negativity coming from the Republicans toward our President when he was able to take the worst recession since the Great Depression and bring us back to a stable situation.

Let's work together. Let's not heat up this rhetoric. We can do this. We did it before. We know how to wrap our arms around this deficit, and we know how to grow jobs. So let's take a page out of that book. It means we take bold steps, but we don't go so far so fast that we derail economic recovery. We can do this.

The attack by the other side on the Environmental Protection Agency is unbelievable. I saw a cartoon in the Gannett papers in my hometown. It had a drawing of an elephant, representing the Republican Party. In the elephant's trunk was a can that was obviously poison. It had skull and bones on it, spraying the flowers, the trees, and the air. Under the Republican logo it said: Environmental Destruction Agency. The Republican Party calls it the Environmental Destruction Agency, and they have cut one-third—that is their proposal—of the EPA's budget.

Now when I go out to talk to people, not one of them ever says to me: The air is too clean, Senator. Make it dirtier. My kid only missed 2 days from this school year, and I want dirty air. Nobody has ever said to me: I want unhealthy water. Nobody has ever told me they want to live close to a Superfund site. So I say to my friends: Watch what you are doing. You are taking a meat ax to the Environmental Protection Agency that protects the health and the safety and the well-being of our children and our families. If you can't breathe, you can't work. You know that? You lose time from work. So let's be careful. Let's not be radical. Let's not be extreme. That is not what the people send us here to do.

They certainly didn't send us here to take away a woman's right to choose. They sent us here to work on this economic recovery. Yet we have proposals over there on the other side that are unbelievable and that would raise taxes on people who have health care policies that include reproductive health care for women. Can you imagine? They want to raise taxes on small businesses that have health policies that cover reproductive health care for women. I

don't think that is what this election was about. I thought it was about getting jobs in this economy.

So between that and the overreaching on the budget, we have a lot of work to do. I say it with due respect, I really do. But the American people need to weigh in. They are going to need to say how much is too much and what their values are.

Richard Nixon signed the Clean Air Act and the Clean Water Act. A Republican President signed these acts. Yet now the Republicans are trying to destroy these important bipartisan accomplishments. You know why? They say it kills jobs. Guess what. We heard the same thing from the people who tried to stop the Clean Air Act—the polluters. They said, it is going to cost jobs. But we had the greatest economic growth after that period. And guess what. Jobs are created when we clean up the air. Jobs are created when we have technologies we can export and when we find ways to make drinking water safe.

Frankly, I am energized by this debate because I believe there are differences in the parties. I think that is OK, it is fine. I will be involved in the debate. I am sure colleagues on the other side who disagree will put forward their views. They are trying to take away the power of the Environmental Protection Agency to enforce standards on carbon pollution—dangerous carbon pollution—that the Bush administration told us through their work puts our people in danger, puts our families in danger, puts our country in danger, puts our economy in danger. They are actually trying to stop the EPA from enforcing the Clean Air Act. I do not know one constituent who ever told me they thought the air was too clean or the water was too safe to drink.

NOMINATION OF EDWARD DAVILA

Mr. President, today it is my honor to support the nomination of Judge Edward Davila as the Senate prepares to vote on his confirmation to become a district court judge. I congratulate him and his family on this important day. I have had the privilege of recommending Judge Davila to President Obama to serve on the Northern District Court of California. He is respected by his colleagues and those who appear before him, and he will make an excellent addition to the bench.

This is a critical vacancy to fill. The Northern District has been designated a judicial emergency by the Administrative Office of the U.S. Courts. We do not have enough judges. This is another area in which we must work better together. I am hopeful on this one that we can.

I am pleased that we are voting on Judge Davila today. When he is confirmed, Judge Davila will be the only Latino serving on the Northern District Court. That is important. Our

State is so diverse, it is extraordinary, and we need everybody believing they are represented.

The judge is outstanding. He brings an impressive background of service in both public service and private practice.

Judge Davila was born in Palo Alto, one of three children raised by a single mother. It is from his mother Dora that he learned the important qualities that have served him well. He defines those as hard work and determination. I extend my personal congratulations to Dora. As a mother, I know the immense pride she must feel for her son at his extraordinary accomplishments.

Judge Davila is a graduate of the California State University at San Diego and the University of California's Hastings College of Law in San Francisco. He practiced law for nearly three decades, spending his first 7 years as Santa Clara County public defender before moving into the private sector as the co-owner of a small firm specializing in criminal defense. During his time as defense counsel, Judge Davila earned the respect of prosecutors and law enforcement officials with whom he interacted, and he received awards from the State Bar of California. He served as president of the Santa Clara Bar Association in 1998.

Since 2001, he has served on the Santa Clara County Superior Court, where he has drawn praise from fellow judges and lawyers for his hard work, his integrity, and his fairness. In a recent survey by the Santa Clara County Bar Association, his performance was rated "excellent" or "good" by a huge percentage of participants with respect to his work ethic, his knowledge of the law, his knowledge of procedure, integrity, dispute resolution, and his judicial temperament, which we know is so important. He has also received awards and recognition for his judicial performance from the Santa Clara Bar Association and the California State Assembly.

I close by congratulating Judge Davila and his entire family on this momentous day. Here is another example of the American dream. I urge my colleagues in the Senate to join me in voting to confirm this highly qualified nominee to the Federal bench.

Mrs. FEINSTEIN. Mr. President, I rise in support of the nomination of California Superior Court Judge Edward Davila to be a U.S. district judge in the Northern District of California.

If confirmed, Judge Davila would bring a wealth of relevant experience to the district court. Since 2001, he has served as a superior court judge in Santa Clara County. He has presided over more than 10,000 cases—both civil and criminal—and has seen more than 50 cases from trial to final judgment.

He is a seasoned lawyer who also has more than 20 years of litigation experience under his belt. For 13 years, Judge

Davila tried criminal cases as a partner at his own law firm in San Jose. For 7 years before that, he worked as a deputy public defender for Santa Clara County. In total, during his two decades as a litigator, he tried more than 45 cases to verdict or judgment.

Beyond his professional experience, Judge Davila has also been a devoted member of the Santa Clara community. He is a former president of the Santa Clara County Bar Association as well as the Santa Clara County La Raza Lawyers Association. He has taught trial advocacy at Stanford Law School, the University of San Francisco School of Law, and the University of Santa Clara School of Law. And he has made it a longstanding practice to teach local high school students about the criminal justice system through mock trials in his courtroom.

Judge Davila's confirmation would also bring much needed diversity to a court with broad reach in California. There are currently 18 active and senior district judges in the Northern District of California, but not a single one is of Latino or Hispanic descent. Judge Davila's confirmation would correct this imbalance. I am pleased to support his nomination, and I strongly urge my colleagues to confirm him.

Finally, I want to say a word about the caseload in this district. Last week, the Judicial Conference of the United States sent a letter to the President and the leadership of the Senate calling attention to a handful of courts with severe caseload problems.

The Northern District is one of these courts. Last year, the district's judges carried a caseload of nearly 600 weighted filings per judgeship—far above the recommended level. With two vacancies unfilled, that caseload rose to more than 700 weighted filings per active judge.

These vacancies did not exist for lack of a nominee. The President nominated Judge Davila in May of last year. He was reported out of the Judiciary Committee without objection, but he is only now receiving a vote. Another very qualified nominee for this court, Magistrate Judge Edward Chen, was nominated in August of 2009. He has been reported out of the Judiciary Committee twice but still has not received a vote on the floor.

Today's vote on Judge Davila's nomination is a step in the right direction. I urge my colleagues to support him, and I hope that we can continue to work together to ensure that our Federal courts have the judges they need to administer justice fairly and in a timely manner for the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise in strong support of the nomination of Mississippi Supreme Court Justice James Graves to the U.S. Court of Appeals for the Fifth Circuit. I thank all of those on both sides of the aisle who have worked to get this vote scheduled and to bring us to this moment, where I am confident Justice Graves will be confirmed.

When that happens today and when he takes the oath, Justice Graves will bring a rich and distinguished background of public service to the Fifth Circuit. He is a Mississippi native. He graduated as valedictorian of Sumner High School in the small delta town of Sumner and went on to receive his bachelor's degree from Millsaps College before going to law school at Syracuse University.

Justice Graves currently presides as a justice on the Mississippi Supreme Court, where he has faithfully served since his appointment in 2001 and his subsequent election in 2004. Before being appointed to the Mississippi Supreme Court, Justice Graves served as a circuit court judge in Hinds County, MS, for 10 years.

Justice Graves is a dedicated family man and community volunteer. He has been honored on numerous occasions with awards recognizing his public service. Those who know him know he is particularly committed to teaching and motivating young people, particularly the young people of my State of Mississippi. I am confident that even in this position of increased responsibility and visibility, he will continue taking time to work with our Nation's young people.

I am proud today to speak on behalf of Justice Graves. I urge my colleagues to vote in support of his nomination to the Fifth Circuit.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I am pleased to support the nomination of Justice James E. Graves, Jr., to serve as a judge on the U.S. Court of Appeals for the Fifth Circuit. At this time, Justice Graves is serving as a presiding justice on the Mississippi Supreme Court. He was appointed to our State's highest court in 2001, and he was elected to the court in 2004. Prior to that, he served as a trial court judge for 10 years.

Justice Graves has earned impressive academic credentials, including an undergraduate degree from Millsaps College, a law degree from Syracuse University College of Law, and a master's degree in public administration from Syracuse University.

Justice Graves has served as a director of the Child Support Division of the Mississippi Department of Human Services. It is with pride and pleasure that I am able to recommend to the Senate the confirmation of Justice James E. Graves, Jr.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, today the Senate will confirm two more of President Obama's judicial nominees. With this action, we are filling two seats which have been declared judicial emergencies. I am pleased we are moving forward with these important positions.

I agree with the chairman's recent editorial and remarks he has made that we have an opportunity to turn the page and work together in a spirit of bipartisanship and civility. I do not view it as a productive effort to continue with the finger pointing and the negative back and forth regarding the previous pace or outcome of judicial nominations. Unfortunately, that rhetoric has frequently overshadowed the debate on the qualifications of particular nominees.

I and my Republican colleagues have been very cooperative in taking action on the President's nominees. During this Congress, the President has nominated 50 individuals to the Federal judiciary. This Congress has been in session for approximately 1 month. In this brief time, we have taken positive action, in one form or another, on nearly half of those nominees. With today's votes, we will have confirmed 5 nominees. If this is not cooperation, I do not know what is.

Furthermore, we have seen a high level of bipartisanship with regard to President Obama's confirmed nominees. For President Obama's confirmed district judge nominees, 94 percent of those confirmations were by unanimous votes. Only 59 percent of President Bush's confirmed district court nominees were afforded that same level of bipartisanship. So I think it is fair to say that we are cooperating in a bipartisan manner, and in a deliberate pace.

I am working with the chairman to ensure nominees are afforded a fair but thorough process, in a timely manner. I have appreciated the chairman's

courtesy as we have worked together to set schedules and agendas. As we do so, I assure my colleagues that I will not falter on ensuring each nominee is properly and thoroughly evaluated.

We are acting to reduce the judiciary vacancy rate. There are currently 99 vacancies in the Federal courts. However, it is remarkable to me that more than half of those vacancies, 52 seats, have yet to receive a nomination. Furthermore, 25 of the 46 seats deemed to be judicial emergencies do not have nominees. It is unfair to blame Republicans for any delays with these vacancies. It is impossible to fill seats when a nominee has not been named. It is the responsibility of the President to send to the Senate consensus nominees for these positions.

Let me say a few words about the nominees who are scheduled to have votes today. I thank our leadership for the reasonable arrangement that was reached to consider these nominations.

First, Justice James E. Graves has been nominated to be a circuit judge for the Fifth Circuit. He received his B.A. from Millsaps College, his J.D. and an M.P.A. from Syracuse University.

Justice Graves comes to the Federal bench with extensive experience in the legal field. He was a staff attorney for the Central Mississippi Legal Services for 3 years before moving into private practice. Justice Graves also spent time, first as a counsel, then as a chief legal counsel, in the office of the Mississippi attorney general. Justice Graves left the Office of the Attorney General to become director of the Mississippi Department of Human Services' Child Support Enforcement Division.

Justice Graves also has considerable judicial experience. He was appointed to Mississippi Circuit Court judge in 1991 and was re-elected twice. Since 2001, Justice Graves has served on the Mississippi Supreme Court and has authored 151 majority opinions for the court and 92 concurring or dissenting opinions. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated him "Qualified."

I also rise in support of Judge Edward Davila to be U.S. district judge for the Northern District of California. With today's vote, we will have confirmed 7 of President Obama's nominees to the district courts of California. Judge Davila received his B.A. from California State University, San Diego and his J.D. from University of California's Hastings College of the Law. A majority of the American Bar Association Standing Committee on the Federal Judiciary rated him "Qualified."

Judge Davila began his career at the Santa Clara County Public Defender before entering private practice. He represented criminal defendants in

State and Federal courts. In August 2001, Governor Gray Davis appointed Judge Davila to the Superior Court of California, County of Santa Clara, a trial court of general jurisdiction. Judge Davila was re-elected without opposition twice.

We are making good progress in considering judicial nominations. I am pleased the chairman and I have been able to move forward. We are filling judicial vacancies, with a particular focus on judicial emergencies. We are working in a manner that treats each nominee in a fair manner and permits each Senator to thoroughly review the qualifications of each nominee.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we are prepared to yield back any time on this side. I understand from my colleague that they will yield back on their time.

Parliamentary inquiry: Is the first nomination the Graves nomination?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. It is my understanding there is not a request for a rollcall vote on that one.

The PRESIDING OFFICER. If all time is yielded back, the question is, Will the Senate advise and consent to the nomination of James E. Graves, Jr., of Mississippi, to be a U.S. Circuit Judge for the Fifth Circuit?

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Edward J. Davila, of California, to be a U.S. District Judge for the Northern District of California?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Arkansas (Mr. PRYOR), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. DEMINT), and the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 15 Ex.]

YEAS—93

Akaka	Feinstein	Merkley
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NOT VOTING—7

Blunt	Kerry	Udall (NM)
DeMint	Mikulski	
Graham	Pryor	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on the nomination of Edward Davila to be U.S. district judge for the Northern District of California. If I were able to attend today's session, I would have supported the nominee.●

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT—Continued

Mr. REID. For the information of all Senators, there will be no more votes tonight. I have had a number of conversations with the Republican leader today. We are going to have one or two

votes before our caucus lunches tomorrow. We will have a number of votes set up after the caucus luncheons. We want to finish this bill as quickly as we can, which will be this week. I know a number of people are waiting around for votes. I know Senator PAUL is waiting around for a vote on his amendment tomorrow afternoon, and I know Senator NELSON of Nebraska and Senator WICKER have amendments we are trying to get a vote on. We are trying to move to those as soon as we can.

Anyway, we are going to have some votes tomorrow. No more votes tonight.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that the distinguished senior Senator from Oklahoma and I be recognized for a total of 6 minutes evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield to the Senator from Oklahoma.

AMENDMENT NO. 6 WITHDRAWN

Mr. INHOFE. Mr. President, Senator LEAHY and I have two amendments. He has Leahy amendment No. 50 and my amendment is No. 6. I say to my friend from Iowa, I will just be a few minutes, as he was kind enough to allow us to do this first.

This has to do with the liability of those individuals who are making their own sacrifice to help people in distress. It is something that those of us who are pilots have done—helping individuals in being relieved of some of the individual liability that might be incurred. The Leahy amendment goes a little further than mine, but I am satisfied with his. So what I wish to do is request unanimous consent to withdraw my amendment No. 6 that gives liability protection to volunteer pilots and organizations, as well as request to be added as a cosponsor to the Leahy amendment No. 50. We have been in negotiations for a number of weeks. In fact, we were even last year. I think we have reached an agreement we both find acceptable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, the distinguished Senator from Oklahoma and I worked together to advance both of these amendments in a bipartisan way. We worked together during the last year, and we are working together again this year.

Our amendment closes a gap in our Public Safety Officers Benefits Act for emergency service providers by extending Federal benefits to emergency service providers who die or are disabled in the line of duty and who work for private, nonprofit emergency services organizations.

A tragedy in Vermont 2 years ago highlighted this issue. First responder

Dale Long from Bennington, VT, was Bennington Rescue Squad's 2008 EMT of the Year and a 2009 recipient of the American Ambulance Association's Star of Life Award. Shortly after that ceremony, he was killed in the line of duty. Given the private, nonprofit status of his ambulance service, he is ineligible for Federal death benefits.

The Judiciary Committee—all Republicans, all Democrats—unanimously approved this legislation last Congress. The Leahy-Inhofe amendment is fully paid through an included offset.

The distinguished Senator from Oklahoma and I have talked about this. He comes from a part of the country where people have to fly to rescue. We drive to rescue. We are much smaller. They fly. Either way, we ought to be doing something to protect the people who are out there trying to rescue or aid people in distress.

I am proud to join with Senator INHOFE, and I hope at some appropriate time the amendment, as now amended, will be accepted.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I will respond by saying that on numerous occasions in my 55 years of flying airplanes, I have done a lot of Good Samaritan things. It never really occurred to me, but one time I went all the way down to Dominica, near Caracas, Venezuela—I was telling the Senator from Iowa about it—leading 10 planes. Eight of us made it down and back. That is something we did not have to do, but no one else would do it.

I believe we can encourage a lot more people to do these Good Samaritan duties if we give them a little bit of relief from liability.

I ask unanimous consent that after the Senator from Iowa makes his remarks, I be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield back any time remaining.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to discuss for a few moments a few amendments that are pending that I think would undermine the basic rights and protections of American workers. In these difficult economic times, working families are struggling enough. Wages are stagnant. In fact, I saw a report the other day that, in real terms, if you take inflation into account, wages right now for working men and women are about where they were in 1974—almost 40 years. Job security is harder to find. More and more companies facing financial pressures are deciding to cut corners on fundamentals such as worker safety.

Now more than ever, workers need the basic protections our laws provide. The last thing we need to do is take a

step backward and make working people even more vulnerable than they are today, especially in terms of their safety and health. That is exactly what the Wicker amendment and the Paul amendment would do for two groups of very dedicated people—flight crews and transportation security officers who work every day to keep us safe when we travel.

First, the Paul amendment would undermine valuable safety and health protections for flight crews. I do not think it would come as a surprise to any of us that working on an airplane could be a dangerous job. According to the Bureau of Labor Statistics, flight attendants, as well as other employees in the air transportation industry, suffer occupational injuries and illnesses at rates far higher than workers in nearly every other sector of private industry. This industry raises unique safety challenges, and we need to make special efforts to keep these workers safe on the job.

The Federal Aviation Administration regulates all workplace safety issues on airplanes. However, at Congress's urging, FAA has entered into a memorandum of understanding with the Occupational Safety and Health Administration that is supposed to facilitate consultation and coordination between the two agencies about safety issues. This is entirely appropriate since the Occupational Safety and Health Administration has the expertise in this area. But that coordination has not been effective in recent years. While a 2000 OSHA/FAA report identified areas where flight crew safety could be improved, after that report, coordination essentially stopped, and the FAA has failed to take additional action to review and implement the recommended workplace safety standards.

The bill we are considering on the floor would restore and improve the level of coordination between the FAA and OSHA so that they can complete the valuable work outlined in that memorandum of understanding. It would basically require the two agencies to put their heads together and consider whether any OSHA standards should properly be applied to people working on aircrafts.

I wish to be very clear on this point. The bill does not supplant FAA's authority. OSHA would not be conducting investigations or issuing fines for FAA-covered employees. That is the sole purview of the FAA. All the bill says is that the two agencies should continue to talk and to coordinate. This seems to be eminently sensible. It simply defies explanation to preclude this kind of coordination, and it could put workers' lives and workers' safety at risk.

For example, flight crews are currently exposed to a variety of dangerous chemicals, including jet fuel vapors, compressed oxygen, commercial cleaning agents, deicing chemicals. Yet

there is no current rule requiring that the employees be informed of hazardous materials in their workplace.

OSHA has a safety standard about hazard communication requiring that workers be informed of such hazardous materials. This simple, easy-to-comply-with standard saves workers' lives. The 2000 report I referred to earlier found that FAA could implement the OSHA standard on hazard communication without any implications for flight safety. But what has happened? Absolutely nothing. Despite finding that the OSHA standard could improve safety for airline employees and that it would not impact aviation safety, the cooperative effort stalled in its tracks. This bill would resuscitate that cooperation. This is just one of a number of important reforms that would improve workplace safety without compromising flight safety. Hard-working flight attendants and other flight crew workers deserve our best efforts to make these reforms a reality.

Again, I wish to make one point very clear. The legislation does not change or undermine FAA's role at all. It simply fosters cooperation between two government agencies—one that has a lot of technical expertise, the other one which has the jurisdiction.

Again, I think this would be something where one would say: Sure, they should cooperate and communicate. The amendment before us would undermine a common sense practice—collaboration between agencies—and would make people less safe on the job. I urge my colleagues to protect the safety of our workers by opposing this amendment.

I am equally concerned about the impact the amendment by Senators WICKER and COLLINS would have on the hard-working people who keep our airports and planes safe. I have spoken about this amendment before. I would like to bring it up again.

In legislation creating the Transportation Security Administration, TSA, Congress gave TSA the right to determine whether transportation security officers, TSOs, have the right to collectively bargain. Those are the people we see every time we go through the airport. They check our IDs. They run the machines and check our bags. These are the transportation safety officers.

The Transportation Security Administration found that collective bargaining could improve security by addressing the agency's chronic low morale and employee engagement. However, certain subjects remain off limits for bargaining, including pay, deployment, training, and any TSA emergency response measures. Right now, the TSOs, under what the TSA wanted to do, would be allowed to collectively bargain but for those certain items. As I said, they could not collectively bargain on pay or deployment or training or emergency response measures.

As I mentioned when I previously addressed this issue on the Senate floor, a recent "best places to work" survey ranked the TSA 220 out of 224 Federal employers. The agency's turnover and injury rates are among the highest for any Federal agency. Low morale and high turnover at a front-line security agency are a recipe for disaster.

TSA determined that collective bargaining will address those problems and improve the agency's ability to fulfill its mission. The TSA's decision is well reasoned and sound. It states that a "one-size-fits-all model of labor relations that undermines initiative and flexibility would not serve TSA or its workforce well." That is exactly what this amendment by Senators WICKER and COLLINS would do. It would lock into place one model of labor relations—the most adversarial model—that is most harmful to employee morale. As I just said, we know employee morale at the TSO level is very low, and there is a very high turnover rate.

While my colleagues who support this amendment cite concerns about disruptions to security procedures, the agency believes—and I agree—that those concerns are misguided.

First and foremost, I question the assumption underlying this concern: that men and women who take a job protecting our Nation would cast that duty aside if they were granted basic labor concessions such as collective bargaining. I think that is an insult to every man and woman in uniform who works under collective bargaining agreements across this country. To suggest unionized security personnel are somehow less effective, less dedicated, less willing to put their lives on the line in an emergency is just plain scandalous. Most Federal security employees, including Border Patrol personnel, Immigration and Customs officials, our Capitol police officers who protect us, Federal Protective Services officers—they all have collective bargaining rights.

I always point out that famous picture of September 11, 2001, when that awful tragedy happened in New York and those buildings came down and we saw the thousands of people running away from this disaster and the buildings falling down, while running into the buildings were our police, our firefighters, and our emergency personnel. Those workers were members of a union and covered by a collective bargaining agreement. Did they shirk their duty? Did they shirk their responsibility? Not a bit. We are proud of them. Why should TSOs be any different?

Again, the exclusion of deployment and training and emergency response measures from bargaining will prevent any disruptions to security procedures.

I firmly believe collective bargaining is the best way to bring dignity, consistency, and fairness to a workplace.

It will make our TSO workforce safer and more stable. Restoring these essential rights is long overdue. I urge my colleagues to oppose the Wicker-Colins amendment.

Finally, while I think it is critically important that the bill we are considering must not be a vehicle for rolling back worker protections, I regret that it will not be a vehicle to correct an outrageous attack on workers' rights that was enacted on this legislation in 1996.

In a rider to the 1996 FAA reauthorization bill, Congress made it harder for employees of an express carrier to organize a union in order to unfairly advantage one company—FedEx Express. The bill carved out employees of an express carrier delivery company—which meant only one company: FedEx—from coverage under the National Labor Relations Act and placed them under the Railway Labor Act. As a result, it is much more difficult for FedEx employees to organize and bargain collectively. What is the difference? Under the National Labor Relations Act, workers can act locally in seeking to organize and bargain collectively. Under the Railway Labor Act, workers must organize nationally—an enormous challenge in today's labor environment, especially for workers who do not necessarily work in mobile industries. Under the current law, if package sorters in Des Moines, for example, want to organize a union, they would have to go to New York and Georgia and Texas and California to get every warehouse worker in the country to join them, which is obviously extremely difficult.

This quirk in the law is not only illogical, it is the worst kind of political favoritism. Why do I say that? Obviously because one of the biggest competitors of FedEx is United Parcel Service. United Parcel Service is under the National Labor Relations Act. Not every single one of their employees is unionized, but they are allowed to organize and bargain collectively locally. In certain States that are covered by union shop, then they would all be covered. In a State such as Iowa, which is a right-to-work State, some of the employees of United Parcel Service would be members of a union and some would not. But they would all be covered by a collective bargaining agreement.

United Parcel Service workers, doing the same exact job as FedEx workers, can organize and bargain collectively locally. FedEx workers cannot because they are under the Railway Labor Act, not the National Labor Relations Act. That was a rider to this bill in 1996 to favor one company. Again, identical jobs for FedEx and another company, different rights under the law—that is unfair. Congress should ensure that companies compete on a level playing field. We should not be picking favorites, especially not by silencing the voices of employees of one company.

In past Congresses, I have introduced legislation to eliminate this special treatment and ensure that employees who have nothing to do with air transport have all the rights they are entitled to under the National Labor Relations Act. There are tens of thousands of truckdrivers and warehouse employees who have nothing to do with airline travel, and the rules of the game are rigged against them.

I had hoped this bill would provide an opportunity to right these past wrongs, but I know it is important to complete our work on the FAA reauthorization in short order. This bill will create hundreds of thousands of jobs. It will make crucial investments in our Nation's infrastructure. As a pilot myself—and my friend from Oklahoma has been flying even longer than I have, I think, but we have both been flying for a long time—I have been waiting for the NextGen to come on board because it will enhance flight safety and make it a lot easier for our general aviation pilots to fly in this environment and it is important to get the bill done. So that is why I support the bill.

Again, I had hoped we would address this inequity that exists as regards the Federal Express, but we did not, so we will have to carry on the battle on another bill on another day. It is just an issue of fundamental fairness for workers, so I expect that we will revisit this again in the future.

I thank my friend from Oklahoma for being so patient, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Before my friend from Iowa leaves the floor, when he talked about NextGen, I can remember—and he can remember—years ago, when we first flew, there was nothing but low frequency out there, and we used to shoot those low-frequency approaches. Then they came along with VORs, and I thought this has to be the end of it. Then they came along with RNAV. They could pick up a VR and move it over here. What more could they ever do than that? Then LORAN came along and then GPS. So I quit saying they can't get better because now there is hardly a runway in the world you can't shoot an instrument approach on using GPS. I flew an airplane around the world, all across Siberia—bad weather all the way—and I shot my approaches with GPS. You could train a chimpanzee to do it with a GPS.

I agree with my friend from Iowa. We are anxious for NextGen and these opportunities we have that are coming up to enhance the safety and abilities of general aviation along with commercial aviation.

Mr. HARKIN. If my friend would yield just for a second, I would just tell him the first plane I owned had an old—I called it a coffee grinder in it, you would get the ANN—annuls—and that would take you into the airport.

So I can remember those days quite well. Thank God we have GPS now.

Mr. INHOFE. I thank my friend.

Mr. President, a few minutes ago I talked about two amendments I had in the FAA bill. One was what I would call the Good Samaritan amendment. We have talked about this for years. Senator LEAHY and I have come to an agreement. I would like to have it go further and offer liability protection beyond just the pilots who might be offering their services, as my friend from Iowa and I have done many times at our own expense because no one else would do it.

I would say to the occupier of the chair, it wasn't that many years ago there was a horrible hurricane that wiped out an island called Dominica, north of Caracas, Venezuela. I remember putting together 10 airplanes, general aviation airplanes, and we took doctors and nurses and generators and goods down there and food and water because nobody else would do it. This type of thing is going on all the time, and I think they should be afforded some protection from the liability laws. But I do realistically know with this compromise, we can get it passed and this would offer individuals protection.

The other amendment I have is quite different. It has to do with something called subpart S of FAR in the regulations, part 121. The Department of Defense—in the movement of many of the troops and individuals—relies on supplemental carriers. We are talking about nonscheduled carriers or charter airlines, and these are people or airlines that are nonscheduled. They come under a separate part, subpart B, and they are given some exemption from the crew rest rigid parts that affect the scheduled airlines. It is easy for a scheduled airline to have these very rigorous crew rest times because they are, as it says, scheduled. But when you get into nonscheduled, you are getting into areas where it is much more difficult.

So I wish to say two things about it. First of all, the supplemental air carriers have had a safety record that is even better than scheduled. There has never been one time in 15 years that the NTSB has cited something wrong, something that has happened with the part B or nonscheduled carriers as a result of fatigue. It hasn't happened. I often say we get too anxious to pass laws around here. I have always had the philosophy if it "ain't" broken, don't fix it. This is not broken, and it has worked very well. So I think their record speaks for itself.

The thing a lot of people are not aware of is if you are a nonscheduled airline, you are able to have longer rest periods, even though you may go over the 15 hours of actual flight time. So it works out, in the long range, they can do things they couldn't do otherwise.

Here is the thing not many people realize about nonscheduled airlines. The Department of Defense depends on them for 95 percent of all military passengers and 40 percent of military cargo. That is going into Iraq, Afghanistan, all throughout the danger points, and Southwest Asia, and it is expected that these new regulations will negatively impact the mission capability and increase the cost to both the carriers and to DOD.

Supplemental flights in support of the Department of Defense are carried out under control of the Air Mobility Command, which is at Fort Scott Air Force Base in Illinois. A central feature of the supplemental carrier's ability to complete these critical missions every day is the flexibility built into subpart S of the FAA regulations.

I am not offering something that is going to change how they treat subpart S. I am only going to say they currently have a rule they are considering, and this rule would do away with the distinction between subpart Q, R, and subpart S, which is nonscheduled airlines. So if we are depending upon these nonscheduled airlines to fly our troops, our cargo into these war-torn areas, then there is no other way of doing it.

You can say: Well, the Air Force can use their C-17s. Right now the Air Force's C-17s are in an OPTEMPO, where they can't take on any more missions. So you have critical things that are happening—such as flying blood into areas of combat. Let me give a couple examples. There is a regular run that goes from NATO—that is Belgium—from Belgium to Bagram, then back to Amsterdam. They are taking things such as tents, cargo, gasoline, food, and other supplies. That would be 19.6 hours. That means they can't do it. To do it, they would have to have crew rest time, and that would have to take place in Bagram. There are rules against it. You can't leave a commercial airline in Bagram. It cannot be done. So you have to figure out some way to get that cargo in and out of Bagram.

There is another regular run from Germany to Kandahar and then to Hong Kong. Well, that is 17.5 hours, so you can't do that because you can't leave your aircraft in a war zone. There is another run from Shannon to Kyrgyzstan and return, and that is something that is 16 hours and 15 minutes. That can't be done.

I think the one that is most critical is twice a week one carrier currently operates and takes lifesaving blood runs from McGuire Air Force Base in New Jersey to Ramstein in Germany and then to Qatar. From Qatar, they have to go all the way into Afghanistan and back, and that round trip extends beyond the 15 hours that would be allowed with a scheduled airline. So under subpart S, they can do it. We are

talking about twice a week, regular runs, taking blood into areas in Afghanistan where it is critical we get it in.

So I am just saying the FAA, in promulgating the rules they are looking at right now, should take into consideration that there is a separate type of a mission that has to be performed for our young men and women in harm's way, and we can't do it unless we treat the subpart S of the rule FAR 121 from the scheduled airlines. So I am hoping we will have a chance.

My concern is this: There are a lot of people who, for some labor reasons, don't want to have anyone to have the ability to go beyond the 15 hours, even though they get more rest time. I am the only one talking about the fact we have the lives of our young men and women in harm's way at stake depending on this subpart S treatment. So this thing is very critical. I believe we should do something to make sure, if they are going to look at the rules, they at least look at the rules in a different light than just looking at them altogether, but look at subpart S and hear the testimony and see if that doesn't work, the special consideration.

THE BUDGET

Mr. President, I don't see anyone else in the Chamber waiting to talk, so I wish to make one additional comment. I was in shock when I got off the plane and read what the President came out with in his budget. I think it is unbelievable—\$8.7 trillion in new spending, \$1.6 trillion in new taxes, \$13 trillion in new debt, the current year deficit increased by \$1.6 trillion—not \$1.4 or \$1.5, as they talked before—and it is incredible this could be happening right now.

I wonder if he didn't get the message of last November 2; that is, people know we cannot keep extending the spending, the fact we had an increase in the first 2 years—and this came straight from the White House, from the administration—in our spending greater than all spending in the history of this country from George Washington to George W. Bush can't happen. People are talking about the deficits that took place during George W. Bush, with an average deficit of \$247 billion, and that was right after trying to rebuild a military and after 9/11, when we found ourselves, for all practical purposes, in two wars. So instead of a deficit of \$247 billion, the deficit in this administration has been \$3 trillion in 2 years. That is inconceivable.

I thought he would come out with something, after listening to the State of the Union Message, that would start moderating and start trying to save some money, but it hasn't happened. There is spending money on everything except the military, which is the big loser. I don't know why it is that liberals never want to spend money on the military—an \$80 billion cut over a

5-year period in the Department of Defense. This is right after we went through the 1990s, where we had a drawdown of our Defense by about 40 percent, and of course we find ourselves now, after 9/11, in two wars.

So I think we need to make sure the American people realize the State of the Union Message sounded real good when he said we are going to start putting a freeze on. You know what that freeze is? The freeze is to take the non-defense discretionary spending and freeze it for 5 years. But wait a minute, that is after he increased it over 20 percent. So he increased it so we can't afford it and then he freezes it there so we can't bring it back down.

So anyway, I hope people are looking carefully and seeing what is happening. They will. If you look at what they are doing just to the oil and gas industry—and I know a lot of people in the liberal communities who want to put them out of business, and they are going to successfully do it if they pass this particular budget—I am talking about percentage depletion, the IDC—the section 199 manufacturer's deduction. By the way, the only industry under this budget that is affected negatively by that is oil and gas. All other manufacturers in industry are all right. So I hope people have a chance to look at this carefully.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 75, AS MODIFIED

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the pending amendment also be set aside to call up the Baucus amendment, No. 75, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. BAUCUS, proposes an amendment numbered 75, as modified.

Mr. ROCKEFELLER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a substitute)

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2010” in the matter preceding subparagraph (A) and inserting “October 1, 2013”, and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2010” and inserting “October 1, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4081(a)(2) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”.

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”, and

(ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Paragraph (2) of section 4081(d) is amended by striking “(a)(2)(C)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) **RETAIL TAX ON AVIATION FUEL.**—

(1) **EXEMPTION FOR PREVIOUSLY TAXED FUEL.**—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) **RATE OF TAX.**—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) **RATE OF TAX.**—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) **REFUNDS RELATING TO AVIATION-GRADE KEROSENE.**—

(1) **AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.**—Clause (ii) of section 6427(1)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) **KEROSENE USED IN AVIATION.**—Paragraph (4) of section 6427(1) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) **PAYMENTS TO ULTIMATE, REGISTERED VENDOR.**—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) **AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—Subsection (1) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) **REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking “6427(1)(5)(B)” and inserting “6427(1)(6)(B)”.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking “(4)(C) or (5)” and inserting “(4)(B) or (6)”, and

(ii) by striking “, (1)(4)(C)(ii), and (1)(5)” and inserting “and (1)(6)”.

(C) Subsection (1) of section 6427 is amended by striking “DIESEL FUEL AND KEROSENE” in the heading and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Paragraph (1) of section 6427(1) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Paragraph (4) of section 6427(1) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting “AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION”, and

(ii) in subparagraph (A)—

(I) by striking “kerosene” and inserting “aviation-grade kerosene”,

(II) by striking “KEROSENE USED IN COMMERCIAL AVIATION” in the heading and inserting “IN GENERAL”.

(d) **TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.**—

(1) **IN GENERAL.**—Subparagraph (C) of section 9502(b)(1) is amended to read as follows: “(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(2) **TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.**—

(A) **IN GENERAL.**—Subsection (d) of section 9502 is amended—

(i) by striking “(other than subsection (1)(4) thereof)” in paragraph (2), and

(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(1))” in paragraph (3).

(B) **CONFORMING AMENDMENTS.**—

(i) Paragraph (4) of section 9503(b) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(5),”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) **TIME AND METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) AVIATION-GRADE KEROSENE.—The term “aviation-grade kerosene” means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT AVIATION-GRADE KEROSENE.—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 is amended by adding at the end the following new subsection:

“(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

“(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

“(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2011, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9502(d) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.

“(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

“(1) IN GENERAL.—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

“(A) IN GENERAL.—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{16}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of a least 1 rotorcraft program aircraft.

“(B) FRACTIONAL OWNERSHIP INTEREST.—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) DRY-LEASE AIRCRAFT EXCHANGE.—The term ‘dry-lease aircraft exchange’ means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),”.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: “For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—The first sentence of section 4281 is amended by inserting “or when such aircraft is a turbine engine powered aircraft” after “an established line”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) NON-TAX CHARGES.—

“(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

“(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: “Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GALLAUDET UNIVERSITY

Mr. BROWN of Ohio. Mr. President, I rise to talk about one of America's great institutions, Gallaudet University. On July 4, 1861, President Lincoln celebrated our Nation's independence on the eve of the Civil War by declaring to Congress the principal aim of the

U.S. Government should be “to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford an unfettered start and a fair chance in the race of life.”

Just a few months before that President Lincoln signed into Federal law the authorization to confer collegiate degrees to the deaf and to the hard of hearing at a campus in Washington, DC. For the first time in the Nation's history and still alone to this day Gallaudet University is the only liberal arts university in the world dedicated to the pursuit of higher education for deaf and hard of hearing people. Simply put, Gallaudet is a gem, a gem for this city, a gem for our country, a gem for the world for higher education, truly a national university located a short distance from the Capitol and founded by President Abraham Lincoln.

I am one of two appointees—one from the House, one from the Senate—by statute to the board of trustees at Gallaudet University. During my tenure on the board I have met with proud alumni and supporters of Gallaudet in Ohio and in Washington.

Last Friday I was again on campus and met with members of the board, the president's cabinet, and a few students. Some people I admire a great deal, with whom I have talked about the culture of our nation's deaf communities, are Jay and Meredith Crane. Jay is a member of the Gallaudet board of trustees.

Jay and his wife Meredith are outstanding advocates for Ohio's deaf community and culture. Jay and Meredith have a son and a daughter who are deaf. They demonstrate to all of us how important a Gallaudet education can be in one's life.

Jay's son, at an event in Columbus last year, explained to us how Gallaudet is an oasis for students, students who have lived all over the country, generally integrated into a community but having a sense of isolation among people who are not deaf. Yet Jay's son, when coming to the university, talked about what an oasis Gallaudet University is for him and for his classmates.

The parents, the educators, the administrators at Gallaudet serve as role models and continue to make a difference in the lives of students. That is why the relationship between Gallaudet and our Federal Government is so important. It is why our support and encouragement of deaf and hard-of-hearing students allow them to explore new opportunities and experiences to enrich our workplaces and our communities.

The overwhelming majority of undergraduate students at Gallaudet are deaf. About half of the students at the graduate school at Gallaudet are deaf and half of them are hearing students. Many of those graduates, graduates

and undergraduates in the master's program at Gallaudet, go into serving the deaf around the country. Many of them, as Jay and Meredith's son, go into other professions not directly concerned with the deaf. Jay and Meredith's son, for example, is in law school in California. Most of these students come from middle-class or working-class families.

In 2008-2009, more than 80 percent of Gallaudet students received financial aid in order to get the education they deserve. These students are talented. I will soon have a Gallaudet intern by the name of Brianna Johnson, a student at Gallaudet, who is an education and human rights justice major. She will be graduating in May 2010. She is on the dean's scholar list. She is originally from Atlanta, GA.

The Gallaudet University women's basketball team, ranked 18th in the Nation, was undefeated until, unfortunately, this past weekend when they lost to Penn State-Harrisburg. They play in the North Eastern Athletic Conference, division III. One of their guards is a graduate from the Columbus School for the Deaf in Columbus, OH. Their head coach is Mark Ehlen. Their assistant coach came out of one of the great women's basketball programs in Ohio, Stephanie Stevens, a 2010 graduate of the University of Cincinnati. She went to Pickerington High School, which has been in the state finals and final four many times.

As we prepare our Nation to “win the future” and outcompete and outeducate the rest of the world, we must ensure that mission includes all Americans. The creation of Gallaudet, 140-plus years ago, helped establish a nationwide community for generations of deaf children.

Ohio's first school for the deaf was established in 1829 in a small house right near where the State House now is on Broad and Highway in Columbus. That school, the Columbus School for the Deaf for Ohio, will soon have a new campus on 200 acres on Morse Road in Columbus with convenient student housing and modern education technology and space for future expansion. Such progress demonstrates how far education for deaf and hard-of-hearing students has come, and how much farther it can go.

Last year I gave a speech on this floor honoring Gallaudet as the Senate passed a resolution commemorating the 145th anniversary of Gallaudet's charter that was authored by President Lincoln. And 141 years ago, the three members of Gallaudet's first graduating class received degrees signed by President Lincoln.

Last year, during Gallaudet's 140th commencement, 10 Ohio students graduated from Gallaudet with a degree signed by President Obama. I am concerned, though, that funding for Gallaudet may be compromised in the

budget that is working its way through the House of Representatives. Gallaudet's budget has been frozen at \$118 million for, I believe, 3 straight years. They have gotten no increase in Federal funding. They raise private money. They obviously charge tuition, although a huge percentage of their students, as I said, are on scholarship. The Federal money they have has not increased over the last, I believe, 3 years.

My concern is as the budget makes its way through here, we do not just help those students who are going to Gallaudet but we do understand that Gallaudet is one of our Nation's gems, a national university unlike any other, not just in the United States of America but any other university anywhere in the world. The proud alumni of Gallaudet have enriched our communities and have taught all of us the meaning of the values President Lincoln laid before us, that we educate ourselves as part of a community, full of opportunity, free of, as Lincoln said, artificial weight that works toward the good of our society.

Gallaudet is a jewel for our country. It is an honor to be on their board. It is an honor, frankly, to me, as a mission for the United States of America, that we continue to assist this great national university that is a credit to all of us.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 223 on Tuesday, February 15, at 11 a.m.; further that at 11:40 a.m., the Senate proceed to the consideration of the Nelson of Nebraska amendment No. 58; that a Nelson second-degree amendment, which is at the desk, be agreed to, there be up to 20 minutes of debate, equally divided, prior to a vote in relation to the amendment, as amended; that no further amendments be in order to the Nelson of Nebraska amendment prior to the vote; and that the motion to reconsider be laid upon the table and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that at 2:15 p.m. there be 10 minutes of debate equally divided and controlled in the usual form prior to a vote on or in relation to Wicker amendment No. 14, as modified; that all amendments covered in this agreement be subject to a 60-vote threshold; that if an amendment does not achieve

60 affirmative votes, the amendment be withdrawn; that there be no second-degree amendments in order prior to the votes; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ELLEN MALDONADO

Mr. INOUE. Mr. President, it is a somewhat poorly kept secret that many of the successes of government are attributable to those who work outside of the limelight. While Senators, Cabinet Secretaries, and even the generals in our military are the public face of the policies of the United States, behind every leader is a cadre of dedicated and knowledgeable civil servants.

Today I wish to call out one name in particular. Ellen Maldonado, a professional staff member on the Senate Appropriations Committee, will soon be retiring after 30 years of government service. Ellen joined the Defense Subcommittee in 2006, brought onboard by my friend and former colleague, Senator Ted Stevens. The subcommittee, and in fact the Senate as a whole, was fortunate to find someone with such a wealth of talent and experience in the complex field of budgeting for our Armed Forces.

Ellen has worked at every level of the budgeting workforce for our military establishment. She began her career as a program analyst at the Naval Ship Research and Development Center in Carderock, MD, and rapidly progressed through the ranks in critical budgeting positions both inside and outside the beltway. Some of her most rewarding positions outside of Washington have included service at the Defense Language Institute in Monterey, CA, Air Force Special Operations Command at Hurlburt Field, and even the U.S. Embassy in Lima, Peru.

Inside the Pentagon, Ellen worked on an impressive array of budgeting issues. From revising the Army's reprogramming process to programming for military health care, from reviewing defense research and development programs to developing emergency spending requests for the wars in Iraq and Afghanistan, she has earned the respect of all of those around her. She has won a reputation of being an expert on the most arcane points of the Financial Management Regulations, as

well as understanding the details of highly complex weapons systems. Ellen has been recognized for her outstanding achievements by being awarded both the Secretary of Defense Medal for Meritorious Service and the Exceptional Civilian Service Award.

Ellen's career at the Pentagon culminated in her 2005 appointment as the Director for Investment for the Comptroller of the Department of Defense. In this position, she was responsible for overseeing the budget for every stage of developing, testing, and procuring equipment for all of the military services. This position brought her into regular contact with the highest levels of the Department of Defense, as well as Congress and the Office of Management and Budget.

It is extremely fortunate for the Committee on Appropriations that we managed to lure her away from this important position in 2006. While serving on the Defense Subcommittee, Ellen has excelled in reviewing the budget proposals on critical Army, Navy, Air Force, Marine Corps, and intelligence programs. She has tackled some of the greatest national security challenges facing our country today, including an in-depth investigation into our government's cyber security efforts and exhaustive reviews of the Nation's most expensive military program in history, the Joint Strike Fighter. Her impressive track record made her a natural pick to join President Obama's transition team at the Department of Defense in 2008 and 2009.

While I could continue to list her professional successes, one cannot comment on her career without saying a few words on her outstanding character. Ellen combines a sunny disposition with a deep-rooted sense of fairness. She is a true master of her field, and always eager to share her knowledge and experience with her colleagues. While consistently a good steward of the taxpayer's money, her patriotism has insured that the welfare of the men and women serving in uniform has always been foremost in her mind. And finally, everyone who knows Ellen also knows of her remarkable and touching relationship with her husband, Rob. They are truly a magical couple, and I understand that they have plans to travel the world later this year.

Ellen Maldonado has had an outstanding career in three decades of service in the Department of Defense and the Senate. On behalf of the whole Committee on Appropriations, I wish to thank Ellen for her tireless and outstanding work on behalf of the members of the Armed Forces, her colleagues, and the people of the United States. I wish Ellen and Rob all the very best in their future plans.

TRIBUTE TO LIEUTENANT ANNA DIXON

Mr. McCONNELL. Mr. President, I rise today to recognize the impressive accomplishments of a remarkable woman and native of the Commonwealth, Lieutenant Anna Dixon of the U.S. Coast Guard. Lieutenant Dixon has always possessed an adventurous spirit and harbored a desire to expand her horizons and explore the possibilities of the world outside of her hometown of Barbourville, KY. So it came as no surprise to those who know her that upon graduating from Barbourville High School and attending the University of Kentucky to study architecture for a year, Lieutenant Dixon decided to take advantage of an exchange program and follow her dream of becoming a marine biologist at Coastal Carolina College in Myrtle Beach, SC.

Upon graduating with her degree in marine science and working at an environmental testing lab, Lieutenant Dixon decided to take another adventurous and courageous leap and enlist in the U.S. Coast Guard. Lieutenant Dixon not only completed her basic training at Camp May, NJ, in August of 2004, but also graduated at the top of her class and was assigned to the Coast Guard Station in Long Beach, CA, where she remained for 2 years.

In the years that followed, this bright and determined woman worked tirelessly to qualify for numerous positions within the U.S. Coast Guard, including Officer Candidate School where she graduated third in her class, as a patroller on the Coast Guard Cutter Spencer, and as Chief of Contingency Preparedness at the Coast Guard Station in Key West, FL. Most recently, Lieutenant Dixon was assigned the duties of public information officer for the Florida Keys response to the Deepwater Horizon oilspill, and was hand-selected to be the lead advance officer and deputy press secretary for now-retired National Incident Commander Admiral Thad Allen of the U.S. Coast Guard.

During her time in the post from July to October of 2010, Lieutenant Dixon worked steadfastly to coordinate daily national press conferences for Admiral Allen and other high-ranking national leader, to make sure information on one of the Nation's most devastating offshore disasters was delivered in a timely and accurate manner. Because of her strong sense of leadership and her eye for detail, Lieutenant Dixon was selected by a board of Coast Guard officers to attend a fully funded graduate program to further her experience in communications and public relations, as well as to complete a follow-on tour as a public affairs officer for a multistate Coast Guard district.

It is unquestionable that Lieutenant Dixon's career successes, including her recent change in rank, have come with

much sacrifice, but have been well-deserved. I ask my colleagues to join me in recognizing the accomplishments of LT Anna Dixon, and in sending congratulations to her proud parents Katy Jones and Bill Matt Dixon, and step-parents Michael Jones and Kay Dixon. I wish Lieutenant Dixon continued success for the future.

The Mountain Advocate recently published a story about Lieutenant Dixon and her successful career. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Mountain Advocate, Jan. 6, 2011]

(By Eddie Arnold)

JUST CALL HER 'LIEUTENANT'

When Anna Dixon graduated from Barbourville High School in 1998, she had dreams of being a marine biologist. However, with the nearest ocean hundreds of miles away, pursuing such a career seemed even unlikely.

Little did she know that working in and around oceans is something that she would eventually do—not as a marine biologist but as a member of the United States Coast Guard.

Even more ironic is that she never even considered the military as a young girl. "I never even thought about it," she said.

After one year at the University of Kentucky as a student of architecture, she chose to take advantage of an exchange program and moved to South Carolina, where she graduated from the Coastal Carolina College in Myrtle Beach with a B.S. degree in marine science.

"There are very few jobs for marine biologists that don't have an advanced degree," she said. It was then that her best friend's husband, who was in the Army, suggested that she consider the Coast Guard. "I didn't even know what that was, I thought they were water cops."

However, the suggestion planted a seed in Dixon's mind. "At first it was a joke. But the more I joked about it, the more I thought maybe it's not that bad of an idea," she said.

After graduation and while living in Savannah, Dixon worked at an environmental testing lab. "It was like real chemistry, but I could tell that was what I would be doing forever if I didn't make a change and go out on a limb. So I went and talked with a recruiter," she said, adding that she made the decision to enlist. "It sounded like a really good idea."

Dixon graduated from basic training at Cape May, New Jersey at the top of her class in August 2004. After going on to Boatswain's Mate "A" School training, she was assigned to the Coast Guard Station Los Angeles/Long Beach where she remained from December 2004 to March 2006.

"I worked really hard and got qualified as quickly as I could and got recommended to go to Officer Candidate School, where she graduated third in her class."

From there, she went to a ship—the Coast Guard Cutter Spencer out of Boston, Massachusetts.

"I never wanted to do ship life," she said. "But I thought if I didn't do it then, I would never get the chance to do it."

During her two years aboard ship, they patrolled from the northeast coast off Canada all the way down to the Caribbean, including doing migrant patrols.

Even though Dixon said she learned a lot on that assignment, she longed to get her feet back on dry land. When she applied for a new assignment, she noticed that Key West was available. "I thought to myself there's no way I'm going to get that. There will be thirty other people in line for that. When I learned that I had got it, I was off the coast of Canada. It was like eight degrees," she said. "At three o'clock in the morning I got an email saying I was going to Key West."

Being a female presented it's own set of challenges for Dixon. "During my whole time in the Coast Guard it has been a challenge no matter where I go. But within a month, they find out that I am for real. But I've never had any real problems," she said.

Since being assigned at Key West through the present, Dixon's job as Chief of Contingency Preparedness has posed challenges also.

In April of this year she was assigned the duties of public information officer for the Florida Keys response to the Deepwater Horizon oil spill.

"Since I've been doing that it has been a full-time thing," she said. "But I am still the chief of planning."

Dixon was hand-selected to be the Lead Advance Officer and Deputy Press Secretary for National Incident Commander Admiral Thad Allen (USCG-Ret.), a job she held from July through October of this year.

During her time in the post, she coordinated daily national-level press conferences for Allen and other high-ranking national leaders including Dr. Lane Lubchenco, Director of the National Oceanic and Atmospheric Administration.

Although she has enjoyed her duty assignments so far, Dixon said she is looking forward to the next level in her career.

"I have been selected by a board of Coast Guard officers to attend a fully-funded graduate program to study communications and public relations, with a follow-on tour as a Public Affairs Officer for an entire multistate Coast Guard district," she said.

Dixon, who was recently promoted to the rank of lieutenant, said she has enjoyed her six plus years in the Coast Guard. "I didn't know what to expect when I went in but I definitely didn't expect to live in eight states and have all these different experiences. It has been unbelievable," she said, adding that her family and friends are really proud of me.

"My friends laugh because they say 'Anna is in charge of things?' They don't see me as Lt. Dixon, they just see me as Anna. But they are all super proud of me."

Over the holidays, she came home to spend some time with her family, including her parents Katy and Michael Jones of Corbin, Bill and Kay Dixon of Barbourville, and brothers John W. Dixon and Matthew Dixon.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

**BUDGET OF THE UNITED STATES
GOVERNMENT FOR FISCAL YEAR
2012—PM 5**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget:

To the Congress of the United States:

America is emerging from the worst recession in generations. In 2010, an economy that had been shrinking began to grow again. After nearly 2 years of job losses, America's businesses added more than one million jobs. Our capital and credit markets are functioning and strong. Manufacturing is coming back. And after teetering on the brink of liquidation just 2 years ago, America's auto industry is posting healthy gains and returning money to the taxpayers who helped it through a period of turmoil. The determination and resilience of the American people and the tough choices we made over the past 2 years helped to pull our economy back from the brink of a second Great Depression.

Two years after those dark days, the stock market is booming. Corporations are posting record profits. Momentum is building. Yet, in America, we have always had a broader measure of economic health. We believe in a country where everyone who is willing to work for it has the opportunity to get ahead; where the small businessperson with a dream or entrepreneur with a great new idea has their best chance to make them a reality; where any child can go as far as their talent and tenacity will take them. That is the genius of America. That spirit is what has built the greatest prosperity the world has ever known.

So even as recovery begins to take hold, we have more work to do to live up to our promise by repairing the damage this brutal recession has inflicted on our people, generating millions of new jobs, and seizing the economic opportunities of this competitive, new century.

These must be the priorities as we put together our Budget for the coming year. The fiscal realities we face require hard choices. A decade of deficits, compounded by the effects of the recession and the steps we had to take to break it, as well as the chronic failure to confront difficult decisions, has put us on an unsustainable course. That's why my Budget lays out a path for how we can pay down these debts and free the American economy from their burden.

But in an increasingly competitive world in which jobs and businesses are mobile, we also have a responsibility to invest in those things that are absolutely critical to preparing our people and our Nation for the economic competition of our time.

We do this by investing in and reforming education and job training so that all Americans have the skills necessary to compete in the global economy. We do this by encouraging American innovation and investing in research and development—especially in the job-creating industries of tomorrow such as clean energy. We do this by rebuilding America's infrastructure so that U.S. companies can ship their products and ideas from every corner in America to anywhere in the world. And finally, we do this by coming together as Americans, not Democrats or Republicans, to make the tough choices that get America's fiscal house in order, investing in what works, cutting what doesn't, and changing the way business is done in Washington.

Growing the economy and spurring job creation by America's businesses, large and small, is my top priority. That's why, over the course of the last year, I pushed for additional measures to jump-start our economic recovery: tax credits for businesses that hire unemployed workers; assistance to States to prevent the layoffs of teachers; and tax cuts and expanded access to credit for small businesses. At the end of the year, I signed into law a measure that provided tax cuts for 159 million workers saving the typical worker \$1,000 per year. And the same law extended important tax credits to help families make ends meet and afford to send their kids to college. This bipartisan tax cut plan also gave businesses two powerful incentives to invest and create jobs: 100 percent expensing on the purchase of equipment and an extension of the research and experimentation tax credit.

Moreover, my Administration has moved aggressively to open markets abroad and boost exports of American made goods and services, signing a new trade agreement with South Korea, the twelfth-largest economy in the world. And last month, I laid out a balanced approach to regulation that is pragmatic, driven by data, and that will protect the health and well-being of the American people and help lay the groundwork for economic growth and job creation.

These steps will help the economy this year. But it is also essential that we take stock and look to the future—to what kind of America we want to see emerge from this crisis and take shape for the generations of Americans to come. This Budget lays out our roadmap not just for how we should invest in our economy next year, but how we should start preparing our Nation to grow, create good jobs, and compete

in the world economy in the years ahead.

At its heart is a recognition that we live in a world fundamentally different than the one of previous generations. Revolutions in communication and technology have made businesses mobile and commerce global. Today, a company can set up shop, hire workers, and sell their products wherever there is an Internet connection. It is a transformation that has touched off a fierce competition among nations for the jobs and industries of the future.

The winners of this competition will be the countries that have the most skilled and educated workers; a serious commitment to research and technology; and access to quality infrastructure like roads and airports, high-speed rail, and high-speed Internet. These are the seeds of economic growth in the 21st century. Where they are planted, the most jobs and businesses will take root.

In the last century, America's economic leadership in the world went unchallenged. Now, it is up to us to make sure that we maintain that leadership in this century. At this moment, the most important contest we face as a Nation is not between Democrats and Republicans or liberals and conservatives. It's between America and our economic competitors around the world.

There is no doubt in my mind that we can win this competition. The United States is home to the world's best universities and research facilities, the most brilliant scientists, the brightest minds, and some of the hardest-working, most entrepreneurial people on Earth. But our leadership is not guaranteed unless we redouble our efforts in the race for the future.

In a generation, we've fallen from first place to ninth place in the proportion of our young people with college degrees. We lag behind other nations in the quality of our math and science education. The roads and bridges that connect the corners of our country and made our economy grow by leaps and bounds after World War II are aging and in need of repair. Our rail and air traffic systems are in need of modernization, and our mobile networks and high-speed Internet access have not kept pace with some of our rivals, putting America's businesses and our people at a competitive disadvantage.

In 1957, when the Soviet Union beat us into space by launching a satellite called Sputnik, it was a wake-up call that caused the United States to boost our investment in innovation and education—particularly in math and science. As a result, we not only surpassed the Soviets, we developed new American technologies, industries, and jobs. Fifty years later, our generation's Sputnik moment has arrived. Our challenge is not building a new satellite, but to rebuild our economy. If the recession has taught us anything, it is

that we cannot go back to an economy driven by too much spending, too much borrowing, and the paper profits of financial speculation. We must rebuild on a new, stronger foundation for economic growth. We need to do what America has always been known for: building, innovating, and educating. We don't want to be a nation that simply buys and consumes products from other countries. We want to create and sell products all over the world that are stamped with three simple words: "Made in America."

My Budget makes investments that can help America win this competition and transform our economy, and it does so fully aware of the very difficult fiscal situation we face. When I took the oath of office 2 years ago, my Administration was left an annual deficit of \$1.3 trillion, or 9.2 percent of GDP, and a projected 10-year deficit of more than \$8 trillion. These deficits were the result of a previous 8 years of not paying for programs—notably, two large tax cuts and a new Medicare prescription drug benefit—as well as the financial crisis and recession that exacerbated our fiscal situation as revenue decreased and automatic Government outlays increased to counter the recession and cushion its impact.

We took many steps to re-establish fiscal responsibility, from instituting a statutory pay-as-you-go rule for spending to going line by line through the budget looking for outdated, ineffective, or duplicative programs to cut or reform. And, most importantly, we enacted the Affordable Care Act. Along with giving Americans more affordable choices and freedom from insurance company abuses, reform of our health care system will, according to the latest analysis by the non-partisan Congressional Budget Office, reduce our budget deficits by more than \$200 billion in its first decade and more than \$1 trillion over the second.

Now that the threat of a depression has passed, and economic growth is beginning to take hold, taking further steps toward reducing our long-term deficit has to be a priority, and it is in this Budget. The reason is simple: in the long run, we will not be able to compete with countries like China if we keep borrowing more and more from countries like China. That's why in this Budget, I put forward a number of steps to put us on a fiscally sustainable path.

First, I am proposing a 5-year freeze on all discretionary spending outside of security. This is not an across-the-board cut, but rather an overall freeze with investments in areas critical for long-term economic growth and job creation. A commonsense approach where we cut what doesn't work and invest in those things that make America stronger and our people more prosperous. Over a decade, this freeze will save more than \$400 billion, cut non-se-

curity funding to the lowest share of the economy since at least 1962, and put the discretionary budget on a sustainable trajectory.

Making these spending cuts will require tough choices and sacrifices. One of them is the 2-year freeze on Federal civilian worker salaries. This is in no way a reflection on the dedicated service of Federal workers, but rather a necessary belt-tightening measure during these difficult times when so many private sector workers are facing similar cuts. This Budget also includes many terminations and reductions to programs across the entire Federal Government. These cuts include many programs whose mission I care deeply about, but meeting our fiscal targets while investing in our future demands no less. All told, we have put forward more than 200 terminations and reductions for over \$30 billion in savings.

Even in areas outside the freeze, we are looking for ways to save money and cut unnecessary costs. At the Department of Defense, for instance, we are reducing its funding by \$78 billion over the next 5 years on a course for zero real growth in funding. To do this, Secretary Gates is pursuing a package of terminations, consolidations, and efficiencies that include, for example, the elimination of the Marine Corps Expeditionary Fighting Vehicle; the consolidation of four Air Force air operations centers into two; and reducing the number of Generals and Admirals by more than 100. And throughout the entire Government, we are continuing our efforts to make Government programs and services work better and cost less: using competition and high standards to get the most from the grants we award, getting rid of excess Federal real estate, and saving billions of dollars by cutting overhead and administrative costs.

Second, I continue to oppose the permanent extension of the 2001 and 2003 tax cuts for families making more than \$250,000 a year and a more generous estate tax benefiting only the very largest estates. While I had to accept these measures for 2 more years as a part of a compromise that prevented a large tax increase on middle-class families and secured crucial job-creating support for our economy, these policies were unfair and unaffordable when enacted and remain so today. I will push for their expiration in 2012. Moreover, for too long we have tolerated a tax system that's a complex, inefficient, and loophole-riddled mess. For instance, year after year we go deeper into deficit and debt to pay to prevent the Alternative Minimum Tax (AMT) from hurting many middle-class families. As a start, my Budget proposes a 3-year fix to the AMT that is paid for by an across-the-board 30 percent reduction in itemized deductions for high-income taxpayers. My Administration will work with the Congress on a long-term offset for these costs.

Third, to address looming, long-term challenges to our fiscal health, the Budget addresses future liabilities in the unemployment insurance system; the Pension Benefit Guaranty Corporation, which protects the pensions of workers whose companies have failed; and the Federal Housing Administration, which plays a critical role in affordable housing. It also is committed to implementing the Affordable Care Act swiftly and efficiently since rising health care costs are the single biggest driver of our long-term fiscal problems. Finally, as a down payment toward a permanent fix, the Budget proposes additional reforms to our health care system that would be sufficient to pay for 2 years of fixing the Medicare's sustainable growth rate, thus preventing a large cut in Medicare reimbursements for doctors that would jeopardize care for older Americans.

In addition, I believe that we need to act now to secure and strengthen Social Security for future generations. Social Security is a solemn commitment to America's seniors that we must preserve. That is why I have laid out my principles for reform and look forward to working with the Congress on ensuring Social Security's compact for future generations.

As we move to rein in our deficits, we must do so in a way that does not cut back on those investments that have the biggest impact on our economic growth because the best antidote to a growing deficit is a growing economy. So even as we pursue cuts and savings in the months ahead, we must fund those investments that will help America win the race for the jobs and industries of the future—investments in education, innovation, and infrastructure.

In an era where most new jobs will require some kind of higher education, we have to keep investing in the skills of our workers and the education of our children. And that's why we are on our way to meeting the goal I set when I took office: by 2020, America will once again have the highest proportion of college graduates in the world.

To get there, we are making college more affordable for millions of students, through the extension of the American Opportunity Tax Cut and maintaining our historic expansion of the Pell Grant program while putting it on firm financial footing. We are taking large steps toward my goal of preparing 100,000 science, technology, engineering, and mathematics teachers over the next decade. And we are continuing our reform of elementary and secondary education—not from the top-down, but from the bottom-up. Instead of indiscriminately pouring money into a system that doesn't always work, we are challenging schools and States to compete in a "Race to the Top" to see who can come up with reforms that raise standards, recruit and retain good teachers, and raise student achievement, especially in math and science.

We are expanding the “Race to the Top” to school districts, and since in today’s economy learning must last a lifetime, we are extending this competitive framework to early childhood education, universities and colleges, and job training.

Once our students graduate with the skills they need for the jobs of the future, we also need to make sure those jobs end up in America. In today’s high-tech, global economy, that means the United States must be the best place to do business and the best place to innovate. That will take reforming our tax code, and I am calling for immediate action to rid the corporate tax code of special interest loopholes and to lower the corporate rate to restore competitiveness and encourage job creation—while not adding a dime to the deficit.

And since many companies do not invest in basic research that does not have an immediate pay off, we—as a Nation—must devote our resources to these fundamental areas of scientific inquiry. In this Budget, we are increasing our investment in research and development that contributes to fields as varied as biomedicine, cyber-security, nano-technology, and advanced manufacturing. We are eliminating subsidies to fossil fuels and instead making a significant investment in clean energy technology—boosting our investment in this high-growth field by a third—because the country that leads in clean energy will lead in the global economy. Through a range of programs and tax incentives, this Budget supports my goals of the United States becoming the first country to have one million electric vehicles on the road by 2015 and for us to reach a point by 2035 where 80 percent of our electricity will come from clean energy sources. We also are working toward a 20 percent decrease in energy usage in commercial and institutional buildings by 2020, complementing our ongoing efforts to improving the efficiency of the residential sector. If this is truly our Sputnik moment, we need a commitment to innovation that we have not seen since President Kennedy challenged us to go to the moon.

To flourish in the global economy, we need a world-class infrastructure—the roads, rails, runways, and information superhighways that are fundamental to commerce. Over the last 2 years, our investments in infrastructure projects already have led to hundreds of thousands of good private sector jobs and begun upgrading our infrastructure across the country. But we still have a long way to go.

In this Budget, I am proposing a historic investment in repairing, rebuilding, and modernizing our transportation infrastructure. The Budget features an immediate, up-front investment of \$50 billion to both generate jobs now and lay a foundation for fu-

ture economic growth. Looking toward the future, the Budget provides funds to develop and dramatically expand access to high-speed rail as well as the creation of a National Infrastructure Bank to support projects critical to our national competitiveness. While this transportation bill is a major investment of funds, it is also a major reform of how transportation funds have been invested in the past. We are committing to paying for our surface transportation plan and making it subject to the Congress’ pay-as-you-go law; to consolidating duplicative, earmarked programs; and to making tens of billions of dollars of funds subject to a competitive “Race to the Top” process.

And looking to what we will need to thrive in the 21st century, I am proposing an ambitious effort to speed the development of a cutting-edge, high-speed wireless data network that will reach across our country to 98 percent of Americans and provide for the needs of both our citizens and our first responders. We are the Nation that built the transcontinental railroad and the first airplanes to take flight. We constructed a massive interstate highway system and introduced the Internet to the world. America has always been built to compete, and if we want to attract the best jobs and businesses to our shores, we have to be that Nation again.

Finally, to make it easier for our businesses and workers to sell their products all over the globe, we are working toward our goal of doubling U.S. exports by 2014. This will take specific efforts to open up markets and promote American goods and services. It also will take maintaining American leadership abroad and ensuring our security at home. This Budget invests in all elements of our national power—including our military—to achieve our goals of winding down the war in Iraq; defeating al Qaeda in Afghanistan and around the world; reducing the threat of nuclear weapons; and preparing our Nation for emerging threats. We also invest resources to provide for our men and women in uniform and to honor the service of our veterans. And we do this all with an eye to cutting waste, finding efficiencies, and focusing resources on what is essential to our security.

Throughout our history, the investments this Budget makes—in education, innovation, and infrastructure—have commanded support from both Democrats and Republicans. It was Abraham Lincoln who launched the transcontinental railroad and opened the National Academy of Sciences; Dwight Eisenhower who helped build our highways; and Republican Members of Congress who worked with Franklin Roosevelt to pass the GI Bill. In our own time, leaders from both sides of the aisle have come together to invest in our infrastructure,

create incentives for research and development, and support education reform such as those my Administration has been pursuing. Moreover, when faced with tough, fiscal challenges, our country’s leaders have come together to find a way forward to save Social Security in the 1980s and balance the budget in the 1990s.

There are no inherent ideological differences that should prevent Democrats and Republicans from making our economy more competitive with the rest of the world. We are all Americans, and we are all in this race together. So those of us who work in Washington have a choice to make in this coming year: we can focus on what is necessary for each party to win the news cycle or the next election, or we can focus on what is necessary for America to win the future.

I believe we must do what this moment demands, and do what we must to spur job creation and make the United States competitive in the world economy. For as difficult as the times may be, the good news is that we know what the future could look like for the United States. We can see it in the classrooms that are experimenting with groundbreaking reforms and giving children new math and science skills at an early age. We can see it in the wind farms and advanced battery factories that are opening across America. We can see it in the laboratories and research facilities all over this country that are churning out discoveries and turning them into new startups and new jobs.

And when you meet these children and their teachers, these scientists and technicians, and these entrepreneurs and their employees, you come away knowing that despite all we have been through these past 2 years, we will succeed. The idea of America is alive and well. As long as there are people willing to dream, willing to work hard, and willing to look past the disagreements of the moment to focus on the future we share, I have no doubt that this will be remembered as another American century.

BARACK OBAMA.
THE WHITE HOUSE, February 14, 2011.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 359. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 11, 2011, during the adjournment of the Senate, she had presented to the President of the United States the following enrolled bill:

S. 188. An act to designate the United States courthouse under construction at 98 West First Street, Yuma, Arizona, as the "John M. Roll United States Courthouse."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-492. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin" (Docket No. APHIS-2009-0098) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-493. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asparagus Revenue Market Loss Assistance Payment Program" (RIN0560-AI02) received in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-494. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the department's intent to disestablish United States Joint Forces Command; to the Committee on Armed Services.

EC-495. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's personnel management demonstration project authorities for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC-496. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General George W. Casey, Jr., United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-497. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General William E. Ward, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-498. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2009 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-499. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Reporting of Government Property Lost, Stolen, or Destroyed" (RIN0750-AG64)(DFARS Case 2008-D049) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Armed Services.

EC-500. A communication from the Director of Defense Procurement and Acquisition

Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Marking of Government-Furnished Property" (RIN0750-AG44)(DFARS Case 2008-D050) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Armed Services.

EC-501. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-502. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe declared in Executive Order 13288; to the Committee on Banking, Housing, and Urban Affairs.

EC-503. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR Part 65) received in the Office of the President of the Senate on February 8, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-505. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to authorizing an unconditional guarantee on a supply chain finance facility; to the Committee on Banking, Housing, and Urban Affairs.

EC-506. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Human Rights Abuses Sanctions Regulations" (31 CFR Part 562) received during adjournment of the Senate in the Office of the President of the Senate on February 9, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-507. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Simplified Network Application Processing System, On-line Registration and Account Maintenance" (RIN0694-AE98) received in the Office of the President of the Senate on February 8, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-508. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Implementation of Federal Acquisition Regulation (FAR) Award Fee Language Revision" (RIN2700-AD69) received in the Office of the President of the Senate on February 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC-509. A communication from the Deputy General Counsel, Federal Energy Regulatory

Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines" (RIN1902-AE11)(Docket No. RM07-9-003) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Energy and Natural Resources.

EC-510. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NUHOMS HD System Revision 1" (RIN3150-AI89) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 340. An original bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes (Rept. No. 112-1).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 327. A bill to name the Department of Veterans Affairs telehealth clinic in Craig, Colorado, as the "Major William Edward Adams Department of Veterans Affairs Clinic"; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 328. A bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country; to the Committee on Finance.

By Mr. SCHUMER:

S. 329. A bill to prohibit sex offenders from using property management or maintenance functions to access the residence of an individual; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 330. A bill to prohibit the sale of any product to a consumer that is subject to a recall, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself and Mr. CORNYN):

S. 331. A bill to ensure that military voters have the right to bring a civil action under the Uniformed and Overseas Citizens Absentee Voting Act to safeguard their right to vote; to the Committee on Rules and Administration.

By Mr. HATCH (for himself and Mr. ROBERTS):

S. 332. A bill to promote the enforcement of immigration laws and for other purposes; to the Committee on the Judiciary.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 333. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch; to the Committee on Energy and Natural Resources.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 334. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS:

S. 335. A bill for the relief of Salah Naji Sujaa; to the Committee on the Judiciary.

By Mr. DEMINT:

S. 336. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes; to the Committee on Finance.

By Mr. CRAPO:

S. 337. A bill for the relief of Sali Bregaj and Mjaftime Bregaj; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. NELSON of Florida):

S. 338. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 339. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

By Mr. BAUCUS:

S. 340. An original bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. BROWN of Massachusetts (for himself and Ms. AYOTTE):

S. 341. A bill to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 342. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing programs of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 343. A bill to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Ms. STABENOW, and Mr. TESTER):

S. 344. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes; to the Committee on Armed Services.

By Mr. LEVIN:

S. 345. A bill for the relief of Ibrahim Parlak; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 346. A bill to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, and all related agencies and departments, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself, Mr. LUGAR, Mr. COCHRAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. SNOWE, Mr. KERRY, Mrs. FEINSTEIN, Mr. NELSON of Florida, Ms. LANDRIEU, Mr. MERKLEY, Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. WICKER, Mr. FRANKEN, Ms. STABENOW, Mr. PRYOR, Mr. WHITEHOUSE, Mrs. BOXER, Mr. CARDIN, Mr. SCHUMER, Mrs. MURRAY, Mr. CASEY, Mr. BEGICH, Mr. BROWN of Ohio, Mr. BENNET, Mr. KIRK, Mr. BLUMENTHAL, Mrs. McCASKILL, Mrs. HAGAN, Mrs. HUTCHISON, and Mr. COONS):

S. Res. 49. A resolution celebrating Black History Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 156

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 156, a bill to amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters.

S. 195

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon

(Mr. MERKLEY), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 210

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 211

At the request of Mr. ISAKSON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 251

At the request of Mr. VITTER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 251, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Carolina (Mrs. HAGAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from South Dakota (Mr. JOHNSON), the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 277

At the request of Mr. BURR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 277, a bill to amend title 38, United States

Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

S. 281

At the request of Mrs. HUTCHISON, the names of the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 282

At the request of Mr. COBURN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 282, a bill to rescind unused earmarks.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S.J. RES. 5

At the request of Mr. LEE, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. JOHANNES) were added as cosponsors of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

S. CON. RES. 4

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

AMENDMENT NO. 7

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 7 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 27

At the request of Mr. WYDEN, the names of the Senator from Montana

(Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 27 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 50

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 50 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 64

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. LEE), the Senator from North Carolina (Mr. BURR) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 64 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself and Mr. BENNETT):

S. 327. A bill to name the Department of Veterans Affairs telehealth clinic in Craig, Colorado, as the "Major William Edward Adams Department of Veterans Affairs Clinic"; to the Committee on Veterans' Affairs.

Mr. UDALL of Colorado. Mr. President, I rise to urge my colleagues to support legislation I am introducing today to name the Veterans Telehealth Clinic in Craig, Colorado, after Medal of Honor recipient Major William E. Adams. I am pleased that Senator BENNETT will join with me in introducing this bill.

Our bill isn't the first effort to honor Major Adams. My good friend Congressman John Salazar introduced this legislation last year in the House of Representatives with the support of the entire Colorado delegation. I would like to see this bill through to passage in this Congress in part to honor John and his efforts to commemorate the heroism of Major Adams and to get the VA clinic established in northwest Colorado.

I'd also like to honor Larry Neu, a local business owner and Veterans of Foreign Wars Post 4265 quartermaster, who has been the architect of efforts to commemorate Major Adams. With Larry's leadership and the help of other Craig residents, the Colorado state legislature passed a resolution renaming part of Colorado Highway 13 the "Maj. William Adams Medal of Honor Highway." I know he worked closely with Congressman Salazar in the last Congress to develop the legislation I am introducing today.

Above all, this bill is intended to honor Major William Adams himself and his "conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty."

A resident of Craig, Major Adams served and lost his life in the Vietnam War. He was awarded the Medal of Honor posthumously, after distinguishing himself while serving as an Army helicopter pilot. In May 1971, he volunteered to fly a lightly armed helicopter in an attempt to evacuate three seriously wounded soldiers from a small base that was under attack. He made the decision with full knowledge that numerous antiaircraft weapons were positioned around the base and that the clear weather would make him visible to enemy gunners. As he approached the base, the enemy gunners opened fire, but he continued his approach, directing the attacks of supporting gunships while maintaining control of the helicopter he was flying. He picked up the wounded soldiers, but his aircraft was then struck and damaged by enemy anti-aircraft fire and crashed.

I was pleased to learn that many of his family members attended the ceremony in November dedicating part of Colorado Highway 13 to Major Adams. I want to pay tribute today to his wife Sandra and his daughter Jean, both Colorado residents, and his son, Col. John Adams, an intelligence officer in the Marine Corps, recently back from Afghanistan. I hope this bill serves to reinforce what they already know—that Major Adams is a real hero to this county, to Colorado and to Craig. He is part of a special class of American heroes who will forever be remembered for their service and sacrifice. His story will continue inspiring generations to come, while reminding us all about the contributions and sacrifices of America's greatest.

I have introduced this legislation not only to recognize the sacrifice of Major Adams, but also to recognize the service of our Vietnam veterans and especially all veterans in Northwest Colorado. The Telehealth Clinic in Craig is on track to have nearly 1700 visits from area veterans this year, and I will always fight to make sure our veterans get the health care they earned and deserve.

As Larry Neu said about Major Adams, "The man made the ultimate

sacrifice for his country—he should not be forgotten.” Passage of this bill will help us remember Major Adams and so many other brave veterans who have sacrificed their lives for our country. I urge my colleagues to support this legislation and to continue to support our dedicated men and women in uniform.

By Mr. HATCH (for himself and Mr. ROBERTS):

S. 332. A bill to promote the enforcement of immigration laws and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to reintroduce the Strengthening Our Commitment to Legal Immigration and America's Security Act. There is little doubt that our immigration system is broken and needs reform. Yet, we can make progress by starting with the laws that already exist. The proposed legislation would enhance our core immigration and enforcement laws for both legal and illegal immigrants.

When I first introduced my bill last September, I mentioned that it represents countless hours of conversation and feedback from my constituents. This bill is a common-sense approach on how best to enforce and tighten-up our immigration laws.

Of course, securing the actual physical border should remain our top priority. However, we cannot ignore the residual problems caused by a porous border. The weakness of a porous border has been experienced by communities across the country—draining all facets of local resources, including public safety, welfare programs, and medical assistance.

By no means is the proposed legislation intended to be a comprehensive immigration reform bill. Rather, it is focused on enforcement and accountability of existing immigration laws and programs. There is much that remains to be done before we can tackle comprehensive immigration reform. But this bill is the next step toward strengthening our immigration laws.

The Strengthening Our Commitment to Legal Immigration and America's Security Act will curb identity theft and techniques that have been exploited by the illegal alien community; stop the abuse by this administration from granting mass parole or deferral to illegal aliens; help prevent Mexican drug cartels from growing marijuana in our national parks and on our public lands; and prevent so-called sanctuary cities by requiring law enforcement agencies that are selected and enrolled in the 287(g) and Secure Communities programs to fully comply with the established requirements.

There is a need for accurate accounting to track the flow of federal and state welfare dollars given to illegal aliens and ensure that U.S. citizens are the first to receive Federal health ben-

efits. Additionally, my bill would rectify a gaping hole in our visa system by requiring the Department of Homeland Security to create a mandatory visa exit procedure that would track the departure of our foreign visitors to the United States; provide that gang members will be ineligible to receive a visa for travel to our country; and direct the State Department to examine the Diversity Visa program, which in the past has been wrought with fraud and abuse.

I do not think anyone could disagree with the substance of the Strengthening Our Commitment to Legal Immigration and America's Security Act. It touches on some of the more overlooked, but critical areas of our broken immigration system. Moreover, I believe these steps can be enacted in a bipartisan fashion without creating a host of new programs and revenue streams. I encourage my colleagues to work with me to move this bill forward.

By Mrs. FEINSTEIN (for herself and Mr. NELSON of Florida):

S. 338. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Deepwater Drilling Royalty Relief Prohibition Act.

The purpose of this bill is to ensure that taxpayer dollars are not used to incentivize the dangerous and often dirty business of offshore drilling in deep waters.

Over the past two decades, Congress has established a number of royalty-relief programs to encourage domestic exploration and production in deep waters. This may have made sense in times when oil prices were too low to provide energy companies with an incentive to drill in difficult places. It may have made sense before we were ready to deploy large scale renewable energy production.

But it no longer makes sense today.

The Deepwater Horizon catastrophe showed that safety and response technologies are not sufficient in deep waters. The President's National Oil Spill Commission pointed out that while offshore oil and gas will remain part of the nation's energy portfolio for years to come, we need to “begin a transition to a cleaner, more energy-efficient future.” I agree.

I believe that taxpayer-funded incentives should go to clean, renewable energy, not deepwater oil drilling. It's time that we roll-back incentives for the riskiest, least environmentally friendly non-renewable energy production.

The disastrous impacts of the Deepwater Horizon explosion illustrate the enormous environmental and safety risks of offshore drilling—particularly

in deep waters. 11 people died and 17 others were injured when the Deepwater Horizon caught fire. Oil and gas rushed into the Gulf of Mexico for 87 days before the well was finally plugged. The scope of the disaster was tremendous.

Oil slicks spread across the Gulf of Mexico, pelicans and other wildlife struggled to free themselves from crude oil, tar balls spoiled the pristine white sand beaches of Florida, wetlands were coated with toxic sludge, more than ⅓ of Federal waters in the Gulf were closed to fishing, and oyster beds could take years to recover, the plumes of underwater oil may have created zones of toxicity or low oxygen for aquatic life, and the response techniques, such as the use of dispersants, may have their own toxic consequences to both wildlife and the spill response workers.

The impacts of an oil spill are so dramatic and devastating, it seems clear to me that this is not an area in which we should be subsidizing development.

Things have not improved much since the oil spill in 1969 off the California Coast near Santa Barbara. Like the Deepwater Horizon disaster, the Santa Barbara spill was caused by a natural gas blowout when pressure in the drill hole fluctuated. It was successfully plugged with mud and cement after 11 and a half days, but oil and gas continued to seep for months. The Santa Barbara spill was devastating, but it was a tiny fraction of the size of the Deepwater Horizon spill.

Technology 40 years ago was not good enough to prevent a disaster. We discovered last summer that today's technology is no better at preventing well-head blowouts.

The Deepwater Horizon drill rig was less than 10 years old when it exploded. A similar accident that caused the 2009 spill in the Montara oil and gas field in the Timor Sea—one of the worst in Australia's history—was even newer, designed and built in 2007. That spill continued unchecked for 74 days.

The failures that led to these catastrophes were human and technological. While measures are being put in place to remedy these deficiencies, the risks remain high and the potential damage immense. In deep waters, the risks are higher and the scope of the damage even greater.

Drilling in deep waters is not the type of activity that tax-payer dollars should subsidize.

Drilling in deep water presents even more challenges than drilling in shallow water or on shore. This was demonstrated during the Deepwater Horizon disaster.

Methane hydrate crystals form when methane gas mixes with pressurized cold ocean waters—and the likelihood of these crystals forming increases dramatically at a depth of about 400 meters.

These crystals interfere with response and containment technologies. They formed in the cofferdam dome that was lowered onto the gushing oil in the Gulf, which failed to stop the oil in the early days of the spill. And when a remotely operated underwater vehicle bumped the valves in the “top hat” device, the containment cap had to be removed and slowly replaced to prevent formation of these crystals again.

In order to drill at deeper depths, many technical difficulties must be overcome.

The ocean currents on the surface and in the water column exert torque pressure on the pipes and cables, which are longer and heavier.

The water temperature decreases closer to the sea floor, but the earth's core temperature increases the deeper the well—sometimes reaching temperatures in excess of 350 degrees Fahrenheit.

The ocean pressure increases dramatically at depth, but the pressure in a well can exceed 10,000 pounds per square inch.

Drills must be able to pass through tar and salts, and the well bores must remain intact.

The volume of drilling mud and fluids is greater, the weight of the cables heavier, and many technical procedures can only be accomplished with the use of remotely operated vehicles thousands of feet below the surface.

American taxpayers should not forego revenue in order to incentivize off-shore drilling. It is not good environmental policy, and it's not good energy policy either.

We need to move to cleaner renewable fuels.

I believe that global warming is the biggest environmental crisis we face—and the biggest culprit of global warming is manmade emissions produced by the combustion of fossil fuels like oil and coal.

Taxpayer funded incentives should not finance production of fossil fuels—particularly in places where the production itself poses potential devastation. Instead, incentives should be used to develop and deploy clean energy technologies like wind and solar.

I have worked with my colleagues on a number of legislative initiatives designed to reduce greenhouse gas emissions, increase energy efficiency and incentivize the use of renewable energy.

One of our biggest victories was the enactment of the aggressive fuel economy law, called the Ten in Ten Fuel Economy Act, which was passed by Congress and signed into law by then-President Bush in the 110th Congress. This law, which I authored with Senator SNOWE, will improve fuel economy standards for passenger vehicles at the maximum feasible rate.

The good news is that the Administration has taken the framework of

this law and implemented aggressive standards that require raising fleetwide fuel economy to 35.5 mpg in 2016—a 40 percent increase above today's standard.

The other positive development is that the domestic renewable energy industry has grown dramatically over the last few years. In 2009, the United States added more new capacity to produce renewable electricity than it did to produce electricity from natural gas, oil, and coal combined. A great deal of this growth can be attributed to government renewable energy incentives. That is where public investment in energy development should go.

It is clear that the clean energy sector is the next frontier in jobs creation.

We need to ensure that developers can access financing to launch wind, solar and geothermal projects, so that they can put people to work. Programs like Treasury Grant Program have been very successful in encouraging private investment in this sector. So far, the program has helped to bring more than 1,880 renewable energy projects online.

The program, however, is set to expire at the end of this year if we don't act. I'm working on legislation that will extend and expand this successful program.

All told, these types of measures are helping to foster the incentives that will push the United States to adopt a cleaner energy future, and to move away from fossil fuels.

Let me make one final point very clear: I don't believe oil companies need taxpayer dollars to help them out. They are already reaping record profits.

In 2009, the top 10 U.S. oil companies' combined revenues were almost \$850 billion. And while all results are not yet in on 2010, it is clear that oil companies did even better last year.

Exxon Mobil reported \$30 billion in profit, up 57 percent from 2009.

Shell reported \$19 billion in profit, up 90 percent from 2009.

Conoco Phillips raked in \$11.4 billion in profit during 2010, a whopping 159 percent increase over its 2009 profits.

Yet we continue to use taxpayer dollars to add to their bottom line. This is unacceptable.

Oil reserves are a public resource. When a private company profits from those public resources, American taxpayers should also benefit.

I urge my colleagues to support this legislation and ensure that royalties owed to the taxpayers are not waived to incentivize risky off-shore drilling. In these critical economic times, every cent of the people's money should be spent wisely.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Deepwater Drilling Royalty Relief Prohibition Act”.

SEC. 2. PROHIBITION ON ROYALTY INCENTIVES FOR DEEPWATER DRILLING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with royalty-based incentives in any tract located in water depths of 400 meters or more on the outer Continental Shelf.

(b) ROYALTY RELIEF FOR DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(c) ROYALTY RELIEF.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended by adding at the end the following:

“(D) PROHIBITION.—Notwithstanding subparagraphs (A) through (C) or any other provision of law, the Secretary shall not reduce or eliminate any royalty or net profit share for any lease or unit located in water depths of 400 meters or more on the outer Continental Shelf.”.

(d) APPLICATION.—This section and the amendments made by this section—

(1) apply beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published as of that date; and

(2) do not apply to a lease in effect on the date of enactment of this Act.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 339. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the Rural Heritage Conservation Extension Act.

In the last few months, our nation has engaged in a discourse about responsibility. No one can deny that our job is to promote the protection of American interests and investment in our future. I am introducing this bill today, because we have a responsibility to protect one of our country's most precious resources: our land.

When I visit with ranchers and farmers across my home state of Montana, it's clear to me they want to preserve open space on their land for their kids and grandkids. Together with Montana farmers and ranchers and the Montana Land Reliance, which is dedicated to protecting agricultural production, we've come up with a commonsense proposal. This is a plan we developed together based on teamwork and our common goal to leave our land in better shape than we found it for future generations.

As we all know, we are losing precious agricultural and ranch lands at a record pace. But our soil is worth more than just the nutritious foods and natural resources it produces. When we lose our land, we lose the natural habitat of our wildlife and open spaces for

our communities. It is our job to protect the land for future generations and to support the farmers, ranchers and other landowners who rely on it to make a living.

Many Montana farmers and ranchers are land rich, but cash poor. These landowners make a modest living off the land and, in this economy, need the right tools to move toward conservation.

That is why Congress provides targeted income tax relief to small farmers and ranchers who wish make a charitable contribution of qualified conservation easements. This allows eligible farmers and ranchers to increase the deduction they can take for charitable contributions of qualified conservation easements. The provision allows farmers and ranchers to do this by increasing the current adjusted gross income limitations from 50 percent to 100 percent and extending the carry-over period from five to 15 years. In the case of all landowners, the AGI limitation was raised from 30 percent to 50 percent. This provision will expire at the end of this year. It is time to make this provision permanent—and that is what our Rural Heritage Conservation Extension Act will do.

Conservation easements sometimes take years to work out. These tax breaks are meant to streamline the process and help those folks who struggle with cash flow but believe in the value of conserving our agricultural lands for future generations.

Conservation easements continue to be an effective land management tool in Montana, and across the country. We currently have over two million acres covered by conservation easements. To some, that may seem like a large amount, but, in Montana, those easements are only 2.1 percent of the total State land area. Montana has begun to recognize the importance of using conservation easements to preserve our lands. I believe that now is the time for our state, and the entire country to do even more.

It is time to say, "We believe in the environment. We believe that landowners should be able to afford to choose conservation over development." Let us remove the uncertainty and build on the success of what we have already begun to do. Let's pass the Rural Heritage Conservation Extension Act.

By Mr. BAUCUS:

S. 340. An original bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; from the Committee on Finance; placed on the calendar.

Mr. HATCH. Mr. President, today Chairman BAUCUS filed an original bill and an amendment to the Federal Aviation Administration, FAA, bill

currently being considered by the Senate. Both of these items are identical. They reflect the revenue title to the FAA bill that was reported by the Finance Committee last Tuesday. I am hopeful that this heralds the passage of long-term FAA reauthorization and represents a break with our ongoing pattern of funding the FAA with short-term extensions of current law.

In most respects the Finance Committee product reflects the FAA bill that was passed unanimously last year with 93 votes. However, there is a very important difference. Thanks to an amendment filed by Senator COBURN, who is a new member of the Finance Committee, only 90 percent of forecasted revenues to the Airport and Airway Trust Fund for a given year will be spent. Over the past several years the uncommitted cash balance remaining in the trust fund has steadily decreased because actual revenues have fallen short of forecast revenues. Since recipients of trust fund revenues expect to be paid in real dollars and not forecasted dollars, it makes sense to make sure the trust fund contains actual dollars. By allowing only 90 percent of forecast trust fund revenues to be spent, we are putting in place a 10 percent cushion to guard against the frequent occurrence that actual trust fund revenues will fall short of projected revenues.

The Finance Committee product also increases the amount general aviation and fractional aircraft will pay for each gallon of jet fuel they use. These increases will impact neither commercial airlines nor passengers of commercial airlines. The cost of fuel for commercial aviation is not changed at all by the Finance Committee product. What makes the increases of the costs borne by the general aviation and fractional communities unique is that both groups are active supporters of these increases. As these letters explain, the increases in the cost of jet fuel are supported because the proceeds will help our airport and airway system transition to the Next Generation Air Transportation System, or NextGen. NextGen is the satellite-based air traffic control system that is slated to replace our current radar-based system. The transition to NextGen is expected to reduce inefficiencies within and enhance the benefits of our airport and airway system.

In closing, I want to thank Chairman BAUCUS and the other Members of the Finance Committee for their work on the revenue title to the FAA bill, and I hope for the rapid completion of FAA reauthorization.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL AVIATION

MANUFACTURERS ASSOCIATION,
Washington, DC, January 31, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Dirksen
Senate Office Building, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee,
Dirksen Senate Office Building, Wash-
ington, DC.

DEAR CHAIRMAN BAUCUS AND SENATOR HATCH: On behalf of the seventy members of the General Aviation Manufacturers Association (GAMA), I am writing in strong support of the tax title to the "FAA Air Transportation Modernization and Safety Improvement Act" which will be considered by the Senate this week.

As you know, this legislation is identical to the FAA reauthorization bill that passed in the Senate last year. The tax title of the bill, which was drafted by the Finance Committee, includes an increase in the excise tax on jet-fuel used in general aviation operations. The funding raised by this fuel tax increase will be placed in an account within the Airport and Airway Trust Fund to help fund air traffic control modernization programs.

In previous Congresses, our members have supported the fuel tax increase included in the bill because we strongly support modernization and are willing to pay more to help complete it. We believe that the Finance Committee has examined this issue thoroughly and that its actions will help move the bill quickly through Congress and put us on the right path towards modernization.

In conclusion, we support the tax title to the FAA reauthorization bill and thank the committee for being receptive to our views during this process. We look forward to working with you as the bill proceeds through Congress.

Sincerely,

PETER J. BUNCE,
President & CEO.

NATIONAL AIR
TRANSPORTATION ASSOCIATION,
Alexandria, VA, February 3, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance, U.S.
Senate, Dirksen Senate Office Building,
Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Committee on Fi-
nance, U.S. Senate, Dirksen Senate Office
Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER HATCH: The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's 2,000 member companies own, operate and service aircraft. These companies provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

On behalf of NATA, I write in support of the tax title to S. 223, the FAA Air Transportation Modernization and Safety Improvement Act, which would increase the tax on

general aviation jet fuel. A reasonable tax increase allows general aviation operators to provide more revenue to the Airport and Airways Trust Fund (trust fund). General aviation fuels have not had a substantial tax increase in over 15 years and, despite the recent downturn in the economy, we believe the current system of aviation excise taxes has proven to be a stable and efficient source of revenue for the trust fund as opposed to another funding mechanism that has been proposed in the past few years.

As you know, passage of Federal Aviation Administration reauthorization legislation will provide much needed funding for the trust funds while ensuring that our national airspace system remains safe and efficient and creating and maintaining valuable jobs in the United States. Investments to our aviation infrastructure will allow the modernization of the Next Generation Air Transportation System to expand as efficiently as possible.

We support a tax increase on general aviation fuels to finance the trust fund in a manner that has proven successful since its creation. Thank you for your attention to this important matter.

Sincerely,

JAMES K. COYNE,
President.

AIRCRAFT OWNERS
AND PILOTS ASSOCIATION,
Washington, DC, February 4, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER HATCH: In anticipation of Senate action on S. 223, legislation to reauthorize the Federal Aviation Administration (FAA), I am writing to reiterate our support for the previously agreed to tax increases in general aviation fuel taxes.

The stability and certainty that an FAA reauthorization bill provides is vital for federal investments in safety, modernizing the air traffic control system, FAA operations, airport improvements and aviation research efforts.

AOPA has consistently supported using the time-tested system of passenger transportation and aviation fuel taxes in combination with general fund tax revenues to support the FAA and the aviation system. We have consistently supported a 25 percent increase in aviation gasoline and a 65 percent tax increase on non-commercial jet fuel in lieu of user fees to generate additional revenue to the Aviation Trust Fund for air traffic control modernization.

Even though economic times are extremely difficult, AOPA members continue to support the agreed-to increases in general aviation fuel taxes and we support the inclusion of this funding mechanism in the Senate FAA Reauthorization Bill.

Thank you for your consideration of our views. We look forward to working with you to complete the FAA Reauthorization Bill.

Sincerely,

CRAIG L. FULLER,
President and CEO.

NATIONAL BUSINESS
AVIATION ASSOCIATIONS,
February 4, 2011.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: The National Business Aviation Association (NBAA)

strongly supports passage of legislation to reauthorize the Federal Aviation Administration, and urges the U.S. Senate to expeditiously approve this critical legislation.

Aviation, including business aviation, is a vital link in our transportation system and powerful engine for job creation and economic growth. Ensuring that the United States has the largest, safest, and most efficient air transportation system is clearly in our country's interest and should be a national imperative.

NBAA represents approximately 8,000 companies that rely on general aviation aircraft to help them survive and compete in the marketplace. Eighty-five percent of our members are small and mid-size businesses, many of whom operate to and from small towns and rural communities with little or no commercial airline service.

This legislation will greatly facilitate and accelerate the transformation of our air traffic control system to the Next Generation Air Traffic Control System—NextGen. As you know, NextGen will increase the capacity and enhance the safety of our air traffic control system. It will also reduce aviation's environmental impact.

The legislation will provide much needed long-term direction and stability to the Federal Aviation Administration. The bill will enable the agency to do the critical long-range planning, and make the long-range investments in airport infrastructure and technology that are needed to modernize and expand the system. The time to enact a strong multi-year reauthorization bill is now.

The reauthorization bill helps fund the transformation to NextGen in part through an increase in the general aviation fuel tax. While no industry wants to pay additional taxes, particularly during these very challenging times, NBAA supports the fuel tax increase contained in this bill because we believe that the rapid transformation to NextGen is critically important to the vitality of the U.S. aviation system.

We urge the Senate to expedite consideration of the FAA reauthorization bill. It is important that we finalize this legislation that will undoubtedly enhance safety, reduce emissions, expand the system and ensure that the U.S. will continue to lead the world in aviation technology.

Sincerely,

ED BOLEN.

NETJETS

Columbus, OH, February 7, 2011.

Hon. MAX BAUCUS,
Chairman, Senate Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: As a leading fractional ownership program management company here in the United States, I write today in support of language included within S. 223, the Federal Aviation Administration (FAA) Air Transportation Modernization and Safety Improvement Act, that provides for a minor change in the tax code to ensure that operations of aircraft in fractional ownership programs are taxed as general aviation.

The FAA has determined that fractionally-owned aircraft operations are in fact private. However, the Internal Revenue Service continues to tax the operations of such aircraft as if they are commercial. The IRS made this tax determination when the concept of

fractional ownership was very new, and before the FAA had completed its analysis and issued regulations that classify fractionally-owned aircraft as non-commercial general aviation.

To remedy this situation, we request your support for language contained within S. 223 to also be included within the House FAA reauthorization bill. Specifically, Section 805 of S. 223, entitled, "Treatment of Fractional Ownership Operations," would ensure that all fractionally-owned aircraft operations are taxed as non-commercial general aviation.

We strongly support Section 805 of S. 223 and request your assistance to secure this language within the House FAA Reauthorization bill. Thank you for your attention to this important issue.

Sincerely,

JORDAN B. HANSELL
President.

By Mr. BINGAMAN (for himself
and Ms. MURKOWSKI) (by request):

S. 342. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing programs of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I join the Ranking Member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in reintroducing The Republic of the Marshall Islands Supplemental Nuclear Compensation Act at the request of the President of the Marshall Islands, the Honorable Jurelang Zedkaia.

This legislation tracks S. 1756, a bill that was introduced in the 110th Congress at the request of then-President of the Republic of the Marshall Islands, Kessai Note, and that was ordered reported from the Committee on Energy and Natural Resources, on September 11, 2008. The bill was reintroduced in the 111th Congress as S. 2941 at the request of President Zedkaia, and it was again reported from the Committee, on August 5, 2010. Unfortunately, there was insufficient time before adjournment for floor consideration and to identify an offset for the bill's CBO-estimated cost of \$58 million. It is my hope that the 112th Congress will move promptly to consider this bill, find any necessary offset, and enact this legislation as a part of our Nation's continuing engagement with the Marshall Islands to address the damage and injuries that resulted from the nuclear weapons testing program.

The need for consideration of this bill is clear—to monitor and, as appropriate, update our Nation's continuing response to the consequences of the nuclear weapons testing program conducted in the Marshall Islands in the 1940s and 50s.

For a period of 12 years, the United States detonated nuclear bombs in the Northern Marshall Islands that caused substantial damage and injury. In 1986, with the negotiation of the compact of

Free Association between the United States and the Republic of the Marshall Islands and its approval by Public Law 99-239, the United States "accept[ed] the responsibility for compensation owing to citizens of the Marshall Islands . . . for loss or damage to property and person of the citizens of the Marshall Islands . . . resulting from the testing program. . .". The compact and other U.S. laws established programs designed and intended to provide compensation and to respond to the consequences of the nuclear tests.

First, Section 177 of the compact provided a \$150 million grant to the Marshall Islands for the settlement of all claims arising from the nuclear testing program through the establishment of the Nuclear Claims Tribunal, including \$2 million annually for the so-called "Four Atoll Health Care Program" to provide supplemental health care services to those communities most affected by the tests and funding for a nationwide radiological survey. The subsidiary agreement implementing Section 177 further provided that the Marshall Islands could seek additional funds from Congress through a so-called "changed circumstances" petition, if "injuries render the provisions of this Agreement manifestly inadequate." Finally, Section 105(c) of the law approving the compact authorized additional appropriations for "health and education as a result of exceptional circumstances," and authorized ex gratia contributions for the affected populations of the northern atolls of Bikini, Enewetak, Rongelap, and Utrik.

Second, in response to the nuclear tests, Congress funded the Department of Energy's Marshall Islands Program to continually monitor residual radiation in the environment, research strategies for mitigating radiation effects, and to support mitigation and resettlement efforts. This DOE program also monitors and provides health care to members of the Rongelap and Utrik communities who were seriously exposed to radiation fallout from the "Castle Bravo" test which took place in 1954 and contaminated the inhabited islands downwind.

Third, in 2001, Congress enacted the Energy Employees Occupational Illness Compensation Program, EEOICPA, to provide compensation for DOE and DOE-contractor employees who were associated with the Nation's nuclear weapons program. The legislative history for the program indicates that workers hired from the local population at the Marshall Islands Test Site were intended to be covered. However, islanders who applied for compensation from EEOICPA had their claims denied because they were not U.S. citizens.

The purpose of this legislation is to make appropriate amendments to programs and activities to meet our con-

tinuing responsibility to address the consequences of the nuclear testing program. Accordingly, this bill would expand the scope of these existing programs: the Four Atoll Health Care Program; the DOE Marshall Islands Program; and the U.S. Department of Labor's Energy Employees Occupational Illness Compensation Program. The bill would also provide for an assessment and report by the National Academy of Sciences on the health impacts of the nuclear testing program in the Marshall Islands.

However, there is recent information regarding the health impacts of the testing program which may meet the objectives of this section. Last year, the August issue of *Health Physics* published a series of peer-reviewed papers on the radiation doses and cancer risks in the Marshall Islands from U.S. nuclear weapons tests. These papers grew out of a request from the Committee on Energy and Natural Resources to the National Cancer Institute for their expert opinion of the health effects of the testing program. I anticipate a presentation of the conclusion of these papers when a hearing is held on this bill.

For more information on this legislation, I recommend review of previous Committee hearings, S. Hrg. 109-178 and S. Hrg. 110-243, and last year's Committee report on S. 2941, S. Rpt 111-268. I look forward to continue working with President Zedkaia, the RMI Ambassador to the United States, Banny Debrum, officials at the U.S. Departments of State, Energy, and the Interior, and my colleagues on the Committee in considering this legislation as a part of our continuing response to this tragic legacy of the nuclear testing program in the Pacific.

Mr. President, I ask unanimous consent that the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2011".

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(B) CONTINUED MONITORING ON RUNIT ISLAND.—

"(i) CACTUS CRATER CONTAINMENT AND GROUNDWATER MONITORING.—Effective beginning January 1, 2008, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) conduct—

"(I) a visual study of the concrete exterior of the Cactus Crater containment structure on Runit Island; and

"(II) a radiochemical analysis of the groundwater surrounding and in the Cactus Crater containment structure on Runit Island.

"(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that contains—

"(I) a description of—

"(aa) the results of each visual survey conducted under clause (i)(I); and

"(bb) the results of the radiochemical analysis conducted under clause (i)(II); and

"(II) a determination on whether the surveys and analyses indicate any significant change in the health risks to the people of Enewetak from the contaminants within the Cactus Crater containment structure.

"(iii) FUNDING FOR GROUNDWATER MONITORING.—The Secretary of the Interior shall make available to the Department of Energy, Marshall Islands Program, from funds available for the Technical Assistance Program of the Office of Insular Affairs, the amounts necessary to conduct the radiochemical analysis of groundwater under clause (i)(II)."

SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841) is amended by adding at the end the following:

"(18) The terms 'covered employee', 'atomic weapons employee', and 'Department of Energy contractor employee' (as defined in paragraphs (1), (3), and (11), respectively) include a citizen or national of the Republic of the Marshall Islands or the Federated States of Micronesia who is otherwise covered by that paragraph."

(b) DEFINITION OF COVERED DOE CONTRACTOR EMPLOYEE.—Section 3671(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(1)) is amended by inserting before the period at the end the following: ", including a citizen or national of the Republic of the Marshall Islands or the Federated States of Micronesia who is otherwise covered by this paragraph".

(c) OFFSET OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.—Subtitle C of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385 et seq.) is amended by inserting after section 3653 (42 U.S.C. 7385j-2) the following:

"SEC. 3654. OFFSET OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.

"An individual who has been awarded compensation under this title, and who has also received compensation benefits under the Compact of Free Association between the United States and the Republic of the Marshall Islands (48 U.S.C. 1681 et seq.) (referred to in this section as the 'Compact of Free Association'), by reason of the same illness, shall receive the compensation awarded under this title reduced by the amount of any compensation benefits received under the Compact of Free Association, other than medical benefits and benefits for vocational rehabilitation that the individual received by reason of the illness, after deducting the reasonable costs (as determined by the Secretary) of obtaining those benefits under the Compact of Free Association."

SEC. 4. SUPPLEMENTAL HEALTH CARE GRANT.

Section 103(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amended by adding at the end the following:

“(4) SUPPLEMENTAL HEALTH CARE GRANT.—

“(A) IN GENERAL.—In addition to amounts provided under section 211 of the U.S.-RMI Compact (48 U.S.C. 1921 note), the Secretary of the Interior shall provide to the Republic of the Marshall Islands an annual supplemental health care grant in the amount made available under subparagraph (D)—

“(i)(I) to provide enhanced primary health care, with an emphasis on providing regular screenings for radiogenic illnesses by upgrading existing services or by providing quarterly medical field team visits, as appropriate, in each of Enewetak, Bikini, Rongelap, Utrik, Ailuk, Mejit, Likiep, Wotho, Wotje, and Ujelang Atolls, which were affected by the nuclear testing program of the United States; and

“(II) to enhance the capabilities of the Marshall Islands to provide secondary treatment for radiogenic illness; and

“(ii) to construct and operate a whole-body counting facility on Utrik Atoll.

“(B) CONDITIONS ON HEALTH CARE GRANTS.—To ensure the effective use of grants funds under clause (i) of subparagraph (A), the Secretary of the Interior, after consultation with the Republic of the Marshall Islands, may establish additional conditions on the provision of grants under that clause.

“(C) MEMORANDUM OF AGREEMENT.—To meet the objectives of clause (ii) of subparagraph (A), the Secretary of the Interior, the Secretary of Energy, and the Government of the Republic of the Marshall Islands shall enter into a memorandum of agreement setting forth the terms, conditions, and respective responsibilities of the parties to the memorandum of agreement in carrying out that clause.

“(D) FUNDING.—As authorized by section 105(c), there is appropriated to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, to carry out this paragraph \$4,500,000 for each of fiscal years 2009 through 2023, as adjusted for inflation in accordance with section 218 of the U.S.-RMI Compact, to remain available until expended.”.

SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct an assessment of the health impacts of the United States nuclear testing program conducted in the Republic of the Marshall Islands on the residents of the Republic of the Marshall Islands.

(b) REPORT.—On completion of the assessment under subsection (a), the National Academy of Sciences shall submit to Congress, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report on the results of the assessment.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

REPUBLIC OF THE MARSHALL ISLANDS,

January 10, 2011.

Hon. JEFF BINGAMAN,
Chairman, Senate Committee on Energy and
Natural Resources, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I write to you on behalf of the Marshallese people to renew

our mutual efforts to address the continuing consequences of the U.S. Nuclear Testing Program in the Marshall Islands.

First, I would also like to take this opportunity to thank you for your efforts in twice introducing Republic of the Marshall Islands Supplemental Nuclear Compensation legislation in both 2007 and 2010. I would also like to take this opportunity to thank the Committee for approving S. 2941 last year subsequent to a hearing held on May 19, 2010.

Your understanding and efforts over the past several years to move these difficult issues forward and address them in a substantive and meaningful manner is most appreciated by my Government and the Marshallese people. In this respect, I strongly believe that the substituted version of S. 2941 as approved by your Committee constituted real and substantive progress in addressing outstanding nuclear related issues.

Understanding that S. 2941 expired without further action at the close of 2010, I would once again respectfully request that legislation be introduced in the United States Senate to deal with the enduring consequences of the nuclear testing program in the Marshall Islands.

My Government submitted a Petition to the United States Congress in respect to Article IX of the Section 177 Agreement concerning “Changed Circumstances” in September, 2000. While my Government believes that we have firmly established that “changed circumstances” exist within the meaning of Article IX, we wish to focus our efforts on coming to a resolution and implementing measures that produce results in addressing the health, safety and damages caused by the nuclear testing program.

Senate Bill No. 2941, as approved by the Committee, represented a serious and substantive effort to deal with the consequences of the nuclear testing program since the Section 177 Agreement went into effect almost 25 years ago.

Accordingly, I would like to review some specific measures for inclusion in the legislation, which I believe will address outstanding concerns and issues.

The provisions contained in Section 4 of the substituted version of S. 1756 and S. 2941 approved by the Committee in 2010 that provided the sum of \$4.5 million annually plus adjustment for inflation as a continuing appropriation through FY 2023 to address radiogenic illnesses and the nuclear related health care needs of Bikini, Enewetak, Rongelap, Utrik, Ailuk, Mejit, Likiep, Wotho, and Wotje, is acceptable to my Government.

We support the addition of persons who were citizens of the Trust Territory of the Pacific Islands for inclusion for eligibility in the Energy Employees Occupational Illness Compensation Program Act of 2000. There are many Marshallese who worked at Department of Energy sites in the RMI in the same manner as their U.S. citizen co-workers, yet have never received the health care and other benefits of this program.

We also support provision in the legislation for the pro-active and ongoing monitoring of the integrity of the Runit Dome at Enewetak Atoll. This is an issue that has long been of concern to the people of Enewetak who live, fish and harvest food in the immediate area.

Any legislation addressing the consequences of the nuclear testing program would not be complete without consideration of the awards made by the Marshall Islands Nuclear Claims Tribunal. Absent from S. 1756 or S. 2941 was any reference to the decisions

and awards made by the Tribunal. The administrative and adjudicative processes of the Tribunal over the past 20 years are an important mutually agreed-to component of the Section 177 Agreement and its implementation to resolve claims for damage to person and property arising as a result of the nuclear testing program. We cannot simply ignore the Tribunal’s work and awards that it has made. The RMI has presented a Report on this subject prepared by former United States Attorney General Richard Thornburgh in January 2003; however, issues and concerns apparently continue. We should move forward and resolve any remaining issues and concerns regarding the Tribunal and its work.

We look forward to working with you and your staff to address the issues I have raised in this letter and to move forward on finally addressing the consequences of the nuclear testing program. We remain hopeful as the 112th U.S. Congress begins, this important legislation can be enacted into law to provide badly needed help and assistance to the Marshallese people who have suffered so much.

Finally, I would like to wish you and your staff a Happy and Healthy New Year and, once again, thank you for all of your help.

Sincerely,

JURELANG ZEDKAIA,
President.

By Mr. BINGAMAN (for himself
and Ms. MURKOWSKI):

S. 343. A bill to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau. Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join with my colleague and the Ranking Member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in introducing legislation to strengthen the relationship between the United States and the Republic of Palau—one of our closest and most reliable allies. This legislation, if enacted, would implement the recommendations of the 15-year review called for under the Compact of Free Association between our two nations.

Palau is one of the world’s smallest nations, located in the western Pacific about 800 miles south of Guam and 500 miles east of the Philippines. It has a total land area of 177 square miles with a population of about 21,000. The close ties between the U.S. and Palau date from World War II, when Japanese forces were defeated in the Battle of Peleliu. In 1947, the islands became a District in the United Nations Trust Territory of the Pacific Islands. The

United States was appointed Administering Authority of the Trust Territory with the responsibility to promote economic and political development. Because of the United States' strategic interest in this region, the Trust Territory was established as the only U.N. "Strategic" Trust under the authority of the U.N. Security Council, as opposed to the U.N. General Assembly.

In the 1970s, talks on future political status were undertaken with the United States. The Northern Mariana Islands voted to become a U.S. territory, and the districts of Palau and the Marshall Islands chose to separate from the remaining Trust Territory districts. In 1982, Palau signed a 50-year Compact of Free Association that was approved by the U.S. in 1986, P.L. 99-658. The Compact went into effect on October 1, 1994, and the U.N. Trusteeship was subsequently terminated, making Palau a sovereign, self-governing state in free association with the United States. The U.S. entered into similar Compacts of Free Association with the Marshall Islands and the remaining districts of the Trust Territory, now known as the Federated States of Micronesia, in 1986, P.L. 99-239.

The U.S.-Palau Compact consists of four parts:

Title One, "Government Relations," provides for government-to-government relations including the privilege for Palau citizens to enter the U.S. to work and reside as non-immigrants, and for U.S. citizens to do the same in Palau.

Title Two, "Economic Relations," provided for a total of \$560 million in U.S. assistance from fiscal year 1995-2009, including operational support of about \$13 million annually, \$149 million for road construction, and \$70 million for capitalization of a Trust Fund to provide funds after the end of direct U.S. financial assistance.

Title Three, "Security and Defense Relations," closed Palauan territory to the military forces of any nation except the U.S., so-called "Strategic Denial," and provides that the U.S. may establish defense sites, although none exist at this time or are planned.

Title Four, "General Provisions," among other things, Section 432 requires that there be a formal bilateral review of the relationship on the 15th, 30th and 40th anniversaries of the compact's entry into force, and that both parties commit themselves to take specific actions based on the conclusions of the review.

The U.S. and Palau completed this formal 15th anniversary review and, on September 10, 2010, signed an agreement setting forth amendments to the compact based on the conclusions and recommendation of the review. The bill being introduced today would approve this agreement and its appendices and incorporate them into the law which originally established the compact.

First, the legislation would extend financial assistance for another 14-year term, until 2024, for operations, construction, maintenance and trust fund contributions totaling \$229 million, or

an average of \$16.4 million annually. This is a substantial reduction from the average of \$37.3 million annually that was provided in the first 15-year term. Second, the legislation significantly enhances accountability of U.S. financial assistance by requiring Palau to undertake financial and management reforms, and the U.S. is authorized to withhold funds if the U.S. determines that Palau "has not made significant progress in implementing meaningful reforms." Third, the bill would require any Palauan entering the U.S. to have a Palau passport. This would be the same requirement that was imposed on citizens of Micronesia and the Marshall Islands when their compacts were reviewed and amended in 2003.

I believe this Agreement and legislation reaffirm and strengthen the special ties between the U.S. and Palau. Together we will continue our commitment to regional security. The United States will continue to be responsible for the security and defense of Palau, and the U.S. is honored to have the continued service of the men and women of Palau in the U.S. armed services. Strategic denial and the associated base rights provided for under the compact were originally designed to counter the Cold War threat in the Pacific. While the Cold War has ended, the U.S. will continue to face new challenges in the region.

Another indicator of the close relationship between the U.S. and Palau is evidenced by comparing votes in the United Nations. Palau and the U.S. vote together consistently. The most recent issue of the State Department's report, "Voting Practices in the United Nations 2009," shows that Palau's voting coincidence with the United States in 2009 on 12 important issues was 100 percent. This is the highest voting coincidence of any country and indicates that Palau is a trusted and reliable ally at the U.N.

In 2003, the U.S. determined that a number of Chinese Uighurs who had been arrested in the war on terrorism and were sent to Guantanamo were not terrorists. The Bush Administration sought new homes for them, knowing that they would likely be persecuted if they were returned to China. Plans to send them to a Uighur community in Virginia were dropped because of Congressional opposition. Nearly every nation in the world was asked to assist in their resettlement, but Palau was the first to agree. Six Uighurs were resettled there. Palau has taken more detainees from Guantanamo than any other nation except Albania not counting those who were repatriated to their home countries.

It is important to note that this legislation is time-sensitive. The first 15-year term of compact financial assistance ended with fiscal year 2009. Fiscal Year 2010 funding for Palau was pro-

vided through enactment of a 1-year extension in the fiscal year 2010 Omnibus Appropriations bill, and the first few months of fiscal year 2011 funding is made available by the recent continuing resolutions. It is important that the next CR include continued financial support for Palau through the end of this fiscal year, to allow time for Congress to consider and pass this legislation. I understand that the administration's fiscal year 2012 budget will assume enactment of the bill before October 1, leaving the Congress a relatively short period of time to do its work.

I look forward to working with Ranking Member MURKOWSKI and our colleagues on the Committee in moving this bill promptly. I anticipate reaching out to our colleagues on the Foreign Relations and Armed Services Committees because of the important role Palau plays in U.S. foreign and defense policy. Finally, I look forward to working with officials in the administration and in Palau who conducted the compact Review and concluded this important Agreement. I urge my colleagues to join with me and Senator MURKOWSKI in approving this agreement and assuring the continued strength of this historic partnership.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Title I of PL 99-658 is hereby amended by inserting a new section 105 as follows:

"SEC. 105. RESULTS OF COMPACT REVIEW.

"(a) The Agreement between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review set forth in subsection (b) of this section, is hereby approved.

"(b)

**"AGREEMENT BETWEEN THE
GOVERNMENT OF THE
UNITED STATES OF AMERICA
AND THE
GOVERNMENT OF THE REPUBLIC OF
PALAU
FOLLOWING THE COMPACT OF FREE
ASSOCIATION**

SECTION 432 REVIEW

"In recognition of the ties that were developed between the United States of America and Palau during World War Two, and the subsequent half century of United States administration of Palau and the continuing close relationship between the Governments of the United States and Palau under the Compact of Free Association ('Compact'), following the fifteenth anniversary review of the relationship conducted pursuant to Section 432 of the Compact (which provides: 'Upon the fifteenth and thirtieth and fortieth anniversaries of the effective date of this Compact, the Government of the United

States and the Government of Palau shall formally review the terms of this Compact and its related agreements and shall consider the overall nature and development of their relationship. In these formal reviews, the governments shall consider the operating requirements of the Government of Palau and its progress in meeting the development objectives set forth in the plan referred to in Section 231(a). The governments commit themselves to take specific measures in relation to the findings or conclusions resulting from the review. Any alteration to the terms of this Compact or its related agreements shall be made by mutual agreement, the terms of this Compact and its related agreements shall remain in force until otherwise amended or terminated pursuant to Title Four of this Compact'), and in light of the desire of the United States of America and the Republic of Palau to deepen their relationship, now, therefore, the Government of the United States of America and the Government of the Republic of Palau agree as follows:

"1. Compact Section 211(f) Fund

"The Government of the United States of America (the 'Government of the United States') shall contribute \$30.25 million to the Fund referred to in Section 211(f) of the Compact in accordance with the following schedule: \$3 million annually for ten years beginning with Fiscal Year 2013 through Fiscal Year 2022, and \$250,000 in Fiscal Year 2023.

"2. Infrastructure Maintenance Fund

"(a) The Government of the United States shall provide a grant of \$2 million annually from the beginning of Fiscal Year 2011 through Fiscal Year 2024 to create a trust fund (the 'Infrastructure Maintenance Fund') to be used for the routine and periodic maintenance of major capital improvement projects financed by funds provided by the United States. The Government of the Republic of Palau (the 'Government of Palau') will match the contributions made by the United States by making contributions of \$150,000 to the Infrastructure Maintenance Fund on a quarterly basis from the beginning of Fiscal Year 2011 through Fiscal Year 2024. Implementation of this subsection shall be carried out in accordance with the provisions of Appendix A to this Agreement.

"(b) The \$3 million owed to the Government of the United States under paragraph 3(d) of Article V of the Agreement Concerning Special Programs Related to the Entry Into Force of the Compact of Free Association Between the Government of the United States and the Government of the Republic of Palau (the Guam Accords) done at Guam, May 26, 1989, plus accumulated interest, shall be paid into the Infrastructure Maintenance Fund. The \$3 million shall remain in the Infrastructure Maintenance Fund and not be expended for any purpose. All past and future income generated by the \$3 million shall be used exclusively for the routine maintenance of the Compact Road provided by the United States under Section 212 of the Compact.

"3. Fiscal Consolidation Fund

"The Government of the United States shall provide the Government of Palau \$5 million in Fiscal Year 2011 and \$5 million in Fiscal Year 2012 for deposit in an interest bearing account to be used to reduce government payment arrears of Palau. Implementation of this section shall be carried out in accordance with the provisions of Appendix B to this Agreement.

"4. Direct Economic Assistance

"(a) In addition to the \$13.25 million in economic assistance provided to the Govern-

ment of Palau by the Government of the United States in Fiscal Year 2010, and unless otherwise specified in this Agreement or in an Appendix to this Agreement, the Government of the United States shall provide the Government of Palau \$107.5 million in economic assistance as follows: \$13 million in Fiscal Year 2011; \$12.75 million in Fiscal Year 2012; \$12.5 million in Fiscal Year 2013; \$12 million in Fiscal Year 2014; \$11.5 million in Fiscal Year 2015; \$10 million in Fiscal Year 2016; \$8.5 million in Fiscal Year 2017; \$7.25 million in Fiscal Year 2018; \$6 million in Fiscal Year 2019; \$5 million in Fiscal Year 2020; \$4 million in Fiscal Year 2021; \$3 million in Fiscal Year 2022; and \$2 million in Fiscal Year 2023. The funds provided in any fiscal year under this subsection shall be provided in four (4) quarterly payments (30 percent) in the first quarter, 30 percent in the second quarter, 20 percent in the third quarter, and 20 percent in the fourth quarter) unless otherwise specified in this Agreement or in an Appendix to this Agreement.

"(b) Notwithstanding the provisions of Compact section 211(f) and the Agreement Between the Government of the United States and the Government of Palau Regarding Economic Assistance Concluded Pursuant to Section 211(f) of the Compact of Free Association, with respect to Fiscal Years 2011 through Fiscal Year 2023 and except as otherwise agreed by the Government of the United States and the Government of Palau, the Government of Palau agrees not to exceed the following distributions from the Section 211(f) Fund: \$5 million annually beginning in Fiscal Year 2011 through Fiscal Year 2013; \$5.25 million in Fiscal Year 2014; \$5.5 million in Fiscal Year 2015; \$6.75 million in Fiscal Year 2016; \$8 million in Fiscal Year 2017; \$9 million in Fiscal Year 2018; \$10 million in Fiscal Year 2019; \$10.5 million in Fiscal Year 2020; \$11 million in Fiscal Year 2021; \$12 million in Fiscal Year 2022; and \$13 million in Fiscal Year 2023.

"(c) No portion of the funds provided to the Government of Palau under this section, including the funds distributed from the Section 211(f) Fund, shall be used, directly or indirectly, to fund state block grants, or the activities of the Office of the President of Palau, of the Olbiil Era Kelulau (the Palau National Congress), or of the Palau Judiciary. Annually, \$15 million of the funds provided to the Government of Palau under this section, including the funds distributed from the Section 211(f) Fund, shall be used exclusively for purposes related to education, health, and the administration of justice and public safety, recognizing that these funds are subject to the provisions of subsection 4(h) herein.

"(d) In order to increase the long term economic stability of Palau and to maximize the benefits of the economic assistance provided by the Government of the United States, the Government of Palau shall undertake economic, legislative, financial, and management reforms, and shall give due consideration to reforms such as those described in the International Monetary Fund's (IMF) Country Report No. 08/162, Republic of Palau: Selected Issues and Statistical Appendix, (May 2008), and the Asian Development Bank's (ADB) Strategy and Program Assessment, Palau: Policies for Sustainable Growth, A Private Sector Assessment (July 2007) and any other similar subsequent and future reports and recommendations issued by the IMF, the ADB, and other credible institutions, organizations or professional firms. To the extent that anticipated fiscal and economic reforms require substantial fi-

nancial resources to design, implement, or mitigate negative impacts, the Government of Palau may propose and the two governments may agree to the use of additional funds from the Section 211(f) Fund, provided that the two governments agree in writing that the additional withdrawals from the Section 211(f) Fund will not impair the ability of the fund to provide \$15 million annually from Fiscal Year 2024 through Fiscal Year 2044, and that the proposed reforms are a necessary and prudent use of the funds. Government to government communications shall be through diplomatic channels.

"(e) The Government of the United States and the Government of Palau shall establish, effective on the day this Agreement enters into force, an Advisory Group on Economic Reform (the 'Advisory Group'). The purpose of the Advisory Group is to contribute to the long-term economic sustainability of Palau by recommending economic, financial, and management reforms. The Advisory Group shall be composed of five (5) members, two (2) of whom shall be designated by the President of Palau and two (2) of whom shall be designated by the Government of the United States, the fifth of whom shall be chosen by the Government of the United States from a list of not fewer than three (3) persons not residents of Palau submitted by the President of Palau. In the event the Government of the United States rejects the persons enumerated in the list submitted by the President of Palau, then the fifth member shall be chosen by the President of Palau from a list of not fewer than three (3) persons submitted by the Government of the United States. In making their designations, the President and the Government of the United States shall give consideration to the mix of expertise that would be most beneficial to the work of the Advisory Group. The Advisory Group will be chaired by a member chosen by the members from among their number. Its meetings will be held once a year in Palau and once a year in Hawaii, unless otherwise agreed by the members. Each government shall provide the necessary support for its designated representatives on the Advisory Group. Support for the fifth member shall be borne by the government that recommended the member. Unless otherwise agreed by the two governments the Advisory Group shall terminate at the end of Fiscal Year 2023.

"(f) The Advisory Group shall recommend economic, financial and management reforms and the schedule on which the reforms should be implemented. The Advisory Group shall report annually not less than thirty (30) days prior to the annual bilateral economic consultations to be held on or about June 1 every year on the Government of Palau's progress in implementing reforms recommended by the Advisory Group or other reforms taken by the Government of Palau. The two governments are committed to these annual economic consultations being meaningful, substantive, and comprehensive.

"(g) The Government of Palau's progress in achieving reforms shall be reviewed at the annual bilateral economic consultations. Examples of significant progress in a fiscal year would be, but are not limited to: meaningful improvements in fiscal management, including the elimination and prevention of operating deficits; a meaningful reduction in the national operating budget from the previous fiscal year; a meaningful reduction in the number of government employees from the level the previous fiscal year; a meaningful reduction in the annual amount of the national operating budget dedicated to government salaries from the previous fiscal

year; demonstrable reduction of government subsidization of utilities, and meaningful tax reform.

“(h) If the Government of the United States determines after the annual bilateral economic consultations that the Government of Palau has not made significant progress in implementing meaningful reforms, then, after direct consultation with the President of Palau, the Government of the United States may, after ninety (90) days notice to the Government of Palau, delay payment of economic assistance under this section. The Government of the United States shall determine the amount of the economic assistance to be delayed. Any assistance delayed shall be held and released when the Government of the United States determines that Palau has made sufficient progress on the reforms.

“5. Infrastructure Projects

“The Government of the United States shall provide grants totaling \$40 million to the Government of Palau as follows: \$8 million annually in Fiscal Years 2011 through Fiscal Year 2013; \$6 million in Fiscal Year 2014; and \$5 million annually in Fiscal Years 2015 and 2016; towards one or more mutually agreed infrastructure projects in accordance with the provisions of Appendix C to this Agreement.

“6. Reporting and Auditing

“Palau shall resolve all deficiencies in the Annual Single Audit such that by 2018 no deficiency or recommendation dates from before Fiscal Year 2016. By the first day of the fourth quarter of each fiscal year or as soon as practicable thereafter, in the annual report it submits under Section 231(b) of the Compact, the Government of Palau shall report on the status and use of all funds provided under this Agreement. The status and use of all funds provided under this Agreement shall also be discussed in the annual bilateral economic consultations. The financial information relating to this funding shall conform to the standards of the Government Accounting Standards Board. All funds provided under this Agreement shall be subject to a financial and compliance audit and other requirements in accordance with the provisions of Appendix D to this Agreement.

“7. Federal Programs and Services

“The Government of the United States shall make available to Palau through Fiscal Year 2024, in accordance with and to the extent provided through amendments to the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association, signed at Palau on January 10, 1986, the services and related programs covered in that agreement as amended herein. The amendments to that agreement constitute Appendix E to this Agreement.

“8. Telecommunication Services

“The Agreement Regarding the Provision of Telecommunication Services by the Government of the United States to Palau Concluded Pursuant to Section 131 of the Compact of Free Association, signed at Koror, Republic of Palau, January 10, 1986 and the Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in Palau Concluded Pursuant to Section 132 of the Compact of Free Association, signed at Koror, Republic of Palau, January 10, 1986 are amended and these amended agreements constitute Appendix F to this Agreement.

“9. Passport Requirement

“Section 141 of Article IV of Title One of the Compact shall be construed and applied as if it read as follows:

“Section 141

“(a) Any person in the following categories may be admitted to, lawfully engage in occupations, and establish residence as a nonimmigrant in the United States and its territories and possessions without regard to paragraphs (5) or (7)(B)(i)(II) of section 212(a) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(5) or (a)(7)(B)(i)(II), provided that the passport presented to satisfy section 212(a)(7)(B)(i)(I) of such Act is a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability:

“(1) a person who, on September 30, 1994, was a citizen of the Trust Territory of the Pacific Islands, as defined in Title 53 of the Trust Territory Code in force on January 1, 1979, and has become and remains a citizen of Palau;

“(2) a person who acquires the citizenship of Palau, at birth, on or after the effective date of the Constitution of Palau; or

“(3) a naturalized citizen of Palau, who has been an actual resident of Palau for not less than five years after attaining such naturalization and who holds a certificate of actual residence.

“Such persons shall be considered to have the permission of the Secretary of Homeland Security of the United States to accept employment in the United States.

“(b) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to non-discriminatory limitations provided for:

“(1) in statutes or regulations of the United States; or

“(2) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

“(c) Section 141(a) does not confer on a citizen of Palau the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under that Act. Section 141(a), however, shall not prevent a citizen of Palau from otherwise acquiring such rights or lawful permanent resident alien status in the United States.”

“10. Effective Date, Amendment, and Duration

“(a) This Agreement, including its Appendices, shall enter into force on the date of the last note of an exchange of diplomatic notes by which the Government of the United States and the Government of Palau inform each other that all internal procedures necessary for its entry into force have been fulfilled.

“(b) This Agreement may be amended at any time by the mutual written consent of the Government of the United States and the Government of Palau.

“(c) This Agreement shall remain in full force and effect until terminated by mutual written consent, or until termination of the Compact, whichever occurs first.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE AT Honolulu, Hawaii, USA, in duplicate, this 3rd day of September 2010, in the English language.

FOR THE GOVERNMENT
OF THE UNITED
STATES OF
AMERICA:

FOR THE GOVERNMENT
OF THE REPUBLIC
OF PALAU:

Frankie A. Reed
[Title]

Johnson Toribiong
[Title]

“APPENDIX A—INFRASTRUCTURE MAINTENANCE FUND

“1. Subject to the terms of this Appendix, the Government of the United States shall provide the grants specified in section 2(a) of the Agreement between the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the ‘Agreement’) to which this document is an appendix.

“2. If, in a given Fiscal Year, the Government of Palau does not make the contributions agreed to in section 2(a) of the Agreement, economic assistance funds to be provided to Palau in the following fiscal year under section 4 of the Agreement will be redirected to the Infrastructure Maintenance Fund to make up the contributions owed by the Government of Palau.

“3. Grant funds from the Government of the United States and Government of Palau contributions to the Infrastructure Maintenance Fund shall be deposited in an account established by the Government of Palau. Fiscal control and accounting procedures shall be sufficient to permit the preparation of required reports and to permit the tracing of funds to a level of expenditure adequate to establish that such funds have been used in compliance with this Appendix.

“4. Palau shall report, at the annual bilateral economic consultations, the sources of its contributions to the Infrastructure Maintenance Fund.

“5. The Infrastructure Maintenance Fund, and any interest accruing thereon, is to be used by the Government of Palau for the maintenance of United States financed capital improvement projects such as the road system (Compact Road) provided by the United States under Section 212 of the Compact and the capital improvements provided by the United States to the Airai International Airport. The Government of Palau may request in writing the use of the Infrastructure Maintenance Fund for maintenance of U.S. financed capital improvement projects other than these two, such as the U.S.-financed capital improvements reflected in the Palau national hospital and schools. The Government of the United States shall give due consideration to any such request and shall endeavor to make a determination within sixty (60) days of receipt of the request. Although the primary purpose of the Infrastructure Maintenance Fund is to provide for routine and periodic maintenance, it may be used, when mutually agreed upon in writing, to mitigate damage and make emergency repairs to capital improvement projects funded by the United States.

“6. The Government of Palau shall identify to the Government of the United States the Government of Palau official and office responsible for maintenance of the infrastructure with Fund monies. The official shall be responsible for activities necessary to plan and implement annual programs of maintenance of the Compact Road and the International Airport at Airai, and all other public infrastructure. The official shall be responsible for keeping each facility as nearly as possible in its original condition as constructed. The official shall develop an annual maintenance plan and related budget for reactive, preventive, repetitive, non-recurrent, and emergency-generated maintenance of the infrastructure specified in paragraph 5 and for all other public infrastructure. The plan will include descriptions and schedules of planned activities and shall identify the related costs. The plan for the infrastructure

specified in paragraph 5 shall be submitted to the Government of the United States for its approval no less than sixty (60) days prior to the beginning of each fiscal year.

"7. The Government of the United States will base its approval or disapproval of the plan for the infrastructure specified in paragraph 5 on its consideration of the effectiveness of the plan within the bounds of annual resources. Approval by the Government of the United States will be in the form of an annual grant which incorporates the approved maintenance plan and budget. Acceptance of the grant by the Government of the Republic of Palau will obligate the Government of Palau to the implementation of the annual maintenance plan and budget for the infrastructure specified in paragraph 5.

"8. The grant, annual maintenance plan, and budget for the infrastructure specified in paragraph 5 may be amended by written mutual agreement.

"9. Use of the Fund monies shall be subject to 43 Code of Federal Regulations 12 and all other applicable laws and regulations governing the use of grant funds provided by the Government of the United States. These funds may not be used for any purpose other than that for which they are offered.

"10. Any grant funds remaining unexpended at the end of a fiscal year shall remain in the Infrastructure Maintenance Fund and may be included in subsequent annual maintenance plans and budgets.

"11. Reporting Requirements:

"(a) A Standard Form SF 425 (or successor form) and a narrative project status report shall be submitted quarterly.

"(b) Reports are due within thirty (30) days of the end of each quarter. Final reports are due ninety (90) days after the expiration or termination of the award.

"(c) All required plans and reports must be submitted to the U.S. Department of the Interior Office of Insular Affairs grant manager for the grant.

"APPENDIX B—FISCAL CONSOLIDATION FUND

"1. Subject to the terms of this Appendix, the Government of the United States shall provide the Government of Palau the amounts specified in section 3 of the Agreement of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the 'Agreement') to which this document is an appendix. Until disbursed, these funds will be deposited in an interest bearing account and the interest generated shall also be used to reduce Palau's government payment arrears in accordance with the provisions of this Appendix.

"2. The purpose of these funds is to allow the Government of Palau to discharge the level of debts accumulated prior to September 30, 2009. None of the principal or interest accrued on these funds may be disbursed to discharge a debt until the governments agree upon a specific list of debts to be paid with each annual contribution. The funds may not be used to pay off debt owed to another government, to pay an international organization, or to pay off debts which are the subject of current or pending litigation. Unless agreed to in writing by the Government of the United States, the funds may not be used to pay any entity owned or controlled by any member of the government, elected or appointed; to pay any entity owned or controlled by any member of the immediate family of any member of the government; to pay any entity from which a member of the government derives income;

or to pay any creditor if the creditor owes money to the Government of Palau unless arrangements are made immediately to offset amounts owed to the Government of Palau from the funds made available to the creditor. Debts owed to U.S. creditors must receive priority. All debts to be paid with these funds must be properly documented as legitimate debts of the Republic of Palau using generally accepted accounting principles. The total amount of the debt to be paid shall not exceed the general fund deficit established by the Single Audit Report as of September 30, 2009.

"3. The Government of Palau shall report quarterly to the Government of the United States on the use of these funds until they are expended and, until expended, the status and use of these funds shall be a regular agenda item for annual bilateral economic consultations to be held around June 1 of every year. If eligible debts do not amount to \$10 million, upon the request of the Government of Palau, the funds remaining after payment of the eligible debts shall be added to the amounts provided for infrastructure projects in section 5 of the Agreement.

"APPENDIX C—INFRASTRUCTURE PROJECTS

"1. Subject to the terms of this Appendix, the Government of the United States shall provide grants towards one or more mutually agreed infrastructure projects as specified in section 5 of the Agreement of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the 'Agreement') to which this document is an appendix. These infrastructure grants shall be subject to 43 Code of Federal Regulations 12 and all other applicable laws and regulations governing the use of grant funds provided by the Government of the United States. Grant funds may not be used for any purpose other than that for which they are offered.

"2. Payment of grant funds shall be made as reimbursement of actual or accrued expenditures, using a format provided by the Government of the United States or as mutually agreed.

"3. Prior to requesting reimbursement or payment, the Government of Palau shall, as applicable, provide the following documentation to the Government of the United States:

"(a) Evidence of title, leasehold agreement, or other legal authority for use of the land upon which the capital improvement project(s) is (are) to be constructed.

"(b) A detailed project budget for each infrastructure project. The budget shall include a breakdown of costs (in-house and contract) for planning, engineering and design, real estate, supervision and administration, construction, and construction management and inspection. The Government of Palau and the Government of the United States shall mutually agree to the format of this submission.

"(c) A scope of work that describes the work to be performed and the schedule from planning through completion of construction. A certified professional engineer or architect shall sign both the scope of work and budget for each construction project.

"4. Prior to disbursing funds requested to reimburse for actual project construction, the Government of the United States may review construction plans and specifications, any revised detailed cost estimate, and a detailed construction schedule.

"5. All grant monies shall remain available until expended, unless otherwise provided in this Appendix.

"6. Failure to comply with objectives, terms and conditions, or reporting requirements may result in the suspension of grant payments until the deficiency is corrected.

"7. Reporting Requirements:

"(a) A Standard Form SF 425 (or successor form) and a narrative project status report shall be submitted quarterly.

"(b) Reports are due within thirty (30) days of the end of each quarter. Final reports are due ninety (90) days after the expiration or termination of the award.

"(c) All required documents and reports must be submitted to the U.S. Department of the Interior Office of Insular Affairs grant manager for the grant.

"APPENDIX D—AUDIT STANDARDS AND RESPONSIBILITIES

"1. The Government of Palau shall perform a financial and compliance audit, within the meaning of the Single Audit Act, as amended (31 U.S.C. 7501 et seq.), of the uses of the funding provided pursuant to the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the 'Agreement') for each fiscal year during which the Agreement is in effect. The results of these Audits shall be available not later than the beginning of the fourth fiscal quarter following the end of the fiscal year under review, as required by the Single Audit Act. The costs of these audits are to be borne by the Government of Palau, and may be a recognized expense to funds provided under section 4 of the Agreement. If the Government of the Republic of Palau does not endeavor to perform a Single Audit in any given fiscal year, economic assistance funds to be provided to Palau in the following fiscal year under section 4 of the Agreement shall be redirected to pay for the required Single Audit.

"2. In conducting the audits required under this Appendix, the auditors shall take into account relevant laws and regulations of the United States and Palau, including U.S. laws and regulations on the conduct of audits, and Palauan laws and regulations which relate in a material, substantial or direct way to financial statements and operations of the Government of Palau.

"3. The authority of the Government of the United States set forth this Appendix shall continue for at least three (3) years after the last Grant or element of assistance by the Government of the United States under this Agreement has been provided and expended.

"4. Audit officials or agents of the Government of the United States may perform audits on the use of all funding provided pursuant to this Agreement, including grants and other assistance provided to the Government of Palau. The Government of the United States is responsible for all costs attendant to the discharge of this authority.

"5. Audit officials from the Government of the United States are the officials and employees of the Government of the United States who are responsible for the discharge of its audit responsibilities, including those of the Comptroller General of the United States and any Inspector General of an agency of the Government of the United States with programs operating in or otherwise serving the Republic of Palau. While present in the Republic of Palau for the purposes of this Appendix, audit officials from the Government of the United States shall be immune from civil and criminal process relating to words spoken or written and all acts performed by them in their official capacity and falling within their functions, except insofar as such immunity may be expressly

waived by the Government of the United States. The Comptroller General and his duly authorized representatives, and other audit officials from the Government of the United States, shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by a competent judicial authority, and such persons shall enjoy immunity from seizure of personal property, immigration restrictions, and laws relating to alien registration, fingerprinting, and the registration of foreign agents. Such persons shall enjoy the same taxation exemptions as are set forth in Article 34 of the Vienna Convention on Diplomatic Relations. The privileges, exemptions and immunities accorded under this paragraph are not for the personal benefit of the individuals concerned but are to safeguard the independent exercise of their official functions. Without prejudice to those privileges, exemptions and immunities, it is the duty of all such persons to respect the laws and regulations of the Government of the Republic of Palau.

"6. Audit officials from the Government of the United States shall provide the Government of Palau with advance notice of the specific dates and nature of their visits prior to entering the Republic of Palau and shall show verifiable identification to officials of the Government of Palau when seeking access to records. In the performance of their responsibilities under this Agreement, audit officials from the Government of the United States shall have due regard for the laws of the Republic of Palau and the duties and responsibilities of the officials of the Government of Palau. Officials of the Government of Palau shall cooperate fully to the extent practicable with the United States audit officials to enable the full discharge of their responsibilities.

"7. The Comptroller General of the United States, and officials of the United States Government Accountability Office acting on his or her behalf, shall have coextensive authority with the executive branch of the Government of the United States as provided by this Appendix. The audit officials from the executive branch of the Government of the United States shall avoid duplication between their audit programs and those of the United States Government Accountability Office. The Government of Palau shall cooperate fully to the extent practicable with the Comptroller General of the United States in the conduct of such Audits as the Comptroller General of the United States determines necessary in accordance with this Appendix to enable the full discharge of his responsibilities.

"8. The Government of Palau shall provide audit officials from the Government of the United States with access, without cost and during normal working hours, to all records, documents, working papers, automated data, and files which are relevant to the uses of funding received pursuant to the Agreement by the Government of Palau. To the extent that such information is contained in confidential official documents, the Government of Palau shall undertake to extract information that is not of a confidential nature and make it available to the audit officials from the Government of the United States in the same manner as other relevant information or to provide such information from other sources.

"9. In order to reduce the level of interference in the daily operation of the activities of the Government of Palau, audit officials from the Government of the United States shall, to the extent practicable, in-

form the Government of Palau of their need for information, including the type of information and its relation to their annual audit schedule. To the extent practicable, the Government of Palau shall make available the information requested by audit officials from the Government of the United States relevant to Audits and available in a manner consistent with generally accepted accounting procedures that allows for the distinction of the Grants, assistance, and payments provided by the Government of the United States from any other funds of the Government of Palau. Such information shall be used and returned as quickly as accurate audit testing and surveying allow.

"10. The Government of Palau shall maintain records, documents, working papers, automated data, files, and other information regarding each such Grant or other assistance for at least three (3) years after such Grant or assistance was provided.

"11. Audit organizations and officials from the Government of the United States, including the Comptroller General of the United States and his duly authorized representatives, shall provide the Government of Palau with at least thirty (30) days to review and comment on draft audit reports prior to the release of the reports. The comments of the Government of Palau shall be included, in full, in the final audit reports. Should a draft audit report be revised based on the comments of the Government of Palau, the Government of Palau shall have an additional period to review and comment on the report prior to its release."

(c) The amendments to the Compact subsidiary agreements referenced in sections 7 and 8 of the Agreement set forth in section 105(b) above are hereby consented to (except for the extension of Article X of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact of Free Association).

(d) There are authorized and appropriated to the Department of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, such sums as are necessary to carry out the purposes of sections 1, 2(a), 3, 4(a), and 5 of the Agreement set forth in section 105(b) above.

(e) If this section 105 and the Agreement set forth in section 105(b) above become effective during fiscal year 2011, and if between September 30, 2010, and the date the Agreement set forth in section 105(b) becomes effective, the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the U.S.-Palau Compact, amounts payable under sections 1, 2(a), 3, and 4(a) of the Agreement set forth in section 105(b) above, shall be withheld from the Government of Palau until Palau has reimbursed the trust fund for the amount, above \$5,000,000, withdrawn.

(f) There are authorized to be appropriated to the Departments, agencies, and instrumentalities named in paragraphs 1, 3, and 4 of section 221(a) of the U.S.-Palau Compact, and their successor Departments, agencies, and instrumentalities, such sums as are necessary to carry out the purposes of those paragraphs, to remain available until expended.

(g) There are authorized to be appropriated to the Department of the Interior \$1.5 million annually for 14 years—Fiscal Year 2011 through Fiscal Year 2024—to subsidize United States Postal Service (USPS) postal services provided to Palau, the Republic of the Marshall Islands, and the Federated

States of Micronesia, to remain available until expended.

(h) Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2024" for "2009."

JANUARY 14, 2011.

Hon. JOSEPH R. BIDEN, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill to amend Title I of Pub. L. No. 99-658, 100 Stat. 3672 (Nov. 14, 1986), regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau. The draft bill would approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review (the Agreement), and appropriate funds to the Department of the Interior for the purposes of the amended Pub. L. No. 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review. We strongly urge that the draft bill be introduced, referred appropriately, and enacted at the earliest opportunity.

Section 432 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (Compact) provides for the two governments formally to review the Compact upon the fifteenth anniversary of its effective date—October 1, 2009. The two governments concluded this review with the signing of the Agreement on September 3, 2010.

The proposed legislation would amend Pub. L. No. 99-658, the legislation that approved the Compact, to add a section to approve and implement the results of the 15-year review. In particular, the proposed legislation would provide \$215.75 million beginning in fiscal year 2011 through fiscal year 2024 to be administered by the Department of the Interior. Over this 14-year period, \$30.25 million would supplement the fund already provided in section 211(f) of the Compact; \$107.5 million would be in direct economic assistance to assist Palau in transitioning to the level of assistance that will be provided exclusively by the section 211(f) fund after fiscal year 2024; \$40 million would be for infrastructure projects; \$28 million would be for maintenance of major infrastructure already provided to Palau (the Compact road and improvements to Palau's international airport); and \$10 million would enable fiscal consolidation.

Under the Agreement, Palau is to undertake economic, legislative, financial, and management reforms; economic assistance may be withheld in the absence of significant progress in implementing meaningful reforms. In addition to providing economic assistance and requiring reform, the Agreement would require citizens of Palau entering the United States to have a passport.

Direct economic assistance is scheduled to end after the expiration of the Continuing Appropriations Act, 2011 (Pub. L. No. 111-242), which is currently March 4, 2011. To ensure continuity of financial assistance for Palau, we are eager to provide Congress whatever information and assistance is necessary to secure early passage of the proposed legislation.

The Statutory Pay-As-You-Go (PAYGO) Act of 2010 provides that revenue and direct spending legislation cannot, in the aggregate, increase the on-budget deficit. If such

legislation increases the on-budget deficit and that increase is not offset by the end of

the Congressional session, a sequestration must be ordered. This draft bill would in-

crease mandatory outlays and the on-budget deficit as shown below:

FISCAL YEARS
(\$ Millions)

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
Deficit Impact	28	28	26	23	22	20	14	12	11	10	194

This proposal would increase direct spending, and it is therefore subject to the Statutory PAYGO Act and should be considered in conjunction with all other proposals that are subject to the Act.

Enactment of the draft bill would protect United States interests and promote the continued mutual well being of our two countries. Palau is one of our nation's closest and most reliable allies. The legislation will support U.S. national security interests in an important part of the western Pacific where U.S. influence is being challenged. The Office of Management and Budget has advised that enactment of the draft bill would be in accord with the program of the President.

Sincerely,

DAVID J. HAYES,
*Deputy Secretary of
the Interior.*

JAMES B. STEINBERG,
*Deputy Secretary of
State.*

By Mr. REID (for himself, Ms. STABENOW, and Mr. TESTER):

S. 344. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes; to the Committee on Armed Services.

Mr. REID. Mr. President, I rise today on behalf of our nation's veterans to once again discuss the unjust and outdated policy of failing to give our veterans their full earned military retirement benefits and veterans disability compensation. Full payment of retirement and disability benefits, known as "concurrent receipt," is an issue that I have ardently supported for more than 10 years now.

In the past, veterans were prevented from receiving the full pay and benefits they had earned. The law required that military retired pay be reduced dollar-for-dollar by the amount of any VA disability compensation received. Many Senators have joined me in fighting this policy and we have made some progress on behalf of our nation's veterans.

In 2003, Congress passed legislation which allowed disabled retired veterans with at least a 50 percent disability rating to become eligible for full concurrent receipt benefits by 2013. Then in 2004, the 10-year phase-in period was eliminated for veterans with 100 percent service-related disability. These are significant victories that put hundreds of thousands of veterans on track

to receiving both their retirement and disability benefits, but many more are still affected by the unjust denial of concurrent receipt.

For me, this is a simple matter of fairness. There is no reason to deny a veteran who has served his country honorably the right to the full value of their retirement pay simply because his service also caused him to become disabled. Unfortunately, that is exactly what the current law does. This legislation will put an end to it.

It is not a partisan issue. Our nation has been at war for almost a decade, and our soldiers have performed with unmatched honor and courage in difficult theatres of war. Our utmost duty as lawmakers should be to ensure that the brave men and women in the United States Armed Forces receive the benefits they have earned.

Today I reintroduce this legislation which will eliminate all restrictions to concurrent receipt. We must take action now, and support our veterans who have given so much to this grateful nation. This is the right thing to do.

I hope my Senate colleagues will join me in supporting this bill. These veterans have faced arbitrary discrimination long enough.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retired Pay Restoration Act of 2011".

SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

"(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0."

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation".

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 2(a), is amended—

(A) by striking "a member or" and all that follows through "retiree"; and

(B) by adding at the end the following new paragraph:

"(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

"(A) is entitled to retired pay (other by reason of section 12731b of this title); and

"(B) is also entitled for that month to veterans' disability compensation."

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

"(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

"(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

"(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SEC. 4. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking "shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds" both places it appears and inserting "may

not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 49—CELEBRATING BLACK HISTORY MONTH

Mrs. GILLIBRAND (for herself, Mr. LUGAR, Mr. COCHRAN, Mr. MENENDEZ, Ms. MKULSKI, Ms. SNOWE, Mr. KERRY, Mrs. FEINSTEIN, Mr. NELSON of Florida, Ms. LANDRIEU, Mr. MERKLEY, Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. LAUTENBERG, Mr. UDALL of Colorado, Mr. WICKER, Mr. FRANKEN, Ms. STABENOW, Mr. PRYOR, Mr. WHITEHOUSE, Mrs. BOXER, Mr. CARDIN, Mr. SCHUMER, Mrs. MURRAY, Mr. CASEY, Mr. BEGICH, Mr. BROWN of Ohio, Mr. BENNET, Mr. KIRK, Mr. BLUMENTHAL, Mrs. McCASKILL, Mrs. HAGAN, Mrs. HUTCHISON, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 49

Whereas in 1776, the United States of America was imagined, as stated in the Declaration of Independence, as a new Nation dedicated to the proposition that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness”;

Whereas on November 19, 1863, President Abraham Lincoln, in reference to the Declaration of Independence, stated, “[f]our score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal”;

Whereas the history of this Nation includes injustices and the denial of basic, fundamental rights at odds with the words of the Founders of the Nation and the sacrifices commemorated at Gettysburg, and these injustices include nearly 250 years of slavery, 100 years of lynchings, denial of both fundamental human and civil rights, and withholding of the basic rights of citizenship;

Whereas the vestiges of slavery still exist in the systemic inequalities and injustices in our society;

Whereas for every Shirley Chisholm, Dorothy Height, Constance Baker Motley, Charles Hamilton Houston, Thurgood Marshall, Lena Horne, James Baldwin, W.E.B. Du Bois, Harriet Tubman, Frederick Douglass, Sojourner Truth, Jackie Robinson, or Ralph Bunche, each of whom lived a life of incandescent greatness, many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved;

Whereas on November 4, 2008, the people of the United States elected an African American man, Barack Obama, as President of the United States, and African-Americans continue to serve our country at the highest levels of our government and military; and

Whereas William H. Hastie, the first African American to be appointed as a Federal

judge, stated, “[h]istory informs us of past mistakes from which we can learn without repeating them. It also inspires us and gives confidence and hope bred of victories already won”: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Black History Month as an opportunity to reflect on our Nation’s complex history, while remaining hopeful and confident for the path that lies ahead;

(2) acknowledges the significance of Black History Month as an important opportunity to recognize the tremendous contributions of African Americans to the Nation’s history;

(3) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from our past and to understand the experiences that have shaped our Nation; and

(4) calls on citizens to remember that, while this Nation began in division, it must now move forward with purpose, united tirelessly as one Nation, indivisible, with liberty and justice for all, and to honor the contribution of all American pioneers who help ensure the legacy of these great United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 74. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 75. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Ms. CANTWELL, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 223, supra.

SA 76. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 77. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 78. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 79. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 80. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 81. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 82. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 83. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. BEGICH, Mr. DURBIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 84. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amend-

ment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 85. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 58 proposed by Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 74. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, between lines 7 and 8, insert the following:

SEC. 565. VALIDATION OF PASSENGER BOARDING PASSES.

Section 44901 is amended by adding at the end the following:

“(1) **VALIDATION OF BOARDING PASSES.**—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Transportation Security Administration shall develop and implement a mechanism that can be used at an airport security checkpoint to verify that—

“(1) a boarding pass of an individual has not been tampered with; and

“(2) the boarding pass accurately reflects the name of the person who purchased the boarding pass.”.

SA 75. Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, Ms. CANTWELL, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2010” and inserting “September 30, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2010” in the matter preceding subparagraph (A) and inserting “October 1, 2013”, and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2010” and inserting “October 1, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2010.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4081(a)(2) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”,

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”, and

(ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Paragraph (2) of section 4081(d) is amended by striking “(a)(2)(C)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) **RETAIL TAX ON AVIATION FUEL.**—

(1) **EXEMPTION FOR PREVIOUSLY TAXED FUEL.**—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) **RATE OF TAX.**—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) **RATE OF TAX.**—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) **REFUNDS RELATING TO AVIATION-GRADE KEROSENE.**—

(1) **AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.**—Clause (ii) of section 6427(1)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) **KEROSENE USED IN AVIATION.**—Paragraph (4) of section 6427(1) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) **PAYMENTS TO ULTIMATE, REGISTERED VENDOR.**—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) **AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—Subsection (1) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) **REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking “6427(1)(5)(B)” and inserting “6427(1)(6)(B)”.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking “(4)(C) or (5)” and inserting “(4)(B) or (6)”, and

(ii) by striking “, (1)(4)(C)(ii), and (1)(5)” and inserting “and (1)(6)”.

(C) Subsection (1) of section 6427 is amended by striking “DIESEL FUEL AND KEROSENE” in the heading and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Paragraph (1) of section 6427(1) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Paragraph (4) of section 6427(1) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting “AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION”, and

(ii) in subparagraph (A)—

(I) by striking “kerosene” and inserting “aviation-grade kerosene”,

(II) by striking “KEROSENE USED IN COMMERCIAL AVIATION” in the heading and inserting “IN GENERAL”.

(d) **TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.**—

(1) **IN GENERAL.**—Subparagraph (C) of section 9502(b)(1) is amended to read as follows: “(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(2) **TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.**—

(A) **IN GENERAL.**—Subsection (d) of section 9502 is amended—

(i) by striking “(other than subsection (1)(4) thereof)” in paragraph (2), and

(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(1))” in paragraph (3).

(B) **CONFORMING AMENDMENTS.**—

(i) Paragraph (4) of section 9503(b) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(5).”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) **TIME AND METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **AVIATION-GRADE KEROSENE.**—The term “aviation-grade kerosene” means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) **HELD BY A PERSON.**—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(5) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) **EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.**—

(A) **IN GENERAL.**—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) **EXEMPT AVIATION-GRADE KEROSENE.**—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) **CONTROLLED GROUPS.**—For purposes of this subsection—

(i) **CORPORATIONS.**—

(I) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(II) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) **IN GENERAL.**—Section 9502 is amended by adding at the end the following new subsection:

“(f) **ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—

“(1) **CREATION OF ACCOUNT.**—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

“(2) **TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—On October 1, 2011, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) **EXPENDITURES FROM ACCOUNT.**—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures re-

lating to the modernization of the air traffic control system (including facility and equipment account expenditures).”.

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 9502(d) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) **FUEL SURTAX.**—

(1) **IN GENERAL.**—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) **IN GENERAL.**—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.

“(b) **AMOUNT OF TAX.**—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) **FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) **MINIMUM FRACTIONAL OWNERSHIP INTEREST.**—

“(A) **IN GENERAL.**—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{16}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of at least 1 rotorcraft program aircraft.

“(B) **FRACTIONAL OWNERSHIP INTEREST.**—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) **DRY-LEASE AIRCRAFT EXCHANGE.**—The term ‘dry-lease aircraft exchange’ means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) **TERMINATION.**—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) **CONFORMING AMENDMENT.**—Subsection (e) of section 4082 is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) **TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.**—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program).”.

(4) **CLERICAL AMENDMENT.**—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) **FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.**—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: “For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(c) **EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.**—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.**—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(d) **EFFECTIVE DATES.**—

(1) **SUBSECTION (a).**—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) **SUBSECTION (b).**—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) **SUBSECTION (c).**—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) **IN GENERAL.**—the first sentence of section 4281 is amended by inserting “or when such aircraft is a turbine engine powered aircraft” after “an established line”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) **IN GENERAL.**—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) **NON-TAX CHARGES.**—

“(1) **IN GENERAL.**—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

“(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: “Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

SA 76. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, after line 25, add the following:

SEC. 329. TRANSFER OF AIR TRAFFIC CONTROL AUTHORITY.

Notwithstanding section 47124 of title 49, United States Code, the Administrator of the Federal Aviation Administration shall expeditiously assume operational control of air traffic control services at Martin State Airport, located near Baltimore, Maryland.

SA 77. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, strike line 21 and all that follows through page 235, line 4, and insert the following:

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(1)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and leverage private sector partnerships and consortia with experience across the supply chain, including research, feedstock development and production, small-scale development, testing, and evaluation of technologies related to the creation, processing, production, and transportation of alternative aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall, upon its designation, become a member of the CLEEN Consortium established under section 602(b), and shall, upon its designation, become part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

(d) IMPLEMENTATION OF THE RECOMMENDATIONS OF THE FUTURE OF AVIATION ADVISORY COMMITTEE.—

(1) NATIONAL LEADERSHIP.—The Administrator of the Federal Aviation Administration shall exercise strong national leadership in promoting and supporting United States commercial aviation as a first user of sustainable alternative fuels by—

(A) taking a lead role within the Biofuels Interagency Working Group; and

(B) supporting activities to promote the commercialization of alternative aviation fuel through deployment of at least 1 commercial-scale production facility.

(2) PILOT PROGRAM.—In carrying out the pilot program described in paragraph (1)(B), the Administrator shall—

(A) coordinate with other Federal agencies to utilize existing Federal support mechanisms, such as loan guarantees (as defined in section 502(3) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(3))) and other authorized credit enhancements and supports, to finance 1 or more facilities capable of producing alternative aviation fuel not later than December 31, 2013; and

(B) give priority to facilities that—

(i) have, or can have in place not later than 180 days after the date of the enactment of this Act, off-take agreements with commercial air carriers;

(ii) will produce at least 50,000,000 gallons of alternative aviation fuel annually; and

(iii) will use agricultural or other renewable sources produced in North America as its primary feedstock.

(3) STUDY ON FUEL SPECIFICATION, TESTING, AND CERTIFICATION.—Not later than 180 days

after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(A) identifies any capacity constraints or inefficiencies in existing specification, testing, and certification processes for alternative aviation fuels, including a comparative assessment of such processes across United States Government agencies and international jurisdictions; and

(B) makes recommendations to accelerate the development of specifications, testing, and certification for alternative aviation fuels derived from a range of production processes.

SA 78. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ . STUDIES OF NATURAL SOUNDSCAPE PRESERVATION.

(a) STUDY OF LEAST DEGRADED NATIONAL PARK SERVICE NATURAL SOUNDSCAPES.—

(1) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to identify National Park Service natural soundscape values and resources, as defined by policies 4.9 and 8.2 of the 2006 Management Policies of the National Park Service.

(2) IDENTIFICATION OF LEAST DEGRADED SOUNDSCAPES.—In conducting the study under paragraph (1), the Secretary shall analyze and identify up to 50 National Park Service natural soundscapes that have been the least degraded by—

(A) unnatural sounds; and

(B) undesirable sounds cause by humans.

(3) TECHNICAL ASSISTANCE.—To the extent that the Secretary has identified aviation or aircraft noise as one of the sources of natural soundscapes degradation, the Administrator shall provide technical assistance to the Secretary in carrying out the study under paragraph (1).

(b) PRESERVATION OF NATURAL SOUNDSCAPE RESOURCES.—To the extent that the Secretary has identified aviation or aircraft noise as 1 of the sources of National Park Service natural soundscapes degradation, the Secretary, in coordination with the Administrator, shall identify methods to preserve each of the National Park Service natural soundscapes identified in the study conducted under subsection (a), including the application of NextGen technologies to minimize overflights of these areas.

(c) REPORT.—Within 18 months after the date of enactment of this Act, the Secretary and the Administrator shall jointly submit a report to the Senate Committee on Energy and Natural Resources, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) describes the results of the study conducted under subsection (a) and the methods identified under subsection (b); and

(2) includes any recommendations that the Secretary and the Administrator determine to be appropriate.

(d) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 79. Mr. REID of Nevada submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:
SEC. 733. STUDY ON ECONOMIC IMPACTS OF CERTAIN PROPOSED REGULATIONS ON COMMERCIAL AIR TOUR OPERATORS IN THE GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the economic impacts of the preferred alternative of the National Park Service with respect to changes to commercial air tour operations in the Grand Canyon National Park Special Flight Rules Area as described in the Notice of Availability of the Draft Environmental Impact Statement for the Special Flight Rules Area in the Vicinity of Grand Canyon National Park for Grand Canyon National Park, Arizona (76 Fed. Reg. 6496).

(b) ELEMENTS.—The study required by subsection (a) shall address the impact of the preferred alternative described in that subsection on commercial air tour operators that operate in the Grand Canyon National Park Special Flight Rules Area, including the impact of the preferred alternative on—

(1) the number of flight operations over the Grand Canyon National Park;

(2) the total passenger volume of such flight operations;

(3) the total gross revenue from such flight operations;

(4) employment related to such flight operations; and

(5) the earnings of commercial air tour operators and their employees.

(c) REPORT REQUIRED.—Not later than December 31, 2011, the National Academy of Sciences shall submit to Congress and the Secretary of the Interior a report that contains—

(1) the findings of the National Academy of Sciences under the study required by subsection (a); and

(2) recommendations with respect to measures that could be taken to limit the economic impact of the preferred alternative described in subsection (a) on commercial air tour operators that operate in the Grand Canyon National Park Special Flight Rules Area while continuing to provide for the substantial restoration of natural quiet in the Grand Canyon National Park as required by section 3(b) of Public Law 100-91 (16 U.S.C. 1a-1 note).

SA 80. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 100 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”;

(5) by adding at the end the following:

“(B) is located not less than 100 miles from the nearest medium or large hub airport.”

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”

SA 81. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”;

(5) by adding at the end the following:

“(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.”

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”

(c) WAIVERS.—Such section is further amended by adding at the end the following:

“(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.”

SA 82. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 416 and insert the following:

SEC. 416. REPEAL OF SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 41743 is repealed.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41743.

SA 83. Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. BEGICH, Mr. DURBIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 19 and 20, insert the following:

SEC. 614. AEROSPACE WORKFORCE CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the National Aeronautics and Space Administration and the heads of other Federal agencies, as appropriate, shall leverage existing resources to establish a program to develop education and career pathways in occupations within existing or emerging sectors in a regional aerospace industry cluster through grants or other measures, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall ensure that participants in the program established under subsection (a) include—

(1) employers or employer groups in the regional aerospace industry cluster;

(2) educational and research institutions that have existing facilities and experience in research, development, and commercialization in the aerospace industry;

(3) institutions of higher education (including community colleges) with experience providing education and training for aerospace industry occupations;

(4) high schools with demonstrated experience in providing career and technical education and training in occupations related to the aerospace industry;

(5) a State or local workforce investment board established under section 111 or 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2821 and 2832), as appropriate;

(6) representatives of workers in the regional aerospace industry cluster; and

(7) other appropriate organizations.

(c) COMPETITIVE GRANT PROCESS.—

(1) IN GENERAL.—The Secretary shall require applicants to submit an application, at such time and in such a manner as the Secretary may reasonably require.

(2) CONTENTS.—The application submitted under paragraph (1) shall contain a description of the eligible participants under subsection (b). Applicants shall be required to describe how participants will work together to accomplish the purposes of the program.

(d) DESIGNATION AS CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—The Secretary and the Administrator of the Federal Aviation Administration shall award grants to not fewer than 6 applicants, which shall be designated as Regional Centers of Excellence in Aerospace Career Pathways.

(2) CONSIDERATIONS.—In making designations under paragraph (1), the Secretary and the Administrator shall—

(A) consider the existing aerospace industry presence and aerospace-related education, workforce training, and research and development activities in the region;

(B) take any necessary measures to ensure—

(i) an equitable geographic distribution of funds; and

(ii) an appropriate balance in addressing the needs of aerospace industry segments; and

(C) consider the presence of high unemployment and economic dislocation in public sector, aerospace-related jobs in the designation of at least 1 center.

SA 84. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ____ . RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(B), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

“(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 8 available to limited incumbent air carriers or new entrant air carriers and 16 available to other incumbent air carriers.

“(B) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial neg-

ative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(i) DISTRIBUTION.—Of the exemptions made available under subparagraph (B), the Secretary shall make 2 available to limited incumbent air carriers or new entrant air carriers and 6 available to other incumbent air carriers.

“(ii) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under subparagraph (B) to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

“(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations

conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.”.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”.

SA 85. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 58 proposed by Mr. NELSON of Nebraska (for himself, Mr. SCHUMER, Mr. AKAKA, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. TESTER) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 18 and all that follows through page 3, line 21, and insert the following:

“(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account of the performance of official duties, distributes, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

“(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term ‘advanced imaging technology’—

“(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing; and

“(2) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.”.

NOTICES OF INTENT TO OBJECT

I, Senator JON KYL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator JIM DEMINT intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

I, Senator RAND PAUL intend to object to H.R. 359, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions, dated February 14, 2011.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, this is to advise you that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Monday, February 21, 2011, at 10 a.m., at the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center, Concourse Level B, One Civic Plaza, 400 Marquette NW, in Albuquerque, New Mexico.

The purpose of the hearing will be to receive testimony regarding recent natural gas service disruptions in New Mexico and the reliability of regional energy infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Kevin Huyler at (202) 224-6689, Deborah Estes at (202) 224-5360 or Meagan Gins at (202) 224-0883.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that a Coast Guard fellow in my office, Charles Banks, be granted floor privileges for the duration of the consideration of the FAA reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 49, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 49) celebrating Black History Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 49

Whereas in 1776, the United States of America was imagined, as stated in the Declaration of Independence, as a new Nation dedicated to the proposition that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness”;

Whereas on November 19, 1863, President Abraham Lincoln, in reference to the Declaration of Independence, stated, “[f]our score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal”;

Whereas the history of this Nation includes injustices and the denial of basic, fundamental rights at odds with the words of the Founders of the Nation and the sacrifices commemorated at Gettysburg, and these injustices include nearly 250 years of slavery, 100 years of lynchings, denial of both fundamental human and civil rights, and withholding of the basic rights of citizenship;

Whereas the vestiges of slavery still exist in the systemic inequalities and injustices in our society;

Whereas for every Shirley Chisholm, Dorothy Height, Constance Baker Motley, Charles Hamilton Houston, Thurgood Marshall, Lena Horne, James Baldwin, W.E.B. Du Bois, Harriet Tubman, Frederick Douglass, Sojourner Truth, Jackie Robinson, or Ralph Bunche, each of whom lived a life of incandescent greatness, many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved;

Whereas on November 4, 2008, the people of the United States elected an African American man, Barack Obama, as President of the United States, and African-Americans continue to serve our country at the highest levels of our government and military; and

Whereas William H. Hastie, the first African American to be appointed as a Federal judge, stated, “[h]istory informs us of past mistakes from which we can learn without repeating them. It also inspires us and gives confidence and hope bred of victories already won”: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Black History Month as an opportunity to reflect on our Nation's complex history, while remaining hopeful and confident for the path that lies ahead;

(2) acknowledges the significance of Black History Month as an important opportunity

to recognize the tremendous contributions of African Americans to the Nation's history;

(3) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from our past and to understand the experiences that have shaped our Nation; and

(4) calls on citizens to remember that, while this Nation began in division, it must now move forward with purpose, united tirelessly as one Nation, indivisible, with liberty and justice for all, and to honor the contribution of all American pioneers who help ensure the legacy of these great United States.

MEASURE READ THE FIRST TIME—H.R. 359

Mr. REID. Mr. President, I understand H.R. 359 has been received from the House. Is that true?

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for its first reading.
The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

Mr. REID. I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

WASHINGTON'S FAREWELL ADDRESS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 28, at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 15, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow, Tuesday, February 15, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; further, that at 11 a.m. the Senate resume consideration of S. 223, the FAA bill, as provided for under the previous order; and finally, the Senate recess from 12:30 until 2:15 p.m. for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the first vote of the day will occur at approximately noon tomorrow. That vote will be in relation to the Nelson of Nebraska amendment, as amended, regarding the distribution of airport screening x rays. Senators should expect rollcall votes in relation to amendments to the FAA bill to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:04 p.m., adjourned until Tuesday, February 15, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL SECURITY EDUCATION BOARD

MICHAEL E. GUEST, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE JAMES WILLIAM CARR, TERM EXPIRED.

ANA MARGARITA GUZMAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE GEORGE M. DENNISON, TERM EXPIRED.

SOCIAL SECURITY ADMINISTRATION

HENRY J. AARON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2014, VICE JEFFREY ROBERT BROWN, TERM EXPIRED.

DEPARTMENT OF STATE

JONATHAN SCOTT GRATON, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

EXECUTIVE OFFICE OF THE PRESIDENT

MAJOR GENERAL MARILYN A. QUAGLIOTTI, USAF (RET.), OF VIRGINIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE JAMES F.X. O'GARA.

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

GARRY W. LAMBERT
BRYAN P. RASMUSSEN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

KARIN E. THOMAS

To be lieutenant commander

MARK T. ANDRES
RODOLFO J. CANOS
JUSTIN J. DEGRADO
JULIE E. DIERKSHEIDE
JAMES J. EPPERLY
SAFI R. FARUQUI
TREVOR R. GASKILL
BRIAN M. GILLEN
MELANIE D. JOHANSSON
HYUNG W. KIM
TAMEEKA L. LAW
JOE MILLER
FRED F. MO
JASON A. NYDICK
DAVID A. PAZ
HOWARD I. PRYOR II
DARIAN C. RICE
ASHER O. SMITH
AARON D. STAVINOKA
BRADLEY W. THOMAS
SARAH A. VILLARROEL
LESLIE A. WALDMAN

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, February 14, 2011:

THE JUDICIARY

JAMES E. GRAVES, JR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

EDWARD J. DAVILA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

HOUSE OF REPRESENTATIVES—Monday, February 14, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. BISHOP of Utah).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2011.

I hereby appoint the Honorable ROB BISHOP to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

AMERICA'S DEBT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. CAMPBELL) for 5 minutes.

Mr. CAMPBELL. Mr. Speaker, the President today released his budget, and it is a pretty ugly thing.

We reach another record deficit next year in his projection and we have deficits that go on as far as the eye can see. We are rapidly heading towards the time when our national debt will equal the economy; 100 percent of GDP. The last time that occurred was in 1944 and 1945, when we were fighting World War II.

There is a big difference between now and then. Then, we were fighting a war. At some point, that war would end and the spending would drop. In fact, it did. After 1945, we didn't reach that level of spending again for 30 years. However, this time, the spending is projected to increase every year as far as the eye can see.

Then, we financed this debt by Americans through war bonds. Americans financed their own debt. Today, 47 percent of our debt is held by foreigners. We are giving them a power and a control over us. But almost more impor-

tantly, back then we were fighting a world war to preserve freedom and our way of life, and that's what drove the deficit and the debt.

Today, our deficit and our debt are driven largely as we create bureaucracies, free health care and free retirement plans that the person receiving them doesn't have to pay for, and, in fact, no one in this generation is going to have to pay for. This debt is from the wrong place, it is for the wrong reasons, and it will be with us until as far as we can see.

This debt is now the greatest threat to the prosperity, security, and hegemony of the United States of America.

Our economy is like a patient, like a person. We have an infection; we have an infection of debt. If allowed to continue, that infection will kill the patient. In the last 4 years, the Democratic Congress and this President in the last 2 years have made this infection much worse, and it has grown and it has festered such that the condition of the patient is substantially worse than just 4 years ago. We have to kill this infection before it kills us.

We have three strong antibiotics we can give it. First, reduce spending. Second, raise revenues by growing the economy. Raising tax rates at this level will not raise revenue. And, reform the entitlements, which are the majority of our spending.

This week, we will start with the first of those antibiotics. We will begin for the first time in a long time to actually reduce spending instead of just to talk about how much it's going to grow.

Now, there are those who are decrying on both sides of the aisle how much we are cutting or reducing. I submit to you, Mr. Speaker, that the bill that's coming before us tomorrow doesn't actually cut enough.

You know, we have increased discretionary spending—that's the spending over which Congress has annual control—by 38 percent in the last 4 years, since 2006. Now, in that 4 years there hasn't been a lot of inflation. Mr. Speaker, have most Americans seen their spending increase by 38 percent? Have most Americans seen their income go up by 38 percent? No. Was the government so bad 4 years ago when we were spending 38 percent less that it couldn't function? Were there great tragedies and trials on the street that we don't have today because we increased spending by 38 percent? No. We have to act and we have to reduce spending, and there is plenty of spending to reduce.

Mr. Speaker, this debt is our greatest national security threat. This debt is the challenge of our generation. We must be up to that challenge. Let us not fail. Let us begin now.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of history and ever-present to our needs, this weekend the commemoration of President Abraham Lincoln's birth brought to mind stirring words he wrote in 1863:

"We have been the recipients of the choicest bounties of Heaven; we have been preserved these many years in peace and prosperity; we have grown in numbers, wealth and power as no other nation has ever grown.

"But we have forgotten God. We have forgotten the gracious hand which preserved us in peace and multiplied and enriched and strengthened us. We have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient, too proud to pray to the God that made us."

So it seems fitting and proper that God should today be solemnly, reverently, and gratefully acknowledged with one heart and one voice by the whole American people.

Therefore, in that same Spirit and with the words of President Lincoln himself, "I invite you my fellow citizens to thank and praise our gracious Father who dwells in the heavens" and beg for God's continued hand of blessing upon our Nation.

Amen.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SCHOCK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHOCK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. SCHOCK) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHOCK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE POWER OF PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, on this day when around the world we celebrate the transformative power of love, it is also appropriate for us to think about a world as one, that the world, in fact, is interdependent, interconnected; and if we can have this realization of the power of love, then we can also have a realization of the power of peace.

Peace is not simply the absence of war. It is an active presence of an understanding of the capacity that we have to relate to each other in a way which is not only nonviolent but which is loving.

So on this day when we think about love, let us also think about peace. Let us think about peaceful relations at home and peaceful relations with people around the world.

RECESS

The SPEAKER pro tempore (Mr. SCHOCK). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1710

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHOCK) at 5 o'clock and 10 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 2011.

Hon. JOHN S. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 14, 2011, at 2:35 p.m., and said to contain a message from the President whereby he submits his Budget of the United States Government for Fiscal Year 2012.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

America is emerging from the worst recession in generations. In 2010, an economy that had been shrinking began to grow again. After nearly 2 years of job losses, America's businesses added more than one million jobs. Our capital and credit markets are functioning and strong. Manufacturing is coming back. And after teetering on the brink of liquidation just 2 years ago, America's auto industry is posting healthy gains and returning money to the taxpayers who helped it through a period of turmoil. The determination and resilience of the American people and the tough choices we made over the past 2 years helped to pull our economy back from the brink of a second Great Depression.

Two years after those dark days, the stock market is booming. Corporations are posting record profits. Momentum is building. Yet, in America, we have always had a broader measure of economic health. We believe in a country where everyone who is willing to work for it has the opportunity to get ahead;

where the small businessperson with a dream or entrepreneur with a great new idea has their best chance to make them a reality; where any child can go as far as their talent and tenacity will take them. That is the genius of America. That spirit is what has built the greatest prosperity the world has ever known.

So even as recovery begins to take hold, we have more work to do to live up to our promise by repairing the damage this brutal recession has inflicted on our people, generating millions of new jobs, and seizing the economic opportunities of this competitive, new century.

These must be the priorities as we put together our Budget for the coming year. The fiscal realities we face require hard choices. A decade of deficits, compounded by the effects of the recession and the steps we had to take to break it, as well as the chronic failure to confront difficult decisions, has put us on an unsustainable course. That's why my Budget lays out a path for how we can pay down these debts and free the American economy from their burden.

But in an increasingly competitive world in which jobs and businesses are mobile, we also have a responsibility to invest in those things that are absolutely critical to preparing our people and our Nation for the economic competition of our time.

We do this by investing in and reforming education and job training so that all Americans have the skills necessary to compete in the global economy. We do this by encouraging American innovation and investing in research and development—especially in the job-creating industries of tomorrow such as clean energy. We do this by rebuilding America's infrastructure so that U.S. companies can ship their products and ideas from every corner in America to anywhere in the world. And finally, we do this by coming together as Americans, not Democrats or Republicans, to make the tough choices that get America's fiscal house in order, investing in what works, cutting what doesn't, and changing the way business is done in Washington.

Growing the economy and spurring job creation by America's businesses, large and small, is my top priority. That's why, over the course of the last year, I pushed for additional measures to jump-start our economic recovery: tax credits for businesses that hire unemployed workers; assistance to States to prevent the layoffs of teachers; and tax cuts and expanded access to credit for small businesses. At the end of the year, I signed into law a measure that provided tax cuts for 159 million workers saving the typical worker \$1,000 per year. And the same law extended important tax credits to help families make ends meet and afford to send their kids to college. This bipartisan

tax cut plan also gave businesses two powerful incentives to invest and create jobs: 100 percent expensing on the purchase of equipment and an extension of the research and experimentation tax credit.

Moreover, my Administration has moved aggressively to open markets abroad and boost exports of American made goods and services, signing a new trade agreement with South Korea, the twelfth-largest economy in the world. And last month, I laid out a balanced approach to regulation that is pragmatic, driven by data, and that will protect the health and well-being of the American people and help lay the groundwork for economic growth and job creation.

These steps will help the economy this year. But it is also essential that we take stock and look to the future—to what kind of America we want to see emerge from this crisis and take shape for the generations of Americans to come. This Budget lays out our roadmap not just for how we should invest in our economy next year, but how we should start preparing our Nation to grow, create good jobs, and compete in the world economy in the years ahead.

At its heart is a recognition that we live in a world fundamentally different than the one of previous generations. Revolutions in communication and technology have made businesses mobile and commerce global. Today, a company can set up shop, hire workers, and sell their products wherever there is an Internet connection. It is a transformation that has touched off a fierce competition among nations for the jobs and industries of the future.

The winners of this competition will be the countries that have the most skilled and educated workers; a serious commitment to research and technology; and access to quality infrastructure like roads and airports, high-speed rail, and high-speed Internet. These are the seeds of economic growth in the 21st century. Where they are planted, the most jobs and businesses will take root.

In the last century, America's economic leadership in the world went unchallenged. Now, it is up to us to make sure that we maintain that leadership in this century. At this moment, the most important contest we face as a Nation is not between Democrats and Republicans or liberals and conservatives. It's between America and our economic competitors around the world.

There is no doubt in my mind that we can win this competition. The United States is home to the world's best universities and research facilities, the most brilliant scientists, the brightest minds, and some of the hardest-working, most entrepreneurial people on Earth. But our leadership is not guaranteed unless we redouble our efforts in the race for the future.

In a generation, we've fallen from first place to ninth place in the proportion of our young people with college degrees. We lag behind other nations in the quality of our math and science education. The roads and bridges that connect the corners of our country and made our economy grow by leaps and bounds after World War II are aging and in need of repair. Our rail and air traffic systems are in need of modernization, and our mobile networks and high-speed Internet access have not kept pace with some of our rivals, putting America's businesses and our people at a competitive disadvantage.

In 1957, when the Soviet Union beat us into space by launching a satellite called Sputnik, it was a wake-up call that caused the United States to boost our investment in innovation and education—particularly in math and science. As a result, we not only surpassed the Soviets, we developed new American technologies, industries, and jobs. Fifty years later, our generation's Sputnik moment has arrived. Our challenge is not building a new satellite, but to rebuild our economy. If the recession has taught us anything, it is that we cannot go back to an economy driven by too much spending, too much borrowing, and the paper profits of financial speculation. We must rebuild on a new, stronger foundation for economic growth. We need to do what America has always been known for: building, innovating, and educating. We don't want to be a nation that simply buys and consumes products from other countries. We want to create and sell products all over the world that are stamped with three simple words: "Made in America."

My Budget makes investments that can help America win this competition and transform our economy, and it does so fully aware of the very difficult fiscal situation we face. When I took the oath of office 2 years ago, my Administration was left an annual deficit of \$1.3 trillion, or 9.2 percent of GDP, and a projected 10-year deficit of more than \$8 trillion. These deficits were the result of a previous 8 years of not paying for programs—notably, two large tax cuts and a new Medicare prescription drug benefit—as well as the financial crisis and recession that exacerbated our fiscal situation as revenue decreased and automatic Government outlays increased to counter the recession and cushion its impact.

We took many steps to re-establish fiscal responsibility, from instituting a statutory pay-as-you-go rule for spending to going line by line through the budget looking for outdated, ineffective, or duplicative programs to cut or reform. And, most importantly, we enacted the Affordable Care Act. Along with giving Americans more affordable choices and freedom from insurance company abuses, reform of our health care system will, according to the lat-

est analysis by the non-partisan Congressional Budget Office, reduce our budget deficits by more than \$200 billion in its first decade and more than \$1 trillion over the second.

Now that the threat of a depression has passed, and economic growth is beginning to take hold, taking further steps toward reducing our long-term deficit has to be a priority, and it is in this Budget. The reason is simple: in the long run, we will not be able to compete with countries like China if we keep borrowing more and more from countries like China. That's why in this Budget, I put forward a number of steps to put us on a fiscally sustainable path.

First, I am proposing a 5-year freeze on all discretionary spending outside of security. This is not an across-the-board cut, but rather an overall freeze with investments in areas critical for long-term economic growth and job creation. A commonsense approach where we cut what doesn't work and invest in those things that make America stronger and our people more prosperous. Over a decade, this freeze will save more than \$400 billion, cut non-security funding to the lowest share of the economy since at least 1962, and put the discretionary budget on a sustainable trajectory.

Making these spending cuts will require tough choices and sacrifices. One of them is the 2-year freeze on Federal civilian worker salaries. This is in no way a reflection on the dedicated service of Federal workers, but rather a necessary belt-tightening measure during these difficult times when so many private sector workers are facing similar cuts. This Budget also includes many terminations and reductions to programs across the entire Federal Government. These cuts include many programs whose mission I care deeply about, but meeting our fiscal targets no less. All told, we have put forward more than 200 terminations and reductions for over \$30 billion in savings.

Even in areas outside the freeze, we are looking for ways to save money and cut unnecessary costs. At the Department of Defense, for instance, we are reducing its funding by \$78 billion over the next 5 years on a course for zero real growth in funding. To do this, Secretary Gates is pursuing a package of terminations, consolidations, and efficiencies that include, for example, the elimination of the Marine Corps Expeditionary Fighting Vehicle; the consolidation of four Air Force air operations centers into two; and reducing the number of Generals and Admirals by more than 100. And throughout the entire Government, we are continuing our efforts to make Government programs and services work better and cost less: using competition and high standards to get the most from the grants we award, getting rid of excess

Federal real estate, and saving billions of dollars by cutting overhead and administrative costs.

Second, I continue to oppose the permanent extension of the 2001 and 2003 tax cuts for families making more than \$250,000 a year and a more generous estate tax benefiting only the very largest estates. While I had to accept these measures for 2 more years as a part of a compromise that prevented a large tax increase on middle-class families and secured crucial job-creating support for our economy, these policies were unfair and unaffordable when enacted and remain so today. I will push for their expiration in 2012. Moreover, for too long we have tolerated a tax system that's a complex, inefficient, and loophole-riddled mess. For instance, year after year we go deeper into deficit and debt to pay to prevent the Alternative Minimum Tax (AMT) from hurting many middle-class families. As a start, my Budget proposes a 3-year fix to the AMT that is paid for by an across-the-board 30 percent reduction in itemized deductions for high-income taxpayers. My Administration will work with the Congress on a long-term offset for these costs.

Third, to address looming, long-term challenges to our fiscal health, the Budget addresses future liabilities in the unemployment insurance system; the Pension Benefit Guaranty Corporation, which protects the pensions of workers whose companies have failed; and the Federal Housing Administration, which plays a critical role in affordable housing. It also is committed to implementing the Affordable Care Act swiftly and efficiently since rising health care costs are the single biggest driver of our long-term fiscal problems. Finally, as a down payment toward a permanent fix, the Budget proposes additional reforms to our health care system that would be sufficient to pay for 2 years of fixing the Medicare's sustainable growth rate, thus preventing a large cut in Medicare reimbursements for doctors that would jeopardize care for older Americans.

In addition, I believe that we need to act now to secure and strengthen Social Security for future generations. Social Security is a solemn commitment to America's seniors that we must preserve. That is why I have laid out my principles for reform and look forward to working with the Congress on ensuring Social Security's compact for future generations.

As we move to rein in our deficits, we must do so in a way that does not cut back on those investments that have the biggest impact on our economic growth because the best antidote to a growing deficit is a growing economy. So even as we pursue cuts and savings in the months ahead, we must fund those investments that will help America win the race for the jobs and industries of the future—investments in education, innovation, and infrastructure.

In an era where most new jobs will require some kind of higher education, we have to keep investing in the skills of our workers and the education of our children. And that's why we are on our way to meeting the goal I set when I took office: by 2020, America will once again have the highest proportion of college graduates in the world.

To get there, we are making college more affordable for millions of students, through the extension of the American Opportunity Tax Cut and maintaining our historic expansion of the Pell Grant program while putting it on firm financial footing. We are taking large steps toward my goal of preparing 100,000 science, technology, engineering, and mathematics teachers over the next decade. And we are continuing our reform of elementary and secondary education—not from the top-down, but from the bottom-up. Instead of indiscriminately pouring money into a system that doesn't always work, we are challenging schools and States to compete in a "Race to the Top" to see who can come up with reforms that raise standards, recruit and retain good teachers, and raise student achievement, especially in math and science. We are expanding the "Race to the Top" to school districts, and since in today's economy learning must last a lifetime, we are extending this competitive framework to early childhood education, universities and colleges, and job training.

Once our students graduate with the skills they need for the jobs of the future, we also need to make sure those jobs end up in America. In today's high-tech, global economy, that means the United States must be the best place to do business and the best place to innovate. That will take reforming our tax code, and I am calling for immediate action to rid the corporate tax code of special interest loopholes and to lower the corporate rate to restore competitiveness and encourage job creation—while not adding a dime to the deficit.

And since many companies do not invest in basic research that does not have an immediate pay off, we—as a Nation—must devote our resources to these fundamental areas of scientific inquiry. In this Budget, we are increasing our investment in research and development that contributes to fields as varied as biomedicine, cyber-security, nano-technology, and advanced manufacturing. We are eliminating subsidies to fossil fuels and instead making a significant investment in clean energy technology—boosting our investment in this high-growth field by a third—because the country that leads in clean energy will lead in the global economy. Through a range of programs and tax incentives, this Budget supports my goals of the United States becoming the first country to have one million electric vehicles on the road by 2015

and for us to reach a point by 2035 where 80 percent of our electricity will come from clean energy sources. We also are working toward a 20 percent decrease in energy usage in commercial and institutional buildings by 2020, complementing our ongoing efforts to improving the efficiency of the residential sector. If this is truly our Sputnik moment, we need a commitment to innovation that we have not seen since President Kennedy challenged us to go to the moon.

To flourish in the global economy, we need a world-class infrastructure—the roads, rails, runways, and information superhighways that are fundamental to commerce. Over the last 2 years, our investments in infrastructure projects already have led to hundreds of thousands of good private sector jobs and begun upgrading our infrastructure across the country. But we still have a long way to go.

In this Budget, I am proposing a historic investment in repairing, rebuilding, and modernizing our transportation infrastructure. The Budget features an immediate, up-front investment of \$50 billion to both generate jobs now and lay a foundation for future economic growth. Looking toward the future, the Budget provides funds to develop and dramatically expand access to high-speed rail as well as the creation of a National Infrastructure Bank to support projects critical to our national competitiveness. While this transportation bill is a major investment of funds, it is also a major reform of how transportation funds have been invested in the past. We are committing to paying for our surface transportation plan and making it subject to the Congress' pay-as-you-go law; to consolidating duplicative, earmarked programs; and to making tens of billions of dollars of funds subject to a competitive "Race to the Top" process.

And looking to what we will need to thrive in the 21st century, I am proposing an ambitious effort to speed the development of a cutting-edge, high-speed wireless data network that will reach across our country to 98 percent of Americans and provide for the needs of both our citizens and our first responders. We are the Nation that built the transcontinental railroad and the first airplanes to take flight. We constructed a massive interstate highway system and introduced the Internet to the world. America has always been built to compete, and if we want to attract the best jobs and businesses to our shores, we have to be that Nation again.

Finally, to make it easier for our businesses and workers to sell their products all over the globe, we are working toward our goal of doubling U.S. exports by 2014. This will take specific efforts to open up markets and promote American goods and services. It also will take maintaining American

leadership abroad and ensuring our security at home. This Budget invests in all elements of our national power—including our military—to achieve our goals of winding down the war in Iraq; defeating al Qaeda in Afghanistan and around the world; reducing the threat of nuclear weapons; and preparing our Nation for emerging threats. We also invest resources to provide for our men and women in uniform and to honor the service of our veterans. And we do this all with an eye to cutting waste, finding efficiencies, and focusing resources on what is essential to our security.

Throughout our history, the investments this Budget makes—in education, innovation, and infrastructure—have commanded support from both Democrats and Republicans. It was Abraham Lincoln who launched the transcontinental railroad and opened the National Academy of Sciences; Dwight Eisenhower who helped build our highways; and Republican Members of Congress who worked with Franklin Roosevelt to pass the GI Bill. In our own time, leaders from both sides of the aisle have come together to invest in our infrastructure, create incentives for research and development, and support education reform such as those my Administration has been pursuing. Moreover, when faced with tough, fiscal challenges, our country's leaders have come together to find a way forward to save Social Security in the 1980s and balance the budget in the 1990s.

There are no inherent ideological differences that should prevent Democrats and Republicans from making our economy more competitive with the rest of the world. We are all Americans, and we are all in this race together. So those of us who work in Washington have a choice to make in this coming year: we can focus on what is necessary for each party to win the news cycle or the next election, or we can focus on what is necessary for America to win the future.

I believe we must do what this moment demands, and do what we must to spur job creation and make the United States competitive in the world economy. For as difficult as the times may be, the good news is that we know what the future could look like for the United States. We can see it in the classrooms that are experimenting with groundbreaking reforms and giving children new math and science skills at an early age. We can see it in the wind farms and advanced battery factories that are opening across America. We can see it in the laboratories and research facilities all over this country that are churning out discoveries and turning them into new startups and new jobs.

And when you meet these children and their teachers, these scientists and technicians, and these entrepreneurs

and their employees, you come away knowing that despite all we have been through these past 2 years, we will succeed. The idea of America is alive and well. As long as there are people willing to dream, willing to work hard, and willing to look past the disagreements of the moment to focus on the future we share, I have no doubt that this will be remembered as another American century.

BARACK OBAMA.

THE WHITE HOUSE, February 14, 2011.

EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. ROGERS of Michigan. Mr. Speaker, pursuant to House Resolution 79, I call up the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 79, the bill is considered read.

The text of the bill is as follows:

H.R. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2011” and inserting “December 8, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2011” and inserting “December 8, 2011”.

The SPEAKER pro tempore. The bill shall be debated for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The Chair recognizes the gentleman from Michigan for 10 minutes.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise in support of these three provisions of the Patriot Act. I think it's very impor-

tant that we extend them for a variety of reasons. The lone wolf provision, roving wiretaps, which have been in place for some time, we're not breaking any new ground here. Roving wiretaps have been used by local law enforcement for years in terms of dealing with drug dealers, organized crime. We're simply allowing those roving wiretaps to be extended to those who may be engaged in terrorist activities. Again, not new ground.

Also, importantly, that roving wiretap provision allows us to follow the person, as opposed to the device. Because of the changing technology, somebody can use a cell phone and pitch it and then pick up another one. So rather than having to run back to the court every time, it's much easier to just simply get the warrant for that individual.

Also, the business records provision is something that is extremely important, something that has often been the subject of a great deal of demagoguery, to be perfectly candid, where we have seen folks talk about this as a library provision. It should be noted that many of the 9/11 terrorists used public library or university library computers to make their plane reservations or to confirm those reservations.

The whole point of the Patriot Act is to allow for sharing of information and intelligence between local law enforcement, as well as our intelligence community. That's the point. We want to take down these terrorist cells and operations before they become operational.

Many folks have said that we should not use our military to deal with terrorist threats, that this should be the function of local law enforcement. But many of those same people then will deny the very tools necessary to local law enforcement to take down these terrorist cells.

That's why it's essential that we take the time today to reauthorize these three expiring provisions of the Patriot Act. It is the right thing to do.

And one other thing I wanted to mention about the lone wolf. These lone wolves are a real threat; and allowing us to continue to go after the lone wolf, even if they may not be part of a terrorist organization—we're usually talking about people who are not U.S. persons here—we need to make sure that our intelligence agencies, law enforcement can go after those lone wolves.

We've seen lone wolves. Even though Major Hassan was a U.S. person, that's the type of person we are concerned about. And we see more of that.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 10 minutes.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I would like to rise to address H.R. 514, a bill that would reauthorize three

expiring provisions of the Patriot Act until December of this year, just 10 months from now.

Like the administration, I would like to see a 3-year extension of these authorities until 2013, similar to Senate bill 289 currently pending in the Senate. This longer term would give our Nation's intelligence and law enforcement agencies the predictability and certainty they need to keep our country safe in getting the politics out of intelligence.

I believe there's no place for politics when it comes to protecting our country and our very way of life. It must be U.S.A. first. A 3-year extension of these authorities would keep the debate about the Patriot Act out of the heart of the election cycle.

I believe including a sunset in the legislation provides the proper checks and balances necessary to ensure we are doing all we can to protect Americans, while also protecting Americans' constitutional rights.

There will be people in my party who will be on both sides of this issue. Everyone deserves a voice when it comes to national security.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ROGERS of Michigan. Mr. Speaker, I yield 2 minutes to a distinguished military veteran, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today in support of H.R. 514, an extension of these provisions.

The most important job of the Federal Government is to protect our country and to protect its people. My most important job in Congress is to ensure that I am giving the law enforcement community, within the bounds of the Constitution, the tools that they need to make sure that we stay secure, to make sure that we stay protected.

□ 1720

That is what I consider the utmost call in Members of Congress and the utmost call in members in the military and the law enforcement community.

You are going to hear throughout this debate and you have already heard from so many people that have used these tools in the practice and in implementation in taking out terrorists and taking out organized crime units.

Let me just say, I'm an Air Force pilot. I have been overseas, and I understand the enemy that we face and

the determination that they have to bring what we saw on 9/11, to bring that back to the shores of the United States. I also understand that the only thing standing between another 9/11 and a peaceful country like we have been feeling for about the last 10 years is our law enforcement community and our United States military. That makes it essential to listen to those individuals and understand what we need to ensure that we are bringing down terrorist cells where they exist in the United States, and we are continuing to protect ourselves from infiltration overseas.

On the tragic day on 9/11, Americans were united in our understanding that we must work together as a Nation to defeat those who would destroy our way of life. Now it is essential that, even though we haven't been attacked, that we understand that sometimes in the quiet lies the biggest threat, and we never forget that this threat is very, very real.

So I ask my colleagues to rise and join me. I ask my colleagues to ask themselves, which side do they want to be on? Do they want to be on the side that doesn't necessarily understand and recognize that we are going to continue to be assaulted for generations from a group overseas that wants to destroy and harm our way of life? So I ask for your support.

Mr. RUPPERSBERGER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Intelligence Committee.

Ms. SCHAKOWSKY. I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in opposition to H.R. 514, which reauthorizes and extends provisions in the Patriot Act that I strongly disagree with. I opposed the passage of the Patriot Act in 2001 for the very same reasons that I rise today.

As a proud member of the Intelligence Committee, I am confident that we can protect our citizens and do it without treading on their rights.

Among the provisions extended in this bill is section 215, which allows the government to gain access to anyone's private, confidential records, including their medical, financial, library, and bookstore records, without first presenting evidence linking those records to a suspected terrorist or spy. It also fails to allow for court oversight of these secret orders, and prohibits the recipient of such orders from challenging the legality of the order for a year.

I think that the challenge here today is, how do we balance the security of our country with protecting the rights of ordinary citizens? I know that we can do better than we do in this legislation, and so I urge each of my colleagues to vote against H.R. 514. Instead, I think we should pass legisla-

tion that grants the intelligence community the tools that it requires while protecting the rights and liberties of all Americans.

Mr. ROGERS of Michigan. I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND), a member of the Intelligence Committee.

Mr. WESTMORELAND. I want to thank the chairman, the gentleman from Michigan, for allowing me to speak on the extension of this critical bill to our national security.

Mr. Speaker, the tragedy of September 11 cast a bright light on our woefully out-of-date intelligence laws. While many of our domestic crime-fighting laws have been made to adapt to social changes and new technology, our intelligence laws sit on the bookshelf gathering dust for decades. For that reason, I rise today in support of H.R. 514, which will extend three expiring provisions of the Patriot Act through December 8, 2011.

I know I have heard some complaints about civil liberties, but the provisions in the short-term extension are the same tools that have been used by U.S. officials for investigating child molesters, murderers, drug dealers and other organized crime figures for decades. All this bill does is extend these same tools to intelligence agencies fighting terrorism.

I strongly urge my colleagues to consider that this is a short-term extension to give the Intelligence Committee an opportunity to work on these so that we can get a broad agreement on it. It gives the gentleman from Michigan and the gentleman from Maryland an opportunity to work together, and for all of us to work in a way that will provide the security that all of us want for this Nation and still allow us to have all the personal freedoms that we enjoy.

So I would invite and encourage all my friends to vote "yes" for this simple extension until December to give us time to do what this country desperately needs for us to do.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. It is difficult to debate an issue of such importance and have very good friends who are taking an opposite position. But I think that, in this case, we have to look very squarely at the literal reading of the Constitution.

The First and Fourth Amendment literal reading makes it very clear that the Patriot Act is a destructive undermining of constitutional principles. There are extraordinary powers being given by the government, and it contravenes not just principles of the Constitution but our own oath to defend the Constitution.

I want to speak to the provisions that are set for reauthorization here.

Two of the provisions are contained in the Patriot Act, legislation that I opposed when it first came up because I believed that it was over-infringement on basic civil liberties, including freedom of speech.

The first one, section 206, known as the John Doe wiretap, allows the FBI to obtain an order from the FISA, Foreign Intelligence Surveillance Court, to wiretap a target without having to specify the target or their device, and I challenged the constitutionality because I believe this provision severely undermines the Fourth Amendment, which requires warrants to describe the place to be searched and the person or things to be seized. This provision of the Patriot Act requires neither the target nor device to be identified.

The second provision, section 215 of the Patriot Act, known as the business records provision, allows the FBI to order any person or business to turn over any tangible things, as long as it specifies it is for an authorized investigation. Orders executed under section 215 constitute a serious challenge to the Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records or medical records.

The third provision, section 6001, known as the lone wolf surveillance provision, is contained in the Intelligence Reform and Terrorism Prevention Act of 2004 that authorized the government to conduct investigations of non-U.S. individuals not connected with foreign power or terrorist groups, but effectively allows the government to circumvent the standards that are required to obtain electronic surveillance orders from criminal courts.

Mr. ROGERS of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, first, it's important that we hear all points of view from my colleagues when it comes to the reauthorization of the expiring Patriot Act provisions.

I think the 3-year extension outlined in S. 289 will take politics out of this debate. I am pleased that this bill contains a sunset provision. It is important that these authorities have sunset dates so that Congress may evaluate the effectiveness of these tools on an ongoing basis.

Only with rigorous oversight can we ensure that the privacy rights of Americans are protected. As ranking member of the Intelligence Committee, I will ensure that the committee conducts effective oversight of these provisions. I hope, in subsequent reauthorizations of the Patriot Act, that Congress continues to use sunset dates which will keep Congress in the business of oversight on these important authorities.

I yield back the balance of my time.

□ 1730

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the way the ranking member has approached this issue. There are people who have differences of opinion, strong, passionate opinions on this. I am shocked and a bit amazed at the misinformation that is in and about the Patriot Act.

If you believe that roving wiretaps through a court order is bad, then we should stop investigating today organized criminals and drug dealers and child pornographers and kidnappers.

If you believe today that going in and trying to get someone's business records to prove that they were at a place, with a subpoena from a grand jury, is a bad idea, then we should stop doing it. Today you can do it. You can go to the library and get someone's records.

As a matter of fact, during the first part of this debate someone talked about how they went in and got all this information on whoever checked out a book on Osama bin Laden and what a horrible thing it was. That wasn't even a FISA warrant. It was a criminal warrant. That happened under the criminal code. That can happen tomorrow. And when this expires at the end of this month, they will still continue to be able to do that. But you will not be able to go to a FISA court and get a roving wiretap or a court order, by the way, to get records that will help in an ongoing terrorism investigation. It really is mind-boggling.

Let me give you what I think is the greatest example, the Times Square bomber. If we would have known early in that particular arrangement, they could have gone and figured out, listen, we need a court order. We go to the FISA court. There are two courts here: a criminal court and a FISA court. We go to the FISA court, because we don't know how big this is; we don't know who all is involved. We don't necessarily want to arrest him; we want to arrest everybody that is involved.

So let's go to the judge and prove to the judge that if we can figure out that he bought materials from a hardware store to build a bomb, that we might be able to prevent this thing in the future. So they go and get a court order. This is hypothetical. They get a court order, which is a pretty high standard in any investigation.

Or the other option is the bomb goes off, it kills hundreds if not thousands of people, and that very same FBI agent takes it with a criminal warrant and gets the very same information after the bomb has gone off. That is what we are talking about. That is the difference.

This notion that somehow you don't have to go to a court to get an order is wrong. Trust me, you are not going to be able to go through somebody's un-

derwear drawer because you want to. It is not going to happen.

If you believe in the process that we have in our criminal courts, to have to go and get an order by a third-party adjudicator, then you should also believe that this is a really good idea to be able to do it in these broad, hard-to-do investigations into terrorism and spying. It is difficult.

Remember the Russian spy ring that was just broken up recently. They had a FISA court order warrant for a very long time because they needed to figure out everything that was going on before they brought this thing to a head.

The same with a terrorism investigation. Think about how global it is now. They planned the attacks in Afghanistan to attack New York and it went through Pakistan and other places, Saudi Arabia, and they had multiple states involved when they brought this plot together. It is big. It is complicated.

To take away, at the end of this month, our ability to get a roving wiretap that, by the way, on the very next day after you stop our ability to go to a FISA court to get one, you can still get one in a criminal case against organized crime or a drug dealer here in the United States, why, why would we do that to ourselves, Mr. Speaker? It makes no sense.

The work that goes into putting these things together for the brief, to go to the court, is significant. I will tell you right now there are very brave Americans who are working cases right now hoping to get their brief done so they can walk into a judge and get an order that might pertain to business records, or it might be a roving wiretap to keep America safe. If it expires, they won't be able to do it. There is no difference. As a matter of fact, the standard in the FISA court is higher.

Mr. Speaker, I would strongly urge this body's support of what we know is working and has kept America safe since its inception.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 20 minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since its enactment in 2001, the Patriot Act has been the object of so many false allegations and exaggerations that the myths have overshadowed the truth. It is time to dispel the myths once and for all.

Let's begin with the myth that national security officials do not need these provisions to protect us from terrorist attacks. This is demonstrably untrue. Numerous terrorist attempts in the last 10 years have been thwarted thanks to the intelligence gathering tools provided in the Patriot Act and other national security laws, and if

Congress fails to extend these provisions set to expire on February 28, it will be on our shoulders if the intelligence needed to stop the next attack is not collected.

Opponents claim that these expiring provisions of the Patriot Act violate the Fourth Amendment to the Constitution. This, too, is false. Each of the provisions at issue amends the Foreign Intelligence Surveillance Act, or FISA. Enacted in 1978, FISA sets forth specific intelligence gathering procedures that do comply with constitutional protections and have been consistently upheld by the courts.

Let's also dispel the myth that these provisions grant broad-sweeping, unchecked authority for the government to collect information on innocent Americans. Again, this is absolutely untrue. These types of provisions have been used by domestic law enforcement agencies for years to apprehend typical criminals. Roving wiretaps are nothing new. Domestic law enforcement agencies have had roving authority for criminal investigations since 1986.

Section 215, business records, have more strict requirements than the grand jury subpoenas used in criminal investigations. It makes no sense to let law enforcement officials use a tool to investigate a drug dealer, but then deny that same authority to intelligence officials investigating terrorists.

And contrary to claims by critics, there is oversight of these provisions. Both section 206, roving wiretaps, and section 215, business record requests, must be approved by a FISA judge. Both section 206, roving wiretaps, and section 215, business records, also are subject to rigorous minimization procedures. These procedures, also approved by a FISA judge, assure that only information that pertains to the investigation is actually collected. Finally, both section 206, roving wiretaps, and section 215, business records, prohibit the government from gathering intelligence on a U.S. citizen or legal resident who is exercising his First Amendment rights.

The third provision set to expire is the so-called lone wolf definition. As originally enacted, FISA authorized intelligence gathering only on foreign governments, terrorist groups or their agents. FISA did not allow the government to collect intelligence against individual terrorists. The lone wolf provision amended the definition of "agent of a foreign power" to close this gap.

An increasing number of attempted terrorist attacks on the U.S. are being carried out by self-radicalized jihadists who adopt an agenda as equally hateful and destructive as any terrorist group. The lone wolf definition simply brings our national security laws into the 21st century to allow our intelligence officials to respond to the modern-day terrorist threat. The lone wolf authority cannot be used against a U.S. citizen.

This temporary extension ensures that there are no gaps in our intelligence collection. Without an extension of these authorities, we will forfeit our ability to prevent terrorist attacks. A temporary extension of these provisions is the only way to provide House Members the time to study the law, hold hearings, consider amendments and conduct markups. We need to approve this temporary extension today, or we will make it harder to prevent terrorist attacks.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 20 minutes.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen, here we go again. Last Tuesday on February 8 when this measure came up, it was defeated. It was a bipartisan vote. There was a full and fair discussion. Twenty-six Members on the other side joined with us to make sure that this measure was adequately examined for the flaws.

□ 1740

It's not that the Patriot Act isn't important or needed. It's just that it's flawed. The most flawed provision of the three provisions is the one I want to comment on briefly, and that is the so-called "lone wolf" provision—someone operating on his own and not particularly attached to anyone. This provision allows our full national security surveillance powers, which are designed to be used against enemy governments, to be used against a single individual who is unaffiliated with any foreign power or terrorist group.

Now, it is widely known that this provision has never been used. It hasn't been used because there are no terrorists; it hasn't been used because it doesn't have to be used. The Department of Justice, by its own admission, has other powers to go after these individuals. And that's why it hasn't been used. And because we got a closed rule from the Rules Committee, we weren't able to work out an agreement to take it out. Therefore, I come before you today to urge that we do not accept this measure. It is way too broad. And under the statutory definition, virtually any evildoer can be declared a "lone wolf."

So, ladies and gentlemen, let's be tough on terrorists. But let's describe this in a way that it will not be used in a way that will create fears that if we drop the lone wolf provision, the world may come to an end. I urge that this one provision is sufficient reason for us not to agree to the measure before us today.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime and Terrorism

Subcommittee of the Judiciary Committee.

Mr. SENSENBRENNER. I thank the Judiciary chairman for yielding.

Mr. Speaker, last week, 122 Democrats rejected legislation to temporarily extend the three expiring Patriot Act provisions, including 36 who supported a 1-year extension last year. The House then adopted a rule to bring the bill back to the floor today, and the vast majority of my colleagues on the other side of the aisle opposed that, too. These votes are nothing but the minority party playing politics with national security, and their arguments ring hollow.

The Democrats' 1-year extension last February successfully achieved their goal of delaying Patriot reauthorization until after the midterm elections. But it left very little time for the new Congress to complete a reauthorization bill before the February 28 sunset. My colleagues on the other side of the aisle now profess concerns with the expiring provisions. If they were so concerned about the law, they could have easily brought a reauthorization bill to the floor last Congress making changes to these provisions, but they did not.

They also take issue with the process used to achieve this much-needed extension, criticizing the absence of hearings or a markup. But they gloss over the fact that their 1-year extension was brought straight to the floor with no hearings, no markup, and no opportunity to offer amendments—the same circumstances that a year later they now claim to dislike.

Since this law was enacted, these provisions have been scrutinized to the fullest extent of the law and have either been unchallenged or found constitutional. The lone wolf definition has never been challenged. Section 206 roving wiretaps have never been challenged. But Members should know that, in 1992, the Ninth Circuit Court of Appeals—and that's the Ninth Circuit, the most liberal in the country—upheld criminal roving wiretap authority under the Fourth Amendment to the Constitution. Section 215 business records were challenged, but after Congress made changes to that provision in the 2006 reauthorization, which I sponsored, the lawsuit was withdrawn. These three provisions have stopped countless potential attacks and play a critical role in helping ensure law enforcement officials have the tools they need to keep our country and its people safe.

Opponents of these provisions argue that we can simply use criminal laws to gather the information we need. But this argument ignores the most important distinction between criminal investigations and intelligence gathering. Criminal investigations only occur after the fact—after a murder has been committed or a home has been burglarized. The entire purpose of

intelligence gathering is prevention—to stop the terrorist attack before it happens. We cannot rely on criminal tools to identify and apprehend those who are plotting to attack us.

As the Democrats choose to play politics rather than worry about the safety of our country, we're now under a time crunch. Only 4 legislative days, including today, remain for the House to extend these provisions before they expire and our Nation is placed at a greater security risk. We can't let our guard down. These are needed provisions to keep America safe, and I urge the House to approve this bill today and urge the other body to act quickly to reauthorize these provisions.

It's time to put politics aside and do what's right for America's national security. I urge passage of the bill.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I would like to remind the chairman emeritus of the Judiciary Committee, Mr. SENSENBRENNER, that we are not playing politics. And merely accusing us of that and of not having hearings doesn't help the debate much.

On September 22, 2009, the Subcommittee on the Constitution of the Judiciary Committee held hearings; and on October 29, 2009, the full committee held hearings and reported out a bill. I would say to my friend from Wisconsin. On November 4 and 5 of 2009, I say to the distinguished gentleman, we had a 2-day markup in Judiciary with record votes on 10 amendments offered by members of both parties and we reported out a compromise measure by voice vote. And so to say that we didn't hold hearings when we were in control is inaccurate, and I am not made happy by this misrepresentation.

To say that this is a minority party tactic misses the point, again. The gentleman was awake and on the floor last Tuesday. Twenty-six of your members voted with us. That's not partisan politics. And so I am very sorry that this discussion is getting off with so much misinformation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN), chairman of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, let's be reminded of what the 9/11 Commission report observed. That report said the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. In this case, freedom presupposes security. That's what we're talking about here.

The distinguished former chairman of the Judiciary Committee basically

has called into question the lone wolf terrorist provision. He says it's never been used. I heard this same argument on the floor last year before we had the domestic lone wolf known as Major Hasan. I heard the same argument on this floor last year before we saw the consequence of a lone wolf action in Times Square.

□ 1750

I heard the same argument last year before we saw the lone wolf action of the Christmas Day bomber. I heard the same argument 2 years ago before we heard that.

The fact of the matter is and the greater concern that we have today, as expressed just this last week by the Secretary of Homeland Security, is that the level of the threat is as high today as it has ever been since 9/11. When asked about it, she explained, as did the co-chairs of the 9/11 Commission, that it is the less consequential attacks done by those who are not directly associated with al Qaeda or with affiliate organizations, i.e., lone wolves, that cause them to be of greater concern today.

CIA Director Leon Panetta, who is of this administration, has warned that it is the lone wolf strategy that I think we have to pay attention to as the main threat to this country. The gentleman from Michigan would have us wait until that threat is carried out before we then say, well, maybe now we have a reason to have the lone wolf provision.

Professor Robert Turner of the Center for National Security Law has written as to how the absence of authority to conduct surveillance of a lone wolf terrorist undermined the FBI's effort to gain access to the content of Zacarias Moussaoui's laptop computer and how it materially impeded a critically important investigation that in the absence of FISA might well have helped prevent the attacks on September 11, 2001.

Now, the distinguished former chairman of the committee has said this allows us to use this provision against anybody. Not true. It has to be someone who is not a citizen or a permanent resident of the United States who is engaged in international terrorism but who may not be linked to a foreign power or terrorist organization.

Today, in the age of the Internet, when someone is incited or inspired by one of these individuals from a foreign country and then carries out a terrorist act, that is the definition of a "lone wolf." The gentleman from Michigan would have us shackle ourselves so as not to be able to deal with this, as was explained by the gentleman from Michigan (Mr. ROGERS), a former agent of the FBI.

These are antiterrorism cases, not criminal investigations. What we are trying to do is not collect the body

parts after a successful attack and then try and find those who caused it and try and bring them to justice. No, we are trying to stop the attack in the first place and protect Americans. That's why you have the FISA court. That's why you have some of these different definitions. What we have done within the ambit of those definitions is try and protect the civil liberties of Americans while at the same time allowing us to take reasonable, responsible and, yes, proactive actions against those who would murder Americans.

There is a difference between a criminal investigation and a counterterrorism effort. It is the difference between trying to prosecute someone for a crime that has already been committed as opposed to trying to prevent the death and destruction that would be rained upon the United States by these terrorists.

I am the author of the sunset provisions. I brought this because I thought it required us to look at these three provisions because, yes, they were the most controversial; but I am convinced after looking at it in these years that these provisions have not been abused.

At the same time, I am going to be working with the gentleman from Wisconsin and others to have rapid, intensive, active oversight of these provisions to ensure that we do not have some deprivation of civil liberties as we carry out these necessary functions.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to remind my dear friend from California that the provisions in lone wolf do not apply to Americans.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield myself an additional 15 seconds.

Hassan was an American, and we have not yet used the terrorist provisions of lone wolf.

Mr. Speaker, I yield 45 seconds to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I would hope that my good friend from California, in his very passionate defense of the Patriot Act, did not mean to imply that the distinguished Mr. CONYERS in some way would suborn terrorism, because he chooses to point out that the standards that are required to obtain electronic surveillance orders from criminal courts are really being circumvented under section 601.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I did not question the motivation of the gentleman from Michigan, nor would I; but I would question his conclusions and the impact of his decisions.

Mr. KUCINICH. I think it is fair for us to debate this. I think we have to

just be cautious about how far we draw conclusions about the motivations of each other in taking the positions that we do.

Mr. CONYERS. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from North Carolina, WALTER JONES.

Mr. JONES. Mr. Speaker, it is always interesting for those of us who don't have a law degree to come down and listen and sometimes, like myself today, to have a few minutes to share my thoughts on this, because I think the majority of people in my district are God-fearing, constitutional-loving Americans like people in anybody else's district across this Nation.

I regret and will always regret that I was too weak to vote my conscience when we had the Patriot Act up the first time. I did not feel good about it. As a non-attorney and as an American who loves the Constitution and who believes in the civil liberties that are guaranteed, this country too many times has sold itself to the Federal Government to take care of it.

I make reference, Mr. Speaker, to a book that was written by Judge Andrew Napolitano. He is a well-known constitutional lawyer who is on Fox News from time to time. The title of the book is "A Nation of Sheep." He actually wrote this book in 2007, years after we passed the Patriot Act. He goes through every aspect of the Patriot Act, which he believes sincerely is a serious violation of the civil liberties of the American people. In fact, I would like to share just a couple of his comments.

He said: "The gravest dangers to our freedoms lie hidden in a government that has seized them from us, and that vigilance and natural law can save us from the power-hungry bureaucrats who run the government today."

He further stated in the book "A Nation of Sheep": "An unalienable right comes from God and is an element of humanity that cannot be given up or legislated away."

Let us not legislate away our God-given right to liberty.

Mr. Speaker, I hope that my colleagues who voted against this when it was on suspension will again today vote "no" on this reauthorization, because it should go to a hearing. We should be very careful. And I hope and pray that maybe we will be able to defeat this tonight, but I know the odds are against it.

Mr. Speaker, I will ask God to continue to bless America and to continue to bless the Constitution. As Andrew Napolitano says, let's not be a Nation of sheep.

Mr. SMITH of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I would now like to yield such time as he may consume to a senior member of the

committee, the gentleman from Virginia, BOBBY SCOTT, a former chairman of the Judiciary Subcommittee on Crime.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 514, which would extend for 1 year sweeping governmental intrusions into our lives and privacy that were authorized by the USA PATRIOT Act and the 2004 Intelligence Act. Without meaningful oversight and committee deliberations demonstrating that these extraordinary powers are needed, we should not extend these provisions for one full year, or for any period of time for that matter, and I therefore oppose the bill.

I am opposed because I simply do not accept the argument that, in order to be safe, we necessarily have to sacrifice our rights and freedoms. I agree with Benjamin Franklin, who stated during the formation of our Nation: "They who give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

One of the provisions in the bill reauthorizes section 215 of the Patriot Act, which gives the government power to secretly invade our private records, such as books we read at the library, by merely alleging that they are relevant to a terrorism investigation but without having to show that the seized material is in connection with any specific suspected terrorists or terrorist activities.

□ 1800

There is no requirement to show probable cause or even reasonable suspicion of being related to a specific act of terrorism, and therefore, there is no meaningful standard to judge whether or not the material is, in fact, necessary.

Another provision of H.R. 514 is section 206 of the Patriot Act which is referred to as the "roving John Doe wiretap provision." It gives the government the power to wiretap a phone conversation without having to show which phone will be tapped or even who will be using it, and without requiring a court order for a specific roving tap.

The third provision is Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, referred to as the lone wolf provision. It gives the government the power to spy on individuals in the United States who are not U.S. citizens or permanent resident aliens, even though they are not agents of a foreign government or any terrorist organization. Unfortunately, this means that if those targeted had any interaction with an American citizen, then that American citizen is spied upon as well.

We have already allowed spying on such noncitizens outside of the United States or even in the United States where there is probable cause, only

that they are agents of a foreign government or members of a terrorist organization, but this is an extension of that power that can envelop anybody simply as a result of the occasion of interacting with a targeted person, even while in the United States.

The three provisions give the government power to invade our privacy even when there is no probable cause, nor even reasonable suspicion or credible evidence of any wrongdoing, and without allowing the kind of detached oversight such as a court warrant, which is generally called upon when such power over individuals is extended. And it is important to note that in cases of emergencies, warrants can be obtained after the fact. Law enforcement officials can perform wiretaps and searches in emergency situations and then get a warrant.

So, Mr. Speaker, absent oversight protections, even when after the fact warrants are available, all three of these provisions should be allowed to expire unless we demonstrate in oversight hearings and committee deliberations that these powers are necessary and narrowly tailored to achieve a compelling national security interest. These freedoms and protections that these provisions take away are the very core of our values and liberties. So these protections should not be legislated away without committee deliberations guaranteeing rigorous oversight to protect against abuse.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding me 2 minutes.

What I would just like to say, Mr. Speaker, is that with respect to roving wiretaps, it's only available after the government has been able to prove to the court that the target may engage in countersurveillance activity such as rapidly changing the cell phone number. It doesn't allow the government to make a general boilerplate application. It requires them, if they can't identify the individual, the very specific individual, to give some particularity in the request to identify that person as much as they possibly can.

It is also a requirement we put in the law that once they have actually utilized this roving wiretap on different instruments of communication, they have to report to the court within 10 days as to what took place. So we have refined this as much as absolutely possible.

What we're trying to do is keep up with technology. We know that some of these targets will buy 100 cell phones and use them for a single conversation and throw that cell phone away. You can't just think that's going to happen. You have to prove to the satisfaction of the court that there is a reason to believe that they are going to take

these kinds of efforts to try and stop surveillance in these regards.

Again, this is before the FISA court, and it only deals with these kinds of cases. This is not regular criminal cases. So the gentleman's concerns have been raised before, and we met those concerns in our prior treatment of this law. So it is a careful balance that we created here, to take into consideration the new techniques utilized by those who would threaten us and at the same time try and provide for a third party, a court, a Federal court made up of Federal judges, to look at this. We have to report before, and we would have to, that is, our agency activists, would have to report afterwards, within 10 days.

I believe that's about as much protection as you can give and still be effective in this environment.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to a distinguished Member of this body, DANA ROHRBACHER of California.

Mr. ROHRBACHER. Thank you.

Mr. Speaker, when Congress passed the Patriot Act in 2001 in the aftermath of 9/11, we mandated sunsets on the provisions that dramatically expanded Federal investigative and enforcement powers, especially those that could infringe on the freedom of American citizens. Sunsets meant that Congress would have to specifically extend the time on those powers or they would expire. Five years ago, the last time around, the Bush administration attempted to make permanent this crisis-related expansion of authority by removing the sunsets.

Let me congratulate my friend from California who spent so much time trying to make sure the sunsets were in, and DAN, we know that you worked really hard to make sure those sunsets were put in, but not all of them were.

This power grab on the part of the Bush administration was thwarted by good Members like DAN LUNGREN who are with us today in this debate. Today, a few controversial sections are still scheduled to periodically sunset. The congressional action to extend these provisions deserves hearings, adequate debate, and the right to amend, thus ensuring accountability and transparency on such a significant issue. We have not met this standard this time around.

The Republican leadership has committed to a more acceptable process by December, when the extension of this bill comes up for a vote again. I hope I will be able to vote "yes" at that time. Until then, it is "no."

And let us note about the accusations of politics in this. I believe the American people have a legitimate fear of out-of-control government. They have a legitimate fear of out-of-control spending and out-of-control bureaucracy, and yes, they have a legitimate fear of out-of-control prosecutors and

out-of-control spy networks. Let's make sure we stand for freedom here. That's not political.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I want to give my friend from California and other Members a little history lesson.

When the Patriot Act was drafted in 2001, I insisted on the sunset and the then-Republican-controlled House prevailed on that issue against the then-Democrat-controlled Senate. I resisted repeal of the sunset prematurely, and in 2005, the Judiciary Committee, when I was chairman, had hearings on each of the 17 provisions. There was no controversy about 14 of those provisions. Even the ACLU testified in behalf, that those provisions have not been abused. So 14 of the provisions were made permanent. This law has not trampled on anybody's civil rights.

Where there was a constitutional problem with section 215, it was fixed in the reauthorization, and I'm getting a little bit irritated at the scare-mongering that has been going on about this law when no provision has been held unconstitutional by a court.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield such time as he may consume to the gentleman from New York, JERRY NADLER, former chair of the Constitutional Subcommittee.

□ 1810

Mr. NADLER. Mr. Speaker, I rise to oppose the extension of these provisions when the House has done nothing to consider them or to consider possible reforms or even to hold a hearing or a markup.

The three sections scheduled to sunset are all troubling, and I hope that we will have the opportunity to review them carefully before they come before the House again.

Section 215 authorizes the government to obtain "any tangible thing," such as library or business or medical records, if "there are reasonable grounds to believe that they are relevant" to a foreign intelligence or international terrorism investigation. Before the enactment of section 215, the government had to show "specific and articulable facts giving reason to believe that the person to whom the records pertain" is a foreign agent or a terrorist. Section 215 allows the government to delve into the personal records of someone even if there is no reason to believe that that person has anything to do with terrorism. This poses a threat to individual rights in the most sensitive areas of our lives, with little restraint on the government.

Section 206 provides for roving wiretap orders, supposedly to catch up with technology, but these orders identify neither the person to be tapped nor the

facility to be tapped. This is, for all practical purposes, a general grant of authority to wiretap anyone anywhere that the government wants. They should either have to identify either the person or, because of modern technology, the facility. But one or the other. There are almost no limits to this authority and no requirement that the government name a specific target. This is akin—very similar—to the British general writs of assistance which engendered the first colonial outrage that led to the American Revolution. Here we are coming full circle.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called "lone wolf provision," permits secret intelligence surveillance of people who are concededly not affiliated with a foreign government or organization. It provides the government with the ability to use secret courts and other investigative tools that are unacceptable in a domestic criminal investigation, as if we were dealing with a foreign government or entity. According to government testimony, this provision has never been used because you can use the normal criminal provisions if you suspect someone of planning mayhem or terrorism or anything else. Surveillance of an individual who is not working with a foreign government or organization is not what we normally consider or understand as foreign intelligence. There may be good reasons for the government to keep tabs on such people, but that is no reason to suspend all of our laws under the pretext that it is a foreign intelligence operation.

While some have argued that each of these authorities remain necessary tools in the fight against terrorism, I believe we should not miss the opportunity to review the Patriot Act in its entirety, including the 14 sections that were sunsetted that are now permanent that many of us opposed making permanent at the time and thought should continue to be sunsetted so we could review them from time to time. We should examine the act to see how it's working, where it's been successful, where it's failed, where it goes too far, and where it poses threats to our liberties. That's the perfect of sunsets; and to extend the sunsets without review undermines that purpose.

There is another law that is allied to this that also deserves careful review, the National Securities Letters Reform Act. I have introduced legislation which would better protect civil liberties while ensuring that NSLs remain a useful tool in national security investigations. I hope we can work to strike that balance in a responsible and effective manner, but the record of the abuse of the NSL authority is too great for the Congress to ignore. I was encouraged to see some of my Republican colleagues across the aisle last week vote "no" on the extension. It shows a

healthy skepticism of unrestrained government power to spy on people in the United States. That is the essence of opposition to unchecked government power. That value should not be a partisan one. I hope to work with my colleagues on both sides of the aisle to restore our traditional respect for the right of people to be secure from unchecked government intrusion. That's why we have the Fourth Amendment. I hope we will be able, after this vote, to examine carefully the way these provisions have been used or abused and to look at ways to reform the law in light of experience. That was the purpose of sunsets, and I hope we can take advantage of that opportunity.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. How much time remains, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Michigan has 1 minute remaining. The gentleman from Texas has 4 minutes remaining.

Mr. CONYERS. Does my friend from Texas have in his heart any generosity to yield a couple of minutes?

Mr. SMITH of Texas. Mr. Speaker, I would like to respond to my friend from Michigan and say, I believe I could find the time if he could find a way to give us a copy of the motion to recommit at this time.

Mr. CONYERS. That is up to the leader. That is not up to me.

Mr. SMITH of Texas. Mr. Speaker, in anticipation of a good-faith effort to consider that proposal by the gentleman from Michigan, I yield the gentleman 2 minutes of my time for his control.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control 2 additional minutes.

There was no objection.

Mr. CONYERS. I thank the gentleman from Texas, LAMAR SMITH, the chairman, for his generosity.

I now yield 1½ minutes to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I too would like to express my appreciation to the chairman, my colleague from Texas, for the time and to the ranking member as well.

All of the issues have been laid out as to the three elements. So I just simply want to pose a question to my colleagues: We know that we have a problem with the three remaining intrusive and, I believe, unconstitutional provisions.

We know that Ranking Member CONYERS has explained that we were not absent; we did not have the lights out under his jurisdiction. We actually pursued this. We couldn't get an agreement. We couldn't move toward the floor. So the question now is, we realize that a roving wiretap is intrusive. We realize that the "lone wolf" provides a problem. So the question is,

how do we fix it for the American public? How do we ensure the Constitution is intact?

Let me be very clear: It is well documented that human intelligence is the best. Why? Because most of us were surprised when I say that in the intelligence community—at least they have not articulated about what is going on in the Mideast, both in Egypt and Yemen and otherwise—we were surprised. Did any of that help us? This is an intrusion on the American public.

We are not in any way nonpatriots. We are patriots. We believe in the Founding Fathers. We understand that they came together to give you, Americans, the right to your freedom. We ask for the Fourth Amendment to be sacrosanct, to indicate that you are not subject to unreasonable search and seizure. That is my question to my colleagues: When will you engage in the hearings and the ability to mark something up to address these infringements? How quickly will you move? December of 2011 is too long. Let us work together to uphold the Constitution.

Mr. Speaker, I rise today to express my opposition to the H.R. 514, "To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents."

This bill would extend provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, and the Intelligence Reform and Terrorism Prevention Act of 2004 through December 8, 2011. It extends a provision that allows a roving electronic surveillance authority, and a provision revising the definition of an "agent of a foreign power" to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the "lone wolf provision." It also grants government access to business records relating to a terrorist investigation.

While the PATRIOT Act is intended to improve our ability to protect our Nation, it needs to be revised and amended to reflect the democratic principles that make this country the crown jewel of democracy. The bill before us today, however, does not do that. In fact, even the manner by which are even considering this bill, only days after introduction without any oversight hearings of mark-ups, circumvents the process we have in place to allow for improvements and amendments to be made.

The three expiring provisions of the PATRIOT Act that H.R. 514 would extend overstep the bounds of the government investigative power set forth in the Constitution.

The first provision authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the "thing" pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show "reasonable suspicion" or "probable cause"

before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity. If we do not take steps to improve this provision, then it should be allowed to expire.

The second provision, known commonly as the "roving John Doe wiretap," allows the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Like the first provision, this, too, was addressed in the Judiciary Committee during the last Congress, and is also contrary to traditional notions of search and seizure, which require government to state "with particularity" what it seeks to search or seize. If this provision were given the opportunity to be amended and improved, it should be done so to mirror similar and longstanding criminal laws that permit roving wiretaps, but require the naming of a specific target.

The third provision that H.R. 514 would extend is the "lone wolf" provision, which permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States. Moreover, according to government testimony, this provision has never been used. Because of the potential for abuse created by this provision, and the lack of need for its existence, it, too, should be allowed to expire.

Another problem with H.R. 514 is that it fails to amend other portions of the PATRIOT Act in dire need of reform, specifically, those issues relating to the issuance and use of national security letters, NSLs. NSLs permit the government to obtain the communication, financial and credit records of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. I repeat, even if that person is not suspected of unlawful behavior.

The three provisions I have just mentioned, as well as the issues surrounding NSLs, have all been examined and amended in the past Congresses, because they were in dire need of improvements to protect the rights of Americans. I was against these provisions, as written, in the past, and without amendments, I am still against them today.

Issues surrounding these particular provisions are not a stranger to us, for we have been dealing with them since 2001 when the PATRIOT Act was introduced. In 2005, the PATRIOT Act was examined in the Judiciary Committee. I, along with other Members of the Judiciary Committee like Mr. CONYERS and Mr. NADLER, offered multiple amendments that not only addressed the three provisions in H.R. 514, but also National Security Letters and the lax standards of intent.

Again, these same issues came before us in 2007. On August 3, 2007, I stood before you on the House floor discussing the Foreign Intelligence Surveillance Act, FISA, another piece of law used in conjunction with the PATRIOT Act and essential to combating the war on terror, but one that was in need of improvements to protect Americans' constitutionally

enshrined civil liberties. On that day, I said that, "we must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans," and I stand firmly behind that notion today.

When we were considering FISA, there were Fourth Amendment concerns around secret surveillance and secret searches, which were kept permanently secret from the Americans whose homes and conversations were targeted. There were also concerns such secret searches intended for non-U.S. citizens, could be used to target Americans.

I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority, and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our constitution. I stand here today urging my colleagues to consider allowing similar amendments to the PATRIOT Act that better protect Americans' right to privacy before moving this legislation out of the House of Representatives and onto the other legislative body.

Furthermore, this very bill was considered last year in the 111th Congress, and went through oversight hearings and two days of mark-up in the Judiciary Committee. Yet, none of those voted-on, bipartisan amendments that resulted from those hearings are included in this bill. In those hearings, multiple concerns were raised about the breadth of the PATRIOT Act and the leeway it gives to infringe upon an individual's privacy and civil liberties.

In the mark-up, I personally introduced amendments that would allow for greater transparency in the PATRIOT Act and enhanced protection against violation of individuals' civil liberties. None of my amendments, or those introduced by any of my colleagues who were on the Judiciary Committee at that time, are included in this legislation.

None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I am deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people, without so much as a hearing.

As a member of the Homeland Security Committee, I understand and appreciate the importance of national security, and the challenges we face as we strive to protect our Nation from foreign threats. However, as an American citizen, I am deeply concerned when our constitutional rights run the risk of being infringed upon in the name of national security.

To win the war on terror, the United States must remain true to the founding architects of this democracy who created a Constitution which enshrined an inalienable set of rights. These Bills of Rights guarantee certain fundamental freedoms that cannot be limited by the government. One of these freedoms, the Fourth Amendment, is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient.

As an American citizen, the security and safety of my constituency is pinnacle, but I will never stand for legislation that infringes on the basic rights afforded in our Constitution. When our founding fathers drafted the Constitution, after living under an oppressive regime in Britain, they ensured that the American people would never experience such subjugation. Where are the protective measures for our citizens in the PATRIOT Act? Why are the measures addressed in the last Congress not included in the bill?

Instead of reauthorizing these provisions, Congress should conduct robust, public oversight of all surveillance tools and craft reforms that will better protect private communications from overbroad government surveillance.

There is nothing more important than providing the United States of America, especially our military and national security personnel, the right tools to protect our citizens and prevail in the global war on terror. Holding true to our fundamental constitutional principles is the only way to prove to the world that it is indeed possible to secure America while preserving our way of life.

Because of the negative privacy implications of extending all of these provisions, I ask my colleagues to please join me in opposing H.R. 514, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents.

Mr. CONYERS. Mr. Speaker, I yield the remaining time to the gentleman from Ohio, DENNIS KUCINICH.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1½ minutes.

Mr. KUCINICH. I want to first thank the ranking member, and I want to thank the gentleman from Texas for the amicable manner of comity that you have extended here. It is very much appreciated. I also want to say, as I have listen to my colleagues on the other side of the aisle speak in defense of this, I am aware that you love this country, that you want America to be safe, and you want America to continue to be free. And the great thing about this Congress is that we have different ways of viewing how we can go about that. But I have great respect for each of the speakers who has come forward.

I want to say that since Congress first passed the Patriot Act in 2001 that we have been continually challenged on this question of our constitutional duties to act as a coequal branch of government and that it is my belief that we have failed to conduct checks and balances over government power. I want to associate myself with the remarks of the gentleman from California (Mr. ROHRBACHER) in that regard and that we have failed to conduct robust and effective oversight. And in connection with the gentleman from Wisconsin, some of the remarks that you have made about what we needed to do, I think you have made some

good points on that. I also think that we have a responsibility here to protect the American people from overt infringements on their most basic civil liberties, and I see this continuing extension as being a challenge to that.

Mr. Speaker, I rise in strong opposition to H.R. 514.

Since Congress first passed the PATRIOT Act in 2001, we have continually abdicated our constitutional duties to act as a co-equal branch of government by failing to conduct checks and balances over government power, failing to conduct robust and effective oversight, and ultimately, failing to protect the American people from overt infringements on their most basic civil liberties by continuing to extend these provisions without any meaningful reforms.

These three provisions were passed in the wake of 9/11, and given sunsets in recognition of their far reaching and unprecedented powers that effectively allow the government to conduct domestic surveillance and demand material from people not connected to any terrorism investigation, including librarians and peace groups. Yet they have been extended Congress after Congress without any reform.

Perhaps even more troubling is that we are extending these provisions through the end of the year without addressing the PATRIOT Act as a whole.

In a 2007 article by the Washington Post, then Federal Bureau of Investigation (FBI) assistant director stated that he is "not even sure such an example exists" that would demonstrate how expanded surveillance has made a difference in our national security.

Section 215 of the PATRIOT Act expanded the type of information the government could request from targets, while at the same time, lowering the standard required to obtain an order to request private records from targets. This means that the government can obtain orders for private records or items from people who are not connected to any investigation, including U.S. citizens and lawful residents. Orders executed under this provision constitute a serious violation of First and Fourth Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library or medical records.

National Security Letters (NSLs), which can be issued under Section 215 of the PATRIOT Act, allow the government to obtain private information from telecommunication companies, internet and email, and health care providers without judicial warrants or oversight. They can be issued to people who have not been accused of any wrongdoing and are often accompanied by gag orders.

According to an article in the Washington Post from 2005, NSLs "do not need the imprimatur of a prosecutor, grand jury or judge. They receive no review after the fact by the Justice Department or Congress." The Fourth Amendment of the Constitution requires prior judicial review and allows warrants to be issued only with probable cause.

The government has used NSLs to demand records of patrons from librarians across the country. A decision by a federal district court rules in 2006 that the gag order enforced on librarians in Connecticut violated the First

Amendment, forcing the government to withdraw the gag order and its demand for patron records.

Despite a successful challenge to the unconstitutionality of the original PATRIOT Act's gag order provisions by the American Civil Liberties Union (ACLU), 5% of all NSLs issued by the FBI in 2006 contained "insufficient explanation to justify imposition of these obligations," according to the Inspector General of the Department of Justice.

The ability to demand records from Americans absent judicial review and probable cause are certain to quell free speech and freedom of association—rights protected and guaranteed by the Constitution.

The "material support" statute, also contained in the PATRIOT Act, criminalized the act of providing "material support" to any foreign organization designated as terrorist by the Secretary of State. "Material support" is defined so broadly that it can refer to almost any kind of support, including support that does not further terrorism. The U.S. Court of Appeals for the Ninth District Court ruled in 2000 that criminal bans on "providing 'personnel' and 'training' to groups designated as foreign terrorist organizations by the government are unconstitutionally vague and could criminalize free speech as protected by the First Amendment," to include human rights advocacy training, humanitarian aid in conflict zones, or even writing an op-ed. A number of the cases brought forth by the government using this statute have been dismissed or ended in mistrial.

According to the ACLU, the material support provisions "impermissibly criminalize a broad range of First Amendment-protected activity, both as a result of their sweeping, vague terms and because they do not require the government to show that a defendant intends to support the criminal activity of a foreign terrorist organization."

Despite years of documentation by the Inspector General of the Department of Justice and respected human rights organizations of abuse by the government of these provisions, we have failed to hold agencies accountable for abusing the far reaching powers allowed under the PATRIOT Act.

As Members of Congress, we are sworn to protect the rights and civil liberties afforded to us by the Constitution. We have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act to ensure that the privacy and civil liberties of all Americans are fully protected.

[From the Washington Post, Mar. 10, 2007]
FBI AUDIT PROMPTS CALLS FOR REFORM—
SOME LAWMAKERS SUGGEST LIMITS ON PATRIOT ACT

(By Dan Eggen and John Solomon)

Lawmakers from both parties yesterday called for limits on antiterrorism laws in response to a Justice Department report that the FBI improperly obtained telephone logs, banking records and other personal information on thousands of Americans.

The audit by the department's inspector general detailed widespread abuse of the FBI's authority to seize personal details about tens of thousands of people without court oversight through the use of national security letters.

It also found that the FBI had hatched an agreement with telephone companies allow-

ing the agency to ask for information on more than 3,000 phone numbers—often without a subpoena, without an emergency or even without an investigative case. In 2006, the FBI then issued blanket letters authorizing many of the requests retroactively, according to agency officials and congressional aides briefed on the effort.

The disclosures prompted a public apology from FBI Director Robert S. Mueller III and promises of reform from Attorney General Alberto R. Gonzales, who was the focus of a new tide of criticism from Democrats and Republicans already angry about his handling of the firing of eight U.S. attorneys.

"I am the person responsible," Mueller said in a hastily scheduled news conference. "I am the person accountable, and I am committed to ensuring that we correct these deficiencies and live up to these responsibilities."

Democrats and Republicans alike said Gonzales, Mueller and the Bush administration did not properly monitor the FBI and guard the privacy rights of U.S. citizens and legal residents. The report came at the end of a difficult political week for the Bush administration, after the conviction of Vice President Cheney's former chief of staff in the CIA leak case and damaging allegations by fired federal prosecutors.

Top lawmakers raised the possibility that Congress would seek to curb the Justice Department's powers, most likely by placing restrictions on the USA Patriot Act antiterrorism law.

"This goes above and beyond almost everything they've done already," said Sen. Charles E. Schumer (N.Y.), who was among a host of Democrats promising investigative hearings. "It shows just how this administration has no respect for checks and balances."

Sen. Arlen Specter (Pa.), the Judiciary Committee's ranking Republican, told reporters that Congress may "impose statutory requirements and perhaps take away some of the authority which we've already given to the FBI, since they appear not to be able to know how to use it."

Senate Majority Whip Richard J. Durbin (D-Ill.), who has been pressing for a review of national security letters since 2005, said the report "confirms the American people's worst fears about the Patriot Act."

A national security letter is a type of administrative subpoena that allows the FBI to demand records from banks, credit-reporting agencies and other companies without the supervision of a judge. The Patriot Act significantly expanded the FBI's ability to use them, and a reauthorization of the law last year required the audit that was issued yesterday.

The findings by Inspector General Glenn A. Fine were so at odds with previous assertions by the Bush administration that Capitol Hill was peppered yesterday with retraction letters from the Justice Department attempting to correct statements in earlier testimony and briefings. Gonzales and other officials had repeatedly portrayed national security letters as a well-regulated tool necessary for the prevention of terrorist attacks.

One such retraction letter, sent to Specter by Acting Assistant Attorney General Richard A. Hertling, sought to correct a 2005 letter that attacked a Washington Post story about national security letters. "We have determined that certain statements in our November 23 letter need clarification," Hertling wrote.

Fine's 199-page unclassified report found that the FBI's records showed it issued more

than 143,000 requests for information on more than 52,000 people through national security letters from 2003 to 2005. But not only did the agency understate that number in required reports to Congress, the number of requests it issued was much higher.

Nearly half the people targeted were U.S. citizens or legal residents, and the proportion of such "U.S. persons" increased over the three-year period, the report said.

In examining a small sample of security letters issued by four FBI offices, Fine discovered that the letters were improperly issued about 16 percent of the time. In the sample of 293 letters, the FBI had identified 26 potential violations but missed 22 others, the report said.

The report also details how, after obtaining sweeping new anti-terrorism powers under the Patriot Act in late 2001, the FBI did not establish basic training and record-keeping procedures to ensure that civil liberties were protected. That kept the agency from giving Congress accurate numbers on how often it used national security letters, the investigation found.

"During the time period covered by this review, the FBI had no policy or directive requiring the retention of signed copies of the national security letters or any requirement to upload national security letters to the FBI's case management system," the report said.

The findings are reminiscent of those in previous reports, including many by Fine's office, that have detailed the FBI's chronic inability to keep track of items ranging from guns to laptops to documents related to the Oklahoma City bombing case. Fine determined that the latest violations were not deliberate but that they could be widespread.

Gonzales described the problems as unacceptable and left open the possibility of criminal charges. He ordered further investigation.

"Once we get that information, we'll be in a better position to assess what kinds of steps should be taken," Gonzales said after a speech to privacy officials. "There is no excuse for the mistakes that have been made, and we are going to make things right as quickly as possible."

At the same time, Gonzales stressed that he thinks "the kinds of errors we saw here were due to questionable judgment or lack of attention, not intentional wrongdoing." Mueller said that "the number of abuses is exceptionally small" compared with the broad use of national security letters and that "no one has been damaged" by the errors.

Anthony D. Romero, executive director of the American Civil Liberties Union, which has sued the government over its use of national security letters, said the report shows the need for an independent investigation of the Justice Department's antiterrorism tactics.

"It confirms our greatest suspicions about the abuse of Patriot Act powers and, specifically, national security letter powers," Romero said.

Aside from the findings about national security letters, the report details for the first time a separate kind of emergency letter used in "exigent circumstances," modeled on letters used by New York FBI agents after the Sept. 11, 2001, attacks. The 739 emergency letters were issued as part of an agreement with three unidentified telephone companies and requested information with the promise of subpoenas, which rarely materialized, the report said.

Mueller indicated that "we stopped the use of these letters" in May 2006. An FBI official

later clarified those comments, saying emergency letters are still used but now promise a national security letter rather than a subpoena sometime in the future.

[From the Washington Post, Mar. 18, 2007]

AMID CONCERNS, FBI LAPSES WENT ON—RECORDS COLLECTION BROUGHT INTERNAL QUESTIONS BUT LITTLE SCRUTINY

(By R. Jeffrey Smith and John Solomon)

FBI counterterrorism officials continued to use flawed procedures to obtain thousands of U.S. telephone records during a two-year period when bureau lawyers and managers were expressing escalating concerns about the practice, according to senior FBI and Justice Department officials and documents.

FBI lawyers raised the concerns beginning in late October 2004 but did not closely scrutinize the practice until last year, FBI officials acknowledged. They also did not understand the scope of the problem until the Justice Department launched an investigation, FBI officials said.

Under pressure to provide a stronger legal footing, counterterrorism agents last year wrote new letters to phone companies demanding the information the bureau already possessed. At least one senior FBI headquarters official—whom the bureau declined to name—signed these “national security letters” without including the required proof that the letters were linked to FBI counterterrorism or espionage investigations, an FBI official said.

The flawed procedures involved the use of emergency demands for records, called “exigent circumstance” letters, which contained false or undocumented claims. They also included national security letters that were issued without FBI rules being followed. Both types of request were served on three phone companies.

Referring to the exigent circumstance letters, Sen. Charles E. Grassley (R-Iowa) wrote in a letter Friday to Justice Department Inspector General Glenn A. Fine: “It is . . . difficult to imagine why there should not have been swift and severe consequences for anyone who knowingly signed . . . a letter containing false statements. Anyone at the FBI who knew about that kind of wrongdoing had an obligation to put a stop to it and report it immediately.”

A March 9 report by Fine bluntly stated that the FBI’s use of the exigency letters “circumvented” the law that governs the FBI’s access to personal information about U.S. residents.

The exigency letters, created by the FBI’s New York office after the Sept. 11, 2001, attacks, told telephone providers that the FBI needed information immediately and would follow up with subpoenas later. There is no basis in the law to compel phone companies to turn over information using such letters, Fine found, and in many cases, agents never followed up with the promised subpoenas, he said.

But Fine’s report made no mention of the FBI’s subsequent efforts to legitimize those actions with improperly prepared national security letters last year.

Fine’s report brought a deluge of criticism on the FBI, prompting a news conference at which Director Robert S. Mueller III took responsibility for the lapses. Some lawmakers immediately proposed curtailing the government’s expansive anti-terrorism powers under the USA Patriot Act.

In a letter to Fine that was released along with the March 9 report, Mueller acknowledged that the bureau’s agents had used unacceptable shortcuts, violated internal poli-

cies and made mistakes in their use of exigent circumstance letters.

Mueller also said he had banned the future use of such letters this month, although he defended their value and denied that the agency had intentionally violated the law.

Other FBI officials acknowledged widespread problems but said they involved procedural and documentation failures, not intentional misgathering of Americans’ phone records. Mueller ordered a nationwide audit, which began Friday, to determine if the inappropriate use of exigency letters went beyond one headquarters unit.

“We wish, in retrospect, that we had learned about this sooner, corrections had been made and the process was more transparent,” FBI Assistant Director John Miller said yesterday.

Fine’s report said the bureau’s counterterrorism office used the exigency letters at least 739 times between 2003 and 2005 to obtain records related to 3,000 separate phone numbers. FBI officials acknowledged that the process was so flawed that they may have to destroy some phone records to keep them from being used in the future, if the bureau does not find proof they were gathered in connection with an authorized investigation.

Disciplinary action may be taken when the bureau completes an internal audit, a senior FBI official said in an interview at headquarters Friday.

Ann Beeson, an attorney for the ACLU who has sued the FBI in an effort to block some of its data requests, said that if the bureau cannot prove a link between the letters and an ongoing investigation, its requests were “a total fishing expedition.”

The FBI agreed that one senior official, who spoke on the condition of anonymity because of forthcoming House and Senate hearings on the matter, would speak for the agency.

Lawmakers have begun to probe who knew about the use of the letters and why the department did not act more swiftly to halt the practice. Grassley asked that Fine turn over to the Senate Judiciary Committee copies of all FBI e-mails related to the letters of demand, as well as transcripts of the interviews Fine conducted on the issue.

The committee has scheduled a hearing for Wednesday, with Mueller as the chief witness. On Tuesday, the House Judiciary Committee intends to question Fine and FBI general counsel Valerie Caproni.

FBI and Justice Department officials said most of the letters at issue were drafted by the Communications Analysis Unit (CAU), which comprises about a dozen people assigned to analyze telephone records and other communications for counterterrorism investigators. They sent the secret requests to three companies—AT&T, Verizon and a third firm whose identity could not be learned. Since the 2001 terrorist attacks, the FBI has been paying the companies’ cost of supplying such records almost instantaneously in a form that its agents can readily examine, according to the report and the senior FBI official.

In each letter, the FBI asserted that “due to exigent circumstances, it is requested that records for the attached list of telephone numbers be provided.” The bureau promised in most of the letters that subpoenas for the same information “have been submitted to the U.S. Attorney’s office who will process and serve them formally.”

But the inspector general’s probe concluded that many of the letters were “not sent in exigent circumstances” and that

“there sometimes were no open or pending national security investigations tied to the request,” contrary to what U.S. law requires. No subpoenas had actually been requested before the letters were sent. The phone companies nonetheless promptly turned over the information, in anticipation of getting a more legally viable document later, FBI officials said.

The use of such letters was virtually “uncontrolled,” said an FBI official who was briefed on the issue in early 2005. By that fall, CAU agents had begun creating spreadsheets to track phone records they had collected for a year or more that were not covered by the appropriate documents, according to FBI e-mails and interviews with officials.

A spokesman for AT&T declined to discuss the topic, referring questions to the FBI. Verizon spokesman Peter Thonis, who would not confirm nor deny the existence of an FBI contract with his firm, said that “every day Verizon subpoena units respond to emergency requests from federal, state and local law enforcement for particular calling records. After 9/11, of course, Verizon responded to FBI emergency requests in terrorist matters, and we had every reason to believe they were legitimate emergency situations.”

The inspector general’s report said that the wording of the exigency letters was copied from a standard letter that the FBI’s New York office used to obtain urgently needed records after the 2001 terrorist bombings. When officials from that office were later reassigned to create the CAU in Washington, the senior FBI official said, “they brought their business practices with them” and continued to use the same letter “for reasons that I cannot explain.”

But the unit was not authorized under FBI rules to make such requests, and from the outset in 2003 it asked FBI field offices to submit the promised legal follow-up documents. The offices rarely did so speedily, and in many cases ignored the request altogether.

“In practice, if you have already got the records, the incentive to do the paperwork is reduced,” the senior FBI official said.

When a lawyer in the FBI’s national security law branch, Patrice Kopistansky, noted in late 2004 that the proper legal justifications were frequently missing or extremely late, she did not advise agents to “change their process,” the senior official said. “Our advice was instead to . . . use these letters only in true emergencies” and institute “covering practices.”

These included ensuring that the bureau’s agents had opened a related investigation and promptly sent a formal national security letter to provide legal backing for the demand.

Bassem Youssef, who currently heads the CAU, raised concerns about the tardy legal justifications shortly after he was assigned to the job in early 2005, according to his lawyer, Steve Kohn.

“He discovered they were not in compliance, and then he reported that to his chain of command. They defended the procedures and took no action,” Kohn said, adding that “their initial response was to deny the scope of the problem.”

Youssef has battled the FBI in court over whether he was denied a promotion because of discrimination based on his ethnicity.

Eventually, the general counsel’s office organized a meeting at headquarters on Sept. 26, 2005, where the bureau considered a work-around: Its lawyers proposed creating special, catch-all investigative files that could

be used to authorize quick phone-records seizures that did not involve open field investigations.

But one official at the meeting, Youssef, argued that genuine emergency requests for the records “were few and far between,” according to an e-mail summarizing the meeting that was reviewed by The Washington Post, and the idea was never implemented. The account referred to efforts by one of the bureau’s top lawyers to brief “higher ups” in the agency about the problem.

“At some point, they told us there were not that many such letters” still in use, the senior official said. “We believed the problem had resolved itself . . . in retrospect, it never got resolved.”

One reason that FBI officials did not act more quickly is that Kopistansky and others in the general counsel’s office did not review until May 2006 copies of any of the exigent circumstances letters sent to the phone companies from 2003 to 2005. As a result, they were unaware that some of the letters contained false statements about forthcoming subpoenas and urgent deadlines, the senior official said.

Bureau officials ultimately decided to “clean up” the problem by writing seven national security letters designed to provide legal backing for all the telephone records requests that still needed it, the senior FBI official said. In every case, these requests in 2006 covered records already in the FBI’s possession and lacked the required cover memos spelling out the investigative requirements for the requests.

At no time did senior FBI officials outside the communications unit attempt to tally how often the exigent circumstances letters had been used, with the result that Mueller and others in senior management did not learn about the scope of the problem until two months ago, when Fine informed them, the senior official said.

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Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we must act now to keep these national security laws in place. Time is running out. We have only a few days left to do what we need to do to keep America safe. These are commonsense provisions that prevent terrorist attacks, protect the American people, and preserve civil liberties. I urge my colleagues to vote “yes” on this commonsense extension.

Mr. FARR. Mr. Speaker, tonight I felt compelled to vote against extending the three expiring provisions of the Patriot Act that continue to give the government sweeping authority to spy on individuals inside the United States and, in some cases, without any suspicion of wrongdoing. These intrusive and sweeping powers stand in stark contrast to the fundamental individual privacy rights enshrined in the Fourth Amendment of our Constitution. All three surveillance provisions are unnecessary, they do not protect us against terrorism, and they should have been allowed to expire long ago. I am appalled by the blatant disregard for the civil liberties of innocent Americans who have absolutely no connection to the global war on terrorism, and I look forward to a time when these provisions are no longer the law of the land.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 514, a limited bill to extend

three Patriot Act counterterrorism authorities scheduled to expire at the end of this month through December of this year. I do so to ensure our intelligence and law enforcement communities continue to have the tools they need to protect American citizens while Congress works to reform this currently flawed law.

The authorities being extended in today’s legislation include Section 6001 of the Intelligence Reform and Terrorism Act, also known as the “lone wolf” amendment, which allows surveillance of non-citizens engaged in international terrorism apart from identified terrorist groups; Section 206 of Patriot Act, which permits roving surveillance of terrorism suspects who use multiple communication devices to thwart detection; and Section 215 of the Patriot Act, which compels production of business records and other tangible items upon the approval of the FISA court.

Of these three authorities, the current construction of the Section 215 “tangible items” authority is the most problematic. Specifically, the “relevance” standard that must be met under this authority is too weak. Recipients of Section 215 orders are required to wait a year before challenging a nondisclosure order. And the government can use secret evidence to oppose judicial challenges to a Section 215 order.

I believe Section 215 and other Patriot Act authorities should be reformed along the lines of Senator PATRICK LEAHY’s USA Patriot Act Sunset Extension Act. Additionally, the Justice Department and Congress must exercise more oversight over the application of these authorities to ensure that they are being exercised responsibly. It is critically important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect.

Mr. PENCE. I rise in support of H.R. 514 to extend the three expiring provisions of the USA PATRIOT Improvement and Reauthorization Act and the Intelligence Reform and Terrorism Prevention Act of 2004. Nearly ten years removed from the attacks of September 11, 2001, it is all too clear that America is still a nation at war and these expiring provisions are still valuable tools in the Global War on Terror.

I was here at the Capitol on that day. I saw the evil of our enemies written in the smoke rising above the Pentagon. We are reminded even today that their desire to inflict such violence on our homeland and that of our allies is real.

Just last week, Homeland Security Secretary Janet Napolitano testified that the “threat continues to evolve” and went on to say that the risk of attack “may be at its most heightened state” since that fateful day in 2001.

Because we are still a nation at war, I support the extension until December 8, 2011 of the three provisions, set to expire on February 28, 2011.

The first, Section 206, authorizes the use of roving wiretaps by law enforcement after approval from the FISA court. This allows for terrorists or spies who throw away their cell phones and change locations frequently to be tracked before they can execute an attack. Roving wiretaps have been routinely used for

decades by domestic law enforcement in criminal cases. Quite simply, the USA PATRIOT Act gives our national security and intelligence communities the same tools provided to local law enforcement and it is an essential tool to fight terrorism in the modern world.

Section 215 authorizes the FBI to ask FISA courts to issue an order that allows the FBI to investigate business records related to international terrorism and clandestine intelligence activities. With this provision at their disposal, the FBI will have a greater opportunity to obtain foreign intelligence information. Now some will argue that this provision will allow the federal government to spy on the business records, internet activities and library accounts of ordinary, law-abiding citizens. That is not the case.

To use Section 215, national security agents need approval from the FISA court. The government must demonstrate to the court that the business records sought are “not concerning a United States person,” but in connection with international terrorism. The oversight requirements of this provision are very stringent. Every six months, the Attorney General must report to Congress on the number of times a Section 215 order has been sought, granted, modified or denied.

The third provision, found in section 6001 of the Intelligence Reform and Terrorist Protection Act, commonly known as the “Lone Wolf” provision, allows law enforcement to track those non-U.S. citizens who seek to inflict terror under their own initiative, without affiliation to common terrorist groups.

Mr. Speaker, only weeks ago, Members of this body took the oath of office and swore to protect and defend the Constitution of the United States, against all enemies. We have the responsibility to uphold that pledge, and in doing so, I believe we must equip law enforcement and intelligence officials with the tools necessary to protect Americans from terrorist attack.

There is no doubt about America’s determination to protect itself and this legislation will ensure that our intelligence community—those who work tirelessly every day to protect us—have the tools they need to prevent the horrors of September 11th from being brought to our soil again.

We must also safeguard the precious civil rights and liberties that make our lives free and fulfilling. The PATRIOT Act includes strong protections for the civil liberties of Americans and continues extensive measures for oversight and review of the Department of Justice and our intelligence agencies. As a member of the Committee on the Judiciary, I fully understand the need to strike a proper balance between security and the rights of the American people, and I believe that in extending these provisions, we will do just that.

I am confident this Congress will continue its oversight duties so that we can ensure that every tool available to the intelligence community is coupled with safeguards that ensure the civil liberties of the American people.

Our solemn duty is to protect Americans from terrorists and safeguard their civil liberties, and we will fulfill that duty by passing this bill to extend, through December 8th of this year, these crucial provisions of the PATRIOT Act.

I urge passage.

Ms. WOOLSEY. Mr. Speaker, the new majority in the House has told us that the decisions they make will be guided by two things. First, loyalty to the Constitution. And second, a belief that the government is too large and too intrusive.

Well, here is their chance to act on those principles. The PATRIOT Act provisions we're voting on today represent Big Brother at its creepiest and most invasive. They are a clear violation of the 4th Amendment's "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

It's been close to a decade now that we've lived under the PATRIOT Act. For close to a decade, we've been told that our individual freedoms needed to take a backseat. For close to a decade, we've been told that our civil liberties must be shredded in the name of a so-called war on terrorism. We've been told that the national security imperatives of the moment are so great—and so different than any we've faced in our history—that we must submit to roving wiretaps, that we must empower the government to obtain "any tangible thing" related to a terrorism investigation.

"Any tangible thing"—that gives the government pretty broad discretion to ferret out just about whatever it is that they want. It is an invitation to overreach and abuse.

Meanwhile, it's not at all clear that the PATRIOT Act has made us safer. I believe it has stifled freedom more than it has advanced it. There is a real incoherence to an approach that says we have to do violence to our values in order to protect them. Benjamin Franklin's words are just as powerful today as they were more than 200 years ago: "Any society that would give up a little liberty to gain a little security will deserve neither and lose both."

I was impressed that so many members of the majority, in particular those just elected, voted against this measure when it came up on the suspension calendar earlier this week. I strongly urge them to do so again, and I hope they will be joined by more of their Republican colleagues who claim such a passionate belief in modest government. Or do they want to be known as the party that believes we should be tapping Americans' phones but not giving them affordable health care?

I believe we must let these provisions expire. And let's not stop there. Let's move toward a fuller debate about civil liberties and national security, one that revises and ultimately repeals the PATRIOT Act once and for all. This law is Constitutional graffiti. Patriotism means affirming and celebrating the values that have given America its strength and vitality for more than two centuries. A bill that violates several constitutional amendments has no business calling itself the PATRIOT Act.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 79, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. THOMPSON of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. THOMPSON of California. I am opposed in its current form.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Thompson of California moves to recommit the bill, H.R. 514, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 1, add the following new subsection:

(c) COMPLIANCE WITH CONSTITUTION.—

(1) INVESTIGATIONS MUST COMPLY WITH CONSTITUTION.—Each investigation of a United States citizen conducted under an extended authority shall be conducted in a manner that complies with the Constitution of the United States, including the first through tenth amendments to the Constitution of the United States (commonly known as the "Bill of Rights").

(2) EXPEDITED REVIEW OF VIOLATIONS.—In any civil proceeding before a Federal court that involves an alleged violation of paragraph (1), such court shall expedite such proceeding.

(3) EXTENDED AUTHORITY DEFINED.—In this subsection, the term "extended authority" means any authority available under—

(A) an amendment to section 105(c)(2), 501, or 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2), 1861, 1862) that took effect after October 25, 2001; or

(B) section 101(b)(1)(C) of such Act, as amended by section 6001(a) of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458; 118 Stat. 3742).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. THOMPSON of California. Mr. Speaker, the Patriot Act gave law enforcement some necessary tools to keep up with technological advances being used by those who would do harm to our country. It did not abolish our responsibility to make sure that the constitutional rights of law-abiding citizens are protected.

This motion to recommit will guarantee that the powers of the Patriot Act being voted on today are not used to violate the constitutional rights and freedoms of American citizens.

More specifically, this motion does two important things:

First, it states a fundamental truth, that even in secret national security investigations, Patriot Act investigations of U.S. citizens may not circumvent any provision of the United States Constitution. The Patriot Act powers are used in secret. As a result, when ordinary American citizens are ordered to turn over information to the

government under these expansive powers, they are prohibited from discussing their case in public. The risk of government overreach is at its greatest in matters such as these.

The second section states that if a U.S. citizen argues to a court that government spying has violated their constitutional rights, that the citizen's case must be expedited. The FISA laws currently require that when our government seeks a secret court order to conduct surveillance of an American citizen, the government's request must be expedited by the court. This provision is a basic promise of fair and equal treatment, and that the government should not have greater rights than the people.

We took an oath of office to protect and defend the Constitution of the United States against all enemies, foreign and domestic. Our obligations to that oath and to the American people we represent are put to their greatest test when we consider matters of national security and government powers such as the ones before us today.

I urge all Members who support the freedoms guaranteed by our Constitution to vote "yes" on this motion to recommit.

I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, this motion is as straightforward as they come. The Patriot Act should be enforced in a manner that doesn't violate Americans' constitutional rights, and those who believe their constitutional rights have been violated should receive fair and equitable treatment by the courts.

I can't imagine any of my colleagues from either party voting against this bedrock principle that the executive branch should respect the Constitution when it comes to investigating American citizens. After all, each of us took an oath of office last month to support and defend the Constitution of the United States against all enemies, foreign and domestic. I know we all take that oath seriously. Indeed, we opened this session of the Congress by reading through the U.S. Constitution on this floor, an exercise in which I was pleased to participate.

It's in that same spirit that we offer this motion. For while we have differing views on how best to protect our national security, while upholding our cherished liberties, and in this case, on whether the enhanced authorities in this underlying bill are still needed nearly a decade after the September 11 attacks, we should all be able to agree that the United States Constitution is our last line of defense in cases where an American's civil liberties may be threatened. So, by assuring that the exercise of these powers doesn't violate our basic constitutional rights, this motion would provide a safety net to

protect Americans' civil liberties in the absence of a more comprehensive review of the Patriot Act.

The second part of this motion states simply that Americans who believe their constitutional rights may have been violated by the government should receive the same expedited consideration by the courts that the government already receives. How can anyone argue with that? Why shouldn't our courts be equally responsive to the concerns of American citizens as they are to the concerns of the government, especially when an individual believes his constitutional rights have been violated. A government of the people, by the people, for the people has the utmost responsibility to protect the constitutional rights of every individual, especially when it comes to matters of national security.

So this motion to recommit, Mr. Speaker, is simple, straightforward and consistent with the bedrock principle of our Republic. I urge my colleagues to vote "yes" regardless of their views on the underlying bill, to vote "yes" as an affirmation of the support of this body for our Constitution.

□ 1830

Mr. THOMPSON of California. Reclaiming my time, Mr. Speaker, again, I urge all my colleagues to vote "yes" on this motion to recommit to protect our Constitution and the civil rights and the civil liberties of the American people, while at the same time making sure we are safe from those who may wish harm to us.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, a few minutes ago, the chairman of the Judiciary Committee, the gentleman from Texas, yielded the Democrats 2 additional minutes, and asked for a copy of the motion to recommit so that we could look at it. The gentleman extended that offer in good faith.

We received a copy of this motion to recommit at the time the Clerk started reading it, and our offer of good faith was responded to with an attempted surprise.

Now, the underlying bill, H.R. 514, is very simple. All it does is extend the authorizations that are about ready to expire until December 8. It doesn't add to the Patriot Act and the Terrorism Prevention Act. It does not subtract from it. It gives the Judiciary Committee the time to do the oversight, which is exactly the same thing that I did when I was the chairman the last time the sunset expired.

But there is something else in here that I think is very important, and that is that there is a provision that

would cause the courts to second-guess themselves every time a national security action asked them for a business record order. And rather than expediting the request to seek information on terrorists, this motion to recommit tells the court to expedite civil lawsuits against the United States Government to get money damages under a provision that is in the Patriot Act, and that tips it all on its head.

If the civil rights are violated, there is a provision in this Patriot Act that allows people to file a lawsuit and to do all of the discovery that needs to be done and to bring the case to trial, and they don't need to be expedited. What needs to be expedited is going after the terrorists with business records.

Now, there is a provision in the motion to recommit that says that the Constitution has to be followed. We don't need to put things in the statute book that says the Constitution needs to be followed. That's the supreme law of the land. This is completely redundant. It is unnecessary. And, frankly, the Constitution has been followed in the Patriot Act, because there has been no finding of unconstitutionality of any of the 17 provisions. Where there was a preliminary finding in the business records section, we amended the law and the plaintiffs dropped their suit. We fixed the problem, to the approval of the plaintiffs who filed this suit.

So we ought to get on with this. We're going to have these hearings. We are going to have the time to have these hearings. And all of the gentlemen on the other side of the aisle have my commitment now, as they did 9 years ago and as they did 5 and 6 years ago, that the hearings will be thorough, they will be comprehensive, and they will allow everybody to speak their piece.

Vote against this motion to recommit and pass the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 186, nays 234, not voting 13, as follows:

[Roll No. 35]

YEAS—186

Ackerman	Garamendi	Neal
Altmire	Gonzalez	Oliver
Andrews	Green, Al	Owens
Baca	Green, Gene	Pallone
Baldwin	Grijalva	Pascarell
Barrow	Gutierrez	Pastor (AZ)
Bass (CA)	Hanabusa	Paul
Becerra	Hastings (FL)	Pelosi
Berman	Heinrich	Perlmutter
Bishop (GA)	Higgins	Peters
Bishop (NY)	Himes	Petersen
Blumenauer	Hinchey	Pingree (ME)
Boren	Hinojosa	Polis
Boswell	Hirono	Price (NC)
Brady (PA)	Holden	Quigley
Braley (IA)	Holt	Rahall
Brown (FL)	Honda	Rangel
Butterfield	Hoyer	Reyes
Capps	Inslee	Richardson
Capuano	Israel	Richmond
Cardoza	Jackson (IL)	Ross (AR)
Carnahan	Jackson Lee	Rothman (NJ)
Carney	(TX)	Royal-Allard
Carson (IN)	Johnson (GA)	Ruppersberger
Castor (FL)	Johnson, E. B.	Ryan (OH)
Chandler	Jones	Sánchez, Linda
Chu	Kaptur	T.
Cicilline	Keating	Sanchez, Loretta
Clarke (MI)	Kildee	Sarbanes
Clay	Kind	Schakowsky
Cleaver	Kissell	Schiff
Clyburn	Kucinich	Schrader
Cohen	Langevin	Schwartz
Connolly (VA)	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Scott, David
Cooper	Lee (CA)	Serrano
Costa	Levin	Sewell
Costello	Lewis (GA)	Sherman
Courtney	Lipinski	Shuler
Critz	Loebach	Sires
Crowley	Lofgren, Zoe	Slaughter
Cuellar	Lowey	Speier
Cummings	Lujan	Stark
Davis (CA)	Lynch	Sutton
Davis (IL)	Maloney	Thompson (CA)
DeFazio	Markey	Thompson (MS)
DeGette	Matheson	Tonko
DeLauro	Matsui	Towns
Deutch	McCarthy (NY)	Tsongas
Dicks	McCollum	Van Hollen
Dingell	McDermott	Velázquez
Doggett	McGovern	Visclosky
Donnelly (IN)	McIntyre	Walz (MN)
Doyle	McNerney	Wasserman
Edwards	Meeks	Schultz
Ellison	Michaud	Waters
Engel	Miller (NC)	Watt
Eshoo	Miller, George	Waxman
Farr	Moore	Weiner
Fattah	Moran	Welch
Filner	Murphy (CT)	Wilson (FL)
Frank (MA)	Nadler	Wu
Fudge	Napolitano	Yarmuth

NAYS—234

Adams	Buerkle	Duncan (SC)
Aderholt	Burgess	Duncan (TN)
Akin	Calvert	Ellmers
Alexander	Camp	Emerson
Amash	Campbell	Farenthold
Austria	Canseco	Fincher
Bachmann	Cantor	Fitzpatrick
Bachus	Capito	Flake
Barletta	Carter	Fleischmann
Bartlett	Cassidy	Fleming
Barton (TX)	Chabot	Flores
Bass (NH)	Chaffetz	Forbes
Benishek	Coble	Fortenberry
Berg	Coffman (CO)	Fox
Biggart	Cole	Franks (AZ)
Bilbray	Conaway	Frelinghuysen
Bilirakis	Cravaack	Galleghy
Bishop (UT)	Crawford	Gardner
Black	Crenshaw	Garrett
Blackburn	Davis (KY)	Gerlach
Bonner	Denham	Gibbs
Bono Mack	Dent	Gibson
Boustany	DesJarlais	Gingrey (GA)
Brady (TX)	Diaz-Balart	Gohmert
Brooks	Dold	Goodlatte
Brown (GA)	Dreier	Gosar
Bucshon	Duffy	Gowdy

Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis

Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)

NOT VOTING—13

Berkley
Buchanan
Burton (IN)
Clarke (NY)
Culberson

Giffords
Harman
Payne
Rush
Smith (WA)
Tierney
Woolsey
Young (FL)

□ 1855

Mr. FARENTHOLD, Mrs. BIGGERT, and Messrs. COFFMAN of Colorado and JOHNSON of Illinois changed their vote from “yea” to “nay.”

Messrs. ALTMIRE, JONES, HINCHEY, Ms. KAPTUR and Mr. CLEAVER changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 144, not voting 14, as follows:

[Roll No. 36]
AYES—275

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach

Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Israel
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoder
Young (IN)

Amash
Andrews
Baldwin
Bartlett
Becerra
Berman
Bishop (UT)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Campbell
Capps
Capuano
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gibson
Gonzalez
Graves (GA)
Green, Al
Green, Gene

NOES—144

Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heller
Himes
Hinchee
Hirono
Holt
Honda
Hultgren
Jackson (IL)
Jackson Lee
(TX)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Kildee
Kingston
Kucinich
Labrador
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Loeback
Lofgren, Zoe
Lujan
Mack
Maloney
Marchant
Markay
Matsui
McClintock
McCollum
McDermott
McGovern
Meeks
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Owens

NOT VOTING—14

Bass (CA)
Berkley
Burton (NY)
Clarke (IN)
Culberson
Frank (MA)
Giffords
Harman
Johnson (GA)
Rush
Smith (WA)
Tierney
Woolsey
Young (FL)

□ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 59, answered “present” 3, not voting 19, as follows:

[Roll No. 37]

YEAS—352

Ackerman
Adams
Aderholt
Akin
Alexander
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)

Bass (NH)
Becerra
Benishkek
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores

Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Huelskamp
Huiuzenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Latta
Levin
Lewis (CA)
Lipinski
Loebach
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Mack

Maloney
Manzullo
Marchant
Marino
Markley
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pallone
Pascarella
Paul
Paulsen
Pearce
Pelosi
Pence
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)

Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stark
Stearns

Stivers
Stutzman
Sullivan
Sutton
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner
Upton
Velázquez
Walberg
Walsh (IL)
Walz (MN)
Wasserman
Schultz

Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (IN)

NAYS—59

Altmire
Baldwin
Boren
Brady (PA)
Burgess
Capuano
Cayburn
Cuellar
DeFazio
Dent
Donnelly (IN)
Finer
Fudge
Hanna
Harris
Hastings (FL)
Heller
Hinchey
Hoyer
Johnson (GA)

Keating
Kucinich
Lee (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lynch
McCarthy (NY)
McDermott
McGovern
Moore
Murphy (PA)
Napolitano
Oliver
Owens
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson

Pingree (ME)
Price (NC)
Rahall
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Shuler
Sires
Terry
Thompson (CA)
Thompson (MS)
Towns
Visclosky
Walden
Weiner
Wu
Young (AK)

ANSWERED "PRESENT"—3

Amash

Foxx

Gohmert

NOT VOTING—19

Berg
Berkley
Burton (IN)
Clarke (NY)
Culbertson
Doggett
Doyle

Giffords
Graves (GA)
Grijalva
Harman
Jordan
Meehan
Rush

Smith (WA)
Tierney
Van Hollen
Woolsey
Young (FL)

□ 1910

So the Journal was approved.
The result of the vote was announced
as above recorded.

JOB CREATION AND ECONOMIC GROWTH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. The 112th Congress has a mandate from the people to focus their legislative efforts on job creation and economic growth.

Career and technical education should be at the forefront of those efforts. Expanding and improving our Nation's career and technical education is one of the most important and effective ways for our communities to produce a well-educated and skilled workforce, ensure that students are career- and college-ready, and individuals have the necessary skills to remain competitive in a changing workforce.

This year, I was named cochairman of the Career and Technical Education Caucus along with Representative LAN-GEVIN of Rhode Island. In the 112th, our

goals are to enhance awareness in Congress of the importance of career and technical education and advance policies that improve skilled labor education and support technical-related small business job growth.

CTE programs exist in every congressional district, and I encourage my colleagues to join the bipartisan Congressional Career and Technical Education Caucus. Together, we can improve America's competitiveness and help facilitate job opportunities for our constituents.

CUTS TO RESEARCH, DEVELOPMENT AND STEM EDUCATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I've come to the House this evening to talk about the deficit, but it's not our budgetary deficit, which is also a concern to many of us, but, rather, the deficit of vision that I see reflected in the CR that we will be voting on later this week. By that, I mean we have a CR before us this week that will do grave damage to our economic competitiveness while having a negligible impact on the Nation's budgetary situation.

It is clear that without a robust, innovative economy, it will be next to impossible to ever truly reduce our national budgetary deficit. Yet this CR cuts some of the very investments that are needed to address the crisis in competitiveness in our country that we are confronting now.

For some time, important leaders in our business and academic community have warned us about this crisis. In 2005, the National Academies panel, chaired by former Lockheed Martin CEO Norm Augustine, released a report, "Rising Above the Gathering Storm." This report warned that without a focused effort by the Federal Government, the future of American competitiveness was bleak. It recommended increased efforts in science, technology, engineering, and math, and we have failed to see this vision.

The reason for these investments is simple: technological innovation leads to jobs. Several studies have estimated that over 50 percent of America's economic growth since World War II is a direct result of technological innovation. Some studies have suggested that this percentage is much higher still.

This technological innovation coincided with an increased Federal investment in research, development and STEM education.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. EDDIE BERNICE JOHNSON of Texas. I urge my colleagues to reject the cuts being proposed in the Republican CR.

CONGRATULATIONS TO DALE SPECKEN, 2010 MINNESOTA FIRE OFFICER OF THE YEAR

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate Minnesota's Fire Officer of the Year, Dale Specken of Hopkins. Known for his can-do attitude, loyalty, and fairness, Dale has long had the respect of all of his colleagues because of his passion for teaching others about fire prevention and going beyond the call of duty to help others and the community.

Dale comes from a long line of firefighters and in 1981 joined the family business. Working hard and rising through the ranks, he became Hopkins fire chief in 2005. Being the dedicated community servant that he is, Dale also serves as the emergency manager and fire marshal for the City of Hopkins.

I want to congratulate Dale on being named Minnesota's Fire Officer of the Year. Thank you for your many years of tireless service and for your unwavering commitment to our community.

WHERE ARE THE JOBS?

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. I was so pleased to hear my colleague a moment ago, Mr. Speaker, talk about firemen. However, the continuing resolution that is now before this House would lay off 1,333 firemen across this Nation. It would also lay off 2,410 firefighters across this Nation.

We're now into the sixth week of the Republican control of this House, and yet we have no jobs; but instead of a jobs bill, we have a jobs layoff bill. The continuing resolution will lay off tens of thousands, indeed, hundreds of thousands of men and women all across this Nation, from firefighters to cops to construction workers; 76 projects that are going to be built and infrastructure will be canceled.

We're looking at 200,000 young children that will not be in the Head Start program, which means their teachers and the others that are running those programs will be laid off.

This is the most anti-jobs bill I could possibly imagine; and here we are in the 6 weeks, no jobs, just job layoffs.

ARIZONA BEGINS ITS 100TH ANNIVERSARY TODAY

(Mr. SCHWEIKERT asked and was given permission to address the House for 1 minute.)

Mr. SCHWEIKERT. Mr. Speaker, today is one of those special days, and for many of us, you think of it as Val-

entine's Day, but for Arizona, this is our 99th birthday. Today, we begin our 100th year, and the wonderful folks in Arizona, which is a stunningly beautiful State, for those of you who have not had a chance to visit us—from the Grand Canyon, down through the mountains, down even further to the desert plateaus, to the grasslands down south—come join us for our 100th anniversary celebration.

All through this year, all up and down the State, there are going to be special activities, special dinners, special commemorations for the baby State, the valentine State that is Arizona, as it begins its 100th anniversary today.

THE GRAMMY AWARDS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, last night in Los Angeles, California, the Grammy Awards took place, and I am proud that one of my Memphis constituents, Kirk Whalum, received a Grammy. I am also proud that a special award was given to Al Bell who had been the head of Stax Records.

But even further, there was a tribute to Solomon Burke, one of the great singers of all time. The tribute was done by Mick Jagger. Nobody can quite do anything like Mick Jagger. But it was fitting that Mick Jagger did Solomon Burke, because Solomon Burke in the 1960s was one of the first African Americans to do Bob Dylan, and Bob Dylan was there, too. And then Eminem got the best rap song.

So it was a good, spirited night at the Grammys of biracial, cultural cooperation and understanding and love.

□ 1920

THE DUST POLICE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the EPA is now going after the farms and ranches that feed the American people. They say ranching and farming cause dust. Well, no kidding. So out with the dust, and in with more regulations and fines.

Dust has been around since man first tilled the soil with primitive plows and herded sheep and cattle in the wide open spaces. The EPA also doesn't like the dirt roads used by pickups and tractors that crisscross the cattle ranches and farms that are in Texas and in the heartland of America, so the Environmental Police Agency is going to regulate the dust created by farming and ranching by imposing expensive fines on the breadbasket of America. The dust police rule would make it more expensive to feed America.

First it was punishing the domestic energy industry. Now they're going after the agriculture industry. Does the EPA wish that we import all of our food like we do crude oil? This sounds a little bit un-American to me. Maybe the EPA needs to just hit the road.

And that's just the way it is.

CONGRATULATING EGYPT

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I rise today to congratulate the valiant, heroic, brave people of Egypt who for 18 days took to the streets in Tahrir Square and used people power to stand up and to liberate themselves. For 18 days, they called on things like governance and to have a hand in their own destiny and their own democracy. Human rights, bread, dignity, things like that. I was so proud, watching the people in Tahrir Square of Egypt stand up and claim their dignity back, and I was proud to be able to say that so many Americans stood shoulder to shoulder with them.

I also want to add, Mr. Speaker, that it demonstrated that the people of Egypt reject the philosophy of al Qaeda, reject the philosophy of extremism, and used nonviolent tactics, tested the world over, to bring forth democracy. This is a wonderful testament to people who want freedom, justice, and equality to stand together peacefully. And it was so good, Mr. Speaker, to see people of multiple faiths—Muslims, Christians, other people, Jews—standing together to say, We want a new day in Egypt.

So, Mr. Speaker, again, my hearty congratulations to the people of Egypt.

AMERICA WORKS TOGETHER, COMES TOGETHER

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. As I was traveling, Mr. Speaker, to Washington, I had the opportunity to read the local newspaper. It's a good time for us to reconnect with our community, those that we have not been able to see, to hear their stories. And I was impacted by a story of two students at the University of Texas from different walks of life who had had a passion for football in one instance and a passion for basketball in another instance.

Unfortunately, as they were aspiring to their dreams, both of them found that they had a congenital or a serious heart defect. Young men. One who had come out of the heart of Acres Home, a historically African American community, raised by his grandmother whom he loved; and he chose to stay close to home by going to UT Austin to play basketball. What a devastating blow to

find out he could not play when he first got there. What about the young man, huge in size, that almost lost his life on the football field?

But the story is, in this month when we commemorate African American History Month, one was a Caucasian, and one was an African American. It just shows in this Nation how we can work together and come together. These young men have, in a sense, overcome their challenges, and they represent America's heroes. I pay tribute to these two athletes at the University of Texas and thank them for their leadership.

FUNDING FOR THE PATIENT PROTECTION AND AFFORDABLE CARE ACT MUST BE DENIED

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today, I sent a letter to Kathleen Sebelius, Secretary of Health and Human Services, asking, in light of Judge Vinson's ruling in Florida 2 weeks ago today where a declaratory judgment was issued that the Patient Protection and Affordable Care Act is indeed unconstitutional, that further implementation of this act not go forward.

In fact, Judge Vinson stated that officials of the executive branch will adhere to the law as declared by the court. As a result, the declaratory judgment is the functional equivalent of an injunction. There is no reason to conclude that this presumption should not apply here.

Now, I believe the judge is correct, that the administration should not proceed with implementation, and I've asked the Secretary for clarification that that is indeed her position and will be her position going forward.

Of course we do have debate and a vote on the continuing resolution to fund the United States Government for the next 7 months. It is my expectation that funding for provisions of enacting the Patient Protection and Affordable Care Act will not be funded in the continuing resolution.

The American people have made it very clear, and even recently the Florida ruling confirmed that the health care law is unconstitutional, and Congress must do its job to make sure funding for this legislation is denied.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2011.

Hon. KATHLEEN SEBELIUS,
Secretary of Health and Human Services,
Washington, DC.

DEAR SECRETARY SEBELIUS: I write to inquire of the Department of Health and Human Services your response to and specifically subsequent implementation decisions made by the Department in the wake of Judge Vinson's ruling in *The State of Florida v. United States Department of Health*

and Human Services. As you are well aware, the plaintiff sought declaratory judgment that the Patient Protection and Affordable Care Act is unconstitutional as well as an injunction against its enforcement.

In his opinion, Judge Vinson relied on precedent in *Committee on Judiciary of U.S. House of Representatives v. Miers* to determine that when a court issues a declaratory judgment against federal officials, the "declaratory judgment is the functional equivalent of an injunction." He quoted a previous United States Court of Appeals decision which further addressed his point, "that officials of the Executive Branch will adhere to the law as declared by the court. As a result, the declaratory judgment is the functional equivalent of an injunction . . . There is no reason to conclude that this presumption should not apply here. Thus, the award of declaratory relief is adequate and separate injunctive relief is not necessary."

I would like to request information on how, in light of the declaratory relief issued by Judge Vinson, the Department plans to proceed in its implementation of the Patient Protection and Affordable Care Act.

Thank you for your time and consideration on this issue and I look forward to your response. Should you have any questions, please contact me in my Washington office at (202) 225-7772.

Sincerely,

MICHAEL C. BURGESS, M.D.,
Member of Congress.

The SPEAKER pro tempore (Mr. CANSECO). Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the majority leader.

CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to lead this Special Order for an hour on behalf of the Congressional Black Caucus and to have some of my distinguished colleagues join me.

But as we begin the Special Order to call attention to the travesty that the Republican leadership is proposing and the cuts that they will be trying to enact for the balance of this year, I want to say something that begins to put these cuts into a particular perspective.

I'm sure that everyone is aware that today is Valentine's Day, a day in which we supposedly celebrate love. As the Republican leadership begins the onslaught on some very important programs, I want to share with them and all of us something that Dr. Cornel West has been reminding us of as of late, that is, that justice is what love looks like in the public arena.

So on this day when we show those close to us we love them, we should also be showing the American people

our commitment to justice. Mr. Speaker, the cuts being proposed with the continuing resolution are anything but just.

With that, I would like to yield first to our distinguished assistant minority leader, Mr. CLYBURN, the gentleman from South Carolina, who has been a leader for his State, for this Congress, and for our country, particularly a leader of high morals who leads this country in making sure that we stay true to the values that this country was founded on and continue to operate in that faith.

Mr. CLYBURN. I thank the gentlelady for yielding me this time and thank her for her tremendous leadership on this and many other areas that come before this Congress.

I want to take just a few moments to talk about an issue that's very, very important to a significant number of citizens in our great country. The Wharton School of Business recently held a conference named in honor of Whitney Young, a leader and friend in the struggle for social justice, equality, and civil rights. Whitney Young is probably known best for growing and transforming the Urban League from a sleepy little organization into one of the country's biggest and most aggressive crusaders for social justice.

What he is less known for is his call for a "domestic Marshall Plan," a program to eradicate poverty and deprivation in the United States, similar to the Marshall Plan that was launched to reconstruct Europe after World War II. I would like to use that call for a domestic Marshall Plan as a jumping-off point for my remarks this evening.

Some of Whitney Young's ideas were incorporated into President Lyndon Johnson's War on Poverty over 40 years ago, yet the scourge is still with us. Before the War on Poverty and the Great Society, we had the New Deal. All of these investments in America helped to move us forward as a Nation. But some communities have been left behind each time, and we have begun to call them "persistent poverty communities," places that have had more than 20 percent of their populations living beneath the poverty level for more than 30 years.

Approximately 15 percent of all counties in America qualify as persistent poverty counties under this definition. These counties are diverse and spread across the country, including Appalachian communities in Kentucky and West Virginia; Native American communities in South Dakota and Alaska; Latino communities in Arizona and New Mexico; African American communities in Mississippi and South Carolina; and urban communities in Philadelphia, New York, Baltimore, and St. Louis.

□ 1930

Democrats represent 149 of these counties, with a total population of 8.7

million. Republicans represent 311 of these counties, with a total population of 8.3 million. Fourteen, with a total population of 5.3 million, are split between Democrats and Republicans.

A total of 43 Democrats and 84 Republicans represent at least a part of one of these counties. Thirty-five of the 50 states have at least one persistent poverty county. Fifteen of South Carolina's 46 counties meet this ignoble distinction, and seven of them are in the Sixth Congressional District that I proudly represent.

This is not a red state or a blue state issue. That's why in the map beside me the persistent poverty communities are colored in purple because poverty knows no political affiliation. Poverty has never been limited to race, region, or creed.

For many years, counties along the I-95 corridor in South Carolina were passed over for economic development. Federal funds found their way to South Carolina, but mysteriously did not find their way into the Sixth Congressional District.

The I-95 corridor is plagued with health disparities. The Sixth District has the dubious distinction of leading the State in incidence of stroke, heart disease, and diabetes. We lead the State in amputations for both adult and juvenile diabetes. This region is known as the buckle of the stroke belt, and is home to the highest rate of prostate cancer deaths among black males in the South.

Scientists tell me that many of these health problems are directly related to water quality. In some of these places in my district, the water is not fit for human consumption. One particular instance in which my office was involved, the Health Department would not allow a water hookup to a home because of the contamination. Yet, the people still drink the water because they have no choice.

Two years ago I offered a provision in the Rural Development section of the Recovery Act that we called the 10-20-30 formula. It stipulated that at least 10 percent of the funds be targeted to counties where at least a 20 percent poverty rate has persisted for the past 30 years. The formula is working.

Marion County, South Carolina, received a \$3 million loan and a \$4.7 million grant to build 71 miles of water lines, and three water projects in Orangeburg County benefited from this formula, including a \$5.6 million grant to bring potable water to these communities. Citizens in these counties will soon be enjoying their first clean glass of water from the faucet, free of contaminants and pollutants, thanks to this formula.

In the coming days and weeks, I will personally reach out to all 127 Members who represent persistent poverty counties in hopes of bringing together a bipartisan task force to ensure that

these areas are not overlooked as we emerge from the recession. Hopefully, this task force will work to build on the success of the 10-20-30 formula in the rural development program by extending it to all Federal departments with grant-making authority going forward.

I thank my friend from the Virgin Islands for allowing me to speak about this important issue today.

Mrs. CHRISTENSEN. Thank you, Mr. CLYBURN, and we thank you so much for developing that formula that has begun to help communities that have been long distressed with high poverty levels for all that time, and we look forward to the work of your task force. Obviously this is not a Democrat issue or a Republican issue; it's an American issue. And we look forward to supporting that task force and the work that you will be doing.

Mr. Speaker, at this time I'd like to yield 6 minutes to the gentleman from Virginia (Mr. SCOTT), who leads the Congressional Black Caucus budget and has led it for all the years that I have been here. And I must say that in all of the budgets that he has helped us prepare and present to this body, they have been thoughtful, they have provided funding to the important areas that our communities and some of the communities that Mr. CLYBURN talked about needed, but still has reduced the deficit in every instance.

Mr. SCOTT of Virginia. I thank the gentlelady for yielding, and if we're going to be able to address the important matters that our assistant leader has suggested, it's going to depend on our ability to get the budget under control.

When we talk about the budget, we need to put the budget in perspective. I was first elected in 1992, and in 1993 we considered a budget that put an end to fiscal recklessness. We passed a budget that, by the end of the 8 years of the Clinton administration, had not only eliminated the deficit, but had created enough surplus to have paid off the entire national debt held by the public by 2 years ago. That would mean that we'd owe no money to Japan, no money to China, no money to Saudi Arabia. That budget also created a record number of jobs and record economic activity, as noted by the record increase in the Dow Jones Industrial Average. So we had a good budget. We had fiscal responsibility, but unfortunately, in 2001, that came to an end when we reverted to fiscal irresponsibility.

Under the Bush administration, we passed two tax cuts without paying for them, a prescriptive drug benefit without paying for it, fought two wars in the middle of cutting taxes, and a \$700 billion bailout, all of which put us in the economic ditch.

Now, in order to get these large deficits we now have under control, we're going to have to make some tough

choices. Unfortunately, last year we started off in the wrong direction. We considered a huge tax cut bill last year that went in the wrong direction at a total cost, 2-year cost, of \$800 billion. And to put that in perspective, \$800 billion is more than we spent on the TARP program, about the same as the stimulus, about the same as what the health care bill spends in 10 years, that tax cut bill spent in two.

In case people don't really appreciate how big a bill that was, we checked with the National Conference of State Legislatures and ascertained that the total general fund budget, add them up, for 50 states, general fund budget of 50 states was \$650 billion. We, in one vote, cut taxes by \$800 billion.

And before that bill was passed, we asked, well, how are you going to pay for it? One of the ways is that we jeopardize Social Security in the bill, cutting the payroll tax, so money coming into Social Security will have to be subsidized by the general fund. That puts the Social Security program in competition with everything else in the budget. And so we put Social Security in jeopardy.

And we also had tax cuts for dead multimillionaires. I say dead multimillionaires because everybody expected us to have an exemption of \$3.5 million, \$7 million per couple, where you pay no taxes and begin paying taxes after that. Well, we increased that exemption, the amount you can get without paying any estate tax, to \$5 million, and reduced the rate.

□ 1940

That additional assistance to dead multimillionaires cost \$24 billion. Again, how are we going to pay for it?

You can look at the continuing resolution in next year's budget, a budget that the Republicans have already attacked for not cutting enough, and look what it does to the safety net:

LIHEAP, the Low Income Heating and Energy Assistance Program, for those that can't pay their energy bills and risk freezing to death, we cut that by one-half billion dollars to help fund the multimillionaire tax cut;

Women Infants and Children, the WIC program, so that babies can be born healthy and start off on the right track, we cut that program;

Job training and employment services, for those who have lost their jobs and may never return, trying to get a job that will be there, we cut that program;

Community health centers, public housing, at a time of record foreclosures, we're cutting those programs to partially fund that tax cut.

Opportunities:

Head Start, we only address the needs in Head Start for half the eligible children. We are going to cut Head Start to deprive millions of children of that important opportunity of starting

off on the right track. We have found that Head Start will increase graduation rates, reduce delinquency, reduce the need for welfare, save more money than it costs. We're cutting that program;

TRIO and GEAR UP, programs that encourage young people to go to college, we're cutting those programs;

Assistance to Historically Black Colleges and Universities and Hispanic-serving institutions by significant amounts. Those deal with a lot of first-generation children;

Funds for improvement of postsecondary education, cut.

Our investments in America's future:

NASA, National Aeronautics and Space Administration, National Science Foundation, Advanced Research Project, all cut. These are investments in our future;

The National Infrastructure Innovation Fund, and rescinding billions in high-speed rail. Other countries are investing in high-speed rail. We're cutting high-speed rail.

Now, we should be more responsible when it comes to balancing the budget, and we can do it. But you can't do it by beginning the discussion with an \$800 billion tax cut without telling people how you are going to pay for it. Cutting critical safety net programs, initiatives to give opportunities for our youth, and initiatives that will invest in our future, these are the things that are being cut to fund that tax cut bill from last year.

We cannot disassociate ourselves from the connection of cuts that we are making today from the tax cut bills that we passed before. People are saying, well, we can't afford it. Well, we could have afforded it had we not passed that tax cut. We need to rescind what we did last year so we do not have to make these draconian cuts this year.

We should have been honest with the people last year. I don't think the people want cuts in Social Security, the safety net, and investments in our future. We can do better, and that's why we are going to be fighting against these draconian cuts that are so important to so many people and make sure that we go off and continue on the right track, as we did in 1993, where we can pass a responsible budget, address the needs of the people, create jobs, economic activity, and we were on course to paying off the national debt.

Mrs. CHRISTENSEN. Thank you, Mr. SCOTT. And I remember when the tax cuts were being debated and you led us, because we knew that those tax cuts would be paid for by cuts to the programs that our communities need most and that the American people want. The Pew Foundation did a poll that showed that people don't want cuts in those programs.

It was interesting, Paul Krugman in The New York Times today made a

good point. Because the bill doesn't have one of those nice names that are usually attached to Republican bills when they are doing something that would hurt the public, he suggested we call it the Eat the Future bill, because that's what we're doing. We're taking away things now that we need to invest in to build our future.

So thank you, Mr. SCOTT, and thank you for your leadership on the budget.

At this time, Mr. Speaker, I yield 5 minutes to our leader, the chair of the Congressional Black Caucus, EMANUEL CLEAVER from Missouri.

Mr. CLEAVER. Thank you, Congresswoman.

I think that what Congressman BOBBY SCOTT just said has to be echoed. And as is often said on the floor in this august Chamber is that I would like to associate myself with the comments of the previous speaker.

Congresswoman DONNA CHRISTENSEN has led the discussion on this vital issue that we will not be silent about. Mr. Speaker, in my real life as an ordained United Methodist pastor, I say to our congregation and congregations where I speak that if you want to know what a person is really like, if you want to know who a person really is, look through their checkbook. The checkbook will reveal quite clearly what a person believes in.

The same thing is true of a corporation and a nation, and the budget of the United States is a bold statement about who we are as a Nation. It says clearly what we believe in and the things we don't believe in. It is a statement that paints a picture of the United States of America.

Mr. Speaker, the picture that is being painted now is a picture that could be used on the chiller channel. It is a picture of a nation that would prefer to move toward deficit and debt reduction by unduly placing pain on the poor or, most appropriately and significantly, on the men and women of this country who are now pushed aside.

Normally, when we talk about the poor, in people's minds they see minorities and the people who are lazy and shiftless and who don't want to work. We are experiencing the greatest economic crisis since October 1929, and the people who we are looking at as being available to be discarded are police officers and teachers and State employees and municipal workers who have been laid off.

Every State in the Union is having financial problems. Every State in the Union is laying off employees. In my hometown, Kansas City, Missouri, we have a \$60 million shortfall. The State government has a \$200 million shortfall, and so State workers are being laid off. What we are saying now is that the people who are already experiencing pain should get ready to experience some additional pain.

And I have heard over and over and over again, well, everybody must share

in the pain. The question that I have asked that nobody has answered, I asked this in our committee last week: Why? Why should everybody end up suffering? Because everybody didn't contribute to this problem, number one. And, on top of that, the individuals who were hurt as a result of the recession we are asking to receive some additional pain. And that is simply not the way I think we want to project ourselves to ourselves, and certainly to the international community.

As Congressman SCOTT mentioned, we had a tax cut and made some major decisions before we went home for Christmas, and nobody stood on the floor and repeatedly asked the question: How are we going to pay for it? Well, now we are going to pay for it by equally, as we like to say, trying to place the pain on everyone.

We are not talking about getting rid of Freddie Mac and Fannie Mae. And the amazing thing is that the people, Wall Street, who caused much of the problems, are now being rewarded for causing the problems. We are going to say, okay, we're going to privatize Fannie Mae and Freddie Mac. We're going to do all kinds of things that would accommodate the Wall Street barons who helped cause the crisis.

□ 1950

And the poorest people in this country are going to end up suffering even more so. We even had to fight to continue unemployment benefits. We had a battle on this floor to continue the unemployment benefits for people who, through no fault of their own, lost their jobs, such as police officers and firefighters.

Then we come out with this budget. This budget that we are about to debate is a nervous breakdown on paper. It is not something that we can be proud of as people of the United States, because it shows that we don't think in terms of trying to minimize the pain on the least of these.

Now, to be sure, the United States faces a painful and profound problem with our deficit and our debt. It has to be dealt with. I am on the Financial Services Committee. I asked this question in the committee last week: Are we serious about cutting the debt, when we say we are not going to talk about the entitlements?

We are not going to talk about Social Security, we are not going to talk about Medicare or Medicaid, and we certainly can't do anything with the annual debt service, which is a part of the budget that we can't make decisions on. We have to pay it. So, if we are not seriously trying to reduce the deficit by dealing with the entitlements, then what we are saying is we are going to play with the American public, tell them we are trying to be serious about the debt, when we know we are not.

This is not going to make any kind of substantial reduction in our deficit over the long term. We have got to seriously deal with this problem, and we are not doing it. We are absolutely not dealing with it. Nobody wants to talk about the Social Security issue, because they are thinking about reelection. Not because it shouldn't be dealt with, but they are thinking reelection.

There is criticism, well, the President should have lead the discussion on changing the retirement age on Social Security to a higher number, or somehow creating a new system whereby we have a means test, where individuals who are making \$500,000 a year simply can't also draw their Social Security. We are not even talking about that. And there is nobody on this Hill who can stand up and say we can address this problem very seriously without dealing with the entitlements.

So I am sorry that we are going to hurt so many people in the process of just kind of tinkering around the edges of what is a very serious problem.

My final comment, Congresswoman CHRISTENSEN, is there are a lot of people who ran for office and said we are going to deal with this deficit. But even they are not talking about the only way in which we can change this problem that we are having. Every economist will tell you that that is the only way we are going to deal with the deficit. There is not a single economist who is credible who will say we can deal with this in any other way, yet we are not dealing with it, and it is really a great tragedy.

I do think, as I conclude my comments, Mrs. CHRISTENSEN, that the whole issue of what we are doing is so painful that even Ben Bernanke is saying, yes, we have to make cuts. But he is also saying you have to be careful. Look, the United States is the only entity putting money into the economy in any serious way right now, and if we withdraw it there could be economic consequences of withdrawing the kind of money we are talking about withdrawing.

Some of us are going to challenge it at every opportunity, because it is the wrong thing to do.

Mrs. CHRISTENSEN. Thank you, Congressman CLEAVER. We are certainly fortunate to having you leading the Congressional Black Caucus at this time. I think we need a pastor as leader.

At church yesterday, my minister spoke about our need as Christians. But this would apply to any faith, that we must be on the side of the dispossessed, the helpless, the hopeless, and the marginalized, and the cuts that the Republicans plan would clearly hurt the least of these and are definitely not on their side.

I want to yield at this time to the gentlewoman from Texas, Congresswoman EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Congresswoman CHRISTENSEN.

The National Science Foundation was created in 1950; the Defense Advanced Research Projects Agency, or DARPA, and NASA were created in 1958; and the Department of Energy was established in 1977. Some of the technologies which originated from these Federal investments include the laser, Internet, fiber optics, and nuclear power.

Companies which sprang forth from these efforts include companies like Google, SAS, Cisco Systems, Orbital Sciences, and Sun Microsystems. These five companies alone employ 130,000 people, 130,000 jobs which were created from relatively modest Federal investment. And there are hundreds of companies which had their beginning in Federal research grants.

The equation is clear: Federal investment in research and development leads to new technologies and products which create jobs. And on the other side of the equation, focused investment in STEM education produces a highly-skilled workforce which ensures these high-tech jobs stay in America.

At a Science and Technology Committee last session, Tom Donohue of the United States Chamber of Commerce had this to say: "Research and development is the very lifeblood of our knowledge economy." That just about sums it up. In addition, investments in R&D also help to increase the participation of minorities in the R&D enterprises.

Through the efforts of many in Congress, including those speaking tonight, we have made great progress in expanding the pool of talent that this country can draw on to address the competitiveness challenge that we are facing. However, the CR before us this week would take us back and undo much of the good work that has been done to date.

Let me just quote a few negative impacts of this proposed CR. The CR would severely reduce, by 78 percent, funding for Hispanic-serving colleges and completely eliminate Federal support for several other programs for minority-serving colleges, including tribal colleges and institutions that serve significant numbers of black and Asian students.

The key Education Department program for historically black colleges and universities would lose \$85 million of the \$266 million it received in 2010, or about a third of it. The CR eliminates \$103 million for the Tech-Prep Program for vocational education, which heavily benefits community colleges, and also guts funding for the creation and support of statewide education data systems and eliminates all congressional earmarks for individual institutions, which in 2010 totaled almost \$2 billion for colleges and universities.

Under this proposal, title I would be cut by \$693.5 million. The cut to title I of the Elementary and Secondary Education Act would mean 2,400 schools that serve nearly 1 million disadvantaged students would lose funding for teachers, tutors, and after-school programs. Nearly 10,000 teacher aides could lose their jobs.

Head Start was targeted for one of the biggest reductions, a \$1 billion cut below fiscal 2010. The massive cuts to the Head Start Program would remove 218,000 low income children and families and close more than 16,000 Head Start and Early Head Start classrooms across the country. It would leave 55,000 teachers, teacher assistants, and related staff without jobs.

The Pell Grant scholarship maximum award would be reduced by \$845, from \$5,550 to \$4,750. Many of the 9.4 million students who are projected to receive a Pell Grant in the 2011-2012 school year would see a lower grant award, requiring them to take on more loans for their college tuition.

□ 2000

In addition, it makes cuts to the programs of the National Science Foundation that would lead to elimination of huge research grants, affecting thousands of researchers, which can only have a negative impact on opportunities for minorities to make contributions in science and technology.

And I can fill up an hour debate time all by myself if I were to list all of the terrible impacts that the proposed cuts to the Department of Energy, NIST, NASA, NOAA, and EPA would have. Each of these agencies is critical to our future competitiveness and each of these agencies is slated for ill-founded cuts.

Unfortunately, our children and our grandchildren will be the ones who ultimately pay the price for misguided cuts when they inherit an America that is no longer the world leader in innovation.

We can do better. I urge my colleagues to reject the cuts being proposed in the Republican CR.

Mrs. CHRISTENSEN. Thank you, Ms. JOHNSON, a former chair of the CBC and a leader in science for many years.

I now yield to the other gentlelady from Texas, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady for yielding and thank her for leading. As I see my colleagues on the floor, let me just try to focus on one or two points. And maybe on this Valentine's evening—I think a lot of our colleagues who were fortunate enough to have their spouses here rushed off, and we're delighted. Let me wish everyone a happy Valentine's Day. And let me wish my husband in Texas, far away, a happy Valentine's Day. But he might not be having such a good Valentine's Day because he is in higher education. And, frankly, this CR

is going to put more than a dent. It is going to put a real bite.

This is an effort to show you what progress we've made. Private sector employment has increased for 12 straight months. Private employers added more than 1.3 million jobs in 2010. But they have to have an educated workforce. And, as you can see, we're going up. The cup is half full and not half empty. But when you have the numbers that I'm about to relate to you, where you're seeing Pell Grants cut 15 percent—Mr. Speaker, I met with my universities—the University of Houston, Houston Community College, Lone Star, Texas Southern University; and if there was one thing that they emphasized it is the equal opportunity that is provided to all students through a Pell Grant.

If we are to go with the CR as it is, we're talking about a reduction in the middle of the school year of \$5,550 to \$4,705. Do you know what that does to a student? It doesn't tell them, Let me try to ramp up my extra job. It says, I am dropping out. You know what happens to the workforce? It disappears. And so I am concerned that we are in this predicament.

So let me tell you something else. I have been a strong champion of the COPS On the Beat program. And we have seen evidence of the fact that we have gained in the downsizing, or the decreasing, of crime. The proposed CR will cut \$600 million in funding to community-oriented policing. And, of course, what will happen is 3,000 fewer officers. You can be assured Houston, Texas, which got their first COPS grants just a few months ago, that I worked very hard on, will be one of the victims of that.

Let me just conclude by suggesting that one of the points my good friend the assistant leader made, community health clinics is not a partisan issue. It is to give access to all communities, and particularly rural communities. I'm from Texas. One of the reasons I fought so hard for community health clinics, particularly under the Bush administration, I actually talked to former President Bush and one of our encounters was to challenge and to encourage how we could in fact secure, if you will, more funding for Texas for community health centers in the rural areas. I'm glad we worked together, and actually we've seen a ramp-up. And we've seen a ramp-up with the Affordable Care Act, which helps to provide the kind of, if you will, health care for those in faraway communities where there are not enough doctors.

Finally, may I say to you that to cut the National Science Foundation is terrible. It doesn't make any sense. And I would offer to say that this is about work. Health care; cops to make it safe; Pell Grants to train the 21st-century workforce. I know there are colleagues on the other side of the aisle

that will work with us to get this CR where it needs to be. I, too, am for a reasoned budget-cutting that we need to do. I did it in years past. We balanced the budget in 1997. We can do it again. I, frankly, believe we should not cut into the very quality of life that is so needed.

Let me thank my good friend and the Congressional Black Caucus, working with my other colleagues to ensure that we stand for job creation, investing in job creation. Unfortunately, the CR, as it stands today—the continuing resolution, for those who are not sure of what that is—is not going to work. Let's invest in America.

H.R. 1, the Continuing Resolution making appropriations to fund the federal government through September 20, 2011 contains some very deep cuts that will be very hurtful to many Americans, especially those who are the most vulnerable—disadvantaged women and families, children, minorities, and the elderly. The proposed cuts in the CR will have a disproportionate affect the low-income and minority portions of our population.

As we face a large deficit and growing debt, we know that cuts will have to be made. And yes, some of those cuts will be painful. However, we must be careful not to place added burdens and cause greater harm to those Americans who are the most vulnerable in need of our support the most.

The proposed CR calls for a 15% reduction in funding for Pell grants. Such a cut will reduce the maximum Pell grant award from its current level of \$5,550 to \$4,705. This would present a serious problem for institutions of higher learning, but more importantly, it creates a major hardship on students. Current students who receive Pell grants would have to figure out a way to come up with nearly an additional \$1,000 in order to continue their education. Students who have been accepted to school and have received their financial aid packages are also put in a position that would force them to find and secure additional funds for their schooling. Pell Grants provide the basic foundation of federal student aid and help more than 8 million students afford to attend college.

To some of us, \$800–\$1,000 may not seem significant. However, to a student who qualifies for Pell grant assistance, and who relies on those funds, this would be a great hardship, potentially forcing students to take time off from their schooling.

The proposed CR will cut \$1.3 billion of funding previously allocated to support Community Health Centers. These types of facilities are widely utilized in low income areas and oftentimes, are the backbone of health care services in the areas in which they are located. Without them, quality health care for many poor and disadvantaged Americans will be out of reach.

Although my Republican colleagues claim that the proposed CR will not cut precious education funding, there are, in fact, significant cuts that will have a detrimental impact on education—especially higher education. Many fellowships offered at institutions of higher education are funded by competitive and non-competitive grants issued by the National

Science Foundation (NSF) and the National Institutes of Health (NIH). Cutting funding to these organizations will impose a great hardship on students striving to educate themselves in order that they can be competitive in a global economy.

Under the proposed CR, NSF funding would be cut by \$139 million.

Under the proposed CR, NIH funding would be cut by \$1 billion.

The proposed CR will cut nearly \$2 million dollars from the Minority Business Development Agency.

The proposed CR would cut \$600 million dollars from the Community Oriented Policing Services programs (COPS). Such a cut would require a complete elimination of the hiring programs. Over the years, COPS has funded the hiring of more than 122,000 state and local police officers and sheriff's deputies in communities across America. This proposed cut will prevent the hiring and rehiring of over 3,000 fewer law enforcement officers.

The public safety of our communities is important, and during these tough economic times as we recover from one of our country's worse recessions, every job counts. We can not afford cuts that will cost jobs for hard-working American people.

Another instance where the CR disproportionately affects our low-income, minority population is the cut to WIC funding. The current CR calls for a huge cut, \$758 million, to funding for the WIC program, which supplements nutrition for low-income and disadvantaged women and children.

Under the proposed CR, the entire Title X provision, which funds family planning resources such as Planned Parenthood, would be eliminated, a cut of \$327 million. Family planning funding has been an essential tool for many communities, especially in low income areas.

Under the American Recovery and Reinvestment Act (ARRA), we set aside funds to help invigorate the economy across various areas. These funds were intended to be used over a number to encourage the continued growth of the economy. However, under the proposed CR, any unobligated or uncommitted stimulus funding would be eliminated.

The cut of \$1.1 billion, or 14% below the FY2010 appropriation (\$7.2 billion in FY2010) and more than \$500 million below FY2008, would translate to a massive loss of comprehensive early childhood services, causing more than 200,000 children across the country to be kicked out of the Head Start program. This further reduction is catastrophic and will also put thousands of Head Start teachers out of work and into the unemployment lines. Additionally, this funding level would mean cuts to research grants, training and technical assistance grants and monitoring activities.

Mrs. CHRISTENSEN. Thank you, Congresswoman JACKSON LEE. Thank you for your leadership on so many issues. I'm not sure if you mentioned, but there's also some job training programs that would be cut under the CR at a time when jobs are so badly needed across this country.

At this time I would like to yield to the gentleman from Georgia, HANK JOHNSON, who joined me the last time

we had a Special Order. Thanks for joining us again this evening.

Mr. JOHNSON of Georgia. I thank the gentlewoman from the Virgin Islands. I appreciate how much you care about people.

Indeed, Mr. Speaker, the Federal Government touches all of us, every single person who lives in America. The Federal budget touches each one of us in some way or another. Whether or not it would be when we call 9/11 for police help or whether or not we call 9/11 for the fire department, or even when we are sending our children to school, the teachers, they are touched by the Federal budget.

What we now have, which has been introduced on Friday by the folks on the other side of the aisle, my Republican brothers and sisters, is an assault on each one of us. It's an extremist position that they have taken to cut things that are so important to Americans' quality of life. And I just simply don't believe that the majority of the American people are in favor of eliminating the positions of thousands of police officers across this land; of leaving fire departments high and dry, with not enough personnel. And we certainly don't want our schools to have hundreds of kids in one classroom because we don't pay for teachers. Those positions are going to be hurt and severely impacted with these extremist budget cuts that are being recommended by the Republicans.

Certainly, they want to break the backs of the unions that represent these employees because they know that the Federal Government—they know that these workers are protected by moneys that the Federal Government transfers to the States and local governments. In fact, with the recovery bill that was passed out of this very body back in 2009, \$800-some-odd billion, it was the greatest transfer of Federal dollars to the States in the history of this Nation. And what it did, Mr. Speaker, was to save the jobs of police officers, firefighters, municipal workers, and teachers across this land.

But we are now at the point where there is no understanding, no admission that that recovery package actually helped, when in fact it did. Lots of people would not be working right now if it had not been for that recovery package. What we want to do now is exactly the opposite. We want to cut the budget, we want to cut aid and assistance to States and local governments to such a degree that it will force those governments to start laying off workers en masse. And it's not good for America, it's not good for Americans. And certainly there is a better way.

□ 2010

Especially when you think about it, we could pay for it if we eliminate some of these tax breaks for the

wealthy and from people who don't need them.

Take the oil companies, for example. Can they afford to lose some of their multibillion dollar tax breaks in that great big, unwieldy Tax Code? Sure, they can. That's going to help us, but there's nothing like that coming from my friends on the other side of the aisle.

They just simply want to balance this budget on the backs of the working people of this country. They want to turn this country into a pink slip nation, and they want to balance the budget on the backs of working people. So I'm going to do everything I can to speak on behalf of the shrinking middle class, who are the people I serve.

Thank you, Congresswoman.

Mrs. CHRISTENSEN. Thank you, Congressman JOHNSON. Thank you for your passion on behalf of the middle class and the poor.

As Congressman SCOTT said, throughout this recession, it has been the working people and the poor who have borne the brunt of the recession. Now they're being asked to give more. While those who are wealthier and the corporations did very well, they are being asked to give nothing. So we do need to make sure that our voices are heard and that we do everything we can to make sure that the programs that are so important to this country and to the future of this country, if we are going to win the future, are not lost, beginning with this CR.

I would now like to yield 3 minutes to the gentleman from New Jersey, Mr. DONALD PAYNE, also a former chair of the Congressional Black Caucus. He has been a leader in education as well as in international affairs, and is a senior member of the Education and the Workforce Committee.

Mr. PAYNE. Mr. Speaker, let me begin by thanking the gentlelady from the Virgin Islands, Congresswoman DONNA CHRISTENSEN, our distinguished chair of the CBC Health Braintrust, for anchoring this evening's Special Order on the budget. Her leadership and continued diligence in addressing the issues that confront our Nation in general, but African Americans in particular, are imperative to our progress as a Nation.

Recently, Republican House leadership introduced a continuing resolution containing the largest spending cuts in history. Subsequently, President Obama unveiled his FY 2012 budget to support the Nation's competitive growth while making difficult decisions to address our economic deficit.

I rise today to urge my colleagues to remember that, as we consider these spending proposals, in addition to our economic deficit, we have a job deficit, which continues to worsen, in part, by an ever-growing educational deficit. They work together. While we must work to rein in spending, we must not

cut funding to the extent that our development and growth in the areas of education and employment will be hampered if we do that.

One of the challenges in addressing unemployment has been the rapid decline in certain occupations and industries and in our labor market's inability to meet the demands of new occupations and industries. More than two-thirds of workers in occupations and industries that are growing have at least some postsecondary education compared to one-third of workers in occupations and industries that are declining. The demand for postsecondary education, as well as the rapid increase in baby boom retirements, is predicted to result in a shortage of more than 14 million college graduates by the year 2020 in this country.

In addition, military recruiters are likely to experience a shortage in traditional high school recruiting due to the high school dropout crisis and low student proficiency levels. Among high school graduates, about one in five does not meet the minimum standards necessary to enlist in the U.S. Army today.

These facts highlight the reality that our growing education deficit is a greater long-term threat to our Nation's well-being than any other challenge we face today. The 2009 Program for International Student Assessment shows 15-year-old students in the U.S. are performing about average in reading and science and below average in math. Of the 34 developed countries assessed, the U.S. ranked 14th in reading, 17th in science, and 25th in math. While these scores are all higher than those from 2003 and 2006, they are far behind our global competitors, which include South Korea, Finland, Singapore, Hong Kong and Shanghai in China, and Canada.

Our domestic assessment results paint a similar picture. The National Center for Education Statistics reports that as of 2009 only about 33 percent of our Nation's fourth-graders are proficient readers. These low proficiency levels continue to fuel our dropout crisis on the high school and college levels. Nearly 7,000 students drop out of high school in our Nation daily, and about one-third of first-year American college students are required to take at least one remedial course. Unfortunately, a disproportionate number of these students are underrepresented minorities.

Further threatening our global standing is the higher education deficit in the science and technology fields. In 2000, Asian universities produced 1.2 million science and engineering graduates. European universities produced 850,000, and the United States produced 500,000.

In an economy dependent upon an innovative workforce, in addition to addressing our national high school and

college graduation rates, we must increase our level of science, technology, engineering, and math (STEM) field graduates. To do so, we need an innovative agenda to develop the potential of all students, especially unrepresented minorities, who have represented the bottom of the academic achievement gap in this country for too long.

For this reason, and as I conclude, I commend the President for his proposed investments in education to support early learning, to improve schoolteachers and leaders, to improve science, technology, engineering, and math education, and to promote college access and completion.

However, I strongly oppose the nearly \$5 billion reduction proposal from the Republican House leadership in the area of education. Cuts to teacher and school leadership programs, as well as Head Start, Pell Grants, and 21st Century Community Learning Centers are counterproductive in our effort to strengthen our national competitiveness.

I am also gravely concerned about proposed cuts to programs that stimulate job growth, that assist the working poor, that address health disparities, and that increase diversity. I strongly oppose cuts to the Women, Infants and Children (WIC) program, training and employment services, community health centers, low-income home energy assistance programs, and neighborhood development initiatives. These cuts and others disproportionately impact our most vulnerable population.

While I understand that our economic crisis calls for difficult budgeting constraints, I believe this should be a shared responsibility, not an overhaul of the Nation's economic crisis at the expense of our most vulnerable populations and our global competitiveness as a Nation.

Mrs. CHRISTENSEN. Thank you, Congressman PAYNE, for joining us this evening and for pointing out those very important issues that could be lost if this CR is passed as proposed.

I want to just talk about a few issues.

On the first day of the 112th Congress and this Republican-led House, the leadership took away the vote, in the Committee of the Whole, from the District of Columbia and the Territories. Apparently, that was not enough. Last week, they moved to impose their will and their conservative ideology on the people of our Nation's capital. Now, in the continuing resolution that is proposed, the assault continues, because the Office of Insular Affairs, which would support our Territories moving to more self-sufficiency, is slated to get cut by almost \$7 million.

My district had a major flood disaster late last year, something that has not happened in recent or even distant memory. A beloved member of our community drowned, and many lost

property and suffered damage to property. The proposed CR would cut funding for flood emergencies. I am sure that places like Tennessee and New Orleans and other places that have had floods recently or that are the potential flood areas of our Nation would not want to have flood disaster funding cut.

□ 2020

My district also has the highest concentration of greenhouse gases per square mile, and we're fully dependent on diesel for our power. The cost of electricity in the Virgin Islands is crushing families, closing businesses, and hurting our elderly. But in the Republican-proposed CR, they are planning to cut almost every EPA program that we need to protect the health and safety of communities like mine and almost every program that supports the development of renewable energy.

After the Bush administration turned a surplus into the deficit we're now trying to close, communities across this country experienced a continuing increase in violent crime because of the economic distress that they faced. And so what do my Republicans want to do? In the CR, they want to cut funding for police programs, for the Substance Abuse and Mental Health Administration, as well as many other health programs, for juvenile delinquency prevention, for job training programs, as well as the community block grant and community development programs, programs that our communities need to address the rising gun violence that this economic crisis is exacerbating.

For years, the Republican caucus has been trying to get their hands on the National Endowment for the Arts and the National Endowment for the Humanities, as well as the Smithsonian funding. So these important programs, which are probably needed more than ever because there's so much pain and suffering across this country, they're also on the chopping block.

As you've heard, WIC has already been cut twice last year, and yet it is proposed to be cut over \$600 million. And if that were not enough, over \$200 million is proposed to be cut from maternal and child health programs. Where is the justice and the love for our country's children?

At this time, I'd like to just yield once again for the remaining time to the Congresswoman from Texas, Congresswoman SHEILA JACKSON LEE, to speak on some of the other areas that the CR would cut and hurt our effort to win the future.

Ms. JACKSON LEE of Texas. Congresswoman CHRISTENSEN, you don't know how difficult it is for many of us to accept the assignment or the lack of assignment that this present majority leadership gave to the territories, and I want to thank you for

placing this squarely on the record, frankly.

We worked harmoniously with the District of Columbia and the Virgin Islands and Samoa and Guam and other places, Puerto Rico. We worked because it was important to have the insight and constructive input on these legislative initiatives but, more importantly, on the floor of the House. So let me just reemphasize in joining you to say that the territories should not suffer. In the CR, they do.

I just want to hold up, this was a letter to my colleagues, a letter to America, a letter to Houstonians. This is the long list of cuts, and let me just cite for you very quickly so that you understand what we're talking about. We have to cut, but can we do it in a manner that is constructive?

Everybody is running from Social Security, Medicare, and Medicaid, and we frankly understand that, and so they put the pressure on 16 percent, but you're cutting in the middle of the year, when people are dependent on this funding.

Juvenile justice, \$2.3 million. The COPS program, I already mentioned, many cops will be laid off.

NASA, \$379 million, literally stopping NASA, the National Aeronautics Space Administration, in its tracks, forgetting about human exploration, forgetting about science.

The Legal Services Corporation. No one without counsel can speak for a person who is desperate and cannot access counsel. So, if you have counsel, which really was what I was saying, you cannot speak for someone who does not. Legal Services Corporation is the wedge between justice and being thrown out.

EPA, \$1.6 billion; women and infant children, \$758 million; job training—I just mentioned you have to invest in job training—\$2 billion; and community health centers, \$1.3 billion; high-speed rail, \$1 billion. And of course, all of that is about jobs.

As so, as a member of the Congressional Black Caucus, as a Member of the larger body of Members, Republicans and Democrats, this CR is going to be a bite that is so stiff and so tough, I am hoping that some will view it not as a political prize, not as "I did it. They told me to go here and do it." When you come inside this august body, you drop your partisan politics and you ask the question: What is good for America? You're not a partisan Democrat, a partisan Republican, or a partisan tea party. What you are is "Can we come together?"

Now, I know I am not going to agree with all these cuts, but I didn't mention all these cuts. I know some of these things have to be. I didn't mention GSA. I think we're cutting them too much, but I believe we have some common ground, but how can you cut Pell grants? Students are in, if you

will, they're actually in school and you are cutting them.

Let me just say to the gentlelady as I yield back, thank you. Let's come together as Americans. And I thank you for leading this hour on behalf of the Congressional Black Caucus.

President Clinton left President Bush with a ten year projected surplus of \$5.6 trillion in 2001. Whereas, President Bush on January 20, 2009 left President Obama with a \$1.2 trillion deficit. Keep in mind that this was the deficit on day one of the Obama Administration, weeks before the President enacted a single piece of legislation and the American Recovery and Reinvestment Act.

The failed economic policies of the Bush Administration led to this enormous deficit—the 2001 and 2003 tax cuts totaled \$1.3 trillion over ten years, in which most of the tax relief went to the top 1% of income earners; a Medicare Prescription Drug benefit with a ten year cost of nearly \$1 trillion that was not offset; two overseas wars that are nearing a cost of \$1 trillion; a \$700 billion bailout of Wall Street banks; and all these unpaid for policies were compounded by the worst economic recession in 70 years that began in 2007 which led to huge shortfalls in federal tax revenue and increased reliance on unemployment insurance and other federal social safety net programs.

In order to get these large deficits under control, we have some tough choices to make.

How much longer can we afford to extend the Bush-era tax cuts?

The President and Congress extended all of them through 2012 at a two year cost of \$800 billion.

A ten year extension of all these tax cuts will cost \$3.8 trillion—\$3 trillion of which are the popular middle-class tax cuts.

Earlier this week, the Congressional Budget Office released its latest projections of the Social Security Trust Fund. It was previously projected to go into a cash deficit in 2017, but now CBO has projected that the trust fund is now running a deficit. The trust is expected to be exhausted in 2037.

We can no longer operate under the assumption of the last decade, that we can increase spending and reduce taxes without having to pay for it.

The last Congress took important steps to restore some important tools that were used to produce the first budget surplus in more than a generation in the late 1990s, such as Statutory Pay-As-You-Go—meaning if Congress wants to increase mandatory spending, we have to offset it by reducing spending elsewhere in the budget or increase taxes to cover the increase.

Unfortunately, the new Republican majority has changed House rules gutting PAY-GO's effectiveness in the congressional budget process. The so-called CUT-GO rule prohibits offsetting any new mandatory spending with a revenue increase. This makes it nearly impossible to offset any new spending or tax cuts with revenue increases and will require only spending cuts.

In another unprecedented change, the House voted to give the House Budget Committee Chairman the sole responsibility for setting discretionary spending levels for the remainder of Fiscal Year 2011. The House of

Representatives as a whole will be deprived of the right to vote up or down the Budget Chairman's levels.

We have to remember that what we do with the Federal budget touches everyone. Our fiscal problems are very complex and they need to be addressed, but there is no simple, one-size-fits-all solution.

H.R. 1, the Continuing Resolution making appropriations to fund the federal government through September 20, 2011 contains some very deep cuts that will be very hurtful to many Americans, especially those who are the most vulnerable—disadvantaged women and families, children, minorities, and the elderly.

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Under the proposed CR, NSF funding would be cut by \$139 million.

Under the proposed CR, NIH funding would be cut by \$1 billion.

The proposed CR will cut nearly \$2 million dollars from the Minority Business Development Agency.

The proposed CR would cut \$600 million dollars from the Community Oriented Policing Services programs (COPS). Such a cut would require a complete elimination of the hiring programs. Over the years, COPS has funded the hiring of more than 122,000 state and local police officers and sheriffs deputies in communities across America. This proposed cut will prevent the hiring and rehiring of over 3,000 fewer law enforcement officers.

The public safety of our communities is important, and during these tough economic times as we recover from one of our country's worse recessions, every job counts. We can not afford cuts that will cost jobs for hard-working American people.

Another instance where the CR disproportionately effects our low-income, minority population is the cut to WIC funding. The current CR calls for a huge cut, \$758 million, to funding for the WIC program, which supplements nutrition for low-income and disadvantaged women and children.

Under the American Recovery and Reinvestment Act (ARRA), we set aside funds to

help invigorate the economy across various areas. These funds were intended to be used over a number to encourage the continued growth of the economy. However, under the proposed CR, any unobligated or uncommitted stimulus funding would be eliminated.

Mrs. CHRISTENSEN. I just want to assure you that the Congressional Black Caucus will work with all of our colleagues to craft a budget that's fair and yet reduces the deficit, as we've done every year.

THE BUDGET

The SPEAKER pro tempore (Mr. WOMACK). Under the Speaker's announced policy of January 5, 2011, the gentleman from Missouri (Mr. AKIN) is recognized for 30 minutes.

Mr. AKIN. Mr. Speaker, it is a treat to be able to join my colleagues here this evening and to consider this great discussion and debate that is taking place over the past months, but particularly during this week as we approach the question about what are we going to do with funding the remainder of this year. There, of course, was no budget decided on last year, and so they do a thing called a continuing resolution. So there's a lot of discussion as to how much can we be affording to spend of the taxpayers' dollar.

And I thought that it might be appropriate this evening to take a look at that, not so much in a lot of minuscule detail, but at the magnitude of the overall question that's before us and how the math just doesn't work. I will also try, as we have a chance to get into a discussion this evening, to connect it to the problem of unemployment, because all of these things are connected, and still I think it's helpful to look from an overall perspective.

So what I have here is one of those—we always have these pie charts. I particularly like pie. And this particular pie chart here shows some different areas of the Federal budget. Now, this is the total of Federal spending here and the pieces of pie are roughly proportional.

What I would like to start with this evening, so we have a big picture of how serious the excessive spending in the Federal Government is, is to start by making a distinction between a couple of types of spending. The first kind of spending—and maybe to some people this sounds like sort of Washington, D.C., talk but they call it mandatory spending or entitlements. And mandatory spending may be not necessarily mandatory, but what that means is that legislators, maybe as much as 50 years ago, passed a series of laws, and those laws then automatically spit out dollar bills out of the Treasury. So anytime somebody who happens to be the right person waves their hand in front of the little machine, out pops a dollar bill.

And so we have these things, and they're called entitlements or mandatory spending. So these are places where the Federal Government just is automatically spending money, and there are some of them that are very familiar with most people: Social Security here, Medicare, and Medicaid. Those are the three big, as they call it, entitlements or mandatory spending.

There are other entitlements that are smaller, and that's in this category over here, the other quote, mandatory spending. So these are not Medicare or Medicaid, Social Security, but they are the other mandatory.

And then there's another thing that acts just about like mandatory spending, and that is the interest on our debt. When the Treasury decides to sell a Treasury bill, the reason people buy a Treasury bill is because it is going to pay some interest to them. So we have to pay the interest on our debt, and in that sense, when we decide to spend money that we don't have, we are creating what is, in essence, like a little machine that spits out dollar bills.

□ 2030

Let's say that you take all of this mandatory spending, or entitlement spending, and add it to the interest on the debt, how much does that add up to? It adds up to about \$2.3 trillion for this year. Now what in the world does \$2.3 trillion mean? Most of us don't have a good sense of perspective. Well, \$2.3 trillion happens to be the revenue that the Federal Government collects this year. In other words, what we're saying is, if you take this purple and this aqua color and this gold color and light and dark blue here, you add this all together, this is equal to the revenue that comes in for the Federal Government.

What, then, does that leave out? Well, it leaves out these two other pieces of pie. One is defense, and one is non-defense. They're called discretionary because each year we decide how much money you're going to spend in those categories. So what we're saying is—and I think this is really chilling—it sounds maybe a little boring to explain it. But just think about this a little bit: The entitlements and the debt service equals our revenue. That means if we want to balance the budget this year, what we would have to do would be to get rid of all of defense. Not one soldier, not one plane, not one tank, not one ship, nothing. There would be nothing in defense. And nothing in the non-defense discretionary. No Department of Energy, no Department of Commerce, no Department of Education. There would be no Park Service. There would be no prisons. There would be no Homeland Security. There are all kinds of things that the Federal Government does that we fund every year which would be gone. So there would be no defense and no

non-defense discretionary. Well, the country wouldn't survive very well under those conditions. So that's the problem. These entitlements have grown so much that they have eaten up the whole budget.

Now this week, we're going to be debating how we're going to cut this non-defense discretionary, cutting a little bit from defense but mostly non-defense discretionary; and we're talking about \$100 billion. Is that a lot of money? Sure, it's a lot of money. Is it a lot of money compared to the fact that we're about \$1.3 trillion or \$1.5 trillion over? Not so much then when you compare \$100 billion to about \$1.5 trillion.

I am joined tonight by a good friend of mine, a freshman congressman from Arizona, PAUL GOSAR. We had a chance to talk about this a little bit last week, and I invite you to jump in because what I hope that people are starting to understand here is that we have got a big financial problem down here. Our entitlements and debt service is equal to how much revenue we take in, and that's assuming you have zero for defense and zero for this other, non-defense discretionary. I mean, there is no money to run the government with. That is a fairly significant problem. Let's talk about it, my friend.

Mr. GOSAR. Well, you're right. I thank my good friend from Missouri for yielding.

When we start to look at it in the CR, when we're talking about cuts, we can't legislate from the CR. What we have to do is we have to just make the plain cuts. And that is why in the budgetary process, that's the second step in which we're going to have to address the entitlements, looking at how we legislate directing, redirecting, and making cuts. So I think that is an important thing that the American people need to share.

Mr. AKIN. In other words, I think your point is, PAUL, that in our debate this week, first of all, almost all of the discussion is centered right over in this—it looks like Campbell's tomato soup on my chart here—it's in this section, and it's ignoring all of this which is equal to the entire revenue of the Federal Government. So you can see that you could cut this to zero, and you still aren't going to fix the problem. On the other hand, it doesn't mean we shouldn't be looking for savings and cutting everything we can.

But you are putting in perspective this whole week. I think that's tremendously helpful, PAUL, to do that. And I think, as I recall, there is about \$16 billion being taken out of defense which is not as deep a cut as what the non-defense discretionary is getting; is that correct?

Mr. GOSAR. That is exactly right. And the savings that we're making here extrapolates over the next 10 years at a great discount to the Amer-

ican people in our budget and what we're going to have to come up with in the future. That's what's so wonderful, at least by the first 5 weeks of this Congress, is zero implications on raising debt.

Mr. AKIN. What you are seeing is a very serious attempt to get into reducing the size of the government. I mean, we are stepping on all kinds of political toes just to say, hey, it may be a nice program, but we're in trouble. I was asked by a reporter—I believe it was earlier today—whether or not the position that I was taking on these cuts and everything was like a Tea Party position. I said, You know, I guess we all reflect, to a degree, our training. I was trained as an engineer; and to me, this is just plain math. It isn't liberal math. It isn't conservative math. It's just flat-out, this is how much money these entitlements are taking, and this is how much money is coming in. The two are equal, and we don't have any money for these things. I don't know if this is politically liberal or conservative or anything else. It's just the reality of the political deficit.

Now the one thing we haven't added here—this is just this year—we haven't added the perspective of time. I think it's helpful if we take a look at what time does to this in several regards. The first is, one of the things that is happening to those little pieces of the pie is, they're growing. This has got Medicare, Medicaid, Social Security. And it shows over time what's going on without the other entitlements and without the debt service. You see that those of us—I hate to admit my age—but some of us baby boomers, as we get older, we are going to be leaning on Social Security, Medicare, and Medicaid more. There are more people there, so that's going to make these numbers go up. What we've seen is that the revenue the Federal Government collects hovers in here at 18 percent. There are times, historically, when we've raised the tax rate tremendously, and yet it seems like it's still 18 percent of GDP. So if this 18 percent is not that flexible, whether you raise or lower taxes, then when you get down to this problem, you say, uh-oh. Because before you could say, our revenue was equal to all of these entitlements. Well, raise taxes. No problem. Yes, there is a problem. Because as you raise it, you won't collect any more money. You crash the economy, and the entitlements are still growing. Over time these entitlements are still growing. So this picture here, as scary as it is, is not as scary as it really is because it doesn't take into effect that the entitlement pieces are growing rapidly.

Here is the other piece from a time point of view. And that is, this red line is the growth of entitlements. This is 1965. And we're going over here to 2010. You notice the entitlements are 2.5 percent in 1965. This is just Medicare,

Medicaid, and Social Security. It's up to 9.9 percent. But really, when you add the other entitlements and debt service, you are getting up closer to 18 percent. So what's happened is, the entitlements are going out of control. Even if you assume that the other entitlements are roughly 12 percent or something, you're at 500 percent growth in entitlements. And yet here is defense spending. It's 7.4 percent here. It goes up as high as over 9 percent here and drops all the way down to 4.9. So defense spending is going down; entitlements are going up. And now we get to the point where you could cut defense to zero and still could not compensate with this incredible growth in entitlements.

I want to let you jump in, PAUL, because I think that people now can start to see what it is and why it is a whole lot of Americans—not just Republicans or Democrats—but just plain old Americans are saying, Hey, we have got to pay attention to what's going on because these numbers are very scary.

Mr. GOSAR. Well, everybody knows the analogy of a bank. When you put money in early, and let it build up in a rolling account, compounding interest, you grow to a bigger fund. That's the opposite of what's happening here, reverse compounding interest. We are building up more and more people on the rolls with fewer and fewer people actually helping out to support it. The last part is, is that we have an economy that is lagging way behind. We are still over 9 percent for how many months now? And what we have to do is, in order to create a better economy, that's what's going to help us service these programs and get people involved. So it's a variant equation that we have to work by.

Mr. AKIN. So what you're saying is, one of the things that is affecting this is just the condition of our economy. And I was planning to get into this a little bit with you. When we started, I wanted to talk and work in the problem of unemployment and how do we deal with the level of unemployment in our economy today.

□ 2040

We've got the government saying it's 9-point-something percent unemployment. And that's an optimistic number, because if you've been unemployed more than a year, they drop your name off the list. You may still be looking for a job. So the real level of unemployment people are saying is well beyond 10 percent.

So one of the ways you can—I guess this may be a backwards way of looking at it. What are the things that are creating that unemployment?

And I went to, believe it or not, to a Main Street in my district, and I got a whole bunch of businesses there and I said, Now, what is it that's causing this unemployment? And I asked all these

different people, and I was encouraged because they told me the very same things that my common sense told me and everybody else is saying. Anybody who has run a business knows what makes the unemployment. The first thing is when you start taxing the owners of small businesses heavily, they can't put money back into their business because they're busy paying taxes.

I believe, gentleman, is it true that you were a doctor?

Mr. GOSAR. Yes.

Mr. AKIN. And did you have a clinic of your own?

Mr. GOSAR. Yes, I did.

Mr. AKIN. And so if you got taxed a whole, whole lot, are you going to put money into new equipment and expanding your clinic, or is it going to have to go to pay your taxes?

Mr. GOSAR. Absolutely not, and you're not going to hire somebody when you don't know the economic rules. And we have besieged the American people with a set of rules that have a lot of uncertainty to them.

Mr. AKIN. Now you're getting to the second point. You're already ahead of them.

The first point is, if you want to kill jobs, take the money away from the owners of small businesses. You could say, Hey, that guy's making over 250,000, obviously having too much fun. We're going to tax him into the dirt, make sure he doesn't have a better time than we do.

The only trouble is, if you want jobs, you can't destroy businesses. And that's the connection it seems like this administration, the Democrats, keep missing; and that is, if you keep talking about pounding rich people and those bad corporations, if you pound them into the dirt, there are not going to be any jobs. And that's where we seem to have this disconnect going on.

So first thing is you do not want to tax those people a whole lot because you want them putting the money back into their business. The second point you're making, though, is all these regulations and redtape, it may not be a tax, but it has the same effect, doesn't it?

Did you have to fill out a lot of paperwork in your business?

Mr. GOSAR. With the health profession, we have tons of it, from HIPAA disclosure to anything. When we deal with insurance, the paperwork is endless.

Mr. AKIN. Do you have to hire people to fill that paperwork out all the time?

Mr. GOSAR. We have people that just do insurance filings, just do our mandatory paperwork with the Federal Government.

Mr. AKIN. So, in a way, it's creating a job for people to deal with government redtape, but it doesn't really create any wealth, does it?

Mr. GOSAR. No, and there's not a service to be provided. It's actually

servicing the public interest within the Federal Government.

Mr. AKIN. So, in effect, what it's doing to the economy is the government is making you less efficient as a business, and that redtape then adds to your cost of doing business, which then tends to dry up jobs.

Mr. GOSAR. That's exactly right.

Mr. AKIN. Particularly in manufacturing, if you do that too much in manufacturing, it makes it so expensive to make something in this country, the guy who owns the business says, Hey, I've got an idea. I'll take this machine that makes good product and I'll send it to a foreign country where they don't have all that silly redtape and they don't have all those taxes, and I'll make the product over there. And so the jobs just disappear from us because of taxes and redtape.

Now, there's another one that the people on Main Street in St. Charles talked about, too, and that is a little bit less tangible. It's the sense of unknown. It's the sense of fear because the government's doing one dumb thing after the next, and they're afraid to make a decision because of the instability. The economy is down. It's hard to get loans, and they're not sure what we're going to do. For instance, the big health care bill was pending, and so what are you going to do?

Well, because you don't know the environment, you tend not to make a decision, don't take risks because it's a very tumultuous type of time. There's too much of a storm brewing, and you don't want to be out too far from shore when there's a big storm brewing up. And so people hunker down and they don't hire people. And so that's another thing. And we're doing all those things wrong. Even now we're doing those things wrong, and we wonder why we have unemployment.

And, of course, the big one is government spending, and boy, are we doing that. You've got these entitlements that are out of control, and who's going to pay this tab?

And so, you put all of these things together and you have almost a perfect storm on business. And people wonder, Gosh, why do we have over 10 percent unemployment? Well, it's because we're doing all the things to create unemployment.

Please jump in, PAUL.

Mr. GOSAR. The Federal Government has also made winners and losers, and so we don't know in small town USA whether we're one of the winners or the losers.

Mr. AKIN. Oh, you're going to do the bailout drill. We're going to bail this one out but that one you don't get bailed out.

Mr. GOSAR. And then our rule is that something went wrong. When it's bureaucrats asleep at the wheel, what we do is pass more regulations so that the small banks that we have in our

communities can't lend. They're the ones who get audited five times in less than a year. What about the same application to the big banks? Where is that equal aspect to the law?

Mr. AKIN. PAUL, I don't believe it. It's just like I'm stepping back in time to that Main Street in St. Charles, because you're bringing up that fifth point that they always talked about. It is sort of an ironic thing, because you've got Bernanke at the Federal level. The Chairman is creating all this liquidity. He's doing QE2, which sounds like a science fiction, and I think it may be science fiction economics. But anyway, he's creating all this money. They used to call it printing money. But he's created a whole lot of money at the top, and yet somehow or other the funnel got pinched off and the money's not coming down to Main Street. And part of the reason it's not is because all of these regulators are all over the banks second-guessing the loan. So if the businessman isn't fearful enough as it is, and if he does actually want to get a loan, he's finding that the banker is being awfully tough.

And I think they're typically 5- or 7-year loans, is that right, gentleman?

Mr. GOSAR. It can be, yes.

Mr. AKIN. Is that what you're talking about, basically the banking regulators, the Federal regulators, are kind of looking over the shoulder of the small banks all the time?

Mr. GOSAR. Well, what it is—I'll give you an example from right in our own district—is that we have a small bank that has 39 percent in liquidity versus loans out.

Mr. AKIN. Thirty-nine percent liquidity; isn't that very, very high?

Mr. GOSAR. Very, very high. It's above the norm of what would be 8 to 10 percent. And yet they gave out two loans in December, but yet have already had three audits in the fiscal year 2010 and have two more scheduled in the first quarter.

Tell me where that aspect is and how that actually works, and especially when we have one bureaucrat disagreeing with another bureaucrat that this audit wasn't supplanted for another audit. That's the disruption and that's the fleecing of America.

Mr. AKIN. Well, now the question is, if the banker is a businessman and he's taking risks and he wants to make a loan and when he makes a loan he gets some interest, and as long as the loan's good, then he makes money that way as a banker; now, if he wants to do that, why do we have a bureaucrat looking over his shoulder all the time, particularly as long as he's got a sufficient amount of liquidity to cover potential losses? Why is it that the regulators are deciding to regulate every aspect of our free enterprise?

Mr. GOSAR. Well, it's actually the crux and the problem with our economy at this point in time. We actually

had a government that disrupted the understanding of the way the risk was looked at. And we said, no, we don't need to follow anything, particularly in the housing industry. We actually saw bureaucrats saying, no, we don't need this application of risk. We can undermine it a little bit worse. And what we got is no skin in the game, no application, no money down, and what we had is a failure along Fannie Mae and Freddie Mac.

Mr. AKIN. You get into this whole thing, and if you looked at what we have talked about tonight, you kind of start tearing your hair out and wanting to go buy some real estate on a desert island somewhere to get away from this huge problem. But there are solutions to this. But you have to realize where the solutions are.

The first thing is you have to realize that we're not going to deal with the economic problems of our country until we can reduce the rate and the number of entitlements we've got. Now, somebody could object and say, Wait just a minute Congressman AKIN, because couldn't you deal with these entitlements if you just got your taxes up higher? If you could get these taxes here that are running 18 percent, if we could double that, why don't we make it a 40 percent tax rate? Oh, that would take care of this, at least for a while. Let the entitlements grow and tax everybody at 40 percent. The problem is it doesn't work. And I think that's something that we ought to warn people about here.

There's something here, this is sometimes now known as the Laffer curve, and what I have shown here is the top marginal income tax rate.

□ 2050

Now, that doesn't mean that in 1960 everybody was paying 90 percent tax. These are the most well-to-do people. But this is what happened to the top tax bracket over time. We started to reduce the taxes on some of the very top income people, bringing them down more into this 30 percent range. Take a look at what happens to the Federal tax receipts.

This is an example of the fact that you can actually reduce taxes and grow the revenue of the Federal Government. The reason that works is just what you were talking about. Because you are a businessman, you understand this stuff. And that is, what is happening is when a small businessman can invest in his own business, he creates jobs. With those jobs, people are paying taxes. That means more revenue for the government. So when you get the economy going, we take in much more revenue.

So the first thing you can do is, actually, by reducing taxes, you can create more revenue, get the economy going, and that will help some. But it's not enough to deal with this entitlement problem.

So really, you have a couple tracks you have to take on. One, you have got to cut the entitlements down. But you also likewise have got to keep working this advantage of getting your taxes in line to create a strong economy.

Here is an example. When I was here in Congress, in the third quarter of 2003, we cut three taxes: Capital gains, dividends, and death tax. We cut all three. And this picture right here, this black line, is when the tax was cut, and this is the GDP. These are the GDPs from 2001 to 2003. And you can see, some of them we actually lost GDP. We got up to 2¾ GDP. And then here, we do the tax cut, and take a look at what happens afterwards. The average GDP is 3.5 versus 1.1. So GDP jumps.

So now we have cut taxes. And you'd think, well, maybe that's good, because now GDP is going. It gets the companies going, gets the pump primed. What else goes on at the same time? We've got this next chart. This is employment. This is before the same tax cut in May of 2003. You see, all these lines going down means loss of jobs. That means we lost jobs overall in the economy. The lines that go up were the months where we gained jobs. Take a look after the tax cut. Look at what happens. You get a whole lot more jobs being created.

So if you have got better GDP, more jobs being created, you know what the final chart is going to show, and that is, quite simply, by cutting taxes we actually grew the Federal revenues. That's a good thing to be able to grow. It was down here at 1.7 trillion, jumped up to 2.5 trillion just by cutting taxes. What we did was, we cut taxes, and we ended up with increase in revenue.

So there's two pieces to this equation. One, what we have got to do is adjust tax policy and create an environment in terms of redtape, in terms of Federal spending, in terms of tax policy, and in terms of allowing liquidity to be flowing through the banks. We have got to create something that's pro-business there.

Why in the world would we be in the mess we're in now and have the highest corporate tax rates in the world? I just can't understand that. What is your take on that? Why would we do that?

Mr. GOSAR. Well, I don't understand that madness, but it's something you have to learn in business. But you have to have the ability to reinvest in America.

If I have got money sitting there, make it worth my while to invest back in America. That's what we can do, and that's where the incentives come in. It also helps us in giving us access to cash, which has been laden with the banks and strapped with the new regulations that come about.

Plus, we also have to look at the certainty of the environment that we create for business to grow. We're not going to take the load on our backs if

we know that there's an uncertainty in the environment, whether it be health care, whether it be taxes, whether it be all of the regulations.

All these things add up. And if you don't get people hired, they are a drain on the system. And America wants to get back to work.

Mr. AKIN. I think you are right. I think in a way the cuts that we are going to be talking about this week, while they are not going to fix the overall problem of the fact that entitlements are out of control, I think that there are some things that they will do. And I think that what they will do is to maybe deal with some of that redtape. Because if you cut some of these agencies that are producing all that load of bureaucracy and redtape and all kinds of extra overhead, as you start to reduce that, it is like taking weight off of a runner; they are going to run faster. The economy will run better. And some of those cuts are probably Draconian in many people's eyes, and probably some of them are counterproductive. But, overall, you know you have got to trim up.

So that is what we're going to be talking about doing. We are going to be kind of working it from both ways. We are going to have to cut the Federal spending, but we're also going to have to create an overall policy in terms of policies, that is redtape, and limit the amount of redtape, and the tax cuts to basically create a pro-business environment. When you do that, the revenue is going to grow, the size of the government is going to shrink, and you will start to see the shift come back to normal and America will start moving forward again.

Mr. GOSAR. Well, it's like a parent. What we have to do is also work with our children, which you can make the analogy of Federal Government versus State government, empowering and giving them the environment for them to succeed.

As a business owner, what we always want to try to do is make sure that we put an employee in the best environment with the right tools and the right education, and then they can succeed. When they succeed, they make me a better business owner and much better at what I do. And that's the same thing that we have done here.

We have had unfunded mandates from education to health care, all the way across. What we have to do is start working with the States in their individual expertise and what makes them special, and allow them the flexibility to succeed as well. But we have got to put them in that right environment. And that goes all the way down from the States to the communities. This is a group effort, and this is a family affair.

Mr. AKIN. Well, that's a great way to end things up tonight. Thanks so much for joining us. I know the people of Ari-

zona are tickled to see that their new Congressman is already earning his keep down here. And goodnight to you, and goodnight to my many colleagues and the people across America.

We're looking forward to a brighter day, but we have some tough decisions to make, and we're getting ready to make those even this week. God bless you all.

AMERICAN PUBLIC BROADCASTING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 30 minutes.

GENERAL LEAVE

Mr. BLUMENAUER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material thereto on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, this is going to be one of the most pivotal weeks in the history of American public broadcasting. As early as tomorrow, we will be voting on a continuing resolution that would call for the elimination of all Federal government support for public broadcasting.

Now, I will admit, this is very personal to me. If this reckless act were to be taken, it would mean that my local award-winning public broadcasting station, Oregon Public Broadcasting, would lose \$2.4 million annually, funds that we use to invest serving Oregon and southwest Washington and a little bit of Idaho with programs that keep people informed, inspired, that help educate our youngest citizens. Actually, through the magic of Internet, people enjoy programming online across America because of the quality of Oregon Public Broadcasting.

Now, there's no question, as some of my colleagues were just discussing on the floor, that there is hard budget work ahead of us. I look forward to opportunities to eliminate unnecessary agricultural supports and rebalance those efforts. I look forward to dealing with helping rein in spiraling Medicare costs. Not eliminating health care reform, but accelerating opportunities to reform it and make it more efficient.

I look forward to looking at the largest area of expenditure dealing with the Defense Department and discretionary funding. Without question, there are a number of areas there, the American people know and understand, that can be adjusted.

However, we must do this in a way that is thoughtful and does not disproportionately impact our rural communities, our children, and universal access to high-quality TV and radio programming.

□ 2100

Funding for public broadcasting gives our communities a voice by covering local news and events in a way that weekly papers cannot and commercial radio and TV stations do not provide. Today's media is rarely locally owned. Huge corporations send managers to deal with papers and radio programs. Public broadcasting is the only locally owned and managed media in America.

I am joined this evening by a couple of my colleagues, and I look forward to engaging in this conversation with them. I note I could start with my colleague from Kentucky, Congressman CHANDLER, a champion of public broadcasting, as well as a very fiscally conservative Member of Congress. Welcome this evening. I look forward to your thoughts and observations.

Mr. CHANDLER. Well, it is good to be here with you tonight. It is a tremendous opportunity to talk about something that is also very important to me. But I want to just start out by saying to my colleague from Oregon, Mr. BLUMENAUER, how appreciative I am and I think how appreciative so many people are across this country of your championing of public broadcasting over the years. You have been an incredible champion of that effort, and I just think it is marvelous because of what public broadcasting means to all of us.

As you mentioned earlier, we heard some of our Republican colleagues talking earlier about some of the budget efforts that were going to be made, and I must say we do need to have that discussion here in Washington. There is no question about it. It is a discussion that our President is now engaging in and the Congress is going to be engaging in in the next little bit about what programs we can cut, and there is no question that there are some that need to be cut.

We certainly need to get our fiscal house in order in this country. But zeroing out funding for one of the most successful public-private partnerships responsible for 21,000 good American jobs isn't the thing to do. In these tough economic times, more than ever, we need to support American jobs and invest in our people, and cutting funding for public broadcasting does neither.

Until now, public broadcasting has enjoyed strong bipartisan support. In fact, in my home State of Kentucky—and, by the way, I heard the gentleman from Oregon talk very much about the success that his public broadcasting system has had. I must say, ours in Kentucky has done rather well also, and it is something we are very, very proud of.

But in my home State of Kentucky, a Republican Governor actually provided Kentucky Educational Television, or KET, with its first operating budget in 1968, helping KET hit the airwaves, and

it is now being very ably run by the daughter of one of my Republican predecessors in this office, Shae Hopkins. This station has touched countless people throughout the years, and today it is used by more than 1 million Kentuckians each week, in a State of only around 4 million. So that is a pretty significant number. You can see how important it is to our State.

But completely cutting all Corporation for Public Broadcasting funding will make KET cut at least 31 full-time jobs and 20 part-time jobs. These cuts would be on top of the 24 percent workforce reduction that KET has already endured in the past 3 years. KET has said that this loss of staff could hinder their ability dramatically to serve our Commonwealth.

And our public radio, just like public radio all across the country, will certainly be affected. How many people across our great Nation wake up to NPR and "Morning Edition" and drive home to "All Things Considered"? It is a very, very important part of life, I know.

In my home State, we have stations like WEKU in Richmond, Kentucky, and WUKY in Lexington that touch all parts of Kentucky, including very rural parts of our Commonwealth. WEKU radio out of Richmond has been serving Kentucky since the 1960s, and they have already gone down 30 percent recently. And this, of course, again would force more layoffs.

Public broadcasting is uniquely American and should stay that way for future generations. My three children grew up watching Sesame Street just like I did when I was a kid, and countless others receive basic skills and workplace education, and some even receive help with college credit courses through KET. WEKU and WUKY provide local programming and local news that can't be found elsewhere.

So, please, please join me today in support of public broadcasting. These stations are too important, and we just simply cannot let them go away.

Mr. BLUMENAUER. Thank you. I appreciate your eloquence, Congressman CHANDLER, your long-standing support for public broadcasting, helping us have a constructive dialogue here in Congress to make it better.

Mr. CHANDLER. Well, another thing that it does, of course, if I may, it increases the civility of our discourse. In a time when so many stations are sensationalizing the news, there is one place that we can be sure that we can get a civil dialogue and both sides of the story, and that is public broadcasting.

So thank you so much for all you do.

Mr. BLUMENAUER. Before I turn to my good friend from California, Congressman FARR, I just want to follow up on one point that you made, because this is vital infrastructure that connects Americans, particularly in rural

and small town America, people who otherwise would not have access.

There is always going to be public broadcasting in New York, Washington, D.C., or San Francisco. But it is rural and small town America that is going to pay the price if we lose the support for this infrastructure. Again, being very parochial, but it is not uncommon for what happens in the Midwest, in Kansas, in Texas. In rural Oregon, it costs 11 times as much to extend the signal to remote Burns, Oregon, in eastern Oregon, than to deal in the metropolitan area. So these 1,300 independently owned and operated public broadcasting stations are going to be severely crippled in terms of their ability to meet the needs of rural and small town America.

I am going to speak in a few moments about some of the unique programming, but the point is that the signal itself depends on the type of subsidy we are talking about here.

Now, if I may turn to my colleague who has been a supporter of public broadcasting back in the day when he was a local official in dealing in the California Legislature, Congressman SAM FARR.

Mr. FARR. Thank you very much. Thank you for inviting me. This is a very important discussion. I wish we could do it really in an open debate where we could have a debate on this, because I don't think that there is a person in this country that doesn't realize how necessary it is to keep our electorate well informed.

So I join the chorus of well-informed listeners tonight to support America's Corporation for Public Broadcasting. I find it ironic that the news got released today, the day when you think of a national day of communication, a day when we tell our loved ones how much we appreciate them through words and symbols. And here we are attacking the very essence of America's foundation for information that is not commercial information, that is not paid for to get it and have to have ratings in order to get people to purchase the commercials.

It is a sad day that Valentine's Day is used to destroy something we love so much. It is mean news to hear some of my Republican colleagues who want to cut almost half a billion dollars out of the Corporation for Public Broadcasting at a time when the world has been dedicated to watching what is going on in the Middle East, in Egypt, which is essentially the essence of communication, the essence of technology, but also the freedom of technology.

In America, we don't own stations, like BBC and Canadian Broadcasting where the government owns the stations. We allow nonprofit entities to do the broadcasting, both on radio and television, as you indicated, Mr. CHANDLER. And I don't think you can raise

children in this country without appreciating the value of what is learned, the lessons learned by programs such as Sesame Street and others.

□ 2110

But to think that you can just cut this out as a value to a greater debate of balancing the Federal Government by eliminating this, is nuts. This is what I always call the persons who know the price of everything but the absolute value of nothing. Because cutting this, you can come up with a pricetag, but the value you lose to the American public.

I wake up, here we are in Congress, and obviously we need all the news we can get. I don't know a Member of Congress who doesn't wake up listening to NPR radio, of all the choices we have, on both sides of the aisle, to get unbiased news in the morning before we come to work. And I know it because when you're on it, people comment the minute you get here. They hear you on NPR, everybody says, I heard you this morning when I was getting ready to come to work. This is not just done by Members of Congress. It's done by everybody in the United States.

And what Congressman BLUMENAUER talked about is the rural parts of America would never have this program; never have access to this information. If you want to destroy rural America, then destroy their access to information. Because then the only thing the young population will do is have to move out in order to keep up. So we have to make sure that these nonsensical cuts, which have dramatic and negative impacts, are not made to this budget. Let's sustain the budget to keep Americans well-informed and ensure future generations of the richness of public broadcasting. Let's give back our hearts and minds to the American public by maintaining PBS.

Mr. BLUMENAUER. Thank you for your eloquent statement, your support. And your being with us here this evening is very important. I think your point about how we start the day—how many of us were relying on public broadcasting for up-to-the-minute results of what was going on in Egypt at a time when the large corporate news organizations are cutting back their foreign coverage. Because of the dedication of hundreds of thousands of sponsors, volunteer contributors, public broadcasting has expanded its international coverage extraordinarily so.

But before I turn to my good friend from New York, I would just make one reference, however. Although the international is certainly critical, and it's very important for us here in Congress, one of the things that I think is so essential to zero in on is the local programming for rural and small-town America. Lakeland Public Broadcasting in Bemidji, Minnesota, the only broadcaster—the only broadcaster—for

much of their service territory. In Colorado, KBNF is increasingly the point source of news and public affairs programming, emergency preparedness alert, as the print media continues to shrink and corporations kind of move in and automate small radio markets.

I could go on through the list. I won't because I do want to provide time. But there is special coverage in the upper Midwest, in the Northwest, in the Mountain States that is tailored to hard-to-serve areas that no commercial station is willing to invest in this type of quality. And to turn our backs on it is one of the most reckless things that can be done. And, frankly, it's a terrible optic for my Republican friends in their first weeks in power, to turn their backs on 170 million Americans who enjoy and rely on it every month. In fact, if you look at the survey research about what people want to protect, they want to protect our strength in defense. Number two is public broadcasting. Yet this is on the chopping block.

With that, may I turn to my good friend from Upstate New York (Mr. OWENS).

Mr. OWENS. Thank you very much. I appreciate your leadership on this.

When you talk about rural, I represent rural. Fourteen thousand square miles make up my district, a thousand miles around the perimeter. I live in a very rural place, and public broadcasting is extraordinarily important to each and every one of my constituents.

I have to do a bit of a disclaimer first. My wife works for our local television station. She's the education director. I volunteered at the station for 3½ years, and I was the host of a television program. And I was also the lawyer for that station for about 25 years. So this is a real family affair for me.

I'm most disturbed because I see what's going on in this situation is really a slash-and-burn tactic that is primarily focused on public broadcasting. It is an attempt to take the continuing resolution and make it into a piece of ideology. That's not what our constituents are asking of us. They want us to make an economic decision and do an economic analysis of where we are and where we're going.

I think it's extraordinarily important that we focus on the economics of the debt and the deficit and not on ideology; we have an opportunity to act rationally and in a bipartisan fashion, as we did in the last lame duck session of Congress. Our friends and neighbors at home demand no less. I can agree to cut \$100 billion dollars, which is actually about 3 percent of this year's budget, if we do it by sharing the pain.

Let me tell you a little bit about public broadcasting. My children grew up with it. It is part of the education that my family experienced. My grandchildren are growing up with it. This is the best in family values and quality

programming that you're going to see. If our colleagues on the other side of the aisle are concerned about the development of morals, integrity, and education, then public broadcasting is a place they should support, not kill.

Just a few thoughts. My public television station provides essential services to that upstate rural community I talked about. It's aligned with their mission to inform, educate, involve, and entertain. Public broadcasting is America's largest classroom, closing the achievement gap through innovative standards-based educational content and resources for parent, teachers, and students. Public broadcasting serves as a trusted partner and agent of better citizenship in the world's greatest democracy.

Public broadcasting is not a luxury we can't afford but an essential service regularly depended on and enjoyed by 170 million Americans in all 50 States. Let me repeat that; 170 million Americans support public broadcasting. Cutting or eliminating Federal funding for public broadcasting will have a severe negative impact on local services and economies in all 50 States.

Let me point out that public broadcasting directly supports 21,000 jobs, and almost all of them are in local public radio stations in hundreds of communities in America. Science-focused programming at all age levels, from Sid the Science Kid to NOVA, supports the acquisition of 21st century problem-solving science skills.

I could go on. It's clear that public broadcasting brings a dimension to education that we see in no other modality available to us. I agree that reducing spending is a priority, but it must be achieved without resorting to ideological slash-and-burn tactics that will not allow us to facilitate a compromise with the Senate and White House, which brings real reduction in spending based upon the shared pain, which we all understand is needed. Thank you very much.

Mr. BLUMENAUER. Thank you. As only a dedicated volunteer of public broadcasting could come forward with that eloquence and the personal story, I deeply appreciate it.

A couple of facts I think that ought to be on the table. We are talking about less than a half-cent per day per American. We are dealing with organizations that have amazing volunteer support in each and every one of our communities. And they take that half cent a day and they leverage it. Each dollar of Federal funding can leverage \$5, \$6, \$7 of local programming and benefit.

□ 2120

You said something, Congressman OWENS, that I thought was very important when you talked about the programming. In fact, each of you mentioned it. This is the only medium that

is geared as programming for our children in order to educate and enrich them, not to sell them something. It's the only area that they have access to.

Mr. FARR. If the gentleman will yield, I think what is also very important is this is one government program where there is no free lunch. It requires a local match. It requires a contribution by the community, by volunteers. It's not a paid-for program without raising the money in the local media, as you know in your own station and had to do every year in the volunteer drive. When you think about it, you don't go out and match public volunteerism to buy military equipment. You don't match with public volunteerism practically any other thing in American society. This is one budget that really depends on the popularity of the programming in order to get volunteer support, volunteer contributions, and volunteer help in the studios.

Why would you cut out something that the private sector and personal commitment think is so important?

Mr. CHANDLER. Boy, does our community volunteer. In all of our communities, I know we see an enormous number of volunteers.

I appreciate what you just said, Mr. FARR from California and Mr. OWENS from New York. Thank you all for your strong support over the years with this and for pointing out the importance of education. I mean, as we all have said, this is the only public entity that educates us on television and radio on a regular basis, and that is an incredibly important thing.

The other thing that is so important about it is it truly broadens our horizons. It doesn't narrow us like so much of what we see on the television. It, rather, broadens our way of thinking. In what other place can you get that on a regular basis in our culture? This is a special American institution.

Mr. FARR. I would even say it defines our civilization. When you think of programs like StoryCorps, collecting that information for the records and keeping that part of our oral history of America, it is absolutely essential that our culture and our times and that our moment in history and in the world be maintained in the public sector where there isn't private ownership of it.

Mr. CHANDLER. It has always had such bipartisan support.

Mr. BLUMENAUER. Yes. This is the first time there has been a bipartisan effort, apparently. We've had efforts before. When our Republican friends took over, there were assaults on public broadcasting, but there was ultimately strong bipartisan support that beat it back. At home, these 170 million Americans, they aren't just Democrats or Republicans or Independents. It is a broad spectrum of Americans which relies on information that isn't pre-filtered for them. There are opposing views. We've all heard things on

public broadcasting that we don't know we agree with or we've heard things that we never would have listened to in other venues.

I don't want us to close without turning back to our counsel and our volunteer and our spouse of a public broadcasting member.

Mr. OWENS. In my conversations that I've had the opportunity to have over the last couple of days, clearly, public broadcasting understands that they are going to have to share the pain with everyone else. It's one thing to cut somebody's budget by 3 or 4 percent. It's another thing to eliminate somebody's budget. No one survives when somebody's budget is eliminated. People survive and prosper when they have to make up 3 or 4 percent. That's what I'm urging our colleagues on the other side of the aisle to really think about it.

Mr. BLUMENAUER. Thank you. I appreciate that.

Any other final words?

Mr. FARR. Thank you for your leadership. It is absolutely essential to America's well-being.

Mr. BLUMENAUER. We look forward to continuing this conversation on the floor of the House.

There has been an exciting outpouring of support around the country as people have been invited to look at the facts and to share their opinions. I know that this is making a difference because every Member of Congress is hearing from the men and women they represent about the value of public broadcasting, and if what they are hearing is anything like what is coming into my office, it is overwhelmingly in the support of this vital program and in urging us to do the right thing.

I deeply appreciate my colleagues for joining me this evening. I look forward to continuing to spotlight this and to working to make sure that, rather than eliminate public broadcasting, we work to strengthen it so that everyone in America can benefit.

Thank you very much.

Ms. ESHOO. Mr. Speaker, I come to the floor this evening to protest the elimination of funding to the Corporation for Public Broadcasting (CPB).

The Republicans are proposing to eliminate CPB's federal funding going forward. Without these funds, local stations would have to reduce or eliminate such valuable public programming as *Sesame Street*, the *NewsHour* and *NOVA*.

Every month, more than 170 million Americans experience the benefits of public broadcasting through 368 public television stations and 934 public radio stations, several of which are located in the Bay Area.

One example is San Francisco's KQED, which attracts more than 841,000 television viewers each week. Employing 275 full-time staff members and providing locally produced news programming, KQED has an important economic and cultural impact on the Bay Area community.

From theater and ballet to music, thoughtful public discourse, science and children's programming, the programming found on public broadcasting has set a world standard.

Public broadcasting is the best definition of educational television—it enriches our sense of the world and educates us.

Over the years, the commercial market strikes another image—reality TV; talking heads shouting past each other; and inane programming. If this is what some viewers want—fine—shouldn't we retain both?

We've done much work together to promote and preserve CPB against those who want to cut it out of the modern world of broadcast technology. These are tough economic times, but what feeds the soul and informs our national intellect should be considered an important national resource.

I urge my colleagues to come together on both sides of the aisle and restore funding to the Corporation for Public Broadcasting.

Mr. BLUMENAUER. I yield back the balance of my time.

THE BUDGET AND WHERE WE GO FROM HERE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Mexico (Mr. PEARCE) is recognized for 30 minutes.

Mr. PEARCE. I thank the Speaker and welcome all of you to the discussion tonight.

As everyone is talking about right now, we are preparing to have a discussion this week on the budget and where we go from here. The continuing resolution is last year's spending. It was not passed for the full year, so we are now in the process of considering how to fund the government and at what levels through the rest of the year. So I appreciate the opportunity to consider why we are doing what we are doing.

You would have to ask yourself exactly what the basis is of all of the discussions that we are having on the floor of the House. I'd like to make things as simple as possible to understand, so I will begin the discussion by simply writing the big picture onto the white board to my left.

The big picture is simply 3.5 and 2.2. Now, 3.5 T is the amount that we spend every year. 2.2 T is the revenue that the government brings in.

If you were to go ahead and then do the math on that, you would see that we have an outflow of 1.3 greater than the inflow. Actually, those numbers have been revised. I'm not sure if it's because the inflow has dropped down or if we are spending more, but the revised figures show us that we have a deficit of 1.5 T, \$1.5 trillion, in this current year. So we will put that number up on the board in order to continue to just get the big picture on where we are.

This 1.5 T, \$1.5 trillion, deficit that we have I consider to be in a pipeline.

It's a deficit this year, but at the point at which we spend the money and we've not taken in money to offset it, then it becomes debt. I look at it like it's a pipeline running into a barrel. We'll just make a graphic here. We've got the deficit pipeline full of \$1.5 trillion each year because we are spending more than we bring in.

The barrel at the end of the pipeline I just call the debt barrel. It's, again, fairly transparent. As the deficit rolls into that barrel, it becomes debt, which is accumulated and passed on to the next generation. In rounding the figures off, we see a debt right now of about \$15 trillion. We will put that label on our barrel.

Basically, you have the picture of the budget right here in front of you. We are spending \$3.5 trillion. We are bringing in approximately \$2.2 trillion. One of those numbers is a little bit incorrect, so you'd say, well, it's a \$1.3 trillion deficit. Instead, that has been revised, and that deficit then is flowing into the debt barrel of \$15 trillion. So, at the end of next year, if we continue to spend and the proposals in front of us now are still running a deficit of at least 1.5, you can calculate that we will have a debt accumulated of \$16.5 trillion.

□ 2130

Now, everyone likes to make this complex and it's not that complex. It's very similar to the problems that maybe you or I had when we were growing up, but we began to use more, to spend more than what we brought in. Now, if that's the case, then we go about it by doing one of two things: We either shrink the size of outflows, we cut the spending; or we get a second job or we get training in order that we would get a promotion and we then drive up our revenues.

So the discussion this week that we're having, the continuing resolution is focused mainly on what do we do about the outflows. The revenues to the government, that requires more people go to work, and so this problem of the 2.2 is being accentuated by the 9½ percent unemployment. So when our citizens are antsy, they're concerned, they're alarmed that the jobs are just not happening, it is not only in their lives that it's a significant problem; it's in the lives of our government. Each one of our States is also, with one or two exceptions, going through this exact same problem. They're spending more than what they're bringing in in tax revenues.

Now, a government has one of three different choices that they can make. They can cut spending, they can increase taxes, or they can grow the economy. And growing the economy is when you add more jobs. Each person and their job will pay taxes, and that incrementally increases the number on the bottom so that we eventually get them to balance.

But then a government can also do one more thing, and that is to print money, and that's the quantitative easing that Mr. Bernanke has triggered off. So the printing of money then has its own downside. We won't talk much about that tonight. Although, it is probably the most significant thing in our business climate that we face, an unstable dollar; that is, one where we are printing more dollars and the value begins to erode.

So people in their homes tonight would be watching the price of vegetables go up. The price of gold has gone up, the price of silver. Those don't have any more intrinsic value. In other words, a vegetable a year ago in our life would be consumed and would have about the same value. The price of gold hasn't got any new manufacturing techniques that would be pulling great supplies off the market, driving a price up through supply and demand. The same thing with silver.

And, in fact, those prices are escalating dramatically right now because we have so many dollars because we're printing money. And, by the way, we printed last year about \$2.6 trillion, more or less. So we have quantitatively eased. We have printed enough money that we're now seeing the prices go up in our society.

Now, the inflation is in contrast to what the government reports say, because the Federal Reserve would tell you, quite frankly, that they see no signs of inflation; it's just that they don't consider the food and the energy that we would have facing us.

So, again, returning to our main board here, then we have a significant chart that is available from both CBO—that's congressional—and from the OMB—that's White House. And so we've got a significant chart, and the chart basically looks like this, and the chart simply comes up and then stops. Now, this axis would be the years, so that these would be prior years, and now then future years extending out ahead of us. On this level, we have the dollars, and this represents our gross income, our per capita income.

As you can see, throughout our history the income has been rising, rising, so that you have made more in your lives than your parents made, and your parents made more than their parents, all the way back to our founding. But you also see right in this point, which is occurring right about this period of time, is that the curve begins to flatten out and start down.

So when I ask in our town halls—and we frequently ask the question, "Are you living better than your parents did?" and almost unanimously the answer is "Yes." But when I ask the second question, "Are your children going to have better lives, better incomes than you have had?" and almost 100 percent of the people say, "No." Well, that's actually playing out in the chart

right at this peak point here, and we're experiencing that as we speak.

Now, then the unsettling piece of this chart is that it's discontinuous; it stops. The thing about charts is they continue on through history. So we start at the Founding Fathers here and we come up, we come up, we're topping out, but then the chart stops. That is 2032 maybe, 2034, something out in that range, and the economy simply stops. The economy stops because of this and because of that.

You could see with our \$15 trillion worth of debt that we could take every dollar that's coming into the U.S. Government right now, and it would take us 6, 7 years to pay it off. That's if we did not spend any money and did not have any more deficits. As you can see from this year and next year, we're going to have significant deficits, and so we could not, in fact, pay that off in 7 to 10 years. In fact, it is ongoing.

The last thing that we need to get to have the big picture in front of us is that I view that barrel of debt and then I view that it is sitting on top of an aquifer of debt underneath it. So I will simply draw that on the board at this point.

Now we have the aquifer of debt, and many people are saying that it's about \$202 trillion. We could pay for almost 100 years and not pay the accumulated obligations for Medicare, Medicaid, and Social Security, and it's that piece which begins to make our economy falter and fail within the coming generation.

We saw this happen in the Soviet Union. And so as we consider could it happen here, well, yes, it could anywhere, and the U.S. is no exception to anything. The rules of economics say that everything that you spend, you have to pay for, and if you don't pay for it, there is loss at some point, and we have been living in the government an economic lie. We have been fooling ourselves, saying that we can continue this process, and now we have reached a point where it would be catastrophic within the lives of many of the people who are here in the U.S. today.

So what do we do? Do we cut the 3.5? Or do we grow the 2.2? Now, this week we're going to have many, many amendments, and looking at it from this lens, I heard my friends discussing public broadcasting, and I agree with them. There are many things about public broadcasting that I like and the programming, but the question is: Should it be a government function and should we be spending money for it when it's going to put your children and grandchildren into deeper debt? Should we be risking the failure of our economy? And again, this is not STEVE PEARCE. This is CBO and OMB. You can go to either Web site and take a look and find the chart of per capita incomes and just look at it. It's there.

So, if we are risking that, looked at through that lens, then we can ask our-

selves should the Corporation for Public Broadcasting be funded, and that answer will be given sometime this week on the floor because there will be an amendment. There will be something in the bill that says that we will do just that. These are the hard choices that we need to make now.

Let's consider one other thing. The President today submitted his budget to us and he recommended that we have \$1 trillion over 10 years, maybe \$1.1 trillion. How does \$1 trillion—it sounds like a big budget cut. Oh, we're really going to cut the budget a lot, \$1 trillion. Keep in mind, that's for a 10-year period, and so simply divide \$1 trillion by 10 and you get about \$100 billion. If we cut \$100 billion out of this budget, we change this number from 3.5 to 3.4. That's what \$100 billion means.

And when the Republicans are accused that we're going to slash budgets and we're going to really create turmoil in the budgetary process, Republicans are saying basically that we're going to cut \$100 billion, also, from 3.5 to 3.4.

Now, you can do the math fairly easily. If you cut \$100 billion, the deficit is going to lower from 1.5 to 1.4. Now, that's not going to significantly affect our debt barrel, nor the debt aquifer that we face. Both are looming problems that simply OMB and CBO tell us break the system.

□ 2140

Now I do not believe that our system is going to break because I think the American people are going to insist that we begin to do forensic audits of our government to find the efficiencies, to find the better ways of doing things. A forensic audit would, for instance, ask, Are the duplications in the budget? Do we have multiple offices doing the same thing? And the answer is, absolutely we have offices doing the same thing; that, in fact, sometimes we have 70 and 80 offices. We are paying an overhead in every single office. I think that what we're going to have to do is to find those duplications, and we simply roll them into one office to where we're not multiplying the number of government salaries. Because every government salary creates, in its lifetime, about \$4 million toward this. You simply multiply the number of government workers by about \$4 million in its life. It's actually a little bit more. But that is their benefits, their pay, and everything associated with them.

But I tell my friends, as Republicans, Yes, I'm wholeheartedly in favor of cutting the 3.5. That we must do. And I believe that we should have the forensic audit of our government in order to wring out the inefficiencies. The fraud alone in Medicare is almost 0.1 percent in this equation. The fraud in Medicaid is 0.06 percent. So you can see that they are significant numbers.

But none of the cost-cutting that we're doing is actually going to balance the equation. If we intend for our

Republic to survive, we must begin to grow our economy. We must increase the number of jobs. That creates a population that is more content with their welfare, with their prosperity, with their ability to pay their bills every month, but it also begins to cure our budget problems.

Now if we're going to talk about creating jobs, we have to understand the greatest threat to job creation. The greatest threat to job creation is uncertainty. If you, as an individual without owning a company, are uncertain about what you're going to make in the stock market. If you see different stocks, and you're afraid that the stocks are not going to make you money, then you pull your money out of the stock market because of the uncertainty. Right now we have a lot of the money that came out in the last 2 years flowing back into the stock market, driving the prices back up. We're seeing that companies are actually posting profits higher than what they intended and higher in the past years. So there's a mood of certainty among those people who are investing stocks, and money is coming back to the stock market. The uncertainty drove it out.

Well, the same thing happens in businesses. If a business owner is certain that he's going to make new investments—right now if you have cash in the bank, it's less than 1 percent. You probably get one-quarter of 1 percent each year for cash. The best thing to do with cash is to invest it in creating jobs. And President Obama, about 3 or 4 months ago, really hit the business community, and he reminded them here a week or so ago when he spoke to the U.S. Chamber, You have a moral obligation to invest and create jobs. Well, the government has the moral obligation to give certainty through taxes and regulation.

And that's the great rub here. We have regulated and taxed many of our corporations offshore. I know we have discussions every day about those companies that are taking tax breaks, and they're evil, and taking the jobs somewhere else. The truth is, President Obama mentioned it in his State of the Union, that we have the highest corporate tax rate in the world—one of the two, and I think that Japan just recently lowered theirs, leaving us there. So we are taxing our companies into uncompetitiveness. They're not competitive because of that piece of their cost structure. Ireland addressed this 15 or 20 years ago. They lowered their corporate tax rate from 36 percent, which ours is, to 12 percent, and companies began to flock into Ireland. In the succeeding years, Ireland began to raise its corporate tax rates so now companies are flocking out of Ireland. It's that simple. Higher taxes kill jobs. Lower taxes create jobs. I'm not saying we should not have taxes, but I do say that tax policy, increasing taxes, that

kind of tax policy, will create stagnation and no job growth.

But the second thing that causes that is regulation. Companies do not want to put money into investments where they don't think they're going to get a return. They cannot get a return sometimes because they're simply regulated out of business. For instance, consider the farmers in the San Joaquin Valley. Those were businesses. Those businesses were making money. They were paying the banks. They were buying land, and they're employing people. They're buying fertilizer.

But the silvery minnow, a 2-inch minnow that we would all want to keep alive, got all of the water in the San Joaquin River. A judge declared that we are going to regulate the water away from people and to the minnow. So 27,000 farmers in the San Joaquin Valley lost their jobs. Now, then, those people are not making the payments on their land. They're not able to feed their families. So instead of being productive members of society, they have now scooted to the top end of the equation, which is the second poisonous thing we deal with in this, is that when we kill jobs through taxation and regulation policies, we actually transfer more cost to the top of the equation. And that's the reason we're in such imbalance. A 9.5 percent rate of unemployment means that we are going to have more people on welfare, food stamps, more people on assistance.

I think we have a moral obligation to begin to fix the job situation in the country, and we do that by finding the balance point in regulations. I do not want to see the minnow go extinct, but neither do I want to see our jobs go extinct. We have killed industries in this country in the name of regulation. The spotted owl was simply a regulation that was put into effect in our national forest. And in New Mexico alone, we lost 20,000 jobs because of the spotted owl regulation. I don't think we should stand by and watch the spotted owl become extinct, but neither do I think that we should have given up those jobs, and those jobs have gone to Canada. Now I love the Canadians, but I would rather have the jobs here and be using U.S. timber.

In the meantime, when we stopped cutting timber, then we started seeing massive forest fires because of the buildup of fuel in our forests. An additional problem has been found in the West where the trees use up all the water. They transpire it. Formerly what was happening was that New Mexico, with its arid climate, had fewer trees per acre—maybe 50, maybe 100. Now we have got 2,500. The trees were crowding the grass out. The grass is on the slopes. The water can't run through grass as easily as it can across the bare ground. So now with no grass, the water is rushing into the streams down at the bottom of the mountain. It

used to be that the grass slowed it down, and it had a chance to percolate in and recharge the aquifers. So we are finding many of our mountain communities now starved for water. So not only have we lost the jobs, not only have we put people on welfare and driven up the cost of government, we are also creating resource shortages throughout the West, and we absolutely must begin to deal with all of this.

If we are to look again at another industry that we have simply dismantled or are in the process of dismantling, I would look offshore in Louisiana. My wife and I made a career in repairing oil wells, and so we understand the processes that happened offshore. We understand the decisions that were made. I think BP should be accountable, and they're being held accountable. They are actually paying the bills on the cleanup, and that's set in law and is actually happening right now. But I do not think that we should have taken 100,000 jobs. Those are jobs offshore that were making well into the six figures. High taxes were being paid to the government because people were making good money. It's dangerous work. It's hard work, many hours. And yet we took probably 100,000 jobs from the Louisiana/Texas economy, and we have moved it now to a cost for the government. If we would begin to create the jobs again, if we would go back and rebuild the industries, the greatest solution for our budget crisis is that. Grow the number on the bottom, and as we create jobs, we pool costs from the top end of the equation.

My friends, I don't believe that it is among our choices to not get our fiscal house in order. If we raise taxes in order to increase this, which many people suggest, we are going to kill jobs, and we get a wash—maybe no increase, maybe even a decrease. If we will set about curing the imbalance in our tax rate for our U.S. corporations, I think then that job growth would become explosive if we would also find the pendulum, bring the pendulum to the middle of the equation where we can protect species, protect the environment, protect the workers, and at the same time, create jobs.

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I think Americans are hungry for us to begin to solve the problems in that fashion, rather than the partisan divide that says, no, we can't create jobs, and those jobs shouldn't be here. I think that Americans are going to insist that we do what it takes to bring back the manufacturing jobs, those good career jobs, not just a job, but a career. That's what people are hungry for. They would like to be able to plan their life, to plan for retirement, to plan for college for their kids, to pay off a house,

to build a nest egg. That's what Americans are hungry for, and it is not possible in the environment that we have right now.

When we kill job growth, we kill opportunity. When we kill job growth, we kill prosperity. And I think Americans are hungry for the prosperity. They're hungry for a forensic audit of our government that begins to say, why does it take \$3.5 trillion to run the government?

Every person sees things every day that our government does that don't make sense, that cost too much and, in the end, kill our jobs and drive them overseas.

Now, people would ask, well, that's not possible and it's going to take too long. First of all, is it possible? Yes, if we establish 3.5 percent rate of growth, then these numbers begin to balance up, and we begin to cure the budget shortfalls, both for every State and for the entire Nation. A 3.5 percent rate of growth, then you would ask, is that possible? As a country, we have averaged a 3.5 percent rate of growth over the last 75 years. It is extremely possible. So let us take on the hard tasks of finding the savings in the budget, increasing our job growth, and we're going to find the solutions to the economic woes that threaten our entire society, that threaten our entire economy.

We have many people who question, can we cut the government? Can we cut the size of government right now with unemployment? It's going to drive unemployment too high; that we should not be laying off a single Federal worker.

New Zealand came upon that question a decade or two ago. New Zealand began to ask themselves the same question. Why is our economy sluggish? New Zealand was in the bottom third of the world's economies. They said, we're a developed country. We have smart people. We have hard-working people. Why aren't we in the top third?

New Zealand's conclusion is that they had too many non-government functions inside the government. And so they took one agency and set about to cut the nonessential government jobs, just to cut them, without regard to what it's going to do to unemployment or any other question.

In the Department of Labor, that's the one that took it on, and I have visited with the guy who actually did this. They cut from approximately 63,000 employees down to one employee. He actually said, I could have cut myself, but I had to go home that night and face my wife.

And, by the way, I should wish my wife Happy Valentines Day. She is in New Mexico and I'm here. And also my mom, two special, special women in my life.

But he said he could not go home and face his wife if he had cut his own job. So, from 63,000 down to one.

Now, to people who worry can we cut jobs from the government without it affecting the unemployment, what happened in New Zealand would happen here. They jumped from the bottom third of the world's economies to the top third. That's because the people that they laid off from government went outside, those functions transitioned outside the government and they began to be done at higher pay, with more efficiency and with more purpose. And so actually, the tremendous increase in their relative position worldwide jumped from the bottom third to the top third, was the offshoot. And I think that we would see the same thing happen in our economy.

Now, again, to whether we should have taxes, increase taxes or decrease taxes, does it work, does it not work. Back in 2003, we gave the tax cuts under President Bush, and I was here at that point and voted for those tax cuts. When we cut the taxes, the growth rate was not 3½ percent. It was actually about 1¼ percent rate of growth. Within 30 days, the economy began to boom up so that it finally got to 8¼ rate of growth—from 1¼ to 8¼. Now, there was pent up demand and so people were buying new equipment and buying things in kind of a surge, so that 8¼ finally moderated down to 5¾, then down to 4, and 4¼ and finally down to 3¾, which again is all we need to fix the situation. It is not that complex. The picture is not that complex. People try to make it so here in Washington because they love to spend your money. But the truth is the consequences are now on us. The truth is that we are facing catastrophic economic failures and inflation if we do not begin to pay attention to the fundamentals that are in play in front of us.

So as we approach this week, the idea that we can only cut \$100 billion is one that we should all question. We know there are greater inefficiencies. I'm going to propose a series of amendments that would cut even more; cut functions that I think could be delayed. We're going to suggest that the government maybe shouldn't be building a lot of projects, a lot of buildings right now. Surely we can take a moratorium on that for a year or maybe two. In the interest of future generations, don't we think that that's a sacrifice that we should make? So these are the issues that face us this week.

Mr. Speaker, I would conclude by saying that I think that it's achievable. The solutions are right at hand. We just have to have the will to create jobs and cut the size of the budget.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011, AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-13) on the resolution (H. Res. 92) providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Mr. BURTON of Indiana (at the request of Mr. CANTOR) for today on account of a family emergency.

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today on account of the birth of a grandson.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE FOR THE 112TH CONGRESS
FEBRUARY 11, 2011.

Hon. KAREN L. HAAS,
Clerk of the House, House of Representatives,
Washington, DC.

DEAR MS. HAAS: Pursuant to clause 2(a) of Rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the Rules of the Committee on Education and the Workforce for the 112th Congress, as adopted by the Committee in open session on January 25, 2011.

Please contact my Chief Clerk, Linda Stevens, if you have any questions.

Sincerely,

JOHN KLINE,
Chairman.

RULE 1. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

(a) Regular meetings of the Committee shall be held on the second Wednesday of each month at 10:00 a.m., while the House is in session. When the Chair determines that the Committee will not consider any bill or resolution before the Committee and that there is no other business to be transacted at a regular meeting, he or she will give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, written notice to that effect, and no regular Committee meeting shall be held on that day.

(b) The Chair may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business.

(c) If at least three members of the Committee desire that a special meeting of the Committee be called by the Chair, those members may file in the offices of the Committee their written request to the Chair for that special meeting. Immediately upon the filing of the request, the staff director of the Committee shall notify the Chair of the filing of the request. If, within three calendar days after the filing of the request, the Chair does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. Immediately upon the filing of the notice, the staff director of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered. The Committee shall meet on that date and hour and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Legislative meetings of the Committee and its subcommittees shall be open to the public, including radio, television, and still photography coverage, unless such meetings are closed pursuant to the requirements of the Rules of the House of Representatives. No business meeting of the Committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice.

(e) The Chair of the Committee or of a subcommittee, as appropriate, shall preside at meetings or hearings. In the absence of the Chair of the Committee or of a subcommittee, members shall preside as provided in clause 2(d) of Rule XI of the Rules of the House of Representatives. No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or subcommittee unless authorized by the Chair.

RULE 2. STANDING SUBCOMMITTEES AND JURISDICTION

(a) There shall be four standing subcommittees. In addition to conducting oversight in the area of their respective jurisdictions as required in clause 2 of Rule X of the Rules of the House of Representatives, each subcommittee shall have the following jurisdiction:

Subcommittee on Early Childhood, Elementary, and Secondary Education.—Education from early learning through the high school level including, but not limited to, elementary and secondary education, special education, homeless education, and migrant education; overseas dependent schools; career and technical education; school safety and alcohol and drug abuse prevention; school lunch and child nutrition programs; educational research and improvement including the Institute of Education Sciences; environmental education; pre-service and in-service teacher professional development including Title II of the Elementary and Secondary Education Act and Title II of the Higher Education Act; early care and education programs including the Head Start Act and the Child Care and Development

Block Grant Act; adolescent development and training programs including, but not limited to, those providing for the care and treatment of certain at-risk youth including the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act; and all matters dealing with child abuse and domestic violence including the Child Abuse Prevention and Treatment Act and child adoption.

Subcommittee on Higher Education and Workforce Training.—Education and training beyond the high school level including, but not limited to, higher education generally, postsecondary student assistance and employment services, and the Higher Education Act; Title IX of the Education Amendments of 1972; all domestic volunteer programs; all programs related to the arts and humanities, museum and library services, and arts and artifacts indemnity; postsecondary career and technical education, apprenticeship programs, and job training including the Workforce Investment Act, vocational rehabilitation, and training programs from immigration funding; science and technology programs; adult basic education (family literacy); all welfare reform programs including work incentive programs and welfare-to-work requirements; poverty programs including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); the Native American Programs Act; the Institute of Peace; and all matters dealing with programs and services for the elderly including nutrition programs and the Older Americans Act.

Subcommittee on Workforce Protections.—Wages and hours of workers including, but not limited to, the Davis-Bacon Act, the Walsh-Healey Act, the Service Contract Act, and the Fair Labor Standards Act; workers' compensation including the Federal Employees' Compensation Act, the Longshore and Harbor Workers' Compensation Act, and the Black Lung Benefits Act; the Migrant and Seasonal Agricultural Worker Protection Act; the Family and Medical Leave Act; the Worker Adjustment and Retraining Notification Act; the Employee Polygraph Protection Act of 1988; trade and immigration issues as they impact employers and workers; and workers' safety and health including, but not limited to, occupational safety and health, mine safety and health, and migrant and agricultural worker safety and health.

Subcommittee on Health, Employment, Labor, and Pensions.—All matters dealing with relationships between employers and employees including, but not limited to, the National Labor Relations Act, the Labor-Management Relations Act, and the Labor-Management Reporting and Disclosure Act; the Bureau of Labor Statistics; employment-related health and retirement security including pension, health, and other employee benefits and the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

(b) The majority party members of the Committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 3. EX OFFICIO MEMBERSHIP

The Chair of the Committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chair or ranking minority party member has not been assigned.

RULE 4. SUBCOMMITTEE SCHEDULING

(a) Subcommittee chair shall set meeting or hearing dates after consultation with the Chair and other subcommittee chair with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings, wherever possible. No such meetings or hearings, however, shall be held outside of Washington, D.C., or during a recess or adjournment of the House of Representatives without the prior authorization of the Committee Chair. Where practicable, 14 days' notice will be given of such meeting or hearing.

(b) Available dates for subcommittee meetings during the session shall be assigned by the Chair to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As far as practicable, the Chair shall not schedule simultaneous subcommittee markups, a subcommittee markup during a full Committee markup, or any hearing during a markup.

RULE 5. SUBCOMMITTEE RULES

The rules of the Committee shall be the rules of its subcommittees.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the Committee, the Chair of the Committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the Committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C. Any member of the Committee may attend public hearings of any subcommittee and any member of the Committee may question witnesses only when they have been recognized by the Chair for that purpose.

RULE 7. HEARING PROCEDURE

(a) The Chair, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee chair, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Chair of the Committee, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date or the Committee so determines by majority vote in the presence of the number of members required under the rules of the Committee for the transaction of business. In the latter event, the Chair or the subcommittee chair, as the case may be, shall have such an announcement promptly published in the Daily Digest and made publicly available in electronic form. To the extent practicable, the Chair or the subcommittee chair shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as practicable after such public announcement is made.

(b) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the subcommittee.

(c) All opening statements at hearings conducted by the Committee or any subcommittee will be made part of the permanent written record. Opening statements by

members may not be presented orally, unless the Chair of the Committee or any subcommittee determines that one statement from the Chair or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the Committee or subcommittee, such member shall be entitled to briefly introduce such witness at the hearing.

(d) To the extent practicable, witnesses who are to appear before the Committee or a subcommittee shall file with the staff director of the Committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the Committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the Committee pursuant to this rule.

(e) When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chair by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a Committee hearing or subcommittee hearing.

(f) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

RULE 8. QUESTIONING OF HEARING WITNESSES

(a) Subject to clauses (b), (c), and (d), a Committee member may question hearing witnesses only when the member has been recognized by the Chair for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chair, followed by the ranking minority party member and all other members alternating between the majority and minority party. The Chair shall exercise discretion in determining the order in which members will be recognized. In recognizing members to question witnesses in this fashion, the Chair shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

(b) The Chair may permit a specified number of members to question a witness for longer than five minutes. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(c) The Chair may permit Committee staff for the majority and the minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(d) In an investigative hearing or in an executive session, the Chair's authority to ex-

tend questioning under subsection (b) and (c) of this rule shall be equal for the majority and the minority party and may not exceed one hour in the aggregate, and shall only be conducted by counsel for the majority and the minority party when authorized under subsection (c) of this rule.

RULE 9. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chair of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives. The Chair shall notify the ranking minority member prior to issuing any subpoena under such authority. To the extent practicable, the Chair shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority, excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chair shall notify in writing all members of the Committee of the issuance of the subpoena.

RULE 10. DEPOSITION PROCEDURE

(a) In accordance with the Committee receiving authorization by the House of Representatives for the taking of depositions in furtherance of a Committee investigation, the Chair, upon consultation with the ranking minority member, may order the taking of depositions pursuant to notice or subpoena as contemplated by this rule.

(b) The Chair or majority staff shall consult with the ranking minority member or minority staff no less than three business days before any notice or subpoena for a deposition is issued. After such consultation, all members shall receive written notice that a notice or subpoena for a deposition will be issued.

(c) A notice or subpoena issued under this rule shall specify the date, time, and place of the deposition and the method or methods by which the deposition will be recorded. Prior to testifying, a deponent shall be provided with a copy of the Committee's rules, the House Resolution authorizing the taking of the deposition, and Rule X of the Rules of the House of Representatives.

(d)(1) A deposition shall be conducted by one or more members or Committee counsel as designated by the Chair or ranking minority member.

(2) A deposition shall be taken under oath or affirmation administered by a member or a person otherwise authorized to administer oaths and affirmations.

(3) A deposition shall be, unless waived by the deponent, attended by a member of the Committee.

(e) A deponent may be accompanied at a deposition by counsel to advise the deponent of the deponent's rights. Only members and Committee counsel, however, may examine the deponent. No one may be present at a deposition other than members, Committee staff designated by the Chair or ranking minority member, such individuals as may be required to administer the oath or affirmation and transcribe or record the proceedings, the deponent, and the deponent's counsel (including personal counsel and counsel for the entity employing the deponent if the scope of the deposition is expected to cover actions taken as part of the deponent's employment). Observers or counsel for other persons or entities may not attend.

(f)(1) Unless the majority, minority, and deponent agree otherwise, questions in a deposition shall be propounded in rounds, alternating between the majority and minority. A

single round shall not exceed 60 minutes per side, unless the members or counsel conducting the deposition agree to a different length of questioning. In each round, a member or Committee counsel designated by the Chair shall ask questions first, and the member or Committee counsel designated by the ranking minority member shall ask questions second.

(2) Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. Deponent may refuse to answer a question only to preserve a privilege. When the deponent has objected and refused to answer a question to preserve a privilege, the Chair may rule on any such objection after the deposition has adjourned. If the Chair overrules any such objection and thereby orders a deponent to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the Committee and shall be provided to members and the deponent no less than three days before the ruling is enforced at a reconvened deposition. If a member of the Committee appeals in writing the ruling of the Chair, the appeal shall be preserved for Committee consideration. A deponent who refuses to answer a question after being directed to answer by the Chair in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the Chair is reversed on appeal. In all cases, when deposition testimony for which an objection has been made is offered for admission in evidence before the Committee, all properly lodged objections then made shall be timely and shall be considered by the Committee prior to admission in evidence before the Committee.

(g) Deposition testimony shall be transcribed by stenographic means and may also be video recorded. The clerk of the Committee shall receive the transcript and any video recording and promptly forward such to minority staff at the same time the clerk distributes such to other majority staff.

(h) The individual administering the oath shall certify on the transcript that the deponent was duly sworn. The transcriber shall certify that the transcript is a true, verbatim record of the testimony, and the transcript and any exhibits shall be filed, as shall any video recording, with the clerk of the Committee. In no case shall any video recording be considered the official transcript of a deposition or otherwise supersede the certified written transcript.

(i) After receiving the transcript, majority staff shall make available the transcript for review by the deponent or deponent's counsel. No later than ten business days thereafter, the deponent may submit suggested changes to the Chair. Committee majority staff may direct the clerk of the Committee to note any typographical errors, including any requested by the deponent or minority staff, via an errata sheet appended to the transcript. Any proposed substantive changes, modifications, clarifications, or amendments to the deposition testimony must be submitted by the deponent as an affidavit that includes the deponent's reasons therefore. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript, a copy of which shall be promptly forwarded to minority staff.

(j) The Chair and ranking minority member shall consult regarding the release of deposition transcript or electronic recordings. If either objects in writing to a proposed release of a deposition transcript or electronic recording or a portion thereof, the

matter shall be promptly referred to the Committee for resolution.

RULE 11. QUORUMS

One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action other than amending Committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the Committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the Committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE 12. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chair shall consult with subcommittee chair regarding referral to the appropriate subcommittees of such bills, resolutions, and other matters that have been referred to the Committee. Once copies of a bill, resolution, or other matter are available to the Committee, the Chair shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days have elapsed after written notification of such proposed referral to all subcommittee chair, at which time such proposed referral shall be made unless one or more subcommittee chair shall have given written notice to the Chair of the full Committee and to the chair of each subcommittee that he or she intends to question such proposed referral at the next regularly scheduled meeting of the Committee, or at a special meeting of the Committee called for that purpose, at which time referral shall be made by the majority members of the Committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. Upon a majority vote of the Committee, a bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled at any time for the Committee's direct consideration or for reference to another subcommittee.

(c) The Chair shall announce the date, place, and subject matter of a Committee meeting, which may not commence earlier than the third day on which members have notice thereof; but this requirement may be waived if the Chair of the Committee, with the concurrence of the ranking minority member, determines that there is good cause or the Committee so determines by majority vote in the presence of the number of members required under the rules of the Committee for the transaction of such business.

(d) When a bill or resolution is being considered by the Committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee or subcommittee, as the case may be.

(e) In determining the order in which amendments to a matter pending before the Committee or a subcommittee will be considered, the Chair may give priority to:

(1) The Chair's mark, and

(2) Amendments, otherwise in order, that have been filed with the Committee at least 24 hours prior to the Committee or sub-

committee business meeting on said measure or matter.

RULE 13. VOTES

(a) With respect to each roll call vote on a motion to report any bill, resolution, or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(b) In accordance with clause 2(h) of Rule XI of the Rules of the House of Representatives, the Chair of the Committee or a subcommittee is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. Such Chair may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 14. RECORDS AND ROLL CALLS

(a) Written records shall be kept of the proceedings of the Committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the Committee or subcommittee for inspection by the public at reasonable times in the offices of the Committee or subcommittee and shall be made available on the Committee's website within 48 hours of such record vote. Information so available for public inspection and on the Committee's website shall include a description of the amendment, motion, order, or other proposition; the name of each member voting for and each member voting against such amendment, motion, order, or proposition; and the names of those members present but not voting. The text of an amendment offered to a measure or matter considered in Committee shall be made publicly available in electronic form not later than 24 hours after its final disposition in Committee. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule VII of the Rules of the House of Representatives, any official permanent record of the Committee (including any record of a legislative, oversight, or other activity of the Committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the Committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House of Representatives, any record of the Committee for which a time, schedule, or

condition for availability is specified by order of the Committee (entered during the Congress in which the record is made or acquired by the Committee) shall be made available in accordance with the order of the Committee.

(c) The official permanent records of the Committee include noncurrent records of the Committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the Committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of Committee Rule 12(c) have been met, a quorum consisting of a majority of the members of the Committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the Committee which—

(A) provides for the non-availability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule VII of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule VII of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b) (3) of this Rule.

RULE 15. REPORTS

(a) Reports of the Committee. All Committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(1) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House of Representatives. No material change shall be made in the report distributed to members unless agreed to by the ranking minority member; but any member or members of the Committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(2) Such 36-hour period shall not conclude earlier than the end of the period provided under clause 4 of Rule XIII of the Rules of the House of Representatives after the Committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(3) To the extent practicable, any report prepared pursuant to a Committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the Committee or subcommittee, as the case may be.

(b) Disclaimers.

(1) A report on activities of the Committee required under clause 1 of Rule XI of the Rules of the House of Representatives shall include the following disclaimer in the document transmitting the report to the Clerk of the House of Representatives:

This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members.

Such disclaimer need not be included if the report was circulated to all members of the Committee at least 7 days prior to its submission to the House of Representatives and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

(2) All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and therefore may not necessarily reflect the views of its members.

The minority party members of the Committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(c) Reports of Subcommittees. Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the chair of the subcommittee reporting the bill, resolution, or matter to the Committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the Committee. It shall be the duty of the chair of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(1) In any event, the report, described in the proviso in subsection (c)(2) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the Committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the Committee shall transmit immediately to the chair of the subcommittee a notice of the filing of that request.

(2) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full Committee unless it has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration. A member of the Committee shall receive, upon his or her request, a paper copy of such bill, resolution, or other matter reported. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chair of the Committee so requires (in response to a request from the ranking minority member of the Committee or for other reasons), a comparison showing proposed changes in existing law.

RULE 16. APPOINTMENT OF CONFEREES, NOTICE OF CONFERENCE MEETINGS, AND CONFERENCE MOTION

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chair shall recommend to the Speaker as

conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other Committee members as the Chair may designate with the approval of the majority party members. Recommendations of the Chair to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full Committee. In making assignments of minority party members as conferees, the Chair shall consult with the ranking minority party member of the Committee.

(b) After the appointment of conferees pursuant to clause 11 of Rule I of the Rules of the House of Representatives for matters within the jurisdiction of the Committee, the Chair shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

(c) The Chair is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House of Representatives whenever the Chair considers it appropriate.

RULE 17. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the Committee may not seek to suspend the Rules of the House of Representatives on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chair and ranking minority member of the full Committee.

RULE 18. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) Television, Radio and Still Photography.—

(1) Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography subject to the requirements of clause 4 of Rule XI of the Rules of the House of Representatives and except when the hearing or meeting is closed pursuant to the Rules of the House of Representatives and of the Committee. The coverage of any hearing or meeting of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chair of the Committee, the subcommittee chair, or other member of the Committee presiding at such hearing or meeting and may be terminated by such member in accordance with the Rules of the House of Representatives.

(2) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(3) Personnel providing coverage by still photography shall be then accredited to the Press Photographers' Gallery.

(b) Audio and Video Coverage of Committee Hearings and Meetings.—To the maximum extent practicable, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public. Such coverage shall be fair and nonpartisan in accordance with clause 4(b) of Rule XI of the Rules of the House of Representatives and other applicable rules of the House of Representatives and

of the Committee. Personnel providing such coverage shall be employees of the House of Representatives or currently accredited to the Radio and Television Correspondents' Galleries.

RULE 19. COMMITTEE STAFF

(a) The employees of the Committee shall be appointed by the Chair in consultation with subcommittee chair and other majority party members of the Committee within the budget approved for such purposes by the Committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the Committee shall determine within the budget approved for such purposes by the Committee.

RULE 20. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chair, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he or she determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the Committee, who may delegate such authority as they determine appropriate. All Committee staff shall be assigned to Committee business and no other duties may be assigned to them.

RULE 21. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be paid from funds set aside for the full Committee for any member or any staff member shall be paid only upon the prior authorization of the Chair. Travel may be authorized by the Chair for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations that involve activities or subject matter under the general jurisdiction of the Committee. The Chair shall review travel requests to assure the validity to Committee business. Before such authorization is given, there shall be submitted to the Chair in writing the following:

- (1) The purpose of the travel;
- (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;
- (3) The location of the event for which the travel is to be made; and
- (4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the Committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittees, prior authorization must be obtained from the Chair, or, in the case of a subcommittee, from the subcommittee chair and the Chair. Before such authorization is given, there shall be submitted to the Chair, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) The purpose of travel;
- (B) The dates during which the travel will occur;

(C) The names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) The names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chair or the chair of a subcommittee (except that individuals may submit a request to the Chair for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) The Chair shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chair covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House of Representatives and of the Committee on House Administration pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(d) Prior to the Chair's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 22. BUDGET AND EXPENSES

(a) The Chair, in consultation with the majority party members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the Committee; and, after consultation with the minority party membership, the Chair shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chair shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House of Representatives. After such budget shall have been adopted, no change shall be made in such budget unless approved by the Committee. The Chair or the chair of any standing subcommittee may initiate necessary travel requests as provided in Committee Rule 21 within the limits of their portion of the consolidated budget as approved by the House, and the Chair may execute necessary vouchers therefor.

(b) Subject to the Rules of the House of Representatives and procedures prescribed by the Committee on House Administration, and with the prior authorization of the Chair of the Committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, D.C.:

(1) Out of funds budgeted and set aside for each subcommittee, not to exceed \$5,000 for

expenses of witnesses attending hearings of each such subcommittee;

(2) Out of funds budgeted for the full Committee majority, not to exceed \$5,000 for expenses of witnesses attending full Committee hearings; and

(3) Out of funds set aside to the minority party members, (A) Not to exceed, for each of the subcommittees, \$5,000 for expenses of witnesses attending subcommittee hearings, and (B) Not to exceed \$5,000 for expenses of witnesses attending full Committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of Committee funds shall be maintained in the Committee office, where it shall be available to each member of the Committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 23. CHANGES IN COMMITTEE RULES

The Committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the proposed change.

ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 15, 2011, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Beverly Pheto	10/7	10/9	Thailand		436.00						436.00
	10/10	10/11	Cambodia		376.00						376.00
	10/12	10/14	Vietnam		556.00						556.00
Commercial Airfare							10,877.20				10,877.20
John Blazey	10/7	10/9	Thailand		436.00						436.00
	10/10	10/11	Cambodia		376.00						376.00
	10/12	10/14	Vietnam		556.00						556.00
Commercial Airfare							10,754.00				10,754.00
Diana Simpson	10/6	10/7	Thailand		624.00						624.00
Commercial Airfare							10,400.00		70.50		10,400.00
Stephanie Gupta	10/5	10/9	Thailand		872.00						872.00
	10/9	10/10	Thailand		188.00						188.00
	10/10	10/12	Cambodia		376.00						376.00
	10/12	10/12	Cambodia								
Commercial Airfare							9,738.10				9,738.10
Jim Holm	10/5	10/9	Thailand		872.00						872.00
	10/9	10/10	Thailand		188.00						188.00
	10/10	10/12	Cambodia		376.00						376.00
	10/12	10/12	Cambodia								
	10/12	10/14	Vietnam		554.06						554.06
Commercial Airfare							12,289.70				12,289.70
Stephanie Myers	10/7	10/9	Thailand		436.00						436.00
	10/9	10/10	Thailand		187.00						187.00
	10/10	10/12	Cambodia		374.12						374.12
	10/12	10/12	Cambodia								
	10/12	10/14	Vietnam		554.06						554.06
Commercial Airfare							11,406.20				11,406.20
Matthew McCardle	10/10	10/15	England		2,065.00						2,065.00
Commercial Airfare							1,853.40				1,853.40
Jeff Shockey	10/13	10/16	Germany		822.94						822.94
Commercial Airfare							1,657.10				1,657.10
Tom McLemore	10/13	10/16	Germany		822.94						822.94

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010—
Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial Airfare											
Martin Delgado	10/13	10/16	Germany		822.94		1,642.60				1,642.60
Commercial Airfare							1,642.60				822.94
Celes Hughes	10/18	10/28	Africa		2,506.41						2,506.41
Commercial Airfare	10/28	10/29	United Arab Emirates		347.58						347.58
Christopher White	10/18	10/28	Africa		2,506.41		6,471.60				6,471.60
Commercial Airfare	10/28	10/29	United Arab Emirates		347.58						347.58
Gregory Lankler	10/12	10/14	Jordan		620.00						620.00
Commercial Airfare	10/14	10/18	Israel		1,794.00						1,794.00
Jennifer Miller	10/12	10/14	Jordan		620.00		6,558.89				6,558.89
Commercial Airfare	10/14	10/18	Israel		1,794.00						620.00
Committee total					23,407.04		98,217.48		70.50		121,695.02

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HAROLD ROGERS, Chairman, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Germany, October 18–21, 2010:											
Paul Arcangeli	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
Mark Lewis	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
John Phillip MacNaughton	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
John Wason	10/19	10/22	Germany		791.00						791.00
Commercial Transportation							1,746.00				1,746.00
Visit to Afghanistan, United Arab Emirates, November 19–23, 2010:											
Hon. Adam Smith	11/21	11/22	United Arab Emirates								
Commercial Transportation	11/22	11/23	Afghanistan		5.00						5.00
Hon. David Loebsack	11/21	11/22	United Arab Emirates		52.75		10,522.10				10,522.10
Commercial Transportation	11/22	11/23	Afghanistan		5.00						5.00
Hon. Larry Kissell	11/21	11/22	United Arab Emirates		6.00		10,522.10				10,522.10
Commercial Transportation	11/22	11/23	Afghanistan		5.00						5.00
Hon. Rob Wittman	11/21	11/22	United Arab Emirates		142.00						142.00
Commercial Transportation	11/22	11/23	Afghanistan		28.00		10,522.10				10,522.10
Hon. Mike Coffman	11/21	11/22	United Arab Emirates								
Commercial Transportation	11/22	11/23	Afghanistan		5.00						5.00
Timothy McClees	11/21	11/22	United Arab Emirates		82.00		10,522.10				10,522.10
Commercial Transportation	11/22	11/23	Afghanistan		19.00						19.00
Joshua Holly	11/21	11/22	United Arab Emirates		82.00		10,522.10				10,522.10
Commercial Transportation	11/22	11/23	Afghanistan		19.00						19.00
Committee Total					3,614.75		80,638.70				84,253.45

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. BUCK McKEON, Chairman, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. GEORGE MILLER, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Virgil Miller	10/17	10/22	Kenya		1,573.00		4,125.70		183.80		
Camille Sealy	10/17	10/22	Kenya		1,573.00		4,125.70		183.80		

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Timothy Robinson	10/26	10/30	Israel		1,398.00		1,808.69		962.60		
Shannon Weinberg	10/26	10/29	Israel		1,398.00		1,773.69		810.00		
Mary Neumayr	11/07	11/13	Thailand		1,020.00		9,290.90				
Lorie Schmidt	11/07	11/15	Thailand		1,282.06		9,175.90				
Alexander Barron	12/07	12/10	Mexico		236.50		1,681.99				
Alexandra Teitz	12/07	12/10	Mexico		236.00		1,391.72				
Committee total					8,676.56		33,374.29		2,140.20		44,191.05

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HENRY A. WAXMAN, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Amanda Halpern	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Paula Delcambre	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Cory Horton	12/6	12/9	United Arab Emirates		429.00		17,682.40				18,111.40
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Luke Burke	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Stephen Vina	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Ellen Carlin	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
DeCarlo McLaren	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Brian Turbyfill	12/6	12/9	United Arab Emirates		429.00		9,771.30				10,200.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Curtis Brown	12/6	12/9	United Arab Emirates		429.00		9,317.30				9,746.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Tamla Scott	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Pizza Ashby	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Moneshia Tisdale	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Kimberley Alton	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Issac Lanier Avant	12/6	12/9	United Arab Emirates		429.00		9,168.30				9,597.30
	12/9	12/10	Turkey		169.50						169.50
	12/10	12/13	Morocco		309.00						309.00
Committee total					12,705.00		139,431.30				152,136.30

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BENNIE G. THOMPSON, Jan. 2, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Keenan Keller	12/13	12/16	Switzerland		1,398.00		1,713.40				3,111.40
Committee total					1,398.00		1,713.40				3,111.40

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman Feb. 7, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DARRELL E. ISSA, Chairman Jan. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

Shimere Williams	12/06	12/10	Mexico		1,227.00		505.72				1,732.72
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Committee total					1,227.00		505.72				1,732.72
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¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. RALPH M. HALL, Chairman, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN L. MICA, Jan. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

Hon. Peter Hoekstra	10/03	10/06	Asia		1,138.54						
Commercial Aircraft							13,836.10				14,978.64
James Lewis	10/03	10/06	Asia		1,138.54						
Commercial Aircraft							14,875.10				16,013.64
Chris Donesa	10/03	10/06	Asia		1,138.54						
Commercial Aircraft							14,875.10				16,013.64
Hon. Peter Hoekstra	10/16	10/17	Europe		165.94						
	10/17	10/19	Europe		865.40						
	10/19	10/23	Europe		1,460.00						
Commercial Aircraft							8,727.80				11,219.14
James Lewis	10/16	10/17	Europe		165.94						
	10/17	10/19	Europe		865.40						
	10/19	10/23	Europe		1,460.00						
							9,435.10				11,926.44
Stacey Dixon	10/18	10/20	Africa		943.25						
	10/20	10/21	Africa		378.00						
Commercial Airfare							12,595.09				13,916.29
Abbas Ravjani	10/18	10/20	Africa		943.25						
	10/20	10/21	Africa		378.00						
Commercial Airfare							10,501.09				11,822.29
Catherine McElroy	10/18	10/20	Africa		943.25						
	10/20	10/21	Africa		378.00						
Commercial Airfare							10,501.09				11,822.29
Jay Hulings	10/18	10/22	Asia		1,400.00						
Commercial Airfare							14,537.10				15,937.10
Mark Young	10/18	10/22	Asia		1,400.00						
Commercial Airfare							17,299.60				18,699.60
George Pappas	10/18	10/22	Asia		1,400.00						
Commercial Airfare							9,610.60				11,010.60
Fred Fleitz	10/18	10/22	Asia		1,400.00						
Commercial Airfare							14,453.10				15,853.10

In accordance with title 22, United States Code, Section 1754(b)(2), information as would identify the foreign countries in which the Committee members and staff have traveled is omitted.

Committee total											169,212.77
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¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SILVESTRE REYES, Feb. 1, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Ronald McNamara	12/16	12/21	Belarus		1,128.33		3,380.40				4,508.73
Committee totals					1,128.33		3,380.40				4,508.73

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Jan. 25, 2011.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

416. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust; Additions of Rust-Resistant Varieties [Docket No.: APHIS-2010-0088] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

417. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1172] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

418. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

419. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1141] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

420. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

421. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8163] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

422. A letter from the Assistant Division Chief, Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 1 and 63 of the Commission's Rules [IB Docket No. 04-47] received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

423. A letter from the Assistant General Counsel, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

424. A letter from the Assistant General Counsel, Department of the Treasury, transmitting a report pursuant to the Federal Va-

cancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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470. A letter from the Assistant General Counsel, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

471. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 100204079-0199-02] (RIN: 0648-XA084) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

472. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ61) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

473. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administra-

tion, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XA073) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

474. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Revisions to Civil and Criminal Penalties; Penalty Guidelines [FRA-2006-24512] (RIN: 2130-AB70) received January 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

475. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Women-Owned Small Business Federal Contract Program (RIN: 3245-AG06) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

476. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — VA Veteran-Owned Small Business Verification Guidelines (RIN: 2900-AM78) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

477. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amendments to the Section 7216 Regulations—Disclosure or Use of Information by Preparer of Returns [TD 9478] (RIN: 1545-BI86) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

478. A letter from the Management Analyst, Directives and Regulations Branch, Forest Service, transmitting the Service's final rule — Prohibitions in Areas Designated by Order Closure of National Forest System Lands to Protect Privacy of Tribal Activities (RIN: 0596-AC93) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS (KY): Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2011 (Rept. 112-12). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 92. A resolution providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112-13). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Ms. HIRONO (for herself and Mr. JOHNSON of Illinois):

H.R. 684. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel; to the Committee on Ways and Means.

By Ms. JACKSON LEE of Texas (for herself, Mr. CUMMINGS, Mr. CHABOT, Mr. POE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JOHNSON of Georgia):

H.R. 685. A bill to amend title 18, United States Code, to criminalize the unauthorized recording and distribution of security screening images of individuals created by advanced imaging technology utilized by the Transportation Security Administration or other Federal authority, require the Transportation Security Administration to disable image retention capabilities of advanced imaging technology, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. MATHESON, and Mr. CHAFFETZ):

H.R. 686. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Natural Resources.

By Mr. CARTER (for himself, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. CALVERT, Mr. COURTNEY, Mr. FARR, Mr. FILNER, Mr. KISSELL, Mr. LOBIONDO, Mr. MCCAUL, Mr. MCCOTTER, Mrs. McMORRIS RODGERS, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. WOLF, and Mr. YOUNG of Florida):

H.R. 687. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 688. A bill to amend title 49, United States Code, to provide authority to the Secretary of Transportation to guarantee sureties against loss resulting from a breach of the terms of a bond by an eligible small business concern, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDWARDS (for herself, Mr. BARTLETT, Mr. GARAMENDI, Ms. FUDGE, Mr. FILNER, Ms. NORTON, Ms. TSONGAS, Mr. BISHOP of Georgia, Mr. CICILLINE, Mr. HOLT, and Mr. JACKSON of Illinois):

H.R. 689. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities, to increase such credit for amounts paid or incurred for qualified research occurring in the United States, and to increase the domestic production activities deduction for the manufacture of property substantially all of the research and development of which occurred in the United States; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. DENHAM, Mr. CRAWFORD, Mr. COBLE, Mrs. SCHMIDT, Mr. LOBIONDO, Mr. ROE of Tennessee, Mr. LONG, Mrs. McMORRIS RODGERS, Mrs. BLACKBURN, Mr. CALVERT, Mrs. CAPITO, Mr. DENT, Mr. YOUNG of Alaska, Mr. DIAZ-BALART, Mr. REICHERT, Mr. SHUSTER, Mr. GERLACH, and Mr. BUCHANAN):

H.R. 690. A bill to direct the Administrator of General Services to transfer administrative jurisdiction, custody, and control of the building located at 600 Pennsylvania Avenue, NW., in the District of Columbia, to the National Gallery of Art, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GINGREY of Georgia:

H.R. 691. A bill to amend the Truth in Lending Act to prohibit issuance of residential mortgages to any individual who lacks a Social Security account number; to the Committee on Financial Services.

By Mr. GINGREY of Georgia:

H.R. 692. A bill to amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia:

H.R. 693. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to make the E-Verify Program permanent and mandatory, and to provide for certain changes to procedures for participants in the Program; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KISSELL (for himself, Mr. MEEKS, Mr. CHAFFETZ, Mr. PAUL, Mr. YOUNG of Alaska, Mr. WU, Ms. MCCOLLUM, Mr. MICHAUD, Mr. HINCHAY, Mr. ACKERMAN, Mrs. MYRICK, Mr. COURTNEY, Mr. HOLT, Mr. FILNER, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, Mr. HANNA, Mr. JACKSON of Illinois, Mrs. MALONEY, Mr. MCNERNEY, Mr. ROTHMAN of New Jersey, Mr. PRICE of North Carolina, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. WALZ of Minnesota, Mr. GRIMM, Mr. FORBES, and Mr. MCINTYRE):

H.R. 694. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the deduction for certain expenses of elementary and secondary school teachers and to increase the maximum deduction to \$500; to the Committee on Ways and Means.

By Mr. MARCHANT (for himself, Ms. FOXX, Mr. FLORES, Mr. NEUGEBAUER, Mrs. LUMMIS, Mr. POSEY, Mr. CARTER, and Mr. NUGENT):

H.R. 695. A bill to require each applicant for a home mortgage to be insured under the FHA mortgage insurance program of the Department of Housing and Urban Development, held by Fannie Mae or Freddie Mac, or made, insured, or guaranteed by the Secretary of Veterans Affairs or any other agency or entity of the Federal Government, to provide to the lender information sufficient to perform a verification of the applicant through the E-Verify program; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE:

H.R. 696. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 697. A bill to designate the facility of the United States Postal Service located at 2271 Lake Avenue in Altadena, California, as the "First Lieutenant Oliver Goodall Post Office"; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of South Carolina:

H.R. 698. A bill to deauthorize and rescind funding for the Patient Protection and Affordable Care Act and health-care-related provisions of the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. GEORGE MILLER of California):

H.R. 699. A bill to provide for the admission to the United States of certain Tibetans; to the Committee on the Judiciary.

By Mr. WALBERG:

H.R. 700. A bill to provide a moratorium on the issuance of flood insurance rate maps, to assist property owners in adapting to flood insurance rate map changes, and for other purposes; to the Committee on Financial Services.

By Mr. STEARNS:

H.J. Res. 27. A joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relating to equality of rights and reproductive rights; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a clean, safe, and sustainable environment; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 34. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the

United States respecting the right to full employment and balanced growth; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Electoral College and provide for the direct election of the President and Vice President by the popular vote of all citizens of the United States regardless of place of residence; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. BORDALLO, Ms. BROWN of Florida, Ms. EDWARDS, Ms. ESHOO, Ms. FUDGE, Mr. GRIJALVA, Mr. HONDA, Ms. MATSUI, Mr. REYES, Ms. WASSERMAN SCHULTZ, and Mr. WU):

H. Res. 91. A resolution expressing the support of the House of Representatives for efforts to increase diversity in science, technology, engineering, and mathematics (STEM) and recognizing the Association for Women in Science (AWIS) for its 40 years of service to broadening the participation of underrepresented groups in STEM; to the Committee on Science, Space, and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. UPTON introduced a bill (H.R. 701) for the relief of Ibrahim Parlak; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the owing statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. HIRONO:

H.R. 684.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Sixteenth Amendment: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. BISHOP of Utah:

H.R. 686.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 14 (relating to the power of Congress to make rules for the government and regulation of the land and naval forces), clause 16 (relating to the power of Congress to provide for organizing, arming, and disciplining the militia), and clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress); and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all

needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. CARTER:

H.R. 687.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. CUMMINGS:

H.R. 688.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Fourteenth Amendment, Sections 1 and 5

Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * *

Section 5: The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

By Ms. EDWARDS:

H.R. 689.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. MICA:

H.R. 690.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GINGREY of Georgia:

H.R. 691.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 which states that the Congress has power "to regulate Commerce with the foreign Nations, and among the several States . . ."

By Mr. GINGREY of Georgia:

H.R. 692.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution states in Article I, Section 8, Clause 18, that Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. GINGREY of Georgia:

H.R. 693.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 which states that the Congress has power "to regulate Commerce with the foreign Nations, and among the several States. . ."

By Mr. KISSELL:

H.R. 694.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MARCHANT:

H.R. 695.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as related to the following clauses in Article 1, Section 8 of the Constitution:

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4: To establish an uniform Rule of Naturalization.

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. PENCE:

H.R. 696.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution. Pursuant to Clause 1 of Section 7 of Article I of the United States Constitution, all bills for raising revenue shall originate in the House of Representatives.

By Mr. SCHIFF:

H.R. 697.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Legislation to name a Post Office after an individual is constitutional under Article I, Section 8, Clause 7, which gives Congress the power to establish Post Offices and post roads. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SCOTT of South Carolina:

H.R. 698.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 699.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 4 of the United States Constitution.

By Mr. WALBERG:

H.R. 700.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Article I, Section 8, Clause 3: The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Mr. UPTON:

H.R. 701.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the United States Constitution states that "The Congress shall have Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States."

Article I, Section 8, Clause 3 of the United States Constitution states that "The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. STEARNS:

H.J. Res. 27.

Congress has the power to enact this legislation pursuant to the following:

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

By Mr. JACKSON of Illinois:

H.J. Res. 28.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 29.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 30.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 31.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 32.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 33.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 34.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 35.

Congress has the power to enact this legislation pursuant to the following:

Article V

By Mr. JACKSON of Illinois:

H.J. Res. 36.

Congress has the power to enact this legislation pursuant to the following:

Article V

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. JONES and Mr. MCKINLEY.

H.R. 21: Mr. OLSON.

H.R. 58: Mr. POE of Texas.

H.R. 127: Mr. SCOTT of South Carolina.

H.R. 140: Mr. DUNCAN of Tennessee.

H.R. 157: Mr. DENT.

H.R. 198: Mr. SCHIFF.

H.R. 206: Mr. JOHNSON of Ohio.

H.R. 218: Mr. GONZALEZ and Mr. FILNER.

H.R. 289: Mr. FILNER and Mr. LIPINSKI.

H.R. 300: Ms. SCHAKOWSKY.

H.R. 303: Mr. BURTON of Indiana.

H.R. 371: Mr. GOODLATTE, Mr. BENISHEK, and Ms. HERRERA BEUTLER.

H.R. 389: Mr. MCKINLEY, Mr. KISSELL, Mr. KINGSTON, Mr. BOUSTANY, Mr. TIPTON, Mr. GIBBS, Mr. REHBERG, and Mrs. ADAMS.

H.R. 401: Mr. DAVIS of Illinois, Mr. CLAY, Mr. WATT, Ms. LEE of California, and Mr. JACKSON of Illinois.

H.R. 413: Ms. SLAUGHTER.

H.R. 421: Mr. GOWDY, Mr. POE of Texas, and Mr. KLINE.

H.R. 431: Ms. FOXX and Mr. OLSON.

H.R. 440: Ms. BORDALLO, Mr. BOSWELL, Mr. WALBERG, Mr. ROSS of Florida, Mr. POMPEO, Ms. SPEIER, and Mr. WILSON of South Carolina.

H.R. 451: Mr. DAVID SCOTT of Georgia and Mr. TIBERI.

H.R. 458: Mr. YARMUTH and Mr. FILNER.

H.R. 463: Mr. JONES, Mr. CONYERS, and Mr. DUNCAN of Tennessee.

H.R. 478: Mr. LATTA, Mr. DUNCAN of Tennessee, and Mr. MCKINLEY.

H.R. 505: Mr. HASTINGS of Florida and Mr. STARK.

H.R. 509: Mrs. BACHMANN, Mr. GOSAR, and Mr. PETRI.

H.R. 513: Mr. MCKINLEY, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. FORBES, Mr. LAMBORN, Mr. CALVERT, and Mr. LATTA.

H.R. 535: Ms. NORTON and Ms. SCHAKOWSKY.

H.R. 539: Mr. CONYERS and Mr. TONKO.

H.R. 546: Mr. DENHAM, Mr. WITTMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. ROTHMAN of New Jersey, Mr. KUCINICH, Mr. HUNTER, Mr. KING of New York, Mr. GRIFFITH of Virginia, Mr. FILNER, Mr. PAS-TOR of Arizona, Mrs. MYRICK, and Mr. GOSAR.

H.R. 547: Mr. TERRY.

H.R. 548: Mr. BURTON of Indiana, Mr. TURNER, and Mr. WESTMORELAND.

H.R. 589: Ms. VELÁZQUEZ.

H.R. 601: Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. COHEN, Mr. OLVER, Mr. CONNOLLY of Virginia, and Mr. HIMES.

H.R. 607: Ms. BERKLEY and Ms. RICHARDSON.

H.R. 609: Mr. HENSARLING.

H.R. 613: Ms. KAPTUR.

H.R. 614: Ms. SLAUGHTER.

H.R. 616: Mr. NADLER.

H.R. 658: Mr. CRAVAACK and Mr. ROKITA.

H.R. 663: Ms. JENKINS.

H.R. 676: Mr. OLVER and Ms. WATERS.

H. Res. 25: Mr. LONG, Mrs. NAPOLITANO, Mr. COSTA, Mr. GRIFFIN of Arkansas, Mr. AUSTRIA, Mr. ROSS of Arkansas, Mr. TERRY, and Mr. CUMMINGS.

H. Res. 47: Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. HONDA, Mr. MCNERNEY, Mr. ROTHMAN of New Jersey, and Ms. ESHOO.

H. Res. 83: Ms. BASS of California.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1

OFFERED BY: Mr. CRAVAACK

AMENDMENT No. 1: Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$42,676,000)".

H.R. 1

OFFERED BY: Mr. ROONEY

AMENDMENT No. 2: Page 33, line 16, after the dollar amount, insert "(reduced by \$225,000,000)".

Page 34, line 6, after the dollar amount, insert "(reduced by \$225,000,000)".

Page 359, line 6, after the dollar amount, insert "(increased by \$450,000,000)".

H.R. 1

OFFERED BY: Mr. TONKO

AMENDMENT No. 3: Page 276, beginning on line 12, strike section 1747.

H.R. 1

OFFERED BY: Mr. TONKO

AMENDMENT No. 4: Page 216, line 23, through page 217, line 4, strike "Provided," and all that follows through "et seq.)."

H.R. 1

OFFERED BY: Mr. TONKO

AMENDMENT No. 5: Page 276, beginning on line 4, strike section 1746.

H.R. 1

OFFERED BY: Mr. CAMPBELL

AMENDMENT No. 6: At the end of the bill (before the short title), insert the following:

SEC. _____. The total amount otherwise made available by this Act (except for amounts for the Departments of Defense, Homeland Security, and Veterans Affairs) is hereby reduced by \$16,000,000,000.

H.R. 1

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:
SEC. _____. The total amount otherwise made available by this Act for the Departments of Defense, Homeland Security, and Veterans Affairs is hereby reduced by \$14,000,000,000.

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:
SEC. _____. None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States.

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:
SEC. _____. None of the funds made available by this Act may be used to implement the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:
SEC. _____. None of the funds made available by this Act may be used to regulate or classify coal combustion residuals as a hazardous waste or material.

H.R. 1

OFFERED BY: MR. PENCE

AMENDMENT NO. 11: At the end of the bill (before the short title), insert the following:
SEC. _____. None of the funds made available by this Act may be made available for any purpose to Planned Parenthood Federation of America, Inc. or any of the following affiliates of Planned Parenthood Federation of America, Inc.:

- (1) Planned Parenthood Southeast in Atlanta, Georgia.
- (2) Planned Parenthood of the Great Northwest in Seattle, Washington.
- (3) Planned Parenthood Arizona in Phoenix, Arizona.
- (4) Planned Parenthood of Arkansas and Eastern Oklahoma in Tulsa, Oklahoma.
- (5) Planned Parenthood of Greater Memphis Region in Memphis, Tennessee.
- (6) Planned Parenthood Affiliates of California in Sacramento, California.
- (7) Planned Parenthood Los Angeles in Los Angeles, California.
- (8) Planned Parenthood Mar Monte in San Jose, California.
- (9) Planned Parenthood of Orange & San Bernardino Counties, Inc. in Orange, California.
- (10) Planned Parenthood Pasadena and San Gabriel Valley, Inc. in Pasadena, California.
- (11) Planned Parenthood of the Pacific Southwest in San Diego, California.
- (12) Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties in Santa Barbara, California.
- (13) Planned Parenthood: Shasta-Diablo in Concord, California.
- (14) Six Rivers Planned Parenthood in Eureka, California.

(15) Planned Parenthood of the Rocky Mountains in Denver, Colorado.

(16) Planned Parenthood of Southern New England, Inc. in New Haven, Connecticut.

(17) Planned Parenthood of Delaware in Wilmington, Delaware.

(18) Planned Parenthood of Metropolitan Washington, D.C., Inc. in Washington, District of Columbia.

(19) Florida Association of Planned Parenthood Affiliates in Sarasota, Florida.

(20) Planned Parenthood of Collier County in Naples, Florida.

(21) Planned Parenthood of Greater Orlando, Inc. in Orlando, Florida.

(22) Planned Parenthood of North Florida in Jacksonville, Florida.

(23) Planned Parenthood of South Florida and the Treasure Coast, Inc. in West Palm Beach, Florida.

(24) Planned Parenthood of Southwest and Central Florida, Inc. in Sarasota, Florida.

(25) Planned Parenthood of Hawaii in Honolulu, Hawaii.

(26) Planned Parenthood of Greater Washington and North Idaho in Yakima, Washington.

(27) Planned Parenthood of Illinois in Chicago, Illinois.

(28) Planned Parenthood of the St. Louis Region in St. Louis, Missouri.

(29) Planned Parenthood of Indiana, Inc. in Indianapolis, Indiana.

(30) Iowa Planned Parenthood Affiliate League in Des Moines, Iowa.

(31) Planned Parenthood of East Central Iowa in Cedar Rapids, Iowa.

(32) Planned Parenthood of the Heartland in Des Moines, Iowa.

(33) Planned Parenthood of Southeast Iowa in Burlington, Iowa.

(34) Planned Parenthood of Kansas and Mid-Missouri in Overland Park, Kansas.

(35) Planned Parenthood of Kentucky, Inc. in Louisville, Kentucky.

(36) Planned Parenthood Southwest Ohio Region in Cincinnati, Ohio.

(37) Planned Parenthood Gulf Coast, Inc. in Houston, Texas.

(38) Planned Parenthood of Northern New England in Williston, Vermont.

(39) Planned Parenthood of Maryland, Inc. in Baltimore, Maryland.

(40) Planned Parenthood League of Massachusetts in Boston, Massachusetts.

(41) Planned Parenthood Affiliates of Michigan in Lansing, Michigan.

(42) Planned Parenthood of West and Northern Michigan in Grand Rapids, Michigan.

(43) Planned Parenthood Mid and South Michigan in Ann Arbor, Michigan.

(44) Planned Parenthood of South Central Michigan in Kalamazoo, Michigan.

(45) Planned Parenthood of Minnesota, North Dakota, South Dakota in St. Paul, Minnesota.

(46) Planned Parenthood of Southwest Missouri in St. Louis, Missouri.

(47) Tri-Rivers Planned Parenthood in Rolla, Missouri.

(48) Planned Parenthood of Montana, Inc. in Billings, Montana.

(49) Planned Parenthood of the Heartland in Omaha, Nebraska.

(50) Planned Parenthood Affiliates of New Jersey in Trenton, New Jersey.

(51) Planned Parenthood Association of the Mercer Area in Trenton, New Jersey.

(52) Planned Parenthood of Central New Jersey in Shrewsbury, New Jersey.

(53) Planned Parenthood of Greater Northern New Jersey, Inc. in Morristown, New Jersey.

(54) Planned Parenthood of Metropolitan New Jersey in Newark, New Jersey.

(55) Planned Parenthood of Southern New Jersey in Camden, New Jersey.

(56) Planned Parenthood of New Mexico, Inc. in Albuquerque, New Mexico.

(57) Family Planning Advocates of New York State in Albany, New York.

(58) Planned Parenthood Hudson Peconic, Inc. in Hawthorne, New York.

(59) Planned Parenthood Mohawk Hudson in Utica, New York.

(60) Planned Parenthood of Mid-Hudson Valley, Inc. in Poughkeepsie, New York.

(61) Planned Parenthood of Nassau County, Inc. in Hempstead, New York.

(62) Planned Parenthood of New York City, Inc. in New York, New York.

(63) Planned Parenthood of the North Country New York, Inc. in Watertown, New York.

(64) Planned Parenthood of South Central New York, Inc. in Oneonta, New York.

(65) Planned Parenthood of the Rochester/Syracuse Region in Rochester, New York.

(66) Planned Parenthood of the Southern Finger Lakes in Ithaca, New York.

(67) Planned Parenthood of Western New York, Inc. in Buffalo, New York.

(68) Upper Hudson Planned Parenthood, Inc. in Albany, New York.

(69) Planned Parenthood Health Systems, Inc. in Raleigh, North Carolina.

(70) Planned Parenthood of Central North Carolina in Chapel Hill, North Carolina.

(71) Planned Parenthood Affiliates of Ohio in Columbus, Ohio.

(72) Planned Parenthood of Central Ohio, Inc. in Columbus, Ohio.

(73) Planned Parenthood of Northeast Ohio in Akron, Ohio.

(74) Planned Parenthood of Northwest Ohio in Toledo, Ohio.

(75) Planned Parenthood of Southeast Ohio in Athens, Ohio.

(76) Planned Parenthood of Central Oklahoma, Inc. in Oklahoma City, Oklahoma.

(77) Planned Parenthood Advocates of Oregon in Eugene, Oregon.

(78) Planned Parenthood of Southwestern Oregon in Eugene, Oregon.

(79) Planned Parenthood Columbia Willamette in Portland, Oregon.

(80) Planned Parenthood Pennsylvania Advocates in Harrisburg, Pennsylvania.

(81) Planned Parenthood Association of Bucks County in Warminster, Pennsylvania.

(82) Planned Parenthood of Central Pennsylvania, Inc. in York, Pennsylvania.

(83) Planned Parenthood of Northeast and Mid-Penn in Trexlertown, Pennsylvania.

(84) Planned Parenthood of Western Pennsylvania in Pittsburgh, Pennsylvania.

(85) Planned Parenthood Southeastern Pennsylvania in Philadelphia, Pennsylvania.

(86) Planned Parenthood of Middle and East Tennessee, Inc. in Nashville, Tennessee.

(87) Texas Association of Planned Parenthood Affiliates in Austin, Texas.

(88) Planned Parenthood Association of Cameron & Willacy Counties, Inc. in Brownsville, Texas.

(89) Planned Parenthood Association of Hidalgo County, Inc. in McAllen, Texas.

(90) Planned Parenthood Association of Lubbock, Inc. in Lubbock, Texas.

(91) Planned Parenthood of Central Texas, Inc. in Waco, Texas.

(92) Planned Parenthood of North Texas, Inc. in Dallas, Texas.

(93) Planned Parenthood of the Texas Capital Region in Austin, Texas.

(94) Planned Parenthood of West Texas, Inc. in Odessa, Texas.

(95) Planned Parenthood Trust of San Antonio and South Central Texas in San Antonio, Texas.

(96) Planned Parenthood Association of Utah in Salt Lake City, Utah.

(97) Planned Parenthood Advocates of Virginia in Charlottesville, Virginia.

(98) Planned Parenthood of Southeastern Virginia, Inc. in Hampton, Virginia.

(99) Virginia League for Planned Parenthood in Richmond, Virginia.

(100) Planned Parenthood Public Policy Network of Washington in Seattle, Washington.

(101) Mt. Baker Planned Parenthood in Beltingham, Washington.

(102) Planned Parenthood of Wisconsin, Inc. in Milwaukee, Wisconsin.

H.R. 1

OFFERED BY: MRS. MCCARTHY OF NEW YORK

AMENDMENT No. 12: Page 202, line 16, after the dollar amount, insert “(reduced by \$20,000,000) (increased by \$20,000,000)”.

H.R. 1

OFFERED BY: MR. ROONEY

AMENDMENT No. 13: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled “Water Quality Standards for the State of Florida’s Lakes and Flowing Waters” published in the Federal Register by the Environmental Protection Agency on December 6, 2010 (75 Fed. Reg. 75762 et seq.).

H.R. 1

OFFERED BY: MR. ANDREWS

AMENDMENT No. 14: Page 318, line 6, after the dollar amount, insert “(increased by \$9,912,497,000)”.

Page 318, line 8, insert before the period at the end the following: “: *Provided*, That of the funds made available by this section, \$9,912,497,000 is for comprehensive service programs authorized under subchapter II of chapter 20 of title 38, United States Code”.

At the end of the bill (before the short title), insert the following:

SEC. 4002. There is hereby enacted into law H.R. 601 of the 112th Congress, as introduced on February 10, 2011.

Page 359, line 10, after the dollar amount, insert “(increased by \$31,000,000,000)”.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT No. 15: Page 304, beginning on line 3, strike section 1844.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT No. 16: Page 304, beginning on line 12, strike section 1846.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT No. 17: Strike subsections (a) and (b) of section 1824.
Strike section 1828.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT No. 18: Page 293, line 4, after the dollar amount insert “(increased by \$390,328,000)”.

Page 293, line 4, after the dollar amount insert “(increased by \$390,328,000)”.

Page 293, lines 11 through 15, strike subsection (b).

H.R. 1

OFFERED BY: MR. TIPTON

AMENDMENT No. 19: At the end of the bill (before the short title), insert the following:

SEC. ____ Each amount made available by this Act (other than an amount provided for the Department of Defense, Homeland Security, or Veterans Affairs, or an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

H.R. 1

OFFERED BY: MRS. MALONEY

AMENDMENT No. 20: Strike lines 11–17 of p. 333 in H.R. 1.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT No. 21: Page 171, line 21, after the dollar amount, insert “(reduced by \$750,000)(increased by \$750,000)”.

Page 173, line 14, after the dollar amount, insert “(reduced by \$750,000)(increased by \$750,000)”.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT No. 22: At the end of the bill (before the short title), add the following new section:

SEC. ____ None of the funds made available by this Act may be used by the Secretary of the Army to acquire land or construct any buildings or structures within the town of Lake Park, Florida.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT No. 23: At the end of the bill (before the short title), insert the following:

SEC. ____ The amounts otherwise provided by this Act are revised by reducing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by reducing the amount made available for “Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training”, by reducing the amount made available for “Department of Health and Human Services, National Institutes of Health”, and by increasing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by \$14,000,000, by \$14,000,000, by an additional \$14,000,000, and by \$42,000,000, respectively.

H.R. 1

OFFERED BY: MR. CAMP

AMENDMENT No. 24: At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available by this Act may be used for the opening of the locks at the Thomas J. O’Brien Lock and Dam or the Chicago River controlling Works, except in the event of flooding or as needed to protect public health and safety.

H.R. 1

OFFERED BY: MR. GRAVES OF GEORGIA

AMENDMENT No. 25: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement or enforce the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10–201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY: MR. MCCAUL

AMENDMENT No. 26: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for a project or pro-

gram named for an individual serving in the United States Congress as a Senator, Member of the House of Representatives, Delegate to the House of Representatives, or Resident Commissioner of Puerto Rico.

H.R. 1

OFFERED BY: MR. MARKEY

AMENDMENT No. 27: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

H.R. 1

OFFERED BY: MR. CHAFFETZ

AMENDMENT No. 28: Page 240, line 20, after the dollar amount, insert “(reduced by \$4,000,000)”.

Page 359, line 10, after the dollar amount, insert “(increased by \$4,000,000)”.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT No. 29: Page 326, line 2, after the dollar amount, insert “(reduced by \$44,935,065)”.

Page 326, line 4, after the dollar amount, insert “(reduced by \$4,642,900)”.

Page 326, line 7, after the dollar amount, insert “(reduced by \$136,634,225)”.

Page 326, line 11, after the dollar amount, insert “(reduced by \$2,918,415)”.

Page 326, line 14, after the dollar amount, insert “(reduced by \$19,514,825)”.

Page 326, line 17, after the dollar amount, insert “(reduced by \$2,599,270)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$211,244,700)”.

H.R. 1

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 30: Page 263, line 15, after the dollar amount, insert “(reduced by \$2,000,000)”.

Page 263, line 18, after the first dollar amount, insert “(reduced by \$2,000,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$2,000,000)”.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 31: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to demolish structures within the Delaware Water Gap.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 32: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to give assistance to any individual who is a member of, or affiliated with, an organization designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 33: At the end of the bill (before the short title), insert the following new section:

SEC. ____ None of the funds appropriated or otherwise made available by this Act may

be used to pay the salaries and expenses of personnel to carry out a market access program under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 34: Page 281, line 21, after the dollar amount, insert “(reduced by \$145,000,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$145,000,000)”.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 35: Page 303, line 13, after the dollar amount, insert “(reduced by \$265,869,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$265,869,000)”.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 36: Page 281, line 25, after the dollar amount, insert “(reduced by \$145,000,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$145,000,000)”.

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 37: Page 354, line 6, after the dollar amount, insert “(reduced by \$1,500,000,000)”.

Page 359, line 22, after the dollar amount, insert “(increased by \$1,500,000,000)”.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT No. 38: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds appropriated by this Act may be used for the Community Connect broadband grant program administered by the Rural Utilities Service of the Department of Agriculture.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT No. 39: Page 243, strike lines 12 through 14.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT No. 40: Page 243, strike lines 15 through 24.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT No. 41: Page 234, line 10, insert after the dollar amount the following: “(increased by \$2,300,000)”.

Page 234, line 11, insert after the dollar amount the following: “(reduced by \$2,300,000)”.

Page 234, line 14, insert after the dollar amount the following: “(increased by \$1,000,000)”.

Page 234, strike line 15 and all that follows through page 235, line 8.

H.R. 1

OFFERED BY: MR. SESSIONS

AMENDMENT No. 42: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement any policy, directive, administrative regulation, circular, or action to convert from private sector to public sector performance any functions or positions that are not inherently governmental in nature.

H.R. 1

OFFERED BY: MR. SESSIONS

AMENDMENT No. 43: Page 348, line 2, after the dollar amount insert “(reduced by \$446,900,000)”.

Page 359, line 22, after the dollar amount insert “(increased by \$446,900,000)”.

H.R. 1

OFFERED BY: MR. NADLER

AMENDMENT No. 44: Beginning on page 346, strike line 4 and all that follows through Page 351, line 17.

H.R. 1

OFFERED BY: MS. BALDWIN

AMENDMENT No. 45: At the end of division A, insert the following:

SEC. _____. Each amount made available by this division (other than an amount required to be made available by a provision of law) is hereby reduced by a pro rata amount so that the total reduction resulting from the application of this section is \$1,000,000,000.

Page 287, line 12, after the dollar amount, insert “(increased by \$1,000,000,000)”.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 46: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in Europe in excess of 35,000 members and end strength levels for active duty members of the Army, Navy, and Air Force of 565,275, 328,250, and 329,275, respectively, and the amounts otherwise provided by this Act for “Military Personnel, Army”, “Military Personnel, Navy” and “Military Personnel, Air Force” in title I of division A are hereby reduced by \$155,914,688, \$18,047,700, and \$118,488,825, respectively.

H.R. 1

OFFERED BY: MR. LUETKEMEYER

AMENDMENT No. 47: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111-8).

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 48: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to enforce section 75.708 of title 34, Code of Federal Regulations, as it relates to section 5205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221d).

H.R. 1

OFFERED BY: MS. MCCOLLUM

AMENDMENT No. 49: At the end of the bill (before the short title), insert the following:

SEC. _____. Not more than \$200,000,000 of the funds made available by division A of this Act may be used for military bands, musical equipment, or musical performances.

H.R. 1

OFFERED BY: MS. MCCOLLUM

AMENDMENT No. 50: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used by the Department of Defense for sponsorship of NASCAR race cars.

H.R. 1

OFFERED BY: MS. MCCOLLUM

AMENDMENT No. 51: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading “Related Agency, Broadcasting Board of Governors, International Broadcasting Operations” shall be available for Radio and Television Marti, and the amount otherwise provided under such heading is hereby reduced by \$30,474,000.

H.R. 1

OFFERED BY: MR. TONKO

AMENDMENT No. 52: Page 216, line 23, after the dollar amount insert “(increased by \$586,600,000)”.

Page 217, line 13, after the dollar amount insert “(reduced by \$586,600,000)”.

H.R. 1

OFFERED BY: MR. PAUL

AMENDMENT No. 53: Strike section 2114 of the bill.

H.R. 1

OFFERED BY: MR. FLEMING

AMENDMENT No. 54: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to—

(1) finalize the proposed rule entitled “Rescission of the Regulation Entitled ‘Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law’” published in the Federal Register on March 10, 2009 (74 Fed. Reg. 10207); or

(2) otherwise rescind or modify any provision of part 88 of subtitle A of title 45, Code of Federal Regulations.

H.R. 1

OFFERED BY: MR. FLEMING

AMENDMENT No. 55: At the end of the bill (before the short title), insert the following:

SEC. _____. The unobligated balance of funds made available by section 1005(b) of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152; 42 U.S.C. 18121(b)) is hereby rescinded.

H.R. 1

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT No. 56: At the end of division A of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of seamless copper-nickel tubing, 4 inches and larger in outside diameter, used for shipboard pipe systems, that satisfies MIL-T-16420k unless the tubing is manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section substantially all of the components of seamless copper-nickel tubing, 4 inches and larger in outside diameter, used for shipboard pipe systems shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

H.R. 1

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT No. 57: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to enter into a contract with a firm that engages in unfair trade practices as defined in subpart 9.4 of the Federal Acquisition Regulation, and any such firm shall be debarred from contracting with the Federal Government.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT No. 58: At the end of the bill (before the short title), insert the following:

SEC. _____. The amount otherwise made available by this Act for the Office of the Secretary of the Department of Housing and Urban Development is hereby reduced to \$0.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT No. 59: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the travel expenses of the Secretary of Housing and Urban Development.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT No. 60: At the end of the bill (before the short title), insert the following:

SEC. _____. The amount otherwise made available by this Act for "Department of Housing and Urban Development, Management and Administration—Executive Direction" for official reception and representation expenses of the Office of the Secretary is hereby reduced to \$0.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT No. 61: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to pay the travel expenses of the Secretary of the Treasury.

The amounts made available under this Act for travel shall instead be used for the purpose of educating the Administration's staff on the fundamentals of housing policy and its impact on the national economy.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT No. 62: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to pay the official reception and representation expenses of the Secretary of the Treasury.

The amounts made available under this Act for official reception and representation shall instead be used for the purpose of educating the Administration's staff on the fundamentals of housing policy and its impact on the national economy.

H.R. 1

OFFERED BY: MR. GUTIERREZ

AMENDMENT No. 63: Page 23, line 12, after the dollar amount, insert "(reduced by \$21,985,000)".

Page 28, line 20, after the dollar amount, insert "(reduced by \$393,098,000)".

Page 359, line 6, after the dollar amount, insert "(increased by \$415,083,000)".

H.R. 1

OFFERED BY: MR. THOMPSON OF CALIFORNIA

AMENDMENT No. 64: Page 357, after line 22, insert the following new section:

SEC. 2239. CLEAN ENERGY STANDARDS.

Not later than 60 days after the date of the enactment of this Act, the Federal Na-

tional Mortgage Association and the Federal Home Loan Mortgage Corporation shall adopt standards consistent with the Property Assessed Clean Energy (PACE) program of the Department of Energy. Such Association and Corporation shall issue guidance under which loans secured by property tax assessments consistent with such standards shall be considered to comply with the Uniform Instruments of such Association and Corporation, shall not be considered to constitute a default on an existing mortgage for a property with such a loan, and shall not require the borrower under the loan to pay off the assessment, except in the event that the assessment is delinquent, in order to refinance or transfer the property that is the subject of the loan. Lending standards of the Federal Housing Finance Agency, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation shall not discriminate against communities implementing or participating in a Property Assessed Clean Energy program.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 65: Page 276, line 11, insert "except for expenditures that the Administrator of the Environmental Protection Agency determines to be necessary to protect the public health or prevent severe environmental degradation" after "climate change".

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 66: Page 276, line 8, insert "or other authorities under the Clean Air Act that the Administrator of the Environmental Protection Agency determines to be necessary to protect the public health or prevent severe environmental degradation" after "Clean Air Act".

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 67: Page 358, after line 8, insert the following:

(c) Subsection (a) shall not apply to funds appropriated or otherwise made available for paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 68: Page 357, beginning on line 25, strike "February 11, 2011" and insert "September 30, 2011".

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 69: Page 358, after line 8, insert the following:

(c) Subsection (a) shall not apply to funds appropriated or otherwise made available for the creation of jobs.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 70: Page 358, after line 8, insert the following:

(c) Subsection (a) shall not apply to funds appropriated or otherwise made available for the TIGER TIFIA Grant Program of the Department of Transportation.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 71: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to enforce section

75.708 of title 34, Code of Federal Regulations, as it relates to section 5205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221d).

H.R. 1

OFFERED BY: MR. ROKITA

AMENDMENT No. 72: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for doctoral dissertation research grants authorized under title V of the Housing and Urban Development Act of 1970.

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT No. 73: Page 321, line 9, after the dollar amount, insert "(reduced by \$10,716,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$10,716,000)".

H.R. 1

OFFERED BY: MR. GARRETT

AMENDMENT No. 74: Page 228, line 12, after "more than" insert the following: "a total of".

Page 228, line 13, after "Protection" insert the following: "and the Secretary of the Treasury".

Page 228, line 16, after "fiscal year 2011," insert the following: "the Secretary of the Treasury and".

Page 228, line 17, after "than" insert the following: "a total of".

Page 228, after line 18, insert the following new subsection:

(c) Notwithstanding any other provision of law, beginning on October 1, 2011, and thereafter, the Bureau of Consumer Financial Protection may not expend or obligate any funds authorized or made available by section 1017 of Public Law 111-203 unless the expenditure or obligation is included or approved in advance in an appropriation Act.

H.R. 1

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 75: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the roundups and removals of free-roaming wild horses and burros, unless for the purpose of fertility control.

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT No. 76: Page 321, line 7, after the dollar amount, insert "(reduced by \$17,676,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$17,676,000)".

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT No. 77: At the end of the bill (before the short title), insert the following:

SEC. _____. Notwithstanding any other provision of law—

(1) of the amounts made available to the General Services Administration by this Act for the acquisition of new vehicles for the Federal fleet for fiscal year 2011 and remaining unobligated as of the date of enactment of this Act, an amount equal to 20 percent of all such amounts is rescinded;

(2) for fiscal year 2012 and each fiscal year thereafter—

(A) the amount made available to the General Services Administration for the acquisition of new vehicles for the Federal fleet shall not exceed an amount equal to 80 percent of the amount made available for the acquisition of those vehicles for fiscal year 2011 (before application of paragraph (1)); and

(B) the number of new vehicles acquired by the General Services Administration for the Federal fleet shall not exceed a number equal to 50 percent of the vehicles so acquired for fiscal year 2011; and

(3) any amounts made available under Public Law 111-5 for the acquisition of new vehicles for the Federal fleet shall be disregarded for purposes of determining the baseline.

H.R. 1

OFFERED BY: MR. OLSON

AMENDMENT No. 78: Page 205, line 25, after the dollar amount insert “(reduced by \$517,000,000) (increased by \$517,000,000)”.

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT No. 79: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Department of Health and Human Services who develops or promulgates regulations or guidance with regard to Exchanges under subtitle D of title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18021 et seq.).

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT No. 80: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for first-class or business-class airfare for Federal employees for domestic travel.

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT No. 81: At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise made available by this Act for expenses of official travel (within the meaning of chapter I of title 5 of the United States Code) are hereby reduced by 50 percent.

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT No. 82: At the end of the bill (before the short title), insert the following:

SEC. _____. The unobligated balance of funds made available by section 1005(b) of the Health Care and Education Reconciliation Act of 2010 (42 U.S.C. 18121(b)) is rescinded.

H.R. 1

OFFERED BY: MRS. EMERSON

AMENDMENT No. 83: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement or enforce section 5000A of the Internal Revenue Code of 1986, section 6055 of such Code, section 1502(c) of the Patient Protection and Affordable Care Act, or any amendments made by section 1502(b) of such Act.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT No. 84: On page 273, line 6, insert “(reduced by \$8,458,000)” after the aggregate dollar amount.

On page 359, line 13, insert “(increased by \$8,458,000)” after the dollar amount.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT No. 85: Page 277, line 3, after the dollar amount, insert “(reduced by \$7,400,000)”.

Page 359, line 13, after the first dollar amount, insert “(increased by \$7,400,000)”.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT No. 86: Page 32, line 21, after the dollar amount, insert “(reduced by \$3,200,000)”.

Page 33, line 9, after the dollar amount, insert “(reduced by \$36,320,000)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$40,000,000)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$4,000,000)”.

Page 34, line 6, after the dollar amount, insert “(reduced by \$32,000,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$115,520,000)”.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT No. 87: Page 22, line 18, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 22, line 20, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 27, line 9, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 27, line 11, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 31, line 11, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 31, line 13, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 32, line 9, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 32, line 11, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 33, line 9, after the dollar amount, insert “(reduced by \$105,000,000)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$105,000,000)”.

Page 34, line 6, after the dollar amount, insert “(reduced by \$105,000,000)”.

Page 34, line 17, after the dollar amount, insert “(reduced by \$124,200,000)”.

Page 34, line 17, after the dollar amount, insert “(reduced by \$3,200,000)”.

Page 34, line 19, after the dollar amount, insert “(reduced by \$3,200,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$502,400,000)”.

H.R. 1

OFFERED BY: MR. KIND

AMENDMENT No. 88: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure any of the following:

- (1) Expeditionary Fighting Vehicle.
- (2) Surface-Launched Advanced Medium-Range Air-to-Air Missile program.

H.R. 1

OFFERED BY: MR. KIND

AMENDMENT No. 89: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to provide payments (or to pay the salaries and expenses of personnel to provide payments) to the Brazil Cotton Institute.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT No. 90: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the storage of nuclear waste at the Yucca Mountain nuclear waste repository.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT No. 91: Page 214, line 11, strike “closure of”.

Page 214, lines 14 and 15, strike “until the Commission reverses ASLB decision LBP-10-11”.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT No. 92: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to designate monuments under the Act of June 8, 1906, (commonly known as the “Antiquities Act of 1906”; 16 U.S.C. 431, et seq.).

H.R. 1

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 93: Page 174, line 17, after the dollar amount, insert “(reduced by \$200,000,000)”.

Page 347, strike lines 8 through 10.

H.R. 1

OFFERED BY: MR. SULLIVAN

AMENDMENT No. 94: At the end of the bill (before the short title), insert the following:

SEC. _____. No funds made available by this Act may be used to implement—

(1) the decision of the Administrator of the Environmental Protection Agency entitled “Partial Grant and Partial Denial of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent” published in the Federal Register on November 4, 2010 (75 Fed. Reg. 68093 et seq.); or

(2) the decision of the Administrator of the Environmental Protection Agency entitled “Partial Grant of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent” published in the Federal Register on January 26, 2011 (76 Fed. Reg. 4662 et seq.).

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT No. 95: Page 127, line 23, after the dollar amount, insert “(reduced by \$400,000,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$400,000,000)”.

H.R. 1

OFFERED BY: MR. DEFazio

AMENDMENT No. 96: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for “National Aeronautics and Space Administration, Exploration”.

H.R. 1

OFFERED BY: MR. DEFazio

AMENDMENT No. 97: Page 172, line 25, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 173, line 8, after the first dollar amount, insert “(increased by \$5,000,000)”.

Page 173, line 14, after the dollar amount, insert “(reduced by \$5,000,000)”.

H.R. 1

OFFERED BY: MR. DEFazio

AMENDMENT No. 98: Page 243, line 7, after the dollar amount, insert “(reduced by \$24,032,000)”.

Page 359, line 10, after the dollar amount, insert “(increased by \$24,032,000)”.

H.R. 1

OFFERED BY: MR. McDERMOTT

AMENDMENT No. 99: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to plan for, begin,

continue, finish, process, or approve the relocation of the National Oceanic and Atmospheric Administration's Marine Operations Center-Pacific from Seattle, Washington, to Newport, Oregon.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT No. 100: Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$42,676,000)".

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT No. 101: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide nonrecourse marketing assistance loans for mohair under section 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT No. 102: Page 195, line 6, strike "in excess of \$112,000,000".

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT No. 103: Page 220, line 18, after the dollar amount, insert "(increased by \$14,900,000)".

H.R. 1

OFFERED BY: MR. JORDAN

AMENDMENT No. 104: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) Each amount made available by the following provisions of division B of this Act (other than an amount required to be made available by a provision of law) is hereby reduced by the following percentage:

(1) Section 1101(a)(5) and title IX, 11 percent.

(2) All other provisions of such division (except as provided by subsection (b)), 5.5 percent.

(b) Subsection (a) shall not apply to amounts made available—

(1) by section 1101(a)(3) and title VI;

(2) by section 1101(a)(6) (with respect to division E of Public Law 111-117) and title X; and

(3) for Israel, by section 1101(a)(6) (with respect to division F of Public Law 111-117) and title XI.

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT No. 105: Page 244, line 21, after the dollar amount, insert "(reduced by \$18,400,000)".

Page 244, line 22, after the dollar amount, insert "(reduced by \$18,400,000)".

Page 247, line 1, after the dollar amount, insert "(reduced by \$33,920,000)".

Page 247, line 4, after the first dollar amount, insert "(reduced by \$33,920,000)".

Page 247, line 5, after the first dollar amount, insert "(reduced by \$33,920,000)".

Page 247, line 10, after the first dollar amount, insert "(reduced by \$33,920,000)".

Page 248, line 25, after the dollar amount, insert "(reduced by \$6,269,000)".

Page 253, line 12, after the first dollar amount, insert "(increased by \$90,000,000)".

Page 253, line 14, after the dollar amount, insert "(increased by \$90,000,000)".

Page 254, line 21, after the dollar amount, insert "(reduced by \$1,411,000)".

Page 255, line 4, after the first dollar amount, insert "(reduced by \$10,000,000)".

Page 256, line 10, after the dollar amount, insert "(reduced by \$20,000,000)".

H.R. 1

OFFERED BY: MR. WOLF

AMENDMENT No. 106: At the end of title XI of division B of the bill (State, Foreign Operations, and Related Programs), insert the following new section:

SEC. _____. (a) There is hereby established the Afghanistan-Pakistan Study Group (in this section referred to as the "Group"). To the maximum extent practicable, the Group shall be modeled on the Iraq Study Group.

(b) The Group shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as a co-chair of the Group;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as a co-chair of the Group;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(c)(1) Not more than 5 members of the Group shall be from the same political party. An individual appointed to the Group may not be a full-time officer or employee of the Federal Government or any State or local government.

(2) It is the sense of Congress that individuals appointed to the Group should be prominent United States citizens, with national recognition and significant depth of experience in such professions as diplomacy, the armed services, governmental service, law, intelligence gathering, and foreign affairs.

(d) The Group shall conduct a comprehensive assessment of the situation in Afghanistan and Pakistan, its impact on the surrounding region, and its consequences for United States interests. Not later than 3 months after the date of the enactment of this Act, the Group shall submit to Congress a report on the assessment conducted under this subsection, including relevant policy recommendations relating thereto.

(e) Of the amounts provided under the heading "Administration of Foreign Affairs, Diplomatic and Consular Programs", \$1,000,000 shall be made available to the United States Institute of Peace to carry out this section.

H.R. 1

OFFERED BY: MR. BASS OF NEW HAMPSHIRE

AMENDMENT No. 107: Page 291, line 11, after the dollar amount insert "(reduced by \$50,000,000)".

Page 293, line 4, after the dollar amount insert "(increased by \$50,000,000)".

Page 293, line 8, after the dollar amount insert "(increased by \$50,000,000)".

H.R. 1

OFFERED BY: MR. WHITFIELD

AMENDMENT No. 108: Page 306, line 11, insert after the dollar amount the following: "(reduced by \$1,500,000)".

Page 359, line 16, insert after the dollar amount the following: "(increased by \$1,500,000)".

H.R. 1

OFFERED BY: MR. GRIFFITH OF VIRGINIA

AMENDMENT No. 109: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in—

(1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled "Enhanced Surface Coal Mining Pending Permit Coordination Procedures", dated June 11, 2009; or

(2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled "Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order", dated April 1, 2010.

H.R. 1

OFFERED BY: MR. DUNCAN OF SOUTH CAROLINA

AMENDMENT No. 110: Page 208, line 14, after the first dollar amount inside the quotes, insert "(reduced by \$324,400,000)".

Page 208, line 15, after the first dollar amount inside the quotes, insert "(reduced by \$324,400,000)".

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 111: Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 354, line 4, after the dollar amount, insert "(increased by \$42,676,000)".

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 112: Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 354, line 6, after the dollar amount, insert "(increased by \$42,676,000)".

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 113: Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 220, line 16, after the dollar amount, insert "(increased by \$42,676,000)".

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 114: Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 220, line 21, after the dollar amount, insert "(increased by \$18,000,000)".

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 115: Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 286, line 2, after the dollar amount, insert "(increased by \$42,676,000)".

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 116: Page 215, before the dollar amount, insert "(\$16,000,000 is rescinded)".

Page 220, line 19, after the dollar amount, insert "(\$17,000,000 is rescinded)".

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT No. 117: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the General Services Administration for the construction or lease of buildings or space in the District of Columbia for any branch of the United States Government or any entity within such branch unless a contract for the construction or lease was entered into before the date of enactment of this Act.

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT No. 118: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the General Services Administration for the construction or lease of buildings or space in the District of Columbia for any branch of the United States Government or any entity within such branch.

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT No. 119: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out any program under, promulgate any regulation pursuant to, or defend against any lawsuit challenging any provision of, Public Law 111-148, title I of Public Law 111-152, or subtitle B of title II of Public Law 111-152, or any amendments made by Public Law 111-148, title I of Public Law 111-152, or subtitle B of title II of Public Law 111-152.

H.R. 1

OFFERED BY: MR. GOHMERT

AMENDMENT No. 120: At the end of the bill (before the short title), insert the following:

SEC. _____. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT OPPOSE THE POSITION OF THE UNITED STATES IN THE UNITED NATIONS.

(a) **PROHIBITION.**—Any United States assistance made available by this Act may not be provided to a country that opposed the position of the United States in the United Nations.

(b) **EXEMPTION DUE TO CHANGE IN GOVERNMENT.**—

(1) **IN GENERAL.**—The Secretary of State may exempt a country from the prohibition described in subsection (a) if the Secretary determines that since the beginning of the most recent session of the General Assembly—

(A) there has been a fundamental change in the leadership and policies of the government of a country to which the prohibition in such subsection applies; and

(B) as a result of such change, the government of such country will no longer oppose the position of the United States in the United Nations.

(2) **DURATION OF EXEMPTION.**—An exemption under paragraph (1) shall be effective only until submission of the next report required under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a) that is submitted after the Secretary makes such an exemption.

(3) **NOTIFICATION AND DISCUSSION.**—The Secretary shall notify Congress with respect to an exemption made under paragraph (1), together with a discussion of the basis for the Secretary's determination with respect to each such exemption.

(c) **EXEMPTION FOR NATIONAL SECURITY INTERESTS.**—The President may exempt a country from the prohibition described in subsection (a) if the President determines that such exemption is in the national security interests of the United States and sub-

mits to Congress a written statement explaining such national security interest.

(d) **DEFINITIONS.**—As used in this section—

(1) the term “opposed the position of the United States” means, in the case of a country, that the country's recorded votes in the United Nations General Assembly during the most recent session of the General Assembly and, in the case of a country which is a member of the United Nations Security Council, the country's recorded votes both in the Security Council and the General Assembly during the most recent session of the General Assembly, were the same as the position of the United States less than 50 percent of the time, using for this purpose a comparison of the recorded vote cast by each member country with the recorded vote cast by the United States, as described in the annual report submitted to Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991;

(2) the term “most recent session of the General Assembly” means the most recently completed plenary session of the General Assembly for which a comparison of the vote cast by each member country with the vote cast by the United States is described in the most recent report submitted to Congress pursuant to section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and

(3) the term “United States assistance” means assistance under—

(A) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund);

(B) chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.; relating to international military education and training);

(C) the “Foreign Military Financing Program” account under section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(D) any other monetary or physical assistance.

(e) **EFFECTIVE DATE.**—This section shall take effect upon the date of the submission to Congress of the report required under section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, that is required to be submitted by March 31, 2011.

H.R. 1

OFFERED BY: MR. LIPINSKI

AMENDMENT No. 121: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used, directly or indirectly, to develop, establish, implement, continue, promote, or in any way permit or approve a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act without approval by Congress.

H.R. 1

OFFERED BY: MR. LIPINSKI

AMENDMENT No. 122: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used, directly or indirectly, to develop, establish, implement, continue, promote, or in any way permit or approve a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was

initiated prior to the date of the enactment of this Act.

H.R. 1

OFFERED BY: MR. LIPINSKI

AMENDMENT No. 123: Page 201, line 12, insert “: *Provided*, That no less than \$710,614,000 shall be available for ‘National Weather Service Local Warnings and Forecasts’ and no less than \$79,525,000 shall be available for ‘National Weather Service Central Forecast Guidance’” before the period.

H.R. 1

OFFERED BY: MS. ROYBAL-ALLARD

AMENDMENT No. 124: Page 287, line 12, after the dollar amount, insert “(reduced by \$250,000) (increased by \$250,000)”.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT No. 125: Page 203, line 23, after the dollar amount, insert “(increased by \$298,000,000)”.

Page 204, line 8, after the first dollar amount, insert “(increased by \$298,000,000)”.

Page 206, line 10, after the dollar amount, insert “(reduced by \$298,000,000)”.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT No. 126: At the end of the bill (before the short title), insert the following:

SEC. II. None of the funds made available by this Act may be used to provide assistance to Saudi Arabia.

SEC. II. None of the funds made available by this Act for “International Military Education and Training” may be used for assistance for Saudi Arabia.

SEC. II. None of the funds made available by this Act for “Nonproliferation, Anti-terrorism, Demining and Related Programs” may be used for assistance for Saudi Arabia.

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT No. 127: At the end of the bill (before the short title), insert the following:

SEC. _____. Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended—

(1) in the first sentence, by striking “, Arctic”; and

(2) in the fourth sentence, by inserting “and this Act” before the period at the end.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 128: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to provide assistance to the Russian Federation, other than assistance provided to the following program areas: combating weapons of mass destruction, stabilization operations and security sector reform, counter-narcotics, transnational crime, conflict mitigation and reconciliation, rule of law and human rights, good governance, political competition and consenses-building, and civil society.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 129: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to provide assistance to the People's Republic of China, other than assistance provided to the “Rule of Law and Human Rights” program area.

H.R. 1

OFFERED BY: MR. MCGOVERN

AMENDMENT No. 130: Page 354, strike the proviso beginning on line 11.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 131: Page 170, line 12, after the dollar amount, insert the following: “(reduced by \$5,200,000)”.

Page 171, line 6, after the dollar amount, insert the following: “(increased by \$200,000)”.

Page 172, line 25, after the dollar amount, insert the following: “(increased by \$5,000,000)”.

Page 173, line 7, after “\$3,054,000;” by striking “by substituting ‘\$0’ for ‘\$5,000,000;’”.

H.R. 1

OFFERED BY: MS. CHU

AMENDMENT No. 132: Page 301, line 16, strike “\$4,015” and insert “\$5,500”.

H.R. 1

OFFERED BY: MS. CHU

AMENDMENT No. 133: Page 234, line 9, after the dollar amount, insert “(increased by \$5,585,000)”.

Page 234, line 11, after the dollar amount, insert “(reduced by \$5,585,000)”.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT No. 134: Under Section 1628, Page 252, line 8, strike all after “\$9,500,000” through line 9 until the words “in paragraph”.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT No. 135: Strike section 2122(e)(2) of the bill and insert the following:

(2) In determining eligibility for funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs for population planning activities or other population assistance, foreign nongovernmental organizations—

(A) shall not be ineligible for such assistance solely on the basis of health or medical services, including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(B) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of the Foreign Assistance Act of 1961.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT No. 136: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to make any Government contribution with respect to a health benefit plan under chapter 89 of title 5, United States Code, of a Member of the House of Representatives who does not notify the Clerk of the House of Representatives during the 30-day period that begins on the date of the enactment of this Act that the Member elects to be covered under the plan.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT No. 137: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to compel individuals who exceeded the initial prescription

drug coverage limit of the Medicare Part D program to return any of the payments made under section 1860D-42(c) of the Social Security Act (42 U.S.C. 1395w-152(c)), as added by section 1101(a)(1) of Public Law 111-152.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT No. 138: Strike the first proviso in section 2122(e)(1) of the bill.

H.R. 1

OFFERED BY: MR. CROWLEY

AMENDMENT No. 139: Strike section 2122(e)(2) of the bill.

H.R. 1

OFFERED BY: MR. BRALEY OF IOWA

AMENDMENT No. 140: At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds made available by this Act to any office of the legislative branch may be used for the procurement of an item that is not grown, reprocessed, reused, or produced in the United States, under the same terms and conditions applicable under section 2533a of title 10, United States Code, to funds made available by this Act to the Department of Defense.

H.R. 1

OFFERED BY: MR. STARK

AMENDMENT No. 141: At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available by this Act to any office of the legislative branch may be used for the procurement of an item that is not grown, reprocessed, reused, or produced in the United States, under the same terms and conditions applicable under section 2533a of title 10, United States Code, to funds made available by this Act to the Department of Defense.

(b) The accounts exempted pursuant to this subsection are the following accounts in division A:

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

H.R. 1

OFFERED BY: MRS. MALONEY

AMENDMENT No. 142: Strike the first and second provisos under section 2122(e)(1) of the bill.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 143:

SEC. ____ The amounts otherwise provided by this Act are revised by reducing the amount made available for the “Department of the Treasury, Internal Revenue Service, Enforcement”, by \$30,000,000, and on page 228, strike lines 10 through 18.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT No. 144: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available in this Act may be used to implement the Home Affordable Modification Program under the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343).

H.R. 1

OFFERED BY: MR. FORBES

AMENDMENT No. 145: At the end of the bill (before the short title), insert the following new section:

SEC. ____ None of the funds made available by this Act may be used to take any action to effect or implement the disestablishment, closure, or realignment of the United States Joint Forces Command.

H.R. 1

OFFERED BY: MR. FORBES

AMENDMENT No. 146: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by division A of this Act for Department of Defense, Operation and Maintenance, Defense-wide may be used for official representation purposes, as defined by Department of Defense Instruction 7250.13, dated June 30, 2009.

H.R. 1

OFFERED BY: MR. POSEY

AMENDMENT No. 147: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement or enforce the proposed amendments to Treasury Regulations sections 1.6049-4, 1.6049-5, 1.6049-6, 1.6049-8, and 31.3406(g)-1, as set forth in the Notice of Proposed Rulemaking published in the Federal Register on January 7, 2011 (76 Fed. Reg. 1105), and corrected on January 18, 2011 (76 Fed. Reg. 2852).

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT No. 148: “For the Alaska Native Educational Equity Act” shall be \$33,300,000.

Title VI. Strike Sec. 1617 and insert the following:

SEC. 1617. Notwithstanding section 1101, the level for “Department of Homeland Security, Transportation Security Administration, Transportation Security Support” shall be \$955,338,000. *Provided*, That within “Department of Homeland Security, Transportation Security Administration, Transportation Security Support”, funding for intelligence and international programs shall be no less than the level provided for such purposes for fiscal year 2010. *Provided further*, That within “Department of Homeland Security, Transportation Security Administration, Transportation Security Support”, funding for headquarters administration and information technology shall not exceed \$671,939,000.

H.R. 1

OFFERED BY: MR. LUETKEMEYER

AMENDMENT No. 149: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for contributions to the Intergovernmental Panel on Climate Change (IPCC).

H.R. 1

OFFERED BY: MR. NEUGEBAUER

AMENDMENT No. 150: Page 229, line 6, after the dollar amount, insert “(reduced by \$2,005,000)”.

Page 359, line 10, after the dollar amount, insert “(increased by \$2,005,000)”.

H.R. 1

OFFERED BY: MR. NEUGEBAUER

AMENDMENT No. 151: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for repair, alteration, or improvement of the Executive Residence at the White House.

H.R. 1

OFFERED BY: MS. JENKINS

AMENDMENT No. 152: At the end of the bill (before the short title), insert the following new section:

SEC. ____ None of the funds made available by this Act may be used to remove (or to require the removal) at any former Army ammunition plant closed under the base closure

process of pesticides that were applied in compliance with laws at the time of application and of polychlorinated biphenyls to an extent beyond that required by law.

H.R. 1

OFFERED BY: MR. MICHAUD

AMENDMENT No. 153: Page 196, line 18, after the dollar amount insert “(increased by \$80,000,000)”.

Page 199, line 6, after the dollar amount insert “(reduced by \$80,000,000)”.

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT No. 154: At the end of the bill (before the short title) insert the following new section:

SEC. ____ . None of the funds made available by this Act may be used to carry out paragraph (11) of section 101 of Public Law 111-226 (124 Stat. 2389).

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT No. 155: At the end of Title VIII—Labor, Health and Human Service Education, and Related Agencies (before the short title), insert the following:

SEC. ____ . Section 101 of Public Law 111-226 (124 Stat. 2389) is amended by striking paragraph (11).

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT No. 156: At the end of the bill (before the short title), insert the following:

SEC. ____ . Section 101 of Public Law 111-226 (124 Stat. 2389) is amended by striking paragraph (11).

H.R. 1

OFFERED BY: MR. DIAZ-BALART

AMENDMENT No. 157: At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds made available by this Act may be used to implement or enforce the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY: MR. KINZINGER OF ILLINOIS

AMENDMENT No. 158: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by division A of this Act may be used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Forces.

H.R. 1

OFFERED BY: MR. LANKFORD

AMENDMENT No. 159: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to carry out the American Community Survey.

H.R. 1

OFFERED BY: MR. MARKEY

AMENDMENT No. 160: Page 293, line 4, after the dollar amount insert “(increased by \$390,328,000)”.

Page 293, line 8, after the dollar amount insert “(increased by \$390,328,000)”.

At the end of the bill, before the short title, insert the following new sections:

SEC. 4002. SHORT TITLE.

This Act may be cited as the “End Big Oil Tax Subsidies Act of 2011”.

SEC. 4003. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by striking “major integrated oil company” and inserting “covered large oil company”.

(b) COVERED LARGE OIL COMPANY.—Paragraph (5) of section 167(h) of such Act is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) COVERED LARGE OIL COMPANY.—For purposes of this paragraph, the term ‘covered large oil company’ means a taxpayer which—
“(i) is a major integrated oil company, or
“(ii) has gross receipts in excess of \$50,000,000 for the taxable year.

For purposes of clause (ii), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(c) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 167(h) of such Code is amended by inserting “AND OTHER LARGE TAXPAYERS”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4004. PRODUCING OIL AND GAS FROM MARINE WELLS.

(a) IN GENERAL.—Section 45I of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits determined for taxable years beginning after December 31, 2011.

SEC. 4005. ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4006. INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is not a small, independent oil and gas company, determined by deeming all persons treated as a single employer under subsections (a) and (b) of section 52 as 1 person.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4007. PERCENTAGE DEPLETION.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—This section and section 611 shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) CONFORMING AMENDMENT.—Section 613A(c)(1) of such Code is amended by striking “subsection (d)” and inserting “subsections (d) and (f)”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 4008. TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) EXCEPTION FOR QUALIFIED CARBON DIOXIDE DISPOSED IN SECURE GEOLOGICAL STORAGE.—Paragraph (1) shall not apply in the case of any qualified tertiary injectant expense paid or incurred for any tertiary injectant is qualified carbon dioxide (as defined in section 45Q(b)) which is disposed of by the taxpayer in secure geological storage (as defined by section 45Q(d)).

“(3) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses incurred after December 31, 2011.

SEC. 4009. PASSIVE ACTIVITY LOSSES AND CREDITS LIMITED.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(C) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(ii) AGGREGATION RULE.—For purposes of clause (i), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

SEC. 4010. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Section 199 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—Subsection (a) shall not apply to the income derived from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof by any taxpayer which for the taxable year is an oil and gas company which is not a small, independent oil and gas company.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 4011. PROHIBITION ON USING LAST-IN, FIRST-OUT ACCOUNTING FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: “(h) MAJOR INTEGRATED OIL COMPANIES.—Notwithstanding any other provision of this section, a major integrated oil company (as defined in section 167(h)) may not use the method provided in subsection (b) in inventorying of any goods.”

(b) EFFECTIVE DATE AND SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over a period (not greater than 8 taxable years) beginning with such first taxable year.

SEC. 4012. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period with respect to combined foreign oil and gas income (as defined in section 907(b)(1)) shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2011.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

H.R. 1

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 161: Page 23, line 12, after the dollar amount, insert “(reduced by \$1,083,333,333.33)”.

Page 28, line 20, after the dollar amount, insert “(reduced by \$216,666,666.67)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$1,300,000,000)”.

H.R. 1

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 162: Page 33, line 9, after the dollar amount, insert “(reduced by \$971,099,800)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$1,796,130,300)”.

Page 34, line 6, after the dollar amount, insert “(reduced by \$2,674,240,500)”.

Page 34, line 17, after the dollar amount, insert “(reduced by \$2,079,741,200)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$7,521,211,800)”.

H.R. 1

OFFERED BY: MR. MULVANEY

AMENDMENT No. 163: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act for any account (other than an account of the Department of Defense, Homeland Security, or Veterans Affairs) may be used in excess of the amount available for such account during fiscal year 2006.

H.R. 1

OFFERED BY: MR. MULVANEY

AMENDMENT No. 164: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available by this Act for any account may be used in excess of the amount available for such account during fiscal year 2006.

(b) Subsection (a) shall not apply to funds made available—

(1) by division A;

(2) by section 1101(a)(3) and title VI of division B;

(3) by section 1101(a)(6) (with respect to division E of Public Law 111-117) and title X of division B; or

(4) for Israel, by section 1101(a)(6) (with respect to division F of Public Law 111-117) and title XI of division B.

H.R. 1

OFFERED BY: MR. CARTER

AMENDMENT No. 165: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled “National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants” published by the Environmental Protection Agency on September 9, 2010 (75 Fed. Reg. 54970 et seq.).

H.R. 1

OFFERED BY: MR. GUINTA

AMENDMENT No. 166: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to enter into, after the date of the enactment of this Act, a Government contract that requires a project labor agreement.

H.R. 1

OFFERED BY: MR. SHULER

AMENDMENT No. 167: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the Constellation Systems Program of the National Aeronautics and Space Administration.

H.R. 1

OFFERED BY: MR. LARSON OF CONNECTICUT

AMENDMENT No. 168: Page 33, line 16, after the dollar amount, insert “(reduced by \$225,000,000)”.

Page 34, line 6, after the dollar amount, insert “(reduced by \$225,000,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$450,000,000)”.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 169: At the end of the bill (before the short title) insert the following new section:

SEC. _____. Each amount of discretionary budget authority for the Elementary and Secondary Education program of the National Science Foundation made available by this Act is hereby reduced to \$0.

H.R. 1

OFFERED BY: MR. MCGOVERN

AMENDMENT No. 170: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds appropriated or otherwise made available by this Act shall be used by the Department of Defense to conduct military operations in Afghanistan during fiscal year 2011 unless the funds were fully offset by reductions in other spending accounts.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT No. 171: At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount made available by this Act for any civilian agency listed in the worldwide inventory of the most recent Federal fleet report of the General Services Administration is hereby reduced by 20 percent.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT No. 172: At the end of the bill (before the short title), insert the following:

SEC. _____. The total amount of appropriations made available by this Act (other than for the Departments of Defense and Homeland Security) is hereby reduced by \$600,000,000, to be derived from amounts provided for nonessential travel.

H.R. 1

OFFERED BY: MR. COHEN

AMENDMENT No. 173: Page 208, line 14, after the first dollar amount within the quotes, insert “(increased by \$70,000,000)”.

Page 208, line 15, after the first dollar amount within the quotes, insert “(increased by \$70,000,000)”.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT No. 174: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the Yucca Mountain Nuclear Waste Repository.

H.R. 1

OFFERED BY: MR. WATERS

AMENDMENT No. 175: Page 354, beginning on line 6, strike “That the funds” and all that follows through “: Provided further,”.

H.R. 1

OFFERED BY: MS. WATERS

AMENDMENT No. 176: Page 232, beginning on line 3, strike section 1536.

H.R. 1

OFFERED BY: MR. HERGER

AMENDMENT No. 177: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Secretary of Agriculture to implement or enforce Subpart B of the Travel Management Rule (subpart B

of part 212 of title 36, Code of Federal Regulations), relating to the designation of roads, trails, and areas for motor vehicle use, in any administrative unit of the National Forest System.

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT No. 178: Page 33, line 22, insert before the period at the end the following:

: *Provided further*, That, of the funds appropriated in this paragraph, \$222,265,000 is only for the Expeditionary Fighting Vehicle program for the following system development and demonstration activities during fiscal year 2011: such activities that do not increase the price or materially change the scope of existing contracts; such activities that finish fiscal year 2011 test and demonstration events that are currently on-contract; and such activities that provide test data and information to the Department of Defense to support any future amphibious assault vehicle acquisitions for the Marine Corps

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT No. 179: Page 33, line 22, insert before the period at the end the following:

: *Provided further*, That, of the funds appropriated in this paragraph, \$222,265,000 is only for system development and demonstration of the Expeditionary Fighting Vehicle

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT No. 180: Page 326, line 4, after the dollar amount, insert “(reduced by \$32,020,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$32,020,000)”.

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT No. 181: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for carrying out the programs authorized by the amendments made to the Energy Policy and Conservation Act by subtitle B of title III of the Energy Independence and Security Act of 2007.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 182: At the end of the bill (before the short title) insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to establish or implement any requirement that individuals receive vaccination for human papillomavirus (HPV) as a condition of school admittance or matriculation.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 183: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement the amendments to title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) made by section 2303 of Public Law 111-148.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 184: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Adminis-

tration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 185: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out subsection (a) or (c) of section 7131 of title 5, United States Code.

H.R. 1

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT No. 186: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by any agency of the Federal Government for any exercise of the power of eminent domain without the payment of just compensation.

H.R. 1

OFFERED BY: MR. CRITZ

AMENDMENT No. 187: Page 286, line 11, after the second dollar amount, insert “(reduced by \$1,000,000)”.

Page 286, line 20, after the first dollar amount, insert “(increased by \$1,000,000)”.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT No. 188: Page 246, line 14, strike “fewer” and insert “more”.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 189: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure any of the following:

- (1) Expeditionary Fighting Vehicle.
- (2) V-22 Osprey aircraft.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 190: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure the V-22 Osprey aircraft.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 191: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure the Expeditionary Fighting Vehicle.

H.R. 1

OFFERED BY: MRS. BIGGERT

AMENDMENT No. 192: Page 213, line 19, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 359, line 8, after the dollar amount insert “(increased by \$50,000,000)”.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT No. 193: Page 264, line 3, after the dollar amount, insert “(reduced by \$2,750,000)”.

Page 264, line 4, after the dollar amount, insert “(reduced by \$2,250,000)”.

Page 264, line 23, after the dollar amount, insert “(reduced by \$15,055,000)”.

Page 264, line 24, after the dollar amount, insert “(reduced by \$2,500,000)”.

Page 278, line 3, after the dollar amount, insert “(reduced by \$9,100,000)”.

Page 278, line 4, after the dollar amount, insert “(reduced by \$3,400,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$35,055,000)”.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT No. 194: Page 266, strike line 12 and insert “on February 27, 2008 (73 Fed. Reg. 10514 et seq.) without”.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT No. 195: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the payment of fees and other expenses under section 504 of title 5, United States Code, or section 2412(d) of title 28, United States Code.

H.R. 1

OFFERED BY: MR. WALBERG

AMENDMENT No. 196: Page 281, line 21, insert “(reduced by \$20,594,000)” after the dollar amount.

Page 359, line 13, insert “(increased by \$20,594,000)” before the period at the end.

H.R. 1

OFFERED BY: MR. WALBERG

AMENDMENT No. 197: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for salaries and expenses of the “Green the Capitol Office” of the Office of the Chief Administrative Officer of the House of Representatives.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 198: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce—

- (1) a cap-and-trade program; or
- (2) any statutory or regulatory requirement pertaining to emissions of one or more greenhouse gases from stationary sources that is issued or becomes applicable or effective after January 1, 2011, including—

(A) any such requirement under section 111 of the Clean Air Act (42 U.S.C. 7411) or part C of title I of such Act (42 U.S.C. 7470 et seq.); and

(B) any such permitting requirement under the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) In this section:

(1) The term “cap-and-trade program” means any regulatory program established after the date of enactment of this Act that provides for the sale, auction, or other distribution of a limited amount of allowances that permit the emission of one or more greenhouse gases.

(2) The term “greenhouse gas” includes, with respect to a cap-and-trade program under subsection (a)(1) or a requirement under subsection (a)(2), any of the following:

- (A) Carbon dioxide.
- (B) Methane.
- (C) Nitrous oxide.
- (D) Sulfur hexafluoride.
- (E) Hydrofluorocarbons.
- (F) Perfluorocarbons.

(G) Any other anthropogenic gas designated as a greenhouse gas for purposes of such cap-and-trade program or such requirement.

(3) The term “stationary source” has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 199: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Justice, or any other Agency, to litigate the continuation of the case *United States of America v. The State of Arizona and Janice K. Brewer* regarding Arizona law S.B. 1070.

H.R. 1

OFFERED BY: MR. BURGESS

AMENDMENT No. 200: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Center for Consumer Information and Insurance Oversight in the Department of Health and Human Services.

H.R. 1

OFFERED BY: MR. LABRADOR

AMENDMENT No. 201: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Environmental Protection Agency—

(1) to finalize the proposed rule entitled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” published by the Environmental Protection Agency on June 4, 2010 (75 Fed. Reg. 32006 et seq.); or

(2) to implement or enforce any finalized version of such rule.

H.R. 1

OFFERED BY: MR. LABRADOR

AMENDMENT No. 202: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the Council on Environmental Quality.

H.R. 1

OFFERED BY: MR. LABRADOR

AMENDMENT No. 203: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to designate monuments under the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”); 16 U.S.C. 431, et seq.).

H.R. 1

OFFERED BY: MR. SCALISE

AMENDMENT No. 204: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions and their offices:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Special Envoy for Climate Change.

(4) Special Advisor for Green Jobs, Enterprise and Innovation, Council on Environmental Quality.

(5) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(6) White House Director of Urban Affairs.

(7) Special Envoy to oversee the closure of the Detention Center at Guantanamo Bay.

(8) Special Master for TARP Executive Compensation, Department of the Treasury.

(9) Associate General Counsel and Chief Diversity Officer, Federal Communications Commission.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT No. 205: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to advocate for, promote, develop, or approve a limited access privilege program (as that term is used in section 303A the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a) for any fishery under the jurisdiction of any Regional Fishery Management Council.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT No. 206: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for foreign travel by any employee of the National Oceanic and Atmospheric Administration Office of Law Enforcement.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT No. 207: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to make payments under subsection (e)(1) of section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) for services of Administrative Law Judges to adjudicate cases brought under such section.

H.R. 1

OFFERED BY: MR. COLE

AMENDMENT No. 208: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to carry out chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

H.R. 1

OFFERED BY: MR. ROKITA

AMENDMENT No. 209: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to pay salary to any Federal employee for time used by that employee for or on behalf of a labor organization as described in section subsection (a) or (c) of section 7131 of title 5, United States Code.

H.R. 1

OFFERED BY: MR. ROKITA

AMENDMENT No. 210: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement any increase in the rate of salary or basic pay for any office or position within the Federal Government.

H.R. 1

OFFERED BY: MS. WASSERMAN SCHULTZ

AMENDMENT No. 211: At the end of the bill (before the short title), insert the following:

SEC. ____ For “Department of Justice, Office of Justice Programs, Justice Assistance” for an additional amount to amounts otherwise made available by this Act for carrying out title I of the PROTECT Our Children Act of 2008, as authorized by section 107 of such Act (Public Law 110-401), there is hereby appropriated, and the amount made available by this Act for “Department of Justice, Office of Justice Programs, Justice Assistance” is hereby reduced by, \$30,000,000.

H.R. 1

OFFERED BY: MS. WASSERMAN SCHULTZ

AMENDMENT No. 212: Page 202, line 6, after the dollar amount, insert “(reduced by \$30,000,000) (increased by \$30,000,000)”.

H.R. 1

OFFERED BY: MR. MARKEY

AMENDMENT No. 213: Page 290, line 13, after the dollar amount, insert “(reduced by \$1,569,600,000)”.

At the end of the bill (before the short title), insert the following:

TITLE ____—END BIG OIL TAX SUBSIDIES

SHORT TITLE

SEC. ____

This title may be cited as the “End Big Oil Tax Subsidies Act of 2011”.

AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES

SEC. ____

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by striking “major integrated oil company” and inserting “covered large oil company”.

(b) COVERED LARGE OIL COMPANY.—Paragraph (5) of section 167(h) of such Act is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) COVERED LARGE OIL COMPANY.—For purposes of this paragraph, the term ‘covered large oil company’ means a taxpayer which—

“(i) is a major integrated oil company, or

“(ii) has gross receipts in excess of \$50,000,000 for the taxable year.

For purposes of clause (ii), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(c) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 167(h) of such Code is amended by inserting “AND OTHER LARGE TAXPAYERS”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

PRODUCING OIL AND GAS FROM MARGINAL WELLS

SEC. ____

(a) IN GENERAL.—Section 45I of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits determined for taxable years beginning after December 31, 2011.

ENHANCED OIL RECOVERY CREDIT

SEC. ____

(a) IN GENERAL.—Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) Exception for Taxpayer Who Is Not Small, Independent Oil and Gas Company.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts

paid or incurred in taxable years beginning after December 31, 2011.

INTANGIBLE DRILLING AND DEVELOPMENT COSTS
IN THE CASE OF OIL AND GAS WELLS

SEC. ____.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is not a small, independent oil and gas company, determined by deeming all persons treated as a single employer under subsections (a) and (b) of section 52 as 1 person.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

PERCENTAGE DEPLETION

SEC. ____.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: “(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—This section and section 611 shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”

(b) CONFORMING AMENDMENT.—Section 613A(c)(1) of such Code is amended by striking “subsection (d)” and inserting “subsections (d) and (f)”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

TERTIARY INJECTANTS

SEC. ____.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: “(d) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) EXCEPTION FOR QUALIFIED CARBON DIOXIDE DISPOSED IN SECURE GEOLOGICAL STORAGE.—Paragraph (1) shall not apply in the case of any qualified tertiary injectant expense paid or incurred for any tertiary injectant is qualified carbon dioxide (as defined in section 45Q(b)) which is disposed of by the taxpayer in secure geological storage (as defined by section 45Q(d)).

“(3) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses incurred after December 31, 2011.

PASSIVE ACTIVITY LOSSES AND CREDITS
LIMITED

SEC. ____.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “(C) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(ii) AGGREGATION RULE.—For purposes of clause (i), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”

INCOME ATTRIBUTABLE TO DOMESTIC
PRODUCTION ACTIVITIES

SEC. ____.

(a) IN GENERAL.—Section 199 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: “(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—Subsection (a) shall not apply to the income derived from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof by any taxpayer which for the taxable year is an oil and gas company which is not a small, independent oil and gas company.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

PROHIBITION ON USING LAST-IN, FIRST-OUT ACCOUNTING FOR MAJOR INTEGRATED OIL COMPANIES

SEC. ____.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection: “(h) MAJOR INTEGRATED OIL COMPANIES.—

Notwithstanding any other provision of this section, a major integrated oil company (as defined in section 167(h)) may not use the method provided in subsection (b) in inventorying of any goods.”

(b) EFFECTIVE DATE AND SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over a period (not greater than 8 taxable years) beginning with such first taxable year.

MODIFICATIONS OF FOREIGN TAX CREDIT RULES
APPLICABLE TO DUAL CAPACITY TAXPAYERS

SEC. ____.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection: “(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period with respect to combined foreign oil and gas income (as defined in section 907(b)(1)) shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any

foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2011.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

H.R. 1

OFFERED BY: MR. KLINE

AMENDMENT NO. 214: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to—

(1) implement, administer, or enforce the final regulations on “Program Integrity: Gainful Employment—New Programs” published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66665 et seq.);

(2) issue a final rule or otherwise implement the proposed rule on “Program Integrity: Gainful Employment” published by the Department of Education on July 26, 2010 (75 Fed. Reg. 43616 et seq.);

(3) implement, administer, or enforce section 668.6 of title 34, Code of Federal Regulations, (relating to gainful employment), as amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.); or

(4) promulgate or enforce any new regulation or rule with respect to the definition or application of the term “gainful employment” under the Higher Education Act of 1965 on or after the date of enactment of this Act.

H.R. 1

OFFERED BY: MR. UPTON

AMENDMENT NO. 215: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled “Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act” published by the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services in the Federal Register on June 17, 2010 (75 Fed. Reg. 34537 et seq.).

H.R. 1

OFFERED BY: MR. MCKINLEY

AMENDMENT NO. 216: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to carry out section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)).

H.R. 1

OFFERED BY: MR. MCKINLEY

AMENDMENT NO. 217: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Environmental Protection Agency to develop, propose, finalize, implement, administer, or enforce any regulation that identifies or lists

fossil fuel combustion waste as hazardous waste subject to regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) or otherwise makes fossil fuel combustion waste subject to regulation under such subtitle.

H.R. 1

OFFERED BY: MR. MCKINLEY

AMENDMENT No. 218: Page 226, line 7, after the dollar amount, insert “(increased by \$1,300,000)”.

Page 227, line 9, after the dollar amount, insert “(reduced by \$1,300,000)”.

H.R. 1

OFFERED BY: MR. JOHNSON OF OHIO

AMENDMENT No. 219: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior or supporting environmental impact statements, other than to implement such Office’s 2008 final regulations published December 12, 2008 (73 Fed. Reg. 75,814-75,885).

H.R. 1

OFFERED BY: MR. JOHNSON OF OHIO

AMENDMENT No. 220: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior, other than to implement such Office’s 2008 final regulations published December 12, 2008 (73 Fed. Reg. 75,814-75,885).

H.R. 1

OFFERED BY: MS. LEE OF CALIFORNIA

AMENDMENT No. 221: Page 306, after line 7, insert the following:

SEC. 1852. (a)(1) Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) in subparagraph (A), by striking “80” and inserting “131”; and

(B) in subparagraph (B), by striking “20” and inserting “34”.

(2) Section 4002(f) of such Act is amended by adding at the end the following:

“(3) RULES RELATING TO ADDITIONAL WEEKS OF FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(A) IN GENERAL.—If a State determines that implementation of the increased entitlement to first-tier emergency unemployment compensation by reason of the amendments made by section 1852(a)(1) of the Full-Year Continuing Appropriations Act, 2011 would unduly delay the prompt payment of emergency unemployment compensation under this title, such State may elect to pay second-tier, third-tier, or fourth-tier emergency unemployment compensation (or a combination of those tiers) prior to the payment of such increased first-tier emergency unemployment compensation until such time as such State determines that such increased first-tier emergency unemployment compensation may be paid without undue delay.

“(B) SPECIAL RULES.—If a State makes an election under subparagraph (A) which results in—

“(i) the payment of second-tier (but not third-tier) emergency unemployment com-

pensation prior to the payment of increased first-tier emergency unemployment compensation, then, for purposes of determining whether an account may be augmented for third-tier emergency unemployment compensation under subsection (d), such State shall treat the date of exhaustion of such increased first-tier emergency unemployment compensation as the date of exhaustion of second-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the second-tier emergency unemployment compensation; or

“(ii) the payment of third-tier emergency unemployment compensation prior to the payment of increased first-tier emergency unemployment compensation, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased first-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.

“(4) COORDINATION OF MODIFICATIONS (RELATING TO ADDITIONAL FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION) WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any additional emergency unemployment compensation under subsection (b) (payable by reason of the amendments made by section 1852(a)(1) of the Emergency Unemployment Compensation Expansion Act of 2011), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this paragraph), (c), (d), or (e)).”

(3) Section 4004(e)(1) of such Act, as amended by section 501(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), is amended—

(A) in subparagraph (F), by striking “and” at the end; and

(B) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 1852(a)(1) of the Full-Year Continuing Appropriations Act, 2011; and”.

(4) Section 4007(b)(3) of such Act, as amended by section 501(a)(1)(C) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312) is amended by striking “June 9, 2012” and inserting “September 22, 2012”.

(b) The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

(c) The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205), except that no additional first-tier emergency unemployment compensation shall be payable by virtue of the amendments made by subsection (a)(1) with respect to any week of unemployment commencing before the date of the enactment of this Act.

(d)(1) The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be de-

termined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(2) This section—

(A) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)); and

(B) is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

H.R. 1

OFFERED BY: MS. LEE OF CALIFORNIA

AMENDMENT No. 222: At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available by division A of this Act may be used for any account of the Department of Defense (other than accounts excluded by subsection (b)) in excess of the amount made available for such account for fiscal year 2010, unless the financial statements of the Department for fiscal year 2010 are validated as ready for audit within 180 days after the date of the enactment of this Act.

(b) The following accounts are excluded from the prohibition in subsection (a):

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

(c) In this section, the term “validation”, with respect to the auditability of financial statements, means a determination following an examination engagement that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

H.R. 1

OFFERED BY: MR. PASCRELL

AMENDMENT No. 223: Page 253, line 12, after the first dollar amount, insert “(increased by \$510,000,000)”.

Page 253, line 12, after the second dollar amount, insert “(increased by \$90,000,000)”.

Page 253, line 14, after the dollar amount, insert “(increased by \$420,000,000)”.

Page 255, line 21, after the dollar amount, insert “(reduced by \$510,000,000)”.

H.R. 1

OFFERED BY: MR. QUAYLE

AMENDMENT No. 224: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to carry out the requirements of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”), with respect to any project or program funded by this Act.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 225: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to prepare for the fiscal year 2012 allotment of diversity immigrant visas under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 226: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to distribute cellular telephones under the Low Income program of the Universal Service Fund.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 227: Page 251, line 20, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 252, line 15, after the first dollar amount, insert “(reduced by \$5,000,000)”.

Page 359, line 11, after the dollar amount, insert “(increased by \$5,000,000)”.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 228: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided by this Act for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” shall be available for the Los Alamos Neutron Science Center refurbishment, and the amount otherwise provided under such heading is hereby reduced by \$20,000,000.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 229: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided by this Act for “Department of Labor, Bureau of Labor Statistics, Salaries and Expenses” shall be available for the International Labor Comparisons Program, and the amount otherwise provided under such heading is hereby reduced by \$2,000,000.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 230: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation for the Chesapeake Bay Watershed.

H.R. 1

OFFERED BY: MRS. CAPITO

AMENDMENT No. 231: Page 213, line 19, after the dollar amount, insert “(reduced by \$47,000,000)”.

Page 217, line 13, after the dollar amount, insert “(increased by \$30,600,000)”.

H.R. 1

OFFERED BY: MR. NADLER

AMENDMENT No. 232: At the end of the bill (before the short title), insert the following:

SEC. _____. Not more than \$10,000,000,000 of the funds made available by this Act may be used for United States military operations in Afghanistan.

H.R. 1

OFFERED BY: MR. KUCINICH

AMENDMENT No. 233: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used for the missile defense program of the Department of Defense.

H.R. 1

OFFERED BY: MR. KUCINICH

AMENDMENT No. 234: Page 215, lines 8 and 9, strike “(other than nuclear power facilities and front end nuclear facilities)”.

Page 215, line 13, after the dollar amount insert “(increased by \$26,000,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 235: Page 198, line 3, after the dollar amount, insert “(reduced by \$309,500,000)”.

Page 203, line 23, after the dollar amount, insert “(increased by \$309,500,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 236:

SEC. _____. None of the funds made available by this Act may be used for the further acquisition or fielding of backscatter x-ray full body scanner technology as part of the Transportation Security Agency’s Advanced Imaging Technology program.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 237: Page 131, line 24, after the dollar amount, insert “(reduced by \$1,500,000,000)”.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 238: Page 198, line 20, through page 199, line 3, strike sections 1317 through 1319.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 239: Page 301, at the end of line 16, strike “\$4,015” and insert “\$4,860.”

H.R. 1

OFFERED BY: MS. SHEILA JACKSON LEE

AMENDMENT No. 240: Amendment to Strike Section 1332 of Title III, which reduces the funding level for the Department of Justice, Community Oriented Policing Services to \$290,500,000.

H.R. 1

OFFERED BY: MR. CARNEY

AMENDMENT No. 241: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the Oil and Gas Research and Development Program of the Department of Energy.

H.R. 1

OFFERED BY: MR. CARNEY

AMENDMENT No. 242: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for commodity storage payments by the Department of Agriculture.

H.R. 1

OFFERED BY: MR. REYES

AMENDMENT No. 243: Page 245, line 16, after the dollar amount, insert “(reduced by \$60,000,000)”.

Page 245, line 7, after the dollar amount, insert “(increased by \$60,000,000)”.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 244: Page 199, line 6, after the dollar amount, insert “(reduced by \$298,000,000)”.

Page 203, line 23, after the dollar amount, insert “(increased by \$298,000,000)”.

Page 204, line 8, after the dollar amount, insert “(increased by \$298,000,000)”.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 245: Page 199, line 6, after the dollar amount, insert “(reduced by \$150,000,000)”.

Page 203, line 23, after the dollar amount, insert “(increased by \$150,000,000)”.

Page 204, line 8, after the dollar amount, insert “(increased by \$150,000,000)”.

H.R. 1

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 246: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for beach replenishment projects by the Army Corps of Engineers.

H.R. 1

OFFERED BY: MR. STIVERS

AMENDMENT No. 247: Page 187, strike the proviso beginning on line 6.

H.R. 1

OFFERED BY: MR. CANSECO

AMENDMENT No. 248: Page 321, line 9, after the dollar amount, insert “(reduced by \$10,716,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$10,716,000)”.

H.R. 1

OFFERED BY: MR. CANSECO

AMENDMENT No. 249: Page 282, line 7, after the dollar amount, insert “(reduced by \$4,500,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$4,500,000)”.

H.R. 1

OFFERED BY: MR. CANSECO

AMENDMENT No. 250: Page 281, line 25, insert “(reduced by \$12,510,000)” after the dollar amount.

Page 282, line 3, strike “\$130,700,000” and insert “\$118,190,000”.

Page 359, line 13, insert “(increased by \$12,510,000)” before the period at the end.

H.R. 1

OFFERED BY: MR. SCALISE

AMENDMENT No. 251: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to further delay the approval of any exploration plan, development operations coordination document, development production plan, application for permit to drill, or application to sidetrack for purposes of Outer Continental Shelf energy exploration.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 252: Page 182, line 4, after the dollar amount, insert “(reduced by \$24,010,000)”.

Page 359, line 3, after the dollar amount, insert “(increased by \$25,010,000)”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 253: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds by Section 1257 of this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide funds for the construction of ethanol blender pumps or of ethanol storage facilities.

H.R. 1

OFFERED BY: MRS. LUMMIS

AMENDMENT No. 254: Page 170, line 22, after the dollar amount, insert “(reduced by \$1)”.

Page 183, line 13, after the dollar amount, insert “(increased by \$1)”.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT No. 255: At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used by the National Labor Relations Board to certify the results of an election of a labor organization under section 9(c)(1) of the National Labor Relations Act (29 U.S.C. 159(c)(1)) that is not conducted by secret ballot.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT No. 256: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the travel expenses of any employee of the U.S. federal government who travels using a "first class" ticket.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT No. 257: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salaries and expenses for the Assistant to the President for Energy and Climate Change.

H.R. 1

OFFERED BY: MR. HUELSKAMP

AMENDMENT No. 258: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salaries and expenses for the Department of State Special Envoy responsible for the closure of the detention facility at Guantanamo Bay.

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT No. 259: Page 216, line 23, after the dollar amount insert "(reduced by \$70,000,000)".

Page 359, line 8, after the dollar amount insert "(increased by \$70,000,000)".

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT No. 260: Page 200, line 25, after the dollar amount insert "(reduced by \$10,000,000)".

Page 359, line 5, after the dollar amount insert "(increased by \$10,000,000)".

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT No. 261: At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used by the National Program Office of the Department of Commerce to develop or implement the digital identity ecosystem described in the document entitled "National Strategy for Trusted Identities in Cyberspace: Enhancing Online Choice, Efficiency, Security, and Privacy".

H.R. 1

OFFERED BY: MR. LATTA

AMENDMENT No. 262: Amendment to page 333, lines 5-17

Eliminate the \$440 million Department of State, foreign operations, and related programs funding for international population control, family planning, and reproductive health and transfer those funds to the Spending Reduction Account.

H.R. 1

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 263: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay any dues to the United Nations.

H.R. 1

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT No. 264: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for vacant Federal properties.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 265: Strike all after the enacting clause and insert the following:

That the Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended by striking the date specified in section 106(3) and inserting "April 4, 2011".

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 266: At the end of the bill (before the short title), insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds made available in this Act or any previous Act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either such Public Law.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 267: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either such Public Law.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 268: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of any Federal department or agency with respect to carrying out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either such Public Law.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 269: At the end of the bill (before the short title), insert the following:

SEC. _____. All unobligated balances of the appropriations made by Public Law 111-148 and title I and subtitle B of title II of Public Law 111-152 that remain available as of the date of the enactment of this Act are rescinded.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 270: Page 288, line 20, after the dollar amount, insert "(reduced by \$750,000,000)".

Page 288, beginning on line 21, strike "\$750,000,000" through "such Public Law; (2)".

Page 289, line 1, strike "(3)" and insert "(2)".

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 271: Page 288, line 20, and line 21, after the dollar amount on each such line, insert "(reduced by \$750,000,000)".

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 272: Page 287, line 12, after the dollar amount, insert "(reduced by \$2,026,000,000)".

Page 288, line 20, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 292, line 12, after the dollar amount, insert "(reduced by \$1,930,000,000)".

Page 293, line 25, after the dollar amount, insert "(reduced by \$125,000,000)".

Page 294, line 15, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 295, line 8, after the dollar amount, insert "(reduced by \$105,000,000)".

Page 359, line 15, after the dollar amount, insert "(increased by \$4,201,000,000)".

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 273: At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used to administer the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT No. 274: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay any employee, contractor, or grantee of the Internal Revenue Service to implement or enforce the provisions of, or amendments made by, Public Laws 111-148 and 111-152.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT No. 275: At the end of title VIII of division B, insert the following:

SEC. _____. The amounts otherwise provided by this title and title I of this division are revised by reducing the amounts made available for "Department of Education, Education for the Disadvantaged" (and the amounts specified under such heading for school improvement grants under section 1003(g) of the ESEA), by reducing the amounts made available for "Department of Education, School Improvement Programs" (and the amounts specified under such heading for part A of title II of the ESEA), and by increasing the amounts made available for "Department of Education, Special Education" (for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), by \$336,550,000, \$500,000,000, and \$557,700,000, respectively.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT No. 276: Page 296, line 21, after the dollar amount, insert "(reduced by \$336,550,000)".

Page 296, line 22, after the dollar amount, insert "(reduced by \$336,550,000)".

Page 297, line 25, after the dollar amount, insert "(reduced by \$500,000,000)".

Page 298, line 1, after the dollar amount, insert "(reduced by \$500,000,000)".

Page 299, line 20, after the first and second dollar amounts, insert "(increased by \$557,700,000)".

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT No. 277: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the United States Citizenship and Immigration Services for the implementation of the REAL ID Act of 2005 (Public Law 109-13).

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT No. 278: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to transfer to the United States any individual who is—

(1) detained by the United States at Naval Station, Guantanamo Bay, Cuba; or

(2) not a citizen of the United States and who is—

(A) captured or detained outside the United States as an enemy belligerent (including a privileged belligerent and an unprivileged enemy belligerent, as such terms are defined by section 948a of title 10, United States Code); and

(B) in the custody or under the effective control of the Department of Defense.

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT No. 279: At the end of the bill (before the short title), insert the following new section:

SEC. ____ None of the funds made available by this Act may be used by the Environmental Protection Agency to reevaluate the approved herbicide Atrazine, as proposed and published in the Federal Register as EPA-HQ-OPP-2009-0759.

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT No. 280: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Federal Emergency Management Agency to establish, administer, or implement new flood maps for historically under populated areas that are protected by levees (those levee districts of less than 15,000 people) and have an expired provisionally accredited levee.

H.R. 1

OFFERED BY: MR. SCHOCK

AMENDMENT No. 281: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement, administer, or enforce the merit-based State personnel staffing requirements contained in section 618.890(a) of title 20, Code of Federal Regulations.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 282: Page 322, line 17, after the dollar amount, insert "(reduced by \$110,920,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$110,920,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 283: Page 216, line 19, after the dollar amount, insert "(reduced by \$13,600,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$13,600,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 284: Page 322, line 23, after the dollar amount, insert "(reduced by \$29,757,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$29,757,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 285: Page 321, line 9, after the dollar amount, insert "(reduced by \$10,716,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$10,716,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 286: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for the Bureau of Reclamation, Title XVI Water Reclamation and Reuse Program.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 287: Page 322, line 21, after the dollar amount, insert "(reduced by \$20,830,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$20,830,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 288: Page 323, line 19, after the dollar amount, insert "(reduced by \$790,000,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$790,000,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 289: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to award grants under the Department of the Interior, Bureau of Reclamation, WaterSMART grant program.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 290: Page 216, line 19, after the dollar amount, insert "(reduced by \$18,000,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$18,000,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 291: Page 324, line 3, after the dollar amount, insert "(reduced by \$20,000,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$20,000,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 292: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to carry out the Tropical Forest Conservation Act of 1998.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 293: Page 265, line 25, after the dollar amount, insert "(reduced by \$4,430,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$4,430,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 294: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for the National Fish and Wildlife Foundation.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 295: Page 264, line 12, after the dollar amount, insert "(decreased by \$7,537,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$7,537,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 296: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement the Klamath Dam Removal and Sedimentation Study.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 297: Page 216, line 19, after the dollar amount, insert "(reduced by \$1,897,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$1,897,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 298: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Federal Aviation Administration to carry out the Century of Aviation Environmental Program.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 299: Page 346, line 6, after the dollar amount insert "(reduced by \$26,509,000)".

Page 359, line 22, after the dollar amount insert "(increased by \$26,509,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 300: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading "Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy" shall be available for "Biomass and Biorefinery Systems".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 301: Page 216, line 23, after the dollar amount, insert "(reduced by \$220,000,000)".

Page 359, line 8, after the dollar amount, insert "(increased by \$220,000,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 302: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading "Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy" shall be available for "Building Technologies".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 303: Page 216, line 23, after the dollar amount, insert "(reduced by \$220,000,000)".

Page 359, line 8, after the dollar amount, insert "(increased by \$220,000,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 304: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading "Department of Energy, Science" shall be available for biological and environmental research authorized under subtitle G of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16311 et seq.).

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 305: Page 218, line 5, after the dollar amount, insert "(reduced by \$302,000,000)".

Page 218, line 7, after the dollar amount, insert "(reduced by \$302,000,000)".

Page 359, line 8, after the dollar amount, insert "(increased by \$302,000,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 306: Page 216, line 13, after the dollar amount, insert "(reduced by \$586,600,000)".

Page 359, line 8, after the dollar amount, insert "(increased by \$586,600,000)".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 307: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading "Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy" shall be available for "Geothermal Technologies".

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 308: Page 216, line 23, after the dollar amount, insert “(reduced by \$44,000,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$44,000,000)”.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT No. 309: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” shall be available for “Hydrogen and Fuel Cell Technologies”.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT No. 310: Page 216, line 23, after the dollar amount, insert “(reduced by \$174,000,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$174,000,000)”.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT No. 311: Page 215, line 13, after the dollar amount insert “(increased by \$22,000,000,000)”.

H.R. 1

OFFERED BY MR. MCCLINTOCK

AMENDMENT No. 312: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” shall be available for “Industrial Technologies”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 313: Page 216, line 23, after the dollar amount, insert “(reduced by \$96,000,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$96,000,000)”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 314: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” shall be available for “Solar Energy”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 315: Page 216, line 23, after the dollar amount, insert “(reduced by \$247,000,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$247,000,000)”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 316: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” shall be available for “Vehicle Technologies”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 317: Page 216, line 23, after the dollar amount, insert “(reduced by \$311,365,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$311,365,000)”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 318: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” shall be available for “Water Power”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 319: Page 216, line 23, after the dollar amount, insert “(reduced by \$50,000,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$50,000,000)”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 320: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds provided by this Act under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” shall be available for “Wind Energy”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 321: Page 216, line 23, after the dollar amount, insert “(reduced by \$80,000,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$80,000,000)”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT No. 322: Page 354, line 6, after the dollar amount, insert “(reduced by \$1,500,000,000)”.

Page 359, line 22, after the dollar amount, insert “(increased by \$1,500,000,000)”.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT No. 323: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide benefits described in section 1001D(b)(1)(C) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(C)) to a person or legal entity in excess of \$250,000.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT No. 324: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide any benefit described in section 1001D(b)(1)(C) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(C)) to a person or legal entity if the average adjusted gross income of the person or legal entity exceeds \$250,000.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT No. 325: Page 303, strike lines 3 through 9 and insert the following:

(b) For payment to the Corporation for Public Broadcasting (“Corporation”), as authorized by the Communications Act of 1934,

an amount which shall be available within limitations specified by that Act, for the fiscal year 2013, \$460,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose.

(c) In addition to the amount appropriated in subsection (b), for payment to the Corporation for fiscal year 2013, \$61,000,000 as follows:

(1) \$36,000,000 shall be for costs related to digital program production, development, and distribution associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

(2) \$25,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system.

(d) For taxable years beginning after the date of the enactment of this Act, no deduction shall be allowed under section 611 of the Internal Revenue Code of 1986 in the case of oil or gas wells.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT No. 326: Page 354, beginning on line 6, strike “: Provided” and all that follows through “Initiative”.

H.R. 1

OFFERED BY: MR. PERLMUTTER

AMENDMENT No. 327: Page 214, line 18, after the dollar amount, insert “(reduced by \$53,000,000)”.

Page 214, line 21, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 214, line 24, after the dollar amount, insert “(reduced by \$9,000,000)”.

Page 214, line 23, after the dollar amount, insert “(reduced by \$46,000,000)”.

H.R. 1

OFFERED BY: MR. PALLONE

AMENDMENT No. 328: Page 203, line 23, after the dollar amount, insert “(increased by \$298,000,000)”.

Page 204, line 8, after the first dollar amount, insert “(increased by \$298,000,000)”.

Page 205, line 25, after the dollar amount, insert “(reduced by \$298,000,000)”.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT No. 329: At the end of the bill (before the short title), insert the following:

SEC. _____. The amount otherwise made available by this Act for “Department of Energy, Power Marketing Administrations, Operation and Maintenance, Southeastern Power Administration” is hereby reduced to \$0.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 330: At the end of the bill (before the short title), insert the following: SEC. _____. The amount otherwise made available by this Act for "Department of Energy, Power Marketing Administrations, Operation and Maintenance, Southwestern Power Administration" is hereby reduced to \$0.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 331: At the end of the bill (before the short title), insert the following: SEC. _____. The amount otherwise made available by this Act for "Department of Energy, Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration" is hereby reduced to \$0.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 332: Page 198, line 13, strike the dollar amount and insert "0".
Page 198, after line 13, insert the following: SEC. 1314A. Notwithstanding section 1101, the level for "Department of Justice, Federal Bureau of Investigation, salaries and expenses" shall be \$7,765,537.00.

H.R. 1

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 333: At the end of the bill (before the short title), insert the following: SEC. _____. The amount otherwise made available by this Act for the Payment in Lieu of Taxes program is hereby reduced by 75 percent.

H.R. 1

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 334: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available by this Act for Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs may be used to provide grants under the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) to more than 25 high-risk urban areas.

H.R. 1

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 335: Page 287, line 12, insert "(increased by \$317,491,000)" after "\$5,313,171,000".
Page 287, lines 17 and 18, strike "no funds shall be for the program under title X of the Public Health Service Act" and insert "\$317,491,000 shall be for the program under title X of the Public Health Service Act".

H.R. 1

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT NO. 336: At the end of the bill (before the short title), insert the following: SEC. _____. Not later than 90 days after the date of enactment of this Act, the Director of the Congressional Budget Office and the Commissioner of the Bureau of Labor Statistics shall, jointly—

- (1) study the effect that this Act will have on job levels; and
- (2) report the findings of the study in the Employment Situation Report of the Bureau of Labor Statistics.

H.R. 1

OFFERED BY: MR. MORAN

AMENDMENT NO. 337: Page 276, beginning on line 12, strike section 1747.

H.R. 1

OFFERED BY: MR. MORAN

AMENDMENT NO. 338: Page 265, line 21, after the dollar amount, insert "(increased by \$50,000,000)".

Page 274, line 16, after the dollar amount, insert "(reduced by \$50,000,000)".

Page 274, line 25, after the second dollar amount, insert "(reduced by \$50,000,000)".

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT NO. 339: At the end of the bill (before the short title), insert the following: SEC. _____. Each amount made available by division A of this Act (other than the amounts under title I of such division, the amount under the "Defense Health Program" heading under title VI of such division, and any amount required to be made available by a provision of law) is hereby reduced by 2.7 percent.

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT NO. 340: At the end of the bill (before the short title), insert the following: SEC. _____. Each amount made available by division A of this Act (other than the amounts under title I of such division, the amount under the "Defense Health Program" heading under title VI of such division, and any amount required to be made available by a provision of law) is hereby reduced by 1.6 percent.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 341: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available in this Act may be used for the salary or expenses of any individual—

- (1) who is serving as the head of any task force, council, policy office, or other component within the Executive Office of the President that is established by or at the direction of the President; and
- (2) whose appointment does not require confirmation by and with the advice and consent of the Senate.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 342: At the end of the bill (before the short title) insert the following: SEC. _____. None of the funds made available by this Act may be used for the continued operation of the Mexican Wolf recovery program.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 343: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available by this Act may be obligated or expended in excess of the amount authorized to be appropriated.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 344: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available by this Act may be used for the payment of attorneys' fees or other legal expenses of any person with regard to an action brought by that person seeking enforcement of the National Environmental Policy Act of 1970.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 345: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available by this Act may be used for the payment of attorneys' fees or other legal expenses of any person with regard to an action brought by that person seeking enforcement of the Endangered Species Act of 1973.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 346: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to provide trade adjustment assistance to wild blueberry producers under chapter 6 of title II of the Trade Act of 1974 (19 U.S.C. 2401 et seq.).

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 347: Page 199, line 6, after the dollar amount, insert "(reduced by \$913,707,000)".

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 348: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available by this Act may be used for the Climate Change Adaptation Initiative within the Department of the Interior.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 349: Page 322, line 10, after the dollar amount, insert "(reduced by \$689,761,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$689,761,000)".

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 350: On page 263, line 22, after the dollar amount, insert "(reduced by \$2,590,000)".

On page 264, line 3, after the dollar amount, insert "(reduced by \$2,750,000)".

On page 264, line 20, after the dollar amount, insert "(reduced by \$23,737,000)".

On page 264, line 23, after the dollar amount, insert "(reduced by \$15,055,000)".

On page 267, line 17, after the dollar amount, insert "(reduced by \$171,713,000)".

On page 268, line 12, after the dollar amount, insert "(reduced by \$14,100,000)".

On page 278, line 3, after the dollar amount, insert "(reduced by \$9,100,000)".

SEC. _____. None of the funds made available by this Act may be used for the Land and Water Conservation Fund State Grants Program within the National Parks Service.

SEC. _____. None of the funds made available by this Act may be used for the construction program within the Facilities activity within the U.S. Geological Survey.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 351: On page 263, line 22, after the dollar amount, insert "(reduced by \$2,590,000)".

On page 264, line 20, after the dollar amount, insert "(reduced by \$23,737,000)".

On page 267, line 17, after the dollar amount, insert "(reduced by \$171,713,000)".

SEC. _____. None of the funds made available by this Act may be used for the construction program within the Facilities activity within the U.S. Geological Survey.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT NO. 352: On page 264, line 3, after the dollar amount, insert "(reduced by \$2,750,000)".

On page 264, line 23, after the dollar amount, insert "(reduced by \$15,055,000)".

On page 268, line 12, after the dollar amount, insert "(reduced by \$14,100,000)".

On page 278, line 3, after the dollar amount, insert "(reduced by \$9,100,000)".

SEC. ____ None of the funds made available by this Act may be used for the Land and Water Conservation Fund State Grants Program within the National Parks Service.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 353: On page 263, line 22, after the dollar amount, insert “(reduced by \$2,590,000)”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 354: On page 264, line 3, after the dollar amount, insert “(reduced by \$2,750,000)”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 355: On page 264, line 20, after the dollar amount, insert “(reduced by \$23,737,000)”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 356: On page 264, line 23, after the dollar amount, insert “(reduced by \$15,055,000)”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 357: On page 267, line 17, after the dollar amount, insert “(reduced By: \$171,713,000)”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 358: On page 268, line 12, after the dollar amount, insert “(reduced By: \$14,100,000)”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 359: On page 278, line 3, after the dollar amount, insert “(reduced By: \$9,100,000)”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 360: At the end of the bill (before the short title), insert the following:
SEC. ____ None of the funds made available by this Act may be used for the construction program within the Facilities activity within the US Geological Survey.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 361: At the end of the bill (before the short title), insert the following:
SEC. ____ None of the funds made available by this Act may be used for the Land and Water Conservation Fund State Grants Program within the National Parks Service.

H.R. 1

OFFERED BY: MR. FLORES

AMENDMENT No. 362: At the end of the bill (before the short title), insert the following:
SEC. ____ None of the amounts made available by this Act for “Executive Office of the President and Funds Appropriated to the President” shall be available for obligation during fiscal year 2011 in excess of the amounts available for such account during fiscal year 2008.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 363: Increase the Department of Justice, Community Oriented Policing Services Hiring program by \$150,000,000.

Reduce the Department of Commerce, Bureau of Census, PERIODIC CENSUSES AND PROGRAMS by \$150,000,000.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 364: Increase the Department of Justice, Community Oriented Policing Services Hiring program by \$298,000,000.

Reduce the Department of Commerce, Bureau of Census, PERIODIC CENSUSES AND PROGRAMS by \$298,000,000.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 365: On page 204, strike line 8 and insert: (5) “\$298,000,000” for “\$298,000,000.”

On page 208, decrease funds for the Department of Commerce, Bureau of the Census, Periodic Census and Programs by \$298,000,000.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 366: On page 204, strike line 8 and insert: (5) “\$150,000,000” for “\$298,000,000.”

On page 208, decrease funds for the Department of Commerce, Bureau of the Census, Periodic Census and Programs by \$150,000,000.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 367: At the end of the bill (before the short title), insert the following new section:

SEC. ____ None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide any benefit described in section 1001D(b)(1)(c) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(C)) to a person or legal entity if the average adjusted gross income of the person or legal entity exceeds \$250,000.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 368: Page 197, line 17, after the dollar amount, insert “(reduced by \$34,023,000)”.

Page 359, line 5, after the dollar amount, insert “(increase by \$34,023,000)”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 369: At the end of the bill (before the short title), insert the following:
SEC. ____ None of the funds provided in this Act under the heading “Related Agency, Broadcasting Board of Governors, International Broadcasting Operations” shall be available for Radio and Television Marti, and the amount otherwise provided under such heading is hereby reduced by \$30,474,000.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 370: Page 9, line 15, after the dollar amount, insert “(reduced by \$18,750,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$18,750,000)”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 371: Page 294, line 1, insert “reduced by \$100,000,000” after the dollar amount.

Page 359, line 15, insert “(increased by \$100,000,000)” before the period at the end.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 372: Page 326, line 21 after the dollar amount, insert “(reduced by \$47,115,000)”.

Page 326, line 23, after the dollar amount, insert “(reduced by \$23,310,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$47,115,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$23,310,000)”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 373: Page 326, line 2, after the dollar amount, insert “(reduced by \$100,500,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$100,500,000)”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 374: Page 195, line 6, strike “in excess of \$112,000,000”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 375: Page 181, line 16, after the dollar amount, insert “(reduced by \$18,867,000)”.

Page 181, line 21, after the first dollar amount, insert “(reduced by \$18,867,000)”.

Page 359, line 3, after the dollar amount, insert “(increased by \$18,867,000)”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 376: Page 273, line 3, after the dollar amount, insert “(reduced by \$64,100,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$64,100,000)”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 377: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for the construction of an ethanol blender pump or an ethanol storage facility.

H.R. 1

OFFERED BY: MR. HALL

AMENDMENT No. 378: Making Continuing Appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes (Offered by Mr. Hall of Texas).

AMENDMENT No. 378: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. “None of the funds made available by this act may be used to establish a NOAA Climate Service (NCS) as described in the “Draft NOAA Climate Service Strategic Vision and Framework” published at 75 Fed. Reg. 57739 (September 22, 2010) and updated on 12/20/2010.”

H.R. 1

OFFERED BY: MR. REED

AMENDMENT No. 379: Page 274, line 16, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 274, line 22, after the first dollar amount, insert “(reduced by \$10,000,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$10,000,000)”.

H.R. 1

OFFERED BY: MR. REED

AMENDMENT No. 380: Page 323, line 25, after the dollar amount, insert “(reduced by \$112,800,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$112,800,000)”.

H.R. 1

OFFERED BY: MR. REED

AMENDMENT No. 381: Page 282, line 10, after the dollar amount, insert “(decreased by \$15,000,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$15,000,000)”.

H.R. 1

OFFERED BY: MR. CASTOR OF FLORIDA

AMENDMENT No. 382: Page 216, strike lines 4 through 6.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 383: Page 263, strike lines 20 through 25.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 384: Page 242, strike lines 8 through 10.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 385: Page 197, strike lines 7 through 10.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 386: Page 287, strike lines 9 through 23.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 387: Page 293, strike lines 22 through 25.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 388: Page 294, strike lines 1 through 5.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 389: Page 354, strike lines 3 through 14.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 390: Page 296, strike lines 19 through 25.
Page 297, strike lines 1 through 12.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA
AMENDMENT No. 391: Page 352, strike lines 14 through 24.
Page 353, strike lines 1 through 2.

H.R. 1

OFFERED BY: MS. HANABUSA
AMENDMENT No. 392: At the end of the bill (before the short title), insert the following:

SEC. 4002. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Housing and Urban Development, Management and Administration, Administration, Operations and Management", and increasing the amount made available for "Department of Housing and Urban Development, Public and Indian Housing, Native Hawaiian Housing Block Grants", by \$13,000,000.

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT No. 393: Page 217, line 7, after the dollar amount insert "(increased by \$6,000,000)".

Page 217, line 13, after the dollar amount insert "(reduced by \$6,000,000)".

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT No. 394: Page 216, line 23, after the dollar amount insert "(increased by \$40,000,000)".

Page 217, line 13, after the dollar amount insert "(reduced by \$40,000,000)".

H.R. 1

OFFERED BY: MR. INSLEE

AMENDMENT No. 395: Page 213, line 19, after the dollar amount insert "(increased by \$20,000,000)".

Page 217, line 13, after the dollar amount insert "(reduced by \$20,000,000)".

H.R. 1

OFFERED BY: MR. COHEN

AMENDMENT No. 396: At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Commerce, Bureau of the Census, Periodic Censuses and Programs; and increasing the amount made available for "Department of Commerce, Minority Business Development Agency, Minority Business Development", by \$2,500,000.

H.R. 1

OFFERED BY: MS. WATERS

AMENDMENT No. 397: Page 217, line 13, after the dollar amount insert "(reduced to \$0)".

Page 354, line 6, after the dollar amount, insert "(increased by \$586,600,000)".

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS
AMENDMENT No. 398: Beginning on page 290, line 11, strike section 1812.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS
AMENDMENT No. 399: Strike section 1303.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS
AMENDMENT No. 400: Page 357, beginning on line 24, strike section 3811.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS
AMENDMENT No. 401: Page 358, beginning on line 9, strike section 3002.

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA
AMENDMENT No. 402: Page 247, beginning on line 10, strike "Provided further," and all that follows through "equivalent screeners:" on line 15.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 403: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available by this Act may be appropriated to any agency for any activities in anticipation of, or related to implementing, administering, or enforcing the individual mandate to purchase health insurance pursuant to section 1501 of the Patient Protection and Affordable Care, and the amendments made by such section, as amended.

EXTENSIONS OF REMARKS

HONORING BETTY CRAWFORD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Betty Crawford, a resident of Marks, MS, who has used her talent as a folk artist to teach and inspire many audiences. From summer art camps to craft workshops, children and adults alike have had countless opportunities to learn from her original style of art. Using textiles, paint, recycled and repurposed materials, she crafts one-of-a-kind treasures to preserve history and to document southern culture.

Betty serves as a historian for the original Mule Train Journey of 1968, a part of the Poor People's Campaign. She has preserved the history of this event in the form of commemorative art pieces, which have been displayed at museums, schools, churches, community centers and at the Union Theology Seminary in New York.

Betty Crawford, who was too young to participate in the first noble effort, has kept the legacy alive through her artistry and community service. Her depiction of the Mule Train has been nationally recognized as the only original commemoration of that event. Among other awards, she has received the 2002 Outstanding Achievement Award and the 2003 Humanized Education Award both from the Mississippi Association of Education. In 2004 and 2005 she was nominated for the National Education Association Award. In 2005 she was awarded the Tougaloo College Leadership Institute—Strategic Initiative Plan Award; Fannie Lou Hamer Award for Outstanding Community Service and and Peer Award for Excellence—Jackson, MS.

Mrs. Crawford is presently working diligently with local governments, schools and community groups. She supports human rights projects including the Southern Rural Black Women Initiative in Mississippi, Alabama, and Georgia; Kensington Welfare Union Rights in Philadelphia, PA; Scholars Poverty Initiative at the Union Theology Seminary in New York, NY and other organizations that strive to empower people and rectify injustices. Mrs. Crawford's ultimate vision is to see a Southern Cultural Museum in Marks, MS, to house her Mule Train Quilt as well as other artists' work that would bring people from all around the world to experience a part of the Delta's Southern Heritage.

HONORING DR. REV. EDDIE WALLS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Dr. Rev. Eddie Walls, Jr., a native of Claiborne County. Dr. Rev. Eddie Walls was born March 24, 1928, to the late Eddie and Carrie Walls. His early education includes the Romola School, Old St. Mark School and the Claiborne County Training School. He furthered his education at Alcorn College located in Lorman, Mississippi. On August 15, 1944, he joined Greater St. Mark M B Church.

On September 26, 1956 he was united in holy matrimony to the late Lessie Paris. To this union three (3) children were born: Linda, Eddie III, and Janice. He has five grandchildren and one great grandchild.

Dr. Rev. Eddie Walls, Jr., serves as the Minister to two congregations. He was elected October 1976 at New Come & See M B Church, having now served 34 years; and the Jerusalem M B Church having served 25 years. As a citizen, he still finds the time to be involved in community activities. He was past president of the NAACP, where he led the charge during the Port Gibson Boycott for 12 years. The U.S. Supreme court rendered a decision in favor of the citizens of Port Gibson. He was also part of a group that filed a suit to stop At-Large elections in Port Gibson which was won by the citizens of Port Gibson. He was past president of the PTSA for nine years. He is currently serving on the City of Port Gibson's Board of Aldermen with a 22 year history.

He was given an Honorary Doctorate in September 2010 by the Claiborne County Baptist Association.

During his many years of dedicated service to this community, Dr. Rev. Eddie Walls, Jr., has proven himself to be a God-sent man.

HONORING ELDRIDGE "BUTCH" WALKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Rolling Fork Mississippi, native, Eldridge (Butch) Walker. Eldridge Walker was educated in the public schools of Sharkey County, Mississippi. He studied at Worslem College School of Mortuary Science.

Early in his career, Eldridge exhibited the traits of a true leader and activist. He became an active participant in the fight for others and

remained focused on improving the quality of life for all Sharkey County, Mississippi, residents, particularly the disenfranchised, poor and vulnerable.

Butch was the first black president of the Sharkey County Board of Supervisors. As supervisor he was responsible for bringing the first Win Job Center to Rolling Fork, MS. Butch served as mayor of Rolling Fork from 2003 to 2007. While serving in the capacity of Mayor, Butch founded the Mayor's Youth Council in 2006 and hosted the Annual Christmas Dinner for Senior Citizens and after his term was over he continues this tradition with his own funds and community contributions. Eldridge owns and operates the Mitchell L. Walker Funeral Home in Rolling Fork. He is dedicated to helping families at such a delicate time in life.

He is a member of 100 Black Men of the Mississippi Delta, a deacon and lifelong member of Mt. Lula Missionary Baptist Church and president of the Sharkey-Issaquena Mass Choir for 14 years. He is also team lead for Sharkey/Issaquena Place Matters, a program that brings awareness to communities about health issues such as hypertension, diabetes and obesity. Eldridge is married to Anne Marie Bailey. Together, the couple have six children, Nickolaus, Kimberly, Ashley, Wendi, Robert and Kiara and three grandchildren Dyamone, Elaysia and Jace.

NATIONAL TELEWORK WEEK

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. SARBANES. Mr. Speaker, I rise in support of National Telework Week.

Beginning on Monday, February 14, thousands of Americans will perform at least one full day of work from their homes or alternate work spaces rather than their traditional offices. It is estimated that about one-third of carbon emissions in the United States are transportation-related, yet the U.S. embraces workforce management practices that encourage long commutes and excessive travel. This pragmatic, commonsense workforce management strategy will provide meaningful relief to workers in the national capital region and across the country.

Late last year, Congress made the United States Government a leader in the movement toward flexible workplaces—significantly expanding telework opportunities for most Federal workers. On December 9, President Obama signed into law the Sarbanes-Wolf-Connolly Telework Enhancement Act of 2010. The product of over three years of bipartisan, bicameral cooperation, the new law requires all Federal agencies to establish a uniform telework policy, ensuring that most employees

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who wish to telework are able to do so. The Telework Enhancement Act requires Federal agencies to develop training programs for teleworkers and managers, to include telework in continuity of operations plans, and to designate a Telework Managing Officer to lead the telework program at each agency.

This new law will not only increase efficiency in the Federal Government, it will strengthen our national security. By including telework in continuity of operations plans, we can ensure vital services continue in the event of an emergency. The best evidence of this was last year, when a snowstorm shut down the Government for nearly a week. During that period, Federal employees with the ability to telework were able to continue to operate. According to John Berry, the Director of Office of Personnel Management, the Federal Government saved approximately \$30 million per day that would have been otherwise lost.

Telework provides numerous benefits to strengthen our economy and enhance employee work-life balance. The U.S. Patent and Trademark Office features a robust telework program and has seen substantial increases in employee productivity and morale since its inception. By implementing an agency-wide telework program, the Patent and Trademark Office has avoided securing \$11 million in additional office space and has developed a more competitive recruitment process. Telework now enables the agency to draw from a talent pool of qualified candidates living anywhere in the country.

In 2009, then-Governor Tim Kaine instituted Telework Day in the Commonwealth of Virginia. For one day, more than 4,000 pledged to telework. Pledges collectively removed more than 82 tons of pollutants from harming our environment, saved more than \$124,000, and avoided driving 140,000 miles—all in just one day. As of February 11, 2011, more than 34,800 people have already pledged to telework at least one day across the Nation. These pledges will collectively save more than \$2.3 million in commuting costs and remove more than 1,595 tons of pollutants from the environment.

In his State of the Union address, the President challenged us to reinvigorate America's competitiveness. He set the goal of "connecting every part of America to the digital age." Telework allows us to leverage today's technological advances, developed by America's pioneering companies, to enhance our Nation's efficiency, improve the environment, ensure our safety, and elevate our quality of life. As we struggle through another winter marked by agency closures, unprecedented traffic jams and millions of dollars in lost productivity, National Telework Week should serve as a clarion call to the administration to expeditiously implement the new Telework law and as a demonstration of the incredible benefits of a robust Federal telework policy.

HONORING MRS. ELIZABETH
SHARKEY KEGLAR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a worthy member of our society Mrs. Elizabeth Sharkey Keglär. Her contributions to society are a great distance from Washington, in terms of miles but they are considered milestones back home in Tallahatchie County also known as the "Free State of Tallahatchie". She was married to Morgan Keglär in 1936 in which they had one son, Morgan, Jr., but one was just the start of her love to protect and teach children and allowed her and her husband to open their arms and home to four other boys.

If you become familiar with her life and take into account the era in which she grew up along with where, the Mississippi Delta, then I am confident that you would join me in recognizing her this day. Mrs. Keglär was born November 12, 1914, in Tallahatchie County, Mississippi, to James Sharkey and Roberta Wright Sharkey.

"The soul would not have a rainbow if the eyes didn't have tears." Her beginning was challenging and unsure. On the national scene she was born at the beginning of World War I (1914–November 1918) under the Woodrow Wilson Presidential administration. She lived through the Great Depression (1929–1940s) and a Second World War (1939–1945). She also lived through the Jim Crow laws of the dirty south. She along with other poor minorities and southerners in the south gained a sense of optimism with President Roosevelt's New Deal. On the local scene back home in Tallahatchie County, she was trying to live through two horrifying tragedies. One being the murder of her sister-in law in January 1966, Mrs. Birdia Keglär, longtime voting rights activist from Charleston, Mississippi, because of involvement in the civil rights. The other being the horrific murder of Emmett Till a fifteen-year-old, young black boy who was accused of whistling at a white woman in Money, Mississippi.

However, in the midst of those and countless other events that helped to shape this country and Mrs. Keglär's life, she persevered. The way she dealt with them was through education. Education at that time was viewed as the only means of having a fighting chance of survival. Racism and murder were so rampant in the "Free State of Tallahatchie" that an education was vital. She told her high school principal, Professor Hopkins that she wanted to teach as her means of helping others. Professor Hopkins then took Elizabeth who was in eleventh grade at the time to the Tallahatchie County Courthouse to take a test to determine which grade levels she would be proficient enough in to teach. It was determined that her grade to teach would be the first grade. Afterwards, Elizabeth received her high school diploma in 1937. Teaching was a revered profession during that time because school houses for black, "Negroes" were done anywhere possible and often during certain times of the year (i.e., churches, outdoors, back

rooms, after harvesting, etc.). In addition, she had to teach children of all ages in the same class. Mrs. Keglär taught at Mt. Levy Church School, which was a twelve mile walk from her home. She later transferred to Blue Cane Community School where she served as teacher and then principal. Her longest commute in the name of education was fifteen miles a day for eighteen years to and from Adams Quarter in the Town of Charleston. In 1960, Elizabeth graduated from Alcorn State University with her Bachelor's Degree in Elementary Education.

Elizabeth said her drive in life which has helped mold her young and now ninety-seven years old is, "to live right and reach for the stars" and that is how she has contributed to minorities, her people, and children throughout her home county of Tallahatchie. Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Elizabeth Keglär and her commitment and contribution to this country.

A TRIBUTE TO NEW REVELATION
MISSIONARY BAPTIST CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to recognize New Revelation Missionary Baptist Church of Pasadena, California, upon its fiftieth anniversary.

New Revelation Missionary Baptist Church was established in Pasadena in 1961 by Minister Ike Morris. In 1963, the church purchased a building on Orange Grove Boulevard—a three-bedroom house—which served as the new place of worship. In 1967, with the resignation of Pastor Morris, William Turner, Jr. a minister who served faithfully under the tenure of Pastor Morris, was called to become the new Undershepherd and Pastor of the church.

Under the leadership of Pastor Turner, and with the vision and support of the congregation, a vision to "serve the whole person" was set forth. To that end, a massive ten-year building project was undertaken to create a Sanctuary, child development center, full-court gymnasium, and tutorial program. In 1967, the church purchased and renovated a twelve-room apartment house. In 1968, the church completed the plans for the project, a building permit was granted in 1969 and the church began building. Church members and friends among the community donated their labor and financial assistance, and the Sanctuary was completed in August of 1970. Soon thereafter, with the assistance of Mr. Raymond Jones, the church was able to secure a loan liquidating some of the building expenses. In 1973, with the help of Mr. Vaughn Hardy and Mr. Nick Nickolson, the church received a loan from Prudential Insurance Company for the completion of the project, and in 1974 the building project was finished.

Since its inception, New Revelation Missionary Baptist Church has provided spiritual guidance and tangible support to the Pasadena and Altadena community—living by their dictum: "until the whole person is saved, our mission remains." This ideology is apparent in

the church's many programs and ministries that include the Family Counseling Center, New Revelation Twelve Step Sober Living Home for Women, Street Ministry, Pastor's Care Ministry, Inner City Word Processing Center, New Revelation Shelter Home for Men, Alcohol and Drug Abuse Program, and New Revelation Community Development Center. Additional programs include the Revelation Enrichment Academy Preschool, the Spiritual Manpower Program, a Cell Evangelism Ministry, the Critically Homeless Program and a Love and Care Ministry for homeless disabled Veterans.

I consider it a great honor to recognize New Revelation Missionary Baptist Church, and I invite all Members to join me in congratulating the congregation upon fifty years of service to the community.

HONORING EVELYN GORDON-MURRAY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, today I rise to honor Evelyn Gordon-Murray. Evelyn Gordon-Murray was born on June 22, 1964, the youngest of 10 children. She is a 1982 graduate from Leland High School in Leland, MS. She received her Bachelor of Science degree in Agronomy from Alcorn State University in 1986. She also received her Masters degree in Agronomy from Alcorn State University in 1998.

Evelyn is married to Darnell Murray. She has one daughter, Kenyatta Anderson. She belongs to Beulah Grove Baptist Church, where she serves as the secretary; a member of the Washington County Alumni; a member of New Organization of Women Social & Civic Club; a member of Eastern Star; the President of the Leland School Board; and also a band parent.

Evelyn has worked for the federal government 23 years. She loves and enjoys helping others get assistance, especially in housing. She is currently the Area Specialist in Rural Development.

TRIBUTE TO ALBERT MANZO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding individual who I am proud to call a friend, Albert Manzo, who will be recognized by the Roma Club as their 2011 Man of the Year for his distinguished service and dedication to his community.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for his story is a true embodiment of the American Dream.

Albert is co-owner of The Brownstone, one of New Jersey's premier catering facilities, lo-

cated in my hometown of Paterson. In addition to working long and tireless hours to provide guests with the finest dining and party experience, Albert gives freely of himself, and is willing to listen and lend his support to numerous charitable organizations. The Brownstone is an important part of the greater Paterson community, and a special place for so many families who mark life's milestones with gatherings there.

Albert also serves as a Commissioner with the North Jersey District Water Supply, and served as the first Chief of the Passaic County Deputy Sheriff's Division. Albert also sits on the Board of the Passaic County Technical Institute Education Foundation, as well as serving as Deputy Emergency Management Coordinator for North Haledon, NJ. Albert is a past President of the Paterson Rotary and a member of Passaic Valley Elks Lodge 2111. He is a Board member of CROC—Citizens Reunited to Overcome Cancer, and served on Paterson's Blue Ribbon Committee to Review Public Safety.

Albert has been married for 26 years to his lovely wife, Caroline, and they have three beautiful children, Albert IV, Lauren, and Christopher. The Manzo family currently resides in Franklin Lakes, NJ.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Albert Manzo.

Mr. Speaker, I ask that you join our colleagues, Mr. Manzo's family and friends, all those whose lives have been touched by him, and me in recognizing the outstanding contributions of Albert Manzo to his community.

HONORING JESSIE POLLY HOLLOWAY BEVERLY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Jessie Polly Holloway Beverly. Mrs. Beverly was born on January 3, 1910 to the late Jesse and Minnie Rice Holloway on Spring Street in Fayette, Mississippi. She was the older of two children.

Mrs. Beverly was married to her hometown sweetheart, Superintendent Mason R. Beverly, on June 26, 1936. To this marriage one daughter was added, the late Camille M. Beverly who was born on July 9, 1941.

Mrs. Beverly is a long life educator. She knew at an early age that she had the desire to become a teacher. She began teaching at the age of 17.

Mrs. Beverly's educational background included: Charles Summer School and Jackson State College. She received her Bachelor of Science Degree in Elementary Education at Rust College in 1959 and a Master of Science Degree in Library Science from Atlanta University. She also furthered her studies at St. Louis University, Indiana State University, and Delta State University.

Mrs. Beverly retired from the public school system after teaching 50 years. Her first job was in 1927 at Charles Summer School in

Fayette, Mississippi. She was the first Black librarian in Jefferson County. She worked as a librarian in Jefferson County and Claiborne County School Districts.

Mrs. Polly Beverly was also affiliated with Fayette Garden Club, Professional Teachers Association, Chamber of Commerce member, and the American Red Cross.

Mrs. Beverly is presently a church mother at Mt. Zion Church of God In Christ but was reared in Adams Chapel Methodist Church.

The city of Fayette named the Polly Beverly Apartments and Beverly St. in her honor.

HONORING MS. HATTIE R. JORDAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Hattie R. Jordan, the daughter of slaves who was reared on various plantations and the last one being owned by the late State of Mississippi Senator James O. Eastland. Her goal was not to continue to chop and pick cotton for the rest of her life. Her goal was to get herself and her family off the plantation for a better way of life. Seven months after receiving her degree in Social Studies from Mississippi Valley State University she was able to build a house in Ruleville, Mississippi, and moved her surviving relatives, her father and sister from the plantation.

Ms. Jordan's dedication to other blacks in the Mississippi Delta to have a better life propelled her to become the first black educator to work at Rosedale High School in Rosedale, Mississippi, and be involved in the Civil Rights Movement. She joined the NAACP where she still has membership. She entered political office in 1993 as an Alderwoman for the City of Ruleville and served four terms ending in 2009.

She was and is instrumental in keeping the legacy of Ms. Fannie Lou Hamer alive. Ms. Jordan raised \$115,000 to construct the Fannie Lou Hamer Memorial Garden. Her commitment to her community has developed into sponsoring the Ruleville Scholarship fundraiser, Ruleville Employees, and Senior Citizen's Dinner, organizing Annual Back-to-School Rallies, Annual Christmas give-away for the youth of Ruleville, sponsoring Student Council Debating Teams, Senior Class sponsor, and volunteering with numerous community organizations which enhance citizens' lives.

Ms. Jordan lives by the motto: "I can do all things through Christ, which strengthen me".

Mr. Speaker I ask my colleagues to join me in recognizing Ms. Hattie Jordan's dedication to education and the civil rights of others. Her life has touched the lives of people both young and old.

HONORING JONAS D. BUFF FOR
HIS SERVICE TO McDOWELL
COUNTY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor a remarkable community leader, Jonas D. Buff. For ten years Mr. Buff served on the Board of Commissioners for McDowell County while also serving as its chairman in 1994. His dedication and commitment have brought growth and progress to McDowell County.

Mr. Buffs work to strengthen his county has included securing the location and grants to oversee the purchase of the McDowell County Industrial Park which is now home to three industries that are currently providing jobs to residents and economic development to the area. Mr. Buff also sought to recruit the State Prison facility to the county which now employs close to 400 individuals.

A strong proponent for the Nebo community owning its own water supply, Mr. Buff's advocacy helped bring about the "Nebo Community Water System." Water lines and waste management are now extended to include a greater area, servicing more residents and laying a foundation for future growth.

In addition to aiding in the county's infrastructure growth, Mr. Buff was a strong supporter of volunteer and emergency services. During his tenure, the county implemented E-911 and Emergency Medical Dispatch and two EMS Base Stations were constructed.

I ask my colleagues to join me today in recognizing the dedication that Mr. Buff has demonstrated in creating positive change for his county. His legacy highlights the lasting impact each hardworking person can impart to their community.

HONORING JOAN RICHARDSON,
COMMUNITY ACTIVIST

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Joan Richardson a long-time community activist in the Mississippi Delta, one of America's poorest regions, who has given tirelessly and selflessly to improving the lives of many who are in greatest need.

She lifts up her community not only through her generous volunteerism but through her business. Her grant writing and small-business assistance company has raised hundreds of millions of dollars in grants and government contracts to benefit the Delta region. Her company, Richardson's Writing Service in Darling, Miss., has for 20 years helped community, faith-based and other nonprofit organizations obtain grants for programs that benefit children, the elderly and others in need. She knows economic development is essential to improving life in Quitman County, where she lives, and the rest of the Delta, and works with small businesses to develop business plans

and win contracts to boost the region's economy.

She is the publisher of By U Magazine, a magazine that highlights the good deeds of people in the Delta and calls on them to help their neighbors who are in need. She serves on the board of Delta Missions Outreach Ministries. She dismisses praise about her community service, saying she is only answering God's call and whatever contributions she makes is through Him.

She lives in Sledge, Miss., with her husband, Victor a GED instructor at Northwest Community College and in the Quitman County School District. Her daughter, Latricia, teaches fifth grade in the school district. She has four grandchildren: Imani, Anaiah, Akeria, and India, a goddaughter, Monisha Wade and godson, Gerad Burt.

Mrs. Richardson exemplifies how people in the Delta are building up their communities to improve life for everyone, especially those who need an extra lift up.

IN CELEBRATION OF THE 100TH
BIRTHDAY OF SISTER ELLEN
LEDDY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. NEAL. Mr. Speaker, I wish to celebrate the 100th birthday of Sr. Ellen Leddy of Holyoke, Massachusetts. Below is a brief biography of Sr. Leddy and a history of her accomplishments.

Sr. Ellen Leddy, the historian of the Sisters of Providence Congregation, is the daughter of the late Edmund and Margaret (Golden) Leddy. She entered the SPs from Harvard, MA. Formerly Sister Marie de Lourdes, she served as the SPs' historical librarian in Horan Library at Providence Mother House, Holyoke, from 1982 until its closure in 1999. She was also an invaluable consultant for Seeds of Hope: The History of the Sisters of Providence, published in 1999.

She first ministered for 22 years as a registered medical technologist in laboratories at Mercy Hospital, Springfield, Providence Hospital, Holyoke, and St. Luke's Hospital, Pittsfield. She then served as local superior for Sisters attending Boston College and followed that service with nine years as director of formation for the Community's newest members.

She entered the social service and pastoral counseling fields in the late 1960s, first serving at the Municipal Home and Holyoke Day Nursery, and then at Mount Saint Vincent Nursing Home, all in Holyoke. Additional ministries included service as sacristan at Mount Saint Vincent Nursing Home, and both assistant coordinator and coordinator at Providence Mother House. She also served as a Minister of the Eucharist and Mount Saint Vincent Nursing Home and Blessed Sacrament Church, also in Holyoke.

Sister Ellen attended schools in Harvard, graduated from Mount St. Joseph Academy in Brighton and attended Fitchburg Normal School. She holds a master of arts degree in religious education from Providence College in

Rhode Island and a master of education and bachelor of science in education degrees from Boston College.

She is a former member of the Catholic Theology Society, the Society of Catholic College Teachers of Sacred Doctrine, the Social Workers of Nursing Homes and Hospitals Organization in Massachusetts, and Community Workers Association of Holyoke.

She is only the second Sister of Providence of record to reach her 80th Jubilee, and lives an active lifestyle at Providence Place in Holyoke.

HONORING ANNIE PEARL SPEARS
NICHOLS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Annie Pearl Spears Nichols, a lifelong resident of Canton, Mississippi. Born November 20, 1944, Annie Pearl Spears Nichols attended school in the Canton area and later received her Licensed Practical Nursing Degree from Hinds Community College in 1972. Mrs. Nichols has spent a great majority of her lifetime actively participating in the Civil Rights struggle. She began her involvement in 1965 when she became an intricate voice in the Voter Education/Registration Movement in Canton. Many local mentors, such as the late Ms. Annie Devine, taught her pivotal information on organizing movements towards the integration of public facilities and schools. Her efforts were rewarded in the establishment of Freedom Schools and the successful organization of boycotts and civil rights demonstration in the area.

In 1968, Annie married Attorney John Andrews Nichols, who was Canton's first Black attorney and first Black to run for Mayor for the City of Canton. Mrs. Nichols gave birth to four (4) children: Andrea, April, Alexis, and Adam. Mr. and Mrs. Nichols both pursued positions in public office; unfortunately, they were both defeated. Despite much opposition from the whites in the community, she and her husband continued their quest for equality and civil rights by participating in the March to Washington, DC and voicing concerns for continued funding of the Head Start Program. Through her struggles, she was afforded the opportunity to work alongside legendary figures of the Civil Rights Era, including James Meredith and Fannie Lou Hamer.

Her community outreach expands to a number of civic organizations in which she is involved, such as Founder of the "Let's Talk Cancer" support group of Canton, commissioner of the Canton Housing Authority, President of the Eastside Neighborhood Watch Association, and a member of the Women for Progress. Mrs. Nichols has been honored with Excellence in Leadership Awards and continues to be a model for hard work and dedication in her community through volunteering with the Triple C and the Canton PTSA.

HONORING DR. REGINALD RODGES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the distinguished life of Dr. Reginald Rodges who in 1997 was the youngest African American to graduate with a doctorate from Parker College of Chiropractic.

In 1998 he obtained his license to practice and opened the Mid-Delta Chiropractic Clinic. During that same year he was severely injured in an automobile accident where he sustained a broken neck and severe damage to his right hand and legs and underwent rehab for a year. He refused to give in to his disability and be a burden on society and in 1998 resumed practicing chiropractic.

In 2002 J&R Chiropractic was created to implement his innovative ideas and philosophies which laid the foundation for the opening of Chiro/Elite Natural Pain and Health Center. This facility specializes in three unique areas of service; herniated disc in the cervical and lumbar spine; fitness/gym; and nutritional weight loss center.

Dr. Rodges realized there was a void in the black community relative to fitness and weight loss in the Mississippi Delta. Through his innovative health practices he has enhanced the health and lives of his patients, and the first in the Mississippi Delta to address issues with the morbidly obese and obese.

His facility caters to a diverse population with varied socio-economic backgrounds.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Reginald Rodges and his dedication to the Mississippi Delta citizens in his health endeavors. His career has touched and is touching the lives of people both youthful and aged.

H.R. 359, TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Ms. McCOLLUM. Mr. Speaker, with the passage of H.R. 359, House Republicans voted today to give corporations and other special interests even more power to influence America's elections. I strongly oppose this legislation and will continue working to restore transparency and balance to our country's broken campaign finance system.

H.R. 359 terminates the Presidential Election Campaign Fund, which was created in response to the campaign corruption exposed by the Watergate Scandal. The voluntary PEOF allows taxpayers to set aside \$3.00 of their federal taxes so that eligible candidates spend less time fundraising from special interests. H.R. 359 eliminates an important option citizens now have to support fair federal elec-

tions and takes another, worrisome toward corporate control of U.S. elections.

Many non-partisan organizations strongly oppose H.R. 359 and are raising alarm about the consequences of its passage. The League of Women Voters said the Presidential Election Campaign Fund "has substantially reduced corruption and the appearance of corruption in the executive branch" since its creation, and "has given average citizens and small donors a critically important role to play in funding presidential campaigns and provided more meaningful choices to voters." Minnesotans agree. My home state has one of the most successful public campaign finance models in the nation, one that has provided real incentives toward limiting campaign spending. The bill before us today is a direct contradiction of Minnesota values, and I urge my colleagues to oppose it.

H.R. 359 is the second major assault on free and fair elections in the past year. The U.S. Supreme Court decision in *Citizens United v. Federal Election Commission* declared corporations have the same free speech protections granted to individuals. I completely disagree with the Court's decision, but the result of this decision is now clear—the floodgates are open to waves of special interest money in federal elections. The few protections that existed in law have been removed. In response, Democrats in Congress introduced the DISCLOSE Act to ensure Americans knew who was paying to influence their vote and to prevent foreign corporations and governments from funding U.S. elections. I voted for the DISCLOSE Act (H.R. 5175) when it passed the Democratic-led House in 2010. Unfortunately, Republicans in the Senate blocked the DISCLOSE Act from passage.

America's elections are for the American people. Unregulated corporate spending and new barriers to citizen-contributions will lead to more of the negative campaign ads and less citizen inspired democracy. I strongly disagree with the drive to corporatize America's elections which is an obvious priority for my Republican colleagues. It is fundamentally anti-democratic to fight to protect corporations' right to free speech while voting to prevent citizens from making their voices heard in the political process.

CONGRATULATING CALLIE M. COFFMAN ON HER 20TH ANNIVERSARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. KILDEE. Mr. Speaker, I rise today to celebrate the 20th anniversary of my Chief of Staff, Callie M. Coffman. Twenty years ago today, I made one of the best decisions of my career by hiring a young, intelligent and ambitious intern to join my staff. I was so impressed by her work that after she graduated from the University of Michigan I asked her to join my permanent staff. Over the years, Callie worked her way up from interning to running my entire office. On the wall next to Callie's desk, she still has the original letter I sent to her offering her an internship.

It is not often that we get to celebrate a staffer's 20th anniversary on the Hill, especially in the same office. Over the years, I have seen many talented staff come and go. Today, I am thankful that Callie decided to stay and dedicate the last 20 years working for the people of mid-Michigan. Over the years Callie has put her mark on almost every legislative issue in my office. She has been instrumental in accomplishments such as welfare reform, reauthorization of Child Nutrition programs, the Higher Education Act, the Individuals with Disabilities Education Act and the reauthorization of Head Start and Early Head Start programs.

It is a testament to her character and ability that she rose to become Chief of Staff. It is not only important to find staff with a good head, but also a good heart and Callie is blessed to have both. I am fortunate to have had Callie on my staff for the last 20 years. Today, I want to thank her from the bottom of my heart for her service, friendship and loyalty.

OPPOSING FAILURE TO EXTEND TAA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. STARK. Mr. Speaker, I rise today to lament the expiration of the improved Trade Globalization Adjustment Assistance Act enacted in 2009. By refusing to extend this, the Republicans have severely undermined the effectiveness of this vital program that helps people who have lost their jobs due to trade.

TAA has had bipartisan support for fifty years. There are workers in all 50 states who received assistance under this legislation. TAA ensures that we support American workers when their jobs are shipped overseas. It provides these workers training for new jobs, health coverage and assistance with their job search.

The 2009 reforms brought TAA into a new era so that service sector workers could also benefit from the program. This improved program allowed workers who lost their jobs to China or India, and not just countries with which we have a Free Trade Agreement, to benefit from the program. It also expanded the health coverage tax credit to 80% from 65% of premium costs and granted an extra 26 weeks of income support for workers in training.

In just the last eighteen months, over 400,000 workers qualified for benefits under the TAA program, and nearly 27,000 of them are in California. Nearly half of those workers qualified under the provisions adopted in 2009. These new, expanded benefits have now expired because of Republican inaction.

The Republican majority is focused on cutting \$100 billion from the budget, voting on Patriot Act wiretaps, and taking away health care from millions of Americans. What they aren't doing is helping workers. By allowing the 2009 TAA reforms to expire, the Republicans have once again demonstrated that their priorities are out of line with the needs of ordinary Americans.

We owe it to these hundreds of thousands of workers to support them when their job moves overseas. I urge the Republican leaders of Congress to bring an extension of Trade and Globalization Adjustment Assistance Act of 2009 to the floor as quickly as possible.

INTRODUCING LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO MODIFY THE INCENTIVES FOR THE PRODUCTION OF BIODIESEL

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Ms. HIRONO. Mr. Speaker, I rise today to introduce legislation that extends to the end of 2016 the \$1.00 per gallon biodiesel tax credit and the additional \$0.10 per gallon tax credit to small agri-biodiesel producers. Extending the biodiesel tax credit for another five years will provide the certainty and stability in the marketplace that is needed to encourage companies to invest in the development and production of biodiesel.

Companies throughout the United States have emerged as pioneers in this growing renewable energy sector. The founder of Hawaii's Pacific Biodiesel observed that large quantities of used cooking oil were going directly to a local landfill and proposed converting this restaurant waste into biodiesel in order to fuel the landfill's generators. This is but one example of how an innovative idea can turn a problem into a solution. By producing a more sustainable and environmentally friendly fuel, companies like this one have helped Hawaii—the most oil-dependent state in the country—become more energy self-sufficient. In addition, producers like these not only diversify our domestic energy portfolio but also boost our local economies by creating jobs for biodiesel production and distribution as well as for feedstock farming and collection.

President Obama noted in his recent State of the Union speech that he supports incentives to invest in and develop the biofuels industry in order to break our country's dependence on oil. This legislation takes us a step forward to achieving that goal.

INTENT TO OFFER AN AMENDMENT ON H.R. 1

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. BLUMENAUER. Mr. Speaker, at the appropriate time during the debate on H.R. 1, the Full Year Continuing Appropriations Act, I plan to offer the following amendment to amend Page 303 of H.R. 1 by striking lines 3 through 9 and inserting the attached language.

This amendment would fully restore all funding to the Corporation for Public Broadcasting (CPB) that H.R. 1 aims to eliminate. A portion

of this funding would provide CPB with the funds necessary to assist with the transition to digital broadcasting, provide for the costly infrastructure and maintenance that connects rural to urban, and assist with radio interconnection.

RECOGNIZING THE GENESEE DISTRICT LIBRARY'S BLACK HISTORY MONTH BRUNCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 14, 2011

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating the Genesee District Library as it celebrates the 10th Annual Black History Month Brunch on Saturday, February 19th in Grand Blanc Michigan.

Proceeds from the Brunch help fund the Genesee District Library's Summer Reading Program. The Library operates this program at its 19 locations with 5,000 young people participating. This year the program will feature renowned gospel singer, Vickie Winans, and jazz recording artist Randy Scott.

The Genesee District Library will also present six individuals from Genesee County with the Award of Excellence. These individuals have made significant contributions to the community and provide inspiration to future generations. These individuals are: Dr. George Ross, a Flint Northern High School graduate who is the first African-American President of Central Michigan University; former state representative and educator, Genesee County Commissioner Brenda J. Clack; Floyd Clack, former state representative and educator, currently an Eastern Michigan University Regent; Samuel Cox, owner and operator of three area McDonalds Restaurants; Dr. Reginald G. Flynn, pastor of Foss Avenue Baptist Church and community activist; and Judge Tracy Collier-Nix of the 68th District Court and the second African-American female to join the Genesee District Bar Association.

Mr. Speaker, I congratulate the Genesee District Library for showcasing Black History Month through its recognition of these outstanding citizens and providing a nurturing environment for all generations to contemplate new ideas, discover new skills, encounter new cultures, and develop the enthusiasm to work for a brighter tomorrow.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 15, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 16

Time to be announced

Finance

Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress.

SD-215

Small Business and Entrepreneurship

Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress.

Room to be announced

9:15 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine saving the D.C. Opportunity Scholarship Program.

SD-342

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the U.S. Department of Energy's budget for fiscal year 2012; to be immediately followed by an organizational business meeting to examine subcommittee assignments, revise recusal policy for executive nominees, and an original resolution authorizing expenditures by the committee during the 112th Congress.

SD-366

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine safeguarding our future, focusing on building a nationwide network for first responders.

SR-253

Environment and Public Works

To hold hearings to examine national leaders' call to action on transportation.

SD-406

Finance

To continue hearings to examine the President's proposed budget request for fiscal year 2012.

SD-215

Judiciary

To hold hearings to examine targeting websites dedicated to stealing American intellectual property.

SD-226

Intelligence

To hold hearings to examine the worldwide threat.

SH-216

10:30 a.m.

Health, Education, Labor, and Pensions

Organizational business meeting to consider committee rules, an original resolution authorizing expenditures by the committee during the 112th Congress, Public Health Service nominations, and an original bill entitled Technical

- Amendment to the Education Sciences Reform Act. SD-430
- 11:30 a.m.
Indian Affairs
Organizational business meeting to consider electing Chairman and Vice Chairman, committee rules, and any other organizational business items during the 112th Congress. SD-628
- 2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine improving Federal employment of people with disabilities. SD-342
- 3 p.m.
Judiciary
To hold hearings to examine the nominations of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of California, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia. SD-226
- 3:30 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine Lithuania's leadership of the Organization for Security and Cooperation in Europe (OSCE), focusing on the challenges that the Lithuanian chairmanship faces. SD-562
- FEBRUARY 17
- 9:30 a.m.
Armed Services
To hold hearings to examine the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program. SD-G50
- 10 a.m.
Banking, Housing, and Urban Affairs
Organizational business meeting to consider committee rules, subcommittee assignments, and an original resolution authorizing expenditures by the committee during the 112th Congress; to be immediately followed by an oversight hearing to examine the Dodd-Frank implementation, focusing on a progress report by the regulators at the half-year mark. SD-538
- Budget
To hold hearings to examine the President's proposed budget request for fiscal year 2012 and revenue proposals. SD-608
- Commerce, Science, and Transportation
Organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress. SR-253
- Judiciary
Organizational business meeting to consider committee rules, subcommittee membership and jurisdiction, an original resolution authorizing expenditures by the committee during the 112th Congress, S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, S. 49, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, and the nominations of Sue E. Myerscough, and James E. Shadid, both to be a United States District Judge for the Central District of Illinois, Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Michael H. Simon, to be United States District Judge for the District of Oregon, and Mae A. D'Agostino, to be United States District Judge for the Northern District of New York, and Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice. SD-226
- Small Business and Entrepreneurship
To hold hearings to examine reauthorization of the SBIR and STTR programs. SR-428A
- 2 p.m.
Foreign Relations
Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee
To hold hearings to examine United States policy toward Latin America. SD-419
- 2:30 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agriculture and growing America's economy; to be immediately followed by an organizational business meeting to consider committee rules, and an original resolution authorizing expenditures by the committee during the 112th Congress. SR-328A
- Homeland Security and Governmental Affairs
To hold hearings to examine President's proposed budget request for fiscal year 2012 for the Department of Homeland Security. SD-342
- Intelligence
To hold closed hearings to examine certain intelligence matters. SH-219
- 3:30 p.m.
Rules and Administration
Organizational business meeting to consider an original resolution authorizing expenditures for the 112th Congress; to be immediately followed by a hearing to examine Senate committees that have presented budgets above guidelines for the 112th Congress. SR-301
- MARCH 1
- 9:30 a.m.
Armed Services
To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session. SD-106
- MARCH 2
- 10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior. SD-366
- MARCH 3
- 9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program. SD-106
- Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service. SD-366
- MARCH 8
- 9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session. SD-G50

SENATE—Tuesday, February 15, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Unto You, O Lord, do we lift our hearts this day in praise and thanksgiving. You are our God and we put our trust in You. Lead us away from shame, for You are our rock and refuge.

Today, give Your grace and strength to our lawmakers. Empower them to live worthy of every trust this Nation commits to their hands. Make them champions of liberty, messengers of peace, and servants of Your kingdom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, February 15, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business until 11

a.m. Senators will be permitted to speak for up to 10 minutes each during that period of time. At 11 a.m. the Senate will resume consideration of the FAA authorization bill.

At 11:40 a.m. the Senate will resume consideration of the Nelson of Nebraska amendment. There will be up to 20 minutes of debate equally divided prior to a vote in relation to the amendment, as amended. The Nelson amendment relates to criminal penalties for the unauthorized distribution of advanced imaging technology. At about noon, the Senate will proceed to vote in relation to the Nelson amendment, as amended.

The Senate will then recess from 12:30 until 2:15 p.m. for our weekly caucus meetings. After caucus, there will be 10 minutes for debate equally divided prior to a vote in relation to the Wicker amendment, as modified. The Wicker amendment relates to the collective bargaining rights of TSA employees. Senators should expect a vote in relation to the Wicker amendment to begin at about 2:30, 2:25 p.m.

Both of these amendments are subject to 60-vote thresholds. Additional rollcall votes in relation to FAA amendments are expected to occur throughout the day.

MEASURE PLACED ON THE CALENDAR—H.R. 359

Mr. REID. Madam President, H.R. 359 is at the desk and due for a second reading, I am told.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 359) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

Mr. REID. I object to any further proceedings at this time, Madam President.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

TRIBUTE TO MANNY PACQUIAO

Mr. REID. Madam President, I am going to take a few minutes today to talk about a friend of Nevada's and a friend of mine. This man is from the other side of the world. His name is Manny Pacquiao. He is in Washington today. Every time I visit with him, I come away more impressed than the last time.

Although those of us who serve here are close with our colleagues in the

U.S. Congress—and some even achieve celebrity status inside the beltway itself, the so-called beltway bubble—few of our names and faces are recognizable beyond our shores.

Senator Ted Kennedy was an exception to that rule with fame he earned through the decades he and his family dedicated to public service. So was Senator Clinton—and in her current role as Secretary of State, even more of the world recognizes and respects her. I traveled to Europe with Senator John Glenn. He was a rock star all over Europe. He was a global hero because he orbited the globe.

But no one in our national legislature comes close to the level of worldwide fame of the Congressman from the southern tip of the Philippines, Manny Pacquiao.

The bond between the Philippines and the United States is deep and strong. During World War II, when the Pacific nation was a commonwealth of this country, brave and patriotic Filipino troops served under the American flag. With the leadership of Senator DAN INOUE, who acted so heroically in the Second World War, we fought in the legislative branches of our government to give those troops, those Filipino troops, the well-deserved and long-overdue pensions they earned during a time of war.

Now Congressman Pacquiao is a Member of Congress from the Philippines. He is also a boxer who holds many other titles than that of Congressman. He holds the title of Super Welterweight Champion. He is the only person in the history of boxing to hold eight world titles. He is the first person in history to win 10 world titles in 8 different weight divisions. He started out being a champion at 106 pounds.

He has fought them all. He has fought people who outweighed him 35, 40 pounds. He has been declared the fighter of the decade and three times the fighter of the year. He is rated the No. 1 pound-for-pound best boxer in the world. From Flyweight to Light Middleweight Champion, Welterweight Champion, Lightweight Champion—no other boxer in history has achieved what he has achieved.

He is an ambitious young man with a closet full of championship belts and the start of a promising political career already under his belt. I am most gratified, as I mentioned, that he is a friend of Nevada's, where his sport is a major player in our economic arena. He is someone I really admire.

Manny Pacquiao and I come from opposite sides of the globe, but in our hearts we come from the same place.

Manny grew up with nothing. He was just a kid when he had to leave his home and live in the streets. He started fighting in the streets and went into the ring where he certainly has been one of the all-time greats.

He fought for money when he was a mere boy. He has done so well in life. He has fought to get an education he was not able to get as a young boy. He is married to a wonderful woman named Jinkee. They have four children. He is a devout Roman Catholic. When he stepped into the ring for the first time, it changed his life.

He is a fighter. I have talked about that. There is near unanimous agreement he is the best pound-for-pound fighter on the planet today and perhaps ever, and that takes into consideration some great fighters—Sugar Ray Leonard, Sugar Ray Robinson.

He is a man who is so fun to watch. In his last fight—I watched that fight—he was outweighed by some 30 pounds. He won the fight. He won every round of that fight, and the man he fought had been a champion. But he knows it is not enough just to fight for yourself—and he does that very well—or to be a world champion many times over. You have to be a champion for others. That is what he believes.

He is very tough—we know that—not because he can take punches as forcefully as he gives one but because he fights for those who cannot fight for themselves.

The large and vibrant Filipino community in Nevada looks up to Manny, as do Filipinos and fight fans all over the world. He sets a welcome example of an athlete who does good for many. He is someone who is not in public service for fame or glory or money but because he knows his people need his advice and need his voice.

He is a friend, I repeat, of Nevada's, a friend of America, and—I am happy to say—a friend of mine.

THE PRESIDENT'S BUDGET

Mr. REID. Madam President, when President Obama released his budget yesterday, he made one thing very clear: getting our economy back above water will require shared sacrifice.

Few documents are more intricate and complex than our national budget. But beyond the numbers, what I found deep in this budget is an affirmation of our principles. Among those values is a commitment to recognize and adapt to reality—investing in what works and changing what does not.

I appreciate the President's call for shared sacrifice and living within our means and, more than that, his willingness to do more than just talk but actually lead toward fiscal responsibility. He did not just talk about tough choices, he made them. I do not agree with all of his choices. I disagree with some of his cuts. But I cannot deny

that by making the difficult decisions he showed leadership.

I also found in the President's budget the recognition that we are not in a competition to determine who can cut the most; rather, we need to cooperate to discover where we can cut the smartest.

This budget proposes a long-term plan to responsibly cut the deficit in half in President Obama's first term. It does not do that by blindly chopping zeros off bottom lines or eliminating programs wholesale. It invests in that which will grow our economy—such as education, such as innovation, and such as infrastructure.

It does not buy into the partisan talking point that there is no difference between spending and investing, because there is. In other words, it recognizes we can lower the deficit not just by subtraction but also by addition. When we invest in education, we create a smarter and stronger workforce. When we invest in innovation, we create jobs before the rest of the world beats us to those jobs. When we invest in our infrastructure—from the interstates to the Internet—we lay the foundation for prosperity.

I am disappointed the congressional Republicans seem to have learned nothing from recent history. They are again trying to slash the programs that keep us safe and eliminate the programs that keep us competitive. They are still fighting for billions in special breaks for oil and gas companies, the insurance industry, and billionaires.

In the last few days, the former president of Chevron oil said: We don't need those subsidies. But yet Republicans are fighting for subsidies for oil companies when the oil company executives say they do not need them.

We have already tried it their way. They are fighting and substantiating billions in special breaks for oil and gas companies, the insurance industry, and billionaires. We tried it. It does not work. That is why we are in the mess we are in. But the Republican reaction to the President's budget has been an attempt to go back in time.

If they want to time travel in search of fiscal responsibility, they should not stop at President Bush's failed administration; they should keep going to his predecessor's, when we balanced the budget with President Clinton.

We live in the present and we budget for the future. We have spending challenges before us. We cannot afford to forget those challenges will not be solved by extreme rhetoric or unrealistic idealism. They will be solved only when reasonable partners are willing to come to negotiate with responsible proposals that find a critically important balance: one that brings down our deficit while keeping our economy moving in the right direction.

When we find that middle ground, we will leave the next generation with an

economy they can count on, with the confidence we seek in our future, and with the knowledge that when difficult decisions need to be made, Americans do not shirk that responsibility; when presented with a tough choice, we make it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Illinois.

EDUCATION FUNDING

Mr. DURBIN. Madam President, the President presented to Congress a budget. It is the annual process or ritual where the President makes the first move, presenting a budget, and then Congress responds. The House and the Senate come up with a budget resolution within the confines of the President's spending and decide how to spend money. We are now at that phase. But I want to say a word about what the President suggested and what we are hearing from across the Rotunda from the House Republicans.

The President understands we have two challenges as a nation. The first is to create more jobs because we have too many people out of work. Secondly, we need to reduce our deficit. It seems they are cross-purposes, but they do not have to be.

The President is trying to chart a course that moves us forward in a responsible way, cutting spending where it will not hurt economic recovery and growth and investing with the Federal funds we will spend in programs that count. He has talked about an agenda for more education, more innovation, more infrastructure, and economic growth. That is the appropriate balance.

However, when we look at what the Republicans have done in the House of Representatives, we see they have ignored that balance. They believe just cutting spending by itself, without concern about the impact, is best for America's future, but it defies our common human experience. If we said to our family just starting out: There are going to be tough economic times ahead; there are some things we will have to do without, but is there one thing we want to make certain we invest in, most families would say: Well,

we want to get the kids educated. We want to make sure our children go to school because that is their only chance. If they don't get a good education, their lives are not going to be as full. They will not make as great a contribution. The same thing is true at the national level. What the President has suggested is, we need sound investment in education.

Unfortunately, the House Republicans, in their approach, cut some of the most basic programs when it comes to education. The President understands—and I think all of us appreciate—the United States has slipped from first to No. 6 in the world in the percentage of high school graduates going to college. How can we be more competitive in this century? How can we expect to attract good businesses and the right kind of inventors and innovators who will spark growth in our economy if we don't have more of our students attending and graduating from college?

We have also slipped from 1st to 12th in the percentage of people holding college degrees. America better wake up and look around the world. I recently spoke at a commencement for a law school in Chicago, and I was surprised when it came to the master's degrees in law. Those are advanced degrees. Anyone with that degree has been in school at least 20 years of their life. When I looked at the graduates with master's degrees from a law school in the city of Chicago, more than half of them were women from China. I thought to myself: I never would have dreamed this. During my time—and this goes back quite a few years—there weren't that many women in law school. Now they make up the majority of law students. But who would have guessed that Chinese women would have the majority of graduate degrees from a law school in Chicago? Wake up, America. That is what is happening.

China, India, and other countries are focused on promoting education for those with the skills to lead their countries in the future. Can we do anything less? Our Nation's strength lies in its ability to outcompete and outinnovate every other country in the world. We can't do it if we are not preparing the next generation of scientists, entrepreneurs, and innovators.

Let's take a look at what the House Republicans did. They are promising we can cut off investments in education, even as quickly as the remainder of this fiscal year, and still prosper. I question that. They released their continuing resolution for the fiscal year on Friday night. Their proposal cuts \$4.9 billion in education programs from prekindergarten through college, the money that helps schools teach and helps students get to college. Here is what they cut: \$1.1 billion from Head Start, a program that helps low-income, disadvantaged kids enter kinder-

garten ready to learn. The Presiding Officer has seen these Head Start programs, and I have too. We think to ourselves: Where would these kids be without it? Many of them come from single-parent families, and many of their parents are struggling, making basic minimum wage and hardly any more, and this is where they send their kids during the day so the kids, at an early age—3, 4, and 5 years old—are exposed to socialization, getting to know other children, having mentors and teachers in the room, and learning the basics. Then, when the day comes when they are ready to go to kindergarten, they are truly prepared and ready to go. The House Republicans' cut in Head Start would drop 127,000 low-income preschoolers from the program—over 5,000 in Illinois. That means cutting the rolls by 20 percent and laying off 55,000 teachers and staff. So is that where we start to build for the future, by taking these children out of the Head Start classrooms and laying off 55,000 teachers? What does that say about the future of those children? Will it be as good or worse? I think we know the answer to that.

Under the House Republicans' proposal, \$700 million would be cut from schools serving more than 1 million disadvantaged students. We understand, because we are testing, that kids who go to school and who happen to be from lower income families, disadvantaged families, many times don't do as well. We know it. We see it in the test scores. We try to put money into the districts, for what purpose? To reduce the size of the class, provide extra help, including mentoring and teaching after school, and give these students who would otherwise fall behind and might drop out a chance to succeed. Well, the Republicans say: There is an area to cut. They take \$700 million out and end up firing 10,000 teachers in these programs—over 280 of those from schools in my State.

Innovative programs that are working today to move our States toward reform in education would be seriously cut. Race to the Top gave to our Secretary of Education, Arne Duncan, incentives of millions of dollars to offer to States if they will do things that are bold, innovative, and successful in improving education. It is interesting that the first two States to be awarded, if I am not mistaken, were Delaware and Tennessee. It is pretty clear the Department of Education wasn't looking for any political agenda here; they were looking for States truly committed to reform. I am sorry Illinois didn't make the cut. One would have thought the President's State might have had an advantage. We didn't make it. In fairness, there are things we could have done that would have improved our chances. But other States changed the laws, moved forward, to try to make sure there is account-

ability in education as well as good results.

What did the House Republicans think about that? Well, they think we should cut that, dramatically cut that program.

They would cut Pell grants by \$845 per student. What does that mean? I know the Senator now presiding over the Senate, similar to myself, has met many of the students receiving Pell grants. A lot of these kids come from families where no one has ever gone on to college. Many of them come from low-income families who can't give them any financial support, and many of them struggle to try to stay in school and still take a job and earn enough money to get by. The Pell grant helps them. The Pell grant says: If you are from a low-income family, we are going to give you a helping hand. To say we are going to cut that grant means many of these students will not be able to continue in school. They will quit. Some may return at a later time; many will not. We will have wasted an opportunity for young, ambitious students who use the Pell grants and student loans to have an education that can lead somewhere.

I might say, in fairness, that I know a little bit about this subject because I went to college and law school borrowing money from the Federal Government. Had I not been able to do that, I am not sure I would be standing here today. It gave me my chance. I still had to go to classes and take the tests and earn the grades and eventually pass the bar exam, but the fact is that money made all the difference in the world to me. There was no way my widowed mother was ever going to pay for my education in those days. She couldn't do it.

That was my story. Now repeat that story millions of times across America and ask ourselves: What are the House Republicans thinking? They are going to cut Pell grants for these students who are struggling to go through college? Why would we do that when 80 percent of our Nation's fastest growing jobs require higher education? In Illinois, an estimated 61,000 students are going to see their Pell grants significantly reduced or eliminated.

The House Republicans also want to eliminate \$1.5 billion in grants to States for job training. When we think about the number of unemployed in America today and how few of them will be able to return to the same job they left, we understand they need new skills, new training. They have to move into new areas of opportunity. Job training offers that. The Republicans eliminate it.

Now take a look at what the President does. The President makes a dramatic cut in spending, freezing our spending, reducing our spending by over \$400 billion over the next 5 years, and bringing domestic discretionary

spending in America as a percentage of our gross domestic product down to a level lower than it was in the 1950s under President Eisenhower. So he calls for sacrifice, as we should. But the President understands the importance of education. His budget includes \$8.1 billion for Head Start to serve nearly 1 million children and families. It includes \$1.3 billion to support almost 2 million children and families through the childcare development block grant program.

The President's budget also includes \$26.8 billion, an increase of about 7 percent, for elementary and secondary education, focused on raising standards, encouraging innovation, and rewarding success.

Last week, the heads of many school districts in Illinois came to see me. They are struggling. We can understand why. With real estate prices going down and values going down, property tax receipts are not what they used to be. Our State is in bankruptcy. It doesn't have the money to send back to school districts. A small amount—about 5 percent that comes from the Federal Government—is important to them. If Republicans have their way, that amount will be reduced. The President tries to maintain that contribution from the Federal level to help local school districts.

There is something else the President does which I think is essential to better education. He invests \$185 million for a new Presidential teaching fellows program which would provide scholarships to talented and aspiring teachers who commit to teaching for 3 years in a high-needs school. It also invests \$80 million to improve teacher training in the STEM subjects—science, technology, engineering, and math.

I think most would agree the success of an education depends, first, in my case and many others, on strong family support and encouragement but also on the quality of the teacher in the classroom. We want to make sure we have the best teachers so we have the best students, the best graduates who are then in the best position to compete in the years ahead.

The President's budget maintains a maximum Pell grant award of \$5,550 per year, ensuring nearly 8 million students across the country can continue to pursue a college degree.

There is also money in the President's budget for worker training, which we desperately need.

There is also an investment of \$1.4 billion in competitive programs to bring about reform in education, including the Early Learning Challenge Fund, spurring States to improve quality; the new Race to the Top, bringing resources to school districts willing to make reforms; and a new First in the World competition, which encourages colleges and universities to demonstrate success in graduating more

high-needs students and preparing them for employment.

There are skeptics who believe that no matter what the government does, it is not going to create jobs or create opportunity in America. I think we can go too far in selling the government's role, and we shouldn't. But we can understand in education that the government's role does make a difference.

I try to calculate in my mind. It has been barely 50 or 54 years since we made a decision in Congress that we were going to invest in student loans to help young people go to college—the same program that helped me go to college. It happened after Sputnik was launched and we were concerned about the Russian effort to put satellites in outer space, followed by missiles, followed by a Cold War face-off that we might experience. So we said we need more engineers and scientists and more college grads. We made the investment and it worked. We not only made it to the Moon, but we moved the American economy forward to lead the world in the last half of the 20th century. It was no accident. Part of it was the investment of our government in education for our citizens. The President believes we have to keep that commitment. I agree with him.

I think the House Republicans have gone too far in their cuts. I think they start with the skepticism that government cannot do anything right. Many of them were the beneficiaries of college student loans through the government, and they have forgotten. They shouldn't. Families across America count on it, and we should too. We have to make sure we have a strong budget that cuts deficits—and I agree we must—but maintains essential economic investment. Congress needs to enact a plan that will lead to fiscal sustainability over the long term if we want to ensure a strong economic future. The President has provided an excellent starting point in that conversation.

Madam President, before I yield the floor, I ask unanimous consent that the time consumed in any quorum call during the period of morning business be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HAPPY 70TH BIRTHDAY TO T.
ROGERS WADE

Mr. ISAKSON. Madam President, I rise to speak for a few minutes about a gentleman whose 70th birthday will be celebrated next Monday night in Atlanta, GA. He is a gentleman who has deep ties to the Senate. His name is T. Rogers Wade.

He came to the Senate in 1973 as an administrative assistant and later chief of staff to Georgia Senator Herman Talmadge. During those years, Senator Talmadge was chairman of the powerful Agriculture Committee which, in my State of Georgia, is instrumental. Rogers Wade is one of those unique people whom all of us, such as the Presiding Officer and myself, are lucky enough to have in our offices, somebody who supports us, keeps us moving in the right direction, helps us back home with our people—in other words, kind of drives our ship of State. My chief of staff does. Rogers Wade did it for Herman Talmadge.

He took those talents and brought them back to Georgia after 1980 to do a number of memorable and tremendous things. For example, when he first came back he founded a firm called Edington Wade & Associates, a public affairs firm that represented many Fortune 500 companies throughout the State of Georgia and their locations.

Following that, he did many other things in Georgia. He founded Leadership Georgia, a program today celebrating over 40 years in our State, generating new leaders for our State. It is a great program. He came to the Fanning Institute of Leadership at the University of Georgia and serves on its board. He serves on the board of the Richard Russell Foundation. Most importantly, he is a can-do guy who became president of something known as the Georgia Public Policy Foundation, an organization that is nonpartisan and dedicates itself to opine on legislation going through the Georgia Legislature or initiatives coming before the people on the ballot to give them an unvarnished, nonpolitical, straight-talk expression of what that law or what that issue would be. It has become one of the most respected foundations in our State and, in fact, around the country. He served as president of that foundation from 1997 to 2009 and today is a trustee of the foundation.

One of the interesting things T. Rogers Wade did—a lot of people talk about what they want to do to reform education and help kids in need. T. Rogers Wade did it. He founded something called Tech High in Atlanta, GA, a school in an old dilapidated building that he raised the money to rehabilitate. He brought in excellent faculty in STEM math and science and opened it as a charter school approved by the State of Georgia for the most in need, free-and-reduced-lunch kids in the metropolitan city of Atlanta public school

system. He began attracting those kids to that charter school. So successful has Tech High been that Arne Duncan, the Secretary of Education, chose it to be one of his first visits after he became Secretary of Education under President Obama. It still is a guiding light today of what can be done, with a focus on excellence and helping kids in need to brighten their future.

Just recently, with the election of Nathan Deal as the new Governor of Georgia, he picked one person out of our State to guide him in his transition team. It was T. Rogers Wade.

T. Rogers Wade has touched the lives of American servicemen by being on the board of the USO, Georgia businesses by being on the board of the chamber of commerce, and citizens around our State by being the president of the Public Policy Foundation.

Next Monday night, I am going to have dinner with a great Georgian and great American. And I rise at this moment on the floor of the Senate to pay tribute to T. Rogers Wade on the occasion of his 70th birthday.

I yield back the remainder of my time. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESSENTIAL AIR SERVICE

Mr. BAUCUS. Madam President, I realize we are in morning business, but I rise to oppose the McCain amendment to the FAA bill, which will probably come up later when we get to the bill.

The McCain amendment will eliminate the Essential Air Service Program. I applaud my colleague for exploring ways to address our deficit, and I want to join him in looking for opportunities to control spending, but this is one program we must preserve. We won't improve the deficit by stifling local economies.

The Department of Transportation estimates that 1.1 million travelers from more than 150 communities rely on the Essential Air Service Program. The Essential Air Service Program is a promise to rural America, which absolutely needs airports for economic development, as noted in the 2009 Journal of Rural Studies report entitled, "The Economic Importance of Air Travel in High-Amenity Rural Areas."

Nearly half of the American West consists of publicly owned lands containing mountain ranges, forests, rivers, lakes, parks, and areas for wilderness, wildlife, and grazing. Many people come to the West to visit—especially

from the East—especially in the summer, to go fly fishing, camping, for tourism, and in the winter for skiing. People enjoy public lands in the West. We have so many public lands in the West, we don't have private land for development. This means we have tremendous distances between population centers, and we need reliable air travel to ensure jobs, private enterprise, and access to medical assistance.

Montana is primarily a rural State. We rank 47th in population—that is only three States with less populace than we—while being the fourth largest in land mass. To put it differently, although we are slightly larger than the country of Japan, we have fewer citizens than the State of Rhode Island, the smallest State in the Nation.

Montana has eight Essential Air Service communities: Sidney, Glendive, Wolf Point, Miles City, Glasgow, Havre, and West Yellowstone. The first seven rely on industries such as agricultural and mineral extraction—industries that are vital to America's growth and industries which exist in rural America rather than in downtown metropolitan areas. A couple of those airports also lie near Indian reservations where economic needs are paramount. Without the Essential Air Service all these areas risk isolation.

In 2008, Montana's Essential Air Service provider went out of business. We lost air travel for months. At this point, I want to read a passage from a recent Great Falls Tribune article to illustrate the impact on jobs and the economy. It says:

When Havre, a city of about 10,000 people, lost its air service . . . BNSF Railway closed its local office and moved its operation to Billings.

Think of that. Think of the irony. The railroad needs reliable air services. They didn't have them so they moved to another location. That shows how interconnected our economy is.

I want to take this opportunity to also announce that I have launched a Senate Essential Air Service Caucus. Senator COLLINS from Maine is co-chairman of the bipartisan caucus, and several other Democratic and Republican Senators have already joined us, and I encourage my other colleagues to join and stand with us.

It is important to rein in the deficit. That is clear. But let us be responsible about how we do it. Pulling the rug out from under programs such as Essential Air Service will shrink the economy rather than shrinking the deficit. I will not turn my back on communities that rely on this program as a lifeline.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Wicker modified amendment No. 14, to exclude employees of the Transportation Security Administration from the collective bargaining rights of Federal employees and provide employment rights and an employee engagement mechanism for passenger and property screeners.

Blunt amendment No. 5, to require the Under Secretary of Transportation for Security to approve applications from airports to authorize passenger and property screening to be carried out by a qualified private screening company.

Paul amendment No. 21, to reduce the total amount authorized to be appropriated for the Federal Aviation Administration for fiscal year 2011 to the total amount authorized to be appropriated for the Administration for fiscal year 2008.

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe amendment No. 7, to require the Administrator of the Federal Aviation Administration to initiate a new rulemaking proceeding with respect to the flight time limitations and rest requirements for supplemental operations before any of such limitations or requirements be altered.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the Essential Air Service Program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Reid amendment No. 55, to require the Secretary of the Interior to convey certain Federal land to the city of Mesquite, NV.

Udall (NM)/Bingaman amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Nelson (NE) amendment No. 58, to impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Rockefeller (for Baucus) modified amendment No. 75, of a perfecting nature.

The ACTING PRESIDENT pro tempore. I understand the Senator from Montana wants to make a modification?

Mr. BAUCUS. That is correct.

AMENDMENT NO. 75, AS FURTHER MODIFIED

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask that my amendment No. 75 be modified further with the changes that are at the desk.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendment, as further modified, is as follows:

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2011” in the matter preceding subparagraph (A) and inserting “October 1, 2013”, and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act;”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2011” and inserting “October 1, 2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”;

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”, and

(ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Paragraph (2) of section 4081(d) is amended by striking “(a)(2)(C)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as

the case may be,” and inserting “so imposed”.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (1) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking “(4)(C) or (5)” and inserting “(4)(B) or (6)”, and

(ii) by striking “, (1)(4)(C)(ii), and (1)(5)” and inserting “and (1)(6)”.

(C) Subsection (1) of section 6427 is amended by striking “DIESEL FUEL AND KEROSENE” in the heading and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Paragraph (1) of section 6427(l) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting “AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION”, and

(ii) in subparagraph (A)—

(I) by striking “kerosene” and inserting “aviation-grade kerosene”,

(II) by striking “KEROSENE USED IN COMMERCIAL AVIATION” in the heading and inserting “IN GENERAL”.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows: “(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) by striking “(other than subsection (1)(4) thereof)” in paragraph (2), and

(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(l))” in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (4) of section 9503(b) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(5).”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) **TIME AND METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **AVIATION-GRADE KEROSENE.**—The term “aviation-grade kerosene” means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) **HELD BY A PERSON.**—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(5) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) **EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.**—

(A) **IN GENERAL.**—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such in-

formation as the Secretary shall require for purposes of this subparagraph.

(B) **EXEMPT AVIATION-GRADE KEROSENE.**—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) **CONTROLLED GROUPS.**—For purposes of this subsection—

(i) **CORPORATIONS.**—

(I) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(II) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) **IN GENERAL.**—Section 9502 is amended by adding at the end the following new subsection:

“(f) **ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—

“(1) **CREATION OF ACCOUNT.**—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

“(2) **TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—On October 1, 2011, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) **EXPENDITURES FROM ACCOUNT.**—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).”.

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 9502(d) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) **FUEL SURTAX.**—

(1) **IN GENERAL.**—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) **IN GENERAL.**—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.

“(b) **AMOUNT OF TAX.**—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) **FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) **MINIMUM FRACTIONAL OWNERSHIP INTEREST.**—

“(A) **IN GENERAL.**—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{4}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of at least 1 rotorcraft program aircraft.

“(B) **FRACTIONAL OWNERSHIP INTEREST.**—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) **DRY-LEASE AIRCRAFT EXCHANGE.**—The term ‘dry-lease aircraft exchange’ means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) **TERMINATION.**—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) **CONFORMING AMENDMENT.**—Subsection (e) of section 4082 is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) **TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.**—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program).”.

(4) **CLERICAL AMENDMENT.**—The table of sections for subchapter B of chapter 31 is

amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: “For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—the first sentence of section 4281 is amended by inserting “or when such aircraft is a turbine engine powered aircraft” after “an established line”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) NON-TAX CHARGES.—

“(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

“(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the fol-

lowing new sentence: “The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: “Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

Mr. BAUCUS. I thank my friend from West Virginia. He is a good man.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER.) Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I am here to speak on the legislation that is pending before us. We all know this country faces big challenges. We face a declining infrastructure that is critical to our business. We need safe, reliable transportation if we are going to keep the flow of commerce moving. But as President Obama mentioned in his State of the Union Address, when American engineers took a look at our transportation infrastructure, they gave us a “D” grade. That is not quite failing, but it is certainly not very good.

Our declining infrastructure threatens not only our safety but also our global economic competitiveness. America is falling behind economic competitors such as Europe and China which are making significantly more robust investments in their infrastructure. In the United States, we currently spend about 2 percent of our GDP on infrastructure. That is a 50-percent decline since 1960. China and Europe, on the other hand, spend close to 9 percent for China and 5 percent for Europe of their GDP respectively on infrastructure. We need to make the kind of smart investments that will help keep America competitive.

That is why I am very glad we are moving forward with this bipartisan FAA reauthorization bill. It has been almost 4 years since Congress passed an FAA bill, and in that time our economic competitors have continued to invest in their 21st century aviation systems.

Airports are critical to commerce and economic activity in all of our States. The major airport in my home State of New Hampshire, Manchester Airport, generates over \$1.2 billion in economic activity every year. Much of that comes from out-of-State residents and foreign travelers. Without that airport, without that air infrastructure, we would not be able to generate that kind of economic activity. The aviation industry in New Hampshire and across the country also provides good jobs for pilots, flight attendants, mechanics, air travel controllers, and so many others. Manchester Airport alone provides over 1,900 jobs.

The FAA legislation that is now before us will accomplish the long overdue task of upgrading one critical component of our aviation infrastructure, the air traffic control system. It will upgrade the system to an efficient 21st-century system called NextGen.

I do not think very many people realize that when they get into an airplane, the pilots and the air traffic controllers are using 20th-century technology to navigate the skies. I was just at a meeting of the High Tech Council in New Hampshire and having this conversation with them. They did not realize that that is the kind of aviation system we use to fly our planes.

So although our cell phones and cars have GPS systems, our multimillion-dollar airplanes use World War II era radar systems. The system we have now is inefficient. It wastes the time and money of everyone involved in the aviation industry. As Chairman ROCKEFELLER has pointed out so many times, even Mongolia has a more advanced air traffic control system than we do. That is unacceptable.

Not surprisingly, our outdated system is at capacity. According to the FAA, delays resulting from the constraints on the system cost the United States over \$9 billion every year. That number is going to continue to rise if we do nothing.

We need to take action. The FAA forecasts that the aviation system will carry more than 1 billion airline passengers annually by 2023. We cannot afford to let such an important part of our 21st-century economy languish with 20th-century technology.

By investing in NextGen, our air traffic controllers will finally have the 21st-century technologies they need to make our system more efficient. Let me give an example of the progress NextGen would make. Right now, air traffic controllers give all of their commands to pilots over the radio. They tell them when and where they will be landing. Now, because all of the pilots in the area are listening, there is the potential for miscommunication sometimes. Our pilots and controllers are very professional. They do their jobs well. But sometimes people talk over each other and pilots hear the wrong

information. This system we currently have wastes time, and it puts the flying public in jeopardy. Once NextGen is in place, controllers will be able to type a command and send it directly to the plane. To all of us who use e-mail, this sounds pretty basic, but it is an example of the kinds of upgrades that are needed to make our aviation system more efficient and safer.

By funding NextGen, this bill will bring our air traffic control system into the 21st century. NextGen will reduce congestion by allowing planes to fly more direct routes, it will conserve energy, and it will make flying safer for everyone.

Of course, some flight delays are unavoidable. We cannot control the weather, as we all know. But when delays cannot be avoided, we can make sure airlines are treating their customers fairly. That is another critical component of this legislation. That is why this bill includes the passengers' bill of rights.

I cosponsored the passengers' bill of rights after a businesswoman from Bedford, NH—a woman named Jennifer Shirkani—told me her stories of being stuck on tarmacs for hours without access to food or water. These experiences were so frustrating to Jennifer that she became a leader in the movement to get this legislation passed. Unfortunately, her stories have been all too common in recent years. According to the Department of Transportation, hundreds of thousands of passengers have been stuck on a tarmac for more than 3 hours. This bill will codify protections put in place last year by the Department of Transportation so we will not go back to the days when airlines left travelers on the tarmac.

I wish to commend Chairman ROCKEFELLER and Ranking Member HUTCHISON for producing a strong bill, and I look forward to being able to support this legislation with all of my colleagues and pass it very soon so we can upgrade our transportation system to compete with the rest of the world.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we are working very hard to have an amendment on the perimeter rule that would accommodate all the concerns of western Senators who do not have easy access to Reagan Washington National Airport and the concerns of the Virginia Senators who are concerned about congestion and other Senators from the Far West who want to try to have a better chance at a direct flight.

Senator ROCKEFELLER and I have filed an amendment that we think is a fair approach. We did this because we did not have enough consensus, and we are trying to drive that consensus. So I would like to ask that the amendment be brought up. It is our intention then to set it aside for Senator NELSON's amendment, which is scheduled for a vote. I have informed everyone that I am going to ask the Chair to call up amendment No. 84, the Rockefeller-Hutchison amendment on the perimeter rule.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Mr. President, reserving the right to object, I know my colleagues, the ranking member and the chairman of the committee, have been working diligently to try to resolve this issue. It certainly is a thorny one, given the history of the Commerce Committee and previous votes on this issue.

For me, the issue is that I certainly do want access to the West, and I certainly want to make sure the Nation's Capital is accessible to all parts of the country, but we also want to make sure there is a fair process, that a decision to open access to National Airport is run through the Department of Transportation in an FAA process, that we do not handpick here on the Senate floor any of the people who would be winners in this process but that we make the decision on how much access is available.

I would say to my colleagues that the whole issue here about airports is that anytime you have a limited footprint, you have had discussion about how to give access to that through a process of the FAA.

So I would say to my colleague, let's keep dialoguing and working on this issue. But a process and an amendment that includes conversion; that is to say, that a predominant carrier out of National Airport can continue to hold that dominance in the marketplace, I think is the wrong approach. I look at what is happening now with what the Department of Justice has said about the Delta-US Air swap between New York and DCA. It basically said they have too much market share and they ought to divest if they want to engage in that kind of swap behavior. So any kind of conversion process that would allow slots to be converted is like saying, if you own real estate around the Capitol, then you can buy more real estate around the Capitol.

So I hope we can come up with a process that puts the FAA in charge of this, opens up how much access, but not make the decision here on the Senate floor; allow the FAA and DOT to do their job, as they have on this issue in the past. So at this point in time, I object to the Senator's proposal.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 1 minute to respond to the objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the reason for the conversions was to accommodate the needs of the Washington National Airport people and to also understand that the incumbent carriers—of which there are four—have mostly paid the lion's share of the cost of the additions to Washington National Airport.

We do want a fair process. That is why we have separated the new entrants, which would be five, to accommodate carriers that have no presence but also have conversions of flights that are already in place, so there would be fewer new flights into Washington National and there would be a fair process with the incumbent carriers who have paid such a lion's share of the cost at the airport to keep it competitive and fair.

So, with that, we will continue to discuss. We hope we will have an amendment that can be voted on, and I think it is imperative that we vote on this issue so there is a Senate position.

Mr. President, I yield the floor.

AMENDMENT NO. 58

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate equally divided on the Nelson amendment No. 58.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, the amendment which Senators SCHUMER, AKAKA, SHAHEEN, TESTER—our Presiding Officer—WHITEHOUSE, MENENDEZ, BILL NELSON of Florida, and I have offered, which we will be voting on shortly, is a commonsense approach to addressing the serious issue of protecting an individual's privacy when they pass through security checkpoints at airports and public buildings.

Nebraskans and Americans understand that every step must be taken to keep Federal buildings and air travel safe in America, particularly after the 9/11 attacks. However, as we promote security, safeguards are necessary to protect everybody's privacy from misuse of images generated by body scanning machines.

Our legislation sends a commonsense message: We will not ignore people's privacy as we make sure air travel and Federal buildings are safe. The amendment is very straightforward.

It would, No. 1, make it a crime to photograph or record a body scan image or distribute a body scan image, taken at either an airport or any Federal building, without express authorization to do so either by law or regulation.

Second, it imposes a penalty of up to 1 year in prison and \$100,000 fine on violators.

Third, we provide an exception from prosecution if the actions taken occur while an individual is engaged in their official duties during the course of an authorized intelligence investigation or criminal prosecution. This language, which was worked out with officials at the FBI and DNI, is important. This is not an abstract concern. There has already been a case where these images have been taken and posted on line inappropriately. So it is my hope that by creating a very strong deterrent and establishing criminal penalties for those who take and distribute body scan images inappropriately, we will help prevent that from occurring again.

By adopting this amendment, we are telling our constituents we are not going to ignore their privacy in the process of making sure we have safe airports and Federal buildings.

I ask my colleagues to support our amendment.

AMENDMENT NO. 85, AS MODIFIED, TO
AMENDMENT NO. 58

Mr. NELSON of Nebraska. Mr. President, I call up my second-degree amendment No. 85 which is at the desk and ask unanimous consent that it be modified with the changes that are at the desk.

The amendment is as follows:

Beginning on page 2 of the amendment, strike line 18 and all that follows through page 3, line 21, and insert the following:

“(b) EXCEPTION.—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account of the performance of official duties, distributes, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

“(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term ‘advanced imaging technology’—

“(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing;

“(2) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’; and

“(3) does not include a device equipped with software that produces a generic representation of the human form instead of a visual image of an individual.”.

The PRESIDING OFFICER. Under the previous order, the second-degree amendment, as modified, is agreed to.

(The amendment (No. 85), as modified, was agreed to.

Mr. NELSON of Nebraska. Mr. President, I ask my colleagues to support our amendment, and I ask for the yeas and nays. I believe other colleagues are here to respond.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. NELSON of Nebraska. Mr. President, I believe other colleagues are here to speak. I notice Senator SCHUMER is here. I appreciate very much his support. Working together very carefully with total collaboration, we have been able to, with our colleagues, bring about what I think is important privacy legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

First I wish to congratulate my good friend and hunting buddy, the Senator from Nebraska, for the great work he has done. It has been a pleasure to work with him. We have had parallel interests and his amendment hopefully will solve a problem that has arisen lately because of the full-body scanners that are being installed at airports.

As everyone knows, late last year the TSA began installing full-body advanced imaging scanners at airports across the country. These new scanners are better able to quickly and accurately detect explosives than the older scanners and would likely have thwarted the Christmas Day bomber before he had even gotten on the plane.

But from the get-go, legitimate questions popped up about the potential for privacy violations from the use of these scanners. What happens if a rogue TSA employee disseminates your full-body image? What happens if a fellow passenger or reporter takes pictures of body scan images with his phone and e-mails it to his friends or places the pictures on a Web site or in a newspaper? Are there safeguards to prevent such abuses? If it happens, what are the consequences?

Obviously, airline safety is our paramount concern. We can oftentimes, by carefully legislating, have our cake and eat it too—to make sure safety stays No. 1, but to also make sure, as the Senator from Nebraska and I are trying to do, that privacy is protected whenever possible. That is why Senator NELSON and I teamed up to work with TSA and privacy advocates to devise a sensible solution to the problem—a solution that would protect privacy without sacrificing safety.

The legislation we came up with, which Senator NELSON is now offering as an amendment to the FAA bill, strikes just the right balance. First and foremost, the amendment makes it a Federal crime to record and disseminate images from airport scanners. It provides a sentence of up to 1 year in prison and a fine of up to \$100,000 per violation to anyone who is convicted of violating the law.

I should note the amendment not only covers the misuse of the original

images recorded from the scanners but also photographs of scans taken by security personnel, airline employees, passengers, or anybody else.

Americans want to know when they take to the skies that every possible precaution has been taken for their safety. At the same time, they want to know that precautions have been taken to ensure their privacy. The amendment would offer the flying public that much-needed assistance.

Again, I applaud Senator NELSON, who is a member of the Emerging Threats and Capabilities Subcommittee, for his leadership on this issue. I urge my colleagues to support the smart, practical amendment we are offering today, and I urge that it be passed as quickly as possible by this body.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to add Senator BILL NELSON of Florida to amendment No. 58 as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I wish to say, very briefly, that I strongly support the Nelson amendment for a whole variety of reasons, all of which are very logical, extremely well ordered, and which I do not have time to give.

The yeas and nays have been ordered. Perhaps we can proceed with the vote.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I too wish to say I support the Nelson amendment and appreciate his working with the Intelligence Committee and the Judiciary Committee to assure all the bases are covered. I will be supporting it as well.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 58, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—98

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Ensign	Menendez	Wyden
Enzi	Merkley	

NOT VOTING—2

Kerry Pryor

The amendment (No. 58), as amended, was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on Nelson of Nebraska amendment No. 58, as amended, to the FAA reauthorization bill. If I had attended today's session, I would have voted in support of that amendment. •

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that at 2:15 p.m. on this day there be 20 minutes of debate equally divided in the usual form on the Wicker amendment prior to the vote in relation to the Wicker amendment, and that the remaining provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent I speak on my amendment and ask the time not be counted or charged from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4

Mr. MCCAIN. Mr. President, a few days ago I offered an amendment that would eliminate the Essential Air Service Program, which is at least authorized in this bill at about \$200 million. I had no idea we would approach the end of Western civilization as we know it if we eliminated this obviously outdated and unnecessary \$200 million of the taxpayers' money.

I am reminded of a comment once made by President Ronald Reagan. To paraphrase what he said: The closest thing to eternal life here on Earth is a government program. There is nothing that illustrates that point more than the Essential Air Service Program.

I ask unanimous consent that three letters be printed in the RECORD. One is from FreedomWorks, one from the National Taxpayers Union, and another is from the Citizens Against Government Waste.

I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FREEDOMWORKS,

Washington, DC, February 14, 2011.

DEAR SENATOR, On behalf of over a million FreedomWorks members nationwide, I urge you to vote YES on Sen. McCain's (R-Ariz.) amendment to S. 223 the Federal Aviation Administration (FAA) Air Transportation Modernization and Safety Improvement Act which would eliminate the Essential Air Service (EAS). The EAS was created in the 1970's to help a small number of rural communities retain access to air service after airline deregulation. Like so many other government programs, Congress initially enacted it to be a relatively small and temporary ten year program costing several million dollars annually. However, the needless program has continued for 23 years while costing taxpayers \$200 million every year.

Along with many fiscally conservative groups, even the Government Accountability Office (GAO) questioned the usefulness of the EAS by stating "current conditions raise concerns about whether the program can continue to operate as it has . . . the growth of air service especially by low-cost carriers—weighted against the relatively high fares and inconvenience of EAS flights." Los Angeles Times reports that taxpayers are forced to subsidize airline service to small communities at a loss. Most of the money provides service to rural airports with fewer than 30 passengers a day.

The ESA is a prime example of wasteful spending. A graph produced by the FAA shows that 99.95 percent of all Americans live within 120 miles of a major public airport. Airports should operate where there are consumers to support such an airport. Taxpayers should not be forced to subsidize rural airports with too little demand to justify their existence. I urge you to repeal the EAS to save taxpayers \$1 billion over the next five years. It's a step in the right direction to cut excessive spending wherever we find it.

This, however, is a modest step and should be easily supported by anyone serious about reining in the federal government. In order to produce even more savings, Congress should look into privatizing airports to allow private capital to flow in. Many other countries have successfully and fully privatized some of their airports including Britain, Italy and Australia. The private sector has produced more efficient airports which have led to an increase in airport revenue. The privatization of airports has been beneficial for consumers, airlines and taxpayers.

We will count your vote on Sen. McCain's amendment to the FAA Air Transportation Modernization and Safety Improvement Act as a KEY VOTE when calculating the FreedomWorks Economic Freedom Scorecard for 2011. The Economic Freedom Scorecard is used to determine eligibility for the Jefferson Award, which recognizes members of Congress with voting records that support economic freedom.

Sincerely,

MATT KIBBE,
President and CEO.

NATIONAL TAXPAYERS UNION,

Alexandria, VA, February 15, 2011.

DEAR SENATOR: On behalf of the 362,000-member National Taxpayers Union (NTU), I urge you to vote "Yes" on Senator John McCain's amendment to S. 223, the Federal Aviation Administration (FAA) Reauthorization Bill. Approving this amendment, which would repeal the Essential Air Service (EAS) program, is an ideal way for the Senate to demonstrate its commitment toward eliminating low-priority expenditures and beginning to restore fiscal responsibility to the federal budget.

Created in 1978 as a 10-year venture that would ease the transition to a more market-driven commercial aviation sector, EAS has, like many other federal programs, engendered constituencies that have kept the program alive far beyond any demonstrable purpose. Indeed, NTU questioned the need for EAS in the first place, given the fact that robust and competitive air services would fulfill consumers' needs more efficiently than any government subsidization scheme. Unfortunately, many of the taxpayers' worst fears about EAS have come true. The program now operates in more than 100 areas of the country, even as air travelers' choices are numerous. In fact, the Government Accountability Office concluded in 2009 that many Americans are shunning EAS-subsidized flights and airports in favor of lower-cost fares offered at hubs that are still reasonably accessible by automobile. This free-market evolution can be encouraged by easing tax and regulatory burdens on airlines and customers.

Just as other federal transportation programs like Amtrak pour tax dollars into unprofitable and low-traveled routes which consumers bypass out of preference for other commercial alternatives, EAS seems to operate more out of satisfying political considerations than addressing any perceived market

defects. Your colleague Senator Coburn provided a vivid illustration of these flaws in a report, *Wastebook 2010*, late last year:

The cities of Macon and Athens, Georgia are both less than a 90-minute drive from Atlanta's Hartsfield-Jackson International airport. Despite this, the U.S. Department of Transportation subsidized 26 flights per week to and from each city at a clip of \$464 per passenger for Macon and \$135 for Athens. Passengers pay \$39 each for a seat on the 50-minute flight. . . . The local newspaper reports that the Macon [service] averaged 10 passengers a day, while Athens averaged 12 EAS-subsidized flights. By law, the Department of Transportation subsidies are capped at \$200 for flights to airports less than 210 miles from a large or medium hub, which Atlanta is.

EAS's justification may always have been dubious, but in today's fiscal environment its continued existence is even less defensible. The savings at stake from passage of the McCain Amendment—\$200 million—certainly won't erase the current fiscal year's projected \$1.5 trillion deficit, but if the Senate cannot eliminate this blatant example of low-priority spending, taxpayers will have every right to question Congress's sincerity in the vital endeavor of bringing the budget back under control.

NTU has expressed concerns over several portions of the FAA bill, including the threat of higher Passenger Facility Charges and a lack of progress in moving toward a private sector-driven model for air traffic control. Senator McCain's proposal provides a key opportunity to break from the tax-and-spend philosophy that has dominated past FAA legislation and to recognize the role of commercial aviation in America's economic recovery. Once again, NTU asks that you support the McCain Amendment; roll call votes pertaining to this measure will be significantly weighted in our annual Rating of Congress.

Sincerely,

PETE SEPP,
Executive Vice President.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, February 11, 2011.

U.S. Senate,
Washington, DC.

DEAR SENATOR, Senator John McCain (R-Ariz.) recently introduced Amendment #4 to S. 223, the FAA Air Transportation Modernization and Safety Improvement Act. Senator McCain's amendment would repeal a \$200 million government subsidy for the Essential Air Service. On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this amendment.

Federal spending has ballooned out of control and taxpayers are bracing themselves as the nation rapidly approaches its statutory \$14.3 trillion debt limit. Yet, Congress continues to fund wasteful and unnecessary programs. The Essential Air Service was created in 1978 to subsidize airline carriers that provide service to small communities. Originally funded at \$7 million, the program has since grown to cost taxpayers \$200 million, subsidizing a dozen airline carriers in more than 100 communities.

Ironically, this air service program is anything but essential, as 99.95 percent of Americans live within 120 miles of a public airport that accommodates more than 10,000 take-offs and landings each year. CCAGW has been a long-time proponent of eliminating fund-

ing for worthless, money-draining airports that have long been protected under the Essential Air Service. One such egregious example is the John Murtha Johnstown-Cambria "Airport for No One." This airport services fewer than 30 people per day, yet it has received more than \$1.3 million under this program. This is hardly an efficient use of taxpayer dollars, especially when the government is facing a record-breaking \$1.5 trillion budget deficit.

The Essential Air Service program has been repeatedly cited in CAGW's Prime Cuts, a proprietary database comprised of 763 recommendations that would save taxpayers \$350 billion in the first year and \$2.2 trillion over five years.

Congress cannot continue on a spending rampage while ignoring the nation's balance sheets. Senator McCain's amendment would cut a profligate, indefensible government program that Americans do not need and taxpayers simply cannot afford. All votes on Amendment #4 to S. 223 will be among those considered in CCAGW's 2011 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

Mr. MCCAIN. FreedomWorks says:

The ESA is a prime example of wasteful spending. A graph produced by the FAA shows that 99.95 percent of all Americans live within 120 miles of a major public airport. Taxpayers should not be forced to subsidize rural airports with too little demand to justify their existence. I urge you to repeal the EAS to save taxpayers \$1 billion over the next 5 years.

The National Taxpayers Union cites:

The cities of Macon and Athens, Georgia are both less than a 90-minute drive from Atlanta's Hartsfield-Jackson International Airport. Despite this, the U.S. Department of Transportation subsidized 26 flights per week to and from each city at a clip of \$426 per passenger from Macon and \$135 for Athens.

Then, of course, the Citizens Against Government Waste points out that:

Congress cannot continue on a spending rampage while ignoring the nation's balance sheets.

Probably the loudest complaints have been from the State of Alaska, a State I love and enjoy. There is a great article that appeared in an Alaskan newspaper. It is called "Self-Sustainability—Is it time for Alaska to grow up?"

Among other things I didn't know about is:

While the nation faces a \$14 trillion fiscal hole and Congress is looking to tighten its belt, it's inevitable that Alaska is going to feel some of the pain.

But what is interesting is that the State of Alaska, he goes on to state, has "\$12 billion in reserves and another \$40 billion banked away in the permanent fund."

Wow. I don't know of another State in the Union that is that well off. He, Andrew Halcro, goes on to say:

We Alaskans fancy ourselves as rugged individualists, who are quick to eschew the long arm of the federal government and Big Brother. However our actions sometimes don't match our rhetoric.

He goes on:

What about the amendment to eliminate essential air service subsidies in small rural communities throughout Alaska? Currently the feds subsidize air service to more than 44 communities to the tune of \$12 million per year.

The author goes on to say:

Is it really the federal government's role to subsidize air service to Rampart, a community with 15 people?

An interesting question. He goes on to say:

We've known this day was coming but have done little to prepare our communities for it. We have continued to live in a subsidized world, where one of the biggest issues so far this legislative session has been a debate over suspending Alaska's measly gas tax.

This past week, Alaska Senator Mark Begich, in response to the announced ban on earmarks stated, "I have said many times Alaska is a young State with many needs, and we deserve our fair share of Federal funding to develop our resources and our infrastructure."

The author goes on to say:

While I would absolutely agree that federal policies have restricted Alaska's ability to develop its vast resources, the "young state" argument has been used for decades to justify growing demands on the Federal budget for things like the Denali Commission and earmarks for controversial bridges.

This year Alaska turns 52, so arguably we are not kids anymore. Is it time for us to grow up?

Is it time for all of us to grow up and eliminate these Federal programs that cost billions of dollars of the taxpayers' money, which originally may have—and I emphasize "may have"—in 1978, when we deregulated the airlines, have had a legitimate reason? Obviously, it does not anymore.

I look forward to the fact that our conservative organizations are all judging these as a key vote. I also point out to my colleagues, if we are serious, if we are serious about cutting spending and going about making tough decisions, this is an easy decision. If we vote against my amendment, if the majority votes against my amendment to eliminate essential air service, the message to the American people as of November 2 is, we aren't serious. We aren't serious. If we can't eliminate a program like this, how can we make the tough decisions that are coming?

The yeas and nays have been ordered. I hope we will have a vote as soon as reasonably possible, and I look forward to the continued debate on this issue which seems to have created quite a large degree of controversy throughout the country.

I yield the floor.

AMENDMENT NO. 14, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate equally divided prior to a vote in relation to amendment No. 14 offered by the Senator from Mississippi, as modified.

The Senator from Mississippi.

Mr. WICKER. Mr. President, under the previous order I yield 4 minutes to the Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the amendment of Senator WICKER to provide additional workforce protections for Transportation Security Officers while at the same time ensuring the management flexibility that is vital to the operational efficiency of the TSA, and thus the security of the American people. Instead of dramatically changing the TSA personnel system in a way that could interfere with TSA's ability to carry out its essential mission, as the administration plans, we should, instead, make some targeted but important reforms in the system to ensure that TSA employees are treated fairly.

First, we should bring TSA employees under the Whistleblower Protection Act, which safeguards the rights of whistleblowers throughout the Federal Government.

Second, we should give TSA workers the right to an independent appeal of adverse personnel actions—for example, a demotion would qualify. What we are proposing is that a TSA employee so affected would be able to appeal to the Merit Systems Protection Board.

Third, we should make clear that TSA members can, in fact, join a union. That is a different issue from collective bargaining. So our amendment specifically provides that we are not depriving employees of that choice—which they have right now.

I have just received a letter from former TSA Administrator Kip Hawley, who was extremely well regarded and served as the head of TSA for 4 years. He expresses support for the amendment that Senator WICKER and I are offering. Mr. Hawley knows firsthand how important it is for TSA to have the flexibility in order to respond quickly and effectively to changing conditions, to emerging threats, to new intelligence, and to impending crises. I note this is not theoretical. TSA has used this authority in the past.

In 2006, for example, TSA had to respond virtually overnight to the liquids plot to blow up airplanes that originated in Great Britain. Overnight, TSA had to retrain its workers and redeploy them to different airports. This is not a theoretical concern.

Another example was the blizzard that occurred in Denver, where TSA screeners had to be flown in from another city to cover the shifts of TSA employees at that airport. This kind of management flexibility was also used in the wake of the gulf coast hurricanes when there were massive evacuations.

In his letter, Mr. Hawley states that although TSA's recent determination states that security policies and procedures will not be issues subject to collective bargaining, the dividing line between security and nonsecurity practices "is not a bright one."

He makes the same point that former Homeland Security Secretary Chertoff made the last time we debated this issue, and that is defining what is and what is not subject to collective bargaining undoubtedly will be subject to subsequent litigation.

He further notes:

The resolution of these issues could rest with an arbitrator with no direct knowledge of security issues, intelligence, and transportation security. [This could] place the performance of TSA's security mission in the hands of someone who neither has the expertise to make these decisions, nor [a person who] is accountable for them.

I ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 2011.

Hon. SUSAN M. COLLINS,
Ranking Member, Senate Committee on Homeland Security and Governmental Affairs,
Washington, DC.

DEAR SENATOR COLLINS, I am writing in support of the Amendment to S. 223 offered by you, Senator Wicker, and others that would exclude Transportation Security Administration employees from collective bargaining.

This issue has a long history and the arguments are well known, so I will focus on two specific elements of the administration's recently released policy on collective bargaining for Transportation Security Officers: (1) inherent ambiguity in the definition of security activities; and (2) the issue of performance management.

TSA's memorandum states that collective bargaining will be "within a framework unique to TSA that does not adversely impact the resources and agility necessary to protect the security of the traveling public." It further states that within this framework, "security policies and procedures," or "internal security practices" will not be issues subject to collective bargaining. Given that security practices and procedures frequently change, this dividing line is not a bright one and will likely be the subject to collective bargaining and subsequent litigation. The resolution of these issues could rest with an arbitrator with no direct knowledge of security issues, intelligence, and transportation security. This could result in the very thing that TSA does not want, and that is to place the performance of TSA's security mission in the hands of someone who neither has the expertise to make these decisions, nor is accountable to them.

Secondly, the decision document drives a stake through the heart of what makes risk-based security work: meaningful performance-based incentives. The decision here uses the words "high performance," "engaged," describes an organization that "truly values and promotes initiative," and vows that security will not be compromised. This decision, however, imposes a wall between a TSO's job performance and pay incentives.

Cash incentives are effective motivators to officers who are willing to be accountable and base their personal success on good security results—something air travelers should want very much. "The performance management process" is explicitly included among the issues subject to collective bargaining, but at the same time in the next section, "pay and policies affecting pay" are specifically excluded. In other words, this decision

means that better performance does not mean better pay. The union will bargain to define "performance," probably seniority-based, and TSA agrees not to use cash incentives to motivate employees' performance. For an agency that depends on its security officers to constantly adjust and improve their skills so that they are prepared for ever-changing terrorist tactics, this disconnect between pay and performance could be disastrous.

TSA has a robust pay-for-performance system in place today and those who perform their security duties better get significant bonuses and pay raises. Reversing the logic to de-link pay incentives from job performance can only sap the energy of TSOs who are motivated to be actively engaged, use initiative, and strive to achieve high performance team objectives. That cannot be good for security, or performance of any kind.

There are many other issues worthy of discussion, but these cut across philosophy and politics and gets to the issue of the security of the flying public. Action is needed now to stop the imposition of this flawed decision on TSA's fine workforce and all of us who depend on them.

Respectfully,

KIP HAWLEY,

TSA Administrator, 2005–2009.

The PRESIDING OFFICER. The Senator has used her time.

Ms. COLLINS. I urge our colleagues to support this amendment. I think it is a balanced approach that will give these employees more rights than they currently have without interfering with the essential mission of this law enforcement agency.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, do I understand I have 6 minutes remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 4 seconds.

Mr. WICKER. I was under the impression I had yielded 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. Would the majority object to the Senator from Mississippi taking 6 minutes? Without objection, it is so ordered. The Senator has 6 minutes.

Mr. WICKER. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself 5 minutes, if I can.

I listened carefully to the statement of my friend, the Senator from Maine. Frankly, I wonder if we are in parallel worlds and we are talking about the same thing but in a different context. My friend, the Senator from Maine, seems to be ignoring the very careful limitations that TSA has placed on collective bargaining rights. For example, under the provisions of TSA, the transportation security officers cannot bargain over pay.

They cannot bargain over pay. They cannot bargain over deployment procedures—who works where. The Senator mentioned the incident involving Great Britain; they had to train people overnight. Well, they cannot bargain on

training either. That is not part of the bargaining rights they would have.

The Senator mentioned about the deployment of people to Denver because of a blizzard. Well, deployment procedures, who works where, is not again subject to collective bargaining. Emergency response measures, that was the one dealing with Great Britain. On emergency response measures, who goes where, how long they have to be there for an emergency response, is not negotiable. It is not part of the collective bargaining agreement.

So I am at a loss to understand what the Senator from Maine was talking about. They cannot bargain over emergency response procedures, deployments or other security issues. So, again, this is not something that is part of the collective bargaining agreement.

Last week, the Transportation Security Administration said—the Administrator, John Pistole, testifying before the House subcommittee, said that the employee morale is a security issue—employee morale. Why did he say that? A recent survey ranked TSA 220 out of 224 Federal employers as the best place to work. In other words, 224 would be the worst place to work in the Federal Government. TSA was rated at 220. They have a high turnover rate, they have a high injury rate, and extremely low morale.

So what we are trying to do is give them that boost in morale. Here is what the TSA Administrator said last week:

The safety of the traveling public is our top priority, and we will not negotiate on security. But morale and employee engagement cannot be separated from achieving superior security.

While some of my colleagues have suggested that providing collective bargaining rights could jeopardize security, nothing could be further from the truth. Unionized security personnel are just as effective, dedicated, and willing to put their lives on the line in an emergency.

I point out, for example, Border Patrol personnel have collective bargaining rights. Immigration and Customs officials have collective bargaining rights. Our Capitol police officers who protect us have collective bargaining rights. Why should TSOs be any different? To suggest that unionized security personnel are somehow less effective, less dedicated, less willing to put their lives on the line in an emergency I believe is an insult to every man and woman in uniform in this country who works under a collective bargaining agreement.

I only need to remind everyone, remember 9/11. Remember that image of all the people in New York running away from those towers as they came down, the thousands of people running away from that calamity, and the picture was of other people running into

it—our police, our firefighters, our emergency personnel, who not only risked their lives but gave their lives to help save people in that tragedy.

Every single one of them, every firefighter, every policeman, the emergency personnel, were all union people, belonged to a union with collective bargaining rights. Yet look at what they did during that emergency.

So, again, I think it is important to add that under this agreement, they get limited collective bargaining rights. They cannot bargain over security procedures and policies, deployment, disciplinary standards or “any action deemed necessary by the administrator or his or her designees to carry out the agency mission during emergencies.”

They cannot negotiate on that. So, again, we just want to help raise the morale there, to give these people bargaining rights so—

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. HARKIN. I yield myself 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Here is what they can bargain on: grievance procedures—that helps on morale—nonemergency scheduling—that helps on morale—awards and recognitions, uniforms, bidding on shifts and procedures used for how they bid on shifts—who gets the 2 a.m. shift, who gets the 7 a.m. shift—all non-emergency types of situations.

This will help give them better morale and will help in terms of ensuring security. Do not take my word for it. Take the Administrator's word for it, Administrator John Pistole, who said this will help ensure the safety of the traveling public.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I yield myself 5 minutes.

I rise in support of the Wicker amendment. Senator COLLINS, who spoke earlier, is a cosponsor of this amendment. I might also note that Senator COBURN has joined as a cosponsor also. The Wicker amendment has everything to do with public safety. It has everything to do with preventing excessive litigation when it comes to the definitions of the roles of our TSA workers. It has everything to do with preventing increased deficits here in the United States and in the Federal Government.

For that reason, groups that support the Wicker amendment today and urge an “aye” vote include the Heritage Foundation, the Workforce Fairness Institute, and Americans for Tax Reform.

Just a little history for those who have not followed this debate over the last several days. Currently, TSA employees are not allowed to collectively

bargain. That has been the policy of the Federal Government since the inception of the Transportation Security Administration. For a decade, TSA employees have not been allowed to collectively bargain.

Their rights and considerations and morale issues have been taken care of in other ways. Since the creation of TSA, its employees have been treated similar to those in the FBI, the CIA, and the Secret Service, for purposes of collective bargaining. In fact, in a 2003 memo, the Under Secretary of Transportation for Security, which is now the TSA Administrator, prohibited TSA security screeners from unionizing with collective bargaining rights.

The Under Secretary at the time made this decision “in light of their critical national security responsibilities.” That has been the regime under which we have operated the TSA for the entire existence of the agency.

Now, however, the Obama administration is intent on doling out rewards to campaign supporters and they are moving to reverse this decades-long decision and to allow TSA workers to collectively bargain. My amendment would prevent that and, as I say, would keep the TSA employees under the same restrictions as the FBI, CIA, and Secret Service.

Senator COLLINS, in her modification to my amendment, provided some very important safeguards. It allows TSA workers to be under the Merit Systems Protection Board. It also provides Whistleblower Protection Act protections for TSA employees.

We are told our concerns about safety have been taken care of because the agreement or the decision by the TSA Administrator says we cannot have collective bargaining over other security issues. It named several, and then it says “other security issues.” What does that mean?

Well, that is what the former Administrator was talking about in the letter to Senator COLLINS. This is going to require litigation to determine what “other security issues” are. I will tell you what, apparently, is allowed under the Administrator's proposal. It does allow bargaining over the selection process for special assignment. It allows collective bargaining over the policies for transfers. It allows collective bargaining for shift training, as my friend from Iowa just acknowledged. All of these are going to make the TSA less flexible and less efficient in going about their business of protecting America.

I would close by saying this: There is a budget debate also. At the other end of this building, we are having hour after hour of debate about how to keep this deficit from ballooning, how to keep the cost of government from going up.

Does anybody think that allowing collective bargaining for 50,000 additional Federal employees is going to

cut the cost of the Federal Government?

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. WICKER. I yield myself 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. What is happening out in the States? State after State after State is facing bankruptcy, and a large part of it is the cost of government brought on by employee union contracts. That is just a fact. State after State, Governor after Governor, they are coming to Washington, DC and saying: We are going to have to do something about this. We are going to have break these contracts and save us from financial ruin.

At a time when Governors are moving in that direction and trying to get out from under these public employee collective bargaining agreements, would it not be the height of irresponsibility, would it not be the height of irony for the Federal Government to go in the other direction?

Vote for the Wicker amendment and save the taxpayers the additional money it will take to move to collective bargaining.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I rise to speak against the Wicker amendment. This is the Republican's first of what I worry will be a sustained attack in the 112th Congress against Federal employees.

As the Senator from Maryland and for Maryland, I represent more than 130,000 Federal employees. These men and women are dedicated and duty driven. They are on the frontlines protecting America every day securing our borders inspecting our food, and performing critical health research. They deserve a decent wage, safe working conditions and our thanks and respect.

This amendment would deny TSA workers the collective bargaining rights that many other employees at DHS currently have, including the Bureau of Prison Guards, Customs and Border Protection, and the Capitol Police.

TSA currently suffers from low morale, high injury rates, and high staff turnover. Giving these employees a voice at work representing their interests will lead to a more stable, more experienced, and healthier workforce. That would increase productivity, performance, and safety for the flying public.

Like all Federal employees, the employees at DHS with collective bargaining rights must follow civil service rules that prohibit the right to strike and allows managers to move employees to different areas in the event of an emergency. They bargain in a way that does not compromise the agency's mission and that does not endanger national security.

Congress has been debating allowing collective bargaining for TSA employees for a decade. Republicans have been vocally against it.

In 2001, Congress took up FAA. It gave the administrator the authority to determine whether TSA employee would get collective bargaining rights.

In 2004, the 9/11 Commission recommended granting TSA workers collective bargaining.

In 2006, the Senate passed a bill granting collective bargaining for TSA workers. But we couldn't get it across the finish line because of the threat of a Presidential veto. Every Democratic Senator voted in favor of collective bargaining for TSA.

Finally, this month, the TSA completed its review of the potential impact of collective bargaining rights for TSA workers on the safety and security of American travelers. And the TSA Administrator announced that TSA workers do have collective bargaining rights, and they will soon be able to determine whether or not they wish to exercise those rights. In the coming months, TSA workers will be able to decide whether or not they want to be represented by a union to bargain on their behalf on nonsecurity employment issues.

But the Wicker amendment would bring all of this to a screeching halt.

We should not stand in the way of something that TSA employees want, and the Secretary of Homeland Security and the President support.

Federal employees serve their communities and country every day. They should be empowered to fight for their rights on the job without any fear of retribution.

Whether you are at the IRS or the TSA, you deserve collective bargaining rights. And if anyone wants to block, or take away those rights, you will have to get through me first.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Four minutes four seconds.

Mr. ROCKEFELLER. Let me just say that the TSA Administrator has the right to allow collective bargaining for TSA employees through the authority he was provided in the original Aviation and Transportation Security Act passed in 2001.

When Congress passed that, we came to an agreement that left the determination of allowing collective bargaining rights for Transportation Security Officers to the TSA Administrator. I firmly believe this authority should remain with the TSA Administrator.

The current agreement was approved under the Bush administration and approved by a Republican-controlled House of Representatives. I see no reason to alter this compromise at this time. There are valid reasons to keep

the authority with the TSA Administrator. He works firsthand with the employees every day. The nature of his work is very hands on. He is better qualified to determine the agency's mission, how it can be improved, with or without collective bargaining—he more than anybody.

On Friday, Administrator Pistole announced his intention to allow collective bargaining over workforce issues, but security and pay will not be subject to negotiation. Most other Federal law enforcement agencies, including others housed within the Department of Homeland Security, such as Customs and Border Patrol, have collective bargaining rights.

I do not believe the sponsors of this amendment would question the dedication of these law enforcement officers, despite their right to collectively bargain. TSA employees must still follow civil service rules that prohibit the right to strike and allow managers to move workers to different areas and roles in the event of an emergency and security as needed.

I cannot support this amendment. I feel it could negatively impact security if TSA permits collective bargaining rights to improve employee retention. Finally, this amendment is a security issue, and one that is better addressed when a TSA reauthorization comes to the floor. This is our problem. We are not talking about security here, we are talking about other matters.

Accordingly, I urge my fellow Senators to oppose the Wicker amendment.

I yield the floor.

Mr. HARKIN. Would the Senator yield? How much time is remaining?

The PRESIDING OFFICER. There is 1 minute 39 seconds.

Mr. HARKIN. Mr. President, listening to my friend from Mississippi talk about deficits—and we have to be concerned about deficits. The first thing on which they cannot bargain is pay. That is not something they can bargain on. Generally, Federal employees do not bargain on pay, I might add.

So I do not know what that means. I mean, he is talking about deficits, but they cannot bargain about pay anyway.

Then he talked about the FBI and the CIA and the Secret Service, that they did not collectively bargain. Those agencies all deal with very highly sensitive national security information. What are we talking about here? We are talking about the people who check your bags. We are talking about the people at screenings and who do the patdowns, but we are also talking about an agency that has one of the highest turnovers of any Federal agency. I do not want a high turnover rate among those people at the airport. I want them to be highly skilled, highly trained, highly motivated. I want a good morale system there. Everyone says it is one of the lowest in terms of

morale and has one of the highest turn-overs of any Federal agency.

Giving these people the right to organize and to bargain collectively on things that are not of national security measures—not pay, not emergency procedures, but other things that make life a little bit better for them so they know basically: What is the procedure for me being posted here, what is the procedure for me working at 2 a.m. or 7 a.m., so they have a system whereby they know what is expected of them—to me, that is the way to build morale.

Lastly—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I just ask for 30 seconds. I gave him 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. I just gave him 2 minutes. I did not object.

The PRESIDING OFFICER. Objection is heard. The time that was given to the other side was due to an error in the chair.

The question is on agreeing to the Wicker amendment No. 14, as modified.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NAYS—51

Akaka	Casey	Klobuchar
Baucus	Conrad	Kohl
Begich	Cooms	Landrieu
Bennet	Durbin	Lautenberg
Bingaman	Feinstein	Leahy
Blumenthal	Franken	Levin
Boxer	Gillibrand	Lieberman
Brown (OH)	Hagan	Manchin
Cantwell	Harkin	McCaskill
Cardin	Inouye	Menendez
Carper	Johnson (SD)	Merkley

Mikulski	Rockefeller	Udall (CO)
Murray	Sanders	Udall (NM)
Nelson (NE)	Schumer	Warner
Nelson (FL)	Shaheen	Webb
Reed	Stabenow	Whitehouse
Reid	Tester	Wyden

NOT VOTING—2

Kerry

Pryor

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 51.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is withdrawn.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote in relation to Wicker amendment No. 14, as modified, to the FAA reauthorization bill. If I had attended today's session, I would have voted in opposition to that amendment and would have supported any motion to table that amendment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Paul amendment No. 21; that there be 100 minutes of debate equally divided between Senators PAUL and ROCKEFELLER or their designees; that upon the use or yielding back of time, the Senate vote in relation to the Paul amendment; that there be no amendments in order to the amendment prior to the vote; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that if we have quorum calls during this period of time, the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 21

Mr. ROCKEFELLER. Mr. President, the pending Paul amendment will cut the FAA's authorization levels for fiscal year 2011 to 2008 levels, \$14.7 billion for the entire agency, representing a near \$3 billion cut from the administration's introduced level of approximately \$17.5 billion. That does not sound like a lot of money—of course it does—but let me explain.

Managing FAA at the 2008 levels would result in the immediate retrenchment of core functions to reduce operating costs; to wit, FAA would eliminate services and furlough all air traffic organization employees for at least 20 days. The primary services of the ATO is to move air traffic safely and efficiently, and that for a period of 40 days would cease. FAA would implement a hiring freeze for the ATO—air traffic organization—which would force the ATO to focus on major airports with scheduled service resulting in service reductions at particularly the smaller and rural airports, which affects some of us.

The Aviation Safety Office would eliminate 680 employees through attrition. It would also furlough all 1,015 operational support employees an average of 2 days each week. It is pretty hard to carry on 3 days and then 3 days the next week. That particular agency, Aviation Safety, is responsible for the certification, production approval, and continued airworthiness of aircraft and certification of pilots and certification of mechanics and others in safety-related positions. That is what this amendment would do.

The FAA would have to defer major Next Generation Air Traffic Control System initiatives. That is extraordinarily painful. After all, we go back to our old story that we are behind Mongolia in this modernization effort. Just a thought.

In all of this we would be including next generation network-enabled weather, data communications, systemwide information management, safety security and environmental security, information tool set. This means accurate weather forecasting would go down and pilots would have less relevant information, resulting in increased delays and congestion as aircraft would have a lot more difficulty navigating storms. Weather is the associated cause of 7 percent of delays, much less accidents. It cuts Data Comm. It would impact pilot situational awareness and lead to degraded air safety control, having an effect on safety.

It would cut FAA's research, engineering, and development, and require

FAA to cancel or delay the NextGen and environmental research—I repeat, to cancel or delay NextGen.

Specifically, FAA will terminate all related programs that were started since 2008, including the Continuous Low-Energy Emission and Noise Program, which develops cleaner and quieter aircraft technologies and alternative aviation fuels. Safety research would also be impacted, including a 1-year delay for research on continued airworthiness for small aircraft, as well as research on emerging technologies for larger aircraft.

Specific office impacts: Office of Human Resources. FAA would furlough all employees for at least 46 days. Furloughing AHR employees would impose a significant hardship on AHR's ability to provide human resources to FAA. Aviation safety and security hazard materials would be reduced. This means fewer inspectors for airlines, fewer parts certified as safe, and delays in producing new U.S.-manufactured aircraft.

The Office of the Associate Administrator for Airports would also be cut. This would be an increased risk of runway incursions and delays to technology that would minimize such risks which have been widely reported in the press and often not reported in the press but nevertheless happen.

The FAA would implement a hiring freeze which amongst many things would lead to a loss of support staff in air traffic control towers and, consequently, controllers would pick up administrative duties and would have less time on the boards in front of them, the lights going off and on. This could lead to an increased number of severity of operational errors. You cannot make operational errors in the control tower. You cannot hand that off to other people. That is called essential air safety. This means fewer air traffic controllers and ones that are less focused on directing airplanes. On the safety side and on the maneuverability side, both would subside.

Elimination of all Federal contract tower funding will effectively shift the cost of operating these towers to the affected airports or to State and local government. I do not know what good comes of that since State and local governments do not do that stuff.

I could go through State by State what the effects would be, but what it does is a ham-handed approach to make a cut.

There is a very interesting thing about air traffic safety: It is highly sophisticated. It is compartmentalized. You can't just shift people from this to that as quickly as you can in other lines of work. Lives are at stake, homes on the ground are at stake, crashes are at stake, collisions are at stake. So it is all well and good to do something which appears to be cutting the budget, but when you are putting

the lives of Americans on the ground and in the air directly at risk, that strikes me as something we should not do.

So I am extraordinarily unenthusiastic about this amendment, and I hope there are many eloquent speeches that follow me in this manner.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will take such time as I may consume, and I am sure Senator PAUL will be here shortly.

Mr. President, the Paul amendment does reduce the aggregate authorized spending level to the amount appropriated in fiscal year 2008. So basically it is going back to the 2008 levels. I am going to support the amendment because I think we have to make a start at cutting back on spending in every area of government that is discretionary and where we can make responsible cuts. However, I do want to say that the better approach, in my opinion, would be to have an overall cap on spending at the 2008 levels and then pick the priorities we must fund and take away the lesser priorities for government funding. I believe we need a more measured approach on infrastructure spending.

In the case of the FAA, I would point out that the agency is funded through a mix of aviation trust fund dollars and general fund dollars. Specifically, three of the four main accounts in the FAA budget—airport improvement, facilities and equipment, and research—are paid for entirely by the aviation trust fund. The aviation trust fund is funded by revenue from various users of the U.S. aviation system through taxes and fees on the industry. So all capital investment in aviation infrastructure is paid for by the users of that infrastructure. The fourth account—operations—is then funded partially by the aviation trust fund and partially from the general fund.

So as we move toward conference, I think we need to make sure infrastructure projects that increase airport capacity, improve safety, increase the efficiency of our aviation system, and modernize our air traffic control system are adequately funded. This should be especially true when the revenues used to pay for these projects are paid for by the users of the aviation system.

I am certainly committed to restoring fiscal responsibility. I think we have to choose the strategic places where we must invest to ensure our infrastructure serves the needs of our people. I believe Congress would be much wiser to have an aggregate discretionary spending cap and then allow us to debate the priorities that would be funded under that cap. But that means doing business not as usual. It

means we don't take each bill individually, each department and agency individually. It means we set an overall cap for Federal spending and then decide which places in which agencies should be well funded and which ones should take a pass for the present until we get our fiscal house in order.

So I am going to support the Paul amendment, but I do believe we need to have a more systematic approach going forward and fund what needs to be funded. And I do believe FAA, aviation security, aviation infrastructure and efficiency in our air traffic system should be funded. But I think we have to do it in a bigger picture than each individual bill that is going to go through here, and I ask my colleagues to think about a better approach going forward than this type of amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield 5 minutes to the Senator from Alaska.

Mr. BEGICH. Mr. President, I thank the chairman and the ranking member for the work they have done. As I said yesterday, it is fairly exceptional, considering the time it has taken to get to where we are.

I understand the amendment that is being proposed and the goal of it, and I have been one of those who have supported the deficit commission, which brought forward some recommendations on how to manage this budget. I have supported multiple efforts on this floor to reduce and manage the budget in the overall scheme of how we move down to sustainability regarding the finances of this country. But this is one bill where you have to take into account not only what is being proposed but what it does and what it will impact. I will use my State as an example. When you think about Alaska, there is no question that when it comes to air travel, no other State has the kind of rural and extended air travel as we have in Alaska. I talked about the Essential Air Service Program yesterday. Forty-four communities are affected by the funding for this program, which serves people who are not next door to any airport and who are not only not just a few miles from an airport, but in some cases, from their airport to a hub, it might be 1,200 miles. So the work and the resources of the Essential Air Service is critical for us to not only conduct business, to move people back and forth between communities, but for medical services. It is really the lifeblood for our communities. This amendment would literally wipe that out or reduce it to such a point that it would be impossible for us to make it economical for some of these airports to operate and some of these flight services that bring the only service to these communities, allowing them to survive.

When you think about NextGen, if we went to the 2008 levels, NextGen was just in the beginning stages. This is an important investment. And it is not the Federal Government that was anxious to get it done right away. We had to actually push Congress—the chairman may remember this—we had to push the Federal Government to move this forward. Why? Because it was the private sector that came to us. The people in the private sector came to us and said: It is important that the Federal Government move this forward, expedite this resource, help us move this new technology forward to help save fuel, save time, increase capacity at our airports, and make it a better business operation for the private sector airports.

So when I see this amendment, my view is that it is a job-killing amendment. This wasn't a decision where the Commerce Committee said: Well, let's just move this up a few years because we think the government should do this right away. The private sector came to us because they wanted to invest in this new technology. But they are not going to make the investment until there is certainty from the Federal Government on their part of the arrangement. So that is what we are doing. We are doing that in this bill. So this amendment, in my view, is truly a job-killing amendment.

Then I look at the airport improvements, and I was listening to the chairman, who was talking about the contracted services. So I quickly looked at the list affecting Alaska, and I saw Kodiak. Kodiak is where the largest Coast Guard base in this country is. Kodiak is also the contracted services tower. I don't know how that will affect the Coast Guard. I would be very nervous about what it might do.

This type of amendment may be well meaning in the sense of how we all are going to sit here—and I left the Budget Committee meeting to come here. The Budget Committee is where we are now talking about how to plan this budget in a holistic way, not nitpick it like this. The amendment may be well intended to get control of the budget, but it does not understand the impact.

Again, airport improvement is an- other piece. I would challenge the individual who sponsored the amendment. If he has been to Alaska, great. I would love to take him to a couple of those airports. There is now a great reality show about flying in Alaska. It is so dangerous to fly in Alaska that they had to make a reality show about it. So I would encourage everyone to turn that on and see why NextGen, which was pioneered in Alaska, is so important and why this investment the Federal Government is making is so important for the private sector to have a better tool to utilize in transportation in this country.

Again, airport improvements in my State are critical. It could be anything

from refinishing a runway to just having a gravel runway—one that brings food and supplies, medical provisions, and just moving people in and out. It is a critical piece of the equation.

The phrase the Chairman used about the amendment was that he was less than enthusiastic about it. I don't like the amendment as it is written today, specifically around this bill. I am anxious to get to the bigger debate, and I hope, once this bill is cleared off, we will get to the big debate of how we manage the deficit of this country, how we look at it long term. I know I will hear that this is a start, this is the way we have to start, and that would make sense if this bill was started with that intent in mind. But in 2007, when this authorization expired, NextGen was just an idea. Well, this is a new investment we have to make in order to make our air travel safer, more economical, save fuel, and respond to the private sector that has asked us to get off the dime and create certainty so they can make the investments that will make their business model more effective.

Again, I had no intention to speak today. I was in the Budget Committee, but I wanted to come down and say a few words.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. BEGICH. I again thank the chairman for the time, allowing me to say a few words from Alaska's perspective. And I would again emphasize that this amendment is a job-killing amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. PAUL. Mr. President, everyone agrees that the FAA plays an important role in air safety. I don't think there is any real discussion or debate on either side in that regard. My amendment calls, though, for having spending levels at 2008. This is actually what is going to be produced out of the House. The House has already published their spending proposals, and most of their spending proposals will be at the 2008 level.

This is a small downpayment on the debt. Some say this is the wrong place to start, but you have to start somewhere. Everybody says they are going to be for balancing the budget or tackling the debt or doing this or that, but you don't get there unless you cut spending.

Now, you can't create a situation where you make it an either/or situation—either we have air safety or we don't have air safety—depending on a spending level. Perhaps you can spend money more wisely. Perhaps the job of a legislator is to find out how you spend money, how you find savings, and how you make do with less. If we don't, we are never going to get out of this problem.

The deficit is an enormous burden on all of us—on our kids and grandkids. The last election was about the deficit, about the mounting debt, but the other side doesn't seem to have listened. They also need to understand what the deficit does to jobs. Our national debt now is approaching our gross domestic product. That means our debt is about equal to what we produce as an economy for a year as a whole country. When it does, there are estimates that it kills the rate of growth of our economy by 1 percent and costs 1 million jobs a year. This is from the debt.

They are talking about what \$2 billion will do within one agency. We are talking about what \$14 trillion worth of debt does to an entire economy. Remember, 1 percent loss of growth and 1 million jobs a year. The national debt is killing us.

So we had an intervening election, and a message was sent. The message was, listen to the American people. They are upset about passing this debt on to our kids and our grandkids. So we got a response. The President laid out his budget this week. Do you know what his budget will do? The President's budget will spend \$46 trillion—I am not making that up, \$46 trillion over 10 years. That tells me the other side didn't get the message.

Now, \$46 trillion over 10 years, what does this mean? When President Obama came into office, the debt was about \$7 trillion, maybe \$8 trillion. We are now going to triple that debt if he wins a second term. The President will have tripled the national debt in 8 years.

His 10-year proposal will double the debt in just 10 years. The deficit this year alone will be \$1.65 trillion.

The President said he is going to freeze spending. He is going to freeze spending in this little, tiny percentage of the budget, about 12 percent of the budget. It is not enough. It doesn't do it.

Republicans want to go back to the 2008 level, which is what I am proposing. It is not enough either because you are only looking at one tiny sliver of the budget. Today we are looking at one small program.

The problem is that people are starting to recognize the problem of the debt, but they are unwilling to do what it takes to look at the entire budget. We are going to have to look at military spending, we are going to have to look at nonmilitary discretionary spending, and ultimately we are going to have to look at entitlements. But you have to say every program has something good about it. Everybody can stand and say we need NextGen. I am for NextGen. But the thing is, if you are a legislator and you have less money, let's figure out where we find the money in the existing budget.

I proposed some other alternatives. I proposed \$500 million in savings by saying: When we build airports, let's not

make it be the union wage or the prevailing wage, let's have the market wage. That would have saved \$500 million. That goes a long way toward funding NextGen. Another \$500 million, \$400 to 500 million is in the unprofitable airports that we are going to subsidize in this bill. There are savings that can be found, but we never find them.

In Washington, what do we tend to do? If we want something, we just add more money to the bill. There are always arguments for these programs, but we also have to understand what are the consequences of a \$14 trillion debt.

President Obama's 10-year plan that he released this week will change \$14 trillion into nearly \$27 trillion. The numbers are mind-boggling. If we do not do something about it, it is a threat to our country. The President's own Secretary of Defense has said the No. 1 threat to our national security is our debt. It is out of control. I don't think the problem is fully grasped by either side, but I know if we are here today and cannot come to an agreement to save \$2 billion—think about it. I am asking to save \$2 billion out of a budget of \$3.7 trillion. It is such a small number.

They might argue it is such a small number, why even do it? If you don't start somewhere, how will we ever balance the budget? How will we ever get out of this mess if we are not willing to save \$2 billion? It is a start. It is a downpayment. It is how we can say to the American people we heard you in November. We realize we cannot pass this debt on to our kids and our grandkids. Something has to be done.

Instead, what we get from the other side is that we make this into: The other side is not for progress. They are not for developing airports. They are not for GPS systems at the airport. It is not that simple. I am for all those things, but I am for saying let's step up as legislators and say: How do we find the savings in the existing budget? Because the alternative is: How are we going to pay for \$14 trillion in debt? How are we going to pay for \$26 trillion in debt that is going to be added if the President gets his 10-year plan?

You can pay for debt in a variety of ways. You can tax people. But as you can tell by the movement out there, most of us think we are taxed enough already. The average taxpayer is often paying 40 percent and 50 percent of his income. The average taxpayer is paying more in taxes than they do for food and clothing and transportation and all their expenses; they pay more in taxes. I don't think the general public wants to raise taxes.

The other way is, you stick your head in the sand and keep borrowing. That is what we keep doing, borrowing and borrowing, but it threatens our very economy and threatens the country.

How does the country also pay for debt? Are we going to default on our debt? No. Ultimately, we will print money to pay for it, but there is a downside to that too. Countries have ruined their currency. Germany in the 1920s destroyed their currency.

If you look at the curve of what happened to the currency in the 1920s, it happened over a period of about 6 months. You had bread that sold for 100 marks and then 1 million marks and then 100 million marks and then 1 billion marks. The money became so devalued it was of more value to actually burn as a fuel. People went around with wheelbarrows full of money. The workers demanded to be paid two and three times a day.

That is what happens to a country that has a massive debt. You cannot tax people enough.

Greece just went through default recently. As Greece went through default, they tried to raise taxes, but everybody was paying too much already, so everything was forced into the underground economy. You can raise the taxes by 90 percent, you don't get more money. When you increase tax rates, you don't always get more money. The money went underground.

You can print the money, but if you just simply print the money, you destroy people's savings. You steal from those who have saved and take the value of their dollar.

This bill is the beginning of the debate. It is the first bill we have had to come forward with a new Congress that talks about money. It is a very small downpayment. I am asking for a little over \$2 billion savings. It is 2008 levels. It is what the House is asking for. You have to realize also what happened between 2008 and 2011. Do you know how much spending went up? Spending went up by 24 percent. Spending is out of control in this city, and we have to realize the consequences. If we stood here and had an argument over whether NextGen is a good thing, there is no argument. It is a good thing. We should have GPS. We have it in our cars. For certain, we should have it in our airports. I am all for modernizing the airports. But what I am saying is, it is irresponsible as legislators to stand here and just say more, more, more. We are going to spend more money.

We cannot do it. The thing is, it is not just the program. We are not talking about whether the program is justified or whether we should spend money. We are talking about what are the consequences of a massive debt. I think that is where we are.

The American people know this. They instinctively know this. I think there is a great danger to not stepping up. I wish the other side would have come back and said: Why don't we split the difference and try to save \$1.5 billion. That is what compromise would be in this city. If they don't want to

save \$2.5 billion, let's save \$1.5 billion. But the thing is, we need to save money everywhere and it cannot be that every program you want to cut is somebody else's program and then when it gets to be your program that you are interested in, you can't cut it. Everybody has a self-interest in their program. Every special interest in this country has a special interest. They have an interest in their particular spending.

I would say this is a small downpayment. This is a way to say to the American people: We have heard you in the election. We know there is a problem. We are going to start cutting spending.

I urge my fellow Senators to vote for this amendment. It is something that has nothing to do with quality, has nothing to do with whether you believe in air safety. It has to do with whether you think the debt is a problem, whether you think the debt is a threat to us as a country, and whether we are going to step up and do the responsible thing.

I reserve my time.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, what is pending before the Senate at this moment?

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Kentucky.

Mr. DURBIN. It is my understanding this amendment by the Senator from Kentucky would establish a new authorization level for the Federal Aviation Administration, which would revert to the level of 2008. I think it is worth noting that this may cut spending in some regards, but I do not believe it is a wise decision by the Senate to move in that direction.

Our world has changed dramatically since 2008 and the world of aviation even more so. The aviation industry is not the same today by any means. We debated the FAA bill on the Senate floor in 2008. At that time, oil was \$120 a barrel, and the airline industry was in the doldrums.

Eight airlines either completely ceased operations or filed for bankruptcy that year. That cost 11,000 airline-related jobs in America. Airlines that weathered the financial storm lost millions of dollars because fuel costs were going through the roof.

United Airlines, based in Chicago, which I am honored to represent, reported a \$538 million loss that year,

driven by a \$618 million increase in fuel expenses. The airlines reacted to this market reality in 2008 by reducing capacity across the industry by 25 percent. Flights were reduced at airports all around the country.

The point I am trying to make is, if we take a snapshot of the aviation industry in 2008, we would find an industry devastated by high fuel prices, still recovering from some of the episodes that followed after 2001, and dramatically cutting back its services across the United States.

We have a suggestion by the Senator from Kentucky to return to that level of spending by the government, when it comes to our responsibilities related to the airline industry. I do not believe that is a thoughtful suggestion because it does not reflect the reality of where we are today and what we are likely to see in the future.

Today is a different day. The airline industry is seeing a major rebound at this point in America. Airlines have reported a \$15 profit in 2010, and the industry is adding jobs. Airline activity is up considerably compared to 3 or 4 years ago. Today the FAA announced that their forecasts for aviation traffic for the next 20 years were too low. The FAA now predicts U.S. airlines will reach 1 billion passengers per year by 2021, 2 years earlier than last year's prediction.

So the obvious question is, if the airlines are now going to move forward into a period of expansion with more flights, can we afford to say to the American public and the flying public from around the world as they come to the United States that we are going to dramatically cut government investment in aviation?

What the Senator from Kentucky would have us cut, unfortunately, is not the fluff and the extras. It goes to the heart of the responsibility of the Federal Aviation Administration. Madam President, you and I and our colleagues get on these airlines every week. We put our fate and future in their hands, trusting that we have a qualified airline crew, a plane that is ready to fly, and air traffic controllers who will move us safely from one spot to another.

Much of that is being done by those who are employees of the airlines. But a lot is being done by the employees of the Federal Aviation Administration. What Senator PAUL is suggesting is that we, at a time of great expansion in this industry, need to cut back on the government role.

It means fewer dollars and, equally important, fewer professionals who would be inspecting these airplanes to make sure they are safe, fewer air traffic controllers, less of a role by our government in making certain the airlines are operating in a safe and efficient manner at a time when the aviation industry is expanding.

Senator PAUL's suggestion moves us in the wrong direction. If there was ever a need for more vigilance, more oversight, and more professionalism at the FAA it is now. Cutting back to 2008 spending levels will take away the professional men and women who make the FAA the fine agency that it is.

We signed the last FAA reauthorization bill into law in December of 2003. That bill expired in 2007, about the same time Congress was considering the fiscal year 2008 spending levels of the FAA. We have now extended this law 17 times, lurching forward each time, waiting for this moment when the bill came to the floor.

Congress used to reauthorize the FAA every 2 years just to keep up with a changing aviation industry and to make sure our government agency, working with the airlines, was on top of its responsibility. Now we have been stuck with the same authorization bill we crafted 9 years ago, and the Senator from Kentucky, with this amendment, would have us go back to spending levels of 2008.

Almost all Senators agree we need to do more to make sure we have the best men and women working for the Federal Aviation Administration. We need to talk about a new generation of air traffic control. Almost all Senators understand we need to update an air traffic control system that is based on World War II technology, technology from the 1940s—70 years ago. It is good, but it could be dramatically better.

This bill before us makes that investment in a technology known as NextGen. These investments move us from radar-based systems to a GPS-based system. It is incredible to me that I can stand on the floor of the Senate and make this speech while I can carry in my pocket a cell phone which has a GPS device which some people could use to determine where I am at this very moment in time. Yet when I board an airplane to fly to Chicago, this technology is not being used. Instead, they are using radar—not an ancient technology but a very old technology.

If a GPS is good enough for my cell phone, if it is good enough for so many other applications, such as the bus that travels back and forth on the streets in the city of Chicago, why don't we have it in our airplanes? Well, because we have never moved from that old technology to this modern technology of GPS, using satellites to determine exactly, pinpointing, where the planes are at every moment.

The FAA bill before us moves us in this direction. The Paul amendment by the Senator from Kentucky would basically eliminate our development of this new technology. The amendment moves us back to the past and it does not save money. The Paul amendment, in fact, would basically deny us this new technology. The FAA Adminis-

trator under President Bush, Marion Blakey, was recently asked what she thought about the movement to roll back funding to the fiscal year 2008 levels—the Paul amendment—when she was Administrator. She said: "It's false savings because in the long run it'll cost us much more."

She knows and we know we have to move to GPS from radar to make it safer and more up to date. Senator PAUL of Kentucky says: Let's stop talking about the future. Let's focus on the past.

Can we afford that when it comes to the aviation industry, where every single day we entrust our lives and the lives of the people we love on these airplanes?

Ms. Blakey said that rolling out the NextGen system by 2018—which is the goal of this bill—would save \$22 billion, mostly because fewer delays would mean less fuel burned.

But reducing FAA spending to the fiscal year 2008 levels, as Senator PAUL suggests in this amendment, would amount, as Marion Blakey said, to a cut of \$1.3 billion—the amount being spent this next year on NextGen. It would roll back and stop NextGen, this new technology, before we can move forward.

This amendment is not about saving money. This amendment is about cutting corners in an area where we should never cut corners. When it comes to the safety of the American public boarding airplanes every day, you do not cut corners. You make sure you have the very best professionals working for the agency and the best technology being used by airports and airliners as well.

I am afraid Senator PAUL's approach may have some appeal to those who would cut blindly, but if you open your eyes and take a look at it, this is a bad move—a move that invites some terrible consequences, which none of us want to envision. We need to keep America investing in modern technology. We need to expand our national airspace safely and efficiently.

I urge my colleagues, this afternoon or early this evening, to vote against the Paul amendment. I know his goal is to save money. This is money that needs to be spent for the safety of the American flying public.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, we are out here talking about the FAA bill, a bill to improve the transportation system in America dealing with

our airways. There are a lot of great things about this legislation, everything from the passengers' bill of rights to improvement in airport infrastructure that many of my colleagues have been out here on the floor talking about. Even the Acting President pro tempore articulated why it is so important to make improvements in our ground-based system.

Practically every elected official in America knows that airports are a cornerstone of economic development. No business is going to locate in a community without knowing what the air transportation system is. If it is falling behind, if it is dilapidated, people are going to go somewhere else for their economic development. So improving the ground transportation system as part of the airport infrastructure is critically important for improving jobs in America.

So I know my colleagues are out here offering amendments, and the pending amendment is the Paul amendment, which is a very concerning amendment from the prospects of what it would do to cut the innovation we are about to implement in this FAA bill—the long-standing improvements to the Federal aviation system that have to do with taking our airways from a 1950s technology to a 21st century technology that improves both the situation for the pilots in the sky and the efficiency of our system and it improves and coordinates the communication system on the ground.

All that also increases jobs in America, high-wage jobs. It puts America back in the driver's seat in the development of key technology. Those are the kinds of jobs in manufacturing we want to be creating in America.

So when my colleague from Kentucky comes out and offers a proposal to basically slow down the implementation by the FAA on key employees in these areas that are part of the technology and infrastructure, what you are going to do is slow down high-wage manufacturing jobs in the United States as well.

With this legislation—with both the improvements to the airport infrastructure and what is, with the NextGen system, going to take place with new technology—we are talking about thousands of new jobs in America. We certainly want those manufacturing jobs to be here in the United States and to get the benefits of this NextGen system.

So I wish to take a moment to talk about that NextGen transportation system and why it is so important to us in creating jobs. Because my colleague from Kentucky may not realize, when you actually cut people and you cut the number of programs that are geared toward this, such as in the NextGen system, you are talking about that the R&D programs could be reduced by as much as \$25 million and

then funding for areas such as how to do self-separation, weather technology in the cockpit, weight turbulence.

I do not know about the Acting President pro tempore, but I fly a lot, back and forth across the country almost every week. Some of the pilots I have been flying with have said this has been the most turbulent weather this winter that they have seen. So I know personally. I want to know as much about this and the latest technology that can help us. But under this proposal, the estimated loss of jobs and cutbacks in grant programs and targeted areas again could mean the loss of expertise in R&D that is critical for us in our flying transportation system and safety.

So what are we talking about when we are talking about the NextGen system? We are talking about improvements in flight performance and improvements in the passenger experience and improvements in basically even how we use fuel.

What I like about the NextGen system most is that it reduces total flight delays by 21 percent. That is not the day we pass the bill or when the President signs it. But over time, the implementation of this system—which, again, we have a very old 1950s system, so it is basically radar. It is taking a picture in the sky and saying: Here is where planes are and having air traffic controllers talk to those planes and control, even in pass-off movements, where those flights are going.

In fact, I would say to the Acting President pro tempore, I do not know if she or anybody in her family has ever played Flight Simulator. There is probably more certainty and predictability in the movement in a flight simulator than in that radar system we have today. But we are going to change that.

What this does, by allowing for more accurate tracking and interface and information, is give us the ability to have flights fly on a more direct path, to be able to coordinate better with flights in transportation, and to have that system totally integrated on the ground.

So even those kinds of flight delays that happen on the ground at airports, where you are waiting and taxiing at the airport—oh, this flight is here and that flight is there—all that will be more improved. In fact, that improvement, estimates are, will reduce carbon dioxide emissions from the air transportation system by 12 percent. So that is a very positive aspect of moving forward on Next Generation.

Obviously, if you are improving flight delays by 21 percent, I guarantee you, you are going to be improving the passenger experience. When they know we are trying to get them where they need to go on time, in a better coordinated fashion, with savings, it helps us.

But it also is going to improve the ground transportation system. If you

think about that, our ground transportation system is always in need of coordination. We have actually had some accidents on runways. People have heard those in the news over the last several years.

So what this does—when you, again, have a GPS system, the GPS system is coordinating that, so you have better coordination of the taxiing of planes and airport vehicles and the entire ground transportation system. That should not be minimized. The fact that we can imagine how a GPS system can give us better data in the sky is important, but there is a lot that is lost on the ground with flights and the coordination of flights.

If you can imagine—just one of my personal pet peeves—you fly all the way across the country and you end up at your destination after 5½ hours, and no one is there to meet the plane or it takes an extra 10 minutes because somehow somebody did not know the plane was actually at the gate.

All that changes with the system. You know exactly where the plane is, and you know when they are going to be at that gate after they have landed. You know exactly how long it is going to take for them to taxi and how long it is going to take to get there. So that is a great improvement in this system and something that should not be underestimated.

But the issue of safety is also of critical importance—the fact that safety, in any kind of improvement to our system, has to be the paramount issue. To me, that is what NextGen delivers. It delivers better air traffic controller information. It means there is no routing pass-offs, as we do now when you are flying in between cities. At some point in time, Seattle is tracking you. When you leave Seattle, at some point in time, it is handed over to another sector and then to another sector and then to another sector. This situation is going to have accurate information all the way across, including no pass-offs or challenges with pass-offs, and it is going to give the pilots themselves better situational awareness. It is giving them more information about how they fly and about the information on the runway. So that is critically important for this system. We want safety. We want advancement.

In a lot of ways my colleague may be well intentioned in trying to reduce our budget, but when we look at these numbers and we look at what the Next Generation system is going to deliver, we don't want to cut that out of the government system. These are things that are going to give us efficiencies, they are going to help our economy, they are going to create jobs, and they are going to improve the safety of air transportation travel. I can tell my colleagues I certainly want to improve the safety and the situational awareness of pilots.

I mentioned fuel efficiency. I wish to talk about fuel efficiency for a second because I know fuel efficiency is an important issue. The flying public may think, Well, why do we want planes to be more efficient? The more the transportation system uses fuel, obviously, the more we have seen gas prices go up. It means our transportation tickets and travel costs are more expensive. With this Next Generation system, if we can start driving more fuel efficiency in our air flights by 5 or 6 percent, then we are going to help keep the efficiency in the transportation system.

A program with something like Next Generation was done by Southwest Airlines in a pilot project in Texas, and it actually demonstrated a 6-percent fuel savings for flights between Dallas and Houston. By that I mean it showed that by giving pilots more information, being allowed because of a satellite system-like approach to transportation instead of radar, they are able to fly a more direct route from takeoff to destination. That efficiency translates into savings in fuel costs. It alone is a very important aspect of the system.

The net-net of this is high-wage jobs for us in this particular sector. When we think about this, it means high-wage jobs in engineering, in software development, and for other high-tech workers who are part of developing this system, as well as jobs for the flight crews and maintenance and basically everybody who benefits from the fact that we have a traveling public and tourism in our economy.

I hope my colleagues will vote down the amendment by the Senator from Kentucky. All of these things are very positive aspects of the Next Generation system and the improvements to our air transportation. This amendment would cut the viability of many of these programs within the NextGen system and the jobs that can be created from this particular legislation. It is definitely long overdue and something the public is expecting from us.

I mentioned there is a passenger bill of rights here which in and of itself is a very positive aspect of the legislation in terms of access. Any time there is a delay on the runway, we have to make sure there is access to food and water and necessary medical treatment. Basically, the Department of Transportation can issue fines for noncompliance of airlines. I know many of the traveling public will love this particular aspect of this important FAA legislation.

I hope we can dispose of this amendment by my colleague from Kentucky and move on to passing this important legislation. It is about jobs. It is about safety. It is about fuel efficiency. It is about ontime arrival. It is about not gutting this legislation when it is needed most to be passed by this body.

I thank the Presiding Officer. I see my colleague from Washington is also

here to speak so I will yield the floor for her.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to take 10 minutes of the Republican time unless a Republican Senator comes to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, we are here on the floor debating an amendment by the Senator from Kentucky. It is very important for the American public to understand. Everyone agrees we have to take some smart steps to cut waste and reduce our debt and deficit, but cutting back doesn't mean cutting blindly. It doesn't mean indiscriminately cutting programs that not only create jobs but, importantly, keep our country and people safe. Make no mistake about it: The Paul amendment we are considering and that we will be voting on shortly directly impacts the safety of air travel in this country.

We all know the FAA has a very specific mission. It is responsible for keeping air travel safe. It oversees the safety of our airline operations. It certifies the equipment they use to meet safety standards. It is responsible for the air traffic controllers who guide our planes, and to make sure the pilots who are responsible for our safety are fit to fly. That is what the FAA does. But under the amendment we are considering this afternoon, the FAA's ability to do that job would be dramatically hampered because under that amendment, the FAA would lose hundreds of its safety inspectors and would have to use furloughs to reduce the work hours of its entire safety inspector workforce.

The FAA controls air traffic every hour of every day. Under the Paul amendment, the FAA would have to furlough its air traffic controllers for significant periods of time because we wouldn't be able to afford to pay for the controller workforce to make sure we have safety in the skies. That doesn't make any sense. It would mean stretching a thinner workforce that bears the burden of keeping millions of air travelers safe every day.

The Paul amendment would force the FAA to continue controlling air traffic with outdated equipment. That is not what we should be doing today. We all know the FAA is currently in the midst of a long-term initiative called NextGen to modernize our air traffic control system which the Senator from Washington just spoke about—a system that will increase the capacity of our aviation system. It will reduce delays and cancellations that everybody knows are hampering our air traffic right now. It saves fuel, and it lowers emissions. It is a modernization effort that is long overdue.

Right now, our air transportation system still relies on radar technology that was developed during World War II. That is right. If you are flying today, you are relying on radar technology that was developed during World War II. The cell phones in everybody's pockets make use of satellite positioning, but we still haven't moved the FAA to a satellite-based system that could guide our planes with increased efficiency. Every one of us uses computer networks every day in our lives, but we are still making the investments to move the FAA to network-enabled operations that will help the agency coordinate more effectively with Homeland Security and the Defense Department.

We all rely on our BlackBerries to communicate with each other through e-mail and text messages, but we are still making the investments necessary to help the FAA rely less heavily on voice communication between pilots and air traffic controllers. If you are on a flight and if you listen on your headphones when the pilot is talking to the air traffic controllers, and you know they step on each other, we know the system is not efficient. Under the Paul amendment being offered today, that entire modernization effort would face significant delays. With goals for reduced delays and fuel savings in sight, we would be stepping on the brakes. Ironically, that would increase the cost of these NextGen investments over the long term, forcing all of us as taxpayers to put in more money to reach those necessary goals.

This amendment would not only impact the safety of our travelers in this country, it would create a major impact on our efforts to create jobs and boost the economy. I told my colleagues this amendment would furlough or eliminate the jobs of workers across the country, and they are not nameless, faceless bureaucrats. These are people who are air traffic controllers who are right now controlling the planes in the sky as we speak. These are the safety workers who are responsible for keeping watch over our airlines and certifying our pilots to make sure that plane they are flying and any repair that is made is done correctly. They are the researchers who are working to find cleaner and quieter aircraft technology and alternative aviation fuels.

But this amendment wouldn't just impact those workers we all rely on, and that is because when we are forced to continue flying with fewer air traffic controllers in the tower under older technology, we are going to face huge delays and inefficiencies that will lead to billions of dollars in lost revenue. Ask anybody in the hotel business or restaurant business or tourist business what happened after 9/11 when our air traffic was shut down. The impact on our economy is huge.

We need to make sure when we make cuts to our budget, we do it wisely. The Paul amendment that is before us affects our economy, affects jobs, and critically affects the safety of the American public. That is not wise or responsible.

The most recent statistics show that civil aviation accounts for about \$1.3 trillion in economic activity in this country. Even more importantly, aviation provides jobs for hard-working Americans. A few years ago, 11 million Americans were employed in an aviation-related field. They earned about \$400 billion. This is not the time to put this vital job sector at risk by cutting back on our effort to modernize and innovate, and we should never be willing to put the safety of our skies and our airports and Americans at risk.

This amendment is a misguided attempt at providing savings that comes at too high a cost. We all know and we all agree we need to be prudent about our spending, but we can't undermine the FAA as our first attempt out here and put the American public at risk. That is not wise; that is not prudent; it is not what we should be doing.

I urge the Senate to consider the very real danger this amendment poses to our safety and our economy and oppose this amendment.

Thank you, Madam President. I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I ask unanimous consent to take 1 minute of the time remaining allocated to the other side of the aisle.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I can say it in 1 minute. Why do we not want to savage the FAA budget, cutting millions and millions, to go back to the 2008 level? Simply this: It is the safety of the flying public.

The airways are getting more crowded. The delays on the ground, in the airports, are getting longer. That is the whole idea of creating a new system of air traffic control—in order to handle more traffic safely by having instruments in the cockpit that operate off our constellation of satellites that can keep the separation between airliners, can fly more efficient direct routes, and it all be coordinated instead of through radar from the ground. That is the whole purpose of the updating of

the FAA air traffic control, called the Next Generation of air traffic control.

If this amendment is adopted, all of that is savaged. That is not where America should be going.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, I commend Senator PAUL for his diligent work to try to bring spending in line with our Nation's fiscal realities.

His amendment reduces the overall authorization level for the Federal Aviation Administration to \$14.719 billion. That is the authorized level for fiscal year 2008. That is down from \$17.526 billion, which is proposed under the 2011 bill. To put this in perspective, it is a 19-percent increase in just 3 years. If we continue to have those kinds of increases, it is not going to be sustainable given our large and growing debt.

Holding spending to 2008 levels is not so outrageous or unworkable as has been portrayed. By reducing the top line amount, the amendment provides the Secretary of Transportation with the necessary discretion to make the appropriate reductions to the related FAA accounts. Not all of them, for example, are safety accounts. So priority could be given to those matters.

There is an argument that could be made that since this is an authorizing bill rather than an appropriations bill, the overall funding levels do not matter. But authorization bills do establish guideposts for the Appropriations Committee. In this case, the spending reductions reflect limits on how much will be appropriated out of the airport and airway trust fund.

Additionally, a portion of FAA's funding comes from the general fund of the U.S. Treasury. Imposing spending cuts to this authorization bill also provides a tiny but still necessary signal to other Members of the body, the administration, and the financial markets that the United States is prepared to begin dealing with our pending budgetary catastrophe.

The simple fact is that the United States is \$14 trillion in debt and running an annual deficit of \$1.6 trillion. Our record level of debt is equal to \$45,500 per American citizen and \$127,500 if we just count the taxpayers in America. Each day the United States pays another \$1.273 billion in interest alone on this debt.

To be clear, the amendment could result in a reduction of some FAA services. This is a reality that setting the tough spending priorities will cause some services potentially to be trimmed and certainly unnecessary functions to be eliminated.

But I do not think the debate over this amendment can occur outside the context of the difficult spending decisions that we are going to need to consider in the next several weeks. We lit-

erally have to start somewhere, and almost everywhere is going to require some sacrifice.

The House of Representatives will consider cuts to the FAA funding levels this week and, likewise, this body will be required to do the same.

I appreciate the work that Senator PAUL has done and hope that my colleagues will strongly consider supporting his amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that when the disposition of the Paul amendment occurs, the Senate proceed to the consideration of H.R. 514, which was received from the House and is at the desk; that the Reid-McConnell substitute amendment, which is at the desk, be agreed to; that there be up to 30 minutes of debate equally divided between the two leaders or their designees prior to the vote on passage of the bill, as amended; that there be no further amendments or motions in order to the bill prior to the vote, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I express my appreciation to everyone involved. It has been a difficult issue, but I will put on the record what I have told a number of Senators personally, and that is that we will, prior to this expiration occurring, bring up the PATRIOT Act and have an opportunity for an extended period of time—a week at least—to offer amendments and do whatever people feel is appropriate on this bill.

I have talked to a couple of Senators who have told me specifically that they want to offer amendments. Although I didn't agree I would support their amendments—one was a Democrat and one was a Republican—I said that is what we should be able to do, to set this up so they can offer their amendments. And I will do whatever I can to make sure we move forward on this legislation in ample time so that we can pass this PATRIOT Act for a more extended period of time, which is so important to the security of this country. I know people have problems with it, and that is why we are going to have the amendment process.

The PRESIDING OFFICER. All time is expired on the amendment.

Mr. REID. Mr. President, I move to table amendment No. 21 offered by the

Senator from Kentucky, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—2

Kerry Pryor

The motion was agreed to.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote in relation to Paul amendment No. 21 to the FAA reauthorization bill. If I had attended today's session, I would have voted in opposition to that amendment and would have supported any motion to table that amendment.●

FISA SUNSETS EXTENSION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following measure, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement

and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The PRESIDING OFFICER. Under the previous order, the substitute amendment is agreed to, and there will be 30 minutes equally divided for debate prior to a vote.

The amendment (No. 90) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “FISA Sunsets Extension Act of 2011”.

SEC. 2. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2011” and inserting “May 27, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2011” and inserting “May 27, 2011”.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, in a few minutes we are going to vote on a 3-month extension of the expiring provisions of the PATRIOT Act. I will support this extension because it gives the Senate time to properly consider this critically important legislation. But before I support any additional extensions of the PATRIOT Act, I believe we should have an honest discussion about changes and reforms that are necessary to protect the constitutional rights of innocent Americans. It is worth taking a moment to reflect on the history of the PATRIOT Act.

The PATRIOT Act was passed almost 10 years ago after the 9/11 terrorist attack. Ground Zero was still burning when President Bush asked Congress to give him new authority to fight terrorism. Congress responded, passing the PATRIOT Act by an overwhelming bipartisan vote, including my own. It was a unique moment in our history.

But even then, many were concerned that the PATRIOT Act might go too far when it came to our constitutional rights and freedoms. As a result, we put an insurance policy in the law, a sunset clause on the PATRIOT Act's most controversial provisions. I believe that was a thoughtful move on the part of the Senate and the House. We knew that we were in a very emotional state because of the dramatic loss of life and fear that followed after the attacks on 9/11. We wanted to reflect on some of

the changes and authority given to the government at a later time.

I voted for the PATRIOT Act, but I soon realized it gave too much power to the government in some areas, without judicial and Congressional oversight. So 2 years after the PATRIOT Act became law, I led a bipartisan group of Senators to introduce the SAFE Act, legislation to reform the PATRIOT Act. The SAFE Act was supported not only by the American Civil Liberties Union but also by the American Conservative Union and Gun Owners of America. It was an extraordinary coalition. Progressive Democrats and conservative Republicans came together across the partisan divide, with the understanding that Americans believed we can be both safe and free. We wanted to retain the expanded powers of the PATRIOT Act but place some reasonable limits on those powers within the bounds of the Constitution.

In 2005, the first time Congress reauthorized the PATRIOT Act, some reforms of the SAFE Act were included in the bill. Many were not. So there are still significant provisions in the PATRIOT Act which cause concern to this Senator. The FBI is still permitted to obtain a John Doe roving wiretap that does not identify the person or the phone that will be wiretapped.

In other words, the FBI can obtain a wiretap without telling a court who they want to wiretap or where they want the place the wiretap itself. In garden-variety criminal cases, the FBI is still permitted to conduct what is known as sneak-and-peek searches of a home without notifying the homeowner about the search until some later time.

We now know the vast majority of sneak-and-peek searches take place in cases that do not involve terrorism in any way. A national security letter, or NSL, is a form of administrative subpoena issued by the FBI. We often hear NSLs compared to grand jury subpoenas. But unlike a grand jury subpoena, a national security letter is issued without the approval of a grand jury or even a prosecutor. And unlike the grand jury subpoena, the recipient of a national security letter is subject to a gag order at the FBI's discretion.

The PATRIOT Act greatly expanded the FBI's authority to NSLs. An NSL now allows the FBI to obtain sensitive personal information about innocent Americans, including library records, medical records, gun records, and phone records, even when there is no connection whatsoever to a suspected terrorist or spy.

The Justice Department's inspector general concluded that this standard “can be easily satisfied.” This could lead to government fishing expeditions that target, unfortunately, innocent Americans.

For years we have been told there is no reason to be concerned about this

broad grant of power to the FBI. In 2003, Attorney General Ashcroft testified to the Judiciary Committee that librarians who raised concern about the PATRIOT Act were “hysterics,” in the Attorney General’s words, and “the Department of Justice has neither the staffing, the time, nor the inclination to monitor the reading habits of Americans.”

But we now know, many years later, the FBI has, in fact, issued national security letters for the library records of innocent Americans. For years we were told the FBI was not abusing this broad grant of power. But in 2007, the Justice Department’s own inspector general concluded the FBI was guilty of “widespread and serious misuse” of the national security letter authority, and failed to report those abuses to Congress and a White House oversight board.

The inspector general reported that the number of NSL requests had increased exponentially from about 8,500 the year before the enactment of the PATRIOT Act to an average of more than 47,000 per year, and that even these numbers were significantly understated due to flaws in the FBI database.

I believe America can be both safe and free. We can retain the expanded powers of the PATRIOT Act but place some reasonable limit on them within our Constitution. I will support this extension so we have time to produce legislation of which we can all be proud. I know the chairman of the Judiciary Committee is on the floor to speak. I want to close by saluting him. I think he has taken a very professional approach. He has been completely open to this discussion of the provisions of this bill, and the offering of amendments. I plan to work with him and other members of the committee in good faith. I think this 3-month extension will give us time to expand the debate on this important constitutional issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Illinois for his comments.

In less than 2 weeks, the current short-term extension of three authorities authorized by the USA PATRIOT Act will expire. I thank the two leaders for working to ensure that everyone has the opportunity to consider the expiring provisions of the USA PATRIOT Act, and to do so in a way that ensures that these authorities do not lapse while the Republican majority in the House and new Senators consider these measures.

The bill I introduced on January 26, and that the Judiciary Committee is scheduled to consider this week, is based on the bill the Judiciary Committee considered and passed with a bipartisan majority last Congress.

It includes additional adjustments made at Senator KYL’s suggestion after the committee reported the bill in 2009. I will urge the Judiciary Committee to report that legislation again, and I will urge the Senate to consider and pass the improvements to the USA PATRIOT Act that we have proposed, during this short, additional 90-day extension.

The original USA PATRIOT Act included important sunsets that were supported by both Republicans and Democrats. I believe that the sunsets suggested by Dick Army back in 2001 have been a good thing. I have tried to conduct aggressive oversight of USA PATRIOT Act surveillance authorities since the bill was originally enacted in 2001. The sunsets have been helpful in that process. Accordingly, I do not support permanent extension of these surveillance authorities.

Nor do I support undercutting important oversight and government accountability with respect to these intelligence gathering tools. Instead, I support strengthening oversight while providing the intelligence community the certainty it needs to protect national security.

The bill I hope we will consider before May 27 would give the intelligence community the certainty it needs by extending these expiring authorities while also strengthening congressional and judicial oversight. This legislation is the result of bipartisan negotiations 2 years ago. It had the strong support of the administration.

The House bill we are amending was not the product of bipartisan agreement, or even an open debate in the House. It would extend the PATRIOT Act without improvement for the rest of the year. That is too little for too long.

I do not begrudge our friends in the House time to do their work, and for the new Republican majority to seek additional time to consider the expiring provisions of the PATRIOT Act. But it should not take a year to pass improvements to these provisions. Importantly, we should not extend this debate into an election year and risk that some will play politics with our national security.

With the 90-day extension that the leaders have proposed, we will be able to consider the USA PATRIOT Act Sunset Extension Act of 2011 and improve authorities that are otherwise set to expire.

Our bill can promote transparency and expand privacy and civil liberties safeguards in the law. It will increase judicial oversight of government surveillance powers that capture information on Americans.

I hope that ours is a package of reforms that all Americans can support. A bipartisan group of Senators on the Judiciary Committee voted in favor of it in the last Congress, including Sen-

ator KYL and Senator CORNYN. Subsequent negotiations produced a package that was endorsed by the Attorney General and the Director of National Intelligence.

When Congress did not act on that negotiated package of reforms, but instead passed an extension of the expiring authorities until February 28, 2011, I took steps to see that key portions of the package were implemented administratively by the Department of Justice.

It is my hope that during this short extension Congress will pass the USA PATRIOT Act Sunset Extension Act of 2011 to codify the steps forward that the Attorney General has taken to implement parts of our legislative proposal administratively.

We can ensure that the progress in accountability and transparency that we achieved last year is not lost simply because it was never written into the statute.

In addition, we will have the opportunity to enact the parts of the bill that the Attorney General did not or could not adopt because they require a change in the statute. Chief among these is adding a new sunset on National Security Letters.

Second is repealing the presumption in favor of the government that a judge must honor when he or she reviews an application for a section 215 order for business records. The government does not need this presumption. In fact, the Attorney General endorsed the repeal of the presumption when he expressed his support for the bill in the prior Congress.

We can preserve the authorities that give law enforcement the tools it needs to protect national security. And we can ensure that inspectors general, Congress, and the public maintain vigilant oversight of the government, making sure these authorities are used properly and within constitutional bounds.

I urge all Senators to support the Senate amendment to H.R. 514 and then to support the USA PATRIOT Act Sunset Extension Act of 2011.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I want to thank the majority leader for agreeing to allow a debate on this important legislation. We will have time to amend it in the next 3 months, discuss it fully.

When the PATRIOT Act was passed in the first place, it was passed in a hurry, without committee hearings, and in a climate of fear and anger after 9/11. Congress was sensitive to the fact that the fourth amendment was being abridged. That is why these legislative proposals were sunset. It was not just so we could pass them by unanimous consent without voting. It was done so we could review how well we are doing with these, and whether we are abridging the freedoms guaranteed under the fourth amendment.

There are a couple of things that bother me about the PATRIOT Act. No. 1, the national security letters. These have been mentioned previously, and I think the points are well taken. Some try to argue, oh, these are simply subpoenas so you can do anything you want. I think they are searches of private records and should be reviewed by a judge. But even if you argue that they were subpoenas, if you have a subpoena, your lawyer is allowed to make a motion to quash your subpoena, your lawyer is allowed to represent you.

In the craziness after 9/11, when the PATRIOT Act was passed, it was actually illegal to consult an attorney. If you were given a national security letter saying you were being investigated, you could go to jail for 5 years by telling your attorney. It is still in the law that you can go to jail for 5 years if you tell others. This is being done against U.S. citizens.

Many people argue for this saying: Oh, it is just foreign terrorists. National security letters have been written on 200,000 individuals and over 50 percent of them from the United States in the last 10 years.

In addition to the national security letters, this act expanded the use of what are called suspicious activity reports, where they snoop in your bank records. Not only does the government snoop in your bank records, they force the banks to do snooping for you. Two million records have been gone through, and we say: Well, are we getting terrorists? Yes; we are probably getting terrorists. But were we capturing terrorists under FISA when we had a judge's review? Yes. It was very rare that FISA ever turned down a warrant. But we just gave up. We blankly gave up the idea of judicial review.

This was a big deal. John Adams said this was the spark that got the Revolution going. When James Otis was talking about writs of assistance in the 1760s, the King was granting writs of assistance through his soldiers. Now we have essentially government agents, akin to soldiers, writing warrants.

It is ripe for abuse. Even the FBI, when they did their own internal investigation of the national security letters—they reviewed 1,000 of these national security letters, and they found that 10 percent of them were in error.

The other thing, for those who say: Oh, this is just a subpoena. It is just your bank records. No big deal, they should be weary of this: People have gone through the FISA Court and been turned down under section 215 and not gotten a warrant and they have done an end-around and gotten national security letters.

I think it is something so basic to our constitutional Republic. I tell people on and on, I am a big defender of the second amendment. But you cannot have the second amendment unless you defend the first amendment. You can-

not have the second amendment unless you defend the fourth amendment.

We need to defend the right to be free of search and seizure. People need to look back and say: Did the FISA Court work? The FISA Court rarely turned anything down as far as getting warrants. But at the very least, there was independent judicial review, which is a very important part of our historical jurisprudence and I think should be guarded and protected.

I think, in the fear after 9/11, we did not debate these things fully. We should have a debate. There is a wide range of people on both the left and the right who do believe in civil liberties. I think it is time we do review these. I will stand in the next several months and try to promote this discussion. I think it is a good time to review and revisit the PATRIOT Act.

I will vote against the extension of the PATRIOT Act because I do not think it is doing full justice to the fourth amendment, and I think it is very important we have judicial review before we allow government to investigate and search our private lives.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I come to the floor as the chair of the Intelligence Committee of the Senate and also as a member of the Judiciary Committee, so I have been part of the PATRIOT Act and the FISA Act discussions.

Let me clear up one thing for the distinguished Senator from Kentucky: Nothing in what is before us today affects national security letter sections of the act. Let me repeat that because I have heard this presented on the floor, I have seen it in editorials in the newspapers, and nothing in what is on the floor today affects the NSL sections—of which there are several in various statutes—of the PATRIOT Act.

There are three specific sections that are affected, and I will get to them in a moment.

Let me begin by saying I support the Reid-McConnell amendment to H.R. 514. Let me point out that last Wednesday the Secretary of Homeland Security, Janet Napolitano, testified before the House Homeland Security Committee, and here is what she said:

In some ways, the threat today may be at its most heightened state since the attacks nearly 10 years ago.

In testimony to the House Intelligence Committee last week, the Director of National Intelligence, James Clapper, wrote that:

... it is impossible to rank—in terms of long-term importance—the numerous, potential threats to the U.S. national security.

The United States no longer faces—as in the Cold War—one dominant threat. Rather, it is the multiplicity and interconnectedness of potential threats—and the actors behind them—that constitute our biggest challenge.

So it is clear the threat against the United States from terrorism, cyber attack, the proliferation of weapons of mass destruction, and others is at a very high level. Intelligence is our best tool in keeping America secure.

I see this intelligence day after day after day. The Intelligence Committee hears testimony week after week after week. I believe all members of the Intelligence Committee are behind the Reid-McConnell bill.

So that is the framework in which these three expiring provisions come before us. Without them, our law enforcement and intelligence agencies would lack important tools to protect this Nation. These are tools that have been used to great advantage over the past several years.

I cannot speak here of the specific uses of the expiring authorities for reasons of classification. The Director of National Intelligence, the Director of the FBI, and the Director of the NSA described to Members last night how they have been used. Here is what they have told us:

We have seen recent successful disruptions of terrorist plots directed against the United States. Our intelligence and law enforcement personnel were able to disrupt al Qaeda's Najibullah Zazi terrorist plot to attack the New York City subway system. These PATRIOT Act authorities, along with other critical intelligence tools, are essential to our ability to detect and disrupt such plots.

Let me talk about the three provisions, starting with the business records section that is expiring. This authority allows the government to go to the Foreign Intelligence Surveillance Act Court—a special court with judges appointed by the Chief Justice that deals only with these matters and meets 24/7. The provision allows the government to obtain business records if it gets a warrant from this court.

The second expiring provision, so-called roving wiretap authority, provides the government with needed flexibility in conducting electronic surveillance. We all know there are now throwaway cell phones. We have found that terrorists have attempted to evade surveillance by using these throwaway cell phones and rapidly switching cell phones. This tool allows for surveillance on a particular target, not the telephone. Again, you need to have that authority given to you, much as you would in a criminal wiretap by a court, but in this case by the Foreign Intelligence Surveillance Act Court. Again, the surveillance is for foreign intelligence.

According to FBI Director Bob Mueller, this provision has been used more than 190 times since it was authorized in 2001.

The third section—the final one—is the “lone wolf” authority that allows

for court-ordered collection against non-U.S. persons who engage in international terrorism but for whom an association with a specific international terrorist group has not yet been determined.

This provision was enacted in light of the Zacarias Moussaoui case, in which the FBI suspected Moussaoui of engaging in terrorist activity and believed at the time it could not obtain a FISA order—in other words, a FISA warrant—for lack of definitive connection to a known foreign terrorist organization.

I see Senator KYL on the floor. He well knows this issue. So this is a specific addition that was put in because of the Moussaoui case to get at someone who is a “lone wolf” who has no known association with a terrorist operation.

These tools have been authorized for several years and have been subject to strict scrutiny by the Foreign Intelligence Surveillance Act Court, the Department of Justice, and the Congressional Intelligence and Judiciary Committees.

Members have raised concerns that provisions authorized by the PATRIOT Act have been misused. The Judiciary and the Intelligence Committees have held numerous hearings on this topic. I believe past problems have been addressed, and we will continue to monitor the use of these provisions carefully.

Members have also noted past problems with the use of national security letters, and that is what all the discussion so far that I have heard on the floor has been. As I have said, the national security sections are not at issue at this time. So it is, in a sense, a shibboleth to raise them here.

It is business records, it is lone wolf, and it is roving wiretaps. Those are the three sections that expire on the 28th of February.

So let me be clear: This legislation does not address national security letter authorities, as those provisions are not set to expire at the end of the month.

By extending these three provisions until May 27, the Congress can appropriately study and I hope enact long-term reauthorizations that the intelligence community and law enforcement need to continue to keep us safe.

Let me just say, I see—and cannot go into here—but day after day uses of these expiring authorities and have come to believe that being able to have good intelligence is what prevents an attack against a New York subway or air cargo plane. It is what keeps this homeland safe, and it is what allows us to get ahead of a terrorist attack. Without them—without them—we put our Nation in jeopardy. I, for one, took an oath of office to protect and defend, and I do not intend to be party to that. Everything I know indicates that there

is jeopardy facing this Nation, and these intelligence provisions are necessary to protect our homeland.

I urge acceptance of the Reid-McConnell legislation.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to agree with the comments made by our colleague from California, the chairman of the Intelligence Committee, and urge all our colleagues, in the time that will exist between now and the time we are able to take up this matter again, to accept her invitation to be briefed and to appreciate some of the things that our intelligence community goes through in order to try to protect the American citizens.

The points she made are all valid from my service on the Intelligence Committee. I am aware of what she has been talking about. I would just like to repeat three things. I will not bother to go into all the detail because she made the points very well.

Roving wiretaps—the name does not sound very good—are simply the recognition that today you have a lot of throwaway cell phones. It used to be you had one telephone hanging up in the kitchen or someplace, so when the police got a warrant to tap your telephone, that was the only phone you had.

Now these guys take phones, use them once, throw them away, and then get another one or they have access to lots of different phones. It is simply a recognition that today people use lots of different phones rather than one, and, therefore, the warrant applies to any of the phones of a particular individual.

The “lone wolf” terrorist exception Senator FEINSTEIN explained very well. I wrote that provision. It applies to people who do not have a card in their wallet that says: I belong to al-Qaida or I belong to some other terrorist group.

We understood that in some cases there will be people such as Moussaoui who you are not sure are actually affiliated with any particular group, but they are still planning a terrorist activity and, therefore, you want the ability to check them out.

Third is the business records. This is the only one there has been any controversy about. It allows the government to get a court order to obtain business records that are either held or generated by third parties. You want to find out, for example, if Mohamed Atta stayed at the such and such motel the night before he went to the airport to conduct the terrorist attacks of 9/11. That will help to prove the chain of evidence to prosecute other people or for us to be able to know exactly how that attack occurred. So you go to the motel and say: Could we see who

checked in last night. That is not a big deal.

For most agencies of the Federal Government, you do not even have to go to court to ask the question. But out of an abundance of caution, before the government can actually go to the motel and say: Can we see your record, they have to go to court to get approval to do that. So the PATRIOT Act actually sets a higher hurdle in trying to get these business records in terrorism investigations. In addition to that, there are only three top officials at the FBI who are authorized to request court orders for the information.

So the point is this: These are the only three provisions that are sunsetted and that we have to reauthorize. If people have objections to other parts of the act, such as has been expressed here, then their argument is not with the reauthorization of these three provisions but with the underlying law. In any event, I suppose they will have plenty of time to raise those questions when we debate this further in the next couple of months.

I urge my colleagues to support this short-term extension. In the meantime, prior to the rest of the debate we will have to check with the folks at the Intelligence Committee who can answer any questions colleagues may have about how this act is intended to operate and then check with the FBI and other law enforcement officials to see how it works in its operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, Montanans sent me to the U.S. Senate to bring accountability to this body, to make responsible decisions, and to protect America and the freedoms we all enjoy. I took the oath of office to defend the Constitution.

That is why I am going to vote against the PATRIOT Act. I encourage others to follow suit. I have never liked the PATRIOT Act. I still don't.

Like REAL ID, the PATRIOT Act invades the privacy of law-abiding citizens. And it tramples on our Constitutional rights.

We need to find a balance—making our country more secure and giving our troops, law enforcement and intelligence agents the tools necessary to get the job done. But we have to do it without invading the privacy of law-abiding Americans.

This extension doesn't address any of those concerns. It simply puts off the debate we need to have for another day.

There are some really troubling aspects that are not addressed by the extension of this law: Roving wiretaps

which allow surveillance of a “type of person,” instead of a particular person, over multiple phone lines. That is a slippery slope to eroding our constitutional protection against government searches; Using the reasonable grounds of suspicion standard to require libraries and businesses to report to the government about what American citizens buy or borrow.

We don't have to sacrifice our privacy and lose control of our personal information in order to be secure. And we should never give up our constitutional rights.

Voting for the PATRIOT Act is the wrong way to go. We have got a lot of smart people in this body. We can develop the policies we need to fight terrorists without compromising our constitutional civil liberties. I ask my colleagues to join me in voting against extending this law today and in the future.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I think all time has either been yielded back or all time is up, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS — 86

Akaka	Bingaman	Brown (MA)
Alexander	Blumenthal	Burr
Ayotte	Blunt	Cantwell
Barrasso	Boozman	Cardin
Bennet	Boxer	Carper

Casey	Inhofe	Nelson (FL)
Chambliss	Inouye	Portman
Coats	Isakson	Reed
Coburn	Johanns	Reid
Cochran	Johnson (SD)	Risch
Collins	Johnson (WI)	Roberts
Conrad	Kirk	Rockefeller
Coons	Klobuchar	Rubio
Corker	Kohl	Schumer
Cornyn	Kyl	Sessions
Crapo	Landrieu	Shaheen
DeMint	Leahy	Shelby
Durbin	Levin	Snowe
Ensign	Lieberman	Stabenow
Enzi	Lugar	Thune
Feinstein	Manchin	Toomey
Franken	McCain	Udall (CO)
Gillibrand	McCaskill	Vitter
Graham	McConnell	Warner
Grassley	Menendez	Webb
Hagan	Mikulski	Whitehouse
Hatch	Moran	Wicker
Hoeven	Murkowski	Wyden
Hutchison	Nelson (NE)	

NAYS—12

Baucus	Lautenberg	Paul
Begich	Lee	Sanders
Brown (OH)	Merkley	Tester
Harkin	Murray	Udall (NM)

NOT VOTING—2

Kerry

Pryor

The bill (H.R. 514), as amended, was passed.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I am necessarily absent for the vote today on legislation to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004, H.R. 514. If I were able to attend these vote sessions, I would have supported the bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004, H.R. 514.●

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

AMENDMENTS NOS. 49 AND 51, AS MODIFIED

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that my pending amendments, Nos. 49 and 51, be modified with the changes that I have at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments are so modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 49, AS MODIFIED

On page 48, between lines 22 and 23, insert the following:

(c) ADDITIONAL RELEASE FROM RESTRICTIONS.—

(1) IN GENERAL.—In addition to any release granted under subsection (a), the Secretary of Transportation may, subject to paragraph (2), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30-82-0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(2) CONDITIONS.—Any release granted by the Secretary under paragraph (1) shall be subject to the following conditions:

(A) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in paragraph (1), the County shall receive an amount for the interest that is equal to the fair market value.

(B) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

AMENDMENT NO. 51, AS MODIFIED

On page 311, between lines 11 and 12, insert the following:

SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

Section 44901 is amended by adding at the end the following:

“(1) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual's body and reveals other objects on the body as applicable, including narcotics, explosives, and other weapons components; and

“(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Homeland Security of the House of Representatives.

“(C) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term ‘automatic target recognition software’ means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

“(2) USE OF ADVANCED IMAGING TECHNOLOGY.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(3) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Except as provided in paragraph (4), beginning January 1, 2012, all advanced imaging technology used as a screening method for passengers shall be equipped with automatic target recognition software.

“(4) EXTENSION.—The Assistant Secretary may extend the date described in paragraph

(3) by 1 or more periods as the Assistant Secretary considers appropriate but each period may not be for a duration of more than by 1 year, if the Assistant Secretary determines that—

“(A) advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as advanced imaging technology without such software; or

“(B) additional testing of such software is necessary.

“(5) REPORTS.—

“(A) IN GENERAL.—Not later than 60 days after the date described in paragraph (3) and, if the Assistant Secretary extends the date pursuant to paragraph (4) by 1 or more periods, not later than 60 days after each period, the Assistant Secretary shall submit to the appropriate congressional committees a report on the implementation of this subsection.

“(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

“(i) A description of all matters the Assistant Secretary considers relevant to the implementation of this subsection.

“(ii) The status of the compliance of the Transportation Security Administration with the provisions of this subsection.

“(iii) If the Administration is not in full compliance with such provisions—

“(I) the reasons for such non-compliance; and

“(II) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

“(C) SECURITY CLASSIFICATION.—The report required by subparagraph (A) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.”.

Mr. UDALL of New Mexico. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 7, AS MODIFIED

Mr. INHOFE. Mr. President, I have the same request. I call for regular order with respect to my amendment No. 7, and I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the bill insert the following:

SEC. ____ RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

“(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

“(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph

may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

“(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.”.

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 93 TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I have a second-degree amendment to the Inhofe amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 93 to Inhofe amendment No. 7, as modified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for an increase in the number of slots available at Ronald Reagan Washington National Airport, and for other purposes)

Strike all after the word “SEC” and add the following:

____. **RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.**

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 5 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air

carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

“(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

“(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this sub-

section shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

“(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.”

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”

This section shall become effective 1 day after enactment.

CLOTURE MOTION

Mrs. HUTCHISON. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 7, as modified, to S. 223, the FAA authorization bill.

Kay Bailey Hutchison, Jon Kyl, John Ensign, John Cornyn, Kelly Ayotte, John Thune, Saxby Chambliss, Richard Burr, Johnny Isakson, Jerry Moran, James E. Risch, Richard C. Shelby, Rand Paul, John Hoeven, John McCain, Lindsey Graham, Mike Lee.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 93, AS MODIFIED, TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I send a modification to my second-degree amendment to the desk and ask that the amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the word “SEC” and add the following:

— RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

“(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

“(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perim-

eter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue

the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

“(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.”

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues and debt service costs at either of the Metropolitan Washington Airports, regardless of source, may be shared at the other airport.”

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the amendment that is now pending, for which we have a cloture motion, is what we are going to try to continue to work on and hope that we can come to a consensus on the issue of the perimeter rule that has caused so much of this bill to be held up. This is a good bill. This is a bill that is going to give America the opportunity to start the next generation of air traffic control systems. It is a bill that we must begin

now if we are going to go to a satellite-based system which will free airspace and make our air system work more efficiently for aircraft in the air.

It has safety provisions. It has consumer protection provisions. It is so important that we also accommodate the needs of all of our country, the constituents we have, to have an airport system that works—especially in the Washington area.

We will be able to debate this amendment as we go through the next few days. We are waiting for other amendments to also be debated on the floor. But I have stood very firm in saying we need a bipartisan solution to access to the Nation's airport in Washington, DC. It is located in Virginia, but it is the Washington, DC-near airport, and all of the airports in this area now have a robust business. It is time for us to deal with this in a rational, bipartisan, and responsible way. That is what Senator ROCKEFELLER and I have attempted to do, and we will continue to do so.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH REFORM

Mr. FRANKEN. Mr. President, I rise today to talk about health reform. I would like to start by telling you the story of a little boy named Isaac. From the day his parents brought him home as a newborn to Isanti, MN, he was sick all the time. He had everything from the flu to bronchitis to ear infections. But unlike most little boys, Isaac never seemed to get better. His parents, as any parents would, did everything they could to help him. They brought him to every medical specialist they could think of but no one could figure out what was wrong.

Finally, Isaac was diagnosed with a rare disease called common variable immunodeficiency. This means every 2 weeks a nurse has to visit his home to give him the medicine that lets his body fight off germs. Without this medicine, Isaac's body cannot fight off even a common cold. The home visits and IV medications Isaac needs are expensive. But Isaac's parents had health insurance, so Isaac was able to have a normal childhood.

Today, Isaac is a 19-year-old college student in Minnesota with dreams of becoming an English teacher. Here is a picture of him. He is the one on the right. That is Isaac.

Because of the toll his illness takes, his family decided that Isaac should go to school part-time. Unfortunately, before the health reform law was passed, young adults over 18 years of age generally had to be in school full time to stay on their parents' health insurance. If Isaac had not been able to stay on his parents' health plan, he would have been in a tremendous bind. His disease is the definition of a preexisting condition, and it would have been nearly impossible for him to find affordable individual coverage. But because of the health reform law that we passed last year, Isaac can now stay on his parents' health insurance, regardless of his school status, through his 26th birthday. He and his family were able to make the choices that made sense for their family without having to worry about Isaac's health insurance. In fact, in a few years, when he turns 26, a key provision of health reform will have kicked in and insurers will no longer be able to discriminate against him or any American because of a preexisting condition.

Isaac's parents may not be doctors, but they are experts when it comes to the needs of their family. They know the truth about what the health reform law has already done for their family. Just like Isaac's family, Minnesotans may not know every word of the health reform law, but they are experts on what they need for their own families.

Let me tell you about another Minnesota family who learned about the benefits of the new law. Maya, whom you can see right here, is one of 3 million Americans with epilepsy. She had her first seizure when she was just 3 years old. Modern medicine has not yet been able to find a way to stop her seizures, but by taking five medications per day she can control them.

Recently, Maya's father was laid off and the family lost his health insurance. Maya's family suddenly had to confront the possibility that they would no longer be able to give Maya the medication she needs to fight her daily seizures. Without insurance, Maya's medications cost more than \$1,500 a month, which would quickly bankrupt her family. Losing a job is stressful enough, but before the health reform law Maya's parents would have had to worry about buying health insurance on the individual market. Because of Maya's preexisting condition that would have been almost impossible.

Fortunately, the health reform law has banned insurance companies from discriminating against children with preexisting conditions. So her family was able to get on to another insurance plan without being denied.

The diagnosis of a chronic illness can happen to anyone at any time. Often, like Maya, it doesn't happen because of a lifestyle choice or genetic predisposition. It just happens. Maya was 3 years

old when she was diagnosed. Paying for essential medications and health care services that can help control chronic conditions like Maya's can easily put a hard-working family into bankruptcy.

Medical costs are the cause, wholly or in part, of 62 percent of all bankruptcies in this country. That will change dramatically because of this law. Americans will no longer be discriminated against because of pre-existing conditions, and insurance companies can no longer impose lifetime limits on the dollar amount of care they will provide. This is an enormous, almost incalculable, benefit to Americans and their peace of mind.

The truth is, Congress listened to people across this country, people such as Isaac and Maya and their families. By allowing kids to stay on their parents' insurance longer, we listened by ending insurance companies' discrimination against women and people with preexisting conditions, and we listened when the American people said lifetime caps on insurance benefits were forcing millions of chronically ill Americans into bankruptcy.

The people of Minnesota believe, as I do, that a family who works hard should not be financially ruined if their kid gets sick. When I was campaigning I heard this again and again from families across Minnesota—and I was listening. The people asked this Congress to find a way to make health care affordable for everyone, and we did.

Now the insurance companies and their political allies want you to believe the only way to keep your premiums low is to cap the amount of benefits you can receive in your lifetime. But this is just not true. In the health reform law, we worked hard to slow the growth of health care costs without abandoning the over one-third of American adults who struggle with chronic disease.

The truth is, last year we passed a bill that will save the lives of countless Americans and will save billions of taxpayer dollars. That is right. According to the Congressional Budget Office, the referee that everyone here in Congress agrees to abide by whether we like their decisions or not—according to CBO the law saves us money, lots of money; in fact, hundreds of billions of dollars.

Now, let me say a word about CBO to my colleagues. You cannot use CBO's numbers when you like them and then totally dismiss them when you do not. CBO is directed to provide unbiased and independent analysis and estimates. Their analysts use the best research available for their scores and projections. In fact, they established an independent review panel of expert health care economists to advise them in their analysis of the health reform bill. Not only are the experts' names published on CBO's Web site, but their analysis of the law is public as well.

CBO is nothing if not transparent and independent.

Of late, we have heard Members of this body frankly mischaracterize the process by which CBO does its job. They have said that CBO must rely solely on information and data fed to them by the majority—"garbage in, garbage out." "Garbage in, garbage out" is how they describe it here on the floor. This could not be further from the truth. Frankly, I find some of my colleagues' new refrain about CBO disturbing and not a little disingenuous.

One of the things we tried to do in health reform was to take steps that would lower the costs of health care in this country. Take for example our efforts to reduce administrative costs by streamlining the way health care providers bill for their services. This is something I pushed for because we recently did it in Minnesota, and it saved \$56 million in the first year alone. Nationwide, that should translate to around \$25 to \$30 billion over 10 years. Actually, the health reform law went well beyond what Minnesota did. So it is not surprising that outside experts such as those at the Commonwealth Fund, Rand, and others estimate much greater savings from administrative simplification, in the range of \$162 to \$187 billion over 10 years. So when CBO made their analysis and estimated savings of less than \$20 billion in the same period, I admit I was a little miffed. But I did not attack CBO. I accepted their results. And we are all duty bound to do the same, even when CBO projects that the law as a whole will save over \$100 billion in the first 10 years and over \$1 trillion in the following decade.

We accomplished the savings with a number of commonsense solutions, such as stopping insurance companies from padding their bank accounts with profits from sky-high premiums. As part of health reform, we require insurance companies to spend at least 80 to 85 percent of the money they receive in premiums on actual health care, actual health care services—85 percent for large group plans, 80 percent for small group or individual plans. This is a provision I championed. The other 15 or 20 percent can be spent on administrative costs or marketing, on CEO bonuses, and on profits. This provision kicked in this year, and it will hold insurance companies accountable for costs and help contain health care costs in this country.

We also changed the way health care is paid for in this country by starting to reward quality of care, not quantity—value not volume in Medicare. I was proud to fight alongside Senator CANTWELL and Senator KLOBUCHAR for the inclusion of the value-based payment modifier in the Medicare reimbursement formulas.

Perhaps the most commonsense thing we did to control costs was mak-

ing sure everyone has access to preventive care. In Minnesota alone, the law will give millions of people access to free preventive care. Women will be able to get mammograms without any out-of-pocket costs. Starting this year, seniors now have access to free preventive checkups each year without cost. This is completely contrary to claims I have heard on this floor.

A large part of the cuts in Medicare spending—not cuts in benefits, a large part of the cuts in Medicare spending—is cuts to wasteful subsidies for insurance companies.

One of my colleagues has taken to the floor and said this law will "cut the funding, so people on Medicare Advantage who like it, who like the preventive medicine activities of it, are going to lose those opportunities." He goes on to say about the seniors in his State that "once they lose this, they are going to lose preventive services." This is simply not the case. Thanks to this law, everyone on Medicare will enjoy preventive services, so their doctors will catch problems early. Seniors know that an ounce of prevention is worth a pound of cure. That is why preventive services under this law will be covered for everyone without copays, contrary to what my friend on the other side says.

This is what has bothered me about this debate—the constant stream of misinformation.

This same colleague said this on the floor about the law: "It doesn't solve America's doctor shortage. It does not even address it." It does not even address it. Now, no one is claiming this bill solves the doctor shortages we have in this country, but does not even address it? There is a whole title in the law that lays out a number of programs—over 96 pages—that make significant investments in the health care workforce, especially in primary care physicians. Most notably, it created a public health workforce loan repayment program that helps recruit and place more doctors, nurses, and other health care providers in medically underserved areas. That is important for States such as Minnesota. And this was an integral and vital part of health reform. Anyone who states that this law did nothing to address the shortfall of health care providers just has not read the law.

We have seen misrepresentations from opponents right from the beginning with the so-called death panels, and it continues to this day: Medicare recipients are going to be denied preventive care; the law doesn't even address the doctor shortage; CBO is just fed garbage by the majority and is not allowed to look at anything else.

In November, one of my colleagues cited an oft-discredited assertion originally made by some Republicans on the House Ways and Means Committee. According to one analysis, my colleague

said here on the floor, the Internal Revenue Service will need to hire 16,000 new IRS employees to enforce the individual mandate. Well, that is just not true. Some new IRS employees will be needed but nowhere near that number, and overwhelmingly they will be there to administer the tax breaks to small businesses for insuring their employees.

What my colleagues said on the floor is simply not true. No matter how many times it is repeated, it will not become true.

There was a colloquy from June of last year between two of my colleagues. The first Senator said that doctors are leaving Medicare. And that is true. Some are.

He said: The president of the State of New York Medical Society is not taking new Medicare patients.

Then the second Senator said: As well as the Mayo Clinic.

The first Senator answered by responding: Mayo Clinic said, we cannot afford to keep our doors open if we are taking Medicare patients.

Then he moved on.

So is it true that the Mayo Clinic really is not taking new Medicare patients? Well, I called up Mayo, which happens to be in my State, to find out, and they gave me the facts. Do you know what. Of course it is not true. The Mayo Clinic has 3,700 staff physicians and scientists and treats 526,000 patients a year. There is one Mayo Clinic, Arizona Family Practice—one that isn't accepting Medicare payment for primary care services. Yet this is just part of a time-limited trial for this one clinic with just five physicians on staff. That is it. But this becomes, to quote my colleague: Mayo Clinic said, we cannot afford to keep our doors open if we are taking Medicare patients. Well, the Mayo Clinic is the largest private employer in Minnesota and, believe me, their doors are still open to new Medicare patients.

Medicare reimbursements are low, and Mayo has actually lost hundreds of millions of dollars in the last year alone because of this. Mayo, like the rest of Minnesota, delivers higher value care at a lower cost than clinics and hospitals in other States. That is because Mayo provides coordinated integrated care. Mayo's outstanding doctors are on salaries, so they are not incentivized to order and perform unnecessary and expensive tests and procedures. And Mayo's outcomes are second to none. Yet Mayo is punished for all of this by receiving lower reimbursements for Medicare. That is why I pushed, with other colleagues, for the value index. That is why we need to pass the so-called doc fix that cancels scheduled cuts to reimbursement rates every year.

By the way, the doc fix is something we would have to do whether or not we pass health reform.

Yet, despite all of this, the Mayo Clinic is keeping its doors open to new Medicare patients and should be commended for that. It should not be accused of closing its doors to Medicare patients when it is not. Mayo should not be used as a political football.

Look, I could go on and on with these, but the fact is, if we want to have a debate about the health care law, we really should make an effort to present a case based on what is really in the law and what is really happening on the ground. This is what the American people want from us. Health care is far too important to the lives of our constituents for us to indulge in gross distortion, obvious omission, and absurd extrapolations. The American people do not want that, not for something this important, not for something that affects their lives and the lives of people they love. The American people have given us all tremendous responsibilities.

Minnesotans worry that the floor could drop from under them at any time and that no one will be there to catch them when it does. They worry about their families. They worry about their friends and their community. We owe it to them to be honest with them and with each other, to be responsible, to be real. So let's get real.

As I mentioned in my story about Maya, the little girl with epilepsy, thanks to the new law, she can get health care because insurance companies now cannot discriminate against children with preexisting conditions. In 2014, insurance companies will not be able to discriminate against any American child or adult with a preexisting condition. And in 2014, that is when the mandate kicks in.

Here is what one of my colleagues says about the provision in the law that now allows little 3-year-old Maya to be treated for her epilepsy:

The health care law allows parents to wait until their child is sick before buying a policy. When only sick people buy health insurance, premiums have to go up. As the rate increases, more people drop their coverage.

That is why we have the mandate. The mandate is crucial if you want to do things such as getting rid of denials for preexisting conditions. And, by the way, the mandate has been a Republican idea. The mandate was a Republican idea in their 1993 health reform bill. Let me tell you why. The health care law is like a three-legged stool. The first leg is accessibility. Everyone needs to be able to buy insurance so that when they get sick or hurt, they can access the care they need.

So we banned insurance companies from discriminating against people with preexisting conditions. Banning discrimination against people with preexisting conditions is something that both parties say they like. In fact, in its Pledge to America, the document that Republicans ran on in 2010, in the

health care section there is the heading "Ensure Access for Patients with Preexisting Conditions."

It goes on to say that they will ban insurance companies from discriminating against patients with preexisting conditions. That is their pledge.

That makes sense. Over one-third of all Americans have a preexisting condition. Actually, at the Minnesota State fair, a woman in her early 70s came up to me and said: You know, at my age, everything is preexisting. She was enrolled in Medicare, but Maya was not. And Maya's family should not have to choose between going without the care they need and going into bankruptcy.

But as my colleague indicated, there is a risk that this provision would incentivize people to buy health insurance only after they get sick or hurt which would drive everyone's costs up. So because of this, this second leg of the stool is personal responsibility. We have an individual mandate to make sure that people don't wait until they get sick to go get insurance and to create a pool of insured people that is large enough to support all the folks who had previously been unable to get insurance. If everyone has health insurance, everyone will be able to access care when they need it.

By the way, the rest of us who have insurance will benefit because today we are paying almost \$1,000 a year per family in premiums to cover the emergency room visits of people who don't have insurance.

But for some people, buying health insurance is too expensive. So the third leg of the stool is affordability. We provide assistance to those families who need to buy health coverage on a sliding scale, all the way up to 400 percent of the Federal poverty level.

So that is our three-legged stool: accessibility, accountability, and affordability. We don't discriminate against people with preexisting conditions, and so we have a mandate so people don't wait until they get sick or hurt to get insurance. Because you are mandated to get health insurance, we make sure everyone can afford it. A three-legged stool. If you take any leg out, the stool collapses.

When I have explained it this way to Minnesotans, I find they are no longer confused about the law. They know how important it is to have access to health insurance regardless of preexisting conditions, to take responsibility for themselves and their families, and to have health care they can afford. But some of my colleagues have been advocating that we cut off a leg or even two legs of the stool. But a two-legged stool collapses. And a one-legged stool? Maybe at best it is a spinning plate.

The arguments for repealing this law remind me of an old Shalom Aleichem story I heard from my dad when I was

growing up. You don't hear much about Shalom Aleichem on the Senate floor. I will tell you a little bit about it.

Shalom Aleichem was a beloved 20th century writer who wrote stories, novels, and plays in Yiddish. The Broadway hit "Fiddler on the Roof" was based on his writings. In the story my dad told me, a man borrows a plate from his neighbor. The man takes the plate home and drops it accidentally and breaks it. He sneaks back into his neighbor's house and replaces the broken plate. The neighbor comes home, finds the broken plate, and goes over to the guy's house. He basically says: What is the deal with the broken plate?

The guy says: Well, in the first place, I didn't borrow it. In the second place, when I borrowed it, it was already broken. And in the third place, when I returned it, it was in one piece.

That is what I am hearing from the opponents of this bill who want to repeal it. In the first place, we are for banning discrimination against people with preexisting conditions. In the second place, we are against banning discrimination against people with preexisting conditions because then no one would buy health insurance until they get sick or hurt. That would drive up the cost of health insurance. And in the third place, we want to repeal the law because it makes healthy people buy health insurance or pay a fine in order to keep the cost of health insurance down. This is what I hear every day from the opponents of the health care bill.

Opponents of the bill, my colleagues on the other side, pledge that they won't discriminate against people with preexisting conditions but then they say they don't want to ban discrimination because they don't want to encourage people to wait until they are sick to buy insurance. But they don't want to mandate that people take personal responsibility by buying health insurance. Then they stand up and say the American people are, to quote a colleague, "sick of spin."

I would like my colleagues to stand and admit that they broke the plate. We owe it to the people who elected us to this body to tell the truth about the health reform law. We owe it to the millions of Americans whose lives will be changed by the provisions in this law, such as Isaac, such as Maya.

Already we have seen the positive changes that such reform can bring. Look no further than the State of Massachusetts which, in 2006, passed its own set of health reforms. Its reforms were similar to what the Affordable Care Act is doing at the national level, including an individual mandate, subsidies, and even an exchange. The result has been a huge increase in the number of people with health insurance, including an increase in the number of people who get insurance through their jobs. Let me put that an-

other way: Because of the State's health care reform, more people have health insurance from their employer.

At the same time Massachusetts has seen a decrease in the rate at which premiums are going up when compared to the rest of the country. As the rest of the country saw insurance premiums go up by 6.1 percent from 2007 to 2008, premiums in Massachusetts only went up by 5.0 percent. That is more than 20 percent less than the rest of the country just a year after its health care reform was passed. That is not a silver bullet, but it is certainly a step in the right direction for small business owners and for families. More than 98 percent of Massachusetts residents have health insurance, as compared to less than 84 percent nationally.

The effects of health reform in that State are pretty clear. More people are insured. Premiums are not going up as quickly as around the country. More people are getting their insurance through their employer.

The health reform law is not a silver bullet but hopefully a series of steps in the right direction. You have to question the claims of my colleagues who say that health reform will cause the sky to fall, because there is good evidence to believe they are crying wolf. Yes, you heard me right, Chicken Little is crying wolf.

Ask the people of Massachusetts. In a recent poll, nearly 80 percent of Massachusetts residents said they wanted to keep the health reform law they passed in 2006; nearly 80 percent.

Here is another one. I have heard a colleague urging repeal of this law say:

We need to allow small businesses to join together, to pool together, in order to offer affordable health insurance to their workers, get better deals with insurance costs.

He said this as if it weren't in the law. In fact, he has said these exact words repeatedly here on the floor, each time creating the clear implication that the health reform law does not allow small businesses to pool together to get better deals on health insurance. But in fact this is exactly why we passed a health reform law that includes health insurance exchanges.

We owe it to the American people to tell the truth about this. The truth is that health reform created State insurance exchanges so that health care will be available to the 43 million workers employed by the 5.9 million small businesses around the country. The exchanges will also make affordable health insurance available to 22 million self-employed Americans. Within these exchanges, insurance companies will compete and offer multiple plans so that everyone can choose a plan that works best for their family. And in all cases, they will be negotiated on behalf of the combined pools of all participating businesses with fewer than 100 employees in the State. This will give unprecedented negotiating power

and competition that will directly benefit workers at small businesses. And not just the workers but especially the owners of those businesses who, by the way, are already receiving tax credits to help them pay for their employees' insurance.

The fact is, the majority of Americans are supportive of what this law is trying to do, and they don't want to go back to the broken system we had before it passed. They know it is crucial that American families have health care when they need it. They know this law will give millions more American families access to this care while creating jobs and saving money.

The truth is, the people have spoken on health care. Unfortunately, some of my colleagues have not been listening.

When you are talking about legislation, it is easy to fall into the trap of either promising the world or warning that it will cause the sky to fall. Neither is right, and the reality is far more complex. The truth is, the Affordable Care Act will change millions of lives but will not fix a very broken health care system overnight. It was the result of a lot of negotiation and compromise.

The truth is, the American people want us to move forward and implement this law. They know some parts of it will work better than other parts. They want us to change what does not work and build on what does. They know provisions like the ban on discrimination against children with preexisting conditions are already helping families across this country, including Isaac, including Maya.

I challenge my colleagues to talk to families with children like Isaac and Maya. Americans are experts on the health care needs of their own families. I have talked to families all over Minnesota, and they tell me they need accessible health care, they need affordable health care, and they want to take personal responsibility to insure their families. But the truth is, they need our help. They need us to make sure the stool keeps standing.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk, and I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 5, S. 223, FAA Air Transportation Modernization and Safety Improvement Act:

Harry Reid, Jay D. Rockefeller IV, Kent Conrad, Bernard Sanders, Benjamin L. Cardin, Sheldon Whitehouse, Patrick J. Leahy, John F. Kerry, Amy Klobuchar, Jeff Bingaman, Jack Reed, Tom Harkin, Carl Levin, Kirsten E. Gillibrand, Christopher A. Coons, Claire McCaskill, Richard J. Durbin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums with respect to the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am told the managers of this bill have some business they still need to transact on this matter tonight.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 5, AS MODIFIED, AND 55, EN BLOC

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Blunt amendment No. 5 be modified with the changes that are at the desk; further, that the Blunt amendment No. 5, as modified, and the Reid amendment No. 55 be considered and agreed to en bloc and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5), as modified, was agreed to, as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 44920(b) of title 49, United States Code, is amended to read as follows:

“(b) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—Not later than 30 days after receiving an application submitted under subsection (a), the Under Secretary may approve the application.

“(2) RECONSIDERATION OF REJECTED APPLICATIONS.—Not later than 30 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Under Secretary shall reconsider and approve any application to have the screening of passengers and property at an airport carried out by the screening personnel of a qualified private screening company that was submitted under subsection (a) and was pending on any day between January 1, 2011, and February 3, 2011, if Under Secretary determines that the application demonstrates that having the screening of passengers and property carried out by such

screening personnel will provide security that is equal to or greater than the level that would be provided by Federal Government personnel.

“(3) REPORT.—If the Under Secretary denies an application submitted under subsection (a), the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the reason for the denial of the application.”

The amendment (No. 55) was agreed to.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with each Senator permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING RONALD REAGAN

Mr. KYL. Mr. President, last week we were all celebrating what would have been the 100th anniversary of Ronald Reagan. There was a piece in the Wall Street Journal by one of the economists who advised Ronald Reagan, Arthur Laffer, which I think recounts and discusses probably as good as any other summary I have ever seen the contribution Reagan and his administration made to the economy of the United States.

Therefore, I ask unanimous consent to have printed in the RECORD the article from the Wall Street Journal dated February 10, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 10, 2011]

REAGANOMICS: WHAT WE LEARNED

(By Arthur B. Laffer)

For 16 years prior to Ronald Reagan's presidency, the U.S. economy was in a tailspin—a result of bipartisan ignorance that resulted in tax increases, dollar devaluations, wage and price controls, minimum-wage hikes, misguided spending, pandering to unions, protectionist measures and other policy mistakes.

In the late 1970s and early '80s, 10-year bond yields and inflation both were in the low double digits. The “misery index”—the sum of consumer price inflation plus the unemployment rate—peaked at well over 20%. The real value of the S&P 500 stock price index had declined at an average annual rate of 6% from early 1966 to August 1982.

For anyone old enough today, memories of the Arab oil embargo and price shocks—followed by price controls and rationing and long lines at gas stations—are traumatic. The U.S. share of world output was on a steady course downward.

Then Reagan entered center stage. His first tax bill was enacted in August 1981. It included a sweeping cut in marginal income tax rates, reducing the top rate to 50% from 70% and the lowest rate to 11% from 14%. The House vote was 238 to 195, with 48 Demo-

crats on the winning side and only one Republican with the losers. The Senate vote was 89 to 11, with 37 Democrats voting aye and only one Republican voting nay. Reaganomics had officially begun.

President Reagan was not alone in changing America's domestic economic agenda. Federal Reserve Chairman Paul Volcker, first appointed by Jimmy Carter, deserves enormous credit for bringing inflation down to 3.2% in 1983 from 13.5% in 1981 with a tight-money policy. There were other heroes of the tax-cutting movement, such as Wisconsin Republican Rep. Bill Steiger and Wyoming Republican Sen. Clifford Hansen, the two main sponsors of an important capital gains tax cut in 1978.

What the Reagan Revolution did was to move America toward lower, flatter tax rates, sound money, freer trade and less regulation. The key to Reaganomics was to change people's behavior with respect to working, investing and producing. To do this, personal income tax rates not only decreased significantly, but they were also indexed for inflation in 1985. The highest tax rate on “unearned” (i.e., non-wage) income dropped to 28% from 70%. The corporate tax rate also fell to 34% from 46%. And tax brackets were pushed out, so that taxpayers wouldn't cross the threshold until their incomes were far higher.

Changing tax rates changed behavior, and changed behavior affected tax revenues. Reagan understood that lowering tax rates led to static revenue losses. But he also understood that lowering tax rates also increased taxable income, whether by increasing output or by causing less use of tax shelters and less tax cheating.

Moreover, Reagan knew from personal experience in making movies that once he was in the highest tax bracket, he'd stop making movies for the rest of the year. In other words, a lower tax rate could increase revenues. And so it was with his tax cuts. The highest 1% of income earners paid more in taxes as a share of GDP in 1988 at lower tax rates than they had in 1980 at higher tax rates. To Reagan, what's been called the “Laffer Curve” (a concept that originated centuries ago and which I had been using without the name in my classes at the University of Chicago) was pure common sense.

There was also, in Reagan's first year, his response to an illegal strike by federal air traffic controllers. The president fired and replaced them with military personnel until permanent replacements could be found. Given union power in the economy, this was a dramatic act—especially considering the well-known fact that the air traffic controllers union, Patco, had backed Reagan in the 1980 presidential election.

On the regulatory front, the number of pages in the Federal Register dropped to less than 48,000 in 1986 from over 80,000 in 1980. With no increase in the minimum wage over his full eight years in office, the negative impact of this price floor on employment was lessened.

And, of course, there was the decontrol of oil markets. Price controls at gas stations were lifted in January 1981, as were well-head price controls for domestic oil producers. Domestic output increased and prices fell. President Carter's excess profits tax on oil companies was repealed in 1988.

The results of the Reagan era? From December 1982 to June 1990, Reaganomics created over 21 million jobs—more jobs than have been added since. Union membership and man-hours lost due to strikes tumbled. The stock market went through the roof.

From July 1982 through August 2000, the S&P 500 stock price index grew at an average annual real rate of over 12%. The unfunded liabilities of the Social Security system declined as a share of GDP, and the "misery index" fell to under 10%.

Even Reagan's first Democratic successor, Bill Clinton, followed in his footsteps. The negotiations for what would become the North American Free Trade Agreement began in Reagan's second term, but it was President Clinton who pushed the agreement through Congress in 1993 over the objections of the unions and many in his own party.

President Clinton also signed into law the biggest capital gains tax cut in our nation's history in 1997. It effectively eliminated any capital gains tax on owner-occupied homes. Mr. Clinton reduced government spending as a share of GDP by 3.5 percentage points, more than the next four best presidents combined. Where Presidents George H.W. Bush and Bill Clinton slipped up was on personal income tax rates—allowing the highest personal income tax rate to eventually rise to 39.6% from 28%.

The true lesson to be learned from the Reagan presidency is that good economics isn't Republican or Democrat, right-wing or left-wing, liberal or conservative. It's simply good economics. President Barack Obama should take heed and not limit his vision while seeking a workable solution to America's tragically high unemployment rate.

SPECIAL COMMITTEE ON AGING RULES OF PROCEDURE

Mr. KOHL. Mr. President, I ask unanimous consent that the Special Committee on Aging rules for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING JURISDICTION AND AUTHORITY

*S. Res. 4, § 104, 95th Congress, 1st Session (1977)*¹

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of en-

gaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE I. CONVENING OF MEETINGS

1. MEETINGS. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

2. NOTICE AND AGENDA:

(a) WRITTEN NOTICE. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) SHORTENED NOTICE. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. PRESIDING OFFICER. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. CONVENING OF HEARINGS

1. NOTICE. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that

there is good cause to begin the hearing on shortened notice.

2. PRESIDING OFFICER. The Chairman shall preside over the conduct of a hearing when present, or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. WITNESSES. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. OATH. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. TESTIMONY. At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 100 copies of such statement with the clerk of the Committee 72 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. COUNSEL. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. TRANSCRIPT. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. IMPUGNED PERSONS. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. MINORITY WITNESSES. Whenever any hearing is conducted by the Committee, the Ranking Member shall be entitled to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of

the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. CONDUCT OF WITNESSES, COUNSEL AND MEMBERS OF THE AUDIENCE. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. PROCEDURE. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. WITNESS REQUEST. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. CONFIDENTIAL MATTER. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. BROADCASTING

1. CONTROL. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. REQUEST. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. QUORUMS AND VOTING

1. REPORTING. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. COMMITTEE BUSINESS. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. HEARINGS. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. POLLING:

(a) SUBJECTS. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) PROCEDURE. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time

limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. INVESTIGATIONS

1. AUTHORIZATION FOR INVESTIGATIONS. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. SUBPOENAS. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. INVESTIGATIVE REPORTS. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. DEPOSITIONS AND COMMISSIONS

1. NOTICE. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. COUNSEL. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. PROCEDURE. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. FILING. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the

witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule II(7). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

5. COMMISSIONS. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. SUBCOMMITTEES

1. ESTABLISHMENT. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. JURISDICTION. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. RULES. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

X. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

ENDNOTE

¹ As amended by S. Res. 78, 95th Cong., 1st Sess. (1977), S. Res. 376, 95th Cong., 2d Sess. (1978), S. Res. 274, 96th Cong., 1st Sess. (1979), S. Res. 389, 96th Cong., 2d Sess. (1980).

IDAHO SMALL BUSINESS DEVELOPMENT CENTER

Mr. RISCH. Mr. President, I rise today to recognize the Idaho Small

Business Development Center for its 25 years of supporting small business in Idaho. The Idaho Small Business Development Center has a rich tradition of service to small business all over Idaho.

The mission of the Idaho Small Business Development Center is to enhance the success of small businesses in Idaho by providing high-quality consulting and training. The staff has delivered up-to-date consulting, training, technical assistance and environmental regulatory assistance in all aspects of small business management since 1986. Their primary goal is to help small business owners and entrepreneurs make sound decisions for the successful operation of their business.

Each year, Idaho Small Business Development Center consultants meet with clients to provide guidance in developing and growing a successful business. Statistics show that on average, Idaho Small Business Development Center clients achieve greater than 10 times the sales and employment growth of the typical Idaho small business.

At the Idaho Small Business Development Center, client satisfaction and success are the ultimate measures of the work they do. They strive to deliver high quality, innovative programs and services in a consistent and timely manner and take great pride in the success of those served.

Under the long-time leadership of Jim Hogge, the Idaho Small Business Development Center has become the go-to shop for the Idaho entrepreneur. Their hands-on approach has meant the difference between closing their doors or turning a profit for hundreds of Idaho businesses.

Through the ups and downs of the economy, the Idaho Small Business Development Center has always been there with an open door and a helping hand. Today, they partner with Idaho's colleges and universities to teach the principles of business and cultivate the next generation of Idaho entrepreneurs.

It is my privilege to recognize the 25th anniversary of what is truly one of Idaho's bedrock institutions, the Idaho Small Business Development Center.

ADDITIONAL STATEMENTS

REMEMBERING ALICE A. PETERS

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Alice A. Peters, a philanthropist who, along with her late husband Leon S. Peters, generously supported many educational, cultural, and community causes in Fresno, CA. Mrs. Peters passed away on January 24. She was 97 years old.

Born Alice Apregan, Mrs. Peters was the daughter of Armenian immigrants

who immigrated to Lynn, MA, in 1907 to escape the persecution of Ottoman Turks. In search of a better place to call home, the family moved in 1911 to the San Joaquin Valley of California where many people from their native Bitlis province of Armenia had settled. The Apregan family made their home in the farming community of Del Rey, and Alice attended high school in nearby Selma.

She met her future husband during a visit to Del Rey Packing. Their friendship blossomed into marriage in 1943. Leon Peters learned mechanical engineering on the job while working for Valley Foundry, became sales manager before purchasing the company in 1937. He and his brothers turned Valley Foundry into one of the region's most successful businesses. This success allowed the Peters to become stalwart supporters of community causes that have greatly benefited the people of Fresno and the Central Valley. Over the years, Leon and Alice Peters would become synonymous with philanthropy and charity in the Greater Fresno Area.

Since its establishment in 1959, the Leon S. Peters Foundation has given to many worthy causes and projects that continue to positively impact the lives of Fresno residents. Mrs. Peters and her late husband donated millions of dollars to local institutions such as the Community Regional Center, the Fresno Chaffee Zoo, and the Fresno Art Museum and California State University, Fresno.

Mrs. Peters made sure that the vision of the Leon S. Peters Foundation endured after her husband's passing in 1983. In 2002, she donated \$300,000 to the Community Medical Foundation, which made possible an Extern Work Study Program for nursing students at community medical centers. She summed up her commitment to philanthropy by saying "charity work is part of life, we all have to do some of it . . . this is our legacy."

A woman of great conviction and vision, Mrs. Peters leaves behind a legacy of philanthropy and community service and the admiration of those whose lives she touched over the years. She has made indelible contributions to make Fresno a better place. She will be missed.●

CITY OF HOPE MILESTONE

• Mrs. BOXER. Mr. President, I want to recognize the important work and accomplishments of City of Hope as it reaches its 10,000th bone marrow transplant, becoming one of the first institutions in the world to reach this milestone.

Founded in 1913, City of Hope has helped to improve the quality of life for thousands of men, women, and children by leading research to develop new treatments and cures for cancer,

diabetes, and other life-threatening diseases.

Nearly 35 years ago, City of Hope helped pioneer the development of bone marrow transplantation as a treatment for diseases such as leukemia, lymphoma, and myeloma; this January, City of Hope performed its 10,000th transplant.

City of Hope performed its first successful bone marrow transplant in 1976 on a college student from Indiana who was diagnosed with acute myeloid leukemia. Thanks to City of Hope's pioneering bone marrow transfer program, the college student's cancer has remained in remission for more than 35 years, allowing him to live a full life. More than three decades later, City of Hope performed its 10,000th bone marrow transplant on January 13, 2011 on a patient battling leukemia.

About 500 bone marrow transplants procedures are now performed each year, and each year thousands of cancer survivors and their families attend a bone marrow transplant reunion coordinated by City of Hope. This reunion serves as a celebration of life and the positive changes that City of Hope's Bone Marrow Transplant program have created in the lives of so many cancer patients and their families, who truly found their hope again when they turned to City of Hope.

I invite all of my colleagues to join me in commending City of Hope for reaching its 10,000th bone marrow transplant and for its dedication to the advancement of health care services.●

REMEMBERING SAADALLA MOHAMED ALY

• Mr. KERRY. Mr. President, I want to take a moment today to mark the quiet passage of a Washington institution a gentle and elegant man named Saadalla Mohamed Aly, but who was known to most of us simply as "Mr. Aly."

Few Americans outside of Washington have heard of "Mr. Aly," and Mr. Aly was just fine with that—but for 35 years he was a very welcomed sight to everyone and anyone who appeared on "Meet the Press" and spent time in what was very much "his" Green Room.

From 1976 until his death last month at age 79, Mr. Aly was a proud fixture off-camera at America's longest-running news program. He was the tuxedoed figure who greeted the guests, and implored them and their staffs to dig into coffee or orange juice before the show—and to stay for the post-show meal afterwards. He was the quiet, supportive presence who always put you at ease before the grilling interviews and roundtable discussions began. And he was a kind man who—in gestures large and small—harkened back to a time when Washington was more civil, back to an era when people

here in Washington really took the time to know each other.

In the 22 years that I knew him, from my very first appearance on the show as a very junior Senator in 1988, to the cold winter morning in December of 2002 when I went on with Tim Russert to announce for President, I never once asked Mr. Aly his political affiliation. He was just a gentle soul in a tuxedo who was unfailingly kind to all the guests, Democrat or Republican.

But I will never forget how he greeted me when I came back to the show in January of 2005 after I lost. When I arrived at the studio, with the snow falling, Mr. Aly was waiting at the front door, and the first thing he did was give me a great big hug. He asked my staff how I was doing. I still don't know whether he cast a vote in that election, but I do know that I was lucky to have a friend like Mr. Aly, who in his quiet, considerate way voted with his actions, not his words.

Like many of us, I learned in the Washington Post that Mr. Aly passed away in December after contracting pneumonia on a trip to his native Egypt. It is fitting that his daughter Dalia arranged for his burial in Washington, because Washington is the place he loved. And Washington is the city that came to love him.

These are years which have seen us lose some special friends at "Meet the Press," starting of course with Tim Russert. But if Tim was the soul of "Meet the Press," Mr. Aly was its heart. Through all these years, as Tim said, if it was Sunday, it was "Meet the Press." And if it was "Meet the Press," it was a warm and friendly greeting from a true gentlemen, "Mr. Aly." Mr. President, I will miss him.●

TRIBUTE TO RAY FLYNN

● Mr. KERRY. Mr. President, Ray Flynn has been a towering figure in the city of Boston and in our politics, honored for more than four decades of public service and activism.

But on Saturday, he will be honored in a different city where he left another legacy deserving of celebration. At last, this weekend Ray's beloved Providence College will retire the No. 14 Ray wore as one of the greatest backcourt players in the history of Friars basketball. And, as any Friars fan can attest, this is a well-deserved honor for one of the school's greatest athletes.

Before he turned to politics, Ray Flynn was an All American at Providence College, leading the Friars to the National Invitation Tournament championship in 1963, his senior year. And what a tournament it was for Ray. He scored 38 points in the opener against tournament favorite Miami. He followed that with 25 points against Marquette. And in the final against Canisius, he scored 20 points. He was

named the tournament's Most Valuable Player. And when the announcer introduced him as Ray Flynn from Boston, he corrected him by saying, "I'm from South Boston, sir."

Indeed, he was—and has always been—a proud son of South Boston. As a three-sport star athlete at South Boston High School, he achieved a level of success rarely seen at any school. In 1956, as a sophomore, he led South Boston's basketball team to its first ever Tech Tournament Championship. In 1958, he pitched South Boston to a State championship in baseball and quarterbacked the football team to an undefeated season. Oh, and by the way, he was named All Scholastic in all three sports that year.

Similarly, at Providence College, Ray Flynn earned All American honors and was voted an Academic All American. He was drafted in 1963 by the Syracuse Nationals of the old American Basketball Association, now the Philadelphia 76ers. But upon graduation, Ray joined the Army National Guard, serving at the Aberdeen Proving Ground in Maryland and Fort Dix in New Jersey.

By the time Ray returned home to Boston, the Celtics had bought his contract. And during the 1965 exhibition season, he showed that he had not lost his touch as a shooter. In the final exhibition game, he scored 28 points, more evidence of why his coach at Providence College, Joe Mullaney, considered the best outside pure shooter he had ever coached. But the Celtics needed more defense than offense, so Coach Red Auerbach made Ray the final cut in order to keep K.C. Jones on the roster.

Red Auerbach didn't know it then, but in that difficult decision he was launching one of the most distinguished political careers. From 1971 to 1979, Ray Flynn represented his South Boston neighborhood in the Massachusetts House of Representatives. From 1978 to 1984, he served on the Boston City Council. He then was elected mayor of Boston three times, in 1983, 1987 and 1991. And in 1993, he was appointed by President Clinton to serve as U.S. Ambassador to the Holy See.

But Red Auerbach eventually realized the role he had played in Ray Flynn's life. In 1984, as mayor, Ray hosted a rally at city hall for the Celtics, who had just won another championship, this time under K.C. Jones. In his remarks to the crowd, Red Auerbach said, "If I had cut K.C. Jones instead of Ray Flynn in 1965, K.C. might be mayor of Boston and Ray Flynn might be coach of the Celtics."

Even if Ray Flynn had been on the Celtics, he couldn't have won the No. 14 he wore at Providence College. The Celtics No. 14 had belonged to Bob Cousy and would soon be retired. But it is a fitting honor that Providence College is also retiring No. 14 because in

Friars basketball, No. 14 was Ray Flynn, All American, Academic All American, NIT MVP and recipient of the NCAA's prestigious Silver Anniversary Award honoring former student-athletes for their career accomplishments.

I join Providence College in saluting Ray Flynn's outstanding accomplishments as a member of the Friars basketball team. And we all congratulate him for his dedication as a public servant. His life—in all its facets—reflects the ideals of basketball founder James Naismith—to "be strong in body, clean in mind, lofty in ideals."●

TRIBUTE TO DR. JOE McDONALD

● Mr. TESTER. Mr. President, today I wish to praise a great Montanan, Dr. Joe McDonald. Dr. McDonald's life achievements, work history and professional honors are large and impressive. He is a father, husband and friend who will always be remembered as a community leader, tribal council member and college president. What I appreciate most about Joe, though, is his remarkable ability to bring people together to work toward a common goal. Whether it is to create an institution of higher education, lead his tribal council or raise a healthy family, Joe has been patient, respectful and productive. I look up to Joe and consider him a friend.

Dr. McDonald recently retired as president of the Salish and Kootenai College after a remarkable career and a lifetime of public service. Joe's career, indeed his entire life, is an inspiration not just to people living on the Flathead Indian Reservation in western Montana, but also to thousands of students and others he touched over the years. As the local newspaper reported in a downbeat tone, "Dr. McDonald retires. They say all good things must come to an end."

Dr. McDonald, a member of the Confederated Salish and Kootenai Tribes, was born in St. Ignatius, MT. His good family gave him self-confidence and other tools to become a role model in an increasingly divided world. Western Montana College recognized Joe's potential early. They gave the gifted student athlete a scholarship to play football and baseball, and the platform to fly. Joe turned the opportunity into an associate degree in education in 1953, a bachelor's degree in education from the University of Montana in 1958, an M.S. degree from UM in 1965, and an Ed.D. in 1981. Higher education gave him the foundation to make history.

After college, Dr. McDonald mentored many reservation youths as coach, principal and superintendent at Ronan High School from 1968 through 1976. While there, Joe began to bridge a divide he saw between Indian and non-Indian students. Wanting to do more than just complain, he created the first

Native American Studies program in Montana Public Schools. Today, all Montana public schools include a curriculum entitled "Indian Education for All." Although many good people had a hand in it, we can thank Joe McDonald for leading the way.

Success as a teacher, coach and administrator gave him dreams of higher education on the Flathead Indian Reservation. In the 1970s, he began to lay the foundation for SKC. And in 1977, Congress passed the Tribal College Act. The new law opened the door for Dr. McDonald to create SKC, but didn't include any money to make it happen.

With no money, no classrooms, no teachers and no students, Joe became president of SKC and served for over three decades. Beginning with literally nothing, he built the institution from the ground up. Educators around the Nation now credit him for building SKC into one of the, if not the flagship tribal college in the United States. When he retired last year, the college had a 130-acre campus with modern infrastructure. Administrators can now thank him for growing the school's endowment from just \$5 in 1978 to more than \$8 million today. They can also thank him for the \$26 million operational budget, 58 faculty members and more than 180 operational employees who educate 1,100 students. Remember, none of it existed before Dr. Joe McDonald took the initiative to create it.

And believe it or not, he did even more for his community. In addition to growing perhaps the most dynamic tribal college in the Nation, Dr. McDonald also served as an elected representative on the CSKT Tribal Council from 1974 to 1982. In terms of coaching, Joe is among the best. He has coached track, football and basketball—mentoring high school and college students, at-risk kids and groomed college athletes. Not only did his athletes succeed in sports, but because of his lessons, they succeed in life, too.

Joe married Sherri, the love of his life, when he was 19 years old. During their remarkable time together, Joe and Sherri raised four children, nine grandkids and six great-grandkids. As an example of his keen perception about people, he recognized how valuable she was. Throughout the years, he selflessly gave her credit for everything he accomplished.

Some of his career and personal highlights include: 1951, Montana Class C, All State Basketball Team; 1959, Montana Class C Basketball Coach of the Year; 1989, National Indian Educator of the Year, National Indian Education Association; 1996, Montana Governor's Humanitarian Award Recipient; 2000, Michael P. Malone, Educator of the Year Award of 2000; 2005, U of Montana's Highest Recognition, Honorary Doctorate of Humane Letters; 2005, University of Montana Foundation, Selected

as one of the 50 greatest Grizzlies; 2008, American Indian College Fund President of the Year; and 2008, Inducted into the Montana Indian Athletic Hall of Fame.

He holds honorary doctorate degrees from Gonzaga University in Washington State and Montana State University and was named distinguished alum of the University of Montana and Western Montana College.

Joe served on the Board of the American Indian College Fund, the American Indian Higher Education Consortium Board of Directors, and the Board of the American Indian Business Leaders.

In 2009, CSKT created the "Dr. Joseph F. McDonald Educational Excellence Award" so others may aspire to the greatness embodied by its namesake.

In 2010, in conjunction with his retirement event, CSKT designated the day officially as Joe McDonald Day.

I hope my colleagues will join me in acknowledging this fine man and wishing him the best of luck in a well-deserved retirement. Knowing his love of family, I am sure those great-grandkids will keep him happy for years to come. But knowing Joe, I bet we haven't seen the last of him. My bet is that his dedication to public service is just too strong for him to fade into the sunset.

We look forward to whatever challenges Dr. Joe McDonald decides to take on next. The world will be a better place because of it. It is already a better place because of him. ●

REMEMBERING MR. URSULO ORTIZ

● Mr. UDALL of New Mexico. Mr. President, my home State of New Mexico lost a great man this month with the passing of Mr. Ursulo Ortiz. Mr. Ortiz was 92 when he died on February 5, surrounded as he was throughout his life by his loving family. I would like to take a few moments to honor him today.

The word "dedicated" comes to mind when recalling Mr. Ortiz dedicated to his family, his country, and his faith. Mr. Ortiz was part of a generation that witnessed some of our country's most historic and all too often difficult moments firsthand. And he took away from that experience an appreciation for all the small joys life has to offer.

Mr. Ortiz was an entrepreneur with a strong work ethic, but he will be remembered most as a loving husband and proud father, grandfather, and great-grandfather.

Mr. Ortiz's dedication to our country is self-evident. He enlisted in the Army within weeks of the attack on Pearl Harbor. Coming from a land-locked State, he did not even know how to swim when he put aside regard for his own life to rush up the beaches and soaring cliffs of Normandy on D-Day.

Mr. Ortiz and his unit went on to liberate Paris and, later, concentration camps in the former Czechoslovakia. He was a hero and bringer of freedom, and served with honor.

For those closest to Mr. Ortiz, it is his dedication to his family and his love of life that will be missed most. He left a legacy for future generations through the family's weaving business, which he supported from the time he graduated high school until the day he passed it onto his daughter.

But more than that, his legacy is in the lasting memories held by those dearest to him memories of lighter moments spent listening to music and dancing. It is in those simple, everyday moments that Ortiz's spirit will live on. ●

MESSAGE FROM THE HOUSE

At 10:05 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 514. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 359. An act to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-511. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Rev. Proc. 2011-13) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-512. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time and Manner Rules for Electing Capital Asset Treatment for Certain Self-Created Musical Works" (RIN1545-BG34) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-513. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2011" (Notice 2011-8) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-514. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Withholding on Wages of Nonresident Alien Employees Performing Services Within the United States" (Notice 2011-12) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-515. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2010-4" (Rev. Proc. 2011-4) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-516. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2010-5" (Rev. Proc. 2011-5) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-517. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2010-6" (Rev. Proc. 2011-6) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-518. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2010-8" (Rev. Proc. 2011-8) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-519. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Correction to Revenue Procedure 2011-8—User Fee Schedule" (Announcement 2011-8) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-520. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections to the TTB Regulations" (RIN1513-AB69) received in the Office of the President of the Senate on February 7, 2011; to the Committee on Finance.

EC-521. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Robinson Knife Manufacturing Company and Subsidiaries v. Commissioner 600 F.3d 121(2d Cir. 2010), rev'd T.C. Memo 2009-9" (AOD. 2011-9) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Finance.

EC-522. A communication from the Chief of the Publications and Regulations Branch, In-

ternal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Department of Agriculture" (RIN1545-BE15) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Finance.

EC-523. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Directive to Withdraw Prior IDD on FSC IRC Section 921-927 Bundle of Rights in Software Issue" (LBandI-4-1110-032) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Finance.

EC-524. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2011" (Rev. Rul. 2011-4) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Finance.

EC-525. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 3rd Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-526. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-703 "Food, Environmental, and Economic Development in the District of Columbia Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-704 "H Street, N.E., Retail Priority Area Incentive Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-705 "2M Street, N.E., Real Property Tax Abatement Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-706 "Washington Convention and Sports Authority Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-707 "Alternative Equity Payment Allocation Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-708 "District Property Security Assessment and Implementation Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-709 "Southwest Waterfront Redevelopment Clarification Act of 2010"; to

the Committee on Homeland Security and Governmental Affairs.

EC-533. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-710 "Reasonable Health Insurance Ratemaking and Health Care Reform Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-534. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-711 "Comprehensive Plan Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-535. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-712 "Attorney General Subpoena Authority Authorization Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-536. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-713 "Interstate Compact for Juveniles Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-537. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-714 "Real Property Tax Appeals Commission Establishment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-538. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-715 "Payment of Full Hotel Taxes by Online Vendors Clarification Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-539. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-716 "Bicycle Commuter and Parking Expansion Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-540. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-717 "TANF Educational Opportunities and Accountability Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-541. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-718 "Homeless Services Reform Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-719 "West End Parcels Development Omnibus Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-720 "Brownfield Revitalization Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-721 "Fiscal Year 2011 Supplemental Budget Support Act of 2010"; to the

Committee on Homeland Security and Governmental Affairs.

EC-545. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-722 "Criminal Code Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-546. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-723 "Procurement Practices Reform Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-547. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Removal of Rusty Blackbird and Tamaulipas (Mexican) Crow From the Depredation Order for Blackbirds, Cowbirds, Grackles, Crows, and Magpies, and Other Changes to the Order" (RIN1018-AV66) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC-548. A communication from the Chief of the Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Revised Critical Habitat for *Brodiaea filifolia* (Thread-Leaved Brodiaea)" (RIN1018-AW54) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC-549. A communication from the Chief of the Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Endangered Whooping Cranes in Southwestern Louisiana" (RIN1018-AX23) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC-550. A communication from the Chief of the Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Preble's Meadow Jumping Mouse in Colorado" (RIN1018-AW45) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC-551. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit State Implementation Plan Revisions for the Particulate Matter, PM-10, Maricopa County (Phoenix) PM-10 Nonattainment Area, Arizona" (FRL No. 9264-1) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Environment and Public Works.

EC-552. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Re-

vision to the Definition of Volatile Organic Compound" (FRL No. 9265-6) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Environment and Public Works.

EC-553. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "FY2011–2015 EPA Strategic Plan"; to the Committee on Environment and Public Works.

EC-554. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0007–2011-0017); to the Committee on Foreign Relations.

EC-555. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Electronic Payment of Registration Fees; 60-Day Notice of the Proposed Statement of Registration Information Collection" ((22 CFR Parts 120, 122, 123 and 129)(RIN1400-AC74)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Foreign Relations.

EC-556. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, (6) six reports relative to vacancies in the Department of Agriculture received in the Office of the President of the Senate on February 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-557. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polymerized Fatty Acid Esters with Aminoalcohol Alkoxyates; Exemption for the Requirement of a Tolerance" (FRL No. 8860-8) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-558. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clothianidin; Time-Limited Pesticide Tolerances" (FRL No. 8858-3) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-559. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1,4-Benzenedicarboxylic Acid, Dimethyl Ester, Polymer with, 1,4-Butanediol, Adipic Acid, and Hexamethylene Diisocyanate; Exemption from the Requirement of a Tolerance" (FRL No. 8863-9) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-560. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (47) forty-seven reports relative to vacancy announcements within the Department, received on

February 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-561. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-7933)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-562. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-7921)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-563. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-7913)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-564. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-7915)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-565. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-D-7581)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-566. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-P-7650)) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-567. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 17B" (RIN0648-AY11) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC-568. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information" (RIN2105-AD67) received in the Office of the President

of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-569. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs" (RIN2105-AD76) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-570. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Display of Joint Operations in Carrier-Owned Computer Reservations Systems Regulations" (RIN2105-AD44) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-571. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" (Docket No. NHTSA-2007-29271) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-572. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration (MARAD) for Fiscal Year 2009; to the Committee on Commerce, Science, and Transportation.

EC-573. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act (PDUFA) for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-574. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of American Viticultural Area Regulations" (RIN1513-AB39) received in the Office of the President of the Senate on February 7, 2011; to the Committee on the Judiciary.

EC-575. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time for Payment of Certain Excise Taxes, and Quarterly Excise Tax Payments for Small Alcohol Excise Taxpayers" (RIN1513-AB43) received in the Office of the President of the Senate on February 7, 2011; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. KOHL, from the Special Committee on Aging, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Select Committee on Intelligence.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself, Mr. THUNE, Mr. COBURN, Mr. ISAKSON, Mr. ENSIGN, Mr. GRASSLEY, and Mr. KYL):

S. 347. A bill to amend the Internal Revenue Code of 1986 to provide for reporting and disclosure by State and local public employee retirement pension plans; to the Committee on Finance.

By Mr. GRASSLEY:

S. 348. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. 349. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. SANDERS, Mr. REED, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 350. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 351. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 352. A bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal

Plain in Alaska; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 353. A bill to provide for improvements to the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 354. A bill to amend the Classified Information Procedures Act to improve the protection of classified information and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN:

S. 355. A bill to improve, modernize, and clarify the espionage statutes contained in chapter 37 of title 18, United States Code, to promote Federal whistleblower protection statutes and regulations, to deter unauthorized disclosures of classified information, and for other purposes; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 356. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, and Mr. BINGAMAN):

S. 357. A bill to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROBERTS (for himself, Mr. BARRASSO, and Mr. COATS):

S. 358. A bill to codify and modify regulatory requirements of Federal agencies; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER:

S. Res. 50. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 51. A resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Relations.

By Mr. KOHL:

S. Res. 52. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. LIEBERMAN:

S. Res. 53. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN:

S. Res. 54. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 23

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 91

At the request of Mr. WICKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 104

At the request of Mr. JOHANNIS, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 104, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 194

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 194, a bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.

S. 197

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 197, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 198

At the request of Mr. CASEY, the name of the Senator from Missouri

(Mrs. MCCASKILL) was added as a cosponsor of S. 198, a bill to require the return and redistribution among State transportation departments of certain unexpended highway funding.

S. 207

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 207, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 210

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 219

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 249

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 249, a bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to any gray wolf (*Canis lupus*).

S. 253

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 253, a bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I.

S. 258

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to eliminate oil and gas company preferences.

S. 262

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 262, a bill to repeal the excise tax on medical device manufacturers.

S. 306

At the request of Mr. WEBB, the name of the Senator from Maryland (Mr.

CARDIN) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 316

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 316, a bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 328

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. RES. 20

At the request of Mr. JOHANNIS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

AMENDMENT NO. 33

At the request of Mr. COCHRAN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 33 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 58

At the request of Mr. NELSON of Nebraska, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 58 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. MENENDEZ, Mr. SANDERS, Mr. REED, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 350. A bill to require restitution for victims of criminal violations of

the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I reintroduce the Environmental Crimes Enforcement Act, ECEA, to help ensure that those who destroy the lives and livelihoods of Americans through environmental crime are held accountable for their actions. This common sense legislation was reported by the Judiciary Committee with overwhelming support last year. I hope the Senate will act on it in this Congress.

The tragic explosion of British Petroleum's Deepwater Horizon Oil Rig last year is just one example of why this legislation is needed. Eleven men died in that explosion, and oil flowed into the Gulf of Mexico for months, with deadly contaminants washing up on the shores and wetlands of the Gulf Coast. The catastrophe threatened the livelihood of many thousands of people throughout the Gulf region, as well as precious natural resources and habitats. The people responsible for this and other catastrophes should be held accountable, and wrongdoers—not taxpayers—should pay for the damage they have done. This bill will help to deter environmental crime, protect and compensate victims of environmental crime, and encourage accountability among corporate actors.

First, the ECEA is drafted to deter schemes by big oil and others that damage our environment and hurt hardworking Americans by increasing sentences for environmental crimes. All too often corporations treat fines and monetary penalties as a mere cost of doing business to be factored against profits. To deter criminal behavior by corporations, it is important to have laws that result in prison time. In that light, this bill directs the United States Sentencing Commission to amend the sentencing guidelines for environmental crimes to reflect the seriousness of these crimes.

Criminal penalties for Clean Water Act violations are not as severe as for other white-collar crimes, despite the widespread harm the crimes can cause. As last year's crisis in the Gulf of Mexico makes clear, Clean Water Act offenses can have serious consequences in people's lives and on their livelihoods. These consequences should be reflected in the sentences given to the criminals who commit them. This bill takes a reasonable approach, asking the Sentencing Commission to study the issue and raise sentencing guidelines appropriately, and it will have a real deterrent effect.

This bill also aims to help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources. To do that, ECEA makes restitution mandatory for criminal Clean Water Act violations.

Currently, restitution in environmental crimes—even crimes that result in death—is discretionary, and only available under limited circumstances. Under this bill, those who commit Clean Water Act offenses would have to compensate the victims of those offenses for their losses. That restitution could help the people of the Gulf Coast rebuild their coastline and wetlands, their fisheries, and their livelihoods should criminal liability be found.

Importantly, this bill will allow the families of those killed to be compensated for criminal wrongdoing. The explosion on the Deepwater Horizon oil rig brought to light the arbitrary laws that prevent those killed in such tragedies from bringing civil lawsuits for compensation. This bill would ensure that, when a crime is committed, the criminal justice system can provide for restitution to victims, allowing the families of those killed to be given the means to carry on.

This bill takes two common sense steps—well-reasoned increases in sentences and mandatory restitution for environmental crime. These measures are tough but fair. They are important steps toward deterring criminal conduct that can cause environmental and economic disaster and toward helping those who have suffered so much from the wrongdoing of big oil and other large corporations. I hope all Senators will join me in supporting this bill and these important reforms.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Crimes Enforcement Act of 2011”.

SEC. 2. ENVIRONMENTAL CRIMES.

(a) SENTENCING GUIDELINES.—

(1) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the actual harm to the public and the environment from the offenses.

(2) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (1), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2Q1.2 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in paragraph (1);

(ii) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider the extent to which the guidelines appropriately account for the actual harm to public and the environment resulting from the offenses;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to guidelines; and

(E) ensure that the guidelines relating to offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) RESTITUTION.—Section 3663A(c)(1) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following:

“(iv) an offense under section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)); and”.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 351. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two separate bills, S. 351 and S. 352, to open a small portion of the Arctic coastal plain, in my home State of Alaska, to oil and gas development. I am introducing these bills because new production in northern Alaska is vital not only to my State's future, but also to our Nation's energy and economic security.

It has been known for more than 3 decades that the 1.5 million acres of the Arctic coastal plain that lie inside the Arctic National Wildlife Refuge present the best prospect in North America for a major oil and gas discovery. The U.S. Geological Survey continues to estimate that this part of the coastal plain—which represents just 3 percent of the coastal plain in all of northern Alaska—has a mean likelihood of containing 10.4 billion barrels of oil and 8.6 trillion cubic feet of natural gas, as well as a reasonable chance of economically producing 16 billion barrels of oil. Even the relatively recent major finds in North Dakota's Bakken field pale in comparison, as ANWR is likely to hold over four times more oil than any other on-shore energy deposit in North America.

In the 1990s, opponents dismissed ANWR's potential and argued that the nearby National Petroleum Reserve-Alaska was forecast to contain almost as much oil. Just last fall, however, the U.S. Geological Survey significantly

reduced its oil estimates in the 23-million-acre reserve. Instead of containing somewhere between the 6.7 to 15 billion barrels forecast in 2002, the USGS now forecasts a mean of 896 million barrels—a dramatic downward revision.

I still believe oil production must be allowed to proceed in NPRA and that development of satellite fields west of Nusqut must be allowed to occur, since I suspect its forecast is now too conservative. My office is working to hold this Administration to its word on NPRA by allowing leaseholders to access the CD5 development which the EPA and Corps of Engineers has now stalled. But the reduced forecast for northwest Alaska also means that opening a small area due east, along the coastal plain, is now more vital than ever for America's economic and national security interests.

America today receives over 10 percent of its daily domestic oil production from fields in Arctic Alaska. You heard correctly, production already occurs in Arctic Alaska, and for more than 30 years, we have successfully balanced resource development with environmental protection. Alaskans have proven, over and over again, that those endeavors are not mutually exclusive.

Today, however, we face a tipping point. Alaska's North Slope production has declined for years and, with new development blocked at every turn, it is now forecast to decline to levels that are threatening the continued operation of the Trans-Alaska Pipeline System. A closure of TAPS would shut down all northern Alaska oil production. This would devastate Alaska's economy, drag global oil prices even higher, and deepen our energy dependence on unstable petrostates throughout the world.

Anyone who takes the long view on energy policy recognizes that no matter what energy policy our Nation pursues, we will use substantial amounts of oil well into the future. The more of that oil we produce here, at home, the better off our economy, our trade deficit, our employment levels, and the world's environment will be. Even the President's handpicked oil spill commission advocates that the U.S. take the lead on environmental and safety standards for oil development in areas like the Arctic and Gulf of Mexico, but we cannot honestly expect to take a leadership role if we are viewed as foolishly leaving our resources in the ground. We are still more than 50 percent dependent on foreign nations for our supply of oil, and no combination of alternative technologies and conservation can appreciably diminish that number in the near future.

The Energy Information Administration, in its recent preliminary 2011 Energy Forecast, predicts that U.S. crude production may increase by roughly 10 percent by 2019 because of enhanced oil recovery, increased shale oil produc-

tion, and higher oil prices, which make marginal production more attractive. That will hardly be enough to break our import dependence, but even more alarming is the forecast that U.S. domestic production will decline less than a decade from now unless these new areas are opened for development. To help meet future demand both here in America and throughout the rest of the world—and to help avoid a tremendous price spike in the event of a supply disruption—we need to take steps today to ensure new production is brought online as soon as possible.

In fact, we already face a supply disruption—a shortage of our own making. Not one permit for deepwater exploration has been granted since the Deepwater Horizon disaster last April, even though the moratorium was officially ended in October. Depending on how long this *de facto* moratorium lasts, our Nation could ultimately be deprived of millions of barrels of oil each day. Make no mistake: we are facing a serious downturn in offshore oil production from the Outer Continental Shelf, and that has made production in ANWR even more important for consumers.

ANWR development will also provide huge benefits for the U.S. Treasury. Let us examine this with some simple math. ANWR's mean estimate of over 10 billion barrels, at approximately \$100 per barrel, means that there is a trillion dollars worth of oil locked up beneath this small area in northern Alaska. That is a trillion taxable dollars and it is difficult to calculate or even fathom the corporate and payroll taxes that this would generate for our treasury. But we do know that there is hundreds of billions of dollars in pure federal royalties since my bill devotes 50 percent of the value to a Federal share, rather than the 10 percent which current law allows. This is because deficit reduction has to be a priority.

As our Nation grapples with a \$1 trillion budget deficit, \$14 trillion in national debt, and a lack of capital to incentivize renewable and alternative energy, it is folly for America to further delay new onshore oil development from Alaska. Production in ANWR will lower our unsustainable debt; improve our national security; reduce our trade deficit; create well-paying American jobs; and provide a long-lasting source of funds that can help us develop the next generation of energy technologies. The question is no longer, "should we drill in ANWR?" Today, it has become, "can we afford not to?"

I understand that no matter what happens, some will remain opposed to development in this region. There are Senators who wish to not only prohibit oil and gas development onshore in the coastal plain—who wish to forever lock the area up into formal wilderness—but who also wish to impede oil and even

natural gas development from vast portions of NPRA and from the offshore waters of the Beaufort and Chukchi Seas. This mindset ignores Alaska's economic realities, it ignores the nation's looming energy challenges, and it ignores the fact that Arctic oil production can proceed without significant environmental harm. Our development has coexisted productively with polar bears, and will not harm the Porcupine caribou herd or any other form of wildlife on the Arctic coast. The groups who oppose my legislation seem totally oblivious to strides made in directional, extended reach drilling, three- and four-D seismic testing, and new pipeline leak detection technology, all of which permit Alaskan energy development to proceed safely without harm to wildlife or the environment.

Yes, this Nation needs to improve its inspection and regulation of the oil and gas industry to make sure that America's high environmental standards are followed on every well, every day. I offer a means to advance that. Because without domestic oil and gas production, America will import more oil and gas from troubled global regions. In exchange we will export our jobs and economic future, as well as simply exporting environmental risk and ultimately damage, since foreign oil and gas development regularly fails to meet the standards that American operators are held to and held accountable for.

For all these reasons, I am reintroducing legislation to open the coastal plain of ANWR to full development. At the same time, I am focusing and narrowing and limiting that development so that just 2,000 acres of the 1.5 million acre coastal plain can be physically disturbed by roads, pipelines, wells, buildings or other support facilities. At most, just one-tenth of one percent of the refuge's coastal plain would be physically disturbed. For comparison's sake, 2,000 acres is much smaller than our local Dulles Airport—compared to an area roughly three times the size of the State of Maryland. It is hardly a blip on the map.

Limiting development to such a small area is important, however. It will help guarantee—beyond any shadow of doubt—the preservation in a natural state of more than sufficient habitat for caribou, muskoxen, polar bear, and Arctic bird life. My legislation also includes stringent environmental standards that will allow the designation of specific areas for full protection.

The full opening bill, named the American Energy Independence and Security Act, AEIS, also includes guaranteed funding to mitigate any impacts in the region, and guarantees that the federal government will receive half of all revenues generated, with nearly half going for the first time in the history of ANWR legislation to directly

reduce the Federal deficit. The bill allots other money to fund renewable and alternative energy development, wildlife programs and fishery habitat programs, energy conservation efforts, and money to subsidize the rising cost of energy for lower-income residents through funding of the Low Income Home Energy Assistance Program, also called LIHEAP. Think about this—by producing more of our own oil, we can conserve more of our most spectacular lands, improve the standard of living for thousands of Americans, and, in one fell swoop, reduce our overall dependence on oil by creating new, cleaner alternatives.

Despite these remarkable benefits, I understand that many of my colleagues will forever oppose all development in ANWR. That is why, in 2009, I worked with my fellow Senator from Alaska to introduce a new approach that would allow the coastal plain's resources to be accessed in an even more sensitive manner. Our legislation precludes any possibility of any disturbance to any creature on the coastal plain by requiring that all oil and gas in the refuge's coastal plain be siphoned from underneath the land, with no surface roads, wells, or pipelines to assist. Not a single structure would be erected on the surface of the refuge under our bill. There would be literally no chance of marring the beauty of the coastal plain—it would look and feel and be just as it is today both during and after full production.

Today, and again in the spirit of bipartisan compromise, I am reintroducing, with Senator BEGICH, that legislation. The title is self-explanatory—we call it the No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act—because it would allow oil and gas production only through extended reach directional drilling from outside of the refuge. The bill would also permit oil and gas to be tapped using subsurface technology that may someday allow for full development of the refuge with no sign of such activities visible to anyone or anything in the refuge.

While I was deeply disappointed that many in the environmental community did not embrace or even for a moment consider this proposal as a genuine attempt to end the quarter century fight over Alaskan energy development, I continue to believe that it is an acceptable, deeply sensitive way to pursue development in the Arctic. Given the new extended reach drilling technology being developed for use all over the world, including Alaska, it could be possible to start producing oil and gas from ANWR even faster under the subsurface bill than might be the case under the full leasing bill.

Admittedly, while current technology will only permit wells to reach 8 miles into refuge's boundary, that should still allow us to reach up to 1.2

billion barrels of oil and 7 trillion cubic feet of natural gas. As technology improves in the years ahead, so too will the volume of resources that we can safely recover.

My no-surface occupancy bill will require that 3- or 4-dimensional seismic and other tests be conducted by mobile units on ice pads when no wildlife will be in the area. But the bill prevents any disturbance that can even be seen by migrating caribou. There is precedent for this proposal. Congress in 2007 approved a Wyoming wilderness lands bill S. 2229, the Wyoming Range Legacy Act, which permits subsurface resource extraction, provided no surface occupancy occurs. There is also clear language in the original statute, the Alaska National Interest Lands Conservation Act, which calls for seismic studies of the coastal plain.

My ANWR subsurface legislation will guarantee that royalties from any oil and gas produced are split equally between the Federal and State treasuries, and provides for full environmental protections and project labor agreements for any development that results. The bill includes the same provisions for local adaptation aid as does my bill to fully open ANWR. Both guarantee that any Alaskan community impacted by development, especially residents of the North Slope Borough and the nearby Village of Kaktovik, will be fully protected.

My subsurface proposal offers a way for America to gain the oil and natural gas that will be crucial until a new era of renewable energy can power our lights and propel our vehicles. It also ensures that none of the Arctic Porcupine caribou herd that migrates across the coastal plain between June and August will ever see, hear, or feel oil development. Combined with the environmental safeguards the Secretary of the Interior is allowed to establish, there is no danger that any of the few species that overwinter on the coastal plain will ever be impacted by seismic or other activities. Out of an abundance of caution, my legislation further protects subsistence resources and activities for Alaska Natives.

I truly do not believe that limited surface coastal plain development will harm Alaska's environment or hurt its wildlife. But my subsurface bill offers us another way to develop ANWR—and even those who oppose surface development cannot honestly disagree with its approach. My subsurface bill would lower the odds of environmental harm from incredibly miniscule to zero. It would set a precedent for development that should be welcomed by the environmental community. And if it is not actively supported, it will be clear that some oppose ANWR solely on political and philosophical, rather than substantive, environmental grounds. Such opposition would undermine the case against the full opening of the coastal

plain for energy development, because it will show that the opposition to ANWR is based on the sands of old fears, ignoring new technology and ignoring reality.

For decades, Alaskans, whom polls show overwhelmingly support ANWR development, have been asking permission to explore and develop oil in the coastal plain. Finally, technology has advanced so that it is possible to develop oil and gas from the refuge with little or no impact on the area and its wildlife. We must seriously consider this option. Without this level of seriousness about our energy policy, there will be no chance for us to stabilize global energy markets and avoid paying extremely high prices for fuel in the future. Our lack of domestic production endangers our energy security and our strategic security, especially given that ANWR development could supply more than enough oil to fully meet our military oil needs on a daily basis.

Last year, shortly after the Deepwater Horizon oil spill, the President stated that “part of the reason oil companies are drilling a mile beneath the surface of the ocean” is “because we’re running out of places to drill on land and in shallow water.” A better explanation, however, was offered by the columnist Charles Krauthammer, who said that “We haven’t run out of safer and more easily accessible sources of oil. We’ve been run off them . . .” The truth is that we haven’t run out of oil—onshore or offshore. We’ve simply tied our own hands by locking up our own lands.

At this time of high unemployment and unsustainable debt, we need to pursue development opportunities more than ever. My ANWR bills offer us a chance to produce more of our own energy, for the good of the American people, in an environmentally-friendly way. With oil hovering near \$100 a barrel, with so many of our fellow citizens out of work, and with our Nation still more than 50 percent dependent on foreign oil—we would be foolish to once again ignore our most promising prospect for new development.

I hope this Congress will have the common sense to allow America to help itself by developing ANWR's substantial resources. This is critical to my state and the nation as a whole. And with this in mind, I will work to educate the members of this chamber about ANWR. I will show why such development should occur—why it must occur—and how it can benefit our Nation at a time when we so desperately need good economic news.

By Ms. COLLINS:

S. 353. A bill to provide for improvements to the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce The U.S. Postal Service Improvements Act of 2011. This legislation would help the U.S. Postal Service regain its financial footing as it adapts to the era of increasingly digital communications.

The storied history of the Postal Service pre-dates our Constitution. In 1775, the Second Continental Congress appointed Benjamin Franklin as the first Postmaster General and directed the creation of “a line of posts . . . from Falmouth in New England to Savannah in Georgia.” The Constitution also gives Congress the power to establish post offices and post roads.

Today, the Postal Service is the linchpin of a \$1 trillion mailing industry that employs approximately 7.5 million Americans in fields as diverse as direct mail, printing, catalog companies, paper manufacturing, and financial services.

Postal Service employees deliver mail six days a week to hundreds of millions of households and businesses. From our largest cities to our smallest towns, from the Hawaiian Islands to Alaskan reservations, the Postal Service is a vital part of our national communications network and an icon of American culture.

But the financial state of the Postal Service is abysmal. The numbers are grim: the Postal Service lost \$8.5 billion in fiscal year 2010 and recently announced that it posted a net loss of \$329 million in the first quarter of fiscal year 2011 alone. The “Great Recession,” high operating costs, and the continuing diversion of mail to electronic alternatives have undermined the Postal Service’s ability to remain solvent.

Faced with this much red ink, the Postal Service must reinvent itself. It must increase revenues by increasing its value to its customers and by becoming more cost effective.

Unfortunately, many of the solutions the Postal Service has proposed would only aggravate its problems. Filing for enormous rate increases, pursuing significant service reductions—including elimination of Saturday mail delivery—and seeking relief from funding its huge liabilities are not viable long-term solutions to the challenges confronting the Postal Service. These changes will drive more customers to less expensive, digital alternatives. That downturn in customers will further erode mail volume and lead to a death spiral for the Postal Service.

The Postal Service must chart a new course in this digital age. It must adopt a more customer-focused culture. It must see the changing communications landscape as an opportunity.

The Postal Accountability and Enhancement Act of 2006, which I authored with Senator CARPER, provided the foundation for these long-term changes, but the Postal Service has

been slow to take advantage of some of the flexibilities afforded by that law. And, to be fair, the Postal Service has encountered problems not of its making, such as a severe recession.

The legislation that I introduce today would help the Postal Service achieve financial stability and light the way to future cost savings without undermining customer service.

The legislation would help remedy an enormous overpayment by the Postal Service into retirement funds used by both Federal and postal employees alike. Based on an independent actuarial analysis, the Postal Regulatory Commission estimates the Postal Service has overpaid in excess of \$50 billion into the Civil Service Retirement System, CSRS, and nearly \$3 billion into the Federal Employees Retirement System pension fund. Another independent actuarial firm, commissioned by the Postal Service Inspector General, estimates that the overpayment into the CSRS pension fund is even greater, perhaps topping \$75 billion. It is simply unfair—both to the Postal Service and its customers—not to refund these overpayments.

To address these inequities, the bill would allow the Postal Service access to the amounts that it has overpaid into these pension funds. It is essential that the Postal Service be permitted to use these funds to address other financial obligations, such as its payments for future retiree health benefits and unfunded workers’ compensation liabilities and for repaying its existing debt.

I have pressed the Office of Personnel Management, OPM, to change its calculation method for Postal Service payments into the CSRS fund consistent with the 2006 Postal Reform law. OPM officials, however, have stubbornly refused to change this methodology or even to admit that the 2006 postal law permits them to do so. This has created a bureaucratic standoff that is unfair to the Postal Service. The OPM holds the life preserver—it could help rescue the Postal Service, but it simply refuses to throw it.

This legislation directs the OPM to exercise its existing authority under the 2006 postal reform law and to revise its methodology for calculating the Postal Service’s obligations to the CSRS pension fund. Once OPM exercises this authority, my legislation would allow the Postal Service to use any resulting overpayments to cover its annual payments into the Retiree Health Benefits Fund, rather than having to wait until after September 30, 2015, to access the CSRS overpayment.

Additionally, the legislation would allow the Postal Service to access the nearly \$3 billion it has overpaid into the Federal Employees Retirement System, FERS, pension fund. The legislation would grant OPM this authority by adopting language, similar to Section 802(c) of the 2006 postal reform

law, that allows OPM to recalculate the methodology governing Postal Service payments into the FERS pension fund to determine a more accurate contribution.

As with the CSRS overpayment, the Postal Service would be permitted to use the FERS overpayment to meet its statutory obligations to the Retiree Health Benefits Fund. These fund transfers would greatly improve the Postal Service’s financial condition.

While I was pleased to see that the proposed budget the President released yesterday addresses the FERS overpayment, I was disappointed that it did not direct OPM to update its methodology to allow the Postal Service to access the significant CSRS overpayment. Moreover, I am concerned that the 30-year repayment period proposed by the President to refund any FERS overpayments is too long given the immediate financial needs of the Postal Service.

If the CSRS and FERS overpayment amounts are sufficient to fully fund the Postal Service’s obligations to the Retiree Health Benefits Fund, this legislation would allow the Postal Service to pay its workers’ compensation liabilities, which top \$1 billion annually. The Postal Service may also choose to use these funds to pay down its existing debt, which currently is \$12 billion.

Second, the legislation would improve the Postal Service’s contracting practices and help prevent the kind of ethical violations recently uncovered by the Postal Service Inspector General.

Several months ago, I asked the Postal Service Inspector General to review the Postal Service’s contracting policies. The IG found stunning evidence of costly contract mismanagement, ethical lapses, and financial waste.

In its review of the Postal Service’s contracting policies, the IG discovered no-bid contracts and examples of apparent cronyism. The Postal Service’s contract management did not protect against waste, fraud, and abuse. Indeed, it left the door wide open.

In fact, the Postal Service could not even identify how many contracts were awarded without competition. Of the no-bid contracts the IG reviewed, 35 percent lacked justification.

In one of the more egregious examples of waste and abuse, the IG discovered that more than 2,700 contracts had been awarded to former employees since 1991. At least 17 of those contracts were no-bid contracts given to career executives within one year of their separation from the Postal Service.

Some of these former executives were brought back at nearly twice their former pay to advise newly hired executives—an outrageous practice that the IG said raised serious ethical questions, hurt employee morale, and tarnished the Postal Service’s public

image. In one example, an executive received a \$260,000 no-bid contract in July 2009, just two months after retiring. The purpose? To train his successor.

My legislation would help remedy many of the contracting issues the IG identified. Specifically, the bill would direct the Postmaster General to establish a Competition Advocate, responsible for reviewing and approving justifications for noncompetitive purchases and for tracking the level of competition.

Earlier this month, the Postmaster General recognized this as an essential position by naming a Competition Advocate. My bill would help clarify and codify the Competition Advocate's role to ensure that the position continues. Under my legislation, the Competition Advocate would also be required to submit an annual report on Postal Service contracting to the Postmaster General, the Board of Governors, the Postal Regulatory Commission, and the Congress.

To improve transparency and accountability, the bill also would require the Postal Service to publish justifications of noncompetitive contracts greater than \$250,000 on its website. This transparency would improve the Postal Service's contracting practices and promote competition.

To resolve the ethical issues documented by the IG, the bill would limit procurement officials from contracting with personal or business associates for private gain. In a June 2010 report, the IG identified several contracts that a former top executive awarded non-competitively to former business associates, totaling nearly \$6 million. These contracts included at least two business associates he hired to manage his personal finances and outside business interests. These sorts of inappropriate, unethical contracts are unacceptable, and this legislation would help prevent similar conflicts of interest in the future. In addition, the bill would require the Postal Service's ethics official to review any ethics concerns that the contracting office identifies prior to awarding a contract.

Third, the legislation includes several provisions that would enhance efficiency and reduce costs. While the Postal Service has made efforts to reduce costs over the past several years, more must be done.

One such area is in the consolidation of area and district offices. The IG found that the Postal Service's regional structure—which at the time of the report consisted of eight area offices and 74 district offices and cost approximately \$1.5 billion to maintain in fiscal year 2009—has significant room for consolidation. The Postal Service recently announced the closure of one area office, but it needs to conduct a more comprehensive review. My bill would require the Postal Service to

create a strategic plan to guide consolidation efforts—a road map for future savings.

The bill also would require the Postal Service to develop a plan to increase its presence in retail facilities, or co-locate, to better serve customers. Before co-location decisions could be made, however, the bill would direct the Postal Service to weigh the impact of any decision on small communities and rural areas. Moreover, the Postal Service would be required to solicit community input before making decisions about co-location and to ensure that co-location does not diminish the quality of service.

Fourth, the bill would require the arbitrator to consider the Postal Service's financial condition when rendering decisions about collective bargaining agreements. This logical provision would allow critical financial information to be weighed as a factor in contract negotiations.

Fifth, the bill would require the Postal Service to provide notice of any significant proposed changes to mailing rules, solicit and respond to comments about the proposed changes, and analyze their potential financial impacts. Mandating that the Postal Service adhere to these notice-and-comment requirements would help ensure that the Postal Service has fully considered the effect that significant changes might have on customers and on the Postal Service's bottom-line.

Sixth, the bill would reduce work-force-related costs government-wide by converting retirement eligible postal and Federal employees on workers' compensation to retirement when they reach age 65, 5 years beyond the average retirement age for postal and Federal employees. This is a commonsense change that would significantly reduce expenses that both the Postal Service and the Federal Government cannot afford.

From July 1, 2009, to June 30, 2010, the Department of Labor paid approximately \$2.78 billion to employees on workers' compensation. These workers' compensation benefits serve as a crucial safety net for Federal and postal employees who are injured on the job so they can recuperate and return to work.

But, the Department of Labor indicates that postal and Federal employees across the government are receiving workers' compensation benefits into their 80s, 90s, and even 100s. Because of its benefits structure, the workers' compensation program has morphed into a higher-paying alternative to Federal and postal retirement.

The Postal Service stands out as an unfortunate example of how Federal workers' comp is misused as a retirement system. From July 1, 2009, to June 30, 2010, postal employees accounted for nearly half of all workers'

comp benefit payments—about \$1.1 billion for 15,470 recipients. Of that number 2,051 were aged 70 or older; 927 were 80 or older; and 132 were 90 or older. Amazingly, three of these postal employees were 98 years old.

I must ask the obvious question: Is there any likelihood that these recipients will ever return to work? No.

Then why aren't they transitioning to the retirement system when they reach retirement age?

This bill reforms the law by converting postal and Federal employees on workers' compensation to the retirement system when they reach age 65. This is a commonsense change that would save millions of dollars that the Postal Service, the Federal Government, and American taxpayers cannot afford to spend.

The Postal Service is at a crossroads; it must choose the correct path. It must take steps toward a bright future. It must reject the path of severe service reductions and huge rate hikes, which will only alienate customers.

I have already received letters of support for my bill from various organizations, including the Alliance of Non-profit Mailers, Greeting Card Association, Magazine Publishers Association, American Catalog Mailers Association, National Newspaper Association, PostCom, National Postal Policy Council, Coalition for a 21st Century Postal Service, and the National League of Postmasters. I expect to receive more as postal stakeholders learn more about how my bill would help the Postal Service transform its operations.

The Postal Service must re-invent itself. It must embrace changes to revitalize its business model, enabling it to attract and keep customers. The U.S. Postal Service Improvements Act of 2011 will help spark new life into this institution, helping it evolve and maintain its vital role in American society.

By Mr. CARDIN:

S. 354. A bill to amend the Classified Information Procedures Act to improve the protection of classified information and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, the Classified Information Procedures Act, CIPA, was enacted in 1980 with bipartisan support to address the "disclose or dismiss" dilemma that arose in espionage prosecutions when a defendant would threaten the government with the disclosure of classified information if the government did not drop the prosecution. Previously, there were no Congressionally-mandated procedures that required district courts to make discovery and admissibility rulings regarding classified information in advance.

CIPA has worked reasonably well during the last 30 years, but some issues have arisen in a number of notable terrorism, espionage, and narcotics

cases that demonstrate that reforms and improvements could be made to ensure that classified sources, methods and information can be protected, and to ensure that a defendant's due process and fair trial rights are not violated. In 2009, when the Congress enacted the Military Commissions Act, MCA, the Congress drew heavily from the manner in which the federal courts interpreted CIPA when it updated the procedures governing the use of classified information in military commission prosecutions. At that time, however, the Congress did not update CIPA. Indeed, since its enactment in 1980, there have been no changes to the key provisions of CIPA.

As the former Chairman of the Senate Judiciary's Terrorism and Homeland Security Subcommittee, I chaired a number of hearings during which witnesses testified about the capacity of our civilian courts to try alleged terrorists and spies. The first Subcommittee hearing that I chaired was on July 28, 2009, and was entitled "Prosecuting Terrorists: Civilian and Military Trials for GTMO and Beyond." The second Terrorism and Homeland Security Subcommittee hearing that I chaired was on May 12, 2010, and was entitled "The Espionage Statutes: A Look Back and A Look Forward." The testimony I have heard in regard to terrorism, espionage and our civilian courts, has convinced me that while our courts have the capacity and the procedures in place to try alleged terrorists and spies, reforms and improvements could be made to CIPA to codify and clarify the decisions of the federal courts.

As a result, today I am reintroducing the Classified Information Procedures Reform and Improvement Act, CIPRIA. CIPRIA contains reforms and improvements to ensure that the statute maintains the proper balance between the protection of classified sources, methods and information, and a defendant's constitutional rights. Among other things, this legislation, which includes the applicable changes that the Congress made when it enacted the Military Commissions Act of 2009, will: codify, clarify and unify federal case law interpreting CIPA; ensure that all classified information, not just documents, will be governed by CIPA; ensure that prosecutors and defense attorneys will be able to fully inform trial courts about classified information issues; and will clarify that the civil state secrets privilege does not apply in criminal cases. CIPRIA will also ensure high-level DOJ approval before the government invokes its classified information privilege in criminal cases and will ensure that the federal courts will order the disclosure and use of classified information when the disclosure and use meets the applicable legal standards. This legislation will also ensure timely appellate review of lower court CIPA

decisions before the commencement of a trial, explicitly permit trial courts to adopt alternative procedures for the admission of classified information in accordance with a defendant's fair trial and due process rights, and make technical fixes to ensure consistent use of terms throughout the statute.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Classified Information Procedures Reform and Improvement Act of 2011".

(b) IN GENERAL.—Section 1 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) 'Disclosure', as used in this Act, includes the release, transmittal, or making available of, or providing access to, classified information to any person (including a defendant or counsel for a defendant) during discovery, or to a participant or member of the public at any proceeding."

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(3) of the Immigration and Nationality Act (8 U.S.C. 1531(3)) is amended by striking "section 1(b)" and inserting "section 1".

SEC. 2. PRETRIAL CONFERENCE.

Section 2 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by inserting "(a) IN GENERAL.—" before "At any time";

(2) by adding at the end the following:

"(b) EX PARTE.—If the United States or the defendant certifies that the presence of both parties at a pretrial conference reasonably could be expected to cause damage to the national security of the United States or the defendant's ability to make a defense, then upon request by either party, the court shall hold such pretrial conference ex parte, and shall seal and preserve the record of that ex parte conference in the records of the court for use in the event of an appeal."

SEC. 3. PROTECTIVE ORDERS.

Section 3 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Upon motion";

(2) by inserting "use or" before "disclosure";

(3) by inserting ", or access to," after "disclosure of";

(4) by inserting ", or any classified information derived therefrom, that will be" after "classified information";

(5) by inserting "or made available" after "disclosed"; and

(6) by adding at the end the following:

"(b) NOTICE.—In the event the defendant is convicted and files a notice of appeal, the United States shall provide the defendant and the appellate court with a written notice setting forth each date that the United States obtained a protective order under this Act."

SEC. 4. DISCOVERY OF AND ACCESS TO CLASSIFIED INFORMATION BY DEFENDANTS.

Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting "AND ACCESS TO" after "DISCOVERY OF";

(2) by inserting "(a) IN GENERAL.—" before "The court, upon";

(3) in the first sentence—

(A) by inserting "to restrict the defendant's access to or" before "to delete";

(B) by striking "from documents";

(C) by striking "classified documents, or" and inserting "classified information,"; and

(D) by striking the period at the end and inserting ", or to provide other relief to the United States.";

(4) in the second sentence, by striking "alone." inserting "alone, and may permit ex parte proceedings with the United States to discuss that request.";

(5) in the third sentence—

(A) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(B) by inserting ", and the transcript of any argument and any summary of the classified information the defendant seeks to obtain discovery of or access to," after "text of the statement of the United States"; and

(6) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—If the defendant seeks access to non-documentary information from a potential witness or other person through deposition under the Federal Rules of Criminal Procedure, or otherwise, which the defendant knows or reasonably believes is classified, the defendant shall notify the attorney for the United States and the court in writing. Such notice shall specify with particularity the nondocumentary information sought by the defendant and the legal basis for such access."

"(c) SHOWING BY THE UNITED STATES.—In any prosecution in which the United States seeks to restrict, delete, withhold, or otherwise obtain relief with respect to the defendant's discovery of or access to any specific classified information, the attorney for the United States shall file with the court a declaration made by the Attorney General invoking the United States classified information privilege, which shall be supported by a declaration made by a knowledgeable United States official possessing the authority to classify information that sets forth the identifiable damage to the national security that the discovery of, or access to, such information reasonably could be expected to cause."

"(d) STANDARD FOR DISCOVERY OF OR ACCESS TO CLASSIFIED INFORMATION.—Upon the submission of a declaration of the Attorney General under subsection (c), the court may not authorize the defendant's discovery of, or access to, classified information, or to the substitution submitted by the United States, which the United States seeks to restrict, delete, or withhold, or otherwise obtain relief with respect to, unless the court first determines that such classified information or such substitution would be—

"(1) noncumulative, relevant, and helpful to—

"(A) a legally cognizable defense;

"(B) rebuttal of the prosecution's case; or

"(C) sentencing; or

"(2) noncumulative and essential to a fair determination of a pretrial proceeding."

"(e) SECURITY CLEARANCE.—Whenever a court determines that the standard for discovery of or access to classified information by the defendant has been met under subsection (d), such discovery or access may

only take place after the person to whom discovery or access will be granted has received the necessary security clearances to receive the classified information, and if the classified information has been designated as sensitive compartmented information or special access program information, any additional required authorizations to receive the classified information."

SEC. 5. NOTICE OF DEFENDANT'S INTENTION TO DISCLOSE CLASSIFIED INFORMATION.

Section 5 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting "USE OR" before "DISCLOSE";

(2) in subsection (a)—

(A) in the first sentence—

(i) by inserting "use or" before "disclose"; and

(ii) by striking "thirty days prior to trial" and inserting "45 days prior to such proceeding";

(B) in the second sentence by striking "brief" and inserting "specific";

(C) in the third sentence—

(i) by inserting "use or" before "disclose"; and

(ii) by striking "brief" and inserting "specific"; and

(D) in the fourth sentence—

(i) by inserting "use or" before "disclose"; and

(ii) by inserting "reasonably" before "believed"; and

(3) in subsection (b), by inserting "the use or" before "disclosure".

SEC. 6. PROCEDURE FOR CASES INVOLVING CLASSIFIED INFORMATION.

Section 6 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking "such a hearing," and inserting "a hearing and shall make all such determinations prior to proceeding under any alternative procedure set out in subsection (d)."; and

(B) in the third sentence, by striking "petition" and inserting "request";

(2) in subsection (b)(2) by striking "trial" and inserting "the trial or pretrial proceeding";

(3) by redesignating subsections (c), (d), (e), and (f), as subsections (d), (e), (f), and (g), respectively;

(4) by inserting after subsection (b) the following:

"(c) STANDARD FOR ADMISSIBILITY, USE, AND DISCLOSURE AT TRIAL.—(1) Classified information which is the subject of a notice by the United States pursuant to subsection (b) is not admissible at trial and subject to the alternative procedures set out in subsection (d), unless a court first determines that such information is noncumulative and relevant to an element of the offense or a legally cognizable defense, and is otherwise admissible in evidence.

"(2) Nothing in this subsection may be construed to prohibit the exclusion from evidence of relevant, classified information in accordance with the Federal Rules of Evidence."

(5) in subsection (d), as so redesignated—

(A) in the subsection heading, by inserting "USE OR" before "DISCLOSURE";

(B) in paragraph (1), by inserting "use or" before "disclosure" both places that term appears;

(C) in the flush paragraph following paragraph (1)(B), by inserting "use or" before "disclosure"; and

(D) in paragraph (2)—

(i) by striking "an affidavit of" and inserting "a declaration by";

(ii) by the striking "such affidavit" and inserting "such declaration"; and

(iii) by inserting "the use or" before "disclosure";

(6) in subsection (e), as so redesignated, in the first sentence, by striking "disclosed or elicited" and inserting "used or disclosed"; and

(7) in subsection (f), as so redesignated—

(A) in the subsection heading, by inserting "USE OR" before "DISCLOSURE" both places that term appears;

(B) in paragraph (1)—

(i) by striking "(c)" and inserting "(d)";

(ii) by striking "an affidavit of" and inserting "a declaration by";

(iii) by inserting "the use or" before "disclosure"; and

(iv) by striking "disclose" and inserting "use, disclose,"; and

(C) in paragraph (2), by striking "disclosing" and inserting "using, disclosing,"; and

(8) in the first sentence of subsection (g), as so redesignated—

(A) by inserting "used or" before "disclosed"; and

(B) by inserting "or disclose" before "to rebut the".

SEC. 7. INTERLOCUTORY APPEAL.

Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) by striking "disclosure of" both times that places that term appears and inserting "use, disclosure, discovery of, or access to"; and

(2) by adding at the end the following:

"The right of the United States to appeal pursuant to this Act applies without regard to whether the order or ruling appealed from was entered under this Act, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such use, disclosure, or access. Whenever practicable, appeals pursuant to this section shall be consolidated to expedite the proceedings."

SEC. 8. INTRODUCTION OF CLASSIFIED INFORMATION.

Section 8 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in subsection (b), by adding at the end "The court may fashion alternative procedures in order to prevent such unnecessary disclosure, provided that such alternative procedures do not deprive the defendant of a fair trial or violate the defendant's due process rights."; and

(2) by adding at the end the following:

"(d) ADMISSION OF EVIDENCE.—(1) No classified information offered by the United States and admitted into evidence shall be presented to the jury unless such evidence is provided to the defendant.

"(2) Any classified information admitted into evidence shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal."

SEC. 9. APPLICATION TO PROCEEDINGS.

The amendments made by this Act shall take effect on the date of the enactment of this Act but shall not apply to any prosecution in which an indictment or information was filed prior to such date.

By Mr. CARDIN:

S. 355. A bill to improve, modernize, and clarify the espionage statutes contained in chapter 37 of title 18, United States Code, to promote Federal whis-

tleblower protection statutes and regulations, to deter unauthorized disclosures of classified information, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, the current framework concerning the espionage statutes was designed to address classic spy cases involving persons who intended to aid foreign governments and harm the United States. The current framework traces its roots to the Espionage Act of 1917, which made it a crime to disclose defense information during wartime. The basic idea behind the legislation, which was upheld by the U.S. Supreme Court as constitutional in 1919, was to stop citizens from spying or interfering with military actions during World War I. The current framework was formed at a time when intelligence and national security information existed primarily in some tangible form, such as blueprints, photographs, maps, and other documents.

Our nation, however, has witnessed dramatic changes to nearly every facet of our lives over the last 100 years, including technological advances which have revolutionized our information gathering abilities as well as the mediums utilized to communicate such information. Yet, the basic terms and structure of the espionage statutes have remained relatively unchanged since their inception. Moreover, issues have arisen in the prosecution and defense of criminal cases when the statutes have been applied to persons who may be disclosing classified information for purposes other than to aid a foreign government or to harm the United States. In addition, the statutes contain some terms which are outdated and do not reflect how information is classified by the Executive Branch today.

Legal scholars and commentators have criticized the current framework, and over the years, some federal courts have as well. In 2006, after reviewing the many developments in the law and changes in society that had taken place since the enactment of the espionage statutes, one district court judge stated that "the time is ripe for Congress" to reexamine them. *United States v. Rosen*, 445 F. Supp. 2d 602, 646, E.D. Va. 2006, Ellis, J. Nearly 20 years earlier in the *Morison* case, one federal appellate judge stated that "[i]f one thing is clear, it is that the Espionage Act statutes as now broadly drawn are unwieldy and imprecise instruments for prosecuting government 'leakers' to the press as opposed to government 'moles' in the service of other countries." That judge also stated that "carefully drawn legislation" was a "better long-term resolution" than judicial intervention. See *United States v. Morison*, 844 F.2d 1057, 1086, 4th Cir. 1988.

As the former Chairman of the Senate Judiciary's Terrorism and Homeland Security Subcommittee, I chaired

a Subcommittee hearing on May 12, 2010, entitled “The Espionage Statutes: A Look Back and A Look Forward.” At that Subcommittee hearing, I questioned a number of witnesses, which included witnesses from academia as well as former officials from the intelligence and law enforcement communities, about how well the espionage statutes have been working. And since that hearing, I have been closely and carefully reviewing these statutes, particularly in the context of recent events. I am convinced that changes in technology and society, combined with statutory and judicial changes to the law, have rendered some aspects of our espionage laws less effective than they need to be to protect the national security. I also believe that we need to enhance our ability to prosecute spies as well as those who make unauthorized disclosures of classified information. We don’t need an Official State Secrets Act, and we must be careful not to chill protected First Amendment activities. We do, however, need to do a better job of preventing unauthorized disclosures of classified information that can harm the United States, and at the same time we need to ensure that public debates continue to take place on important national security and foreign policy issues.

As a result, today I am reintroducing the Espionage Statutes Modernization Act, ESMA. This legislation makes important improvements to the espionage statutes to make them more effective and relevant in the 21st century. This legislation is narrowly-tailored and balanced, and will enable the government to use a separate criminal statute to prosecute government employees who make unauthorized disclosures of classified information in violation of the nondisclosure agreements they have entered, irrespective of whether they intend to aid a foreign government or harm the United States.

This legislation is not designed to make it easier for the government to prosecute the press, to chill First Amendment freedoms, or to make it more difficult to expose government wrongdoing. In fact, the proposed legislation promotes the use of Federal whistleblower statutes and regulations to report unlawful and other improper conduct. Unauthorized leaks of classified information, however, are harmful to the national security and could endanger lives. Thus, in addition to proposing important refinements to the espionage statutes, this legislation will deter unauthorized leaks of classified information by government employees who knowingly and intentionally violate classified information nondisclosure agreements.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “The Espionage Statutes Modernization Act of 2011”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) As of 2011, the statutory framework with respect to the espionage statutes is a compilation of statutes that began with Act of June 15, 1917 (40 Stat. 217, chapter 30) (commonly known as the “Espionage Act of 1917”), which targeted classic espionage cases involving persons working on behalf of foreign nations.

(2) The statutory framework was formed at a time when intelligence and national security information existed primarily in a tangible form, such as blueprints, photographs, maps, and other documents.

(3) Since 1917, the United States has witnessed dramatic changes in intelligence and national security information, including technological advances that have revolutionized information gathering abilities as well as the mediums used to communicate such information.

(4) Some of the terms used in the espionage statutes are obsolete and the statutes do not fully take into account the classification levels that apply to national security information in the 21st century.

(5) In addition, the statutory framework was originally designed to address classic espionage cases involving persons working on behalf of foreign nations. However, the national security of the United States could be harmed, and lives may be put at risk, when a Government officer, employee, contractor, or consultant with access to classified information makes an unauthorized disclosure of the classified information, irrespective of whether the Government officer, employee, contractor, or consultant intended to aid a foreign nation or harm the United States.

(6) Federal whistleblower protection statutes and regulations that enable Government officers, employees, contractors, and consultants to report unlawful and improper conduct are appropriate mechanisms for reporting such conduct.

(7) Congress can deter unauthorized disclosures of classified information and thereby protect the national security by—

(A) enacting laws that improve, modernize, and clarify the espionage statutes and make the espionage statutes more relevant and effective in the 21st century in the prosecution of persons working on behalf of foreign powers;

(B) promoting Federal whistleblower protection statutes and regulations to enable Government officers, employees, contractors, or consultants to report unlawful and improper conduct; and

(C) enacting laws that separately punish the unauthorized disclosure of classified information by Government officers, employees, contractors, or consultants who knowingly and intentionally violate a classified information nondisclosure agreement, irrespective of whether the officers, employees, contractors, or consultants intend to aid a foreign power or harm the United States.

SEC. 3. CRIMES.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) in section 793—

(A) in the section heading, by striking “**or losing defense information**” and inserting “**or, losing national security information**”;

(B) by striking “the national defense” each place it appears and inserting “national security”;

(C) by striking “foreign nation” each place it appears and inserting “foreign power”;

(D) in subsection (b), by inserting “classified information, or other” before “sketch”;

(E) in subsection (c), by inserting “classified information, or other” before “document”;

(F) in subsection (d), by inserting “classified information, or other” before “document”;

(G) in subsection (e), by inserting “classified information, or other” before “document”;

(H) in subsection (f), by inserting “classified information,” before “document”; and

(I) in subsection (h)(1), by striking “foreign government” and inserting “foreign power”;

(2) in section 794—

(A) in the section heading, by striking “**Gathering**” and all that follows and inserting “**Gathering or delivering national security information to aid foreign powers**”; and

(B) in subsection (a)—

(i) by striking “foreign nation” and inserting “foreign power”;

(ii) by striking “foreign government” and inserting “foreign power”;

(iii) by inserting “classified information,” before “document”;

(iv) by striking “the national defense” and inserting “national security”; and

(v) by striking “(as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978)”;

(3) in section 795(a), by striking “national defense” and inserting “national security”;

(4) in section 798—

(A) in subsection (a), by striking “foreign government” each place it appears and inserting “foreign power”; and

(B) in subsection (b)—

(i) by striking the first undesignated paragraph (relating to the term “classified information”); and

(ii) by striking the third undesignated paragraph (relating to the term “foreign government”); and

(5) by adding at the end the following:

“§ 800. Definitions

“In this chapter—

“(1) the term ‘classified information’ has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. App.);

“(2) the term ‘foreign power’ has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

“(3) the term ‘national security’ has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. App.).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of section for chapter 37 of title 18, United States Code, is amended—

(1) by striking the item relating to section 793 and inserting the following:

“793. Gathering, transmitting, or losing national security information.”;

(2) by striking the item relating to section 794 and inserting the following:

“794. Gathering or delivering national security information to aid foreign powers.”; and

(3) by adding at the end the following:

“800. Definitions.”.

SEC. 4. VIOLATION OF CLASSIFIED INFORMATION NONDISCLOSURE AGREEMENT.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following:

“§ 1925. Violation of classified information nondisclosure agreement

“(a) DEFINITIONS.—In this section—

“(1) the term ‘classified information’ has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. App.); and

“(2) the term ‘covered individual’ means an officer, employee, contractor, or consultant of an agency of the Federal Government who, by virtue of the office, employment, position, or contract held by the individual, knowingly and intentionally agrees to be legally bound by the terms of a classified information nondisclosure agreement.

“(b) OFFENSE.—

“(1) IN GENERAL.—Except as otherwise provided in this section, it shall be unlawful for a covered individual to intentionally disclose, deliver, communicate, or transmit classified information, without the authorization of the head of the Federal agency, or an authorized designee, knowing or having reason to know that the disclosure, delivery, communication, or transmission of the classified information is a violation of the terms of the classified information nondisclosure agreement entered by the covered individual.

“(2) PENALTY.—A covered individual who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

“(c) WHISTLEBLOWER PROTECTION.—The disclosure, delivery, communication, or transmission of classified information by a covered individual in accordance with a Federal whistleblower protection statute or regulation applicable to the Federal agency of which the covered individual is an officer, employee, contractor, or consultant shall not be a violation of subsection (b)(1).

“(d) REBUTTABLE PRESUMPTION.—For purposes of this section, there shall be a rebuttable presumption that information has been properly classified if the information has been marked as classified information in accordance with Executive Order 12958 (60 Fed. Reg. 19825) or a successor or predecessor to the order.

“(e) DEFENSE OF IMPROPER CLASSIFICATION.—The disclosure, delivery, communication, or transmission of classified information by a covered individual shall not violate subsection (b)(1) if the covered individual proves by clear and convincing evidence that at the time the information was originally classified, no reasonable person with original classification authority under Executive Order 13292 (68 Fed. Reg. 15315), or any successor order, could have identified or described any damage to national security that reasonably could be expected to be caused by the unauthorized disclosure of the information.

“(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 93 of title 18, United States Code, is amended by adding at the end the following:

“1925. Violation of classified information nondisclosure agreement.”.

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission,

shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of an offense under section 1925 of title 18, United States Code, as added by this Act.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission shall ensure that the sentencing guidelines account for all relevant conduct, including—

(1) multiple instances of unauthorized disclosure, delivery, communication, or transmission of the classified information;

(2) the volume of the classified information that was disclosed, delivered, communicated, or transmitted;

(3) the classification level of the classified information;

(4) the harm to the national security of the United States that reasonably could be expected to be caused by the disclosure, delivery, communication, or transmission of the classified information; and

(5) the nature and manner in which the classified information was disclosed, delivered, communicated, or transmitted.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$3,612,391, of which amount (1) not to exceed \$4,666.67 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed \$1,166.67 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$6,192,669, of which amount (1) not to exceed \$8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization

Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed \$2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$2,580,278, of which amount (1) not to exceed \$3,333.33 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed \$833.33 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for “Expenses of Inquiries and Investigations”.

SENATE RESOLUTION 51—RECOGNIZING THE 190TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 51

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that “it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you”;

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested more than \$20,000,000,000 in the countries of the region, thereby helping to create more than 200,000 new jobs, and having contributed more than \$750,000,000 in development aid for the region;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years to further cross-cultural understanding and rapprochement with Turkey, as seen by Prime Minister of Greece George Papandreou's trip to Turkey, just days after being elected and the Prime Minister of Turkey Recep Tayyip Erdogan's visit to Greece in May 2010, during which Greece and Turkey established a Joint Ministerial Council, made up of 10 ministers from each country, to discuss tangible ways to enhance cooperation in various fields of interest;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights; Whereas those and similar ideals have forged a close bond between Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2011, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 190th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and

in the community of nations since gaining its independence 190 years ago.

SENATE RESOLUTION 52—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. KOHL submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$1,937,114, of which amount (1) not to exceed \$117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$3,320,767, of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$1,383,653, of which amount (1) not to exceed \$85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contin-

gent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 53—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LIEBERMAN submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 53

Resolved, SECTION 1. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (referred to in this resolution as the "committee") is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$6,902,759, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$11,833,302, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,930,543, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2011, through September 30, 2011, for the period October 1, 2011, through September 30, 2012, and for the period October 1, 2012, through February 28, 2013, to be paid from the appropriations account for 'Expenses of Inquiries and Investigations' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or per-

sons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2011, through February 28, 2013, is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 73, agreed to March 10, 2009 (111th Congress), are authorized to continue.

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN submitted the following resolution; from the Select Committee on Intelligence was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out its powers, duties, and functions under Senate Resolution 400, agreed to May 19, 1976 (94th Congress), as amended by Senate Resolution 445, agreed to October 9, 2004 (108th Congress), in

accordance with its jurisdiction under section 3 and section 17 of such Senate Resolution 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such Senate Resolution 400, the Select Committee on Intelligence is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$4,249,113 of which amount (1) not to exceed \$37,917 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses for the committee under this resolution shall not exceed \$7,284,194, of which amount (1) not to exceed \$65,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$3,035,081, of which amount (1) not to exceed \$27,083 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011 through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AMENDMENTS SUBMITTED AND PROPOSED

SA 86. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 87. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 88. Mr. MCCAIN (for himself, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 89. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 90. Mr. REID of Nevada (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

SA 91. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 92. Mr. REED of Rhode Island submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 93. Mrs. HUTCHISON proposed an amendment to amendment SA 7 proposed by Mr. INHOFE to the bill S. 223, supra.

SA 94. Mrs. BOXER (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 86. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize

the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 7 and 8, insert the following:

(g) SPECIAL RULE FOR MODEL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) MODEL AIRCRAFT DEFINED.—For purposes of this subsection, the term "model aircraft" means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

SA 87. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 307, strike line 1 and all that follows through page 310, line 10, and insert the following:

SEC. 730. TRANSPORTATION OF COMPRESSED OXYGEN AND OXIDIZING GASES WITHIN ALASKA.

(a) AUTHORIZATION.—Subject to subsection (b), in circumstances in which it is impracticable to transport compressed oxygen and other oxidizing gases within the State of Alaska through transportation modes other than by aircraft, the transport of such gases within Alaska shall not be subject to the requirements under—

(1) paragraphs (3), (4), and (5) of section 173.302(f) of title 49, Code of Federal Regulations;

(2) paragraphs (3), (4), and (5) of section 173.304(f) of such title; and

(3) appendices D and E of part 178 of such title.

(b) LIMITATION ON CYLINDER SIZE.—The regulatory exemptions set forth in subsection (a) shall not apply to the transport of individual cylinders of compressed oxygen or other oxidizing gases with a capacity greater than 281 cubic feet unless such transport takes place on cargo only aircraft.

SA 88. Mr. MCCAIN (for himself, Mr. KYL, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of

transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. DETERMINATIONS WITH RESPECT TO SUBSTANTIAL RESTORATION OF NATURAL QUIET AND EXPERIENCE IN GRAND CANYON NATIONAL PARK.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, for purposes of section 3(b)(1) of Public Law 100-91 (16 U.S.C. 1a-1 note), the substantial restoration of the natural quiet and experience of the Grand Canyon National Park (in this subsection referred to as the “Park”) shall be considered to be achieved in the Park if, for at least 75 percent of each day, 50 percent of the Park is free of sound produced by commercial air tour operations that have an allocation to conduct commercial air tours in the Park as of the date of the enactment of this Act.

(b) **CONSIDERATIONS.**—

(1) **IN GENERAL.**—For purposes of determining whether substantial restoration of the natural quiet and experience of the Park has been achieved in accordance with subsection (a), the Secretary of the Interior (in this section referred to as the “Secretary”) shall use—

(A) the 2-zone system for the Park in effect on the date of the enactment of this Act to assess impacts relating to subsectional restoration of natural quiet at the Park, including—

(i) the thresholds for noticeability and audibility; and

(ii) the distribution of land between the 2 zones; and

(B) noise modeling science that is—

(i) developed for use at the Park, specifically Integrated Noise Model Version 6.2;

(ii) validated by reasonable standards for conducting field observations of model results; and

(iii) accepted and validated by the Federal Interagency Committee on Aviation Noise.

(2) **SOUND FROM OTHER SOURCES.**—The Secretary shall not consider sound produced by sources other than commercial air tour operations, including sound emitted by other types of aircraft operations or other noise sources, for purposes of—

(A) making recommendations, developing a final plan, or issuing regulations relating to commercial air tour operations in the Park; or

(B) determining under subsection (a) whether substantial restoration of the natural quiet and experience of the Park has been achieved.

(c) **CONTINUED MONITORING.**—The Secretary shall continue monitoring noise from aircraft operating over the Park below 17,999 feet MSL to ensure continued compliance with the substantial restoration of natural quiet and experience in the Park.

(d) **DAY DEFINED.**—For purposes of this section, the term “day” means the hours between 7:00 a.m. and 7:00 p.m.

SA 89. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety; reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration,

and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . ADS-B OVERSIGHT.

(a) **COST BENEFIT ANALYSIS.**—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall contract with an independent third party to conduct an updated cost benefit analysis of acquisition approaches for the Automatic Dependent Surveillance-Broadcast program (referred to in this section as the ADS-B program).

(2) **PARAMETERS.**—The analysis must include a comparison of the service-based contract approach with more traditional acquisition approaches, both for the entire contract and for each individual phase of the program.

(3) **INDEPENDENCE.**—The independent third party selected to conduct the analysis may not have a financial interest in the ADS-B program, and may not have any significant financial ties with either the contractor or subcontractors involved with the program.

(4) **REVIEW BY DOTIG.**—The Department of Transportation Inspector General shall conduct a review of the final Cost Benefit Analysis.

(5) **REPORT.**—The final analysis and accompanying Inspector General review shall be provided to the appropriate Congressional Committees.

(6) **RESTRICTIONS.**—Until the requirements of this subsection have been fulfilled, the Administrator may not exercise any additional contract options for the ADS-B Program. This restriction shall not apply to execution of a specific contract option if the Administrator certifies to Congress in writing and with explanation that a delay in exercising the option would be harmful and not in the best interest of the Federal government.

(b) **PERFORMANCE AND FINANCIAL AUDIT.**—Within 270 days after the date of enactment of this Act, the Department of Transportation Inspector General shall conduct a performance and financial audit of the ADS-B program and issue a report on the audit's findings. At a minimum, the audit and report shall—

(1) identify all cost overruns that have occurred or are highly likely to occur;

(2) review the factors used by the Administration to measure contractor performance;

(3) identify all incentive fees, award fees, and other financial performance rewards that have been awarded to the contractor, including the specific performance merits upon which those financial rewards were granted;

(4) identify all requirements changes, contract modifications, and change orders, including the costs of such changes and the extent to which each change was subject to review to identify, analyze, and document the associated needs, risks, costs, and benefits; and

(5) make specific recommendations that would allow the Administration to more accurately track both capital and operating costs and ensure timely and accurate disclosure of cost overruns.

(c) **ACQUISITION MANAGEMENT AND OVERSIGHT.**—

(1) **PLAN.**—The Administrator shall develop and submit to Congress an acquisition management and oversight plan for the ADS-B program. The plan shall—

(A) contain an assessment of current Administration acquisition, management, oversight, and contracting resources and capabilities devoted to the ADS-B program;

(B) identify actions that the Administration will take to improve its acquisition management and oversight of the ADS-B program;

(C) include staffing predictions, human capital needs, and training needs;

(D) identify specific processes and procedures for developing clear contract performance requirements and analyzing, approving, and managing requirements changes, contract modifications, and change orders; and

(E) address specifically the question of whether the Administration can better leverage acquisitions oversight and management expertise from other agencies within the Federal government.

(2) **DOTIG REVIEW.**—The Department of Transportation's Inspector General shall conduct a review of the plan submitted under paragraph (1).

(3) **RESTRICTIONS.**—Until the requirements of paragraph (1) have been fulfilled, the Administrator shall not execute any additional contracts, contract changes, requirements changes, task orders, or work orders for the ADS-B Program whose value exceeds \$1,000,000. This restriction shall not apply to a specific contract, contract change, requirements change, task order, or work order if the Administrator certifies to Congress in writing and with explanation that a delay in execution of that specific action would be harmful and not in the best interest of the Federal government.

(4) **TECHNICAL REQUIREMENTS.**—The Administration shall maintain the technical authority to establish, approve, and maintain technical requirements for the ADS-B program.

(5) **SELF-CERTIFICATION PROHIBITED.**—All certifications for capability and performance of ADS-B systems shall be conducted by the Administration. Self-certification by a contractor or subcontractor is not allowed.

(d) **CONTRACT REVIEW.**—Within 270 days after the date of enactment of this Act, the Comptroller General shall conduct an audit and review of the ADS-B contracts, and issue a report to Congress which, at a minimum, identifies and analyzes—

(1) any terms and structural features of the contract that may put the Federal government at a financial, legal, technical, or negotiating disadvantage, both during contract execution and throughout the life-cycle of the ADS-B system;

(2) specific risks and management challenges that can be expected to arise from specific contract terms or from the overall contract and acquisition structure;

(3) unclear performance and contract requirements that may increase costs, risks, and the probability of inadequate system performance;

(4) the procedures that Administration and the contractor used to write the contract, including who was tasked with both writing and reviewing contract language;

(5) contract terms or structures that may prevent or discourage financial transparency;

(6) benefits, risks, management challenges, and potential conflicts of interest associated with allowing the contractor to sell value added services, including recommendations for how to protect the public interest under such an arrangement;

(7) risks associated with utilizing a performance-based contract for the ADS-B program; and

(8) the short and long term advantages, disadvantages, and risks of—

(A) utilizing a cost plus incentive fee structure for development of the ADS-B ground system; and

(B) Ownership of the ground systems by the contractor instead of the Administration.

SA 90. Mr. REID of Nevada (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “FISA Sunsets Extension Act of 2011”.

SEC. 2. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “February 28, 2011” and inserting “May 27, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking “February 28, 2011” and inserting “May 27, 2011”.

SA 91. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 207 and insert the following:

SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS FOR NON-PRIMARY AIRPORTS.

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project for an airport that is not a primary airport is—

- (1) for fiscal year 2012, 85 percent;
- (2) for fiscal year 2013, 80 percent; and
- (3) for fiscal year 2014, 75 percent.

SA 92. Mr. REED of Rhode Island submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 3 and 4, insert the following:

SEC. 224. ISSUANCE OF LETTERS OF INTENT FOR AIRPORT IMPROVEMENT PROJECTS IN STATES WITH HIGH RATES OF UNEMPLOYMENT.

Upon request of a sponsor for a letter of intent under section 47110(e) of title 49, United States Code, relating to an airport development project at a primary or reliever airport, the Secretary of Transportation shall issue a letter of intent under such section that covers 80 percent of the Government's share of allowable project costs for the project if—

- (1) the project is conducted in a State that had an average monthly unemployment rate on the day before the date of the enactment of this Act that was in the highest quartile of average monthly unemployment rates for States;
- (2) the record of decision for the project is issued in calendar year 2011; and
- (3) all other requirements under section 47110 of such title are satisfied.

S 93. Mrs. HUTCHISON proposed an amendment to amendment SA 7 proposed by Mr. INHOFE to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Strike all after the word “sec” and add the following:

RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports lo-

cated beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

“(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

“(B) NETWORK CONNECTIVITY.—In allocating exemptions to incumbent air carriers under this paragraph, the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) **AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.**—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) **NETWORK CONNECTIVITY.**—In allocating exemptions to incumbent air carriers under subparagraph (B), the Secretary shall afford a preference to carriers offering significant domestic network benefits within the perimeter described in section 49109.

“(D) **IMPROVED NETWORK SLOTS.**—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) **CONDITIONS.**—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) **ADDITIONAL EXEMPTIONS NOT PERMITTED.**—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

“(h) **SCHEDULING PRIORITY.**—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109.”.

(b) **HOURLY LIMITATION.**—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) **LIMITED INCUMBENT DEFINITION.**—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) **REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.**—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”.

This section shall become effective 1 day after enactment.

SA 94. Mrs. BOXER (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, between lines 2 and 3, insert the following:

SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 15, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 15, 2011, in Dirksen 406 to hold a hearing entitled, “Nomination of Daniel M. Ashe to be Director of the U.S. Fish and Wildlife Service.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 15, 2011, at 2:30 p.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “The President’s Fiscal Year 2012 Budget Proposal.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 15, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 15, 2011, at 10:30 a.m. to conduct a hearing entitled “A Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government’s Failure to Prevent the Fort Hood Attack.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 15, 2011 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy be authorized to meet during the session of the Senate on February 15, 2011, at 2:30 p.m. in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that floor privileges be extended to my legislative fellow, Hannah Katch, for the duration of consideration of the FAA bill, S. 223.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 16, 2011

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, February 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the

morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; finally, at 11 a.m., that the Senate resume consider-

ation of S. 223, the Federal Aviation Administration authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROCKEFELLER. Mr. President, rolcall votes in relation to FAA amendments are expected to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. ROCKEFELLER. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:36 p.m., adjourned until Wednesday, February 16, 2011, at 10 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, February 15, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. ELLMERS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 15, 2011.

I hereby appoint the Honorable RENEE ELLMERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

HONORING OUR NATION'S ENGINEERS DURING NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. LIPINSKI) for 5 minutes.

Mr. LIPINSKI. Madam Speaker, as one of only a handful of engineers in Congress, I am proud again to sponsor a resolution honoring our Nation's engineers during National Engineers Week. This is my seventh year introducing this resolution, and it has a special significance this year.

Next week will mark the 60th anniversary of Engineers Week, and with nearly half of the practicing engineers in our country eligible to retire over the next few years, the central goal of Engineers Week, attracting new students to engineering careers, has never been more important. That is why educating and inspiring America's youth about engineering and science needs to be a national priority.

Engineers design and build all of our everyday products, such as bridges, airplanes, roads, computers, medical devices, cars and power plants, just to name a few. But engineering is more than that. Engineering is problem solv-

ing. We have many problems to solve, from our dependence on foreign oil to our crumbling infrastructure. And as a recent National Academies report explained, while only 4 percent of our Nation's workforce is composed of engineers and scientists, this group disproportionately creates jobs for the other 96 percent.

America's 2.5 million engineers have helped make our country great by solving problems and turning dreams into reality, and America's future depends on them. Unfortunately, oftentimes their contributions, though, go unnoticed. National Engineers Week seeks to fix this problem through events aimed at educating youth and fostering public awareness of the vital contributions made by engineers to our quality of life and our economic prosperity.

Engineers Week promotes recognition among parents, teachers, and students of the importance of STEM education and literacy. This year's theme is "Engineers Make a World of Difference: A Celebration of Engineer Volunteerism." It recognizes the more than 1 million hours annually that America's engineers contribute to public service.

The celebratory events include the Future City Competition, Introduce a Girl to Engineering Day, and Discover Engineering Family Day, which all impart an appreciation of the wonders of engineering to our children of all backgrounds.

I can attest to my own childhood experiences with science and engineering and how they captivated me. I remember in high school at St. Ignatius my calculus and physics teachers, especially Father Thul and Father Fergus, helped mold my childhood fascination into an interest in engineering. These teachers, together with informal experiences at places like the Museum of Science and Industry and even at Brookfield Zoo, helped motivate me to pursue an undergraduate degree in mechanical engineering from Northwestern University and a degree in engineering economic systems from Stanford. One of the central goals of National Engineers Week is to provide this kind of inspiration for the next generation of students.

During Engineers Week in Chicago I will be attending the Engineers Week celebratory dinner, where they will give the Washington Award to a professor from Purdue University and will be honoring students who have made contributions in engineering through the Future Cities projects.

I would like to encourage all of my colleagues to cosponsor this resolution and go home and find some Engineers Week celebrations that are going on and participate in them in your districts. This is a great opportunity for us to thank the engineers who have contributed so much to our country and inspire that next generation of engineers that our country so terribly needs to solve the problems that face us today.

THE JAILS ARE FULL OF FOREIGN CRIMINALS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, I bring you news from the war on our third front, the southern border with Mexico.

Last Saturday, two American teenagers were brutally shot and killed in Mexico in the Mexican border town of Juarez, Mexico. That is right across the Rio Grande River from El Paso, Texas. On Thursday, drug cartels gunned down eight people at a bar in Juarez. On Sunday, Homero Salcido, the head of security and intelligence for the state of Nuevo Leon in Mexico, was shot in the head and his car was set ablaze. Nuevo Leon is close to the U.S. border and once was considered one of the safest towns in all of Mexico. These murders are evidence that the narcoterrorists are continuing to expand their control with our neighbors to the south in Mexico.

There are portions of Mexico that are under the control of the drug bandits, and honest law enforcement is nonexistent. However, Secretary of Homeland Security Janet Napolitano has said that the situation on the border has been "mischaracterized" by lawmakers for political reasons.

Well, the same can be said of Homeland Security Director Napolitano. She mischaracterizes the border region, claiming it is safe. This is either for political reasons or because she refuses to admit the Federal Government is unwilling or incapable of securing the border.

More than 34,000 people have been murdered in our neighboring country of Mexico since the drug cartels began their reign of terror in 2006. In my opinion, neither the United States nor Mexico has operational control of some border regions. Drugs and people are smuggled into the U.S. and guns and money are smuggled to the south into Mexico.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And this is just not a Mexican problem. For example, 27 percent of the inmates in United States prisons are not U.S. citizens: 17.5 percent are from the nation of Mexico, and a whopping 37 percent of Texas border jails contain foreign nationals. If the border is so secure, Ms. Napolitano, how come so many thousands of illegals are pouring into our country committing serious crimes and filling up our prisons? How can any reasonable person say our borders are secure when 27 percent of America's prisons are the home to foreign nationals? They wouldn't be in prison if they didn't cross the border in the first place.

There is more. Jose Oswaldo Reyes Alfaro, an illegal immigrant from El Salvador, went on a killing rampage in Manassas on Wednesday. He shot and killed three people and injured another. Alfaro had been ordered to be deported in 2002, but he just never left the country. These murders could have been prevented if our border security plan, Ms. Napolitano, was working.

An 8-year-old girl in Fairfax, Virginia, was raped by an illegal in her own home. Her rapist was Salvador Portillo-Saravia, a known criminal who was living in the United States illegally.

□ 1010

In 2003, Portillo-Saravia, an MS-13 gang member, was arrested and deported to El Salvador. But since we have open borders, the child rapist was able to sneak back into the United States unnoticed and under the radar. He was even arrested in November of 2010, but rather than be held in jail for deportation, he was released back on the streets because no one was able to check his illegal status. And 1 month later, Salvador Portillo-Saravia raped an innocent 8-year-old girl in her own home.

This disgusting crime could have been prevented if we secured our borders, deported illegals that were in this country, and kept them from returning. Tell the parents of this 8-year-old girl, Madam Secretary, that our border crisis is just "mischaracterized." Our system is flawed and Homeland Security better understand that it is the duty of the Federal Government to protect the people of this Nation and quit making excuses.

It's way past time to put more National Guard troops on the border. I have introduced legislation to put 10,000 National Guard troops on the southern border to be paid for by the Federal Government but supervised by the four State Governors. We protect the borders of other nations. It's about time we protect our own.

Meanwhile, it appears Homeland Security is living in never-never land or blissfully unaware of the real world on the southern border—or mischaracterizes the situation for political reasons.

And that's just the way it is.

THE BUDGET: OUR PRIORITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Madam Speaker, I rise today with great concern about the future of our country. And that's because in the past few days we've seen the valley between the hardworking middle class and the rich continue to grow wider and wider. It's a matter of priorities, Madam Speaker, and right now we can see very clearly where my colleagues on the other side of the aisle have placed their priorities. It's not in the well-being of our workforce, not in the effectiveness of our classrooms, and not in the safety of our neighborhoods. No, Madam Speaker. The priorities of the majority party are not with the people who have worked hard all their lives to earn a decent wage, buy a decent home, put their kids through school, and do what they can to keep their families and communities strong. The priorities of my Republican colleagues lay with America's most successful—the hedge fund managers, Wall Street financiers, and investment bankers. That's why they worked so hard to give those folks another tax break at the end of last year under the guise of extending unemployment benefits for many people who lost jobs through no fault of their own.

But, my friends, you see, the rich didn't need another tax break—not now; not when their taxes are the lowest they've been since 1950, and a tax cut that added \$800 billion to our deficit over the next decade. In addition to that, as part of the Recovery Act, Congress enacted the largest tax cut in American history and Democrats provided additional tax rebates for businesses that provide their employees with health insurance.

Amidst these tremendous tax breaks for the past 2 years, the Republicans are moving forward with a dangerous spending bill, one that continues to give rewards to the rich and literally guts the initiatives most meaningful to middle class families. Simply put, the Republicans' spending bill is irresponsible and tone deaf to the needs of a healing Nation. It cuts jobs, threatens American innovation, and diminishes investments in rebuilding America. It makes devastating cuts to education—reducing Pell Grants by \$800 per student and kicking more than 200,000 children out of Head Start. It reduces the competitiveness of our workforce by slashing \$1.6 billion in job training and cutting \$120 million in alternative youth training that sends kids to work in construction and other trades—critical skills that will help us make things again in America and put us on better footing to compete with the rest of the world.

It derails \$2.5 million in funding for high-speed trains, canceling 76 projects in 40 States, at the loss of 25,000 jobs focused on rebuilding America; and, at the same time, reduces our domestic security by eliminating 1,330 police officers and 2,400 firefighters, making our communities less safe.

The work of reducing our deficit and controlling spending will be hard, to be sure. The fact of the matter is that we have to cut spending. But we have to do it responsibly. We cannot cut what makes us competitive and what helps us to innovate, to succeed in the global economy, and ultimately to create jobs. The President's budget makes some serious cuts to good programs—some I strongly object to. But as we work to cut spending, we have to be sure that it's not at the expense of continuing to support initiatives that create jobs, educate our children, and keep our communities safe. We have to be serious and smart about how we address America's budget challenges.

This week, we will begin debate here in this Chamber on this budget challenge. I've heard from many of my constituents about the concerns that they have related to the Federal budget for this year. It's those conversations and the families I've met all across Rhode Island during the course of my campaign that I've got on my mind. I know what their priorities are. I've seen the circumstances and I understand the challenges that their families are facing.

My friends, we owe it to the hardworking people of our country who are struggling to get by and who are playing by the rules but just waiting for someone to stand up for them rather than the rich guy on Wall Street. We owe it to America's hardworking people to have a serious and thoughtful debate in the hopes of producing a smart and essential budget for our country.

Our colleagues on the other side of the aisle have become captive to an extremist agenda that harms people who are already hurting the most. That's why it's critical we ask our Republican friends, Just what are your priorities? Do we have the courage to come together—not as Democrats or Republicans, but as Americans—and invest in our country's greatest asset—our people; the people who built this great Nation and who we must believe in, now more than ever, to move our country forward to a prosperous and promising future.

A NEVADA HERO: FRANCISCO "FRANK" CEDULA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nevada (Mr. HECK) for 5 minutes.

Mr. HECK. Madam Speaker, I rise today to recognize a heroic Nevadan who passed away February 2, 2011. His name was Francisco "Frank" Cedula.

He was born in the Philippines in Pasay City on January 7, 1923. Frank studied journalism at the University of Santo Tomas until he joined the Philippine resistance in 1941. At just 17 years old, he fought to disrupt the Japanese military's occupation. Eventually, Frank was captured and tortured by the Japanese, but he managed to escape and rejoin the guerilla fighters.

On December 26, 1941, Frank fought in the Battle of Piis. More than 100 American and Filipino soldiers fought and died in the battle. Their sacrifice gave General MacArthur's troops, his small USAFFE forces, enough time to assemble in Bataan. Commander Cedula was the lone survivor of the 3-day battle. He was bayoneted four times and left for dead. The natives assigned to bury the dead found him alive and nursed him back to health. Once healthy, he again rejoined the guerilla forces and continued the fight. Later in the war, Frank helped liberate American prisoners of war.

When the war ended, Frank served as the Filipino Veterans Legion National Commander for almost three decades. During his term as National Commander, the Filipino Veterans Legion created significant new benefits for their members. In 2005, Commander Cedula authored "Filipino Veterans of WWII—An Endangered Human Specie" to help inform congressional Members and veteran supporters about World War II Filipino veterans who were promised, and later denied, recognition and benefits for 60 years.

Frank was a man who set goals, then accomplished them. Frank achieved one goal when the World War II Filipino Veterans Equity Bill became law. After the law passed, Frank coauthored a new book, "Denial and Restitution by America." This sequel to his first book thanked the congressional and Senate leaders who fought to turn the World War II Filipino Veterans Equity Bill into law.

For 20 years, he planned to construct a memorial marker at kilometer 134 in Quezon, Philippines, to honor and memorialize the men who lost their lives in the battle. Commander Cedula returned from a trip to the Philippines where he finalized the funding for that dream.

I am honored to call Commander Cedula a friend and a Nevadan.

CONGRATULATING WORLD CHAMPION GREEN BAY PACKERS ON WINNING SUPER BOWL XLV

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. KIND) for 5 minutes.

Mr. KIND. Madam Speaker, I rise today to commend and thank my good friend and colleague from the Pittsburgh area, JASON ALTMIRE, for delivering on his Super Bowl bet with me last evening.

As we now know, a little over a week ago, my Green Bay Packers defeated his Pittsburgh Steelers 31-25 to win Super Bowl XLV. It was the Packers' 13th world title and their fourth Super Bowl victory, enabling them to bring home once again, where it belongs, the Vince Lombardi Trophy to Titledown, USA—Green Bay, Wisconsin.

□ 1020

To the victor belongs the spoils. So, last night, JASON and his staff delivered to my office some of Pittsburgh's finest cuisine—Primanti sandwiches and Iron City brew. Now, it didn't quite rival the world-famous tailgate parties that we have at Lambeau Field, but it wasn't bad.

We may have fun with our sports teams around here from time to time; but it is also useful to remind ourselves that at the end of the day, when the game is played and the score is settled, it is only just a game.

No one expressed that more eloquently than the MVP of Super Bowl XLV, the Green Bay Packers' quarterback, Aaron Rodgers. It was recently reported that, earlier in the season, Aaron Rodgers had sent a big care package out to his former girlfriend's elementary school in California, where she is teaching. In it was a host of school supplies, along with a bunch of Packer T-shirts and sweatshirts and other Packer paraphernalia. Also included in the care package was a note that Aaron Rodgers wrote to his former girlfriend, the teacher of that class, which read: Just to be clear, what you're doing in your life right now is a heck of a lot more important than what I'm doing in my life.

It's really refreshing to see a professional athlete at the peak of his career, at the height of his game, stay so well-grounded and understand what really is important to the future of our country, which is the future of our children and their educational success in the classroom. Whether he called for it or not, Aaron Rodgers has turned into a terrific role model for all of our children across this country. It is a constant reminder of the challenges that we still face and of the values that we still must hold dear in this country.

So I, too, want to congratulate Aaron Rodgers and the Green Bay Packers football team for their success; I want to congratulate the Packers organization and the tens of thousands of Packers fans who are part owners of the Packers franchise, including my own family.

In the immortal words of my 12-year-old son, Matthew, who turned to me shortly after their Super Bowl victory last week: Hey, Dad. You know, that was a lot of fun. Let's do it again.

So, indeed, let's do this again next season. I wish the Packers well, and I thank JASON ALTMIRE and his staff for delivering the goodies to our office last night.

BLOWING SMOKE AMIDST DIRE FINANCIAL STRAITS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Madam Speaker, our Nation is in dire financial straits, and, unfortunately, many on both sides of the aisle are blowing smoke about how serious they are in dealing with this problem.

The fact is we are looking at a record \$1.6 trillion deficit. Now, it wouldn't have been a record and it wouldn't have been \$1.6 trillion but for one vote: the Obama-McConnell tax compromise, the Republicans insisting that all of the Bush tax cuts passed in a time of surplus should be continued in a time of record deficits. That means, with borrowed money, there will be tax cuts for millionaires and billionaires and other special interests, or we will forgo the revenue of having them pay their fair share of taxes, say the rate they paid in the Clinton era when the economy did very well and they did very well.

So with that one single vote, suddenly we jumped up to a \$1.6 trillion deficit. Now, the Republican majority says, oh, no, no, no, that cutting taxes doesn't count. Their rules deem that cutting taxes doesn't count. We can cut taxes without reducing spending; we can borrow the money and increase the deficit and the debt, but they say it doesn't count. They have deemed that in their rules. So they're really blowing smoke here. You cannot pretend that you're serious about the deficit if you say we can continue to reduce income. Here is what this year's Federal budget looks like.

This is the total budget. Look, we are borrowing from China and other places around the world almost half of what we're spending. We are borrowing \$1.6 trillion, and the Federal tax revenue is \$2.2 billion. Those are just extraordinary numbers. Now, they say they'll fix that by cutting. Well, here we go. Here we go again with the budget at \$3.8 trillion and the deficit at \$1.6 trillion.

They said, Well, wait a minute. You can't increase revenues. No. You could decrease revenues. They say that wouldn't count. Then, Oh, well. The Department of Defense is off limits. Entitlements are all off limits. Mandatory spending, meaning agriculture subsidies and other egregious things, are all off limits. We will balance the budget by going after non-defense discretionary spending.

There seems to be a little bit of a problem here.

Here is the deficit of \$1.6 trillion. Now, if we eliminated all non-defense discretionary spending, which would mean basically the daily operations of the Government of the United States outside the Defense Department, it would be all gone; close the door; open

the Federal prisons, and let the prisoners out. There would be no more Justice Department, no more FBI, no more Border Patrol, none of those things. Just get rid of all that stuff—the IRS, the Environmental Protection Agency, the Department of Education, health education, the Centers for Disease Control. All gone.

Well, you would still have a \$1 trillion deficit. But don't worry, they're going to get us there by cutting.

You can't get there simply by cutting. Yes, you need to cut. You need to reduce and eliminate wasteful programs, but you can't pretend that you can cut revenues or that you can maintain tax loopholes for companies that move their headquarters to post office boxes in the Bahamas, like Carnival Cruise Lines—excuse me, their post office box is in Panama—which operate out of the U.S., get their customers in the U.S., use the ports of the U.S., use the U.S. Coast Guard, and whose executives live in the U.S. but they don't pay taxes here.

There is ExxonMobil, which doesn't pay taxes in the United States, but pays in other places around the world. We borrow money to give a subsidy to ExxonMobil. Yet in the last quarter of last year, they had the largest single corporate profit in the history of the world, and we're going to borrow money to give them tax rebates for taxes they didn't pay in the United States of America but that they paid elsewhere.

That system can't be fixed, the Republicans say. Those will be tax increases. You can't plug those tax loopholes. The agriculture subsidies pay people \$20 billion not to grow things. No, can't go there. We're going to balance the budget by hacking away at non-defense discretionary spending. Unfortunately, physics and reality don't work for them here, nor does the math because it's a tiny fraction of the deficit if we totally eliminate those programs instead of just hack away at them.

So let's get real. Let's get together here. The country is confronted with a serious long-term debt problem. As everybody said yesterday, everything is on the table. Well, it's not, but everything should be on the table.

THE ASSAULT ON THE VOICE OF AMERICA—PUBLIC BROADCASTING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the next few days on the floor of the House will be critical for the future of public broadcasting.

With the new Republican majority, people here are hoping for saving less than one cent per day on this ideological assault—on what?—public broad-

casting, for 170 million Americans, their Voice of America and their window to the world.

In an era when local papers and radio stations are being gobbled up by large conglomerates, public broadcasting's 1,300 stations around the country are increasingly the only source of locally owned, locally controlled content.

Now, there is a lot of attention appropriately given to the major stations in America's large cities. We've all seen and heard programming from stations in Boston and San Francisco, New York, even in Portland, Oregon, as Oregon Public Broadcasting is recognized as one of these national leaders. For much of America outside the major metropolitan areas, public broadcasting actually plays an even more important role.

In the Rockies, the Pacific Northwest, rural areas, and the upper Midwest, often public broadcasting is not just the best local source. It is the only source of information that relates directly to their communities. The big stations in the large communities are going to be harmed by this assault on public broadcasting.

□ 1030

My own public broadcasting in Oregon will lose \$2.4 million. It will really harm the quality of their effort. But it is in rural and small town America that the greatest damage will be done. For example, in eastern Oregon, it costs 11 times as much to get a signal to Burns as it does in the more populist Willamette Valley, and there simply isn't the base of population to make up for the difference with local contributions.

It's ironic that these partisans are attacking one of America's best public-private partnerships. It's not uncommon for the public investment to leverage \$6 or more of private investment to make this high quality programming possible.

Now, there are some who claim that in an era of 500 cable and satellite stations that we don't need another source of information. Well, those people fail to grasp the power of non-commercial, public broadcasting, how it is unique today. There are countless shows that are directed towards America's kids, but public broadcasting provides the only children's programming that is trying to educate and entertain our children, not sell them something.

The public supports public broadcasting, not just in opinion polls, but with tens of millions of dollars of voluntary contributions that they make every year to provide the quality programming.

I fear that this reckless partisan assault on public broadcasting is actually going to hurt our long-term efforts to tame the budget deficit. Trading a savings of less than one-half cent per day per American won't offset the damage

to public confidence by eliminating what so many people believe in and count upon.

More important, it will be a loss of a valuable tool to educate and inform the public from a respected nonpartisan source, exactly how we're going to need to get information to Americans to deal with this massive deficit problem that we face.

For those of us working to meet America's challenges, public broadcasting is an essential ally; but I will say that with the tremendous outpouring of support that we are now seeing, people calling and writing Members of Congress, stopping them on the street, I think there is a good chance that those 1,300 public broadcasting stations will still be here in the future helping inform the debates of today, if all of us do our job, listen to the public, and do what is in the best long-term interests of this country.

ON EXTENDING THE PATRIOT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, last year I voted to extend the Patriot Act for 1 year. I regret that vote and was glad to have been able to correct it, although I'm pained that the House voted otherwise yesterday.

During this past year, I have become convinced that the provisions of the so-called Patriot Act are an affront to the Bill of Rights and a serious threat to our fundamental liberty as Americans.

The Fourth Amendment arises from the abuses of the British Crown that allowed roving searches by revenue agents under the guise of what were called "writs of assistance" or "general warrants." Instead of following specific allegations against specific individuals, the Crown's revenue agents were given free rein to search indiscriminately.

In 1761, the famous colonial leader James Otis challenged these writs, arguing that "a man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege." Now 250 years later, the Patriot Act restores these roving searches.

In the audience that day in 1761 was a 25-year-old lawyer named John Adams. He would later recall: "Every man of an immense crowded audience appeared to me to go away as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there, the child, 'Independence' was born."

The American Founders responded with the Fourth Amendment. It provides that before the government can invade a person's privacy the executive

branch must present sworn testimony to an independent judiciary that a crime has occurred and that there is reason to believe that an individual should be searched for evidence of the crime, and then specify the place to be searched and the things to be seized. The John Doe roving wiretaps provided under this bill are a clear breach of this crystal-clear provision.

The entire point of having an open and independent judiciary is so that abuses of power can be quickly identified by the public and corrected. The very structure of this law prevents that from occurring.

I also object to the lone wolf provision of the act that allows a person who's not acting in concert with a foreign power to be treated as if they were. This malignant fiction utterly blurs the critical distinction between a private person protected under our Constitution and an enemy combatant acting as an agent of a foreign power.

My chief of staff, Igor Birman, was born in Moscow. His family emigrated to America when he was 14. He tells of the days leading up to their long-awaited departure. His father had technical expertise, and the authorities were desperate to find some pretense to cancel the family's exit visa.

A week before they departed for America, the family returned home to find that the Soviet authorities had turned their apartment upside down looking for anything that could be used to block their emigration. This was not the result of suspected criminal activity but, rather, the same kind of open-ended search the Fourth Amendment protects us against.

His younger brother was terrified and hysterical. His mother calmed the little boy by saying, Don't worry, don't worry. We're leaving in a few days for America. This will never happen to us there.

Our country is threatened by foreign governments and multinational terrorist groups which are actively trying to do us harm, backed by a fifth column within our own borders. But we have faced far more powerful governments and far better organized networks of spies and saboteurs in the past without having to shred our Bill of Rights.

The freedom that our Constitution protects is the source of our economic prosperity, our moral authority, and our martial strength. It is also the ultimate bulwark against authoritarianism. Abraham Lincoln was right: No transatlantic military giant, let alone some fanatical terrorist group, can ever "step across the ocean and crush us at a blow." And no foreign power can destroy our Constitution. Only we can do that.

As Lincoln said: "As a Nation of free men, we are destined to live forever, or die by suicide."

CONSEQUENCES OF THE REPUBLICAN CONTINUING RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Madam Speaker, Republicans have introduced an irresponsible and dangerous spending bill that cuts jobs, threatens American innovation, and diminishes investments in rebuilding America. Republicans only want to offer Americans a pink slip. We all want to find an appropriate way to reduce our deficit, but this certainly is not the way.

Republicans have proposed a resolution that will not decrease the deficit, but that will add \$5 trillion to the deficit through tax cuts for the wealthiest Americans, unlimited war funding, and the repeal of the health care legislation. They have not presented a serious plan for actually addressing the deficit.

The irresponsible impact of Republican spending in education: Democrats are going to fight with everything we have to ensure that the next generation of students is prepared to become the educated workforce of tomorrow. But the Republicans believe that it is okay that more than 200,000 children will be kicked out of Head Start.

□ 1040

The Republicans believe that thousands of teachers should lose their jobs. The Republicans believe that Pell Grant recipients should lose \$800 worth of financial support to pursue their educations.

In the area of innovation, America's competitiveness depends on our ability to innovate and keep America number one. Republicans believe that there should be 20,000 fewer researchers supported at the National Science Foundation. They believe that there should be a \$1.4 billion reduction in science and energy research. They believe that there should be \$2.5 billion in cuts to the National Institutes of Health, representing a significant setback in cancer and other diseases and research in general, which will especially hit hard the district I represent.

If we're talking about rebuilding America, Democrats support key investments in roads, schools, bridges that are critical for businesses to grow and that create good-paying American jobs. Republicans would rescind more than \$2.5 billion for high-speed rail projects that have already been awarded. That would allow the loss of more than 25,000 new construction jobs and the cancellation of 76 projects in 40 States. Republicans would cut \$234 million designed to improve our Nation's air traffic control system.

And as it relates to public safety, one of the most important things that a government does provide, we are here to take care of our people. We are to provide safety. The Republicans propose that more than 1,300 fewer cops

should be on the streets because they are going to eliminate the COPS grants. And they would have 2,400 fewer firefighters on the job because they are going to eliminate funding for SAFER grants.

As President Obama said, we must out-innovate, out-educate, and out-build the rest of the world. Let's invest in America. Let us reject the Republican CR.

FUNDING CUTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Maine (Ms. PINGREE) for 5 minutes.

Ms. PINGREE of Maine. Madam Speaker, we are facing some very important and difficult decisions in the coming weeks as we debate both the continuing resolution and the President's budget. I would like to talk just a little bit about some of the decisions that we have to make today as we discuss this this morning.

As some of my colleagues have already mentioned, the proposed continuing resolution that the Republicans have put on the table has draconian cuts that will not move our country forward. Whether it's cuts to the National Institutes of Health and investigating important research that we have before us, cuts to our infrastructure or education, arts and culture, cuts to our police protection and fire protection in our home communities, this budget does not do what the American people need, and it will not move us forward.

The proposed continuing resolution has made one particular cut that I want to discuss in more detail. For a party that refers to itself as "the party of jobs" and says they want to move the economy forward, I am very disturbed to see that they are slashing the funding for the Economic Development Administration, and I am here to say that doing so will pull the rug out from the very people who are creating jobs and helping turn our economy around.

Last year, I brought the administrator of the Economic Development Administration to Maine; and he saw firsthand, as he well knew, how EDA funding could help make it possible to build a new freezer facility in the city of Portland. This is a critical infrastructure improvement for our already struggling Maine fishermen. This would make it possible so that they would not have to send their catch off to another State or even another country to be processed. If we can build that freezer in Portland, hundreds of jobs could be created, and our working waterfronts could be strengthened.

Also in Maine, the community of Brunswick has been hit by BRAC, a base closure; and they have worked long and hard to develop economic development opportunities that will strengthen that community and reuse

the base. They have successfully attracted exciting new projects, including an aircraft manufacturing facility using carbon fiber, high-technology materials and the highest technology in new engineering and building on the site of the former air base.

But those projects and the hundreds of jobs that they will create are counting on the EDA funding to help transform what was once a former Navy base into a civilian economic engine. The economy is just starting to turn around, and eliminating the critical investments we need to keep it going is the last thing we should be doing right now.

I want to say a couple of things too about the President's budget. The President has put forward a budget on the table that does many of the things that we need to have done: investing in infrastructure, science and technology, education, the very kinds of things that will make our country competitive and move us forward. There are many good things in this budget, whether it's eliminating the tax breaks for big oil companies, or no further extensions of tax cuts for the wealthy, or making sure we do increase the Economic Development Administration and invest in economic development.

Investing in health care, continuing to implement the health care reform bill where we are putting money into the critical training of 4,000 more primary care providers—I know that's a huge need in my State and so many other States—as well as working to move forward on the permanent fix to the SGR so that our physicians are adequately reimbursed.

Investments in housing, making sure that the homeless veterans are no longer on the streets anymore and that people have more choices to move forward in housing. Eliminating tax breaks for big oil companies. Making our commercial buildings more efficient, even cutting defense in strategic ways. Up to \$78 billion in wasteful spending is cut out of the President's budget. Cutting of the alternative engine for the F-35, which is just wasteful, unnecessary while at the same time he is making sure that our military personnel get a pay raise and that they are recognized and supported.

I do need to discuss one issue in the President's budget that will be a problem for my constituents in Maine. The President's budget proposes to cut LIHEAP funding. LIHEAP funding helps nearly 70,000 Maine households make ends meet by offsetting home heating costs. Funding is especially important for Maine. We have some of the country's oldest housing stock, and we are heavily dependent on oil for heating. In fact, we are the most dependent State in the Nation on oil heat.

The cost of heating oil is going up, from a low of about \$2.25 at the begin-

ning of the economic downturn to about \$3.35 now. Maine communities are still struggling in the down economy. Slashing funding for this program would not be appropriate, and it must be changed in the President's budget.

DO NOT CUT LIHEAP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. Madam Speaker, I come before the House today to talk about a critically important program that I think all Americans need to know about which is hanging in the balance as we approach this continuing resolution. The program I am here to talk about is the Low Income Home Energy Assistance Program, also known as LIHEAP.

LIHEAP is a program commonly believed to be an income-support program. But actually, Madam Speaker, it is not an income-support program. LIHEAP, which provides energy to low-income families, heating oil, things like that, is actually a health program and a program that is designed to make sure that citizens do not have to choose between heat and eat. You do not have to choose between dinner and a warm room. Many of us who are from places like Minnesota, my own home State, but also Michigan, Maine, New Jersey, New Hampshire, add to that many others—Montana, many others, and even some States that we think of as warm-weather States, but in the winter can get cold too—really, people depend upon these programs to really survive.

In my own State, if LIHEAP is cut, many people will simply go without. And of course I have statistics here, Madam Speaker; but rather than talk about statistics, I want to talk about a man who lived in my district who was actually not a LIHEAP recipient but was eligible for the program and didn't use it. He didn't have enough money for his heat, so what he did was he kind of jerry-rigged some space heaters, and he kind of made due. And this caused a fire, Madam Speaker, which resulted in his death.

And when I looked up what really happens, how often people die from space heaters, the numbers are not always consistent, but upwards of 32 percent of all home fires are because of space heaters; and about 75 percent of all home-fire deaths are due to space heaters, deaths.

□ 1050

People die when this happens because they don't have the energy assistance that they need. And our Congress, right now, under Republican majority, is talking about cutting this program even more.

Now, you think about a winter like this one, Madam Speaker, where there

have been record snowfalls in many places around our country, and it's been cold since October in Minnesota. And the fact is that programs that provide LIHEAP funding are already running out of money. And if they were drawn back to 2008 spending levels, we would have run out of LIHEAP funding in January. In Minnesota it really does not warm up until around April. And so this is terrible.

Madam Speaker, let me tell you, if you look at young people, kids, statistics show that if a family does not have to put a bunch of money into heating the home the child's diet improves, and the kid has enough to eat before he goes to school, which means that that little girl or that little boy can sit in the classroom without their stomach growling and can actually pay attention to the lesson that's going on because their family has some home energy assistance.

Our seniors are poor. It's about the prescription, or it's about the heated room.

Madam Speaker, it's not right to tell Americans that the wealthiest and most well-to-do among us get their tax break extended, and the poorest among us, well, they can just go get another blanket. That's wrong. We're failing a moral test of our Nation when we do things like this.

Madam Speaker, I want to raise this issue that we consider what we are doing to our society. It's not welfare; it's not income support. It is a health program. It is a health program designed to make sure that Americans don't freeze to death in their own homes. It is a health program designed to make sure that Americans don't have to make awful decisions about medication, about food, and things like this. It is a health program. And it's a program that has done countless amounts of good for many, many people that helps seniors, that helps children.

I'm very proud, Madam Speaker, as I close, to quote a man from my State of Minnesota. His name was Hubert H. Humphrey, and he said, The moral test of a Nation is how it treats people in the dawn of life, our children; people in the twilight of life, our seniors; and people in the shadows of life, the poor and underprivileged.

If we cut low-income energy assistance, we've failed that moral test.

ELIMINATION OF TITLE X FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it has been 6 weeks now since Republicans assumed control of the House of Representatives, and we have yet to see a single job-creation bill brought to the House floor.

Indeed, just last week we spent roughly 10 hours debating a primary function of Congress, that of congressional oversight, something we already do. Yet still no legislation brought forward to spur job creation.

But while the Republican Congress has yet to bring forward a jobs agenda, they have found plenty of time to bring forward an extreme anti-woman agenda. Just recently we saw the introduction of H.R. 3, legislation that originally sought to redefine the definition of rape. Yes, that's right, legislation that would change rape from acting without a woman's consent to instead require women to prove force was used in order to prove rape.

It remains to be seen whether Republicans working on this legislation have shelved their plans to redefine rape and whether they will revise the language in H.R. 3. Still, 163 Republicans signed on as cosponsors of the bill with the forcible rape language included.

But the extreme anti-woman agenda doesn't stop with attempting to redefine rape. This week the House will vote on an amendment introduced by Representative MIKE PENCE that would eliminate family planning and lifesaving preventive care to millions of individuals each year. Mr. PENCE's amendment does this by eliminating title X funding.

Since 1970, the title X family planning program has been a key component of our Nation's health care infrastructure and an essential element in the winning strategy to reduce unintended pregnancies. Efforts to cut the title X program would take away funding from essential women's health care providers like Planned Parenthood.

Today, title X serves over 5 million low-income individuals every year. In every State, women and men rely on title X for basic primary and preventive health care, including annual exams, lifesaving cancer screenings, contraception, and testing and treatment for sexually transmitted diseases.

In fact, in 2009 alone, title X providers performed 2.2 million Pap tests, 2.3 million breast exams, and over 6 million tests for sexually transmitted diseases including nearly 1 million HIV tests.

And preventive care isn't limited to cancer screenings and education on how to avoid STDs. Title X actually reduces the number of abortions. In fact, title X services help prevent nearly 1 million unintended pregnancies each year, almost half of which would otherwise end in abortion.

Planned Parenthood and the title X program provide vital family planning services which help improve the life of the mother and the child. Indeed, family planning keeps women and children healthy. Studies have shown that when women have better access to family planning, it leads to healthier outcomes for both mother and child.

When women plan their pregnancies, they are more likely to seek prenatal care, improving their own health and the health of their children. In fact, access to family planning is directly linked to declines in maternal and infant mortality rates.

Eliminating the national family plan program will result in millions of women across the country losing access to basic primary and preventative health care and to the providers that offer these services. Without title X, more women will experience unintended pregnancies and face potentially life-threatening cancer and other diseases that could have been prevented.

The simple fact is that this proposal is anti-woman and anti-family.

Now, I know that we're all interested in finding ways to cut Federal spending, and Representative PENCE's amendment to eliminate funding for title X is framed in the context of fiscal responsibility.

But even more important than cutting spending is asking the question, are we reducing the deficit? Unfortunately, the answer to whether the Pence amendment would also cut the deficit is "no." That's because title X actually saves taxpayer dollars. Since many of the patients served by title X are on Medicaid, preventative care like cancer screenings and contraceptive counseling actually means fewer costs to the taxpayer in the long run. Indeed, for every public dollar invested in family planning, \$3.74 is saved in Medicaid-related costs. That's savings to both Federal and State governments.

Every year, Planned Parenthood works tirelessly to help to improve the health of communities across this country. Efforts to undermine the title X program and this essential health care provider are not only reckless, they are also anti-woman, anti-child, and anti-taxpayer.

Can we please stop the relentless attack on women, stop pursuing the divisive anti-woman legislation and focus on job creation and spurring economic growth once and for all?

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: You, Lord God, are our beginning and our end. For us to be aware of this leads to gratitude and petition.

So we praise and thank You for all the blessings of the past which bring us to this present moment.

We seek Your continued guidance and wisdom to accomplish great deeds in Your Holy Name and give You glory both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. JACKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JACKSON of Illinois led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute speeches on each side of the aisle.

RETURN TO FISCAL SANITY

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, this week marks an important turning point in restoring fiscal sanity to our country as we begin consideration of a measure that will reduce Federal spending by over \$100 billion. Many Members of Congress committed to this reduction, which would return Federal spending to 2008 pre-stimulus levels. This is more than just a promise, Mr. Speaker; this is fundamental to the health of our economy and the future security of our Nation.

The consideration of spending cuts must be careful and deliberate. The budget of every department must be scrutinized while keeping in mind the promises made to our constituents, mine in the Eighth District of Pennsylvania and the millions of Americans who showed concern with our growing deficit.

It is notable that, for the first time, this resolution will be considered under an open rule to allow this process to be collaborative. I am sure at times it will

be trying, but I am looking forward to working with my colleagues towards the collective goal of reducing our deficit.

The Federal deficit did not get out of hand overnight, and it certainly will not be fixed overnight, but serious and substantial cuts must be made. The \$100 billion mark is not arbitrary but, rather, marks an important milestone on the road to a sustainable Federal budget. It requires tough choices, but choices that must ultimately be made for the economic health and security of this generation and the next.

RESUMES FOR AMERICA

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. JACKSON of Illinois. Mr. Speaker, the book of Matthew says, "For where your treasure is, there will your heart be also." That is a prescription for judging the priorities of politicians. We've seen the President's heart in his budget proposal. We've seen it in the continuing resolution that my Republican colleagues have offered.

At a time when they're needed the most, vital safety-net programs are on the chopping block: funding to help low-income Americans with their heating bills, grants to States and cities for community development, Pell grants, and much, much more.

In the midst of the worst economy most of us have ever seen, we are cutting the legs of the unemployed, the underemployed, and the economically insecure right out from under them.

It is clear to me that the President's tax deal with Republicans did not consider the depths of the Nation's historic unemployment problem.

So I'm reissuing my call for unemployed Americans to send their resumes and stories to resumesforAmerica@mail.house.gov. We must organize ourselves. The unemployed party is larger than the tea party.

No jobs are promised, but I will put your story in the CONGRESSIONAL RECORD so that our government that is supposed to be of, for, and by the people can begin to live up to the true meaning of its creed.

ResumesforAmerica@mail.house.gov.

CONTINUING RESOLUTION

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. You know, every Texas family must live within a budget. I don't understand why the Federal Government can't do the same. To get our fiscal house in order, we need to cut spending, balance the budget, pay down the debt, and shrink the deficit.

As a fiscal hawk, I know that in November the American taxpayers voted for Congress to roll back the failed stimulus spending, stop bailing out Wall Street, end Government Motors, stop saving Fannie and Freddie, and defund and repeal ObamaCare.

Plain and simple, the American people want Washington to tax less, spend less, and borrow less.

The CR represents some tough choices, but I know the American public is willing to make some sacrifices now so we can make a brighter and better future for our children and grandchildren tomorrow.

KEYSTONE XL PIPELINE SAFETY

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, the State Department is in the process of determining whether it should grant a Presidential permit for the construction of TransCanada's Keystone XL Pipeline, which could deliver up to 900,000 barrels of tar sands oil a day from Alberta, Canada—over 2,000 miles—to refineries on the U.S. gulf coast.

The proposed Keystone XL Pipeline will put communities along its path at unnecessary risk by using conventional technology to carry a blend of raw tar sand oil called diluted bitumen. Diluted bitumen is more corrosive and more likely to cause pipeline leaks than conventional oil. Already the Keystone I Pipeline, which came online just 6 months ago, has experienced seven leaks, and that is for a pipeline that TransCanada claims is the "safest ever built."

Considering the significant dangers of piping bitumen, I find it troubling that the pipeline's route goes directly through the Ogallala Aquifer in the Midwest, which provides clean drinking and irrigation water to most of America's heartland. Despite the dangers of tar sands oil, U.S. regulators do not delineate between this new product and standard petroleum.

We need new regulations. We need to put on hold the planned tar sands pipeline Keystone XL.

CONTINUING RESOLUTION

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, we are here to speak about the CR, this continuing resolution, which is going to set forth the budget for the rest of this fiscal year. Yes, it is true we all have a responsibility for the budget, but the bottom line for each and every one of us is how does this budget affect us, how does it affect the people that we represent? Let's look at what the CR does.

I think we all know that in the creation of jobs we must invest in America. We must invest in each and every one of you. When you look at a CR that basically eliminates and puts a chilling effect on all of the major investments that we need, we know that's not the right way to go. But more importantly than that, this is a CR that's going to cut, cut the future, cut those students, 200,000 of them, who rely on Head Start. We all know that we've got to invest in them now. It's also going to cut those middle class kids who are going to college on Pell grants \$800 a piece.

So when we hear about the budget generally, let's not forget, it's the people. It's the kids that matter.

CONTINUING RESOLUTION

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, the Republican CR is another broken promise that will eliminate thousands of good paying jobs in construction, law enforcement, research, education, and public safety. This is just more of the same, and this turns us into a pink slip Nation. I believe that's what the goal of the Republicans is, and this bill will cost us jobs today, tomorrow, and in the future by failing to invest in our infrastructure and by failing to invest in education.

Mr. Speaker, the mistakes the majority intends to make today will not be very easy to reverse, and I urge the majority to keep its promise to America, which is it's all about jobs.

□ 1210

PROVIDING FOR CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011, AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 92 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall

not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. No amendment to the bill shall be in order except: (1) those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII dated at least one day before the day of consideration of the amendment (but no later than February 15, 2011); and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who submitted it for printing or a designee and shall be considered as read if printed. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1, clause 2(f) of rule XXI shall not apply to amendments addressing objects within more than one suballocation made by the Committee on Appropriations under section 302(b) of the Congressional Budget Act of 1974.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of February 17, 2011, providing for consideration or disposition of H.R. 1.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my new friend, the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, House Resolution 92 provides for a modified open rule for consideration of H.R. 1. This bill reaffirms our commitment to fiscal responsibility by implementing two main pillars of our pledge to America: to cut discretionary spending and to ensure an open and bipartisan debate.

If you had told me 6 months ago that I would have been standing here on the floor of the House handling my very first rule on the floor of the House and that we would have been succeeding on two pillars of the pledge to America, I would have told you that might have been wishful thinking. But we have come together as a House, not as Re-

publicans, not as Democrats, but as a House to bring this process forward today.

Now, you know, Mr. Speaker, as an experienced Member of the Rules Committee in a former life, how unusual it is to have an open process on a continuing resolution. I daresay, even the dean of the House, the gentleman from Michigan, has not seen a continuing resolution come to the floor under the open process that we're bringing it to the floor under today. And that's important, because as I listened to 1-minute this morning, and I heard some folks on the left and heard some folks on the right who weren't quite happy with the way H.R. 1 turned out, that was an important consideration over the past 4 years, even over the past 10 years, over the past 20 years, because if you weren't happy with the way a continuing resolution turned out when leadership brought it to the floor, too bad for you. You didn't have a voice. You didn't have a vote. You didn't have a process. It was take it or leave it. Whether it was Republican leadership or whether it was Democratic leadership, take it or leave it. In the 112th Congress, our new leadership said we can do better, we have to do better, and the American people deserve better. And today, we are fulfilling that promise.

This open process will allow any Member, Republican or Democrat, to come to the floor today, tomorrow, bring their amendments to the floor so that they can say, We don't think you got it right. My 600,000 constituents back home want to make a change. We think we can do better. We think you did too much. We think you didn't do enough. The first time a continuing resolution has come to the floor in this open process. I ran on that commitment of openness, Mr. Speaker, and I believe in that commitment of openness.

I can't tell you how many times I said that if Speaker NANCY PELOSI rammed a bill through in the middle of the night, that was wrong. And if Speaker Newt Gingrich rammed a bill through in the middle of the night, that was wrong. That right and wrong are not partisan issues. Right and wrong are American issues. I can't tell you how much I enjoyed our Rules Committee hearing last night, Mr. Speaker, where we had the ranking member and the chairman of the Appropriations Committee come forward, lay out competing views about where they think we should take spending in this country, and then agree to come to the floor over the next several days to offer amendments, to work through that process, to make sure that at the end of the day, no longer do we have a take-it-or-leave-it leadership bill from either side of the aisle; that at the end of the day, we have a bill that was truly the work product of this new

112th Congress of this people's House. And it's just with tremendous pride, Mr. Speaker, that I take part in this debate today.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I want to thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I come to the floor today still waiting for the majority to give us a chance to vote on legislation that will create jobs. We are now 6 weeks into the 112th Congress, and we have yet to see a jobs bill from the Republican majority. It's high time the majority party allows us to debate and vote on legislation to get Americans back to work. Instead today, we are debating dangerous and reckless legislation that will cut American jobs and seriously threaten our ability to build upon our fragile economic recovery.

At a time when many Americans are still struggling to find employment, the Republican majority proposes a spending bill that ends construction projects, takes police off the street, and halts innovation that spurs job creation. This stands in stark contrast to the President's 2012 budget proposal that lowers our Nation's deficit and creates jobs for Americans by investing in national priorities like education, infrastructure, and emerging energy technology.

Unlike some within the Republican Party, the American people are not looking to completely cripple the Federal Government and leave the Nation to the corporate elite. Americans have repeatedly expressed a desire to make smart investments in our national priorities that leave our country more competitive now and into the future, and I stand today with the American people.

The Republicans' slash-and-burn budget does nothing to achieve this goal. It even cuts the most fundamental public services, ending policing programs and defunding educational reform efforts here in the United States. As nations like China and India pour money into the research and development of solar panels, wind power, and high-speed trains, creating thousands of jobs for their citizens, the Republican majority is removing the most fundamental investments in comparable American jobs. This reckless approach not only destroys jobs today but also in the months and years to come.

This is a critical time in America's history, and if we are to compete with nations like China to create jobs in the United States and win the global marketplace, we must support our own Nation with smart, targeted cuts that will lower the deficit but invest in American jobs.

As I said, 6 weeks into the new Congress, and we are still waiting to see

this smart, targeted plan to get Americans back to work. Instead, we see this hastily drawn up CR that takes a meat axe to the middle class. And as America waits, the global economy moves ahead, leaving us behind.

As the 112th Congress was sworn into office, we were bombarded with promises that an open and transparent process would make a triumphant return to this House floor. But as we now consider our first appropriations bill, we continue to stand here waiting for that grand return.

□ 1220

Mr. Speaker, while this rule may have the word "open" in the title, I assure you this is not an open process. Through last-minute changes, convoluted parliamentary maneuvers, and a pre-printing requirement, the Republican majority has provided an extremely convoluted and restrictive process.

An open rule means that as the legislative process proceeds, as an amendment passes, it may spark an idea for an amendment that another Member may choose to offer with the changes that are made in the legislation. This rule takes away that ability.

Also, the Republicans adopted, in a party-line vote at 9 p.m. last night, a parliamentary sleight of hand that blocks the transfer of any money from one part of government to another. This means you cannot use an offset from one part of the bill to increase spending in a different part. In all my years serving in Congress, I have never seen such a blanket prohibition, and yet the leadership would have us believe this is an "open process" and that this is "regular order."

To top it all off, Republicans have even given themselves an escape hatch with a martial-law provision of the rule which will allow them to report out a new rule for H.R. 1 that shuts down the amendment process without the normal 1-day waiting period.

This convoluted process has once again illustrated that the Republican Party continues to believe that claiming the sky is green will make it so. The truth is, you can't create jobs with a press release. You can't fix the Nation's health care system with a clever tag line, and you can't create an open and transparent Congress by creating an open rule in name only.

My fellow Democratic colleagues and I are committed to living within our means, while investing in the programs and policies that will help our country compete and win the global future. The Republican majority's continuing resolution couldn't be more dangerous to these values that we all hold dear.

I urge my colleagues to stand up for our communities, support legislation that creates jobs, strengthens the middle class while reducing our deficit. Today's CR does not meet this threshold

and, as a result, I urge my colleagues to vote "no" on today's rule.

Mr. Speaker, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you've caught me both on my first rule on the floor and a day where I am just so pleased to be here because of the things that are going on here today, because of the changes that I believe in, both in terms of fiscal responsibility and in terms of openness here in the process.

Now, I understand this rule isn't going to make everyone happy. It doesn't make me happy because we're only here today, and it's been very confusing for folks back home, Mr. Speaker. We talked so much about receiving the President's budget on Capitol Hill yesterday. Of course, that was his budget for FY 2012. We're still here working on the budget for 2011. This is the fifth continuing resolution that we've had to try to get that process right, and it's the first one since I've been sworn in that we've been involved in.

Now, I can tell you, as much of a voice as you have in this continuing resolution today, we have not seen this much debate or this many amendments in the last four continuing resolutions combined. In fact, I'm told that last night more than 400 amendments were filed to be eligible to come to the floor.

Now, I hear from my friends on the Democratic side of the aisle, for whom I have deep respect and admiration, that they believe this bill was put together in a hasty process. I'll tell you, we've been working on this bill day and night for weeks.

But then I hear from my friends that they're disappointed that we have a pre-printing requirement to allow for the thoughtful consideration of amendments, and they would rather it just be a willy-nilly process that happens here on the floor as folks come up with good ideas, one by one.

Well, I'll tell you, I look forward to that process. I very much hope we can have that as the appropriations bills move forward.

But, folks, this is a time of urgency. We have troops in harm's way overseas. We have economic development projects going on around this country that have no idea after March 4 whether there will be a single nickel available to support their cause. No idea. It is no way to run a government. And, again, to put credit where credit is due and blame where blame resides, both parties, over the last decade, have been guilty of this horrendous practice of bringing continuing resolutions to the floor.

Today we bring forward a bill that will put a stop to this process, that will get us through the end of 2011 and allow us to go through regular order to bring the remaining appropriations

bills to the floor. And it's a process I very much look forward to.

I see my friend Mr. MCGOVERN in the Chamber this morning. He and I had a discussion last night in the Rules Committee about how to go after some, what I would call, egregious tax subsidies, those things that happen on the tax side of the ledger that shouldn't happen. I believe in a fair code. I believe in a code that's transparent, that people understand. You'll see my fair tax pin that I'm wearing here today. I believe in fundamental tax reform.

But today we only have a chance to talk about FY 2011 spending. I want to have that discussion about fundamental tax reform. I want to have the discussion that the gentlelady from New York wants to have about entitlement reform because I know precisely what my colleagues know, which is if we're going to be serious about budgets, that's where the dollars are, that's where the growth is, that's where the change has to come.

But today we have, because it's an open process, simply one bill that we can deal with, simply one idea that we can deal with, and that one idea is spending for FY 2011.

It would have been easy, Mr. Speaker, for this new House to have punted on making tough decisions. It would have been perfectly legitimate for this new House to say, we didn't cause this problem, we inherited this problem from last year's Congress, and we're just going to continue a continuing resolution on until the end of the year because we don't have the time or the commitment to start making tough choices. But we didn't. And I'm just so proud that we didn't.

What we said is, we have 7 months left in the year. Let's start right now. Let's start right now; and let's lay these ideas out one by one by one, not in big general terms, but in specifics, line item by line item by line item across literally thousands of appropriations accounts.

And we didn't say it's my way or the highway, Mr. Speaker. We said, if you have a better idea, if you have a better idea, come to the floor and let's talk about it. If you have a better idea, if we did too much here, tell us where we did too much and tell us how we can do better. And if we did too little here, tell us where we did too little and tell us how we can make it better.

I so look forward, at the end of this rules consideration, as we pass this rule and move forward in the general debate, to being able to engage in those amendments one by one, not in a back room somewhere, not off in the corner where it's just the leadership involved, but here on the floor of the people's House, for all of America to see, line item by line item by line item about where our priorities are.

Now, I'll tell you, Mr. Speaker, you know, as I know, that every nickel we

collect in Federal revenue today goes to fund entitlements and service our national debt. And every nickel that we spend on every program we're going to talk about today, every program on the discretionary side, on the non-defense discretionary side, is a nickel that we borrow.

So when we talk about are these things good to do, I promise you that that's not where my heart is today. I know there are some good programs out here that are doing good things. What I also know is we're borrowing every nickel to fund those programs from our children and our grandchildren. When we talk about priorities, one of those priorities is paying for what it is we commit this Nation to.

Again, my good friend Mr. MCGOVERN was very persuasive last night when he said, for Pete's sake, they are programs I don't agree with; but dadgummit, if we're going to be involved in them, we ought to fund them; and I couldn't agree with him more. That's hard.

We received the President's budget just yesterday; and over a 10-year window, our systemic deficit never falls below 3 percent of GDP. We don't even qualify to join the European Union. We are so devoid of fiscal responsibility at this point in our Nation's history that we do not even qualify to join the European Union. I tell you, Mr. Speaker, that's a low standard. We should do better. We should do better. We can do better. We brought H.R. 1 to the floor today, this rule, we'll bring it to the floor this afternoon so that we can do better.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds just to say that what I really would love to see us debating today is how we're going to get out of Afghanistan and stop paying 8 billion borrowed dollars a month for that.

Also, in an editorial printed today, The New York Times said what I think a lot of us are saying, that this bill will cut vital government functions and not have any lasting impact on the deficit.

[From the New York Times, Feb. 14, 2011]

THE OBAMA BUDGET

On paper, President Obama's new \$3.7 trillion budget is encouraging. It makes a number of tough choices to cut the deficit by a projected \$1.1 trillion over 10 years, which is enough to prevent an uncontrolled explosion of debt in the next decade and, as a result, reduce the risk of a fiscal crisis.

The questions are whether its tough choices are also wise choices and whether it stands a chance in a Congress in which Republicans, who now dominate the House, are obsessed with making indiscriminate short-term cuts in programs they never liked anyway. The Republican cuts would eviscerate vital government functions while not having any lasting impact on the deficit.

What Mr. Obama's budget is most definitely not is a blueprint for dealing with the real long-term problems that feed the budget deficit: rising health care costs, an aging

population and a refusal by lawmakers to face the inescapable need to raise taxes at some point. Rather, it defers those critical issues, in hopes, we assume, that both the economy and the political environment will improve in the future.

For the most part, Mr. Obama has managed to cut spending while preserving important government duties. That approach is in stark contrast to Congressional Republicans, who are determined to cut spending deeply, no matter the consequences.

A case in point: the Obama budget's main cut—\$400 billion over 10 years—is the result of a five-year freeze in nonsecurity discretionary programs, a slice of the budget that contains programs that are central to the quality of American lives, including education, environment and financial regulation.

But the cuts are not haphazard. The budget boosts education spending by 11 percent over one year and retains the current maximum level of college Pell grants—up to \$5,500 a year. To offset some of the costs, the budget would eliminate Pell grants for summer school and let interest accrue during school on federal loans for graduate students, rather than starting the interest meter after graduation.

Those are tough cutbacks, but, over all, the Pell grant program would continue to help close to nine million students. The Republican proposal would cut the Pell grant program by 15 percent this year and nearly half over the next two years.

The Obama budget also calls for spending on green energy programs—to be paid for, in part, by eliminating \$46 billion in tax breaks for oil, gas and coal companies over the next decade. Republicans are determined not to raise any taxes, even though investing for the future and taming the deficit are impossible without more money.

The budget would also increase transportation spending by \$242 billion over 10 years. It does not specifically call for an increased gas tax to cover the new costs, though it calls on Congress to come up with new revenues to offset the new spending. Republicans want to eliminate forward-looking programs like high-speed rail.

The budget is responsible in other ways. It would cap the value of itemized deductions for high-income taxpayers and use the savings to extend relief from the alternative minimum tax for three years so that the tax does not ensnare millions of middle- and upper-middle-income taxpayers for whom it was never intended. For nearly a decade, Congress has granted alternative minimum tax relief without paying for it.

House Republicans want to leave military spending out of their budget-cutting entirely, but Mr. Obama's budget reduces projected Pentagon spending by \$78 billion over five years. If anything, Mr. Obama could safely have proposed cutting deeper, as suggested by his own bipartisan deficit panel.

The bill for the military is way too high, above cold-war peak levels, when this country had a superpower adversary. There's a point where the next military spending dollar does not make our society more secure, and it's a point we long ago passed.

Mr. Obama's budget also includes a responsible way to head off steep cuts in what Medicare pays doctors. It would postpone the cuts for two years and offset that added cost with \$62 billion in other health care savings, like expanding the use of cheaper generic drugs.

But not all of Mr. Obama's cuts are acceptable. The president is proposing a reduction

by nearly half in the program that provides assistance to low-income families to pay for home heating bills. Shared sacrifice need not involve the very neediest.

Ideally, budget cuts would not start until the economic recovery is more firmly entrenched. But the deficit is a pressing political problem. The Obama budget is balanced enough to start the process of deficit reduction, but not so draconian that it would derail the recovery.

The same cannot be said for the plan put forward by Republicans last week. It would amputate some of government's most vital functions for the next seven months of fiscal year 2011. (They haven't even gotten to next year yet, never mind the more distant future).

Real deficit reduction will require grappling with rising health care costs and an aging population, which means reforms in Medicare, Medicaid and Social Security, as well as tax increases to bring revenues in line with obligations.

Mr. Obama's budget does not directly address those big issues, but doing so would require a negotiating partner, and Mr. Obama, at present, does not have one among the Republican leaders in Congress. His latest budget is a good starting point for a discussion—and a budget deal—but only if Republicans are willing participants in the process.

I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

□ 1230

Mr. POLIS. Mr. Speaker, America's top priority is creating jobs. But here we are, 6 weeks into the 112th Congress, and the Republican leadership has yet to bring a single jobs bill to the floor.

Once again, we're here today to exercise one of our primary constitutional responsibilities as Members of Congress, to pass appropriations legislation to fund the many basic and essential programs of the Federal Government on which millions of Americans rely. Today is an incredible opportunity for Republicans and Democrats to work together to bridge the gap between parties and pass a bill that meets our shared goals of creating jobs, building infrastructure, and strengthening the economy.

Sadly, the Republican leadership has brought to the floor a continuing resolution that jeopardizes American jobs and our economic future by rolling back investments that are necessary and important to help our private sector grow and help create jobs.

This CR thoughtlessly makes extreme cuts to appease an extreme wing of the other party at the expense of the American people. This CR arbitrarily kills jobs. It would set our country back decades in scientific research simply because Republicans don't like what the science says. Worst of all, it puts our children's health at risk by handcuffing the EPA's ability to please polluters.

The Clean Air Act guards the most vulnerable Americans, those with asthma, lung disease, children, older adults, people with heart disease and diabetes, from the dangers of airborne

pollutants. Each year the act prevents tens of thousands of adverse health effects, including asthma attacks, heart attacks, and even premature death. This year alone, it was estimated by the U.S. Environmental Protection Agency that the Clean Air Act will save 160,000 lives. Yet Republicans plan to starve this lifesaving agency of its funding.

Mr. Speaker, building an excellent public education system that provides each and every American the opportunity to succeed is the most important investment we can make in our future. As President Obama said in his State of the Union address, it is not just about how we cut but what we cut. Education is an investment in our future, and we can't sacrifice our future. But Republicans, through this CR, seem to be willing to sacrifice our future to meet an arbitrary campaign pledge. By cutting to the heart of the learning needs of American children and youth through this extraordinary and nonsensical measure, Republican lawmakers clearly don't understand the meaning of investing in our future as a nation.

Mr. Speaker, at the State and local level, my home State of Colorado also receives a slap in the face from this continuing resolution. A year ago, Highway 36, the highway that connects Boulder to Denver, was awarded a \$10 million TIGER/TIFIA Challenge Grant through the Recovery Act to expand one of the most used and heavily congested highways in our State. The \$10 million Federal investment helped to leverage additional funds in the area, creating \$276 million in employment income and 7,200 jobs. This project impacts 191,000 employees, 10 percent of our State's total.

This CR would rescind \$9.1 million in funding without thought to details or consequences upon which the rest of the funding is built. This is a critical grant for Colorado that we were promised and received leverage.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. POLIS. Colorado's U.S. 36 corridor won the TIGER award because it was one of the most innovative projects in the country. Mr. Speaker, Rome wasn't built in a day, and we can all agree that no State or community should be punished for being innovative.

The American public needs and deserves real solutions. I encourage my colleagues to oppose the rule for this CR, as well as the underlying CR, to prevent the irresponsible impact of this Republican spending bill.

Mr. WOODALL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 1. This Congress must step

up to reverse our Nation's mounting deficit and debt, and this measure before us today takes an important step. This is an important effort, and we need to cut wasteful and duplicative spending. But the reality is these kinds of cuts will never get us to a balanced budget.

Let's be honest. Only 16 percent of our Nation's spending is in non-security discretionary accounts. Today, we are cutting over \$100 billion from just 1/6 of the Federal spending.

The infamous bank robber Willie Sutton once said that he robbed banks because that's where the money is. In our government, the money is in entitlements. For those who are concerned about funding for the sciences and education and medical research and infrastructure, as I am, the way to ensure that our Nation can pay for the programs so many people care about is to deal with the mandatory spending entitlements.

The President's State of the Union address was disappointing. He had a national forum to step up and embrace the recommendations of the National Commission on Fiscal Responsibility. The Bowles-Simpson Commission clearly recognized the looming fiscal crisis and offered a framework for a serious national conversation to begin on entitlement issues, and do it in a bipartisan way. I didn't agree with every recommendation and would have tried to change some. But had I been appointed to the commission, I would have voted with Senator COBURN and Senator DURBIN for the report. If those Senators, from far opposite sides, could come together for the good of the country, then where is the President?

As important as it is to tighten the Federal discretionary spending bill, we will only continue to tilt at windmills with a budget ledger if we don't deal with the entitlements—Medicare, Medicaid, and Social Security.

I believe the opportunity is to come together in a bipartisan way to put everything on the table to deal with it. Also, we need the President to step up to the plate and to be an honest broker on this issue and to lead the Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in very strong opposition to this rule and to the underlying continuing resolution.

The spending bill that the Republican leadership is bringing before the House today is reckless, thoughtless, and heartless; and, most disturbingly, it's a jobs killer. I believe that the best way to reduce our deficit and long-term debt is to grow our economy, to help businesses create jobs.

At a time when our economy is emerging from the worst recession in our lifetimes, when millions of Americans are out of work and millions more

are struggling to make ends meet, this continuing resolution takes exactly the wrong approach.

Instead of making needed investments in education, medical research, infrastructure, and other priorities, this bill takes a meat axe to them. Instead of strengthening the middle class on Main Street, this bill gives sweetheart deals for Wall Street. Instead of investing in our workers, it protects special interest subsidies for big oil companies and hedge fund managers.

A few weeks ago on this floor, Republicans told us that veterans programs, education, child nutrition, and health care research would be protected. It is clear now that those were empty promises, Mr. Speaker.

For veterans, the bill eliminates a program that offers housing vouchers for homeless veterans. In education, the bill decimates the Pell Grant program by reducing the maximum award by \$800 and by cutting another \$4.9 billion from other education programs. For child nutrition, the bill cuts \$750 million from the Women, Infants, and Children's program. And the bill slashes \$2.5 billion from the National Institutes of Health, jeopardizing important research into diseases like cancer and Alzheimer's and diabetes. It destroys the Land and Water Conservation Fund, a commonsense program to preserve and protect our natural resources and outdoor recreational space, helping local economies grow.

Mr. Speaker, when we brought up the prospect of these cuts a few weeks ago, we were accused of demonizing the debate. Now that we have seen the numbers before us, I am sad to say it is worse than any of us could have predicted.

I find the cuts in education funding to be particularly troublesome. As President Obama made clear in his State of the Union, we must invest in our children if we are to compete in the 21st century economy. In order to maintain our economic standing, in order to create the jobs of the future, in order to compete against China, we must have a well-educated workforce. So why on Earth would we slash Pell Grants, which help millions of families, 12,000 in my district alone, pay for college? We shouldn't.

This bill will also decimate important lifesaving food aid programs to feed hungry children and refugees. It would literally take the food out of the mouths of some of the most vulnerable people around the world. Mr. Speaker, retreating from the global war against extreme poverty and hunger will undermine not just our moral authority but our national security as well.

I also want to point out that this bill continues the same misguided policy under Republican and Democratic Presidents alike that borrows hundreds of billions of dollars to pay for the wars in Iraq and Afghanistan. If we are truly

serious about reducing the deficit, then those wars need to be ended or paid for. Along with my colleagues like WALTER JONES and others, I'm going to continue to talk about this issue. These wars are bankrupting us, and we need to have a meaningful, thorough debate about them.

So again, Mr. Speaker, I believe this continuing resolution contains exactly the wrong prescription for our Nation. We should be focusing on creating jobs and growing our economy. Instead, this Republican bill would lead to more unemployment, more unfairness, and more hardship with the American people.

I urge my colleagues to reject this rule and reject this underlying bill.

□ 1240

Mr. WOODALL. Mr. Speaker, I am proud to yield 2 minutes to the hard-working member of the Appropriations Committee, the gentleman from Georgia, JACK KINGSTON.

Mr. KINGSTON. I thank the gentleman from Georgia for the time.

Mr. Speaker, yesterday we got the President's budget and it was basically more of the same: higher taxes, more spending, more deficits. In fact, it will give us the third year of trillion-dollar deficits. And it made no mention of entitlement reform. In fact, the President ignored the recommendations of his very own hand-picked deficit reduction commission. It was very disappointing. But at the same time I want to work with the President. Where he wants to save money and reduce spending, I think it's important for Republicans to reach out and say yes.

Now it sounds to me like the Democrats want to remove themselves from that process, which is interesting because what we are debating in this \$100 billion spending reduction bill is an open rule process where Democrats can put amendments on the board. And if they do agree with us, as I'm sure they do, that for every dollar we spend, 40 cents is borrowed, that our national debt is 96 percent of our GDP right now, and that spending each year is 25 percent of the GDP, a historical high, then I know they would want to act with us rather than against us and try to address this situation.

So I say to my Democrat friends, if you feel this is too much, then offer your own spending cuts. This is what can change in Washington this year. Rather than having the same old hollow, rhetorical debate, which incidentally doesn't really pull the rug out from the Republican Party; it pulls the rug out from Congress. It damages our own credibility that we can't come together as representatives of a nation and try to move the country forward together.

Sure we can skirmish over things. For example, we've got \$8½ billion in earmarks eliminated in this mark. Now

maybe they want to restore the earmarks. That's fine. We have a reduction of 149 different spending programs. Maybe they want to restore those. Maybe they want to double that amount.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOODALL. I am pleased to yield the gentleman 1 additional minute.

Mr. KINGSTON. Maybe the Democrats want to insist that the stimulus money stay in there. We go after the remaining portion, \$2 billion. Maybe they think that's a bad thing and maybe we should get more out of it. But rather than just having the same old drama over and over again, hiding behind children and seniors and Pell Grants and everything else, why not come to the table and say, "Here are our cuts"?

Mr. Speaker, this is 2.6 percent. That is to say that if I owed you a dollar and paid you back 97 cents, sure, you might still want that 3 cents from me, but, you know, you're pretty doggone close. This is a 2 percent reduction in a \$3.7 trillion budget.

Now, if the Democrats don't like it, don't call it slashing and burning and all these other descriptions that are lively and make for good rhetoric and good drama. But if anything is irresponsible, it's irresponsible to call a cut of 2.6 percent reckless.

Ms. SLAUGHTER. Mr. Speaker, I am honored to yield 1 minute to the distinguished gentlewoman from California, the Democratic leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentlelady for yielding, and I join her in opposing this rule and urging our colleagues to vote "no" on the rule, "no" on the previous question, and "no" on final passage of the bill.

Voting "no" on the previous question will enable us, if it succeeds, to bring to the floor our Build America Bonds legislation. Build America Bonds is supported, outside the Congress, across the board in a nonpartisan way by those who are building America—who are dredging our ports to enhance our trade, who are building our schools to educate our children, who are building our roads and highways and mass transit to get people to work and back, improving the quality of their lives; and in moving people and product again to work and to market, growing our economy.

Creating jobs is the number one priority for Democrats. We have said that we will judge every measure that comes before this House by whether it creates jobs, how it strengthens the middle class and how it reduces the deficit.

Indeed, that is what President Obama's budget released just yesterday will do. It will strengthen our Nation, invest in the future, help create jobs, and grow the economy, while reducing the deficit by \$1.1 trillion. It sets us on

a path, in President Obama's words, to "out-educate, out-innovate and out-build the rest of the world." That is indeed what we must do.

In terms of innovation and education, the President's budget is a commitment to competitiveness that will keep America number one. In terms of out-building the rest of the world, consider this quote from USA Today:

"Associated General Contractors, a trade group for the construction industry, estimates the plan could create about 5.4 million construction jobs and 10 million more jobs in related industries and the broader economy."

President Obama's budget is a tough budget and it makes tough choices. I don't agree with everything that the President cut in the budget, but it is a statement of values that we must support. It makes cuts and tough ones in a responsible way. As President Obama said yesterday, we must live within our means and invest in the future.

That is in stark contrast to the Republican legislation we debate today. With severe and indiscriminate spending cuts, it goes too far. This legislation will destroy American jobs while harming middle class families, young adults, seniors, and, yes, even our veterans. Since coming into office, Republicans have not put forward any initiatives to create jobs. Indeed, with this legislation, they are making matters worse. According to an independent study just released, the domestic cuts in this bill would destroy 800,000 public- and private-sector jobs. Democrats are saying to the Republican majority: Show us the jobs. Show the American people where the jobs are.

Just today, Speaker BOEHNER said that if jobs are lost as a result of Republican spending cuts, "So be it."

So be it? We believe that our budget should be a statement of our national values. What is important to us must be included in our budget.

Consider what the Republican legislation we debate today would do to diminish our investments in education, halt innovation, destroy good-paying American jobs and make our neighborhoods less secure. Indeed, not even homeless veterans are spared by the Republicans. Our Federal budget, as I said, must be a statement of our national values. We must ask ourselves, is this Republican legislation a statement of our values?

Is it a statement of our values to undermine our commitment to educate the next generation of leaders and innovators? The Republican proposal cuts \$800 per student in the maximum Pell Grant award; thousands of teachers would lose their jobs; and in your neighborhood, class size could increase.

Is it a statement of our values to diminish our efforts to create green jobs and fight disease? This bill cuts \$1.3 billion in investments to spur the clean energy economy of the future. It cuts

more than \$1.3 billion for cancer and other disease research.

In terms of innovation and education, the President's budget is a commitment to competitiveness. This legislation is not.

Is it a statement of our values to destroy jobs and undermine investments in our roads, schools and bridges to rebuild America? Tens of thousands of new construction jobs would be lost and 76 projects to upgrade our roads in your districts and bridges in 40 States would be canceled. I mentioned earlier what the general contractors said about creating millions of jobs in the industry and 10 million more jobs indirectly.

□ 1250

Is it a statement of our values to diminish the public safety of our neighborhoods? There would be up to 3,000 fewer cops on the beat in your neighborhood and 2,400 fewer firefighters on the job in our communities coast-to-coast; 3,000 fewer cops on the beat and 2,400 fewer firefighters in our communities coast-to-coast.

Is it a statement of our values to cut funding for homeless veterans? If there was one example of where this goes too far—think of it: Republicans want to eliminate \$75 million from an initiative that offers housing vouchers to our homeless vets. It is a very effective initiative. Republicans want to cut it.

And is it a statement of our values to deprive women of primary care? When it comes to health and education, Republicans put women and children last.

Democrats and Republicans must work together to ensure our Nation lives within its means. That is for sure. We must continue to aggressively attack waste, fraud, and abuse, and we will subject every taxpayer dollar we spend to the toughest scrutiny, ensuring that the American people are getting their money's worth. But Republicans have not presented a responsible plan for addressing the deficit. We believe we can cut the deficit and create jobs. To do so, we must invest in the future.

Democrats do not subscribe to Speaker BOEHNER's verdict that if jobs are lost in this continuing resolution, so be it. Maybe so be it for him, but not so be it for the people who are losing their jobs. Instead, we support President Obama's budget to out-innovate, out-educate, and out-build the rest of the world.

That is why, Mr. Speaker, I urge my colleagues to vote no on the previous question, no on the rule, and no on the underlying bill. Let's put this aside and get on with the business the people sent us here to do: Creating jobs, reducing the deficit, strengthening the middle class, and protecting the American people.

Mr. WOODALL. Mr. Speaker, at this time I am proud to yield 2 minutes to

a hardworking member of the Appropriations Committee, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I rise in support of the rule and the continuing resolution.

Mr. Speaker, we would not be in this position this afternoon if the leadership of the last Congress let the Appropriations Committee do its work last year, to act on the President's budget proposal when it came out, to debate our bills in full committee, to debate our bills on the floor. So that is why we are here today. It would have been great if last year's House leadership had actually listened to the American people.

We would not be in this situation if the President and the congressional leadership hadn't borrowed billions of dollars, mortgaging our future, to spend on multiple stimulus bills and bailouts that did little to create private-sector jobs and restore consumer confidence.

The Department of Energy alone had \$39 billion in stimulus money, all, I might say, borrowed—\$9 billion more than its entire budget. It was a recipe for waste, a scatter gun approach that raised many public expectations but in the end provided few achievements and fewer yet jobs. In many cases it created businesses in the energy sector that could not survive without more government funding. To me, it created false markets. As some described it, it was more money than some knew how to deal with.

For months, those dollars were not obligated, much less spent, hiring up people in the public and private sector that the White House and the House and Senate leadership knew would eventually be laid off. Some might call it a job Ponzi scheme, a blank check owed to our children.

So here we are this week to pick up the pieces, right-size the ship of state, stop spending money we don't have, and restore trust for the American people that has been badly broken.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 10 seconds to just say, in a column printed Sunday in *The New York Times*, prize-winning economist Paul Krugman said the bill will sacrifice the future. He also said, "Republicans don't have a mandate to cut spending; they have a mandate to repeal the laws of arithmetic."

[From the *New York Times*, Feb. 13, 2011]

EAT THE FUTURE

(By Paul Krugman)

On Friday, House Republicans unveiled their proposal for immediate cuts in federal spending. Uncharacteristically, they failed to accompany the release with a catchy slogan. So I'd like to propose one: Eat the Future.

I'll explain in a minute. First, let's talk about the dilemma the G.O.P. faces.

Republican leaders like to claim that the midterms gave them a mandate for sharp

cuts in government spending. Some of us believe that the elections were less about spending than they were about persistent high unemployment, but whatever. The key point to understand is that while many voters say that they want lower spending, press the issue a bit further and it turns out that they only want to cut spending on other people.

That's the lesson from a new survey by the Pew Research Center, in which Americans were asked whether they favored higher or lower spending in a variety of areas. It turns out that they want more, not less, spending on most things, including education and Medicare. They're evenly divided about spending on aid to the unemployed and—surprise—defense.

The only thing they clearly want to cut is foreign aid, which most Americans believe, wrongly, accounts for a large share of the federal budget.

Pew also asked people how they would like to see states close their budget deficits. Do they favor cuts in either education or health care, the main expenses states face? No. Do they favor tax increases? No. The only deficit-reduction measure with significant support was cuts in public-employee pensions—and even there the public was evenly divided.

The moral is clear. Republicans don't have a mandate to cut spending; they have a mandate to repeal the laws of arithmetic.

How can voters be so ill informed? In their defense, bear in mind that they have jobs, children to raise, parents to take care of. They don't have the time or the incentive to study the federal budget, let alone state budgets (which are by and large incomprehensible). So they rely on what they hear from seemingly authoritative figures.

And what they've been hearing ever since Ronald Reagan is that their hard-earned dollars are going to waste, paying for vast armies of useless bureaucrats (payroll is only 5 percent of federal spending) and welfare queens driving Cadillacs. How can we expect voters to appreciate fiscal reality when politicians consistently misrepresent that reality?

Which brings me back to the Republican dilemma. The new House majority promised to deliver \$100 billion in spending cuts—and its members face the prospect of Tea Party primary challenges if they fail to deliver big cuts. Yet the public opposes cuts in programs it likes—and it likes almost everything. What's a politician to do?

The answer, once you think about it, is obvious: sacrifice the future. Focus the cuts on programs whose benefits aren't immediate; basically, eat America's seed corn. There will be a huge price to pay, eventually—but for now, you can keep the base happy.

If you didn't understand that logic, you might be puzzled by many items in the House G.O.P. proposal. Why cut a billion dollars from a highly successful program that provides supplemental nutrition to pregnant mothers, infants, and young children? Why cut \$648 million from nuclear nonproliferation activities? (One terrorist nuke, assembled from stray ex-Soviet fissile material, can ruin your whole day.) Why cut \$578 million from the I.R.S. enforcement budget? (Letting tax cheats run wild doesn't exactly serve the cause of deficit reduction.)

Once you understand the imperatives Republicans face, however, it all makes sense. By slashing future-oriented programs, they can deliver the instant spending cuts Tea Partiers demand, without imposing too much immediate pain on voters. And as for the future costs—a population damaged by

childhood malnutrition, an increased chance of terrorist attacks, a revenue system undermined by widespread tax evasion—well, tomorrow is another day.

In a better world, politicians would talk to voters as if they were adults. They would explain that discretionary spending has little to do with the long-run imbalance between spending and revenues. They would then explain that solving that long-run problem requires two main things: reining in health-care costs and, realistically, increasing taxes to pay for the programs that Americans really want.

But Republican leaders can't do that, of course: they refuse to admit that taxes ever need to rise, and they spent much of the last two years screaming "death panels!" in response to even the most modest, sensible efforts to ensure that Medicare dollars are well spent.

And so they had to produce something like Friday's proposal, a plan that would save remarkably little money but would do a remarkably large amount of harm.

Mr. Speaker, I yield 2 minutes to my fellow New Yorker (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise in opposition to the rule and, more importantly, in opposition to the underlying legislation.

I think we all recognize that we must make painful cuts, we must make difficult cuts, but I think it is important to recognize that there is a real difference between painful cuts and difficult cuts and cuts that are destructive, and I want to focus on an area where I think the cuts will be particularly destructive. They will be destructive to ambition, destructive to aspiration, and destructive to our ability to maintain a vibrant economy, and those are the cuts maintained in this legislation that would take \$6.5 billion, \$6.5 billion in one year, out of the student financial aid program, cutting Pell Grants by \$5.6 billion, almost \$5.7 billion, and cutting SEOG, a program that has been in existence since the late 1960s, completely eliminating it to the tune of \$800 million a year. These cuts are destructive.

The most powerful tool that we have to put our economy back on track is an educated workforce, and the most powerful tool we have to bring about the fiscal stability that we need in this country is a growing economy. That is not possible unless we have an educated workforce.

Sixty-three percent of the jobs that will be created over the next 6 years will require post-secondary education. Ninety percent of the jobs that are expected to be the highest growing areas—science, technology, math, health care—require a post-secondary education. And yet the response of the current leadership of this Congress to that is to cut funding that allows students to go on to college. It is wrong-headed and, frankly, it is destructive of our future, and I would urge that my colleagues vote against it.

I will make one last point. The gentleman from New Jersey just said the Democrats did not listen to the Amer-

ican people last year. That is a continuing refrain. Well, the American people have spoken loudly and clearly about education cuts. Sixty-one percent of them believe that the Federal Government should spend more on education and only 11 percent believe that we should cut education.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) will control the time on the minority side.

There was no objection.

Mr. WOODALL. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Georgia for the time.

Mr. Speaker, what a difference a new Congress makes. We have seen in the last 4 years on the Appropriations Committee a lack of any kind of transparent open process. This last year on the other side of the aisle when they were in control, they didn't even pass a budget, a blueprint for spending. And that is why this year, Mr. Speaker, we have a \$1.65 trillion deficit. One year, \$1.65 trillion. We can't continue.

The President's budget that he brought up, which is not just dead on arrival, it is debt on arrival, what this says is that we are going to double the privately held national debt, another \$7 trillion. This is not fiscal restraint. This is not sanity.

I have four grandchildren, and the reason I am here is to make sure that they have a future. We cannot continue this outrageous spending that is going on in Washington. And when you look at this bill that we are talking about on the floor, \$100 billion off of the President's proposal for this past year, that is less than 1/16th of the annual deficit. It is scratching the surface. But because there has been no budget, there has been no fiscal restraint at all in the previous two Congresses, this thing has totally grown way beyond what is comprehensible by any normal person.

That is why, Mr. Speaker, this is the first step to bring some fiscal sanity back to Washington, D.C., to actually understand what the ramifications are long-term in spending. We cannot continue. And it is amazing to me in this rule to have an open process, where people can actually have amendments, I have had some Democrat colleagues come up and say, you mean, we are actually going to have amendments? They don't know how to handle that, because we have had a closed process for the last 4 years. We have second term Members of Congress that have never seen an open rule on an appropriations bill. Let's pass this rule and get our house in order.

□ 1300

Mr. MCGOVERN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my friends on the other side of the aisle talk about the need to be fiscally responsible. I tried last night to offer an amendment in the Rules Committee that would simply say that we should pay for the war in Afghanistan, that we should not continue to borrow the money. Last year, we borrowed \$450 billion. That went onto the credit card. And that means our kids and grandkids will have to bear that burden. That amendment was not made in order. I couldn't offer that amendment.

We talked last night about the giveaways to big oil companies and the need to get at those subsidies. The way the bill is written, we can't do it. We can't do it. So it's not so open.

I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, we do believe that reducing our deficit is one of the ways to instill confidence and create jobs. So, Mr. Speaker, I have a proposal for consideration. We give away \$4 billion a year in tax breaks to oil companies. Last week, the former CEO of Shell Oil Company said they don't need these tax breaks any more because they would search for the oil anyway; and, by the way, these companies made about a 53 percent profit last year.

So here's the proposal I would like to make: Let's do away with the \$4 billion in oil company tax breaks. Let's take 80 percent of that money and use it to reduce the deficit, and then let's take the remaining 20 percent of the money and spend it on programs for homeless veterans.

There was a report last week that 16 percent of the homeless in our country are veterans of the military service. This is obviously a condition that's a disgrace to our country and should be stopped. So my proposal under this open rule is that I be permitted to offer an amendment that says let's get rid of the tax breaks for the oil companies, put 80 percent of the money to reducing the deficit, and spend the other 20 percent to help the homeless veterans living on the streets of our country.

Now, it's my understanding, reading this rule, that I will not be permitted to offer that amendment. I would yield to anyone on the majority side if they could tell me whether they agree with my interpretation of the rule. Would I be permitted to offer the amendment that I am proposing on the floor?

Mr. WOODALL. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Georgia.

Mr. WOODALL. I appreciate the gentleman's yielding. As a newcomer here to the U.S. House of Representatives, I would certainly defer to the Parliamentarian; but I'm encouraging everyone to bring every amendment. Bring every amendment, Congressman, to the House floor and offer that amendment for debate and discussion.

Mr. ANDREWS. Reclaiming my time, I would then respectfully ask the gentleman if the majority would then not lodge a point of order when my amendment comes to the floor.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. I yield to my friend, the gentleman from Georgia, to respond.

Mr. WOODALL. I would say to the gentleman that having an open process and abiding by the rules of the House is critical to getting our work done. And if the rules of the House permit this amendment, I look forward to supporting it.

Mr. ANDREWS. Reclaiming my time, I would just read the words of our Speaker on opening day when he said to us, You will always have the right to a robust debate in an open process that allows you to make your case and offer alternatives.

Always. I'm not sure if "always" applies to this rule.

Mr. WOODALL. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the Committee on Appropriations.

Mr. DICKS. I appreciate the gentleman, Mr. MCGOVERN, yielding.

I want to stand here today and tell you that we're all worried about the economy. We're all worried about getting people back to work; we have 9 percent unemployment. But the reality is there are a lot more people who have lost their jobs who have given up looking or are underemployed. This is the most serious economic problem we've faced since the Great Depression.

Now, unfortunately, the choice of the majority is to cut very substantially into programs that are in the domestic accounts and \$15 billion from defense. We all understand we have got to get spending under control and we have to eliminate waste, fraud, and abuse. We have to look at this oil subsidy issue, which the oil companies even are embarrassed about.

But what I worry about here is with this approach we are going to hurt the economy. We are going to drive unemployment up. We're going to drive the deficit up. And it is countercyclical. When you cut this much spending, it is going to hurt the fragile recovery, and it's not going to put people back to work.

The other side seems to think that by making these cuts that the private sector is going to say, "aha", and invest all kinds of money and create jobs to offset these cuts. As the Democratic majority leader has just said, there are highly regarded studies out there that show that 800,000 jobs will be lost because of this bill. That will have a

major negative impact on the economy.

Also, one program that I looked into and I hope we can fix is the voucher program for homeless veterans. This has been a program that's been going on for about 3 or 4 years. Homeless veterans can get a voucher and go through their public housing authorities and get a place to live. There are almost 30,000 people in this program; and the ones that are in it are doing better—less alcohol, less drugs. They're getting jobs. They're feeling better about themselves. And there is a need, according to General Shinseki, now head of the VA, for another 30,000 of these vouchers.

This money is in the 2012 budget request. It was in the 2010 budget request. The majority decided to terminate this program. I would hope we could reconsider that. The program is working, and we need another 30,000 of these vouchers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 15 seconds.

Mr. DICKS. The most recent data indicates that 10,000 of these veterans are from the Iraq and Afghanistan war. These are young people coming back who have served their country, and they deserve to have these vouchers if they need them. And we should restore this program. Again, I think we should vote against the rule, vote against the previous question.

Mr. WOODALL. Mr. Speaker, I am very proud to yield 3 minutes to a true American patriot, a lover of this country, the gentleman from Iowa, Mr. STEVE KING.

Mr. KING of Iowa. I thank the gentleman from Georgia, and I'm very glad to welcome him to the United States Congress. He knows a little bit about what's going on around this organism that we live and work and breathe in.

I come to the floor during this rules debate to raise a subject that I think needs to be brought before this Congress, Mr. Speaker, and that's this: that even though this House in H.R. 2, the second priority of the Speaker, voted to repeal ObamaCare and sent that bill over to the Senate where it was taken up and every Republican voted to repeal ObamaCare—so every Republican in all the United States Congress has voted to repeal ObamaCare. It was bipartisan in this House, by the former Speaker's definition. And even though that took place, we did not shut off the funding to ObamaCare because in a—I won't say a legislative sleight of hand—there was written in the ObamaCare bill automatic appropriations that just last week we were able to pull all those pieces out and add them up and we received a CRS report last Friday that shows that \$105.5 billion are automatically triggered for spending that will

implement ObamaCare whether or not we shut off the funds in this CR going forward. These are automatic appropriations.

I believed—and I've seen it for a long time and worked on this thing ever since mid-last summer—that we need to shut off all funding to ObamaCare in every appropriations bill going forward. And we had the assurance that we would have regular order. Well, the regular order that we have is an open rule that closes out an amendment that would shut off the funding that's automatically appropriated by ObamaCare. If we'd actually had a full regular order, I could have brought that amendment before a subcommittee of Appropriations—asked someone to do—or the full Appropriations Committee. And actually, at the request, I followed all those paths until such time it wasn't written into the bill, as was shutting off funding to transferring people out of Gitmo or cutting off the 1099 or the stimulus plan of the President's.

All of that is written out in the bill, but nothing is in the bill that allows us to write out the automatic \$105 billion dollars. So we're faced with the automatic institutionalization of ObamaCare even while we cut this budget \$100 billion. So I went to Rules last night and asked Rules, Protect my amendment from a point of order so this House can work its will.

□ 1310

Even though I have great respect for all of the members of the Rules Committee, and the tone and tenor of the debate and the dialogue in there could not have been better, the Rules Committee declined to do that.

I am here on this floor now, asking myself: How do I vote "yes" on a rule that I so oppose?

That's my position, Mr. Speaker. I think that, if we fail to act now, now while we have the maximum amount of leverage and the one of two pieces of must-pass legislation—that is the CR, and next is the debt ceiling bill—to shut off the funding to implement ObamaCare, we will have missed our chance. By the way, every appropriations bill will come to the floor with the same kind of rule that will block out anyone from offering any legislation that will shut off the funding, the automatic appropriations to ObamaCare.

So as much as it pains me to be standing here at this point, I can't figure out how I can vote "yes" on a rule that I so oppose.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend from Massachusetts.

I was very interested to hear the comments from our friend from Iowa. I couldn't sympathize more with him,

and I know I will have his support later in opposing a point of order to an amendment I have to restore Metro funding here in the National Capital region and to offset it with some cuts in certain agricultural subsidies.

Mr. Speaker, today we debate the rule on the full year continuing appropriations act for 2011. While I understand and support the need to establish long-term fiscal responsibility, to reduce spending, to reduce the deficit, and to grow the economy, H.R. 1 is not the way. It takes a meat ax to American competitiveness and actually destroys jobs.

That's why I introduced the Build America Bonds Now to Create Jobs Act, legislation to extend the successful Build America Bonds program, a jobs bill. Creating jobs grows the economy, encourages American innovation, and positions us to remain the global economic leader. During the past 2 years, \$4.4 billion from the Recovery Act leveraged \$181 billion worth of projects to construct and repair schools, bridges, roads, and transit systems in more than 2,270 projects in every State of the Union.

According to Moody's Analytics chief economist and JOHN MCCAIN's 2008 Presidential campaign adviser, infrastructure investments in the Recovery Act resulted in 8 million new or protected jobs that otherwise would have been lost in 2009 and 2010. By extending the Build America Bonds program, we can do more.

I ask my colleagues to oppose this closed rule and to support the amendment to bring the Build America Bonds Now to Create Jobs Act to the floor. Let's create jobs. Let's grow the economy. Let's unleash America competitiveness.

Mr. WOODALL. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from the freedom-loving State of Idaho (Mr. SIMPSON).

Mr. SIMPSON. First, let's discuss the rule because we are here debating the rule.

Mr. Speaker, this is essentially an open rule. Yes, it does have a requirement for preprinting, but any Member can offer any amendment they want as long as they preprint it. Now, I understand my colleagues on the other side of the aisle might not like that. It's kind of foreign to them. For the last 4 years, we've had rules come to the floor that were closed. Members didn't have an opportunity to amend them. In fact, if we were under the previous leadership, what we would have here is a closed rule, an hour's debate on this CR. We would pass it and it would be done. Members wouldn't have an opportunity to influence the legislation before us.

This is part of this majority's promise that we are going to open the process and let the Members of Congress, the elected Representatives of the peo-

ple, have a say in how we craft this legislation and in how it turns out in the long run. I don't understand, frankly, why Members would oppose the rule. I can understand their opposition to the underlying bill, but to oppose the rule makes no sense whatsoever.

Secondly, I rise in support of the underlying legislation. It is tough. The other side of the aisle continues to say all the right things: We've got to make tough decisions. We've got to enforce tough love. We've got to reduce the deficit. We've got to cut our spending. I hear those words and those phrases by every speaker who has come up. Yet they oppose every effort to try to reduce the spending of the Federal Government as if it is a drastic reduction in what's going to happen and as if it's going to destroy our economy and destroy the Federal Government. Frankly, none of that is true.

Remember, as the gentleman from Iowa did say, we've got a \$1.65 trillion deficit in this budget, \$1.65 trillion. That's on top of the \$14 trillion we're already in debt.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOODALL. I yield the gentleman an additional 30 seconds.

Mr. SIMPSON. There is no magic bullet. We know we can't balance this budget simply by reducing non-security, non-defense spending.

Yet as the saying goes: The journey of 1,000 miles begins with a single step. This is that first step.

Yes, we have to get after the entitlement programs if we're going to reduce this deficit. Yes, we have to look at all of our tax structure if we're going to get after this deficit; but we've got to do what the American people instinctively know is the right thing to do, which is to get back to a balanced budget and quit endangering the future of our children and grandchildren.

Mr. MCGOVERN. Mr. Speaker, I would like to have entered into the RECORD a statement as to why this is not an open rule and about the restrictions that are on Members who are wishing to offer amendments.

WHAT'S WRONG WITH A MODIFIED OPEN RULE?

A modified open rule such as this one imposes several restrictions on Members wishing to offer amendments:

It stifles the free flow of debate by preventing Members from offering amendments inspired by the debate or by other amendments.

Several years ago Chairman DREIER succinctly explained why an open rule is superior to a modified open rule. He said: "An open rule means that as the legislative process proceeds, as an amendment passes, it can spark an idea for an amendment that another Member may choose to offer with the changes that are made in the legislation."

A modified open rule also limits Members' ability to respond to changes on the floor that would require redrafting an amendment.

And the rule in front of us goes even further than any modified open rule I've ever seen by

adding the unprecedented provision that prohibits using offsets from one subcommittee allocation to transfer funds to a different subcommittee allocation.

The rule finally provides for same day consideration of another rule for H.R. 1, which will allow the Republican Majority to report out a new rule shutting down the amendment process and take it to the floor that very same day. We haven't even begun debate, and already Republicans have prepared to further restrict this supposedly open process.

I think Chairman DREIER said it best just last month when describing a rule even less restrictive than this one. He said: "This is not an open rule. I want to make it very clear to all my colleagues again: This is not an open rule."

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I rise not only in strong support of the rule but also in strong support of the continuing resolution.

The American people didn't send us here to pass promises. They didn't ask us to start making tough choices next year. There is always next year, but our effort to rein in the size, scope, and cost of the Federal Government has got to start right now. This continuing resolution honors our commitment, starting with funding for the remainder of the 2011 fiscal year.

As chair of the Financial Services Subcommittee of the Appropriations Committee, I want to say that our financial services section contains a total of \$20.4 billion, which is a \$3.8 billion, or a 16 percent, reduction from fiscal year 2010 levels, and a reduction of \$4.9 billion, or 19 percent, from the President's fiscal year 2011 request.

Reductions of this magnitude are really challenging but are very necessary given the fiscal situation facing the Nation. Priority funding in this bill is focused on the most essential programs, such as security for the courts, counterterrorism, financial intelligence operations, as well as drug task forces. Yet other programs can easily achieve the new efficiencies this fiscal environment demands, especially at the executive office of the President and the Treasury Department. These agencies should set an example for the rest of the executive branch by recognizing significant budget savings.

For the IRS, the committee believes the agency can achieve efficiencies and has reduced its funding accordingly. In addition, the bill prohibits the IRS from using CR funding to implement the 1099 provision in the health care reform act, which would cause great harm to our small businesses.

It also requires the GSA to become more efficient, and it eliminates funding for construction or major alterations to Federal buildings that have been earmarked in the past by Congress and by the President.

Government has to be accountable to the people and so must government spending. This bill strikes that balance, and it makes priorities at a time when our Congress and our country must begin to face some very tough choices.

Mr. MCGOVERN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I am very pleased to yield 2 minutes to the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I want to begin by complimenting my friend. He has an amazing honor. He is able to make history here. We've not been able to find a time that a continuing resolution has been brought to the floor under a modified open rule, and he has done a superb job in managing it.

I didn't really hear my friend from Worcester say much of anything, so I suspect he did a reasonable job in recognizing that we are making history and that we are going to, for the first time, allow any Democrat or Republican to stand up on this floor and offer an amendment to the appropriations bill that is going to be before us, the continuing resolution.

□ 1320

I think that, Mr. Speaker, it is important for us to recognize that it's not only a new day when it comes to the process in this House for us to consider appropriations bills, but it's a new day in that we have stepped forward and recognized that if we don't get our fiscal house in order and bring about dramatic spending cuts, our future is very much in question. And I say that because people used comparisons to crazy places like Greece and California when they talk about the potential problems that the United States of America faces. And I've got to say that, if we don't bring about these kinds of spending cuts, we are going to be passing on to future generations a responsibility that they do not deserve to have. That's why it's up to us to do our job and make sure we get our fiscal house in order.

I mean, as the distinguished chair of the Committee on Appropriations, Mr. ROGERS, has said so well, the cuts in this bill that are going to be before us are larger than the gross domestic product of 126 countries, and that's why we've got a monumental responsibility and a chance for Democrats and Republicans together to work on this thing.

And I'm so pleased to see my friend NORM DICKS, the distinguished ranking member, already working on his great product that's going to be coming forward as we seek to have the two of us come together as political parties to resolve our Nation's challenges.

Mr. MCGOVERN. Mr. Speaker, I will yield myself the balance of my time.

Mr. Speaker, Democrats very much want to eliminate wasteful spending. We are committed to making the tough choices to get this budget more balanced, to get our deficit reduced, and start paying down the debt. That's not the issue. The issue is where do you make those cuts.

My friends on the other side of the aisle talked about shared sacrifice. Well, the only people that seem to be sacrificing under their approach are middle-income families and the poorest of the poor in our country. A few weeks ago, at their insistence, millionaires and billionaires got an extension of the Bush tax cuts at a cost of billions of dollars in terms of more borrowed money added on to our deficit. So the Donald Trumps of the world are not sacrificing.

Big Oil is not sacrificing. Just to put it into perspective that BP, Chevron, ConocoPhillips, ExxonMobil, and Shell made a combined profit of over \$1 trillion during this past decade, and yet taxpayers are subsidizing Big Oil companies. Why? And for all the talk about how open this rule is, we can't come up with an amendment that is germane or that will be made in order to go after the subsidies because they are protected.

I mentioned, earlier, the war. We borrowed \$450 billion last year. Our soldiers are sacrificing, their families are sacrificing, and we're not paying for the war. We're just putting it on our credit card. That is unconscionable, and yet an amendment is not eligible to be brought up to insist that we pay for this war.

So where do they cut? Education, more than 200,000 kids kicked out of Head Start and thousands of teachers would lose their jobs. An \$800 reduction per student in the maximum Pell Grant award. Innovation, 20,000 fewer researchers supported at the National Science Foundation trying to find a cure to cancer; a \$1.4 billion reduction in science and energy research to spur a clean energy economy of the future; \$2.5 billion in cuts to the National Institutes of Health, again, trying to find cures for diseases like cancer, diabetes, Alzheimer's. If we found a cure for Alzheimer's, we would never have another problem with Medicaid again. Yet you are cutting back on those important investments. High-speed rail being cut back. A loss of 25,000 construction jobs if your bill becomes law. You're cutting cops and firefighters, and yet we're protecting the very wealthy in this country. We're protecting subsidies to major oil and gas companies. It is just wrong, Mr. Speaker.

Mr. Speaker, I would urge my colleagues to defeat the previous question so that I can offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up H.R. 11, the Build America Bonds to Create Jobs Now Act.

Unlike the irresponsible bill the Republicans want to bring up, which will cut jobs, threaten American innovation, and slash initiatives that create economic growth, this bill will spur job creation here at home by extending through 2012 the successful Build America Bonds to help State and local governments finance the rebuilding of American schools and hospitals, water systems and transit projects at significantly lower costs.

It has been calculated that every \$1 billion in Federal funds invested in infrastructure creates or sustains approximately 35,000 jobs and \$6.2 billion in economic activity.

Build America Bonds are broadly supported by American business, the construction industry, and President Obama, as well as State and local governments. And at a time of fiscal restraint, they're a good deal for the American taxpayer, wisely using small public investments to leverage significant private funds to rebuild America and create jobs.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can debate and pass real jobs legislation. The American people want us to talk about jobs and how to create jobs and protect jobs. This will do it.

So I urge a "no" vote on the previous question and a "no" vote on the rule.

I yield back the balance of my time.

Mr. WOODALL. Mr. Speaker, I will say again, I can't believe that here on my first rule we have an open process; for the first time in the history of this House, the best I can tell, an open process on a continuing resolution. Now, we're only dealing with this continuing resolution because of the mess we were left in last year, and we're doing the very best we can with it.

You've heard words like "draconian," "decimates," "slashes." I want to put it in terms that I think we can all understand. I want you to think about it in terms of your family grocery budget, Mr. Speaker. If you went to the grocery store today and bought your groceries for a month, our friends on the other side would have you believe that we want you to fast for an entire day, because that's about what it is, this \$100 billion, about 1 day out of a month's grocery budget.

But if you took that 30 days of groceries and you spread those 30 days around—and that's what we do under an open process. We let you spread it around—add where you want to add; cut where you want to cut; spread that

around. Can we do that? Can we do that as a very first step towards getting our fiscal house in order? Not only can we do it, Mr. Speaker, we must do it.

I'm grateful to the leadership for allowing us to do it. I urge a strong "yes" vote on the rule.

The text of the material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 92 OFFERED BY
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to extend the Build America Bonds program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 4 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT
REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party of-

fered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WOODALL. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. WOODALL. Mr. Speaker, I send to the desk a privileged concurrent res-

olution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 17

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 17, 2011, Friday, February 18, 2011, or Saturday, February 19, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 28, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, February 17, 2011, through Friday, February 25, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 28, 2011, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

□ 1330

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WOODALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 92; adopting House Resolution 92; and adopting House Concurrent Resolution 17.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011, AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 92) providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 14, as follows:

[Roll No. 38]

YEAS—240

Adams	DesJarlais	Huelskamp
Aderholt	Diaz-Balart	Huizenga (MI)
Akin	Dold	Hultgren
Alexander	Dreier	Hunter
Altmire	Duffy	Hurt
Amash	Duncan (SC)	Issa
Austria	Duncan (TN)	Jenkins
Bachmann	Ellmers	Johnson (IL)
Bachus	Emerson	Johnson (OH)
Barletta	Farenthold	Johnson, Sam
Bartlett	Fincher	Jones
Barton (TX)	Fitzpatrick	Jordan
Bass (NH)	Flake	Kelly
Benishke	Fleischmann	King (IA)
Berg	Fleming	King (NY)
Biggert	Flores	Kingston
Bilbray	Forbes	Kinzinger (IL)
Bilirakis	Fortenberry	Kline
Bishop (UT)	Fox	Labrador
Black	Franks (AZ)	Lamborn
Blackburn	Frelinghuysen	Lance
Bonner	Galleghy	Landry
Bono Mack	Gardner	Lankford
Boustany	Garrett	Latham
Brady (TX)	Gerlach	LaTourette
Brooks	Gibbs	Latta
Broun (GA)	Gibson	Lewis (CA)
Buchanan	Gingrey (GA)	LoBiondo
Buchson	Gohmert	Long
Buerkle	Goodlatte	Lucas
Burgess	Gosar	Luetkemeyer
Burton (IN)	Gowdy	Lummis
Calvert	Granger	Lungren, Daniel
Camp	Graves (GA)	E.
Campbell	Graves (MO)	Mack
Canseco	Griffin (AR)	Manzullo
Cantor	Griffith (VA)	Marchant
Capito	Grimm	Marino
Carter	Guinta	McCarthy (CA)
Cassidy	Guthrie	McCauley
Chabot	Hall	McClintock
Chaffetz	Hanna	McCotter
Coble	Harper	McHenry
Coffman (CO)	Harris	McKeon
Cole	Hartzler	McKinley
Conaway	Hastings (WA)	McMorris
Cravaack	Hayworth	Rodgers
Crawford	Heck	Meehan
Crenshaw	Heller	Mica
Davis (KY)	Hensarling	Miller (FL)
Denham	Herger	Miller (MI)
Dent	Herrera Beutler	Miller, Gary

Mulvaney	Roy
Murphy (PA)	Roe (TN)
Myrick	Rogers (AL)
Neugebauer	Rogers (KY)
Noem	Rogers (MI)
Nugent	Rohrabacher
Nunes	Rokita
Nunnelee	Rooney
Olson	Ros-Lehtinen
Palazzo	Roskam
Paul	Ross (FL)
Paulsen	Royce
Pearce	Runyan
Pence	Ryan (WI)
Petri	Scalise
Pitts	Schilling
Platts	Schmidt
Poe (TX)	Schock
Pompeo	Schweikert
Posey	Scott (SC)
Price (GA)	Scott, Austin
Quayle	Sensenbrenner
Reed	Sessions
Rehberg	Shimkus
Reichert	Shuler
Renacci	Shuster
Ribble	Simpson
Rigell	Smith (NE)
Rivera	Smith (NJ)

NAYS—179

Ackerman	Garamendi	Owens
Andrews	Gonzalez	Pallone
Baca	Green, Al	Pascarell
Baldwin	Green, Gene	Pastor (AZ)
Barrow	Grijalva	Payne
Bass (CA)	Gutierrez	Pelosi
Becerra	Hanabusa	Perlmutter
Berman	Harman	Peters
Bishop (GA)	Hastings (FL)	Peterson
Bishop (NY)	Heinrich	Pingree (ME)
Blumenauer	Higgins	Polis
Boren	Himes	Price (NC)
Boswell	Hinchee	Quigley
Brady (PA)	Hinojosa	Rahall
Braley (IA)	Hirono	Rangel
Brown (FL)	Holden	Reyes
Butterfield	Holt	Richardson
Capps	Honda	Richmond
Capuano	Inslee	Ross (AR)
Cardoza	Israel	Rothman (NJ)
Carney	Jackson (IL)	Roybal-Allard
Carson (IN)	Jackson Lee	Ruppersberger
Castor (FL)	(TX)	Ryan (OH)
Chandler	Johnson (GA)	Sánchez, Linda
Chu	Johnson, E. B.	T.
Cicilline	Kaptur	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Cleaver	Kind	Schiff
Clyburn	Kissell	Schrader
Cohen	Kucinich	Schwartz
Connolly (VA)	Langevin	Scott (VA)
Conyers	Larsen (WA)	Serrano
Cooper	Larson (CT)	Sewell
Costa	Lee (CA)	Sherman
Costello	Levin	Sires
Courtney	Lipinski	Slaughter
Critz	Loeb sack	Smith (WA)
Crowley	Lofgren, Zoe	Speier
Cuellar	Lujan	Stark
Cummings	Lynch	Sutton
Davis (CA)	Maloney	Thompson (CA)
Davis (IL)	Markey	Thompson (MS)
DeFazio	Matheson	Tonko
DeGette	Matsui	Towns
DeLauro	McCarthy (NY)	Tsongas
Deutch	McCollum	Van Hollen
Dicks	McDermott	Velázquez
Dingell	McGovern	Visclosky
Doggett	McIntyre	Walz (MN)
Donnelly (IN)	McNerney	Wasserman
Doyle	Meeks	Schultz
Edwards	Michaud	Waters
Ellison	Miller (NC)	Waxman
Engel	Miller, George	Weiner
Eshoo	Moore	Welch
Farr	Moran	Wilson (FL)
Fattah	Murphy (CT)	Woolsey
Finer	Napolitano	Wu
Frank (MA)	Neal	Yarmuth
Fudge	Oliver	

NOT VOTING—14

Berkley	Hoyer	Scott, David
Carnahan	Lewis (GA)	Tierney
Clay	Lowey	Watt
Culberson	Nadler	Young (FL)
Giffords	Rush	

□ 1355

Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. RUPPERSBERGER, and Mr. ACKERMAN changed their vote from “yea” to “nay.”

Messrs. PEARCE and YOUNG of Alaska changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BOEHNER was allowed to speak out of order.)

THE HOUSE WORKS BEST WHEN THE HOUSE IS

ALLOWED TO WORK ITS WILL

Mr. BOEHNER. My colleagues, I think a lot of you know that I have always believed that the House works best when the House is allowed to work its will.

I think all of you know that we are embarking on a more open process in this Congress, and it will start today with the consideration of this continuing resolution.

I take to the well to suggest to the Members that we want all Members to be able to participate in the debate here in the House. We also want to keep our commitment to the Members to meet the schedule that we have outlined for everyone. That means, as we go through the next couple of days, I am going to ask Members on both sides of the aisle to try to bring your amendments together, to try to respect the amount of time that is being taken so that all Members have an opportunity to be heard and to participate in the debate.

We have never had an open process for a continuing resolution in our history; so we are into some uncharted waters. I am ready to expect whatever. But I do believe that this process is important for all the Members, and I want this week for all of us to get started down this road working together so that, as we get into the weeks and months ahead, we can show the American people that the House can work together, the House can work its will. And, at the end of the day, I think the American people will be better served by our service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 174, answered “present” 2, not voting 15, as follows:

[Roll No. 39]
YEAS—242

Adams	Gowdy	Olson
Aderholt	Granger	Owens
Alexander	Graves (GA)	Palazzo
Altmire	Graves (MO)	Paul
Amash	Griffin (AR)	Paulsen
Austria	Griffith (VA)	Pearce
Bachus	Grimm	Pence
Barletta	Guin	Perlmutter
Bartlett	Guthrie	Petri
Barton (TX)	Hall	Pitts
Bass (NH)	Hanna	Platts
Benishek	Harper	Poe (TX)
Berg	Harris	Pompeo
Biggert	Hartzler	Posey
Bilbray	Hastings (WA)	Price (GA)
Bilirakis	Hayworth	Quayle
Bishop (UT)	Heck	Reed
Black	Heller	Rehberg
Blackburn	Hensarling	Reichert
Bonner	Herger	Renacci
Bono Mack	Herrera Beutler	Ribble
Boren	Huelskamp	Rigell
Boustany	Huizenga (MI)	Rivera
Brady (TX)	Hultgren	Roby
Brooks	Hunter	Roe (TN)
Broun (GA)	Hurt	Rogers (AL)
Buchanan	Issa	Rogers (KY)
Buchson	Jenkins	Rogers (MI)
Buerkle	Johnson (IL)	Rohrabacher
Burgess	Johnson (OH)	Rokita
Burton (IN)	Johnson, Sam	Rooney
Calvert	Jones	Ros-Lehtinen
Camp	Jordan	Roskam
Campbell	Kelly	Ross (AR)
Canseco	King (NY)	Ross (FL)
Cantor	Kingston	Royce
Capito	Kinzinger (IL)	Runyan
Carter	Kissell	Ryan (WI)
Cassidy	Kline	Scalise
Chabot	Labrador	Schilling
Chaffetz	Lamborn	Schmidt
Coble	Lance	Schock
Coffman (CO)	Lankford	Schweikert
Cole	Latham	Scott (SC)
Conaway	LaTourette	Scott, Austin
Cravaack	Latta	Sensenbrenner
Crawford	Lewis (CA)	Sessions
Crenshaw	LoBiondo	Shimkus
Davis (KY)	Long	Shuster
Denham	Lucas	Simpson
Dent	Luetkemeyer	Smith (NE)
DesJarlais	Lummis	Smith (NJ)
Diaz-Balart	Lungren, Daniel	Smith (TX)
Dold	E.	Southerland
Dreier	Mack	Stearns
Duffy	Manzullo	Stivers
Duncan (SC)	Marchant	Stutzman
Duncan (TN)	Marino	Sullivan
Ellmers	Matheson	Terry
Emerson	McCarthy (CA)	Thompson (PA)
Farenthold	McCaul	Thornberry
Fincher	McClintock	Tiberi
Fitzpatrick	McCotter	Tipton
Flake	McHenry	Turner
Fleischmann	McKeon	Upton
Fleming	McKinley	Walberg
Flores	McMorris	Walden
Forbes	Rodgers	Walsh (IL)
Fortenberry	Meehan	Webster
Fox	Mica	West
Franks (AZ)	Michaud	Westmoreland
Frelinghuysen	Miller (FL)	Whitfield
Gallely	Miller (MI)	Wilson (SC)
Gardner	Miller, Gary	Wittman
Garrett	Mulvaney	Wolf
Gerlach	Murphy (PA)	Womack
Gibbs	Myrick	Woodall
Gibson	Neugebauer	Yoder
Gingrey (GA)	Noem	Young (AK)
Gohmert	Nugent	Young (IN)
Goodlatte	Nunes	
Gosar	Nunnelee	

NAYS—174

Ackerman	Baldwin	Becerra
Andrews	Barrow	Berman
Baca	Bass (CA)	Bishop (GA)

Bishop (NY)	Gutierrez	Payne
Blumenauer	Hanabusa	Pelosi
Boswell	Harman	Peters
Brady (PA)	Hastings (FL)	Peterson
Braley (IA)	Heinrich	Pingree (ME)
Brown (FL)	Higgins	Polis
Butterfield	Himes	Price (NC)
Capps	Hinchey	Quigley
Capuano	Hinojosa	Rahall
Cardoza	Hirono	Rangel
Carney	Holden	Reyes
Carson (IN)	Holt	Richardson
Castor (FL)	Honda	Richmond
Chandler	Inslee	Rothman (NJ)
Chu	Israel	Roybal-Allard
Cicilline	Jackson (IL)	Ruppersberger
Clarke (MI)	Jackson Lee	Ryan (OH)
Clarke (NY)	(TX)	Sanchez, Linda
Cleaver	Johnson (GA)	T.
Clyburn	Johnson, E. B.	Sanchez, Loretta
Cohen	Kaptur	Sarbanes
Connolly (VA)	Keating	Schakowsky
Conyers	Kildee	Schiff
Cooper	Kind	Schrader
Costa	Kucinich	Schwartz
Costello	Langevin	Scott (VA)
Courtney	Larsen (WA)	Scott, David
Critz	Larson (CT)	Serrano
Crowley	Lee (CA)	Sewell
Cuellar	Levin	Sherman
Cummings	Lipinski	Shuler
Davis (CA)	Loeb sack	Sires
Davis (IL)	Lofgren, Zoe	Slaughter
DeFazio	Lowe	Smith (WA)
DeGette	Lujan	Speier
DeLauro	Lynch	Stark
Deutch	Maloney	Sutton
Dicks	Markey	Thompson (CA)
Dingell	Matsui	Thompson (MS)
Doggett	McCarthy (NY)	Tonko
Donnelly (IN)	McCollum	Towns
Doyle	McDermott	Tsongas
Edwards	McGovern	Van Hollen
Ellison	McIntyre	Velázquez
Engel	McNerney	Visclosky
Eshoo	Meeks	Walz (MN)
Farr	Miller (NC)	Wasserman
Fattah	Miller, George	Schultz
Finer	Moore	Waters
Frank (MA)	Moran	Waxman
Fudge	Murphy (CT)	Weiner
Garamendi	Neal	Welch
Gonzalez	Olver	Wilson (FL)
Green, Al	Pallone	Woolsey
Green, Gene	Pascrell	Wu
Grijalva	Pastor (AZ)	Yarmuth

ANSWERED “PRESENT”—2

Bachmann King (IA)

NOT VOTING—15

Akin	Giffords	Napolitano
Berkley	Hoyer	Rush
Carnahan	Landry	Tierney
Clay	Lewis (GA)	Watt
Culberson	Nadler	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1406

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LANDRY. Mr. Speaker, earlier today I was unavoidably detained during rollcall vote No. 39, the vote on H. Res. 92, providing for consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee

on Rules. Had I been present for this vote, I would have voted “aye.”

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The unfinished business is the question on adoption of the concurrent resolution (H. Con. Res. 17) providing for an adjournment or recess of the two Houses, which the Chair will put de novo.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WOODALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 176, not voting 14, as follows:

[Roll No. 40]

AYES—243

Adams	Dent	Herger
Aderholt	DesJarlais	Herrera Beutler
Akin	Diaz-Balart	Huelskamp
Alexander	Dold	Huizenga (MI)
Altmire	Dreier	Hultgren
Amash	Duffy	Hunter
Austria	Duncan (SC)	Hurt
Bachus	Duncan (TN)	Issa
Barletta	Ellmers	Jenkins
Bartlett	Emerson	Johnson (IL)
Barton (TX)	Farenthold	Johnson (OH)
Bass (NH)	Fattah	Johnson, Sam
Benishek	Fincher	Jones
Berg	Fitzpatrick	Jordan
Biggert	Flake	Kelly
Bilbray	Fleischmann	King (IA)
Bilirakis	Fleming	King (NY)
Bishop (UT)	Flores	Kingston
Black	Forbes	Kinzinger (IL)
Blackburn	Fortenberry	Kline
Blumenauer	Fox	Labrador
Bonner	Franks (AZ)	Lamborn
Bono Mack	Frelinghuysen	Lance
Boustany	Gallely	Landry
Brady (TX)	Gardner	Lankford
Brooks	Garrett	Latham
Broun (GA)	Gerlach	LaTourette
Buchanan	Gibbs	Latta
Buchson	Gibson	LoBiondo
Buerkle	Gingrey (GA)	Long
Burgess	Gohmert	Lucas
Burton (IN)	Goodlatte	Luetkemeyer
Calvert	Gosar	Lummis
Camp	Gowdy	Lungren, Daniel
Campbell	Granger	E.
Canseco	Graves (GA)	Mack
Cantor	Graves (MO)	Manzullo
Capito	Griffin (AR)	Marchant
Carter	Griffith (VA)	Marino
Cassidy	Grimm	Matheson
Chabot	Guin	McCarthy (CA)
Chaffetz	Guthrie	McCaul
Coble	Hall	McClintock
Coffman (CO)	Hanna	McCotter
Cole	Harper	McHenry
Conaway	Harris	McKeon
Cravaack	Hartzler	McKinley
Crawford	Hastings (WA)	McMorris
Crenshaw	Hayworth	Rodgers
Critz	Heck	Meehan
Culberson	Heinrich	Mica
Davis (KY)	Heller	Miller (FL)
Denham	Hensarling	Miller (MI)

Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascarell
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell

Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scallise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)

Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Lewis (GA)
Nadler
Rehberg

Ros-Lehtinen
Sewell
Tierney

Watt
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1413

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 1 and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1.

□ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1) making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. LUCAS in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

The continuing resolution on the floor today represents the largest reduction in non-security discretionary spending in the history of the Nation. It funds the Federal Government for the remainder of the 2011 fiscal year, but, most importantly, Mr. Chairman, it answers taxpayers' callings to right our Nation's fiscal ship, making specific, substantive and comprehensive spending reductions, cutting more than \$100 billion, compared with the President's fiscal 2011 budget request.

This CR reverses a trend of out-of-control Democrat spending over the last 2 years that has increased overall discretionary funding, including stimulus, by 84 percent in 2 years. Never before has Congress undertaken a task of this magnitude, but never before have we been faced with a deficit crisis of this scale. The government is borrowing over 40 cents of every dollar that it spends.

Our constituents sent us a clear, decisive message in the last election. They want government to spend less, stop undue interference in American lives and businesses, and take action to create jobs and get our economy moving again. Through the Republican Pledge to America, we made the commitment to do just that, and today we offer the first step in fulfilling these promises by presenting a spending package to the American people that makes deep but manageable cuts in nearly every area of the government.

This bill is about shared commitments and shared sacrifice. Make no mistake: These cuts will not be easy, and they will affect every congressional district. But they are necessary and long overdue. Although we recognize that every dollar we cut has a constituency of support, an association, an industry, individual citizens who will disagree with our decision, these cuts are the necessary difficult work by our subcommittees to make the smartest and fairest reductions possible.

No stones were left unturned, no programs were held sacred. The Appropriations Committee went line by line to craft a responsible, judicious CR, one that will allow our economy to thrive, our businesses to create jobs and our national security to be strengthened. Our subcommittees scoured the budget for wasteful activities and cleaned out excessive and unnecessary spending, while prioritizing the most essential and effective programs, including \$460 million for accelerating the process through which veterans resolve their health care claims and an additional \$13 million for increased oversight of the Troubled Asset Relief Program, TARP.

The CR includes absolutely no earmark funding and eliminates all previous earmark funding from fiscal year 2010, saving taxpayers approximately \$8.5 billion. Furthermore, it includes a provision to eliminate any unobligated stimulus funding approved in the American Recovery and Reinvestment Act, another \$5 billion of taxpayer dollars saved.

As we help put our Nation's budget back into balance, we are finding real savings that are justifiable to the American people and that will stop the dangerous spiral of unsustainable and irresponsible deficits.

In addition, this CR is only the first of many appropriations bills this year that will significantly trim Federal

NOES—176

Ackerman
Andrews
Baca
Bachmann
Baldwin
Barrow
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Oliver
Owens

Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tonko
Townsend
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Berkley
Carnahan

Clay
Giffords

Honda
Hoyer

spending. It is hard-and-fast proof that we are serious about returning our Nation to a sustainable financial and fiscal path.

□ 1420

However, so that we can continue the important work of reducing spending in our regular budgetary work for this year, the House, Senate, and White House must come together to complete this process before March 4, when our current funding measure expires. It is critically important that the House move this CR to avoid a government shutdown and get these spending cuts passed by the House, over to the Senate, and let them act their will to avoid a shutdown, and then get the bill to the President. The American people expect no less.

I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, it is clear that a debt crisis is looming. There is no denying that we need a comprehensive plan to reduce the debt over the long term. What the majority offers instead in this bill is a one-dimensional focus on the smallest segment of spending in the Federal budget. We believe that at this time we should be putting everything on the table: discretionary spending, entitlements, and taxes. Without a more comprehensive approach to this debt crisis, we cannot effectively change the trajectory and begin to bring our public debt downward. Without a more comprehensive budgetary approach, what we would be offering to the American people would be what Alan Simpson has called "a sparrow's belch in the midst of a typhoon."

As we address the debt crisis, it is fundamental that we should first do no harm to the fragile economic recovery. Here I am just echoing what many others have said. As the bipartisan Fiscal Commission put it, "In order to avoid shocking the fragile economy, the Commission recommends waiting until 2012 to begin enacting programmatic spending cuts, and waiting until fiscal year 2013 before making large nominal cuts."

Fed Chairman Ben Bernanke in his testimony last week to the House Budget Committee said, "To the extent you can change programs that will have long-term effects on spending and revenues, that will be a more effective and credible program than one that focuses only on the current fiscal year. The right way to do this doesn't put too much pressure on the ongoing recovery."

As the Democratic leader just said, there is a recent analysis done by the Economic Policy Institute that says a full \$100 billion cut to discretionary spending would likely result in job losses on the order of 994,000, using OMB's GDP projections and CBO projections based on current law, and as-

suming a fiscal multiplier of 1.5 percent.

So this is a very serious matter. We Democrats support dealing with waste, fraud, and abuse. We want to see a program. I personally support President Obama's 5-year freeze on domestic spending, with puts and takes, because it doesn't cut as much in the first year. This is all about timing. And I recognize that my colleagues over on this side of the aisle believe and think that what they're doing is going to have a positive economic effect and that this will somehow create economic activity and lower the deficit, lower unemployment. I hope and pray they're right, because if what I think and most economists—reputable economists—think is true, this will have a negative effect and hurt the economy and hurt the people that are out there who are unemployed.

So I think we need to think about this very, very carefully. And cuts of this magnitude, as the chairman said, have never been done before. We are in uncharted waters. We all recognize that we have to have a plan for the deficit. But the plan has to include entitlements, has to include taxes. Discretionary spending is one-third of the budget. You could cut and cut and cut, and you're still not going to solve the problem.

So, hopefully, we can do what we did in the 1980s with Tip O'Neill and Bob Dole, and that is have a bipartisan approach, like they're doing in the Senate today, where Democrats and Republicans get together and work on all of these issues and come up with a credible plan. That is the way to do this.

And I see my good friend, Mr. YOUNG from Florida. I just want to say that I have enjoyed working with him for over 30 years, and I strongly support the defense part of this bill. The defense part of this bill has been worked out on a bipartisan basis by the Defense Subcommittee. It does make reductions in spending but it does it in a very careful and professional way. And I want to commend the gentleman from Florida for his leadership over the years on national security issues.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the chairman of the Republican Conference in the House, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, if we want to have jobs today, if we want to protect our children from bankruptcy tomorrow, we've got to quit spending money we don't have. There is a debt crisis in America, and it is spending driven, being led by the President and other friends from the other side of the aisle. It is a true crisis. The Chairman of the Joint Chiefs of Staff, Admiral Mike

Mullen, has said the biggest threat we have to our national security is our debt. One of these reputable economists that the previous gentleman spoke about, Robert Samuelson, has said this spending could trigger an economic and political death spiral. Democrat Erskine Bowles, who headed up the President's Fiscal Responsibility Commission, said the "debt is like a cancer. It's truly going to destroy the country from within." And what do we have, Mr. Chairman? We have the President presenting a new budget that will again double the national debt in 5 years, triple it in 10, add \$13 trillion worth of red ink to the Nation's debt. This is after expanding garden-variety government 84 percent in 2 years, non-defense discretionary. Mr. Chairman, you can't spend money you don't have. Massive debts lead to massive tax increases. Massive tax increases lead to no jobs.

The Chairman of the Federal Reserve has said one of the best ways that we can improve jobs today is to put our Nation on a sustainable fiscal course. And I heard the gentleman say that entitlement spending should be on the table. Clearly, the President hasn't gotten the message. It's not what we saw in his budget. We haven't seen it in any other Democrat budget. So it would be wonderful if we saw it. But we don't see it.

I talk to business people in my own district, Mr. Chairman, like Diane Ford of Kaufman, Texas, a small business lady. When she stares in the face of this debt and she sees the tax increase, she writes, "Congressman, I couldn't hire any more employees. I couldn't expand my business. I would definitely have to close up shop. As a small business owner, I'm afraid of my future." Small business people all around the Nation know that massive debt leads to massive tax increases. It leads to no jobs. If we want to create jobs, we have to take care of this debt.

And think about future generations, Mr. Chairman. I heard from one of my other constituents who said, "I've never felt so embarrassed and ashamed about anything I've done in my life as I do about leaving this mess in the laps of Tyler and Caitlin, my precious grandkids." He's talking about the national debt.

To protect future generations, to create jobs today, we've got to quit spending money we don't have. And I want to congratulate the chairman of the Appropriations Committee for his excellent work in turning the corner.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN), the ranking member of the Interior and Environment Appropriations Subcommittee.

Mr. MORAN. Mr. Chairman, I have been on the Appropriations Committee for 17 years. Eleven of them were under Republican control, eight under a Republican President. And I'm proud of

the investments that we've made in this country during those 17 years. We were stronger, more secure, a more productive economy as a result of those investments.

□ 1430

We've improved the lives of Americans. We've cleaned up our water. We've invested in transportation, our national defense, our education system. That's why we have the strongest economy and why, in fact, we continue to be the very best place on the planet to live, to work, and to provide a better future for our children.

What we are doing in this continuing resolution is targeting those programs that are called "domestic discretionary." They represent about 4½ percent of the entire budget, and they have stayed pretty well even. During the Reagan administration, during the Clinton administration, during the Bush administration, which was when we had the lowest job growth ever, they were at about 7½ percent.

The fact is we are not going to balance our budget by targeting that small amount of the budget. The reality is that, when President Reagan left office, tax receipts were about 18.2 percent. They went up a bit during the Clinton administration when we had the greatest expansion ever and when, in fact, people at the highest rate of income tax pocketed more money after taxes than at any time in American history. Right now, they are at 14.9 percent of GDP.

I would suggest, Mr. Chairman, that the problem is not one of not investing enough in our country, but one of the revenue being brought in and its being grossly inadequate. In a historical context, we can prove that to be the case. When revenue goes down that low, our economy shrinks; and it becomes a self-defeating cycle.

Now, in the Interior and the Environment appropriations bill, some of the things we do is take out the program that uses offshore oil revenues for the Land and Water Conservation Fund, which protects our Nation's precious lands. We are going to dramatically cut construction and maintenance at our national parks, refuges and forests. We are going to take the money away from the Governors and mayors throughout the country for the plumbing that goes underneath our land, what's called the Clean Water and Safe Drinking Water Revolving Fund. That's money they desperately need to ensure the public's health. We take it for granted. We won't take it for granted anymore if we stop those grants.

This bill will not create a single new job. In fact, we estimate it will cut about 800,000 jobs, both public and private. That's not worthy of this Congress on either side of the aisle to be cutting jobs. What we need to be doing is investing in jobs, investing in edu-

cation, and making sure that children who have been born in particularly difficult social and economic conditions have access to Head Start.

Don't cut \$1 billion out of Head Start. Don't cut kindergarten through 12 education, which is the seed corn of our future. Those aren't investments. Those are arbitrary cuts. That's not what we have been about, and that's not how we enable this country to be as strong and as great as it is.

I would suggest, Mr. Chairman, that when we do our budget analysis that it be done with a scalpel, like a surgeon would approach it, not with a meat ax. We should respect all of the good work that the appropriations committees have done over the years in making this a better country as a result.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 4 minutes to the immediate past chairman of the committee, the now chairman emeritus of the committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I very much appreciate my colleague, the chairman, for yielding.

Mr. Chairman, some of my colleagues say they are shocked at the spending reductions we have proposed here. No one should be surprised. For the past several years, Congress and the administration have been spending like there is no tomorrow.

Since FY '08, we have increased non-security discretionary spending by almost 25 percent. In some areas, it has jumped by nearly a third in 2 years. Those were historic spending increases, and they don't even include the \$800 billion that was in the massive failed stimulus package. That was such a huge amount of money that some agencies still have not been able to spend it 2 years later.

Well, my colleagues, tomorrow is here. The bill is coming due; and if we do not find a way to stop spending, we are headed towards fiscal disaster.

This absolutely should surprise no one. Republicans on the Appropriations Committee have been warning for 2 years that we cannot continue spending this way. We tried to stop it, to at least slow it down; but for the past 2 years we have not even been able to get an amendment to change the direction of our spendthrift ways.

So now we are faced with record deficits. The President's budget predicts an all-time high of \$1.65 trillion in red ink next year. We have been warned that the Federal debt limit of \$14 trillion must be increased. Within a decade, our Federal debt could equal more than 70 percent of our GDP.

Without question, this kind of spending is going to run our Federal budget off a cliff, and it will do more harm to our economy than we've seen from the current terrible recession. At least a third of our national debt is owned by foreign nations and investors. What

will they do if we cannot begin to pay it down?

Last year, we paid nearly \$415 billion in interest on our national debt. That is more than we spent on any discretionary government program other than defense. That is hundreds of billions of dollars not being spent to create jobs, not being spent to fix our roads, not being spent to secure our Nation; and it will continue to grow at an ever faster rate as long as we keep running up these huge deficits.

The American people told us last November that it is time to stop. They were alarmed enough to raise questions all over the country. They, indeed, at the polls indicated that we needed to find a new direction. They want fiscal sanity. They want us to stop spending now before it is too late. The spending reductions in this package are extremely painful. The cuts will affect programs supported by every Member of this House. When Americans begin to understand what is being reduced, we will all be receiving calls from people who are asking us to change our minds.

We must resist these calls for more spending. We cannot become Europe, where citizens believe that government can do everything. We cannot let the United States become another Greece or another Ireland or another Portugal—faced with fiscal collapse.

We have to make the decision now. These cuts will seem harsh, but we cannot avoid them. We cannot settle for half measures in the hopes that in 5 or 10 years we will stop adding to this terrible Federal debt. This is just the down payment. We need to begin entitlement reform to really solve our fiscal problems, but we must start now and we must start here.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut, Congresswoman ROSA DELAURO, who is the new ranking member on the Health and Human Services Appropriations Subcommittee and who was the former chairman and ranking member on Agriculture.

Ms. DELAURO. I rise in opposition to this continuing resolution.

Mr. Chairman, Americans want us to work together to address their top priority—creating jobs, fostering economic recovery. Unfortunately, the majority's priorities are deeply out of touch with those of the country.

Democrats are committed to reducing the deficit. We believe, as taxpayers do, that we should start by ending tax subsidies and special interest waste. We should be slashing oil companies' subsidies first. We must make programs accountable and end the ones that do not work. We can no longer afford to continue the tax breaks for the top 2 percent of the country. Republicans are in a reckless rush to slash without regard to the impact on our economy, on the businesses which create jobs or on middle class or working

families who are being responsible, doing the best for their families and educating for the future.

□ 1440

They are hitting ordinary, hard-working families with children, our young people trying to get an education, and the elderly. That is their starting point.

Under their budget every student in America receiving a Pell Grant, close to 9 million people, will see their aid slashed by almost \$850 a year; 1.3 million students will lose their supplemental education opportunity grants and, thus, the ability to pay for college. Their plan cuts more than 200,000 kids out of Head Start, kids who will forever lose the opportunity for an early childhood education. They cut aid to school districts and special education. They will cut 55,000 Head Start teachers and close down 16,000 Head Start classrooms.

As with education, so too with jobs. In the midst of a recession and a tough labor market, training and employment services, proven-to-work programs are cut now by \$5 billion. That means 8.4 million job seekers, flesh and blood human beings, could lose access to this aid completely.

In these tough economic times, it's our low-income seniors who are the most vulnerable. This budget eliminates at least 10 million new meals delivered to the homebound elderly, cuts fuel assistance for them as well. It will force seniors to either go hungry or move into nursing homes and others to have to choose whether to eat or to stay warm.

The challenge is not whether we address the deficit and spending or not. The question is where do we start to cut. Do we start with slashing ineffective programs and special interest waste, like \$40 billion in oil company subsidies? Or do we start cutting those that help the middle class, our businesses, and working families with children, and seniors?

Our job is to get this budget back to common sense, to create jobs, to get this economy running again for the people of this Nation. This continuing resolution offered by the Republicans will do neither.

Mr. ROGERS of Kentucky. I yield 3 minutes to the chairman of the Labor-HHS Subcommittee on Appropriations, the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Mr. ROGERS.

Members of this body, I have an obligation as chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education to tell you the simple truth. We're bleeding cash, piling up liabilities, and trying to postpone the day of reckoning; and as a result, America is in a financial free-fall.

In 4 quick years, Congress made what was a spending problem into a spending crisis. We on this side of the aisle wanted to create jobs; you wasted time on a health care reform bill that did not reform health care. While we wanted to build an economy, you wasted time building government. Unfortunately, many in Washington, D.C., especially on Capitol Hill, are in denial.

My colleagues, it's time to stop pretending that the well of wealth in this country is bottomless. We must address spending now, or it will be worse next year.

Two years ago, the Congress passed a stimulus bill totaling nearly \$1 trillion. Unfortunately, now we know it did not stimulate. And we know a lot of money went for programs, not necessarily bad programs, but programs that couldn't stimulate the economy. But the biggest travesty of Washington's stimulus spending spree is not that it was a waste of money; it's that the money has been stolen in plain sight from our children and grandchildren. That is what taxation without representation looks like in the 21st century, and it means our Nation's fiscal mess is not just a math problem. It's a moral problem, and we owe it to our children to have much better leadership.

That's why I stand before you with a savings of \$23 billion in the three Departments I have responsibility for. No program is immune from waste. So there are no more sacred cows. No law, regulation, or program is perfect or timeless. If something is not working, we will fix it or eliminate it. In my subcommittee, we want to help people, to help train people, to help educate people; but we've learned repeatedly that simply throwing more and more money at well-intentioned programs does not necessarily work.

Those who want to spend money have the burden of proof; and with the debt crisis we face, that burden is a heavy one. Those seeking funding have to prove that the programs are working. Show us the results. Show us that the benefits outweigh the costs. Show us that government can do a better job with this money than the private sector.

This continuing resolution is a change in direction, away from looking to bigger government solutions to empowering individuals and small businesses to create jobs and grow this economy. Anyone who relies on Federal funding has a patriotic duty to look for ways to get by on less for the sake of our country's future today and tomorrow.

Mr. DICKS. I yield 3 minutes to the distinguished former chairman and now ranking member of the THUD Appropriations Subcommittee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding time.

Mr. Chairman, this continuing resolution clearly endangers the fragile recovery of America's economy. While I have the greatest respect for Chairman LATHAM, he has been saddled with an irrational task of cutting \$15.5 billion, a 23 percent cut, from the "Transportation and Housing" title of the resolution. I cannot fathom how the new majority, which proclaims to be all about jobs, could as their first piece of business impose deep cuts upon the very programs that have the greatest potential for creating jobs and that provide the necessary foundation for a strong economic recovery.

Specifically, the continuing resolution cuts funding for the Community Development Block Grants program by more than 60 percent to by far the lowest level since the program was created in 1975 under a Republican President, President Gerald Ford. As a result, over 1,200 cities and towns across all 50 States will be forced to shelve local economic development projects in every one of our districts, and the associated 45,000 jobs will be lost.

In addition, the bill proposes to cut over \$7 billion in transportation and infrastructure investments. This includes reductions that force Amtrak to lay off roughly 1,500 employees and will halt work on 76 TIGER grants already announced in 40 States and cancel the associated 25,000 construction jobs.

Finally, as we consider the ongoing housing needs of our most vulnerable citizens, this bill reduces by \$760 million, a 75 percent cut, programs serving elderly and disabled persons, handcuffing our ability to keep up with the support required to meet the needs of our expanding and aging senior population.

In addition, the \$75 million cut to our Veterans Affairs Supportive Housing, VASH, program is frankly appalling. Just last week, HUD released a report indicating that more than 76,000 veterans are homeless on any given night and that vets are 50 percent more likely to be homeless. Yet the majority's bill turns its back on our homeless vets, leaving them literally out in the cold.

Mr. Chairman, while I'm glad this bill does not meet the Republican majority's pledge to cut \$100 billion in non-security spending, it will still have a dramatic negative impact on American families, while making no more than a ripple in the ocean of additional national debt caused by the massive tax cuts adopted during the Bush administration, at the very time that America has engaged in two trillion-dollar wars in the Islamic world.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the chairman of the Transportation and HUD Subcommittee on Appropriations, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Kentucky.

Mr. Chairman, I would just maybe respond a little bit to what the gentleman from Massachusetts just said. The fact of the matter is there will not be a veteran, a homeless vet, that will not get a voucher. The fact of the matter is there are 30,000 vouchers available today. Only 19,000 of those have been used. There are 11,000 vouchers waiting; and the problem basically is with the Department, with HUD and VA, as far as trying to write the rules to actually get these people the vouchers they need.

So any kind of characterization that we're putting vets out in the cold is absolutely untrue. You have your opinion, but the facts speak for themselves.

□ 1450

Now also we are not reducing any such section 8 vouchers. They will remain. No one is going to be put out anywhere. We maintain those programs for those folks, and to characterize it in any way differently simply is not factual.

Mr. DICKS. I yield myself 1 minute.

I would say to the gentleman, here is the problem: There are, I think, about 29,000 of these vouchers out there now. And you are correct; some of them haven't been able to find a place to live yet. Secretary Shinseki, who I talked to personally about this, and Secretary Donovan have said there are 60,000 of these veterans who need this voucher. So there are 30,000 more that we need to do. I was shocked when I saw on the list of terminations that your side decided to terminate this program. I hoped you would reconsider that.

Mr. LATHAM. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Iowa.

Mr. LATHAM. There are 11,000 vouchers sitting there unused today. There are 19,000 that have been issued. The gentleman knows that we are not cutting those. There are 11,000 still available under this bill. And we are going to review this as we go through for the next fiscal year, 2012.

Mr. DICKS. That is what I was going to ask the gentleman. I would like to work with him on this. So if that's the gentleman's intent, then we will work together and try to get the job done.

Mr. LATHAM. I appreciate that. I thank the gentleman.

Mr. DICKS. I now yield 3 minutes to the gentleman from New York (Mr. SERRANO), the former chairman and now the ranking member of the Financial Services Committee.

Mr. SERRANO. The continuing resolution that we are voting on today is irresponsible and extreme. We all recognize that we should take reasonable steps to address our deficit. However, what we are voting on today makes cuts that will harm our students, our public safety, our health, and our environment.

When I served as chair of the Financial Services Subcommittee, I worked hard to make sure that we protected the consumer, the investor, and the taxpayer. The agencies funded by this subcommittee ensure that Americans can have confidence in the products that they use and the security of their investments. The CR that we are considering today, with its cuts to the IRS and the Securities and Exchange Commission, fails to provide sufficient resources to meet these challenges.

IRS funding will be cut by \$600 million, and this will have an immediate impact on taxpayer services as we approach the busy tax season. The IRS will be forced to cut as many as 4,100 employees, mainly enforcement agents, and this will harm the ability of the IRS to find tax cheaters. It is important to remember that if we reduce the government's ability to collect taxes, this will actually increase our deficit, since enforcement resources have a \$7-to-\$1 return on investment.

The Securities and Exchange Commission will see a \$41 million reduction from last year, which will prevent it from hiring the staff it needs to carry out the critical new Dodd-Frank financial oversight functions that it has been given. This will mean that hedge funds, credit rating agencies, and broker-dealers will continue to operate without regulation, adding to an increased risk of another fiscal meltdown.

As chair of this subcommittee, I also worked hard to make sure that capital and other assistance went to small businesses and low-income communities. A key part of this was making sure that the Community Development Financial Institutions Fund had the resources it needed to support financial institutions making investments in disadvantaged communities. Under the continuing resolution which we are voting on today, the CDFI Fund will get slashed from \$246 million last year to just \$50 million this year. This will mean that more than 19,000 jobs will non-materialize, more than 14,000 affordable housing units will not be built, and more than 3,100 small businesses will not be assisted.

I am particularly distressed that the majority party decided to meddle once again in the District of Columbia's local affairs. We should all be able to agree that D.C. should be left alone to decide how to spend its own locally derived funds. One local program that the majority has decided to ban is the syringe exchange program. The science on this is clear: Giving addicts clean needles does nothing to drive up drug use, but it does do wonders to prevent the spread of HIV/AIDS. Even if you do not believe the science, you should not meddle in the District of Columbia.

Another impact of the funding resolution we are voting on today will be a weakening of the equitable and efficient administration of justice

in the Federal courts. The \$476 million cut to the Judiciary will force the federal courts to lay off more than 2,400 support staff and stop payments to the attorneys who represent indigent criminal defendants.

There are numerous other cuts across the range of Agencies that are included in the Financial Service and General Government section—some that would severely impact jobs and others that would negatively affect our election practices. For example, the General Services Administration (GSA) Federal Building Fund will see a cut of \$1.7 billion from FY2010, which will result in the elimination of nearly 16,000 private sector construction jobs and as many as 40,000 janitorial and maintenance jobs. The Election Assistance Commission will see a huge budget drop from \$93 million last year to \$10 million this year, effectively ending its work to help states improve their election practices and equipment.

So let me conclude by saying that the deficit cutting approach that we are voting on today will not only result in significant harm to America's consumers, investors, taxpayers, workers, businesses in disadvantaged communities, and the security of our elections, but it will also impact education, housing, transportation, health, the environment and all facets of our economic recovery. I would urge my colleagues to vote no.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the chairman of the Homeland Security Subcommittee, the gentleman from Alabama (Mr. ALDERHOLT).

Mr. ADERHOLT. I thank the chairman for yielding.

Mr. Chair, as many have said here today, our government has a spending problem, and the American people are demanding that we find a solution. This CR that is before the House today is a step towards finding a solution to that problem.

The homeland security title of this CR strikes the right balance between funding priority programs that are essential to our Nation's security and at the same time keeping our discretionary spending in check. This CR provides a total of \$41.5 billion in discretionary funding for the Department of Homeland Security. This funding level is \$1 billion, or 2.4 percent, below FY 2010 and \$2.1 billion, or 4.8 percent, below the President's FY 2011 request.

In contrast to previous annual spending bills, this CR provides funding for the annual costs of disasters from within the existing budget. So rather than relying upon emergency supplementals, the CR responsibly addresses the \$1.6 billion shortfall in disaster relief costs that the President has failed to address in the 2011 budget request. Supporting the cost of security demands truth-in-budgeting, and we are delivering where the President and OMB have failed.

Having said that, the Department of Homeland Security is not immune from fiscal discipline. Underperforming programs have been significantly cut in this CR that we are debating today.

Let me add, by implementing these cuts, we are not choosing between homeland security and fiscal responsibility. Both are serious national security issues, and they must be dealt with immediately. And through a series of tough choices, this CR achieves both. That is precisely why this CR includes sufficient funding to sustain critical operations in the front-line agencies such as the CBP, Coast Guard, ICE, the TSA, and the Department's Intelligence Office.

Mr. Chair, homeland security is far too important to be subject to budget gimmicks and inadequate justifications. The homeland security title of this CR responsibly funds programs vital to our Nation's security, and it will help them get back on track from our Federal budget perspective.

Mr. DICKS. I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE), who has been the chairman and now the ranking member of the Homeland Security Subcommittee.

Mr. PRICE of North Carolina. Mr. Chair, if there ever were a case of overheated campaign rhetoric overtaking responsible governing, then we are seeing that case here today.

Far from continuing to fund the government through to the end of the fiscal year, this measure would dramatically slash the investments in our economic recovery and undermine our national security in the process. I don't know why we even call it a continuing resolution—I guess to avoid a markup in the Appropriations Committee. But it's a brand new appropriations bill, and a very destructive one at that. It's a job-killer of all kinds of jobs but most especially of national security jobs.

Let's talk about firefighters. We rely on our firefighters as our preeminent first responders. They arrive at the scene of all types of emergencies—attempted bombings, security incidents, medical, fire emergencies, all kinds of emergencies. But this bill eliminates the SAFER firefighter staffing program, guaranteeing that thousands of firefighters will lose their jobs this year, according to the Fire Chiefs Association. SAFER has enabled our local communities to avoid firefighter layoffs in tough economic times, to keep their fire departments at full strength. This Republican continuing resolution would just simply remove this protection.

□ 1500

Let's talk about law enforcement, funded in the Commerce-Justice appropriations bill. We rely on our local police officers, not only as first responders, but also as first detectors of homegrown terrorist activity. Yet this bill eliminates the Community Policing grant program, the COPS program, guaranteeing that local governments which are already laying off workers

will have to fire between 1,300 and 3,000 police officers.

Now, these job losses could be prevented if we were attempting to govern seriously instead of appeasing the Republican tea party base. The best cure for our budget deficit is a recovered economy, not a bill that slashes and burns government services that are critical to our economic competitiveness and to our public safety.

So I urge a "no" vote on this CR. Instead of a continuing resolution, we might say that CR in this case stands for "Continuing the Recession," because that's really what this bill would achieve.

Mr. ROGERS of Kentucky. I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER), the chairman of the State, Foreign Operations Subcommittee on Appropriations.

Ms. GRANGER. For too long we have seen unsustainable increases in spending. This bill before us today puts an end to that practice by making unprecedented cuts to the Federal budget. As chair of the State, Foreign Operations Subcommittee, I know the difficult tradeoffs that have to be made to achieve these levels of cuts, but we cannot continue to ignore our skyrocketing deficits and our debt.

In the bill before us, we are taking our pledge to cut spending seriously. Since fiscal year 2008, the State, Foreign Operations budget has had dramatic increases. This bill begins to rein in the growth of many programs.

The State, Foreign Operations title of the bill before us is \$44.9 billion. This represents a 21 percent reduction from the President's fiscal year 2011 request, an 8 percent reduction from the fiscal year 2010 enacted level, and an 18 percent reduction from the fiscal year 2010 level with supplemental appropriations.

Let me be clear. While these are dramatic cuts, I support the goals and objectives of using civilian power to achieve our national security goals.

To achieve the level of savings included for the remainder of FY11, reductions were made in areas that, while difficult, preserve important efforts and priorities. For example, the bill before us supports top national security priorities, maintains momentum in Iraq, Afghanistan and Pakistan, and fully funds the U.S.-Israel memorandum of understanding at \$3 billion. It continues the fight against illegal drug trafficking in Mexico, Central America and Colombia.

In order to do all of these things in this bill, new activities are paused, many programs are scaled back, and large administrative commitments like climate change are shelved. While these choices were difficult, they must be made in order to preserve our national security priorities.

There is a need for continued oversight in our foreign aid, and for that

reason, I've included language which provides additional oversight for countries like Afghanistan and Lebanon.

I would like to thank Ranking Member LOWEY for her dedication to the subcommittee as chair for the last 4 years, and I look forward to continuing to work together. We both agree that Members on both sides of the aisle deserve to be heard on the important foreign policy matters that come before our subcommittee.

I hope this bill will move forward quickly to ensure important government operations are continued in a manner that is fiscally responsible and meets our foreign policy challenges around the world.

The CHAIR. The Chair would note that the gentleman from Kentucky has 9 minutes remaining; the gentleman from Washington has 9 minutes remaining.

Mr. DICKS. I yield 2½ minutes to the gentlewoman from New York, the former chair of the State, Foreign Operations Subcommittee, now the ranking member, my good friend, NITA LOWEY.

Mrs. LOWEY. I thank the gentleman, our distinguished chair. It's been a pleasure working with you. And I just want to say to the current chair of our committee, we've always worked in a bipartisan way, and that's why I reluctantly rise in opposition to the State and Foreign Operations budget in the CR. But I look forward to continuing to work together.

These are irresponsible cuts. These cuts would threaten global security and stability. Despite broad agreement that a three-legged stool of defense, diplomacy, and development is vital to our national security, this bill dramatically weakens diplomacy and development.

On a positive note, I'm pleased with the inclusion of \$3 billion pursuant to the MOU between the United States and Israel and continued commitments to Egypt and Jordan.

However, especially given the ongoing development in Egypt, through the region, and around the world, the drastic cuts in democratic governance, alternate development options, international financial institutions, conflict mitigation, reconciliation, disaster assistance, and global health, would significantly impede our ability to achieve our security objectives.

I'm really disappointed with the Republican leadership's partisan approach because, as I mentioned, during my 4 years as chair of the subcommittee, I worked closely with my ranking member, and we did not include divisive social issues in our bills. Yet this CR would reinstate the global gag rule and prohibit funds for the United Nations Population Fund, denying millions of women family planning and basic health services.

Finally, while all these measures are brought to the floor under the guise of

fiscal responsibility, in my judgment, they endanger our long-term economic security and fail to create jobs. So I urge my colleagues to oppose this bill.

Mr. ROGERS of Kentucky. I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), former chairman of the Republican Conference in the House.

Mr. PENCE. I want to thank the distinguished chairman for yielding time and for his leadership on this and so many issues.

After years of runaway Federal spending by both political parties, last year House Republicans took the pledge. We said to the American people, give us another chance to lead this Congress, and the first thing we'll do is we'll reduce domestic spending to pre-bail out, pre-stimulus levels, saving the American people at least \$100 billion. And today, simply put, this new majority will keep our word with the American people. And in Washington, D.C., that's saying a lot.

Now we'll consider H.R. 1, which will save at least \$100 billion in this fiscal year. It is, in fact, the single largest rescission package in the history of this Congress. With a \$14 trillion national debt and a \$1.5 trillion deficit this year, cutting \$100 billion will not solve our fiscal crisis, but it's a good start, and it's a promise kept. And here in Washington, D.C., that's really saying something.

Now, to save our Nation from an avalanche of debt facing future generations, we must just do a couple of basic things. First, we've got to stop what we've been doing, piling a mountain range of debt on our children and grandchildren. We've got to turn around and we've got to begin to head in the other direction. We have to face our present fiscal crisis squarely and with courage. And today, this new Republican majority will do just that. We'll begin the process of turning our ship of state back toward that horizon of fiscal responsibility and fiscal solvency and sustainability for generations to come.

I urge my colleagues in both political parties, join us in this important first step. Join us in this important promise kept. Work with us, and we will work with you to put our Nation on a pathway toward fiscal solvency and, ultimately, lay a foundation for real economic growth for generations to come.

□ 1510

Mr. DICKS. I yield 2 minutes to the distinguished Democratic Whip, the gentleman from Maryland (Mr. HOYER), who has been a longtime member of the Appropriations Committee and a very good friend.

Mr. HOYER. I thank the gentleman for yielding.

I would say to the previous speaker, my friend Mr. PENCE, we did that. In 1993 we looked the fiscal posture of our country in the eye. We had sustained

\$1.4 trillion of deficit spending under Mr. Reagan and \$1.1 trillion of deficit spending under Mr. Bush, and we put legislation on this floor and said we need to meet our fiscal responsibilities. Not a single member, unfortunately, of the Republican Party voted for that legislation. But over the next 8 years, we had a net surplus in this country; the only time in the lifetime of anybody in this body that that has happened. We did it working together.

Unfortunately, the last administration ran up \$3.8 trillion of deficit, and we inherited an economy that was in substantial free fall. The President said that; Mr. Bernanke said that; Mr. Paulson said that. And so we adopted legislation that tried to stabilize that economy, and the good news is that we have. We haven't gotten to where we want to be. We want to create more jobs. As the President says, we want to invest in growing our economy and bringing jobs back.

There will be some very tough decisions we will have to make moving forward; and, frankly, as the chairman of the Appropriations Committee knows and as the ranking member of the Appropriations Committee knows, you will not get there focused simply on 14 percent of the budget. It will not happen, my friends.

You might want to delude yourself or delude our constituents and say that you can simply cut all 14 percent of non-defense discretionary spending, and you will still have an operating deficit this year if we cut out every nickel of discretionary spending.

That discretionary spending of course educates our children. It promotes our health. It promotes our commerce. It promotes building the economy. That's what this issue is about.

The CHAIR. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. HOYER. So I rise to say to all of us, all 435 of us, it will take courage, cooperation, and common sense to address the deficit situation that confronts us.

And it is a crisis. It must be met. We do not have an alternative. Because if we do not address it—all of you have heard about my three children, my three grandchildren, and my one great granddaughter. All of them will hold me and all of you responsible for the legacy of fiscal irresponsibility which we will leave them.

We now have bipartisan responsibility. You are in charge of this House; the Democrats are in charge of the Senate, and we have a President who is a Democrat. It is a perfect opportunity for us all to take responsibility and, yes, part of the blame, because the decisions we will have to make will be tough; they will be agonizing, and they will be wrenching. And people will say, We're not sure you should have done it.

If we do it together, we can do it. And we owe it to our country, our fellow citizens, and our children to do so.

Cutting spending is part of the solution to our deficit. But we also have to cut wisely, making the distinction between spending we can do without, and investments that are vital to our future growth.

But Republicans have brought to the floor a spending bill full of cuts that are short-sighted and indiscriminate. They endanger the investments we need to grow our economy and create jobs—to out-build, out-innovate, and out-educate our competitors. When we talk about cutting those investments, we are talking about cutting tomorrow's jobs.

I wish that my Republican colleagues would listen to the business leaders who understand the importance of thoughtful investment.

Listen to Tom Donohue of the U.S. Chamber of Commerce and Richard Trumka of the AFL-CIO, who don't agree on very much: "Whether it is building roads, bridges, high-speed broadband, energy systems and schools, these projects not only create jobs . . . they are an investment in building the modern infrastructure our country needs to compete."

But the Republican spending bill would cancel 76 transportation projects in 40 States, and leave us with roads, bridges, and an air traffic control system stuck in the last century.

Listen to Marc Benioff, CEO of Salesforce.com: "The number 1 thing the government needs to do is increase research funding."

But the Republican spending bill would cut support for 20,000 researchers at the National Science Foundation, cut \$1.4 billion of energy research, and cut \$2.5 billion of medical research.

Listen to Bill Gates: "If we don't start innovating in education to make it better and more accessible . . . our competitiveness will fall behind that of other countries."

But the Republican spending bill would kick 200,000 children out of Head Start and make it harder for Americans to afford college.

By all means, let's take real action on the deficit—but not in a way that sacrifices America's competitive edge.

Mr. ROGERS of Kentucky. I yield 2 minutes to a new Member of Congress, a freshman and a new member of the Appropriations Committee, the gentleman from a wonderful place in Arkansas called Rogers, Arkansas (Mr. WOMACK).

Mr. WOMACK. Mr. Chair, I am glad the gentleman a few minutes ago from Virginia talked about the mayors of America and the county judges of America, because just a few weeks ago I was one of those mayors.

Twelve years ago, when I sought that office, I inherited a city that was in terrible deficit spending, that had unreasonable government intrusion into the private sector, that was affecting the economic well-being of that city.

I am pleased to say that, because we took the position of putting our fiscal house in order and because we changed the way government approaches its involvement in the private sector and because we limited the dependency of our

city on the Federal Government that we created a city of excellence, that we significantly enhanced the quality of life. We did \$1 billion worth of investment; we created thousands of jobs, and Rogers, Arkansas, is the example the American people are looking for today.

I realize that these are difficult times. They are times that are going to require great courage, a sense of duty, and shared sacrifice in order to put America on the right path. I believe in this America, and that's the way forward.

Mr. DICKS. I yield 1½ minutes to my good friend, the distinguished gentleman from California (Mr. FARR), who has now become the ranking member on Agriculture.

Mr. FARR. Mr. Chair, I thank my ranking chair, the gentleman from Washington (Mr. DICKS).

I rise with serious concerns. I am the ranking member of the Agricultural Appropriations Committee. I come from the State that is the leading ag State in the Nation, California, and agriculture is the number one economy in California. We're a State that is really diversified, and we do it without subsidies and we do it by partnerships.

The partnership is essentially a public-private partnership, and there is a major role to be able to make the private sector successful with that partnership.

We all care about feeding people, all people, whether they are rich or poor. One thing they all have in common is that they want that food to be safe. They want the drink to be safe. They want the drugs that they buy in the stores to be safe. And the problem with this CR, which is very interestingly talked about on their side in the generic of the necessity of cutting the deficit, which we all agree on. But to take a meat axe approach to the USDA and the FDA cuts the safety net for food and drugs.

For example, the Food and Safety Inspection Service would have to cut down on their inspectors who have to be in every one of the 6,300 slaughter and processing facilities. If they are not there, there is no work. We would have to close these facilities for months at a time; therefore, putting a lot of people out of work, less jobs, and certainly no food safety.

It goes on and on and on. We need to argue these details, not just the generics.

FOOD SAFETY AND INSPECTION SERVICE (FSIS)

FSIS is responsible for the safety of domestic and imported meat and poultry. It inspects nearly 6,300 slaughter and processing facilities. Its inspectors are required to be present continuously during the operation of slaughter plants and to inspect every meat and poultry processing plant in the U.S. every day. All imported meat and poultry must also be inspected by FSIS. The Republican proposal would hold funding for FSIS to the 2008 level.

The administration estimates that this would require a furlough of all FSIS employees, including all inspectors, for 30-47 working days (which amounts to 20-30 percent of the working days left in the fiscal year assuming enactment on March 4th.) Without inspectors available, meat and poultry plants would be legally required to stop operating. The administration estimates the economic loss from stopping plant operations at \$11 billion. It also expects that consumer prices for meat and poultry would rise with the curtailed supply. That's a lot of jobs and food—not only up unemployment but also drive—up prices.

FOOD AND DRUG ADMINISTRATION (FDA)

FDA is responsible for the safety of food, drugs, medical devices, human blood products, vaccines, cosmetics, and many other products. Consumers spend about 20 cents of every dollar on products regulated by FDA. The Republican proposal would fund FDA at about 10 percent below the 2010 level. Coming this late in the fiscal year, much deeper cuts would be necessary to end fiscal year 2011 at the level appropriated in the Republican bill. The administration has estimated that under the Republican proposal there would be 2,000 fewer FDA inspections of firms that manufacture food and medical products; 10,000 fewer FDA import inspections to verify that imported foods and medical products meet safety standards; and analysis of 6,000 fewer food and medical product samples to identify safety problems. In addition, this level will likely lead to furloughs and/or * * *

Mr. ROGERS of Kentucky. I yield 2 minutes to the chairman of the Legislative Branch Subcommittee on Appropriations, the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for all the work that he has done in helping to put this continuing resolution together.

This is a giant step forward in stopping the culture of spending that has gone on here in this town for a long time and begins a culture of savings.

In the subcommittee which I have been asked to chair, the Legislative Branch only deals with maybe one-half of 1 percent of all the money that we're talking about, but we didn't think that we ought to be immune to all the pain that goes on as well. In fact, I think, when times are tough, leaders ought to lead. And so we can help save taxpayers dollars by spending less money on ourselves, and that's what we do in this bill.

We cut the accounts of the leadership offices. We cut the accounts of all the Members' offices. We cut the accounts of the committee staff and their offices. In fact, the Appropriations Committee, which Mr. ROGERS chairs, will reduce their spending by 9 percent. So certainly Congress is taking the budget axe to its own spending and leading by example, and I think that's important.

So as we move forward, Mr. Chairman, I think that we can do a whole lot more with a whole lot less around this place. We want to lead by example. That's what we're trying to do, and I

think we are taking a giant step forward.

Mr. DICKS. I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. BISHOP). He has become the new ranking member on Military Construction and VA.

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Mr. BISHOP of Georgia. I thank the gentleman for yielding.

While the Military Construction/VA portion of this bill is not cut as much as some other parts of the continuing resolution, the cumulative effect of this CR is really to hurt our veterans. The bill provides \$74.2 billion, which is \$2.4 billion below the FY 2010; \$1.8 billion below the President's request.

Mr. Chairman, it's time to end the theatrics and get to work. This continuing resolution continues the heated rhetoric. If this bill is signed into law, it will hurt our economic recovery, which in turn will affect our veterans. According to the Bureau of Labor Statistics, more than 15 percent of Iraq and Afghanistan war veterans are unemployed, far higher than the national jobless rate. If we follow through with some of these disastrous cuts, we'll see that rate go higher as the operations in Iraq and Afghanistan wind down and our troops come home seeking employment.

For example, as the gentleman from North Carolina pointed out, we're cutting aid that local governments use to hire police officers. Many of our local police officers are veterans and they are hired with the community oriented policing grants. This will be eliminated. If we cut money for firefighters, this cut will have the same effect as cutting money from the cops. Our veterans will have nowhere to go to continue to serve their communities.

We can do better than this bill. We must be serious because we have serious issues. Veterans have paid the price for the freedoms we enjoy in this country, but freedom is not free. It has been paid for with the lives and the limbs of countless men and women who have served this country in uniform. We owe them better than this.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin, a brand new Member of this body, Mr. DUFFY.

Mr. DUFFY. I thank the chairman for yielding time to me to address the issue today with regard to unspent, unobligated stimulus money.

Two years ago, this Congress voted to spend nearly a trillion dollars of stimulus money. They said that we could borrow and spend our way to prosperity. Well, 2 years later we are well aware that borrowing and spending doesn't lead to economic prosperity, growth and sustainable jobs. We know it comes from the private sector—people who invest in their businesses and ideas. And from there, they

expand and grow. That's how we create jobs in this great country.

Now we are stuck with a \$14 trillion debt. This year, we're going to borrow \$1.5 trillion. More borrowing, more spending, is going to lead to job-crushing taxes and passing this debt on to our next generation. It's unacceptable.

I am encouraged that we are working on sending all unobligated stimulus money back to the Fed so we can pay down our debt.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. FATTAH), the new ranking member of the Commerce-Science-Justice Subcommittee.

The CHAIR. The gentleman is recognized for 1¼ minutes.

Mr. FATTAH. I thank the gentleman and I thank him for his extraordinary leadership on this critical matter.

The Economic Policy Institute says that the GOP plan will cost our country 800,000 jobs. The parts of the CR that relate to Commerce, Justice and Science relate to essentially four areas.

International trade assistance exports. The President has a major initiative to create American jobs through exporting. They want to cut it by \$93 million.

They want to cut \$1.3 billion out of law enforcement. So if you need a cop and you call 911, there may or may not be one available because if it's one of the 1,300 that will be cut under this bill, they'll be gone.

In legal services, some 80,000 cases reduced—for seniors who will be fighting mortgage foreclosure that would be fraudulent in their case, or domestic abuse violence in their homes, through cuts to legal services.

And a \$150 million cut for the National Science Foundation.

Now my colleagues have a tough job. They're in the majority. They've got to make rational decisions. Let me just say this. If spending was bad, we would eliminate all spending. Some spending is necessary. We should be cutting waste. We should not be cutting law enforcement and legal assistance and scientific analysis, and we shouldn't be cutting export opportunities for American workers. And we shouldn't be risking 800,000 jobs in our country; not today, not on any day.

The CHAIR. The time of the gentleman from Washington has expired.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the Energy and Water Subcommittee on Appropriations.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Chairman, some suggested some time ago that we have to wait until 2012 or 2013 to make these decisions. We need to make these tough decisions now, to cut spending and to create a

climate where the private sector can go hire workers.

The Energy and Water Development section of this bill totals \$29.9 billion, an 11 percent reduction from fiscal year 2010. That's a tough decision. This level more truly represents what should be the top priorities of the Department of Energy, the Army Corps of Engineers, the Bureau of Reclamation, and the other accounts funded under our subcommittee's purview.

Far from the "meat axe" approach that some have suggested we're taking in H.R. 1, our product is one of careful, thoughtful, line-by-line analysis. We have looked at which programs are must-haves, which have significant unobligated balances, and which are redundant. Above all, we've ensured that the core national security mandate of the Department is adequately funded. Frankly, other countries' nuclear stockpile programs aren't taking a time-out while we wrestle with our budget challenges. The stewardship of the nuclear stockpile is the foremost responsibility of the Department of Energy. In fact, weapons activities and naval reactors receive the only increases in our bill.

We do, however, make major reductions in the Department of Energy; major cuts. We eliminate all earmarks. That's close to \$500 million, just in the Department of Energy. And we cut out programs like weatherization, with billions and billions of unspent stimulus money. In fact, the Department of Energy received close to \$39 billion in stimulus money.

Finally, we've cut back on programs like biological and environmental research that are not core to the Department's historical responsibilities and focus. We do all of this so the Department of Energy can focus on what we need to do—to support the private sector in developing the next round of energy-related intellectual property and the jobs associated with it.

We need to do it. I support the CR. I think we ought to move on with it.

Ms. SLAUGHTER. Mr. Chair, I rise today in support of the life-saving work done by Title X family planning providers across the nation.

In 2009, five million men and women received important preventive services from family planning providers, including 2.3 million breast exams, 2.2 million tests for cervical cancer, and nearly 1 million HIV tests. The proposed cuts in H.R. 1 would eviscerate these services, reducing family planning and cancer prevention services. Cuts to family planning would have devastating consequences to families nationwide.

Why is the Republican leadership attacking proven health care services, instead of working with us to create jobs? This legislation does not move our country forward.

By attacking family planning and pursuing an extreme social agenda, Republicans are dividing our country and distracting from the very real economic problems facing our nation.

While these cuts to family planning were proposed under the auspices of being "fiscally responsible", that is far from the truth.

For every dollar invested in Title X family planning services, taxpayers save just under \$4. By preventing cancer, identifying cancer in early stages, and preventing HIV/AIDS, Title X providers are saving money, as well as lives. Cutting family planning is not fiscally responsible, and will not reduce the bottom line.

Moreover, this cut has nothing to do with ending funding for abortions, despite claims to the contrary. Title X family planning funds simply do not fund abortions. If we want to reduce the number of abortions in this country, the methodology is clear—empower women to prevent unintended pregnancies through education and access to contraception. And, that is precisely what family planning funding does.

Nationwide, this cut will impact family planning services for 5 million women and men. In my home state of New York, cuts to Planned Parenthood would impact 209,410 patients. Just last year, Planned Parenthood provided 70,490 screenings for cervical cancer in New York, detecting 7,931 abnormal results requiring medical action. Another 67,957 women received breast exams. 138,501 tests for Chlamydia helped to avert the leading cause of preventable infertility in America today. New Yorkers stand to lose valuable health services.

These statistics represent real women, with real needs. Can we turn our back on them? No, we cannot.

We need to work together to invest in the services that will help our country to be successful. We must focus on building our economy, rather than eliminating health care services.

Mr. POLIS. Mr. Chair, Americans' top priority is creating jobs. But six weeks into the 112th Congress, the Republican leadership has yet to bring a single, solitary jobs bill to the floor.

Once again, we are here today to exercise one of our primary constitutional responsibilities as members of Congress—to pass appropriations legislation to fund the many basic and essential programs the federal governments, on which millions of Americans rely. Today is an incredible opportunity, for Republicans and Democrats to work together—to bridge the gap between parties and talking points—and pass a bill that meets our shared goals of creating jobs, building our infrastructure, and strengthening our economy.

Sadly, the Republican leaders have brought to the floor a continuing resolution that jeopardizes American jobs and our economic future by rolling back investments that will help our private sector grow and put people back to work. It thoughtlessly makes extreme cuts to appease an extreme wing of their party, at the expense of the American people.

EDUCATION

Mr. Chair, building an excellent public education system that provides each and every child the opportunity to succeed is the single greatest investment we can make to secure our nation's future—an investment that I have devoted much of my life to support and achieve. From Preschool to K-12 to Higher Education, Republican cuts would undermine our global economic standing by denying opportunity to students, who depend on the government for their education.

As President Obama said in his state of the union address, it's not just about "how we cut" but "what we cut." Education is an investment in our future, and we can't sacrifice our future. But Republicans—through this CR—seem willing to sacrifice our future to meet their arbitrary campaign pledge.

They want to drastically reduce quality pre-school for poor children with a \$1 billion cut in Head Start, which has shown positive results. For K–12 students, Republicans are proposing to dismantle a wide range of essential school supports—literacy programs; teacher improvements; math and science partnerships; arts in education; parent education; counseling; and graduation promotion.

Their proposal would also slash special education services and college preparation. And many more students would be blocked from going to college if the Republicans had their way—with about half a billion dollars less for Pell grants for disadvantaged youth.

Education is how America can reclaim our edge in job creation, in business leadership, in providing a livable wage, and in economic innovation. Destroying this promise by attempting to balance the budget on the backs of poor children and youth is both unwise and unjust.

By cutting to the heart of the learning needs of America's children and youth through these extraordinary and nonsensical measures, Republican lawmakers clearly don't understand the meaning of investing in our future.

ENVIRONMENT

This CR arbitrarily kills jobs, hurts the public health and is a slap in the face of environmental protection. The CR will set our country back decades by curtailing scientific research, simply because Republican's don't like what the science says. It puts our children's health at risk by handcuffing the EPA to police polluters and simply keeps us addicted to foreign oil and discourages clean energy innovations. This is sound bite politics at its worst, the American public needs real solutions and thoughtful policy.

The CR prohibits any funding from being used to carry out the EPA's power plant pollution safeguard rules. These rules are tailored to only the biggest polluting power plants, ensuring average Americans and small business aren't affected by any regulations.

The Clean Air Act guards the most vulnerable Americans—those with asthma and other lung disease, children, older adults, and people with heart disease and diabetes—from the dangers of airborne pollutants, including the threats from growing carbon dioxide pollution. Each year the Act prevents tens of thousands of adverse health effects, including asthma attacks, heart attacks and even premature death. This year alone, the Clean Air Act will save more than 160,000 lives, according to preliminary estimates by the U.S. Environmental Protection Agency. Yet Republicans plan to starve this life-saving agency of its funding based on purely ideological reasons.

IMMIGRATION

The CR would cut all funding for immigrant integration. Republicans claim that they support legal immigration and want to reward immigrants who waited in line and did things the right way. But then they go and cut funding to critical programs that help those legal immi-

grants become proud American citizens and better integrated into our communities. If Republicans really want to support legal immigrants, they wouldn't cut important programs that emphasize the value of learning English, learning American history and civics, and becoming U.S. citizens. Regardless of what side of the aisle you sit on, these are common-sense programs that we can all support.

It would also cut overseas refugee assistance and admissions and domestic refugee assistance funding. These cuts would severely diminish our country's ability to help refugees across the globe. The victims would be some of the world's most vulnerable people: refugees fleeing religious persecution from Iran, political persecution from Burma, etc. We are the global leader in refugee resettlement. This is a proud American legacy and it makes us a shining beacon for the world. Haphazard cuts like this endanger refugees, but also America.

If Republicans truly claim to be committed to deficit reduction, then why as they cut millions from beneficial programs like head start and LIHEAP, do they continue to increase defense spending? Until Republicans get serious about controlling defense spending—the largest part of the discretionary budget—they will never achieve their goals of reducing our deficit.

LOCAL/US 36

Mr. Chair, at the state and local level, my home state of Colorado is getting slapped in the face by this CR.

A year ago, US 36—the highway that connects Boulder to Denver—was awarded a \$10 Million TIGER/TIFIA Challenge Grant through the recovery Act—to expand one of the most used and heavily congested highways in the state, creating jobs and fostering economic development. The \$10 million federal investment helps leverage the additional funds in the area, creating \$276 million in employment income and 7,200 jobs. The project impacts 191,000 corridor employees—10% of the state's employment.

To date, only \$900k has been obligated, and because the Republican CR rescinds all 'unobligated' ARRA funding across the board without thought to details or individual projects—the many state, regional, and local transportation groups that have invested in the project will never see the remaining \$9.1 million they were promised.

For the businesses and residents in my district—this is a slap in the face.

Colorado's US 36 Corridor project won the TIGER Award because it was one of the most innovative projects in the country. Mr. Chair, Rome wasn't built in a day and we can all agree that we should not be punishing innovation.

Mr. Chair, the President's budget release yesterday is an excellent example of cutting back in nearly every aspect of the federal government, while investing in the future. We must tighten our belts and make hard choices and tough changes. But we cannot do so at the expense of growth and innovation.

With cuts like these, Republican leadership has made it very clear that they're not interested in helping families to get ahead in this economy. Instead, they're holding our economic recovery and global competitiveness hostage in an attempt to meet an arbitrary

spending goal, to appease the fringe of their party—the same people who advocate for cutting the Department of Education and privatizing social security.

The Republican's continuing resolution before us today is sound bite politics at its worst. The American Public need and deserve real solutions and thoughtful policy. We can and must do better. I encourage my colleagues to oppose the rule for this CR as well as the underlying CR to prevent the irresponsible impact of this Republican spending bill.

Mr. CONYER, the Majority introduced H.R. 1, the "Full Year Continuing Appropriations Act, 2011," which will make immediate and drastic cuts to the federal budget.

These mindless proposed cuts will hurt jobs, undermine public safety and law enforcement, and restrict fundamental civil liberties.

Below is an itemization of some of the funding decreases to areas of the federal budget that are within the Judiciary Committee's purview—the dollar references being the amounts less than the Administration's requested 2011 budget.

DEPARTMENT OF JUSTICE

COMMUNITY ORIENTED POLICING SERVICES (COPS)

Funding Decrease: \$600 Million/Complete Elimination of Hiring Program

COPS has funded the hiring of more than 122,000 state and local police officers and sheriff's deputies in communities across America. The Republican funding cut means that 3,000 fewer officers will be hired or rehired to be on the streets of our neighborhoods.

FBI

Funding Decrease: \$74 Million

The Republican funding cut will delay construction of badly needed training facilities at the FBI Academy in Quantico. This will impact the FBI's effort to update and strengthen training for agents and intelligence analysts to maintain the fight against terrorism, sexual exploitation of children, drugs and other major threats to the U.S. from foreign and domestic sources.

VIOLENCE AGAINST WOMEN ACT, VICTIMS OF CRIME ACT, AND FAMILY VIOLENCE PREVENTION AND SERVICES ACT (VAWA)

Funding Decrease: \$26.5 Million

VAWA programs support victims of domestic and sexual violence. It also has saved \$14.8 billion in its first 6 years. If the Republican funding cut tracks FY 2008 levels, VAWA programs would lose an estimated \$170 million. Any cuts to these critical programs would undermine law enforcement and victim protection services.

GENERAL LEGAL ACTIVITIES

Funding Decrease: \$111.3 Million

DOD's principal divisions, including the Civil Rights Division, the Antitrust Division, Environment and Natural Resources Division, and Civil Division are funded under the category of general legal activities.

The Civil Rights Division, which was chronically underfunded by the Bush Administration, will have to play a critical role with respect to how states and localities redraw their district lines following the decennial Census. As required under section 5 of the Voting Rights

Act, the Department of Justice will have to “pre-clear” all voting changes. The Civil Rights Division is expecting more than 800 submissions this year and next.

The Republican budget cut will generally undermine the ability of these divisions to protect the civil rights and interests of all Americans.

VARIOUS STATE AND LOCAL LAW ENFORCEMENT
ASSISTANCE PROGRAMS

Funding Decrease: \$525 Million

These reductions eliminate or essentially gut proven crime prevention and crime reduction programs that localities have used to keep crime rates down. The inevitable result of these cuts will be increased crime and victimizations, more unemployment and more resulting expenditures than these cuts save in federal, state and local law enforcement activities, imprisonments and other costs.

NATIONAL DRUG INTELLIGENCE CENTER

Funding Decrease: \$10.6 Million

The Center plays a major role in the fight against international and national illegal drug proliferation. The Republican funding cut will force the Center to furlough valuable employees, which will harm the Center's ability to fight the war on illegal drugs.

OFFICE OF JUSTICE PROGRAMS, JUVENILE JUSTICE
PROGRAMS

Funding Decrease: \$191,095,000

The JJP strengthens community safety and reduces victimization by setting standards and performance measures for the nation's juvenile justice systems, supporting delinquency prevention and early intervention, and contributing to the prevention and reduction of youth crime and violence.

The inevitable result of the proposed Republican cut to BP funding will be increased crime and victimization; greater substance abuse; exacerbated mental health conditions; increased unemployment and incarceration; and a net increase in long-term costs to federal, state, and local governments.

LAW ENFORCEMENT WIRELESS COMMUNICATIONS

Funding Decrease: \$71.6 Million

This program provides critical support to law enforcement officers and agents in major metropolitan areas across the Nation in responding to terrorist attacks or other catastrophic incidents. The Republican funding cut will reduce by more than half the money used by the program to eliminate interoperability issues with wireless communications, thereby jeopardizing officer and public safety and the safety of millions of Americans.

U.S. MARSHALS SERVICE (USMS)

Funding Decrease: \$9.7 Million

The USMS is responsible for protecting judges which is critically important in light of recent threats to federal judges. The USMS also secures courthouse detention facilities that hold defendants accused of drug, gun and immigration crimes. The Republican funding cut will delay and possibly eliminate over \$100 million in needed upgrades in security and construction of courthouse detention areas and facilities, the impact of which will be most acutely felt on the Southwest Border.

FEDERAL JUDICIARY

SALARIES AND EXPENSES; DEFENDER SERVICES

Funding Decrease: \$613 Million

The Republican cut will force the federal courts to lay off more than 2,400 support staff and to stop payments to attorneys who represent indigent criminal defendants, which may raise constitutional concerns about the availability of adequate criminal defense services. These cuts undermine public safety and the effective administration of justice at a time when criminal caseloads and the workloads of probation and pretrial services offices have reached an all-time high.

DEPARTMENT OF HOMELAND SECURITY (DHS) AND
DEPARTMENT OF STATE

H.R. 1 makes huge cuts in funding to DHS. Around \$160 million are cut from accounts that are used to protect our Nation's borders and to facilitate legitimate trade and travel that are vital to our country and its recovering economy.

DHS: CUSTOMS AND BORDER PROTECTION—BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

Funding Decrease: \$124.2 Million

The \$124.2 million cut from Border Security Fencing, Infrastructure, and Technology will jeopardize the Administration's plan to increase the use of technologies that have proven effective at securing our border. Such technologies include mobile surveillance units, thermal imaging devices, mobile radios, and the like. Tens of millions of dollars of cuts to Customs and Facilities Management will inhibit our ability to build needed Border Patrol stations and forward operating bases, and to modernize our severely outdated land ports of entry.

DHS: OFFICE OF CITIZENSHIP, U.S. CITIZENSHIP AND
IMMIGRATION SERVICES

Funding Decrease: Complete de-funding

H.R. 1 eliminates all funding for the Office of Citizenship within U.S. Citizenship and Immigration Services. De-funding the Office and the President's Integration Initiative means that no grants will be available for programs that fund state agencies and non-governmental organizations to help prepare lawful permanent residents to apply for and obtain citizenship. This will increase the burden on cash-strapped state and local governments and decrease the provision of civics-based English language classes that help aspiring citizens integrate into their communities. The President's budget request in Fiscal Year 2011 was only \$18 million. This small investment has a big payoff: it assists immigrants to become proud, new American citizens who have studied English and the fundamentals of our government and who understand the rights and responsibilities of citizenship. The President's proposed budget for Fiscal Year 2012 increases this investment to \$20 million. The President is heading in the right direction of working to integrate immigrants into our country. The Republican CR takes us in the wrong direction entirely.

DEPARTMENT OF STATE: MIGRATION AND REFUGEE
ASSISTANCE

Funding Decrease: \$582 Million

H.R. 1 cuts one-third of the funds for the State Department's Migration and Refugee As-

sistance program, which is used to protect refugees overseas and to admit refugees to the United States. This irresponsible and severe cut may seriously jeopardize our ability to protect the world's most vulnerable people—people fleeing persecution and torture. The cut will diminish our ability to support the critical work of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross, who provide on-the-ground protection to refugees fleeing persecution. A cut like this could increase the risk of sexual violence for refugee women in camps. This cut also may jeopardize our ability to meet the President's goal of resettling 80,000 refugees in the U.S. this fiscal year. We are the global leader in refugee resettlement. This is a proud American legacy and it makes us a shining beacon for the world. Haphazard cuts like this endanger refugees, but also America.

OTHER AGENCIES AND PROGRAMS

LEGAL SERVICES CORPORATION (LSC)

Funding Decrease: \$85 Million

LSC provides grants to support access to justice to our fellow Americans in need. The Republican cut would reduce LSC's funding by nearly 20%, which will result in a layoff of at least 370 staff attorneys in local programs, closure of many rural offices, and less civil access to justice for 161,000 Americans who will go without the services of an attorney. This includes women seeking safety for themselves and their children from domestic violence, veterans returning to civilian life without a job, and senior citizens trying to save their homes from foreclosure.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
(ACUS)

Funding Decrease: \$1.7 Million

ACUS is a recently established independent agency designed to save millions in taxpayer dollars by recommending ways to improve and streamline the regulatory and rulemaking process. Even though Republicans claim they support the same goals, the Republican funding cut will gut ACUS. It will cut ACUS's funding by 53%, which will result in freezing all research grants and causing staff cuts and furloughs.

UNITED STATES PATENT OFFICE (USPTO)

Funding Decrease: \$400 Million

The USPTO examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also aids in the protection of American intellectual property internationally. The USPTO is fully funded by user fees paid by customers.

The Republican funding plan limits USPTO to 2010 user fee projected levels, which will deprive the overburdened patent office of approximately \$200 million it collects in fees, and an additional \$200 million from a fee surcharge and supplemental amount in the 2011 budget.

This will exacerbate the over 700,000 application backlog the USPTO currently faces, prevent needed upgrades in technology to insure quality patents, and freeze hiring of additional examiners. Many of the improvements recently initiated to increase efficiency and decrease backlog will have to be abandoned. Of

the 700,000 patents pending, many are in the health related field or involve technological advancement.

The proposed cut will stymie private sector patent reliant industries, undercut job growth and creation and further delay the development of potentially life-saving pharmaceuticals, as well as other technological improvements.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

Funding Decrease: \$1.6 Million

Established on the recommendation of the 9/11 Commission, the purpose of the Privacy and Civil Liberties Oversight Board is to establish a watchdog group within the Executive Office of the President to help maintain an appropriate balance between national security and civil liberties.

PERIODIC CENSUS AND PROGRAMS

Funding Decrease: \$72.9 Million

The Census Bureau is in the process of completing the decennial census as required by the Constitution. The results of the census will be used to enforce the requirements of the Voting Rights Act and the constitutional doctrine of "one person, one vote." Curtailing the work of the Census at this moment would be injurious to the protection of the right to vote.

ELECTION ASSISTANCE COMMISSION AND FEDERAL ELECTION COMMISSION

Funding Decrease: \$6 Million

These commissions safeguard the election process, promote transparency, fight corruption, and protect our citizen's right to vote. The Republican budget cut undermines this critical process and fundamental right.

FAMILY PLANNING TITLE X

Funding Decrease: \$317 Million

Title X is the nation's cornerstone family-planning program for low-income women. Currently, this program receives \$317 million. H.R. 1 would eliminate all funding for this essential program.

RESTRICTIVE PROVISIONS

REINSTATEMENT OF GLOBAL GAG RULE

H.R. 1 would reinstate the global gag rule that bars USAID funds from overseas health centers unless they agreed not to use their own, non-U.S. funds for abortion services. President Obama repealed this harmful Bush-era policy during his first week in office, after eight years during which thousands of women and families in need of public-health services were turned away from underfunded clinics.

H.R. 1 also contains various restrictive riders, including:

1. a restriction on court review of regulations intended to protect endangered grey wolves
2. a restriction on the Environmental Protection Agency's ability to regulate greenhouse gases and clean water
3. a restriction that forbids the transfer of Guantanamo Bay detainees to the United States for prosecution

This substantial list gives an idea of the broad-ranging adverse impact that these Republican cuts would impose on job growth, public health and safety, and basic American values that we should all hold dear. I hope that we can take a more sensible approach to the budget than the draconian and ill-conceived cuts contained in H.R. 1.

Mr. BENISHEK. Mr. Chair, it is my strong belief that the pre-eminent reason a majority of Northern Michigan's citizens selected me to be their representative in Washington was to do everything possible to rein in out-of-control Federal spending. My focus has been to support such efforts while working to ensure that policies coming out of the Nation's Capital—tax, monetary, and regulatory—serve to encourage private enterprise so Northern Michigan has the chance to experience economic growth.

My first 44 days in office have taught me a great deal about the budget process and the "spending ways of Washington." Each day we have been in session I have typically had 5–10 meetings with organizations, companies and Washington reps all seeking to keep their programs free of any spending cuts. No one in Washington has asked me to spend less. In fact, it seems in every Washington meeting while there occasionally is a recognition of the doom America faces if the current spending continues, each meeting usually closes with an expected refrain "... yes we need to spend less but not our program."

By contrast, during my first visit home, just about everyone in the First District asked me to make sure the Federal Government spends less. In Northern Michigan there seems to be a strong consensus that Federal budget red ink can no longer continue at record pace.

Here are my guiding "spend less" principles in this 112th Congress:

Shared Responsibility: Before there is any comprehensive entitlement reform effort, every Federal department should be prepared to live with less money in 2012 than it received in 2011.

Sunlight and Transparency: All spending decisions should be made in a fully transparent legislative process. No backdoor earmarks, no special interest amendments. If a program has merit its supporters should defend the program in public floor debate.

Tighten the Revenue Spigot: Simply sending more money to Washington is not going to solve the problem of unchecked spending; every year the U.S. Treasury receives more money; every year the Federal Government spends more than it takes in. Consequently, increasing taxes is not the answer.

If not now, when? I have publicly promised to limit my career in Congress to just three terms. America's future is more important than any one of us in Congress, certainly more important than any political job. I'd rather do what I think is right than simply keep this position. I trust the voters.

In my view, the debt is not a Republican issue or a Democrat issue. It is an American issue.

The failure of previous Congresses to act means America now faces a \$14 trillion debt. For every dollar Congress allocates the U.S. Treasury has to borrow up to \$.40 to pay for it. That means indebting ourselves to countries like China and mortgaging our children's future.

Let me be clear, this will not be easy. To stem the tide, many tough decisions will need to be made. Northern Michigan—like the entire country—has a backlog of worthy projects and its people have benefited from admirable public programs. The reductions in H.R. 1 affect

every community in the nation. These are hard decisions for Congress to make, and not everyone will be happy with everything that has been proposed. This is understandable, but I believe these reductions are necessary to show that Congress is serious about returning our country to a sustainable financial path.

The Continuing Resolution to be considered on the House Floor this week is just the first step. Fortunately, the President's budget proposal is merely a suggestion that Congress can improve upon. In my view, Congress needs to offer a more fiscally sound budget for FY 2012.

Additionally, it is my view that Congress will need to consider reforming entitlements programs. Social Security and Medicare are important programs that millions of Americans depend on. Without reform, both of these programs face bankruptcy. In my opinion, Congress needs to consider solutions to avoid this crisis that ensures benefits under Social Security and Medicare are not reduced for those Americans currently receiving benefits.

And I think most of my colleagues agree this is not a time to play politics. The inflamed rhetoric and scare attacks on cutting grand-ma's benefits have no place here. This week's vote will not take away benefits for anyone receiving benefits. Instead, Congress will have completed the first step and as the Constitution dictates, the Senate and the President will have their say.

Mr. LANGEVIN. Mr. Chair, I rise in support of the Department of Defense Mentor-Protégé Program. This successful program was created in fiscal year 1990 to develop the technical capabilities of small disadvantaged businesses by allowing major contractors to transfer and develop technology with them. The Mentor-Protégé Program has been essential to diversifying our defense supplier industrial base by expanding the number of qualified small businesses that can realistically compete for DOD contracts.

Current estimates show that protégé businesses make up 12 percent of all small disadvantaged business awards from DOD. However, a sunset clause in the original bill set the program to expire in 2010, and language extending the authorization to 2015 was removed from the FY11 National Defense Authorization Act. At a time when our small businesses and defense industrial base are both struggling, this program, which has a successful track record, is a critical tool for keeping our defense industrial base and our national security strong. I look forward to working with my colleagues in the House to ensure we reauthorize this critical program in fiscal year 2012.

Ms. ZOE LOFGREN of California. Mr. Chair, I rise today in opposition to H.R. 1. While I agree with my Republican colleagues that we need to address our nation's deficit, the budget cuts being proposed would do more harm than good for our economy. Specifically, the legislation's cuts to science and technology research would impair our ability to compete globally.

H.R. 1 would dramatically reduce investments in the Department of Energy's Office of Science, the National Science Foundation (NSF) and the National Institute for Standards

and Technology (NIST). These agencies conduct cutting-edge science and technology research that keeps America innovative and competitive. The budget cuts will not only create significant job losses today but also stagnate our economic growth in the future.

As a resident of Silicon Valley, I know firsthand what investments in science research and development can do for our economy, and I urge my colleagues to join me in opposing H.R. 1.

Ms. MCCOLLUM. Mr. Chair, Congressional Republicans often assert that their aggressive budget cutting is in line with the desires of the American people. The cuts Republicans propose for the remainder of Fiscal Year 2011 include eliminating support for homeless veterans, cutting nearly a billion dollars from programs for law enforcement and first responders, and gutting environmental protections that keep our air, water and food safe. As House Republicans continue their march to weaken our communities, kill jobs, and make our most vulnerable citizens bear the burden for tax cuts for the wealthiest citizens, there is another target for cutting—the Corporation for Public Broadcasting, CPB.

In this bill, House Appropriations Chairman HAROLD ROGERS (R-KY) is working to eradicate all funding for CPB and eliminate federal support for public media. This attack on unbiased reporting, cultural programming, and educational television and radio would have dire consequences in my home State for Minnesota Public Radio and Twin Cities Public Television, not to mention the Minnesota taxpayers who rely on public broadcasting every day.

CPB's funding is directed to local public broadcasting stations, which provide commercial-free, high-quality programming to millions of Americans every day. Public broadcasting outlets target underserved audiences, children, minorities, and low-income Americans with non-biased news and cultural programming.

Public broadcasting is one of the most valuable community assets, and it is a prime example of the numerous benefits that come from investment from the federal government. Every month, over half of all Americans utilize public broadcasting—170 million people—through 368 public television stations, 943 radio stations, and hundreds of online services. Federal funding for CPB costs \$1.35 per American every year, while the rest of the funding comes from private donations. Public broadcasting is a vital educational resource for teachers, parents, and children.

In addition to providing a valuable community good, a majority of Americans value public media and advocate that the federal government continue its support. Last year, Americans rated public broadcasting as an "excellent" use of taxpayer dollars, coming in second to defense spending. Eighty percent of those who were surveyed believe that funding for public broadcasting is money "well spent."

A vote in support of CPB funding is a vote for the American people. Public broadcasting is what our citizens want, and Chairman ROGERS and the rest of the Republicans should listen.

Members from the Fourth District have contacted me to speak out in support of public broadcasting and against this egregious attack.

A St. Paul student, age 14, just called me today to tell me that she is the voice of the future and very supportive of the Corporation for Public Broadcasting.

A resident from St. Paul told me, "Thank you for standing up for public broadcasting. You are right when you say the Tea Party would like nothing better than to eliminate the one place where we go to find balanced reporting. I am a sustaining member of both public television and radio and find it to be a source of hope in this media-fallow country."

A college student in St. Paul wrote me to say, "I am deeply concerned about proposed legislation in the House that would eliminate federal funding for PBS and NPR. It is vital to our country and our public discourse that we have some forms of independent journalism that are unbiased and free from corporate interests. Not only does public media provide a trusted news and entertainment source for adults around the Nation, but the educational children's programming helps get youngsters from all backgrounds off to a good start. I grew up watching Sesame Street, Mr. Rogers, and Nova on what was then Channel 2 (now TPT). Now, as a college student at the University of Minnesota—Morris, I still depend on PBS and NPR every day. I fear that cuts to federal funding for public media will have an especially adverse effect on smaller and rural stations, like Pioneer Public TV, which are more dependent on federal money. It pains me to imagine a time when public media isn't available to future generations of Americans as a source of nonpartisan information available to all."

Another St. Paul resident said, "I am a current supporter of the MN TPT, and would hate to see this wonderful service eliminated because someone in Congress thinks it is unnecessary. Many people can't afford cable or satellite television—I can only afford the lowest basic service—and the programming on TPT is educational, entertaining and innovative. Please fight to keep the funding! Thank you!"

As you can see, residents of the 4th District of Minnesota are strong supporters of this essential service. Federal support for CPB keeps our citizens informed, educates our children, and makes our communities stronger. I will fight against these "dumb-cuts" because Minnesota Public Radio and Twin Cities Public Television are critical community assets that deserve federal support.

Given Republicans' frantic attempts to slash federal spending in even the most detrimental ways, eliminating CPB is a very real possibility. In my position on the House Appropriations Committee, I will do everything in my power to prevent public broadcasting stations nationwide from being forced to shut their doors, but I cannot do it alone. I urge my colleagues to protect this valuable public good and vote against H.R. 1.

Ms. RICHARDSON. Mr. Chair, I rise in opposition to Sections 1628 through 1634, and 1648 of the bill, which cuts funding to the Federal Emergency Management Agency (FEMA).

I oppose these provisions because they are unwise, irresponsible, and undermine our nation's ability to prepare, respond, or mitigate natural and man-made disasters and terrorist attacks. In short, I oppose the bill because it puts the security of our homeland at risk.

This bill that the Republicans are bringing to the floor today is reckless not only to our economy and American workers, but also to our national security.

The terrorist attacks on September 11, 2001 revealed the catastrophic consequences of the inability of first responders, fire, police, and rescue personnel to communicate with each other via radio during emergencies.

Communication glitches also occurred during the response to Hurricane Katrina. Yet the Republicans want to terminate grants for interoperable emergency communications. Have we not learned anything from the communications failure during 9/11?

These draconian cuts will put our first responders at risk and slow down the response to terrorist attacks and natural disasters. I cannot in good conscience accept these cuts to interoperable emergency communications.

The irresponsible Republican plan also put our nation's fire fighting ability at risk. I am from California and we know about fires. The bill eliminates the Staffing for Adequate Fire and Emergency Response Grant program, (SAFER), which is why it is strongly opposed by the International Association of Fire Fighters (IAAF).

The IAAF estimates that these cuts will result in the loss of 5,200 jobs on top of the 5,000 fire fighter jobs lost since 2008. These cuts will put our communities at risk.

The City of Compton in my district is home to an Emergency Operations Center operated by FEMA. My district is also home to several major oil refineries, gas treatment facilities, and petro chemical facilities. California's 37th Congressional District is also home to the Port City of Long Beach and is located on the outskirts of Los Angeles. A centralized emergency response center is vital to my district and the surrounding communities.

This Republican job-destroying continuing resolution seeks to eliminate these Emergency Operations Centers. Not only will the elimination of these centers result in the loss of jobs, they will put my constituents and other Americans across the country at risk. This Emergency Operations Centers are needed to coordinate the necessary resources during an emergency.

I cannot support depriving first responders, firefighters, and police officers of the tools needed to respond to public emergencies, natural or man-made. Why would we want to risk a repeat of the disaster we witnessed in the response to Hurricane Katrina? How are we better off by depriving our first responders the ability to communicate with each other during an emergency? It defies common sense.

Terrorists that are trying to attack our country are modifying their techniques to try to find our nation's vulnerabilities. Unfortunately, the Republican's bill reduces Federal, State, and tribal capabilities to secure our nation against terrorist and other catastrophic threats. This bill also diminishes our ability to protect our borders and significantly scales back our ability to detect chemical, biological, radiological, and nuclear threats.

Mr. Chairman, H.R. 1 continues the Republican avoidance of bringing job creation bills to the floor. Since the Republican's have been in control of the House, they have not brought one job creating bill to the floor. Not one.

Worse, the bill before us today will actually kill jobs. Thousands of Americans will lose jobs under this Republican bill. Instead of our keeping our economy moving forward as was the case during the Clinton Administration and during the 111th Congress, this bill will reverse the economic progress we have seen for the last several months.

I urge my colleagues to vote against H.R. 1. Let's work together to ensure our first responders have the tools and resources needed to respond to natural and man-made disasters and terrorist attacks.

Ms. LINDA T. SANCHEZ of California. Mr. Chair, I rise today in strong opposition to H.R. 1, which takes America a step backward, jeopardizes our fragile economic recovery, and does absolutely nothing to create jobs.

This funding plan leaves American working families behind.

You'll hear promises of "fiscal discipline" and "down payment on the debt" from my colleagues on the other side of the aisle, but these promises are empty. This bill does little more than strike at the heart of critical programs that invest in our communities, our workers, and our children.

Moreover, by irresponsibly taking a slash and burn approach to budget cutting, this bill fails to present a thoughtful blueprint that we can use to slowly but surely chip away at the budget deficit while still allowing us to out-educate, out-innovate, and out-build our foreign competitors.

We often compare building the federal budget to balancing a family budget. There are certainly some relevant similarities. But I know one thing, if I found my family's budget in as serious trouble as the federal budget, I would not simply take a machete to my various expenditures.

I would carefully study them, and continue most or all of my productive and useful investments while eliminating unnecessary items and carefully paring back in other areas until I knew enough about how the cuts would affect my future income.

Would a family with money troubles immediately pull their children out of college? I don't think so. Then why does this proposal reduce Pell grants that make college more affordable and kick 200,000 children out of Head Start?

Why does it reduce investments in science research, job-creating high-speed rail, and the popular COPS program to assist local police?

Why does it cut worker training when unemployed Americans—especially those in places like Lynwood and South Gate in my district—need new skills now more than ever?

It is shameful that the House Republican Majority proposes to eliminate a program for homeless veterans, those who have selflessly served our nation.

Certainly, to get the federal budget on the path toward balance, we must find cuts we can all agree on. Tough decisions will have to be made. But these are not those cuts. Just as our economy is starting to recover is no time to leave our children, our veterans, or our workers behind.

I urge my colleagues to oppose this funding bill and reject its priorities. We must do better for American families.

Mr. CONNOLLY of Virginia. Mr. Chair, I rise to speak against language in the underlying

bill that would prevent HUD from spending money on a Sustainable Communities Initiative. The language in the bill would end a very successful HUD program that has helped communities plan for growth and halt a successful partnership between HUD, DOT, and EPA that promotes redevelopment and new transportation infrastructure. Secretaries Donovan, LaHood, and Administrator Jackson and their agencies have spent the last year cutting red tape and coordinating investments to meet multiple economic, environmental, and community objectives. Northern Virginia is already benefitting from these investments, by winning a TIGER grant to expand bus service dramatically, including in the congested I-95 and Route 7 corridors. The Sustainable Communities Initiative actually represents a conservative principle, because it emulates longstanding efforts by developers and local governments around the country. In Northern Virginia, Fairfax and Arlington counties have led the way with Transit Oriented Development years before the Federal Government figured it out. In Northern Virginia, developers led the way with visionary replanning proposals for Tysons Corner Center Mall, Merrifield Town Center, and numerous other Transit-Oriented Development proposals. These grants go to communities all around the country, large and small, urban and rural. The interest in these has been extraordinary. In 2010, when HUD announced their challenge grants, to be awarded jointly with DOT, a total of 630 communities requested \$1.2 billion in funding. HUD was able to award 61 grants worth \$69 million. HUD's sustainable communities regional planning grants were as popular: 225 regions applied for \$450 million, and HUD was able to award 45 regions a total of \$98 million. It is high time the Federal Government emulated our local efforts in Northern Virginia, and I therefore strongly oppose Republican efforts to repeal this program and prevent federal support of our local programs.

Mr. FARR. Mr. Chair, I rise in opposition to the dangerous and irresponsible cuts to the State and Foreign Operations budget. This short-sighted budget slashing generates petty savings at the expense of America's long-term national security and economic growth.

There are no two ways about it: Our national security depends on investments in development, diplomacy, and defense. As Department of Defense Secretary Robert Gates has said, "The challenges confronting our nation can't be dealt with by military means alone." But this legislation and many of the amendments to it are tone deaf to this common sense.

Mr. Speaker, this fiscal negligence will come back to haunt us if we cripple our efforts to prevent conflict, promote rule of law, and support the creation of stable allies.

I am particularly upset that the Peace Corps, one of our government's most cost-effective tools of peacebuilding, is slashed by \$70 million. Do you know what Peace Corps could do with that money? Send 1,400 Americans to high-priority countries in the Middle East, Africa, and around the globe to work on critical projects like education, agricultural development, and HIV/AIDS relief, while promoting goodwill towards America.

Similarly, I am concerned about amendments to defund the U.S. Institute of Peace.

Our country is fighting a multi-billion dollar war. And as General Petraeus affirmed, USIP works closely with the military in both Afghanistan and Iraq to promote on-the-ground peacebuilding efforts and bring an end to conflict. Yet, as my colleagues propose to increase funding for the war, some have also proposed to eliminate funding for USIP, the only independent government actor that is dedicated solely to conflict prevention and resolution. That makes absolutely no economic sense.

Rather than make smart investments in civilian instruments of security, this bill and a lot of the amendments to it cut many other excellent foreign assistance programs with strong returns on investment. These include international family planning, poverty and infectious disease alleviation, and the Inter-American Foundation.

As Secretary Gates said, "Development is a lot cheaper than sending in soldiers." If we want to be better stewards of taxpayer dollars, then why are we ripping resources away from the low-cost, high-return international programs that create strategic alliances and prevent multi-billion dollar wars?

The foreign aid budget is less than two percent of our total federal budget. This boils down to about \$126 per American. That's about \$100 bucks less than an army service uniform. So, for just \$126 a head, America remains the beacon of democracy in the world. Now, that makes good economic sense.

Our job in this body is to serve the American people. But what kind of public servants are we if we vote to jeopardize America's national security so we can save a few bucks this year?

These cuts to foreign assistance masquerade as fiscal responsibility. But the reality is that this is a short-sighted proposal that endangers our long-term security, stability, and economic health. I strongly oppose this misguided legislation.

Mr. REYES. Mr. Chair, I rise today to express my strong opposition to the significant cuts to community health centers included in this bill. The Continuing Resolution proposes to reduce funding to community health centers by \$1 billion, a nearly sixty percent reduction from FY2010 levels. Over the past few years, millions of families lost their health insurance due to job losses, and they now depend on community health centers to receive health care. If these cuts are signed into law, 192,834 people in Texas alone would lose access to health care.

These cuts are especially harmful to the people of my district. Border communities face unique health concerns and challenges, and community health centers play a critical role. The cuts will have devastating effects on the communities and patients who most need access to care—patients with diabetes, heart disease, and HIV/AIDS, as well as children and pregnant women. Community health centers provide access to quality health care to those who would otherwise forgo a doctor's visit or seek treatment in an emergency when it's too late.

In my congressional district for example, Centro San Vicente, one of many community health centers, provides health services for over 10,000 people a year. The irresponsible

cuts contained in the Continuing Resolution will merely shift the burden to local communities, such as the district I represent, where local property taxpayers have already spent more than \$500,000,000 since 1998 to pay for those who could not afford to pay for health care at our public hospital.

Republicans cannot merely ignore the problems that arise when 50 million people in the United States lack basic health coverage. They have voted to repeal the health insurance reform law, and now want to cut the very clinics that help lower health care costs by encouraging uninsured patients to seek treatment in a doctor's office, not in an emergency room, where the costs are substantially higher.

I understand the need for fiscal discipline, but drastically funding to a cost-effective program that has improved countless lives makes little sense from both a moral and fiscal perspective.

I urge my colleagues to vote against this bill which strips funding for community health centers.

Ms. BORDALLO. Mr. Chair, I rise today to oppose the drastic and reckless cuts my colleagues in the Majority have included in H.R. 1. This legislation includes cuts that will destroy jobs, pollute our environment, damage our schools, threaten public safety and impact nearly every aspect of our economy. They will not strengthen our nation, they will negatively impact our natural resources and inhibit future generation's ability to compete and innovate in the global economy.

Specifically, H.R. 1 would reduce NOAA's operating budget by more than \$450 million dollars, severely diminishing NOAA's ability to protect marine ecosystems, manage our nation's fisheries and provide weather monitoring data to weather sensitive industries. In addition, it will cut programs that provide life-saving services in every state and district. These irresponsible cuts will jeopardize thousands of jobs, threaten public safety and have lasting effects on our national and regional economies.

Of particular concern to coastal regions like Guam, are threats to coral reef ecosystems and the fisheries and tourism industries they support. The US commercial fisheries industry alone accounts for more than \$100 billion in annual sales and supports 1.5 million jobs, while the coastal recreation and tourism industry serves as one of the nation's largest employers. These industries are critical to the long-term economic success of coastal regions however they are significantly threatened by coral reef degradation due to pollution, and climate change. Without healthy coral reefs, fishery levels plummet, and tourism declines.

Reducing NOAA's operating budget will further jeopardize these important industries. Without sufficient funding, NOAA cannot adequately protect our coral reef resources and could be forced to reduce public access to National Marine Sanctuaries and other recreational areas. In addition, H.R. 1 would significantly deteriorate NOAA's law enforcement abilities against illegal, unregulated and unreported fishing. The weakening of these programs would cause both immediate and long term job losses within the commercial fisheries and tourism industries. I strongly oppose all

proposed cuts to NOAA's operating budget, it is too important to our economy and preserving our marine resources for future generations.

Another reckless cut included in H.R. 1 is more than \$217 million to the U.S. Department of Agriculture's National Institute of Food and Agriculture (NIFA). NIFA provides critical grants to universities around the nation, supporting food and agriculture research promoting economic growth and environmental protections. The research yields national value and is especially significant to food security, nutritional health, and increased agricultural production.

Specifically important to Guam, is the Tropical and Subtropical Research program, T-STAR. In 2010, the T-STAR program supported 46 research projects at the University of Florida, the University of Hawaii, the University of Puerto Rico, the University Guam, the University of the Virgin Islands, and at American Samoa Community College. These projects are critical to sustainable agriculture, pest control, and disease research. Funds provided by T-STAR are leveraged by a commitment of local resources, further improving public health, protecting agro-ecosystems, and saving taxpayer dollars over time. They offer a high yield on investment and funding for the NIFA and T-STAR programs should be made a priority. I strongly oppose the majority's irresponsible cuts to these programs.

Mr. QUIGLEY. Mr. Chair, I rise in opposition to the amendment offered by Mr. STEARNS, an amendment which seeks to hamstring the EPA's ability to do its job.

A job which Congress determined was the responsibility of the EPA.

A job which the Supreme Court ruled was the responsibility of the EPA.

And, a job, which is necessary to save thousands of lives, and millions in healthcare costs.

Contrary to what some of my colleagues have been saying on the House floor, Americans support the mission of the EPA.

Americans also support the tenets of the Clean Air Act.

Recently, polls have been conducted in Congressional districts across the country, in districts that are home to coal and power plants, that are in the heart of steel towns and industry.

When questioned, 60 and 70 percent of people in these districts answered with a resounding, "yes, the EPA can and should do more to hold polluters accountable and to protect our land, air and water."

Those same folks did not support Congress deciding how those rules should be promulgated, as this amendment strives to do.

There's a reason that rules are written by agencies—they've got the resources, and the knowledge, to write regulations that will do what's best for American citizens and communities.

Our job is to support these rules.

I stand here in support of the EPA, the EPA's ability to regulate coal combustion wastes and against the proposed amendment.

Our lives depend on it.

Mrs. DAVIS of California. Mr. Chair, America has always been at the forefront of medical innovation—with the National Institutes of

Health (NIH) making us the leader at creating life-saving technology.

Millions of Americans live healthier, more productive lives as a result of our medical research funding.

The innovative and cutting-edge research funded by the NIH has also given the United States thousands of good jobs and contributed to creating a strong middle class.

Now we're voting on a budget that will cut over \$1.5 billion from one of the key engines of American innovation.

H.R. 1 is a set back to medical research and a set back to our economic recovery.

Vote for amendment number 213 to preserve critical NIH funding.

Mr. QUIGLEY. Mr. Chair, I rise today with an amendment that would, quite simply, allow the President to continue to consult an Advisor on Energy and Climate Change.

Section 1535 of this bill, which forbids the President from hiring such an advisor, wouldn't save taxpayers a penny.

Section 1535, which my amendment would strike, is a misguided attempt to tell the President who he can and cannot consult.

Mr. Speaker, I ask you, would any member of this body allow us to deny them counsel on energy and climate issues?

This is NOT a rhetorical question—every member of this body that employs a staffer on energy or climate issues should carefully consider whether they would deny the President that same counsel.

Whether or not you agree with the President on energy and climate issues, I would ask you—is it appropriate to silence those with whom you disagree?

I would also remind my colleagues that Section 1535 of this bill, which my amendment would strike, does not save taxpayers any money at all—not even a penny.

All it does is deny the President the ability to consult with a certain type of advisor.

Section 1535 is an unprecedented intrusion into the President's ability to retain and consult advisors on issues of national importance.

And energy and climate change are issues of national importance.

In light of recent catastrophes like the BP oil spill, ongoing efforts to prevent the EPA from doing its job, and rising rates of mortality and morbidity due to unhealthy air, land, and water—it is more important than ever that we support increased resources for the President and the Administration to do their job of keeping us, and our environment, safe and healthy.

I've stood on this House floor many times, some of them in recent days, and talked about decreasing wasteful government spending.

I've written whitepaper reports, both in Congress and while a Cook County Commissioner, detailing the importance of streamlining and reinventing government.

But, the crux of those arguments is predicated on the fact that I believe that what the government does matters—that government's mission matters.

What we do here today, and tomorrow, and the day after that, matters.

But this CR, which combines ideologically driven cuts with pretend cuts, like Section 1535, is not the answer.

Taking a sledgehammer to non-defense discretionary spending is not the answer.

We've got to talk about what programs are working and support them at the same time we cut the ones that don't work.

We're facing a climate crisis—a climate crisis that has become political and polarizing, pushing leaders into opposite corners of this debate.

But the facts aren't a debate if they're based on science.

And science says that for decades and centuries to come we're going to be dealing with rising temperatures, acidic oceans, extinct species, and skyrocketing healthcare costs due to dirty air.

In these trying times, we're trying to tell the President of the United States he doesn't have the right to counsel on energy and climate change?

With all due respect, Section 1535 is an unserious attempt to achieve some measure of fiscal responsibility.

But the truth is, it hacks away at the constitutional separation of powers and doesn't save taxpayers any money at all.

How we address energy and climate change issues will matter for our children, and our children's children.

We must not hamstring our ability to do so. I urge my colleagues to support this amendment.

Ms. SLAUGHTER. Madam Chair, I rise in opposition to this amendment (Garrett 34).

NEA funding is an investment in the arts, but it's also an investment in communities and jobs. The arts have an incredible ability to enrich our communities and strengthen our cultural diversity, while positively impacting local economies and spurring billions in economic activity.

A strong arts sector is an economic engine that stimulates businesses, generating \$166.2 billion annually in economic activity, supports 5.7 million full-time jobs, and returns \$12.6 billion in Federal income taxes.

The NEA provides grants to communities across the country, supporting our national progress and scholarship in the arts. For each Federal dollar spent on the arts, it creates 9 dollars in economic activity for local communities.

The arts creates jobs in every Congressional District across the country. In Representative GARRETT's district alone, there are 2,042 arts-related businesses that employ 8,473 people, according to Americans for the Arts. And yet, Representative GARRETT is proposing to completely eliminate funding for the NEA, which will threaten jobs and businesses in his district.

The arts also generates tourism revenue. Arts audiences spend more than \$100 billion annually boosting local economies. Every year, 78-percent of U.S. travelers take arts and heritage trips with their families, contributing more than \$192 billion annually to the U.S. economy.

In my district, the 28th District of New York, we have impressive institutions that attract tourists from far and wide, like the Shea's Performing Arts Center in Buffalo and the Memorial Art Gallery in Rochester.

Americans embrace the arts on a personal level. Both military and civilian populations have long relied on the arts for inspiration, to raise morale, to fight anxiety, and to express our democratic values.

This amendment represents the Republicans' commitment to killing jobs and stifling economic activity. It's flawed ideas like this one that have created zero jobs with a Republican Majority.

I strongly urge my colleagues to oppose this job killing, economy stifling amendment.

Mr. CARSON. Mr. Chair, as we continue to debate the Continuing Resolution and slowly whittle away funds for important programs, I rise to express my sincere regret over cuts to Community Health Centers.

In my State of Indiana, these health centers serve nearly half a million Hoosiers, and at a time when American families continue to struggle to afford basic healthcare, I believe this is not the time to defund this valuable program.

Not only will patients lose access to care, but jobs will be lost, as well. It will have a devastating impact on communities and patients who need the care most—patients with diabetes, heart disease, HIV/AIDS, pregnant women, and children—and leave them with literally nowhere to turn for care.

This is no way to treat our Nation's most vulnerable populations.

Ms. RICHARDSON. Mr. Chair, I rise today in strong opposition to Sections 2202 through 2214 of the bill, which cuts funding for needed investments in transportation and infrastructure. These are reckless cuts to important programs and place our country's economic recovery in jeopardy.

Specifically, the cuts to transportation and infrastructure funding will not only cut jobs, but will curtail investment in our country's long-term economic growth.

Mr. Chair, the best way to reduce the deficit is to put Americans back to work. The Republican CR is a job-killing bill that would do nothing more than wreak havoc on the American economy and will put us at an overall competitive disadvantage.

The Republican CR cuts almost \$18 billion from transportation and infrastructure investments alone. Investing in our crumbling infrastructure keeps our economy moving forward and puts Americans back to work by creating desperately needed jobs in the hard-hit construction industry.

Adopting the GOP Continuing Resolution would result in the loss of nearly 300,000 private-sector jobs a figure that is in stark contrast to the GOP's commitment to keep job creation their number one priority.

These reckless cuts to investments in roads, bridges, transit and rail will have tremendous consequences to our economic recovery and will render us uncompetitive in the global market.

The cuts to transportation and infrastructure projects include: a cut of \$1.4 billion in the Clean Water State Revolving Loan Fund program; a \$6.3 billion cut in high-speed/intercity rail; a cut of \$613 million in the Tiger II program; and a cut of \$75 million in the Tigger II program.

These draconian cuts to the transportation and infrastructure budget will have a tremendous impact on the health and stability of our economy. Democrats and Republicans both agree that the Federal Government needs to tighten its belt when it comes to spending.

However, cutting funding to transportation and infrastructure programs will curtail the in-

vestments that are desperately needed to sustain our long-term economic recovery.

These divisive cuts to critical transportation and infrastructure projects will compromise programs that are invaluable to increasing efficiency of commerce, reducing fuel consumption, and creating jobs.

The Republican proposal to cut key funding from the transportation and infrastructure budget will undermine the stability that is required of long-term transportation projects that require a steady source of funding and will eliminate key investments in roads and bridges that foster private sector job growth.

The job-killing Republican Continuing Resolution will rescind \$2.5 billion for high-speed rail projects that have already been awarded. These are critical investments for our future.

Creating efficient and affordable high speed rail line in popular transportation corridors, such as the Los Angeles to San Francisco will create thousands of jobs, protect our environment and reduce our dependence on foreign oil. In California alone, the GOP CR rescinds over \$1 billion in funding for high-speed/intercity rail. This is absolutely unacceptable.

In addition, the GOP Continuing Resolution would cancel 76 projects in 40 states and would cut \$234 million that would be used to improve our nation's air traffic control system. The Republican proposal also threatens adequate funding to wastewater treatment facilities and sewer lines putting 40,000 American jobs in jeopardy.

In California alone, the Republican CR would cut over 40,000 transportation related jobs. Hundreds, if not thousands, of those jobs are sure to be lost in my district.

This Continuing Resolution would also cut almost \$100 million in funding to keep our water clean and would reduce funding to the state of California for transportation projects by over \$1.2 billion.

This bill does not create jobs, stifles long-term economic growth, and puts our country at a competitive disadvantage. This is not what the American people want.

I urge my colleagues to stand with me in opposition to this bill.

Mr. PRICE of North Carolina. Mr. Chair, as Ranking Member of the Homeland Security Appropriations Subcommittee, rise to discuss the impact this bill will have on our Nation's security.

I am talking, in part, about its impact on the efforts directly managed by the Department of Homeland Security. But I am also talking about our security in a broader sense: about what makes us strong, secure, and prosperous as a Nation.

As for the bill's Homeland Security title, I want to commend Chairman ADERHOLT for doing what he could to shield several critical programs from the ill-advised cuts throughout this bill. Our border security, disaster relief, immigration enforcement, and transportation security efforts—for the most part—are protected.

Unfortunately, these investments offer little consolation when we look at other areas of the DHS budget. This bill would severely cut federal support for state and local first responders, which is particularly troubling when we consider the fiscal restraints that state and local governments are facing right now.

The elimination of firefighter grants is especially galling. That cut is guaranteed to result in thousands of firefighter layoffs across the United States.

But while I am concerned about the problems with the homeland security section of this bill, I know that these cuts pale in comparison to other critical domestic services and investments.

And that is exactly my point: the strength and security of our country are about so much more than how much we spend on weapons systems or how thoroughly we police the border. They are about the investments we make in our people, in our Nation's ability to recover from the current economic downturn and compete in the global economy.

By this measure, this Republican proposal would dangerously weaken our security by undermining the things that make us strong—from education to scientific research to infrastructure—in an effort to achieve an arbitrary level of cuts dictated by the most extreme elements of the Republican Conference.

As an illustration, look no further than my own congressional district, the Research Triangle of North Carolina. In just a few decades, the Triangle has become one of the leading centers of research, education, and innovation in the world—an engine of economic growth whose impact extends well beyond state lines.

But now my Republican colleagues are threatening to undermine the very basis of our economic success.

This bill would gut higher education by slashing the maximum Pell Grant award by 17 percent. In my district, over 27,000 students receive Pell Grants—over 249,000 students in North Carolina overall.

We cannot possibly “out-educate” our competitors by denying a college education to thousands of American students and allowing the most disadvantaged children to fall even further behind.

Nor can we “out-build” our competitors by slashing funding for high-speed rail, clean energy technologies, and other investments in the infrastructure that will be necessary to sustain the industries of the 21st Century—as this Republican proposal would do. Cuts to transportation and infrastructure in this bill would directly result in the loss of over 20,000 jobs in North Carolina alone.

Indeed, the enactment of this measure could sound the final death knell for any hope that the United States will become the global market leader in “green” technologies. Instead, we will only fall further behind as China and other countries develop the energy sources that will fuel our economy as the price of oil soars.

Finally, this Republican plan would eviscerate our investments in scientific research—in the source of so much of our economic success, especially in the Research Triangle.

It would cut cancer research and other NIH funding by nearly \$1.6 billion. It would cut National Science Foundation research and education by over \$800 million. And it would cut \$400 million from agricultural research that keeps our farmers competitive in the global market.

These are just a few of the dozens of initiatives which have built the foundation for our Nation's economic prosperity—and, by extension,

our Nation's security. To take a wrecking ball to this foundation at a time when we are struggling to recover from a financial crisis and compete again in the modern global economy would be both reckless and reprehensible.

We shouldn't even be calling this bill a Continuing Resolution. The “CR” could more accurately stand for “Continuing the Recession”, or “Choking the Recovery”—because that's exactly what this bill will do.

I urge my colleagues to oppose this dangerous measure.

Ms. BORDALLO. Mr. Chair, I rise in support of amendment #488 pre-printed in the CONGRESSIONAL RECORD. My amendment is simple and straightforward. It would fence off 24 million dollars for the ground-based augmentation system (GBAS) which is a critical component of the Federal Aviation Administration's (FAA) next generation air traffic control system.

GBAS is in the Federal Aviation Administration's (FAA) National Airspace System Enterprise Architecture and the Next Generation (NextGen) Implementation Plan and is a foundational operational capability for international aviation. Over time, as aircraft equipment increases, GBAS will allow the FAA to decommission other ground based precision landing aids. It also facilitates the publication of safer, more efficient and highly accurate terminal arrival, departure and approach procedures. These more efficient terminal procedures will help to reduce CO₂ emissions and fuel burn over the long run. Further, because of the operational flexibility of a system it will allow airports to quickly recover from natural disasters that can greatly deteriorate those airports landing approach vectors. But, we need to invest in this technology to get it to a Category 3 operational standard and this takes a commitment from the Congress, the FAA and the airlines.

Since we are passing a year-long Continuing Resolution this will give the FAA a considerable amount of discretion in how it obligates funding for its facilities and equipment account. The significant cuts of almost \$400 million to the facilities and equipment account could greatly hamper any true investment in GBAS or other critical components of the NextGen system. It is important for us to invest in the future safety of our skies now rather than later. To date, the FAA has shown a poor track record of supporting this critical part of the NextGen program and we want to ensure that the FAA knows Congress supports this important part of the program. I commend Congressman TOM LATHAM and Congressman JOHN OLVER, Chairman and Ranking Member of the Subcommittee on Transportation, Housing and Urban Development and Related Agencies for their support of this program in the Omnibus bill. I look forward to working with them to ensure GBAS gets the support it deserves from the FAA.

Mr. NUNES. Mr. Chair, after four years of complete neglect by the Democratic majority, the San Joaquin Valley of California is in utter shambles. The previous Congress inexplicably and utterly failed to comprehend that shutting off the water supply to an agricultural economy would create economic devastation. As a result, unemployment rates rose to 20% and are as high as 40% in some parts of the Valley.

For the past several years, I have fought to restore the water flow and bring back the lost jobs. Every attempt I made to offer legislation was rebuffed by the Democrat majority. Instead, they chose poverty over prosperity and environmental activists over farm workers. The message sent to families in the San Joaquin Valley was that Congress doesn't care that hungry people stand for hours in food lines. It was more important to nourish a fish than nourish a child. In a final insult to the people of the San Joaquin Valley, carrots from China were among the food products provided in those lines.

Those dark days are coming to an end. A new dawn has come in the House of Representatives—one that will bring jobs and water back to the parched San Joaquin Valley. The bill before us today is the first step in that direction.

Over the last three years, the San Joaquin Valley has seen water supply cuts imposed and justified by draconian biological opinions on the delta smelt and salmon developed by the Fish and Wildlife Service (FWS) and the National Marine Fisheries Services (NMFS). The United States District Court for the Eastern District of California has held that these opinions are unlawful and illogical; the National Academy of Sciences has said those opinions are not supported by science.

With respect to the delta smelt biological opinion issued by the FWS on December 15, 2008, it has been remanded to the agency for preparation of a new biological opinion. The Court's December 14, 2010 decision identified an overarching legal flaw in the “reasonable and prudent alternative actions” proposed by FWS. Specifically, the Court found that the FWS failed to comply with its own regulations that govern the development and evaluation of reasonable and prudent alternatives. The Court held that “the RPA Actions manifestly interdict the water supply for domestic human consumption and agricultural use for over twenty million people who depend on the Projects for their water supply,” and commented that, “‘Trust us’ is not acceptable. FWS has shown no inclination to fully and honestly address water supply needs beyond the species, despite the fact that its own regulation requires such consideration.”

The language that was included in Section 1475 of the bill (H.R. 1) before the House today was specifically addressed by the Court. The Court found that the delta smelt reasonable and prudent alternative Actions 1, 2 and 3 are scientifically flawed because of FWS's use of raw salvage numbers without accounting for changes in population abundance across years, was “scientifically inappropriate.” The Court further found that “the PTM study does not justify the imposition of —5,000 cfs as an upper limit in Actions 1, 2, or 3,” and directed FWS “to perform an accurate scientific analysis and justify its ultimate decision regarding the imposition of a water flow ceiling.”

Additionally, the Court found that FWS's finding that project pumping reduces delta smelt prey, despite serious criticism of the underlying analysis by FWS's own peer review panel “suggests another unlawful, results-driven choice, ignoring best available science.” The Court said that FWS's attempt to blame

the Central Valley Project and State Water Project for essentially all other stressors on the delta smelt population “has not been justified, nor is it logical or explained by any science.” The Court also said the entire modeling method employed by FWS in the delta smelt biological opinion was flawed, arbitrary and capricious, and ignored the best available science, all of which indicated that “a bias was present.” The Court concluded that because “the impacts of regulating Project Operations are so consequential, such unsupported attributions (a result in search of a rationale) are unconscionable.”

With respect to the salmon biological opinion issued by the NMFS, on June 4, 2009, the Court granted a preliminary injunction against implementation of reasonable and prudent alternative Actions IV.2.1 and IV.2.3—both of which are addressed in Section 1475 of H.R. 1. In its May 18, 2010 findings, the Court declared “there is little to no justification in the record for the exact flow ratios chosen for RPA Action IV.2.1.” It explained that “the record does not support a finding that the specific Vernalis flow to export ratios imposed by Action IV.2.1 . . . are necessary to avoid jeopardy and/or adverse modification to any of the Listed Species.”

In addressing Action IV.2.3, the Court found “NMFS did not address relative population impacts in developing or explaining RPA Action IV.2.3.” The Court ruled that “salvage data was not scaled for population size, which any prudent and competent fish biologist and statistician would have done, making NMFS’ reliance on the salvage data scientifically erroneous.” Also, the Court found that “[t]here are serious questions whether there is support in the record for the general proposition that exports reduce survival of salmonids in the interior Delta.”

Last year, the National Academy of Science (NAS) issued a report on both of these biological opinions, including the reasonable and prudent alternatives imposed by each; the report was titled a “Scientific Assessment of Alternatives for Reducing Water Management Effects on Threatened and Endangered Fishes in California’s Bay Delta.” In particular, regarding the delta smelt biological opinion, the NAS found that “there is substantial uncertainty regarding the amount of flow that should trigger a reduction in exports.” It also found “the historical distribution of smelt on which the relationship with OMR flows was established no longer exists. Delta smelt are now sparsely distributed in the central and southern delta . . . and pump salvage has been extremely low, less than four percent of the 50-year average index.”

Regarding Action IV.2.3 in the salmon biological opinion, the report concluded that “the threshold levels needed to protect fish is not definitively established.” The report counseled that “[u]ncertainty in the effect of the flow triggers needs to be reduced, and more flexible triggers that might require less water should be evaluated.” The report also found that “there is little direct evidence to support the position that this action alone will benefit the San Joaquin salmon” absent increased San Joaquin River flows. In reference to Action IV.2.1, the report found that while flows may help out migration, reducing the “effectiveness

of reducing exports to improve steelhead smolt survival is less certain,” and that there is a “weak influence of exports in all survival relationships.”

As a final criticism of the reasonable and prudent alternatives in the two biological opinions, the report decried the lack of a “quantitative analytical framework that ties them together within species, between smelt and salmonid species, and across the watershed. This type of systematic, formalized analysis is necessary to provide an objective determination of the net effect of the actions on the listed species and on water users.” The report found the lack of any such analysis to be “a serious deficiency.” As the NAS report observed, “[t]his issue has been raised repeatedly in peer reviews, but still has not been incorporated in the NMFS and FWS analyses.”

Despite what the opponents of turning on the pumps say, Section 1475 of H.R. 1 will not prevent the Bureau of Reclamation from complying with the Endangered Species Act in carrying out its vital function to deliver water supplies. Instead, Section 1475 is intended to enable the Central Valley Project to operate unencumbered by the proposed agency alternatives that the Court has already found do not comply with law and therefore should not be enforced.

Furthermore, the bill will ban federal funding for the restoration of the San Joaquin River during the 2011 fiscal year. This is the first step in efforts to replace the flawed billion dollar salmon run. It also demonstrates Congressional intent to suspend restoration flows for 2011, thereby keeping the water on the east side of the valley. Through the replacement of the existing restoration plan, we will be able to establish both an environmentally and economically responsible San Joaquin River restoration. This will include a year-round, live river on the San Joaquin but will also ensure a robust east side agriculture economy.

I call on my colleagues to support this bill and these vital provisions which will ensure that farmers in the San Joaquin Valley have water to irrigate their fields, grow crops that feed this nation, and put thousands of people back to work.

Mr. CARSON of Indiana. Mr. Chair, I am deeply troubled by the latest attacks on healthcare organizations such as Planned Parenthood that provide preventive and family planning care for millions of women and men across this country.

These centers play key roles in the lives of many who cannot always acquire preventive services elsewhere.

At a time when Americans continue to struggle to afford basic healthcare, eliminating Title X funding would have a devastating impact on women, men and teens in our communities.

As one of the nation’s leading advocates for reproductive health, providing access to contraception to breast and cervical cancer screenings, Planned Parenthood serves a very important purpose. I vow to continue my strong support for these vital healthcare services.

Mr. BLUMENAUER. Mr. Chair, I rise in opposition to language in H.R. 1 that would prevent the Department of Housing and Urban Development from spending money on the Sustainable Communities Initiative. The lan-

guage in the bill is short-sighted and represents a missed opportunity for communities around the country. Not only will it end a very successful HUD program that has helped communities large and small plan for growth and coordinate economic development investments, but it could halt a very successful partnership between HUD, the Department of Transportation, and the Environmental Protection Agency that promotes interagency coordination.

Despite the obvious connections between housing, transportation, and land use, these three agencies have not always worked well together in the past. But Secretaries Donovan, LaHood, and Administrator Jackson and their agencies have spent the last year cutting down red tape and coordinating investments to meet multiple economic, environmental, and community objectives.

These efforts not only save money, but they make government more efficient and ensure that the federal government is a better partner to local communities. As we reduce federal investments and watch our communities struggle, this seems like something all members of the House can get behind.

The Sustainable Communities Initiative at HUD provides resources to help communities realize their own visions for more economically competitive communities that generate more jobs, lower housing and transportation costs, and use limited public funds more wisely. Another important function of the Sustainable Communities Initiative at HUD is to provide competitive grant funding. Working with the DOT and EPA, the Initiative offers grants to communities to integrate transportation, housing, land use and energy planning using state of the art data and tools.

These grants go to communities all around the country, large and small, urban and rural. The interest in these has been extraordinary. In 2010, when HUD announced the challenge grants, a total of 630 communities requested \$1.2 billion in funding. HUD was only able to award 61 grants worth \$69 million. HUD’s sustainable communities regional planning grants were as popular: 225 regions applied for \$450 million, and HUD was able to award 45 regions a total of \$98 million. This funding is helping to create jobs, drive economic development, provide housing and transportation choices, increase walkability, and improve quality of life.

Eliminating the Sustainable Communities Initiative will deprive the communities who weren’t awarded funding in the last round from the opportunity to have their projects funded next time. Because the bill also rescinds unobligated funds, projects that were awarded grants and are already in the pipeline could be cancelled. Even though the grants have been awarded, many of the final contracts have not been signed.

I’d like to highlight a number of the 2010 Community Challenge Planning Grant projects that could be threatened as a result of the bill we have on the Floor today.

The City of Augusta, GA, Augusta State University, and other partners will be awarded \$1.8 million for the Augusta Sustainable Development Implementation Program, which will help plan the redevelopment of the Priority Development Corridor, a 4.5 mile north-south

"spine" in the core of Augusta. The project will include a multi-modal transportation corridor; a revision of current codes to facilitate a vibrant, mixed-use, mixed-income development; and a plan for green, affordable housing in Georgia's second-largest city.

The City of Covington, KY, will be awarded \$359,000 to create a Downtown Action Plan with the active involvement of citizens and stakeholders. Among other things, the plan will increase the number of workers who live downtown near jobs, decreasing traffic and pollution. Partners in the project include the National Development Council, Northern Kentucky University Center for Economic Analysis and Development, Transit Authority of Northern Kentucky, Ohio Kentucky Indiana Regional Council of Governments, Northern Kentucky Area Planning Council and the Covington Business Council.

The City of Flint, MI will be awarded \$1.5 million to replace its existing city master plan with an integrated plan for sustainable development. The outreach process will include neighborhood-level discussion about residents' vision for the plan. Among others, project partners include the Genesee County Chamber of Commerce, University of Michigan-Flint, Hurley Medical Center, and the Community Foundation of Greater Flint.

If this language passes, Grand Traverse County, MI could lose a \$400,000 grant to create a Housing Inventory and Assessment, a County Master Plan, neighborhood revitalization, and affordable housing. The City of Hattiesburg, MS could lose \$150,000 for a plan to lay the foundation for a commercial and residential mixed-use, mixed-income housing district. The City of Claremont, NH could lose \$58,000 to undertake a comprehensive zoning analysis that will identify tools to maintain its historic cityscape, encourage development to maximize use of existing infrastructure, drive private investment and economic development to downtown, and improve the quantity and quality of housing. Oklahoma City could lose \$500,000 to develop a plan that provides an inventory and analysis of existing land availability, identify additional lands that may be designated for industrial use, assess infrastructure needs of that land, set priorities to help guide investment, and facilitate new industrial development.

Many more communities, which I don't have time to list now, have received funding and assistance from the Sustainable Communities Initiatives.

Keep in mind that this is a voluntary grant program. These communities have approached HUD to seek funding to support their own visions for economic revitalization. The grant applications are created from the ground up by local governments in partnership with community and business organizations. An important aspect of each of these projects is citizen outreach and public engagement.

I hope my colleagues will join me in rejecting this short-sighted proposal.

Ms. HARMAN. Mr. Chair, I am pleased that Mr. AKIN plans to withdraw his amendment #181 to defund the bipartisan indoor lighting provision of the historic Energy Independence and Security Act, which President Bush signed into law in 2007.

Let me underscore a few facts:

First, Chairman UPTON plans to hold an oversight hearing on this provision in the near future—so action today would have been premature.

Second, the National Electrical Manufacturers Association, which represents the domestic manufacturers of light bulbs and includes GE, Sylvania and Phillips, urges a "no" vote.

Third, the law does not ban incandescent light bulbs, or force Americans to buy Chinese-made compact fluorescent bulbs that contain small traces of mercury.

Fourth, what the law does is set a glide path to US manufacture of more efficient light bulbs—which are already saving consumers an average of \$200 per family per year. Manufacturing facilities in Pennsylvania, Ohio, North Carolina, Florida and Torrance, CA—in my district—are creating thousands of new jobs right now.

Finally, when the law passed by a strong bipartisan vote my co-author Rep. UPTON said: "... it is a bipartisan effort in every way ... this is where we need to be ... where the world needs to be."

And then-Ranking Member on Energy and Commerce Rep. BARTON added: "... this is one of the few areas where there has been constructive dialogue and bipartisanship ..."

Withdrawing this amendment is the proper thing to do and I commend Rep. AKIN for doing so.

Ms. RICHARDSON. Mr. Chair, I rise in opposition to Section 2226 of the bill, which will cut funding for the Community Development Block Grant (CDBG) program from the current level \$3.948 billion to \$1.5 billion, a 62 percent decrease.

This drastic reduction would have a devastating impact on communities all across America, including my district, and hinder our ability to continue doing our part in aiding the Nation's economic recovery.

CDBG works. In Los Angeles County, for example, CDBG funding has provided a direct benefit to low- and moderate-income residents and their neighborhoods, something that simply would not have been possible without this federal-local partnership.

Over the past five years, Los Angeles County's CDBG program has accomplished the following: 1. created or retained 1,109 jobs; 2. provided loans and technical assistance to over 14,000 businesses; 3. provided assistance to over four million individuals in unincorporated areas and participating cities in Los Angeles County; 4. preserved 6,217 housing units; 5. provided improvements to almost 23,000 facilities; and 6. removed over 28 million square feet of graffiti.

Mr. Chair, reducing CDBG funding would mean curtailing or cancelling the following types of activities in my district and countless others across the Nation: 1. Housing Rehabilitation Loans and Grants for families the elderly and disabled persons; 2. Commercial Facade Improvements in distressed areas; 3. Youth Programs providing afterschool, child care, gang prevention, and intervention services; 4. Senior Programs that offer meals, housing placement, and recreation; 5. Construction and improvement of critical public facilities and infrastructure; and 6. Business Loan Programs to bring development and jobs into our communities.

Mr. Chair, the federal budget is not merely a ledger documenting receipts and expenditures but a reflection of our national values. And certainly nothing is more central to our national character than its strong, healthy, and vibrant local communities. The CDBG program is indispensable if we are to continue the important community and economic development initiatives needed to revitalize our economy, create jobs, and put people back to work in homes they own and can afford.

Mrs. CAPPS. Mr. Chair, I rise in strong opposition to H.R. 1.

This deeply flawed bill does nothing to create jobs or promote economic growth. In fact, it actually undercuts these critical priorities, threatening to destabilize our fragile economic recovery.

The bill cuts billions of dollars from programs that increase transportation and housing choices, reduce traffic on our highways, and lower energy costs for American families. It cuts Community Development Block Grants that empower local cities and counties to prioritize the housing and infrastructure projects that make the most sense for them. And it eliminates funding for the Sustainable Communities Initiative—a program that strengthens local economic competitiveness and reduces commutes to jobs, shops and schools.

These proven programs are already creating jobs and stimulating economic growth. They help local communities attract new businesses and jumpstart their economies. They help improve local business districts and provide affordable housing options nearby. And rather than build expensive new roads and highways, these programs focus on fixing what we already have.

In short, these programs create jobs. High tech jobs. Clean energy jobs. Construction jobs. High quality, local jobs that pay well and can't be shipped overseas.

Rather than enhancing these proven job creators, the Majority is eliminating them. The irrational spending cuts in this bill completely undermine these proven programs and threaten to cripple our fragile economic recovery. It makes no sense.

But I suppose we shouldn't be surprised, given the Majority's record on the issue. It's been nearly two months and we have not voted on a single bill to create jobs or promote economic growth. Not one.

Mr. Chair, we can't simply cut our way to economic prosperity.

This CR is nothing more than a negligent political gimmick. But this gimmick has real consequences. Real consequences for our local communities whose crumbling infrastructure will only deteriorate further; real consequences for the millions of unemployed Americans whose search for a job will only get longer; and real consequences for Middle Class families whose struggle to stay afloat will only get tougher.

It's time this Congress starts doing what our constituents sent us here to do—create jobs. I urge my colleagues to support jobs creation and oppose H.R. 1.

Mrs. DAVIS of California. Mr. Chair, I strongly oppose this bill's elimination of funding for Title X family planning services.

This extremely successful program helps both men and women access lifesaving preventative healthcare, including breast exams, cancer screenings, and HIV tests.

The proposed cuts in H.R. 1 would eliminate these, which is unconscionable.

If my colleagues across the aisle really want to reduce the number of abortions in this country, they should support Title X funding which helps prevent unintended pregnancies through education and access to contraception.

In my home state of California, Title X helps more than 200,000 women avoid unintended pregnancies.

The birth rate among California teenagers has decreased by more than half since 1992. Without Title X funding it would be 37 percent higher!

Eliminating the \$2.2 million in Title X funds that San Diego County receives every year will mean taking away care in a state already struggling with limited resources.

I will not let San Diego families lose these valuable health services.

When women have better access to family planning, it leads to healthier outcomes for both mother and child.

Leadership proposes these cuts under the guise of being "fiscally responsible," but that is far from reality, particularly for states that are in budget crises like California.

The contraceptive and other reproductive health services provided at Title X—supported centers in my state saved \$581,890,000 in public funds in 2008 alone.

Cutting family planning is fiscally irresponsible.

Eliminating it doesn't save taxpayers any money; in fact, it puts their health and potentially their lives at risk. That is a cost we cannot afford.

Mr. DUNCAN of South Carolina. Mr. Chair, with the federal budget deficit soaring past \$1.5 trillion dollars, our national debt is no longer simply a pressing economic problem. It is a looming catastrophe. If we do not reduce government spending immediately and by massive amounts America will never recover. The annual deficit alone equates to nearly \$5,000 for every man woman and child. That means we are spending \$5,000 per person more than we take in each year. The amount of total debt our government has accumulated is much too great for our citizens to even fathom at \$14 trillion.

I agree with the nonpartisan Eagle Forum citizen advocacy group which recently stated that if we do not drastically reduce spending now, the problem won't simply be that our children and grandchildren will be saddled with debt. Our currency will become worthless, economic growth will become nearly impossible and our nation will be plunged into a modern equivalent of the dark ages. Our only choice is to drastically reduce the size and cost of our government. It is not possible to raise taxes high enough to pay for all the spending the President wants. Despite the tremendous work ethic and resourcefulness of the American people, it is no longer even possible for the United States to grow our way out of this mess. Freezing spending is not enough. Merely trimming spending is not enough. We need to cut and cut deeply. Rep-

resentatives JIM JORDAN and SCOTT GARRETT and Senator JIM DEMINT have proposed \$173 billion of discretionary spending cuts over the next two years, \$16.1 billion in cuts to Medicaid, ending the "stimulus" program which will save \$45 billion, and ending government ownership of Fannie Mae and Freddie Mac, saving another \$30 billion. This proposal is an excellent start. It is necessary. And it may be America's only hope if we wish to avoid an economic calamity.

Mrs. MALONEY. Mr. Chair, this week, the House is debating a Continuing Resolution (H.R. 1) that includes the dangerous elimination of funding to a key organization, UNFPA, that provides life-saving services to women, children and families around the world in over 150 countries—more than any other organization in the world.

The work UNFPA does recognizes that there is a direct connection between a woman's ability to plan her family, space her pregnancies, and give birth safely and her ability to get an education, work outside the home, support her family, and participate fully in her community. UNFPA knows that when we ignore the health of women, there is a measurable cost in terms of lost productivity, lost resources, and lost lives. The CR works against these efforts which is why I urge you to vote against it.

Recent natural disasters remind us that the needs of women must not be forgotten in times of emergency. The devastating earthquake in Haiti did not stop the need for access to good maternal health care. Haiti already had the highest rate of maternal death in the Western Hemisphere before the earthquake, with the lifetime risk of dying in childbirth equaling 1 in 47.

Since the earthquake, UNFPA has delivered reproductive health supplies, including clean delivery kits and other maternal and neonatal health care products.

UNFPA helps to ensure women and their health care needs are not ignored in the wake of a disaster. But we can't wait until times of emergency to act. Each year more than 536,000 women die due to complications developed during pregnancy and childbirth, and another 10 million suffer debilitating illnesses and lifelong disabilities and UNFPA works to help prevent these deaths and complications.

Every step of the way, UNFPA is working to help women, prevent death, and support healthy families. This bill will cut funding to the basic work UNFPA does as well as the work it does in times of emergency, including Haiti, the Southeast Asia tsunami in 2004, and Afghanistan in 2001, among other times.

For this, and scores of other reasons, I encourage you to vote "no" on H.R. 1.

Ms. DELAURO. Mr. Chair, I rise in opposition to the cuts to the Agriculture and FDA budget in H.R. 1. They are rashly made, and they will endanger both our food supply and our families.

During my time as Chair of this subcommittee, we worked hard to provide the resources to better improve the safety of food, drugs and devices. We expanded access to fundamental nutrition and hunger programs. And we invested wisely in key areas like conservation and rural development. This continuing resolution threatens to undo all of our hard work.

Instead of cutting special interest waste, like the subsidies that go to high-income farmers and corporate farms, this continuing resolution hurts everyone else. It hurts the economy, will cost us jobs, and it threatens the middle-class and working families we were elected to represent.

We are already playing a dangerous game in terms of food safety—Far too many of the dishes on our kitchen table get there uninspected. But under this continuing resolution, there would be 2000 fewer firm inspections—and 10,000 fewer import inspections—conducted by the FDA.

In fact, both the FDA and USDA would have to furlough thousands of inspectors under this plan. That is more than just a food safety problem. It means the nearly 6,300 meat and poultry plants across America would be legally required to stop operating—costing approximately \$11 billion. And it would mean, by the basic principles of the market, that the price of meat and poultry would increase for every single family in America.

In addition, this CR rolls back the budget of the Farm Service Agency—forcing a 40 day furlough of all employees and meaning long delays and less help for farmers and ranchers.

In cuts food aid to the lowest it has been in a decade, 15 million people would lose desperately-needed emergency food assistance, which will endanger our war efforts and the security of our troops in Afghanistan. And 2.5 million more women and children lose the vital aid provided by McGovern-Dole, a program with long bipartisan support.

There are many terrible ideas in this CR, but perhaps the unkindest cut of all is what will be done to the Commodity Supplemental Food Program and the Women with Infant Children feeding program. Instead of slashing subsidies for oil companies and saving \$40 billion, the majority has decided to deny over 100,000 low-income seniors from receiving food packages, and cut almost \$750 million from WIC, a program serving our most vulnerable citizens.

They are quite literally taking food from hungry seniors and children's mouths, and giving it to the special interests—corporate farms and oil companies—who write their checks. It is unconscionable.

I urge my colleagues to vote against these reckless and irresponsible cuts, and to work together on a budget that better reflects our priorities as a nation.

Mr. MCGOVERN. Mr. Chair, I wish to express my strong support for the Sustainable Communities Initiative and oppose any cuts to this important economic development program in H.R. 1.

The Sustainable Communities Initiative illustrates a successful partnership among government agencies to invest in our local economies. At a time when there's so much talk of making government work better, this initiative is a shining example of cutting red tape and fostering collaboration among similar community interests.

Through this initiative, the Departments of Transportation, Housing and Urban Development and the Environmental Protection Agency award competitive grants to communities for innovative projects that connect the creation of good jobs, sustainable housing and efficient modes of transportation.

In just the short time that this initiative has been in existence, it has awarded numerous competitive grants to communities across the country.

In 2010, a total of 630 communities requested \$1.2 billion in finding and HUD awarded 61 grants worth \$69 million. Clearly, communities see the great potential benefits for the projects funded by this unique initiative.

Although my hometown of Worcester, Massachusetts was not a grantee in the last round of awards, it earned the designation of "preferred sustainability status." Eliminating funding for the Sustainable Communities Initiative would prevent Worcester and dozens of communities across the country from having the opportunity to receive grants to meet their multiple economic, environmental and community needs.

Furthermore, language in H.R. 1 to rescind unobligated funds would threaten projects in communities that were recently awarded grants.

Mr. Chair, cutting funding for the Sustainable Communities Initiative would be harmful to job creation efforts and would take away a vital tool to help communities transition to a 21st century economy.

I urge my colleagues to support the Sustainable Communities Initiative and oppose any cuts to this program.

Ms. MATSUI. Mr. Chair, I rise today in opposition to the C.R. put forward by my Republican colleagues, and specifically to the defunding of Title X family planning programs authorized under the Public Health Service Act.

Begun in 1970 by President Nixon, Title X funding provides for voluntary family planning projects, and is essential to protecting women's health services. Currently, Title X is our Nation's only program dedicated to providing low-income Americans with family planning and reproductive health services.

My colleagues on the other side of the aisle are attempting to misconstrue Title X as federal subsidizing of abortion. However, Title X does not provide for abortion services. But it does cover essential health care for millions of families and women. From birth control to cancer screenings, approximately five million Americans rely upon Title X programs every year.

We simply cannot afford to cut lifesaving and preventive care services for those who would not otherwise have access to such care, especially in our current economic climate.

I urge my colleagues to vote against the defunding of these vital health programs contained in Title X by voting against the C.R.

Mr. SHERMAN. Mr. Chair, Congressman FRANK and Congressman HOLT offered amendments reducing funding for the Internal Revenue Service, and increasing funding for the SEC and the Consumer Financial Protection Bureau, respectively.

I do not support a reduction in the budget of the Internal Revenue Service, nor do I support the rather modest cut to the General Services Administration included in the Frank Amendment.

I believe that if the House adopts the Frank and Holt Amendments that the Senate will provide the funds to the Securities and Ex-

change Commission and the Consumer Financial Protection Bureau indicated in those amendments, and will also restore the funds to the IRS and the GSA. Accordingly, I did not vote for these amendments as if they were the last word that Congress would utter regarding the funding of the SEC, the Consumer Financial Protection Bureau, the IRS, and the GSA. Rather, I believe that in the Senate, and in the Conference committee, the support registered for the Frank and Holt Amendments will bolster the claim of those trying to provide adequate funding for the SEC and the Consumer Financial Protection Bureau, but will not undercut those of us seeking adequate funding for the IRS and GSA.

My support for IRS funding does not mean that I do not think that there needs to be significant reform of the IRS, its operations, and in some hopefully rare cases, the manner in which it treats tax payers.

Mr. PIERLUISI. Mr. Chair, I rise to express my strong opposition to the Continuing Resolution, which would make devastating cuts to vital programs that can help America win the future.

I recognize the need to reduce our nation's deficit in a thoughtful and deliberate manner. But, as a recent editorial stated, "these are the wrong cuts, to the wrong programs, at the wrong time." To sharply scale back or to eliminate programs that are critical to our nation's future in an effort to achieve an arbitrary level of deficit reduction is unwise. Although I disagree with many of the cuts included in this bill, I will focus my remarks on three programs whose long-term benefits far outweigh their short-term costs: the Pell Grant Program, COPS funding, and the Clean Water and Drinking Water State Revolving Funds.

Pell Grants give nearly ten million disadvantaged students, who might otherwise be unable to afford college, the ability to obtain a university education. As the cost of college rises, and economic challenges persist, many more families are struggling to pay their child's tuition bill. Yet, the legislation we are considering today would reduce annual Pell Grant funding for students by nearly \$690 on average—and by nearly \$720 in my district, Puerto Rico. Many students who are currently attending college with the help of a Pell Grant, or who plan to attend college with the help of a Pell Grant, will be unable to do so if this cut is implemented.

Whatever one's political affiliation, it should be clear that a college education opens doors for our young men and women that would otherwise remain sealed shut. College graduates earn significantly more than those without college degrees and have a broader range of career options available to them. And when our students are better educated, our economy is more prosperous and our nation is more competitive. Our nation will not be able to keep pace with China and other countries if we do not increase the number of Americans who graduate from college. To decrease Pell Grants in the present environment is not just bitter medicine; it is bad medicine.

Another proposed funding cut that would cost our country dearly in the long term is the bill's elimination of the COPS Hiring Program. This program puts officers on the streets, protects communities, and saves lives. No matter

what part of the country you are from, you deserve to feel secure in your home. As Attorney General of Puerto Rico in the 1990s, I worked with the Clinton Administration to help secure passage of the bill that created the COPS program. Since the mid-1990s, Puerto Rico has received over \$160 million in COPS grants. This funding has translated into over 3,500 new police officers in our communities. I can attest that programs funded by COPS have been a key ingredient in Puerto Rico's fight against crime. If the COPS Hiring Program is eliminated and crime increases, it will produce economic and emotional costs that far exceed the investment we could make to COPS today. To propose the elimination of the COPS Hiring Program—especially at a time when states and territories are least able to find the funding necessary to safeguard their citizens—is profoundly irresponsible.

Finally, I have deep concerns about proposed cuts to air and water quality improvement programs administered by the United States Environmental Protection Agency. The proposed reductions to the Clean Water and Drinking Water State Revolving Funds will be especially difficult to bear on water and wastewater systems across the country. Reliable 24-hour delivery of safe drinking water is essential to the public health, economic opportunity, and quality of life of my constituents and all Americans. The state and tribal grants administered by the Environmental Protection Agency through these revolving funds are important investments in this infrastructure nationwide.

I am concerned not only with these reductions, but also with reductions to the part of the agency that addresses air quality. As a result of action late in the 111th Congress, Puerto Rico and the territories are—for the first time—eligible for the Diesel Emissions Reduction grants program. The program, however, would be sliced in half by this bill, limiting its reach and effect toward reducing harmful particulate matter emissions. Puerto Rico is challenged with poor air quality, and I am concerned with its linkage to asthma and other chronic respiratory illnesses. We cannot make progress toward improving respiratory health without proper funding for air quality programs.

Because H.R. 1 proposes cuts to these and many other important programs, I urge my colleagues to oppose the bill.

Ms. MATSUI. Mr. Chair, I rise in support of Amendment 64 offered by my friend, Mr. THOMPSON of California.

This amendment would require Fannie Mae and Freddie Mac, not later than 60 days after the date of the enactment of this Act, to adopt standards consistent with the Property Assessed Clean Energy Program of the Department of Energy.

In my hometown of Sacramento, our economy is struggling with unacceptably high unemployment, and furloughs of State employees have erased tens of millions of dollars from the economy.

Since July 6 of last year, I have worked diligently with my colleagues, specifically Representatives THOMPSON, ISRAEL, PERLMUTTER, and SARBANES, to restore the promise of the job creation program known as PACE.

The PACE program is an extremely important component in our nation's transition to a

clean energy economy. It would upgrade thousands of homes with energy efficiency products, and create thousands of jobs in California alone.

Unfortunately, our efforts to expand and support the PACE program have been extremely difficult because Fannie Mae and Freddie Mac, and the Federal Housing Finance Agency, are not holding up their end of the bargain.

I have heard from clean tech and business leaders about the importance of the PACE program for economic growth, achieving energy independence, and reducing our emissions. One company CEO told me that, "The only thing worse than absence of jobs, is the illusion of jobs." And that is exactly what has happened as a result of the inaction of Fannie and Freddie Mac, and the ill-advised actions from Federal Housing Finance Agency.

Today's amendment can once again make those jobs a reality.

We have seen the job creation benefits from the PACE programs in Sonoma and Placer County, and I know my hometown of Sacramento is eager to take advantage of the program.

I am pleased to support my colleague's amendment to require the reinstatement of the program as intended.

I will continue to fight for the PACE program, which will reduce energy bills, promote a cleaner environment, and put hard-working Americans back to work. It is important for Sacramento, and for our economy as a whole.

I urge my colleagues to vote in support of Amendment 64.

Mr. Chair, I rise today in opposition to the CR put forward by my Republican colleagues, and specifically to the amendment offered by Mr. GARRETT of New Jersey and Mr. MACK of Florida, and a separate amendment by Mr. WALBERG of Michigan, which would either eliminate or drastically reduce funding for the National Endowment for the Arts.

In tough economic times, funding for the arts may appear to be an easy area to cut. But we cannot forget that the arts industry is an active and crucial part of the American economy.

The non-profit arts industry generates \$166.2 billion annually, and supports 5.7 million full-time jobs across the United States. Spending in the arts stimulates local economies, creates attractive communities, and supports tourism. Cultural tourism alone contributes \$192 billion annually to our country's economy.

And the federal government is not the lone supporter of these projects, but the federal funding is critical to leveraging local, state and private dollars. The direct grants from the National Endowment for the Arts that reach each and every congressional district around the country are often matched by other resources.

In my hometown of Sacramento, California, NEA funding is helping to support a thriving arts scene that is putting our city on the map. In addition to bringing intellectual diversity to the region, it is helping to support young artists, smaller museums, and cultural programs. NEA funding supports galleries and exhibits that are part an extended classroom for our students.

As a former docent of the Crocker Art Museum, I can tell you firsthand the effect that an

individual piece of art, or a trip to a museum, can have on a child. Many children would never have the opportunity otherwise to participate in these inspiring experiences.

And the commitment of federal funding for our local artists and art venues sends a strong signal that we are a nation that thinks art is important, and that symbol's influence cannot be overstated.

We must make tough choices. But the question is where. I do not believe gutting our nation's cultural institutions is the place to do so. We cannot afford to stifle the creativity of our students and our citizens.

I urge my colleagues to vote against these harmful amendments and against this CR.

Ms. HIRONO. Mr. Chair, I rise in opposition to this continuing resolution, which endangers our fragile economic recovery by throwing more Americans out of jobs. Rather than focusing on the creation and retention of jobs, this bill gives the pink slip to hundreds of thousands of Americans. Who's getting the pink slip? Nurses, teachers, police officers, and firefighters, among others. At the same time, states and counties are having to lay off these essential personnel as they struggle to balance their budgets. How will putting more people in the unemployment line create jobs? These job cuts strike at the heart of the middle class in America.

At a recent press conference in Washington DC, Speaker JOHN BOEHNER's response to the job losses (later estimated at nearly 1 million jobs) caused by the bill was, "So be it," in apparent resignation or indifference to the pain these cuts will cause to individuals and communities across our country.

In addition to increasing the ranks of the unemployed, the Republican leadership is making the cuts on the backs of the most vulnerable among us. At the same time, they are damaging our nation's long-term economic prospects by cutting needed investments in education, innovation, and infrastructure.

No vulnerable group is safe from the Republican cuts. Head Start is slashed by \$1 billion and child care by \$39 million, ending at least 50,000 jobs nationwide and ending services to more than 200,000 children. In Hawaii, newly opened Head Start classrooms serving 700 children would need to close their doors, giving these children no place to go for quality early education to prepare for success in school and in life.

This bill cuts basic K-12 education services for all low-income schools by \$700 million nationwide and cuts after-school programs by \$100 million. This anti-education bill also bursts students' dreams of college success, reducing Pell grants by an average of \$700 for some 19,000 low-income college students in Hawaii, and Direct Loans to 30,000 Hawaii college students.

The Republicans' budget cuts would completely eliminate all Native Hawaiian Education programs. I joined with Representative DON YOUNG of Alaska to offer an amendment to reinstate funding eligibility for Alaska Native and Native Hawaiian education programs. We worked hard to explain the importance of these programs to our colleagues, and the Young-Hirono Amendment passed 331 to 117.

In fact, this bill as introduced reflects a particular bias against Native Hawaiians in that it

also eliminates funding for Native Hawaiian health care and Native Hawaiian housing programs.

The backbone of our health care system is dismantled by drastically cutting funding for community health centers. These centers, which serve the most vulnerable in our population, are cut by \$1.3 billion. In my rural district, spread over 7 inhabited islands, community health centers are used by everyone in the community due to the shortage of primary care physicians. In Hawaii our network of community health centers serve nearly 127,000 patients, one-third of whom are Medicaid eligible.

H.R. 1 threatens women's health by eliminating a safety net program that provides family planning services and lifesaving preventive care to 3 million Americans every year. By eliminating funding for the Title X Family Planning Program, the only dedicated sexual and reproductive health clinic on Hawaii Island may have to close its doors. The Planned Parenthood health centers on Oahu and Maui would be forced to reduce their clinic hours.

I hope seniors in our country are taking note. This bill dramatically cuts funding available to the Social Security Administration by \$1.7 billion below what they need to maintain promised service levels. Social Security already operates at very low cost. Overhead is less than 2 percent of the total budget for Social Security. The bill eliminates 3,500 jobs in the Social Security Administration and delays payment of earned benefits for hundreds of thousands of retirees, survivors, and disabled workers.

I've heard Democrats and Republicans alike acknowledge their support for infrastructure spending. Yet this Republican bill cuts funding for transportation infrastructure and housing by 24 percent compared with the President's budget. These cuts to infrastructure are the largest cuts on a percentage basis in the bill—cuts to programs that we know create jobs and improve the quality of life in our communities. These short-sighted, short-term deficits cuts will lead to long-term continuing deterioration of our infrastructure, which will cost us more to fix down the road.

Under this bill, Hawaii would lose \$11 million in desperately needed funding to upgrade our sewers and wastewater treatment plants. Hawaii would also lose \$5 million for new energy-efficient circulator buses recently awarded by the Federal Transit Administration.

These deep cuts in infrastructure funding are opposed by groups as diverse as the U.S. Chamber of Commerce and the AFL-CIO. The Republican majority hasn't brought a single measure to the floor this Congress that will help create jobs. Instead they are focused on cutting jobs. When you cut billions from programs, you are cutting jobs. No amount of rhetoric will cover up that fact.

We should be eliminating billions in tax breaks for the oil and gas industries. Instead, the Republican Majority has cut research in energy efficiency and renewable energy programs. And because many on the other side of the aisle choose to ignore science that contradicts their preferred view of the world, the bill makes radical cuts to funding for entities such as the National Oceanic and Atmospheric Administration's climate and ocean monitoring programs.

The bill also cuts funding for medical research and for small business and economic development assistance programs. These cuts will stifle innovation, limit job creation, and threaten our competitiveness in the global economy.

I've only cited a few of the short-sighted, anti-middle class, anti-senior, anti-woman, and anti-education provisions in the bill. I'll be voting no, and I urge all my colleagues to do the same. We need to focus on creating, not eliminating, jobs; on sparking, not depressing, innovation; and on investing, not disinvesting, in education for our next generation.

Mr. Chair, I rise in opposition to the Quayle-Broun amendment.

This amendment would strip away Davis-Bacon wage protections in Hawaii and nationwide.

Enacted in 1931, the Davis-Bacon Act ensures that workers on federal construction contracts receive at least the prevailing wage for construction jobs.

The Davis-Bacon Act ensures projects are built by skilled and experienced workers who know what they're doing. Prevailing wages and higher-skilled work result in greater productivity and lower cost.

In industries without Davis-Bacon protections, we have seen unscrupulous contractors engage in a "race to the bottom," trying to undercut each other to perform shoddy work, with less-skilled workers, at sub-par wages. These projects often end up costing more in the long-run due to repairs, revisions, and delays.

Some claim that Davis-Bacon costs the federal government more. On the contrary, studies show that higher-wage workers are more productive, saving hundreds of millions of dollars in the long run.

Construction workers who build highways, homes, or buildings should be able to earn enough to feed their families, put a roof over their heads, and send their kids to college. Beyond just helping workers and their families, prevailing wages improve local economies. Workers spend their income in local businesses and pay local taxes.

Workers participate in building trades training programs and health care programs and are not dependent on benefits from other social programs. One study found that local prevailing wage law generated 2.4 times the economic benefit of the cost of the construction project.

I strongly support Davis-Bacon protections and oppose this misguided amendment. I urge my colleagues to do the same.

Ms. MATSUI. Mr. Chair, I rise in opposition to the C.R. put forward by my Republican colleagues, and specifically to Amendment 450, offered by Mr. MACK of Florida. This amendment and the C.R. would eliminate funding for the Corporation for National and Community Service and all of the programs it supports.

As Americans, we share a common belief that volunteerism and community service make our country stronger. But we cannot be a leader in the world, if we are not leaders in our own communities.

And as we speak, tens of thousands of Americans are involved in service projects across the country through one of several AmeriCorps programs. These volunteers are

building houses, helping young people learn to read, collecting food and clothing, and much, much more.

Through programs such as Learn and Serve, VISTA, Teach for America, Experience Corps, Youth Build, Habitat for Humanity, City Year, and Jumpstart, volunteers are using evidence-based research to make a tremendous impact in their communities.

But federal funding for each one of these programs would be shut down if Amendment 450 and this C.R. were to be enacted.

In my district of Sacramento, California—home to the NCCC Pacific Region—300 AmeriCorps*NCCC volunteers would be sent home. Although these volunteers have already committed to a year of service—and they have all already been deployed—this amendment would require the Corporation for National and Community Service to buy their plane tickets home. That process alone would make this a deficient program, and leave the federal government liable for the costs.

Put simply: Amendment 450 and the cuts for AmeriCorps in the C.R. are ill-conceived.

We see an enormous return in our investments in our national service programs. For every volunteer we help to support, we recruit another 10 volunteers. And for every dollar the federal government invests, the organizations are able to leverage a matching dollar through local and private funding.

Mr. Chair, under current law, the Lifeline program provides Americans struggling to climb out of poverty and get back on their feet a choice to receive a landline phone or a mobile phone subsidized by the Universal Service Fund. In my district of Sacramento, we have 25,000, and in the State of California we have approximately 2 million, residents who benefit from this service.

Low income people use Lifeline service to look for a job, call their doctors, reach their child care providers, or contact their family in an emergency.

But Amendment No. 468 would eliminate USF funding for mobile phone service for the poorest Americans, and maintain it only for landline phones, forcing poor people to stay at home waiting for important calls, rather than getting out of their homes to look for a job.

I have heard from many of my constituents in Sacramento who are concerned about the high costs of services, and would be impacted by these cuts to Lifeline services.

I have heard from a woman who is living off a fixed income and is counting her pennies each month to make ends meet. If her bill goes up "by one cent", she says she will have to drop her service. The Lifeline program allows her to stay connected in an increasingly connected society.

Another one of my constituents, who is disabled, can't afford in-home broadband services, and is forced to commute miles to the nearest library to access the Internet. But these all day excursions means that he misses important calls, and if something were to happen to him while he was out without a mobile phone, he would have no ability to call a friend, family member, or 911 for help. This Amendment would take that cell phone away.

Moreover, this Amendment would not return any monies to the U.S. Treasury. The Universal Service Fund is supported entirely by telephone users—not taxpayers.

In short, this Amendment picks technological winners and losers. It ignores input from legislators who have expertise on these issues. The House Energy and Commerce Committee plans to hold hearings on the Universal Service Fund this year, and the Federal Communications Commission announced its intention to review the Lifeline program.

Finally, the amendment limits both economic opportunity and discourages employment security. Studies by the Opinion Research Corporation and MIT have found that cell phones are extremely important to an individual's economic productivity and earning power. Having access to a cell phone in order to get a "call back" is essential for Americans who are out of work. When the rest of America is cutting their landlines, this amendment is forcing the poorest among us to rely on a dying technology, which the free market has rejected.

We should be expanding the lifeline program to broadband and mobile phones, technologies that are in high demand, and empower consumers to pursue a job, an education, or new career training.

For all of these reasons, I strongly oppose this Amendment, and urge my colleagues to do the same.

Mr. PAYNE. Mr. Chair, I rise today in opposition to the FY 2011 Continuing Resolution, which severely cuts critical funding for State and USAID and, if enacted would severely undermine U.S. development programs in Africa, U.S. National Security, and our domestic economy. The House bill provides State and USAID \$43.2 billion.

Development and diplomacy are the United States' first line of defense. Stable democracies and prosperous communities are less likely to pose a threat to their neighbors or to the United States.

State and USAID work to help countries and communities in Africa and across the world to become more stable, democratic, and prosperous. When conflicts do arise, State and USAID work to transition countries from violence to stability to long-term development and to prevent struggling states from becoming failed states. Doing so reduces the burden on our military and enhances our diplomacy.

The House bill would cut humanitarian assistance accounts by more than 40 percent below 2010 levels, devastating our ability to help victims of natural disasters and undermining U.S. leadership around the world.

The International Disaster Assistance account allows us to respond to international disasters like the earthquake in Haiti and the flood in Pakistan. The House bill provides \$429 million, taking this account back to 2008 levels—a 50 percent reduction to the 2010 level. This significant reduction will severely limit our ability to respond to natural disasters; we will simply be unable to respond to earthquakes and other disasters the way we did in Haiti.

In Sudan, more than 1.6 million Internally Displaced Persons (IDPs) in Darfur would not receive critical health care, access to water, or support with livelihood activities. Instead of re-integrating approximately 300,000 returnees to South Sudan in the wake of the referendum, USAID would be able to assist fewer than 150,000.

In West Africa, proposed budget cuts would significantly hamper efforts to reduce and

maintain acute malnutrition rates below emergency levels in drought-affected areas of Burkina Faso and Niger.

The House mark will also end a cost-effective local and regional purchase program which enables the U.S. to feed hungry people by purchasing food locally at a significantly lower cost to the U.S. taxpayer.

U.S. food aid continues to play a critical role by helping people in need and supporting broader U.S. national security objectives by demonstrating the goodwill of the United States, especially in Afghanistan and Pakistan. U.S. food aid also supports domestic interests by the purchase of agricultural commodities from American farmers and the shipping of commodities abroad on U.S. ships.

Reducing Title II food aid from the FY 2011 request of \$1.690 billion to \$1.003 billion forces dramatic cuts in food aid programs around the world, as well as decreasing purchases from U.S. farmers and the use of U.S. ships.

This cut would require reductions in the largest emergency food aid programs, to include Sudan, Ethiopia, Afghanistan, and Pakistan. Given the average cost of emergency food aid of \$44 per beneficiary, this would mean up to 15 million people might not receive such life-saving assistance due to the proposed reduction.

The bill reduces funding for refugee relief by \$670 million or 40 percent below 2010 levels, representing a shift in U.S. policy of historical, unprecedented and devastating proportions. This reduction will drastically reduce the U.S. ability to protect and assist refugees in places of critical national security, such as Afghanistan, Pakistan, Iraq and the Horn of Africa.

For example, a reduction of this magnitude jeopardizes U.S. support for 1.6 million Afghan refugees living in Pakistan and another 100,000 Afghan refugees returning to Afghanistan this year alone. Also, some 230,000 Burmese refugees in Thailand, Malaysia, Bangladesh and India would be at risk. And, security in the Horn of Africa and supporting peace in Sudan would also be at risk as some 3,000–5,000 Somalis are fleeing into Kenya each month and 270,000 Darfuris in Sudan and Chad will go largely unassisted.

The House proposal also makes deep cuts in Global Health programs and Development Assistance. Disease knows no borders. As such, USAID's programs to prevent and treat infectious diseases not only benefit the most vulnerable overseas, but also protect American citizens at home. Moreover, this Continuing Resolution would disproportionately cut programs that help the neediest people around the world by 25 percent versus an 11 percent reduction overall.

The proposed CR level cuts the Global Health Initiative by \$834 million from 2010 levels. While these cuts would have miniscule value in the goal of balancing the budget, they will have real, immediate, and devastating impact on the poorest.

I am deeply disappointed by the Appropriators' choice to step away from America's long-term humanitarian interests in improving and preserving lives around the world by helping people lift themselves out of poverty. There is living proof across the world that less than 1 percent of the total federal budget has

helped poor farmers learn to grow more food more efficiently, provided a lifeline to millions with HIV—including pregnant women whose babies can now be born HIV-free—put millions of children under malaria-fighting bed nets by night and into schools by day, and strengthened America's friendships with millions of people, thus strengthening our own national security.

The cut to the PEPFAR program is \$513 million below 2010, a 10 percent reduction. At this level, the U.S. will be unable to provide treatment to more than 700,000 people in desperate need of life-saving HIV/AIDS treatment.

The House bill cuts USAID health programs by \$320 million (–13 percent) from 2010 levels and nearly 30 percent below the 2011 request. Reducing the USAID Global Health and Child Survival by this magnitude will have devastating effects on men, women, and children worldwide.

Under the proposed CR levels, 5 million children and family members will be denied treatment or preventative interventions for malaria, leaving millions to die. Moreover, 43,000 children and family members with tuberculosis will be denied treatment, of which 12,000 will likely die.

More than 16 million persons will be denied treatment for such debilitating conditions as blinding trachoma and onchocerciasis. Efforts would be scaled back in at least 10 countries where we were on track to interrupt transmission within five years of up to four of the NTDs. USAID will be forced to sever agreements with four major pharmaceutical companies that donate hundreds of millions worth of drugs for NTD treatment programs.

The bill would force USAID to scale back efforts in the 24 countries which collectively account for approximately one-half of all maternal and child deaths. 3,500 mothers will die, and more than 40,000 children under five—of which 16,000 are newborns—will perish in the absence of highly effective child survival interventions.

More than 500 thousand undernourished children will be deprived of highly effective nutrition interventions (e.g., community management of acute malnutrition, micronutrient supplementation, and nutrition education leading to dietary diversity).

Placing an all-account ceiling of \$440 million on family planning and reproductive health in 2011 amounts to a 32 percent cut from FY 2010 levels. This would result in 1.2 million more abortions, 28,000 additional newborn deaths, and 4,000 additional maternal deaths—all stemming from denying 8.5 million women access to family planning services and by extension, 2.5 million additional unintended pregnancies.

The House FY 2011 Continuing Resolution would reduce the Development Assistance account by nearly \$750 million from 2010 levels, a 30 percent reduction, and \$1.2 billion from the 2011 request (–40 percent).

Absent deep cuts to other ongoing programs, in areas such as education, microfinance, and water, the House bill would virtually eliminate funding for the Feed the Future Initiative and the Global Climate Change Initiative.

With world food prices at their highest since the 2007/2008 global food riots, and in view of

the political volatility that food prices recently helped spark in the Middle East, it is more important than ever that the U.S. engage to improve long-term food security, and assist countries to avert short-term food crises. The recent events in Egypt that continue throughout the Middle East are a stark example of food insecurity's effect on stability.

Decimating the President's Feed the Future (FtF) Initiative will mean that more than 4 million women, children, and family members—most small farmers—will go hungry this year, remaining desperately mired in poverty. More than 18 million will be at risk of chronic hunger over a five-year period. Ending funding for research and development under FtF will expose wheat crops—including here in the United States, and in Afghanistan and Pakistan—to the threats of U.G. 99 wheat stem rust strain.

In just five out of our 20 focus countries, nearly 6.5 million small farmers, mostly poor and mostly women, will remain in the grips of hunger and poverty, unable to grow enough food to feed themselves and their families.

Alternatively, spreading the 30 percent reduction across the Development Assistance Account would have significant negative effects on many congressional priorities including interventions in basic and higher education, microfinance, rule of law and governance, trade, and financial sector reform.

Microfinance institutions in nearly 30 countries around the world will be forced to significantly scale back operations or shut their doors as funding dries up, resulting in 600,000 fewer women accessing financial services to sustain their businesses and contribute to the economic livelihoods of their families and communities.

Over 20,000 Afghans will no longer have the tools they need to begin or sustain a microenterprise in the midst of the conflict, increasing the risk that they will turn to other, illicit economic livelihoods, like poppy production, to feed their families.

As many as 300,000 rural microenterprises and over 600,000 smallholder farmers will no longer be able to access the vital services and growing markets they need to generate cash income, break the cycle of subsistence agriculture, and chart a pathway out of poverty.

A 30 percent cut in Development Assistance for water would mean that than 700,000 persons will be deprived access to clean drinking water and sanitation which, according to WHO, is one of the largest causes of mortality in the world—diarrhea-related disease kills nearly 2 million every year, 90 percent of whom are children under 5.

Out of the approximately 64 million children benefitting from our education assistance worldwide, over 19 million will lose access to schooling opportunities. 10 million girls will be deprived access to basic education, causing further social and financial marginalization.

I urge my colleagues to vote NO on the Continuing Resolution and any amendments that would strip critical and life saving programs in Africa and the developing world.

Mr. CONNELLY of Virginia. Mr. Chair, I rise to strike the last word. This Continuing Resolution would cripple our Nation's transportation infrastructure and terminate crucial investments in public safety. It also would close

down community health centers across America, leaving many children and the elderly without vital health care. For example, in my district this proposed cut could close the Prince William Community Health Center. That would eliminate necessary health care for 19,000 of my constituents. In Louisa County, Virginia, which is represented by the new Majority Leader, this proposal could close the lone health facility where residents can receive care. Statewide, 93,000 Virginians would lose health care while 163 employees of community health clinics would lose their jobs. These clinics do not provide optional or cosmetic care. They offer the most basic services necessary for survival. These clinics, which serve virtually every Congressional district, serve some of the hardest working Americans who have been victims of long-term increases in health insurance premiums, which have put affordable care out of their reach.

This Continuing Resolution demonstrates extraordinary callousness and hypocrisy on the part of the Republican leadership. They claim to be interested in the sanctity of human life while cutting off the only source of health care for tens of thousands of Virginians. Incredibly, the Republican leadership blocked an amendment by Representative BALDWIN which would have restored \$1 billion in funding for community health centers.

I urge my colleagues to reject the unconscionable cuts in community health center funding and defeat this Continuing Resolution.

Mr. PAYNE. Mr. Chair, I rise today to oppose amendment #380, proposed by our colleagues Mr. REED and Mr. GRAVES, which eliminate the State Department Democracy Fund and the Human Rights and Democracy Fund (HRDF).

The Human Rights and Democracy Fund funded by the Democracy Fund appropriation, finances innovative projects across the world to support the long-standing bipartisan U.S. foreign policy goals of defending human rights and advancing democratic values. Continued HRDF programming is vital to U.S. national security because democratic governance fosters more stable countries and regions, and free nations are more peaceful towards other democracies. Democracy promotion funding, started under President Reagan, has grown to its current consistent level of \$70 million. Sustained congressional support for HRDF is critical.

Promoting democracy and human rights is a cornerstone of U.S. foreign policy goals and the advancement of our national interests because it is the most effective long-term way to strengthen international stability. By reducing regional conflicts, countering terrorism and terror-supporting extremism, and extending peace and prosperity, the U.S. protects liberty and justice and the non-negotiable demands of human dignity.

The Human Rights and Democracy Fund is the foundation for U.S. support for democracy and human rights across the globe. With HRDF, the U.S. addresses the most egregious of human rights abuses, open political space in struggling and nascent democracies and authoritarian regimes, promote religious freedom and tolerance, support civil society, protect at risk populations, and further global internet freedom and corporate social respon-

sibility throughout the world. With HRDF, the United States was able to help counter extremism by supporting at risk populations in the Middle East, thereby reducing breeding grounds of future terrorists. DRL was able to provide thousands of Haitians with internet and radio access in the immediate aftermath of the Hurricane there.

The Human Rights and Democracy Fund is enabling the U.S. to implement innovative programs across Africa. In Morocco, the Democracy Fund supports justice sector institutions to develop alternatives to pre-trial detention of youth offenders that enable rehabilitation outside of prison. To stem gender-based violence (GBV) in the war-torn region of eastern Congo, the State Department's Bureau of Democracy, Human Rights, and Labor (DRL) initiative provided legal assistance to victims of sexual violence. As a result, 296 GBV survivors received legal counseling and 212 survivors received psychological counseling; 98 criminal complaints were filed against suspected perpetrators; and an unprecedented 25 rape convictions were secured. In Sudan, in response to widespread violence against women in Darfur, DRL used Democracy Fund appropriations to provide critical services and community outreach to survivors of gender-based violence. Through the establishment of women centers, tens of thousands of women received an array of services, including literacy classes, health education, income-generating activities and treatment for sexual violence including medical, psychosocial, and case management services.

Without HRDF, victims will lose valuable avenues for recourse, civil society activists will become increasingly isolated, women will become more vulnerable, and truth-telling journalists will be quieted. DRL would not be able to support efforts to push the Chinese government to more actively disclose food and drug safety information that directly affects the well-being of the American public; foster critical advances in the rule law, including criminal justice reform; support the growth of the NGO sector and its advocacy on behalf of the marginalized in society; or widen space for religious freedom. Without HRDF, DRL would not be able to help male civic and religious leaders be a powerful voice for the rights of women in Afghanistan.

I urge my colleagues to support democracy and human rights in the developing world by voting NO on the Reed/Graves amendment #380.

Mr. CONYERS. Mr. Chair, I rise in strong opposition to H.R. 1, the Full-Year Continuing Appropriations Act of 2011. This ill conceived bill imposes draconian spending cuts that harm working families and, if implemented, could cause 1 million Americans to lose their jobs. Even worse, this bill hampers our country's ability to compete with other rising world powers, like China and India, by imposing draconian cuts to education, research, and infrastructure investments.

At a time when education is critical to thriving in our global economy, the Republican led House is undermining America's future. Specifically, today's legislation would reduce the Pell Grants award by \$845, causing over 9.4 million college students to suffer from increased levels of educational debt. Addition-

ally, 218,000 children will be immediately dropped from Head Start program and 7,000 special education teachers will lose their jobs. House Republicans also want to reduce job training programs by \$3.6 billion, cutting training for more the 200,000 Americans who lost their jobs in this "Great Recession."

H.R. 1 will cut \$740 million in WIC nutrition assistance and thus cause thousands of low-income children to lose access to nutritional foods and health coverage. During one of the coldest winters in memory, Republicans propose to cut \$400 million to the low-income Home Energy Assistance Program—literally leaving many of our fellow citizens out in the cold. They also would abolish Title X funding, thus cutting life-saving health services such as HIV testing, cancer screening, blood-pressure testing, and contraceptive services to more than five million low-income women, the majority of whom are uninsured. \$1.3 billion is cut from Community Health Centers, which would deny care to over 3.2 million Americans. Lastly, 75,000 homeless veterans would lose their housing vouchers under this bill.

With the passage of the American Recovery and Reinvestment Act, the Democrats boldly showed that investing in America's infrastructure could put America to work, while laying the groundwork for future private sector investment. With this measure, Republicans would seek to undo that commitment and move our country backwards with billions in cuts to transportation funding. H.R. 1 would cut \$2.5 from high speed rail projects that have been already awarded and eliminate funding for High Speed Rail Corridors. It would also eliminate 750 fewer wastewater and drinking water projects. 25,000 TIGER Surface Transportation Projects would be terminated.

During the Great Depression, conservatives advocated for reduced spending at a time when the government needed greater investments in job creation. This unfortunate decision prolonged that economic malaise and resulted in untold levels of human suffering by millions of Americans. With H.R. 1, today's conservatives are simply repeating these failed economic policies. We cannot allow this. Republican "No Jobs Agenda" to succeed. I encourage my colleagues to oppose this legislation.

Mr. BISHOP of Georgia. Mr. Chair, I rise today to oppose Rep. SCOTT GARRETT's amendment to the FY2011 Continuing Resolution. His proposal to erase funding for the Institute of Museum and Library Services will effectively eliminate all specific federal funding for libraries. Doing so would cut off access to information for millions of Americans.

I believe our government needs to be more fiscally responsible, but as the son a librarian, I know the high cost these cuts will have in the long term. If we are serious about competing in a global economy, we must provide our children with the tools and resources to succeed, and cutting funds for our libraries will only hinder our chance to win the future.

As a nation, we cannot afford to cut ourselves off from such necessary tools for economic recovery as books, periodicals, newspapers, the internet, and the bevy of information our public libraries provide. If funding for public libraries is removed, the Georgia Public Library Service will no longer be able to provide the following:

The statewide network of high-speed Internet data lines providing access to all 400+ libraries in Georgia

The award-winning, nationally-recognized PINES network and statewide library card system, which is used by more than 2.4 million Georgians and provides statewide lending via a shared database of more than 10 million items

A Statewide daily courier service for interlibrary loans to the headquarters of all 61 public library systems in Georgia—nearly 1 million books shared in this way

“Talking book” library services for the blind and other Georgians whose physical abilities require the use of books and magazines in audio format or in Braille—encompassing more than 1 million annual circulations

The GALILEO online databases, which contain essential quality digital resources for students (kindergarten through higher education), teachers, professors and public library users

The statewide Summer Reading Program, which served approximately 450,000 children in 2010—an increase of more than 10 percent from 2009

Shared services that provide necessary OCLC cataloging information and interlibrary loan access to every library in the state

Continuing education programs and training for library staff who work in all types of libraries—public, university, K–12 and specialized—and for trustees

Consulting services to assist in improving local library operations in technology, governance, services to children, and other areas.

As we bounce back from the recession, it is clear that more Georgians are turning to our public libraries for informational and educational needs. Libraries play a critical role in workforce recovery and economic development throughout our state. These funds allow Georgia's libraries to take advantage of economies of scale that benefit all libraries. The loss of these critical funds would force the elimination of services essential to Georgia residents of all ages—and this, Mr. Chair, is at a cost we cannot afford!

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I've come to the floor today to talk about a crisis our country is facing. I'm not here to talk about the deficit, which is also a problem, but one which pales in importance to the crisis of America's declining economic competitiveness.

I say that the deficit problem pales in comparison to our declining competitiveness because without a robust and innovative economy, it will be next to impossible to ever truly reduce our national deficit.

For some time, important leaders in our business and academic community have warned us about this crisis.

In 2005, a National Academies panel chaired by former Lockheed Martin CEO Norm Augustine released the report, “Rising Above the Gathering Storm.”

This report warned that without a focused effort by the Federal Government, the future of American competitiveness was bleak.

It recommended increased efforts in science, technology, engineering, and mathematics education, also referred to as STEM education, and increased federal investment in research and development.

It's not a mystery why that distinguished group made those recommendations: it has long been clear that technological innovation creates jobs, and that Federal investments in R&D have had a major positive impact on innovation in this country.

Our economic rivals understand all too well that America's great economic success has been a direct result of our innovation. And these competitors have begun to pour their resources into research and development and into STEM education.

Those investments are bearing fruit:

In 2004 China overtook the United States to become the world's leading exporter of information and communications technology goods.

China, Japan, India, and South Korea all graduate more engineers each year than the United States.

U.S. student scores in STEM achievement continue to decline in worldwide comparisons.

So what do we do about it? Once the problem was identified, the Democratically-controlled Congress immediately focused on coming up with solutions.

Over the past four years, we passed bills like the America COMPETES Act, which put NSF, NIST, and the Department of Energy's Office of Science on a doubling path.

We've been changing the way America's children are taught science and math by putting in classrooms teachers who actually have a background and training in those fields, and we've been working to increase opportunities for minorities to contribute their talents to our scientific and technological initiatives.

And we've been investing in clean energy technology development so that America can one day be an energy exporter instead of an energy importer.

Unfortunately, all that work, and all that progress in keeping America competitive is about to be undone. My Republican colleagues have proposed a budget for the rest of 2011 which will severely wound our country's research and development capabilities, and stifle our innovation engine.

Let me cite just a few of the consequences that would flow from enactment of this ill-considered CR:

At the Department of Energy:

Cuts to the Department of Energy will slow down the progress the country has made in demonstrating and deploying carbon capture and sequestration technologies, solar energy and cost-saving energy efficiency technologies.

The cuts in the CR will force a number of world-class labs, which undertake research on cutting edge energy technologies to solve economic and environmental problems, to shut down.

Thousands of scientific and technical staff at the national labs, universities and companies will be laid off, or worse, go to our competitors for support.

This could lead to the United States being even more dependent on other countries for clean energy technologies.

STEM education programs will be cut or eliminated at a time when China is graduating six engineers for every one of ours. We need to capitalize on the interests of our students who are ready and willing to solve our country's energy and environment problems.

At the EPA:

A reduction on the order of \$3 billion to EPA's science programs will negatively impact our ability to find new and innovative solutions to 21st century environmental and public health challenges.

The proposed water research reductions will impact EPA's ability to ensure the Nation's water infrastructure is capable of the sustained delivery of safe water as well as the safe and sustainable removal and treatment of waste water.

At NOAA:

NOAA's weather satellite programs are already in trouble during this difficult economic time.

Without proper additional funding of our satellite programs, we will be faced with less accurate and timely weather predictions. We are not just talking about taking our country back to 2008. We are talking about rewinding the clock two decades. We could soon be relying on 20 year ago weather forecasting capabilities.

I think we are all very well aware that over 70 percent of airplane flight delays are caused by weather. If FAA doesn't have the weather information it needs to safely and efficiently control the nation's air traffic, we face both increased delays and risks to the flying public.

We are potentially putting our lives, property, and critical infrastructure in danger. Without accurate and timely information, we would no longer see the 2–3 day advance warnings of extreme weather events on which we depend.

This will also make it extremely difficult to conduct safe and strategic evacuations of American people during extreme weather events, which have been faced by many regions of our country in recent years.

I could go on and on and cite some of the adverse consequences to each of our agencies and to vital governmental activities that will occur if this CR is adopted, but I think Members now have an idea of what is at stake.

And make no mistake, this is job-killing CR.

What makes this bill so dangerous is that it won't just kill jobs today. It won't just kill jobs this year. These cuts to our research and development funding will kill jobs for years to come.

As President Obama noted in his State of the Union address, if an airplane is overloaded, you don't lighten the load by cutting off the engines.

That's exactly what this Republican budget plan does: it cuts the engine off of our economy.

Unfortunately, our children and our grandchildren will be the ones who ultimately pay the price for these efforts when they inherit an America that is no longer the world leader in innovation.

I urge my colleagues to reject the cuts being proposed in the Republican CR. We can do better.

Mr. PAYNE. Mr. Chair, I rise to express my strong opposition to amendment #287, introduced by our colleague Rep. MCCLINTOCK of California. Amendment #287 would eliminate all funding for the Inter American Foundation in the proposed FY2011 Continuing Resolution. This devastating cut would have severe

immediate and long term impacts on the most vulnerable communities who share the same hemisphere as the United States.

The United States has a vested interest in assuring that the poorest communities have the resources to organize, develop, and advance. The IAF works to promote economic opportunity, reduce poverty and foster civic and social inclusion in Latin America and the Caribbean, consistent with U.S. foreign policy and national security interests.

Without such proactive measures in international economic opportunity and development, the United States would cripple its own internal interest in the areas of drug trafficking, immigration, and maintaining its role as a promoter of democracy globally. There are many adverse consequences if programs like IAF ceases to exist. Studies show that farmers and agricultural workers of poverty-stricken communities migrate far from their families to make a living, and in many Latin American countries, like Colombia, this often means driving small farmers into illicit coca cultivation. Cutting IAF funds will aid in forcing men and women into the dangerous, yet lucrative work of narcotics production just to provide basic needs for their families.

There is a myth that foreign assistance using public funds is ineffective and inefficient. That is farther from the truth. IAF is a conduit to creating future allies; future business partners, and future collaborators. Investing in self-help solutions which enable the poor to help themselves ultimately creates an intimate bond between nations. As our world becomes more competitive in everything from education to science to defense, we must not cut ourselves off from future relationships by cutting developing countries off from aid today.

One of the many countries that would be affected by this cut is Haiti. Haiti is a nation that suffered one of the greatest devastations in history, with a 7.4 magnitude earthquake that killed over 200,000 people, affected over 2 million Haitians, and destroyed their capitol, Port au Prince. While much aid has gone towards immediate disaster relief, the United States seeks to gain enormously by supporting sustainable solutions that IAF currently helps fund.

IAF provides grants for the Haitian Partners for Christian Development—an organization that continues its services as a business incubator, which includes reaching women entrepreneurs and supporting them with business endeavors. Such seed money literally produces economic leaders which are necessary to shape the Haiti of tomorrow.

Through a single grant, IAF also has a project which provides farmers displaced by the 2010 earthquake with agricultural training and technical assistance, as well as give education scholarships to 100 displaced children, and distributes food to another 150 quake victims.

With all the tremors the people of Haiti still are enduring, IAF is essential to ensuring these survivors do not experience a social aftershock due to cutting funding that ultimately has long-term benefits for both Haiti and the United States.

Being the leaders in international economic empowerment today is a wise investment for tomorrow.

I urge you to join me in opposing this amendment.

Mr. HOLT. Mr. Chair, I rise today in opposition to the amendments offered by Representative GARRETT to eliminate funding for the National Endowment for the Arts and the National Endowment for the Humanities, as well as the amendments by Representatives WALBERG and CANSECO to decrease such funding.

As a member of the Congressional Arts Caucus, I believe that the arts play a crucial role in our society, enhancing our creativity, promoting critical aspects of education, and providing Americans with the opportunity to view works of beauty and personal expression. Furthermore, the arts inspire our children to explore their own creativity and encourage positive development in the course of their educational careers. The arts are a fundamental component of our society and warrant federal funding.

As noted by Americans for the Arts in its report Arts and Economic Prosperity III, across the country “nonprofit arts and culture industry generates \$166.2 billion in economic activity every year.” The report also details that the arts support 5.7 million jobs and generate \$29.6 billion in government revenue. In my district in New Jersey alone, as of January 2010, there were 1,841 arts-related businesses employing almost 10,000 people. So not only are the arts good for our cultural development as a society, they are good for our economic development as well.

I have heard from hundreds of my constituents on this matter, and nearly every one has pleaded with me to preserve as much funding as possible for the arts. As one of them said, poignantly, “a nation without culture is a nation without a soul.”

I strongly oppose any cuts to the National Endowment for the Arts and the National Endowment for the Humanities, and I urge my colleagues to oppose the amendments offered by Representatives GARRETT, WALBERG and CANSECO on this subject.

Mrs. LUMMIS. Mr. Chair, I along with Representative GWEN MOORE from Wisconsin, submit the following statement on H.R. 1, the Full-Year Continuing Appropriations Act for 2011.

As Co-Chairs of the bipartisan Women’s Caucus, the Special Supplemental Food Program for Women, Infants, and Children (WIC) is important to us. It is a program that has and continues to serve over 9 million women, infants, and children monthly, providing food, education and access to health care. Many of the women and children who use these services are at-risk for poor nutritional diets and WIC provides them with greater access to nutritious foods as well as preventative services to improve their families’ health over the long-term.

At caucus meetings, we have discussed this program and the impact of reduced spending on women across the nation. It is important for this Congress to advance ways in the upcoming budget that can ensure benefits are provided to constituencies with the greatest need.

WIC is the largest discretionary program under the United States Department of Agriculture (USDA), and as such has been targeted for cuts in the continuing resolution. For

the pregnant, postpartum and breast-feeding women who participate in WIC, as well as for their under-five children, we look forward to working together on solutions acceptable to both sides of the aisle.

Mr. PAYNE. Mr. Chair, I rise today to oppose the Barletta amendments and the Weiner-Chaffetz-Cravaack amendment to eliminate funding for the U.S. Institute of Peace (USIP), should they be offered during floor consideration of H.R. 1.

The elimination of USIP would have strong, adverse impact on America’s security interests. USIP is an important national security actor. The U.S. Government must have options for resolving international conflict other than military action. USIP—created by Congress and signed into law by President Ronald Reagan—is the only independent U.S. Government actor that is dedicated solely to conflict prevention and resolution.

USIP is the critical bridge between governmental and non-governmental actors to promote peace in volatile conflicts. Their Center for Mediation and Conflict Resolution conducts work in a number of critical conflict zones in Africa, Middle East, and across the globe:

USIP is addressing a series of challenges and opportunities facing the parties to the Arab-Israeli conflict, with a focus on institutional capacity to make compromises, the capacity of the Israeli and Palestinian publics to build consensus and support for a negotiated agreement, and the role of U.S. policymakers in encouraging and supporting these efforts toward a peaceful resolution.

USIP is addressing several issues in Nigeria, a country rife with conflicts over petroleum resources and religion. Amidst this situation, the Center is working on peace efforts for the Niger Delta region, including working collaboratively with local governments, oil companies, and Nigerian NGOs.

For nearly two decades, the United States Institute of Peace has been working in Sudan on peace processes. Its knowledge and expertise has helped shape the environment that has contributed, so far, to a relatively peaceful outcome of the referendum. USIP’s work on prevention, power-sharing, constitutional reform and natural resources has made a critical difference in the country’s local capacity.

USIP produces timely expert analysis on issues critical to policymakers and conflict prevention practitioners. Just last week USIP published the attached PEACE Brief report on the political stalemate in Côte d’Ivoire following the November 28, 2010 election and the broader issue of preventing electoral violence in Africa.

USIP is a small, agile center of innovation in support of America’s national security interests in supporting peace and democracy in Africa and across the globe. USIP has been a very useful resource to policymakers for decades, we can not eliminate this critical institution.

I urge my colleagues to join me in voting “no” on these amendments.

[From the PeaceBrief—United States Institute of Peace, Feb. 7, 2011]

CÔTE D’IVOIRE’S POLITICAL STALEMATE: A SYMPTOM OF AFRICA’S WEAK ELECTORAL INSTITUTIONS

(By Dorina Bekoe)

SUMMARY

The political stalemate in Côte d’Ivoire following the November 28, 2010, presidential

election continues. The majority of the international community recognizes Alassane Ouattara as the winner, but Laurent Gbagbo, the sitting president, insists he won. Financial and diplomatic sanctions imposed on the Gbagbo administration have thus far not forced Gbagbo from power.

Maintaining international pressure and focus is critical to resolving the Ivorian crisis, but African states are increasingly divided on how to proceed.

The power-sharing arrangement settled on by five African nations in recent elections sets a dangerous precedent. Losers with a strong militia may find it easier to use threats of violence or actual violence to retain a critical power role, thus subverting the intent of the election.

African states will continue to experience violence during elections until the security sector is reformed, states refrain from holding elections while militias remain mobilized and armed, elections can be clearly and independently verified, institutions are politically independent, and policies exist to discourage the violent acquisition of power.

Following the November 28, 2010, presidential runoff election, the United Nations, charged with validating the electoral process, along with the Independent Electoral Commission, proclaimed Alassane Ouattara the winner, with 54.1 percent of the vote, over Laurent Gbagbo, the sitting president, who had received 45.9 percent of the vote. However, the Constitutional Council, headed by a Gbagbo supporter, annulled results in 13 departments, alleging fraud, and proclaimed Gbagbo the winner, with 51.4 percent of the vote; Ouattara was given 48.5 percent.¹ Both Ouattara and Gbagbo were sworn in as president by their supporters.

Most in the international and regional communities recognized Ouattara as the winner, and the Economic Community of West African States (ECOWAS) and the African Union (AU) suspended Côte d'Ivoire from membership. Gbagbo's calls to investigate election fraud, recount the ballots, and craft a power-sharing arrangement have been rejected by the international and regional institutions. Instead, ECOWAS and AU envoys have urged Gbagbo to step down, financial and travel sanctions have been placed on him and his associates, and ECOWAS threatened military intervention.² With the military and the Young Patriots militia supporting Gbagbo and the Forces Nouvelles rebels supporting Ouattara, many fear that the failure of diplomacy and sanctions will reignite the 2002 civil war. While the central conundrum is how to convince Gbagbo to leave office, larger questions loom about the role of elections, the state of democratization, and the strength of institutions in Africa.

POWER SHARING IN RESPONSE TO ELECTORAL VIOLENCE

In 2010, opposition candidates claimed electoral fraud and irregularities in every presidential election in Africa—in Guinea, Togo, Sudan, Burundi, Burkina Faso, Egypt, Comoros, Tanzania, and Rwanda. Historically, in many cases of electoral fraud, the challenger urges demonstrations or refuses to recognize the results. In prolonged and violent standoffs mediators have been dispatched, as occurred in Guinea 2010, or a power-sharing agreement has been negotiated, as occurred in Kenya and Zimbabwe in 2008, in Togo in 2005, in Madagascar in 2002, and in Zanzibar in 2001.

While the power-sharing arrangements in those five cases aimed to stop the violence and address some of its underlying causes, such arrangements could have longlasting

implications, and shorter, transitional measures might be considered instead. Granted, an electorate can vote for a power-sharing or proportionally representative government. The problems arise when power sharing is imposed as a solution when there is a clear winner (it weakens the purpose of an election), when the winner cannot be determined (it can encourage fraud and other obfuscation), or when there is postelection violence (it may demonstrate that violence pays). In this sense, Gbagbo's power-sharing proposal is troubling and presents a critical philosophical decision for Africa's institutions: how to react to candidates who respond violently to election results. More broadly, how can leaders be encouraged to accept defeat? How should the international community respond to leaders who use violence to hold on to power? For the remainder of 2011, Africa faces nearly 40 elections and referenda in 23 countries, including some that have a history of violence and weak democratic institutions, such as Nigeria, Zimbabwe, and the Democratic Republic of Congo. A power-sharing norm, in the event of violently contested election results, will be a dangerous precedent.

LESSONS FROM MADAGASCAR AND TOGO

In 2003, a disputed first-run election left Madagascar divided between the supporters of incumbent president Didier Ratsiraka and challenger Marc Ravalomanana. The Organization of African Unity brokered the Dakar Agreement to pave the way for a resolution.³ But when Ratsiraka refused to concede, confrontations between the two escalated, and Ratsiraka fled to France.⁴ Six years later the mayor of Antananarivo, Andry Rajoelina, accused Ravalomanana's administration of corruption and mismanagement and, with the military's backing, assumed the presidency. Ravalomanana fled to South Africa. Despite the absence of both Ratsiraka and Ravalomanana, the political situation in Madagascar remains unresolved. Efforts at resolution have floundered as the international community, once united in bringing Rajoelina and the former presidents together, has splintered, with different countries considering their own national and regional interests. Resolving the crisis is made more difficult as the efforts of mediators are uncoordinated and therefore weakened.⁵

The response in Togo differed markedly. After long-serving Gnassingbé Eyadéma died in 2005, the parliament swore in his son, Faure Gnassingbé, contravening the constitution. ECOWAS and the International Organization of the Francophonie suspended Togo. After an enormous amount of international pressure and mediation, Gnassingbé stepped aside to allow elections, as required by the constitution. In this case, the concerted pressure of the international and regional communities provided space for the resolution of the crisis.

The Ivorian situation must not slip from international attention. The financial and travel sanctions have begun to constrain Gbagbo and his administration, but he remains in place. Only resolute diplomatic pressure and adherence to sanctions will eventually dislodge Gbagbo and avert conflict. Yet the AU's reversal on military intervention, the refusal by Ghana and South Africa to take a stance for one candidate or the other, and Uganda's Yoweri Museveni's statement that the votes should be investigated show a divided region. Furthermore, other African countries are receiving Gbagbo's representatives, in a break with the initial practice of recognizing only Ouattara's representatives; they were recently in

Kenya to explain their reasons for rejecting Ouattara's victory claims. These developments threaten a swift resolution to this stalemate and portend a long period of instability.

THE ROLE OF IVORIAN CIVIL SOCIETY IN REDUCING TENSION

Political and geographic divisions make it difficult for Ivorian civil society to act as a joint force for peace. Moderate voices, willing to bridge regional and political divides, are not being heard.⁶ It is important to note that Ouattara did not obtain a landslide victory. A substantial number of voters, nearly 46 percent, supported Gbagbo. Their reasons for supporting Gbagbo reflect the existing regional, ethnic, and religious divisions in Côte d'Ivoire. Whether Gbagbo or Ouattara emerges as winner from the current stalemate, the next president will face a sharply divided electorate that challenges his rule. Thus, this election, which was meant to repair the divisions between the north and the south, will have failed to do so. At the very least, a key ingredient for avoiding war in Côte d'Ivoire is to reconcile these divided communities. Civil society's moderate voices can play a critical role in starting the reconciliation process.⁷ Moderates can also make joint statements and appearances and participate in the current mediation process between Gbagbo and Ouattara. The international community should help by emphasizing the importance of moderates and building their capacity and infrastructure to succeed.

PREVENTING VIOLENCE IN ELECTORAL DISPUTES

Côte d'Ivoire's crisis, as well as others, could have been avoided if the militias had demobilized and if clear rules for the security services had existed, methods for verifying elections were clear and disputes could have been credibly resolved, and Africa's institutions had implementable tools for discouraging electoral violence.

THE ROLE OF THE SECURITY FORCES

In many countries, security services remain politicized and are used to crush demonstrations and intimidate the opposition. This was clearly seen in the postelection demonstrations in Ethiopia in 2005, where approximately 30,000 opposition members were arrested.⁸ In Côte d'Ivoire as many as 30 demonstrators died at the hands of state security services during a public demonstration.⁹ Reform and depoliticization of the security forces would reduce the chances of violence.

DISARMAMENT AND DEMOBILIZATION OF MILITIAS

Repeated attempts to disarm the militia ahead of the elections in Côte d'Ivoire failed. The program was poorly funded, and there were identifiable security, financial, and political benefits for the militia to remain intact. Removing those incentives would have spurred demobilization. Now, with Ouattara and Gbagbo in control of arms, the prospect of violence increases dramatically should diplomacy fail. A similar outcome occurred in the Republic of Congo after the 1993 parliamentary elections when the three political party leaders each claimed victory while still in charge of their respective militias. The clashes in the ensuing several months left 2,000 dead.¹⁰ Elections should not proceed while candidates remain in control of militias.

CLEAR, INDEPENDENT VERIFICATION OF RESULTS

The UN Mission in Côte d'Ivoire (ONUCI) was charged with certifying the electoral

process. It was to "ensure that all stages of the electoral process are carried out in accordance with recognized standards . . . [and] not allow the results to be contested in a non-democratic way or to be compromised."¹¹ This language left room for contestation, which is exactly what happened, when the electoral commission, which is charged with announcing the provisional results, and the Constitutional Council, which is charged with verifying the electoral commission's results, disagreed. ONUCI's role as certifier does not explicitly state that its judgment is final. This ambiguity has been exploited in the Ivorian crisis. Similarly, in Kenya the procedures in place could not determine which candidate had won or whether the electoral process had been fair, fueling the tension. Strengthening and clarifying the processes and institutions that verify an election will greatly reduce the chances and claims of fraud.

FAIR HEARINGS FOR GRIEVANCES

Credible means of assessing an election should be buttressed by independent institutions for addressing grievances. Côte d'Ivoire's politically biased institutions do not foster this confidence. In Kenya's 2007 elections and Togo's 2010 elections, opposition leaders refused to use existing institutions, which they deemed biased, to resolve their grievances, opting instead for street protests. Without independent institutions, public protests will increase the chances of violence, especially when security forces are politicized.

SANCTIONS FOR VIOLENCE IN ELECTORAL DISPUTES

There is currently no continental stance or policy on discouraging electoral violence. Politicians in Kenya, Zimbabwe, Togo, and Zanzibar were all rewarded with power-sharing agreements when they contested elections violently. Elsewhere, violent perpetrators were not prosecuted when the country returned to political normalcy. This sends a message that violence is costless and sometimes pays. Africa's institutions must develop clear and implementable sanctions against politicians who use violence to secure elections.

CONCLUSION

Other, country-specific ways to increase an election's credibility and transparency certainly exist. However, basic measures such as depoliticizing the security services, disarming militias, clearly and independently verifying elections, establishing independent institutions for redressing grievances, and discouraging the use of violence in elections can help prevent violent responses to electoral results. Côte d'Ivoire had none of these measures in place. Now, with the threat of violence looming, the international and regional communities must remain unified in their approach and push for the inclusion of moderate civil society voices to ensure the resolution of the crisis.

ENDNOTES

¹ West Africa Network for Peacebuilding—Côte d'Ivoire, "Troisième Rapport de l'Observatoire de la Vie Politique et des Médias en Période Electorale" (Abidjan: WANEP—Côte d'Ivoire, January 8, 2011).

² This threat was reversed at the African Union's summit on January 28–31, 2011.

³ Dakar Agreement, http://www.afrol.com/Countries/Madagascar/documents/accord_dakar.htm.

⁴ Ofeibe Quist-Arcton, "Africa: OAU Stands Aloof on Madagascar, Despite Departure of Ratsiraka," AllAfrica.com, July 5,

2002, <http://allafrica.com/stories/200207050825.html>.

⁵ International Crisis Group, "Madagascar: Le Crise a un Tournant Critique?," Africa Report 166, November 18, 2010, 4–6.

⁶ "Côte d'Ivoire: Voices of Reason Sidelined in the Crisis," IRINNews.org, January 26, 2011, <http://www.irinnews.org/report.spx?ReportID=91733>.

⁷ Ibid.

⁸ Lahra Smith, "Political Violence and Uncertainty In Ethiopia," U.S. Institute of Peace Special Report no. 192 (Washington, DC: U.S. Institute of Peace, August 2007), 7.

⁹ Amnesty International, "Côte d'Ivoire: Injured Protestors Denied Medical Care," AllAfrica.com, December 20, 2010, <http://allafrica.com/stories/201012200899.html>.

¹⁰ U.S. Department of State, "Congo Human Rights Practices, 1994" (Washington, DC: U.S. Department of State, February 1995), sect. 1(a), http://dosfan.lib.uic.edu/erc/democracy/1994_hrp_report/94hrp_report_africa/Congo.html.

¹¹ UN Mission in Côte d'Ivoire (ONUCI), "The Certification of Elections in Côte d'Ivoire," Resolution 1765, adopted by the UN Security Council on July 16, 2007, <http://www.onuci.org/pdf/faqcertificationen.pdf>.

Mr. PAUL. Mr. Chair, both supporters and opponents of H.R. 1 claim that is a serious attempt to reduce federal spending, however, an examination of the details of the bill call that claim into question. For one thing, the oft-cited assertion that H.R. 1 reduces spending by \$99 billion is misleading as the \$99 billion figure represents the amount that H.R. 1 reduces spending from the President's proposed Fiscal Year 2011 budget, not reductions in actual spending. Trying to claim credit for a reduction in spending based on cuts in proposed spending is like claiming someone is following a diet because he had 5 pieces of pizza when he intended to have 10 pieces.

In fact, H.R. 1 reduces federal spending by \$66 billion. This may seem like a lot to the average American but in the context of an overwhelming trillion-dollar budget and a national debt that could exceed 100 percent of GNP in September, this cut is barely even a drop in the bucket.

One reason that H.R. 1 does not cut spending enough is that too many fiscal conservatives continue to embrace the fallacy that we can balance the budget without reducing spending on militarism. Until Congress realizes the folly of spending trillions in a futile attempt to impose democracy on the world we will never be able to seriously reduce spending.

Congress must not only reject the warfare state, it must also reject the welfare state. H.R. 1 is more aggressive in ending domestic spending than foreign spending, and does zero out some objectionable federal programs such as AmeriCorps. However, H.R. 1 leaves most of the current functions of the federal government undisturbed. This bill thus continues the delusion that we can have a fiscally responsible and efficient welfare state.

Mr. Chair, the failure to even attempt to address the serious threat the welfare-warfare state poses to American liberty and prosperity is the main reason why supporters of limited government and individual liberty should ultimately find H.R. 1 unsatisfactory. Only a rejection of the view that Congress can run the economy, run our lives, and run the world will

allow us to make the spending reductions necessary to avert a serious financial crisis. This does not mean we should not prioritize and discuss how to gradually transition away from the welfare state in a manner that does not harm those currently relying on these programs. However, we must go beyond balancing the budget to transitioning back to a free society, and that means eventually placing responsibility for social welfare back in the hands of individuals and private institutions. Despite the overheated rhetoric heard during the debate, H.R. 1 is a diversion from the difficult task of restoring constitutional government and a free economy and society.

Mr. PAYNE. Mr. Chair, I rise today in opposition to Amendment No. 262, introduced by our colleague Representative LATTA of Ohio, should it be offered during floor consideration of H.R. 1. Amendment No. 262 would eliminate all funding for international family planning programs in the proposed FY 2011 Continuing Resolution. This devastating cut would have severe immediate and long term impacts on women and their families in the world's poorest countries.

Contrary to the rhetoric we are hearing from some of our colleagues, U.S. international family planning assistance in fact helps to reduce unintended pregnancies and abortions in the developing world. According to Population Action International, cutting this funding would result in: 7.8 million more unintended pregnancies; 3.7 million more abortions; 87,000 additional newborn deaths; and 12,000 additional maternal deaths.

Moreover, this amendment would turn back the clock on U.S. investments in the global fight against HIV/AIDS. The integration of family planning and HIV/AIDS services is a vital and cost-effective way to prevent HIV infection, including through mother-to-child transmission. At the same cost, family planning services can avert nearly 30 percent more HIV-positive births than use of the nevirapine prophylaxis by HIV-positive pregnant women. A recent study found that, although PEPFAR has been associated with a reduction in HIV-related deaths, trends of increasing adult prevalence rates continue unabated. However, preventing unintended pregnancies, which is an international pillar of preventing mother to child transmission (PMTCT) programming, continues to receive insufficient attention in AIDS programs. The Guttmacher Institute noted in their report *Hiding in Plain Sight: The Role of Contraception in Preventing HIV* that helping HIV-positive women avoid unwanted pregnancies not only lowers the rate of new infections, but does so at a relatively low cost.

I hope that you will join me in opposing this amendment, should it be offered.

[From the Guttmacher Policy Review, Winter 2008]

HIDING IN PLAIN SIGHT: THE ROLE OF CONTRACEPTION IN PREVENTING HIV

(By Susan A. Cohen)

As Congress embarks on the process of reauthorizing the U.S. program to fight HIV and AIDS, and as other global donors recalibrate levels and allocations of funding for HIV/AIDS programs, prevention seems to be making a comeback. At the inception of the President's Emergency Plan for AIDS Relief (PEPFAR) five years ago, both the funding and the programmatic emphasis tilted heavily toward treatment. Yet, the rate of new

HIV infection continues to outpace the world's ability to deliver antiretroviral therapy, despite recent advances in access to such medications. A public health consensus is emerging, therefore, in favor of realigning the balance between treatment and prevention efforts.

Refocusing the priority on prevention is long overdue, as is an acknowledgment, especially within Congress, that HIV prevention cannot be accomplished with a disproportionate emphasis on abstinence. Indeed, preventing the sexual transmission of HIV requires going beyond the necessary but hardly sufficient strategy of ABC: abstain, be faithful, use condoms. It also requires increasing AIDS awareness through counseling and testing programs, investing in programs promoting the empowerment of women and girls, and increasing access to male circumcision. Other critical prevention interventions include ensuring a clean blood supply and clean medical injections, needle exchange programs for intravenous drug users and preventing the "vertical" transmission of HIV from a pregnant woman to her newborn infant.

Largely overlooked as an HIV prevention strategy, however, is the simple and low-cost act of helping HIV-positive women who do not want to have a child to avoid an unintended pregnancy through increased access to contraceptive services. Ward Cates, president for research of Family Health International (FHI), has dubbed contraception the "best-kept secret in HIV prevention," and certainly, the significant contribution of unintended pregnancy prevention toward reducing the perinatal transmission of HIV has gone virtually unrecognized. Yet, a revitalized and more robust effort focused on HIV prevention cannot afford not to fully capitalize on the critical role of contraceptive services in fighting AIDS.

THE NEED FOR PROGRESS ON PREVENTION

Women of reproductive age comprise more than half of the 33 million people currently living with HIV around the world. The vast majority of these women live in Sub-Saharan Africa, and thus, it is not surprising that 90% of the 2.5 million children younger than 15 living with HIV live there as well. Almost all of these children became infected through their mothers during pregnancy, birth or breastfeeding.

An HIV-positive woman about to give birth can dramatically reduce the likelihood of transmitting the virus to her newborn by delivering in a hospital or a primary care setting where she and her infant can receive even a single dose of the anti-retroviral drug nevirapine. However, the challenges to delivering even this seemingly simple prevention of mother-to-child transmission (PMTCT) service are substantial, especially in Sub-Saharan Africa. Pregnancy itself does not usually drive women, especially those in rural areas, to facilities where they could receive pre-natal care and, potentially, an HIV test. In addition, many pregnant women may not want to know their HIV status for fear of public disclosure and the stigma that often results. Considering the difficulties of delivering services to HIV-positive pregnant women, and the simple fact that most women who are HIV-positive do not know it, it is not entirely surprising that only 11% of all theoretically eligible women in poor countries are benefiting from any PMTCT intervention. And without intervention, about one-third of babies born to HIV-positive women likely will become infected.

A long-standing goal of global prevention efforts, therefore, is to ramp up PMTCT ef-

forts so that more pregnant women are tested and that those who are positive receive the treatment that they and their infant will need. PMTCT programs justifiably enjoy broad political support and are certain to continue to be a funding priority within the U.S. global AIDS effort.

The United States does recognize the importance of at least establishing linkages between PMTCT and family planning programs, since PEPFAR requires family planning counseling and referral as one of four elements comprising the minimum package of services for preventing mother-to-child transmission. However, a high-level consultation sponsored by the World Health Organization (WHO) and the United Nations Population Fund in 2004 went considerably further, concluding that investing solely in narrowly defined PMTCT programs will not succeed in dramatically reducing the incidence of perinatal transmission. Rather, the Glion (Switzerland) Call to Action on Family Planning and HIV/AIDS in Women and Children emphasized that all four elements of the WHO approach to preventing HIV infection in infants are essential. PMTCT programs are key, but so are primary prevention of HIV infection in women; the provision of care, treatment and support for women living with HIV and their families; and prevention of unintended pregnancies among women living with HIV. Of these, the significant role that unintended pregnancy prevention already plays—and the much greater role it potentially could play—in averting new cases of HIV has been least recognized and supported.

According to a 2007 Guttmacher Institute study, one in four married women in Sub-Saharan Africa is sexually active and does not want to have a child or another child in the next two years, but is not using any method of contraception. As a result, unintended births are common, and occur in the very countries that are a focus of PEPFAR—countries in which HIV prevalence is high and 60% of all adults living with HIV are women (see table).

Indeed, research into the HIV/AIDS health care system reveals that the unmet need for contraception among HIV-positive women and women at high risk of HIV is even greater than among women in the general population. According to a study published in JAMA in 2006, 84% of the pregnancies among women in three PMTCT programs in South Africa were unintended. Similarly, the Centers for Disease Control and Prevention reported earlier this year that 93% of the pregnancies among pregnant women receiving antiretroviral therapy in Uganda were unintended. And according to FHI research from 2006 of women in HIV counseling and testing clinics (where most women are HIV-negative but are at high risk for HIV), substantial majorities in Kenya (59%), Tanzania (66%), Zimbabwe (77%) and Haiti

HIV AND UNINTENDED PREGNANCY—Continued

[In PEPFAR countries, high HIV/AIDS rates coexist with a high unmet need for contraceptive services and a high incidence of unplanned births.]

PEPFAR Focus Countries (selected)	Unmet Need for Contraception, Married Women	Unplanned Births (as % of total births)	HIV/AIDS Prevalence (ages 15–49)
Zambia	27	39	17

Source: Guttmacher Institute, 2007, and PEPFAR, 2007. (92%) said they did not want another child in the next two years.

CONTRACEPTION AS HIV PREVENTION

To be sure, many women living with HIV do want to have a child or another child, notwithstanding pressure to forego childbearing from family members, people in their community and health care providers. And, in fact, HIV-positive women are likely to be able to sustain a healthy pregnancy and safely deliver a healthy baby if they can avail themselves of appropriate therapy (related article, Fall 2006, page 17). Nonetheless, many HIV-positive women who know their HIV status seek out contraceptive services specifically because of their status—because they fear infecting their baby if they become pregnant or leaving behind children, whether HIV-positive or not, as orphans. And many more women seeking contraceptives services are, in fact, HIV-positive but do not know it.

FHI researchers estimate that if the HIV-positive women in Sub-Saharan Africa who are currently using modern contraceptive methods to prevent unintended pregnancy were not able to do so, the number of HIV-positive births in the region would be 31% higher than it is now. This would translate to 153,000 more HIV-infected unplanned births each year—or 419 more per day. Researchers at the Johns Hopkins University Bloomberg School of Public Health and WHO published an analysis in AIDS in 2004 demonstrating that even a modest decline in the number of unintended pregnancies among HIV-positive women in Botswana, Cote d'Ivoire, Kenya, Rwanda, Tanzania, Uganda, Zambia and Zimbabwe could lead to the prevention of the same number of births of HIV-positive infants as prevented by the current PMTCT programs in these countries. "It is clear from this analysis," they wrote, "that only a combined approach utilizing all three intervention components simultaneously [reducing HIV infection among women, reducing unintended pregnancy and increasing the reach of PMTCT programs] will result in significant reductions" in new HIV infections among infants.

Helping HIV-positive women avoid unwanted pregnancies not only lowers the rate of new infections, but does so at a relatively low cost. The U.S. Agency for International Development (USAID) examined PMTCT programs in the 14 countries comprising the Bush administration's original initiative starting in 2002 aimed at preventing mother-to-child transmission. USAID projected that over a five-year period, adding family planning services to PMTCT programs could prevent almost twice the number of infections to children, and nearly four times the number of deaths to children, as PMTCT alone could prevent (see chart). In addition, a 2006 analysis by FHI concluded that for the same cost, voluntary family planning services can avert not nearly 30% more HIV-positive births—that would have been unintended—than averted by identifying HIV-positive women during their pregnancy and providing nevirapine.

Greater access to contraceptive services then—whether among women in HIV treatment programs, PMTCT programs or counseling and testing programs, or among women in traditional family planning programs in high-HIV-prevalence countries—is a

HIV AND UNINTENDED PREGNANCY

[In PEPFAR countries, high HIV/AIDS rates coexist with a high unmet need for contraceptive services and a high incidence of unplanned births.]

PEPFAR Focus Countries (selected)	Unmet Need for Contraception, Married Women	Unplanned Births (as % of total births)	HIV/AIDS Prevalence (ages 15–49)
Cote d'Ivoire	28	28	7
Ethiopia	34	35	1–3
Kenya	25	44	6
Mozambique	18	19	16
Namibia	22	45	20
Nigeria	17	14	4
Rwanda	38	39	3
South Africa	15	53	19
Tanzania	22	22	7
Uganda	35	38	7

"win-win-win situation." it increases the chances that women living with HIV can prevent future pregnancies they do not want, thereby reducing the incidence of perinatal transmission and the number of potential child deaths, and it achieves these humanitarian ends in a highly cost-effective way.

IMPLICATIONS FOR PREVENTION POLICY

Outside the context of HIV prevention, it is indisputable that the health, social and economic benefits of investing in contraceptive services—for women, their families and their communities—are multiple and varied. By preventing pregnancies that are too early, too late or too closely spaced, contraception reduces the likelihood of infant mortality. And by helping women to avoid high-risk pregnancies and the need for unsafe abortions, it decreases the risk of maternal death or disability. A woman who can determine the timing and spacing of her children increases her own and her existing family's opportunities for educational, social and economic advancement. Moreover, the evidence is compelling that increasing access to family planning programs also amplifies the overall effort to slow the rate of new HIV infection.

Yet, despite the ever-rising demand for contraceptive services and the fact that a woman's ability to control her own fertility is integrally linked to almost all other aspects of health and development, U.S. funding for family planning has been lagging. Funding for family planning programs in developing countries through USAID peaked at about \$550 million at the time of the international Conference on Population and Development in Cairo in 1994 and early 1995. It dropped precipitously in 1997, after control of Congress shifted to lawmakers hostile to sexual and reproductive health programs, plummeting to below \$400 million. By 2001, the final year of the Clinton administration, funding had regained some ground (\$446 million), but that level has remained essentially constant ever since.

Clearly, USAID funding for family planning programs should be increased—both on their traditional merits and, in high-prevalence countries, as an HIV strategy. At the same time, as global donors to the fight against AIDS reconsider the new priority emphasis on prevention, particularly the United States through the reauthorization of PEPFAR, it would be an opportune moment to legitimize contraceptive services as the core HIV prevention intervention they are. This would mean ensuring that HIV treatment programs, where women already predominate, also provide contraceptive services directly or by referral to make it easier for HIV-positive women to coordinate their treatment regimen with their pregnancy prevention goals. Similarly, it would mean making family planning services more widely available through PMTCT programs, because many HIV-positive new mothers wish to delay or prevent a subsequent pregnancy. Finally, in high-prevalence countries, it would mean promoting greater integration of HIV counseling and testing services into family planning programs, so that more sexually active women at risk of HIV are likely to be tested and to receive appropriate counseling and treatment.

These strategies are more than academic. The Elizabeth Glaser Pediatric AIDS Foundation, the largest provider of PMTCT services under PEPFAR, has been striving to incorporate contraceptive services into its programs because "care and treatment staff members are uniquely positioned to address HIV-positive women's needs concerning fu-

ture pregnancy plans and counsel them based on their social circumstances, health status, and ART regimen." Indeed, as negotiations in Congress got underway last month to reauthorize PEPFAR, the Foundation wrote to the House Foreign Affairs Committee to urge broadening the use of PEPFAR funds in order to support these "essential prevention services. . . . As implementers, we cannot overstate the importance of [integration] to the work we do on the ground to prevent the spread of HIV."

For individual women who live where HIV is rampant, the interrelatedness of HIV prevention and unintended pregnancy prevention is a practical reality. Yet most international program donors, including the United States government, have viewed them as complementary goals but separate and unrelated outcomes. All along, the fact of contraception as HIV prevention has been hiding in plain sight. It is time to seek it.

Ms. RICHARDSON. Mr. Chair, I move to strike the last word.

I rise to oppose any effort, including the Paul Amendment (No. 523), which would terminate International Security Assistance Funding. I oppose any such attempt because cutting international security funding is unwise and short-sighted, and would undercut U.S. interests in the Middle East.

Given the turmoil in the Middle East, it is essential that the United States keep its commitment to Israel's security by fully funding the \$3 billion in U.S. aid pledged to Israel for Fiscal Years 2011 and 2012.

The dramatic events in Egypt and Tunisia underscore the importance of Israel to the United States and the fragility of Israel's security situation. At a time when Israel is facing increased security threats, cutting U.S. aid to Israel would send exactly the wrong message to Israel and its potential adversaries about the strength and reliability of America's commitment to Israel's security.

Mr. Chair, international security assistance funding is not a "handout" or "giveaway" to Israel, Egypt, Jordan, or to Pakistan. Rather, this investment provides several tangible benefits to the United States: by helping Israel maintain its qualitative military edge, QME, American assistance has promoted peace with Egypt and Jordan, and made Israel secure enough to make significant concessions in peace agreements with these countries and dramatic peace overtures to the Palestinians and to Syria; Israel's battlefield use of American equipment and shared know-how has helped the United States improve both its equipment and tactics especially while fighting two wars in Iraq and Afghanistan; aid to Israel also fuels economic growth here at home since Israel is required to spend 74 percent of U.S. aid in the United States, which helps create American jobs.

Mr. Chair, while other countries in the Middle East wrestle with change and instability, the United States can count on Israel as our trusted, reliable, and democratic ally. Israel in turn must be able to count on the United States. Nothing will send a clearer message to Israel and any potential adversaries of America's unshakeable commitment than defeating any and all attempts to terminate security funding for Israel.

Ms. VELÁZQUEZ. Mr. Chair, I rise today in opposition to this legislation. All of us recog-

nize the need for fiscal restraint, but we should not be doing so at the expense of working families.

Governing is about making difficult choices, making wise investments where we can, while recognizing the fiscal pressures our nation faces. This legislation is an abdication of that responsibility. It would harm our most vulnerable citizens, fail to invest in economic recovery and cost American jobs. For our economy to recover over the long term, American workers need training and education that will enable them to compete in a new global economy. However, the Republican spending bill makes drastic cuts to education, putting a college degree out of reach for more working families.

In my district, this bill will deprive 22,000 working families of nearly \$1,000 in financial assistance from the Pell Grant program. Many of these New Yorkers will have to pay more in tuition. For some, this shortfall may prevent them from completing their degree, altogether.

The cuts to the Pell program are just one way education suffers. Spread throughout my district, there are thirty-two Head Start centers that offer early education to the children of working families. New York City Head Start will lose almost \$30 million in funding. As we look for ways to strengthen our country's economy, cutting services that prepare children for the future seems not just unconscionable, but unwise.

Just as children and young people would be penalized by this legislation, some of our oldest and most vulnerable citizens would be harmed. In the middle of winter, New York City would lose \$4.4 million in funding from the Low Income Home Energy Assistance Program, forcing seniors and working families to choose between keeping the heat on and purchasing groceries.

Meanwhile, important services that help seniors stay in their home would be slashed. Job training for workers dislocated by the recession would face cuts. New York City would see a loss of \$14 million in Community Block Service Grants, which fund these valuable initiatives.

In New York, where working families already struggle to make rent, this bill slashes housing services. HUD's public housing capital fund would be reduced by 40%. The New York City Housing Authority relies on this fund for almost three-fourths of its resources. That money ensures elevators work, broken windows get repaired and hallways stay lit. New York City would also lose \$129 million in Community Development Funds. As a result of these cuts, the City's Department of Housing, Preservation and Development, which helps ensure housing is safe and livable, would have to let 1,200 hardworking employees go.

Mr. Chair, the American economy is just now turning the corner, showing early signs of resurgence. As recovery takes hold, this is not the time to cause another wave of job losses, with shortsighted cuts. Instead, we should choose wisely, creating jobs now, while investing for the long term.

If we crafted the right spending bill it could accomplish these goals, funding our government in a way that meets our responsibilities, contributes to growth, and reduces the deficit.

This is not that bill. I urge my colleagues to oppose it.

Mrs. CAPPS. Mr. Chair, I move to strike the last word in strong opposition to the Price Amendment and the underlying bill.

This amendment would make this atrocious CR even worse. Section 1517 of the CR already cuts the Bureau of Consumer Financial Protection by 40 percent. And as if that wasn't enough to cripple this new bureau, the Price Amendment would prohibit funding for salaries and expenses—ending the agency as it's just getting started.

Although, I guess we shouldn't be surprised. Mr. PRICE and his colleagues have fought long and hard for their friends on Wall Street to allow them to continue gouging families and small businesses with predatory mortgages and credit cards.

But last year the Democratic majority overcame their corporate lobbyists and special interests to finally bring an end to these Wall Street abuses. We enacted historic credit card reforms and established the new independent Consumer Financial Protection Bureau tasked specifically with protecting consumers—the first of its kind. This new Bureau will finally ensure that mortgage and credit card agreements are safe for the families and small businesses most vulnerable to predatory practices. The Bureau's Office of Service Member Affairs, led by Holly Petraeus, is specifically tasked with protecting our men and women in uniform who all too often are preyed upon by unscrupulous lenders.

No more hidden fees. No more arbitrary interest rate hikes. No more twisted contracts that lawyers can't even understand. This is the type of protection the American people expect from their government. Reasonable, responsible measures to ensure our troops and consumers aren't taken advantage of.

But, for some reason, Mr. PRICE and those who support this amendment believe our troops and the American people don't deserve these protections. They're unabashedly trying to destroy the Consumer Financial Protection Bureau before it even gets started. They're trying to return to the days when Wall Street ran amok and did as it pleased. They're trying to return to the same failed policies of the past that caused the financial crisis we're still climbing out of.

One would think that such a ridiculous maneuver would at least be disguised as something less destructive. But then again, the Majority has made no secret of its pursuit of political gimmicks over substantive measures to create jobs.

Just look at this CR—hundreds and hundreds of pages that do nothing but undercut our fragile economic recovery and destroy jobs. Nothing but page after page of absurd cuts to proven programs that protect consumers, stimulate growth and create jobs.

Not to mention that we have yet to consider a single bill on the House floor that would actually create jobs. Not one.

Mr. Chair, the American people expect better. They sent us here to create jobs, not destroy them.

I urge my colleagues to oppose the Price Amendment and the underlying bill. I yield back.

Mr. LAMBORN. Mr. Chair, my amendment, amendment number 504, would restore the cuts made to the defense appropriations sec-

tion of H.R. 1. I am pleased that so many of my Republican colleagues in the House Armed Services Committee supported this amendment and are willing to stand with me against these cuts. HASC Chairman McKEON, Ms. HARTZLER, Mr. BARTLETT, Mr. FORBES, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. LOBIONDO, Mr. TURNER, Mr. HUNTER, Mr. WITTMAN, Mr. RIGELL and Mr. SCHILLING should all be recognized for their commitment to our men and women in uniform.

We cannot in good conscience stand by while this body takes an ax to the defense budget.

My amendment restores cuts to the Department of Defense to the level authorized by Congress in the National Defense Authorization Act of 2011. The C.R. contains approximately \$516 billion in defense appropriations found in Division A, about \$14 billion below the defense appropriations authorized in the 2011 NDAA. We should honor that budget authorization with this amendment.

We have watched the Obama Administration develop a pattern of raiding the defense accounts first, not last, as it should be. We have a Constitutional responsibility to provide for the common defense and yet, the Administration sees defense as an account that can be gutted at the expense of our national security. The government has already asked the Pentagon to find \$100 billion in efficiencies and to cut \$78 billion over the next five years. The cuts proposed in H.R. 1 are just the beginning of a downward spiral.

Our government has a constitutional mandate to protect the American people. America must retain her qualitative edge in the world. Weakness will invite aggression and lead to instability throughout the world.

As I have said before, I wholeheartedly support finding cost savings through efficiencies in all areas of the Federal Government. In the area of national defense, I believe we must reinvest those savings in other defense priorities such as an effective and robust homeland missile defense system, equipment that increases protection and combat effectiveness for our servicemembers, and modernizing our aging defense infrastructure. As vital as it is to cut our national budget so we can live within our means, my hope and desire is that we do so in a way that does not sacrifice our military capability.

Again, I thank my colleagues who have vocally supported this amendment and I ask other Members in the House to do the same.

Mr. PAYNE. Mr. Chair, I rise in opposition to the Gohmert amendment that would prohibit any United States assistance to a country that opposed the position of the United States in the United Nations. If passed tomorrow, this amendment would prohibit assistance to over 130 countries including Cote D'Ivoire, Rwanda, Afghanistan, Bangladesh, and Jordan. (It prohibits assistance to countries whose recorded votes at the UN were the same as the United States less than 50 percent of the time.

This amendment does not take into account the voting realities of the UN. It only focuses on recorded votes or non-consensus issues. But the fact is, similar to the workings our own Senate, a significant amount of votes—or consensus resolutions—are adopted by the UN. According to the State Department's Voting

Practices in the United Nations, when consensus resolutions are factored in as votes identical to those of the United States, average overall General Assembly voting coincidence of all UN members with the United States in 2009 was 84.3%. So, in reality, most member states are agreeing with the position of the United States.

Finally, if the logic of this bill was utilized in our own Congress, how could we ever reach bipartisan agreement? Because a Member does not support your bill, would that mean you would never work with them on anything again? Or, if the Texas delegation to the House voted against a transportation appropriation, should they receive no money to build roads?

I urge my colleagues to vote NO on this amendment.

VOTING PRACTICES IN THE UNITED NATIONS 2009

(Report to Congress submitted pursuant to Public Laws 101-246 and 108-447, Mar. 31, 2010.)

I: INTRODUCTION

This publication is the 27th annual Report to the Congress on Voting Practices at the United Nations. It is submitted in accordance with Section 406 of Public Law 101-246. This law provides, in relevant part:

"The Secretary of State shall transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a full and complete annual report which assesses for the preceding calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and which evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States."

This report reviews voting practices in the UN Security Council and General Assembly (UNGA) in calendar year 2009 and presents data in a variety of formats. All Security Council resolutions for the entire year are described, and voting on them is tabulated (Section II). The report also statistically measures the overall voting of UN member states at the 64th General Assembly in the autumn of 2009 in comparison with the U.S. voting record (Section III). It also lists and describes UNGA resolutions selected as particularly important to U.S. interests, again with tables for regional and political groupings (Section IV). It then presents all data by country (Section V). Finally, an annex is included to present the voting patterns on General Assembly resolutions relating to Israel and opposed by the United States.

The Security Council and the General Assembly deal with a full spectrum of issues—including threats to peace and security, disarmament, economic and social development, humanitarian relief, and human rights—that are considered critical to U.S. interests. A country's behavior at the United Nations is always relevant to its bilateral relationship. Nevertheless, a country's voting record in the United Nations is only one dimension of its relations with the United States. Bilateral economic, strategic, and political issues are at times more directly important to U.S. interests.

VOTING COINCIDENCE WITH THE UNITED STATES

On non-consensus issues, i.e., those on which a vote was taken, the average overall

General Assembly voting coincidence of all UN members with the United States in 2009 was 39 percent, up significantly from 2008, when it was 25.6 percent, and more than twice the figure from 2007 (18.3 percent).

When consensus resolutions are factored in as votes identical to those of the United States, a much higher measure of agreement with U.S. positions is reached—84.3 percent in 2009. (See Section III—General Assembly—Overall Votes for additional comparisons.)

FORMAT AND METHODOLOGY

The format and presentation of this report are consistent with provisions of Public Law 101-246 as amended by Public Law 108-447, and the methodology employed is the same as that used since the report's inception.

The tables in this report provide a measurement of the voting coincidence of UN member countries with the United States. However, readers are cautioned about interpreting voting coincidence percentages. In Section III (General Assembly Overall Votes), Section IV (General Assembly Important Votes and Consensus Actions), and the Annex, the percentages in the last column of the tables, under "votes only," are calculated using only votes on which both the United States and the other country in question voted Yes or No; not included are those instances when either state abstained or was absent. Abstentions and absences are often difficult to interpret, but they make a mathematical difference, sometimes significant, in the percentage results. The inclusion of the number of abstentions and absences in the tables of this report enables the reader to consider them in calculating voting coincidence percentages.

The percentages in the second-to-last column of the tables, under "including consensus," offer another perspective on General Assembly activity. These figures, by presenting the percentage of voting coincidence with the United States after including consensus resolutions as additional identical votes, more accurately reflect the extent of cooperation and agreement in the General Assembly. Since not all states are equally active at the United Nations, the report credits to each country a portion of the 184 consensus resolutions based on its participation in the 84 recorded Plenary votes. Each country's participation rate was calculated by dividing the number of Yes/No/Abstain votes it cast in the Plenary (i.e., the number of times it was not absent) by the total number of Plenary votes). However, this calculation assumes, for want of an attendance record, that all countries were present or absent for consensus resolutions in the same ratio as for recorded votes.

Questions about this report may be directed to the Bureau of International Organization Affairs in the Department of State.

Mr. CUMMINGS. Mr. Chair, I oppose the continuing resolution put before us by the Republican leadership, which proposes to cut \$100 billion in spending below the funding levels President Obama requested in his budget for fiscal year 2011.

According to a summary developed by the House Appropriations Committee, these cuts are "a massive down payment on the new Republican majority's commitment to drastically decrease discretionary funding in order to help our economy thrive and spur job creation."

Sadly, there does not appear to be any accompanying material that specifies exactly how cutting funds from programs that make essential investments in our communities and in our Nation's infrastructure will spur eco-

nomically growth. Specifically, I would like to know how many jobs will be created by cutting \$581 million from state and local law enforcement assistance or by cutting billions in funding for the high speed rail program.

I would also like to know how cutting hundreds of millions of dollars from each of the HUD community development fund, the clean water and drinking water state revolving funds, or from transit capital investment grants will support job creation.

Frankly, I don't believe these cuts will create any jobs—nor do I believe they will support the economic growth that will move our country out of the recession created by an appalling combination of regulatory failure and corporate recklessness.

Mr. Chair, while I agree that the current deficit is not sustainable, we are also not going to create jobs by cutting aid programs for the poor.

According to an October 2010 report released by the Congressional Research Service, 3.7 million more persons fell below the poverty line in 2009 compared to the number below the poverty line in 2008. These 3.7 million people were pushed into poverty by a recession they did not create.

As a result, in 2009, a total of 43.6 million persons had incomes below the poverty line—more than at any time since we began tracking this measure in 1959.

Within that figure, 1 in every 5 children in this country lived in poverty in this Nation in 2009.

These figures can only be described as appalling.

And yet we are told that cutting billions from job training programs, cutting a billion dollars from community health centers, cutting a billion from Head Start, and cutting \$747 million from nutritional programs for mothers and infants will help eliminate our \$14 trillion dollar national debt and will also "help our economy thrive and spur job creation."

Mr. Chair, these cuts will not contribute to a thriving economy or create a single job—but they will take essential aid from the millions in our Nation who have the least.

If we are serious about cutting our debt, we must understand what has created that debt. Poor people did not create this debt.

However, an analysis developed by the Center on Budget and Policy Priorities in mid-2010 found that "just two policies dating from the Bush Administration—tax cuts and the wars in Iraq and Afghanistan—accounted for over \$500 billion of the deficit in 2009 and will account for almost \$7 trillion in deficits in 2009 through 2019, including the associated debt-service costs."

Despite the central role that tax cuts for the wealthy have had in increasing national debt, Congress voted just a few months ago to extend the Bush-era tax cuts, adding billions more to the national debt, including more than \$80 billion for the tax cuts provided to the highest 2 percent of earners.

Given this choice, it should not come as a surprise that our national debt is continuing to grow.

Since we appear to be unable to consider serious proposals that will cut the deficit while truly supporting economic recovery, I urge my colleagues to vote against this amendment and to vote no on the continuing resolution.

Ms. McCOLLUM. Mr. Chair, I rise in opposition to H.R. 1—legislation introduced by the House Republican majority that would cut over \$60 billion in essential funding to America's communities without making a significant impact on this year's federal deficit.

The number one priority for Congress is to keep America's economic recovery moving forward by creating jobs today and building a foundation for sustained, long-term growth. This will require strategic investments by the federal government in education, infrastructure, research and other areas that promote innovation and enable America to compete in the global economy. Tackling rising federal deficits are also part of the broader economic challenge. Federal deficits must be reduced with "smart cuts" to outdated or unnecessary federal programs including taxpayer-sponsorship of NASCAR, duplicative weapons programs at the Pentagon, and broadcasting to Cuba that never reaches its intended audience. I offered amendments to H.R. 1 to make some of these "smart cuts." Unfortunately, my Republican colleagues voted to protect taxpayer subsidies for NASCAR and instead slashed funding to homeless veterans, heating assistance for the poor, neighborhood schools, road and bridge repair, and hundreds of other critical community investments.

Because H.R. 1 undermines vital services and key long-term investments, professional economists believe the bill will put America's fragile economic recovery at risk. The Economic Policy Institute estimates that enactment of H.R. 1 would result in the destruction of 800,000 jobs nationwide. This week, Goldman Sachs economic forecaster Alec Phillips concluded that the Republicans' budget plan could slow economic growth by up to 2 percent.

If my Republican colleagues were serious about deficit reduction they would support amendments like mine to reduce wasteful programs wherever they occur in the federal government—including the Pentagon. They would end their political fixation on "earmarks" in annual spending bills that totaled \$16 billion last year and instead focus on special interest earmarks in the tax code that cost the government more than \$1 trillion in revenue every year. And if Republicans in Congress really wanted to reduce federal deficits they would not have voted in December 2010 for a bloated \$858 billion tax cut package that included \$140 billion in tax cuts for the richest 2 percent of Americans—every cent of this package was borrowed and added to federal deficits. I believe it is wrong to ask middle class families to sacrifice the quality of their schools, roads and health clinics so the richest Americans receive a tax cut they do not need.

America's economy recovery and serious federal budget challenges require difficult choices in federal spending and taxation. But difficult choices can be made without threatening economic recovery or undermining the future competitiveness of our nation.

I urge my colleagues to join me in rejecting H.R. 1 and instead, get to work on a budget that will create jobs and lead to renewed economic growth. I was unavailable to vote the following amendments to H.R. 1 because of a longstanding obligation with the Pentagon's National Defense University in the Middle East.

Representative MCCOLLUM (MN) Amendment No. 50: Prohibits funds from being used for the Department of Defense to sponsor NASCAR race cars. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 50.

Representative NADLER (NY)/Representative LEE (CA)/Representative STARK (CA) Amendment No. 232: Would limit funds for military operations in Afghanistan to \$10 billion. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 232.

Representative KLINE (MN) Amendment No. 214: Prohibits funds from being used to implement regulations on "Program Integrity: Gainful Employment—New Programs" published by the Department of Education. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 214.

Representative PENCE (IN) Amendment No. 11: Prohibits any federal funds from being used by Planned Parenthood Federation of America, Inc. Planned Parenthood is already prevented by federal law from using federal dollars for abortion services. This amendment takes away the money they use to provide for family planning, birth control, medical and preventive services. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 11.

Representative YOUNG (AK) Amendment No. 533: Would block the Environmental Appeals Board from reviewing air pollution permits related to drilling in the Arctic Ocean. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 533.

Representative NADLER (NY)/Representative CONYERS (MI)/Representative PAUL (TX)/Representative JONES (NC) Amendment No. 524: Prohibits funds to make a FISA application for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 524.

Representative POE (TX) Amendment No. 466: Prohibits funds from being used by EPA to implement and enforce any requirements or issue permits for stationary source emissions of six pollutants that cause smog and global warming. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 466.

Representative REHBERG (MT) Amendment No. 575: Prohibits any funds from being paid to any employee, officer, contractor, or grantee of any department or agency funded by the Labor, Health and Human Services, Education, and related agencies to implement the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 575.

Representative KING (IA) Amendment No. 267: Prohibits any funds from being used to implement any provision of the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 267.

Representative KING (IA) Amendment No. 268: Prohibits any funds from being used to pay the salary of employees of any Federal

department or agency with respect to implementing any provision of the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 268.

Representative EMERSON (MO) Amendment No. 83: Prohibits funds from being used for enforcement of the individual mandate. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 83.

Representative KIND (WI) Amendment No. 89: Prohibits a \$147 million payment to the Brazil Cotton Institute for Brazilian farmers, part of an Administration-brokered settlement to avoid retaliation by Brazil pursuant to a WTO ruling in Brazil's favor. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 89.

Representative KIND (WI) Amendment No. 88: Prohibits funds to be used to research, develop, test, evaluate, or procure the Expeditionary Fighting Vehicle or the Surface-Launched Advanced Medium-Range Air-to-Air Missile program. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 88.

Representative BLACKBURN (TN)/Representative JORDAN (OH) Amendment No. 104: Would cut an additional \$22 billion on top of the \$100 billion in cuts in the CR, reducing Legislative Branch appropriations by an additional 11%, and by reducing all other appropriations by 5.5%, exempting Defense, Homeland Security, and Military Construction-Veterans, and funding for Israel. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 104.

Representative BISHOP (NY) Amendment No. 414: Prohibits the use of funds for the National Bio and Agro-Defense Facility in Manhattan, Kansas. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 414.

Representative CAMPBELL (CA) Amendment No. 519: Reduces funds by 3.5% for the Departments of Defense and Homeland Security. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 519.

Representative BROUN (GA) Amendment No. 246: Prohibits funds from being used for beach replenishment projects by the Army Corps of Engineers. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 246.

Representative BROUN (GA) Amendment No. 263: Prohibits the use of funds to pay any dues to the United Nations. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 263.

Representative WU (OR) Amendment No. 526: Prohibits the use of funds by the Federal Energy Regulatory Commission (FERC) from spending any money on oversight of all import and export liquefied natural gas (LNG) facilities. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 526.

Representative MARKEY (MA) Amendment No. 27: Requires oil companies that hold royalty-free leases allowing them to drill for free

on the public's offshore lands to renegotiate those leases so that the public is paid the standard royalty charged for drilling. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 27.

Representative PRICE (GA) Amendment No. 409: Prohibits funds from implementing or enforcing the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 409.

Representative MCCLINTOCK (CA) Amendment No. 296: Would prevent the Department of the Interior from completing a science-based process on the Klamath River and deprive the public of information about whether dam removal is in the public interest. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 296.

Representative McDERMOTT (WA) Amendment No. 99: Prohibits the use of funds to be used to plan for, begin, continue, finish, process, or approve the relocation of the National Oceanic and Atmospheric Administration's Marine Operations Center-Pacific from Seattle, Washington, to Newport, Oregon. Had Representative MCCOLLUM been present to vote she would have voted "no" on amendment No. 99.

Representative HERGER (CA) Amendment No. 177: Stops all funding to complete the USDA Forest Service from finishing a 6-year locally oriented planning process for designation of roads, trails and off-road use of National Forests. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 177.

Representative BLUMENAUER (OR) Amendment No. 323: Prohibits funds from being used to make farm commodity payments to people or entities in excess of \$250,000. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 323.

Representative BOREN (OK) Amendment No. 566: Prohibits reporting of multiple sales of rifles and shotguns. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 566.

Representative FORBES (VA) Amendment No. 146: Prohibits the use of funds for the Office of the Secretary of Defense to be used for official representation purposes. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 146.

Representative KAPTUR (OH) Amendment No. 333: Reduces the amount made available in the Payment in Lieu of Taxes program by 75%. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 104.

Representative POLIS (CO) Amendment No. 46: Limits the end strength level of U.S. Armed Forces in Europe to 35,000; limits the end strength level for active duty Army to 565,275; limits the end strength level for active duty Navy to 328,250; limits the end strength level for active duty Air Force to 329,275; and reduces the corresponding military personnel accounts by \$292,451,213. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 46.

Representative JOHNSON (OH) Amendment No. 498: Prohibits Interior Department's Office of Surface Mining from implementing regulations that protect streams from mining waste and other pollution. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 104.

Representative GOODLATTE (VA) Amendment No. 467: Prohibits the use of funds to develop, evaluate, or provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 467.

Representative GARDNER (CO) Amendment No. 79: Prohibits the use of funds for health insurance exchanges. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 79.

Representative NEUGEBAUER (TX) Amendment No. 151: Prohibits the use of funds for repair, alteration, or improvement of the Executive Residence at the White House. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 151.

Representative ROONEY (FL) Amendment No. 13: Prohibits the use of funds by the Environmental Protection Agency (EPA) to implement or enforce water quality standards to protect the State of Florida's lakes and waters. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 13.

Representative STEARNS (FL) Amendment No. 8: Prohibits the use of funds for the design, renovation, construction, or rental of any headquarters for the United Nations. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 8.

Representative FLAKE (AZ) Amendment No. 377: Prohibits the use of funds for the construction of ethanol blender pumps or ethanol storage facilities. Had Representative MCCOLLUM been present to vote she would have "yes" voted on Amendment No. 377.

Representative GUINTA (NH) Amendment No. 166: Prohibits the use of funds for a government contract that requires a project labor agreement. Had Representative MCCOLLUM been present to vote she would have voted "no" Amendment No. 166.

Representative HALL (TX) Amendment No. 495: Would block scientific research efforts at the National Oceanic and Atmospheric Administration (NOAA) to understand the domestic and international impacts of climate change. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 495.

Representative LEE (CA)/Representative Stark (CA) Amendment No. 141: Would reduce DoD funding to 2008 levels excluding funding for military personnel and the defense health program. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 141.

Representative GRIFFITH (VA) Amendment No. 109: Would seek to stop federal agencies from regulating mountain top removal mining. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 109.

Representative JONES (NC) Amendment No. 548: Would prohibit the development of approval of fisheries catch shares programs under the Magnuson-Stevens Fishery Conservation and Management Act, which are an important tool for rebuilding fish stocks, and aiding recovery and sustainability of ocean fisheries. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 548.

Representative LUETKEMEYER (MO) Amendment No. 47: Would bar funding for the study of the Missouri River Projects authorized by the Water Resources Development Act of 2009. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 47.

Representative LUETKEMEYER (MO) Amendment No. 149: Would block U.S. contributions to the Intergovernmental Panel on Climate Change, limiting domestic and international scientific research efforts to understand the impacts of climate change. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 149.

Representative ISSA (CA) Amendment No. 569: Prohibits federal agencies from awarding pay raises to employees who move to a higher pay grade and assume greater responsibilities. Had Representative MCCOLLUM been present to vote she would have "no" on Amendment No. 569.

Representative SULLIVAN (OK) Amendment No. 94: No funds for implementation of decision by EPA administrator to increase ethanol content in gas to 15 percent. Had Representative MCCOLLUM been present to vote she would have voted "no" Amendment No. 94.

Representative MCKINLEY (WV) Amendment No. 216: Would bar EPA from exercising or implementing Sec. 404(c) of the Clean Water Act EPA under which the agency regulates the discharge of dredged or fill material into U.S. wetlands and waters. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 216.

Representative MCKINLEY (WV) Amendment No. 217: Eliminates funding for regulating coal ash as a hazardous waste. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 217.

Representative POMPEO (KS) Amendment No. 545: Prohibits the use of federal funds for the public, searchable consumer product safety database the Consumer Product Safety Improvement Act directs the CPSC to create. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 545.

Representative BURGESS (TX) Amendment No. 200: Prohibits funds from being used to pay the salary of any employee of the Center for Consumer Information and Insurance Oversight in the Department of Health and Human Services. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 200.

Representative HELLER (NV) Amendment No. 482: Prohibits the use of funds for monument designations. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 482.

Representative NOEM (SD) Amendment No. 563: Prohibits the use of funds by EPA to

issue air quality standards for soot (coarse particulate matter). Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 104.

Representative PITTS (PA) Amendment No. 430: Prohibits the use of funds to be used to pay the salary of any officer or employee of the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury who takes any action to specify or define, through regulations, guidelines, or otherwise, essential benefits under section 1302 of the Affordable Care Act. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 430.

Representative CARNEY (DE) Amendment No. 241: Prohibits funds for the oil and gas research and development program at the department of energy. Had Representative MCCOLLUM been present to vote she would have voted "yes" on Amendment No. 241.

Representative MULVANEY (SC) Amendment No. 164: Cuts all funds in the bill back to 2006 levels, except for the Department of Defense, Homeland Security, and Veterans Affairs. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 164.

Representative KING (IA) Amendment No. 273: Prohibits the use of funds to administer the wage-rate requirements (Davis-Bacon) of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 273.

Representative BURGESS (TX) Amendment No. 154: Prohibits the Department of Education from using FY 2011 funds to execute a provision in the Education Jobs Fund which required the Governor of Texas to provide certain assurances of State effort to maintain elementary and secondary education funding. Had Representative MCCOLLUM been present to vote she would have voted "no" on Amendment No. 154.

Democratic Motion to Recommit H.R. 1. Had Representative MCCOLLUM been present to vote she would have "yes" on the Democratic Motion to Recommit.

Final Passage of H.R. 1—Fiscal Year Continuing Appropriations Act for FY 2011 (Representative ROGERS (KY)—Appropriations). Had Representative MCCOLLUM been present to vote she would have voted "no" on H.R. 1.

Mr. ROGERS of Kentucky. Mr. Chair, pursuant to section 8119 of Division A of H.R. 1 as passed the House on February 18, 2011 I submit the following explanatory statement:

REPROGRAMMING GUIDANCE

For fiscal year 2011, the Department of Defense is directed to adhere to the definition of Program, Project and Activity, and to follow the guidance for Congressional Special Interest Items, Reprogrammings, Reprogramming Reporting Requirements, and Funding Increases, as specified in the Explanatory Statement, Division A, Department of Defense Appropriations Act Fiscal Year 2010, Public Law 111-118.

CLASSIFIED ANNEX

A classified annex accompanying this Act will be forwarded under separate cover.

(Rescissions)		Improved Recovery Vehicle		HC/MC-130 AP	46,900,000
Language is included that rescinds		hicle	8,700,000	HC/MC-130 updated	
\$1,113,536,000 from the following programs:		MK-19 Grenade Machine Gun Modifications	7,700,000	pricing	13,200,000
2009 Appropriations:		Missile Procurement,		Initial Spares—Joint	
Weapons and Tracked		Army:		Stars Re-engining	11,700,000
Combat Vehicles,		GMLRS	9,171,000	Other Procurement, Air	
Army:		Aircraft Procurement,		Force:	
Future Combat Systems		Navy:		FAB-T	36,600,000
Other Procurement,		EA-18G MYP savings	89,120,000	Research, Development,	
Army:		F/A-18E/F MYP savings	72,727,000	Test and Evaluation,	
Armored Security Vehicles		F-18 Series ECO	17,000,000	Army:	
Force XXII Battle		E-6 Series	6,000,000	Aircraft Avionics—	
Command Brigade		Procurement of Ammunition, Navy and Marine Corps:		JTRS AMF	10,200,000
and Below		General Purpose Bombs	11,576,000	HFDS	15,000,000
Semi-trailers, Flatbed		Shipbuilding and Conversion, Navy:		Future Combat System—Class IV UAV	
Aircraft Procurement,		DDG-51 main reduction gear savings	22,000,000	Program of Record	12,000,000
Navy:		Other Procurement,		TUAV—TSP	16,300,000
KC-130J		Navy:		Research, Development,	
F/A-18E/F		Minesweeping System		Test and Evaluation,	
Aircraft Procurement,		Replacement	5,400,000	Air Force:	
Air Force:		Aircraft Launch Recovery	3,642,000	B-2	90,000,000
Global Hawk excess funds		Aircraft Procurement,		Classified Program	10,000,000
C-130 AMP		Air Force:		Alternative Fuels	10,000,000
HC/MC updated pricing		B-2A	5,900,000	Small Diameter Bomb	22,000,000
2010 Appropriations:		B-52	39,300,000	Engine CIP	15,000,000
Aircraft Procurement,		C-17 Modifications	12,200,000	JSTARS	14,600,000
Army:		C-130J updated pricing	7,000,000	RQ-4 UAV	18,000,000
Tactical SIGINT Payload		C-130 AP updated pricing	15,100,000	C-5 Airlift Squadrons	19,000,000
Weapons and Tracked				Research, Development,	
Combat Vehicles,				Test and Evaluation,	
Army:				Defense-Wide:	
Future Combat Systems spin-outs				BMD Hercules	10,000,000

M-1	Budget Request	Recommendation
MILITARY PERSONNEL, ARMY		
BA-1: PAY AND ALLOWANCES OF OFFICERS	6,392,861	6,392,861
BASIC PAY	2,088,308	2,088,308
RETIRED PAY ACCRUAL	1,854,718	1,854,718
BASIC ALLOWANCE FOR HOUSING	255,925	255,925
BASIC ALLOWANCE FOR SUBSISTENCE	97,698	97,698
INCENTIVE PAYS	300,939	300,939
SPECIAL PAYS	198,601	198,601
ALLOWANCES	61,798	61,798
SEPARATION PAY	487,469	487,469
SOCIAL SECURITY TAX	11,738,317	11,738,317
TOTAL, BA-1		
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL	13,682,488	13,682,488
BASIC PAY	4,470,859	4,470,859
RETIRED PAY ACCRUAL	4,395,850	4,395,850
BASIC ALLOWANCE FOR HOUSING	102,851	102,851
INCENTIVE PAYS	1,129,047	1,129,047
SPECIAL PAYS		
Enlistment Bonuses—Excess to Requirement		— 40,000
Re-enlistment Bonuses—Excess to Requirement		— 100,000
ALLOWANCES	806,471	806,471
SEPARATION PAY	255,127	255,127
SOCIAL SECURITY TAX	1,046,710	1,046,710
TOTAL, BA-2	26,029,403	25,889,403
BA-3: PAY AND ALLOWANCES OF CADETS		
ACADEMY CADETS	74,773	74,773
TOTAL, BA-3	74,773	74,773
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	1,313,309	1,313,309
SUBSISTENCE-IN-KIND	817,691	817,691
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	748	748
TOTAL, BA-4	2,131,748	2,131,748
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	202,699	202,699
TRAINING TRAVEL	142,749	142,749
OPERATIONAL TRAVEL	494,937	494,937
ROTATIONAL TRAVEL	674,831	674,831
SEPARATION TRAVEL	198,439	198,439
TRAVEL OF ORGANIZED UNITS	12,137	12,137
NON-TEMPORARY STORAGE	12,639	12,639
TEMPORARY LODGING EXPENSE	38,931	38,931
TOTAL, BA-5	1,777,362	1,777,362
BA-6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	2,233	2,233
INTEREST ON UNIFORMED SERVICES SAVINGS	648	648
DEATH GRATUITIES	45,500	45,500
UNEMPLOYMENT BENEFITS	188,778	188,778
EDUCATION BENEFITS	30,879	30,879
ADOPTION EXPENSES	610	610
TRANSPORTATION SUBSIDY	8,007	8,007
PARTIAL DISLOCATION ALLOWANCE	338	338
RESERVE OFFICERS TRAINING CORPS (ROTC)	138,731	138,731
JUNIOR ROTC	50,201	50,201
TOTAL, BA-6	465,925	465,925
LESS REIMBURSABLES	— 245,251	— 245,251
UNDISTRIBUTED ADJUSTMENTS	0	— 789,624

M-1	Budget Request	Recommendation
Undistributed Transfer to Title IX		— 789,624
TOTAL, MILITARY PERSONNEL, ARMY	41,972,277	41,042,653
MILITARY PERSONNEL, NAVY		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	3,680,703	3,680,703
RETIRED PAY ACCRUAL	1,202,462	1,202,462
BASIC ALLOWANCE FOR HOUSING	1,263,675	1,263,675
BASIC ALLOWANCE FOR SUBSISTENCE	143,344	143,344
INCENTIVE PAYS	155,148	155,148
SPECIAL PAYS	355,821	355,821
ALLOWANCES	104,291	104,291
SEPARATION PAY	25,353	25,353
SOCIAL SECURITY TAX	278,666	278,666
TOTAL, BA-1	7,209,463	7,209,463
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	8,257,803	8,257,803
RETIRED PAY ACCRUAL	2,700,204	2,700,204
BASIC ALLOWANCE FOR HOUSING	3,682,915	3,682,915
INCENTIVE PAYS	100,499	100,499
SPECIAL PAYS	839,787	814,787
Re-enlistment Bonuses—Excess to Requirement		— 5,000
Enlistment Bonuses—Excess to Requirement		— 20,000
ALLOWANCES	498,621	498,621
SEPARATION PAY	127,343	127,343
SOCIAL SECURITY TAX	631,722	631,722
TOTAL, BA-2	16,838,894	16,813,894
BA-3: PAY AND ALLOWANCES OF MIDSHIPMEN		
MIDSHIPMEN	74,950	74,950
TOTAL, BA-3	74,950	74,950
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	685,085	685,085
SUBSISTENCE-IN-KIND	419,333	419,333
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	12	12
TOTAL, BA-4	1,104,430	1,104,430
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	76,220	76,220
TRAINING TRAVEL	71,814	71,814
OPERATIONAL TRAVEL	219,685	219,685
ROTATIONAL TRAVEL	354,275	354,275
SEPARATION TRAVEL	103,806	103,806
TRAVEL OF ORGANIZED UNITS	39,368	39,368
NON-TEMPORARY STORAGE	5,760	5,760
TEMPORARY LODGING EXPENSE	6,386	6,386
OTHER	6,406	6,406
TOTAL, BA-5	883,720	883,720
BA-6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	261	261
INTEREST ON UNIFORMED SERVICES SAVINGS	1,427	1,427
DEATH GRATUITIES	17,700	17,700
UNEMPLOYMENT BENEFITS	88,350	88,350
EDUCATION BENEFITS	21,515	21,515
ADOPTION EXPENSES	271	271
TRANSPORTATION SUBSIDY	8,030	8,030
PARTIAL DISLOCATION ALLOWANCE	190	190
RESERVE OFFICERS TRAINING CORPS (ROTC)	27,345	27,345
JUNIOR R.O.T.C	14,093	14,093
TOTAL, BA-6	179,182	179,182
LESS REIMBURSABLES	— 339,690	— 339,690
UNDISTRIBUTED ADJUSTMENT	0	— 13,500
Unobligated/Unexpended Balances		— 13,500
TOTAL, MILITARY PERSONNEL, NAVY	25,950,949	25,912,449
MILITARY PERSONNEL, MARINE CORPS		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	1,433,200	1,433,200
RETIRED PAY ACCRUAL	465,072	465,072
BASIC ALLOWANCE FOR HOUSING	462,438	462,438
BASIC ALLOWANCE FOR SUBSISTENCE	59,613	59,613
INCENTIVE PAYS	50,011	50,011
SPECIAL PAYS	27,921	27,921
ALLOWANCES	34,404	34,404
SEPARATION PAY	13,299	13,299
SOCIAL SECURITY TAX	109,014	109,014
TOTAL, BA-1	2,654,972	2,654,972
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	4,910,560	4,910,560
RETIRED PAY ACCRUAL	1,591,322	1,591,322
BASIC ALLOWANCE FOR HOUSING	1,660,161	1,660,161
INCENTIVE PAYS	9,158	9,158
SPECIAL PAYS	288,654	288,654
ALLOWANCES	278,060	278,060
SEPARATION PAY	65,101	65,101
SOCIAL SECURITY TAX	372,411	372,411
TOTAL, BA-2	9,175,427	9,175,427
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	489,789	489,789
SUBSISTENCE-IN-KIND	324,565	324,565
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	750	750
TOTAL, BA-4	815,104	815,104
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	79,378	79,378
TRAINING TRAVEL	10,079	10,079
OPERATIONAL TRAVEL	239,442	239,442
ROTATIONAL TRAVEL	115,330	115,330
SEPARATION TRAVEL	55,528	55,528
TRAVEL OF ORGANIZED UNITS	742	742
NON-TEMPORARY STORAGE	6,305	6,305
TEMPORARY LODGING EXPENSE	13,818	13,818
OTHER	2,683	2,683
TOTAL, BA-5	523,305	523,305

M-1	Budget Request	Recommendation
BA-6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	1,823	1,823
INTEREST ON UNIFORMED SERVICES SAVINGS	19	19
DEATH GRATUITIES	17,200	17,200
UNEMPLOYMENT BENEFITS	69,359	69,359
EDUCATION BENEFITS	4,249	4,249
ADOPTION EXPENSES	159	159
TRANSPORTATION SUBSIDY	2,853	2,853
PARTIAL DISLOCATION ALLOWANCE	278	278
JUNIOR R.O.T.C.	5,573	5,573
TOTAL, BA-6	101,513	101,513
LESS REIMBURSABLES	-20,160	-20,160
UNDISTRIBUTED ADJUSTMENT	0	-40,000
Unobligated/Unexpended Balances		-40,000
TOTAL, MILITARY PERSONNEL, MARINE CORPS	13,250,161	13,210,161
MILITARY PERSONNEL, AIR FORCE		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	4,687,593	4,687,593
RETIRED PAY ACCRUAL	1,522,644	1,522,644
BASIC ALLOWANCE FOR HOUSING	1,347,403	1,347,403
BASIC ALLOWANCE FOR SUBSISTENCE	182,253	182,253
INCENTIVE PAYS	239,121	239,121
SPECIAL PAYS	322,642	322,642
ALLOWANCES	128,157	128,157
SEPARATION PAY	64,974	64,974
SOCIAL SECURITY TAX	355,711	355,711
TOTAL, BA-1	8,850,498	8,850,498
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	8,540,083	8,540,083
RETIRED PAY ACCRUAL	2,781,402	2,781,402
BASIC ALLOWANCE FOR HOUSING	3,038,904	3,038,904
INCENTIVE PAYS	36,980	36,980
SPECIAL PAYS	396,103	380,103
Re-enlistment Bonuses—Excess to Requirement		-16,000
ALLOWANCES	570,857	570,857
SEPARATION PAY	124,411	124,411
SOCIAL SECURITY TAX	653,317	653,317
TOTAL, BA-2	16,142,057	16,126,057
BA-3: PAY AND ALLOWANCES OF CADETS		
ACADEMY CADETS	75,383	75,383
TOTAL, BA-3	75,383	75,383
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	872,055	872,055
SUBSISTENCE-IN-KIND	169,924	169,924
FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	37	37
TOTAL, BA-4	1,042,016	1,042,016
BA-5: PERMANENT CHANGE OF STATION		
ACCESSION TRAVEL	87,377	87,377
TRAINING TRAVEL	72,521	72,521
OPERATIONAL TRAVEL	296,604	296,604
ROTATIONAL TRAVEL	505,198	505,198
SEPARATION TRAVEL	176,549	176,549
TRAVEL OF ORGANIZED UNITS	23,561	23,561
NON-TEMPORARY STORAGE	40,772	40,772
TEMPORARY LODGING EXPENSE	28,936	28,936
TOTAL, BA-5	1,231,518	1,231,518
BA-6: OTHER MILITARY PERSONNEL COSTS		
APPREHENSION OF MILITARY DESERTERS	131	131
INTEREST ON UNIFORMED SERVICES SAVINGS	2,179	2,179
DEATH GRATUITIES	19,900	19,900
UNEMPLOYMENT BENEFITS	49,143	49,143
SURVIVOR BENEFITS	1,760	1,760
EDUCATION BENEFITS	484	484
ADOPTION EXPENSES	395	395
TRANSPORTATION SUBSIDY	6,903	6,903
PARTIAL DISLOCATION ALLOWANCE	1,578	1,578
RESERVE OFFICERS TRAINING CORPS (ROTC)	45,571	45,571
JUNIOR ROTC	16,185	16,185
TOTAL, BA-6	144,229	144,229
LESS REIMBURSABLES	-363,946	-363,946
TOTAL, MILITARY PERSONNEL, AIR FORCE	27,121,755	27,105,755
RESERVE PERSONNEL, ARMY		
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	1,249,133	1,249,133
PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	44,460	36,460
Projected Underexecution		-8,000
PAY GROUP F TRAINING (RECRUITS)	268,215	268,215
PAY GROUP P TRAINING (PIPELINE RECRUITS)	8,830	8,830
MOBILIZATION TRAINING	21,460	10,460
Projected Underexecution		-11,000
SCHOOL TRAINING	177,121	177,121
SPECIAL TRAINING	293,439	283,439
Excessive Growth		-10,000
ADMINISTRATION AND SUPPORT	2,129,646	2,129,646
EDUCATION BENEFITS	57,633	57,633
HEALTH PROFESSION SCHOLARSHIP	66,940	66,940
OTHER PROGRAMS	80,288	80,288
TOTAL, BA-1	4,397,165	4,368,165
UNDISTRIBUTED ADJUSTMENT	0	-35,000
Unobligated/Unexpended Balances		-35,000
TOTAL, RESERVE PERSONNEL, ARMY	4,397,165	4,333,165
RESERVE PERSONNEL, NAVY		
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	626,657	626,657
PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	9,070	9,070
PAY GROUP F TRAINING (RECRUITS)	45,603	45,603
MOBILIZATION TRAINING	8,434	8,434

M-1	Budget Request	Recommendation
SCHOOL TRAINING	45,930	45,930
SPECIAL TRAINING	89,647	89,647
ADMINISTRATION AND SUPPORT	1,061,128	1,061,128
EDUCATION BENEFITS	3,780	3,780
HEALTH PROFESSION SCHOLARSHIP	53,942	53,942
TOTAL, BA-1	1,944,191	1,944,191
UNDISTRIBUTED ADJUSTMENT	0	-4,000
Unobligated/Unexpended Balances		-4,000
TOTAL, RESERVE PERSONNEL, NAVY	1,944,191	1,940,191
RESERVE PERSONNEL, MARINE CORPS		
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	196,974	196,974
PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	36,116	36,116
PAY GROUP F TRAINING (RECRUITS)	96,138	96,138
MOBILIZATION TRAINING	3,724	3,724
SCHOOL TRAINING	16,810	16,810
SPECIAL TRAINING	27,688	27,688
ADMINISTRATION AND SUPPORT	216,537	216,537
PLATOON LEADER CLASS	12,256	12,256
EDUCATION BENEFITS	11,198	11,198
TOTAL, BA-1	617,441	617,441
UNDISTRIBUTED ADJUSTMENTS	0	-5,250
Unobligated/Unexpended Balances		-1,250
MIP Marine Corps Reserve Intelligence Program		-4,000
TOTAL, RESERVE PERSONNEL, MARINE CORPS	617,441	612,191
RESERVE PERSONNEL, AIR FORCE		
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	670,341	670,341
PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	101,951	101,951
PAY GROUP F TRAINING (RECRUITS)	54,850	54,850
PAY GROUP P TRAINING (PIPELINE RECRUITS)	50	50
MOBILIZATION TRAINING	447	447
SCHOOL TRAINING	163,272	163,272
SPECIAL TRAINING	243,233	243,233
ADMINISTRATION AND SUPPORT	378,772	378,772
EDUCATION BENEFITS	18,295	18,295
HEALTH PROFESSION SCHOLARSHIP	51,331	51,331
OTHER PROGRAMS (ADMINISTRATION and SUPPORT)	4,255	4,255
TOTAL, BA-1	1,686,797	1,686,797
UNDISTRIBUTED ADJUSTMENTS	0	-36,000
Unobligated/Unexpended Balances		-15,000
Below Budgeted End Strength		-21,000
TOTAL, RESERVE PERSONNEL, AIR FORCE	1,686,797	1,650,797
NATIONAL GUARD PERSONNEL, ARMY		
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	2,010,867	1,980,867
Unjustified Growth		-30,000
PAY GROUP F TRAINING (RECRUITS)	510,859	510,859
PAY GROUP P TRAINING (PIPELINE RECRUITS)	71,222	71,222
SCHOOL TRAINING	577,600	577,600
SPECIAL TRAINING	534,954	521,954
Recruiter Mandays—Excess to Requirement		-13,000
ADMINISTRATION AND SUPPORT	3,788,954	3,788,954
EDUCATION BENEFITS	129,840	129,840
TOTAL, BA-1	7,624,296	7,581,296
UNDISTRIBUTED ADJUSTMENTS	0	-70,000
Unobligated/Unexpended Balances		-70,000
TOTAL, NATIONAL GUARD PERSONNEL, ARMY	7,624,296	7,511,296
NATIONAL GUARD PERSONNEL, AIR FORCE		
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	939,636	931,636
Inactive Duty Training—Unjustified Growth		-8,000
PAY GROUP F TRAINING (RECRUITS)	99,839	99,839
PAY GROUP P TRAINING (PIPELINE RECRUITS)	298	298
SCHOOL TRAINING	209,944	209,944
SPECIAL TRAINING	131,226	131,226
ADMINISTRATION AND SUPPORT	1,692,112	1,682,112
Bonuses—Unjustified Requirement		-10,000
EDUCATION BENEFITS	30,543	30,543
TOTAL, BA-1	3,103,598	3,085,598
UNDISTRIBUTED ADJUSTMENTS	0	-25,500
Unobligated/Unexpended Balances		-17,500
Lower than Budgeted Pay Grade Mix		-8,000
TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	3,103,598	3,060,098
TOTAL, MILITARY PERSONNEL	127,668,630	126,378,756
O-1	Budget Request	Recommendation
OPERATION AND MAINTENANCE, ARMY		
111 MANEUVER UNITS	1,087,321	1,087,321
112 MODULAR SUPPORT BRIGADES	114,448	113,790
Deployment Offset	—	-658
113 ECHELONS ABOVE BRIGADES	773,540	769,338
Deployment Offset	—	-4,202
114 THEATER LEVEL ASSETS	794,806	767,727
Aircraft Lease for Casualty Evacuation Funded in fiscal year 2011 OCO	—	-18,500
Transfer to Title IX—Chemical Defense Equipment Sustainment	—	-8,579
115 LAND FORCES OPERATIONS SUPPORT	1,399,332	1,392,912
Transfer to Title IX—MRAP Vehicle Sustainment at Combat Training Centers	—	-6,420
116 AVIATION ASSETS	897,666	867,666
Deployment Offset	—	-30,000
121 FORCE READINESS OPERATIONS SUPPORT	2,520,995	2,314,041
Unjustified Increase for Travel	—	-91,000
Removal of One-Time fiscal year 2010 Costs	—	-35,000

0-1		Budget Request	Recommendation
.....	Transfer to Title IX—Body Armor Sustainment	—	—71,660
.....	Transfer to Title IX—Rapid Equipping Force Readiness	—	—9,294
122	LAND FORCES SYSTEMS READINESS	596,117	574,946
.....	Transfer to Title IX—Fixed Wing Life Cycle Contract Support	—	—21,171
123	LAND FORCES DEPOT MAINTENANCE	890,122	950,122
.....	UH-60 A to L Conversions	—	+60,000
131	BASE OPERATIONS SUPPORT	7,563,566	7,281,191
.....	Transfer from the Defense Health Program for Centralized Management of the Substance Abuse Program	—	+30,625
.....	Army Tenant Pentagon Rent Requirements	—	—33,000
.....	Reduced Requirement for Collateral Equipment in fiscal year 2011	—	—50,000
.....	Transfer to Title IX—Overseas Security Guards	—	—200,000
.....	Transfer to Title IX—Senior Leader Initiative—Comprehensive Soldier Fitness Program	—	—30,000
132	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,500,892	2,500,892
133	MANAGEMENT AND OPERATIONAL HEADQUARTERS	390,004	390,004
134	COMBATANT COMMANDER'S CORE OPERATIONS	167,758	167,758
138	COMBATANT COMMANDER'S DIRECT MISSION SUPPORT	464,851	464,851
.....	SUBTOTAL, BUDGET ACTIVITY 1	20,161,418	19,642,559
211	STRATEGIC MOBILITY	333,266	333,266
212	ARMY PREPOSITIONED STOCKS	102,240	102,240
213	INDUSTRIAL PREPAREDNESS	5,736	5,736
.....	SUBTOTAL, BUDGET ACTIVITY 2	441,242	441,242
311	OFFICER ACQUISITION	129,902	129,902
312	RECRUIT TRAINING	74,705	74,705
313	ONE STATION UNIT TRAINING	63,223	63,223
314	SENIOR RESERVE OFFICER TRAINING CORPS	479,343	479,343
321	SPECIALIZED SKILL TRAINING	1,082,517	1,027,334
.....	Unjustified Growth in Supply and Equipment Purchases	—	—40,000
.....	Transfer to Title IX—Survivability and Maneuverability Training	—	—15,183
322	FLIGHT TRAINING	1,046,124	1,032,124
.....	Budget Justification Does not Match Summary of Price and Program Changes	—	—14,000
323	PROFESSIONAL DEVELOPMENT EDUCATION	163,607	163,607
324	TRAINING SUPPORT	695,200	695,200
331	RECRUITING AND ADVERTISING	544,014	524,014
.....	Budget Justification Does not Match Summary of Price and Program Changes	—	—20,000
332	EXAMINING	153,091	153,091
333	OFF-DUTY AND VOLUNTARY EDUCATION	241,170	241,170
334	CIVILIAN EDUCATION AND TRAINING	220,771	220,771
335	JUNIOR RESERVE OFFICER TRAINING CORPS	175,347	183,347
.....	Program Increase—Junior ROTC	—	+8,000
.....	SUBTOTAL, BUDGET ACTIVITY 3	5,069,014	4,987,831
411	SECURITY PROGRAMS	1,030,355	1,030,355
421	SERVICEWIDE TRANSPORTATION	587,952	557,826
.....	First Destination Transportation Cost of New Equipment is Financed in the Cost of Equipment	—	—30,126
422	CENTRAL SUPPLY ACTIVITIES	669,853	669,853
423	LOGISTIC SUPPORT ACTIVITIES	503,876	503,876
424	AMMUNITION MANAGEMENT	435,020	435,020
431	ADMINISTRATION	912,355	902,355
.....	Unjustified Growth for Headquarters Accounts	—	—10,000
432	SERVICEWIDE COMMUNICATIONS	1,528,371	1,528,371
433	MANPOWER MANAGEMENT	368,480	328,480
.....	Unsupported Request for 712 Temporary Hires	—	—40,000
434	OTHER PERSONNEL SUPPORT	261,829	261,829
435	OTHER SERVICE SUPPORT	1,145,902	1,149,822
.....	Capitol 4th	—	+3,920
436	ARMY CLAIMS ACTIVITIES	205,967	205,967
437	REAL ESTATE MANAGEMENT	168,664	168,664
441	INTERNATIONAL MILITARY HEADQUARTERS	462,488	476,888
.....	Outfitting of NATO SOF Headquarters Building	—	+14,400
442	MISCELLANEOUS SUPPORT OF OTHER NATIONS	19,179	16,179
.....	Information Operations	—	—3,000
.....	SUBTOTAL, BUDGET ACTIVITY 4	8,300,291	8,235,485
.....	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT	—	—1,000
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY	33,971,965	33,306,117
OPERATION AND MAINTENANCE, NAVY			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	4,429,832	4,429,832
1A2A	FLEET AIR TRAINING	81,345	1,605,720
.....	Transfer of Fleet Air Training funding from SAG 3B2K	—	+958,200
.....	Unjustified Administrative Overhead Cost Growth	—	—4,225
.....	Transfer of Chief of Naval Air Training from SAG 3B2K	—	+570,400
1A3A	AVIATION TECHNICAL DATA AND ENGINEERING SERVICES	38,932	38,932
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	100,485	100,485
1A4N	AIR SYSTEMS SUPPORT	355,520	355,520
1A5A	AIRCRAFT DEPOT MAINTENANCE	1,221,410	1,221,410
1A6A	AIRCRAFT DEPOT OPERATIONS SUPPORT	27,448	27,448
1B1B	MISSION AND OTHER SHIP OPERATIONS	3,666,913	3,666,913
.....	Unjustified Growth in Per Diem Days	—	—30,000
1B2B	SHIP OPERATIONS SUPPORT AND TRAINING	728,983	728,983
1B4B	SHIP DEPOT MAINTENANCE	4,761,670	4,761,670
1B5B	SHIP DEPOT OPERATIONS SUPPORT	1,344,844	1,338,844
.....	Transfer to RDTE, DW per Memorandum of Agreement	—	—1,500
.....	NAVSEA Process Requirements and Improvement Office Budget Realignment and Consolidation Justified as Program Growth	—	—4,500
1C1C	COMBAT COMMUNICATIONS	615,069	550,069
.....	Overstatement of DISA Pricing Adjustment	—	—65,000
1C2C	ELECTRONIC WARFARE	89,340	89,340
1C3C	SPACE SYSTEMS AND SURVEILLANCE	177,397	177,397
1C4C	WARFARE TACTICS	416,068	416,068
1C5C	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	316,525	316,525
1C6C	COMBAT SUPPORT FORCES	1,083,618	870,817
.....	Unjustified Growth for Naval Expeditionary Combat Command	—	—20,000
.....	Transfer to Title IX - Naval Expeditionary Combat Command Increases	—	—192,801
1C7C	EQUIPMENT MAINTENANCE	165,985	165,985
1C8C	DEPOT OPERATIONS SUPPORT	2,836	2,836
1CCH	COMBATANT COMMANDERS CORE OPERATIONS	208,250	208,250
1CCM	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	274,071	274,071
1D1D	CRUISE MISSILE	130,219	130,219
1D2D	FLEET BALLISTIC MISSILE	1,138,418	1,138,418
1D3D	IN-SERVICE WEAPONS SYSTEMS SUPPORT	89,184	89,184
1D4D	WEAPONS MAINTENANCE	459,561	459,561
1D7D	OTHER WEAPON SYSTEMS SUPPORT	366,751	361,751
.....	Civilian Personnel Over-Pricing	—	—5,000
BSIT	ENTERPRISE INFORMATION TECHNOLOGY	820,507	1,031,207
.....	Requested Transfer from OP,N line 147 for NGEN Funding	—	+217,700
.....	Overstatement of DISA Pricing Adjustment	—	—7,000
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,900,386	1,900,386
BSS1	BASE OPERATING SUPPORT	4,502,857	4,452,857

0-1		Budget Request	Recommendation
.....	Transfer to Title IX - Regional/Emergency Operations Center		- 50,000
.....	SUBTOTAL, BUDGET ACTIVITY 1	29,544,424	30,910,698
2A1F	SHIP PREPOSITIONING AND SURGE	424,047	424,047
2B1G	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,593	7,593
2B2G	SHIP ACTIVATIONS/INACTIVATIONS	177,482	180,682
.....	Program Increase - Ship Disposal Program		+3,200
2C1H	FLEET HOSPITAL PROGRAM	70,990	70,990
2C2H	INDUSTRIAL READINESS	2,707	2,707
2C3H	COAST GUARD SUPPORT	23,845	23,845
.....	SUBTOTAL, BUDGET ACTIVITY 2	706,664	709,864
3A1J	OFFICER ACQUISITION	141,057	141,057
3A2J	RECRUIT TRAINING	10,853	10,853
3A3J	RESERVE OFFICERS TRAINING CORPS	143,504	143,504
3B1K	SPECIALIZED SKILL TRAINING	533,004	530,004
.....	Transfer to Title IX - NAVSEA YSSS/EOD Training		- 3,000
3B2K	FLIGHT TRAINING	1,538,171	9,571
.....	Transfer of Fleet Air Training funding to SAG 1A2A		- 958,200
.....	Transfer of Chief of Naval Air Training to SAG 1A2A		- 570,400
3B3K	PROFESSIONAL DEVELOPMENT EDUCATION	162,844	162,844
3B4K	TRAINING SUPPORT	171,153	171,153
3C1L	RECRUITING AND ADVERTISING	261,287	261,922
.....	Program Increase - Naval Sea Cadet Corps		+635
3C3L	OFF-DUTY AND VOLUNTARY EDUCATION	145,560	145,560
3C4L	CIVILIAN EDUCATION AND TRAINING	109,865	109,865
3C5L	JUNIOR ROTC	50,369	53,369
.....	Program Increase - Junior ROTC		+3,000
.....	SUBTOTAL, BUDGET ACTIVITY 3	3,267,667	1,739,702
4A1M	ADMINISTRATION	829,010	829,010
4A2M	EXTERNAL RELATIONS	7,632	7,632
4A3M	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	118,838	111,838
.....	Overstated Requirement for Other Intragovernmental Purchases		- 7,000
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	194,775	194,775
4A5M	OTHER PERSONNEL SUPPORT	282,580	282,580
4A6M	SERVICEWIDE COMMUNICATIONS	503,067	496,089
.....	Nuclear Command, Control and Communications Systems Budget Realignment and Consolidation Justified as Program Growth		- 6,978
4B1N	SERVICEWIDE TRANSPORTATION	230,294	230,294
4B2N	PLANNING, ENGINEERING AND DESIGN	259,990	259,990
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	868,069	856,069
.....	Civilian Personnel Over-Pricing		- 12,000
4B5N	HULL, MECHANICAL AND ELECTRICAL SUPPORT	55,217	55,217
4B6N	COMBAT/WEAPONS SYSTEMS	19,053	19,053
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	77,702	77,702
4C1P	NAVAL INVESTIGATIVE SERVICE	549,484	546,484
.....	Civilian Personnel Over-Pricing		- 3,000
4D1Q	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,567	5,567
999	OTHER PROGRAMS	614,275	607,475
.....	Classified Adjustment		- 6,800
.....	SUBTOTAL, BUDGET ACTIVITY 4	4,615,553	4,579,775
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		- 127,200
.....	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		- 3,600
.....	TOTAL, OPERATION AND MAINTENANCE, NAVY	38,134,308	37,809,239
OPERATION AND MAINTENANCE, MARINE CORPS			
1A1A	OPERATIONAL FORCES	745,678	745,678
1A2A	FIELD LOGISTICS	658,616	658,616
1A3A	DEPOT MAINTENANCE	78,891	78,891
1B1B	MARITIME PREPOSITIONING	72,344	72,344
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	594,904	594,904
BSS1	BASE OPERATING SUPPORT	2,206,137	2,198,437
.....	Collateral Equipment Decrease in fiscal year 2011 not Properly Accounted for in Budget Documentation		- 7,700
.....	SUBTOTAL, BUDGET ACTIVITY 1	4,356,570	4,348,870
3A1C	RECRUIT TRAINING	16,096	16,096
3A2C	OFFICER ACQUISITION	420	420
3B1D	SPECIALIZED SKILLS TRAINING	91,197	91,197
3B3D	PROFESSIONAL DEVELOPMENT EDUCATION	32,379	32,379
3B4D	TRAINING SUPPORT	319,742	319,742
3C1F	RECRUITING AND ADVERTISING	233,663	233,663
3C2F	OFF-DUTY AND VOLUNTARY EDUCATION	61,980	61,980
3C3F	JUNIOR ROTC	19,497	19,497
.....	SUBTOTAL, BUDGET ACTIVITY 3	774,974	774,974
4A3G	SERVICEWIDE TRANSPORTATION	29,569	29,569
4A4G	ADMINISTRATION	341,657	335,657
.....	Administrative Efficiencies		- 6,000
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	87,570	87,570
.....	SUBTOTAL, BUDGET ACTIVITY 4	458,796	452,796
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		- 34,400
.....	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		- 2,500
.....	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	5,590,340	5,539,740
OPERATION AND MAINTENANCE, AIR FORCE			
011A	PRIMARY COMBAT FORCES	4,261,115	4,218,222
.....	Unjustified Growth for Programming/Execution		- 34,408
.....	Unsupported Request for Civilian Personnel		- 8,485
011C	COMBAT ENHANCEMENT FORCES	2,995,278	2,933,353
.....	Unjustified Growth for Programming/Execution		- 61,925
011D	AIR OPERATIONS TRAINING	1,573,602	1,508,352
.....	Unjustified Growth for Programming/Execution		- 13,598
.....	Transfer of Range Maintenance funding to SAG 011R		- 33,652
.....	Removal of One-Time fiscal year 2010 Cost for F-35A Beddown Costs		- 18,000
011M	DEPOT MAINTENANCE	2,189,481	2,176,793
.....	Program Increase—Warner Robins Air Logistics Center Aircraft Depot Maintenance		+4,000
.....	Air Force Requested Transfer to OM,ANG for C-130s		- 10,879
.....	Air Force Requested Transfer to OM,AFR for C-130s		- 5,809
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,556,234	1,664,886
.....	Transfer of Range Maintenance from SAG 011D		+33,652
.....	Adjustments to Meet Life, Health, Safety and ADA Compliance Standards		+75,000
011Z	BASE OPERATING SUPPORT	3,088,003	2,937,621
.....	Unjustified Growth for Programming/ Execution		- 91,675
.....	Unsupported Request for Civilian Personnel		- 58,707
012A	GLOBAL C3I AND EARLY WARNING	1,511,243	1,450,927
.....	Unsupported Request for Civilian Personnel		- 16,013
.....	Unjustified Growth for Programming/ Execution		- 44,303
012C	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	1,035,291	1,020,300

0-1	Budget Request	Recommendation
..... Unjustified Growth for Programming/ Execution .....	.....	- 12,268
..... Unsupported Request for Civilian Personnel .....	.....	- 2,723
012F TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	595,028	595,028
013A LAUNCH FACILITIES	342,355	342,355
013C SPACE CONTROL SYSTEMS	811,022	811,022
015A COMBATANT COMMANDERS DIRECT MISSION SUPPORT	797,754	797,754
..... Information Operations .....	.....	- 6,000
015B COMBATANT COMMANDERS CORE OPERATIONS	233,021	225,865
..... Unsupported Request for Civilian Personnel .....	.....	- 7,156
..... SUBTOTAL, BUDGET ACTIVITY 1	20,989,427	20,676,478
021A AIRLIFT OPERATIONS	2,975,663	2,975,663
021D MOBILIZATION PREPAREDNESS	158,647	158,647
021M DEPOT MAINTENANCE	140,286	140,286
021R FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	348,231	348,231
021Z BASE SUPPORT	683,286	635,231
..... Unsupported Request for Civilian Personnel .....	.....	- 45,577
..... Unjustified Growth for Programming/Execution .....	.....	- 2,478
..... SUBTOTAL, BUDGET ACTIVITY 2	4,306,113	4,258,058
031A OFFICER ACQUISITION	114,403	114,403
031B RECRUIT TRAINING	28,195	28,195
031D RESERVE OFFICER TRAINING CORPS (ROTC)	90,453	90,453
031R FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	411,570	400,652
..... Unsupported Request for Civilian Personnel .....	.....	- 10,918
031Z BASE SUPPORT (ACADEMIES ONLY)	902,323	845,576
..... Unjustified Growth for Programming/ Execution .....	.....	- 16,216
..... Unsupported Request for Civilian Personnel .....	.....	- 40,531
032A SPECIALIZED SKILL TRAINING	510,065	470,584
..... Unsupported Request for Civilian Personnel .....	.....	- 11,481
..... Growth in Overhead Expenses not Justified by Increases to Training Metrics .....	.....	- 28,000
032B FLIGHT TRAINING	1,012,816	1,012,816
032C PROFESSIONAL DEVELOPMENT EDUCATION	221,553	221,553
032D TRAINING SUPPORT	126,784	123,260
..... Unsupported Request for Civilian Personnel .....	.....	- 3,524
032M DEPOT MAINTENANCE	619	619
033A RECRUITING AND ADVERTISING	150,222	143,635
..... Unsupported Request for Civilian Personnel .....	.....	- 1,487
..... Air Force Recruiting Information Support System—Air Force Requested Transfer to RDTE,AF .....	.....	- 5,100
033B EXAMINING	409	409
033C OFF DUTY AND VOLUNTARY EDUCATION	172,643	172,643
033D CIVILIAN EDUCATION AND TRAINING	208,872	208,872
033E JUNIOR ROTC	77,692	81,692
..... Program Increase—Junior ROTC .....	.....	+ 4,000
..... SUBTOTAL, BUDGET ACTIVITY 3	4,028,619	3,915,362
041A LOGISTICS OPERATIONS	1,110,471	1,082,427
..... Unsupported Request for Civilian Personnel .....	.....	- 28,044
041B TECHNICAL SUPPORT ACTIVITIES	949,018	937,913
..... Unjustified Growth for Programming/ Execution .....	.....	- 5,866
..... Unsupported Request for Civilian Personnel .....	.....	- 5,239
041M DEPOT MAINTENANCE	7,365	7,365
041R FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	368,349	367,651
..... Unsupported Request for Civilian Personnel .....	.....	- 698
041Z BASE SUPPORT	1,363,230	1,292,621
..... Unsupported Request for Civilian Personnel .....	.....	- 30,609
..... Pentagon Reservation Maintenance Fund Pricing .....	.....	- 40,000
042A ADMINISTRATION	657,268	657,268
042B SERVICEWIDE COMMUNICATIONS	693,379	672,562
..... Unjustified Growth for Programming/ Execution .....	.....	- 20,817
042G OTHER SERVICEWIDE ACTIVITIES	1,152,877	1,138,670
..... Unsupported Request for Civilian Personnel .....	.....	- 22,207
..... Analytical Support for the Executive Agent for Space—Transfer from RDTE,AF line 216 .....	.....	+ 8,000
042I CIVIL AIR PATROL CORPORATION	22,848	27,048
..... Civil Air Patrol Program Increase .....	.....	+ 4,200
043A SECURITY PROGRAMS	1,159,342	1,141,160
..... Unsupported Request for Civilian Personnel .....	.....	- 18,182
044A INTERNATIONAL SUPPORT	36,206	36,206
..... SUBTOTAL, BUDGET ACTIVITY 4	7,520,353	7,360,891
..... UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION .....	.....	- 134,300
..... FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT .....	.....	- 13,500
..... TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	36,844,512	36,062,989
OPERATION AND MAINTENANCE, DEFENSE-WIDE		
..... JOINT CHIEFS OF STAFF	420,940	420,940
..... SPECIAL OPERATIONS COMMAND	3,944,330	3,930,330
..... Non-Standard Aviation Platforms Sustainment and Logistical Support .....	.....	- 5,000
..... Removal of One-Time fiscal year 2010 Congressional Increases .....	.....	- 9,000
..... SUBTOTAL, BUDGET ACTIVITY 1	4,365,270	4,351,270
..... DEFENSE ACQUISITION UNIVERSITY	145,896	145,896
..... NATIONAL DEFENSE UNIVERSITY	97,633	97,633
..... SUBTOTAL, BUDGET ACTIVITY 3	243,529	243,529
..... CIVIL MILITARY PROGRAMS	156,043	164,043
..... STARBASE Youth Program .....	.....	+ 8,000
..... BUSINESS TRANSFORMATION AGENCY	143,441	143,441
..... DEFENSE CONTRACT AUDIT AGENCY	486,143	482,643
..... Removal of One-Time fiscal year 2010 Cost for Renewing Three Year License for Software .....	.....	- 3,500
..... DEFENSE FINANCE AND ACCOUNTING SERVICE	1,593	1,593
..... DEFENSE INFORMATION SYSTEMS AGENCY	1,384,450	1,374,450
..... Multinational Information Sharing Programs .....	.....	- 10,000
..... DEFENSE LEGAL SERVICES AGENCY	42,404	42,404
..... DEFENSE LOGISTICS AGENCY	448,043	396,395
..... Facilities Sustainment .....	.....	- 58,848
..... Procurement Technical Assistance Program .....	.....	+ 7,200
..... DEFENSE MEDIA ACTIVITY	255,878	255,878
..... DEFENSE POW /MISSING PERSONS OFFICE	24,155	24,155
..... DEFENSE TECHNOLOGY SECURITY AGENCY	37,624	37,624
..... DEFENSE THREAT REDUCTION AGENCY	463,522	445,682
..... Core Operational Support Activities—unnecessary increase .....	.....	- 17,840
..... DEFENSE DEPENDENTS EDUCATION	2,514,537	2,679,537
..... Military Spouse Career Advancement Accounts .....	.....	+ 165,000
..... DEFENSE HUMAN RESOURCES ACTIVITY	824,153	794,353
..... Joint Advertising, Market Research and Studies .....	.....	- 29,800
..... DEFENSE CONTRACT MANAGEMENT AGENCY	1,112,849	1,107,849
..... Overstatement of NSPS to GS Conversion .....	.....	- 5,000
..... DEFENSE SECURITY COOPERATION AGENCY	683,853	539,369
..... Global Train and Equip (1206) .....	.....	- 139,507
..... Stability Operations Fellowship Program—not authorized .....	.....	- 4,977

0-1		Budget Request	Recommendation
.....	DEFENSE SECURITY SERVICE	518,743	518,743
.....	OFFICE OF ECONOMIC ADJUSTMENT	50,811	50,811
.....	OFFICE OF THE SECRETARY OF DEFENSE	2,245,300	2,232,986
.....	Battlefield Information Collection and Exploitation System .....	.....	- 15,000
.....	Combatant Commander's Exercise Engagement and Training Transformation (CE2T2) .....	.....	- 26,500
.....	Readiness and Environmental Protection Initiative .....	.....	+60,186
.....	Overstatement of Civilian Personnel Pay Requirements .....	.....	- 24,500
.....	AT&L—Integrated Acquisition Environment Internal Realignment not Properly Accounted for in Budget Documentation .....	.....	- 6,500
.....	WASHINGTON HEADQUARTERS SERVICES	604,130	594,330
.....	Overstatement of Civilian Personnel Pay Requirements .....	.....	- 9,800
.....	SUBTOTAL, BUDGET ACTIVITY 4	11,997,672	11,886,286
.....	OTHER PROGRAMS	13,977,425	13,685,725
.....	Classified Adjustments .....	.....	- 291,700
.....	IMPACT AID .....	.....	40,000
.....	IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES .....	.....	4,000
.....	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	30,583,896	30,210,810
OPERATION AND MAINTENANCE, ARMY RESERVE			
111	MANEUVER UNITS	1,282	1,282
112	MODULAR SUPPORT BRIGADES	12,413	12,413
113	ECHELONS ABOVE BRIGADES	460,814	460,814
114	THEATER LEVEL ASSETS	168,020	168,020
115	LAND FORCES OPERATIONS SUPPORT	555,944	555,944
116	AVIATION ASSETS	70,378	70,378
121	FORCES READINESS OPERATIONS SUPPORT	391,326	381,326
.....	Decrease Requested Growth for Travel .....	.....	- 10,000
122	LAND FORCES SYSTEM READINESS	108,093	108,093
123	DEPOT MAINTENANCE	136,854	136,854
131	BASE OPERATIONS SUPPORT	577,146	567,146
.....	Unjustified Increase in Motor Pool Operations Costs .....	.....	- 10,000
132	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	234,486	234,486
.....	SUBTOTAL, BUDGET ACTIVITY 1	2,716,756	2,696,756
421	SERVICEWIDE TRANSPORTATION	12,717	12,717
431	ADMINISTRATION	74,685	74,685
432	SERVICEWIDE COMMUNICATIONS	3,797	3,797
433	PERSONNEL/FINANCIAL ADMINISTRATION	9,245	9,245
434	RECRUITING AND ADVERTISING	61,877	61,877
.....	SUBTOTAL, BUDGET ACTIVITY 4	162,321	162,321
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION .....	.....	- 18,650
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	2,879,077	2,840,427
OPERATION AND MAINTENANCE, NAVY RESERVE			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	599,649	599,649
1A3A	INTERMEDIATE MAINTENANCE	13,209	13,209
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	2,668	2,668
1A5A	AIRCRAFT DEPOT MAINTENANCE	140,377	140,377
1A6A	AIRCRAFT DEPOT OPERATIONS SUPPORT	309	309
1B1B	MISSION AND OTHER SHIP OPERATIONS	65,757	62,757
.....	Mismatch of OPTEMPO and Steaming Day Performance Data .....	.....	- 3,000
1B2B	SHIP OPERATIONAL SUPPORT AND TRAINING	587	587
1B4B	SHIP DEPOT MAINTENANCE	91,054	91,054
1C1C	COMBAT COMMUNICATIONS	15,882	15,882
1C6C	COMBAT SUPPORT FORCES	140,186	140,186
1D4D	WEAPONS MAINTENANCE	5,492	5,492
BS1T	ENTERPRISE INFORMATION TECHNOLOGY	56,046	56,046
BSMR	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	81,407	81,407
BSSR	BASE OPERATING SUPPORT	131,988	131,988
.....	SUBTOTAL, BUDGET ACTIVITY 1	1,344,611	1,341,611
4A1M	ADMINISTRATION	3,276	3,276
4A4M	MILITARY MANPOWER & PERSONNEL	13,698	13,698
4A6M	SERVICEWIDE COMMUNICATIONS	2,628	2,628
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	3,551	3,551
.....	SUBTOTAL, BUDGET ACTIVITY 4	23,153	23,153
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION .....	.....	- 20,500
.....	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	1,367,764	1,344,264
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE			
1A1A	OPERATING FORCES	104,566	104,566
1A3A	DEPOT MAINTENANCE	16,392	16,392
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	38,762	38,762
BSS1	BASE OPERATING SUPPORT	99,924	92,424
.....	Eliminate Growth in Administrative Costs .....	.....	- 7,500
.....	SUBTOTAL, BUDGET ACTIVITY 1	259,644	252,144
BSM1	SERVICEWIDE TRANSPORTATION	835	835
BSS1	ADMINISTRATION	15,871	15,871
3A1C	RECRUITING AND ADVERTISING	8,884	8,884
.....	SUBTOTAL, BUDGET ACTIVITY 4	25,590	25,590
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION .....	.....	- 2,250
.....	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	285,234	275,484
OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
011A	PRIMARY COMBAT FORCES	2,275,407	2,276,450
.....	Air Force Requested Transfer to OM,ANG for C-130s .....	.....	- 2,017
.....	Air Force Requested Transfer from OM,AF for C-130s .....	.....	+3,060
011G	MISSION SUPPORT OPERATIONS	111,742	111,742
011M	DEPOT MAINTENANCE	415,687	418,436
.....	Air Force Requested Transfer from OM,AF for C-130s .....	.....	+2,749
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	88,822	88,822
011Z	BASE OPERATING SUPPORT	277,985	277,985
.....	SUBTOTAL, BUDGET ACTIVITY 1	3,169,643	3,173,435
042A	ADMINISTRATION	80,526	80,526
042J	RECRUITING AND ADVERTISING	24,353	24,353
042K	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,716	19,716
042L	OTHER PERSONNEL SUPPORT	6,071	6,071
042M	AUDIOVISUAL	726	726
.....	SUBTOTAL, BUDGET ACTIVITY 4	131,392	131,392
.....	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION .....	.....	13,800
.....	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	3,301,035	3,291,027
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
111	MANEUVER UNITS	807,193	807,193

0-1		Budget Request	Recommendation
112	MODULAR SUPPORT BRIGADES	166,474	166,474
113	ECHELONS ABOVE BRIGADE	607,567	607,567
114	THEATER LEVEL ASSETS	249,930	249,930
115	LAND FORCES OPERATIONS SUPPORT	35,657	35,657
116	AVIATION ASSETS	838,895	854,895
	Aircraft Maintenance Program Increase		+16,000
121	FORCE READINESS OPERATIONS SUPPORT	570,119	544,119
	Distance Learning—Transfer from OCO OM,ARNG SAG 135		+9,000
	Realignment of Funding for the Organizational Clothing and Equipment Enterprise Environment not Properly Accounted for in Budget Documentation		-35,000
122	LAND FORCES SYSTEMS READINESS	121,980	121,980
123	LAND FORCES DEPOT MAINTENANCE	380,789	380,789
131	BASE OPERATIONS SUPPORT	933,514	853,514
	Unjustified Growth for Information Management Systems		-80,000
132	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	621,843	661,843
	Army National Guard Program Increase		+40,000
133	MANAGEMENT AND OPERATIONAL HEADQUARTERS	540,738	549,626
	Transfer from Defense Health Program for Psychological Health—State Directors for the National Guard		+8,888
	SUBTOTAL, BUDGET ACTIVITY 1	5,874,699	5,833,587
421	SERVICEWIDE TRANSPORTATION	17,771	17,771
431	ADMINISTRATION	183,781	151,463
	Pay and Benefits Mismatch Between Op-5 and Op-32		-32,318
432	SERVICEWIDE COMMUNICATIONS	48,188	48,188
433	MANPOWER MANAGEMENT	8,020	8,020
434	RECRUITING AND ADVERTISING	440,245	440,245
	SUBTOTAL, BUDGET ACTIVITY 4	698,005	665,687
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-36,650
	FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT		-8,000
	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	6,572,704	6,454,624
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
011F	AIRCRAFT OPERATIONS	3,519,452	3,525,525
	Air Force Requested Transfer from OM,AFR for C-130s		+2,017
	Air Force Requested Transfer from OM,AF for C-130s		+4,056
011G	MISSION SUPPORT OPERATIONS	762,937	762,937
011M	DEPOT MAINTENANCE	598,779	605,602
	Air Force Requested Transfer from OM,AF for C-130s		+6,823
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	315,210	355,210
	Air National Guard Program Increase		+40,000
011Z	BASE OPERATING SUPPORT	668,176	668,176
	SUBTOTAL, BUDGET ACTIVITY 1	5,864,554	5,917,450
042A	ADMINISTRATION	41,930	41,930
042J	RECRUITING AND ADVERTISING	34,659	34,659
	SUBTOTAL, BUDGET ACTIVITY 4	76,589	76,589
	UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION		-30,200
	TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	5,941,143	5,963,839
MISCELLANEOUS			
	OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	5,000	0
	Unjustified Request		-5,000
	U.S. COURT OF APPEALS FOR THE ARMED FORCES	14,068	14,068
	ENVIRONMENTAL RESTORATION, ARMY	444,581	464,581
	Program Increase		+20,000
	ENVIRONMENTAL RESTORATION, NAVY	304,867	304,867
	ENVIRONMENTAL RESTORATION, AIR FORCE	502,653	502,653
	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	10,744	10,744
	ENVIRONMENTAL RESTORATION, FUDS	276,546	316,546
	Program Increase		+40,000
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	108,032	108,032
	COOPERATIVE THREAT REDUCTION PROGRAM	522,512	522,512
	ACQUISITION WORKFORCE DEVELOPMENT FUND	217,561	217,561
	TOTAL, OPERATION AND MAINTENANCE	167,878,542	165,560,124
P-1		Budget Request	Recommendation
AIRCRAFT PROCUREMENT, ARMY			
3	AERIAL COMMON SENSOR (ACS) (MIP)	88,483	0
	Program Adjustment for Schedule Slip		-88,483
4	MQ-1 UAV	459,310	434,310
	Contract Savings		-25,000
5	RQ-11 (RAVEN)	20,152	20,152
6	BCT UNMANNED AERIAL VEH (UAVS) INCR 1	44,206	26,568
	Program Reduction		-17,638
8	HELICOPTER, LIGHT UTILITY (LUH)	305,272	305,272
9	AH-64 APACHE BLOCK III	332,681	332,681
10	AH-64 APACHE BLOCK III (AP-CY)	161,150	161,150
11	UH-60 BLACKHAWK (MYP)	1,250,566	1,250,566
12	UH-60 BLACKHAWK (MYP) (AP-CY)	100,532	100,532
13	CH-47 HELICOPTER	1,101,293	1,101,293
14	CH-47 HELICOPTER (AP-CY)	57,756	57,756
15	HELICOPTER NEW TRAINING	9,383	0
	Unjustified Request		-9,383
17	MQ-1 PAYLOAD - UAS	100,413	80,413
	Tactical SIGINT Payload Schedule Adjustment		-20,000
18	MQ-1 WEAPONIZATION - UAS	14,729	14,729
19	GUARDRAIL MODS (MIP)	29,899	25,799
	Airborne Precision Geolocation		-4,100
20	MULTI SENSOR AIRBORNE RECON (MIP)	16,981	16,981
21	AH-64 MODS	393,769	393,769
23	CH-47 CARGO HELICOPTER MODS	66,207	66,207
25	UTILITY/CARGO AIRPLANE MODS	13,716	13,716
26	AIRCRAFT LONG RANGE MODS	814	814
27	UTILITY HELICOPTER MODS	63,085	80,085
	UH-60 A to L conversions		+17,000
28	KIOWA WARRIOR	94,400	42,300
	Cockpit and Sensor Upgrade Program Funding Ahead of Need		-52,100
29	AIRBORNE AVIONICS	219,425	207,425
	Contract Savings		-12,000
30	GATM ROLLUP	100,862	100,862
31	RQ-7 UAV MODS	505,015	2,515
	Funding Ahead of Need for Installation		-5,000
	Transfer to Title IX		-497,500
34	SPARE PARTS (AIR)	7,328	9,956
	Transfer from OP,A line 195 at Army request		+2,628

P-1		Budget Request	Recommendation
35	AIRCRAFT SURVIVABILITY EQUIPMENT	24,478	24,478
36	ASE INFRARED COUNTER MEASURES	174,222	163,722
	Excess to Requirement		-10,500
37	AVIONICS SUPPORT EQUIPMENT	4,885	4,885
38	COMMON GROUND EQUIPMENT	76,129	76,129
39	AIRCREW INTEGRATED SYSTEMS	52,423	52,423
40	AIR TRAFFIC CONTROL	82,844	82,844
41	INDUSTRIAL FACILITIES	1,567	1,567
42	LAUNCHER, 2.75 ROCKET	2,892	2,892
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	5,976,867	5,254,791
	MISSILE PROCUREMENT, ARMY		
1	PATRIOT SYSTEM SUMMARY	480,247	613,847
	PAC-3 Launchers and Missiles - Army UPR		+133,600
2	SURFACE-LAUNCHED AMRAAM SYS SUMMARY	116,732	102,732
	Program Reduction		-14,000
4	HELLFIRE SYS SUMMARY	31,881	31,881
5	JAVELIN (AAWS-M) SYSTEM SUMMARY	163,929	163,929
6	TOW 2 SYSTEM SUMMARY	30,326	24,326
	Program Adjustment for Growth in Management and Administration Costs		-6,000
7	TOW 2 SYSTEM SUMMARY (AP-CY)	48,355	0
	Excess to Requirement		-48,355
8	BCT NON LINE OF SIGHT LAUNCH SYSTEM	350,574	0
	Program Termination		-350,574
9	GUIDED MLRS ROCKET (GMLRS)	291,041	266,041
	Program Reduction		-25,000
10	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	15,886	15,886
11	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	211,517	204,517
	Program Adjustment, Carriers Procured in fiscal year 2010		-7,000
12	PATRIOT MODS	57,170	57,170
13	ITAS/TOW MODS	13,281	13,281
14	MLRS MODS	8,217	8,217
15	HIMARS MODIFICATIONS	39,371	39,371
16	HELLFIRE MODIFICATIONS	10	10
17	SPARES AND REPAIR PARTS	19,569	19,569
18	AIR DEFENSE TARGETS	3,613	3,613
19	ITEMS LESS THAN \$5.0M (MISSILES)	1,208	1,208
20	PRODUCTION BASE SUPPORT	4,510	4,510
	TOTAL, MISSILE PROCUREMENT, ARMY	1,887,437	1,570,108
	PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY		
4	STRYKER VEHICLE	299,545	350,945
	Transfer from OP.A line 9		+61,300
	Adjust Program Management Costs		-9,900
9	STRYKER (MOD)	146,352	85,052
	Transfer to OP.A line 4		-61,300
10	FIST VEHICLE (MOD)	31,083	31,083
11	BRADLEY PROGRAM (MOD)	215,133	204,133
	Program Reduction		-11,000
12	HOWITZER, MED SP FT 155MM M109A6 (MOD)	105,277	5,277
	Program Adjustment for Schedule Slip		-70,000
	Transfer to RDTE.A line 116 for Paladin PIM		-30,000
13	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	69,609	69,609
14	ARMORED BREACHER VEHICLE	77,930	77,930
15	M88 FOV MODS	9,157	9,157
16	JOINT ASSAULT BRIDGE	44,133	0
	Funded Ahead of Need		-44,133
17	M1 ABRAMS TANK (MOD)	230,907	230,907
18	ABRAMS UPGRADE PROGRAM	183,000	183,000
19	PRODUCTION BASE SUPPORT (TCV-WTCV)	3,145	3,145
20	HOWITZER, LIGHT, TOWED, 105MM, M119	5,575	0
	Funds Excess to Requirement		-5,575
21	M240 MEDIUM MACHINE GUN (7.62MM)	28,179	20,479
	Pricing Correction		-7,700
22	MACHINE GUN, CAL .50 M2 ROLL	79,496	0
	Transfer to Title IX		-79,496
23	LIGHTWEIGHT .50 CALIBER MACHINE GUN	18,941	18,941
25	MK-19 GRENADE MACHINE GUN (40MM)	4,465	4,465
26	MORTAR SYSTEMS	17,082	17,082
27	M107, CAL .50, SNIPER RIFLE	235	235
28	XM320 GRENADE LAUNCHER MODULE (GLM)	16,282	16,282
29	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	5,159	5,159
30	M4 CARBINE	20,180	20,180
31	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	7,153	7,153
33	HANDGUN	3,371	0
	Program Reduction		-3,371
35	MK-19 GRENADE MACHINE GUN MODS	4,286	2,986
	Tactical Engagement Simulator Terminated		-1,300
36	M4 CARBINE MODS	14,044	14,044
38	M249 SAW MACHINE GUN MODS	5,922	5,922
39	M240 MEDIUM MACHINE GUN MODS	15,852	15,852
40	M119 MODIFICATIONS	39,810	39,810
41	M16 RIFLE MODS	3,855	3,855
43	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	6,083	6,083
45	PRODUCTION BASE SUPPORT (WOCV-WTCV)	7,869	7,869
46	INDUSTRIAL PREPAREDNESS	409	409
47	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	4,042	4,042
	TOTAL, PROCUREMENT OF W&TCV, ARMY	1,723,561	1,461,086
	PROCUREMENT OF AMMUNITION, ARMY		
1	CTG, 5.56MM, ALL TYPES	195,406	195,406
2	CTG, 7.62MM, ALL TYPES	79,622	79,622
3	CTG, HANDGUN, ALL TYPES	5,377	5,377
4	CTG, .50 CAL, ALL TYPES	160,712	160,712
6	CTG, 25MM, ALL TYPES	15,887	15,887
7	CTG, 30MM, ALL TYPES	95,222	95,222
8	CTG, 40MM, ALL TYPES	167,632	167,632
9	60MM MORTAR, ALL TYPES	14,340	14,340
10	81MM MORTAR, ALL TYPES	24,036	24,036
11	CTG, MORTAR, 120MM, ALL TYPES	96,335	67,735
	APMI Unit Cost Savings		-28,600
12	CTG TANK 105MM: ALL TYPES	7,794	7,794
13	CTG, TANK, 120MM, ALL TYPES	114,798	114,798
14	CTG, ARTY, 75MM: ALL TYPES	7,329	7,329
15	CTG, ARTY, 105MM: ALL TYPES	76,658	76,658
16	CTG, ARTY, 155MM, ALL TYPES	45,752	45,752
17	PROJ 155MM EXTENDED RANGE XM982	62,114	30,700

P-1		Budget Request	Recommendation
.....	Exceeds Revised Requirement		— 31,414
18	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	29,309	21,909
.....	Decrease to Reduce Backlog in MACS M232 Production		— 7,400
19	ARTILLERY FUZES, ALL TYPES	25,047	15,047
.....	Program Delay, Precision Guidance Kit		— 10,000
20	MINES, ALL TYPES	817	817
21	MINE, CLEARING CHARGE, ALL TYPES	8,000	8,000
22	ANTIPERSONNEL LANDMINE ALTERNATIVES	53,005	8,317
.....	FRD Slipped to fiscal year 2012		— 44,688
23	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES	10,246	0
.....	Program Adjustment for Schedule Slip		— 10,246
24	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	43,873	43,873
25	ROCKET, HYDRA 70, ALL TYPES	120,628	120,628
26	DEMOLITION MUNITIONS, ALL TYPES	19,824	19,824
27	GRENADES, ALL TYPES	41,803	41,803
28	SIGNALS, ALL TYPES	39,472	39,472
29	SIMULATORS, ALL TYPES	11,389	11,389
30	AMMO COMPONENTS, ALL TYPES	17,499	17,499
31	NON-LETHAL AMMUNITION, ALL TYPES	5,266	5,266
32	CAD/PAD ALL TYPES	5,322	5,322
33	ITEMS LESS THAN \$5 MILLION	9,768	9,768
34	AMMUNITION PECULIAR EQUIPMENT	12,721	12,721
35	FIRST DESTINATION TRANSPORTATION (AMMO)	11,786	11,786
36	CLOSEOUT LIABILITIES	100	100
37	PROVISION OF INDUSTRIAL FACILITIES	144,368	144,368
38	LAYAWAY OF INDUSTRIAL FACILITIES	9,504	9,504
39	MAINTENANCE OF INACTIVE FACILITIES	9,025	9,025
40	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	178,367	178,367
41	ARMS INITIATIVE	3,261	3,261
.....	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,979,414	1,847,066
OTHER PROCUREMENT, ARMY			
1	TACTICAL TRAILERS/DOLLY SETS	25,560	0
.....	Army Requested Program Adjustment		— 25,560
2	SEMITRAILERS, FLATBED:	38,713	0
.....	Funded Ahead of Need		— 38,713
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	918,195	693,495
.....	Pricing Adjustment		— 224,700
6	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	21,317	21,317
7	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	549,741	549,741
8	PALLETIZED LOAD SYS—EXTENDED SERVICE PGM	100,108	56,208
.....	Program Adjustment for Schedule Slip		— 43,900
9	ARMORED SECURITY VEHICLES (ASV)	114,478	114,478
10	MINE PROTECTION VEHICLE FAMILY	230,978	0
.....	Transfer to Title IX		— 230,978
12	TRUCK, TRACTOR, LINE HAUL, M915/M916	37,519	21,519
.....	Excess to Need		— 16,000
13	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	173,565	173,565
15	MODIFICATION OF IN SVC EQUIP	349,256	0
.....	Funded Ahead of Need		— 56,300
.....	Transfer to Title IX		— 292,956
17	TOWING DEVICE-FIFTH WHEEL	234	234
18	AMC CRITICAL ITEMS, OPA1	746	746
19	HEAVY ARMORED SEDAN	1,875	0
.....	Slow Execution		— 1,875
20	PASSENGER CARRYING VEHICLES	3,323	1,323
.....	Slow Execution		— 2,000
21	NONTACTICAL VEHICLES, OTHER	19,586	19,586
23	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	11,411	11,411
24	WIN-T—GROUND FORCES TACTICAL NETWORK	421,798	391,798
.....	Program Adjustment, Increment 2 Slow Execution		— 20,000
.....	Program Adjustment, Area Common User System Modernization Slow Execution		— 10,000
25	JCSE EQUIPMENT (USREDCOM)	4,690	4,690
26	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	115,744	115,744
27	SHF TERM	14,198	14,198
28	SAT TERM, EMUT (SPACE)	662	662
29	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	32,193	32,193
30	SMART-T (SPACE)	10,285	10,285
31	SCAMP (SPACE)	930	930
32	GLOBAL BRDCST SVC—GBS	4,586	4,586
33	MOD OF IN-SVC EQUIP (TAC SAT)	1,506	1,506
34	MOD-IN-SERVICE PROFILER	938	938
35	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	20,387	20,387
36	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	700	700
37	JOINT TACTICAL RADIO SYSTEM	209,568	159,468
.....	Program Reduction in Small Form Factor-C Radio		— 5,000
.....	Funded Ahead of Need		— 45,100
38	RADIO TERMINAL SET, MIDS LVT(2)	5,796	5,796
39	SINCGARS FAMILY	14,504	12,604
.....	Unjustified Growth		— 1,900
40	AMC CRITICAL ITEMS—OPA2	3,860	3,860
41	MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	9,501	9,501
42	COMMS-ELEC EQUIP FIELDING	5,965	5,965
43	SPIDER APLA REMOTE CONTROL UNIT	26,358	6,758
.....	Army Requested Program Adjustment		— 19,600
44	INTELLIGENT MUNITIONS SYSTEM REMOTE CONTROL UNIT	6,603	0
.....	Funded Ahead of Need		— 6,603
45	SOLDIER ENHANCEMENT PROGRAM COMM AND ELECTRONICS	5,125	5,125
46	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	2,397	2,397
47	RADIO, IMPROVED HF (COTS) FAMILY	9,983	9,983
48	MEDICAL COMM FOR CBT CASUALTY CARE (MCA4)	23,606	23,606
49	CI AUTOMATION ARCHITECTURE (MIP)	1,465	1,465
50	TSEC—ARMY KEY MGT SYS (AKMS)	25,959	25,959
51	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	63,340	54,858
.....	Protected Information—Biometrics—Transfer to OPA line 51x		— 8,482
51x	FAMILY OF BIOMETRICS	0	8,482
.....	Non-MIP Biometrics—Transfer from OPA line 51		+8,482
52	TERRESTRIAL TRANSMISSION	137	137
53	BASE SUPPORT COMMUNICATIONS	28,406	28,406
54	WW TECH CON IMP PROG (WWTCIP)	11,566	11,566
55	INFORMATION SYSTEMS	201,081	201,081
56	DEFENSE MESSAGE SYSTEM (DMS)	6,264	6,264
57	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	178,242	178,242
58	PENTAGON INFORMATION MGT AND TELECOM	10,427	10,427
64	JTT/CIBS-M (MIP)	3,321	3,321
65	PROPHET GROUND (MIP)	71,517	71,517
68	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	441	441
70	DCGS-A (MIP)	137,424	0
.....	Transfer to Title IX		— 137,424

P-1		Budget Request	Recommendation
71	JOINT TACTICAL GROUND STATION (JTGS)	9,279	9,279
72	TROJAN (MIP)	28,345	28,345
73	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	7,602	7,602
74	CI HUMINT AUTO REPRTING AND COLL(CHARCS)(MIP)	7,416	7,416
75	ITEMS LESS THAN \$5.0M (MIP)	18,721	18,721
76	LIGHTWEIGHT COUNTER MORTAR RADAR	32,980	80,080
.....	Program Adjustment .....	.....	+47,100
77	WARLOCK	24,127	16,127
.....	Excess to Need .....	.....	-8,000
78	BCT UNATTENDED GROUND SENSOR	29,718	14,718
.....	Program Reduction .....	.....	-15,000
79	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,394	1,394
80	CI MODERNIZATION (MIP)	1,263	1,263
81	FORWARD AREA AIR DEFENSE—GROUND BASED SENSOR	91,467	91,467
82	SENTINEL MODS	30,976	30,976
83	SENSE THROUGH THE WALL (STW)	24,939	24,939
84	NIGHT VISION DEVICES	70,528	70,528
85	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYS	255,641	230,641
.....	Excess to Need .....	.....	-25,000
86	NIGHT VISION, THERMAL WPN SIGHT	248,899	248,899
87	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	8,520	8,520
89	COUNTER-ROCKET, ARTILLERY & MORTAR	2,088	2,088
91	ARTILLERY ACCURACY EQUIP	6,042	0
.....	Funded Ahead of Need .....	.....	-6,042
94	PROFILER	4,408	4,408
95	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	2,843	2,843
96	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	39,786	39,786
97	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	147	147
98	LIGHTWEIGHT LASER DESIGNATOR/RANGFINDER	65,970	65,970
99	COMPUTER BALLISTICS: LHMCB XM32	815	815
100	MORTAR FIRE CONTROL SYSTEM	16,475	16,475
101	COUNTERFIRE RADARS	275,867	0
.....	Transfer to Title IX .....	.....	-275,867
102	ENHANCED SENSOR & MONITORING SYSTEM	2,062	2,062
103	TACTICAL OPERATIONS CENTERS	53,768	43,768
.....	Program Reduction .....	.....	-10,000
104	FIRE SUPPORT C2 FAMILY	49,077	49,077
105	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	25,866	25,866
106	FAAD C2	42,511	32,511
.....	Program Reduction .....	.....	-10,000
107	AIR & MSL DEFENSE PLANNING & CONTROL SYS	57,038	57,038
108	KNIGHT FAMILY	120,723	120,723
109	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,710	1,710
110	AUTOMATIC IDENTIFICATION TECHNOLOGY	10,858	10,858
111	TC AIMS II	10,457	10,457
113	TACTICAL INTERNET MANAGER	1,594	1,594
114	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	18,492	18,492
115	MANEUVER CONTROL SYSTEM (MCS)	96,162	96,162
116	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	99,819	99,819
117	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,466	15,466
119	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	97,858	97,858
120	ARMY TRAINING MODERNIZATION	36,158	36,158
121	AUTOMATED DATA PROCESSING EQUIPMENT	203,864	203,864
122	CSS COMMUNICATIONS	39,811	39,811
123	RESERVE COMPONENT AUTOMATION SYS (RCAS)	39,360	39,360
124	ITEMS LESS THAN \$5.0M (A/V)	663	663
125	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	6,467	6,467
128	PRODUCTION BASE SUPPORT (C-E)	542	542
129	BCT NETWORK	176,543	136,543
.....	Program Reduction .....	.....	-40,000
130	PROTECTIVE SYSTEMS	2,489	2,489
131	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,305	9,305
132	CBRN SOLDIER PROTECTION	180,351	180,351
133	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	831	831
134	TACTICAL BRIDGING	62,817	62,817
135	TACTICAL BRIDGE, FLOAT-RIBBON	105,837	105,837
136	HANDHELD STANDOFF MINEFIELD DETECTION SYS	43,871	43,871
137	GROUND STANDOFF MINE DETECTION SYSTEM	35,002	35,002
138	EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT	54,093	54,093
139	ITEMS LESS THAN \$5M, COUNTERMINE EQUIPMENT	3,655	3,655
141	HEATERS AND ECU'S	20,610	20,610
143	SOLDIER ENHANCEMENT	5,416	5,416
146	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	7,813	7,813
147	GROUND SOLDIER SYSTEM	110,524	96,024
.....	Program Reduction .....	.....	-14,500
148	MOUNTED SOLDIER SYSTEM	38,872	38,872
149	FORCE PROVIDER	41,539	41,539
150	FIELD FEEDING EQUIPMENT	23,826	23,826
151	CARGO AERIAL DELIVERY AND PERSONNEL PARACHUTE SYSTEM	69,496	69,496
152	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM	26,532	26,532
153	ITEMS LESS THAN \$5M (ENGINEER SUPPORT)	31,420	31,420
154	DISTRIBUTION SYSTEMS, PETROLEUM AND WATER	175,069	164,369
.....	Program Adjustment .....	.....	-10,700
155	WATER PURIFICATION SYSTEMS	3,597	0
.....	Funded Ahead of Need .....	.....	-3,597
156	COMBAT SUPPORT MEDICAL	30,365	30,365
157	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	159,285	139,985
.....	Unjustified Growth .....	.....	-19,300
158	ITEMS LESS THAN \$5.0M (MAINT EQ)	3,702	3,702
159	GRADER, ROAD MOTORIZED, H/V, 6X4 (CCE)	48,379	48,379
160	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	17,498	17,498
161	SCRAPERS, EARTHMOVING	12,452	12,452
163	MISSION MODULES—ENGINEERING	62,111	54,111
.....	Unjustified Growth .....	.....	-8,000
164	LOADERS	7,205	7,205
165	HYDRAULIC EXCAVATOR	8,458	8,458
166	TRACTOR, FULL TRACKED	64,032	64,032
167	PLANT, ASPHALT MIXING	10,783	10,783
168	HIGH MOBILITY ENGINEER EXCAVATOR (HME) FOS	64,959	60,959
.....	Unjustified Growth .....	.....	-4,000
169	CONSTRUCTION EQUIPMENT ESP	11,063	11,063
170	ITEMS LESS THAN \$5.0M (CONSTRUCTION EQUIP)	20,565	17,565
.....	Unjustified Growth .....	.....	-3,000
171	JOINT HIGH SPEED VESSEL (JHSV)	202,764	202,764
172	HARBORMASTER COMMAND AND CONTROL CENTER(HCCC)	37,683	37,683
173	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	8,052	8,052
174	GENERATORS AND ASSOCIATED EQUIPMENT	113,573	113,573
175	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	29,460	29,460
176	FAMILY OF FORKLIFTS	12,936	12,936
177	ALL TERRAIN LIFTING ARMY SYSTEM	17,352	17,352

P-1		Budget Request	Recommendation
178	COMBAT TRAINING CENTERS SUPPORT	23,400	23,400
179	TRAINING DEVICES, NONSYSTEM	297,200	322,200
	Training Range Upgrades		+25,000
180	CLOSE COMBAT TACTICAL TRAINER	64,912	64,912
181	AVIATION COMBINED ARMS TACTICAL TRAINER	26,120	26,120
182	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,964	4,964
183	CALIBRATION SETS EQUIPMENT	38,778	38,778
184	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	104,472	104,472
185	TEST EQUIPMENT MODERNIZATION (TEMOD)	19,166	18,166
	Funded Ahead of Need		-1,000
186	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	42,229	21,229
	Excess to Need		-21,000
187	PHYSICAL SECURITY SYSTEMS (OPAS)	56,195	56,195
188	BASE LEVEL COMMERCIAL EQUIPMENT	1,873	1,873
189	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	103,046	82,046
	Program Adjustment		-21,000
190	PRODUCTION BASE SUPPORT (OTH)	2,233	2,233
192	SPECIAL EQUIPMENT FOR USER TESTING	44,483	44,483
193	AMC CRITICAL ITEMS OPA3	13,104	13,104
194	MA8975	3,894	3,894
195	BCT UNMANNED GROUND VEHICLE	20,046	20,046
196	BCT TRAINING/LOGISTICS/MANAGEMENT	61,581	31,581
	Program Reduction		-30,000
197	INITIAL SPARES—C&E	38,707	36,079
	Transfer to APA line 34 at Army request		-2,628
	CLASSIFIED PROGRAMS	2,560	2,560
xx	PROCUREMENT INNOVATION	0	15,000
	Procurement Innovation		+15,000
	TOTAL, OTHER PROCUREMENT, ARMY	9,765,808	8,145,665
AIRCRAFT PROCUREMENT, NAVY			
1	EA-18G	1,028,801	971,241
	Multi-year Procurement Savings		-49,836
	Support Funding Carryover		-7,724
2	EA-18G (AP-CY)	55,081	55,081
3	F/A-18E/F (FIGHTER) HORNET (MYP)	1,784,894	1,684,086
	Multi-year Procurement Savings		-92,746
	Support Funding Carryover		-8,062
4	F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)	2,295	2,295
5	JOINT STRIKE FIGHTER	1,667,093	1,653,093
	Support Funding Carryover		-14,000
6	JOINT STRIKE FIGHTER ADVANCE PROCUREMENT (CY)	219,895	219,895
7	JSF STOVL	2,289,816	555,716
	Support Funding Carryover		-42,500
	Delete Two Aircraft		-391,600
	Transfer Eight Aircraft to CTOL Variant		-1,300,000
8	JSF STOVL (AP-CY)	286,326	286,326
9	V-22 (MEDIUM LIFT)	2,121,036	2,121,036
10	V-22 (MEDIUM LIFT) (AP-CY)	81,875	81,875
11	UH-1Y/AH-1Z	738,709	738,709
12	UH-1Y/AH-1Z (AP-CY)	69,360	58,560
	Unjustified Cost Growth		-10,800
13	MH-60S (MYP)	478,591	478,591
14	MH-60S (MYP) (AP-CY)	70,080	66,280
	Unexecutable EOQ		-3,800
15	MH-60R	897,933	897,933
16	MH-60R (AP-CY)	162,006	129,006
	Unexecutable EOQ		-33,000
17	P-8A POSEIDON	1,824,437	1,820,560
	Operational Flight Trainer Cost Growth		-2,155
	Weapons Tactics Trainer Cost Growth		-1,722
18	P-8A POSEIDON (ADVANCED PROCUREMENT)	166,153	147,653
	Funded Ahead of Need		-18,500
19	E-2C (EARLY WARNING) HAWKEYE (MYP)	819,184	819,184
20	E-2C (EARLY WARNING) HAWKEYE (MYP) (AP-CY)	118,619	118,619
21	C-40A		74,100
	Add One Aircraft		+74,100
22	JPATS	266,065	26,274
	Contract Delay		-234,849
	Support Funding Carryover		-4,942
26	MQ-8 UAV	47,484	43,984
	Support Funding Carryover		-3,500
27	STUASLO UAV	23,912	0
	Program Delay		-23,912
29	EA-6 SERIES	14,891	0
	Unjustified Request in Avionics and Structural Improvements OSIP		-8,900
	ICAP III OSIP Unjustified Request		-5,991
30	AEA SYSTEMS	33,772	29,972
	Low Band Transmitter Modification Kit Pricing		-1,400
	ECO growth		-2,400
31	AV-8 SERIES	19,386	19,386
32	F-18 SERIES	492,821	443,806
	ECP 904 Modification Kit Cost Growth		-2,310
	ECP 583R2 Installation Equipment Kit Cost Growth		-3,780
	ATFLIR Installation Equipment Kit Cost Growth		-11,745
	Mission Planning/Unique Planning Component Growth		-2,400
	OSIP 002-07 Excess ECO Funding		-9,000
	ECP6279 Radar Modification Kits Ahead of Need		-7,880
	OSIP 001-10 Integrated Logistics Support Growth		-2,500
	Unjustified Cost Growth		-9,400
33	H-46 SERIES	17,685	17,685
34	AH-1W SERIES	11,011	11,011
35	H-53 SERIES	25,871	25,871
36	SH-60 SERIES	67,779	67,779
37	H-1 SERIES	3,060	3,060
38	EP-3 SERIES	90,323	90,323
39	P-3 SERIES	221,982	186,982
	Unjustified Cost Growth		-35,000
40	E-2 SERIES	47,046	67,046
	Reliability Enhancements for E-2C		+20,000
41	TRAINER A/C SERIES	23,999	23,999
42	C-2A	16,020	16,020
43	C-130 SERIES	17,839	17,839
44	FEWSG	21,928	16,696
	AN/ALQ-167 Modification Kit Cost Growth		-5,232
45	CARGO/TRANSPORT A/C SERIES	16,092	16,092
46	E-6 SERIES	149,164	121,194
	Block 1 Upgrade Training Kit Cost Growth		-5,040
	Block 1 Upgrade OSIP Support Funding Growth		-3,000

P-1		Budget Request	Recommendation
.....	SLEP Installation Delay .....	.....	—2,630
.....	Funded Ahead of Need .....	.....	—17,300
47	EXECUTIVE HELICOPTERS SERIES	43,443	43,443
48	SPECIAL PROJECT AIRCRAFT	14,679	14,679
49	T-45 SERIES	61,515	46,215
.....	Engine Surge OSIP Installation Funding Ahead of Need .....	.....	—500
.....	Engine Surge OSIP Contract Delay .....	.....	—2,800
.....	Required Avionics Modernization Program Modification Kit Cost Growth .....	.....	—3,900
.....	Synthetic Aperture Radar OSIP Contract Delay .....	.....	—8,100
50	POWER PLANT CHANGES	19,948	19,948
51	JPATS SERIES	1,831	1,831
52	AVIATION LIFE SUPPORT MODS	8,084	2,984
.....	Transfer to RDTE,N line 93 for Common Mobile Aircrew Restraint System .....	.....	—5,100
53	COMMON ECM EQUIPMENT	21,947	21,947
54	COMMON AVIONICS CHANGES	101,120	79,820
.....	CNS/ATM Installation Equipment Contract Savings .....	.....	—12,400
.....	CNS/ATM Installation Funding Ahead of Need .....	.....	—1,400
.....	Tactical Moving Map Capability Modifications Funding Ahead of Need .....	.....	—7,500
56	ID SYSTEMS	20,397	20,397
57	RQ-7 SERIES	18,121	18,121
58	V-22 (TILT/ROTOR ACFT) OSPREY	21,985	21,985
59	SPARES AND REPAIR PARTS	1,244,673	1,234,084
.....	JPATS Contract Delay .....	.....	—10,589
60	COMMON GROUND EQUIPMENT	322,063	322,063
61	AIRCRAFT INDUSTRIAL FACILITIES	17,998	17,998
62	WAR CONSUMABLES	25,248	25,248
63	OTHER PRODUCTION CHARGES	7,579	7,579
64	SPECIAL SUPPORT EQUIPMENT	45,916	45,916
65	FIRST DESTINATION TRANSPORTATION	1,752	1,752
.....	TOTAL, AIRCRAFT PROCUREMENT, NAVY	18,508,613	16,170,868
WEAPONS PROCUREMENT, NAVY			
1	TRIDENT II MODS	1,106,911	1,106,911
2	MISSILE INDUSTRIAL FACILITIES	3,446	3,446
3	TOMAHAWK	300,178	288,278
.....	Production Engineering Support Growth .....	.....	—1,900
.....	Support Funding Carryover .....	.....	—10,000
4	AMRAAM	155,553	145,553
.....	Support Funding Carryover .....	.....	—10,000
5	SIDEWINDER	52,293	52,293
6	JSOW	131,141	129,641
.....	Support Funding Carryover .....	.....	—1,500
7	STANDARD MISSILE	295,922	248,222
.....	Support Funding Carryover .....	.....	—5,700
.....	Smooth Production Ramp—SM 6 .....	.....	—42,000
8	RAM	74,976	68,046
.....	Contract Savings .....	.....	—1,930
.....	Program Rebaselined—Milestone C Slip for Block II .....	.....	—5,000
9	HELLFIRE	43,495	41,995
.....	Support Funding Carryover .....	.....	—1,500
10	AERIAL TARGETS	43,988	42,888
.....	ECM/Emitter Equipment Cost Growth .....	.....	—1,100
11	OTHER MISSILE SUPPORT	3,981	3,981
12	ESSM	48,152	45,515
.....	Support Funding Carryover .....	.....	—2,637
13	HARM MODS	53,543	52,191
.....	Support Funding Carryover .....	.....	—1,352
14	STANDARD MISSILES MODS	61,896	61,896
15	WEAPONS INDUSTRIAL FACILITIES	3,281	3,281
16	FLEET SATELLITE COMM FOLLOW-ON	505,734	505,734
18	ORDNANCE SUPPORT EQUIPMENT	52,152	52,152
19	ASW TARGETS	10,123	5,197
.....	Contract Delay .....	.....	—4,926
20	MK-46 TORPEDO MODS	42,144	42,144
21	MK-48 TORPEDO ADCAP MODS	43,559	29,859
.....	Contract Delay - Funds for 15 kits and NRE .....	.....	—13,700
22	QUICKSTRIKE MINE	6,090	6,090
23	TORPEDO SUPPORT EQUIPMENT	43,766	43,766
24	ASW RANGE SUPPORT	9,557	9,557
25	FIRST DESTINATION TRANSPORTATION	3,494	3,494
26	SMALL ARMS AND WEAPONS	14,316	14,316
27	CIWS MODS	41,408	29,022
.....	Block 1B Systems Ahead of Need .....	.....	—12,386
28	COAST GUARD WEAPONS	20,657	13,259
.....	CIWS Ahead of Need .....	.....	—5,698
.....	MK160 Ahead of Need .....	.....	—1,700
29	GUN MOUNT MODS	43,991	40,791
.....	Installation Funding Ahead of Need .....	.....	—3,200
30	LCS MODULE WEAPONS	9,808	0
.....	NLOS Program Termination .....	.....	—9,808
31	CRUISER MODERNIZATION WEAPONS	52,426	50,626
.....	Support Funding Carryover .....	.....	—1,800
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS	23,007	23,007
35	SPARES AND REPAIR PARTS	58,806	58,806
.....	TOTAL, WEAPONS PROCUREMENT, NAVY	3,359,794	3,221,957
PROCUREMENT OF AMMO, NAVY & MARINE CORPS			
1	GENERAL PURPOSE BOMBS	80,028	77,928
.....	Direct Attack Moving Target Capability Program Cost Growth .....	.....	—2,100
3	AIRBORNE ROCKETS, ALL TYPES	38,721	23,171
.....	MK 66 Rocket Motor (Mod 4) Unit Cost Efficiencies .....	.....	—6,000
.....	2.75" Launcher Unit Cost Efficiencies .....	.....	—9,550
4	MACHINE GUN AMMUNITION	21,003	21,003
5	PRACTICE BOMBS	33,666	31,666
.....	Support Funding Carryover .....	.....	—2,000
6	CARTRIDGES & CART ACTUATED DEVICES	53,667	52,167
.....	Program Execution Delays .....	.....	—1,500
7	AIR EXPENDABLE COUNTERMEASURES	59,626	59,626
8	JATOS	2,869	2,869
9	5 INCH/54 GUN AMMUNITION	34,492	33,492
.....	Product Improvement Growth .....	.....	—1,000
10	INTERMEDIATE CALIBER GUN AMMUNITION	37,234	37,234
11	OTHER SHIP GUN AMMUNITION	36,275	36,275
12	SMALL ARMS & LANDING PARTY AMMO	46,192	46,192
13	PYROTECHNIC AND DEMOLITION	11,310	10,079
.....	MK-62 Firing Device Contract Delay .....	.....	—1,231
14	AMMUNITION LESS THAN \$5 MILLION	4,105	4,105
15	SMALL ARMS AMMUNITION	64,839	64,839

P-1		Budget Request	Recommendation
16	LINEAR CHARGES, ALL TYPES	15,329	15,329
17	40 MM, ALL TYPES	62,835	62,835
18	60MM, ALL TYPES	17,877	17,877
19	81MM, ALL TYPES	41,053	41,053
20	120MM, ALL TYPES	6,458	6,458
21	CTG 25MM, ALL TYPES	2,937	2,937
22	GRENADES, ALL TYPES	9,298	8,092
	Funded Ahead of Need for Scorpion		-1,206
23	ROCKETS, ALL TYPES	13,995	13,995
24	ARTILLERY, ALL TYPES	70,423	67,546
	Decrease to Reduce Backlog in MACS M232 Production		-2,877
25	DEMOLITION MUNITIONS, ALL TYPES	19,464	19,464
26	FUZE, ALL TYPES	18,032	18,032
27	NON LETHALS	3,009	3,009
28	AMMO MODERNIZATION	8,985	8,985
29	ITEMS LESS THAN \$5 MILLION	4,269	4,269
TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS		817,991	790,527
SHIPBUILDING & CONVERSION, NAVY			
1	CARRIER REPLACEMENT PROGRAM	1,731,256	1,721,969
	Consolidated Afloat Navy Enterprise System Increment 1		-2,600
	Surface Electronic Warfare Improvement		-4,900
	AN/UX-29		-1,787
2	CARRIER REPLACEMENT PROGRAM (AP-CY)	908,313	908,313
3	VIRGINIA CLASS SUBMARINE	3,441,452	3,430,343
	Sonar System Hardware Cost Growth		-5,795
	Modular Mast Cost Growth		-1,430
	Propulsor Cost Growth		-3,884
4	VIRGINIA CLASS SUBMARINE (AP-CY)	1,691,236	1,691,236
5	CVN REFUELING OVERHAUL	1,255,799	1,248,999
	SSDS Program Management Excess		-1,800
	SSDS Software Growth		-2,000
	CEC Testing and Evaluation Excess		-3,000
6	CVN REFUELING OVERHAULS (AP-CY)	408,037	408,037
9	DDG 1000	186,312	77,512
	Volume Search Radar		-108,800
10	DDG-51	2,922,190	2,868,454
	MK-12 IFF Cost Growth		-4,986
	CIWS Block 1B Cost Growth		-2,256
	Exterior Communication System Cost Growth		-6,294
	Main Reduction Gear Systems Engineering Growth		-10,200
	Main Reduction Gear Contract Savings		-30,000
11	DDG-51 (AP-CY)	47,984	47,984
12	LITTORAL COMBAT SHIP	1,230,984	1,168,984
	Cost Savings		-62,000
13	LITTORAL COMBAT SHIP (AP-CY)	278,351	190,351
	Program Reduction		-88,000
16	LHA REPLACEMENT (AP-CY)	949,897	942,837
	C4ISR Cost Growth		-5,174
	Rolling Airframe Missile System Cost Growth		-1,886
18	INTRATHEATER CONNECTOR	180,703	180,703
19	OCEANOGRAPHIC SHIPS	88,561	88,561
20	OUTFITTING	306,640	295,570
	JHSV-1 Outfitting Funding Phasing		-3,426
	LPD-25 Outfitting Funding Phasing		-2,500
	DDG-1000 Post-Delivery Phasing		-1,757
	LPD-23 Post-Delivery Phasing		-3,387
21	SERVICE CRAFT	13,770	13,770
22	LCAC SLEP	83,035	83,035
TOTAL, SHIPBUILDING & CONVERSION, NAVY		15,724,520	15,366,658
OTHER PROCUREMENT, NAVY			
1	LM-2500 GAS TURBINE	12,137	10,525
	Turbine Digital Fuel Controls Cost Growth		-1,612
2	ALLISON 501K GAS TURBINE	14,923	14,923
4	OTHER NAVIGATION EQUIPMENT	23,167	23,167
5	SUB PERISCOPES & IMAGING EQUIP	85,619	73,559
	AN/BVS-1 Mast Tech Insertion Spares		-1,849
	ISIS Tech Insertion Kits Ahead of Need		-2,769
	Support Funding Carryover		-1,700
	Contractor Repair Funding Growth		-5,742
6	DDG MOD	296,691	289,691
	Multi-Mission BMD Capability Upgrade Kits Cost Growth		-1,000
	Engineering Services Unjustified Cost Growth		-6,000
7	FIREFIGHTING EQUIPMENT	11,974	9,304
	Self-Contained Breathing Apparatus Kits Excess to Requirements		-1,570
	Support Funding Carryover		-1,100
8	COMMAND AND CONTROL SWITCHBOARD	3,962	2,362
	Unjustified Request		-1,600
9	POLLUTION CONTROL EQUIPMENT	25,614	25,614
10	SUBMARINE SUPPORT EQUIPMENT	7,730	7,730
11	VIRGINIA CLASS SUPPORT EQUIPMENT	132,039	130,039
	Spare Main Propulsion Shaft Ahead of Need		-2,000
12	SUBMARINE BATTERIES	44,057	31,057
	Support Funding Carryover		-1,500
	Excess Installation Funding		-11,500
13	STRATEGIC PLATFORM SUPPORT EQUIP	22,811	22,811
14	DSSP EQUIPMENT	3,869	3,869
15	CG-MODERNIZATION	356,958	350,958
	Engineering Services Unjustified Cost Growth		-6,000
16	LCAC	9,142	2,642
	Personnel Transport Module Contract Delay		-6,500
18	UNDERWATER EOD PROGRAMS	15,908	15,908
19	ITEMS LESS THAN \$5 MILLION	126,842	119,698
	LCS Waterjets Spares Ahead of Need		-5,296
	Voltage Regulators Ahead of Need		-1,848
20	CHEMICAL WARFARE DETECTORS	7,470	7,470
21	SUBMARINE LIFE SUPPORT SYSTEM	13,016	13,016
22	REACTOR POWER UNITS	438,503	438,503
23	REACTOR COMPONENTS	266,469	266,469
24	DIVING AND SALVAGE EQUIPMENT	10,227	10,227
25	STANDARD BOATS	27,725	49,225
	Range Support Craft		+21,500
26	OTHER SHIPS TRAINING EQUIPMENT	16,094	16,094
27	OPERATING FORCES IPE	49,856	91,476
	Program Increase - Shipyard Capital Investment Program		+41,620
28	NUCLEAR ALTERATIONS	116,829	116,829
29	LCS MODULES	82,951	41,369

P-1		Budget Request	Recommendation
.....	MCM Module Production Support Growth		-6,000
.....	Consulting Services Growth		-3,064
.....	Excess Remote Multi-Mission Vehicle Funding		-7,600
.....	Mission Package Computer Environment Units Ahead of Need		-2,268
.....	AN/AQS-20A - Ahead of Need		-22,650
30	LSD MIDLIFE	106,612	102,612
.....	60-ton Deck Crane Contract Delay		-1,000
.....	Boat Davit and Ballast Control System Installations Ahead of Need		-3,000
31	RADAR SUPPORT	12,030	7,000
.....	Periscope Detection Radar Installation Funding Ahead of Need		-3,500
.....	Excess Miscellaneous Funding		-1,530
32	SPQ-9B RADAR	8,887	5,687
.....	Excess Antenna Funding		-2,200
.....	Support Funding Carryover		-1,000
33	AN/SQQ-89 SURF ASW COMBAT SYSTEM	87,219	85,219
.....	Support Funding Carryover		-2,000
34	SSN ACOUSTICS	237,015	234,015
.....	Installation Costs Unjustified Growth		-3,000
35	UNDERSEA WARFARE SUPPORT EQUIPMENT	29,641	27,241
.....	Common Data Link Modification Installation Funding Ahead of Need		-2,400
36	SONAR SWITCHES AND TRANSDUCERS	14,056	13,056
.....	TR-317 Module Cost Growth		-1,000
37	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,739	18,539
.....	Next Generation Countermeasure Funding Ahead of Need		-2,200
38	SSTD	2,206	0
.....	AN/SLQ-25D Ahead of Need		-2,206
39	FIXED SURVEILLANCE SYSTEM	57,481	57,481
40	SURTASS	8,468	8,468
41	TACTICAL SUPPORT CENTER	18,586	18,586
42	AN/SLQ-32	49,677	23,257
.....	Support Funding Carryover		-2,000
.....	Block 1B3 Incremental Funding		-7,520
.....	Block 2 Incremental Funding		-16,900
43	SHIPBOARD IW EXPLOIT	105,624	105,624
44	AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,299	1,299
45	SUBMARINE SUPPORT EQUIPMENT PROG	71,558	70,108
.....	ESM Capability Insertion (CI-06) Kits Ahead of Need		-1,450
46	COOPERATIVE ENGAGEMENT CAPABILITY	31,091	25,691
.....	Planar Antenna Funding Ahead of Need		-5,400
47	TRUSTED INFORMATION SYSTEM (TIS)	338	338
48	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,358	33,358
49	ATDLS	2,273	2,273
50	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	8,920	8,920
51	MINESWEEPING SYSTEM REPLACEMENT	81,441	60,710
.....	Remote Minehunting System (RMS)		-5,027
.....	Support Funding Carryover		-2,272
.....	Expendable Mine Neutralization System Funding Ahead of Need		-12,432
.....	Assessment and Identification of Mine Susceptibility Growth		-1,000
52	SHALLOW WATER MCM	9,236	1,261
.....	Cobra Block 1 Contract Delay		-7,975
53	NAVSTAR GPS RECEIVERS (SPACE)	9,319	9,319
54	ARMED FORCES RADIO AND TV	3,328	3,328
55	STRATEGIC PLATFORM SUPPORT EQUIP	4,248	4,248
56	OTHER TRAINING EQUIPMENT	29,061	27,761
.....	COTS Obsolescence Growth		-1,300
57	MATCALS	16,747	14,747
.....	ASPARCS Cost Growth		-2,000
58	SHIPBOARD AIR TRAFFIC CONTROL	7,658	7,658
59	AUTOMATIC CARRIER LANDING SYSTEM	15,169	10,782
.....	AN/SPN-46 Radar Modification Kits Ahead of Need		-4,387
60	NATIONAL AIR SPACE SYSTEM	17,531	17,531
61	AIR STATION SUPPORT EQUIPMENT	6,851	6,851
62	MICROWAVE LANDING SYSTEM	8,551	8,551
63	ID SYSTEMS	29,572	23,122
.....	AN/URN-25 TACAN Upgrade Kits Ahead of Need		-2,450
.....	Support Funding Carryover		-4,000
64	TAC A/C MISSION PLANNING SYS(TAMPS)	9,098	7,798
.....	Support Funding Carryover		-1,300
65	DEPLOYABLE JOINT COMMAND AND CONT	8,542	8,542
66	TADIX-B	6,909	2,944
.....	AN/USC-151 Upgrade Kit Ahead of Need		-3,965
67	GCSS-M EQUIPMENT TACTICAL/MOBILE	9,832	9,832
68	DCGS-N	16,634	16,634
69	CANES	34,398	10,264
.....	Funded Ahead of Need		-24,134
70	RADIAC	6,104	5,197
.....	Air Particulate Detector Contract Delay		-907
71	CANES-INTELL	10,432	3,140
.....	Ahead of Need		-7,292
72	GPETE	5,861	5,861
73	INTEG COMBAT SYSTEM TEST FACILITY	4,445	4,445
74	EMI CONTROL INSTRUMENTATION	4,737	4,737
75	ITEMS LESS THAN \$5 MILLION	51,048	29,307
.....	SPS-73 Tech Refresh/Obsolescence Growth		-741
.....	SPS-48 ECO and Support Cost Growth		-3,000
.....	SPS-48 Upgrade Kits Ahead of Need		-13,600
.....	Installation Funding Ahead of Need		-4,400
78	SHIP COMMUNICATIONS AUTOMATION	260,551	230,174
.....	Support Funding Carryover		-1,500
.....	ISNS Upgrade Kits Installation Funding Ahead of Need		-9,000
.....	CENTRIXS Installation Funding Ahead of Need		-1,425
.....	SCI Network Installation Funding Ahead of Need		-2,100
.....	ADNS Units Ahead of Need		-16,352
79	MARITIME DOMAIN AWARENESS (MDA)	9,250	7,650
.....	CENTRIXS Modification Kit Installation Funding Ahead of Need		-1,600
80	COMMUNICATIONS ITEMS UNDER \$5M	39,846	31,169
.....	Battle Force Tactical Network Ahead of Need		-8,677
82	SUBMARINE COMMUNICATION EQUIPMENT	59,013	55,737
.....	Common Submarine Radio Room Modification Kit Cost Growth		-1,029
.....	CSSR Seawolf Ahead of Need		-2,247
83	SATELLITE COMMUNICATIONS SYSTEMS	28,665	28,665
84	NAVY MULTIBAND TERMINAL (NMT)	161,021	161,021
85	JCS COMMUNICATIONS EQUIPMENT	2,256	2,256
86	ELECTRICAL POWER SYSTEMS	1,309	1,309
87	NAVAL SHORE COMMUNICATIONS	3,422	3,422
88	INFO SYSTEMS SECURITY PROGRAM (ISSP)	120,529	114,357
.....	SV-21 Unit Cost Growth		-1,672
.....	Support Funding Carryover		-2,000
.....	CND Increment 2 Ahead of Need		-2,500
89	CRYPTOLOGIC COMMUNICATIONS EQUIP	18,322	18,322

P-1		Budget Request	Recommendation
90	COAST GUARD EQUIPMENT	20,189	20,189
92	SONOBUOYS—ALL TYPES	87,846	83,846
	Support Funding Carryover	—4,000	—4,000
93	WEAPONS RANGE SUPPORT EQUIPMENT	51,742	59,700
	East Coast USWTR Support Funding Carryover	—3,500	—3,500
	East Coast USWTR Ahead of Need	—8,542	—8,542
	Training Range Upgrades	—20,000	+20,000
94	EXPEDITIONARY AIRFIELDS	8,429	8,429
95	AIRCRAFT REARMING EQUIPMENT	11,134	11,134
96	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	37,063	28,881
	Advanced Recovery Control and Aviation Data Management and Control Systems Cost Growth	—1,782	—1,782
	Support Funding Carryover	—1,400	—1,400
	Production Engineering Unjustified Cost Growth	—5,000	—5,000
97	METEOROLOGICAL EQUIPMENT	25,581	25,581
98	OTHER PHOTOGRAPHIC EQUIPMENT	1,573	1,573
99	AVIATION LIFE SUPPORT	40,696	24,796
	JHMCS Ahead of Need	—15,900	—15,900
100	AIRBORNE MINE COUNTERMEASURES	35,855	35,855
101	LAMPS MK III SHIPBOARD EQUIPMENT	20,662	16,382
	Units Ahead of Need	—4,280	—4,280
102	PORTABLE ELECTRONIC MAINTENANCE AIDS	12,812	10,612
	Production Support Growth	—2,200	—2,200
103	OTHER AVIATION SUPPORT EQUIPMENT	12,018	12,018
104	NAVAL FIRES CONTROL SYSTEM	1,086	1,086
105	GUN FIRE CONTROL EQUIPMENT	8,076	8,076
106	NATO SEASPARROW	11,121	10,161
	ECP and Production Support Growth	—960	—960
107	RAM GMLS	11,805	6,800
	GMLS Ordalts Contract Delay	—5,005	—5,005
108	SHIP SELF DEFENSE SYSTEM	54,290	45,902
	Ship Self Defense System Modification Kits Ahead of Need	—8,388	—8,388
109	AEGIS SUPPORT EQUIPMENT	162,307	82,307
	COTS Tech Refresh Growth	—3,000	—3,000
	Ship Change Documentation Growth	—4,500	—4,500
	Navy Requested Transfer to RTE,DW line 84 for Ballistic Missile Defense	—72,500	—72,500
110	TOMAHAWK SUPPORT EQUIPMENT	88,698	88,698
111	VERTICAL LAUNCH SYSTEMS	5,698	5,698
112	STRATEGIC MISSILE SYSTEMS EQUIP	184,034	159,034
	Fire Control Tech Refresh Growth	—5,000	—5,000
	Contract Delays	—20,000	—20,000
113	SSN COMBAT CONTROL SYSTEMS	88,004	77,390
	TI-04 Modification Contract Savings	—2,214	—2,214
	Excess TI-04 and Out Modification Installation Funding	—8,400	—8,400
114	SUBMARINE ASW SUPPORT EQUIPMENT	5,282	5,282
115	SURFACE ASW SUPPORT EQUIPMENT	8,323	8,323
116	ASW RANGE SUPPORT EQUIPMENT	7,121	7,121
117	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	58,288	58,288
118	ITEMS LESS THAN \$5 MILLION	3,546	2,480
	Industrial Facilities Contract Delay	—1,066	—1,066
119	ANTI-SHIP MISSILE DECOY SYSTEM	36,588	36,588
120	SURFACE TRAINING DEVICE MODS	7,337	7,337
121	SUBMARINE TRAINING DEVICE MODS	34,519	34,519
122	PASSENGER CARRYING VEHICLES	3,719	3,719
123	GENERAL PURPOSE TRUCKS	584	584
124	CONSTRUCTION & MAINTENANCE EQUIP	13,935	10,435
	Contract Delays	—3,500	—3,500
125	FIRE FIGHTING EQUIPMENT	12,853	12,853
126	TACTICAL VEHICLES	31,741	25,241
	FMTV Contract Savings	—2,300	—2,300
	Energy Initiative Unjustified Requirement	—4,200	—4,200
127	AMPHIBIOUS EQUIPMENT	3,132	3,132
128	POLLUTION CONTROL EQUIPMENT	5,154	5,154
129	ITEMS UNDER \$5 MILLION	24,770	24,770
130	PHYSICAL SECURITY VEHICLES	1,128	1,128
131	MATERIALS HANDLING EQUIPMENT	15,504	14,030
	General Purpose Forklift Cost Growth	—1,474	—1,474
132	OTHER SUPPLY SUPPORT EQUIPMENT	6,655	6,655
133	FIRST DESTINATION TRANSPORTATION	6,315	6,315
134	SPECIAL PURPOSE SUPPLY SYSTEMS	66,549	66,549
135	TRAINING SUPPORT EQUIPMENT	11,429	11,429
137	COMMAND SUPPORT EQUIPMENT	47,306	37,840
	BUPERS Software Cost Growth	—2,500	—2,500
	SPAWAR Hardware Items Cost Growth	—1,080	—1,080
	ERP Kits Cost Growth	—900	—900
	JFCOM National Small Unit Center	—3,075	—3,075
	Future Pay and Personnel System Ahead of Need	—1,911	—1,911
138	EDUCATION SUPPORT EQUIPMENT	2,067	2,067
139	MEDICAL SUPPORT EQUIPMENT	7,679	5,679
	Fleet Allowance List Outfitting Cost Growth	—2,000	—2,000
141	NAVAL MIP SUPPORT EQUIPMENT	1,433	1,433
143	OPERATING FORCES SUPPORT EQUIPMENT	12,754	12,754
144	C4ISR EQUIPMENT	5,317	5,317
145	ENVIRONMENTAL SUPPORT EQUIPMENT	20,033	20,033
146	PHYSICAL SECURITY EQUIPMENT	154,805	141,475
	Shipboard Protection System Installation Costs Excess to Need	—5,500	—5,500
	Shipboard Protection System Support Cost Growth	—6,000	—6,000
	Biometrics Ahead of Need	—1,830	—1,830
XX	PROCUREMENT INNOVATION	15,000	15,000
	Procurement Innovation	+15,000	+15,000
147	ENTERPRISE INFORMATION TECHNOLOGY	377,353	159,653
	Navy Requested Transfer to OM,N AGSAG BSIT for NGEN	—217,700	—217,700
149	SPARES AND REPAIR PARTS	215,906	215,906
	CLASSIFIED PROGRAMS	19,767	19,767
	TOTAL, OTHER PROCUREMENT, NAVY	6,450,208	5,804,963
PROCUREMENT, MARINE CORPS			
1	AAV7A1 PIP	7,749	7,749
2	LAV PIP	41,277	41,277
4	EXPEDITIONARY FIRE SUPPORT SYSTEM	9,723	9,723
5	155MM LIGHTWEIGHT TOWED HOWITZER	10,356	10,356
6	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	22,230	22,230
7	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	26,091	26,091
9	MODIFICATION KITS	40,916	30,559
	Unexecutable Program—M1A1 Survivability Kits	—10,357	—10,357
10	WEAPONS ENHANCEMENT PROGRAM	13,115	13,115
11	GROUND BASED AIR DEFENSE	5,175	3,855
	Program Adjustment	—1,320	—1,320
13	FOLLOW ON TO SMAW	21,570	21,570
14	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,315	20,315

P-1		Budget Request	Recommendation
15	MODIFICATION KITS	3,798	3,798
16	COMBAT OPERATIONS CENTER	10,776	10,776
17	REPAIR AND TEST EQUIPMENT	25,636	25,636
18	COMBAT SUPPORT SYSTEM	32,877	32,877
20	ITEMS UNDER \$5 MILLION (COMM & ELEC)	3,405	3,405
21	AIR OPERATIONS C2 SYSTEMS	67,568	67,568
22	RADAR SYSTEMS	860	860
23	FIRE SUPPORT SYSTEM	3,906	3,906
24	INTELLIGENCE SUPPORT EQUIPMENT	92,377	92,377
25	RQ-11 UAV	32,490	16,490
	Program Delay—Tier 2 UAS		—16,000
26	DCGS-MC	4,582	0
	DCGS-MC Program Delay		—4,582
28	COMMON COMPUTER RESOURCES	258,947	218,947
	Unjustified Request—MC Intranet		—40,000
29	COMMAND POST SYSTEMS	33,021	33,021
30	RADIO SYSTEMS	40,551	20,051
	Program Delay—JTRS handheld		—20,500
31	COMM SWITCHING & CONTROL SYSTEMS	32,279	22,279
	Execution Delay—WNS-1		—10,000
32	COMM & ELEC INFRASTRUCTURE SUPPORT	15,278	15,278
33	COMMERCIAL PASSENGER VEHICLES	1,157	1,157
34	COMMERCIAL CARGO VEHICLES	12,696	12,696
35	5/4T TRUCK HMMVV (MYP)	4,849	0
	Service Requested Reduction		—4,849
36	MOTOR TRANSPORT MODIFICATIONS	5,253	5,253
37	MEDIUM TACTICAL VEHICLE REPLACEMENT	11,721	11,721
38	LOGISTICS VEHICLE SYSTEM REPLACEMENT	133,827	133,827
39	FAMILY OF TACTICAL TRAILERS	19,156	19,156
40	TRAILERS	8,075	8,075
41	ITEMS LESS THAN \$5 MILLION	6,016	6,016
42	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,110	5,110
43	BULK LIQUID EQUIPMENT	10,743	10,743
44	TACTICAL FUEL SYSTEMS	29,330	29,330
45	POWER EQUIPMENT ASSORTED	19,419	19,419
46	AMPHIBIOUS SUPPORT EQUIPMENT	11,718	11,718
47	EOD SYSTEMS	64,093	64,093
48	PHYSICAL SECURITY EQUIPMENT	16,419	16,419
49	GARRISON MOBILE ENGR EQUIP	10,976	10,976
50	MATERIAL HANDLING EQUIP	24,376	24,376
51	FIRST DESTINATION TRANSPORTATION	2,748	2,748
52	FIELD MEDICAL EQUIPMENT	6,722	6,722
53	TRAINING DEVICES	5,668	5,668
54	CONTAINER FAMILY	897	897
55	FAMILY OF CONSTRUCTION EQUIPMENT	18,261	18,261
57	BRIDGE BOATS	12,567	12,567
58	RAPID DEPLOYABLE KITCHEN	4,283	4,283
59	ITEMS LESS THAN \$5 MILLION	7,572	7,572
60	SPARES AND REPAIR PARTS	13,524	13,524
TOTAL, PROCUREMENT, MARINE CORPS		1,344,044	1,236,436
AIRCRAFT PROCUREMENT, AIR FORCE			
1	F-35	3,729,242	4,064,442
	Air Force Requested Transfer from AP, AF line 43		+29,700
	Production Support Carryover		—60,000
	Delete Five Aircraft		—608,500
	Transfer Eight Aircraft from STOVV Variant		974,000
2	F-35 (AP-CY)	257,000	257,000
3	F-22A	158,039	158,039
5	C-17A (MYP)	14,283	48,683
	Air Force Requested Transfer from AP, AF line 88		+114,400
	Slow Execution		—80,000
6	C-130J	463,267	455,267
	Updated Pricing		—8,000
7	C-130J ADVANCE PROCUREMENT (CY)	48,000	40,000
	Updated Pricing		—8,000
8	HC-130J	349,300	307,800
	Updated Pricing		—41,500
9	HC-130J (AP-CY)	10,000	10,000
10	MC-130J	467,465	415,465
	Updated Pricing		—52,000
11	MC-130J (AP-CY)	60,000	60,000
14	JOINT CARGO AIRCRAFT	351,200	351,200
15	LIGHT MOBILITY AIRCRAFT	65,699	65,699
16	USAF POWERED FLIGHT PROGRAM	4,099	4,099
18	COMM VERT LIFT SPT PLATFORM (UH-1N)	6,432	0
	Air Force Requested Transfer to RDTE, AF line 113		—6,432
19	V-22 OSPREY	393,098	393,098
20	V-22 OSPREY (AP-CY)	13,621	13,621
24	CIVIL AIR PATROL A/C	2,424	2,424
25	HH-60M OPERATIONAL LOSS REPLACEMENT	104,447	104,447
27	STUASLO	3,253	3,253
28	TARGET DRONES	85,505	85,505
29	C-37A	52,000	52,000
30	RQ-4 UAV	649,629	503,029
	Air Force Requested Transfer to AP, AF line 31		—25,600
	Unjustified Cost Increase, Sensors		—11,000
	Unjustified Request, Spares		—110,000
31	RQ-4 UAV (AP-CY)	90,200	72,300
	Air Force Requested Transfer from AP, AF line 30		+25,600
	Air Force Adjustment		—43,500
32	MC 130 IN BA 04	9,932	0
	Air Force Requested Transfer to AC-130 Recap Program		—9,932
xx	AC-130 Recap		9,932
	Air Force Requested Transfer from MC-130 program		+9,932
34	MQ-9	863,595	318,131
	Spares		—167,788
	Support Equipment—Forward Funding		—42,000
	Production Support—Forward Funding		—98,376
	Funded Ahead of Need		—21,300
	Transfer 12 Aircraft to Title IX		—216,000
35	B-2A	63,371	63,371
37	B-1B	200,090	200,090
38	B-52	69,074	21,074
	CONNECT—Funded Ahead of Need		—35,000
	Transfer to RDTE, AF line 117 for Internal Weapons Bay		—13,000
39	A-10	165,361	187,361
	Program Increase—Helmet Mounting Cueing System		+22,000
40	F-15	302,235	337,041

P-1		Budget Request	Recommendation
.....	C/D Flight Data Recorder—Early to Need .....	.....	-11,408
.....	E-model Flight Data Recorder—Early to Need .....	.....	-11,786
.....	Program Reduction .....	.....	-4,000
.....	AESA Radar for ANG F-15Cs .....	.....	+62,000
41	F-16	167,188	167,188
42	F-22A	492,199	437,739
.....	Unjustified Request .....	.....	-54,460
43	F-35 MODIFICATIONS	123,936	4,636
.....	Funded Ahead of Need .....	.....	-82,000
.....	Air Force Requested Transfer to AP, AF line 1 .....	.....	-29,700
.....	Air Force Requested Transfer to RDTE, AF line 81 for Auto GCAS .....	.....	-7,600
44	C-5	740,369	37,252
.....	Block Upgrade—Ahead of Need .....	.....	-21,260
.....	Funded Ahead of Need .....	.....	-5,400
.....	Transfer C-5 RERP to New AP, AF Line .....	.....	-676,457
45	C-5 (AP-CY)	166,900	106,900
.....	Funded with fiscal year 2009 and 2010 funds .....	.....	-60,000
xx	C-5 RERP .....	.....	676,457
.....	Transfer C-5 RERP from AP, AF line 44 .....	.....	+676,457
46	C-9C	10	0
.....	Program Terminated .....	.....	-10
47	C-17A	351,614	217,547
.....	OBIGGS Kits—Reduction of Four kits .....	.....	-13,800
.....	Extended Range Retrofits Kits—Reduction of One Kit .....	.....	-5,267
.....	Excess to Need .....	.....	-98,000
.....	Funded Ahead of Need .....	.....	-17,000
48	C-21	339	339
49	C-32A	12,113	12,113
50	C-37A	12,162	12,162
51	GLIDER MODS	120	120
52	T6	24,644	24,644
53	T-1	83	83
54	T-38	28,288	26,288
.....	Funded Ahead of Need .....	.....	-2,000
56	KC-10A (ATCA)	13,777	11,777
.....	Funded Ahead of Need .....	.....	-2,000
57	C-12	7,645	7,645
58	MC-12W	10,826	10,826
59	C-20 MODS	736	736
60	VC-25A MOD	13,175	13,175
61	C-40	10,697	10,697
62	C-130	257,339	296,939
.....	Air Force Requested Transfer from RDTE, AF line 220 for Avionics Upgrades to Special Mission Aircraft .....	.....	+65,000
.....	Excess to Need .....	.....	-25,400
63	C-130 MODS INTEL	3,963	3,963
64	C130J MODS	80,205	64,205
.....	Contract Slip—Crashworthy Seats .....	.....	-16,000
65	C-135	44,228	37,428
.....	Block 45 Contract Delay .....	.....	-8,400
.....	Low Cost Modifications .....	.....	+1,600
66	COMPASS CALL MODS	176,558	101,558
.....	EC-130 Program Full Funding Violation .....	.....	-75,000
67	DARP	105,540	105,540
68	E-3	195,163	195,163
69	E-4	37,526	37,526
70	E-8	188,504	6,397
.....	E-8 Reengining—Ahead of Need .....	.....	-120,407
.....	Engine Installs—Ahead of Need .....	.....	-5,000
.....	Funded Ahead of Need .....	.....	-56,700
71	H-1	2,457	2,457
72	H-60	11,630	41,930
.....	Funded Ahead of Need .....	.....	-1,700
.....	Simulators and Low Cost Modifications .....	.....	+32,000
73	RQ-4 UAV MODS	119,415	116,415
.....	Unjustified Cost Increase—ASIP sensors .....	.....	-3,000
74	HC/MC-130 MODIFICATIONS	1,944	1,944
75	OTHER AIRCRAFT	159,423	15,723
.....	Transfer FAB-T Funds to RDTE, AF line 180 .....	.....	-119,700
.....	Delete FAB-T Funds—Early to Need .....	.....	-24,000
76	MQ-1 MODS	208,213	20,213
.....	Excess to Need .....	.....	-188,000
77	MQ-9 MODS	108,922	0
.....	Contract Delay—GCS .....	.....	-50,884
.....	Contract Delay—Reaper Retrofits .....	.....	-58,038
78	MQ-9 PAYLOAD—UAS	115,383	0
.....	Transfer to Title IX .....	.....	-115,383
79	CV-22 MODS	13,964	13,964
80	INITIAL SPARES/REPAIR PARTS	622,020	698,220
.....	Unjustified Request—Joint Stars Re-engining Spares .....	.....	-11,700
.....	Program Increase—F-22 Engine Spares .....	.....	+100,000
.....	Excess to Need .....	.....	-12,100
81	AIRCRAFT REPLACEMENT SUPPORT EQUIP	91,701	58,301
.....	Underexecution .....	.....	-20,000
.....	Funded Ahead of Need .....	.....	-13,400
82	B-1	6,791	6,791
83	B-2A	26,217	26,217
84	B-52	3,443	1,743
.....	Funded Ahead of Need .....	.....	-1,700
85	C-5	195	195
87	KC-10A (ATCA)	5,702	5,702
88	C-17A	153,347	20,947
.....	Air Force Requested Transfer to AP, AF line 5 .....	.....	-114,400
.....	Unjustified Funding for Shutdown Activities .....	.....	-18,000
89	C-130	28,295	28,295
91	F-15 POST PRODUCTION SUPPORT	21,599	17,599
.....	Excess to Need .....	.....	-4,000
92	F-16 POST PRODUCTION SUPPORT	17,838	12,738
.....	Excess to Need .....	.....	-5,100
93	T-6	9,450	9,450
94	OTHER AIRCRAFT	53,953	53,953
96	INDUSTRIAL PREPAREDNESS	24,619	24,619
97	WAR CONSUMABLES	92,939	92,939
98	OTHER PRODUCTION CHARGES	1,079,742	912,372
.....	Funded Ahead of Need .....	.....	-6,732
.....	Transfer to Title IX .....	.....	-160,638
99	OTHER PRODUCTION CHARGES—MQ-1	37,500	37,500
104	DARP	19,117	19,117
.....	CLASSIFIED PROGRAMS	12,981	12,981
.....	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	15,366,508	13,483,739

P-1		Budget Request	Recommendation
MISSILE PROCUREMENT, AIR FORCE			
1	MISSILE REPLACEMENT EQ-BALLISTIC	60,647	60,647
2	JASSM	215,825	215,825
3	SIDEWINDER (AIM-9X)	64,523	64,523
4	AMRAAM	355,358	348,358
	Support Funding Carryover		— 7,000
5	PREDATOR HELLFIRE MISSILE	44,570	44,570
6	SMALL DIAMETER BOMB	134,884	119,884
	Accounting Error		— 15,000
7	INDUSTRIAL PREPAREDNESS/POLLUTION PREVENTION	833	833
8	ADVANCED CRUISE MISSILE	48	48
9	MM III MODIFICATIONS	123,378	133,178
	Air Force Requested Transfer from RDTE, AF line 175 for MEECN		+9,800
10	AGM-65D MAVERICK	260	260
11	AGM-88A HARM	4,079	4,079
12	AIR LAUNCH CRUISE MISSILE	10,795	10,795
13	INITIAL SPARES/REPAIR PARTS	43,192	43,192
14	ADVANCED EHF	38,078	38,078
15	ADVANCED EHF (AP-CY)	208,520	208,520
16	WIDEBAND GAPFILLER SATELLITES	517,601	517,601
17	WIDEBAND GAPFILLER SATELLITES (AP-CY)	58,110	58,110
18	GPS III SPACE SEGMENT	122,490	122,490
19	SPACEBORNE EQUIP (COMSEC)	14,894	14,894
20	GLOBAL POSITIONING (SPACE)	64,609	64,609
23	DEF METEOROLOGICAL SAT PROG (SPACE)	88,719	88,719
24	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	1,153,976	1,153,976
26	SBIR HIGH (SPACE)	700,704	700,704
27	SBIR HIGH (SPACE) (AP-CY)	270,000	270,000
28	NATL POLAR-ORBITING OP ENV SATELLITE	26,308	0
	Program Termination-Early to Need		— 26,308
33	SPECIAL UPDATE PROGRAMS	247,584	247,584
	CLASSIFIED PROGRAMS	893,287	893,287
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	5,463,272	5,424,764
PROCUREMENT OF AMMUNITION, AIR FORCE			
1	ROCKETS	19,106	19,106
2	CARTRIDGES	141,049	141,049
3	PRACTICE BOMBS	34,094	23,442
	BDU-56A/B CDI Program Delay		— 10,652
4	GENERAL PURPOSE BOMBS	183,845	183,845
5	JOINT DIRECT ATTACK MUNITION	104,642	179,361
	Additional JDAM for War Reserve Stockpile		+74,719
6	CAD/PAD	37,016	37,016
7	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3,383	3,383
8	SPARES AND REPAIR PARTS	1,000	1,000
9	MODIFICATIONS	1,112	1,112
10	ITEMS LESS THAN \$5,000,000	5,015	5,015
11	FLARES	72,758	72,758
12	FUZES	57,337	57,337
13	SMALL ARMS	7,063	7,063
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	667,420	731,487
OTHER PROCUREMENT, AIR FORCE			
1	PASSENGER CARRYING VEHICLE	29,207	29,207
2	FAMILY MEDIUM TACTICAL VEHICLE	45,618	37,618
	Contract Savings		— 8,000
3	CAP VEHICLES	902	902
4	ITEMS LESS THAN \$5M (CARGO)	31,773	31,773
5	SECURITY AND TACTICAL VEHICLES	52,867	48,867
	Up-Armored HMMWV Unjustified Cost Growth		— 4,000
6	ITEMS LESS THAN \$5M	18,358	18,358
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	26,924	26,924
9	ITEMS LESS THAN \$5,000,000	14,501	14,501
10	RUNWAY SNOW REMOVAL & CLEANING EQUIP	25,404	25,404
11	ITEMS LESS THAN \$5M	54,570	54,570
13	COMSEC EQUIPMENT	216,381	180,381
	Unjustified Growth		— 36,000
14	MODIFICATIONS (COMSEC)	1,582	0
	Undefined Requirement		— 1,582
15	INTELLIGENCE TRAINING EQUIPMENT	2,634	2,634
16	INTELLIGENCE COMM EQUIP	30,685	30,685
17	TRAFFIC CONTROL/LANDING	6,517	6,517
18	NATIONAL AIRSPACE SYSTEM	112,056	88,940
	Site Activation Ahead of Need		— 23,116
19	THEATER AIR CONTROL SYS IMPRO	55,326	55,326
20	WEATHER OBSERVATION FORECAST	21,018	18,045
	OS-21 Contract Delays		— 2,973
21	STRATEGIC COMMAND AND CONTROL	28,164	28,164
22	CHEYENNE MOUNTAIN COMPLEX	18,416	15,716
	Contract Delays		— 2,700
23	TAC SIGINT SPT	377	377
25	GENERAL INFORMATION TECHNOLOGY	74,285	74,285
26	AF GLOBAL COMMAND & CONTROL SYSTEM	9,210	9,210
27	MOBILITY COMMAND AND CONTROL	8,688	7,388
	Contract Delays		— 1,300
28	AIR FORCE PHYSICAL SECURITY SYSTEM	99,281	99,281
29	COMBAT TRAINING RANGES	29,637	49,637
	Training Range Enhancements		+20,000
30	C3 COUNTERMEASURES	11,112	11,112
31	GCSS-AF FOS	53,349	31,335
	ECSS Ahead of Need		— 20,914
	CMOS Excess to Need		— 1,100
32	THEATER BATTLE MGT C2 SYS	20,525	20,525
33	AIR OPERATIONS CENTER (AOC)	58,284	38,534
	Technical Refresh Unjustified Growth		— 15,000
	Recurring Events Unjustified Growth		— 4,750
34	INFORMATION TRANSPORT SYSTEMS	101,993	56,993
	Unjustified Growth		— 45,000
35	BASE INFORMATION INFRASTRUCTURE	193,830	113,830
	Unjustified Growth		— 80,000
36	AFNET	151,643	91,643
	Unjustified Growth		— 60,000
37	VOICE SYSTEMS	25,399	15,399
	Unjustified Growth		— 10,000
38	USCENTCOM	36,020	36,020
39	SPACE BASED IR SENSOR PROG SPACE	24,804	24,804
40	NAVSTAR GPS SPACE	5,279	5,279

P-1		Budget Request	Recommendation
41	NUDET DETECTION SYS (NDS) SPACE	5,926	5,926
42	AF SATELLITE CONTROL NETWORK SPACE	60,383	60,383
43	SPACELIFT RANGE SYSTEM SPACE	91,004	91,004
44	MILSATCOM SPACE	221,545	190,717
	FAB-T Early to Need		-7,538
	AFWET Modernization Enterprise Terminal Ahead of Need		-23,290
45	SPACE MODS SPACE	18,384	18,384
46	COUNTERSPACE SYSTEM	18,801	18,801
47	TACTICAL C-E EQUIPMENT	268,140	242,995
	JTC Training and Rehearsal System Ahead of Need		-25,145
48	COMBAT SURVIVOR EVADER LOCATER	34,925	34,925
49	RADIO EQUIPMENT	14,541	7,041
	Contract Delays		-7,500
50	CCTV/AUDIOVISUAL EQUIPMENT	11,613	11,613
51	BASE COMM INFRASTRUCTURE	108,308	108,308
52	COMM ELEC MODS	74,356	68,538
	US Ahead of Need		-2,300
	BMEWS Ahead of Need		-2,000
	OS-21 Contract Delays		-1,518
53	NIGHT VISION GOGGLES	20,873	14,573
	Night Vision Cueing and Display Contract Delays		-6,300
54	ITEMS LESS THAN \$5,000,000 (SAFETY)	14,292	14,292
55	MECHANIZED MATERIAL HANDLING	12,853	12,853
56	BASE PROCURED EQUIPMENT	4,788	4,788
57	CONTINGENCY OPERATIONS	28,390	27,190
	Rapid Airfield Damage Assessment System Ahead of Need		-1,200
58	PRODUCTIVITY CAPITAL INVESTMENT	1,879	1,879
59	MOBILITY EQUIPMENT	38,558	38,558
60	ITEMS LESS THAN \$5M (BASE SUPPORT)	4,989	4,989
62	DARP RC135	23,296	23,296
63	DISTRIBUTED GROUND SYSTEMS	271,015	264,015
	Program Reduction		-7,000
65	SPECIAL UPDATE PROGRAM	489,680	439,680
	Classified Adjustment		-50,000
66	DEFENSE SPACE RECONNAISSANCE PROGRAM	32,668	32,668
XX	PROCUREMENT INNOVATION		15,000
	Procurement Innovation		+15,000
70	SPARES AND REPAIR PARTS	19,046	19,046
	CLASSIFIED PROGRAMS	14,258,508	14,396,445
	Classified Adjustment		+137,937
	TOTAL, OTHER PROCUREMENT, AIR FORCE	17,845,380	17,568,091
PROCUREMENT, DEFENSE-WIDE			
1	MAJOR EQUIPMENT, BTA	4,000	4,000
2	MAJOR EQUIPMENT, DCCA, ITEMS LESS THAN \$5M	1,477	1,477
3	MAJOR EQUIPMENT, DCMA	2,052	2,052
4	MAJOR EQUIPMENT, DHRA, PERSONNEL ADMINISTRATION	32,263	32,263
17	INFORMATION SYSTEMS SECURITY	14,625	14,625
18	GLOBAL COMMAND AND CONTROL SYS	5,275	5,275
19	GLOBAL COMBAT SUPPORT SYSTEM	2,803	2,803
20	TELEPORT PROGRAM	78,227	78,227
21	ITEMS LESS THAN \$5M	153,288	153,288
22	NET CENTRIC ENTERPRISE SERVICES (NCES)	4,391	4,391
23	DEFENSE INFORMATION SYSTEMS NETWORK	86,206	86,206
24	PUBLIC KEY INFRASTRUCTURE	1,710	1,710
27	CYBER SECURITY INITIATIVE	22,493	22,493
28	MAJOR EQUIPMENT, DLA	4,846	4,846
29	COST	10,478	10,478
30	MAJOR EQUIPMENT, DODEA, AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,451	1,451
31	VEHICLES	50	50
32	OTHER MAJOR EQUIPMENT	12,007	12,007
34	TERMINAL HIGH ALTITUDE AREA DEFENSE FIELDING	858,870	586,870
	Production Delay Due to Investigation of Failed Safety Component		-272,000
35	AEGIS FIELDING	94,080	94,080
35A	ISRAELI COOPERATIVE PROGRAMS	0	205,000
	Iron Dome Program		+205,000
45	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	2,546	2,546
50	MAJOR EQUIPMENT, OSD	124,050	124,050
51	MAJOR EQUIPMENT, INTELLIGENCE	20,138	20,138
53	MAJOR EQUIPMENT, TJS	11,526	11,526
54	MAJOR EQUIPMENT, WHS	27,179	27,179
55	SOF ROTARY WING UPGRADES AND SUSTAINMENT	79,840	79,840
55A	MH-47G	0	100,449
	SOCOM Requested Transfer from P,DW line 56		+100,449
56	MH-47 SERVICE LIFE EXTENSION PROGRAM	107,934	7,485
	SOCOM Requested Transfer to P,DW line 55A		-100,449
57	MH-60 SOF MODERNIZATION PROGRAM	179,375	137,875
	SOCOM Requested Transfer to RDTE,DW line 268		-25,100
	Quantity Reduction Due to Program Delay		-16,400
58	NON-STANDARD AVIATION	179,949	58,681
	Medium NSAV - Transfer to Title IX		-121,268
60	SOF TANKER RECAPITALIZATION	19,996	4,996
	Contract Delays		-15,000
61	SOF U-28	404	404
62	RQ-11 UAV	2,090	2,090
63	CV-22 SOF MODIFICATION	124,035	124,035
64	MQ-1 UAV	1,948	1,948
65	MQ-9 UAV	1,965	1,965
66	STUASLO	12,148	12,148
67	C-130 MODIFICATIONS	22,500	9,261
	Low Cost Modifications - Execution		-7,039
	Aircrew Situational Awareness System		-6,200
68	AIRCRAFT SUPPORT	489	489
69X	PROCUREMENT INNOVATION	0	15,000
	Procurement Innovation		+15,000
70	MK VIII MOD 1 - SEAL DELIVERY VEH	823	823
71	SOF ORDNANCE REPLENISHMENT	79,608	79,608
72	SOF ORDNANCE ACQUISITION	24,215	24,215
73	COMM EQUIPMENT & ELECTRONICS	58,390	44,390
	SOF Deployable Node Delays Due to Protests		-14,000
74	SOF INTELLIGENCE SYSTEMS	75,892	81,092
	Program Increase - Unfunded Requirement		+5,200
75	SMALL ARMS & WEAPONS	30,094	30,094
76	DCGS-SOF	5,225	5,225
77	MARITIME EQUIPMENT MODS	206	206
79	SOF COMBATANT CRAFT SYSTEMS	11,706	8,306
	Unvalidated Requirement - Large SFA Craft		-3,400
80	SPARES AND REPAIR PARTS	977	977
81	TACTICAL VEHICLES	30,965	33,365

P-1		Budget Request	Recommendation
82	Program Increase - AFSOC Unfunded Requirement		+2,400
	MISSION TRAINING AND PREPARATIONS SYSTEMS	28,354	18,354
	MH-60M Simulator Modernization Program		-10,000
83	COMBAT MISSION REQUIREMENTS	20,000	20,000
84	MILCON COLLATERAL EQUIPMENT	102,556	102,556
88	SOF AUTOMATION SYSTEMS	52,353	52,353
89	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	9,714	9,714
90	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	30,900	30,900
91	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	221	5,661
	Program Increase - Unfunded Requirement		+5,440
92	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEM	18,626	18,626
93	SOF TACTICAL RADIO SYSTEMS	35,234	37,554
	Program Increase - Unfunded Requirement		+2,320
94	SOF MARITIME EQUIPMENT	804	804
96	MISCELLANEOUS EQUIPMENT	7,774	7,774
97	SOF OPERATIONAL ENHANCEMENTS	269,182	263,182
	Program Increase - HSAC Unfunded Requirement		+4,000
	Program Adjustment		-10,000
98	PSYOP EQUIPMENT	25,266	25,266
99	INSTALLATION FORCE PROTECTION	90,635	90,635
100	INDIVIDUAL PROTECTION	74,686	74,686
101	DECONTAMINATION	21,570	21,570
102	JOINT BIOLOGICAL DEFENSE PROGRAM	19,389	10,389
	Reduction for Anthrax Vaccine Purchased by HHS		-9,000
103	COLLECTIVE PROTECTION	27,542	27,542
104	CONTAMINATION AVOIDANCE	136,114	136,114
	CLASSIFIED PROGRAMS	682,643	681,643
	Classified Adjustment		-1,000
	TOTAL, PROCUREMENT, DEFENSE-WIDE	4,280,368	4,009,321
DEFENSE PRODUCTION ACT			
	GALLIUM NITRIDE X-BAND MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	2,000	2,000
	GALLIUM NITRIDE RADAR AND ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	8,579	8,579
	GALLIUM NITRIDE ADVANCED ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS	2,000	2,000
	BERYLLIUM SUPPLY INDUSTRIAL BASE	6,897	6,897
	SPACE	770	770
	NATIONAL SECURITY SPACE INDUSTRIAL AND SUPPLY BASE RISK MITIGATION PROGRAM	8,500	10,900
	Program Increase		+2,400
	ALTERNATIVE ENERGY FROM ORGANIC SOURCES		3,200
	TOTAL, DEFENSE PRODUCTION ACT	28,746	34,346
	TOTAL, PROCUREMENT	111,189,951	102,121,873

R-1		Budget Request	Recommendation
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY			
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	21,780	21,780
2	DEFENSE RESEARCH SCIENCES	195,845	195,845
3	UNIVERSITY RESEARCH INITIATIVES	91,161	87,561
	V72-Transfer to D55		-3,300
	D55-Transfer from V72		+3,300
	V72-Non-Department of Defense funding		-3,600
4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	98,087	98,087
5	MATERIALS TECHNOLOGY	29,882	29,882
6	SENSORS AND ELECTRONIC SURVIVABILITY	48,929	48,929
7	TRACTOR HIP	14,624	14,624
8	AVIATION TECHNOLOGY	43,476	43,476
9	ELECTRONIC WARFARE TECHNOLOGY	17,330	17,330
10	MISSILE TECHNOLOGY	49,525	49,525
11	ADVANCED WEAPONS TECHNOLOGY	18,190	18,190
12	ADVANCED CONCEPTS AND SIMULATION	20,582	20,582
13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	64,740	64,740
14	BALLISTICS TECHNOLOGY	60,342	60,342
15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	5,324	10,924
	Emerging Chemical Agent Threat		+5,600
16	JOINT SERVICE SMALL ARMS PROGRAM	7,893	7,893
17	WEAPONS AND MUNITIONS TECHNOLOGY	42,645	42,645
18	ELECTRONICS AND ELECTRONIC DEVICES	60,859	60,859
19	NIGHT VISION TECHNOLOGY	40,228	40,228
20	COUNTERMINE SYSTEMS	19,118	19,118
21	HUMAN FACTORS ENGINEERING TECHNOLOGY	21,042	21,042
22	ENVIRONMENTAL QUALITY TECHNOLOGY	18,364	22,364
	Research, Development and Engineering Command		+4,000
23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	25,573	25,573
24	COMPUTER AND SOFTWARE TECHNOLOGY	6,768	6,768
25	MILITARY ENGINEERING TECHNOLOGY	79,189	75,184
	Joint Integrated Base Defense Program Office transfer to line 60 at request of the Army		-4,005
26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	22,198	22,198
27	WARFIGHTER TECHNOLOGY	27,746	27,746
28	MEDICAL TECHNOLOGY	96,797	96,797
29	WARFIGHTER ADVANCED TECHNOLOGY	37,364	37,364
30	MEDICAL ADVANCED TECHNOLOGY	71,510	115,510
	Peer-Reviewed Neurotoxin Exposure Treatment Parkinsons Research Program		+20,000
	Neurofibromatosis Research		+16,000
	Military Burn Trauma Research Program		+8,000
31	AVIATION ADVANCED TECHNOLOGY	57,454	57,454
32	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	64,438	64,438
33	COMBAT VEHICLE AND AUTOMOTIVE ADV TECHNOLOGY	89,499	125,819
	Alternative Energy		+36,320
34	COMMAND, CONTROL, COMMUNICATIONS ADV TECH	8,102	8,102
35	MANPOWER, PERSONNEL AND TRAINING ADV TECH	7,921	7,921
36	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,359	50,359
37	TRACTOR HIKE	8,015	8,015
38	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	15,334	15,334
39	TRACTOR ROSE	12,309	12,309
41	MILITARY HIV RESEARCH	6,688	26,688
	HIV Research		+20,000
42	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	10,550	10,550
43	ELECTRONIC WARFARE TECHNOLOGY	18,350	18,350
44	MISSILE AND ROCKET ADVANCED TECHNOLOGY	84,553	79,053
	P 704 excessive growth without strategy		-5,500
45	TRACTOR CAGE	9,986	9,986
46	LANDMINE WARFARE AND BARRIER ADVANCED TECH	26,953	26,953
47	JOINT SERVICE SMALL ARMS PROGRAM	9,151	9,151

R-1		Budget Request	Recommendation
48	NIGHT VISION ADVANCED TECHNOLOGY	39,912	39,912
49	ENVIRONMENTAL QUALITY TECHNOLOGY DEMO	15,878	15,878
50	MILITARY ENGINEERING ADVANCED TECHNOLOGY	27,393	24,393
	Program reduction		-3,000
51	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	24,873	24,873
53	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	11,455	11,455
54	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	27,551	27,551
56	LANDMINE WARFARE AND BARRIER-ADV DEV	15,596	15,596
57	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	2,425	2,425
58	TANK AND MEDIUM CALIBER AMMUNITION	42,183	37,183
	AK6 120mm cartridge EMD Phase II contract award delay		-5,000
59	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	136,302	207,702
	S-MOD milestone B delay		-57,000
	Stryker DVH		+128,400
60	SOLDIER SUPPORT AND SURVIVABILITY	18,556	8,239
	Joint Integrated Base Defense Program Office-Transfer from line 25 at request of the Army		+4,005
	REF funded in Title IX		-14,322
61	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM-AD	17,962	12,162
	Unsustained growth		-5,800
62	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	0	5,159
	CSP-Transfer from line 177 at request of the Army		+5,159
63	ENVIRONMENTAL QUALITY TECHNOLOGY	4,695	4,695
64	WARFIGHTER INFORMATION NETWORK-TACTICAL	190,903	190,903
65	NATO RESEARCH AND DEVELOPMENT	5,060	5,060
66	AVIATION-ADV DEV	8,355	8,355
67	LOGISTICS AND ENGINEER EQUIPMENT-ADV DEV	80,490	65,315
	ILTV EMD contract award delay		-15,175
68	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION	14,290	14,290
69	MEDICAL SYSTEMS-ADV DEV	28,132	28,132
70	SOLDIER SYSTEMS-ADVANCED DEVELOPMENT	48,323	48,323
71	INTEGRATED BROADCAST SERVICE	970	970
72	ENDURANCE UAVS	93,000	93,000
73	AIRCRAFT AVIONICS	89,210	74,210
	SOSCOE Apache Block III integration change in requirements		-15,000
74	ARMED, DEPLOYABLE OH-58D	72,550	72,550
75	ELECTRONIC WARFARE DEVELOPMENT	172,269	149,755
	CIRCM test and evaluation funds requested ahead of need		-22,514
76	JOINT TACTICAL RADIO	784	784
77	ALL SOURCE ANALYSIS SYSTEM	22,574	18,074
	EMD contract award delay		-4,500
78	TRACTOR CAGE	23,194	23,194
79	INFANTRY SUPPORT WEAPONS	80,337	70,337
	S62 - Milestone B delay		-10,000
80	MEDIUM TACTICAL VEHICLES	3,710	3,710
81	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	5,335	5,335
82	JAVELIN	9,999	0
	Lack of acquisition strategy		-9,999
83	FAMILY OF HEAVY TACTICAL VEHICLES	3,519	3,519
84	AIR TRAFFIC CONTROL	9,892	9,892
85	LIGHT TACTICAL WHEELED VEHICLES	1,990	1,990
86	NON-LINE OF SIGHT LAUNCH SYSTEM	81,247	0
	Program termination		-81,247
89	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	568,711	498,711
	Program reduction		-70,000
90	FCS RECONNAISSANCE (UAV) PLATFORMS	50,304	50,304
91	FCS UNMANNED GROUND VEHICLES	249,948	200,000
	Program reduction		-49,948
92	FCS UNATTENDED GROUND SENSORS	7,515	7,515
93	FCS SUSTAINMENT & TRAINING R&D	610,389	610,389
95	NIGHT VISION SYSTEMS-SDD	52,549	52,549
96	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,118	2,118
97	NON-SYSTEM TRAINING DEVICES-SDD	27,756	27,756
98	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE-SDD	34,209	34,209
99	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	30,291	30,291
100	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,041	14,041
101	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)-SDD	15,547	15,547
103	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	27,670	27,670
105	WEAPONS AND MUNITIONS-SDD	24,345	15,345
	PGK Increment II EMD delay		-9,000
106	LOGISTICS AND ENGINEER EQUIPMENT-SDD	41,039	41,039
107	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	90,736	75,736
	JBC-P unsustained growth		-15,000
108	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	34,474	34,474
109	LANDMINE WARFARE/BARRIER-SDD	95,577	49,577
	Project 016-Scorpion acceleration funded in prior approval reprogramming		-16,000
	Project 415-ASTAMIDS/GSTAMIDS lack of acquisition strategy		-30,000
110	ARTILLERY MUNITIONS	26,371	26,371
111	COMBAT IDENTIFICATION	29,884	3,000
	Unexecutable request		-26,884
112	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	60,970	60,970
113	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	13,576	13,576
114	FIREFINDER	24,736	24,736
115	SOLDIER SYSTEMS—WARRIOR DEM/VAL	20,886	20,886
116	ARTILLERY SYSTEMS	53,624	103,624
	Program Increase		+20,000
	Transfer from WTCVA line 12 for Paladin PIM		+30,000
117	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM	467,139	467,139
118	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,276	7,276
119	INFORMATION TECHNOLOGY DEVELOPMENT	23,957	23,957
120	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMH)	100,500	60,500
	Excessive growth without acquisition strategy		-40,000
121	JOINT AIR-TO-GROUND MISSILE (JAGM)	130,340	130,340
122	SLAMRAAM	23,700	23,700
123	PAC-2/MSE MISSILE	62,500	62,500
124	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	251,124	251,124
125	MANNED GROUND VEHICLE	934,366	461,100
	Program adjustment		-473,266
126	AERIAL COMMON SENSOR	211,500	211,500
127	TROJAN-RH12	3,697	3,697
128	ELECTRONIC WARFARE DEVELOPMENT	21,571	13,571
	EW5-Unsustained growth		-8,000
129	THREAT SIMULATOR DEVELOPMENT	26,158	26,158
130	TARGET SYSTEMS DEVELOPMENT	8,614	8,614
131	MAJOR T&E INVESTMENT	42,102	42,102
132	RAND ARROYO CENTER	20,492	20,492
133	ARMY KWAJALEIN ATOLL	163,788	163,788
134	CONCEPTS EXPERIMENTATION PROGRAM	17,704	17,704
136	ARMY TEST RANGES AND FACILITIES	393,937	412,257
	Army Test Range Infrastructure unfunded requirement		+18,320
137	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	59,040	67,760

R-1		Budget Request	Recommendation
138	Test and Evaluation Instrumentation unfunded requirement		+8,720
	SURVIVABILITY/LETHALITY ANALYSIS	41,812	43,412
	Test and Evaluation Instrumentation unfunded requirement		+1,600
139	DOD HIGH ENERGY LASER TEST FACILITY	4,710	4,710
140	AIRCRAFT CERTIFICATION	5,055	5,055
141	METEOROLOGICAL SUPPORT TO RD&E ACTIVITIES	7,185	7,185
142	MATERIEL SYSTEMS ANALYSIS	18,078	19,278
	Test and Evaluation Instrumentation unfunded requirement		+1,200
143	EXPLOITATION OF FOREIGN ITEMS	5,460	5,460
144	SUPPORT OF OPERATIONAL TESTING	68,191	68,191
145	ARMY EVALUATION CENTER	61,450	64,090
	Test and Evaluation Instrumentation unfunded requirement		+2,640
146	SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	3,926	3,926
147	PROGRAMWIDE ACTIVITIES	73,685	73,685
148	TECHNICAL INFORMATION ACTIVITIES	73,685	73,685
149	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	48,309	48,309
	Project 862-155mm HE projectile underfunded new start	53,338	44,042
	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT		-3,296
150	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	3,195	3,195
151	MLRS PRODUCT IMPROVEMENT PROGRAM	16,154	16,154
153	GMLRS AW EMD contract award delay	51,619	25,619
	AEROSTAT JOINT PROJECT OFFICE		-26,000
154	INTELLIGENCE SUPPORT TO CYBER (ISC) MIP	372,493	372,493
155	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	2,360	2,360
156	COMBAT VEHICLE IMPROVEMENT PROGRAMS	24,622	24,622
157	MANEUVER CONTROL SYSTEM	204,481	204,481
158	AIRCRAFT MODS/PRODUCT IMPROVEMENT PROGRAMS	25,540	25,540
159	P430 - Chinook RW crashworthy seating previously fully funded	134,999	124,856
	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROG		-10,143
160	DIGITIZATION	710	710
161	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	6,329	6,329
162	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	3,935	3,935
163	TRACTOR CARD	24,280	24,280
165	JOINT TACTICAL GROUND SYSTEM	14,870	14,870
167	JOINT HIGH SPEED VESSEL (JHSV)	12,403	12,403
168	INFORMATION SYSTEMS SECURITY PROGRAM	3,153	3,153
171	Protected Information - Biometrics - Transfer to line 171x	54,784	11,905
171x	FAMILY OF BIOMETRICS	0	-42,879
	Protected Information - Biometrics - Transfer from line 171		+42,879
172	GLOBAL COMBAT SUPPORT SYSTEM	125,569	125,569
173	SATCOM GROUND ENVIRONMENT (SPACE)	33,694	33,694
174	WMCCS/GLOBAL COMMAND AND CONTROL SYS	13,024	13,024
177	TACTICAL UNMANNED AERIAL VEHICLES	54,300	49,141
	CSP - Transfer of HD IR funds to line 62 at request of the Army for execution		-5,159
178	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	103,002	103,002
179	MQ-1 SKY WARRIOR A UAV	123,156	123,156
180	RQ-11 UAV	1,599	1,599
181	RQ-7 UAV	7,805	7,805
183	BIOMETRICS ENABLED INTELLIGENCE	14,114	2,114
	Protected Information - Biometrics		-12,000
185	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	61,098	61,098
xx	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
	CLASSIFIED PROGRAMS	4,447	4,447
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		10,333,392	9,710,998
RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
1	UNIVERSITY RESEARCH INITIATIVES	108,679	108,679
2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	17,979	17,979
3	DEFENSE RESEARCH SCIENCES	429,767	429,767
4	POWER PROJECTION APPLIED RESEARCH	98,150	98,150
5	FORCE PROTECTION APPLIED RESEARCH	107,448	147,448
	Alternative Energy		+40,000
6	MARINE CORPS LANDING FORCE TECHNOLOGY	43,776	43,776
8	COMMON PICTURE APPLIED RESEARCH	70,168	70,168
9	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	113,724	113,724
10	RF SYSTEMS APPLIED RESEARCH	83,902	83,902
11	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,491	49,491
12	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,002	6,002
13	UNDERSEA WARFARE APPLIED RESEARCH	69,186	69,186
14	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	36,833	36,833
15	POWER PROJECTION ADVANCED TECHNOLOGY	117,908	117,908
16	FORCE PROTECTION ADVANCED TECHNOLOGY	61,877	61,877
17	COMMON PICTURE ADVANCED TECHNOLOGY	96,720	96,720
18	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	98,261	98,261
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	82,143	82,143
20	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	115,089	115,089
21	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,131	11,131
22	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,076	55,336
	C.W. Bill Young Bone Marrow Donor Recruitment and Research Program		+31,500
	Program Increase - Tactical Athlete Program		+5,760
23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	49,276	53,276
	Program Increase - ASW Research		+4,000
24	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	53,177	53,177
25	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	21,941	21,941
XX	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
26	AIR/OCEAN TACTICAL APPLICATIONS	123,331	118,331
	JMAPS program delay		-5,000
27	AVIATION SURVIVABILITY	9,480	9,480
28	DEPLOYABLE JOINT COMMAND AND CONTROL	4,275	4,275
29	ASW SYSTEMS DEVELOPMENT	8,249	8,249
30	TACTICAL AIRBORNE RECONNAISSANCE	6,452	6,452
31	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,658	1,658
32	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	81,347	79,247
	Unmanned Surface Sweep System program delay		-2,100
33	SURFACE SHIP TORPEDO DEFENSE	57,796	50,796
	Milestone B delay		-7,000
34	CARRIER SYSTEMS DEVELOPMENT	93,830	91,830
	Navy requested transfer to line 49 for Automatic Test and Re-Test		-2,000
35	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	51	51
36	PILOT FISH	81,784	81,784
37	RETRACT LARCH	142,858	142,858
38	RETRACT JUNIPER	134,497	134,497
39	RADIOLOGICAL CONTROL	1,358	1,358
40	SURFACE ASW	21,673	21,673
41	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	608,566	559,266
	Execution delays		-49,300
42	SUBMARINE TACTICAL WARFARE SYSTEMS	5,590	5,590

R-1		Budget Request	Recommendation
43	SHIP CONCEPT ADVANCED DESIGN	17,883	17,883
44	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	1,796	1,796
45	ADVANCED NUCLEAR POWER SYSTEMS	366,509	366,509
46	ADVANCED SURFACE MACHINERY SYSTEMS	5,459	5,459
47	CHALK EAGLE	447,804	447,804
48	LITTORAL COMBAT SHIP (LCS)	226,288	189,588
	LCS-2 post shakedown availability delay		- 15,800
	LCS-1 post shakedown availability planning funding excess		- 500
	NLOS missile termination		- 15,400
	Program Increase - Mine Warfare Testing Disruption		+4,000
	Navy requested transfer to line 49 for Automatic Test and Re-Test		- 2,000
	Program Increase - Small Business Technology Insertion (Mine Warfare Modules)		+8,000
	Savings from accelerated DT		- 15,000
49	COMBAT SYSTEM INTEGRATION	24,344	34,344
	Navy requested transfer from lines 34, 48, 107, 122 and 136 for Automatic Test and Re-Test		+10,000
50	CONVENTIONAL MUNITIONS	5,388	5,388
51	MARINE CORPS ASSAULT VEHICLES	242,765	222,765
	Expeditionary Fighting Vehicle		- 165,000
	Termination Liability, or SDD if certified by the Secretary		+145,000
52	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	40,505	28,505
	JLTV EMD contract award delay		- 12,000
53	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	25,873	25,873
54	COOPERATIVE ENGAGEMENT	52,282	52,282
55	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	13,560	13,560
56	ENVIRONMENTAL PROTECTION	20,207	20,207
57	NAVY ENERGY PROGRAM	30,403	34,403
	Program Increase - Alternative Energy from Organic Sources		+4,000
58	FACILITIES IMPROVEMENT	3,746	3,746
59	CHALK CORAL	71,920	71,920
60	NAVY LOGISTIC PRODUCTIVITY	4,139	4,139
61	RETRACT MAPLE	219,463	219,463
62	LINK PLUMERIA	58,030	58,030
63	RETRACT ELM	183,187	183,187
64	SHIP SELF DEFENSE	4,385	4,385
65	LINK EVERGREEN	41,433	41,433
66	SPECIAL PROCESSES	36,457	36,457
67	NATO RESEARCH AND DEVELOPMENT	9,196	9,196
68	LAND ATTACK TECHNOLOGY	905	905
69	NONLETHAL WEAPONS	43,272	43,272
70	JOINT PRECISION APPROACH AND LANDING SYSTEMS	159,151	159,151
73	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS		8,000
	Directed Energy Development and Test		+8,000
74	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES	51,693	51,693
75	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE	56,542	50,242
	Program delay		- 6,300
76	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	25,121	25,121
77	SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE	34,793	34,793
78	ASW SYSTEMS DEVELOPMENT - MIP	2,161	2,161
79	SUBMARINE TACTICAL WARFARE SYSTEMS - MIP	4,253	4,253
80	ELECTRONIC WARFARE DEVELOPMENT - MIP	663	663
81	OTHER HELO DEVELOPMENT	44,329	44,329
82	AV-8B AIRCRAFT - ENG DEV	22,867	22,867
83	STANDARDS DEVELOPMENT	45,667	45,667
84	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	55,792	55,792
85	AIR/OCEAN EQUIPMENT ENGINEERING	5,735	5,735
86	P-3 MODERNIZATION PROGRAM	3,574	3,574
87	WARFARE SUPPORT SYSTEM	3,733	3,733
88	TACTICAL COMMAND SYSTEM	89,955	87,955
	Systems engineering growth		- 2,000
89	ADVANCED HAWKEYE	171,132	171,132
90	H-1 UPGRADES	60,498	60,498
91	ACOUSTIC SEARCH SENSORS	64,834	64,834
92	V-22A	46,070	44,425
	Fuel forward funded in fiscal year 2010 supplemental		- 1,645
93	AIR CREW SYSTEMS DEVELOPMENT	8,689	11,189
	Transfer from AP,N line 52 for Common Mobile Aircrew Restraint System		+2,500
94	EA-18	22,042	21,773
	Fuel forward funded in fiscal year 2010 supplemental		- 269
95	ELECTRONIC WARFARE DEVELOPMENT	80,819	80,819
96	VH-71A EXECUTIVE HELO DEVELOPMENT	159,785	159,785
97	NEXT GENERATION JAMMER (NGJ)	120,602	90,602
	Technology development contract delay		- 30,000
98	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	687,723	627,723
	Airborne Maritime Fixed unjustified increase		- 60,000
100	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	193,933	193,933
101	LPD-17 CLASS SYSTEMS INTEGRATION	1,373	1,373
102	SMALL DIAMETER BOMB (SDB)	44,091	24,091
	Program delay		- 20,000
103	STANDARD MISSILE IMPROVEMENTS	96,186	96,186
104	AIRBORNE MCM	45,885	45,885
105	NAVAL INTEGRATED FIRE CONTROL-COUNTER AIR SYSTEMS ENG	21,517	21,517
106	ADVANCED ABOVE WATER SENSORS	274,371	274,371
107	SSN-688 AND TRIDENT MODERNIZATION	118,897	112,197
	Navy requested transfer to line 49 for Automatic Test and Re-Test		- 2,000
	Communications at Speed and Depth		- 4,700
108	AIR CONTROL	5,665	5,665
109	SHIPBOARD AVIATION SYSTEMS	70,117	70,117
110	COMBAT INFORMATION CENTER CONVERSION	5,044	5,044
111	NEW DESIGN SSN	155,489	171,489
	Program Increase - Small Business Technology Insertion		+16,000
112	SUBMARINE TACTICAL WARFARE SYSTEM	50,537	50,537
113	SHIP CONTRACT DESIGN/LIVE FIRE T&E	153,686	166,686
	Full Ship Shock Trial Alternative transfer from line 136		+13,000
114	NAVY TACTICAL COMPUTER RESOURCES	4,443	4,443
115	MINE DEVELOPMENT	5,455	5,455
116	LIGHTWEIGHT TORPEDO DEVELOPMENT	25,282	25,282
117	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,489	10,489
118	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	10,759	10,759
119	JOINT STANDOFF WEAPON SYSTEMS	12,567	12,567
120	SHIP SELF DEFENSE (DETECT & CONTROL)	45,930	45,930
121	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	5,860	5,860
122	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	84,525	82,525
	Navy requested transfer to line 49 for Automatic Test and Re-Test		- 2,000
123	INTELLIGENCE ENGINEERING	6,820	6,820
124	MEDICAL DEVELOPMENT	12,337	29,137
	Wound Care Research		+10,400
	Military Dental Research		+6,400
125	NAVIGATION/ID SYSTEM	66,636	66,636
126	JOINT STRIKE FIGHTER (JSF)—EMD	667,916	613,864
	Block IV capabilities funding ahead of need		- 29,052

R-1		Budget Request	Recommendation
.....	Underexecution of test program		-25,000
127	JOINT STRIKE FIGHTER (JSF)	707,791	676,806
.....	Block IV capabilities funding ahead of need		-29,000
.....	Fuel forward funded in fiscal year 2010 supplemental		-1,985
128	INFORMATION TECHNOLOGY DEVELOPMENT	22,783	22,783
129	INFORMATION TECHNOLOGY DEVELOPMENT	28,280	28,280
130	NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	27,444	15,444
.....	Reduction to pre-development activities		-12,000
131	CH-53K	577,435	577,435
133	JOINT AIR-TO-GROUND MISSILE (JAGM)	100,846	100,846
134	MULTI-MISSION MARITIME AIRCRAFT (MMA)	929,240	941,240
.....	Program Increase—Small Business Technology Insertion		+12,000
136	DDG-1000	549,241	534,241
.....	Navy requested transfer to line 49 for Automatic Test and Re-Test		-2,000
.....	Full Ship Shock Trial Alternative transfer to line 113		-13,000
137	TACTICAL COMMAND SYSTEM—MIP	1,318	1,318
138	SSN-588 AND TRIDENT MODERNIZATION—MIP	1,415	1,415
139	TACTICAL CRYPTOLOGIC SYSTEMS	17,019	12,387
.....	Execution delays		-4,632
140	THREAT SIMULATOR DEVELOPMENT	18,755	18,755
141	TARGET SYSTEMS DEVELOPMENT	66,066	66,066
142	MAJOR T&E INVESTMENT	37,522	37,522
143	STUDIES AND ANALYSIS SUPPORT—NAVY	8,149	8,149
144	CENTER FOR NAVAL ANALYSES	49,165	49,165
146	TECHNICAL INFORMATION SERVICES	662	662
147	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	58,329	58,329
148	STRATEGIC TECHNICAL SUPPORT	3,451	3,451
149	RD&E SCIENCE AND TECHNOLOGY MANAGEMENT	72,094	72,094
150	RD&E SHIP AND AIRCRAFT SUPPORT	95,332	93,871
.....	Fuel forward funded in fiscal year 2010 supplemental		-1,461
151	TEST AND EVALUATION SUPPORT	376,418	376,418
152	OPERATIONAL TEST AND EVALUATION CAPABILITY	15,746	15,746
153	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,013	4,013
154	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	19,700	19,700
155	MARINE CORPS PROGRAM WIDE SUPPORT	17,721	17,721
156	TACTICAL CRYPTOLOGIC ACTIVITIES	1,859	1,859
157	SERVICE SUPPORT TO JFCOM, JNJC	4,260	4,260
161	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT	266,368	266,368
162	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	81,184	71,184
.....	Conventional Trident Modification		-10,000
163	SSBN SECURITY TECHNOLOGY PROGRAM	34,997	34,997
164	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	6,815	6,815
165	NAVY STRATEGIC COMMUNICATIONS	10,331	10,331
166	RAPID TECHNOLOGY TRANSITION (RTT)	35,120	35,120
167	F/A-18 SQUADRONS	148,438	148,438
168	E-2 SQUADRONS	19,011	19,011
169	FLEET TELECOMMUNICATIONS (TACTICAL)	26,894	26,894
170	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	10,587	10,587
171	INTEGRATED SURVEILLANCE SYSTEM	23,464	23,464
172	AMPHIBIOUS TACTICAL SUPPORT UNITS	4,357	4,357
173	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	50,750	50,750
174	CRYPTOLOGIC DIRECT SUPPORT	1,519	1,519
175	ELECTRONIC WARFARE (EW) READINESS SUPPORT	39,398	39,398
176	HARM IMPROVEMENT	14,207	12,207
.....	Systems engineering growth		-2,000
177	TACTICAL DATA LINKS	28,854	28,854
178	SURFACE ASW COMBAT SYSTEM INTEGRATION	32,877	36,877
.....	Program Increase—Small Business Technology Insertion		+4,000
179	MK-48 ADCAP	26,234	34,234
.....	Program Increase—Small Business Technology Insertion		+8,000
180	AVIATION IMPROVEMENTS	133,611	100,890
.....	F-135 engine ahead of need		-27,000
.....	Multi-purpose bomb rack program delay		-5,721
181	NAVY SCIENCE ASSISTANCE PROGRAM	3,535	3,535
182	OPERATIONAL NUCLEAR POWER SYSTEMS	74,229	74,229
183	MARINE CORPS COMMUNICATIONS SYSTEMS	245,298	232,898
.....	Joint Cooperative Target Identification—Ground		-12,400
184	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	100,424	76,424
.....	Marine personnel carrier program delay		-20,000
.....	LAV-AT contract delay		-4,000
185	MARINE CORPS COMBAT SERVICES SUPPORT	19,466	19,466
186	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	20,316	20,316
187	TACTICAL AIM MISSILES	912	912
188	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,633	2,633
189	JOINT HIGH SPEED VESSEL (JHSV)	3,586	3,586
194	SATELLITE COMMUNICATIONS (SPACE)	422,268	422,268
195	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES	63,563	44,563
.....	Increment 1 transition contract delay		-19,000
196	INFORMATION SYSTEMS SECURITY PROGRAM	25,934	25,934
199	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES—MIP	8,375	8,375
201	COBRA JUDY	36,527	36,527
202	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	63,878	63,878
203	JOINT MILITARY INTELLIGENCE PROGRAMS	4,435	4,435
204	TACTICAL UNMANNED AERIAL VEHICLES	35,212	18,912
.....	Marinized UAS		-16,300
206	AIRBORNE RECONNAISSANCE SYSTEMS		50,200
.....	Program increase		+5,200
.....	EP-3/SPA systems development		+45,000
207	MANNED RECONNAISSANCE SYSTEMS	19,263	19,263
208	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	8,377	8,377
209	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS	16,665	16,665
210	RQ-4 UAV	529,250	529,250
211	MQ-8 UAV	10,665	10,665
212	RQ-11 UAV	512	512
213	RQ-7 UAV	934	934
214	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	26,209	26,209
215	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	18,098	12,710
.....	STUAS Lite termination		-5,388
218	MODELING AND SIMULATION SUPPORT	8,158	8,158
219	DEPOT MAINTENANCE (NON-IF)	18,649	18,649
220	AVIONICS COMPONENT IMPROVEMENT PROGRAM	3,250	3,250
221	INDUSTRIAL PREPAREDNESS	46,173	46,173
.....	CLASSIFIED PROGRAMS	1,284,901	1,499,901
.....	Classified adjustment		+215,000
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	17,693,496	17,736,303
RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
1	DEFENSE RESEARCH SCIENCES	350,978	350,978
2	UNIVERSITY RESEARCH INITIATIVES	136,297	136,297

R-1		Budget Request	Recommendation
3	HIGH ENERGY LASER RESEARCH INITIATIVES	13,198	13,198
4	MATERIALS	137,273	137,273
5	AEROSPACE VEHICLE TECHNOLOGIES	144,699	144,699
6	HUMAN EFFECTIVENESS APPLIED RESEARCH	87,452	87,452
7	AEROSPACE PROPULSION	207,049	204,049
	Unjustified program growth		-3,000
8	AEROSPACE SENSORS	157,497	159,897
	Program Increase—Materials for Structures, Propulsion, and Subsystems		+2,400
9	SPACE TECHNOLOGY	111,857	111,857
10	CONVENTIONAL MUNITIONS	61,330	61,330
11	DIRECTED ENERGY TECHNOLOGY	103,596	114,896
	Re-alignment of funding for ground optical imaging research and technology		+11,300
13	DOMINANT INFORMATION SCIENCES AND METHODS	117,283	115,783
	Transfer to line 11		-1,500
14	HIGH ENERGY LASER RESEARCH	53,384	53,384
15	ADVANCED MATERIALS FOR WEAPON SYSTEMS	33,414	40,414
	Transfer to line 11		-1,000
	Metals Affordability Initiative		+8,000
16	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,935	2,935
17	ADVANCED AEROSPACE SENSORS	44,677	44,677
18	AEROSPACE TECHNOLOGY DEV/DEMO	53,588	52,588
	Transfer to line 11		-1,000
19	AEROSPACE PROPULSION AND POWER TECHNOLOGY	136,135	134,135
	Transfer to line 11		-2,000
21	ELECTRONIC COMBAT TECHNOLOGY	16,992	16,992
22	ADVANCED SPACECRAFT TECHNOLOGY	83,705	80,115
	Transfer to line 11		-3,590
23	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,899	13,399
	Program Increase		+7,500
24	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	24,814	24,814
25	CONVENTIONAL WEAPONS TECHNOLOGY	15,755	15,755
26	ADVANCED WEAPONS TECHNOLOGY	17,461	17,461
27	MANUFACTURING TECHNOLOGY PROGRAM	39,701	47,701
	Program Increase—Best Industrial Process for Department of Defense Depots		+8,000
28	BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION	32,382	32,382
30	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	1,847	1,847
XX	RESEARCH AND DEVELOPMENT INNOVATION	0	105,000
	Research and Development Innovation		+105,000
31	INTELLIGENCE ADVANCED DEVELOPMENT	5,019	5,019
32	PHYSICAL SECURITY EQUIPMENT	3,576	1,000
	Unjustified program request		-2,576
33	GPS III—OPERATIONAL CONTROL SEGMENT	0	356,867
	Operational Control Segment (OCX)—Transfer from line 212		+356,867
34	ADVANCED EHF MILSATCOM (SPACE)	351,817	394,817
	Program Increase—Capabilities Insertion Program		+43,000
35	POLAR MILSATCOM (SPACE)	164,232	164,232
36	SPACE CONTROL TECHNOLOGY	45,012	45,012
37	COMBAT IDENTIFICATION TECHNOLOGY	26,172	36,172
	Program Increase—Automatic Dependent Surveillance—Broadcast		+10,000
38	NATO RESEARCH AND DEVELOPMENT	4,372	4,372
39	INTERNATIONAL SPACE COOPERATIVE R&D	635	635
40	SPACE PROTECTION PROGRAM (SPP)	8,349	8,349
42	INTEGRATED BROADCAST SERVICE	20,580	20,580
43	INTERCONTINENTAL BALLISTIC MISSILE	66,745	66,745
44	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	36,123	79,123
	Program Increase—Capabilities Insertion Program		+43,000
45	POLLUTION PREVENTION (DEM/VAL)	2,534	2,534
46	JOINT PRECISION APPROACH AND LANDING SYSTEMS	13,952	13,952
47	NEXT GENERATION BOMBER	198,957	198,957
48	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	0	12,000
	Program Increase—GMTI Radar Development		+12,000
49	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM	22,389	22,389
50	JOINT DUAL ROLE AIR DOMINANCE MISSILE	9,799	9,799
51	REQUIREMENTS ANALYSIS AND MATURATION	34,339	34,339
52	NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT	0	20,000
	Program Increase—Acquisition Planning and Studies		+20,000
53	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	32,513	22,513
	Program delay		-10,000
54	ALTERNATIVE FUELS	24,064	24,064
55	AUTOMATED AIR-TO-AIR REFUELING	85	85
56	OPERATIONALLY RESPONSIVE SPACE	93,978	125,978
	Program Increase - Responsive Launch Capabilities		+32,000
57	TECH TRANSITION PROGRAM	12,260	12,260
58	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT	325,505	100,000
	Program Reduction		-225,505
58A	DEFENSE WEATHER SATELLITE SYSTEM (DWSS)		75,000
	DWSS-only for defense sensor development		+75,000
59	GLOBAL BROADCAST SERVICE (GBS)	18,171	18,171
60	NUCLEAR WEAPONS SUPPORT	60,545	60,545
62	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	8,066	8,066
64	ELECTRONIC WARFARE DEVELOPMENT	89,966	89,966
65	JOINT TACTICAL RADIO	631	631
66	TACTICAL DATA NETWORKS ENTERPRISE	102,941	102,941
67	PHYSICAL SECURITY EQUIPMENT	50	50
68	SMALL DIAMETER BOMB (SDB)	153,505	100,505
	SDB II-Contract Award Delay		-53,000
69	COUNTERSPACE SYSTEMS	40,276	40,276
70	SPACE SITUATION AWARENESS SYSTEMS	426,525	350,425
	SBSS Follow On		-45,100
	Space Fence		-35,000
	Integration of Missile Defense Agency radar systems into Space Surveillance Network		+4,000
71	AIRBORNE ELECTRONIC ATTACK	25,937	25,937
72	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	530,047	530,047
74	ARMAMENT/ORDNANCE DEVELOPMENT	6,693	6,693
75	SUBMUNITIONS	1,622	1,622
76	AGILE COMBAT SUPPORT	37,987	37,987
77	LIFE SUPPORT SYSTEMS	10,650	10,650
78	COMBAT TRAINING RANGES	36,905	36,905
79	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
80	INTELLIGENCE EQUIPMENT	1,364	1,364
81	JOINT STRIKE FIGHTER (JSF)	883,773	1,051,210
	Air Force requested transfer from line 135		+159,837
	Air Force requested transfer for Auto GCAS from AP,AF line 43		+7,600
82	INTERCONTINENTAL BALLISTIC MISSILE	71,843	71,843
83	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	30,245	55,245
	Program Increase - EELV Common Upper Stage		+25,000
85	NEXT GENERATION AERIAL REFUELING AIRCRAFT	863,875	0
	Transfer to Tanker Transfer Fund		-863,875
86	CSAR HH-60 RECAPITALIZATION	12,584	0
	Program Termination		-12,584

R-1		Budget Request	Recommendation
86A	HH-60 RDT&E	0	1,934
	Terrain and Traffic Avoidance Systems-Transfer from line 86		+1,934
88	HC/MC-130 RECAP RDT&E	15,536	15,536
91	SINGLE INTEGRATED AIR PICTURE (SIAP)	1,832	0
	Program termination		-1,832
92	FULL COMBAT MISSION TRAINING	57,393	57,393
94	JOINT CARGO AIRCRAFT (JCA)	26,407	26,407
95	CV-22	18,270	18,270
96	AIRBORNE SENIOR LEADER C3 (SLC3S)	15,826	7,826
	Contract award delay for SLC3S-A Communications Program (SCP)		-8,000
97	THREAT SIMULATOR DEVELOPMENT	21,245	21,245
98	MAJOR T&E INVESTMENT	61,587	61,587
99	RAND PROJECT AIR FORCE	26,752	26,752
101	INITIAL OPERATIONAL TEST & EVALUATION	20,665	20,665
102	TEST AND EVALUATION SUPPORT	759,868	759,868
103	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	23,551	23,551
104	SPACE TEST PROGRAM (STP)	47,623	47,623
105	FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL	46,327	46,327
106	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	27,579	27,579
107	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	18,901	18,901
108	ACQUISITION AND MANAGEMENT SUPPORT	24,968	24,968
109	GENERAL SKILL TRAINING	1,544	1,544
111	INTERNATIONAL ACTIVITIES	3,764	3,764
113	COMMON VERTICAL LIFT SUPPORT PLATFORM	0	4,000
	Air Force requested transfer from AP,AF line 18		+4,000
114	AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	43,300	23,300
	Funding ahead of need		-20,000
115	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	42,255	42,255
117	B-52 SQUADRONS	146,096	140,896
	EHF Request - early to need		-24,700
	Program Increase to continue advanced targeting pod integration		+6,500
	Air Force requested transfer from AP,AF line 38 for Internal Weapons Bay		+13,000
118	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,631	3,631
119	B-1B SQUADRONS	33,234	33,234
120	B-2 SQUADRONS	260,466	276,466
	Program Increase-Mixed Loads and Other Capabilities		+16,000
121	STRAT WAR PLANNING SYSTEM - USSTRATCOM	28,441	28,441
122	NIGHT FIST-USSTRATCOM	5,359	5,359
125	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION	23,732	23,732
126	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	15	15
127	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	10,580	10,580
128	MQ-9 UAV	125,427	125,427
129	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	15,574	15,574
130	A-10 SQUADRONS	5,661	5,661
131	F-16 SQUADRONS	129,103	129,103
132	F-15E SQUADRONS	222,677	207,677
	Contract award delays		-15,000
133	MANNED DESTRUCTIVE SUPPRESSION	12,937	12,937
134	F-22 SQUADRONS	576,330	511,330
	Modernization program		-100,000
	MADL-Transfer from line 155		+35,000
135	F-35 SQUADRONS	217,561	0
	Block 4 Development		-57,724
	Air Force requested transfer to line 81		-159,837
136	TACTICAL AIM MISSILES	6,040	6,040
137	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,922	62,922
138	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,407	2,407
139	COMBAT RESCUE AND RECOVERY	944	944
140	COMBAT RESCUE-PARARESCUE	2,921	2,921
141	AF TENCAP	11,648	11,648
142	PRECISION ATTACK SYSTEMS PROCUREMENT	3,017	3,017
143	COMPASS CALL	20,652	20,652
144	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	147,396	120,626
	F-135 Component Improvement Program-premature request		-26,770
146	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	20,000	20,000
147	AIR AND SPACE OPERATIONS CENTER (AOC)	93,102	93,102
148	CONTROL AND REPORTING CENTER (CRC)	58,313	58,313
149	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	239,755	229,755
	Contract award and schedule delays for Block 40/45 EMD and DRAGON		-10,000
151	ADVANCED COMMUNICATIONS SYSTEMS	67,532	67,532
153	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	3,310	3,310
154	THEATER BATTLE MANAGEMENT (TBM) C4I	15,170	15,170
155	FIGHTER TACTICAL DATA LINK	85,492	23,992
	MADL-Transfer to line 134		-61,500
157	C2ISR TACTICAL DATA LINK	1,584	1,584
158	COMMAND AND CONTROL (C2) CONSTELLATION	24,229	24,229
159	JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM	168,917	168,917
160	SEEK EAGLE	19,263	19,263
161	USAF MODELING AND SIMULATION	21,638	21,638
162	WARGAMING AND SIMULATION CENTERS	6,020	6,020
163	DISTRIBUTED TRAINING AND EXERCISES	2,863	2,863
164	MISSION PLANNING SYSTEMS	79,112	79,112
165	INFORMATION WARFARE SUPPORT	2,294	2,294
166	CYBER COMMAND ACTIVITIES	1,117	1,117
173	SPACE SUPERIORITY INTELLIGENCE	10,006	10,006
174	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	12,532	12,532
175	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	78,784	68,984
	MMPU Production-Air Force requested transfer to MP,AF line 9		-9,800
176	INFORMATION SYSTEMS SECURITY PROGRAM	140,017	140,017
177	GLOBAL COMBAT SUPPORT SYSTEM	3,393	3,393
178	GLOBAL COMMAND AND CONTROL SYSTEM	3,055	5,212
	Air Force requested transfer from line 179		+2,157
179	JOINT COMMAND AND CONTROL PROGRAM (UC2)	2,157	0
	Air Force requested transfer to line 178		-2,157
180	MILSATCOM TERMINALS	186,582	306,282
	FAB-T-Air Force requested transfer from AP,AF line 75		+119,700
182	AIRBORNE SIGINT ENTERPRISE	149,268	144,268
	Program execution		-5,000
185	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	5,708	5,708
186	CYBER SECURITY INITIATIVE	2,030	2,030
187	DOD CYBER CRIME CENTER	279	279
188	SATELLITE CONTROL NETWORK (SPACE)	21,667	21,667
189	WEATHER SERVICE	32,373	32,373
190	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC)	33,268	33,268
191	AERIAL TARGETS	63,573	58,573
	Program execution		-5,000
194	SECURITY AND INVESTIGATIVE ACTIVITIES	469	469
196	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	40	40
198	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	165,936	165,936
199	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)	34,471	34,471

R-1		Budget Request	Recommendation
201	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,572	4,572
202	SPACE WARFARE CENTER	2,929	2,929
203	SPACELIFT RANGE SYSTEM (SPACE)	9,933	9,933
204	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS	1,254	1,254
206	AIRBORNE RECONNAISSANCE SYSTEMS	168,963	90,263
	Wide Area Airborne Surveillance Program of Record - ahead of need		- 78,700
207	MANNED RECONNAISSANCE SYSTEMS	15,337	15,337
208	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	93,398	85,898
	Program Reduction		- 7,500
209	PREDATOR UAV (JIMP)	28,913	23,913
	Program execution		- 5,000
210	RQ-4 UAV	251,318	220,318
	Execution adjustment		- 31,000
211	NETWORK-CENTRIC COLLABORATIVE TARGET (NIARA)	7,267	7,267
212	GPS III SPACE SEGMENT	828,171	446,304
	Operational Control Segment (OCX)—Transfer to line 33		- 381,867
213	JSPOC MISSION SYSTEM	132,706	109,506
	JSPOC Mission System		- 28,000
	Karnac		+4,800
214	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,512	5,512
215	NUDET DETECTION SYSTEM (SPACE)	72,199	72,199
216	NATIONAL SECURITY SPACE OFFICE	10,630	0
	Program termination—Funding transferred to Executive Agent for Space, OM,AF		- 10,630
217	SPACE SITUATION AWARENESS OPERATIONS	43,838	43,838
218	INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP	21,912	21,912
219	SHARED EARLY WARNING (SEW)	2,952	2,952
220	C-130 AIRLIFT SQUADRON	113,107	43,472
	Air Force requested transfer to AP,AF line 61		- 69,635
221	C-5 AIRLIFT SQUADRONS	58,990	58,990
222	C-17 AIRCRAFT	177,212	162,212
	Contract award delays		- 15,000
223	C-130J PROGRAM	26,770	26,770
224	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	17,227	17,227
225	KG-135S	20,453	20,453
226	KG-10S	56,669	41,669
	Milestone B slip		- 15,000
227	OPERATIONAL SUPPORT AIRLIFT	4,988	4,988
228	C-STOL AIRCRAFT	1,283	1,283
230	SPECIAL TACTICS/COMBAT CONTROL	7,345	7,345
231	DEPOT MAINTENANCE (NON-IF)	1,514	1,514
234	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	227,614	227,614
235	SUPPORT SYSTEMS DEVELOPMENT	6,141	38,141
	Alternative energy research and integration		+32,000
235A	AIR FORCE RECRUITING INFORMATION SUPPORT SYSTEM	0	5,100
	Air Force Recruiting Information Support System—Air Force requested transfer from OM, AF		+5,100
236	OTHER FLIGHT TRAINING	667	667
237	JOINT NATIONAL TRAINING CENTER	9	9
239	OTHER PERSONNEL ACTIVITIES	116	116
240	JOINT PERSONNEL RECOVERY AGENCY	6,107	6,107
242	CIVILIAN COMPENSATION PROGRAM	7,811	7,811
243	PERSONNEL ADMINISTRATION	11,179	11,179
244	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	49,816	49,816
	CLASSIFIED PROGRAMS	12,406,781	12,915,571
	Classified Adjustment		+508,790
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		27,247,302	26,517,405
RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE			
1	DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEARCH	47,412	47,412
2	DEFENSE RESEARCH SCIENCES	328,195	295,695
	Excessive growth		- 32,500
5	NATIONAL DEFENSE EDUCATION PROGRAM	109,911	94,311
	Unexecutable growth		- 15,600
6	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	49,508	49,508
7	INSENSITIVE MUNITIONS—EXPLORATORY DEVELOPMENT	22,448	20,448
	Excessive growth		- 2,000
8	HISTORICALLY BLACK COLLEGES & UNIV (HBCU) SCIENCE	15,067	23,067
	Program Increase		+8,000
9	LINCOLN LABORATORY RESEARCH PROGRAM	32,830	32,830
10	INFORMATION AND COMMUNICATIONS TECHNOLOGY	281,262	253,262
	DISCOVER contract award delays		- 10,000
	Extreme Computing contract award delays		- 18,000
11	COGNITIVE COMPUTING SYSTEMS	90,143	90,143
12	MACHINE INTELLIGENCE	44,682	44,682
13	BIOLOGICAL WARFARE DEFENSE	32,692	32,692
14	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	169,287	174,287
	TM1 BA 5 unexecutable funding transferred back to S&T at request of the Department		+5,000
15	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT	3,261	0
	Duplicate effort		- 3,261
16	CYBER SECURITY RESEARCH	10,000	5,000
	Lack of authorization		- 5,000
17	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APP	9,499	7,999
	Excessive growth		- 1,500
18	TACTICAL TECHNOLOGY	224,378	224,378
19	MATERIALS AND BIOLOGICAL TECHNOLOGY	312,586	307,586
	Unsustained growth		- 5,000
20	ELECTRONICS TECHNOLOGY	286,936	266,936
	Excessive growth		- 20,000
21	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	212,742	212,742
22	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	26,545	36,745
	Program Increase—Unfunded Requirement		+15,200
	Unexecutable growth		- 5,000
24	JOINT MUNITIONS ADVANCED TECH INSENSITIVE MUNITIONS AD	20,556	15,556
	Unjustified growth		- 5,000
25	SO/LIC ADVANCED DEVELOPMENT	44,423	44,423
26	COMBATING TERRORISM TECHNOLOGY SUPPORT	85,299	85,299
27	COUNTERPROLIFERATION INITIATIVES—PROLIF PREV & DEFEAT	295,163	295,163
28	BALLISTIC MISSILE DEFENSE TECHNOLOGY	132,220	92,220
	SM-3 Block IIB Development transfer to line 84, AEGIS BMD		- 40,000
29	JOINT ADVANCED CONCEPTS	6,808	6,808
30	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	22,700	22,700
31	AGILE TRANSPRO FOR THE 21ST CENTURY (AT21)—THEATER CA	750	750
32	ADVANCED AEROSPACE SYSTEMS	303,078	241,378
	ArLight		- 5,000
	ISIS lack of transition partner		- 21,700
	MoTr program delays		- 15,000
	Vulture program descope and delays		- 20,000
33	SPACE PROGRAMS AND TECHNOLOGY	98,130	98,130
34	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	177,113	222,713
	TM1 BA 5 unexecutable funding transferred back to S&T at request of the Department		+45,600

R-1		Budget Request	Recommendation
35	JOINT ELECTRONIC ADVANCED TECHNOLOGY	8,386	8,386
36	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	206,917	191,917
	Unjustified growth		-15,000
37	NETWORKED COMMUNICATIONS CAPABILITIES	30,035	25,035
	Unjustified growth		-5,000
38	JOINT DATA MANAGEMENT RESEARCH	6,289	4,289
	Excessive growth		-2,000
39	BIOMETRICS SCIENCE AND TECHNOLOGY	11,416	11,416
40	CYBER SECURITY ADVANCED RESEARCH	10,000	5,000
	Lack of authorization		-5,000
41	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADV	11,510	10,510
	Excessive growth		-1,000
42	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROG	18,916	42,916
	Industrial Base Innovation Fund		+24,000
43	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,943	9,943
44	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	20,542	20,542
45	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	29,109	29,109
46	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	68,021	64,021
	Unexecutable growth		-4,000
47	MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT	26,878	26,878
48	JOINT WARFIGHTING PROGRAM	10,966	10,966
49	ADVANCED ELECTRONICS TECHNOLOGIES	197,098	197,098
52	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	200,986	240,986
	Program adjustment		+40,000
53	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	219,809	219,809
54	CLASSIFIED DARPA PROGRAMS	167,008	150,308
	Poor justification materials		-16,700
55	NETWORK-CENTRIC WARFARE TECHNOLOGY	234,985	227,985
	Unsustained growth		-7,000
56	SENSOR TECHNOLOGY	205,032	205,032
58	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,986	13,986
59	SOFTWARE ENGINEERING INSTITUTE	30,910	30,910
61	QUICK REACTION SPECIAL PROJECTS	78,244	58,244
	Excessive growth		-13,000
	P826—Excess to Quick Reaction Fund requirements		-7,000
62	JOINT EXPERIMENTATION	111,946	91,946
	Excessive growth		-20,000
63	MODELING AND SIMULATION MANAGEMENT OFFICE	38,140	33,140
	Unexecutable growth		-5,000
64	DIRECTED ENERGY RESEARCH	98,688	123,688
	Program Increase		+25,000
65	TEST & EVALUATION SCIENCE & TECHNOLOGY	97,642	97,642
66	TECHNOLOGY TRANSFER	23,310	17,310
	Unjustified growth		-6,000
67	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	30,806	38,806
	SOF ACTD Programs		+8,000
68	AVIATION ENGINEERING ANALYSIS	4,234	4,234
69	SOF INFORMATION & BROADCAST SYSTEMS ADVANCED TECHNOLOG	4,942	4,942
69X	INNOVATIVE RESEARCH	0	124,200
	Program adjustment		+124,200
70	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	32,132	32,132
71	RETRACT LARCH	21,592	21,592
72	JOINT ROBOTICS PROGRAM	9,878	9,878
73	ADVANCE SENSOR APPLICATIONS PROGRAM	18,060	18,060
74	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	30,419	30,419
75	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	436,482	431,482
	Funding no longer required for transition to Reagan Test Site		-5,000
76	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	1,346,181	1,311,181
	Excess Award Fee and Test and Integration Delays		-35,000
78	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	277,062	271,062
	Improved Nerve Agent Treatment System—slow obligation rate in fiscal year 2010		-5,000
	Lightweight Chemical/Biological Ensemble execution delays		-1,000
79	BALLISTIC MISSILE DEFENSE SENSORS	454,859	392,159
	Transfer to line 88 for Concurrent Test, Training and Operations		-35,900
	Transfer to line 88 for TPY-2 C2BMC Fielding		-13,000
	Transfer to line 88 for BMDS Radars Communications Sustainment (TPY-2)		-13,800
81	BALLISTIC MISSILE DEFENSE TEST & TARGETS	1,113,425	1,008,525
	Transfer to lines 82 and 88		-94,900
	Funding no longer required for move to Reagan Test Site		-5,000
	Program Growth in Program Operations Systems Engineering and Systems Management		-5,000
82	BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS	402,769	406,269
	Transfer from line 81		+43,500
	Excessive contractor support, advisory services and program growth		-40,000
83	SPECIAL PROGRAMS—MDA	270,189	245,189
	Transfer to higher priority near-term MDA procurement programs		-25,000
84	AEGIS BMD	1,467,278	1,569,278
	Program growth		-12,000
	Navy requested transfer from OP,N line 109		+72,500
	Aegis BMD Ships—Navy requested transfer from OM,N line 1B5B		+1,500
	SM-3 Block IIB Development—transfer from line 28		+40,000
85	SPACE SURVEILLANCE & TRACKING SYSTEM	112,678	112,678
87	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	10,942	10,942
88	BALLISTIC MISSILE DEFENSE C2BMC	342,625	456,725
	Transfer from line 81 for Concurrent Test, Training and Operations		+51,400
	Transfer from line 79 for Concurrent Test, Training and Operations		+35,900
	Transfer from line 79 for TPY-2 C2BMC Fielding		+13,000
	Transfer from line 79 for BMDS Radar Communications Sustainment (TPY-2)		+13,800
90	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	68,726	58,726
	Duplication of effort with MDA core programs		-10,000
91	CENTER (MDIOC)	86,198	86,198
92	REGARDING TRENCH	7,529	7,529
93	SEA BASED X-BAND RADAR (SBX)	153,056	153,056
98	ISRAELI COOPERATIVE PROGRAMS	121,735	209,935
	David's Sling Weapons Program		+38,000
	Arrow System Improvement Program (ASIP)		+42,000
	Arrow 3 Upper Tier Interceptor Program		+8,200
99	HUMANITARIAN DEMINING	14,735	14,735
100	COALITION WARFARE	13,786	13,786
101	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,802	39,502
	Department of Defense Corrosion Prevention and Control Program		+34,700
102	DOD UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT	49,292	49,292
104	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RES	7,459	7,459
105	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,413	19,413
106	JOINT FIRES INTEGRATION & INTEROPERABILITY TEAM	16,637	16,637
107	LAND-BASED SM-3 (LBSM3)	281,378	281,378
108	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	318,800	318,800
109	PRECISION TRACKING SPACE SYSTEM RDT&E	66,969	36,969
	Transfer to higher priority near-term MDA procurement programs		-30,000
110	AIRBORNE INFRARED (ABIR)	111,671	76,671
	Transfer to higher priority near-term MDA procurement programs		-35,000

R-1		Budget Request	Recommendation
111	REDUCTION OF TOTAL OWNERSHIP COST	20,310	20,310
112	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	4,027	4,027
113	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	24,344	24,344
114	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT	7,973	7,973
115	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	239,861	239,861
116	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	407,162	300,562
	Plague Vaccine - slow obligation rate in fiscal year 2010		-5,000
	TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department		-65,600
	Bioscavenger Increment II schedule delays		-12,000
	Decontamination Family of Systems schedule delays		-9,000
	Next Generation Chemical Standoff Detection schedule delays		-9,000
	SSI NBGRS growth without acquisition strategy		-6,000
117	JOINT ROBOTICS PROGRAM	4,155	4,155
118	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	49,364	23,695
	Technology Initiatives Investment Fund		-25,669
119	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,954	20,954
120	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	7,307	7,304
121	INFORMATION TECHNOLOGY DEVELOPMENT	11,937	11,937
122	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	11,800	11,800
123	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	184,131	181,166
	VIPS Increment II contract award in fiscal year 2012		-2,965
124	HOMELAND PERSONNEL SECURITY INITIATIVE	391	391
125	OUSDC(C) IT DEVELOPMENT INITIATIVES	5,000	5,000
126	TRUSTED FOUNDRY	35,512	35,512
128	GLOBAL COMBAT SUPPORT SYSTEM	17,842	17,842
130	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE	1,590	1,590
132	DEFENSE READINESS REPORTING SYSTEM (DRRS)	5,113	5,113
133	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	8,052	8,052
134	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT	162,286	162,286
135	ASSESSMENTS AND EVALUATIONS	2,500	2,500
136	THERMAL VICAR	8,851	8,851
137	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	10,287	10,287
138	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	49,282	49,282
139	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	4,743	4,743
140	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	95,520	95,520
141	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	94,577	94,577
142	CLASSIFIED PROGRAM USD(P)	0	106,000
	Classified Program USD(P)		+106,000
143	FOREIGN COMPARATIVE TESTING	32,755	27,755
	Unjustified growth		-5,000
144	SYSTEMS ENGINEERING	29,824	37,024
	Sustainment of fiscal year 2010 level		+7,200
145	NUCLEAR MATTERS - PHYSICAL SECURITY	6,264	6,264
146	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	15,091	15,091
147	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,227	6,227
147X	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPACITY	0	12,000
	Program Increase - contract management services program		+12,000
148	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	120,995	120,995
155	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	2,189	2,189
156	DEFENSE TECHNOLOGY ANALYSIS	13,858	11,158
	P796 - Technical Grand Challenge Program		-2,700
157	FORCE TRANSFORMATION DIRECTORATE	19,701	19,701
158	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	61,054	58,554
	Excessive growth		-2,500
159	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	64,737	64,737
160	DEVELOPMENT TEST AND EVALUATION	18,688	25,888
	Sustainment of fiscal year 2010 level		+7,200
161	DARPA AGENCY RELOCATION	11,000	11,000
162	MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT)	56,257	56,257
163	BUDGET AND PROGRAM ASSESSMENTS	6,099	6,099
164	AVIATION SAFETY TECHNOLOGIES	10,900	10,900
165	JOINT STAFF ANALYTICAL SUPPORT	23,081	8,081
	Growth without acquisition strategy		-15,000
168	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	31,500	31,500
169	INFORMATION TECHNOLOGY RAPID ACQUISITION	5,135	5,135
170	CYBER SECURITY INITIATIVE	10,000	10,000
171	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	21,272	21,272
173	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	845	845
174	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION	92,253	48,688
	P 754 - Initiatives funded by Services		-33,315
	P 764 - NPSUE funding without program		-10,250
175	PENTAGON RESERVATION	20,482	20,482
176	MANAGEMENT HEADQUARTERS - MDA	29,754	29,754
177	IT SOFTWARE DEV INITIATIVES	278	278
	CLASSIFIED PROGRAMS	61,577	61,577
178	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	5,522	1,000
	Unjustified program		-4,522
179	REGIONAL INTERNATIONAL OUTREACH & PARTNERSHIP FOR PEACE	2,139	2,139
180	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM	290	290
181	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	6,634	6,634
183	JOINT INTEGRATION AND INTEROPERABILITY	44,139	44,139
185	CLASSIFIED PROGRAMS	2,288	2,288
186	C4I INTEROPERABILITY	74,023	74,023
188	JOINT/ALLIED COALITION INFORMATION SHARING	9,379	9,379
195	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	467	467
196	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,629	36,629
	Cyber Security Pilot Programs		+20,000
197	LONG HAUL COMMUNICATIONS (DCS)	9,130	9,130
198	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK	9,529	9,529
199	PUBLIC KEY INFRASTRUCTURE (PKI)	8,881	8,881
200	KEY MANAGEMENT INFRASTRUCTURE (KMI)	45,941	45,941
201	INFORMATION SYSTEMS SECURITY PROGRAM	14,077	14,077
202	INFORMATION SYSTEMS SECURITY PROGRAM	388,827	388,827
205	C4I FOR THE WARRIOR	2,261	2,261
206	GLOBAL COMMAND AND CONTROL SYSTEM	26,247	25,047
	Fiscal year 2012 testing		-1,200
207	JOINT SPECTRUM CENTER	20,991	20,991
208	NET-CENTRIC ENTERPRISE SERVICES (NCES)	3,366	3,366
209	JOINT MILITARY DECEPTION INITIATIVE	1,161	1,161
210	TELEPORT PROGRAM	6,880	6,880
211	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,272	16,272
214	CYBER SECURITY INITIATIVE	501	501
216	CYBER SECURITY INITIATIVE	2,251	2,251
217	CYBER SECURITY INITIATIVE	10,486	10,486
221	POLICY R&D PROGRAMS	9,136	9,136
223	NET CENTRICITY	29,831	14,831
	Unjustified growth		-15,000
227	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,290	1,290
230	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,513	3,513
232	MQ-1 PREDATOR A UAV	98	98

R-1		Budget Request	Recommendation
234	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,988	2,988
235	INT'L INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT	1,416	1,416
245	INDUSTRIAL PREPAREDNESS	21,798	21,798
246	LOGISTICS SUPPORT ACTIVITIES	2,813	2,813
247	MANAGEMENT HEADQUARTERS (JCS)	2,807	2,807
249	NATO AGS	93,885	93,885
250	MQ-9 UAV	98	98
252	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	68,691	68,691
253	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	1,582	1,582
254	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	23,879	25,479
	Program Increase - Unfunded Requirement		+1,600
255	SOF OPERATIONAL ENHANCEMENTS	62,592	63,692
	Program Increase - Unfunded Requirement		+4,000
	Program termination		-2,900
256	SPECIAL OPERATIONS CV-22 DEVELOPMENT	14,406	14,406
257	JOINT MULTI-MISSION SUBMERSIBLE	14,924	0
	SOCOM requested transfer to line 269		-14,924
259	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	2,915	2,915
261	MC130J SOF TANKER RECAPITALIZATION	7,624	7,624
262	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	1,922	922
	Execution delays		-1,000
263	SOF TACTICAL RADIO SYSTEMS	2,347	2,347
264	SOF WEAPONS SYSTEMS	479	479
265	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	593	593
267	SOF TACTICAL VEHICLES	1,994	994
	Change in requirements		-1,000
268	SOF ROTARY WING AVIATION	14,473	33,715
	SOCOM requested transfer from P.DW line 57		+19,242
269	SOF UNDERWATER SYSTEMS	13,986	28,910
	SOCOM requested transfer from line 257		+14,924
270	SOF SURFACE CRAFT	2,933	18,933
	Program Increase - CCM Unfunded Requirement		+16,000
271	SOF PSYOP	4,193	4,193
272	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	5,135	5,135
273	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	9,167	9,167
	CLASSIFIED PROGRAMS	3,832,019	4,011,571
	Classified adjustment		+179,552
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	20,661,600	20,797,412
OPERATIONAL TEST & EVALUATION, DEFENSE			
1	OPERATIONAL TEST AND EVALUATION	59,430	59,430
2	LIVE FIRE TEST AND EVALUATION	12,899	12,899
3	OPERATIONAL TEST ACTIVITIES AND ANALYSES	122,581	122,581
.....	TOTAL, OPERATIONAL TEST & EVALUATION, DEFENSE	194,910	194,910
.....	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION	76,130,700	74,957,028

P-1		Budget Request	Recommendation
NATIONAL DEFENSE SEALIFT FUND			
.....	STRATEGIC SHIP ACQUISITION	411,202	911,202
.....	Program Increase—Accelerate Mobile Landing Platform		500,000
.....	Additional Mobile Landing Platform		158,647
.....	DoD MOBILIZATION ASSETS	158,647	4,875
.....	STRATEGIC SEALIFT SUPPORT	4,875	28,012
.....	SEALIFT RESEARCH AND DEVELOPMENT	28,012	332,130
.....	READY RESERVE FORCE OPERATIONS AND MAINTENANCE	332,130	40,000
.....	MARITIME ADMINISTRATION SHIP FINANCING GUARANTEE PROGRAM		
.....	TOTAL, NATIONAL DEFENSE SEALIFT FUND	934,866	1,474,866
DEFENSE HEALTH PROGRAM			
.....	OPERATION AND MAINTENANCE	29,915,277	29,671,764
.....	IN-HOUSE CARE	7,781,877	7,791,077
.....	Army Substance Abuse Program-Transfer to OMA line 131	2,800	-2,800
.....	Pain Management Task Force		+12,000
.....	PRIVATE SECTOR CARE	16,034,745	15,673,745
.....	TRICARE Underexecution		-236,000
.....	Global Deployment of the Force medical research funding-DOD requested transfer to maintain full funding for the program		-125,000
.....	CONSOLIDATED HEALTH CARE	2,122,483	2,085,770
.....	Army Substance Abuse Program-Transfer to OMA line 131	27,825	-27,825
.....	Psychological Health-State Directors for the National Guard-Transfer to OM,ARNG line 133		-8,888
.....	INFORMATION MANAGEMENT/IT	1,452,330	1,452,330
.....	MANAGEMENT HEADQUARTERS	293,698	288,698
.....	MHS Strategic Communications efficiencies		-5,000
.....	EDUCATION AND TRAINING	632,534	632,534
.....	BASE OPERATIONS AND COMMUNICATIONS	1,597,610	1,747,610
.....	Medical Facilities Sustainment, Restoration and Modernization		+150,000
.....	PROCUREMENT	519,921	534,921
.....	Procurement of Medical Equipment and IO&T—Navy		+15,000
.....	RESEARCH AND DEVELOPMENT	499,913	1,175,513
.....	ALS		+8,000
.....	Armed Forces Institute of Regenerative Medicine		+4,800
.....	Autism Research		+6,400
.....	Bone Marrow Failure Disease Research Program		+4,000
.....	Duchenne Muscular Dystrophy		+4,000
.....	Global HIV/AIDS Prevention		+10,000
.....	Traumatic Brain Injury and Psychological Health		+100,000
.....	Global Deployment of the Force medical research funding—Department of Defense requested transfer to maintain full funding for the program		+125,000
.....	Gulf War Illness Peer-Reviewed Research Program		+8,000
.....	Multiple Sclerosis		+4,800
.....	Peer-Reviewed Alzheimer Research		+15,000
.....	Peer-Reviewed Breast Cancer Research Program		+150,000
.....	Peer-Reviewed Cancer Research Program		+16,000
.....	Peer-Reviewed Lung Cancer Research Program		+12,800
.....	Peer-Reviewed Orthopedic Research Program		+24,000
.....	Peer-Reviewed Ovarian Cancer Research Program		+20,000
.....	Peer Reviewed Vision research in conjunction with the DoD Vision Center of Excellence		+4,000
.....	Peer-Reviewed Prostate Cancer Research Program		+80,000
.....	Peer-Reviewed Spinal Cord Research Program		+12,000
.....	Research in Alcohol and Substance Use Disorders		+5,200
.....	SBIR to the core funded RDT&E		+1,200
.....	Tuberous Sclerosis Complex (TSC)		+6,400
.....	Pain Management Task Force Research		+4,000

P-1		Budget Request	Recommendation
.....	Peer Reviewed Medical Research Program .....	.....	+50,000
.....	TOTAL, DEFENSE HEALTH PROGRAM	30,935,111	31,382,198
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE			
.....	OPERATION AND MAINTENANCE	1,067,364	1,067,364
.....	PROCUREMENT	7,132	7,132
.....	RESEARCH, DEVELOPMENT, TEST AND EVALUATION	392,811	392,811
.....	TOTAL, CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE	1,467,307	1,467,307
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE			
PC1293	Supplies and Materials (non-fund)—NSA .....	.....	—1,000
PC1329	Other Intra-Governmental Purchases—Navy .....	.....	—2,500
PC6501	Other Intra-Governmental Purchases—OSD .....	.....	—2,000
PC9206	Other Intra-Governmental Purchases—OSD .....	.....	—4,000
PC9205	EUCOM Counternarcotics Operations Support excessive growth .....	.....	—3,000
PC1293	International crime and narcotics analytic tools excessive growth .....	.....	—1,000
PC2360	EUCOM Tactical Analysis Team Support unauthorized new Start .....	.....	—1,500
.....	FFRDC cost growth and CN indicated no need .....	.....	—11,394
.....	National Guard Counter-Drug Program-State Plans .....	.....	+50,000
.....	Young Marines-Drug Demand Reduction .....	.....	+2,000
.....	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,131,351	1,156,957
JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND			
4	STAFF AND INFRASTRUCTURE	215,868	0
.....	Transfer to Title IX .....	.....	—215,868
.....	TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	215,868	0
OFFICE OF THE INSPECTOR GENERAL			
.....	OPERATION AND MAINTENANCE	282,354	305,794
.....	Program Increase .....	.....	+23,440
.....	PROCUREMENT	1,000	1,000
.....	TOTAL, OFFICE OF THE INSPECTOR GENERAL	283,354	306,794
.....	TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS	34,032,991	34,313,256
M-1		Budget Request	Recommendation
MILITARY PERSONNEL, ARMY			
.....	BA-1: PAY AND ALLOWANCES OF OFFICERS .....	.....	.....
.....	BASIC PAY	1,237,779	1,237,779
.....	RETIRED PAY ACCRUAL	313,278	313,278
.....	BASIC ALLOWANCE FOR HOUSING	349,839	349,839
.....	BASIC ALLOWANCE FOR SUBSISTENCE	44,752	44,752
.....	INCENTIVE PAYS	2,835	2,835
.....	SPECIAL PAYS	159,261	159,261
.....	ALLOWANCES	56,632	56,632
.....	SEPARATION PAY	1,303	1,303
.....	SOCIAL SECURITY TAX	94,650	94,650
.....	TOTAL, BA-1	2,260,329	2,260,329
.....	BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL .....	.....	.....
.....	BASIC PAY	2,708,271	2,708,271
.....	RETIRED PAY ACCRUAL	693,325	693,325
.....	BASIC ALLOWANCE FOR HOUSING	1,113,877	1,113,877
.....	INCENTIVE PAYS	6,714	6,714
.....	SPECIAL PAYS	574,120	574,120
.....	ALLOWANCES	241,921	241,921
.....	SEPARATION PAY	26,276	26,276
.....	SOCIAL SECURITY TAX	207,174	207,174
.....	TOTAL, BA-2	5,571,678	5,571,678
.....	BA-4: SUBSISTENCE OF ENLISTED PERSONNEL .....	.....	.....
.....	BASIC ALLOWANCE FOR SUBSISTENCE	329,046	329,046
.....	SUBSISTENCE-IN-KIND	1,871,805	1,871,805
.....	TOTAL, BA-4	2,200,851	2,200,851
.....	BA-5: PERMANENT CHANGE OF STATION TRAVEL .....	.....	.....
.....	ACCESSION TRAVEL	45,512	45,512
.....	OPERATIONAL TRAVEL	107,025	107,025
.....	ROTATIONAL TRAVEL	45,514	45,514
.....	TOTAL, BA-5	198,051	198,051
.....	BA-6: OTHER MILITARY PERSONNEL COSTS .....	.....	.....
.....	INTEREST ON UNIFORMED SERVICES SAVINGS	16,102	16,102
.....	DEATH GRATUITIES	66,220	66,220
.....	UNEMPLOYMENT BENEFITS	192,223	192,223
.....	RESERVE INCOME REPLACEMENT PROGRAM	1,895	1,895
.....	SGLI EXTRA HAZARD PAYMENTS	171,060	171,060
.....	TOTAL, BA-6	447,500	447,500
.....	UNDISTRIBUTED ADJUSTMENT .....	.....	789,624
.....	Undistributed Transfer from Title I .....	.....	+789,624
.....	TOTAL, MILITARY PERSONNEL, ARMY	10,678,409	11,468,033
MILITARY PERSONNEL, NAVY			
.....	BA-1: PAY AND ALLOWANCES OF OFFICERS .....	.....	.....
.....	BASIC PAY	213,340	213,340
.....	RETIRED PAY ACCRUAL	59,067	59,067
.....	BASIC ALLOWANCE FOR HOUSING	67,023	67,023
.....	BASIC ALLOWANCE FOR SUBSISTENCE	7,315	7,315
.....	INCENTIVE PAYS	1,543	1,543
.....	SPECIAL PAYS	16,667	16,667
.....	ALLOWANCES	16,754	16,754
.....	SEPARATION PAY	14	14
.....	SOCIAL SECURITY TAX	16,320	16,320
.....	TOTAL, BA-1	398,043	398,043
.....	BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL .....	.....	.....
.....	BASIC PAY	262,656	262,656
.....	RETIRED PAY ACCRUAL	74,338	74,338
.....	BASIC ALLOWANCE FOR HOUSING	121,913	121,913
.....	INCENTIVE PAYS	325	325

M-1	Budget Request	Recommendation
SPECIAL PAYS	80,007	80,007
ALLOWANCES	27,692	27,692
SEPARATION PAY	3,535	3,535
SOCIAL SECURITY TAX	20,093	20,093
TOTAL, BA-2	590,559	590,559
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	28,639	28,639
SUBSISTENCE-IN-KIND	14,546	14,546
TOTAL, BA-4	43,185	43,185
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	5,214	5,214
OPERATIONAL TRAVEL	23,903	23,903
ROTATIONAL TRAVEL	30,110	30,110
SEPARATION TRAVEL	3,132	3,132
TOTAL, BA-5	62,359	62,359
BA-6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	3,800	3,800
UNEMPLOYMENT BENEFITS	29,662	29,662
SGLI EXTRA HAZARD PAYMENTS	51,111	51,111
TOTAL, BA-6	84,573	84,573
UNDISTRIBUTED ADJUSTMENT		130,000
Higher than Budgeted Mobilization Levels		+110,000
Increased Deployment Levels		+20,000
TOTAL, MILITARY PERSONNEL, NAVY	1,178,719	1,308,719
MILITARY PERSONNEL, MARINE CORPS		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	40,079	40,079
RETIRED PAY ACCRUAL	13,308	13,308
BASIC ALLOWANCE FOR HOUSING	18,565	18,565
BASIC ALLOWANCE FOR SUBSISTENCE	1,760	1,760
SPECIAL PAYS	10,747	10,747
ALLOWANCES	4,805	4,805
SOCIAL SECURITY TAX	4,176	4,176
TOTAL, BA-1	93,440	93,440
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	190,013	190,013
RETIRED PAY ACCRUAL	43,090	43,090
BASIC ALLOWANCE FOR HOUSING	45,977	45,977
SPECIAL PAYS	95,395	95,395
ALLOWANCES	40,431	40,431
SEPARATION PAY	3,017	3,017
SOCIAL SECURITY TAX	13,435	13,435
TOTAL, BA-2	431,358	431,358
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	21,420	21,420
TOTAL, BA-4	21,420	21,420
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
ACCESSION TRAVEL	3,270	3,270
TOTAL, BA-5	3,270	3,270
BA-6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	27,000	27,000
UNEMPLOYMENT BENEFITS	19,942	19,942
SGLI EXTRA HAZARD PAYMENTS	48,345	48,345
TOTAL, BA-6	95,287	95,287
UNDISTRIBUTED ADJUSTMENT		88,145
Over Budgeted End Strength		+88,145
TOTAL, MILITARY PERSONNEL, MARINE CORPS	644,775	732,920
MILITARY PERSONNEL, AIR FORCE		
BA-1: PAY AND ALLOWANCES OF OFFICERS		
BASIC PAY	188,334	188,334
RETIRED PAY ACCRUAL	45,953	45,953
BASIC ALLOWANCE FOR HOUSING	58,889	58,889
BASIC ALLOWANCE FOR SUBSISTENCE	7,320	7,320
SPECIAL PAYS	13,613	13,613
ALLOWANCES	5,760	5,760
SOCIAL SECURITY TAX	14,408	14,408
TOTAL, BA-1	334,277	334,277
BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
BASIC PAY	472,896	472,896
RETIRED PAY ACCRUAL	115,387	115,387
BASIC ALLOWANCE FOR HOUSING	177,545	177,545
SPECIAL PAYS	49,964	49,964
ALLOWANCES	16,254	16,254
SOCIAL SECURITY TAX	36,177	36,177
TOTAL, BA-2	868,223	868,223
BA-4: SUBSISTENCE OF ENLISTED PERSONNEL		
BASIC ALLOWANCE FOR SUBSISTENCE	39,090	39,090
SUBSISTENCE-IN-KIND	61,805	61,805
TOTAL, BA-4	100,895	100,895
BA-5: PERMANENT CHANGE OF STATION TRAVEL		
OPERATIONAL TRAVEL	5,957	5,957
TOTAL, BA-5	5,957	5,957
BA-6: OTHER MILITARY PERSONNEL COSTS		
DEATH GRATUITIES	2,000	2,000
UNEMPLOYMENT BENEFITS	27,978	27,978
SGLI EXTRA HAZARD PAYMENTS	67,057	67,057
TOTAL, BA-6	97,035	97,035
UNDISTRIBUTED ADJUSTMENT		654,055
Higher than Budgeted Mobilization Levels		+378,000
Over Budgeted End Strength		+276,055
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,406,387	2,060,442
RESERVE PERSONNEL, ARMY		
BA-1: UNIT AND INDIVIDUAL TRAINING		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	104,230	104,230
SCHOOL TRAINING	9,886	9,886
SPECIAL TRAINING	153,915	153,915
TOTAL, BA-1	268,031	268,031

M-1		Budget Request	Recommendation
.....	TOTAL, RESERVE PERSONNEL, ARMY	268,031	268,031
RESERVE PERSONNEL, NAVY			
.....	BA-1: UNIT AND INDIVIDUAL TRAINING		
.....	SCHOOL TRAINING	7,019	7,019
.....	SPECIAL TRAINING	38,683	38,683
.....	ADMINISTRATION AND SUPPORT	3,210	3,210
.....	TOTAL, BA-1	48,912	48,912
.....	TOTAL, RESERVE PERSONNEL, NAVY	48,912	48,912
RESERVE PERSONNEL, MARINE CORPS			
.....	BA-1: UNIT AND INDIVIDUAL TRAINING		
.....	SCHOOL TRAINING	5,467	5,467
.....	SPECIAL TRAINING	24,797	24,797
.....	ADMINISTRATION AND SUPPORT	373	373
.....	TOTAL, BA-1	30,637	30,637
.....	UNDISTRIBUTED ADJUSTMENT		14,800
.....	Over Budgeted End Strength		+14,800
.....	TOTAL, RESERVE PERSONNEL, MARINE CORPS	30,637	45,437
RESERVE PERSONNEL, AIR FORCE			
.....	BA-1: UNIT AND INDIVIDUAL TRAINING		
.....	SPECIAL TRAINING	27,002	27,002
.....	TOTAL, BA-1	27,002	27,002
.....	TOTAL, RESERVE PERSONNEL, AIR FORCE	27,002	27,002
NATIONAL GUARD PERSONNEL, ARMY			
.....	BA-1: UNIT AND INDIVIDUAL TRAINING		
.....	PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	231,547	231,547
.....	SPECIAL TRAINING	550,090	550,090
.....	ADMINISTRATION AND SUPPORT	46,485	46,485
.....	TOTAL, BA-1	828,122	828,122
.....	UNDISTRIBUTED ADJUSTMENT		24,900
.....	Support to Southwest Border		+24,900
.....	TOTAL, NATIONAL GUARD PERSONNEL, ARMY	828,122	853,022
NATIONAL GUARD PERSONNEL, AIR FORCE			
.....	BA-1: UNIT AND INDIVIDUAL TRAINING		
.....	SPECIAL TRAINING	21,060	11,060
.....	Excess to Need		-10,000
.....	TOTAL, BA-1	21,060	11,060
.....	UNDISTRIBUTED ADJUSTMENT		5,800
.....	Support to Southwest Border		+5,800
.....	TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	21,060	16,860
.....	TOTAL, MILITARY PERSONNEL	15,132,054	16,829,378
0-1		Budget	Recommendation
OPERATION AND MAINTENANCE, ARMY			
131	BASE OPERATIONS SUPPORT	0	1,000,000
.....	Increased Peacetime Base Operations Support Costs to Redeployment of Soldiers from Iraq		+1,000,000
135	ADDITIONAL ACTIVITIES	47,638,208	44,608,615
.....	Reduced Deployment Level		-2,500,000
.....	Transfer to SAG 421 for Subsistence Transportation Costs		-1,013,000
.....	Transfer from Overseas Contingency Operations Transfer Fund for Detainee Operations		+80,000
.....	Transfer from JIEDDO—Synchronization and Integration WTI Cell		+3,200
.....	Transfer from JIEDDO—Thermal Station (National IED Exploitation Facility (NIEF))		+13,000
.....	Transfer from JIEDDO—Beachcomber		+3,000
.....	Transfer from JIEDDO—Counter Bomber		+1,500
.....	Transfer from JIEDDO—CREW-SSM Universal Test Set		+3,000
.....	Transfer from JIEDDO—Subtle Magnetic Anomaly Detection Network Systems		+1,000
.....	Transfer from JIEDDO—Technical Collection Training Program		+16,400
.....	Transfer from Title II—Chemical Defense Equipment Sustainment		+8,579
.....	Transfer from Title II—MRAP Vehicle Sustainment at Combat Training Centers		+6,420
.....	Transfer from Title II—Body Armor Sustainment		+71,660
.....	Transfer from Title II—Rapid Equipping Force Readiness		+9,294
.....	Transfer from Title II—Fixed Wing Life Cycle Contract Support		+21,171
.....	Transfer from Title II—Overseas Security Guards		+200,000
.....	Transfer from Title II—Senior Leader Initiative— Comprehensive Soldier Fitness Program		+30,000
.....	Transfer from Title II—Survivability and Maneuverability Training		+15,183
136	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,300,000	500,000
.....	Program reduction		-400,000
.....	Transfer to Afghanistan Infrastructure Fund		-400,000
137	RESET	7,840,211	6,261,568
.....	Army-Identified Excess Reset Requirement		-1,578,643
411	SECURITY PROGRAMS	2,358,865	2,364,265
.....	Transfer from JIEDDO—Air Vigilance		+5,400
421	SERVICEWIDE TRANSPORTATION	3,465,334	4,478,334
.....	Transfer from SAG 135 for Subsistence Transportation Costs		+1,013,000
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY	62,602,618	59,212,782
OPERATION AND MAINTENANCE, NAVY			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	1,839,918	1,839,918
1A2A	FLEET AIR TRAINING	3,453	3,453
1A3A	AVIATION TECHNICAL DATA & ENGINEERING SVCS	1,400	1,400
1A4A	AIR OPERATIONS AND SAFETY SUPPORT	26,837	26,837
1A4N	AIR SYSTEMS SUPPORT	44,567	44,567
1A5A	AIRCRAFT DEPOT MAINTENANCE	233,114	281,114
.....	Aircraft Depot Maintenance Increase		+48,000
1B1B	MISSION AND OTHER SHIP OPERATIONS	1,151,465	1,151,465
1B2B	SHIP OPERATIONS SUPPORT & TRAINING	27,472	27,472
1B4B	SHIP DEPOT MAINTENANCE	1,266,556	1,290,556
.....	Ship Depot Maintenance Increase		+24,000
1C1C	COMBAT COMMUNICATIONS	38,468	38,468
1C4C	WARFARE TACTICS	82,801	32,801
.....	Navy Identified Excess to Requirement for CENTCOM Operations		-50,000
1C5C	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	24,855	24,855
1C6C	COMBAT SUPPORT FORCES	2,737,727	2,930,528
.....	Transfer from Title II—Naval Expeditionary Combat Command Increases		+192,801

0-1		Budget	Recommendation
1C7C	EQUIPMENT MAINTENANCE	3,677	3,677
1CCH	COMBATANT COMMANDERS CORE OPERATIONS	7,000	7,000
1CCM	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,455	7,455
1D3D	IN-SERVICE WEAPONS SYSTEMS SUPPORT	99,118	100,118
	Transfer from JIEDDO—CREW-SSM Universal Test Set		+1,000
1D4D	WEAPONS MAINTENANCE	82,519	82,519
1D7D	OTHER WEAPON SYSTEMS SUPPORT	16,938	16,938
BSIT	ENTERPRISE INFORMATION	10,350	0
	ONE-NET Baseline Budget Requirement		-10,350
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	28,250	49,250
	Continuing Operations at Guantanamo Bay—Transfer from Overseas Contingency Operations Transfer Fund		+21,000
BSS1	BASE OPERATING SUPPORT	381,749	436,249
	Continuing Operations at Guantanamo Bay—Transfer from Overseas Contingency Operations Transfer Fund		+4,000
	Transfer from JIEDDO—Counter Bomber		+500
	Transfer from Title II—Regional/Emergency Operations Center		+50,000
2A1F	SHIP PREPOSITIONING AND SURGE	27,300	27,300
2C1H	FLEET HOSPITAL PROGRAM	4,400	4,400
2C3H	COAST GUARD SUPPORT	254,461	0
	Transfer to Department of Homeland Security		-254,461
3B1K	SPECIALIZED SKILL TRAINING	81,454	84,454
	Transfer from Title II—NAVSEA VSSS/EOD Training		+3,000
3B4K	TRAINING SUPPORT	5,400	0
	Training Support Baseline Budget Requirement		-5,400
4A1M	ADMINISTRATION	4,265	4,265
4A2M	EXTERNAL RELATIONS	467	467
4A3M	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	450	450
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	11,214	11,214
4A5M	OTHER PERSONNEL SUPPORT	2,706	2,706
4A6M	SERVICEWIDE COMMUNICATIONS	28,671	28,671
4B1N	SERVICEWIDE TRANSPORTATION	300,868	300,868
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	6,091	6,091
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	2,153	2,153
4C1P	NAVAL INVESTIGATIVE SERVICE	78,464	78,464
9999	OTHER PROGRAMS	22,581	22,581
	TOTAL, OPERATION AND MAINTENANCE, NAVY	8,946,634	8,970,724
OPERATION AND MAINTENANCE, MARINE CORPS			
1A1A	OPERATIONAL FORCES	2,448,572	2,317,572
	Excess to Requirement for Cargo UAS		-90,400
	Transfer to RDTE.N for Cargo UAS		-36,000
	Transfer to OP.N for AM-2 Matting		-4,600
1A2A	FIELD LOGISTICS	514,748	517,248
	Transfer from JIEDDO—Counter Bomber		+1,000
	Transfer from JIEDDO—CREW-SSM Universal Test Set		+1,000
	Transfer from JIEDDO—Subtle Magnetic Anomaly Detection Network Systems		+500
1A3A	DEPOT MAINTENANCE	523,250	523,250
1B1B	MARITIME PREPOSITIONING	7,808	7,808
BSS1	BASE OPERATING SUPPORT	55,301	55,301
3B4D	TRAINING SUPPORT	223,071	223,071
4A3G	SERVICEWIDE TRANSPORTATION	360,000	360,000
4A4G	ADMINISTRATION	3,772	3,772
	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	4,136,522	4,008,022
OPERATION AND MAINTENANCE, AIR FORCE			
011A	PRIMARY COMBAT FORCES	1,896,647	1,896,647
011C	COMBAT ENHANCEMENT FORCES	1,954,759	1,954,759
011D	AIR OPERATIONS TRAINING	113,948	113,948
011M	DEPOT MAINTENANCE	297,623	399,983
	Weapons System Sustainment		+102,360
011R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	704,463	504,463
	Unjustified Growth from fiscal year 2010 Baseline		-200,000
011Z	BASE OPERATING SUPPORT	1,780,052	1,780,052
012A	GLOBAL C3I AND EARLY WARNING	128,632	128,632
012C	OTHER COMBAT OPS SPT PROGRAMS	397,894	397,894
013A	LAUNCH FACILITIES	28,975	28,975
013C	SPACE CONTROL SYSTEMS	34,091	34,091
015A	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	127,861	127,861
021A	AIRLIFT OPERATIONS	4,403,800	4,403,800
021D	MOBILIZATION PREPAREDNESS	240,394	240,394
021M	DEPOT MAINTENANCE	217,023	217,023
021R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	20,360	20,360
021Z	BASE SUPPORT	57,362	57,362
031R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,948	1,948
031Z	BASE SUPPORT	6,088	6,088
032A	SPECIALIZED SKILL TRAINING	45,893	45,893
032B	FLIGHT TRAINING	20,277	20,277
032C	PROFESSIONAL DEVELOPMENT EDUCATION	1,500	1,500
032D	TRAINING SUPPORT	1,820	1,820
041A	LOGISTICS OPERATIONS	292,030	292,030
041R	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	10,500	10,500
041Z	BASE SUPPORT	31,985	31,985
042A	ADMINISTRATION	5,438	5,438
042B	SERVICEWIDE COMMUNICATIONS	247,149	247,149
042G	OTHER SERVICEWIDE ACTIVITIES	113,082	113,082
043A	SECURITY PROGRAMS	305,689	305,689
	REDUCED DEPLOYMENT LEVELS		-400,000
	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	13,487,283	12,989,643
OPERATION AND MAINTENANCE, DEFENSE-WIDE			
1PL1	JOINT CHIEFS OF STAFF	20,500	20,500
1PL2	SPECIAL OPERATIONS COMMAND	3,012,026	2,903,126
	Information Operations		-49,400
	Leased Aircraft—Unjustified Request		-65,500
	Transfer from JIEDDO—Wolfhound II		+6,000
ES18	DEFENSE MEDIA ACTIVITY	14,799	14,799
4GT6	DEFENSE CONTRACT AUDIT AGENCY	27,000	27,000
4GT9	DEFENSE INFORMATION SYSTEMS AGENCY	136,316	144,316
	Increase Afghanistan FOB Fiber Connectivity		+8,000
4GTJ	DEFENSE CONTRACT MANAGEMENT AGENCY	74,862	74,862
4GTA	DEFENSE LEGAL SERVICES AGENCY	120,469	116,969
	Overstatement of Habeas Corpus Civilian Personnel Pricing		-3,500
4GTJ	DEFENSE DEPENDENTS EDUCATION	485,769	501,769
	Additional Funding for Outreach and Reintegration Services Under the Yellow Ribbon Reintegration Program		+16,000
4GTD	DEFENSE SECURITY COOPERATION AGENCY	2,000,000	2,000,000
4GTI	DEFENSE THREAT REDUCTION AGENCY	1,218	1,218
4GTN	OFFICE OF THE SECRETARY OF DEFENSE	188,099	173,099
	Knowledge Management		-15,000

0-1		Budget	Recommendation
9999	OTHER PROGRAMS	3,345,300	3,299,332
.....	Classified Adjustments		- 49,168
.....	Transfer from JIEDDO—Synchronization and Integration WTI Cell		+3,200
.....	TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE	9,426,358	9,276,990
OPERATION AND MAINTENANCE, ARMY RESERVE			
135	ADDITIONAL ACTIVITIES	286,950	206,784
.....	Army Reserve Identified Excess to Requirement		- 80,166
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	286,950	206,784
OPERATION AND MAINTENANCE, NAVY RESERVE			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	49,089	49,089
1A3A	INTERMEDIATE MAINTENANCE	400	400
1A5A	AIRCRAFT DEPOT MAINTENANCE	17,760	17,760
1B1B	MISSION AND OTHER SHIP OPERATIONS	9,395	9,395
1B4B	SHIP DEPOT MAINTENANCE	497	497
1C1C	COMBAT COMMUNICATIONS	3,185	3,185
1C6C	COMBAT SUPPORT FORCES	12,169	12,169
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	1,064	1,064
.....	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	93,559	93,559
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE			
1A1A	OPERATING FORCES	23,571	23,571
BSS1	BASE OPERATING SUPPORT	6,114	6,114
.....	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE	29,685	29,685
OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
011M	DEPOT MAINTENANCE	116,924	191,124
.....	Weapons System Sustainment		+74,200
011Z	BASE OPERATING SUPPORT	12,683	12,683
.....	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	129,607	203,807
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
135	ADDITIONAL ACTIVITIES	544,349	497,849
.....	Distance Learning—Transfer to Baseline OM,ARNG SAG 121		- 9,000
.....	Air OPTEMPO Duplicate Request		- 44,000
.....	Support to Southwest Border		+6,500
.....	TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD	544,349	497,849
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
011F	AIRCRAFT OPERATIONS	152,896	152,896
011G	MISSION SUPPORT OPERATIONS	57,800	59,400
.....	Support to Southwest Border		+1,600
011M	DEPOT MAINTENANCE	140,127	205,687
.....	Weapons System Sustainment		+65,560
.....	TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD	350,823	417,983
OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND			
.....	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	1,551,781	0
.....	Transfer to OMA SAG 135		- 80,000
.....	Transfer to OM,N SAGs BSS1 and BSM1		- 25,000
.....	Unjustified Program Change		- 1,446,781
.....	TOTAL, OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	1,551,781	0
AFGHANISTAN INFRASTRUCTURE FUND			
.....	Afghanistan Infrastructure Fund—Transfer from CERP		+400,000
.....	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	0	400,000
AFGHANISTAN SECURITY FORCES FUND			
.....	Afghan National Army	7,467,014	7,467,014
.....	Infrastructure	1,790,933	1,790,933
.....	Equipment and Transportation	1,846,623	1,846,623
.....	Training and Operations	836,842	836,842
.....	Sustainment	2,992,616	2,992,616
.....	Afghan National Police	4,085,437	4,085,437
.....	Infrastructure	1,078,413	1,078,413
.....	Equipment and Transportation	917,966	917,966
.....	Training and Operations	990,213	990,213
.....	Sustainment	1,098,845	1,098,845
.....	Related Activities	66,832	66,832
.....	Detainee Operations—Sustainment	6,037	6,037
.....	Detainee Operations—Training and Operations	1,530	1,530
.....	Detainee Operations—Infrastructure	58,265	58,265
.....	COIN Activities	1,000	1,000
.....	TOTAL, AFGHANISTAN SECURITY FORCES FUND	11,619,283	11,619,283
IRAQ SECURITY FORCES FUND			
.....	Defense Security Forces	1,656,906	1,656,906
.....	Equipment and Transportation	1,067,706	1,067,706
.....	Training	248,075	248,075
.....	Sustainment	341,125	341,125
.....	Interior Security Forces	268,094	268,094
.....	Equipment and Transportation	220,469	220,469
.....	Sustainment	47,625	47,625
.....	Related Activities	75,000	75,000
.....	Authorization Reduction		- 500,000
.....	TOTAL, IRAQ SECURITY FORCES FUND	2,000,000	1,500,000
.....	TOTAL, OPERATION AND MAINTENANCE	115,205,452	1,109,427,111

P-1		Budget Request	Recommendation
AIRCRAFT PROCUREMENT, ARMY			
2	C-12 CARGO AIRPLANE (OCO)	78,060	78,060
4	MQ-1 UAV (OCO)	47,000	24,000
.....	Reduction to Projected Battle Losses		- 23,000
5	RQ-11 (RAVEN) (OCO)	17,430	17,430
9	AH-64 APACHE BLOCK III		34,600

P-1		Budget Request	Recommendation
11	War Replacement Aircraft		+34,600
	UH-60 BLACKHAWK (OCO)	40,500	373,400
	Program Increase for Army National Guard		+80,000
	Three Combat Loss UH-60		+52,500
	Accelerate 12 Aircraft		+200,400
13	CH-47 HELICOPTER (OCO)	70,600	258,400
	Accelerate Six Aircraft		+187,800
16	C12 AIRCRAFT MODS (OCO)	122,340	122,340
17	MQ-1 PAYLOAD—UAS (OCO)	3,600	3,600
19	GUARDRAIL MODS (MIP) (OCO)	30,200	6,000
	Authorization Adjustment		— 24,200
20	MULTI SENSOR ABN RECON (MIP) (OCO)	86,200	86,200
21	AH-64 MODS (OCO)	199,200	654,200
	AH-64A to AH-64D Conversion for the Texas and Mississippi National Guard		+455,000
23	CH-47 CARGO HELICOPTER MODS (OCO)	82,900	66,900
	Cargo On/Off Loading System (COOLS) ahead of need		— 16,000
27	UTILITY HELICOPTER MODS (OCO)	14,530	14,530
28	KIOWA WARRIOR (OCO)	187,288	160,378
	Fielded Fleet Upgrades		+20,000
	Limit Ramp Rate on Replacement Aircraft		— 46,910
29	AIRBORNE AVIONICS (OCO)	24,983	24,983
31	RQ-7 UAV MODS (OCO)	97,800	546,500
	Funding Ahead of Need		— 1,000
	Transfer from Title III		+497,500
	Ahead of Need		— 47,800
36	ASE INFRARED CM (OCO)	197,990	182,990
	Excess to Need		— 15,000
38	COMMON GROUND EQUIPMENT (OCO)	65,627	65,627
40	AIR TRAFFIC CONTROL (OCO)	7,555	0
	Unjustified Request		— 7,555
TOTAL, AIRCRAFT PROCUREMENT, ARMY		1,373,803	2,720,138
MISSILE PROCUREMENT, ARMY			
4	HELLFIRE SYS SUMMARY (OCO)	190,459	190,459
6	TOW 2 SYSTEM SUMMARY (OCO)	112,769	112,769
13	ITAS/TOW MODS (OCO)	40,600	40,600
TOTAL, MISSILE PROCUREMENT, ARMY		343,828	343,828
PROCUREMENT OF W&TCV, ARMY			
4	STRYKER VEHICLE (OCO)		545,000
	Transfer from Stryker Modifications, line 9		+445,000
	Increase for Stryker Double V Hull		+100,000
9	STRYKER VEHICLE MODS (OCO)	445,000	0
	Transfer to Stryker Vehicle, line 4		— 445,000
22	MACHINE GUN, CAL .50, M2 ROLL		79,496
	Transfer from Title III		+79,496
26	MORTAR SYSTEMS (OCO)	8,600	8,600
28	XM320 GRENADE LAUNCHER MODULE (OCO)	22,500	22,500
32	COMMON REMOTELY OPERATED WEAPONS STATION (OCO)	100,000	100,000
34	HOWITZER LT WT 155MM (T) (OCO)	62,000	62,000
36	M4 CARBINE MODS (OCO)	12,900	42,900
	Program Increase		+30,000
37	M2 50 CAL MACHINE GUN MODS (OCO)	15,000	15,000
40	M119 MODIFICATIONS (OCO)	21,500	21,500
TOTAL, PROCUREMENT OF W&TCV, ARMY		687,500	896,996
PROCUREMENT OF AMMUNITION, ARMY			
2	CTG, 7.62MM, ALL TYPES (OCO)	32,604	13,000
	Per Army Request		— 19,604
4	CTG, .50 CAL, ALL TYPES (OCO)	128,876	47,000
	Per Army Request		— 81,876
5	CTG, 20MM, ALL TYPES (OCO)	20,056	10,500
	Per Army Request		— 9,556
7	CTG, 30MM, ALL TYPES (OCO)	23,826	9,500
	Per Army Request		— 14,326
8	CTG, 40MM, ALL TYPES (OCO)	62,700	25,000
	Per Army Request		— 37,700
11	120MM MORTAR, ALL TYPES (OCO)	120,160	26,900
	APMI Unit Cost Savings		— 50,100
	Per Army Request		— 43,160
15	CTG, ARTY, 105MM: ALL TYPES (OCO)	37,620	15,000
	Per Army Request		— 22,620
16	CTG, ARTY, 155MM: ALL TYPES (OCO)	37,620	15,000
	Per Army Request		— 22,620
18	MODULAR ARTILLERY CHARGE SYS, ALL TYPES (OCO)	15,048	6,000
	Per Army Request		— 9,048
19	ARTILLERY FUZES, ALL TYPES (OCO)	12,540	5,000
	Per Army Request		— 7,540
24	SHOULDER LAUNCHED MUNITIONS, AL TYPES (OCO)	17,556	0
	Per Army Request		— 17,556
25	ROCKET, HYDRA 70, ALL TYPES (OCO)	139,285	139,285
26	DEMOLITION MUNITIONS, ALL TYPES (OCO)		20,000
	Per Army Request		+20,000
27	GRENADERS, ALL TYPES (OCO)	2,000	0
	Per Army Request		— 2,000
31	NON-LETHAL AMMUNITION, ALL TYPES (OCO)	15,000	0
	Per Army Request		— 15,000
40	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL TYPES (OCO)	37,700	37,700
TOTAL, PROCUREMENT OF AMMUNITION, ARMY		702,591	369,885
OTHER PROCUREMENT, ARMY			
5	FAMILY OF MEDIUM TACTICAL VEH (FMTV) (OCO)	516,350	398,925
	Battle Loss Replacement		+8,875
	Contract Savings		— 126,300
7	FAMILY OF HEAVY TACTICAL VEHICLES (OCO)	188,677	199,809
	Battle Loss Replacement		+11,132
9	ARMORED SECURITY VEHICLES (ASV) (OCO)	52,780	52,780
10	MINE PROTECTION VEHICLE FAMILY (OCO)	136,700	367,678
	Transfer from Title III		+230,978
14	HMMWV RECAPITALIZATION PROGRAM (OCO)	989,067	989,067
15	MODIFICATION OF IN SVC EQUIP (OCO)	20,000	312,956
	Transfer from Title III		+292,956
24	WIN-T-GROUND FORCES TACTICAL NETWORK (OCO)	8,163	8,163
27	SHF TERM (OCO)	62,415	62,415
29	NAVSTAR GLOBAL POSITIONING SYSTEM (OCO)	13,500	63,500

P-1		Budget Request	Recommendation
	Additional DAGRs		+50,000
40	AMC CRITICAL ITEMS—OPA2 (OCO)	3,946	3,946
47	RADIO, IMPROVED HF (COTS) FAMILY (OCO)	78,253	78,253
48	MEDICAL COMM FOR CBT CASUALTY CARE (OCO)	15,000	15,000
51x	FAMILY OF BIOMETRICS		38,172
	Non-MIP Biometrics—Transfer from RDTEA line 171		+38,172
53	BASE SUPPORT COMMUNICATIONS (OCO)	70,000	47,500
	Excess to Need		—22,500
55	INFORMATION SYSTEMS (OCO)		55,000
	Program Adjustment for Tactical Local Area Network (TACLAN)		+55,000
57	INSTALLATION INFO INFRASTRUCTURE MOD (OCO)	413,200	413,200
65	PROPHET GROUND (OCO)	18,900	18,900
70	DCGS-A (MIP) (OCO)	197,092	334,516
	Transfer from Title III		+137,424
74	CI HUMINT AUTO REPRTING AND COLL (OCO)	52,277	47,377
	Excess to Need		—4,900
75	ITEMS LESS THAN \$5.0M (MIP) (OCO)	5,400	5,400
76	LIGHTWEIGHT COUNTER MORTAR RADAR (OCO)	25,000	10,000
	Program Decrease		—15,000
77	WARLOCK (OCO)	225,682	225,682
79	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (OCO)	455,639	455,639
81	FAAD GBS (OCO)	167,460	167,460
84	NIGHT VISION DEVICES (OCO)	5,019	5,019
89	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) (OCO)	291,400	251,200
	Funded Ahead of Need		—40,200
90	BASE EXPEDITIONARY TARGETING & SURV SYS (OCO)	486,050	408,050
	Program Decrease		—78,000
95	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (OCO)	69,800	69,800
96	FORCE XXI BATTLE CMD BRIGADE & BELOW (OCO)	135,500	135,500
98	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER	22,371	22,371
99	COMPUTER BALLISTICS: LHMBG XM32 (OCO)	1,800	1,800
101	COUNTERFIRE RADARS (OCO)	20,000	285,867
	Transfer from Title III		+275,867
	Funded Ahead of Need		—10,000
103	TACTICAL OPERATIONS CENTERS (OCO)	43,800	43,800
104	FIRE SUPPORT C2 FAMILY (OCO)	566	13,566
	Advanced Field Artillery Tactical Data System		+13,000
105	BATTLE COMMAND SUSTAINMENT SUPPORT SYS	420	420
108	KNIGHT FAMILY (OCO)	49,744	49,744
110	AUTOMATIC IDENTIFICATION TECHNOLOGY (OCO)	2,222	2,222
114	NETWORK MANAGEMENT INITIALIZATION & SERVICE (OCO)	5,000	5,000
115	MANEUVER CONTROL SYSTEM (OCO)	60,111	60,111
121	AUTOMATED DATA PROCESSING EQUIP (OCO)	10,500	10,500
130	PROTECTIVE SYSTEMS (OCO)	5,690	5,690
135	TACTICAL BRIDGING, FLOAT RIBBON (OCO)	3,220	3,220
136	HANDHELD STANDOFF MINEFIELD DETECTION SYSTEM	0	28,000
	Transfer from JIEDDO for Proper Execution		+28,000
137	GRND STANDOFF MINE DETECTION SYSTEM (OCO)	191,000	191,000
141	HEATERS AND ECU'S (OCO)	8,708	8,708
149	FORCE PROVIDER (OCO)	261,599	52,499
	Excess to Need		—209,100
150	FIELD FEEDING EQUIPMENT (OCO)	29,903	29,903
154	DISTRIBUTION SYSTEMS, PETROLEUM & WATER (OCO)	55,105	55,105
155	WATER PURIFICATION SYSTEMS (OCO)	12,086	0
	Funded Ahead of Need		—12,086
156	COMBAT SUPPORT MEDICAL (OCO)	8,680	8,680
157	MOBILE MAINTENANCE EQUIPMENT SYSTEMS (OCO)	41,398	41,398
159	GRADER, ROAD MTZD, HYV, 6X4 (CCE) (OCO)	3,390	3,390
161	SCRAPERS, EARTHMOVING (OCO)	3,195	3,195
164	LOADERS (OCO)	1,157	1,157
168	HIGH MOBILITY ENGINEER EXCAVATOR FOS (OCO)	3,750	3,750
170	ITEMS LESS THAN \$5.0M (CONST EQUIP) (OCO)	4,140	4,140
174	GENERATORS AND ASSOCIATED EQUIP (OCO)	37,480	37,480
175	ROUGH TERRAIN CONTAINER HANDLER (OCO)	4,562	4,562
177	ALL TERRAIN LIFTING ARMY SYSTEM (OCO)	56,609	58,049
	Battle Loss Replacement		+1,440
179	TRAINING DEVICES, NONSYSTEM (OCO)	28,624	28,624
180	CLOSE COMBAT TACTICAL TRAINER (OCO)	8,200	0
	Funded Ahead of Need		—8,200
184	INTEGRATED FAMILY OF TEST EQUIPMENT (OCO)	622	622
186	RAPID EQUIPPING SOLDIER SUPT EQUIPMENT (OCO)	58,590	38,590
	Excess to Need		—20,000
187	PHYSICAL SECURITY SYSTEMS (OPA3) (OCO)	77,000	77,000
192	SPECIAL EQUIPMENT FOR USER TESTING (OCO)	1,987	1,987
	CLASSIFIED PROGRAMS (OCO)	775	775
TOTAL, OTHER PROCUREMENT, ARMY		5,827,274	6,423,832
AIRCRAFT PROCUREMENT, NAVY			
3	F/A-18E/F (FIGHTER) HORNET (MYP)		495,000
	Strike Fighter Shortfall Mitigation - Nine Aircraft		+495,000
11	UH-1Y/AH-1Z (OCO)	88,500	88,500
19	E-2C (EARLY WARNING) HAWKEYE (MYP)		175,000
	Program Increase - Combat Loss Replacement		+175,000
29	EA-6 SERIES (OCO)	15,000	12,700
	Install Equipment Program Adjustment		—2,300
31	AV-8 SERIES (OCO)	72,100	65,371
	Pod Upgrade Kits Cost Growth		—1,529
	GEN4 Pod Cost Growth		—5,200
32	F-18 SERIES (OCO)	43,250	43,250
34	AH-1W SERIES (OCO)	35,510	35,510
35	H-53 SERIES (OCO)	36,248	27,148
	Funded Ahead of Need		—9,100
36	SH-60 SERIES (OCO)	6,430	6,430
39	P-3 SERIES (OCO)	6,000	6,000
48	SPECIAL PROJECT AIRCRAFT (OCO)	6,100	6,100
53	COMMON ECM EQUIPMENT (OCO)	38,700	31,020
	Directed Infrared Countermeasures Installation Kit Cost Growth		—7,680
54	COMMON AVIONICS CHANGES (OCO)	14,100	14,100
55	COMMON DEFENSIVE WEAPON SYSTEM (OCO)	10,500	10,500
57	RQ-7 SERIES (OCO)	8,000	8,000
58	V-22 (TILT/ROTOR ACFT) OSPREY (OCO)	36,420	36,420
59	SPARES AND REPAIR PARTS (OCO)	3,500	208,500
	Aviation Spares		+205,000
TOTAL, AIRCRAFT PROCUREMENT, NAVY		420,358	1,269,549
WEAPONS PROCUREMENT, NAVY			
5	SEWINDER (OCO)	2,923	0
	Non-combat Expenditures		—2,923

P-1		Budget Request	Recommendation
9	HELLFIRE (OCO)	85,504	85,504
26	SMALL ARMS AND WEAPONS (OCO)	4,998	4,998
TOTAL, WEAPONS PROCUREMENT, NAVY		93,425	90,502
PROCUREMENT OF AMMO, NAVY & MARINE CORPS			
1	GENERAL PURPOSE BOMBS (OCO)	6,060	0
	Contract Delay		-6,060
3	AIRBORNE ROCKETS, ALL TYPES (OCO)	76,043	76,043
4	MACHINE GUN AMMUNITION (OCO)	69,660	68,660
	20mm Linked TP, PGU-27 Cost Growth		-1,000
7	AIR EXPENDABLE COUNTERMEASURES (OCO)	33,632	33,632
11	OTHER SHIP GUN AMMUNITION (OCO)	455	455
12	SMALL ARMS & LANDING PARTY AMMO (OCO)	7,757	7,757
13	PYROTECHNIC AND DEMOLITION (OCO)	1,209	1,209
15	SMALL ARMS AMMUNITION (OCO)	19,498	19,498
16	LINEAR CHARGES, ALL TYPES (OCO)	4,677	4,677
17	40 MM, ALL TYPES (OCO)	11,307	11,307
18	60MM, ALL TYPES (OCO)	17,150	17,150
19	81MM, ALL TYPES (OCO)	27,738	27,738
20	120MM, ALL TYPES (OCO)	96,895	96,895
21	CTG 25MM, ALL TYPES (OCO)	990	990
22	GRENADES, ALL TYPES (OCO)	6,137	6,137
23	ROCKETS, ALL TYPES (OCO)	13,543	13,543
24	ARTILLERY, ALL TYPES (OCO)	137,118	137,118
25	DEMOLITION MUNITIONS, ALL TYPES (OCO)	9,296	9,296
26	FUZE, ALL TYPES (OCO)	25,888	25,888
27	NON LETHALS (OCO)	31	31
TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS		565,084	558,024
OTHER PROCUREMENT, NAVY			
25	STANDARD BOATS (OCO)	30,706	23,706
	Riverine Patrol Boats - Unjustified Request		-7,000
57	MATCALS (OCO)	27,080	25,080
	ASPARCS - Unjustified Cost Growth		-2,000
74	EMI CONTROL INSTRUMENTATION (OCO)	1,800	1,800
94	EXPEDITIONARY AIRFIELDS (OCO)	0	4,600
	AM-2 Matting Expeditionary Airfield - Requested Transfer from OM,MC		+4,600
99	AVIATION LIFE SUPPORT (OCO)	26,024	10,024
	CSEL Excess to Need		-16,000
117	EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO)	132,386	10,386
	JCREW - Funding No Longer Required		-122,000
122	PASSENGER CARRYING VEHICLES (OCO)	1,234	1,234
123	GENERAL PURPOSE TRUCKS (OCO)	420	420
124	CONSTRUCTION & MAINTENANCE EQUIP (OCO)	55,474	41,474
	Contract Delays		-14,000
126	TACTICAL VEHICLES (OCO)	91,802	91,802
129	ITEMS UNDER \$5 MILLION (OCO)	26,016	26,016
131	MATERIALS HANDLING EQUIPMENT (OCO)	33,659	33,659
137	COMMAND SUPPORT EQUIPMENT (OCO)	2,775	2,775
146	PHYSICAL SECURITY EQUIPMENT (OCO)	46,417	38,917
	ATFP Afloat—Ahead of Need		-7,500
149	SPARES AND REPAIR PARTS (OCO)	4,942	4,942
TOTAL, OTHER PROCUREMENT, NAVY		480,735	316,835
PROCUREMENT, MARINE CORPS			
2	LAV PIP (OCO)	152,333	37,573
	Baseline Budget Requirement		-114,760
5	155MM LIGHTWEIGHT TOWED HOWITZER (OCO)	103,600	103,600
6	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (OCO)	145,533	145,533
7	WEAPONS & COMBAT VEHICLES UNDER \$5 M (OCO)	7,329	7,329
9	MODIFICATION KITS (OCO)	12,000	12,000
10	WEAPONS ENHANCEMENT PROGRAM (OCO)	18,571	18,571
16	UNIT OPERATIONS CENTER (OCO)	112,424	112,424
17	REPAIR AND TEST EQUIPMENT (OCO)	15,962	38,762
	OCO Shortfall—ETMS and Obsolescence Upgrades		+22,800
19	MODIFICATION KITS (OCO)	18,545	3,345
	Unexecutable Funding—CESAS		-15,200
20	ITEMS UNDER \$5 MILLION (COMM & ELEC) (OCO)	11,549	11,549
21	AIR OPERATIONS C2 SYSTEMS (OCO)	41,031	41,031
22	RADAR SYSTEMS (OCO)	5,493	10,993
	OCO Shortfall—TPS-59		+5,500
23	FIRE SUPPORT SYSTEM (OCO)	4,710	4,710
24	INTELLIGENCE SUPPORT EQUIPMENT (OCO)	82,897	82,897
26	DCGS-MC (OCO)	21,789	21,789
28	COMMON COMPUTER RESOURCES (OCO)	29,412	29,412
29	COMMAND POST SYSTEMS (OCO)	36,256	36,256
30	RADIO SYSTEMS (OCO)	155,545	110,545
	E-LMR—Not an OCO Requirement		-45,000
31	COMM SWITCHING & CONTROL SYSTEMS (OCO)	63,280	28,280
	Previously Funded UUNS		-35,000
35	5/4T TRUCK HMMVV (MYP) (OCO)	12,994	0
	Service Requested Reduction		-12,994
37	MEDIUM TACTICAL VEHICLE REPLACEMENT (OCO)	80,559	80,559
38	LOGISTICS VEHICLE SYSTEM REP (OCO)	109,100	109,100
39	FAMILY OF TACTICAL TRAILERS (OCO)	22,130	22,130
42	ENVIRONMENTAL CONTROL EQUIP ASSORT (OCO)	17,799	27,399
	OCO Shortfall—ECU and SFRS		+9,600
43	BULK LIQUID EQUIPMENT (OCO)	1,628	16,758
	OCO Shortfall—Tank and Pump Modules		+15,130
44	TACTICAL FUEL SYSTEMS (OCO)	83,698	89,498
	OCO Shortfall—Liquid Fuel Storage		+5,800
45	POWER EQUIPMENT ASSORTED (OCO)	41,536	41,536
47	EOD SYSTEMS (OCO)	213,985	188,985
	Excess to Requirement		-25,000
48	PHYSICAL SECURITY EQUIPMENT (OCO)	5,200	5,200
50	MATERIAL HANDLING EQUIP (OCO)	58,264	58,264
53	TRAINING DEVICES (OCO)	55,864	55,864
54	CONTAINER FAMILY (OCO)	8,826	8,826
56	FAMILY OF INTERNALLY TRANSPORTABLE VEHICLE (OCO)	28,401	28,401
TOTAL, PROCUREMENT, MARINE CORPS		1,778,243	1,589,119
AIRCRAFT PROCUREMENT, AIR FORCE			
1	F-35 (OCO)	204,900	0
	Unjustified Request		-204,900
19	CV-22 (OCO)		70,000
	Program Increase—Provides for One Additional Combat Loss Aircraft		+70,000

P-1		Budget Request	Recommendation
25	HH-60M OPERATIONAL LOSS REPLACEMENT (OCO)	114,000	417,400
	Program Increase (Adds 10 Aircraft, Not Less Than Four for the Air National Guard)		+303,400
26	RQ-11 (OCO)	9,380	9,380
34	MQ-9 (OCO)	216,000	376,814
	Spares		— 55,186
	Transfer 12 Aircraft from Title III		+216,000
37	B-1B (OCO)	8,500	8,500
39	A-10 (OCO)	16,500	16,500
44	C-5 (OCO)	73,400	73,400
47	C-17A (OCO)	224,450	176,450
	Program Decrease		— 48,000
56	KC-10A (ATCA) (OCO)	3,540	3,540
62	C-130 (OCO)	166,720	166,720
63	C-130 MODS INTEL (OCO)	10,900	10,900
66	COMPASS CALL MODS	10,000	10,000
72	H-60 (OCO)	81,000	153,200
	Excess to Need for Radars		— 61,000
	Program Increase—Transportable Blackhawk Operation Simulators		+92,800
	Program Increase—Control Display Unit Mission Processors		+12,500
	Program Increase—GPS/Inertial Navigation Units		+27,900
75	OTHER AIRCRAFT (OCO)	61,600	61,600
78	MQ-9 PAYLOAD—UAS	45,000	160,383
	Transfer from Title III		+115,383
79	CV-22 MODS (OCO)	830	830
80	INITIAL SPARES/REPAIR PARTS	10,900	10,900
98	OTHER PRODUCTION CHARGES (OCO)	57,500	218,138
	Transfer from Title III		+160,638
104	DARP (OCO)	47,300	47,300
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE		1,362,420	1,991,955
MISSILE PROCUREMENT, AIR FORCE			
5	PREDATOR HELLFIRE MISSILE (OCO)	41,621	41,621
10	AGM-65D MAVERICK (OCO)	15,000	15,000
TOTAL, MISSILE PROCUREMENT, AIR FORCE		56,621	56,621
PROCUREMENT OF AMMUNITION, AIR FORCE			
2	CARTRIDGES (OCO)	30,801	30,801
4	GENERAL PURPOSE BOMBS (OCO)	53,192	53,192
5	JOINT DIRECT ATTACK MUNITION (OCO)	147,991	147,991
11	FLARES (OCO)	20,486	20,486
12	FUZES (OCO)	24,982	24,982
13	SMALL ARMS (OCO)	15,507	15,507
TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE		292,959	292,959
OTHER PROCUREMENT, AIR FORCE			
2	MEDIUM TACTICAL VEHICLE (OCO)	7,350	5,350
	Contract Savings		— 2,000
5	SECURITY AND TACTICAL VEHICLES (OCO)	15,540	13,540
	Uparmored HMMWV—Unjustified Cost Growth		— 2,000
11	ITEMS LESS THAN \$5,000,000(VEHICLES)(OCO)	690	690
16	INTELLIGENCE COMM EQUIPMENT (OCO)	1,400	1,400
19	THEATER AIR CONTROL SYS IMPROVEMENT	4,354	4,354
20	WEATHER OBSERVATION FORECAST (OCO)	9,825	0
	OS-21 Contract Delays		— 9,825
28	AIR FORCE PHYSICAL SECURITY SYSTEM (OCO)	6,100	6,100
38	USCENTCOM (OCO)	28,784	28,784
44	MILSATCOM SPACE (OCO)	4,300	4,300
46	COUNTERSPACE SYSTEM (OCO)	8,200	8,200
47	TACTICAL C-E EQUIPMENT (OCO)	2,552	2,552
52	COMM ELECT MODS (OCO)	470	470
53	NIGHT VISION GOGGLES (OCO)	8,833	4,433
	NVCD-NSL Contract Delays		— 4,400
57	CONTINGENCY OPERATIONS (OCO)	131,559	16,759
	JCREW Ahead of Need		— 114,800
56	BASE PROCURED EQUIPMENT (OCO)	9,070	9,070
59	MOBILITY EQUIPMENT (OCO)	16,588	16,588
66	DEFENSE SPACE RECONNAISSANCE PROG (OCO)	9,700	9,700
	OTHER PROGRAMS (OCO)	2,822,166	2,736,303
	Classified Adjustment		— 85,863
TOTAL, OTHER PROCUREMENT, AIR FORCE		3,087,481	2,868,593
PROCUREMENT, DEFENSE-WIDE			
5	DIA SUPT TO CENTCOM INTELLIGENCE ACT (OCO)	27,702	27,702
18	GLOBAL COMMAND AND CONTROL SYS (OCO)	1,000	1,000
20	TELEPORT PROGRAM (OCO)	6,191	6,191
23	DEFENSE INFORMATION SYSTEM NETWORK (OCO)	520	520
35	AEGIS FIELDING	0	189,720
	SM-3 Block IA—Additional 20 Interceptors		+189,720
50	MAJOR EQUIPMENT, OSD (OCO)	5,700	5,700
52	UNDISTRIBUTED, INTELLIGENCE	15,000	15,000
XX	OTHER PROGRAMS (OCO)	323,486	333,675
	Classified Adjustment		+10,189
55	ROTARY WING UPGRADES & SUSTAINMENT (OCO)	5,600	5,600
55A	MH-47G	0	28,500
	Combat Loss Replacement Aircraft		+28,500
56	MH-47 SERVICE LIFE EXTENSION PROG (OCO)	4,222	15,222
	Modifications for Combat Loss Replacement Aircraft		+11,000
57	MH-60 SOF MODERNIZATION (OCO)	0	7,800
	Modifications for Combat Loss Replacement Aircraft		+7,800
58	NON-STANDARD AVIATION	0	121,268
	Medium NSAV -- Transfer from Title III		+121,268
63	CV-22 SOF MODIFICATION	0	15,000
	Modifications for Combat Loss Replacement Aircraft		+15,000
64	MQ-1 UAS(OCO)	8,202	8,202
65	MQ-9 UAV (OCO)	4,368	4,368
71	SOF ORDNANCE REPLENISHMENT (OCO)	75,878	65,878
	Execution Delays		— 10,000
72	SOF ORDNANCE ACQUISITION (OCO)	49,776	49,776
73	COMMUNICATIONS EQUIPMENT & ELECTRONICS (OCO)	9,417	31,817
	Program Increase—Unfunded Requirement		22,400
74	SOF INTELLIGENCE SYSTEMS (OCO)	149,406	81,306
	Leased Aircraft—Unjustified Request		— 42,800
	HF-TTL Baseline Budget Requirement		— 25,300
81	TACTICAL VEHICLES (OCO)	36,262	91,262
	Program Increase—Unfunded Requirement		+55,000
83	COMBAT MISSION REQUIREMENTS (OCO)	30,000	0

P-1		Budget Request	Recommendation
	OCO Program Growth		— 30,000
88	SOF AUTOMATION SYSTEMS (OCO)	1,291	1,291
90	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE (OCO)	25,000	25,000
92	SOF VISUAL AUGMENTATION, LASERS & SENSORS (OCO)	3,200	22,700
	Program Increase—Unfunded Requirement		+19,500
93	SOF TACTICAL RADIO SYSTEMS (OCO)	3,985	3,985
96	MISCELLANEOUS EQUIPMENT (OCO)	5,530	5,530
97	SOF OPERATIONAL ENHANCEMENTS (OCO)	79,869	95,545
	Program Increase—Unfunded Requirement		+51,376
	Requirement Addressed by Reprogramming		— 35,700
	CLASSIFIED PROGRAMS	2,941	2,941
	TOTAL, PROCUREMENT, DEFENSE-WIDE	874,546	1,262,499
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	NATIONAL GUARD AND RESERVE EQUIPMENT	0	850,000
	Program Increase—Army Reserve		+140,000
	Program Increase—Navy Reserve		+70,000
	Program Increase—Marine Corps Reserve		+70,000
	Program Increase—Air Force Reserve		+70,000
	Program Increase—Army National Guard		+250,000
	Program Increase—Air National Guard		+250,000
	MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND		
	MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND	3,415,000	3,415,000
	TOTAL, PROCUREMENT	21,361,868	25,316,335
R-1		Budget Request	Recommendation
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		
48	NIGHT VISION ADVANCED TECHNOLOGY (OCO)	0	23,100
	Program increase—Aviation night and limited visibility sensor demonstration		+23,100
60	SOLDIER SUPPORT AND SURVIVABILITY (OCO)	57,900	14,900
	HFDS—Transfer to line 75 for execution at request of the Army		—48,000
	REF—Transfer from Title IV for OCO requirement		+5,000
61	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	0	7,800
	Transfer from JIEDDO—Air Vigilance		+7,800
75	ELECTRONIC WARFARE DEVELOPMENT (OCO)	5,400	48,000
	HFDS—Transfer from line 60 for execution at request of the Army		+48,000
	Long-term development effort		— 5,400
77	ALL SOURCE ANALYSIS SYSTEM (OCO)	8,100	8,100
171	INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	63,306	0
	Protected Information—Biometrics—Transfer to line 171x		— 25,134
	Transfer to OPA line 51 at request of the Army		—38,172
171x	FAMILY OF BIOMETRICS	0	25,134
	Non-MIP Biometrics—Transfer from line 171		+25,134
178	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS (OCO)	16,200	16,200
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY	150,906	143,234
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY (OCO)	14,100	10,680
	Unjustified request		— 3,420
53	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT (OCO)	1,000	1,000
75	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (OCO)	0	11,800
	Network Enabled EW—Transfer from JIEDDO		+11,800
124	MEDICAL DEVELOPMENT (OCO)	300	300
153	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT (OCO)	5,200	5,200
204	TACTICAL UNMANNED AERIAL VEHICLES	0	36,000
	Transfer from OM,MC for Qualitative Risk Assessment		+36,000
213	RQ-7 UAV (OCO)	6,900	6,900
999	OTHER PROGRAMS (OCO)	32,901	32,901
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY	60,401	104,781
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
17	ADVANCED AEROSPACE SENSORS	0	56,000
	Blue Devil Block 2—Transfer from JIEDDO		+56,000
36	SPACE CONTROL TECHNOLOGY (OCO)	16,000	16,000
66	TACTICAL DATA NETWORKS ENTERPRISE (OCO)	30,000	30,000
128	MQ9 UAV (OCO)	0	88,500
	VADER/DDR on MQ-9—Transfer from JIEDDO		+88,500
145	CSAF INNOVATION PROGRAM (OR ISR INNOVATIONS)	0	112,000
	ISR Sensor Pilot Program		+112,000
164	MISSION PLANNING SYSTEMS (OCO)	4,443	4,443
211	NETWORK-CENTRIC COLLABORATIVE TARGETING (OCO)	6,100	6,100
230	SPECIAL TACTICS/COMBAT CONTROL (OCO)	10,325	10,325
999	OTHER PROGRAMS (OCO)	199,373	161,014
	Classified Adjustment		— 38,359
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE	266,241	484,382
	RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
56	DARPA SENSOR TECHNOLOGY	0	40,000
	Transfer from JIEDDO—Wide Area Surveillance Development Roadmap		+40,000
197	LONG-HAUL COMMUNICATIONS DCS (OCO)	23,125	23,125
202	INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	750	750
254	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT (OCO)	9,440	9,440
255	SOF Operational Enhancements	0	14,500
	Transfer from JIEDDO—EW Family of Systems		+14,500
999	OTHER PROGRAMS (OCO)	123,925	134,801
	Classified Adjustment		+3,376
	Transfer from JIEDDO—Wallaby		+7,500
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE	157,240	222,616
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION	634,788	955,013
	DEFENSE HEALTH PROGRAM		
	OPERATION AND MAINTENANCE	1,398,092	1,398,092
	IN-HOUSE CARE	709,004	709,004
	PRIVATE SECTOR CARE	538,376	538,376
	CONSOLIDATED HEALTH CARE	128,412	128,412
	INFORMATION MANAGEMENT/IT	2,286	2,286
	MANAGEMENT HEADQUARTERS	518	518

R-1		Budget Request	Recommendation
.....	EDUCATION AND TRAINING	18,061	18,061
.....	BASE OPERATIONS AND COMMUNICATIONS	1,435	1,435
.....	RESEARCH AND DEVELOPMENT	0	24,000
.....	Blast Recovery Monitors—Transfer from JIEDDO		+8,000
.....	Body Blood Flow Monitor—Transfer from JIEDDO		+9,000
.....	EMF Blast Pulse Effects—Transfer from JIEDDO		+7,000
.....	TOTAL, DEFENSE HEALTH PROGRAM	1,398,092	1,422,092
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE			
.....	AFGHANISTAN AIR MOBILITY	141,634	141,634
.....	AFGHANISTAN BORDER FACILITIES	5,000	5,000
.....	AFGHANISTAN BORDER POLICE EQUIP	19,500	19,500
.....	AFGHANISTAN BORDER TRAINING	20,000	20,000
.....	CENTCOM SUPPORT—AFGHANISTAN	3,000	3,000
.....	COUNTER NARCOTICS POLICE AFGHANISTAN FACILITIES	25,295	25,295
.....	COUNTER NARCOTICS POLICE AFGHANISTAN TRAINING	50,250	50,250
.....	COUNTER NARCOTICS POLICE AFGHANISTAN (CNP-A) EQUIPMENT	1,241	1,241
.....	INTELLIGENCE AND TECHNOLOGY	61,500	56,900
.....	Program Adjustment		—4,600
.....	PAKISTAN	49,590	49,590
.....	KAZAKHSTAN	7,850	7,850
.....	KYRGYZSTAN	27,900	27,900
.....	TAJIKISTAN	8,500	8,500
.....	TURKMENISTAN	10,350	10,350
.....	UZBEKISTAN	8,500	8,500
.....	YEMEN	17,000	17,000
.....	PROGRAM ADJUSTMENT		—12,000
.....	TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	457,110	440,510
JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND			
1	ATTACK THE NETWORK	1,434,400	765,200
.....	Transfer to Staff and Infrastructure for proper execution		—238,800
.....	Air Vigilance—outside JIEDDO mission—Transfer to RDTE,A line 61 and OM,A line 411 for proper execution		—13,200
.....	Blue Devil Block 2—Transfer to RDTE,AF line 17 for proper execution		—56,000
.....	Copperhead—program terminated		—125,000
.....	Electronic Warfare Family of Systems (EW FoS)—Transfer to SOCOM, RDTE,DW for proper execution		—14,500
.....	JUON Reserve		+100,000
.....	Solar ISE—outside JIEDDO mission		—7,000
.....	Synchronization and Integration WTI Cell—Transfer to OM,A SAG 135 and OM,DW for proper execution		—6,400
.....	Thermal Station (National IED Exploitation Facility (NIEF))—Transfer to OM,A SAG 135 for proper execution		—13,000
.....	VADER development—Transfer \$88.5 million to RDTE,AF line 128		—241,800
.....	Wallaby—Transfer to RDTE,DW for proper execution		—7,500
.....	Wide Area Surveillance Development Roadmap (WASDP)—Transfer to DARPA for proper execution		—40,000
.....	Wolfhound II—Transfer to OM,DW for proper execution		—6,000
2	DEFEAT THE DEVICE	1,529,390	1,223,090
.....	ACES HY Roadmap—Program terminated		—28,000
.....	Transfer to Staff and Infrastructure for proper execution		—105,000
.....	Beachcomber—Transfer to OM,A SAG 135 for proper execution		—3,000
.....	Counter Bomber—Transfer to OM,A SAG 135, OM,N, OM,MC and OM,AF for proper execution		—3,000
.....	CREW-SSM—Universal Test Set—Transfer to OM,A SAG 135, OM,N and OM,MC for proper execution		—5,000
.....	JUON Reserve		—105,000
.....	Networked Enabled EW—Transfer to RDTE,N line 75 for proper execution		—11,800
.....	Personnel Borne IED/Vehicle Borne IED (PBIED/VBIED)—Transfer to OPA line 136 for proper execution		—28,000
.....	Starlite Development Program—Program terminated		—16,000
.....	Subtle Magnetic Anomaly Detection Networked Systems—Transfer to OM,A SAG 135 and OM,MC for proper execution		—1,500
3	TRAIN THE FORCE	286,210	170,410
.....	Transfer to Staff and Infrastructure for proper execution		—75,400
.....	Blast Recovery Monitors—Transfer to DHP RDTE for proper execution		—8,000
.....	Body Blood Flow Monitor—Transfer to DHP RDTE for proper execution		—9,000
.....	EMF Blast Pulse Effects—Transfer to DHP RDTE for proper execution		—7,000
.....	Technical Collection Training Program—Transfer to OM,A SAG 135 for proper execution		—16,400
4	STAFF AND INFRASTRUCTURE	0	635,068
.....	Transfer from Title VI		+215,868
.....	Transfer from Attack the Network for proper execution		+238,800
.....	Transfer from Defeat the Device for proper execution		+105,000
.....	Transfer from Train the Force for proper execution		+75,400
.....	TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND	3,250,000	2,793,768
OFFICE OF THE INSPECTOR GENERAL			
.....	OFFICE OF THE INSPECTOR GENERAL	10,529	10,529
.....	TOTAL, OFFICE OF THE INSPECTOR GENERAL	10,529	10,529
.....	TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS	5,115,731	4,666,899

Mr. ROGERS of Kentucky. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose dated at least 1 day before the day of consideration of the amendment (but no later than February 15, 2011) and pro forma amendments for the purpose of debate.

Each amendment so received may be offered only by the Member who sub-

mitted it for printing or a designee and shall be considered as read if printed.

The Clerk will read.

The Clerk read as follows:

H.R. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Division A—Department of Defense Appropriations Act, 2011

Division B—Full-Year Continuing Appropriations for Fiscal Year 2011

Division C—Stimulus Rescissions

Division D—Miscellaneous Provisions.

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in di-

vision A of this Act shall be treated as referring only to the provisions of that division.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, Chairman ROGERS deserves an awful lot of credit for having been able to put together this H.R. 1, that saves \$100 billion over what many expected we would spend this year. The largest part of this bill is the defense part. The defense part of this bill is not a CR. It is not a continuing resolution. It is an actual, honest-to-God appropriations bill, one that under the leadership of Chairman DICKS during last year we put together; the subcommittee worked hard, many hearings, a really

good bill. We worked with our Senate counterparts and we had agreement on this bill.

□ 1530

We had agreement on this bill from the Defense Department, and we were just really disappointed that here we are 5 months into the fiscal year and we are just now getting this bill to the floor. It is no fault of Chairman DICKS. He worked hard, and I know the pressures that he tried to apply and that I tried to apply to get permission to put this bill on the floor. But, anyway, here it is and we have it today.

It is a good defense bill. It is \$516 billion. It is a lot of money; but our warfighters, they need training, they need salaries, they need pay, they need medical care, they need weapons, they need equipment, they need technology; and this bill, for the most part, provides that.

The \$516 billion is \$14.8 billion less than was requested for this fiscal year. That \$14.8 billion didn't come about easily. We saved that by going line by line the best that we could in the time that we had to find program changes, to find budget changes, to find slush funds that we didn't think were necessary, and a lot of other ways that we saved the \$14.8 billion. But we have a good bill here, and I am hopeful that the House will support this today.

One thing that is different from the bill that we thought we were going to have on the floor is 1,200 earmarks aren't there any more. We took out the earmarks, nearly \$3 billion worth of earmarks.

So we have a very clean Defense bill here for you today. I know that there are many who would like to have more, and there are more things we could do. We could reach out into the future, but the world we live in today shows a growing deficit, and it is important that we are willing to contribute to solving it. It is crucial to the future of this Nation that we solve this deficit problem, because if we don't, I hate to think what might happen to our economy, what might happen to our currency, what might happen to our standing in the economy of the world.

I would ask the Members, if this bill came on the floor during Jack Murtha's chairmanship, we would have probably passed this bill in about 10 minutes. That is the way that he did business when he was in the majority. We didn't quite do that. We have an open rule. We have an open rule here that anybody can offer an amendment that is germane to the bill. If it makes it better, fine, we will agree to it. If it doesn't make it better, we will not agree to it. We understand that there are some that will be subject to a point of order, and we will raise those points of order, but we will allow the Member that offers the amendment to discuss it before we raise the point of order as a courtesy to them.

Anyway, again, I want to congratulate Mr. DICKS for the work that he did during the time that he was chairman. As he said in the general debate, he and I have worked together for over 30 years on the national security and intelligence affairs of our Nation. He is very honorable, a very hardworking individual, very much determined to do a good job for our Nation; and he shares the same feeling that I have here that while we may have to make reductions and have to come up with savings, we will not approve anything that has an adverse effect on the warfighter. We will not do anything that has an adverse effect on the readiness of our national security effort.

It is a commitment that I made many years ago and that Mr. DICKS made many years ago. When we made these cuts we did not affect the warfighter. We didn't cut his pay. One of the largest portions of our Defense bill is military personnel, the cost of salaries. We did not cut that. We didn't get into that at all.

The CHAIR. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2011, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$41,042,653,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,912,449,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational

movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$13,210,161,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,333,165,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,940,191,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$612,191,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a)

of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,650,797,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,511,296,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,060,098,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$33,306,117,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$37,809,239,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,539,740,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$36,062,989,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$30,210,810,000: *Provided*, That not more than \$50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

AMENDMENT NO. 370 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 15, after the dollar amount, insert "(reduced by \$18,750,000)".

Page 359, line 6, after the dollar amount, insert "(increased by \$18,750,000)".

The CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I thank the chairman. I just want to say a few words about the process here.

It is refreshing to so many of us to come to the House with an open rule. There are some Members who have been part of this body for 4 years now and have not been allowed the opportunity to offer one amendment on the floor because of the absence of open rules. So we are going to have a number of amendments offered here, and this is just a great process.

I also want to commend the Appropriations Committee for the hard work that it took to get the level of savings

that we are in the legislation and what a positive step, as was mentioned, it was to cut out the earmarks. There are no earmarks in this bill. That is a wonderful thing. We can actually talk more about the substance and less about just pet projects on the side.

This amendment would reduce by \$18.75 million the operations and maintenance defense-wide account. It would send the money to the spending reduction account. We are often told that when we offer amendments like this on the floor, it is not going to save any money. This one does. The money that is saved here will go to the spending reduction account.

Last August, Secretary Gates ordered a review of all outside boards and commissions that provide advice and studies to the Defense Department with an eye toward eliminating unnecessary entities and cutting funding for the studies that they produce by 25 percent.

According to CRS, the Department of Defense funds 65 boards and commissions at a cost of about \$75 million. This amendment would achieve the approximate savings that Secretary Gates sought for FY 2011 that would equal \$18.75 million. That is 25 percent of the \$75 million over time. I certainly don't have any problems with the various panels from which the Defense Department seeks counsel, but I am sure there is some waste there. That is why Secretary Gates has targeted a 25 percent reduction.

I realize the amount of savings in this amendment is relatively small compared to the overall defense budget, but I think the point has to be made here that the defense budget is not sacrosanct. We can't say if it is defense, it is all good; that there is no waste here, we can't cut any. So it is important to look for ways we can actually save.

In fiscal year 2010, more than \$1 trillion was spent on discretionary spending. The Department of Defense received more than \$508 billion of that. Certainly in a Federal agency that requires the largest budget, this is the Federal agency that has the largest budget, there is going to be some waste and inefficiencies.

□ 1540

This is a great place to start. This is a proposal that came from the Defense Secretary himself, one that wasn't included in the underlying bill, and one that will be addressed in the FY 2012 budget, according to the documents released yesterday. In fact, according to the Defense Department, it intends to achieve a savings of more than a billion dollars in FY 2012 simply by eliminating internally produced reports and reducing funding for the types of studies that I'm talking about here.

I applaud the Department's willingness to talk about cuts in its own budget. I urge my colleagues to adopt the

same willingness here. If the Defense Department is willing to find savings, we ought to be able to do that here as well. We need to reduce this account which funds boards and commissions and the studies they produce by \$18.75 million.

Again, passing this amendment will reduce funding that will not impact the warfighter. It won't impact the war in Afghanistan or the war still going on in Iraq. This would simply signal that this body is willing to cut where we can cut without affecting the necessary protections that we have in the Department of Defense.

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mainly, what I'm opposed to is the fact we're not sure what boards or commissions this amendment would deal with. I think it's probably a good idea, but I think the subcommittee will really like to have an opportunity to investigate whether or not a board is necessary or is doing some positive function for the Department of Defense. We'd like to have time to look into that.

We agree with the gentleman that we should find all the savings, all the waste we can, and we did. We reduced the request for this year by the \$14.8 billion. I think we did a pretty good job.

On the gentleman's comment about the process, I had the privilege of serving as chairman of this Appropriations Committee for 6 years. I never brought an appropriations bill to the floor under a closed rule. It was 6 years that any germane amendment could be offered.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. DICKS. I, first of all, want to thank the gentleman for his very kind comments earlier.

This amendment cuts \$18.75 million from operations and maintenance Defense-wide to reduce boards and commissions. Well, I think things like the Defense Science Board are very important. We have a number of commissions that are looking into acquisition reform that are trying to help us save money, help us get our acquisition straightened out.

So I agree with the gentleman. I think we should strongly oppose this amendment, and I yield back to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for his comments. Like I said, the subcommittee would really like an opportunity to really review this to make sure that we don't make a mistake and cut something that is important.

Mr. Chairman, I yield back the balance of my time.

Ms. LEE. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. I rise today in support of the bipartisan Flake amendment, No. 370, to cut \$18.75 million from the Defense-wide operations and maintenance budget at the Pentagon.

In my opinion, any discussion about getting our fiscal house in order must begin with a real discussion about reducing the bloated size of the Pentagon budget and ending the war in Afghanistan. And if we are really serious about reducing the deficit, we should be cutting Defense to the 2008 levels rather than cutting domestic discretionary spending to 2008 levels.

We're talking about a \$750 billion budget. But the Republican continuing resolution fails to cut the Pentagon budget, and it really increases it by more than \$8 billion this year. This will put families and teachers and cops and children out on the street. These cuts will not come close to ending the deficit, will only hurt our economy, won't create any jobs, and given the fact that our economy is on the verge of recovery, we should be doing everything in our power to create jobs. A nearly \$700 million cut to food for women, infants, and children during the height of a recession is really heartless and cold. This cut will not balance the budget and it will certainly not magically reduce the number of hungry children and families across the country.

Republicans want to cut billions of dollars in education programs that impact students at every level, from preschool to graduate school, starting with \$1.1 billion in terms of a cut for Head Start. That's going to hurt millions of needy preschoolers. Gutting the Federal Supplemental Education Opportunity Grants by \$757 million will really end the dreams of needy college students to be first in their families to earn a college or university degree. Republicans are willing to risk the futures of millions of needy students.

Republican cuts to cost-effective and critical programs like Community Health Centers are a prime example of what is really wrong with this one-sided approach to the budget. Smart investments in improving access to primary care and preventive health services, especially through low-cost programs like the Community Health Centers, are the most effective way to reduce the long-term costs of health care in our country and to reduce the deficit. Republican attempts to cut support for maternal and child health, \$50 million; family planning, \$317 million; State funds for Health Access Grants, \$75 million, worsens the health of children and families, increases the rates of chronic diseases, and does nothing to reduce the deficit.

As a member of the Appropriations Committee, we see these budgets come to us each and every day, and we know the impact of what these cuts will do to the majority of Americans who are just struggling to survive through this downturn. We're in the middle of a housing crisis, and we are struggling to correct this. We're seeing unprecedented demand for housing assistance and a near standstill in private construction of affordable housing. Republicans somehow believe that this would be a good time to make massive cuts to rental assistance that keeps countless families from suffering homelessness. They want to dramatically cut Community Development Funds and the Public Housing Capital Fund, which invests Federal dollars in creating desperately needed new affordable housing.

Worse, these cuts will do nothing to create jobs or jump-start the economy. They are the wrong prescription for what ails our country, and we need to go back to the drawing board. The Flake amendment will cut over \$18 million from Defense, which is an excellent beginning, but only a beginning.

So, in closing, let me just remind our friends on the other side of the aisle that budgets really are moral documents. They reflect our values and who we are as Americans. Proposing these deep and painful cuts reflects an unfortunate reality that we are putting bombs and missiles and wasteful Pentagon spending first rather than creating jobs for people who deserve to live the American Dream.

I yield back the balance of my time.

Mr. POMPEO. Mr. Chairman, I move to strike the requisite number of words.

The CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Let me just say it was asked which boards and commissions are there which this would cut. There are some 65 boards and commissions. Some are blue ribbon panels. The biggest three are the Defense Policy Board, the Defense Science Board, and the Defense Business Board.

But let me say, again, what this amendment does is simply moves forward what the Secretary of Defense has already identified as savings that he would like to achieve. He has said that they want to cut 25 percent of the budget for these boards and commissions.

The Secretary put this report out in August of last year, so it seems that he intended this for the FY 2011 cycle. That's what we're in right now. We're simply doing what, in my view, the Secretary of Defense has asked us to do or what he is going to carry through.

If we can't do this on Defense or on other wasteful spending, where can we do it? This is a great place to start. We should get this done now because it's going to be tackled later on. Why not get a head start and do it in the FY 2011 budget. If we're trying to realize the savings that we're trying to realize, let's take these boards and commissions that the Secretary of Defense has already said we should cut by 25 percent and give them what he asked for.

□ 1550

Mr. POMPEO. Reclaiming my time, it is the case that Mr. FLAKE's amendment addresses a very important issue, and that's duplicative processes and duplicative agencies. As a former soldier, there is nothing I care more about than making sure we take care of our airmen, our sailors, our marines. I think it is a great place to start to make sure we do just that by eliminating this from the Department of Defense appropriations bill.

I yield back the balance of my time.

Mr. HONDA. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. I rise in support of this amendment. I am opposed to this continuing resolution and to the Republicans' "no jobs" agenda.

Mr. Chairman, the American people want a recovery that supports jobs. Republicans have controlled the House for 41 days and have brought up zero bills to create jobs. These mindless cuts mean 1 million job cuts: no jobs for nurses, no jobs for teachers, no jobs for police, no jobs for firefighters, no jobs for manufacturing, and no jobs for small businesses.

Even worse than what the Republicans are doing to American workers is what they are doing to America's children. This bill will cut funding for education programs by over \$10 billion, or 16 percent, which is the largest education cut in history.

The Individuals with Disabilities Education Act, IDEA, State grants will be slashed by \$557 million, shifting to States and local districts the costs of educating 324,000 students with disabilities, therefore increasing local tax burdens and killing over 7,000 education jobs.

Pell Grants. Pell Grants will be cut by \$5.6 billion, making it more difficult for low- and middle-income families to pay for college. These cuts would eliminate or reduce aid for almost 1.5 million students.

Head Start. Head Start would be cut by over \$1 billion, leading to the elimination of enrollment slots for 127,000 poor children and the potential loss of over 14,000 jobs.

No one who votes for this bill could ever have the audacity to say they care about our children.

Republicans are wearing their hearts on their sleeves a day after Valentine's Day, but they don't care about children. They don't care about working middle class families, and they don't care to follow the rules of the road. Instead, Republicans want to make you pay. They want to make you pay for Big Oil's \$1 billion subsidies, make you pay for higher drug prices, make you pay taxes to start your small business, make you pay for CEO salaries, and make you and your children go it alone.

So, Mr. Chairman, in closing, I oppose this bill. Republicans want you to keep paying for their war and tax cuts for the ultra-rich while they cut jobs, services, and schools. This is not fiscal discipline. This is fiscal insanity.

I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. I rise in support of the amendment that Mr. FLAKE has proposed, and I rise in strong opposition to the underlying CR.

Mr. Chairman, the consequence of this whole discussion about dealing with the deficit and the budget reduction that is being recommended by the Republicans is going to be jobs. If you look at what is being proposed, the other side has had nearly 2 months but has brought zero bills that create jobs. These cuts amount to 1 million jobs that will be lost.

There will be no jobs for nurses. \$51 million will be cut from the National Park Service; that is a loss of jobs. \$256 million will be cut from State and Federal law enforcement; that is the local police that will be cut. \$889 million will be cut from renewable energy programs; those are jobs creating solar panels and outfitting and retrofitting homes so they will be energy-efficient. \$1 billion will be cut from the National Institutes of Health, which will be a loss of jobs in research and in providing direct public health care to the American citizens. \$1.3 billion will be cut from community health centers; that means no jobs and increased costs in the emergency rooms, where people with very acute illnesses will be—people who will not be able to find health care because they will have nowhere else to go. There will be cuts in rural development—a loss of jobs. There will be a \$1.6 billion cut for the Environmental Protection Agency—a loss of jobs. There will be a \$96 million cut for substance abuse and mental health services—a loss of jobs.

One of the realities is that we must invest. It has been said over and over again that the point of dealing with this deficit that we have in this country has to be a pragmatic, measured process. It has taken us 10 years to get into the hole that we are in, and we need to plan to get out of that with the same amount of time, if not more.

We also need to talk about revenue generation. We are not going to cut our way out of this deficit, and you are certainly not going to cut your way out of this deficit when you are only concentrating on 14 or 15 percent of the Federal budget, which is why I support this amendment as it is an attempt to deal with defense.

We must create revenues. We must quit giving huge subsidies to Big Oil and Big Gas. We must ask mining companies, for once, to begin to pay royalties on the extractions provided them by the public lands. We must close the corporate loopholes that exist that created the financial collapse of housing in this country, and we must ask Wall Street to pay its fair share through a transaction fee, which will generate billions and billions of dollars for the taxpayers of this country.

In order to deal with this deficit, there must be a corresponding generation of revenue so we can continue to invest in the things that are important to the American people: their families, their lives, their education, their health care, their futures. That is an investment, and with additional revenue we will be able to begin to cut the deficit.

The continuing resolution is not an effort to deal with the deficit. It is a calculation to deal with programs and projects that have helped the middle class succeed, poor people survive, the disabled endure. They are programs and projects that have made this country stronger with their support for education and health care.

I urge all of my colleagues to vote against the continuing resolution.

Mr. Chairman, I yield back the balance of my time.

Ms. FUDGE. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. FUDGE. I rise to support Mr. FLAKE's amendment because saving \$18 million from defense is a great start; but I do, indeed, oppose the underlying Republican continuing resolution.

Mr. Chairman, this resolution threatens jobs, American innovation, and jeopardizes investments that will rebuild America.

As a member of the Science, Space, and Technology Committee, I believe that innovation will lead our Nation and our economy forward. We all know that basic research and technology development create jobs and will help America to win the future. The Republicans have this thing backwards. They have proposed cutting \$2.5 billion to fund the National Institutes of Health. This \$2.5 billion to NIH funding will be devastating to the biomedical industry that serves as the backbone of Cleveland and so many other communities across the country.

The innovative ways that scientists are pursuing solutions to human suffering with neuroimaging, genomics,

and the development of novel treatments that arise from basic findings will improve life for all of us. Innovation will cut down on the costs of these illnesses, lost productivity in the workplace, and it will create important avenues for new investigations that will create new jobs, new ventures, and new industries.

We must continue to make investments in America. Our future is in innovation and technology development, and these cuts are not something we can afford. The loss of funding also means the loss of jobs.

Where are the jobs?

According to a new analysis by the nonpartisan Economic Policy Institute, the Republican CR will cost more than 800,000 private and public jobs. Republicans have controlled the House for 41 days, nearly 2 months, and have brought up zero bills to create jobs. Republicans want to cut Social Security and Medicare. When Republicans say they're cutting costs, they mean cutting Social Security, Medicare and Medicaid until they don't exist.

The American people want leadership that will create jobs and jump-start our Nation's economy. This careless resolution cuts jobs and damages the economy.

Again, I do support the amendment by Mr. FLAKE, but the Republican CR is bad for the American economy, and it is bad for Americans. I urge my colleagues to oppose the Republican CR and help put Americans back to work.

□ 1600

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. I too rise in support of Mr. FLAKE's amendment. I see it as a small beginning, a very small beginning, to cutting wasteful Pentagon spending. But Mr. Chair, this entire continuing resolution is bad for the economy and bad for this country. It's all a part of the Republican no jobs for America agenda.

The majority has no interest in doing anything whatsoever to help the 9 percent of Americans who are out of work. They've controlled the House for just about 6 weeks, and they've not brought up a single bill that would create a single job. They've brought up a bill that would continue to shred our civil liberties. They've brought up a bill that will infuse our campaigns with even more corrupting special interest money. They've brought up a bill that would take away guaranteed affordable health care. But nothing to address persistent joblessness. Nothing at all to fix the devastating recession that they caused in the first place.

Their mindless cuts don't do anything to strengthen America. They're not cutting spending; they're cutting jobs. Their agenda means cutting jobs

for nurses, cutting jobs for teachers, police officers, small businesses, the very people who form the backbone of the middle class of the United States of America. The Speaker of the House himself said this morning that if some jobs are lost as a result of their cuts, "so be it." He might as well have added, "Let them eat cake."

The best way to reduce the deficit is to put Americans back to work, Mr. Chairman, but the Republicans' no-jobs plan is all about cutting the very spending that sustains middle class families. When they say they want to cut costs, what they really mean is they want to cut Social Security, Medicare, and Medicaid right out of existence, and on top of cutting their hard-earned benefits, the Republicans want to make the middle class pay—pay for Big Oil's big subsidies, pay for higher drug prices, pay for astronomical CEO salaries, for higher taxes to start a small business.

The chairman of the House Budget Committee said yesterday, and I quote him, "What we're doing here is we're having a great debate in Congress about how much spending we should cut. I mean, how cool is that?" Well, I'd like to tell him it's not cool at all, Mr. Chairman, not when you're asking struggling families to shoulder the sacrifice. Giving a sweetheart deal to corporate special interests and asking the middle class to pay for it—not cool at all.

The Republicans' continuing resolution and no-jobs agenda—bad for America, totally uncool.

Ms. SCHAKOWSKY. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Chair, I rise in support of the Flake amendment, and I strongly oppose the underlying Republican no-jobs continuing resolution.

If people out there have the gnawing feel that the rich are getting richer and the poor are getting poorer, and they're stuck in the middle and stuck getting the bill, the fact of the matter is they're right. This bill is just another example of the Republicans' true agenda, which is helping out big business and the rich while sticking it to the middle class and those who aspire to it.

The cuts that they're proposing would actually cause a devastating wave of unemployment at the State and local level, particularly in the public sector. The Economic Policy Institute has estimated that passage would cost us nearly 1 million jobs. Who are we talking about? You know, it's cool these days to go after public sector workers, but what we're talking about are the teachers—I was one once a long time ago—the teachers who teach our children and grandchildren, the very

police who keep our streets safe and put their lives on the line, and the firefighters who answer our 9/11 emergency call. We're talking about workers who are the backbone of our communities.

Over the last 2 years, the Democratic Congress and President Obama were successfully able to stave off a second Great Depression, but we're still in the early stages of recovery, unemployment is still too high at 9 percent, and American families are still suffering. The proposed cuts would cost us 1 million more jobs, be devastating to our recovery, and hurt Americans trying to take care of their families and make ends meet.

Let's just take a look at some of the things they want to cut. How about the National Institutes of Health would be cut \$1.6 billion? This is funding that goes to vital medical research, including cures and improved treatments for devastating diseases. High speed rail development, which would provide desperately needed jobs, but beyond that, reinvigorate a keystone of the American infrastructure, it faces \$2.5 billion in cuts.

In addition to the important jobs program, what really hurts is Republicans want to put assistance to poor families on the cutting board. They want to cut \$1 billion for community health centers, the only access to health care for many poor families. And how about \$747 million for the Women, Infants and Children, the WIC program? That's food assistance for low-income pregnant women and their children. The 300,000 beneficiaries in my State of Illinois receive a grand average benefit of \$44.62 a month. That's it, per person, per month, and that minimal subsidy would be cut.

House Republicans' proposals to slash Federal spending programs are irresponsible and indiscriminate, eliminating programs that create jobs and cutting assistance for low-income and middle class families. There is another way to deal with the deficit and to balance our budget.

We need to enact a Democratic initiative to make it in America. We should be making things here. We should revive our manufacturing sector rather than providing tax breaks that encourage companies to go offshore.

I offered a plan last year as part of President Obama's 18-member National Commission on Fiscal Responsibility and Reform to make investments that get us out of the economic doldrums, boost job creation, and reduce the deficit—and not on the backs of low-income and middle-income Americans.

We can do it. We need to stop the Republican efforts and protect job-creating programs that benefit the middle class and the safety net programs that help the most vulnerable in our society because that's who we are as Americans.

The Republicans refuse to make the investments necessary to get people

back to work because they refuse to give up tax cuts for millionaires and billionaires. Their policies are a prescription for disaster, one that puts families, communities, and our Nation at risk.

Mr. FILNER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FILNER. I'm a little disappointed in the amendment by my friend from Arizona. This is our biggest deficit hawk in the House. He wants to cut \$18 million from the Defense budget. Did I get that number right, Mr. FLAKE, \$18 million? I mean, we've got a \$612 billion Defense budget. What are you, .000001 percent of the budget? Not good for a Senator from Arizona, Mr. FLAKE.

I would say let's really get at this. Man, you want to cut the budget? Republican President and Republican Congress funded a whole two wars off the budget. We're talking about trillions of dollars added to our deficit. You don't go after those, Mr. FLAKE. We need you to go after those. We will gladly support you. Eighteen million out of a \$612 billion budget? I'll vote for the amendment, and you know, whenever I vote for one, you win.

But let's go after some real stuff in that Pentagon budget, and let's not go after jobs as this underlying bill does. Come on. You know, you talked about jobs the whole campaign. I haven't seen a pro-job bill yet from the Republicans in this Congress, and yet this bill, H.R. 1, cuts millions of jobs.

□ 1610

I am on the Transportation and Infrastructure Committee, Mr. FLAKE. I don't know if you know about it, but the cuts to the clean water moneys—

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are advised to address their comments to the Chair, and not to other Members in the second person.

Mr. FILNER. Madam Chair, did you know that the bill cuts millions of jobs from our economy, the cuts to the Clean Water Act, the cuts to the High-Speed Intercity Passenger Rail Program, and other infrastructure cuts? In my State of California, we are losing, just on this bill, almost 50,000 jobs; the total jobs around the country, almost 300,000. Come on. This is not a way to both cut the deficit and keep our economy going.

I happen to represent a border district. I represent the whole Mexican border with California. Madam Chair, I'm sure Mr. FLAKE knows very well the border in Arizona, and he knows that in this bill, the GSA construction and acquisition funding line has been eliminated—eliminated—\$894 million worth.

I don't know about in the State that Mr. FLAKE represents, but I'll tell you,

in California, you are eliminating the several-hundred-million-dollar modernization of two of the biggest border crossings in our country and the biggest one in the world.

In my district, 300,000 people cross the border every day legally—legally—and they're crossing mainly for jobs and for shopping. We all know we need to make that far more efficient, that crossing, so people can spend money in our country and create jobs. You have eliminated the whole modernization moneys out of this budget, and I'm sure it affects Arizona.

The Otay Mesa crossing where we have all the commercial crossings in California, gone. The biggest border crossing in the world in San Ysidro, gone. Another big one in my district, Calexico, California, gone.

We are leaving billions of dollars on the table, Madam Chair, for jobs in our economy. If we don't have efficient border crossings, we don't have trade. We don't have shopping. We don't have the crossings that are legal that we all want to encourage. These modernization programs went directly at that, not only in California but in Texas, in New Mexico, and I'm sure in Arizona. And yet all those jobs that are created by more efficient crossings are now thrown away.

So the gentleman from Arizona who wants to give up efficient border crossings in his State, you might tell him, Madam Chairman, I don't think that's a good way to run for the Senate. Taking \$18 million out of a defense budget of \$612 billion is pretty miserly stuff. It's not even a good symbol for a guy running for Senate in the United States.

We should really go after what the Republicans said they are going after. Let's end the war in Afghanistan, save trillions of dollars off the deficit. But more importantly, the cuts that we have seen in infrastructure in this country, the cuts we have seen in GSA are costing hundreds of thousands, if not millions, of jobs. This is a job buster. It should be defeated.

I yield back the balance of my time, Madam Chair.

Mr. TONKO. Madam Chair, I rise to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, while I support the Flake amendment, I oppose the underlying continuing resolution.

The Republicans are here today offering another piece of their "no jobs" agenda, and they are in disarray and are hastily pushing an irresponsible and dangerous spending bill that threatens jobs, undercuts American innovation, and jeopardizes investments in rebuilding America.

Creating jobs, protecting the middle class, and reducing the deficit are, indeed, my top priorities. We should be

working together to accomplish these very valid goals. However, Republicans have controlled this House for 41 days, nearly 2 months, and brought up zero bills to create jobs. The mindless cuts that are on this floor today mean 1 million jobs cut, 1 million jobs cut from our economy—no jobs for nurses, no jobs for teachers, no jobs for police, no jobs for firefighters, no jobs for manufacturing, no jobs for small businesses.

You cut the deficit by putting America back to work, not by cutting Social Security. Republicans aim to cut Social Security and Medicare. When Republicans say they are cutting costs, they mean cutting Social Security, Medicare, and Medicaid until they don't exist. Ask my seniors in the 21st Congressional District of New York, and they'll tell you to leave alone the Social Security system that has served them well.

Republicans want to make you pay, make you pay for Big Oil's billion-dollar subsidies, make you pay for higher drug prices, make you pay taxes to start a small business, make you pay for CEO salaries, let Main Street take a hit while Wall Street gets a bonus. The American people want Republican leaders to look out for constituents first, not their corporate friends. This careless resolution cuts jobs and damages our economy.

Just 6 weeks after taking charge of the House, Republicans are not just ignoring jobs; they are cutting them, and they admit it. This morning, our Speaker, Speaker BOEHNER, had a response to our concern that this bill destroys—destroys—American jobs. And he said, "So be it." Well, I guess that he meant, so be it if there are 1,300 fewer cops on the beat, because this bill terminates the COPS hiring program. So be it if there are 2,400 fewer firefighters on the job protecting their communities, because this bill eliminates funding for SAFER grants. So be it if there are 20,000 fewer researchers at the National Science Foundation. So be it if there are 25,000 lost construction jobs and 76 construction projects are canceled in 40 States. So be it if there are 200,000 children kicked out of Head Start programs, and so be it if thousands of teachers will lose their jobs.

Mr. Speaker, "so be it" isn't a good enough answer for the hardworking middle class of our country.

I agree with the President that we must out-innovate, out-educate, and out-build the rest of the world. We will continue to measure every effort by whether it creates jobs, strengthens the middle class, and reduces the deficit.

I have submitted eight amendments to this irresponsible Republican spending bill to protect and grow jobs, out-innovate other countries in clean energy, protect our seniors, and ensure quality education for our children.

I support efforts to balance the budget. However, I will not support a spending bill that threatens our economic recovery, that cuts 1 million jobs just after we have created 1.2 million private sector jobs since last March, and is achieved on the backs of senior citizens, children, and the working middle class.

Republicans have gone too far, sacrificing Americans' health, safety, and future in order to protect their special interests while offering no real plan to create jobs.

Madam Chair, the American people are united, and they are saying one thing: Show us the jobs.

I urge defeat of this bill.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. Madam Chair, I rise in opposition to the Flake amendment and also to the underlying bill, and I join Leader PELOSI and my colleagues on this side of the aisle in calling this an irresponsible spending bill that threatens job and economic growth, hampers our global competitiveness, and harms the people who are hurting the most: the working families, the middle class, and the poor.

This CR targets vulnerable Americans because it would cut funding for the things they most desperately need, like food stamps, Head Start, and funding to heat their homes, all to keep a reckless tea party-driven campaign spending cuts goal. And at the end of the day, these kinds of hurtful cuts will never get us a balanced budget, and they certainly will not secure the kind of future we want for our children and grandchildren.

As one of the five representatives of the people of the U.S. offshore territories as well as the ranking member of the subcommittee that has jurisdiction over the territories, I am particularly troubled by the painful cuts this CR will make to the important programs that the people of the territories rely on.

The bill slashes 8.33 percent from the general technical assistance account of the Office of Insular Affairs. Madam Chair, the technical assistance program provides support not otherwise available to the insular areas to fight such things as the deteriorating fiscal conditions which are facing all of the islands and our ability to maintain the momentum that has been made in making and sustaining systemic changes.

□ 1620

These funds also support student training programs for high school and college students, as well as training for insular professionals in financial management, accounting and auditing, as well as other programs.

The program also provides funds to assist the islands in maintaining accreditation for our colleges and universities. What is critical about this meager program, which has not seen an increase in its budget in more than a decade, is that it is funding that the territories could not get anywhere else in the Federal Government. Sparing this very small but essential program from the majority's indiscriminate, meat cleaver approach to budgeting would do infinitely more good than any harm it might cause to the budget. After all, the small amount of money we're talking about here does not move the meter one blip.

Madam Chair, the people of the territories recognize that the Federal budget cannot sustain the path that it's on, and that reductions in spending must be made. But we have done our part and will continue to do our part to reduce Federal spending.

As you look at the budget for the territories, it has not increased in several years, and it has been cut for a number of those years. But the cuts we're talking about in the CR do not only affect the territories. In addition to cutting jobs, there are also disastrous cuts that the Republicans are proposing to health-related programs that are critical to millions of Americans and are integral to all of our efforts to achieve health equity and to eliminate health disparities. These health disparities, which we know leave millions of people of color, rural Americans, and low-income Americans in poorer health, without reliable access to adequate health care, and at greater risk for premature death from preventive causes, also cost the Nation a great deal from an economic point of view. In fact, we know that between 2003 and 2006, the combined direct and indirect cost of health disparities and the subsequent premature deaths that often result, the cost was \$1.24 trillion.

Rather than base budget cuts on measures that will save human lives in addition to precious Federal resources, the Republicans are instead proposing cuts that will achieve the exact opposite. We all know from their efforts to repeal the landmark health care reform law, a law that has already begun to expand access to affordable high quality health care to more than 30 million Americans who were in the ranks of the uninsured, the Republicans either do not care about the importance of ensuring that every American and their families have health care coverage, or they do not understand the value of such coverage in promoting health, wellness, and thus improving life opportunities, or maybe it's both.

And now, we also know that they don't care about or understand the benefits and the needs for the programs and efforts that will significantly improve the health and wellness of some

of our Nation's most vulnerable residents by reducing the very health disparities that cost this Nation so much in human lives and in money. In fact, they want to cut more than \$1 billion from the Nation's community health centers, the very centers that provide medical homes to millions of hard-working Americans whose health care needs would be poorly addressed without them, and to cut \$210 million from maternal and child health block grant programs, more than \$300 million from family planning, and \$758 million from the WIC program, all of which would have a detrimental impact on the health and wellness of women and children and young families across this country.

I urge my colleagues to reject this budget CR which does nothing to improve the economy and hurts vulnerable Americans.

Mr. HINCHEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. Yesterday, as we know, was Valentine's Day, but the majority here in Washington is showing no love for the families throughout the district that I represent and all across the rest of this country.

The new majority said they would cut wasteful spending. But instead they're slashing jobs for police officers, jobs for firefighters, jobs for teachers, and many other jobs, all across the country.

They told us they would work to eliminate needless layers of bureaucracy, but instead they're cutting heating assistance for the elderly, food aid for young mothers and infants, and college aid for 15,000 students in the district that I represent and hundreds of thousands of other students all across the country.

They said they would focus on the economy, but instead, they're eliminating energy research and development that we need to create green jobs and compete with other countries around the world. They're sending the workers home on 76 high-speed rail projects underway in 40 states, all very necessary. This hurts real people. It does nothing to address our long-term deficit, and middle class families are the ones who pay the price. The American people don't want more hidden cuts and budgets tricks. We need a plan. We need a solid, secure positive plan.

The national debt we hold today was not created over the last 2 years, as some people are saying. The fiscal crisis we are facing today was inherited from the Bush administration. Under the previous administration, annual budget surpluses were turned into annual deficits. It was Vice President Dick Cheney who said deficits don't matter. Clearly, that's a lesson the new

majority has learned well because while they do cut spending with this CR, this bill will undoubtedly worsen our budget deficit. Why? Because it will kill hundreds of thousands of jobs. That means more people unemployed.

The people didn't send us here to tend to the needs of Wall Street and oil company CEOs. So why does the majority stand against the plan to end special tax earmarks that would actually cut the deficit?

We could be discussing how to end government redtape. For instance, in 5 years we could save many billions of dollars by allowing Medicare to negotiate lower prescription drug prices for seniors. But instead, the majority here wants to cut the administrative budget for Social Security. This plan hurts New Yorkers and others all across the country. And it hurts the district that I represent. Fifteen thousand college students in places like Ithaca and New Paltz will get hurt with the maximum Pell Grant falling by \$800 as the cost of college continues to go up for students all across America.

And 123,000 low-income pregnant women and new moms in New York will get less assistance with the pre- and postnatal nutrition they need. That will happen to thousands and thousands of others all across the country.

Nearly 2 million New Yorkers who apply for LIHEAP this year will find it harder to heat their homes next year, as will so many thousands of others across the country.

Job training programs like Job Corps in Sullivan County, which will help high school dropouts get the training they need to get good jobs, will get cut out too.

Like a blindfolded child at a pinata party, this continuing resolution takes a bat to all the wrong things at exactly the wrong time. I would urge my colleagues to oppose it.

Stand up for the American people. Stand up for a real plan to reduce the deficit, and fight to save the jobs this country needs so desperately.

Mr. DOLD. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DOLD. Madam Chair, I appreciate the opportunity to be here. I rise in support of the Flake amendment and know that we, at this point in time, the American public has asked us to tighten our belt. We have to do so. And I believe we have to talk and look at every single department, including the Department of Defense. This specific amendments deals with a very small amount in the Department of Defense, one that Secretary Gates has already outlined and determined that they do not need. This will not jeopardize those that are in harm's way. This will not jeopardize military preparedness. This is yet one small step.

We have, I think, over 400 amendments today, and I'm delighted that those on the other side of the aisle are in support of the Flake amendment, and so we certainly look for its passage.

This right now, what we're talking about in terms of reining in spending, is absolutely what the American people demand. Yes, we've had spending on both sides of the aisle. Washington has a spending problem. We need to cut back on spending. We're spending \$1.48 trillion in deficit spending, and I think the President's budget actually brings it up to \$1.6 trillion. That's over \$3 million a minute in deficit spending.

□ 1630

I come from the private sector. I run a small business. I understand what is going on in the private sector, and I can tell you that out-of-control spending in Washington does not send the right signal and in fact does hurt jobs.

We have to get our fiscal house in order. This is what this is going to attempt to do, and we certainly know that out-of-control spending has not been the answer. I urge my colleagues to support the Flake amendment.

I yield back the balance of my time. Ms. WATERS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chair, I rise to address what I consider very serious problems with this continuing resolution and this defense budget and the lack of attention to jobs.

I am going to talk about something that's quite unpopular. We all know that we have 9 percent unemployment in this country, which is significant. We all know that communities all over America are suffering, not simply rural communities, not simply suburban areas, not simply inner cities. But people are hurting, having lost their jobs, all over America.

In some communities, it's not 9 percent, it's not 10 percent, it's not even 15 or 20 percent. We have communities in America where there is 30 and 40 percent unemployment.

There are those who would like to say, well, that's in those urban areas. No, it is not simply in urban areas. We have poor rural communities that have Representatives who come here every day talking about they are representing them, when in fact they never speak to the needs of those communities. They don't talk about the lack of health care that people have had to endure for so many years, the inability for people in these rural communities to access clinics. Some of us are fighting for all people, not only the cities and the towns, but these rural areas that are being hurt so badly.

Now, it is not popular to even use the word "poor." As a matter of fact, you

hear over and over again about concerns for the middle class. Of course, we are all concerned for the middle class. But who represents the poor people in America these days? There are some of us who do, and proudly so, and we are referred to as "big spenders." Tax and spend, they say. And they don't talk about the poverty in their own community.

But let me just tell you, with this continuing resolution the CDBG, Community Development Block Grant, money is going to hurt all of these communities across America. Many of these Representatives who support cutting CDBG from \$4.45 billion down to \$1.5 billion are going to hurt their cities. Their mayors are absolutely going nuts about what is happening with the cutting of CDBG, the last block grant funding that they can depend on to assist with economic development that helps to create jobs in America.

You hear a lot about that we care about jobs. Well, we know what people care about jobs based on where they place their priorities. My friends are cutting in areas where we could be creating jobs and have demonstrated that they have zero bills to create jobs. The mindless cuts that they are proposing means 1 million job cuts: no jobs for nurses, teachers, police, firefighters, manufacturing, small businesses.

We need to put America back to work, and we can do this if we are sensible, if we are targeting the cuts in areas that can take it.

Why are we spending the amount that we are spending on the military budget and defense budget when we have those who are telling us—for example, Secretary Gates announced his intention to terminate the expeditionary fighting vehicle program and the surface launch medium-range air-to-air missile system. Why are we trying to disregard what we have been told by the very people who understand this defense budget better than anybody else?

No, we want to continue to fund a budget that doesn't need any funding, not talking about how we reduce and eliminate the funding for Afghanistan and bring our soldiers home and put that money into our own domestic needs. We are talking about somehow cutting in ways that they would have people believe that they are helping them when in fact they are hurting them.

This continuing resolution does nothing for strengthening the economy. It does nothing for creating jobs. It does nothing for support of those cities who are fighting desperately to hold on to opportunities for people who have nowhere else to turn. Not only do we have the cuts in areas that would create jobs, but also many of these areas are faced with foreclosures.

Ms. CHU. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CHU. Madam Chair, I rise in opposition to this amendment because it doesn't do anything to create jobs. Of course, I shouldn't be surprised. Over the last 6 weeks since the Republicans took over control of the House, they haven't created a single job. In fact, they haven't even put a single jobs bill on the House floor.

With this mindless job-killing Republican spending bill, they are hurting the American people. This bill senselessly cuts over 1 million jobs at a time when we need them most, at a time when we can least afford it. This is nothing more than a Republican pink slip for America.

This bill doesn't get our broken American economy back on track. Instead, Republicans are hitting American workers where it hurts. These merciless Republican cuts mean, if you work in manufacturing, no jobs; if you are a cop, no jobs; if you are a nurse, no jobs; if you are a teacher, no jobs; if you are a firefighter, no jobs; if you are a construction worker, no jobs.

Republicans aren't just ignoring jobs. They are slashing them. And that means pink slips for Americans across the country and across almost every industry. If we aren't helping real Americans, where is this money going? Right into the pockets of big defense contractors.

While Americans across the country are finding themselves out of work due to mindless Republican spending cuts, the military industrial complex will actually be making more money.

While they slash jobs and safety net programs, Republicans are actually increasing funding to the Department of Defense by \$10 billion. This spending is excessive and way out of proportion with the needs of the American people.

Even Defense Secretary Gates has found \$100 billion in cuts and savings to the Department of Defense while still keeping America safe. That's the entire cost of the job-killing cuts Republicans are asking for here today.

Instead of expanding our economy and growing the middle class, Republicans want to make you, the American people, pay. They want to make you pay to line the pockets of defense contractors, make you pay for Big Oil's billion-dollar subsidies, make you pay for higher drug prices, make you pay taxes to start a small business, make you pay for CEO salaries, make you take a hit while Wall Street gets a bonus. We need to look out for constituents first, not corporate friends.

And this bill isn't even about reducing deficits, because we all know that the best way to reduce the deficit is to put Americans to work, not carelessly gut government programs. Instead, we need to rebuild America and focus on winning the future.

Today's bill is a choice between cutting the deficit or putting Americans

back to work, and I am voting for jobs. We need to invest in our Nation so that we can out-innovate, out-educate, and out-build the rest of the world. I want to see the words "Made in America" again.

The American people voted for jobs, and all they are getting with this gutting and slashing funding proposal are pink slips. This is a heartless and careless plan that cuts real American jobs and hurts real American families.

I yield back the balance of my time.

□ 1640

Mr. GARAMENDI. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Madam Chair, the amendment before us is a start. Eighteen million dollars out of \$720 billion is a start. You might take it one step forward and let's end the war in Afghanistan where we're spending \$120 billion and another \$30 billion or so in Iraq. Now we've got some real money to talk about.

Because this is a start, I find that it's an unworthy start, and, therefore, I oppose the amendment. However, the real issue before America is not how we can slash and burn in foolish ways that actually lose tens of thousands, hundreds of thousands, indeed a million jobs in the next 7 months, which is the proposal before us with this continuing resolution that the Republican Caucus has put on the floor. It seems to me that if we wanted to create jobs, we certainly wouldn't, as a first step, lose a million jobs in virtually every sector of the economy:

Teachers that are providing services for the early childhood education programs, Head Start, they'll lose their jobs.

Firefighters; 2,400 or more of them will lose their job across the Nation. The COPS program, which has provided jobs for police in our cities, they'll lose their jobs, some 1,300. They just had men and women from my own district come in and say, Why would they want to do that? Why would they want to take cops off the street? I told them, I don't know. I don't understand.

I don't understand this CR. It is the most foolish, nonsensical slash-and-burn I have ever seen. I was in the Department of the Interior in the mid nineties when we actually reduced in a thoughtful way over a 4-year period of time the number of employees by some 12,000—from 90,000 down to the 70,000 range. We did it. And we continued to do the services. But you don't slash and burn. You don't just in a wholesale manner carry out a political promise of \$100 billion and foist it upon the American public in this way where we lose a million jobs, where we lose critical services.

California has been in a water war for generations. We rely upon the Bureau

of Reclamation. We rely upon recycling. We rely upon these programs. And yet you slash those, and those are real jobs and real programs to deal with the water problems in the West. Why would you do that? What's the point of that? Why would you go into programs where we need to educate?

My daughter is a second grade teacher. She now has 32 kids in her elementary program; an almost impossible situation. And your cuts that you're proposing will make that situation worse. She cried out to me this week, Why are they doing that, Dad? I said, for some political promise made in a campaign without any thinking about the impact that it has on real human beings, real students, who are trying to get an education.

My final point is this. There are five things that lead to true economic growth. The best education system in the world, and so this CR cuts education. The best research in the world, and so this CR cuts research programs in science, in energy, in health care. The best infrastructure, and this CR cuts infrastructure expenditures. Manufacturing matters; we have to make it in America. You cut out those programs that assist manufacturing. And, finally, we know that we have to have an energy policy and you destroy the beginnings of a green energy, self-sustaining energy program in this Nation.

Why would you do so many foolish things? I don't get it. Perhaps it's because your real agenda is the no-jobs agenda.

Madam Chair, I yield back the balance of my time.

Mr. JOHNSON of Georgia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Thank you, Madam Chair.

Madam Chair, we've had promise after promise after promise after promise that the Republicans were going to pay attention to what the people wanted. And what the people want is jobs, jobs, jobs.

I rise in opposition to this amendment, Madam Chair. I want to point out that these Republican cuts that have been proposed are draconian, they are extremist, they are bad for America. They are bad for our economic recovery. Everybody knows that we just came out of the worst recession since the Great Depression. We call it the Great Recession. We're just coming out of it, even though most Americans don't feel it yet. Certainly those folk up on Wall Street who got the bailouts, they feel the recovery, and they are back to the huge bonuses and salaries. They are looking at this Republican Congress to release them from all of the regulatory measures that the Democrats put in place over the last 2 years so that they can continue to party. And while they party, their

friends here in Congress on the Republican side of the aisle are busy trying to balance the budget on the backs of working men and women in this country. That's what the CR proposal is all about.

It came out on Friday at 8 p.m.; they issued their plan, and here we are on Tuesday arguing the merits—or demerits, actually—of this plan that is nothing other than a plan that undermines America's future. This plan is going to cause severe job cuts which will hurt our economic recovery.

It is ironic that as reported in the Wall Street Journal, a new Wall Street Journal survey of economists shows that they expect the economy to expand at the fastest pace since 2003—a recovery that would be certainly jeopardized, snuffed out, by this GOP plan. This is going to cut at least 300,000 private sector jobs, according to an analysis by staff at the Transportation and Infrastructure Committee. These cuts, by the way, these 300,000 cuts are less than half of the total infrastructure cuts in the bill. These Republican cuts in investments in roads, bridges, transit and rail include a cut of \$1.4 billion in clean water State revolving loan fund moneys, which is \$23 million for Georgia; and include a cut of \$6.3 billion in high-speed intercity rail funding. That's going to cause people to not be able to go out and work to make that investment in America's future a reality.

□ 1650

A \$75 million cut in the TIGER II Program, those are transit projects, is what will happen in Georgia, just in the State of Georgia. So we are talking about massive job losses, 300,000 just with transportation and infrastructure projects, Madam Chairman. The consequence of that extends into our future. It is actually strangling the future of millions of Americans, both working and poor people.

I yield back the balance of my time.

Mr. CAMPBELL. Madam Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CAMPBELL. Madam Chairman, I won't take anywhere near that time, just simply to get back to the amendment offered by the gentleman from Arizona, Mr. FLAKE, which is the matter before us right now, and to say that I support this amendment, Madam Chairman.

The gentleman has very properly, I think, brought up something that the Secretary of Defense has said is one of the areas in which the defense budget can be reduced and we can save money. The greatest threat to the national security of this country today is our debt. The Secretary of Defense has said that. He has said certainly it is a na-

tional security threat, as has the Secretary of State. So we need to get this debt down, we need to get this deficit down, we need to do it in every single area of the budget.

I think the gentleman from Arizona's amendment is very proper and a very appropriate one, and I support it.

Mr. GUTIERREZ. Madam Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Madam Chairman, I rise to, first of all, support the Flake amendment but also to oppose the underlying bill and the drastic cuts that will devastate the most vulnerable citizens in our Nation.

Just to highlight some of these cuts, the bill will cut \$25 million from the Ryan White HIV-AIDS Program and the Aides Drug Assistance Program, ADAP. Now, ADAP is a program of last resort for the poorest Americans who don't qualify for Medicaid or Medicare. Currently there is a waiting list of over 6,000 people in 10 States to receive benefits from this program.

And \$850 million in reductions to the CDC, an organization whose first task is to defend us against disease and infection, \$850 million. That is smart. Let's just cut and make America more vulnerable.

The bill cuts \$1.6 billion in funding for NIH, so I guess we won't need any research since we are going to let the diseases run rampant in America.

It goes so far as to say in the District of Columbia, we are even going to tell you how to spend your very last dollar.

But it gets better. Community Health Centers, Community Health Centers, where the most vulnerable are treated for their health, \$1.3 billion in cuts. Community Health Centers will lose the capacity to serve 11 million patients over the next year, and well over 3.3 million current patients will lose their care within the next few months.

The bill cuts \$5 billion from the Pell Grants. I did hear that there were a lot of new millionaires elected to the Congress of the United States, so I imagine they can pay for their children's education. But maybe we should think about people that don't have the median income of Members of Congress, people who don't make \$175,000 a year, which puts all of us in the top 1 percent of wage earners.

What about the most humble and the poorest and those who wish to aspire one day to lead this great Nation of ours? Shouldn't they be given an opportunity? Not under this program. Let's cut the program, the basic program that allows young men and women to seek a college education, the Pell Grant. Let's eliminate billions of dollars from there also.

But wait, \$25 billion to the Federal TRIO Program. That is for the first

generation. That is the first kid in a family where nobody has gone to college. Let's cut from that program too.

The program cuts \$25 million from GEAR UP. And, wait, \$1 billion from Head Start?

I am just going to end with this. I want the public to understand this. We get great health care here, excellent health care. It is not free, but we get great health care. About \$400, that is what they deduct from my check. My wife gets good health care, my daughter gets good health care, and so do every one of you get good health care. Shame on anybody that would adopt this kind of budget, knowing very well the kind of great health care that we get. Cut your health care first before you cut the health care of the most poorest, the most vulnerable in this Nation.

I yield back the balance of my time.

Mr. ELLISON. I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Madam Chairman, I rise in support of Mr. FLAKE's amendment to cut wasteful defense spending. Unfortunately, the underlying bill is just another part of the Republican no jobs agenda. Since the Republican caucus has taken over the majority, they haven't put one jobs bill on. I mean, they haven't done a poor job—they haven't done anything. It is as if they are not in favor of Americans having jobs. We know they are, but they haven't demonstrated it in anything they have done, which is the important thing.

Instead, as part of the Republican no jobs agenda, they bring up a bill to cut 1 million jobs, cut 1 million jobs from the American middle class. These cuts are Republican answers for the job crisis that they created. Cutting 1 million jobs. If you are a nurse, no jobs. If you are a teacher, no jobs. If you are a firefighter or police officer, no jobs. If your jobs are from American manufacturing, no jobs. And if you are a small business person, who is going to have any money to even go into your store? No jobs for them either. The list goes on and on.

If you want to know how we cut the deficit, it is by putting America to work, not by cutting Social Security. Make no mistake: When the Republicans say they are cutting costs, they are cutting Social Security, they are cutting Medicare, they are cutting Medicaid, until they cease to exist. Republicans want working Americans to shoulder the whole burden, the burden of a taxpayer-funded spending spree for the rich while protecting millionaires and billionaires who refuse to pay their fair share.

The Republican answer to the crisis they created is, you pay, American people. They must make you pay for

Big Oil's billion dollar subsidies. They want to make you pay for higher drug prices. They want to make you pay for taxes to start a small business. They want to make you pay for CEO bonuses. They want Main Street to take the hit while Wall Street gets a bonus.

While Democrats work to create jobs, reduce the deficit, and rebuild America, Republican Speaker JOHN BOEHNER said, so be it if we lose hundreds of thousands of jobs.

Is that what the American people said they wanted in November? The American people want Republican leaders to look out for constituents first, not corporate friends. And now the American people are saying, show us the jobs.

We have been seeing a no jobs agenda, a jobless agenda. Forty days in the majority, and nothing to create jobs. No jobs for the American people. Madam Chairman, we need to make this change.

Will the Republican caucus even today, Madam Chairman, say you know what, we are not going to cut 1 million people, 1 million public employees out of work. We are going to actually do something to create jobs? It appears not, Madam Chairman.

What we need to do is withdraw some of these massive oil subsidies. What we need to do is save some money by not rewarding the wealthiest among us and industries who have not been responsible corporate citizens and actually use it to put Americans back to work so that they can pay some taxes and actually reduce this deficit.

Make no mistake about it, Madam Chairman, we are concerned about the deficit: \$200 billion of it goes to interest on the debt. That money could be going to programs that help people, to help children, to help seniors, that can make and strengthen and improve our infrastructure and our country. But instead it goes to this massive debt, built up by Republicans with their massive tax cuts to the rich, two wars and a big pharma giveaway. They created the problem. Now when we try to solve it, they want to put us back in the hole.

□ 1700

So, Madam Chair, I want to say that if this country—our country—has a deficit to fix, let's fix it by a bold, creative, courageous vision of America where we create infrastructure, we create work, we create jobs, rather than just cutting back the social safety net and taking away what little people have. We need to stop the Republican no-jobs agenda.

I yield back.

Ms. JACKSON LEE of Texas. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Chair, sometimes this is a complex de-

bate when we hear words like "CR" to a lot of our voters and others who are paying attention to the work that they have sent us here to do. And a lot of times they try to ensure that we use vernacular that, what does it mean? We're in the budget year of 2012 or budget year 2011 or we're doing a CR. I think the plain and simple of it is we're trying to ensure that what you are getting now if you're on a job, if you're a police officer, that we don't turn the lights out on you. And my concern is to let you know that we have been steadily improving. The private sector has been creating jobs under the Democratic policies under President Obama's guidance and, frankly, under this new budget that we'll debate—that is not what we're debating today—that speaks about competitiveness and speaks about infrastructure rebuild, putting Americans to work.

So my gripe with the CR that my friends on the other side of the aisle have now put forward is that they originally came up with a \$60- to \$74 billion—maybe a thoughtful analysis of what we could cut. Remember, this is in the middle of you working and all of a sudden somebody comes and gives you a pink slip. But rather than stick with what might have been a thoughtful analysis—and, again, I had not studied it; it had not been introduced—all of a sudden they go by the "We have to be dominated by voices of which force us, without thought, to now make it a hundred billion dollars."

I'm as angry about the deficit and want a strong budget, which we're not doing right now, and want to work with my good ranking member, chairman of the Defense Subcommittee in the last Congress, Mr. DICKS, on a thoughtful passage going forward, but I want to make sure we stay on a pathway of creating jobs.

There is something to cutting spending. You have my commitment. We came out with a compromise 2 months ago, in December. Some of us agreed; some of us did not. But there were sizable tax cuts. I voted for tax cuts before. But let me tell you why what we're doing today is enormously dangerous: 1,330 cops will be off the street; 2,400 fewer firefighters will be off the street; we will take teachers out of classrooms and lose 25,000 new construction jobs.

There is a provision in the CR that wants to rescind stimulus dollars—sounds like a bad thing—but those dollars are in the pipeline for construction projects where men and women of America are working and feeding their families. Does that make sense, dollars that they pay taxes back to this country?

I don't understand a plan that takes from the working man and woman in this country. I don't understand a plan, for example, that takes \$2.5 billion away from high-speed rail, which all

over America there has been a sense of inspiration about moving us to more efficient transportation. But the number of jobs to be created cannot be counted. That's an investment in this country. Or do you want to undermine the air traffic control system and begin to trouble America's airways? I sit on the Homeland Security Committee, chair the Transportation Security Committee. I am very hesitant to make a willy-nilly cut to the FAA.

And so what disturbs me is: Why could we jump or why did we jump or how do we jump in 48 hours from \$60 million to \$74 million of which they said they were cutting? This is a continuing resolution, which means it allows the government, in essence, to keep going on what we are ongoing with. It means people are out there working, doing the bidding of the American people. And, before you know it, because there were complaints and people talking about what they campaigned on, and all of a sudden it's a \$100 billion cut with no thought.

Now, I respect people being elected by their constituents, but it is interesting when you read polling numbers from individuals who happen to come from that background of the tea party that want to cut everything, and you ask them about something in their jurisdiction. Say, for example, an Air Force base. The polling numbers show, Don't cut my Air Force base, but you can cut somebody else's.

So here's my concern, Madam Chair. How do you cut Juvenile Justice and the COPS program? How do you cut the Justice Department for all of the voting rights enforcement?

I want to stay on a path. This CR is not a pathway of creating jobs; it's no jobs, and it stops America in her tracks. Let's stay on track and keep investing in jobs in America.

Ms. EDWARDS. Madam Chair, I rise to strike the last word.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Madam Chair, I rise today because I want to express my concern that I think of the House of Representatives as a place that involves a lot of critical thinking about the work that we do, but the continuing resolution in front of us is neither critical nor thoughtful. It eliminates the COPS program.

Let me tell you about the COPS program, not just around the country where it's going to result in firing 1,330 law enforcement officers, but in one of the counties that I represent where we have had, unfortunately, 18 homicides since the beginning of the year, where we need every law enforcement officer on the beat. Fifty of those officers come from the COPS program. We would lose those officers under this continuing resolution.

Looking at the firing of our firefighters, these are firefighters, first responders out there whenever they're called in every one of our communities across the country, 2,400 of them.

Sometimes, Madam Chair, we speak in numbers that are so extraordinary that ordinary Americans don't understand them. But I think with respect to this continuing resolution, ordinary Americans understand that under the resolution 200,000 students—that's pre-kindergartners—will be kicked out of Head Start just when we need to give these students a start so that we can grow them and educate them so they're competitive in the 21st century. We're not doing that. Instead, 200,000 students in every State of this country kicked out of Head Start, thousands of teachers who teach them.

This brings me to another cut, a number that the American people understands, Madam Chair—\$845. \$845 is the amount that would be cut from the Pell Grant program; \$845, for those of us who sent a child to college, is the cost of books for the semester.

Madam Chair, I am so shocked by these cuts that I think across this country, the students, if they're not going to get their \$845 to buy their books, maybe they should send the bill to Speaker BOEHNER, send their book bill to the Speaker.

I am challenged to understand these cuts, because when I think about an \$845 cut to Pell Grants, in my State that's 123,000 students. Madam Chair, in Michigan, it's 646,000 students; in Arizona, it's 340,000 students; millions of students across the country who lose \$845 that allows them to buy their biology books, their economics books, their math books, the things that will enable them to be competitive in this century. So, like many Americans, I really don't get that. It is neither thoughtful nor critical.

This cut would mean \$2.5 billion in cuts to the National Institutes of Health for cancer research and for other diseases that plague our country and send our health care costs skyrocketing. We want to cut scientists and researchers and medical professionals who are trying to cure the great diseases of our time?

□ 1710

I don't understand it, and I don't think the American public understands it.

And \$1.4 billion in cuts for science and energy research, the very thing that will make us competitive in this next generation. The American people don't understand that.

Children, 200,000 of them, in Head Start. Firefighters, 2,400 of them. Police officers, 1,330 of them; 123,000 students in the State of Maryland losing their \$845 lousy dollars to buy their books.

Madam Chair, I have to tell you that I think, like many of us in this Con-

gress, we know that we need to bring spending under control, but it cannot be at the expense of working people. It cannot be at the expense of poor people. So it is a sad day in the United States when this Congress has exercised neither critique nor thought in bringing cuts that will devastate the American people and result in no job creation yet again for the last 45 days of this Congress.

With that, I yield back the balance of my time.

Mr. DICKS. Madam Chair, I want to remind everyone that we are on the Defense appropriations bill. This is the Flake amendment, and we have cut approximately \$15 billion from this defense bill. I understand that there is a lot of concern about the other items here, but I just wanted to make that point.

I yield to the gentleman from Florida if he has anything he wants to say at this point.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Madam Chair, America is at war. We have soldiers fighting, losing their lives, having serious injuries not only in Afghanistan but in Iraq and, before that, in Kosova and in Bosnia. We have known war for a long time, and cutting the defense budget was unheard of. Yet the subcommittee has been able to recommend \$14.8 billion in a very short period of time that we don't think has any negative effect on the national defense.

The idea of the Flake amendment may be a good idea. The subcommittee would like to be able to analyze it to make sure that it doesn't have any kind of a negative effect. It may be, as we go through our process for this year, that we would include that, but the subcommittee would very much like to have an opportunity to review this recommendation by the Flake amendment.

Mr. SARBANES. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. SARBANES. I wanted to speak to the underlying CR, H.R. 1.

Madam Chair, in particular I want to speak to the fact that the American people have been very clear in their understanding that what we need to do is rebuild the country and that we need to rebuild America. Yet everything that is being proposed by the Republicans in this continuing resolution undermines that goal.

Rebuilding America means rebuilding our infrastructure, and we can talk about that infrastructure in a number of different ways. We can talk about rebuilding and investing in our physical infrastructure. That's roads, bridges, tunnels, highways, and building up the strength of our physical infrastructure, which we all know we have to do. All

you have to do is look at the newspaper or watch television, and you will see examples every day of the crumbling infrastructure out there. So we have got to commit to that, but the Republican budget would undermine that objective.

We have to rebuild the civic infrastructure of this country and keep it strong. What do I mean by the "civic infrastructure"? I am talking about service programs like AmeriCorps and the Corporation for National and Community Service, which creates an infrastructure that says to those people who want to volunteer and serve their country—1,000 points of light—we are here to partner with you in doing that. Yet the Republican proposal would zero out that civic infrastructure.

It's about investing in human infrastructure and building up human capital. That's education and health care and job training and innovation and technology. That's what human capital and human infrastructure is about. Yet we can look through this budget and find examples of cutting those priorities as well.

How does that build up America? That tears America down. It doesn't build it up.

As for the last piece of this, if you're going to make America strong and keep it strong, you've got to preserve the natural resources of this country. I looked at a couple of the numbers here in terms of what's being done that would hurt our environment under the proposal. I'll just mention a couple of them.

Cutting the Environmental Protection Agency by 29 percent, a \$3 billion proposed cut. Now, how are you going to protect the environment if you cut by almost a third the agency whose mission it is to do that? That's essentially giving a free license to the polluters of America. That's an unconscionable proposal.

I come from Maryland. We care about the Chesapeake Bay in Maryland. It has been a national commitment to preserve this national treasure, the Chesapeake Bay. Last year, through an executive order, the President made it a priority. There are partnerships at the Federal, State and local levels and with the private sector to try to save and protect the Chesapeake Bay, but these proposals would undermine that.

Cutting over \$1.7 billion from the Clean Water and Drinking Water State Revolving Funds. In Maryland, that would cost 1,000 jobs. This is an important source of financing for people to implement best practices to clean up the Chesapeake Bay. Why would we undermine that?

There are other elements with respect to our natural resources. We've got to enforce pollution standards. The EPA is in a position to do that, but not if we cut their funding. This would endanger rivers and streams that feed the Chesapeake Bay.

The last observation I would make, and this is sort of the overarching concern that I have, is that I really believe in the idea of citizen stewardship, in the idea that ordinary citizens step forward every day and decide they're going to commit themselves to cleaning up the environment. Our young people are committed to that, the next generation; but they want to see that the Federal Government is going to be a real partner in that effort. If we abdicate that responsibility, then there are going to be a lot of young people, a lot of ordinary citizens, who are going to get disillusioned in terms of their own commitment to cleaning up the environment.

We need to step forward. We need to stay strong and be a partner in protecting our environment; but what the Republicans have proposed in this continuing resolution would completely undermine that.

I yield back the balance of my time. Ms. NORTON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. Madam Chair, the underlying bill is a special insult to the Americans who voted for the new majority on the promise of jobs. They might forgive that the majority does not know how to produce jobs or that they haven't produced jobs yet, but they will never understand a bill that will make history on the number of jobs it affirmatively destroys.

The deficit commission warned about cuts that are at the centerpiece of the majority's bill, cuts that don't distinguish between short-term and long-term deficits, between the job-producing role of government investment during an economic turndown and the needed savings to reduce the long-term deficit, which must go on simultaneously; but the majority loses its focus entirely with its obsession on snatching local authority, over local funds from the District of Columbia.

While the majority wants to make draconian cuts in most Federal programs, putting at high risk the economy itself, it simultaneously expands Federal power into the local funds and affairs of a local jurisdiction, the District of Columbia. Three riders in this bill are anti-self-government, having nothing to do with the underlying bill or the Federal Government.

□ 1720

Particularly cruel, apart from the home-rule violation, is the attempt to reimpose a provision that would keep the District of Columbia from spending its own local funds on needle exchange programs. If this is reimposed, a rider I got off during the last few years, it will cost lives and spread HIV, as it did for the prior 10 years.

But they're not through there. The majority takes a hard-line approach,

even when I asked for and was denied the right to testify before the Judiciary Committee on yet another rider, a rider that would keep local District of Columbia funds from being spent on abortions for poor women. What business is it of any Member of this body how the District of Columbia spends its own money, which it raises from its own residents and businesses?

Madam Chair, they go further. They try to reestablish a voucher program in the District, ignoring a compromise reached last Congress to allow every child now with a private school voucher to remain in the program until graduation. It disregards the fact that the District has the largest public charter school alternative in the United States. Almost half of our children attend these schools. If the majority wants to give money for alternatives to public schools, then they've got to respect our choice.

Republican support for vouchers—only in the District of Columbia—exposes them for where they really stand on vouchers and school choice. There is wholesale support in this body for public charter schools. They will not bring a voucher bill for the Nation to the floor because polls and referenda in the States show there is zero national support for private school vouchers. Instead, Republicans single out the District and only the District, ignoring the city's own extraordinary, flowering public charter school program. Our choice, not someone else's who has nothing to do with us.

You cannot try on this floor to slash Federal power while dictating local policy and how local money should be spent. Those two don't go together.

Mr. COHEN. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. I rise in opposition to this amendment.

I could spend my time talking about the cuts to the Low Income Heating and Energy Program, LIHEAP, and that's important because there are many people in my district suffering through the worst winter in Memphis' recent history and one of the worst winters in the country's history that need help with their utility bills more than ever. And that's, I think, an awful thing when people are suffering from the inability to pay their utility bills that we're cutting LIHEAP.

I could talk about what we're doing to law enforcement, cutting the COPS program that puts police on the street and helps local government put new policemen on the street to protect our people, and cuts to State law enforcement spending.

I could talk about the many calls and letters I've gotten from people concerned about title X cuts that will affect 5,500 in my community, women

that won't be able to get family planning services, which include cancer screenings, annual exams in my city.

I could talk about cuts to NPR, cuts to the National Institutes of Health, where they're looking for cures for cancer and Alzheimer's and diabetes and other illnesses that affect our populace which we need to cure as soon as possible. Or cuts to the FDA, \$241 million to keep our food safe and preserve public health.

Or cuts to Social Security and Medicaid. A gentleman stopped me Saturday and said, please, you tell the people in Washington, don't mess with our Social Security and Medicaid, but there are great cuts there as well.

Or the \$18 billion cut to transportation—and Memphis is a transportation hub with rails and roadways and runways and river transportation, and \$18 billion in cuts to transportation is going to hurt the growth of our economy and sending goods to market.

I could talk about any of those items. I could talk about the cuts to legal services and the fact that more and more people need legal services in these economic times. The housing crisis hasn't left us, and people need representation.

I could talk about cuts to education in historically black colleges and universities and Head Start programs. How are we going to compete, which we are not doing well in science and math, with the Chinese and the Indians if we cut these programs? I could talk about any and all those programs.

But one thing I want to do is I want to read a column called "Eat the Future," and Paul Krugman, a Nobel Prize-winning economist, wrote this. So I just think it's worthy to listen and have it heard on this floor what Mr. Krugman said yesterday, Nobel Prize-winning economist.

"On Friday, House Republicans unveiled their proposal for immediate cuts in Federal spending. Characteristically, they failed to accompany the release with a catchy slogan. So I'd like to propose one: Eat the Future."

"I'll explain in a minute. First, let's talk about the dilemma the GOP faces."

"Republican leaders like to claim that the midterms gave them a mandate for sharp cuts in government spending. Some of us believe that the elections were less about spending than they were about persistent high unemployment, but whatever. The key point to understand is that while many voters say that they want lower spending, press the issue a bit further and it turns out that they only want to cut spending on other people."

"That's the lesson from a new survey by the Pew Research Center, in which Americans were asked whether they favored higher or lower spending in a variety of areas. It turns out that they want more, not less, spending on most things, including education and Medicare. They're evenly divided about

spending on aid to the unemployed and—surprise—defense.

“The only thing they clearly want to cut is foreign aid, which most Americans believe, wrongly, accounts for a large share of the Federal budget.

“Pew also asked people how they would like to see the States close their budget deficits. Do they favor cuts in either education or health care, the main expenses States face? No. Do they favor tax increases? No. The only deficit-reduction measure with significant support was cuts in public-employee pensions—and even there the public was evenly divided.

“The moral is clear. Republicans don’t have a mandate to cut spending; they have a mandate to repeal the laws of arithmetic.

“How can voters be so ill informed? In their defense, bear in mind that they have jobs, children to raise, parents to take care of. They don’t have the time or the incentive to study the Federal budget, let alone State budgets . . . So they rely on what they hear from seemingly authoritative figures.

“And what they’ve been hearing ever since Ronald Reagan is their hard-earned dollars are going to waste, paying for vast armies of useless bureaucrats—payroll is only 5 percent of Federal spending”—and others.

The bottom line is they’ve been hearing lies about the Federal budget. They’ve been hearing lies about the Federal bureaucracy. PolitiFact said that the biggest lie in 2009 was death panels. In 2010, it was government takeover of health care. If the Republicans get PolitiFact’s Lie of the Year this year, they will get the Irving Thalberg lifetime achievement award. I hope they don’t get it.

Ms. HANABUSA. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HANABUSA. Madam Chair, I don’t believe there’s anyone in this body who doesn’t believe we must get ahold of our budget. I don’t believe that there’s anyone in this body who doesn’t feel that when we do that, we’ve got to keep in mind that we serve the people, and we also must keep in mind that the one thing that we all are here to do is not to make their lives worse but to try to make their lives better, and in addition to that, we are here to try to build that public confidence which is the only way we will see the rise in our economy.

Madam Chair, when I looked at the amendment, the thing that struck me the most is that in my district, there was a provision in here that zeros out what is called the Native Hawaiian Housing Block Grant. It goes to zero. It’s at \$13 million now. In that same section, it also zeros out the Department of Housing and Urban Develop-

ment’s Public and Indian Housing revitalization of severely distressed public housing. It zeros out the Department of Housing and Urban Development’s public and Indian housing. It zeros out the Department of Housing and Urban Development’s community planning and development brownfields redevelopment, just to name some of the programs that have been zeroed out.

□ 1730

Let me tell you about the program of native Hawaiians. This is a program that, in our difficult economic times, managed to build, managed to build roads, managed to build programs. This is a program that was leveraged, leveraged so we had construction projects going, so we had housing developments going, and we have zeroed them out, \$13 million, zeroed them out.

When we start to look at the budget and we start to think about what we must cut, the one thing I would like to think that we put a lot of credence in is which one of these programs is being leveraged and doing what we want.

In addition to that, Madam Chair, look at community health systems. Everyone knows the Hawaiian Islands are islands. The only mode of transportation for our people between islands is expensive airfare. We don’t have a ferry system. We definitely don’t have roads that join our islands. It’s airlines. For the underserved, they have to fly for health care. So community health systems, when we cut \$1 billion out of that budget, \$1 billion, imagine what that means for the provision of one of the most essential, essential parts of a person’s life, the feeling of knowing that you have health care, and we have cut that out of the budget. It’s not only Hawaii; it’s elsewhere. But think about what that means.

And for small communities who rely on CDBG, the Community Development Block Grant program, we’ve cut it approximately \$2.5 billion. Why? That is what gets services to the people. This is what we have.

We have already discussed the fact many times that we are cutting Head Start. There are 200,000 young kids who are not going to get that opportunity.

We are cutting the Pell Grants, and that, of course, is going to make a reduction of about \$800 per middle class family.

These are all part of this amendment as well.

But for myself, as someone who represents this State that’s gotten zeroed out on a program that has done exactly—exactly—what government wants to see done, which is to make jobs, to give opportunities, we have cut it. Now, why would we do that? That is because we have not taken into consideration or remembered what we are here to do. We are here to serve the people, Madam Chair.

I yield back the balance of my time.

Mr. CICILLINE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. I rise in support of this amendment but to oppose the underlying Republican continuing resolution.

The spending bill before us is born out of an ideology that cuts right to the heart of our values as a country, and our priorities, too. Because that is what a budget is supposed to reflect: our values and priorities as a nation. Our priorities are to strengthen the middle class, to reduce the deficit, and to create jobs.

And we can see very clearly where my colleagues on the other side of the aisle have placed their priorities. It’s not in the well-being of our workforce, not in the effectiveness of our classrooms, not in the safety of our neighborhoods. The priorities of the majority party are not with the people who have worked hard all of their lives to earn a decent wage, buy a decent home, put their kids through school, and do what they can to keep their families and communities strong.

The priorities of my friends on the other side of the aisle lay with America’s most successful: the hedge fund managers, Wall Street financiers, and the investment bankers. Our Republican colleagues are pushing a spending bill that is irresponsible and ignores the needs of a healing nation. It cuts jobs, threatens American innovation, and diminishes investments in rebuilding America. And to what extent? Well, I can tell you, as a former mayor, I have seen firsthand the consequences of what is being proposed. Some of the most egregious cuts come at the expense of our most vulnerable and some of the most immediate job creators and economic growth engines that I know of.

Our colleagues are gutting more than \$340 million from the Community Service Block Grants and nearly \$3 billion from the Community Development Block Grant program. These are real dollars that are putting Americans back to work and helping small businesses in communities all across this Nation.

In addition, this budget slashes \$1.6 billion in job training and cuts \$120 million in alternative youth training that prepares kids for work in construction and other trades, critical skills that are necessary to help us make things again here in America.

Our colleagues, since assuming the majority last month, haven’t offered one single piece of legislation that would create jobs. My friends on the other side of the aisle, at the same time that they are cutting billions of dollars in jobs programs that will help put Americans back to work, are continuing to support hundreds of billions

of dollars in tax breaks to companies that are shipping our jobs overseas. While they cut 200,000 children from receiving early childhood education through Head Start, they are giving \$43 billion in subsidies to the oil and gas companies.

This Republican proposal cuts Pell Grants for 9 million students, making it difficult and, for some, impossible to continue to go to college while at the same time continuing to give large agricultural corporations billions of dollars in Federal subsidies.

This is a question of priorities, and it's clear what the priorities of my friends on the other side of the aisle are. The Republicans are moving forward with a dangerous spending bill, one that continues to give rewards to the rich and literally guts the initiatives most meaningful to middle class families.

The work of reducing our deficit and controlling spending will be hard, to be sure. The fact of the matter is that we have to cut spending and we have to be serious about it, but we have to do it responsibly. We cannot cut what makes us competitive and what helps us to innovate, succeed in the global economy, and ultimately create jobs.

I know that the priorities that we have set are the priorities of getting people back to work. My friends, we owe it to the hardworking people of our Nation who are struggling to get by, who are playing by the rules but just waiting for someone to stand up for them rather than stand up for the rich guy on Wall Street. We owe it to America's hardworking people to have a serious and thoughtful debate with the hopes of producing a smart and sensible budget for our country. And that's why it's critical we ask our Republican friends: Just what are your priorities? Do we have the courage to stand with our country's greatest assets, our hardworking people? Or do we stand with the people who have enjoyed the most at the expense of everyone else?

America's future depends on harnessing the innovation, education, and entrepreneurship of our fellow Americans. This budget proposal undermines that opportunity, endangers our recovery, and makes our future less certain.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,840,427,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,344,264,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$275,484,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,291,027,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,454,624,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National

Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,963,839,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$14,068,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$464,581,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$304,867,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE (INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$502,653,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all

or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)**

For the Department of Defense, \$10,744,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**ENVIRONMENTAL RESTORATION, FORMERLY
USED DEFENSE SITES**

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$316,546,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

**OVERSEAS HUMANITARIAN, DISASTER, AND
CIVIC AID**

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$108,032,000, to remain available until September 30, 2012.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of

defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$522,512,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not less than \$13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

**DEPARTMENT OF DEFENSE ACQUISITION
WORKFORCE DEVELOPMENT FUND**

For the Department of Defense Acquisition Workforce Development Fund, \$217,561,000.

□ 1740

Mr. CONNOLLY of Virginia. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Chair, I will not use 5 minutes.

The United States imports over 60 percent of all the oil we consume, most of which is used for vehicles. OPEC alone exports 2 billion barrels per year to the United States. At a cost of \$90 per barrel, approximate current price, this represents a \$180 billion tax that our oil dependence imposes on American consumers.

Some OPEC countries that profit from our oil dependence are listed by the State Department as sponsors of terrorism, Madam Chairman. Fortunately, we're using Clean Air Act amendments to reduce our dependence on foreign oil. In April, automakers joined auto workers and President Obama to announce a landmark fuel efficiency standard that will improve auto efficiency 30 percent by 2016. These standards will save Americans \$3,000 per vehicle for each car purchased in 2016 or later and reduce our oil dependence by 77 billion gallons over the life of the vehicles produced between 2012 and 2016. This efficiency improvement will keep \$9.9 billion from being sent to OPEC countries.

In section 1746 of this continuing resolution, the Republicans have proposed cutting off funding for implementation of the Clean Air Act, which is the law that has made these vehicle efficiency investments possible. Americans cannot afford, Madam Chairman, to send more money to Libya and Iran.

I urge my colleagues to reject this attack on the Clean Air Act.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will continue to read.

The Clerk read as follows:

**TITLE III
PROCUREMENT**

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and

training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$5,254,791,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,570,108,000, to remain available for obligation until September 30, 2013.

**PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY**

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,461,086,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,847,066,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary

therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$8,145,665,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Army, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

AMENDMENT NO. 87 OFFERED BY MR. POMPEO

Mr. POMPEO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 18, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 22, line 20, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 27, line 9, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 27, line 11, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 31, line 11, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 31, line 13, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 32, line 9, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 32, line 11, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 33, line 9, after the dollar amount, insert “(reduced by \$105,000,000)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$105,000,000)”.

Page 34, line 6, after the dollar amount, insert “(reduced by \$105,000,000)”.

Page 34, line 17, after the dollar amount, insert “(reduced by \$124,200,000)”.

Page 34, line 17, after the dollar amount, insert “(reduced by \$3,200,000)”.

Page 34, line 19, after the dollar amount, insert “(reduced by \$3,200,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$502,400,000)”.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Madam Chairman, let me begin by thanking Chairman ROGERS and Ranking Member DICKS for the hard work that they did on the Defense appropriations bill. It was yeoman's work in difficult and challenging fiscal times to present a defense budget that makes sense for America. And there is no one who's come to Congress as a Member of this new freshman class who believes more strongly in making sure we have a strong national defense. It's for that reason that I move to reduce spending in that budget by \$502 million with the amendment that I am proposing. This \$502 million is spread among various procurement and research and innovation programs, and it is money that was not requested by the Department of Defense. This \$502 mil-

lion could certainly go to some program that they had asked for, but it's in a place that used to be reserved for earmarks. There is no particular program to which this \$502 million is attributed. It goes assertedly for innovation. But we all know that innovation occurs in the private sector. And that's what this new majority is about. It's wrong to add \$500 million to our deficit for a series of programs with no particular purpose except for the needs of businesses that once survived on those very earmarks.

And so, while I am very pleased with the fact that this piece of legislation has removed earmarks and has moved us towards a great deal more transparency, I would urge my fellow Members to vote for this amendment so that we can continue to get rid of the very vestiges of earmarks that voters asked us to get rid of.

I yield back.

Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. The amendment sounds good. But unlike the Flake amendment, which sounded good, and we'll learn more about it, that was a small amount of money. This is a half a billion dollars.

A lot of people are of the opinion that government has the answer to everything. Government doesn't even have the questions to everything, let alone the answers.

And how many people in this Chamber have any idea how much technology our warfighters are using today? Whether it's on the battlefield or whether it's in training, whatever it might be, how many people know how much was created by small business or large business?

American industry produces good ideas most of the time. And much of what we see on the battlefield today and in the Armed Services came about because of innovations from small business and big business. Who knows?

If somebody can tell me how much of those great systems that we create for our soldiers, how much of that came from innovation, how much of it came from the government, then I might change my mind.

But we don't know today. You give the committee an opportunity, we'll find out. We'll find out how much this innovative, the SBIR, how much it provides compared to industry, large and small. But today we don't know the answer. And for a half a billion dollars, we need to know the answer.

So I don't object to the gentleman offering the amendment, really. But I do object to the gentleman's amendment because we don't know what the effect of it would be. We'd like to find out, and we think we owe it to the Members of this House who are responsible for

the national defense to find out for them.

I yield back.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in very strong opposition to this amendment. The amendment deletes \$60 million from procurement and \$502.4 million from research and development. The sum of this funding is for innovative research and procurement from small businesses and unsolicited proposals.

And the gentleman from Florida and myself, and the gentleman from California, we've been here a long time. We have seen time after time when weapon systems like Predator and ScanEagle, I mean, there's all kinds of things that have happened because of small businesses. And when we made a decision to cut out earmarks for for-profit companies, one of the things that our committee did on a bipartisan basis, with unanimity on both sides, was to say let's put some more money into this competitive program, the Small Business Innovation and Research Program, which is at NIH, and at a number of agencies, I think DOE has one. This is a way to bring small businesses into the Defense Department on a competitive basis. And they do things that the Department needs to have done.

So I rise with my chairman, Mr. YOUNG, in strong opposition to this amendment. This was done to try to help the small business sector still make the contribution in the future for innovative new defense technologies. It's a good program and one that we should support.

I yield back the balance of my time.

Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I won't take the 5 minutes. I just want to rise in strong support of this amendment. The gentleman is right; this was not asked for by the Department of Defense. And if we could save a half billion dollars, money that will not affect the war or the warfighter—but we see these kind of programs all the time. And it's more a way to generate economic activity than actually respond to any need. It assumes that the private sector out there, and small businesses aren't innovating on their own unless we ask them to do it.

□ 1750

Unless we specifically direct them or provide money for them to do it, they won't do it at all. That's just a false assumption.

So I commend the gentleman for bringing the amendment to the floor.

I yield to the gentleman from Kansas.

Mr. POMPEO. Madam Chair, I would just like to add that I came from that very sector, small business. Until 45 days ago, I was running one, and I understand how small business works.

What we don't need is government taking our money and handing it back to folks. What we need is to be left alone. We need smaller government. That's my core problem with the legislation for SBIRs. Government doesn't do a very good job of picking out which of those small businesses will be successful and which piece of technology will prove to be the one that will be good for our warfighters.

If it will shrink government, if it will reduce taxes, then those small businesses will be successful. They will provide those technologies, and they will take wonderful care of every one of our soldiers, sailors, airmen, and marines.

Mr. FLAKE. Reclaiming my time, I just want to say, in closing, the gentleman is exactly right. Any dollar that we provide in this program has to be taken from a small business or an individual through taxes. That is money that they can't use to innovate on their own. And to actually go out and to respond to an RFP or to respond to needs of the Defense Department or to contract with them, they can do that without us having the specific program for them. So I urge support for the amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I welcome this amendment.

I am struck when I hear some of my colleagues on the more conservative side, although this is not uniformly them, some on the conservative side are offering this amendment. We have this interesting dichotomy about whether or not the Federal Government can ever create jobs. In general, the conservative view is the Federal Government never creates jobs. In the military area, somehow there's an exception.

We are told here that there is a constructive relationship that can exist between small businesses and the military that we are told doesn't exist elsewhere; but the major reason for cutting this is we are, at this point, overextended militarily.

Of course, there is unanimity here that we want Americans to be the strongest Nation in the world. We are of course the strongest Nation in the world, and no one is second. We are overcommitted in a number of areas.

The military has become not the instrument of self-defense by the United States, but the instrument to protecting political influence, and protecting influence militarily is often inefficient so that reducing this spend-

ing, as reducing other forms of military spending, is essential if we are to begin to hold down the deficit.

Now, I am going to be talking tomorrow, and we're only talking in military terms of half a billion dollars. In terms of the defense budget, that appears to be relatively small, but it is more than enough than would be needed to fund the Security and Exchange Commission and the Commodities Futures Trading Commission at the full level they need to regulate derivatives and hedge funds.

We have a massive disproportion in which we overspend militarily far beyond what is needed to protect ourselves. Our military budget is the largest foreign aid program in the history of the world. It exists to provide subsidies to our wealthier allies who face no threat. And to the extent that we can reduce that, particularly in an area where the Defense Department itself did not even ask for the funds, we curb unnecessary spending.

As I said, tomorrow I will be offering an amendment to try to give the Securities and Exchange Commission the ability to regulate hedge funds, or at least to keep track of them. We will be trying to offer funding to protect consumers from credit card abuse and trying to provide funding to regulate derivatives.

Taken together, those three agencies are being cut by an amount smaller than one-half billion, and we will be told that we can't afford that. So I welcome the gentleman pointing out the inconsistency between those who say that the private sector should be left to its own and the public sector does not become the job creator here in this way, and I welcome also the chance to begin, as I will be supporting the amendment of the gentleman of Arizona, this massive disproportion in which we overspend militarily. And I say "overspend," because it is far beyond what is needed for the legitimate defense of the United States. It has become a form of staking our political interests, and it comes at very great cost to virtually everything else we want to do, as well as constraining the deficit reduction.

I yield back the balance of my time.

Mr. MORAN. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. I rise in opposition to this amendment, in support of what the ranking member of the Appropriations Committee has said as well as Chairman YOUNG both of whom have substantial years of experience behind them.

Now, what Mr. FRANK has suggested has merit, but to support this amendment is a non sequitur to that argument. As for the gentleman from Arizona, at least he is consistent. As for

the gentleman offering the amendment, well, let me try to explain why it is counterproductive. It defines the phrase "penny wise and pound foolish."

In fact, where we have made our greatest strides within the defense budget is in small business innovation. There are half a dozen very large defense contractors. They serve our country well. They take good ideas, they hire people, they develop them, they achieve major procurement contracts with the Defense Department. But, for the most part, they don't come up with the innovations. It's the small businesses throughout the country, that more often than not, come up with those innovations.

For example, the predator drone that has been the most successful weapon in Afghanistan was an earmark for small businesses with an innovative idea. An idea, incidentally, that was initially opposed by the Defense Dept. Much of our IED success in saving lives has come from small businesses.

Much of the simulation training that we provide our troops so they don't have to put their lives at risk, but rather can achieve the kind of training that gives them the skill set to represent us with such courage and effectiveness on the battlefield, that comes from small business innovation.

And what we are trying to do now is to put a relatively small sum of money together so that thousands of small businesses throughout the country can compete for those small grants.

Now, the fact is, as much as I respect the defense contractors, it is not necessarily in their interests to innovate, to come up with cost-cutting efficiencies, because it means that you have to reduce personnel and contract costs. Oftentimes, it exposes the fact that we're paying more than we need to for innovative approaches to securing our country. It is the small businesses of this country that really provide the ability for us to find the highest level of efficiency and effectiveness within our Defense Department.

For half a billion dollars, we will find more ways to save thousands of lives and we know we will save tens of billions of dollars in the long run. That's what this program is all about. It's a departure from the way we have done things. It's all about saving money, not relying upon Big Business or Big Government, but letting small businesses flourish who otherwise couldn't get the capital, wouldn't have the investors, couldn't pull the personnel together and pay them long enough to be able to adequately develop the potential of a great idea.

So this small pool of innovative research money will fund great ideas, ideas that make our troops safer, that enable us to let our dollars go further, and in fact enable our Nation to be far more secure. This is just the kind of program we ought to be funding more

of in the Defense Department. That's why I would strongly urge defeat of this amendment.

□ 1800

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

The Clerk will read.

The Clerk read as follows:

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$16,170,868,000, to remain available for obligation until September 30, 2013.

Mr. GUTIERREZ. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Madam Chair, I rise today to introduce my amendment to cut funding for the V-22, a hybrid helicopter/airplane that was in development for more than 25 years, cost the lives of 30 individuals before it ever saw combat, and still does not meet operational requirements in Iraq. Cost overruns have plagued the V-22 since its development. Initial estimates projected \$40 million per plane. But today it has exploded to \$120 million per plane—a threefold increase. This amendment would save \$415 million for the remainder of fiscal year 2011 by cutting funding for the V-22 from the Air Force and Navy's aircraft procurement accounts.

In 2009, the GAO found that the Marine Corps received 105 V-22s. Of those, fewer than half—only 47—were considered combat deployable. But on any given day, there are an estimated 22—fewer than one in four—ready for any combat. This is largely due to unreliable parts and maintenance challenges. It was reported that 13 of the V-22's parts lasted only 30 percent of their life expectancy and six lasted less than 10 percent. In addition, the GAO found that the V-22 did not have weather radar and its ice protection system was unreliable. Not me. GAO. So that flying through icy conditions is prohibited on this plane. Can't do it. Icy con-

ditions are often found in Afghanistan. Oddly enough, the V-22 also had problems in dusty conditions, which, coincidentally, also exist and is common in Afghanistan.

So I ask my colleagues, why do we continue to fund this boondoggle? The majority claims to have made some tough choices in this bill. Apparently this includes continuing to fund a plane that Dick Cheney called, a, quote, turkey and tried to kill four times when he was Secretary of Defense. It should also be noted that Dick Cheney did not often meet a defense program he didn't like, so this should be very telling to everyone here. In order to continue funding this plane, this Congress proposes steep cuts to be made on the backs of the most vulnerable citizens.

H.R. 1 puts the safety of American families at risk. The bill eliminates COPS hiring, a program that will put 1,330 fewer cops on our streets. The bill cuts the SAFER program, which means there are 2,400 fewer firefighters protecting our communities; so that we can build a plane that can't fly under icy conditions, can't fly when there's sand, and only one out of four is ever used at any given time?

The majority has made the short-sighted choice to cut \$1.3 billion from community health centers which, according to the CEO of the National Association of Community Health Centers, is equivalent to terminating health care to the entire population of Chicago, or to everyone living in the States of Wyoming, Vermont, North and South Dakota and Alaska combined. Why? For a plane that cannot fly when it's icy, which cannot fly when it's dusty. And where are we at? In a combat situation where we need it to do both things.

Look. If this weren't enough, the bill also eliminates title X funding which provides services for cancer screenings, annual exams, STD testing and contraceptives.

H.R. 1 would also cut \$5 billion from Federal Pell Grants. In Illinois, this will reduce financial aid to 61,000 poor students. And as I had suggested earlier here today, maybe as Members of Congress, maybe because we are in the top 1 percent of wage earners in the United States of America, people of America understand we make \$175,000, each and every one of us, and there are over 150 millionaires in this body, maybe we don't care. Maybe you can cut the Pell Grant program because you don't care whether kids get ahead and are able to go to college. But some of us should, especially those of us that have been blessed with the riches of wealth in this Nation and allowed to be able to serve in this body.

And so I simply say, Let the kids go to school. Let there be health care for the most vulnerable of Americans. And all we will be missing is this boon-

doggle of a hybrid helicopter that does not serve the purpose for which it was proposed.

I yield back the balance of my time.

Mr. MEEHAN. Mr. Chairman, I move to strike the last word and to speak in opposition to the amendment that was just proposed by the gentleman from Illinois.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR (Mr. THORNBERRY). The gentleman will state his inquiry.

Mr. YOUNG of Florida. Do we have an amendment before the House at the present time?

The Acting CHAIR. We do not.

Mr. MEEHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MEEHAN. I appreciate the opportunity to speak on behalf of this very, very significant and important piece of military hardware, the V-22 Osprey. Notwithstanding the discussion in which the GAO has made a report, the fact of the matter is this is an instrument which has proven itself in the theater of war. Those who have been the most significant advocates for this very, very important airplane have been those who have used it in the theater of war, the United States Marine Corps. This has been used successfully in 14 different deployments, most recently in Iraq and Afghanistan, and has proven itself time and time again; proven itself to have the flexibility to be able to accommodate the new challenge that the Marines are facing in these dramatically challenging circumstances; the functionality to be able to respond quickly to moving troops, not just to insert most effectively in a time fashion but to be also able to get there as quickly as possible, in real-world combat situations that are changing as we speak.

Day and night raids. This is the instrument that the Air Force, Special Forces, and the Marines have identified as among the most important; the instrument that rushes to the front and medevacs the soldiers. I just visited Walter Reed just about a month ago, and the ability to get soldiers who are injured from the front lines back to the United States in time is remarkable. This is one of those instruments that allows them to do it. It's a technology which has been proven, not just in the battlefield but has also been proven by its performance. They have worked out the kinks. They have paid for it. This is the thing that the Marine Corps is asking for that's consistently within the boundaries of the existing defense budget. The soldiers on the front line are asking for the V-22 Osprey because it helps them do their job. We must stand in support of the soldiers who are

doing the work defending our Nation most effectively. They are the ones who are proving that it works.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 63 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 12, after the dollar amount, insert “(reduced by \$21,985,000)”.

Page 28, line 20, after the dollar amount, insert “(reduced by \$393,098,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$415,083,000)”.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. I have already used my 5 minutes prior, so I yield back the balance of my time.

Mr. COFFMAN of Colorado. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

□ 1810

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in opposition to the Gutierrez amendment.

The amendment offered by the gentleman from Illinois would do an across-the-board general reduction to the aircraft procurement accounts for the Navy and the Air Force. The total reduction at \$405.1 million would be transferred to the spending reduction account.

Let me just say, he spoke to the V-22 aircraft that the United States Marine Corps uses today in Iraq and Afghanistan. Let me tell you, as a former infantry officer in the United States Marine Corps, I can't speak highly enough of the V-22 aircraft.

There is no replacement right now if that aircraft were suspended in service. The CH-46 aircraft was put in the fleet in 1964 and retired in 2004, and the CH-53, I believe, in 1966. These old air frames are retiring. They need to be replaced. The V-22 is an effective aircraft, serving our Marines in the field in places like Afghanistan and Iraq with the kind of effort that our troops deserve.

Mr. Chairman, I yield back.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The amendment would remove \$415 million total from Navy and Air Force procurement accounts. This funding would reduce the number of V-22 Ospreys from the DOD portion of the bill. The Osprey has proven itself under combat conditions to be safe, effective, survivable, and maintainable and is meeting all operational taskings. I have actually flown on the

Osprey and I feel it is a very safe airplane. Today, flight-hours are increasing rapidly and will exceed 100,000 flight-hours in the first quarter of calendar year 2011. Forty-six percent of these hours have been flown in the last 2 years.

The first combat deployment was September 2007. From that time to the present, the V-22 has been in the following deployments: three deployments in support of Operation Iraqi Freedom, three deployments in support of Operation Enduring Freedom, and three Marine Expeditionary Unit deployments.

The Marine Corps has procured nearly two-thirds of the required fleet of aircraft, 250 out of a total of 360. The program is currently in the 4th year of a 5-year multiyear procurement, and we only give multiyear procurements on programs that we think are highly stable.

This is a proven aircraft, and I urge rejection of this amendment.

This is an important program, one that the Special Forces are going to use, and I think we have to be very careful. For the Marine Corps, this is one of their essential programs that they have strongly supported for many, many years, and it would be a devastating blow to them not to finish this procurement.

I yield back my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Some of our Members have made some very eloquent statements why this is not a good amendment, so I am going to be very brief and just say very simply, this amendment could possibly have a serious adverse effect on the soldiers and the Marines who are operating in and around the mountains of Afghanistan who need what the V-22 can provide them. If it is not available, if it is not there, they could be in serious trouble.

So this is not a good amendment, and I don't think we should support it in any way.

I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. QUIGLEY. Mr. Chairman, I rise to support the amendment introduced by my colleague from Illinois (Mr. GUTIERREZ). If we are truly serious about reducing our long-term deficits, we must look at the whole picture, a picture that includes defense. There can be no sacred cows or pork.

Today, defense spending, including security-related programs, comprises

almost 20 percent of Federal spending, yet it is the only part of this budget that is exempt from the tough cuts facing all other Departments.

The Osprey is one of the most egregious examples of waste in the defense budget, yet DOD continues to request this costly, ineffective machine. And with due respect, the only threat this amendment poses if it doesn't pass, it could kill our own troops. Even worse, Congress continues to fund it.

The Osprey was originally created to allow Marines to carry troops and cargo faster, higher and farther than a traditional helicopter. Now the Osprey is 186 percent over budget, costs \$100 million per unit to produce, it is not suited to fly safely in extreme heat, excessive sand or under fire, and, sadly, this aircraft has killed 30 Marines in accidents.

The Government Accountability Office recommended DOD reconsider procurement of the Osprey, and experts argue a helicopter could achieve many of the objectives of the Osprey at a much lower cost. Let's show our constituents we are serious about cutting the deficit by looking at all parts of the budget. Waste is waste; bloat is bloat. The fact that it comes under the Department of Defense doesn't change anything.

I urge adoption of this amendment because eliminating funding for procurement of a costly, inefficient and over-budget V-22 Osprey will prove to our constituents that we are serious about reducing spending. It will help realign our military strategy to meet today's needs, and it will save the taxpayers \$415 million this year alone.

I yield back.

Mr. MORAN. Mr. Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, I can understand why our colleagues from Illinois have offered this amendment. Assertions recently surfaced about the inability of the Osprey to operate in hot conditions, high altitudes or from U.S. Navy ships. But the fact is that these charges have been disproven repeatedly in daily operations. The fact is that the Osprey provides unparalleled flexibility for Marines and Air Force Special Forces in combat operations.

We have had 14 fully successful deployments to date. No aircraft in the U.S. inventory has been subjected to as extensive a series of live-fire testing as the V-22. It is the most survivable rotorcraft ever built for the Marine Corps and Air Force. When the enemy has been able to hit the V-22, the aircraft has absorbed the damage and returned to base without injuries to passengers or crew on every single occasion.

Many of the initial readiness challenges stem from deploying the aircraft into combat before a supply chain

and depot maintenance infrastructure was adequately in place. The reason it cost more was that the Special Forces felt they needed to bring it into combat operation immediately because it was such a successful rotorcraft. They needed it for the safety and effectiveness of our troops.

The fact is that major studies from both government and industry have shown that the V-22 is more operationally effective and cost efficient than any helicopter alternative. It requires fewer aircraft, fewer personnel and support than conventional rotorcraft. That results in a reduced footprint and, what we all need to be concerned about, particularly in this context, a lower total life-cycle costs.

For that reason, I think that we ought to reject this amendment and enable the Defense Department to choose its own priorities for cost cutting, and certainly Secretary Gates is in the process of doing that.

I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. GUTIERREZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

The Clerk will read.

The Clerk read as follows:

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,221,957,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$790,527,000, to remain available for obligation until September 30, 2013.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as

authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier	Replacement	Program,
\$1,721,969,000;		
Carrier	Replacement	Program (AP),
\$908,313,000;		
NSSN, \$3,430,343,000;		
NSSN (AP), \$1,691,236,000;		
CVN Refueling, \$1,248,999,000;		
CVN Refuelings (AP), \$408,037,000;		
DDG-1000 Program, \$77,512,000;		
DDG-51 Destroyer, \$2,868,454,000;		
DDG-51 Destroyer (AP), \$47,984,000;		
Littoral Combat Ship, \$1,168,984,000;		
Littoral Combat Ship (AP), \$190,351,000;		
LHA-R, \$942,837,000;		
Joint High Speed Vessel, \$180,703,000;		
Oceanographic Ships, \$88,561,000;		
LCAC Service Life Extension Program,		
\$83,035,000;		
Service Craft, \$13,770,000; and		

For outfitting, post delivery, conversions, and first destination transportation, \$295,570,000.

In all: \$15,366,658,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY (INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,804,963,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,236,436,000, to remain available for obligation until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$13,483,739,000, to remain available for obligation until September 30, 2013: *Provided*, That none of the funds provided in this Act for modification of C-17 aircraft, Global Hawk Unmanned Aerial Vehicle and F-22 aircraft may be obligated until all C-17, Global Hawk and F-22 contracts funded with prior year "Aircraft Procurement, Air Force" appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule: *Provided further*, That the Secretary of the Air Force shall expand the current HH-60 Operational Loss Replacement program to meet the approved HH-60 Recapitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,424,764,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10,

United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$731,487,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$17,568,091,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$4,009,321,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, \$15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$34,346,000, to remain available until expended.

□ 1820

AMENDMENT NO. 86 OFFERED BY MR. POMPEO

Mr. POMPEO. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 32, line 21, after the dollar amount, insert “(reduced by \$3,200,000)”.

Page 33, line 9, after the dollar amount, insert “(reduced by \$36,320,000)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$4,000,000)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$4,000,000)”.

Page 34, line 6, after the dollar amount, insert “(reduced by \$32,000,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$115,520,000)”.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, I rise to amend the Defense appropriations bill by cutting \$115 million of additional funding. This \$115 million is aimed at alternative energy inside the Defense Department appropriations budget. I will assure you that with the President having advocated in his budget for billions of dollars of alternative energy research, development, and other types of research, that we don't need \$115 million of that in our Department of Defense budget.

This funding is wasteful, it's duplicative, and won't help our soldiers. It's in five different parts of the appropriations legislation in small amounts, and this is new money. It's above and beyond that which the President had requested.

We are not underfunding alternative energy research. Just this week, the Rand Corporation came out with a study talking about alternative energy research in the defense budget and they concluded it was not helping our soldiers, our sailors, our airmen, and our fighters.

So I would urge support of this amendment reducing by \$115 million the deficit that our Nation faces.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment. The Defense Subcommittee has spent much time over the past 2 years looking into the effects of the services—all the services—to reduce their dependence on fossil fuel. The Department of Defense, which consumes 93 percent of all the fuel consumed by the U.S. Government, has made significant strides in reducing its consumption, but the associated logistics of moving fuel for vehicles, aircraft, forward operating bases remain massive and costly. It has also been shown that for every 24 fuel convoys in Afghanistan, an American soldier is wounded or killed.

The Defense Subcommittee has made a conscious and dedicated effort to advance the Department's efforts, searching for better ways to reduce consumption and alleviate the costly and complicated logistics. This amendment, however, would unnecessarily erase that progress and further the Department's dependence on fossil fuels. For this, and many other reasons, I urge a “no” vote on this amendment.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The amendment cuts \$115.5 million in funding for development of alternative energy. The bill includes funding based in part on the Defense Science Board's February 2008 report on DOD energy strategy. The DSB report made numerous recommendations to improve DOD energy efficiency. In addition, the committee held a formal briefing with officials from the Military Services, the Defense Logistic Agency, and OSD to review energy efficiency and energy technology programs.

DOD is the largest single consumer of energy in the United States. In 2006, it spent \$13.6 billion to buy 110 million barrels of petroleum fuel—about 300,000 barrels of oil each day—and 3.8 billion kilowatt hours of electricity. This represents about eight-tenths of 1 percent of total U.S. energy consumption and 78 percent of energy consumption by the Federal Government.

In combat operations such as Iraq and Afghanistan, moving fuel to deployed forces has proven to be a high-risk operation. Reducing operational fuel demand is the single best means to reduce that risk. However, the Defense Science Board concluded that DOD is not currently equipped to make decision on the most effective way to do so.

The DSB recommended increased investment in energy efficient and alternative energy technologies to a level commensurate with their operational and financial value. The Defense Science Board recommended that the Department of Defense invest in basic research to develop new fuel technologies that are too risky for private investments and to partner with private sector fuel users to leverage efforts and share burdens. The bill emphasizes funding these types of initiatives.

I strongly urge rejection of this amendment.

Mr. LYNCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. LYNCH. Mr. Chairman, I rise in opposition to the amendment.

I don't come here to argue that we don't have to make serious cuts and reduce our spending. I'm sure that we do—and we will. But I do find it remarkable that I stood in this place a

matter of weeks ago and fought to have a small increase in taxes for millionaires that would have eased the burden that we face today, but the argument was made—and made loudly from my colleagues across the aisle—that we couldn't afford to make millionaires pay more taxes. We were talking about increasing the tax rate on amounts over \$250,000 from 36 percent to 39 percent, and we were told that we could not do that.

Yet here we are today and we're talking about cutting low-income heating assistance for families in the Northeast in New England that are suffering from the worst winter in decades. We're talking about cutting WIC for single moms who are trying to raise kids. We're talking about cutting education and funds for kids.

It seems that our priorities are misplaced here. Save the tax cuts for the millionaires but cut everything for people who have nowhere else to turn. It's reverse Robin Hood. We're robbing from the poor to make sure the rich keep their tax cuts. I can't believe it. In that bill not many weeks ago—just a few weeks ago, we actually—I didn't, but those who voted for it did—cut \$119 billion out of Social Security, but we kept those tax cuts for those millionaires.

With all due respect to my colleagues on the other side of the aisle from the tea party, I actually represent the city of Boston, the port of Boston. When you visit the Tea Party Memorial, that's in my district. Just for the record, I want to make sure people understand when the colonists at the tea party revolted, they threw the tea overboard. They didn't throw senior citizens overboard. They didn't throw kids overboard. They didn't throw young mothers on WIC overboard. We have a challenge before us about where our priorities are going to be going forward.

I'm proud to say that I grew up in the housing projects in south Boston. I'm not ashamed to say that we struggled as a family when I was a kid. I'm too old to be a WIC baby; but if they had had it, I'm sure my family would have been on it. As my dad used to say, there were times in our family where we had to save up to be poor.

□ 1830

But we have a moral obligation here to get our priorities right. I hope that at some point in this process that ideology is set aside and that we really do tackle in a fair way the problems that this country faces. I've been here long enough to understand that fairness does not always carry the day in these debates.

Then you see the cuts to people who have nowhere else to turn. You see cuts to Social Security. There was \$119 billion cut out of Social Security several weeks ago, and we diverted that out.

I'm sure at some point we're going to hear that it's unsustainable, that Social Security is unsustainable, because we cut \$119 billion out of it; but we've got seniors in this country who have nowhere else to turn. They're on fixed incomes.

We cut Social Security rather than ask millionaires to give a little bit more. I think that is not consistent with what this country is all about. I hope at some point that common sense and mutual interests on behalf of what's really important in this country do prevail in this Chamber, that ideology, both far right and far left, is tossed aside, and that we can actually get down to the business of moving this country forward.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. I rise in opposition to the amendment. I strongly support the comments from the gentlemen from New Jersey and the State of Washington. In fact, they understated the case.

Mr. Chairman, the United States Department of Defense is the largest consumer of energy in the world. These, I think, ill-advised efforts to undercut important research areas have significant implications, first and foremost, for the operational activities of the Department of Defense. The Iraq war was four times more energy intense than the first gulf war given what has happened in terms of changing tactics; and, frankly, the danger to our troops was understated. Those tankers might as well have great big bull's-eyes painted on them because they were targets for terrorists, and they put our soldiers at risk; and all of us represent States that lost people because of that vulnerability. It costs over \$100 a gallon to deliver this fuel to the front.

I seriously hope that people take a deep breath and listen to the counsel of the people from the committee. This is a long-term threat to our men and women in the field. It is also a long-term threat to the budget of the Department of Defense. If you plot what their energy costs have been over time, it probably rivals only the cost of health care for our troops.

I would hope that we understand the opportunities here. As my friend from the State of Washington pointed out, it is research that isn't going to happen from the private sector. This is the sort of investment that government needs to make up front. It's the same thing that led to the development of the Internet.

It will have important economic benefits going forward because this will not be exclusively the province of the

Department of Defense. The extent to which these technologies work and can be brought to scale, they will be developed by private companies. It will make a difference as to how we as Americans live, because, after all, we as a country waste more energy than anybody in the world.

This is a very serious point. I deeply appreciate the wise counsel of the committee leadership, and I strongly urge that this amendment be rejected.

Mr. Chairman, I yield back the balance of my time.

Mr. BARTLETT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. BARTLETT. Last week, there was WikiLeaks activity that pointed out a huge problem that we in the world face. WikiLeaks released some confidential emails that indicated that the Saudis had only 60 percent of the oil that they had advertised they had. I think this is probably true of most of the OPEC countries that were incentivized to exaggerate their oil reserves when they were permitted to pump a percentage of the oil reserves.

Mr. Chairman, there is almost nobody now who doesn't agree that the world reached its maximum production of conventional oil in 2006. We've been stuck now for about 5 years at 84, 85 million barrels a day of oil. Increasingly, the difference between conventional oils, which are now falling off in production, and that 84, 85 million barrels a day is that it is made up by unconventional oil, like the heavy sour of Venezuela and the tar sands of Alberta, Canada.

Our military has been very wisely pursuing a goal that the rest of us should have been involved in. Maybe they read Hyman Rickover's speech from 1957 where he noted that, in the 8,000-year recorded history of man, the age of oil would be but a blip. He didn't know then how long it would last, but he said how long it lasted was important in only one regard—the longer it lasted, the more time we would have to plan an orderly transition to other sources of energy.

Of course we have done none of that in spite of the fact that we have known for 31 years with absolute certainty that we were going to get here today, because by 1980, we were already 10 years down the other side of Hubbert's peak as predicted by M. King Hubbert in 1956.

The military has been attuned to this problem much more than any other part of our society, and they have been very wisely pursuing alternative fuels because, as we wind down on the available fossil fuels, the world will ultimately, of course, move to alternative fuels. The military has several reasons for doing this. It is a very aggressive program, a very wise program; and I

think that it would just be tragic if we were to eliminate the funds for this.

They increasingly need to move to alternatives for all of those reasons; and the rest of us need to move to alternatives for an additional reason, that they now are moving to alternatives that they can produce on site to reduce the long supply trails that create so many casualties over there.

They ought to have been doing this earlier. I am delighted they're doing it now, and I think it would be a national security tragedy if we were to deny them the funds to continue doing this.

Mr. Chairman, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, I rise to speak in support of the amendment before this one, Congressman GUTIERREZ's amendment, to reduce funding for the V-22 Osprey.

This program has been highly troubled since its inception. In fact, it was almost canceled several times. As my friend Mr. GUTIERREZ noted, former Defense Secretary Cheney actually called for its cancellation several times. During its testing, the V-22 killed 30 people; and in April 2010, a V-22 crashed in Afghanistan, killing four more people. The GAO has noted that this plane has trouble flying over 8,000 feet or in extreme heat.

You know what? There's more.

This plane has a problem carrying troops, transporting cargo, and operating off naval vessels. No wonder the Pentagon wants to cancel the program in its entirety.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Washington.

Mr. DICKS. The Pentagon does not want to kill this program. I just want to make sure that you understand that, because this is one of the highest priorities for the Marine Corps, the Air Force and Special Operations. Most of the problems you're talking about have been taken care of.

Ms. WOOLSEY. All right. Thank you, Mr. Chairman. That is my understanding of what the Pentagon wanted to do, but I yield to your wisdom.

I do believe that canceling the V-22 and saving \$10 billion to \$12 billion over 10 years would be real fiscal savings.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POMPEO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Kansas will be postponed.

□ 1840

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 370 by Mr. FLAKE of Arizona.

Amendment No. 87 by Mr. POMPEO of Kansas.

Amendment No. 63 by Mr. GUTIERREZ of Illinois.

Amendment No. 86 by Mr. POMPEO of Kansas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 370 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 223, not voting 3, as follows:

[Roll No. 41]

AYES—207

Alexander	Cooper	Harris
Amash	Costa	Hayworth
Baca	Crowley	Heinrich
Bachmann	Cummings	Heller
Baldwin	Davis (IL)	Hensarling
Barton (TX)	DeFazio	Herger
Bass (CA)	DeLauro	Herrera Beutler
Bass (NH)	Dent	Himes
Berkley	Dingell	Hirono
Berman	Doggett	Holt
Bishop (NY)	Dold	Honda
Blackburn	Donnelly (IN)	Huelskamp
Bono Mack	Doyle	Huizenga (MI)
Boswell	Duffy	Hurt
Boustany	Duncan (TN)	Inslee
Brady (TX)	Ellison	Jackson Lee
Braley (IA)	Ellmers	(TX)
Broun (GA)	Engel	Jenkins
Burgess	Eshoo	Johnson (IL)
Campbell	Fattah	Jones
Capps	Finer	Kaptur
Capuano	Fitzpatrick	Keating
Cardoza	Flake	Kind
Carnahan	Flores	Kucinich
Carney	Fortenberry	Labrador
Carson (IN)	Frank (MA)	Landry
Cassidy	Franks (AZ)	Lee (CA)
Castor (FL)	Garrett	Levin
Chabot	Gibson	Lipinski
Chaffetz	Gohmert	Loeback
Chandler	Goodlatte	Lofgren, Zoe
Chu	Graves (GA)	Lowe
Cicilline	Griffith (VA)	Lujan
Clarke (MI)	Grijalva	Lummis
Clarke (NY)	Guinta	Lungren, Daniel
Clay	Gutierrez	E.
Coble	Hanna	Lynch
Cohen	Harman	Mack

Manzullo	Peters
Markey	Peterson
Matheson	Petri
Matsui	Pingree (ME)
McClintock	Pitts
McCollum	Platts
McDermott	Poe (TX)
McGovern	Polis
Mica	Pompeo
Michaud	Quayle
Miller (FL)	Quigley
Miller (MI)	Rahall
Miller, Gary	Rangel
Miller, George	Rehberg
Moore	Reichert
Mulvaney	Richardson
Murphy (CT)	Rogers (MI)
Myrick	Rohrabacher
Nadler	Rokita
Napolitano	Ross (AR)
Neal	Roybal-Allard
Neugebauer	Royce
Oliver	Ryan (OH)
Pallone	Ryan (WI)
Pastor (AZ)	Sánchez, Linda
Paul	T.
Paulsen	Sanchez, Loretta
Payne	Sarbanes
Pearce	Schakowsky
Pelosi	Schrader
Pence	Schweikert
Perlmutter	Scott (SC)

NOES—223

Ackerman	Duncan (SC)	Lankford
Adams	Edwards	Larsen (WA)
Aderholt	Emerson	Larson (CT)
Akin	Farenthold	Latham
Altmire	Farr	LaTourette
Andrews	Fincher	Latta
Austria	Fleischmann	Lewis (CA)
Bachus	Fleming	LoBiondo
Barletta	Forbes	Long
Barrow	Fox	Lucas
Bartlett	Frelinghuysen	Luetkemeyer
Becerra	Fudge	Maloney
Benishek	Gallely	Marchant
Berg	Garamendi	Marino
Biggart	Gardner	McCarthy (CA)
Billray	Gerlach	McCarthy (NY)
Bilirakis	Gibbs	McCaul
Bishop (GA)	Gingrey (GA)	McCotter
Bishop (UT)	Gonzalez	McHenry
Black	Gosar	McIntyre
Blumenauer	Gowdy	McKeon
Bonner	Granger	McKinley
Boren	Graves (MO)	McMorris
Brady (PA)	Green, Al	Rodgers
Brooks	Green, Gene	McNerney
Brown (FL)	Griffin (AR)	Meehan
Buchanan	Grimm	Meeks
Bucshon	Guthrie	Miller (NC)
Buerkle	Hall	Moran
Burton (IN)	Hanabusa	Murphy (PA)
Butterfield	Harper	Noem
Calvert	Hartzler	Nugent
Camp	Hastings (FL)	Nunes
Canseco	Hastings (WA)	Nunnelee
Cantor	Heck	Olson
Capito	Higgins	Owens
Carter	Hinchey	Palazzo
Cleaver	Hinojosa	Pascarell
Clyburn	Holden	Posey
Coffman (CO)	Hoyer	Price (GA)
Cole	Hultgren	Price (NC)
Conaway	Hunter	Reed
Connolly (VA)	Israel	Renacci
Conyers	Issa	Reyes
Costello	Jackson (IL)	Ribble
Courtney	Johnson (GA)	Richmond
Cravaack	Johnson (OH)	Rigell
Crawford	Johnson, E. B.	Rivera
Crenshaw	Johnson, Sam	Roby
Critz	Jordan	Roe (TN)
Cuellar	Kelly	Rogers (AL)
Culberson	Kildee	Rogers (KY)
Davis (CA)	King (IA)	Rooney
Davis (KY)	King (NY)	Ros-Lehtinen
DeGette	Kingston	Roskam
Denham	Kinzinger (IL)	Ross (FL)
DesJarlais	Kissell	Rothman (NJ)
Deutch	Kline	Runyan
Diaz-Balart	Lamborn	Ruppersberger
Dicks	Lance	Rush
Dreier	Langevin	Scalise

Schiff
Schilling
Schmidt
Schock
Schwartz
Scott (VA)
Scott, David
Sessions
Sewell
Sherman
Shuster
Simpson
Sires
Slaughter

Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stivers
Sullivan
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Visclosky
Walden

Walz (MN)
Wasserman
Schultz
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Young (FL)
Young (IN)

NOT VOTING—3

Giffords Lewis (GA) Waters

□ 1908

Messrs. GRIFFIN of Arkansas, ROTHMAN of New Jersey, GOSAR, Mrs. NOEM, Messrs. ROGERS of Alabama, ALTMIRE, OLSON, Ms. EDWARDS, Messrs. LATHAM, BECERRA and HINOJOSA changed their vote from “aye” to “no.”

Messrs. CLARKE of Michigan, CARDOZA, ROSS of Arkansas, TIERNEY, NEAL, ROGERS of Michigan, ALEXANDER, COHEN, LANDRY, FATTAH, INSLEE, CASSIDY, Ms. TSONGAS, Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mrs. BACHMANN, Mrs. MILLER of Michigan, Messrs. RYAN of Ohio, THOMPSON of California, Ms. MATSUI, Ms. SUTTON, Messrs. ENGEL, FORTENBERRY, MILLER of Florida, Ms. SPEIER, Ms. DeLAURO, Messrs. ELLISON, MURPHY of Connecticut and ROKITA changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 87 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 72, noes 358, not voting 3, as follows:

[Roll No. 42]

AYES—72

Alexander
Amash
Bass (NH)
Blackburn
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Chabot
Coble
Dold
Duffy

Duncan (SC)
Duncan (TN)
Ellmers
Fitzpatrick
Flake
Frank (MA)
Gardner
Garrett
Gibson
Goodlatte
Gowdy
Graves (GA)
Griffith (VA)

Heller
Hensarling
Herrera Beutler
Huelskamp
Huizenga (MI)
Hurt
Jenkins
Johnson (IL)
Labrador
Lummis
Mack
Marchant
McCaul

McClintock
McKinley
Miller (FL)
Miller (MI)
Mulvaney
Myrick
Neugebauer
Paul
Pence
Petri
Pitts

NOES—358

Ackerman
Adams
Aderholt
Akin
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chaffetz
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson

Pompeo
Quayle
Rehberg
Ribble
Royce
Ryan (WI)
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions

Shimkus
Smith (NE)
Stearns
Stutzman
Upton
Walsh (IL)
Westmoreland
Whitfield
Woodall
Yoder
Young (IN)

Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Foxy
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nugent
Nunes
Nunnelee

Olson
Olver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita

Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark

NOT VOTING—3

Giffords Lewis (GA) Waters

□ 1913

Messrs. LYNCH and WEINER changed their vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 63 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 326, not voting 2, as follows:

[Roll No. 43]

AYES—105

Amash
Baldwin
Chabot
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Blumenauer
Bono Mack
Boswell
Braley (IA)
Campbell
Capuano
Cardoza

Castor (FL)
Chabot
Chu
Clarke (MI)
Clarke (NY)
Clay
Clever
Coble
Cohen
Conyers
Cooper
Costa
Deutch
Dingell

Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Heller
Hinche
Hirono

Holt
Honda
Jackson (IL)
Keating
Kildee
Kind
Kucinich
Lee (CA)
Lofgren, Zoe
Lummis
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Moore
Myrick
Nadler

Neal
Oliver
Pallone
Paul
Payne
Perlmutter
Peters
Petri
Pingree (ME)
Polis
Quigley
Rahall
Rangel
Richmond
Rohrabacher
Roybal-Allard
Royce
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schrader

Sensenbrenner
Serrano
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Towns
Upton
Velázquez
Walden
Walz (MN)
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson

Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires

Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Tsongas
Turner
Van Hollen
Visclosky
Walberg
Walsh (IL)
Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)

Ellmers
Flake
Garrett
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Griffith (VA)
Guinta
Hall
Harris
Hayworth
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Hulzenga (MI)
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Labrador
Landry
Lankford

Lummis
Mack
Manzullo
McClintock
McKinley
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Myrick
Neugebauer
Nugent
Nunes
Olson
Paul
Pence
Peters
Pitts
Platts
Poe (TX)
Pompeo
Posey
Quayle
Reed
Renacci
Ribble

Rokita
Royce
Ryan (WI)
Scalise
Schakowsky
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Southernland
Stearns
Stutzman
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
Whitfield
Wilson (SC)
Woodall
Yoder
Young (AK)
Young (IN)

NOES—326

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Boren
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chaffetz
Chandler
Cicilline
Clyburn
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)

DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa

Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica

NOT VOTING—2

Lewis (GA)

□ 1918

Ms. LORETTA SANCHEZ of California changed her vote from “aye” to “no.”

Messrs. CLEAVER, RICHMOND, and DEUTCH changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 86 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 320, not voting 4, as follows:

[Roll No. 44]

AYES—109

Adams
Altmire
Amash
Bachus
Barton (TX)
Benishek
Bishop (UT)
Blackburn
Bono Mack

Boustany
Brady (TX)
Broun (GA)
Bucshon
Burgess
Burton (IN)
Camp
Campbell
Cassidy

Chabot
Chaffetz
Coble
Conaway
Costello
Dent
Duffy
Duncan (SC)
Duncan (TN)

Ackerman
Aderholt
Akin
Alexander
Andrews
Austria
Baca
Bachmann
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Buerkle
Butterfield
Calvert
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford

NOES—320

Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hanabusa
Hanna
Harman
Harper

Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Maloney
Marchant
Marino
Markey
Matheson
Matsui

McCarthy (CA)	Rahall	Simpson
McCarthy (NY)	Rangel	Sires
McCaul	Rehberg	Slaughter
McCollum	Reichert	Smith (NJ)
McCotter	Reyes	Smith (TX)
McDermott	Richardson	Smith (WA)
McGovern	Richmond	Speier
McHenry	Rigell	Stark
McIntyre	Rivera	Stivers
McKeon	Roby	Sullivan
McMorris	Roe (TN)	Sutton
Rodgers	Rogers (AL)	Terry
McNerney	Rogers (KY)	Thompson (CA)
Meehan	Rogers (MI)	Thompson (MS)
Meeks	Rohrabacher	Thompson (PA)
Michaud	Rooney	Thornberry
Miller (NC)	Ros-Lehtinen	Tiberi
Miller, George	Roskam	Tierney
Moore	Ross (AR)	Tonko
Moran	Ross (FL)	Towns
Murphy (PA)	Rothman (NJ)	Tsongas
Nadler	Roybal-Allard	Turner
Napolitano	Runyan	Van Hollen
Neal	Ruppersberger	Velázquez
Noem	Rush	Visclosky
Nunnelee	Ryan (OH)	Walz (MN)
Olver	Sánchez, Linda	Wasserman
Owens	T.	Schultz
Palazzo	Sanchez, Loretta	Waters
Pallone	Sarbanes	Watt
Pascarella	Schiff	Waxman
Pastor (AZ)	Schilling	Weiner
Paulsen	Schmidt	West
Payne	Schock	Westmoreland
Pearce	Schrader	Wilson (FL)
Pelosi	Schwartz	Wittman
Perlmutter	Scott (VA)	Wolf
Peterson	Scott, David	Womack
Petri	Serrano	Woolsey
Pingree (ME)	Sewell	Wu
Polis	Sherman	Yarmuth
Price (GA)	Shimkus	Young (FL)
Price (NC)	Shuler	
Quigley	Shuster	

NOT VOTING—4

Giffords	Lewis (GA)
King (IA)	Welch

□ 1924

Mrs. McMORRIS RODGERS changed her vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. FLEISCHMANN) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 514. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The SPEAKER pro tempore. The Committee will resume its sitting.

FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011

The Committee resumed its sitting.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND
EVALUATIONRESEARCH, DEVELOPMENT, TEST AND
EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,710,998,000, to remain available for obligation until September 30, 2012.

AMENDMENT NO. 162 OFFERED BY MR. QUIGLEY

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 9, after the dollar amount, insert “(reduced by \$971,099,800)”.

Page 33, line 16, after the dollar amount, insert “(reduced by \$1,796,130,300)”.

Page 34, line 6, after the dollar amount, insert “(reduced by \$2,674,240,500)”.

Page 34, line 17, after the dollar amount, insert “(reduced by \$2,079,741,200)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$7,521,211,800)”.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. QUIGLEY. Mr. Chairman, my amendment would reduce research and development spending at the Department of Defense by 10 percent. First inclination, we all know research and development is a good thing, but not when it begets wasteful spending. The continuing resolution before us makes deep cuts in non-defense discretionary spending. If we are truly serious about reducing our long-term deficits, we must look at the whole picture—and that picture includes defense.

Non-defense discretionary comprises approximately 15 percent of Federal spending. Meanwhile, defense spending comprises 20 percent of Federal spending. We cannot ignore one-fifth of the budget. As Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff has said, “Our national debt is our biggest national security threat.”

My amendment would cut a modest 10 percent from the Department of Defense’s research and development budget. DOD’s R&D spending has experienced more spending growth since 2001 than any other major DOD appropriation category. DOD’s research, development, testing and evaluation budget has increased 63 percent over the last 10 years, rising from \$49.2 billion in FY 2001 to \$80.2 billion in FY 2010. This is 33 percent more than the Cold War peak in real terms, even though today we face no traditional adversary comparable to the Soviet Union. Further, in FY 2009, R&D spending exceeded China’s entire defense budget, the world’s second largest, by \$10.5 billion.

Surely as we look for places to balance the budget and in light of the vast superiority of our R&D budget, we can afford to reduce spending by 10 percent.

□ 1930

A number of fiscal commissions and watchdog groups agree that DOD research and development should be cut and proposed a number of proposals to reduce this development. The Sustainable Defense Task Force, a panel of defense experts from across the political spectrum, recently recommended requiring DOD to set its priorities and reduce R&D spending by \$5 billion per year over 10 years. Additionally, the Cato Institute and the Task Force for a Unified Security Budget agree research and development could be significantly improved without harming security in order to achieve savings.

The Fiscal Commission and the Bipartisan Policy Center have also put forward proposals to reduce research and development costs. The Fiscal Commission proposes reducing DOD’s R&D budget by 10 percent, for a savings of \$7 billion in 2015. They pointed out this reduction would leave DOD at a level above the peak of the Reagan years in real dollars.

The Fiscal Commission cites several ongoing projects that could be reduced or even canceled in order to reduce R&D costs. These programs include the Marine Corps version of the F-35, which has been put on a 2-year probation period by Secretary Gates for continued technical problems, cost overruns, and delays.

The Bipartisan Policy Center offers a similar plan, calling for reduced funding of R&D proportional to the reduction size of forces, or 18.5 percent. Reduction in R&D would be possible, argues the Bipartisan Policy Center, as we withdraw from Iraq and Afghanistan and reduce our forces abroad. Such a reduction in R&D will impose greater discipline in research investments while continuing to budget significantly more resources than any other country’s R&D. A cut in our defense R&D is also enabled by new security threats we face.

Secretary Gates has called for a reorientation of our national security strategy, with a greater focus on counterinsurgency warfare rather than traditional warfare. This reorientation calls for investment in intelligence gathering, devices to sense improvised explosive devices, and investments in lower cost machines such as drones, and will allow us to move away from the more expensive development of major weapons systems.

We must reduce our deficit and we must reduce our spending, but in doing so we must put everything on the table and cut anywhere where waste exists.

Mr. Chairman, there is a universe of thought that less government is best and that government can do almost nothing right. That thought ends at the Department of Defense. There are those who believe they can do no wrong. They have the Department of Defense blinders on, which blind them

from the fact that if we are going to make these cuts and we are going to face the very real threats that this debt and deficits will create for us, we have to cut across all lines.

I yield back.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I would say to the House, in the \$14.8 billion that the subcommittee recommended which is in this bill, a reduction in the defense budget, a very large amount of that was reducing the research and development program. But you can't reduce research and development too much.

I don't care what the best weapons system you have is or that you are planning on having or that you have in the process, in the conceptual stage even. It never gets to where the soldier and the sailor and the airman and the marine needs it without research and development that makes it possible and feasible to build it and deploy it.

We have already cut a substantial amount out of R&D. We can't put a soldier on the battlefield, and if his system that he is working with doesn't work, we can't recall it like you can an automobile or a medicine or pill or something like that. It has got to work. I don't want to see an American trooper on the front line, whether he is on the ground, whether he is in the air, whether he is on the sea, whether he is under the sea, that has a failed system because we failed to properly research it during the development stage.

So I understand that there are some who would cut defense just to cut defense. If you are going to reduce the defense budget, there ought to be a good reason. There is not a good reason for reducing this account. We have already reduced the Defense Department \$14.8 billion, and I just hope that nobody is tempted to vote for this just because it is a cut.

I yield back.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, similar to the Small Business Innovation Research, this is actually one of the very most important things we can be doing within the defense budget, not just for national security, but equally for our national economy.

This is the line item that funded the Internet. The whole concept of the Internet came from DARPA, the Defense Advanced Research Projects Agency, which is funded in this category of the defense budget RDT&E, Research, Development, Testing, and Evaluation. Imagine what the Internet has meant to the American economy,

let alone the world. Look what just happened in Egypt, ultimately because of the Internet.

The GPS system that we have in our vehicles, we take it for granted now. Where did it come from? The RDT&E account in the Defense Department. This is what we want to cut out? We can't afford to.

The unmanned aerial vehicles, the drones, the most effective warfighting weapon we have right now, a weapon that doesn't put our soldiers' lives at risk but is maximally effective at targeting the enemy, RDT&E. Defense research.

Precision targeting was a result of research innovation within this account. That is what gives us our cutting edge. That is why we have the most effective defense capability in the world. But it is also one of the reasons why we have the strongest economy in the world. There is no other area of research that means as much to this economy, and, frankly, it means a great deal to the entire world's economy.

The National Institutes of Health, we do wonderful research there, but, notwithstanding the lives we save, the spinoff to the private sector is not as extensive as the spinoff from the research we do within the Defense Department.

I guess it is a good thing we get these amendments because it gives us an opportunity to explain to the American people, particularly the taxpayer, what they are getting for their money, where these ideas come from. Many of them come from the Defense Department, and it is because of the investment we have made in research, development, testing, and evaluation.

So I obviously would urge rejection of this amendment.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,961,303,000, to remain available for obligation until September 30, 2012: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

AMENDMENT NO. 2 OFFERED BY MR. ROONEY

Mr. ROONEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 16, after the dollar amount, insert "(reduced by \$225,000,000)".

Page 34, line 6, after the dollar amount, insert "(reduced by \$225,000,000)".

Page 359, line 6, after the dollar amount, insert "(increased by \$450,000,000)".

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. ROONEY. Mr. Chairman, I rise today in support of my amendment striking funding for an extra engine for the F-35 fighter jet to immediately save the American taxpayers \$450 million. It is dubious why Congress continues to fund a program that the Air Force, the Navy, the Marine Corps, and the Department of Defense adamantly state they do not want. Just today, Defense Secretary Robert Gates called the program "an unnecessary and extravagant expense" and stated that this money is needed for higher priority defense efforts.

□ 1940

As we decide which cuts to make in our defense, ones that won't hurt our troops today, this should be at the top of the list. Mr. Chairman, the American people sent us here to change the way that Washington works. This amendment is a perfect opportunity to show your constituents that business as usual in Washington is over. I urge my colleagues to follow through with their promises, to listen to the voters as to why they sent us here, and to vote to strike the funding for this expensive and unnecessary program.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. BARTLETT. During the debate to strike funding for the F-35 competitive engine you're likely to hear many statements that just don't square with the facts in the program. Just today, I have heard that it has been stated that the primary engine for the F-35 aircraft has, in one case, 200,000 flight test hours; another statement said 20,000 test hours. The reality is the F-35 primary engine has, as of the end of 2010, just 680 flight test hours and has 90 percent of its flight testing to go.

You're also likely to hear that there are almost 30 U.S. military aircraft that operate with a sole source engine. That's interesting. The F-35 aircraft is a single engine aircraft. No fighter aircraft engine has ever been required to do what the F-35 engine is required to do—provide powered flight and also power a lift fan for the short takeoff and vertical-landing F-35B. In fact, this challenging act of physics has just resulted in the F-35B being put on "probation" by the Secretary of Defense, requiring redesign of the F-35B unique engine components. The current estimate to complete development of the F135 primary engine has been extended several years and the estimated

cost to complete the development program is 450 percent above the February, 2008, estimated completion cost.

In fact, only two U.S. operational aircraft are single engine aircraft—the Air Force F-16 and the Marine Corps AV-8B. The F-35 is scheduled to replace those aircraft and will not be operational until at least 2016. The F-16 was the first aircraft to use an alternate engine, beginning in the mid-1980s, and still does so today. Accident rates have trended from 14 mishaps per 100,000 flight hours in 1980 with the Pratt & Whitney engine, when the alternate engine program was first funded, to less than just 2 mishaps per 100,000 flight hours in 2009 for both the Pratt & Whitney and the GE engines. A review of the AV-8B accident data last year indicated an accident rate six times that of the other Navy fighter aircraft, the F-18, and over 3½ times the rate of the F-16. The AV-8B will be replaced by F-35B. So while the alternate engine F-16 has benefited from competition, with an accident rate having declined by a factor of seven, the AV-8B has an accident rate 3½ times that of the F-16.

Some will cite that the F136—that's the competitive engine—will require \$2.9 billion over 6 years to make it competition ready. It's interesting to note that the cost increase in the contract for the current primary engine, the F-35, is \$3.4 billion, and that does not include other government costs, independent research and development, and component improvement program funding. The entire remaining development of the F-35 competitive engine could have been funded with the overrun to date in the F-35 primary engine. Further, the GAO has found that key assumptions in the cost to go for the F-35 competitive engine were unnecessarily pessimistic based on historic experience with the original alternate engine program.

One of our colleagues has said that the F-35 primary engine is "5 to 7 years ahead of the F136 alternate engine in development." This is not the case at all. First, the acquisition strategy for the F-35 competitive engine called for it to begin 4 years after the primary engine. The Pentagon told us last April that the competitive engine was only 2 to 3 months behind schedule of the original plan. At the same time the Pentagon notified the committee that the F135 primary engine was 24 months behind the schedule set in the original October, 2001, contract. In other words, had both engines begun at the same time, the alternative engine would now be almost 2 years ahead of the primary engine.

I don't know why there's such confusion over the facts related to this issue. Our committee has followed this issue for over 15 years, and we ask you to support the F-35 competitive engine program as an important element to

controlling F-35 program costs and future force readiness. The GAO has looked at the competitive engine programs. They have noted that historically the competitive engine always does two things: it makes the engines cheaper and it makes them better. Notice the accident rate that I noted earlier.

Furthermore, this new aircraft is supposed to be ultimately 95 percent of all of the aircraft in all of our services. Can you imagine what would happen if there was a problem with the engine and we had to stand down. We would have essentially no fighter aircraft in any of our services. It is essential we continue with the alternative engine—and I hope not just to continue its development, to make the primary engine better and cheaper, but to provide a second engine for duplication.

I yield back the balance of my time.
Mr. COFFMAN of Colorado. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. COFFMAN of Colorado. Mr. Chairman, it is time to end the Joint Strike Fighter second engine mistake. In 2001, the GE engine lost in procurement competition to the one designed by Pratt & Whitney. A sole source development contract was signed in 2005. But since 1997, Congress has provided for a Joint Strike Fighter alternative engine program. This continuing resolution includes \$450 million for the alternate engine in the Joint Strike Fighter.

According to the Pentagon, the second engine's cost is close to \$2.9 billion. The Department of Defense is clear: in their view, our military and the taxpayers are best served by not pursuing a second engine. There are more pressing Department of Defense priorities. There is just no guarantee that having two engines will create enough long-term savings to outweigh the near-term costs of nearly \$3 billion.

The risk from a single engine is reasonable and consistent with past acquisitions. A single engine is not a new approach and does not create dangerous levels of risk. We currently have two current aircraft programs, the F-22 and the F-18, which both utilize a single engine provider. Additional costs and the burden of maintaining two logistical systems are not offset by the potential savings generated through competition.

We are not making procurement decisions in a vacuum. If we had all the money in the world, maybe an alternate engine would be a good idea. But we don't. We have a deficit of \$1.5 trillion and a debt of \$14 trillion, and all our funding choices must—must—acknowledge that.

I urge support for the Rooney amendment.

I yield back the balance of my time.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, I can understand that there are a lot of jobs at stake, there's politics, there's regional economies, and so on, to be considered in this issue. I don't particularly have a dog in the hunt, but I'd like to share with you why I disagree with the amendment, why I think it's in the national interest to have an alternative engine.

The experience that we had in the 1980s with the F-16 engine, it seems to me, should inform this debate. We had a sole source contract, basically; with the same manufacturer to build a single engine for the F-16. It was way over budget and outside of—any reasonable production schedule. Production was substantially delayed. And we had little leverage until we brought in an alternative contractor. We brought in competition. All of a sudden we got right on schedule and on budget.

I think this situation is analogous. We're talking about a \$100 billion contract for the principal jet fighter we're going to have for the next generation. And we have one engine manufacturer that we're going to be reliant upon. It's also going to be one of our most substantial exports to other militaries around the world. It's going to be a very substantial source of jobs and revenue, and in fact, I have to say, military dominance.

□ 1950

What we are talking about is having competition to ensure that we get the best bang for the buck for the taxpayers. In fact, the Government Accountability Office has estimated, over the long run, we will save money through this competition. That's why the majorities of the Armed Services Committee and the Defense Appropriations Committee have decided, after a great deal of deliberation, that we need competition in this program.

If it were not such a major program, if it were not so expensive—a \$100 billion sole-source contract—maybe it wouldn't have mattered, but it was basically the consensus of the authorizing and appropriations committees that we should look to two manufacturers to compete against each other and to give the American taxpayer the greatest bang for the buck in producing the most effective and most efficient jet fighter in the world.

I think we all agree that we believe in the principle of competition. When you have monopoly control—invariably, you slack off a little bit. It's okay to bump your numbers up a little bit, perhaps. But when you have to compete with somebody else, you're always looking at the bottom line, always wanting a higher quality, a less

expensive product. That's what this debate is all about. It's about a basic fundamental principle of the American economy—competition. For that reason, I would oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. AKIN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. AKIN. Mr. Chairman, this is a debate and a discussion that has been going on for some period of time. As has been noted before, there are many of us who serve on the Armed Services Committee who have a little different view than does the Pentagon on this subject.

So what are the benefits of the second engine? Several of those have been mentioned.

First of all, it is the sense of security. You've got basically an aircraft now that is going to be serving the Marine Corps, the Navy, and the Air Force. All of our services will be dependent on this one aircraft, which is the Joint Strike Fighter. That particular Joint Strike Fighter has one engine. Obviously, if you want it to work well, the engine has to run right.

The Armed Services Committees have taken a look at this, and those with a few more whiskers here understand the problem that came along on the F-16, where we had an engine manufacturer that couldn't get the engine done, and the whole airframe was at risk. In this case, you have the airframe for the Marine Corps, the Navy, and the Air Force, so this Congress wisely decided that we're going to have two engines.

First of all, from a security point of view, what this allows us to do is to make sure that we have an engine that is on time and on delivery. Certainly, the competition is another good point. You save a lot of money. If you've got two different contractors bidding against each other, we're going to get a good price on the engines, and that's going to be important, particularly year in and year out.

Now, there are a couple of other things that have not been mentioned that I've heard this evening. One of them is that the second engine also has 10 to 15 percent more thrust. What does that mean?

Well, it's interesting. If you happen to be a Marine Corps guy, the marine version of this is called a STOVL. It has to take off from just sitting on a deck, and it takes off straight up. That takes a lot of thrust. The first engine is absolutely maxed out, and what we see over time is we want to put more stuff in our airplanes. When you do that, it gets heavier, and you need more thrust. The second engine offers that 10 to 15 percent more thrust.

I don't know if there is a financial consideration to define what that is

worth, but that extra 10 or 15 percent could make the difference of a stable aircraft that could carry some particular additional piece of equipment that we may need in the future.

The other point that I've not heard made and is actually kind of new to us is that these engines are big suckers. They are very, very big turbines, and they have a tremendous amount of power that they're generating.

Now, if we've got this one turbine that works for the Marine Corps, for the Navy and the Air Force, what would happen if we were to use that turbine in other applications? You'd get all the more benefit of having fewer parts and having interchangeability. These engines are bolt-for-bolt interchangeable.

So what happens when we start to look at the design for a future deep strike bomber? One of the questions on that will be: How many engines do you need? Is it going to be a four-engine bomber or a two-engine? Four is a lot more expensive.

What happens if you could get the power of two engines into one and make it a two-engine bomber and use the same engines that are going into JSFs? So now you've got a universal engine working for a number of platforms. There is a whole lot of simplicity and cost savings for that type of thing.

If we're going to put our eggs in one basket, we want to make sure we've got at least two people and that we have the competition, the capability of using this engine in other ways, and the additional thrust for the second engine.

I would recommend a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCINTYRE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCINTYRE. Mr. Chairman, as a ranking subcommittee member of the House Armed Services Committee and as a strong supporter of the Joint Strike Fighter Competitive Engine Program, I rise today in opposition to this amendment for three basic reasons.

First, the competitive engine program will save billions in taxpayer dollars. Second, it will create thousands of jobs. Third, it is imperative to our national security. I think all three of these are issues that all of us share a bipartisan concern about.

I am pleased, in fact, to join both the Armed Services Committee chairman and the ranking member of the full committee as well as many of my colleagues from both sides of the aisle, Democratic and Republican, in supporting this competitive program for the alternative engine.

First, contrary to what you may have heard, the competitive engine program is about saving billions of dollars in taxpayer money. Competition does drive down costs, it does raise quality, and ensures responsiveness from the manufacturers.

With the JSF program being the largest defense program in our Nation's history, we have to make sure that we have that competition to get the best quality and the lowest price. Striking funding for a competitive engine will give a 30-year \$100 billion monopoly to a sole contractor. Funding the F136 engine, however, will allow two companies to compete head to head, resulting in the best price and the best engine. In fact, GAO studies have indicated that competition from the F136 engine will actually save taxpayers \$21 billion over the life of the Joint Strike Fighter program.

Second, the competitive engine program is about saving jobs. Currently, there are 2,500 U.S. jobs supporting the development of the alternative engine. Once full production occurs, the number will rise to 4,000.

Third, the competitive engine program is about national security. Without a competitive engine, U.S. and allied forces will be dependent entirely upon one engine for 90 percent of our fighter jet fleets. One small problem could ground the entire fleet, which is something that none of us would want.

This program is not about favoring one particular contractor over another. It is about having strong bipartisan support for competition, for creating jobs, for national security, and for saving taxpayer money. In fact, this was demonstrated when this was voted on last year when we had 116 Republicans and 115 Democrats—that's about as even as you can get—vote for the funding of the alternative competitive program.

For these reasons, I strongly oppose this amendment and rise in support of saving \$21 billion in taxpayer money, of creating jobs, and of ensuring our national security through the alternative engine competitive program.

Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, I stand in opposition to this amendment for a few reasons, not any as eloquent as the ones that have already been stated but for some fairly simple reasons, I think.

Number one, what if one of us here, one of us Members, a Congressman, earmarked a \$100 billion project today? If it were one of us who did this, who said that we're going to give this one job worth \$100 billion to one company, I think there would be an outcry from

all over. We don't do that anymore, and there's a reason we don't do it anymore: Because it leads to corruption, and it leads to people doing things that they should not be doing. We shouldn't give the DOD the same—let's call it—temptations to have to give a \$100 billion contract to one company.

□ 2000

Number two, competition. It's interesting now to see how things have switched where you have folks that have been talking about competition when it comes to health care, competition when it comes to business now saying that competition's going to bring quality down and bring costs up. That's not what competition does, Mr. Chairman. What competition does is bring quality up and bring costs down. I think there is definitely bipartisan agreement on that.

And number three, I served in Afghanistan on my third tour and, when I was over there about midway through in 2007, an F-18 went down. It went down here stateside, and the reason it went down is it had a cracked wing, and what we didn't know at that time is if that was an inherent flaw in the F-18 structure. So what we did in Afghanistan is we shut down all F-18 flights. In fact, the world over, F-18 flights were shut down until we could figure out if this problem was inherent in all F-18s or if it was just one problem for that one particular F-18.

If this happens with the F-35, with just one engine, we're going to ground the free world's new jet. That's what will be grounded, because the F-35 is being sold to other countries. It's being used by all of our services except for the Army, and if it goes down and we have to stop flight for it, it could put people in harm's way. That's why this is, frankly, not a money issue or a jobs issue. This is an issue of operational risk. You should have a backup engine for the main engine for the main fighter for this Nation and other nations going forward.

So with that, Mr. Chairman, I oppose this amendment.

Mr. ANDREWS. I move to strike the last word.

The Acting CHAIR (Mr. CONAWAY). The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I thank you for the opportunity to participate in this debate.

Mr. Chairman, I don't have a dog in this fight. Neither of the two fine companies that are arguing over this has jobs in my district that I'm aware of. I'm involved in this argument because I have thousands of service personnel who serve our country, and I have hundreds of thousands of taxpayers who pay for the government of our country, and I am convinced that the right answer for our service personnel and for our taxpayers is to oppose this amendment.

We have heard many good reasons. I think the ones that stand out the most are these. As the Chair well knows, he and I were given the privilege and responsibility of looking at defense procurement across the board over the course of the last 3 or 4 years. Something very rare happened when the gentleman in the chair and I worked on this. We produced two pieces of legislation that passed the House, essentially unanimously. And in that process of Democrat and Republican working together, we learned something very disturbing, and that was that, in major weapons systems, costs had skyrocketed by \$296 billion over what they were supposed to cost, and the delay in fielding these systems had gone from an average of 16 months behind to 22 months behind. That was very unwelcome news.

In the course of conducting that analysis, we also learned something that I think most Americans know intuitively. When you have more choice and you have more competition, you get a better result. I think most of us, when we've had to buy a household appliance or a car, go out and get a couple of quotes. We have people compete against each other so we get the best deal. That very commonsense concept is the core argument in front of us this evening. And I think the burden would be on those who say we shouldn't have competition and those who say that the status quo would be okay if we had only one contractor.

Now, the other point I want to make beyond money is about the operational capacity of our Armed Forces. The United States enjoys the blessing of military superiority this evening I think for two essential reasons. The first and most important one is the quality of the young men and women who volunteer to serve us. Without question, that's the most important reason. But the second, I believe, is our superiority in the air, our ability in any corner of the globe to establish dominance over the battle space by virtue of the quality of our air assets.

The operability of those air assets, as Mr. HUNTER just mentioned a few minutes ago, is at risk if we are dependent upon one supply chain, one manufacturing process, one set of parts, and one set of solutions to a problem. You always want to have a plan B. This would be a difficult call if having that plan B operationally cost us more money, but it isn't a difficult call because the opposite is true. Having the plan B, having the option, saves money for the American taxpayer. The GAO has estimated about \$21 billion over time because of the merits and benefits of choice and competition.

We have two fine enterprises involved with these engines, and I think what we ought to do is create a system where each flourishes, not because of the benefits of the job creation that

will occur—although that's certainly a welcome benefit—but because operationally, this is the best way to support those who serve us. This is the best way to avoid putting them at risk because of operational defects and because the benefits and merits of competition over time will reduce pressure on our taxpayers to the tune of \$21 billion.

I thank the Chair for his collegial work on this subject, and I would urge Members to defeat this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. CONAWAY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 514, EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-14) on the resolution (H. Res. 93) providing for consideration of the Senate amendment to the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, which was referred to the House Calendar and ordered to be printed.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 2008

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes,

with Mr. CONAWAY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 2, offered by the gentleman from Florida (Mr. ROONEY), was pending.

Mr. CHABOT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. I rise in opposition to the gentleman's amendment.

Mr. Chairman, as we debate the funding of a competing engine for the Joint Strike Fighter Program, there are a few key points that we should keep in mind.

First, competition has long been the best way to control costs on large defense programs, and competition is the centerpiece of acquisition reform. By funding competing engines for the Joint Strike Fighter, we can save \$21 billion. Let me repeat that, \$21 billion savings in taxpayer money over time according to the Government Accountability Office.

□ 2010

Beyond the GAO's projections, our recent history demonstrates that competition also leads to a more efficient process, quicker innovation, and better contractor responsiveness. Recently, the Quadrennial Defense Review Independent Panel concluded, "History has shown that the only reliable source of price reduction through the life of a program is competition between dual sources." Additionally, the absence of competition makes it harder to address the issues that inevitably arise in connection with sophisticated and critical technology, such as jet engines.

Mr. Chairman, we are seeing such issues on the lead engine for the Joint Strike Fighter. Pratt & Whitney was designated to power the JSF aircraft under the theory that it could effectively derive an engine from its engine for the F-22. Unfortunately, it wasn't as easy as they had anticipated. As a result, the lead engine for the Joint Strike Fighter is now billions of dollars over budget and, worse, struggling to perform the critical functional requirements for the aircraft.

I quote directly from the GAO report from March 2010: "The Pratt engine is now estimated to cost about \$7.3 billion, a 50 percent increase over the original contract award. The total projected cost increased \$800 million in 2008. Engine development cost increases primarily resulted from higher costs for labor and materials, supplier problems, and the rework needed to correct deficiencies with an engine blade during redesign. Engine test problems have also slowed development."

The GAO further confirmed an additional total project cost increase of \$1.2

billion in 2010 alone to cover higher than expected engine costs, tooling, and other items. And on February 11, 2011, yet another cost overrun on the lead engine was announced, this time totaling at least \$1 billion, bringing total cost overruns on the lead engine to an astounding \$3.5 billion today.

The Department of Defense says we don't need a second engine, but these issues won't fix themselves. Only competition will help control costs and create a better, more efficient process. I ask you, How can we afford not to invest in a competing engine? Bottom line, having the engine makers fight head-to-head will give us a far more capable, more cost effective Joint Strike Fighter.

I yield back the balance of my time.

Mr. COURTNEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. COURTNEY. Mr. Chair, I rise in support of the gentleman from Florida's amendment. And as a fellow member of the House Armed Services Committee, I just want to share at least some of the ad nauseam length of input that we have had at the Armed Services Committee over the last 2 or 3 years talking about this issue.

We have had the benefit of hearing from the warfighters, the heads of the various branches that are dealing with this program, whether it's the Marines, the Navy, the Air Force, and they have repeatedly, over the last 2 or 3 years, stated that there is no justification for this wasteful spending which, again, both the President and the Secretary of Defense have also supported.

On the Seapower Subcommittee, which I serve on, Admiral Roughead, the CNO, head of the Navy, talked about the disastrous operational impact that having two engines would have in terms of our aircraft carriers. As he stated: "One can look at a carrier and see a very large ship, but when that ship is deployed, we have things packed in almost every nook and cranny in order to provide that reliability and responsiveness. So having to stock two different types of engines is just not practical for us."

It would be totally unrealistic to have a situation where the F-35B and the F-35C, which are the planes which will land on our aircraft carriers, have to fly in with two separate engines that would require two separate systems of maintenance and repair. And the notion which was stated earlier by one of the prior speakers that they are somehow interchangeable—well, if we're going to have interchangeability, then we may as well just have one engine system which is, in fact, what we have today in terms of the F-18 Super Hornets which land on aircraft carriers every day of the year. It is one engine supplier which provides the engines for

those Super Hornets, GE, and good for them. And as Admiral Roughead said, he really doesn't care which engine it is, but the Navy needs to have only one system in order for them to be operational on the 11 aircraft carriers that today make up a key component of our national defense.

One person on the committee sort of suggested the fact that, well, maybe a way to solve that problem would be to have GE aircraft carriers and Pratt & Whitney aircraft carriers which, again, kind of I think highlights the absurdity of the notion that you are going to have two separate engine systems on these vessels on which every square inch is precious.

Mr. Chair, we have heard a lot of talk about competition. I'm sure there is going to be lots of rebuttal about the fact that there was a competition which led into the selection of the Pratt & Whitney engine. But what I would just end with is that competition is one thing; redundancy and waste is another.

We do not have two of everything in terms of our procurement systems. We did not have two engines for Blackhawk helicopters. We did not have two engines for F-18s or our ships. We don't have two nuclear reactor systems for our submarines, for our aircraft carriers. We don't have two separate engines for our destroyers.

The fact of the matter is you have to make decisions sometimes in order to achieve efficiency, and that's where we are today with the F-35 program. The notion that we are going to add \$3 billion to production costs by having a separate alternate engine and all of the rippling effects of operational headaches which Admiral Roughead eloquently described before the Armed Services Committee is just not something that our military can afford today.

We have reached a tipping point in terms of our military budgets. We have got to focus on effective, efficient use of resources to help the warfighter and to advance our national security. And having a bloated, wasteful system of an alternate engine, which is the way The Washington Post described this program, is not the way to achieve that goal.

I strongly support this amendment and urge my colleagues to pass this amendment for a cost-effective, efficient use of our resources for our national defense.

I yield back the balance of my time. Mrs. SCHMIDT. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Chair, I rise today to strongly urge my colleagues to vote "no" on this amendment. This is the wrong way to go at our critical hour of need. Congress has consistently provided funding for the development

of the alternative engine because Congress knows full well the benefits of competition in weapons acquisition and procurement.

Last session, we passed the Weapons Systems Acquisition Reform Act of 2009, 411-0 in favor, and, in fact, our Senate colleagues agreed with 95-0. If there is such overwhelming bipartisan agreement in both Chambers on the need for competition in weapons systems acquisition, then why are we taking a vote to eliminate competition for the propulsion system that is going to power 95 percent of our tactical fighter fleet over the next 40 years?

Section 202 of the Weapons Systems Acquisition Reform Act clearly states, "The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes measures to ensure competition throughout the life cycle of such program."

The Joint Strike Fighter is the Department of Defense's largest procurement program. The Department of Defense plan calls for acquiring nearly 2,500 Joint Strike Fighters. Hundreds of additional F-35s were expected to be purchased by U.S. allies. If the propulsion system that powers nearly 3,000 tactical jet fighters is not a major defense acquisition, then I'm not sure what qualifies.

Passing this amendment will hand Pratt & Whitney a \$100 billion monopoly on a 30-year contract that has never been competitively bid. Proponents of this amendment will argue that Pratt & Whitney won the engine competition when Lockheed was awarded the contract to develop a Joint Strike Fighter. Not so fast.

Last May, Mr. John Roth, from the Office of the Under Secretary of Defense Comptroller, and Mr. Mike Sullivan, the Director of Acquisition and Sourcing Management at the GAO, both testified before the House Oversight and Government Reform's Subcommittee on National Security and Foreign Affairs that the competition was done at the contractor level and that the engines were never actually competed.

The point of all this, Mr. Chair, is that the engine competition never occurred, and it is disingenuous to argue that Pratt & Whitney has already won. The fact is that providing funds for the competitive alternate engine will ultimately drive down costs, improve product quality and contractor responsiveness, drive technological innovation, and ensure that taxpayer dollars are not wasted.

□ 2020

History shows that competing engines can result in significant long-term savings. The "Great Engine War" saved the F16 program 21 percent in overall costs according to the 2007 GAO report. This represents \$20 billion in

savings for the lifetime of the Joint Strike Fighter Engine program.

Additionally, the alternative engine team represented by GE and Rolls-Royce offered the Department of Defense a fixed-priced contract. Their offer saves \$1 billion in the first 5 years and puts cost overruns at the risk of the contractor. This is an unprecedented move in major defense acquisition.

Finally, providing for a competitive alternate engine will serve as a hedge against operational risk and ensure that a fighter that makes up 95 percent of our tactical fleet is not grounded due to engine failures.

Fully funding the alternative engine is not only prudent risk management, but an acknowledgment of the fundamental responsibility that Congress has to protect and provide the most reliable equipment to our men and women in uniform.

Mr. Chairman, I urge my colleagues to vote "no" on this ill-guided amendment. It will not save taxpayers money in the long run. I'm not even sure it's really going to save them money in the short run.

I yield back my time.

Mr. LARSON of Connecticut. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of the amendment by TOM ROONEY of Florida. Let me commend my colleague from Florida, first and foremost, and those that have joined him in this amendment.

At the President's State of the Union message there was a symbolic gesture in this Chamber for us to sit together, and we did. And we talked about the camaraderie and the need to reach out and work together.

I applaud my colleague for his strong stance and his willingness to work bipartisanship to do what the Navy, the Air Force, the Marines, the Secretary of Defense, the Bush administration and the Obama administration have asked Congress to do: end this wasteful, duplicative spending.

There are new Members that have come to Congress on both sides with new zeal and the ability to perhaps look outside the beltway at what people have to experience on a regular basis, and they scratch their heads in awe of what seems to be a commonsense proposal by the Bush administration, by the Obama administration, by the Air Force, by the Marines, and by the Navy, and that's to end this wasteful spending.

We've heard great talk about competition. My God, I'm all for competition. I don't think there isn't a person who isn't for competition. Two engines, why not three? Why not four? It would be better overall for our industrial base.

But the people on the committee know the hard truth, as do all Americans. We've seen it. I fault no one for support of the interest of their State or their district or their employees, but let's be honest about this. We're going to have to make priorities. I've witnessed it in the C-17 and the F-22. And there comes a time when you recognize that we need these precious dollars. There has to be cuts. Both sides have acknowledged, and again I want to compliment my colleagues on the other side for the zeal that they have come here with to say, listen, the Pentagon isn't sacrosanct either, and we have to make these cuts.

And here's the Secretary of Defense pleading yesterday at a conference saying, please, the Navy, the Marines, the Air Force do not want this engine.

Look, competition is great, but let's look at some of the facts here that have been cited as well. If you have 86 percent of the market currently, and you're seeking to get 92 percent of it, where does competition lie? With a company that has 86 percent? I don't think so.

And I think anyone who looks at this from a commonsense perspective comes to that understanding, comes to that difficult decision that has to be made with respect to the Nation's deficit.

Now, Mr. ROONEY has proposed that this money go directly into a lock box to deal with the Nation's deficit. There are a lot of good proposals where to use money, but that's what he's proposed. I submit, as a Democrat who would like to see the money going to COPS funding, to make sure that LIHEAP funding gets there, that these are the kinds of compromises and decisions that we have to make. And this is what's right for the country. We have to address this deficit.

And if we have our leadership, the Bush administration, and their Pentagon, the Obama administration, you heard JOE COURTNEY talk about Admiral Roughead again saying today the absurdity involved in this argument.

It doesn't matter what company. What matters is this country. I strongly support his amendment.

Mr. DOLD. I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DOLD. Mr. Chairman, I rise today in support of the amendment. At a time when we're running at \$1.48 trillion deficits, the President's budget actually talks about a \$1.6 trillion deficit. We're looking at debts of \$14 trillion.

We have to tighten our belt. There is no question about it. The American public's doing it. We've asked the American families and businesses across the land to tighten their belts in order to get by. The Federal Government should be no different.

Now, we are very strong on defense. We want to make sure that those that are in harm's way have everything at their disposal to make sure that they can do the task that we've asked them to do. This, however is the program that the Department of Defense, the Secretary of Defense has said we don't need it, we don't want it. We need to make sure that we are cutting back across the board in terms of all different Departments. We need to go into every single one and say, where are the areas that we can cut back? Where is there duplication? Where are there areas that we can find that we don't need to spend today? This is a program that will save the American taxpayer \$3 billion.

Now, we admit, competition is good. But why not three engines? Why not four engines? The reason why, as someone said, is we can't afford it. We can't afford two right now. We want to make sure that the engine that's out there, the one that has been awarded by the Department of Defense, has the opportunity to move forward. It is the base for the F-22. It certainly has proved itself in terms of a base engine. They're making improvements, but this is an engine that they've invested over 20,000 flight hours in. This is something that is going to move forward. The question is, are we going to fund an additional engine?

I think that we need to talk about saving dollars, saving \$3 billion when both the Bush administration, the current administration right now, and the Department of Defense, the Secretary of Defense—and when was the last time you heard any of the Secretaries advocating that we don't need this money?

□ 2030

This is probably a very historic moment. They are absolutely, 100 percent looking out for the safety of those that wear the uniform.

I am going to urge my colleagues that we have to step forward, we have to cut back on areas, and this is an area that the Secretary of Defense has said we need to cut back on. I am going to urge you to vote "yes" in favor of this amendment.

I yield back the balance of my time.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. MURPHY of Connecticut. I rise in strong support of the amendment from the gentleman from Florida.

Cutting spending is not easy, but this one should be. I think the gentleman hit it right on the head. You are talking about the Department of Defense, the Secretary of Defense, the President, the generals who command the field all recommending against the development of a second engine. We should listen.

Now, we have heard a lot of discussion tonight, as we have when we've debated this issue in the past, about the dual issues of both quality and cost. But if this was really about the issues of both quality and cost, then we wouldn't just be talking about building a second engine. We would be talking about building a second plane; we would be talking about building a second aircraft carrier.

But as Representative COURTNEY so eloquently stated, the reason that we aren't talking about competitive bidding for a second plane, the reason why we aren't talking about two or three different aircraft carriers is that our generals, our military professionals have told us over and over again that it would be a tactical and operational nightmare to have a diversity of operational platforms with respect to these large operating systems.

This isn't about quality in the end, because the Army, the Navy, the Secretary of Defense tell us that it's not about quality.

If this was really about quality and cost, then we would have actual real competition. But we're not going to have real actual competition. What we know about these competitive bidding arrangements is that there is an explicit or implicit floor in the amount of business that you get. So whichever one of these engines is the inferior engine or the more costly engine is going to, on average, get about 40 percent of the business on an annual basis. That's not real competition.

If we want to talk about real competition, then there has to be real winners and losers here. That's not what is going on in the proposal before us. And if this was really about quality and cost, then we wouldn't have two other tactical aircraft programs that have a single engine and also have a near spotless record of performance and cost control.

We know how this works in other major aircraft acquisition programs. Single engines work. They have worked.

I think in the end, though, this is really just about who we listen to. I have great respect for the Members of this Congress who have served for years on the Armed Services Committee; but I think that when we get such unanimity of opinion, such uniformness of opinion from our military generals, from the Department of Defense, and the men and women who are going to be flying these planes, we should listen.

We should listen because it's the right thing to do for them, and we should listen because \$3 billion isn't easy to cut out of the budget. But it's a lot easier when we have the people that are going to be handling the aircraft and the equipment telling us it's the right thing to do. I rise in support of the amendment.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to this amendment.

This amendment is contrary to the interests of taxpayers and our military. It is not a cost-saving amendment. It is an anti-competition amendment. Therefore, it will cost us more money in the long run.

It is recognized that the Department of Defense suffers from a lack of competition and acquisition process. Sole-source contracts already account for \$140 billion, or 38 percent, of the \$366 billion that DOD spent on contracts in fiscal year 2010.

We know from experience that competing the engine on the F-35 is likely to both save money and improve the performance on both engines. It's not me saying that; the GAO and DOD's own internal studies have said it.

DOD says it will cost \$2.9 billion to develop an alternative engine, although GAO says it may be much less. The F-35 will cost about \$100 billion. GAO's analysis suggests a savings of about 20 percent in procurement, with an additional savings over the life cycle of the programs. The alternative engine would more than pay for itself in future savings, even putting aside the potential benefits in performance.

The power of our tactical Air Force is utterly dependent on the success of the F-35 program. The total cost is approaching \$400 billion. The air frame and the engine portions of the program have been riddled with cost growth throughout the development effort.

Are we to say that it is unreasonable to spend \$450 million to ensure that our fighter pilots have the best aircraft and the best engine possible? I'm convinced that competition will make both engine variants of the F-35 better.

And why do we think DOD can stand on a principle that has been proven over and over again in the marketplace? Competition leads to lower cost and better performance. Our fighters deserve this.

The DOD's position against this engine has been shown to be faulty on analysis and driven only by short-term budget considerations. The independent QDR review panel last year stated: "History has shown that the only reliable source of price reduction throughout the life of a program is competition between dual sources."

This amendment ignores that history. It will not save money and risks the combat effectiveness of our Air Force. Mr. Speaker, I oppose the amendment.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Only inside the Washington, D.C. beltway could we be having this debate.

The taxpayers are demanding that we tighten our belts and save money. The Pentagon says, let's go ahead with the single engine procurement, which resulted from a competition, which is a quality engine.

Now, if that engine has problems, someone at the Pentagon should be fired. If there was problems with the original competition, a lot of people at the Pentagon should be fired. And maybe we ought to look at overhauling the procurement process.

But to say now, well, we've got a good engine. They want a competition. But we've got another company that really wishes it had won the competition but didn't win the competition, and now they still want to build an engine and the taxpayers should subsidize it. Which is what this is all about. It only costs \$2.9 billion for them to develop an alternative engine. Only \$2.9 billion. Inside the Washington, D.C. beltway that's not real money.

I guess the joke is, inside the Washington, D.C. beltway, how many jet engines does it take to fly a single engine fighter? Now, most Americans would think, well, that's probably not a joke, and it would be one. Right? No. It's two.

Now, if we need two on the ground, maybe we need two in the air. Maybe we ought to redesign the plane and put two engines in the tail, one from one company and one from the other. In case one flames out, we've got one left at least to bring the plane back. I mean, if we're so worried about reliability, maybe we just ought to start all over again. Come on, guys. Let's not be ridiculous here.

Two supply chains. Two sets of mechanics. Two sets of spare parts. Oh, wait a minute. This plane broke down over here and the mechanic there and the spare parts are for the other one. Oh, we've got to keep them sorted out by which engine they've got, where they are, where they'll fly in the world, what mission they'll go on, which mechanics we send, which supply chain we send for it.

No, this is not going to save money. This is not going to save money. If you did a crappy procurement, then fix it; but don't say let's do another procurement in the way the Pentagon always does things, which will inevitably be another cost overrun procurement.

So it won't only cost \$2.9 billion to develop the alternative engine. We'll hear 6 months from now, a year from now, Oh, well, we thought we could develop an alternative for 2.9, but it will be 10. But don't worry. It will still bring down the overall cost.

Support this amendment. Support common sense. Stand up for the taxpayers, and stand up for the military which says we don't need a second en-

gine for this plane. They are the guys who fly them.

□ 2040

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. ROONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROONEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 127, line 17, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$26,742,405,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$20,797,412,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, \$3,200,000 shall only be available for program management and oversight of innovative research and development.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,434,536,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve

Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,474,866,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$31,382,198,000; of which \$29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to \$16,212,121,000 may be available for contracts entered into under the TRICARE program; of which \$534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which \$1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,467,307,000, of which \$1,067,364,000 shall be for operation and maintenance, of which no less than \$111,178,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$35,130,000 for activities on military installations and \$76,048,000, to remain available until September 30, 2012, to assist State and local governments; \$7,132,000 shall be for procurement, to remain available until September 30, 2013; and \$392,811,000, to remain

available until September 30, 2012, shall be for research, development, test and evaluation, of which \$385,868,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

**DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE**

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$306,794,000, of which \$305,794,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2013, shall be for procurement.

TITLE VII

RELATED AGENCIES

**CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND**

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$292,000,000.

**INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT**

For necessary expenses of the Intelligence Community Management Account, \$649,732,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by

the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the

amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8008. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings "Operation and Maintenance, Air Force" and "Operation and Maintenance, Army", to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a

multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Navy MH-60R/S Helicopter Systems.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of

Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the perform-

ance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or

manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall

be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than \$30,374,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$27,048,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$2,424,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) \$902,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2011 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2011, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$125,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to

procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and

was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or
(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011", \$86,300,000;

"Other Procurement, Army, 2009/2011", \$147,600,000;

"Aircraft Procurement, Navy, 2009/2011", \$26,100,000;

"Aircraft Procurement, Air Force, 2009/2011", \$116,900,000;

"Aircraft Procurement, Army, 2010/2012", \$14,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012", \$36,000,000;

"Missile Procurement, Army, 2010/2012", \$9,171,000;

"Aircraft Procurement, Navy, 2010/2012", \$184,847,000;

"Procurement of Ammunition, Navy and Marine Corps, 2010/2012", \$11,576,000;

Under the heading, "Shipbuilding and Conversion, Navy, 2010/2014": DDG-51 Destroyer, \$22,000,000;

"Other Procurement, Navy, 2010/2012", \$9,042,000;

"Aircraft Procurement, Air Force, 2010/2012", \$151,300,000;

"Other Procurement, Air Force, 2010/2012", \$36,600,000;

"Research, Development, Test and Evaluation, Army, 2010/2011", \$53,500,000;

"Research, Development, Test and Evaluation, Air Force, 2010/2011", \$198,600,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2010/2011", \$10,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a

case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Depart-

ment of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of

Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—
(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such

department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", \$147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

SEC. 8072. In addition to amounts provided elsewhere in this Act, \$4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", \$415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, \$84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, \$58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which \$12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weap-

ons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8074. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8075. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8076. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 8077. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8078. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Depart-

ment of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8079. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations; \$24,000,000 to the Red Cross; \$1,200,000 to the Special Olympics; and \$20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when

originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, \$7,080,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to \$15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8093. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than \$20,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$10,000,000 in any fiscal year, the R-1, RDT&E Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

SEC. 8094. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8095. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8096. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8097. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Com-

mittee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8098. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

SEC. 8099. The amounts appropriated in title II of this Act are hereby reduced by \$1,983,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: (1) From "Operation and Maintenance, Army", \$700,000,000; and (2) From "Operation and Maintenance, Defense-Wide", \$1,283,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8100. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8102. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8103. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000 unless the contractor agrees not to:

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability Office shall submit a report to the Congress evaluating the effect that the requirements of this section have had on national security, including recommendations, if any, for changes to these requirements.

SEC. 8105. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) have been satisfactorily completed.

SEC. 8106. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than \$3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

- (1) Business process reengineering.
- (2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.
- (3) Assurance the system is compatible with the enterprise-wide business architecture.
- (4) Performance measures.
- (5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, \$50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. In addition to funds made available elsewhere in this Act, there is hereby appropriated \$538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the "Tanker Replace-

ment Transfer Fund" (referred to as "the Fund" elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to "Operation and Maintenance, Air Force", "Air-craft Procurement, Air Force", and "Research, Development, Test and Evaluation, Air Force", only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8110. (a) Of the amounts made available in this Act under the heading "Operation and Maintenance, Navy", not less than \$2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(b) Of the amounts made available in this Act under the heading "Operation and Maintenance, Air Force", not less than \$2,000,000 shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10 section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense

Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts provided elsewhere in this Act, there is appropriated \$250,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8112. In addition to amounts provided elsewhere in this Act, there is appropriated \$300,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8113. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1871) is amended by striking "1 year" both places it appears and inserting "2 years".

SEC. 8114. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8115. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8116. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, \$20,000,000, is appropriated to the Department of Defense for "Operation and Maintenance, Defense-Wide" for energy security pilot projects under subsection (a).

SEC. 8117. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8118. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing and rotor wing firefighting assets needed to produce an effective aviation resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C-130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as "MAFFS"), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

(3) A description of the costs of the operation, maintenance, and sustainment of a fixed and rotor wing aviation fleet, including a C-130J/MAFFS II in an Air National Guard tactical airlift unit construct of 4, 6, or 8 C-130Js per unit starting in fiscal year 2012, projected out through fiscal year 2020. Such description shall include the projected costs associated with each of the following through fiscal year 2020:

(A) Crew ratio based on 4, 6, or 8 C-130J Air National Guard unit construct and requirement for full-time equivalent crews.

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C-130J in its MAFFS capacity supporting the United States Forest Service.

(D) Yearly flying hour model and cost for use of a C-130J in its capacity supporting Air National Guard tactical airlift training.

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C-130Js.

(4) Proposed program management, utilization, and cost share arrangements for the

aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

SEC. 8119. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about February 16, 2011, by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a Report of the Committee on Appropriations.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$48,912,000: *Provided*, That

each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$27,002,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$853,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$59,212,782,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the

global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds provided under this heading:

(1) Not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom; and

(2) Not to exceed \$1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section

403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$203,807,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$497,849,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$417,983,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AFGHANISTAN INFRASTRUCTURE FUND (INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the "Afghanistan Infrastructure Fund". For the "Afghanistan Infrastructure Fund", \$400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the

Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the "appropriate committees of Congress" are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AMENDMENT NO. 95 OFFERED BY MR. JONES

Mr. JONES. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 127, line 23, after the dollar amount, insert "(reduced by \$400,000,000)".

Page 359, line 6, after the dollar amount, insert "(increased by \$400,000,000)".

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONES. Mr. Chairman, this amendment removes the new \$400 million Afghan Infrastructure Fund and it would be returned to the spending reduction account.

I bring this amendment to the floor because of the frustration of the American people. Here we are trying to find \$400 million to put in an infrastructure fund for Afghanistan, which is going to be borrowed money from the Chinese to begin with. It's not even Uncle Sam's money. And then in addition to that, we're propping up a corrupt, dishonest government headed by President Karzai. At this time in America's history when we are having these debates tonight that I've heard all day long with the frustration of the Members of Congress from both parties that here we cannot even balance the budget of this country and we're trying to find this money to go to the infrastructure of Afghanistan and we're going to say to the American people, we can't help you with your infrastructure needs in your counties, in your towns, in your cities, it makes absolutely no sense to me, and more important than me is to the American people.

I would also like to mention that the Afghan Infrastructure Fund would help create another "bridge to nowhere." It's going to be money that cannot even be accounted for the majority of the time, and I make mention of that for this reason. The recent Special Inspector General for Afghanistan Reconstruction report released on January 30, 2011, cited significant fraud, waste and abuse with Afghanistan reconstruction funds.

I do not know why in the world we cannot make the statement to the American people that we're going to see that the \$400 million going to a dishonest, dysfunctional government overseas cannot be returned to help reduce the debt and deficit of this country or even returned to the cities and counties throughout the country of America.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Eliminating the \$400 million Afghanistan Infrastructure Fund is ill-conceived and unwise. This fund provides funding for high-priority, large-scale infrastructure programs in support of the civil-military campaign in Afghanistan. These projects are critical to convincing the Afghan population to reject the insurgency and side with the Afghan Government. This in turn significantly reduces the threat to our troops and quickens the security transition process, which we all seek.

Not only is this funding a top priority of the Secretaries of State and

Defense, it is also a top priority of General David Petraeus. This fund is so directly related to the safety and security of our troops that it needs to be preserved, and thus I urge a "no" vote on the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The amendment would eliminate all funding in the bill for the Afghan Infrastructure Fund—a total of \$400 million. Establishing the fund at this level of funding was done at the request of the Secretary of Defense and the Secretary of State in a joint letter to the congressional defense committees in November 2010.

The funding was not added to the bill. It was derived by reducing the amount available for the Commanders Emergency Response Program. DOD requested that funding for this account be obtained in this manner. The Departments of Defense and State view this fund as essential to completing large scale infrastructure projects in Afghanistan, such as electrical power generation. Such projects provide the means for economic activity which will help to reduce risk for U.S. troops and help improve security in Afghanistan.

I urge rejection of this amendment.

Mr. THORNBERRY. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, the reason we have troops in Afghanistan is to prevent Afghanistan from again becoming a sanctuary from which terrorists will launch attacks against us. For us to one day be able to withdraw our troops from Afghanistan, the Afghan people have to be able to stand on their own two feet, and this fund is designed to help them do that.

The people there have to be able to resist the Taliban, al Qaeda and other groups that want to undermine their security and use Afghanistan once again as a terrorist base. This program, as has been mentioned, is a very high priority of our own military commander in Afghanistan, General Petraeus. Part of the reason it's one of his priorities is, as the gentleman from New Jersey said, this helps keep our own troops safe. When we are able to work with the Afghan people and develop the country, our troops in the country have a less danger opposing them. It is less likely that they will suffer some of the problems from the indigent population.

But the second reason General Petraeus believes this is very important is that it's an integral part of his counterinsurgency campaign plan. So to withdraw this money at this point makes his job more difficult and increases the danger to our troops. I

don't think that makes sense at any level.

The other point I would make is this: As the gentleman from Washington said, this was a request from the Secretary of State and Secretary of Defense for a fund that both agencies would work on. One of these days this government is going to have to get to interagency funds so that you don't have the State Department working on one hand, the Defense Department on another, other agencies doing their own thing. We have to have a combined effort, and this fund is at least a step in that direction. The interagency nature of it helps to prevent waste, abuse and misuse of these funds because you do have the extra oversight on its use. But I think the key point is—this is a question of our national security to help the Afghans stand on their own two feet, and I believe the amendment should be rejected.

I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Thank you, Mr. Chairman.

First, I believe my friend from North Carolina does have the best intentions at heart. I believe he is doing this for the right reason. He wants to get out of Afghanistan and he believes that Afghanistan is a very corrupt country with very corrupt leadership. The problem is, is that things in this world aren't perfect. I served for 6 months in the Marine Corps in Afghanistan in 2007. I didn't do anything of significance, but when I was there I saw what really turned the people of Afghanistan towards America, what made them turn around, what made them change their mind. It wasn't us killing people who cause us to stay up at night and worry about them. That's what we're worried about. What the Afghans are worried about is, will they have electricity? Can they drive on the roads? Can they put fruit in their Mack truck and drive it 20 miles and sell it at the next town? Do their lights work? Is their trash getting picked up? Is their sewer getting cleaned out? General Petraeus understands this is counterinsurgency. That's what counterinsurgency means.

□ 2050

I want to get out of Afghanistan, too. It is an expensive war in blood and treasure, but it is a war that was not started by us. It was started by two airplanes flying into two towers. And 9/11 has cost us more than Afghanistan ever will in what it has done to this Nation, making us second guess who our friends are, sending us to Afghanistan.

I would ask my friend from North Carolina this, and I am going to yield

the balance of my time to my friend from North Carolina: If we are not the ones helping out the Afghan people, I will tell you who it is going to be—the Taliban. The Taliban are the bankers of Afghanistan. They have drug money and they use it to loan to the locals in Afghanistan. So if we don't help them out, if we don't become their friends, if we don't befriend the people, the counterinsurgency doesn't work.

I think that my friend, if he knew that we would leave quicker, we would leave Afghanistan in victory quicker by keeping this money there, I think he would withdraw his amendment.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman for yielding.

I would say if I thought Karzai was an honest man that would appreciate the American taxpayers' money, I would feel differently, quite frankly. But I realize it is a corrupt government. I wish that what you say was so. And I trust you. I have great respect for you as well, but we are dealing with a dishonest, dysfunctional government.

When Karzai was quoted in *The Washington Post* in December saying, "I have three enemies, one being America, one being the Taliban, one being the international community, and if I had to choose one of these as a friend, I would choose the Taliban," this is why I wanted to speak tonight, to bring this forward and let the Members vote this up or down. That is fine with me.

The point is this is money we could be using right here in this country. If I thought Karzai was an honest broker, I would probably not even offer the amendment.

Mr. HUNTER. Reclaiming my time, this is an interagency fund, DOD, State Department, USAID, different American agencies. They are going to be the ones distributing this money. I doubt Karzai ever sees this money, as it would go straight to contractors, either Afghan or from here, from the U.S., or other countries.

I yield to the gentleman.

Mr. JONES. My answer to that would be that I would hope that this would prove to be true. But the problem is we always know that when you have got a dysfunctional government, you have got a dishonest man, it might be intended to go this way, but too many times it does not.

I would honestly say to you that I offer this amendment on behalf of the American people, because they can't fix their streets, they can't fix their roads. And, by God, it is only \$400 million, but to a lot of people in my district, that is a lot of money going to a dishonest leader of a country in Afghanistan.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, \$400 million is a lot of

money, and Americans do need that money. But I would answer that with this: The men and women that have given their lives over in Afghanistan, the men and women, as you well know, representing Camp Lejeune and all of those marines, the men and women that have given their time and their blood for this country I think deserve to be backed up by us by saying we are going to give the money to your boss, General Petraeus, so we can win the war and leave victoriously, and I think that is what I think this \$400 million does.

With that, I oppose the gentleman's amendment.

Mr. CONYERS. Mr. Chair, I rise in strong support of the amendment offered by my friend, Mr. JONES of North Carolina. This amendment would cut \$400 million in funding for the Afghanistan Infrastructure Fund. I support this cut not because I am opposed to providing humanitarian aid to other countries. To the contrary, I am very supportive of helping improve living conditions and human rights in countries around the world by investing in infrastructure. However, I have strong concerns about this important work being directed by our armed forces because it raises the specter of the "militarization" of our foreign aid, which can often place troops, aid workers, and the civilian population at risk.

In a January 2010 report, eight international agencies expressed their concern that the militarization of aid in Afghanistan is putting ordinary Afghans at risk when they build schools and clinics, which then become targets of insurgents.

Additionally, many agencies say that these "quick impact" projects do not contribute to sustainable development, but instead are used as a good will building exercise by military forces engaged in a failing counterinsurgency strategy.

Under the current system, distribution of aid is heavily biased in favor of areas where the troop presence is strongest rather than distributed according to need. The needs of people in more secure areas and vulnerable populations, particularly Afghans displaced by the conflict and other factors as well as returnees, are being overlooked. We need to rethink our country's militarized approach to aid and shift our focus towards a long-term aid strategy based on meeting the real needs of Afghans.

As a first step in this process, I encourage my colleagues to support this amendment.

Mr. HUNTER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The Clerk will read.

The Clerk read as follows:

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", \$11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to \$15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

IRAQ SECURITY FORCES FUND

For the "Iraq Security Forces Fund", \$1,500,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account,

notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AMENDMENT NO. 237 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 131, line 24, after the dollar amount, insert "(reduced by \$1,500,000,000)".

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, I offer an amendment to eliminate the \$1.5 billion in funding for the Iraqi Security Forces Fund.

If we are going to be cutting Pell Grants and energy research and heating assistance for families here in the United States, we certainly should take a hard look at Pentagon spending as well. Would taxpayers want their dollars to go to pay for Iraqi police on the streets of Baghdad when we are cutting funding for police in Trenton, New Jersey, and other cities and towns across our Nation? I want my colleagues to understand what the authors of H.R. 1 are proposing here today. It is about choices.

My colleagues, I am sure, could present a good justification for funding Iraq Security Forces. I certainly want to see the people of Iraq living in peace and freedom, free from harm, either domestic or foreign harm. However, the Government of Iraq has ample revenue from oil sales to pay for Iraq security. In contrast, our country faces not only a budget deficit, but critical unmet domestic needs, and this legislation before us today makes many, many unwise cuts.

H.R. 1 calls for spending \$1.5 billion in taxpayer money to pay for foreign police officers in Iraq while simultaneously cutting \$300 million for the highly successful COPS program here at home. The COPS program is vital. Our local police departments count on it to help them hire additional officers to combat crime in our communities and to provide true community policing. The contrast couldn't be more stark and absurd; have American taxpayers foot the bill for police in Baghdad but not for police in America.

H.R. 1 showcases the misguided priorities of the new majority. What are they thinking?

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to my colleague from New Jersey's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The Iraqi Security Forces Fund is required to enable the Iraqi Security Forces to reach minimum essential capabilities. These capabilities will allow those forces to maintain internal security with police forces in the lead and defense forces in support while building foundational capabilities for the Iraqi military forces to provide external defense prior to U.S. forces' departure on 31 December 2011.

This is our Nation's commitment, our President's commitment, our Commander-in-Chief's commitment. It is a bipartisan commitment. It is more than just this majority's commitment to see the departure of our U.S. forces in that time frame.

This Iraqi Security Forces Fund funds the following five categories:

Equipment purchases and transportation of equipment, weapons, ammunition, vehicles, communications gear and spare parts;

Infrastructure projects such as construction and improvements of police stations, military bases, training centers, maintenance facilities, and border enforcement facilities, among other infrastructure;

Training and operations projects and programs such as training school and maintenance facilities, vehicles for training centers, and training of security forces;

Sustainment of security forces through maintenance programs, human resources, information management systems, support service, and medical services;

Other activities such as detainee operations, disarmament, demobilization, and reintegration.

These are essential to speed our departure from Afghanistan. So, Mr. Chairman, I urge my colleagues to vote "no" on Mr. HOLT's amendment.

I yield back the balance of my time.

□ 2100

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$2,720,138,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$1,269,549,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$90,502,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations

directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,589,119,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$1,991,955,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$1,262,499,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, \$850,000,000, to remain available for obligation until September 30, 2013, of which \$250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, \$3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an

emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,422,092,000, of which \$1,398,092,000 shall be for operation and maintenance, to remain available until Sep-

tember 30, 2011, and of which \$24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2011.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is nec-

essary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$500,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That projects (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed \$20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Iraq and Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9009. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of

the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9011. Of the funds appropriated by this Act for the Office of the Director of National Intelligence, \$3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to \$150,000,000 of the funds available for overseas contingency operations in "Operation and Maintenance, Army" for additional activities to carry out projects under paragraph (a).

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 154, line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obli-

gation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(2) for each fiscal year quarter beginning on the date of the report and ending on September 30, 2012—

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.

This division may be cited as the "Department of Defense Appropriations Act, 2011".

AMENDMENT NO. 45 OFFERED BY MS. BALDWIN

Ms. BALDWIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A, insert the following:

SEC. _____. Each amount made available by this division (other than an amount required to be made available by a provision of law) is hereby reduced by a pro rata amount so that the total reduction resulting from the application of this section is \$1,000,000,000.

Page 287, line 12, after the dollar amount, insert "(increased by \$1,000,000,000)".

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Wisconsin is recognized for 5 minutes.

Ms. BALDWIN. Mr. Chairman, I rise today in support of my amendment and in opposition to H.R. 1, the Republican bill to slash services to the American people—a measure that I believe threatens jobs and our fragile economic recovery.

I agree with my Republican colleagues that we must reduce the deficit and bring our budget into balance, but we must be smart about it. This bill harms the people who tend to our health, those who educate our children, and those who patrol our neighborhoods and protect our safety. This bill frustrates our economic recovery by making job training and career training unattainable for many Americans. Meanwhile, it does little to restrain excessive military spending or eliminate government handouts to Big Oil or

eliminate tax breaks for multimillionaires.

Today, we spend millions of dollars each day in Afghanistan and Iraq, spending that is protected in the bill that is before us. At the same time, this Republican bill to slash services cuts Community Health Centers to the core. For those of you who are unfamiliar with the work of Community Health Centers, they provide essential health services to children and families who lack insurance and have extremely limited incomes. Community Health Centers provide a big bang for the buck. They tend to the health care needs of more than 17 million uninsured or underinsured men, women, and children in America each year.

The cut in the Republican bill before us is so deep that it will result in the elimination of services to more than half of the current capacity of Community Health Centers today to serve our neighbors. An estimated 127 new health centers in underserved areas will close across the United States. In some communities, patients with diabetes, heart disease, HIV and AIDS, pregnant women, and sick children will have nowhere to turn except perhaps emergency rooms ill-suited to their needs.

Thousands of health care workers in rural and urban underserved communities will lose their jobs. I've already heard from the Director of Community Health Centers in both Beloit and Janesville, Wisconsin. He let me know about the serious impact this slash of funding will have on thousands in just one Wisconsin county.

Mr. Chairman, my amendment restores Community Health Center funding, but I pay for it with a commensurate cut in wasteful defense spending. I said at the outset we need to be smart if we are to cut spending without compromising our jobs, our economic recovery, and our future.

I agree with our President when he said, if we are to "win the future," we must out-educate, out-innovate, and out-build the rest of the world. But we can't do that by cutting Pell Grants for students and slashing the research budgets of the National Institutes of Health, the National Science Foundation, and the Department of Energy.

This unwise bill jeopardizes our Nation's recovery and future. And it's particularly troublesome to me this week because it falls on top of efforts by Wisconsin's Governor to cut health, education, and public safety services and to diminish the rights of the public servants who provide them.

Mr. Chairman, I stand here today in solidarity with my fellow Wisconsinites as I fight for a better future for all Wisconsinites and all Americans. I urge an "aye" vote on my amendment and a "no" vote on H.R. 1.

Mr. DICKS. Will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from Washington.

Mr. DICKS. I just want to say that I share your enthusiasm for Community Health Centers. I've seen them all across my district. They are wonderful. We're going to have to keep fighting for them.

Ms. BALDWIN. I thank the gentleman.

I yield back the balance of my time.

POINT OF ORDER

The Acting CHAIR. The gentleman from New Jersey will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment is proposed to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to transfer between subcommittees.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Ms. BALDWIN. Mr. Chairman, I do rise to be heard on the point of order.

Mr. Chairman, here are the rules of the House for the 112th Congress. Accompanying it, we also have something called H. Res. 92. Oftentimes when we get to the floor, we talk in inside-the-Beltway language that's really hard, I think, for the American public to follow. But I just want to make clear that H. Res. 92 is a document drafted by the Republicans to govern debate on this bill, and this bill only. But our House rules specifically allow an amendment such as the one that I have presented to this body and was just debating a moment ago on the House floor. And I think it's a wise rule because it really helps us pay as we go.

The Acting CHAIR. The gentlewoman's remarks must be confined to the point of order.

Ms. BALDWIN. The underlying House rules specifically permit an amendment such as the one I've offered and earlier debated in front of this body because it allows us to cut spending in one area in order to restore services or programs of greater priority in another. In other words, it aids us in our job to pay as we go.

The Acting CHAIR. The gentlewoman's remarks must be confined to the point of order.

Ms. BALDWIN. Under the rules of this House, my amendment would be fine. In the House Resolution 92, to which the gentleman referred, which governs simply the debate that we're engaged in this evening, it waives the rule of the House. It waives the rule of the House, the people's House. So I just want to make it clear—I think I know how the Chairman will end up ruling—but that this is the Republicans' will that I cannot advance this amendment and not because of the underlying rules of this House.

The Acting CHAIR. Does any other Member wish to be heard?

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment

must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentlewoman from Wisconsin proposes also another kind of change in the bill; namely, to reach back in the reading, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

DIVISION B—FULL-YEAR CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

TITLE I—GENERAL PROVISIONS

SEC. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83).

(4) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(5) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(6) The Consolidated Appropriations Act, 2010 (Public Law 111-117).

(7) Section 102(c) (except the last proviso relating to waiver of fees) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(8) The appropriation under the heading "Department of Commerce—United States Patent and Trademark Office" in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

(b) For purposes of this division, the term "level" means an amount.

(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

(1) such level shall not include any amount previously designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and

(2) such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 1102. Appropriations made by section 1101 shall be available to the extent and in

the manner that would be provided by the pertinent appropriations Act.

SEC. 1103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 1104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 1101(a) shall continue in effect through the date specified in section 1106.

SEC. 1105. No appropriation or funds made available or authority granted pursuant to section 1101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 1106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2011.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111-242), shall be charged to the applicable appropriation, fund, or authorization provided by this division.

SEC. 1108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1109. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 1101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2010.

(b) In addition to the amounts otherwise provided by section 1101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) "Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners", for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, \$41,000,000, to remain available until expended.

(2) "Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid", for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, \$86,445,289,000, to remain available until expended.

(3) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs", for payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$1,200,000,000, to remain available until expended.

(4) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster

Care and Permanency", for payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$1,850,000,000.

(5) "Social Security Administration, Supplemental Security Income Program", for benefit payments under title XVI of the Social Security Act, \$13,400,000,000, to remain available until expended.

SEC. 1110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress).

SEC. 1111. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this division. For purposes of this section, the term "earmark" means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 1112. Notwithstanding section 1101, none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1113. (a)(1) Notwithstanding section 1101, except as provided in paragraph (2), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is

to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1114. (a) Notwithstanding section 1101, none of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at

United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1115. None of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 1116. Section 550(b) of Public Law 109-295, as amended by section 550 of Public Law 111-83, shall be applied by substituting the date specified in section 1106 of this division for "October 4, 2010".

SEC. 1117. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 1106 of this division for "September 30, 2010".

SEC. 1118. (a) Section 1115(d) of Public Law 111-82 shall be applied by substituting the date specified in section 1106 of this division for "October 1, 2010".

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 1106 of this division for "October 1, 2010" in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 1106 of this division for "October 1, 2010" in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 1106 of this division for "October 1, 2010" in subparagraph (B).

SEC. 1119. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 1106 of this division.

SEC. 1120. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 1106 of this division; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

TITLE II—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

SEC. 1201. Notwithstanding section 1101, the level for "Agricultural Programs, Office of the Secretary" shall be \$5,061,000.

SEC. 1202. Notwithstanding section 1101, the level for "Agricultural Programs, Office of Tribal Relations" shall be \$0.

SEC. 1203. Notwithstanding section 1101, the level for "Agricultural Programs, Executive Operations, Office of Chief Economist" shall be \$10,032,000.

SEC. 1204. Notwithstanding section 1101, the level for "Agricultural Programs, Executive Operations, National Appeals Division" shall be \$14,711,000.

SEC. 1205. Notwithstanding section 1101, the level for "Agricultural Programs, Executive Operations, Office of Budget and Program Analysis" shall be \$9,054,000.

SEC. 1206. Notwithstanding section 1101, the level for "Agricultural Programs, Office of Advocacy and Outreach" shall be \$0.

SEC. 1207. Notwithstanding section 1101, the level for "Agricultural Programs, Office of the Chief Information Officer" shall be \$17,000,000.

SEC. 1208. Notwithstanding section 1101, the level for "Agricultural Programs, Office of the Chief Financial Officer" shall be \$5,954,000.

SEC. 1209. Notwithstanding section 1101, the level for "Agricultural Programs, Office of Civil Rights" shall be \$21,551,000.

SEC. 1210. Notwithstanding section 1101, the level for "Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments" shall be \$259,751,000, of which \$178,470,000 shall be available for payments to the General Services Administration for rent and of which \$37,781,000 shall be for buildings operations and maintenance expenses.

SEC. 1211. Notwithstanding section 1101, the level for "Agricultural Programs, Hazardous Materials Management" shall be \$0.

SEC. 1212. Notwithstanding section 1101, the level for "Agricultural Programs, Departmental Administration" shall be \$30,706,000.

SEC. 1213. Notwithstanding section 1101, the level for "Agricultural Programs, Office of the Assistant Secretary for Congressional Relations" shall be \$3,877,000.

SEC. 1214. Notwithstanding section 1101, the level for "Agricultural Programs, Office of Communications" shall be \$9,514,000.

SEC. 1215. Notwithstanding section 1101, the level for "Agricultural Programs, Office of the Inspector General" shall be \$80,000,000.

SEC. 1216. Notwithstanding section 1101, the level for "Agricultural Programs, Office of the General Counsel" shall be \$39,620,000.

SEC. 1217. Notwithstanding section 1101, the level for "Agricultural Programs, Economic Research Service" shall be \$79,500,000.

SEC. 1218. Notwithstanding section 1101, the level for "Agricultural Programs, National Agricultural Statistics Service" shall be \$151,565,000. *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$33,494,000" for "\$37,908,000".

□ 2120

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 172, line 21 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 1219. Notwithstanding section 1101, the level for "Agricultural Programs, Agricultural Research Service, Salaries and Expenses" shall be \$1,065,406,000.

SEC. 1220. Notwithstanding section 1101, the level for "Agricultural Programs, Agricultural Research Service, Buildings and Facilities" shall be \$0.

SEC. 1221. Notwithstanding section 1101, the level for "Agricultural Programs, National Institute of Food and Agriculture, Re-

search and Education Activities" shall be \$647,993,000. *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting "\$221,763,000" for "\$215,000,000"; by substituting "\$34,816,000" for "\$29,000,000"; by substituting "\$51,000,000" for "\$48,500,000"; by substituting "\$227,801,000" for "\$216,482,000"; by substituting "\$0" for "\$89,029,000"; by substituting "\$20,500,000" for "\$18,250,000"; and by substituting "\$11,253,000" for "\$45,122,000".

SEC. 1222. Notwithstanding section 1101, the level for "Agricultural Programs, National Institute of Food and Agriculture, Extension Activities" shall be \$453,285,000. *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting "\$267,673,000" for "\$297,500,000" and by substituting "\$8,565,000" for "\$20,396,000".

The CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1223. Notwithstanding section 1101, the level for "Agricultural Programs, National Institute of Food and Agriculture, Integrated Activities" shall be \$24,874,000. *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting "\$15,044,000" for "\$45,148,000"; by substituting "\$10,948,000" for "\$12,649,000"; by substituting "\$0" for "\$14,596,000"; by substituting "\$0" for "\$4,388,000"; by substituting "\$0" for "\$1,365,000"; by substituting "\$0" for "\$3,054,000"; by substituting "\$0" for "\$5,000,000"; by substituting "\$0" for "\$3,000,000"; by substituting "\$0" for "\$732,000"; and by substituting "\$0" for "\$1,312,000".

AMENDMENT NO. 97 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 172, line 25, after the dollar amount, insert "(increased by \$5,000,000)".

Page 173, line 8, after the first dollar amount, insert "(increased by \$5,000,000)".

Page 173, line 14, after the dollar amount, insert "(reduced by \$5,000,000)".

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. At this point, Mr. Chair, I would like to bring to the attention of the Congress that we're about to eliminate a program which is incredibly cost effective, which truly supports a growing proportion of profitable small family farms in America, which is to help with research and transition to organic production.

In the most recent statistics, the organic sector of the agriculture production in this country was nearly \$27 billion. That's up from \$4 billion in 1997. There are over 14,500 family farms engaged in organic agriculture, and they have been experiencing dramatic increases. Now you might say, well, why would we want to continue to research and help them. Well, we're spending a tremendous amount of money in research and subsidies on other crops

which are obviously totally developed and do not need assistance.

In this case, we're talking about many people who own struggling family farms who want to convert. They're interested in moving to organics because they know there is potential for higher profitability with those products with dramatically increasing demand. In fact, the USDA says that the average for small—these are truly small farms, not what some people consider small farms—organic farms was \$46,000 last year and for all farms, small farms, was \$26,000.

So there are many people who are engaged in truly small farming activities who want to stay on the land, don't want to parcel it up, don't want to sell to the developers. They want to continue to live there, raise their kids there, but they're having trouble making ends meet. And this is an opportunity for many folks, an opportunity both for consumers who are demanding organically produced produce and for producers, and I think it would be very shortsighted to zero out this program at this point in time.

So I'm asking that we take a very small percentage of the APHIS budget, well less than 1 percent, and at least on a temporary measure restore the cuts to the transitional and organic research portion of the budget in the hope that we can reach agreement on a sustainable way to fund this program in the future and look at more equitable distribution of funds, both for research and subsidies and other things that go on in the Department of Agriculture.

The amount of money we're asking for here at \$5 million is a tiny fraction of 1 percent of the amount of money that we're spending on subsidies for five crops in eight States to pay people not to grow things. Now, I think to actually help people to grow things, to grow healthy produce, to supply the American people, to be able to live on their farms, support their families and pass on the farms to the next generation, that this would be a very, very wise investment, and I wish that this had not been chosen for a cut. I'm hopeful that my colleagues will see the wisdom in restoring this cut and then looking in the next farm bill or in the next appropriation to an equitable division of these funds.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I rise to oppose the amendment, although I know the two authors of this amendment are very sincere about it, and I think that they are underscoring something that we want to encourage people to be organic farmers.

But if you consider that organic farming is a \$25 to \$27 billion indus-

try—in fact, my friend Mr. DEFAZIO just used the number \$27 billion—it is a successful ongoing and growing industry already, and I do not believe that we need to continue the transition subsidy program to get more farmers in it. American farmers know where the profit is. They follow the commodity. The commodity follows the profit. They get into an area where it is going to be most profitable already.

But I'm also concerned that the Animal and Plant Health Inspection Service has already been cut \$38 million, and this is a service that enforces animal welfare, pest, and diseases. It is very important to all farmers. It is cut at this point 4.3 percent, and I hate to see an additional \$5 million taken out of it.

So while I have sympathy for what the gentlemen are trying to do—and I know that they are great advocates for organic farmers—I oppose the amendment at this time.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Our colleagues may recall that Mr. DEFAZIO and I and others offered essentially this amendment in fiscal year 2007 and it passed, demonstrating the strong bipartisan support in this House for an increase in funding in this program. The \$5 million funding level, however, although it was preserved until now, has been completely eliminated by this continuing resolution. In other words, both sides of this aisle have felt that this is worthwhile spending.

Despite the worst economic downturn we've experienced since the Depression, the market for organic consumer products grew more than 5 percent in the past year, well several times the growth of conventional food sales, and growth in organic nonfood items was even more pronounced, increasing more than 9 percent as compared to 1 percent in conventional nonfood items.

Now, my friend who just spoke in opposition to the legislation, Mr. KINGSTON, said, well, it's a booming industry, why do we need to do this? Well, transition from nonorganic farming to organic farming is a big step, especially for a small farm, and although there are more than 13,000 certified organic producers in the United States, that's not enough. We still need to help farmers make the transition to organic farming, and this program does more than help them make transition. It helps build an understanding of best practice.

The organic transition program is a highly competitive grants program. It's been extremely important to the organic farming community. It funds research to assist the farmers in overcoming the barriers to make the tran-

sition and, as I say, to understand organic farming. Through grants awarded under this program, for example, projects were funded at Ohio State to study the impact of organic animal production on water quality or grafting to improve organic vegetable production. The small farmers don't have the opportunity to do this research as they are facing the big step of whether to make the transition to organic farming.

□ 2130

At the University of Minnesota, this competitive grants program facilitated organic poultry production and helped achieve soybean aphid suppression using a fall-seeded rye cover crop. In other words, the organic industry really benefits from this.

We should be talking about job creation. The bill before us today, as it appears, will cost hundreds of thousands of jobs—cost hundreds of thousands of jobs. It will end hundreds of thousands of jobs. We should focus our resources on industries that are growing and providing jobs. This quite small restoration of funds, \$5 million, would do a great deal for the quality of life of farmers but also for jobs in America.

I urge my colleagues to support this amendment to restore \$5 million to the organic transitions program.

I yield back the balance of my time.

Mr. FARR. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chair, I wasn't going to speak on this, but let me tell you why I changed my mind. First of all, I represent the largest number of organic growers in the United States and the headquarters of Earthbound Farm, which is the largest shipper of organic produce in the United States. And what concerns me is that you totally wiped out the program, zeroed it out.

It is organic transition grants. One, they are competitive because they are grants. Two, it's about people transitioning from traditional agriculture, which is agriculture that uses pesticides, herbicides, and so on, into organic, where you have to lay your land fallow, which means that you can't, for 3 years, use any of those fumigants on your land. That is what this money goes to, to help you transition.

It is not major agriculture that needs these transition grants. It's the really small farmer who finds, as was stated previously, an organic niche that they want to sell to, and they need some assistance both in research and how do you get certified. Because in order to be organic, you have to go out there and have people test everything and be certified as organic before you are allowed to use the "organic" label on your marketing.

So it's a small amount of money, but to zero it out I think is just going too far. I support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KINGSTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1224. Notwithstanding section 1101, the level for "Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses" shall be \$829,953,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$45,219,000" for "\$60,243,000".

SEC. 1225. Notwithstanding section 1101, the level for "Agricultural Programs, Agricultural Marketing Service, Marketing Services" shall be \$81,711,000.

SEC. 1226. Notwithstanding section 1101, the level for "Agricultural Programs, Agricultural Marketing Service, Limitation on Administrative Expenses" shall be \$60,947,000 (from fees collected).

SEC. 1227. The amounts included under the heading "Agricultural Programs, Agricultural Marketing Service, Funds for Strengthening Markets, Income, and Supply (Section 32)" in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$0" for "\$10,000,000".

SEC. 1228. Notwithstanding section 1101, the level for "Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses" shall be \$40,342,000.

SEC. 1229. Notwithstanding section 1101, the level for "Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Limitation on Inspection and Weighing Services Expenses", \$45,041,000.

SEC. 1230. Notwithstanding section 1101, the level for "Agricultural Programs, Food Safety and Inspection Service" shall be \$930,120,000.

AMENDMENT NO. 93 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 174, line 17, after the dollar amount, insert "(reduced by \$200,000,000)".

Page 347, strike lines 8 through 10.

Mr. KINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Virginia is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, I offer this amendment on

behalf of myself, Mr. HOYER, Mr. MORAN, Ms. EDWARDS, and Mr. VAN HOLLEN.

In his final term in Congress, my Republican predecessor Tom Davis helped broker an agreement to boost Metro funding by the Federal, State, and local governments. Under this agreement, the Federal Government would invest \$150 million annually, to be matched by Virginia, Maryland, and the District of Columbia. This investment is essential for our region, as it has provided WMATA with funding to begin fixing the safety problems identified by the National Transportation Safety Board, which will cost over \$1 billion, cumulatively. It also is essential for the Federal Government to function efficiently, even as the Federal Government fails to pay its fair share compared to local and State funding for Metro. Finally, unlike any other transit system in America, our Metro system serves 12 million tourists annually who come to visit their Nation's Capital.

The Federal Government relies on a functional Metro system. Mr. Chairman, over half of all Metro stations serve Federal offices, and 40 percent of the entire Federal workforce uses Metro to get to work every day. As Congress, itself, noted when passing the National Capital Region Transportation Act in 1960, "An improved transportation system of the National Capital Region is essential to the continued and effective performance of the functions of the Government of the United States."

From September 11 to the blizzards of last year, we have learned through hard experience that Metro is essential to move people both through severe weather and emergencies in our region.

President Obama included the \$150 million that my Republican predecessor's authorization bill called for in his budget, but the Republican leadership removed it in this continuing resolution.

Perhaps my newer colleagues have not yet had a chance to visit northern Virginia, where the Metrorail extension to Dulles Airport is spurring billions of dollars in private investment while providing thousands of jobs for the construction workers building the rail line. If my colleagues had visited this project, they might hesitate to eliminate investments like this, which will be repaid many times over by subsequent private investment.

In recognition of the importance of this Metro funding, I introduced an amendment on behalf of my colleagues and myself to restore \$150 million in Federal funding which would be matched by State governments. To offset this expense and reduce the deficit, I have proposed offsetting the expense by cutting direct payments to large agribusiness.

As we debate this bill, there are people at work building rail to Dulles; and

if the Republican majority succeeds in passing appropriations bills such as this, those transportation projects, jobs, and real estate investments will be a thing of the past. One step we can take to reduce the damage done by this CR is to restore this critical Metro funding.

Mr. HOYER. Mr. Chair, I rise today to support the intent of the Connolly Amendment which seeks to restore \$150 million in dedicated Federal funding to "America's Subway"—the Washington Metro—which is otherwise eliminated under the Republican Continuing Resolution.

The Washington Metropolitan Area Transit Authority (WMATA) operates the country's second largest rail system. Every day, that system carries more than a million people—from the Federal employees who keep our government running, to the families from across the country who come to visit their nation's capital. Clearly, the system warrants a strong commitment from the Federal Government.

In 2009, we passed, and the President signed, legislation that provides \$1.5 billion in Federal dedicated funding to WMATA over the next 10 years to help meet the capital and infrastructure needs of the 30-year old system. The first installment of this funding—which is being matched by the District of Columbia, Virginia, and Maryland—was appropriated in Fiscal 2010.

This investment is, first and foremost, being used to move forward with the implementation of the recommendations of the National Transportation Safety Board following the horrific Red Line crash which tragically killed 9 people and injured many more. This includes the purchase of the new series 7000 rail cars to replace the oldest cars in the fleet. This funding will also enable Metro to rebuild its core infrastructure, replacing miles of track, switches and fasteners, maintenance work that will help to build a safer, more reliable system.

Eliminating this funding will cause the Federal Government to renege on its statutory commitment to the Metro system, endangers the local match, hampers the ability of Metro to make much needed safety and capital improvements, and puts at risk countless tourists and commuters who ride Metro every day. I urge my colleagues to restore this critical investment in the Washington Metro System.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of this amendment.

The Continuing Resolution on the floor today makes irresponsible and dangerous cuts in transportation and development, doing harm to a construction sector already facing 20 percent unemployment and delaying the investments needed to bring our nation's infrastructure into a state of good repair. These cuts, which are opposed by our business community, come with a price—lost productivity, less safety, and a higher cost for repairs later as our system continues to deteriorate.

Eliminating funding for DC Metro is just one example of the Republicans' penny-wise, pound-foolish approach to deficit reduction. The Federal Government relies on the Metro system to bring thousands of employees to work every day—to the Pentagon, to the Department of Homeland Security, to all the Federal agencies that help provide services to the

American people. More than half of Metrorail stations serve Federal facilities. When the Metro does not work, the government cannot work.

This \$150 million investment makes the capital improvements that are necessary to make the system safe and reliable. And every dollar is matched by our local partners in Maryland, DC, and Virginia. These funds are budgeted to make critical safety improvements, replace aging rail cars, and rebuild miles of track. Without them, we will see reduced reliability and degraded customer service.

Mr. Chair, short-sighted cuts to infrastructure eliminate home-grown jobs and delay critical improvements that would make transportation safer and more efficient. If we do not make these investments now, we will certainly pay more later. I urge my colleagues to support this amendment, and oppose these reckless, job-killing cuts to critical infrastructure programs.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. KINGSTON. Mr. Chairman, I have a point of order.

The Acting CHAIR. The gentleman will state the point of order.

Mr. KINGSTON. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes a transfer of funds between the subcommittees.

Here's what's going on: You are mixing your operating and your capital funds on this particular account, and this committee does not have jurisdiction over those accounts. And I want to point out that the subcommittee has worked very hard to balance all these very difficult cuts. We're trying to work within our 302(b) allocations. We're in a situation right now, for every dollar that we spend as a U.S. Government, 40 cents is borrowed.

The Acting CHAIR. If the gentleman would confine his remarks to his point of order first.

Mr. KINGSTON. I am speaking to the point of order, and I ask for a ruling of the Chair.

□ 2140

The Acting CHAIR. Does anyone wish to be heard on the point of order?

Mr. CONNOLLY of Virginia. Mr. Chairman, I deeply regret that my colleague would invoke a point of order. As I said, the Metro funding, in this case, talks about difficult decisions. This zeros out the entire Federal amount of subsidy for capital construction and safety improvements from a system that is over 30 years old, reaching capacity, and serves, first and foremost, the Federal workforce.

The Acting CHAIR. Will the gentleman confine his remarks to the point of order.

Mr. CONNOLLY of Virginia. Oh, I thought I was speaking to the point of order and the points made by our colleagues.

The Acting CHAIR. Remarks need to be in reference to the point of order, not the amendment.

Mr. CONNOLLY of Virginia. As I said, Mr. Chairman, I deeply regret the fact that my colleague would cite a point of order on a bill of such importance to the National Capital region.

The Acting CHAIR. Does anyone else wish to be heard?

To be considered en bloc, pursuant to clause 2(f) of rule XXI and section 2 of House Resolution 92, an amendment must propose only to transfer appropriations among objects in the bill and may not address objects within more than one sub-allocation made by the Committee on Appropriations under section 302(b) of the Congressional Budget Act of 1974.

Because the amendment offered by the gentleman from Virginia proposes to transfer appropriations between objects falling within more than one sub-allocation, it may not avail itself of clause 2(f) of rule XXI to address portions of the bill not yet read.

The amendment is not in order.

The Clerk will resume reading the bill.

The Clerk read as follows:

SEC. 1231. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Salaries and Expenses" shall be \$1,063,558,000.

SEC. 1232. Notwithstanding section 1101, the level for "Agricultural Programs, Farm Service Agency, Grassroots Source Water Protection Program" shall be \$4,630,000.

SEC. 1233. The amounts included under the heading "Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account" in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting "\$1,975,000,000" for "\$2,150,000,000"; by substituting "\$475,000,000" for "\$650,000,000"; by substituting "\$2,544,035,000" for "\$2,670,000,000"; by substituting "\$900,000,000" for "\$1,000,000,000"; by substituting "\$144,035,000" for "\$170,000,000"; by substituting "\$0" for "\$3,940,000"; by substituting "\$110,602,000" for "\$150,000,000"; by substituting "\$0" for "\$75,000,000" the first and second place it appears; by substituting "\$0" for "\$10,000,000"; by substituting "\$38,570,000" for "\$32,070,000"; by substituting "\$32,870,000" for "\$26,520,000"; by substituting "\$109,410,000" for "\$106,402,000"; by substituting "\$34,950,000" for "\$35,100,000"; by substituting "\$19,920,000" for "\$23,902,000"; by substituting "\$54,540,000" for "\$47,400,000"; by substituting "\$0" for "\$1,065,000"; by substituting "\$0" for "\$278,000"; by substituting "\$0" for "\$793,000"; by substituting "\$318,508,000" for "\$321,093,000", and by substituting "\$305,588,000" for "\$313,173,000". Funds appropriated by this division to such heading for farm ownership, operating and conservation direct loans, and guaranteed loans may be transferred among these programs: *Provided*, That the Secretary of Agriculture shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

SEC. 1234. Notwithstanding section 1101, the level for "Agricultural Programs, Risk Management Agency" shall be \$77,177,000.

SEC. 1235. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Conservation Operations" shall be \$836,000,000.

SEC. 1236. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed and Flood Prevention Operations" shall be \$0.

SEC. 1237. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Watershed Rehabilitation Program" shall be \$20,000,000.

SEC. 1238. Notwithstanding section 1101, the level for "Conservation Programs, Natural Resources Conservation Service, Resource Conservation and Development" shall be \$0.

SEC. 1239. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Development Salaries and Expenses" shall be \$181,987,000.

SEC. 1240. The amounts included under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" in Public Law 111-80 for gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949 shall be applied to funds appropriated by this division by substituting "\$34,004,000" for "\$34,412,000" and by substituting, "\$5,052,000" for "\$5,045,000".

SEC. 1241. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" for the cost of direct and guaranteed loans, including the cost of modifying loans, authorized by section 502 of the Housing Act of 1949 shall be \$70,200,000: *Provided*, That the amounts included for such costs under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$70,200,000" for "\$40,710,000" in the case of direct loans and by substituting "\$0" for "\$172,800,000" in the case of unsubsidized guaranteed loans.

SEC. 1242. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" for the cost of housing repair loans authorized by section 504 of the Housing Act of 1949 shall be \$6,437,000.

SEC. 1243. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" for the cost of repair, rehabilitation, and new construction of rental housing authorized by section 515 of the Housing Act of 1949 shall be \$23,446,000.

SEC. 1244. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" for the cost of multi-family housing guaranteed loans authorized by section 538 of the Housing Act of 1949 shall be \$12,513,000.

SEC. 1245. In addition to amounts otherwise appropriated or made available by this division, there is appropriated to the Secretary of Agriculture \$288,000 for section 523 self-help housing land development loans authorized by section 523 of the Housing Act of 1949 and \$294,000 for site development loans authorized by section 524 of such Act.

SEC. 1246. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account" for administrative expenses necessary to carry out the

direct and guaranteed loan programs shall be \$454,383,000.

SEC. 1247. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rental Assistance Program" shall be \$955,635,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$0" for "\$5,958,000"; by substituting "\$0" for "\$50,000"; and by substituting "\$3,000,000" for "\$3,400,000".

SEC. 1248. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Multi-Family Housing Revitalization Program Account" shall be \$16,400,000: *Provided*, That only the first, second, and fourth provisos under such heading in Public Law 111-80, relating to rural housing vouchers to low-income households, shall apply to funds appropriated by this division and the third, fifth, and subsequent provisos under such heading shall not apply to funds appropriated by this division.

SEC. 1249. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants" shall be \$37,000,000.

SEC. 1250. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants" shall be \$40,400,000.

SEC. 1251. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account" shall be \$32,450,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting, "\$0" for "\$6,256,000"; by substituting "\$0" for "\$13,902,000"; and by substituting, "\$0" for "\$3,972,000".

SEC. 1252. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Business Program Account" shall be \$84,505,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting, "\$0" for "\$500,000"; and by substituting, "\$0" for "\$250,000".

SEC. 1253. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Development Loan Fund Program Account" for the principal amount of direct loans as authorized by Rural Development Loan Fund shall be \$21,936,000.

SEC. 1254. Notwithstanding section 1101, in connection with the "Rural Development Programs, Rural Business-Cooperative Service, Rural Economic Development Loans Program Account", of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$207,000,000 shall not be obligated and \$207,000,000 is rescinded.

SEC. 1255. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Cooperative Development Grants" shall be \$30,254,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting "\$0" for "\$300,000"; by substituting "\$0" for "\$2,800,000"; and by substituting "\$18,867,000" for "\$20,367,000".

SEC. 1256. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Microenterprise Investment Program Account" shall be \$3,350,000.

SEC. 1257. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Business-Cooperative Service, Rural Energy for America Program" shall be \$25,010,000.

SEC. 1258. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account" shall be \$405,564,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting, "\$60,000,000" for "\$70,00,000"; by substituting "\$5,000,000" for "\$6,000,000"; and by substituting, "\$0" for "\$17,500,000".

SEC. 1259. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" for administrative expenses necessary to carry out the direct and guaranteed loan programs shall be \$38,374,000.

SEC. 1260. Notwithstanding section 1101, the level for "Rural Development Programs, Rural Utilities Service, Distance Learning, Telemedicine, and Broadband Program" shall be \$30,000,000: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division as follows: by substituting, "\$0" for "\$4,500,000"; by substituting, "\$0" for "\$28,960,000"; and by substituting, "\$13,406,000" for "\$17,976,000".

SEC. 1261. The amounts included under the heading "Domestic Food Programs, Food and Nutrition Service, Child Nutrition Programs" in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$0" for "\$1,000,000" and by substituting "\$0" for "\$5,000,000".

SEC. 1262. Notwithstanding section 1101, the level for "Domestic Food Programs, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" shall be \$6,504,781,000.

SEC. 1263. Notwithstanding section 1101, the level for "Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program", shall be \$241,979,000, of which \$151,409,000 shall be for the Commodity Supplemental Food Program: *Provided*, That the amounts included under such heading in Public Law 111-80 shall be applied to funds appropriated by this division by substituting "\$0" for "\$6,000,000".

SEC. 1264. Notwithstanding section 1101, the level for "Domestic Food Programs, Food and Nutrition Service, Nutrition Programs Administration" shall be \$144,801,000.

SEC. 1265. Notwithstanding section 1101, the level for "Foreign Assistance and Related Programs, Foreign Agricultural Service, Salaries and Expenses" shall be \$165,436,000.

SEC. 1266. Notwithstanding section 1101, the level for "Foreign Assistance and Related Programs, Foreign Agricultural Service, Food for Peace Title II Grants" shall be \$1,003,000,000.

SEC. 1267. Notwithstanding section 1101, the level for "Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants" shall be \$100,000,000.

SEC. 1268. Notwithstanding section 1101, the level for "Related Agencies and Food and Drug Administration, Food and Drug Administration, Salaries and Expenses" shall be \$3,307,418,000: *Provided*, That of the amount provided under this heading, \$667,057,000 shall be derived from prescription drug user fees

authorized by section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), shall be credited to this account and remain available until expended, and shall not include any fees pursuant to paragraphs (2) and (3) of section 736(a) of such Act (21 U.S.C. 379h(a)(2) and (a)(3)) assessed for fiscal year 2012 but collected in fiscal year 2011; \$61,860,000 shall be derived from medical device user fees authorized by section 738 of such Act (21 U.S.C. 379j), and shall be credited to this account and remain available until expended; \$19,448,000 shall be derived from animal drug user fees authorized by section 740 of such Act (21 U.S.C. 379j-12), and shall be credited to this account and remain available until expended; \$5,397,000 shall be derived from animal generic drug user fees authorized by section 741 of such Act (21 U.S.C. 379j-21), and shall be credited to this account and shall remain available until expended; and \$450,000,000 shall be derived from tobacco product user fees authorized by section 919 of such Act (21 U.S.C. 387s) and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited for fiscal year 2011, shall be subject to the fiscal year 2011 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated under this heading: (1) \$727,220,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$895,460,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$296,937,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$145,103,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$318,768,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$35,052,000 shall be for the National Center for Toxicological Research; (7) \$421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$100,482,000 shall be for Rent and Related activities, of which \$22,683,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$182,661,000 shall be for payments to the General Services Administration for rent; and (10) \$184,272,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That not to

exceed \$25,000 of the amount provided under this heading shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 1269. Notwithstanding section 1101, the level for "Related Agencies and Food and Drug Administration, Independent Agencies, Commodity Futures Trading Commission" shall be \$112,000,000, to remain available until September 30, 2012: *Provided*, That the proviso under such heading in Public Law 111-80 shall not apply to funds appropriated by this division.

SEC. 1270. Notwithstanding any other provision of this division, the following set-asides included in Public Law 111-80 for "Congressional Designated Projects" in the following accounts for the corresponding amounts shall not apply to funds appropriated by this division:

(1) "Agricultural Programs, Agricultural Research Service, Salaries and Expenses", \$44,138,000.

(2) "Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities", \$120,054,000.

(3) "Agricultural Programs, National Institute of Food and Agriculture, Extension Activities", \$11,831,000.

(4) "Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses", \$24,410,000.

(5) "Conservation Programs, Natural Resources Conservation Service, Conservation Operations", \$37,382,000.

SEC. 1271. Notwithstanding any other provision of this division, the following provisions included in Public Law 111-80 shall not apply to funds appropriated by this division:

(1) The first proviso under the heading "Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments".

(2) The second proviso under the heading "Conservation Programs, Natural Resources Conservation Service, Conservation Operations".

(3) The second proviso under the heading "Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Account".

(4) The first proviso under the heading "Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program".

(5) The first proviso under the heading "Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants".

SEC. 1272. Sections 718, 723, 727, 728, 738, 739, and 741 of Public Law 111-80 shall be applied to funds appropriated by this division by substituting \$0 for the dollar amounts included in those sections.

SEC. 1273. Sections 715, 716, 721(2), 721(3), 724, 725, 726, 729, 730, 734, 735, 743, 745, and 748 of Public Law 111-80 shall not apply for fiscal year 2011.

SEC. 1274. Sections 737, 740, 747, and 749 of Public Law 111-80 authorized or required certain actions that have been performed before the date of the enactment of this division and need not reoccur.

SEC. 1275. Appropriations to the Department of Agriculture made available in fiscal year 2005 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse

valid obligations made in fiscal years 2005 and 2006.

SEC. 1276. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation: (1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and (2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 1277. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2011, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2010.

SEC. 1278. Section 721(1) of Public Law 111-80 (123 Stat. 2122) is amended by striking "\$1,180,000,000" and inserting "\$1,238,000,000".

SEC. 1279. Section 742 of Public Law 111-80 (123 Stat. 2128) is amended by striking "\$11,000,000" and inserting "\$15,000,000".

SEC. 1280. The following provisions of Public Law 111-80 shall be applied to funds appropriated by this division by substituting "2010", "2011", and "2012" for "2009", "2010", and "2011", respectively, in each instance that such terms appear:

(1) The second paragraph under the heading "Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses".

(2) The second proviso under the heading "Agricultural Programs, Food Safety and Inspection Service".

(3) The first proviso in the second paragraph under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account".

(4) The fifth proviso under the heading "Rural Development Programs, Rural Housing Service, Rental Assistance Program".

(5) The proviso under the heading "Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants".

(6) The first proviso under the heading "Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants".

(7) The seventh proviso under the heading "Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account".

(8) The third proviso under the heading "Rural Development Programs, Rural Business—Cooperative Service, Rural Business Program Account".

(9) The four availability of funds clauses under the heading "Rural Development Programs, Rural Business—Cooperative Service, Rural Development Loan Fund Program Account".

(10) The fifth proviso under the heading "Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account".

(11) Sections 713, 717, 732, and 746.

SEC. 1281. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Wetlands Reserve Program authorized by sections 1237-1237F of the Food Security Act of 1985 (16 U.S.C. 3837-3837f) to enroll in excess of 202,218 acres in fiscal year 2011: *Provided*, That such program shall be permanently reduced by 47,782 acres.

SEC. 1282. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Conservation Stewardship Program authorized by sections 1238D-1238G of the Food Security Act of 1985 (16 U.S.C. 3838d-3838g) in excess of \$649,000,000.

SEC. 1283. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012): *Provided*, That of the funds available under such section for fiscal year 2011, \$165,000,000 is rescinded.

SEC. 1284. None of the funds appropriated or otherwise made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to transfer in fiscal year 2011 to the Administrator of the Food and Nutrition Service under subsection (b) of section 14222 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2245) an amount in excess of \$1,098,000,000: *Provided*, That none of the funds made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) utilizing funds otherwise required to be made available under subsection (i)(1)(D) of such section 19 in excess of \$33,000,000, including the transfer of funds under subsection (c) of such section 14222, until October 1, 2011: *Provided further*, That the remaining \$117,000,000 of the amount specified in subsection (i)(1)(D) of such section 19 made available on October 1, 2011, to carry out such section 19 shall be excluded from the limitation described in subsection (b)(2)(A)(iv) of such section 14222 for fiscal year 2012.

SEC. 1285. None of the funds appropriated or made available by this division or any other Act shall be used to pay the salaries and expenses of personnel to carry out the Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of \$112,000,000.

SEC. 1286. Of the unobligated balances available for "Agricultural Programs, Agricultural Research Service, Buildings and Facilities" \$223,700,000 is rescinded.

SEC. 1287. Of the unobligated balances available for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act of 1936, \$15,000,000 is rescinded.

SEC. 1288. (a) Notwithstanding this Act or any other Act, of the unobligated balances available to the Department of Agriculture from prior appropriations, \$585,000,000 in appropriated discretionary funds are hereby rescinded.

(b) The Secretary of Agriculture shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 30 days after the

date of the enactment of this Act, the Secretary of Agriculture shall submit a report to the Committees on Appropriations of both Houses of Congress and the Secretary of the Treasury of the accounts and amounts determined and identified for rescission under the preceding sentence: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

SEC. 1301. Notwithstanding section 1101, the level for "Department of Commerce, International Trade Administration, Operations and Administration" shall be \$450,989,000.

SEC. 1302. Notwithstanding section 1101, the level for "Department of Commerce, Economic Development Administration, Economic Development Assistance Programs" shall be \$175,000,000.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 196, line 18 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT NO. 153 OFFERED BY MR. MICHAUD

Mr. MICHAUD. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 196, line 18, after the dollar amount insert "(increased by \$80,000,000)".

Page 199, line 6, after the dollar amount insert "(reduced by \$80,000,000)".

The Acting CHAIR. The gentleman from Maine is recognized for 5 minutes.

Mr. MICHAUD. Mr. Chairman, I rise today to offer this amendment to restore funding to the Economic Development Administration. The investments made by EDA in all of our districts lead to economic development and job creation. But these investments are not just some government handout.

By law, EDA projects require a 50 percent local cost share and must leverage significant private sector investment. EDA's investments are also competitive and based on a regional, comprehensive economic development strategy that are spearheaded by local officials, private sector leaders and community representatives. The agency utilizes this approach to reflect the local and regional priority of our communities. But most importantly, all EDA project investments must result in creation and retention of high-quality jobs.

Let me repeat: EDA is the one agency of the Federal Government that has a singular focus of creating jobs, and it has a strong track record of success in my home State of Maine and throughout the country.

□ 2150

In fact, from 2004 to 2008, EDA-funded projects directly led to the creation of approximately 200,000 jobs.

All of us support cuts to spending to get our fiscal house in order, but we all are realistic. We know that actions of one program or agency won't be enough to solve the Nation's job problems. But at a time when our States, local communities, and businesses continue to struggle, it is the wrong time to be cutting a program that is a proven job creator. It's the wrong time to turn our backs on investments in our communities that will make a real difference. But it is the right time to set our priorities and insist that our investments are focused on job creation.

The fiscal year 2010 level was \$293 million. The CR cuts it to \$175 million. This amendment will actually bring it up to \$255 million. So I encourage my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Mr. MICHAUD).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MICHAUD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maine will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1303. Notwithstanding section 1101, the level for "Department of Commerce, Minority Business Development Agency, Minority Business Development" shall be \$30,400,000.

SEC. 1304. Notwithstanding section 1101, the level for "Department of Commerce, National Telecommunications and Information Administration, Salaries and Expenses" shall be \$40,649,000.

SEC. 1305. Notwithstanding section 1101, the level for "Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services" shall be \$469,500,000.

SEC. 1306. Notwithstanding section 1101, the level for "Department of Commerce, National Institute of Standards and Technology, Industrial Technology Services" shall be \$169,600,000.

SEC. 1307. Notwithstanding section 1101, the level for "Department of Commerce, National Oceanic and Atmospheric Administration, Pacific Coastal Salmon Recovery" shall be \$50,000,000.

SEC. 1308. Notwithstanding section 1101, the level for "Department of Justice, General Administration, National Drug Intelligence Center" shall be \$34,023,000.

AMENDMENT NO. 368 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 197, line 17, after the dollar amount, insert "(reduced by \$34,023,000)".

Page 359, line 5, after the dollar amount, insert "(increased by \$34,023,000)".

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment is straightforward. It would simply reduce more than \$34 million in funding for the National Drug Intelligence Center and transfer that money into the spending reduction account.

In short, the amendment would zero out funding for the National Drug Intelligence Center, which has survived for the past 3 years by way of a very broken earmarking process.

For many institutions, drugs are handled with a zero tolerance policy. I would submit that taxpayers should send a clear signal here that we have a zero tolerance policy for this kind of wasteful spending.

There has been no better example for wasteful spending than the NDIC, an entity I have come to the floor many times within the past to criticize and to limit funding for. Not just me, but many other Members.

A pet project that once belonged to a powerful Member of Congress, the NDIC was established in 1992 and has been the recipient of hundreds of millions of dollars since then.

In 2005, the White House OMB reported that the NDIC "has proven ineffective in achieving its assigned mission." In 2006, a spokesman for the DOJ asserted that the resources of the NDIC should be "realigned to support priority counterterrorism and national security initiatives." And yet, here we are, 5 years later, funding the NDIC in spite of what will be 3 years of trillion-dollar deficits and a skyrocketing national debt.

According to a CQ article from today, even the current administration's Deputy Attorney General James Cole said that many of the center's functions could be performed elsewhere.

The President's budget request was released yesterday; and according to CQ, the NDIC is slated to receive a cut from its current level of funding from \$44 million down to \$25 million. I submit that that is \$25 million too much.

According to the fiscal year 2011 budget summary for the National Drug Control Strategy, we spent more than \$15 billion on antidrug and drug-control efforts in fiscal year 2010. Even if you believe that the NDIC is effective and that it pulls its own weight, the anti-drug effort, like the budget of the Department of Defense, should not be immune from commonsense cuts that increase efficiency, and I can think of few things more efficient than closing down the NDIC once and for all.

Let me just note, The Wall Street Journal said at one point: "Conservatives have argued that the center is a waste of taxpayer money, and critics argue that it has never fulfilled its

promise to provide high-quality analysis of drug networks." Again, an internal White House budget proposal aims to save nearly \$17 million by downsizing NDIC.

Clearly, clearly, I think everybody admits that there is no reason for this facility to exist anymore and to keep sucking millions and millions of dollars every year from the taxpayer. The White House, successive White Houses, Republican and Democrat alike, have said this is inefficient. It is not filling its mission. So it is up to Congress now, when we're running a \$1.5 trillion deficit that stacks up against a \$14 trillion debt, to look at programs like this and say, All right. Enough is enough. It's time that we close them down.

So with that, Mr. Chairman, I say let's adopt this amendment. If we can't do this, where can we save money? If we can't close down a center that's received hundreds of millions of dollars that the White House, successive administrations, Republican and Democrat, have said it is duplicative, it is not fulfilling its mission; if we can't close these kind of things down, when are we going to save money?

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I appreciate the gentleman's usual zeal for finding savings in the budget, but I believe his amendment goes too far to achieve savings without considering the impacts.

NDIC plays an important role in analyzing and disseminating information to law enforcement and the intelligence community about the production, trafficking, and consumption of illegal drugs. It produces the annual drug threat assessments, as well as local and regional assessments.

DOJ is proposing a reduced funding level for NDIC in 2012, along with the realignment of some of its functions to the Drug Enforcement Administration. We will have to look closely at that proposal to ensure it would not set us back in dealing with the drug threat. But, in any case, one simply cannot eliminate an agency overnight.

NDIC performs significant functions that are critical to our law enforcement efforts, and those functions can't be simply shut down and transferred without significant planning.

NDIC has been operating under the current CR for several months and has been obligated a significant amount of funding already, so there is no way to cut its funding for the year to zero. In fact, CBO scores the amendment as saving only \$16 million in budget authority, not \$34 million. I urge my colleagues to defeat this Flake amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 2200

The Clerk will read.

The Clerk read as follows:

SEC. 1309. Notwithstanding section 1101, the level for "Department of Justice, General Administration, Justice Information Sharing Technology" shall be \$78,285,000.

SEC. 1310. Notwithstanding section 1101, the level for "Department of Justice, General Administration, Tactical Law Enforcement Wireless Communications" shall be \$136,143,000.

SEC. 1311. Notwithstanding section 1101, the level for "Department of Justice, General Administration, Detention Trustee" shall be \$1,533,663,000.

SEC. 1312. Notwithstanding section 1101, the level for "Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities" shall be \$865,097,000.

SEC. 1313. Notwithstanding section 1101, the level for "Department of Justice, United States Marshals Service, Construction" shall be \$16,929,000.

SEC. 1314. Notwithstanding section 1101, the level for "Department of Justice, Federal Bureau of Investigation, Construction" shall be \$106,915,000.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. BASS of New Hampshire). Will the gentleman specify which amendment.

Mr. HOLT. Amendment No. 235.

The Acting CHAIR. The Chair will note that the reading has progressed past that point in the bill.

Mr. HOLT. Mr. Chairman, I ask unanimous consent to consider the amendment out of order.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

Mr. ROGERS of Kentucky. Reserving the right to object, Mr. Chairman, as I understand it, the gentleman wants to go back to a section which we have already covered?

The Acting CHAIR. The gentleman is correct.

Mr. ROGERS of Kentucky. Mr. Chairman, in order to move things along, we have to have rules, and I have to object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk read as follows:

SEC. 1315. Notwithstanding section 1101, the level for "Department of Justice, Federal Prison System, Salaries and Expenses" shall be \$6,325,231,000.

SEC. 1316. Notwithstanding section 1101, the level for "Office of Science and Technology Policy" shall be \$6,500,000.

SEC. 1317. Notwithstanding section 1101, the level for "National Science Foundation, Research and Related Activities" shall be \$5,467,920,000.

SEC. 1318. Notwithstanding section 1101, the level for "National Science Foundation, Major Research Equipment and Facilities Construction" shall be \$54,790,000.

SEC. 1319. Notwithstanding section 1101, the level for "National Science Foundation, Education and Human Resources" shall be \$725,760,000.

SEC. 1320. Notwithstanding section 1101, the level for "Department of Commerce, Bureau of the Census, Periodic Censuses and Programs" shall be \$913,707,000.

SEC. 1321. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: "Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction"; "Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Construction"; and "Department of Justice, Office of Justice Programs, Weed and Seed Program Fund".

SEC. 1322. Notwithstanding any other provision of this division, the following set-asides included in division B of Public Law 111-117 for projects specified in the explanatory statement accompanying that Act in the following accounts for the corresponding amounts shall not apply to funds appropriated by this division: (1) "Department of Commerce, International Trade Administration, Operations and Administration", \$5,215,000; (2) "Department of Commerce, Minority Business Development Agency, Minority Business Development", \$1,100,000; and (3) "Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services", \$10,500,000.

SEC. 1323. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 60 days of enactment of this division.

SEC. 1324. Notwithstanding any other provision of this division, the set-aside included in division B of Public Law 111-117 under the heading "Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses" for policy studies related to activities of United Nations Specialized Agencies related to international protection of intellectual property rights shall not apply to funds appropriated by this division.

SEC. 1325. Of the amount provided by section 1306 for "National Institute of Standards and Technology, Industrial Technology Services", \$44,900,000 shall be for the Technology Innovation Program.

SEC. 1326. (a) Notwithstanding section 1101, the level for "Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities" shall be \$58,000,000.

(b) The set-asides included in division B of Public Law 111-117 under the heading "Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities" for a competitive construction grant program for research science buildings and for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

AMENDMENT NO. 260 OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 200, line 25, after the dollar amount insert “(reduced by \$10,000,000)”.

Page 359, line 5, after the dollar amount insert “(increased by \$10,000,000)”.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATTA. Mr. Chairman, my amendment would reduce spending for the Department of Commerce under the National Institute of Standards and Technology construction of research facilities account by \$10 million and transfer those funds to the spending reduction account. This program provides government money for construction of research science buildings. Currently, H.R. 1 funds the technology construction of research facilities account at \$58 million and this amendment would reduce it to \$48 million. While scientific research is important, when our nation is experiencing massive deficits, we have to make these difficult cuts.

With a forecasted deficit of \$1.6 trillion this year and the national debt scheduled to triple in 10 years, I am simply proposing cutting spending from a program that received over \$123 million in increased funding in the stimulus. The President released his budget proposal this week which reflects a pattern of record spending, and even higher taxes. This continued spending is funds that the U.S. Government does not have, as we continue to borrow from other countries. During the last session of Congress alone, the President signed into law over \$1.8 trillion in new government spending and over \$670 billion in new job damaging tax hikes. My \$10 million cut is an example of a difficult cut that has to be made in our Federal budget.

Furthermore, the Department of Commerce has established a national program office under the National Institute of Standards and Technology to begin development and implementation of the national strategy for trusted identities in cyberspace. The general goal of this strategy is to secure and protect transactions in cyberspace through use of a special ID, or digital identity, so that people can prove who they say they are. Let me say that cybersecurity and privacy are extremely important issues to all Americans. However, I have very strong concerns that this government-directed effort could destroy online anonymity, become the equivalent of a national Internet ID, and crowd out current private-sector efforts. That this project could potentially lead to issuance of a unique Internet ID that would serve as a single identifier for access to password-protected Web sites is frightening. It is equally concerning to think that if this single digital identity were to be hacked, the hacker would have access to a wide range of a user's personal information and accounts. Security

of the cyber domain is serious, but a government-run or government-directed Internet ID system is a risk to liberty and this strategy is not the way to go about achieving this goal. The elected representatives of Congress should address these issues, not a government bureaucracy. I will be offering a limitation amendment to block any funding towards the development of this strategy, and that is why I am offering this amendment, No. 260, to cut funding from the National Institute of Standards and Technology.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. This account has been hit very, very hard already. Each reduction in the bill was carefully determined. The funding level provided for NIST construction in the bill is \$89 million below FY 2010.

NIST has played a key role in enabling innovative ideas with regard to strengthening infrastructure for advance manufacturing, service and science.

NIST works with the private sector, other government agencies and universities to develop and apply the technology, measurements and standards needed for new and improved products.

We have already reduced the funding in this account quite dramatically, and this would really, I think, hurt the jobs effort and hurt manufacturing.

Mr. DICKS. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Washington.

Mr. DICKS. I strongly support the gentleman's position here. We've already cut this account. There's \$58 million in the account; a reduction from \$89 million, or 60 percent below FY10. And the NIST does very good work. So I support the chairman and in opposition to the Latta amendment.

Mr. WOLF. Reclaiming my time, again, we want science, jobs, math, science, physics, chemistry, biology to create opportunities for manufacturing.

I urge a “no” vote on the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I would like to talk briefly about the amendment number 260, offered by my friend from Ohio, Mr. LATTA.

This amendment would cut \$10 million from the construction budget of the National Institute of Standards and Technology.

NIST's buildings were constructed in the 1950s and 1960s, and are no longer adequate for the research needed to support U.S. innovation and industrial competitiveness, particularly in emerging technology areas like nanotechnology and biotechnology.

Independent analysis of NIST's maintenance needs recommends an annual investment target of \$70 to \$80 million to address

critical deferred maintenance and bring the NIST facilities to fair condition.

The CR already slashes NIST's construction budget to \$58 million. This is an \$89 million reduction (60%) below the FY 2010 enacted level and significantly below what NIST requires.

Further cuts to the construction budget as proposed by the Latta amendment will erode basic repair and maintenance capability and hamstring NIST's ability to deal with emergencies like water or gas line breaks, storm damage, and power outages.

Improving and maintaining its laboratory facilities is critical for NIST to continue to engage in cutting edge research, delivering high quality science and research to foster innovation and technological advancement for the benefit of U.S. industry.

For these reasons, I must oppose this amendment and urge its defeat.

□ 2210

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1327. (a) Notwithstanding section 1101, the level for “Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities” shall be \$2,850,883,000.

(b) The set-aside included in division B of Public Law 111-117 under the heading “Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities” for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

SEC. 1328. (a) Notwithstanding section 1101, the level for “Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction” shall be \$1,455,353,000.

(b) The set-aside included in division B of Public Law 111-117 under the heading “Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction” for projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

SEC. 1329. (a) Notwithstanding section 1101, the level for “Department of Justice, Office of Justice Programs, Justice Assistance” shall be \$225,000,000.

(b) Amounts included in paragraphs (1) through (5) under the heading “Department of Justice, Office of Justice Programs, Justice Assistance” of division B of Public Law 111-117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

SEC. 1330. (a) Notwithstanding section 1101, the level for “Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance” shall be \$953,500,000.

(b) The amount included in paragraph (4) under the heading "Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance" of division B of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$0" for "\$185,268,000".

(c) Amounts included in paragraphs (1) through (3) and paragraphs (5) through (29) under the heading "Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance" of division B of Public Law 111-117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

AMENDMENT NO. 12 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment as a designee of the gentleman from New York (Mrs. MCCARTHY).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 202, line 16, after the dollar amount, insert "(reduced by \$20,000,000) (increased by \$20,000,000)".

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Mr. Chairman, this amendment is to make sure that we continue the good work of the National Instant Criminal Background Check System. The NICS is a national database system that keeps track of individuals who are disqualified under current law from purchasing and possessing firearms. Need I remind my colleagues of the many reminders we have had of the need for this.

The amendment before us here seeks to ensure that the Department of Justice continues funding the NICS Improvement Amendments Act of 2007 at the current level of \$20 million. It was signed into law in January 2008 and requires all States to provide the NICS with relevant records that are needed to conduct effective background checks. Additionally, the NICS Improvement Act provides grants to States and territories to update their records and transmit the records to the NICS database.

NICS is a critical tool in the fight to keep firearms from those legally disqualified from purchasing and possessing them. The only way to enforce the law is to ensure that NICS has up-to-date records from State and Federal sources.

We understand the constraints on the Federal budget. However, by continuing to fund this program at the current FY10 level, we continue the vital effort to keep guns out of the hands of people who should not have them.

I encourage Members to support this amendment.

Had I had the floor before, I would have offered an amendment to restore the \$310 million that was cut from the lifesaving Community Oriented Policing, or COPS Program, but I was de-

nied that opportunity. So I ask for support for the amendment from Mrs. MCCARTHY and me to fund the NICS Improvement Amendments Act.

I yield back my time.

Mr. DINGELL. Mr. Chair, I rise in support of the amendment offered by the gentlewoman from New York, the Honorable CAROLYN MCCARTHY, to provide needed funding for the National Instant Criminal Background Check System, or NICS. The intent of the amendment is for the Department of Justice to use \$20 million appropriated in the State and Local Law Enforcement Assistance account to provide grants to States and tribal areas to implement the NICS Improvement Amendments Act, Public Law 110-180.

Representative MCCARTHY and I have worked together to improve the national instant check system since 2002. It was obvious to us at the time that the National Instant Check System was not working as Congress had intended it should. However, it was the tragedy of Virginia Tech that spurred Congress to act unanimously to update the instant check system. The perpetrator of that violent attack was adjudicated a danger to himself and others—therefore, legally prohibited from possessing a firearm—but was able to pass a background check because his name was not in the NICS database.

It is estimated that there are still millions of qualifying records that should be in NICS but are not. A study by the National Center for State Courts found there should be roughly twice as many mental-health records in NICS as there currently are, based on responses from 42 of 56 States and territories.

At the time we enacted the NICS Improvement Amendments Act, we found that there were two primary reasons there were delays in NICS background checks: the lack of updated and available State criminal disposition records and insufficient automated access to records pertaining to mental illness, restraining orders, and misdemeanor convictions for domestic violence.

The NICS Improvement Amendments Act sought to address these inadequacies by authorizing grants to States and tribal areas to upgrade their electronic records and technologies, enhance their capacities to perform background checks, supply accurate and timely criminal history disposition records, and improve reporting and transmitting to the NICS database. This amendment would allow the Department of Justice to continue making these grants. Adequate funding for NICS must be part of the equation to improve it. Between FY 09 and FY 11, the NICS Improvement Amendments Act authorizes appropriations of over \$900 million. Yet, in FY 09 and FY 10, just \$30 million has been appropriated.

Mr. Chair, all Members of Congress can agree that we must confront our budget and deficit. However, at a time when States' budgets are more strained than ever, the federal government must be ready to help protect public safety, enforce the laws on the books, and in turn, serve our national interest.

Funding for NICS is not only an important tool to keep firearms out of the hands of criminals and those mentally unfit to possess them, but also to ensure individuals' Second Amendment rights are protected, as States are re-

quired to remove obsolete or erroneous records from the database. This common-sense amendment is supported by the National Rifle Association, an organization whose top priority is protecting the Second Amendment rights of Americans. I urge my colleagues to join me in supporting it.

Mrs. MCCARTHY of New York. Mr. Chair, I would like to extend my sincere appreciation to Rep. HOLT, for serving as my designee, and offering Amendment No. 12 during consideration of the Commerce Justice Science title of HR. 1. The amendment seeks to ensure that there is consistent funding included in the CR to implement the NICS Improvement Amendments Act of 2007, which became law in January 2008. In addition, I would like to thank Rep. DINGELL for his unfailing support for NICS and support for this amendment. He has been a long time NRA member, and a long time supporter of responsible gun laws.

The National Instant Criminal Background Check System, or "NICS", is a national database system that keeps track of individuals disqualified under current law from purchasing and possessing firearms. The NICS Improvement Amendments Act, signed into law in January 2008, requires all states to provide NICS with the relevant records needed to conduct effective background checks.

The NICS Improvement Act provides grants to states and territories to update their records and transmit the records to the NICS database. Since the law was enacted, several states have benefitted from the grant program including Nevada, Oregon, Idaho, Illinois, New Jersey, Texas, Wisconsin and my home state of New York.

This law imposes no new restrictions on gun owners and does not infringe on the 2nd Amendment rights of law-abiding citizens. It simply makes improvements to a program that saves lives, and the bill was supported by the NRA.

In FY11, the law was authorized at \$375 million, and the appropriation level was \$20 million in FY10 and carried into FY11 through the current CR. While I believe that this program is a vital component in our fight against crime and should receive the fully authorized funding, I understand that tough decisions have to be made in this economic environment. That is why I am not seeking the fully authorized funding level, but instead am simply asking that we remain consistent and continue to fund the program at the FY10 level.

We need to give this program a chance to work and provide adequate funding to ensure that NICS has up to date records. Millions of criminal records are currently missing from the databases that make up NICS due to funding restrictions and technology issues at the state level. As a result, people who should not be obtaining guns, do.

This point is underscored by the circumstances surrounding the shootings at Virginia Tech. Under current law, the shooter in the Virginia Tech massacre should not have been able to purchase a firearm, but tragically he did. His information never made it into the national NICS system. He slipped through the cracks and he was able to purchase two handguns, and used them to brutally murder 32 individuals. Sadly, this same scenario happens every day.

The NICS Improvement Act has been effective. Since the NICS Improvement Act was signed into law, the number of state records of prohibited gun purchasers in the system has increased dramatically. According to Dept of Justice data, in Jan 2008 there were about 402,000 disqualifying mental illness records submitted from the states and territories to NICS. In August 2010, that number had more than doubled with 930,000 records submitted. The National Center for State Courts estimate that more than 2 million disqualifying mental illness records should be in the NICS, based on responses from only 42 of 56 U.S. states and territories.

Based on this data we are missing more than half of the records that should be in the NICS system. Clearly there is more work to be done and by continuing to fund this program at FY10 levels, we will continue the effort to keep guns out of the hands of people who should not have them. I urge my colleagues to support this amendment and express that it is the intent of Congress that funding for the NICS Improvement Amendments Act be maintained at the FY10 level.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. The Appropriations Committee will be requiring the Department of Justice to come back to the committee with a spending plan outlining how it intends to use the funds provided for State and local law enforcement. We accept the amendment.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, we accept the amendment on our side too.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1331. (a) Notwithstanding section 1101, the level for "Department of Justice, Office of Justice Programs, Juvenile Justice Programs" shall be \$232,500,000.

(b) The amount included in paragraph (2) under the heading "Department of Justice, Office of Justice Programs, Juvenile Justice Programs" of division B of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$0" for "\$91,095,000".

(c) Amounts included in paragraph (1) and paragraphs (3) through (8) under the heading "Department of Justice, Office of Justice Programs, Juvenile Justice Programs" of division B of Public Law 111-117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

SEC. 1332. (a) Notwithstanding section 1101, the level for "Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)" shall be \$290,500,000.

(b) Amounts included under the heading "Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)" in division B of Public Law 111-117 shall be applied to funds appropriated by this division by substituting—

(1) "\$15,000,000" for "40,385,000";

(2) "\$0" for "\$25,385,000";

(3) "\$1,500,000" for "\$170,223,000";

(4) "\$0" for "\$168,723,000"; and

(5) "\$0" for "\$298,000,000".

(c) Amounts included in paragraph (1) and paragraphs (4) through (8) under the heading "Department of Justice, Community Oriented Policing Services (Including Transfers of Funds)" of division B of Public Law 111-117 shall be deemed to represent the maximum amount of funding available under the respective paragraph.

AMENDMENT NO. 240 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment to Strike Section 1332 of Title III, which reduces the funding level for the Department of Justice, Community Oriented Policing Services to \$290,500,000.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I thank the gentleman, and I thank the ranking member and, of course, the manager for the majority.

Mr. Chairman, I rise for a very important discussion as a member of the House Judiciary Committee and someone who truly believes that the COPS Program that has been initiated over a long tenure of time has truly brought down the crime statistics across America. Whether you are a rural hamlet or whether or not you happen to be a major city, the COPS Program has been an anchor for security for neighborhoods who cannot afford to pay for their own private police services.

This amendment restores the \$600 million that is offered to be taken from the present funding, and it restores or would prevent the taking of 1,330 cops off the street, and as well it will provide the safety net that is necessary.

If I had had command of the floor earlier, I would have also added to this discussion the elimination of salaries that are eliminating the use of resources for the enforcement of the Voting Rights Act and the resources necessary to enforce the Voting Rights Act in the new redistricting plans that will be coming forward.

But it is certainly a shame to take in the middle of municipal budget years a sizable amount of dollars which they had been operating with and depended on. There are local communities in which the COPS Program provides one police officer, two police officers, 20 police officers, 30 police officers, and that is the very existence of that community. In cities around America, cops have been laid off, and that should be a decision of last resort.

When you talk about going forward, my question to my friends on the other side of the aisle is, is the purpose of this legislative initiative job creation, or job elimination? How can you do such damage to members of the municipal workforce that are on the front lines serving local communities?

The COPS Program has been an enormous success. It has survived several administrations, Republican and Democrat. And to suggest that the COPS Program would be obliterated or at least devastated in such an amount would, from my perspective, be the wrong direction to go. COPS academy classes have been put on hold. Mayors have eliminated classes. I have seen that in cities around America, and as members of the House Judiciary Committee, we have had several encounters of eliminating COPS funding.

This amendment simply strikes the elimination or the intent to eliminate a certain amount of funding for the COPS Program. As a member of the Homeland Security Committee, I would ask my colleagues to ask themselves the question, do the American people deserve safety and security in a time where we continue to face international and homeland security threats here in the United States? Domestic law enforcement is a key element in providing that kind of safety net.

□ 2220

Training, the opportunity for security, and the opportunity for ensuring that hamlets, towns, cities, and rural communities, counties, do not have to suffer through the crisis of the lack of security.

So I would ask my colleagues to consider a waiver so that we can address this question of the funding of a very important program. And I might add that I look forward to working with the Senate to restore those salaries to the Department of Justice so that we do not have to undermine the enforcement of an enormously important legislative initiative, one that Martin Luther King and our colleague, JOHN LEWIS, fought hard for and one that has withstood the test of time—and that is enforcement of the Voting Rights Act. How could we? And I look forward to working with the Senate for allowing that to go forward as well as to be able to enforce the values or the laws, the requirements of the Voting Rights Act, as relates to the 2011 redistricting that will take place in the coming months.

I yield back the balance of my time.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, the amendment proposed a net increase in budget authority. Before I comment on it; one, this does not cut the Voting Rights Act. So that's not accurate. This does not, this does not, this does not cut the Voting Rights Act.

The Acting CHAIR. The gentleman may state his point of order but not engage in debate on the issue.

Mr. WOLF. Mr. Chairman, the amendment is not in order under section 3(j)(3) of House Resolution 5 of the 112th Congress, which states, "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.

The amendment proposes a net increase in budget authority in the bill in violation of such section.

The Acting CHAIR. Does any other Member wish to address the point of order?

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, as I indicated before, first of all, the gentleman was mishearing what I said. I indicated that I had an earlier amendment that I decided not to offer because I intend to work with the other body on it. But it would have diminished the ability to enforce the Voting Rights Act. That is not what we're speaking of today.

The Acting CHAIR. The gentlewoman needs to address the point of order.

Ms. JACKSON LEE of Texas. Mr. Chairman, I wanted to clarify that I was not speaking on this amendment. In this amendment I've simply asked for a waiver. Frankly, this is too important an issue to be addressed by the gentleman's point of order. I ask for a waiver. This is denying, if you will, huge amounts of money to many municipalities all across this Nation. And \$600 million is absolutely ludicrous. It causes a loss of jobs and a loss of safety for the United States.

I ask for a waiver on the point of order.

The Acting CHAIR. The Chair is prepared to rule.

Mr. WEINER. Mr. Chairman, I would like to be heard on the point of order.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. WEINER. The intention of the rule that the chairman is referring to is to make sure we're not adding any additional spending. But in fact, by cutting the COPS program, you're actually adding an enormous amount of expenditure in the long run. And what the gentlelady is going to be doing by preserving COPS on the street, you have less crime, lower insurance rates, less costs for prevention. You wind up—COPS on the beat wind up saving money. They save money in another way. They save money because localities don't need to raise taxes to keep these cops on the street.

So I think the gentlelady's amendment is a net budget reducer, net budget saver. Sometimes we invest in

things here that save money, and the gentlelady's amendment does that. So it's in compliance with the rule.

The Acting CHAIR. The Chair is prepared to rule on the point of order.

The gentleman from Virginia makes a point of order that the amendment offered by the gentlewoman from Texas violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 125 OFFERED BY MR. WEINER,
AS MODIFIED

Mr. WEINER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Page 203, line 23, after the dollar amount, insert "(increased by \$298,000,000)".

Page 204, line 8, after the first dollar amount, insert "(increased by \$298,000,000)".

Page 206, line 10, after the dollar amount, insert "(reduced by \$298,000,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Thank you, Mr. Chairman. Before I proceed, I would make a unanimous consent request. There's a typographical error that should say \$298 million, and it has only 5 zeros. So in the two places that that is stated, I ask unanimous consent to add the extra zero so it makes sense.

The Acting CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

The Acting CHAIR. The amendment is so modified.

Mr. WEINER. Mr. Chairman, my colleagues, this is to restore the COPS program and take money out of space. But before I do that, I really have to say I don't think this process is on the level. What are we doing here? We're figuring out which diminished amount we're going to take from to restore another diminished amount. This bill isn't going to become law. The President today said that he is going to veto this bill, as he should. It slashes funding on so many important things to our communities. I bet you most of the authors of the bill are praying that he vetoes this bill. But the fact is we're kind of in here playing this game. We're trying to take from one slashed account and move funds to another slashed account, but in the clear case of how the Republicans are swinging a meat ax rather than a scalpel—the COPS program, police officers, cops on the beat.

The COPS program has been a success not just because it's been a big-city program. You've got COPS over the first 10 years of the program in every single State. Every single community has had an increase because of police officers. And I thought being tough on crime was a Republican ideal. You slash this funding and what's going to wind up happening is your localities are going to have one of two choices: Lay off police officers or raise taxes some other way. It's going to be a net zero effect because they're going to want to keep these cops on the beat.

So where do we take the money to replace just the hiring component? We're not going to replace the whole program, just the hiring component. We're going to take it out of space exploration. I want to go see Mars, too, but I'd much rather have cops on the streets of Brooklyn and Queens. I want it for all of your districts as well.

But let's face a little something about this budget. It's an irresponsible budget you've put on the floor. I'm sure Mr. DICKS would agree it's irresponsible to slash air traffic controllers 20 percent. Who thinks that's a good idea? It's irresponsible to cut 1,500 cops on the street. Who thinks that's a great idea? It's irresponsible to say to middle class parents who are getting Pell Grants, Sorry, your kid can't go to college next year. Who thinks that's a good idea?

The President has said that he's going to veto this bill. Why don't we stop right now, roll it up, fold it up, go back and try to get this right? Let's try to come up with a commonsense budget. We know there are going to be cuts that are necessary. But to the COPS program?

We've got to understand here that these are going to require some tough choices. And I had a joking exchange with Mr. DICKS earlier, I think we can get more from Defense, I think we can get more from Agriculture. I get it. But, frankly speaking, I believe that there are some values that should transcend politics and transcend communities—and one of them is how many police officers.

And not only are there a lot of cops going to these communities; let's look at what's happening. In Jackson, Mississippi, 347 cops, they had a 12 percent reduction in crime; Detroit, Michigan, 500 cops, a 7 percent reduction; Boston, Massachusetts, almost a 29 percent reduction in crime. This is a good law enforcement program.

So I will say on behalf of all my colleagues, and Congressman GRIMM is supportive of this; Congressman DEFAZIO I think is here; Congressman COHEN is here; Congressman PALLONE I know is interested in this; and we know Congresswoman JACKSON LEE. Congressman REICHERT on your side is interested. I can tell you this: If we asked every person to stand up who had COPS

hired in their district, every one of you would have to stand up. It's going to all 435 districts. So let's keep that program going.

Now, do I like the idea we have to take it from NASA space exploration? I don't know any of the crime statistics on Mars, and I'm interested, but it's a bad choice. If any of you like space exploration, so do I. In a way, I'm playing the game too. I'm taking from one place to give to another. But I do believe it's in the interest of all of us to try to set these priorities straight.

□ 2230

One of the things we can do is vote "yes" on the Weiner amendment and then do something else.

It's late. We've gone through this exercise for a while. Since it's really a Kabuki dance and since we know that this document isn't going to become law—the President has already said he's going to veto it, and we already know the American people are not going to sit back for a 20 percent reduction in air traffic controllers—how is it a Republican ideal to make the air traffic less safe? How is that a value that somehow drove this Congress?

That shouldn't be nor should it be that we reduce the number of police officers on the streets. That's not who we are as a country. It's not who we should be as a Congress. So I hope you support the Weiner amendment by taking from Mars and putting it in the streets of your district.

I think it's late. Let's fold up the rest of the bill. Let's go back. Let's have some bipartisan discussion, and let's try to figure out how to do this in a way that the President won't veto it.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I would tell the gentleman that the President of the United States failed to do what he was elected to do—that was to lead this country—by rejecting the Simpson-Bowles commission recommendation.

Mr. Chairman, President Obama supported and appointed the people to the Simpson-Bowles commission. Then we saw in the State of the Union message that none of the cuts that are being done tonight would have had to have been done had the President done what he should have done with regard to the Simpson-Bowles commission.

If I had been appointed to the Simpson-Bowles commission, I would have been supportive of it. If TOM COBURN and DICK DURBIN can be in support of it, hopefully we can come together in a bipartisan manner; but all of the opposition would not even have had to take place if the President had not failed to provide the leadership that he failed to provide.

This bill makes deliberate choices within NASA to strike an appropriate balance between achieving budget savings, procurement support for NASA's \$16 billion in annual contracts, and safety and mission assurance to prevent spaceflight accidents. To do this, you would almost guarantee that something could potentially happen.

I teach security to prevent the Chinese from having cyber attacks. We had hearings the other day, and we learned that the Chinese have had cyber attacks against NASA's computers. This amendment would say that it's okay, that we can have the cyber attacks. We're going to put it somewhere else.

In addition—and I see the gentlelady from Houston is here—this amendment will cost NASA's civil servants and contractors between 1,500 and 2,000 jobs.

Had President Obama done what he should have done by appointing that commission, we wouldn't even have had any cuts here. We would have been doing what we had to do. Since we're talking about crime, Willie Sutton said he robbed banks. The reason he robbed banks is that that's where the money is. The money is in entitlements. Had we dealt with the Obama commission of Simpson-Bowles, we would not be where we are today.

I yield back the balance of my time.

Mr. COHEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Willie Sutton would love it if the cops weren't trying to protect the banks—that would be great—but the cops are important.

Mr. Chairman, my first job out of law school was as an attorney for the Memphis Police Department. One of the first things I learned is that the best deterrent to crime is patrol, and patrol is policemen on the beat. That is the most effective way to reduce crime. When you have high unemployment, when you have a great recession like we've experienced with high unemployment, crime naturally does go up. When you have crime go up, you need more cops to protect property and individuals and lives.

This COPS program has been successful. It was successful in the 1990s, and we saw a tremendous decrease in crime. As Mr. WEINER pointed out—and I praise him for being a champion of this for so many years—this has been an effective program that has saved lives and property, that has kept insurance rates down, and that has kept order and liberty in our country.

Willie Sutton would not be for this amendment. He'd like to see the cops off the streets, away from the banks, away from the widows, away from the children, away from everybody who is in the arms of a potential crime, in the

way of a potential crime, and that's something we shouldn't have in this country.

The cost to get rid of this program would be tremendous. The fact is the COPS program saves money, and this amendment zeros out the COPS program. It isn't a simple change in eliminating some of the moneys. It eliminates the program, and that's a mistake.

Local police are struggling with shrinking budgets. Tax rates are down as people have spent less money, so we don't have the money to support our police and to keep our law enforcement at the levels they should be. To cut police and law enforcement is a mistake, a serious mistake that's going to cost the American people.

You can't put it down in dollars and cents. Lives will be lost. Property will be lost. Insurance rates will go up. This is one place among others, but particularly here, they're the first line of defense. Of the police powers of the State, the first one is safety.

There are other areas where you could save money. If you want to keep the budget and cut it, there are a lot of defense programs that could be cut. There are defense programs that are not effectively keeping us safe from foreign problems or from foreign adversaries, but our streets in every city in this Nation and every hamlet has the need for police. To cut this COPS program is simply irresponsible, and it disregards the American public's regard and need for safety on the streets and for safety in their communities. We should support our police and make our streets safer.

I would ask that we support this amendment. I would ask that the people on the other side understand that law enforcement is a primary concern of government and that a reduction of this program or the elimination of this program will cost the American public dearly, and lives will be lost.

I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I fully support the effort to restore funding to the COPS Hiring Program.

We should absolutely look for savings and reduce costs in the Federal budget, but we should not be withdrawing support for law enforcement while cities and towns across the country are struggling to maintain their police forces.

A good example is Camden, New Jersey, which was forced by budget shortfalls to lay off 168 police officers last month. The city recently raised property taxes enough to restore about 20 percent of those positions, but law enforcement in the city is still woefully understaffed.

The CR cuts COPS programs by \$501 million, including a reduction of \$298 million that specifically zeros out the COPS Hiring Program. The elimination of COPS Hiring would result in 1,330 fewer cops hired or rehired in FY11 compared to FY10, or 3,000 fewer cops hired or rehired in FY11 compared to the FY11 request of \$600 million.

Camden and many other cities and towns across the country still need Federal assistance to help them get through this difficult economic period, and that is exactly what this amendment is designed to do.

By restoring funding for COPS Hiring grants, Camden and other municipalities across the country could get grants to cover the 3-year cost of rehiring officers they were forced to lay off or of hiring new officers they need but have been unable to afford. After 3 years, when the economy is expected to be in much better shape, these municipalities would be required to take on the costs of these officers.

While I support the gentleman's amendment and strongly believe we should restore funding for the COPS Hiring Program, I am deeply concerned about the offset the amendment relies upon.

NASA's Cross-Agency Support account funds many of the vital efforts of the NASA centers across the country. Currently, there is a backlog of deferred maintenance needs at NASA facilities, and this backlog has been growing at the rate of about 9 percent a year. Cutting funding for this account will only make NASA's maintenance backlog worse and will impede NASA's mission.

We need to fund both NASA's Cross-Agency Support and COPS Hiring at adequate levels, and I hope, by the end of this process, we can find a way to do that.

Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. When I was first elected to office, I served with a very conservative Republican, and he used to say that government is about roads and rope.

He was talking about the basis for our system here in America—the basics. He was talking about transportation, the Boston Post Road, the original roads of America that tied a young Nation together on rope. He was talking about law enforcement here on Earth, law enforcement protecting American citizens from criminals.

Now, somehow the Cross-Agency Support account, which is an unbelievable catchall slush fund at NASA which has grown in the last 2 years from \$550 million to \$3 billion and which will actually be increased in this

continuing resolution by \$36 million, is more important than defending the American people from criminals, from lawbreakers, which is the most basic requirement of the Government of the United States.

Now, this isn't even like real stuff at NASA. It's not the fantasy about going to Mars or any of the other things they're engaged in for many billions of dollars.

□ 2240

This is a cross-agency support budget which has gone up six times, 600 percent in 2 years, and it's going to go up again here today, and we're going to slash the heck out of the COPS program. Now, go home and explain that to your constituents. You can't even say, Look up there, because it's not a satellite. It's not headed to the Moon or to Mars. You have to say, Hey, it's the cross-agency support budget at NASA, and when the criminal is breaking down your door, call NASA. That probably isn't going to work too well.

This not only supports police on the streets in overstretched agencies, it supports—and we've had a lot of talk about urban America—sheriffs in our rural areas which are woefully unpoliced, and in my district we've got money out of this account which you're cutting by 65 percent to go after methamphetamine manufacturing and Mexican cartels moving methamphetamine up the West Coast of the United States. We're going to cut that 65 percent because it's more important that we fund the cross-agency support budget of NASA and we increase it by 600 percent in 2 years and we decrease funding for COPS and sheriffs and drug reduction in our communities, in our schools, in our rural areas by 65 percent.

Well, you go on home and campaign on that, and I will be campaigning on my issues.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PASCRELL. We used to argue at one time on this floor whether or not to help communities to support the police department. We argued here on this floor as to whether this was a Federal issue, whether the Federal Government had any responsibility in terms of firefighters—I remember the debates—and police officers, and we made a decision on a bipartisan basis that it was a responsibility because we needed to protect the homeland.

So Democrats and Republicans supported the protection in trying to help communities fight crime and put out fires. We made that on a bipartisan basis, and it is a shame that we do not even consider the COPS program as part of homeland security because, if you don't have it here, you have it no-

where. This is a security issue. It is a priority. How many officers in the past 2 months have been shot down doing their job in this country? Double last year. And we know that small communities and large communities have taken advantage of the COPS program. This is important to our communities.

I was a mayor of the third largest city in New Jersey. I know what those police officers on the street in the communities mean to protecting folks in my town where I still live. I know the results. Since 1992, I know those results inside and out. You heard Mr. WEINER, who showed us the charts about what it has meant right across the United States of America. We're making a big mistake here. Throughout the United States of America, everybody, citizens know that when they see police officers walking the beat, they know there is a priority that the Federal Government has not forgotten.

I ask you, you cannot do to police officers and you cannot do to firefighters what this budget, at least for the next 6 months, is being represented by the other side. We are going to take up a FIRE Act pretty soon, the SAFER Act pretty soon with our firefighters. We can't do this. We can't pat them on the back and say, Great job. We can't go to the parades and say, Look at this; this is the protection we have in America, and do this in a program that's successful.

No one has stood and questioned the success of either of these programs. No one. I haven't heard one word tonight. If a program wasn't working, if cops weren't doing their job on the beat, then you'd stand and you would defend that particular position.

This is not the way to do it. This is not the way to protect the homeland. This is not the way to pat police officers on the back and then send them out there without the resources and without their brothers and sisters fighting alongside of them to protect the United States of America.

Mr. Chairman, this is a very serious problem. We argue vociferously on this floor to protect the soldier in the field in foreign lands. I'm here today to support DEFAZIO, WEINER, and the rest of the folks who have talked on this, to defend our police officers on the street. We owe them no less. I ask you to restore this money, the money that has been taken away in this 7-month budget. I don't think it's fair, and I don't think it's wise.

Mr. SCHIFF. Mr. Chair, upon further examination of the Weiner amendment, I find myself unable to support the measure. I am committed to full funding of the COPS program, but as I mentioned last night, I cannot countenance the dramatic cut to NASA. Without a clear enough pathway to restore the NASA funds that would be used in the offset, I will focus instead on defeating the broader attack on COPS in the continuing resolution itself.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise to reluctantly speak against

the amendment offered by my friend from New York, Mr. WEINER.

The amendment offered by the gentleman from New York would cut \$298 million from NASA and increase the COPS program by a corresponding amount. While I wholeheartedly support the COPS program, and would like to work with the gentleman to find ways to restore the COPS funding, which was so irresponsibly slashed in the Republican CR, taking this money from NASA would do serious damage to NASA's ability to carry out its programs.

Specifically, the amendment would cut NASA's Cross Agency Support (CAS) account, which funds operations and maintenance of NASA's 9 Centers, component facilities and headquarters, including agency-wide management functions, and safety and reliability activities to assure safety and mission success.

This account also funds the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs at NASA. Cuts proposed by the Weiner amendment would cut the SBIR/STTR program and reduce the number of grants awarded to small businesses. A reduction of \$298M in CAS would represent 10% reduction to the CAS account—equivalent to shutting two of NASA's smaller Centers, for example, Dryden Flight Research Center, Stennis Space Center, or Ames Research Center.

The resulting budget after a \$298M reduction would not be sufficient to provide the minimum Center support required to safely implement NASA's mission. As these reductions would occur so late in the operating year, they would result in thousands of layoffs to on-site contractors, with 50 percent of the contractor workforce at risk. This equates to over 4,500 layoffs across all of NASA Centers.

As I said before, I am an ardent supporter of the COPS program. I am appalled that the Republican Majority has chosen to address deficit reduction by making our communities less safe by cutting the number of police officers on the street. However, I simply cannot support righting that wrong by creating another. At a time when our nation's economic competitiveness is being seriously challenged by our foreign competitors, it would be irresponsible to make further cuts to one of our nation's great innovative research and development agencies.

For these reasons, I must oppose this amendment and urge its defeat.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER), as modified.

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, the CR's proposal before us proposes to cut \$190 million from juvenile justice programs. That cut is shortsighted and misguided. Cutting effective crime prevention programs is penny wise and pound foolish because we have reams of research and demonstration programs to show that evidence-based crime prevention programs save a lot of money in avoided law enforcement, victim, incarceration, and other expenditures and actually save more than the programs cost.

The current Justice Department is making excellent progress in assuring that crime prevention programs and funding are only used for those programs that have proven their effectiveness through vigorous evaluation and study and programs that have shown their effectiveness. I can see that cutting unproven programs as a result of earmarks that haven't gone through that vigorous demonstration would be appropriate, but the programs in the Justice Department should not be cut.

Mr. Chairman, there are a lot of organizations that have written in opposition of the cuts in the juvenile justice programs. They include the National Disability Rights Network, the Campaign for Youth Justice, the Children's Law Center, the National Council for Community Behavioral Healthcare, The Afterschool Alliance, the Campaign for Fair Sentencing of Youth, and the Coalition for Juvenile Justice.

Mr. Chairman, last month we passed a tax bill that increased the deficit by \$400 billion a year for 2 years. Now, we obviously need to cut the budget to pay for those tax cuts, but cutting funding for juvenile justice programs that are proven to save more money than they cost is not the right thing to do. We need to defeat this bill and come back with a bill that fully funds the juvenile justice programs so that we can save money and reduce crime.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1333. (a) The percentage limitations on transfers between appropriations of the Department of Justice described in section 205 of division B of Public Law 111-117 shall not apply to funds provided by this division to the Department of Justice, or provided under previous appropriations Acts to the Department of Justice that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the Department of Justice.

(b) The transfer authority provided in subsection (a) shall pertain only to transfers into the following accounts: "Department of Justice, Salaries and Expenses, United States Attorneys"; "Department of Justice, United States Marshals Service, Salaries and Expenses"; "Department of Justice, Federal Bureau of Investigation, Salaries and Expenses"; "Department of Justice, Drug Enforcement Administration, Salaries and Expenses"; "Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives,

Salaries and Expenses"; and "Department of Justice, Federal Prison System, Salaries and Expenses".

(c) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of division B of Public Law 111-117 and shall not be available for obligation except in compliance with the procedures set forth in that section as amended by this division.

SEC. 1334. Notwithstanding section 1105, the proviso limiting the use of funds under the heading "National Aeronautics and Space Administration, Exploration" in division B of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1335. (a) Notwithstanding section 1101, the level for "National Aeronautics and Space Administration, Space Operations" shall be \$5,946,800,000.

(b) The proviso specifying amounts under the heading "National Aeronautics and Space Administration, Space Operations" in division B of Public Law 111-117 for operations, production, research, development, and support of the Space Shuttle and the International Space Station and for Space and Flight Support shall not apply to funds appropriated by this division.

AMENDMENT NO. 78 OFFERED BY MR. OLSON

Mr. OLSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 205, line 25, after the dollar amount insert "(reduced by \$517,000,000) (increased by \$517,000,000)".

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

□ 2250

Mr. OLSON. Mr. Chair, I rise today in support of my amendment to shift funds in the NASA budget. I appreciate the work that Chairman WOLF and his colleagues have put into drafting this bill. I know how tough it must have been. We were elected to make tough decisions, to cut spending, and to put our fiscal house in order. In our Nation's current fiscal situation, we must set clear and prudent guidelines on how our limited tax dollars are spent. I propose today that we set such limits within NASA to get better use out of our money.

Climate research is currently conducted in 16 different agencies, including NASA, and received over \$35 billion through stimulus and last year's appropriations bills. Human space flight is conducted in exactly one agency, NASA. In this tight budget cycle, we must reduce duplicative spending and target our resources where they will be most beneficial. The 15 other agencies conducting climate research can pick up the slack while freeing up resources for NASA to make a truly unique contribution, maintaining U.S. dominance in human space flight.

Accordingly, my amendment proposes to reallocate \$517 million that could be spent on NASA's science programs so that it will instead be available to maintain stable operations for

human space flight. The amendment does not—does not change the overall NASA funding level. It simply reallocates within the total.

I understand the tough task this CR has been for our appropriators. It is never easy to tell people they must do more with less. NASA has been doing more with less for almost a decade, and that is why I am offering this amendment.

I appreciate this opportunity to discuss NASA priorities with Chairman WOLF and my colleagues. And I ask for Chairman WOLF's commitment to work with me going forward as we begin the appropriations process for fiscal year 2012, to ensure that we orient NASA away from duplicative climate research missions and back to its unique human space flight mission.

Mr. Chair, I would like to yield to Chairman WOLF for the purpose of engaging in a colloquy.

Mr. WOLF. I thank the gentleman.

It's my understanding that the gentleman is withdrawing the amendment. I want to thank the gentleman for raising some critically important points about the value of NASA's human exploration program and the need to fully support it. And no one is a stronger supporter of NASA than the gentleman from Texas, except maybe Mr. CULBERSON who is equally supportive.

I share his concern with ensuring exploration is adequately funded and that NASA remains on a clear path to achieve the human space flight goals laid out in last year's authorization. I will be happy to work together as closely as we possibly can to finish FY 2011 and move forward into FY 2012 to maintain a robust human space flight program at NASA, just as Mr. OLSON would like it to be.

In doing so, I agree that it will be necessary to identify and eliminate duplicative, wasteful, or lower-priority activities in NASA's science programs or any other NASA account, for that matter, so that we can remain on a sustainable overall budget path. I look forward to working with the gentleman and our colleagues who support NASA and thank him for his continuing efforts in this area.

Mr. OLSON. I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I rise to support the amendment that Mr. OLSON has offered, and I am delighted that we have the opportunity to work together collaboratively with the chairman and with Mr. DICKS on this very important issue.

I would like to say publicly that Democrats and Republicans in the State of Texas have worked enthusiastically together on supporting NASA and human space exploration.

I'm sorry that I will not have the opportunity to support Mr. OLSON's amendment or vote for it. He is absolutely right, human space flight is conducted in exactly one agency, NASA, and the general Houston area and Texas are impacted enormously. We have already lost 4,000 jobs. There will be a decrease of \$1 billion going to NASA Johnson. That will impact the transition, if you will, in human space exploration. One very well known member of our community, Captain Mark Kelly, the husband of our dear and beloved Member, Congresswoman GIFFORDS, will have the opportunity to be on one of the final shuttles.

But what most of us are not aware of, because our memory fades, is how much we gained from human space exploration. Research in HIV/AIDS and stroke and heart disease and weather research, all improving the quality of life for Americans. So I stand solemnly behind continuing to fund human space exploration and join Mr. OLSON in the leadership that he has given.

This is a tight budget, but the President talked about investing in competitiveness, creating jobs. NASA creates jobs. It creates jobs for small businesses. It creates jobs for large contractors. It creates thousands upon thousands of jobs. So I hope in this instance that we can speak in a bipartisan manner to speak to the administration on the value of continuing to support NASA. It is difficult when we have a CR that, in fact, is cutting millions from the NASA budget, and I would hope that there would be a recognition that it is important to put \$517 million back into NASA, as was offered by this amendment.

I can't imagine a Nation without the ability for young people to aspire to the heights of those who have gone on before, those who have been astronauts, those who have explored the skies, those who have done enormously important research on the various trips that have been taken that have provided the research and as well the space station which has been an enormous asset that has brought international partners together and helped develop science that could not be developed before.

Having traveled to most of the centers that are under the NASA administration, each and every one that I have been to has had the quality of staff that have been doing their job in the name of progress for the American people. So I'm disappointed with this CR that has caused these enormous cuts, and I would hope that we have the opportunity to restore them.

Where are we if we quash the genius of America? Where are we if we extinguish the dreams of young students and scientists around America? Where are we if we quash the jobs that can be created by science? NASA is an asset and a jewel. And I hope together in this

Congress, and of course working together with the administration, we can realize it once and for all. Why we have to battle so hard for something that has done so much for the American people baffles me. I look forward to the reinvestment in science and competitiveness. I thank the gentleman for his leadership, and I hope we'll be able to work in a bipartisan manner.

I yield back the balance of my time.

Mrs. ADAMS. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Mrs. ADAMS. Mr. Chairman, I rise today to join my colleague, Representative OLSON, in support of an amendment to transfer \$517 million out of NASA's climate change research fund and into human space flight, a proven economic driver and job creator. This amendment sends a clear message to both the administration and the leadership of NASA that it is Congress' intent that human space flight should not and cannot be ignored or marginalized.

As Representative OLSON just mentioned, the purpose of this amendment is to highlight the administration's approach to NASA and the direction in which it's heading. At a time when unemployment is at 12 percent in Florida and 9 percent nationwide and our country is facing trillion-dollar deficits, I believe that limited Federal funds are better invested in NASA's human space flight program, not climate change research. Doing so will help to put people back to work and stimulate the economy.

For the last half century, the United States has made a commitment to human space exploration, creating thousands of jobs and contributing to the economies of places like central Florida, Texas, Mississippi, and Alabama.

With the shuttle program winding down and the Constellation program no longer a priority for this administration, I want the American people listening today to understand the fear and uncertainty felt by hardworking families throughout central Florida and the 24th District. They need to know the great benefits that NASA's human space flight program has brought to this Nation in the past and how a policy shift from NASA-administered human space flight to increased research on potential climate changes would devastate the economy of central Florida and many other regions of our country.

□ 2300

The facts are that in Fiscal Year 2010, the President designated \$1.2 billion of NASA's total budget towards climate change research. This is on top of the 16 separate agencies and departments outside of NASA that spent an

additional \$8.7 billion on climate change research in the same fiscal year. Now the President's Fiscal Year 2012 proposed budget allocates even more funding for this type of research.

As NASA's human spaceflight program hangs in the balance, and the tens of thousands of jobs the program supports along with it, it is time for Congress to return NASA's directives and goals back to the congressional intent and the original agency mission: keeping America in front as a global leader in space exploration and helping to rebuild struggling communities in the process.

In closing, I would like to thank Representatives OLSON and POSEY for working with me in drafting this amendment, and to Chairman WOLF for agreeing to work with our offices as the regular Fiscal Year 2012 appropriations process proceeds.

Mr. OLSON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. I will be very brief since the gentleman withdrew the amendment.

I am a big fan and supporter of our manned spaceflight program, which I think has just an extraordinary record of achievement and is enormously important to our position in the world in terms of our leadership in science. It is also very important to many of the space centers around the country in terms of the important jobs that it provides.

But I don't want to see us rob Peter to pay Paul within the sciences, to go after the earth sciences budget, which is also critically important to the Nation's future. When we look at some of the breathtaking and disastrous weather patterns that we have seen around the world, whether it was the incredible and tragic flooding in Australia or that in South America, the ability to understand better the nature of our climate and climate change is not only extraordinarily important in terms of saving lives but in terms of understanding what is happening to our planet.

We also derive a lot of commercial benefits from our investment not only in earth science but space science as well. These investments pay enormous dividends in technologies that have become a part of all of our homes now. So this is investment that I think we want to continue to make and make strongly.

And while I, again, am a fervent supporter of our manned spaceflight pro-

gram, I don't think any one portion of our space budget or science budget ought to be cannibalizing the other. We do have to make sacrifices, and we're going to have to scrutinize every program that is not working well or not efficient, eliminate any waste, eliminate even programs that are working but not working well enough.

But in terms of our investment in the future, in terms of our investment in understanding our planet, it would be, I think, very shortsighted for us to be cutting those budgets and cutting that vital research.

I thank the gentleman for withdrawing the amendment.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1336. (a) Notwithstanding section 1101, the level for "National Aeronautics and Space Administration, Cross Agency Support" shall be \$3,131,000,000.

(b) The set-asides under the heading "National Aeronautics and Space Administration, Cross Agency Support" in division B of Public Law 111-117 for center management and operations, independent verification and validation activities and projects specified in the explanatory statement accompanying that Act shall not apply to funds appropriated by this division.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. LIPINSKI. I rise today to discuss an amendment that I filed with Mr. WU of Oregon but will not be offering. Instead, in a minute, I will be engaging Chairman WOLF in a brief colloquy.

Our goal is simple: to preserve funding at fiscal year 2010 levels for two critical National Weather Service programs. We drafted this amendment because these are two programs that save lives.

Many Americans might not realize it, but the weather forecasts we all get from the Internet, the Weather Channel, or from local TV or radio are all built on the raw data provided by the National Weather Service. These are the same weather reports that are relied upon every day by emergency responders, pilots, and sailors.

My goal is to protect local warnings and forecast centers around the country, along with the Severe Storms Center, the National Hurricane Center, and the Aviation Weather Center. Without these centers, we wouldn't have daily forecasts or flood warnings, and air travel would be significantly more dangerous.

The National Weather Service has been essentially flat funded since 1995. Much of their equipment is in need of repair or replacement. As a country, we simply cannot afford to cut back any further on the service that saves lives, allows us to plan for and respond to weather emergencies, and enables

air travel. I am concerned about the adverse impact that this cut could have on essential services.

I understand that my colleague from Virginia, Chairman WOLF, shares some of my concerns, and I'd like to engage in a brief colloquy on this topic.

Mr. Chairman, I know that this legislation requires the Department of Commerce to produce a spending plan that explains how they will implement these cuts. Would you be willing to work with me to make sure the plan NOAA produces reflects the important work done by the National Weather Service and does not adversely affect critical services.

Mr. WOLF. Will the gentleman yield?

Mr. LIPINSKI. I yield to the gentleman from Virginia.

Mr. WOLF. I appreciate the gentleman's concern. He makes a very, very powerful point. I completely agree with him. These are important programs, as are many others in the bill, and we will ensure that as we review the FY 2011 spend plan that all NOAA's important activities are sufficiently funded.

I also, I might say, have a large weather service presence in my district and appreciate their hard work, and it's one of the more important things that NOAA does with regard to the weather.

I thank the gentleman for withdrawing his amendment, and I look forward and promise to work with him on these issues to resolve it, that we protect the issues that the gentleman's raising.

Mr. LIPINSKI. Reclaiming my time, I thank Chairman WOLF, and I appreciate your willingness to work with me on this important issue.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1337. (a) Notwithstanding section 1101, the level for "National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation" shall be \$408,300,000.

(b) The set-asides under the heading "National Aeronautics and Space Administration, Construction and Environmental Compliance and Remediation" in division B of Public Law 111-117 for science research and development activities, exploration research and development activities, space operations research and development activities, and cross agency support activities shall not apply to funds appropriated by this division.

SEC. 1338. (a) Transfer limitations for the National Aeronautics and Space Administration described in the Administrative Provisions of division B of Public Law 111-117 shall not apply to funds available under the following headings: (1) "National Aeronautics and Space Administration, Aeronautics"; (2) "National Aeronautics and Space Administration, Space Operations"; and (3) "National Aeronautics and Space Administration, Education".

(b) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of division B of Public Law

111-117 and shall not be available for obligation except in compliance with the procedures set forth in that section as amended by this division.

SEC. 1339. (a) None of the funds made available by this division may be used for the National Aeronautics and Space Administration or the Office of Science and Technology Policy to develop, design, plan, promulgate, implement, or execute a policy, program, order, or contract of any kind to participate, collaborate, or coordinate in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this division.

(b) The limitation in subsection (a) shall also apply to any funds used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by the National Aeronautics and Space Administration.

SEC. 1340. Notwithstanding section 1101, amounts are provided for "Legal Services Corporation, Payment to the Legal Services Corporation" in division B of Public Law 111-117 in the manner authorized in Public Law 111-117 for fiscal year 2010, except that for fiscal year 2011 the amounts specified in division B of Public Law 111-117 shall be modified by substituting—

- (1) "\$350,000,000" for "\$420,000,000"; and
- (2) "\$324,400,000" for "\$394,400,000".

AMENDMENT NO. 173 OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 208, line 14, after the first dollar amount within the quotes, insert "(increased by \$70,000,000)".

Page 208, line 15, after the first dollar amount within the quotes, insert "(increased by \$70,000,000)".

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. I'm pleased to offer this amendment, of which many members of the Judiciary Committee have worked on behalf of legal services in the past. Many members of the Judiciary Committee have championed legal services over the years, none greater than BOBBY SCOTT, who's been a member of the committee for some time, and the current ranking member, Mr. CONYERS, Mr. NADLER, Ms. JACKSON LEE and others.

Legal services is so important to giving people representation, and this amendment will restore \$70 million that's being cut from the Legal Services Corporation. That's 17½ percent of the money legal services got in the past. Legal services is already woefully underfunded. If you look at the funding they've gotten over the last 30 years and prorate it, they've been behind in funds for a long time, and we've tried to make that up in the past years. Right now they turn away half of all eligible clients who seek assistance.

Slashing these funds would make it even worse. And the fact is, in these dire economic times, some of the worst we've seen, although they're getting better, more and more people need legal services.

The housing crisis is not over with, and one of the major areas they work with is people who are having problems with foreclosures because of unscrupulous loans that they've been given, and there will be more and more people losing their homes or potentially losing their homes needing legal services. And if they don't have legal representation and they lose those homes, neighborhoods are hurt, individuals are hurt, and that is a major cost on the economy.

□ 2310

The executive director of Memphis Area Legal Services, Harrison McIver, said the cuts would be devastating to Memphis Area Legal Services, and it would be devastating to their capacity to remain an effective advocate and resource for low-income individuals with all the civil legal problems that they may have. It would require laying off at least five attorneys and taking 725 fewer cases.

Memphis Area Legal Services, as other legal service clinics, help victims of domestic violence, as well as with protective orders from abusive partners, as well as assisting folks with foreclosures and elderly people who have been victimized by predatory lenders. Think about how many victims of domestic abuse will be in danger without access to the courts, how many families will become homeless without this foreclosure assistance, and how many seniors would fall prey to predatory loans without legal help. How many of our vulnerable citizens will have the courthouse door closed in their face?

The fact is, Mr. Chairman, that legal services is more needed in dire economic times than at any other time. And I understand the majority's positions about saying they were elected to make cuts. They weren't elected to make cruel cuts that hurt the most vulnerable people in situations that aren't of their own making, and who fall prey to predatory lenders or abusive spouses or people who prey on seniors in abusive ways. This is targeting the most vulnerable people in our society.

I realize that there isn't an offset on this, and I realize the reason Mr. WOLF has made his point. I understand, too, somewhat, and feel a little bit of kinship with the Roman gladiators who, when they went into the field of combat, told the emperor that, We who are about to die salute you. And knowing kind of what the situation is, I also understand that ave imperator morituri te salutant.

I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. I want to speak in support of what my colleague from Tennessee has said. In the United States, access to justice shouldn't be available only for those who can afford it.

I think most Americans recognize that we have an out-of-control deficit and debt, that we need tough action to deal with that, and I think Americans, irrespective of party, are ready to make sacrifices. The President's budget I think indicates that there are going to be some tough days ahead, and there are going to be some of the efforts we have supported in the past that we can't afford to support anymore.

But at the same time, I think the American people recognize that there is a lot of waste in government that can be eliminated without harming people; that a lot of inefficiencies can and must be eliminated; but they also don't want in these difficult economic times for our first steps to be to take away vital resources from those who are most in need or from middle-income families that are trying to stay in their homes.

One of the reasons why legal services has been so busy in the last several years is because of the foreclosure crisis, where many who are being forced out of their homes who can't afford counsel have nowhere to turn and have increasingly turned to legal services for help in trying to get them to stay in their home.

Imagine what we are telling those families that are struggling to stay in their homes that we are now going to defund the lawyer that's been helping them. I don't think that's where we need to go in order to balance our budget.

Legal Services Corporation is the largest funder of legal services for low-income Americans and for the growing population of Americans who have no income because they can't find work. Legal Services helps ensure representation before courts and is available to all Americans no matter what their income, their station in life, or what their circumstances happen to be.

LSC-funded programs help single women trying to keep their families together, victims of domestic violence, elderly Americans trying to avoid foreclosure, and an increasing number of veterans arriving home from service in Iraq and Afghanistan who are unable to find jobs.

Federal funding for LSC makes up only 40 percent of the operating income of those programs. The rest comes from State funding, support from the private bar, and funds from lawyer trust accounts; but the economy that is sending more people to the door of legal aid

offices than at any time in history has also sapped those other sources of funding. The CR cuts legal services to the poor by \$70 million. That's a 17 percent cut compared to the current level.

Again, there is no question we need to find savings in the budget, and we are and we will, and we stand ready to work with our colleagues across the aisle to fund cuts that make sense. But to make a drastic cut to a program at a time that it is keeping people in their homes and where people are struggling most is not the most propitious place to find savings.

I yield back the balance of my time.

Mr. WOLF. I continue to reserve my point of order.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from Tennessee for offering the amendment and the gentleman from California for his remarks.

Legal Services Corporation programs are forced to already reject over half the cases that come before them. This cut found in the CR only makes matters worse by requiring the firing of hundreds of Legal Services Corporation attorneys.

Mr. Chairman, our justice system promises fairness to all litigants; but when people are unable to afford a lawyer, they are vulnerable to being ripped off in consumer transactions, vulnerable to unnecessary evictions, or unable to afford a divorce or resolve child custody disputes.

Mr. Chairman, we need to make sure that justice is more than just an idea. One Supreme Court Justice suggested that the kind of justice one gets should not depend on the amount of money they have. Two months ago, we passed a tax cut that gave significant tax relief to multimillionaires. It would be tragic if Legal Services Corporation funding for legal aid lawyers was cut to help pay for those tax cuts to multimillionaires.

Mr. Chairman, the Legal Services Corporation needs to be fully funded. We should defeat this CR and come up with a continuing resolution that fully funds the Legal Services Corporation. Again, I thank the gentleman from Tennessee and the gentleman from California.

I yield back the balance of my time.

Mr. WOLF. I continue to reserve my point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. You know, if you stay around here long enough, you see very interesting things happen.

As I look at my friend—and when I say “my friend,” I really mean that,

Mr. WOLF, and I think of the chairman of the full committee, Mr. ROGERS, I am reminded of the fact of two very interesting things. One, that it was Mr. WOLF and I, and Mr. ROGERS and I, who made sure during some very difficult years a long time ago that the Legal Services Corporation would stay alive and grow and strengthen itself and support those who needed help in our community. As I said, if you stay around long enough, then you see the other side, which is the same folks accepting a cut that would devastate this agency.

The other irony is, as I said so many times years before when I was the ranking member on this committee and some folks would try to cut it, that this was President Nixon's baby. This was one of the highlights, I believe, of his career, that he felt that every American had the right to legal representation.

So in the times that we are in and with the desire of some folks to go after certain agencies, the Legal Services Corporation becomes a good target; but it indeed is a bad target to go after, because as we hear more and more talk about protecting, supporting, and keeping the Constitution alive, what better show than to allow folks legal representation?

When we say life, liberty, and the pursuit of happiness, all that has certain meaning to me, and it has certain meanings to all of us; but at the center of that may be the ability to have representation and to have your day in court. There are folks that can't afford a lawyer, and the Legal Services Corporation has helped them.

Now, mind you, throughout the years folks like myself have accepted the fact that they have great limitations placed on them. There are a lot of things they can't do, but there are still a lot of good things that they can do.

So I would hope we could support this amendment; but more than that, I would hope that as we look, sadly, forward to this massive behavior of cuts across the board, that we realize that there are some basic needs and basic protections that we need. This is one of them. And this is a sad day, indeed, when I see so many of us who worked to preserve the Legal Services Corporation now engaged in seeing, perhaps, its demise.

I yield back the balance of my time.

□ 2320

The Acting CHAIR. Does the gentleman from Virginia continue to reserve his point of order?

Mr. WOLF. I do, Mr. Chairman.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman.

I had intended to offer an amendment similar to the gentleman from Ten-

nessee's that strikes the elimination of \$75 million. Rather than do that, I am going to join in support of the gentleman from Tennessee's amendment. Mine was striking the full \$75 million that was being taken from the Legal Services Corporation.

Earlier today I was on the floor explaining what a continuing resolution is, because I know more than my colleagues are listening. What would actually happen if this cut was to go through is, frankly, that the services to the poor, meaning cases who are now in court, cases that are proceeding, would be suspended in air. Frankly, you would deny justice to those who have begun to get some relief. This cut will impact 136 nonprofit Legal Services offices. It will frankly cut 300 Legal Aid attorneys; 136 offices across America.

This \$75 million will stop Mr. and Mrs. Jones in the middle of representation to save their home. This cut will stop Mrs. Smith from being able to get relief from a domestic violence situation, because her lawyer, or that family's lawyer, will be fired. This cut will stop someone who has been defrauded. Some senior citizen who paid a contractor to fix their leaking roof in midstream will lose their lawyer. This is a denial of justice. Having had the privilege today of visiting the construction site of the Martin Luther King Memorial, it was interesting that I read these words: “Injustice anywhere is injustice everywhere.” And for us to cut the very framework of the Constitution that calls for justice, I believe, is something that should halt us on the very floor of this House and we should immediately accept the amendment without the point of order and allow these individuals to have the ability to be served. Frankly, this is beyond the imagination of any of us. The board chairman, John G. Levi, of the Legal Services board said, “Justice is a hollow promise without the Legal Services Corporation.” He is absolutely right.

And as I indicated, I, too, wanted to strike the elimination of \$75 million from the Legal Services Corporation, but the greater insult is the fact that work that is proceeding as we speak would be eliminated: 300 lawyers, 136 nonprofit offices and how many hundreds upon hundreds and maybe thousands of clients who would not have the opportunity to be served.

So I would ask my colleagues to consider what we do here in this place and to consider what a continuing resolution will do midstream similar to the point I made earlier about resources that could be taken from the section of the Department of Justice that would enforce the Voting Rights Act. It means that you would stop cases dealing with the enforcement of the right to vote. Let us not deny justice tonight. I would ask my colleagues to support the adding back of the \$70 million to the Legal Services Corporation.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I must insist on my point of order.

I wanted to just say, I appreciate the comments of the gentleman from New York (Mr. SERRANO) and the Members on the other side of the aisle. I share many of his concerns. However, as the gentleman knows, there is not an offset to this bill and the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states, "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI." The amendment proposes a net increase in the budget authority in the bill. Therefore, it is in violation of such section.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. I respect the chairman and I know that he has, as the gentleman from New York said, has his own commitment.

I consider this an emergency and would only make the point that whether or not a point of order could be waived, in light of the fact that cases that are now in litigation would be in essence left without representation either for the client or for the case. I consider it a legal emergency, an emergency dealing with justice questions, and I would ask that the point of order be waived.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from Tennessee violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

AMENDMENT NO. 110 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

Mr. DUNCAN of South Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 208, line 14, after the first dollar amount inside the quotes, insert "(reduced by \$324,400,000)".

Page 208, line 15, after the first dollar amount inside the quotes, insert "(reduced by \$324,400,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DUNCAN of South Carolina. Thank you, Mr. Chairman. I won't take the full time here.

This amendment deals with the Legal Services Corporation, which is a relic from the Great Society, originally known in the 1960s as the Office of Economic Opportunity Legal Services, and later renamed.

Folks, let me remind you that we have a trillion-and-a-half-dollar deficit spending and we have \$14 trillion in debt. We can't afford to keep paying for liberal trial lawyer bailouts like the LSC. This is low hanging fruit if we are serious about cutting spending in this body. This is exactly the kind of program that we would be cutting if we had a Byrd-style committee in place. That's why we need to pass House Resolution 82.

This amendment effectively zeros out the LSC, allowing only a small amount for agency audits to continue. This cut is in the DeMint-Jordan Spending Reduction Act, which would eliminate the program entirely.

A number of groups have advocated for the abolition of the LSC. Human Events describes the LSC as one of the top 10 "most outrageous government programs." Stephen Moore of the Wall Street Journal calls LSC "a slush fund for special interests." And the Americans for Limited Government's Bill Wilson says: "This corporation just serves as the legal arm for left-wing causes and should be abolished."

In noting the LSC's penchant for taking cases it has been legislatively barred from being involved in, the Heritage Foundation declares: "Obviously, if LSC would stop wasting funds representing people it isn't supposed to, it would have more money to spend representing needy people."

Americans for Tax Reform calls LSC "ineffective" and notes that their "services are duplicated by State and private agencies."

And just recently, the Cato Institute notes that the LSC "too often uses tax dollars for lobbying and other political advocacy activities" and adds that the LSC "should be abolished."

I go back to the amount of debt that we have in this Nation and the deficit spending that we have in this fiscal year. Again, this is low hanging fruit and if we are serious about cutting spending, this is an easy one for us to deal with.

I yield back the balance of my time.

□ 2330

Mr. SCHIFF. Mr. Chairman, I rise in strong opposition to this amendment and move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. We can have reasonable debates about the deficit situation and the actions that should be taken, but I don't think the hyperbole that we are hearing is adding to the quality of the debate. When the Legal Services Corporation is described as a "trial lawyer bailout," I think it shows a total misapprehension of what Legal Services does.

For many Americans, tens of thousands of Americans who are at risk of having their house foreclosed out from under them, seeking assistance from Legal Services to stay in your home, that is not a trial lawyer bailout. I don't think people who go to Legal Services because they can't afford an attorney and desperately want to stay in their home feel like they are giving some sort of bailout to trial lawyers when they go to the neighborhood Legal Services and ask for help to stay in their home.

It also has been described as some kind of a bastion for left-wing causes. I don't think it is a left-wing cause to want to help people stay in their house. I don't think it is a left-wing cause when you have veterans coming back from Iraq and Afghanistan who need mental health services and need the advice of counsel and need the help of counsel to get services they are entitled to. I don't think that is a left-wing cause.

I don't think it is a right-wing cause to want to foreclose on someone, and I don't think it is a left-wing cause to want to keep them in their home. I think, frankly, this ought to be all of our cause, that people through no fault of their own who are hardworking but have lost their job as a result of the economy or lost part of their income as a result of the economy and need help to stay in their home, and this is the only place they can get it, the only place they can afford a lawyer, and anyone who has tried to hire a lawyer knows how expensive that is, I don't think that is a left-wing cause, and I just don't think it sheds much light on the debate.

Are there things that can be cut? Yes. Is the President's budget cutting them? Yes. Are there more cuts we are going to have to find? Yes. But let's speak frankly about what this organization does and what it doesn't do. And if my colleagues have issues to take with a particular Legal Services branch in a particular city, then we should take that cause in our committee, the Commerce, Justice, Science Committee, with our chairman, Mr. WOLF, and do oversight to make sure that LSC funds aren't being used to lobby Congress, to make sure that only for permissible purposes are funds being used in LSCs around the country.

The LSCs I think over the last several years have done extraordinarily well under that oversight, and that

oversight needs to continue. And where LSCs can operate more efficiently, they are going to have to, because it is not just a problem in terms of the Federal budget, but all the States are cutting back as well.

But I don't think we can really get to the heart of where we can afford to make cuts, where the cuts will inflict the least pain, if we are going to pejoritize the service of a lot of hard-working lawyers out there who work for Legal Services, many of whom offer their services pro bono, who get no compensation whatsoever for the work they provide, and try to demean them by saying this is a trial lawyer bailout.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I won't go into great length about it. The very fact that the President has failed to address the issue of entitlements, has walked away from his own commission, the Bowles-Simpson Commission that had the support of Senator COBURN and Senator DURBIN, leads you to activity like this. Many times Members are frustrated to deal with this issue.

We have \$14 trillion of debt, and in the statement I gave on the floor several weeks ago, I said had I been a member of the commission, I would have voted for it. I think it was a missed opportunity. I also said that failure to address the issue of dealing with Medicare and Medicaid and Social Security will unfortunately result in many times the poor being hurt. In the Bible it says in Proverbs when you give to the poor, you loan to God, and I am sensitive to that. But the very fact that the administration, the President appoints the commission, comes out at a big press conference, and then walks away from it, leads you to some activity like this.

This would wipe out Legal Services, so I strongly urge Members to oppose the amendment, and I urge Members to contact the White House and ask them to support entitlement reform in the Simpson-Bowles package.

Mr. SCHIFF. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. SCHIFF. I appreciate your yielding, Mr. Chairman, and I agree with you.

First of all, I appreciate your opposition to the amendment. The big entitlement programs are going to have to be addressed, and what we are doing here in dealing with this small piece of the Federal budget pie, that is, domestic discretionary spending, there is no way we can find enough savings to make a real dent in the magnitude of our deficit and debt. That has to be done. I can understand your frustration

about it. It is a frustration I think we all share.

I think the difficulty, frankly, that the administration is having is probably the same difficulty that the majority is having, and that is whoever puts the proposal on the table first gets their head taken off. I think probably the only way to get to "yes"—and there is no way we are going to be able to reform the entitlement programs in a partisan way; it has to be done in a bipartisan way—is frankly if both parties can come together and put something on the table together. I think that is what is going to have to happen.

But you are right, there is no way we are going to make even a small dent in things until we have that bigger, more important conversation.

Mr. WOLF. Reclaiming my time, I believe that if President Reagan were President of the United States today, he would provide the leadership, because he did in saving Social Security. It was the Greenspan Commission, and he worked with them in a bipartisan way. I think if we had a President like Ronald Reagan, we would be resolving these issues.

With that, I urge opposition to the amendment.

I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. The last thing I want to do is prolong this debate this evening. It is getting late. But I think what is happening with these budget cuts, under the disguise of budget cuts, is that we are discussing some very serious issues, and at times we use words or phrases that should not go unchallenged.

So, first of all, I want to thank the chairman of the subcommittee for his opposition to the amendment, because he has got a history of being supportive. And he is a fiscal conservative. He knows that he wants to go after waste and high expenses and programs that don't function well. But he also has always had a belief that the person who may not have the most resources in this society should be given a shot at being protected.

I want to join Mr. SCHIFF in that we have to continue to be careful. To say that this is a trial lawyers' bailout, when we in fact have had incredibly serious bailouts in the last couple of years, that is a bad statement to make.

I am old enough to remember President Nixon, and I don't remember that he went around creating left-wing causes or left-wing programs. Again, I repeat, and it bears repeating, this was his creation. Because within that complex human being known as Richard Nixon, there were a couple of things that were very interesting to analyze, and one of them was his fundamental

belief that everyone in this country needed the ability to be represented and represented properly.

Now, what is ironic is, the same folks who would destroy the Legal Services Corporation will not utter a word as we continue to protect people in this society gaining more power and more wealth and never needing a Legal Services lawyer for one of their issues, one of their cases.

So as we look at these cuts, as we look at this desire to bring down the deficit, as we do all these things that I think on a bipartisan basis we believe have to be done, we also have to pay attention to the fact that we can't destroy that which is fundamentally sound in our society. Cut here and there, I understand that. That train left the station a long time ago. Destroy it? Totally wrong.

Lastly, not to repeat myself, you can't on one hand claim that we need to protect more than ever the Constitution, and tell somebody with a home being foreclosed that can't afford a lawyer that they can't get any assistance. This is the wrong way to go, and I really hope this amendment is defeated and defeated soundly.

I yield back the balance of my time.

□ 2340

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, I appreciate the fact that the gentleman from Virginia has opposed this; but I just wonder whether or not there's any shame when it comes to literally gutting the Legal Services Corporation some \$324 million and practically eliminating any opportunity for justice. I just want to repeat some of the words that were offered: slush fund for special interests, lobbying, and political activities.

We spent some time in the 1990s on the Judiciary Committee looking closely at the Legal Services Corporation and, frankly, gave generous oversight on some of the issues that might have suggested that there were other activities going on. When the Legal Services Corporation non-profits come from around the Nation, you are seeing members of the bar who are from major law firms, major leaders in the community who are on the boards of these particular services, local offices, and they have the highest standard of legal excellence that they try to portray and therefore try to encourage as relates to the representation of poor people. My brother-in-law, to his death, was a legal services lawyer in New York. Not one time did I see him or hear of him doing anything other than attempting to do justice for people who could not achieve such.

I, frankly, believe when you talk about a continuing resolution, make it

very clear: it is stopping programs in the middle of operation. It is closing 136 offices in midstream. It is laying off 300 lawyers in the middle of litigation that they are pursuing to keep Mrs. Jones in her home and to keep an elderly person who's been defrauded by an unscrupulous contractor simply trying to fix an old home. She has no other options sometimes than a legal services lawyer. So I hope that we will see less of this.

Might I just say it's interesting that we have a difference of opinion. Frankly, I don't think the President has walked away from any Financial Commission report. The majority in this House has every opportunity to present their cuts to entitlement and to begin the discussion. The President has not indicated he is not interested. But while we recognize that this House is a revenue-generating House and, therefore, with the responsibility now in the hands of Republicans, it is appropriate for the chairman of the Budget Committee and others to present their proposal for such.

The President's budget cuts the debt. The President's budget has strength in going forward; but it has a purpose: competitiveness; morality; and, of course, to rebuild America. I'm waiting on the Republicans to present their proposal, and I'm sure that we will look closely and be able to work in a bipartisan manner. But I would vigorously oppose any cuts of this measure at all to the Legal Services Corporation, which is a mark for justice in this country.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. DUNCAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DUNCAN of South Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1341. Section 505(a)(1) of division B of Public Law 111-117 is amended by inserting “, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds” before the semicolon.

SEC. 1342. Of the funds made available for “Department of Commerce, Bureau of the Census, Periodic Censuses and Programs” in division B of Public Law 111-117, \$1,740,000,000 is rescinded.

SEC. 1343. Of the unobligated balances available for “Emergency Steel, Oil, and Gas Guaranteed Loan Program Account”, \$48,000,000 is rescinded.

SEC. 1344. Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are rescinded, not later than September 30, 2011,

from the following accounts in the specified amounts: (1) “Office of Justice Programs”, \$42,000,000; and (2) “Community Oriented Policing Services”, \$10,000,000.

TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

SEC. 1401. All of the provisos under the heading “Corps of Engineers—Civil, Department of the Army, Construction” in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1402. The proviso under the heading “Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries” in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1403. The fifth proviso (regarding the San Gabriel Basin Restoration Fund), seventh proviso (regarding the Milk River Project) and eighth proviso (regarding the Departmental Irrigation Drainage program) under the heading “Department of the Interior, Bureau of Reclamation, Water and Related Resources” in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1404. All of the provisos under the heading “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1405. All of the provisos under the heading “Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1406. The proviso under the heading “Department of Energy, Energy Programs, Nuclear Energy” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1407. The second proviso under the heading “Department of Energy, Energy Programs, Fossil Energy Research and Development” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1408. All of the provisos under the heading “Department of Energy, Energy Programs, Science” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1409. The thirteenth proviso (regarding Commission funding) under the heading “Department of Energy, Energy Programs, Nuclear Waste Disposal” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1410. All of the provisos under the heading “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” in title III of the Energy and Water Development and Related Agencies Appropria-

tions Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1411. The proviso under the heading “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1412. All of the provisos under the heading “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1413. The proviso under the heading “Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Environmental Cleanup” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1414. The proviso under the heading “Department of Energy, Atomic Energy Defense Activities, Environmental and Other Defense Activities, Other Defense Activities” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1415. The fifth proviso under the heading “Department of Energy, Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration” in title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1416. Sections 105, 106, 107, 110 through 125, 205 through 211, 502, and 506 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85) shall not apply to funds appropriated by this division.

SEC. 1417. In addition to amounts otherwise made available by this division, \$50,000,000 is appropriated for “Department of Energy, Energy Programs, Advanced Research Projects Agency—Energy”.

□ 2350

AMENDMENT NO. 192 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 213, line 19, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 359, line 8, after the dollar amount insert “(increased by \$50,000,000)”.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Chairman, my amendment would cut funding for the Advanced Research Projects Agency—Energy, commonly known as ARPA-E, by \$50 million, and it would put that funding towards deficit reduction.

For my colleagues who know me, they know it is not easy for me to cut

funding for energy research. I have always maintained that there are two priorities I believe in and will continue to promote in Congress. Energy R&D is one of them. I believe the greatest investments we can make to secure our economic competitiveness are those investments that cultivate scientists and engineers of the future and provide the research infrastructure from which they can innovate and create jobs.

ARPA-E was first proposed in 2005 in the distinguished report entitled, "Rising Above the Gathering Storm." Modeled on DARPA, ARPA-E was recommended along with dozens of recommendations designed to spur scientific investment. These recommendations were authorized as a part of the first America COMPETES Act of 2007 and reauthorized again last year.

Despite my strong support and leadership for COMPETES and its programs, I have had concerns about ARPA-E since inception. As a senior member of the Science, Space, and Technology Committee, our minority views on the President's fiscal year 2010 budget accurately reflect my sentiment:

"Those of us in opposition to ARPA-E maintain the view that creating a new agency to do work that is currently being done at the DOE is not a justified use of the limited funds available to the Department, and we support the Department's previous decision to not establish ARPA-E but to engage in ARPA-E-type projects within the current DOE structure."

Most importantly, I have always believed that ARPA-E threatens to divert resources from the DOE's Office of Science, the largest supporter of basic research. That is why I secured language through COMPETES 2007 that would prohibit funding for ARPA-E unless the Office of Science is fully funded. I felt this was the most productive way to move forward with the ARPA-E concept and to prevent duplication or competition with other DOE programs. However, when we reauthorized COMPETES last year, this language was not included; and, unfortunately, my attempts to limit ARPA-E appropriations were unsuccessful.

In supporting my concerns about spreading resources too thin, now-Secretary Steven Chu said the following of ARPA-E in testimony before the Energy subcommittee in 2006: "In funding ARPA-E, it is critical that its funding not jeopardize the basic research supported by the Department of Energy's Office of Science. The committee's recommendations are prioritized, and its top recommendation in the area of research is to increase the funding for basic research by 10 percent per year over the next 7 years."

Mr. Chairman, were it not for the 2009 American Recovery and Reinvestment stimulus bill, ARPA-E would never have been funded. I urge my col-

leagues to join me in cutting ARPA-E funding and in rejecting duplication and stretched resources.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We are here to follow through on our pledge to right-size the government, and I appreciate my colleague's amendment for that reason. However, in addition to enacting historic reductions in spending in the CR, we are also committed to an unprecedented level of oversight to ensure that every dollar spent by the Federal Government is, indeed, well spent.

My colleague's amendment would virtually eliminate the Advanced Research Projects Agency—Energy, or ARPA-E, as we call it. This relatively new program is getting positive early results for its strong management, for its ability to execute, and for its focus on American competitiveness.

We certainly can and must debate which programs are the most worthy of taxpayers' dollars and which we should terminate, but the debate to end a potentially promising initiative to increase funds for another Federal program, as this amendment does, must be thoroughly considered in more than 5 or 10 minutes.

I and the committee would be happy to work with my colleague in the fiscal year 2012 process to ensure the proper and thorough oversight and evaluation of this program. However, I must regretfully oppose her amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I join the chairman in his opposition to this amendment.

Mr. Chairman, it is a promising program that already has provided not only research but the taking of the research, the finding of private capitalization, and the developing of products that can go forward.

One of the problems that we have found in the past for many years is that the Department of Energy has sometimes great problems in doing the basic research or in funding basic research. It has a difficult time getting out to find capitalization and then in being able to commercialize it.

ARPA-E is a process that is small but big in talent which is able to take innovative ideas and is able to research and take them to the next step with private capitalization. It is a program that takes public investment and increases the investment by the private sector. The outcome is the innovation

of products, new employment, and new jobs. It is the way to transform the Department of Energy to make it more effective, and it would be a great loss to zero fund it at this time.

I yield back the balance of my time.

Mrs. CAPITO. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Chairman, I rise in support of the gentlewoman's amendment, although I had an amendment that was to follow this amendment which sought to grab \$47 million from the ARPA-E program to fund a jobs program to restore the clean coal research dollars that are stricken in this continuing resolution.

My amendment would have restored funding to the DOE's Fossil Energy Research and Development program to maintain our commitment to domestic coal and natural gas, which powers our Nation. It protects our environment and enhances our energy independence.

Certainly, in being from the State of West Virginia, this is a jobs issue for us. Our coal industry is under serious attack in this administration, both from the regulatory perspective and from other environmental areas. We realize that 50 percent of the Nation's energy is powered by coal. In order to use that most abundant resource that we have in our Nation, we need to find ways to burn it cleaner and mine it more efficiently.

For more than a quarter of a century, Fossil Energy Research has converted taxpayer investment into high-tech advances that in some ways touch every single American's life. Fossil Energy is finding and testing new ways to use coal more cleanly and efficiently by producing energy from coal gasification and by improving technologies to clean, capture, or store the emissions from coal-fired power plants. Over 1,000 American pioneers are doing research in this area, many of them located in our State of West Virginia at the National Energy Technology Laboratory in Morgantown, West Virginia.

□ 0000

The Morgantown facility is the only national laboratory devoted to fossil energy research. So while I'm unable to offer my amendment to strike \$47 million from the ARPA-E program and restore the \$30.6 million into the clean coal research program, I did want to take this opportunity to emphasize the feeling that I have of how important it is for us to move forward in a bold and technologically superior way to find a way to use our most abundant resource.

The advanced research projects happening at Fossil Energy now will help keep clean, affordable energy from our traditional few resources as an integral

part of our energy supply while we innovate and research our way to those new energy resources.

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, I rise in support of the gentleman from Illinois' amendment which would strike funding for ARPA-E within the Department of Energy.

There is little disagreement in Congress on the importance of fundamental advances in energy technologies to America's future economic and national security. It is a priority that we all share. The challenge lies in how best to structure the Federal Government's involvement in energy research and development to maximize use of limited resources.

Republican Members on the Committee on Science, Space and Technology have had serious reservations regarding the appropriateness of ARPA-E since it was first debated in the 110th Congress. A primary concern was that ARPA-E would focus on late-stage technology development activities that the private sector was already addressing, and we've seen that happen.

While language was incorporated into ARPA-E's authorizing statute directing the agency to only support "technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty," there are numerous instances of ARPA-E awards that indicate the agency is not following these guidelines, instead providing funding to companies that are already actively pursuing development of the technology area for which they are requesting funding. This is a serious issue—taxpayer funding for R&D should only go toward areas that are too risky for private investment.

Due to these concerns, Mr. Chairman, I along with Chairman HALL, chairman of the Science, Space and Technology Committee, have requested that the Government Accountability Office undertake a study to review and report on the extent to which this problem is occurring with respect to other awards. At least until this study is completed and Congress has had an opportunity to consider its findings, ARPA-E should not receive additional taxpayer money, especially in this current environment of fiscal disaster that we're headed towards.

I urge support for the gentleman's amendment.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the amendment offered by the gentleman from Illinois (Mrs. BIGGERT).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mrs. BIGGERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 395 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 213, line 19, after the dollar amount insert "(increased by \$20,000,000)".

Page 217, line 13, after the dollar amount insert "(reduced by \$20,000,000)".

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. INSLEE. Mr. Chairman, we have a simple amendment that will help restore two principles to our budget: one is innovation, and two is balance. What our amendment would do would be add \$20 million to the ARPA-E account. It would be fully paid for with a balance taken out of the fossil fuel research account, and this is important for two fundamental reasons.

Our Nation's economic performance will live or it will die on the ability to innovate a new clean energy technology; and today, tonight, when we're speaking, the Chinese are investing \$786 billion in the development of new clean energy technologies. Yet, what does this CR do to our advanced clean energy research budget? It cuts it by 85 percent. While the Chinese are racing ahead on clean energy, we're running backwards 85 percent in ARPA-E, which has tremendous potential in solar energy, in efficient, enhanced geothermal and new efficiencies in electric storage, in high-capacity grid systems. This is our seed corn of innovation, and yet we have slashed it 85 percent in this CR. We are simply asking to reduce that cut to about 65 percent and add \$20 million.

Now, let me put this in context. That is the innovation part of this agenda; and for those who are critical of ARPA-E, let me suggest, in the first year of this operation, in the first year, it has attracted six private equity investments for \$23 million of Uncle Sam's investment of \$100 million that has been leveraged for private equity investment. This program has some promise, and we are cutting off tiny little crumbs to cut off the innovation budget for clean energy. It's a huge mistake.

Now, balance, here's where the balance part comes in. We want to pay for this, obviously. We don't want to create further deficit spending on this program. In the fossil fuel research budget, we've cut that 17 percent, and it's 10 times larger than the ARPA-E budget. That is wildly out of balance where we cut ARPA-E. Instead of 17 percent, we cut it 85 percent. Fossil fuels, we've got \$556 million in research. For ARPA-E,

we've got 50 million unless we adopt the Inslee amendment. So I would encourage us to get in the game of competing with China.

Now, I was talking to former Governor Ted Strickland tonight about a company called Willard & Kelsey, WK Solar Group, a company that's developed a new way of manufacturing solar cells using a horizontal manufacturing project, much more efficient, quicker manufacturing. If we don't start developing these technologies, the Chinese are going to have us for lunch, and this is a small thing that the payoffs could be dramatic. We'd encourage more innovation, and we'd encourage more balance for the future.

We recommend this amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman's amendment adds, as we know, \$50 million for ARPA-E while cutting funding for the fossil energy program. The Energy and Water portion of this bill strikes a careful balance between national security, American competitiveness, and the grave responsibility of deficit reduction. As written, this bill provides sufficient funding to keep ARPA-E operational and active in fiscal year 2011 while we thoroughly evaluate the program and its future in the fiscal year 2012 appropriations process.

ARPA-E has shown some promise in advancing our competitiveness; but in the light of the tough tradeoffs we've had to make in this bill—and indeed, they've been tough—I can't support further increased funding for ARPA-E before we've had a broader discussion of the new program.

Further, to achieve this bill's historic levels of spending reduction, the bill has struck a finely tuned balance of support across programs within the Department of Energy. The amendment would reduce funding for fossil energy research and development. The program cut by the amendment ensures not only that fossil energy which generates nearly 70 percent of the Nation's electricity is clean and efficient but that it uses technologies invented in America and creates jobs here at home. Yet, because reducing spending is our top priority, all programs must sacrifice, and the bill cuts fossil energy, research and development well below the 2010 mark and 21 percent below fiscal year 2008.

□ 0010

Further reductions to fossil energy can be damaging to the program's important goals and may lead to excessive job losses. For this reason and because further increases to ARPA-E are currently unwarranted, I oppose the amendment.

Mr. INSLEE. Will the gentleman yield for a clarification?

Mr. FRELINGHUYSEN. I yield to the gentleman from Washington.

Mr. INSLEE. I thank the gentleman.

The gentleman suggested that our amendment added \$50 million. I know it was unintentional. We would only ask an additional \$20 million. I just want to make that clear for the record.

Mr. FRELINGHUYSEN. The record is corrected, and you are absolutely right.

Mr. INSLEE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1418. Notwithstanding section 1105, no appropriation, funds, or authority made available pursuant to section 1101 for the Department of Energy or Corps of Engineers, Civil, shall be used to initiate or resume any program, project, or activity or to initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 1419. No funds made available by this division or any other Act may be used by the Nuclear Regulatory Commission to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application until the Commission reverses ASLB decision LBP-10-11.

SEC. 1420. Notwithstanding section 1101, the level for "Independent Agencies, Appalachian Regional Commission" shall be \$68,400,000.

SEC. 1421. Notwithstanding section 1101, the level for "Independent Agencies, Delta Regional Authority" shall be \$11,700,000.

SEC. 1422. Notwithstanding section 1101, the level for "Independent Agencies, Denali Commission" shall be \$10,800,000.

SEC. 1423. Notwithstanding section 1101, the level for "Independent Agencies, Northern Border Regional Commission" shall be \$0.

SEC. 1424. Notwithstanding section 1101, the level for "Independent Agencies, Southeast Crescent Regional Commission" shall be \$0.

SEC. 1425. The total principal amount for commitments to guarantee loans for eligible projects (other than nuclear power facilities and front-end nuclear facilities) under the heading "Department of Energy, Title 17 Innovative Technology Loan Guarantee Authority Loan Program", in title III of division C of Public Law 111-8, is hereby reduced by \$25,000,000,000.

SEC. 1426. Of the unobligated balances of funds transferred to "Department of the Interior, Bureau of Reclamation, Water and Related Resources" for desert terminal lakes under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note), \$115,000,000 is rescinded.

SEC. 1427. Of the unobligated balances available for "Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries", \$21,000,000 is rescinded, to be derived by cancelling unobligated balances for the Yazoo Basin, Backwater Pump, Mississippi project.

SEC. 1428. Notwithstanding section 1101, the level for "Corps of Engineers—Civil, Department of the Army, Investigations" shall be \$104,000,000.

SEC. 1429. Notwithstanding section 1101, the level for "Corps of Engineers—Civil, Department of the Army, Construction" shall be \$1,690,000,000.

SEC. 1430. Notwithstanding section 1101, the level for "Corps of Engineers—Civil, Department of the Army, Mississippi River and Tributaries" shall be \$239,600,000.

SEC. 1431. Notwithstanding section 1101, the level for "Corps of Engineers—Civil, Department of the Army, Operation and Maintenance" shall be \$2,361,000,000.

SEC. 1432. Notwithstanding section 1101, the level for "Corps of Engineers—Civil, Department of the Army, Formerly Utilized Sites Remedial Action Program" shall be \$130,000,000.

SEC. 1433. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Reclamation, Water and Related Resources" shall be \$913,500,000.

AMENDMENT NO. 297 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 19, after the dollar amount, insert "(reduced by \$1,897,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$1,897,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this is a poster child for I guess what could best be described as "Greens Gone Wild." As part of the so-called Klamath Hydroelectric Settlement Agreement, it is proposed to use taxpayer funds to tear down four perfectly good hydroelectric dams on the Klamath that are producing 155 megawatts of the cleanest, cheapest electricity on the planet—that's enough to power over 150,000 homes—because, we're told, of catastrophic declines in salmon.

When I suggested building a salmon hatchery instead, I was informed there already is one. It produces 5 million salmon smolt each year, 17,000 of which return to that river as fully grown adults to spawn, but they are deliberately ignored in the population counts. To add insult to insanity, as they tear down these dams in the name of saving the salmon, they are actually tearing down the fish hatchery that actually is saving the salmon.

This amendment targets the study that is underway to do so. A policy that is as manifestly insane as this should not require \$2 million of additional funding.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, we are prepared to accept the gentleman from California's amendment.

Mr. PASTOR of Arizona. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I rise in support.

This amendment simply reduces the water and related resources account by \$1.9 million. Given the limited nature of the amendment, I do not object to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1434. Notwithstanding section 1101, the level for "Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy" shall be \$1,467,400,000: *Provided*, That none of the funds made available by this division may be used for the Weatherization Assistance Program authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) or the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

AMENDMENT NO. 315 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 23, after the dollar amount, insert "(reduced by \$247,000,000)".

Page 359, line 8, after the dollar amount, insert "(increased by \$247,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment saves \$247 million by relieving taxpayers of having to subsidize solar energy research and development.

I am tempted to point out that solar power is not a new technology. Photovoltaic electricity generation was invented by Edmond Becquerel in 1836. That was 175 years ago. And in 175 years of continuing research and development and technological advancement, we have not yet been able to invent a more expensive way of generating electricity. Yet we're perfectly comfortable telling our constituents that we're taking another \$250 million from their families to throw at this 175-year-old technology for no particular reason other than it makes us feel good.

I'm also tempted to point out that not only is this the most expensive way that we have ever invented to generate electricity, but it also adds nothing—I repeat, nothing—to our baseline power. Our electricity systems operate on an integrated grid, meaning that we have to constantly match the power going onto the grid with the power coming off the grid. And since there is no way to tell when a cloud passing over a solar array will immediately drop the output to zero, we have to construct an equal amount of reliable conventional power to back up that solar power. In other words, for every kilowatt of solar power we add to the grid, we also have to pay to add an additional kilowatt of backup power.

But the principal objection I have is this: This technology was truly on the verge of a breakthrough. After 175 years, investors would be tripping over themselves to get a piece of the action.

□ 0020

If they are, there's no need to subsidize it. And if they're not, we have no right to force American taxpayers to make investments that no investor in his right mind would make.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the continuing resolution before us enacts historic spending reductions but it does so by striking a careful balance between deficit reduction and other important goals.

I regret the gentleman's amendment goes far beyond the point of balance, and thus, I must oppose it.

Mr. Chairman, deficit reduction is the bill's top priority, and our bill already significantly reduces the Energy Efficiency and Renewable Energy Account. As written, our bill cuts that account to 35 percent below current levels and 38 percent, or nearly \$900 million, below the fiscal year 2000 budget request.

Our bill cuts the excess and provides only enough funding to continue past commitments, leaving little room left to cut.

While I support the intent of the gentleman's amendment, as it aims to reduce further spending, we must do so responsibly and with a careful balance among deficit reduction, jobs, and our Nation's energy security. The gentleman's amendment fails to maintain this balance and would, to my mind, create undue job losses which would be considerable and irreversibly damage this particular program.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I join the chairman. We need a mix of energy to gain energy independence. We cannot just rely on the mix of energy we have today, where 70 percent of our energy is generated through coal or natural gas.

Rather than sacrifice our future, we should be looking at methods of closing loopholes for the oil and gas industry.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCLINTOCK).

The amendment was rejected.

AMENDMENT NO. 4 OFFERED BY TONKO

Mr. TONKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 23, through page 217, line 4, strike “: *Provided*,” and all that follows through “et seq.”.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chairman, I offer this amendment to section 1434 of the Republican spending bill. The section includes language that bans funds allocated to energy efficiency and renewable energy from being used for the weatherization assistance program or the State Energy Program. This rider has nothing to do with reducing funds; it is a policy rider. My amount would simply strike that language from this bill. This amendment does not add a single dollar to the deficit, the continuing resolution, or energy efficiency and renewable energy programs. It preserves the Republicans' cuts, though misguided, to energy efficiency and renewable energy. It merely states that weatherization and state energy programs remain eligible for funds.

There are many cuts in this bill that we cannot fix for procedural reasons. And there are many more that Republicans will oppose for political reasons, but this is something we can save. This amendment has strong bipartisan appeal. It is about lowering utility bills for people on the brink. It is about preserving construction, inspection, and renovation jobs. It is about States rights. It has been a harsh and unrelenting winter in many parts of America. We should not be leaving our friends and our neighbors out in the cold.

The State Energy Program is a 30-year old program that provides resources to states for energy efficiency and renewable energy, and it works. I know this because I used to run this program for New York State as the President and CEO of the New York State Energy Research and Development Authority. For every \$1 in funding it yields \$7.22 in annual energy savings. Each \$1 in State Energy Program Federal funds is leveraged by \$10.71 of

state and private funds. States receiving this funding are eligible to do energy audits on over 15,000 buildings per year, including residential, commercial, and industrial properties. They are also able to renovate over 13,000 buildings per year to be more energy efficient. Think of it. Energy efficiency as our fuel of choice.

The other program my amendment addresses is the Weatherization Assistance Program. Some 38.6 million low-income, elderly, and disabled households are eligible for renovations to become more energy efficient and to lower their electric bills. Per household, this program creates a \$437 savings or more in annual utility bills, or about 35 percent off of a typical utility bill. In 2010 alone, weatherized homes nationally would have saved some \$2.1 billion. The weatherization program decreases national energy consumption by the equivalent of 24.1 million barrels of oil annually. For every \$1 invested, weatherization returns \$2.51 to the household and our society.

This is an appropriations bill. According to my colleagues across the aisle, it is a bill with the sole purpose of reducing the deficit, a noble goal. However, the State Energy Program and Weatherization Assistance Program rider does not reduce the deficit by 1 cent. It is not about funding. It is about restricting programs that work and playing politics as usual.

We should be focused on creating jobs, reducing our dependence on foreign oil, and innovating for our future. My amendment restores our ability to do all three without adding a single cent to this bill. I ask for your support of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, while the energy efficiency and renewable energy program supports research and development important to American competitiveness, the program has seen a 30 percent increase since the fiscal year 2008 and received \$16.8 billion in stimulus funding in the Recovery Act. Now is therefore the right time to cut the fat and replace indiscriminate spending increases with smart prioritization and oversight.

Two programs within this account, Weatherization Assistance and the State Energy Program, do not focus on competitiveness and instead pass funding on to state and local governments. These two programs together have \$4.7 billion in unspent Recovery Act funding and have encountered substantial management challenges in the last 2 years. And I may say, substantial.

The bill eliminates funding in fiscal year 2011 for weatherization and state energy programs whose unspent Recovery Act funding should sustain it

through fiscal year 2011. In fact, at current implementation rates, which have been incredibly slow, unspent funding would last through 2012.

The amendment ignores these commonsense facts and the imperative to reduce spending by moving unneeded funding back into an already bloated program. I therefore, oppose the amendment and urge Members to do the same.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 259 OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 216, line 23, after the dollar amount insert “(reduced by \$70,000,000)”.

Page 359, line 8, after the dollar amount insert “(increased by \$70,000,000)”.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATTA. Mr. Chairman, amendment 259 will cut \$70 million from the Office of Energy Efficiency and Renewable Energy, which I intend to be removed from the FreedomCAR initiative. Currently, H.R. 1 funds the Office of Energy Efficiency and Renewable Energy at \$1,467,400,000 for the remainder of fiscal year 2011.

□ 0030

This amendment would reduce that amount to \$1,397,400,000. This office already received \$16.8 billion in stimulus funds, and \$2.24 billion was appropriated in fiscal year 2010.

While citizens across the country are struggling to pay their bills, it would be very difficult to justify not being able to cut \$70 million from this office. With Americans also struggling with higher gasoline prices and other fuel costs rising, Congress should focus on legislation that allows us to utilize resources we have available to drive prices down.

The free market is the best place for technological innovation. Reducing taxes and eliminating burdensome regulations will allow private companies to bring new, more fuel-efficient technologies to market when it becomes cost effective.

With a forecasted deficit of \$1.6 trillion this year and the national debt scheduled to triple in 10 years, I have serious concerns with spending more funds on programs that have received

massive increases from stimulus spending. The President released his budget proposal this week which reflects a pattern of record spending and even higher taxes, this continued spending of funds that the United States Government does not have as we continue to borrow from other nations.

During the last session of Congress alone, the President signed into law over \$1.8 trillion in new government spending and over \$670 billion in new job-damaging tax hikes. My \$70 million cut will be a small reduction in an overbloated Federal budget.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the Energy Efficiency and Renewable Energy program supports technology, research, and development to keep America competitive and ensure our access to domestic energy sources. While these are critically important goals, so too is meeting our pledge to substantially reduce the Nation's deficit beginning this year.

Our bill cuts energy efficiency and renewable energy 35 percent below the current level and 38 percent, or \$888 million, below the President's fiscal year 2011 budget request.

The bill limits funding for programs that are still supported by unspent Recovery Act dollars. It also eliminates earmarks and slims down research programs by more than \$500 million while preserving core activities supporting American competitiveness in emerging energy industries.

After these cuts, there is simply no more fat to trim. Cutting the program would cost excessive job losses and defaults on past commitments. While I support the gentleman's efforts to further reduce spending, this amendment would go too far beyond the careful balance that we have crafted in this bill.

I and the committee fully intend to exert unprecedented oversight of this program. So as we move forward, I would be happy to work with the gentleman as we do; however, I must regret that I oppose his amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I join the chairman in opposition to this amendment.

As I stated before, we need a mix of energy to gain energy independence. We cannot just rely on the mix of energy that we have today, where 70 percent of our energy is generated through coal or natural gas.

Rather than sacrifice our future, we should be looking at methods for closing loopholes in the oil and gas industry. I am in opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1435. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability” shall be \$139,000,000.

SEC. 1436. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Nuclear Energy” shall be \$661,100,000.

SEC. 1437. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Fossil Energy Research and Development” shall be \$586,600,000.

SEC. 1438. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Strategic Petroleum Reserve” shall be \$138,900,000.

SEC. 1439. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Energy Information Administration” shall be \$95,600,000.

SEC. 1440. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Non-Defense Environmental Cleanup” shall be \$225,200,000.

SEC. 1441. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Uranium Enrichment Decontamination and Decommissioning Fund” shall be \$513,900,000.

SEC. 1442. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Science” shall be \$4,017,700,000: *Provided*, That of the amount provided by this division for “Department of Energy, Energy Programs, Science”, not more than \$302,000,000 shall be for biological and environmental research authorized under subtitle G of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16311 et seq.).

SEC. 1443. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Departmental Administration” shall be \$148,900,000.

SEC. 1444. Notwithstanding section 1101, the level for “Department of Energy, Energy Programs, Advanced Technology Vehicles Manufacturing Loan Program” shall be \$9,998,000.

SEC. 1445. Notwithstanding section 1101, the level for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” shall be \$6,696,400,000.

SEC. 1446. Notwithstanding section 1101, the level for “Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation” shall be \$2,085,200,000.

SEC. 1447. Notwithstanding section 1101, the level for “Department of Energy, Atomic Energy Defense Activities, National Nuclear

Security Administration, Naval Reactors" shall be \$967,100,000.

SEC. 1448. Notwithstanding section 1101, the level for "Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator" shall be \$407,800,000.

SEC. 1449. Notwithstanding section 1101, the level for "Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup" shall be \$5,016,041,000, of which \$33,700,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund".

SEC. 1450. Notwithstanding section 1101, the level for "Department of Energy, Environmental and Other Defense Activities, Other Defense Activities" shall be \$773,400,000.

SEC. 1451. Of the unobligated balances from prior year appropriations available for "Corps of Engineers—Civil, Department of the Army, Construction", \$100,000,000 is rescinded.

SEC. 1452. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy", \$11,200,000 is rescinded.

SEC. 1453. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Electricity Delivery and Energy Reliability", \$2,400,000 is rescinded.

SEC. 1454. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Nuclear Energy", \$6,300,000 is rescinded.

SEC. 1455. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Fossil Energy Research and Development", \$30,600,000 is rescinded.

SEC. 1456. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Naval Petroleum and Oil Shale Reserves", \$2,100,000 is rescinded.

SEC. 1457. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Clean Coal Technology", \$18,000,000 is rescinded.

SEC. 1458. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Strategic Petroleum Reserve", \$15,300,000 is rescinded.

SEC. 1459. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Energy Information Administration", \$400,000 is rescinded.

SEC. 1460. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Non-Defense Environmental Cleanup", \$900,000 is rescinded.

SEC. 1461. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Uranium Enrichment Decontamination and Decommissioning Fund", \$10,000,000 is rescinded.

SEC. 1462. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Science", \$7,200,000 is rescinded.

SEC. 1463. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, Nuclear Waste Disposal", \$2,800,000 is rescinded.

SEC. 1464. Of the unobligated balances from prior year appropriations available for "Department of Energy, Energy Programs, De-

partmental Administration", \$11,900,000 is rescinded.

SEC. 1465. Of the unobligated balances from prior year appropriations available for "Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation", \$45,500,000 is rescinded.

SEC. 1466. Of the unobligated balances from prior year appropriations available for "Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Naval Reactors", \$1,200,000 is rescinded.

SEC. 1467. Of the unobligated balances from prior year appropriations available for "Department of Energy, Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator", \$4,400,000 is rescinded.

SEC. 1468. Of the unobligated balances from prior year appropriations available for "Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup", \$11,900,000 is rescinded.

SEC. 1469. Of the unobligated balances from prior year appropriations available for "Department of Energy, Environmental and Other Defense Activities, Other Defense Activities", \$3,400,000 is rescinded.

SEC. 1470. Of the unobligated balances from prior year appropriations available for "Independent Agencies, Delta Regional Authority", \$6,000,000 is rescinded.

SEC. 1471. Of the unobligated balances from prior year appropriations available for "Independent Agencies, Denali Commission", \$15,000,000 is rescinded.

SEC. 1472. Within 30 days of enactment of this division, the Department of Energy; Corps of Engineers, Civil; Nuclear Regulatory Commission; and Bureau of Reclamation shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level.

SEC. 1473. No rescission made in this title shall apply to any amount previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1474. None of the funds made available by this division or prior appropriation Acts (other than Public Law 111-5) for Energy and Water Development may be used to pay the costs of employment (such as pay and benefits), or termination (such as severance pay), of any employee of the Department of Energy who is appointed, employed, or retained under the authority of, or using funds provided by, Public Law 111-5, or whose functions or operations (including programmatic or oversight responsibilities) are substantially or entirely funded under Public Law 111-5.

SEC. 1475. (a) None of the funds made available by this Act may be used to implement—

(1) Reasonable and Prudent Action Component 1, Reasonable and Prudent Action Component 2, or Reasonable and Prudent Action Component 3 described in the biological opinion for the operations of the Central Valley Project and the California State Water Project issued by the United States Fish and Wildlife Service and dated December 15, 2008; or

(2) Reasonable and Prudent Action IV.2.1 or Reasonable and Prudent Action IV.2.3 described in the biological opinion for the operations of the Central Valley Project and the California State Water Project issued by the National Marine Fisheries Service and dated June 4, 2009.

(b) None of the funds made available by this Act may be used to implement section 10004, 10005, 10006, 10009, or 10011 of Public Law 111-11.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 224, line 21 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 1501. Notwithstanding section 1101, the level for "Department of the Treasury, Departmental Offices, Salaries and Expenses" shall be \$299,888,000, of which \$102,613,000 shall be for terrorism and financial intelligence activities, and the requirements to transfer funds to the National Academy of Science and the funding designations related to executive direction program activities, economic policies and program activities, financial policies and program activities, Treasury-wide management policies and program activities, and administration program activities shall not apply to funds appropriated by this division.

SEC. 1502. Notwithstanding section 1101, the level for "Department of the Treasury, Departmental Offices, Department-wide Systems and Capital Investment Programs" shall be \$4,000,000.

SEC. 1503. Notwithstanding section 1101, the level for "Department of Treasury, Office of Inspector General, Salaries and Expenses" shall be \$29,403,000.

SEC. 1504. Notwithstanding section 1101, the level for "Department of the Treasury, Departmental Offices, Special Inspector General for the Troubled Asset Relief Program, Salaries and Expenses" shall be \$36,300,000.

SEC. 1505. Notwithstanding section 1101, the level for "Department of Treasury, Financial Crimes Enforcement Network, Salaries and Expenses" shall be \$108,927,000.

SEC. 1506. Notwithstanding section 1101, the level for "Department of the Treasury, Financial Management Service, Salaries and Expenses" shall be \$232,838,000.

SEC. 1507. Notwithstanding section 1101, the level for "Department of the Treasury, Bureau of the Public Debt, Administering the Public Debt" shall be \$184,658,000.

SEC. 1508. Of the unobligated balances available under the heading "Department of the Treasury, Treasury Forfeiture Fund", \$400,000,000 is rescinded.

SEC. 1509. Notwithstanding section 1101, the level for "Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Salaries and Expenses" shall be \$99,831,000, and the first proviso under such heading shall not apply to funds appropriated by this division.

SEC. 1510. Notwithstanding section 1101, the level for "Department of the Treasury, Community Development Financial Institutions Fund Program Account" shall be \$50,000,000 for financial assistance, technical assistance, training outreach programs, and administrative expenses, of which not less than \$2,500,000 shall be for programs under sections 105 through 109 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4704-4708) designed

to benefit Native communities; and the requirement to transfer funds to the Capital Magnet Fund and the funding designations for pilot project grants and administration shall not apply to funds appropriated by this division.

SEC. 1511. Notwithstanding section 1101, the level for "Department of the Treasury, Internal Revenue Service, Taxpayer Services" shall be \$2,187,836,000.

SEC. 1512. Notwithstanding section 1101, the level for "Department of the Treasury, Internal Revenue Service, Enforcement" shall be \$5,219,016,000.

SEC. 1513. Notwithstanding section 1101, the level for "Department of the Treasury, Internal Revenue Service, Operations Support" shall be \$3,856,894,000, and the funding designations for tax enforcement under such heading shall not apply to funds appropriated by this division.

SEC. 1514. Notwithstanding section 1101, and section 101 of division C of Public Law 111-117, the Secretary of the Treasury is authorized to transfer up to \$83,211,000 of the funds appropriated to the Internal Revenue Service for "Enforcement" and "Operations Support" to "Business Systems Modernization" upon notification and approval of the House and Senate Committees on Appropriations.

SEC. 1515. Notwithstanding section 1101, section 105 of division C of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1516. None of the funds made available by this division may be used by the Internal Revenue Service to implement or enforce any amendment made to section 6041 of the Internal Revenue Code of 1986 by section 9006 of the Patient Protection and Affordable Care Act (Public Law 111-148).

SEC. 1517. (a) During fiscal year 2011, the Board of Governors of the Federal Reserve may not transfer more than \$80,000,000 to the Bureau of Consumer Financial Protection for activities authorized to be carried out by the Bureau under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

(b) During fiscal year 2011, the Bureau of Consumer Financial Protection may not obligate more than \$80,000,000 for such activities.

SEC. 1518. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, The White House, Salaries and Expenses" shall be \$56,186,000.

SEC. 1519. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Executive Residence at the White House, Operating Expenses" shall be \$13,146,000.

SEC. 1520. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration" shall be \$2,005,000.

SEC. 1521. Of the unobligated balances available for "Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Counterdrug Technology Assessment Center", \$5,000,000 is rescinded.

SEC. 1522. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Council of Economic Advisors, Salaries and Expenses" shall be \$3,990,000.

SEC. 1523. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, National Security Council, Salaries and Expenses" shall be \$11,619,000.

SEC. 1524. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Office of Administration, Salaries and Expenses" shall be \$109,516,000.

SEC. 1525. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Office of Management and Budget, Salaries and Expenses" shall be \$88,220,000.

SEC. 1526. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Salaries and Expenses" shall be \$24,886,000.

SEC. 1527. Of the unobligated balances available for "Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Salaries and Expenses" for policy research and evaluation, \$2,000,000 is rescinded.

SEC. 1528. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Counterdrug Technology Assessment Center" shall be \$0.

SEC. 1529. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to President, Unanticipated Needs" shall be \$0.

SEC. 1530. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation" shall be \$0.

SEC. 1531. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Special Assistance to the President, Salaries and Expenses" shall be \$4,374,000.

SEC. 1532. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Official Residence of the Vice President, Operating Expenses" shall be \$314,000.

SEC. 1533. Of the unobligated balances available for "Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation", \$10,000,000 is rescinded.

SEC. 1534. Notwithstanding section 1101, the level for "Executive Office of the President and Funds Appropriated to the President, Office of National Drug Control Policy, Other Federal Drug Control Programs" shall be \$96,425,000, of which \$85,500,000 shall be for the Drug-Free Communities Program; \$9,025,000 shall be for anti-doping activities; and the matter related to a national media campaign, the National Drug Court Institute, the United States Anti-Doping Agency, Model State Drug Laws and performance measures shall not apply to the funds appropriated by this division.

SEC. 1535. Notwithstanding section 1101, none of the funds appropriated by this division under heading "Executive Office of the President and Funds Appropriated to the President" shall be for an Assistant to the President for Energy and Climate Change, or any substantially similar position.

SEC. 1536. Notwithstanding section 1101, none of the funds appropriated by this division under the heading "Executive Office of the President and Funds Appropriated to the President" shall be for the Director of the Office of Health Care Reform, or any substantially similar position.

SEC. 1537. Notwithstanding section 1101, the level for "The Judiciary, Supreme Court of the United States, Care of the Building and Grounds" shall be \$8,175,000.

SEC. 1538. Notwithstanding section 1101, the level for "The Judiciary, Courts of Ap-

peals, District Courts, and Other Judicial Services, Salaries and Expenses" shall be \$4,860,585,000.

SEC. 1539. Notwithstanding section 1101, the level for "The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners" shall be \$52,410,000.

SEC. 1540. Notwithstanding section 1101, the level for "The Judiciary, Administrative Office of the United States Courts, Salaries and Expenses" shall be \$82,575,000.

SEC. 1541. Notwithstanding section 1101, the level for "The Judiciary, Federal Judicial Center, Salaries and Expenses" shall be \$27,078,000.

SEC. 1542. Notwithstanding section 1101, the level for "The Judiciary, United States Sentencing Commission, Salaries and Expenses" shall be \$16,737,000.

SEC. 1543. Notwithstanding section 1101, the level for "The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Court Security" shall be \$467,607,000.

SEC. 1544. The amount included in the second paragraph under the heading "The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" in division C of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$4,785,000" for "\$5,428,000".

SEC. 1545. Of the unobligated balances available for "The Judiciary, United States Sentencing Commission, Salaries and Expenses", \$100,000 is rescinded.

SEC. 1546. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended in the third sentence (relating to the District of Kansas) by striking "19 years" and inserting "20 years".

SEC. 1547. Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment to the District of Columbia Courts" shall be \$235,660,000, of which \$50,000,000 shall be for capital improvements.

SEC. 1548. (a) Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment for School Improvement" shall be \$60,000,000, of which \$24,500,000 shall be for the District of Columbia Public Schools, \$20,000,000 shall be to expand quality public charter schools, and \$15,500,000 shall be for opportunity scholarships, and the second reference to "\$1,000,000" under such heading shall be applied to funds appropriated by this division by substituting "\$0".

(b) The authority and conditions provided in the District of Columbia Appropriations Act, 2010 (Public Law 111-117; 123 Stat. 3181) under the heading described in subsection (a) shall apply with respect to the funds made available under this division, with the following modifications:

(1) The first proviso under such heading shall not apply.

(2) Notwithstanding the second proviso under such heading, the funds may be made available for scholarships to students, without regard to whether any student received a scholarship in any prior school year.

(3) The fourth proviso under such heading shall not apply.

(4) Notwithstanding the fifth proviso under such heading, the Secretary of Education shall ensure that site inspections of participating schools are conducted annually.

SEC. 1549. Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment to the District of Columbia Water and Sewer Authority" shall be \$10,000,000.

SEC. 1550. Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment to the Criminal Justice Coordinating Council" shall be \$1,800,000.

SEC. 1551. Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment to the Office of the Chief Financial Officer for the District of Columbia" shall be \$0.

SEC. 1552. Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment for Consolidated Laboratory Facility" shall be \$0.

SEC. 1553. Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment for Housing for the Homeless" shall be \$10,000,000.

SEC. 1554. Notwithstanding section 1101, the level for "District of Columbia, Federal Funds, Federal Payment for Youth Services" shall be \$0.

SEC. 1555. Notwithstanding any other provision of this division, except section 1106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under "District of Columbia Funds" as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18-448), as modified as of the date of the enactment of this division.

SEC. 1556. Notwithstanding section 1101, the level for "Independent Agencies, Christopher Columbus Fellowship Foundation, Salaries and Expenses" shall be \$500,000.

SEC. 1557. Notwithstanding section 1101, the level for "Independent Agencies, Election Assistance Commission, Election Reform Programs" shall be \$0.

SEC. 1558. Notwithstanding section 1101, the level for "Independent Agencies, General Service Administration, General Activities, Government-Wide Policy" shall be \$59,068,000.

SEC. 1559. Notwithstanding section 1101, the level for "Independent Agencies, Federal Deposit Insurance Corporation, Office of the Inspector General" shall be \$42,942,000.

SEC. 1560. Notwithstanding section 1101, the level for "Independent Agencies, Federal Labor Relations Authority, Salaries and Expenses" shall be \$24,500,000.

SEC. 1561. Notwithstanding section 1101, the level for "Independent Agencies, General Services Administration, Electronic Government Fund" shall be \$2,000,000.

SEC. 1562. Notwithstanding section 1101, the level for "Independent Agencies, General Services Administration, Federal Citizen Services Fund" shall be \$34,689,000.

SEC. 1563. Notwithstanding section 1101, the level for "Independent Agencies, Federal Election Commission, Salaries and Expenses" shall be \$65,835,000.

SEC. 1564. Notwithstanding section 1101, the level for "Independent Agencies, Federal Trade Commission, Salaries and Expenses" shall be \$288,783,000.

SEC. 1565. Notwithstanding section 1101, the level for "Independent Agencies, Morris K. Udall and Stewart Udall Foundation, Morris K. Udall and Stewart Udall Trust Fund" shall be \$1,000,000.

SEC. 1566. Notwithstanding section 1101, the level for "Independent Agencies, National Credit Union Administration, Community Development Revolving Loan Fund" shall be \$500,000.

SEC. 1567. Notwithstanding section 1101, the level for "Independent Agencies, Privacy

and Civil Liberties Oversight Board, Salaries and Expenses" shall be \$100,000.

SEC. 1568. Notwithstanding section 1101, the level for "Independent Agencies, Consumer Product Safety Commission, Salaries and Expenses" shall be \$115,018,000, of which \$500,000 shall be for the Virginia Graeme Baker Pool and Spa Safety Act grant program.

SEC. 1569. Of the unobligated balances available under the heading "Independent Agencies, Consumer Product Safety Commission, Salaries and Expenses" for the Virginia Graeme Baker Pool and Spa Safety Act grant program, \$2,000,000 is rescinded.

SEC. 1570. Notwithstanding section 1101, the level for "Independent Agencies, Election Assistance Commission, Salaries and Expenses" shall be \$15,020,000, of which \$2,345,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002 (Public Law 107-252), the level under such heading for the Help America Vote College Program shall be \$0, and the level under such heading for a competitive grant program to support community involvement in student and parent mock elections shall be \$0.

SEC. 1571. Of the unobligated balances available for "Independent Agencies, Election Assistance Commission, Election Reform Programs", \$5,000,000 is rescinded.

SEC. 1572. Notwithstanding section 1101, the aggregate amount of new obligational authority provided under the heading "Independent Agencies, General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue" for Federal buildings and courthouses and other purposes of the Fund shall be \$7,428,007,000, of which (1) \$0 is for "Construction and Acquisition"; and (2) \$280,000,000 is for "Repairs and Alterations", of which \$260,000,000 is for basic repairs and alterations and \$20,000,000 is for fire and life safety programs.

SEC. 1573. Notwithstanding section 1101, the level for "Independent Agencies, General Services Administration, General Activities, Operating Expenses" shall be \$71,381,000 and matters pertaining to the amount of \$1,000,000 shall not apply to funds appropriated by this division.

SEC. 1574. Notwithstanding section 1101, the level for "Independent Agencies, National Archives and Records Administration, Operating Expenses" shall be \$336,372,000.

SEC. 1575. Notwithstanding section 1101, the level for "Independent Agencies, National Archives and Records Administration, Electronic Records Archives" shall be \$72,000,000, of which \$52,500,000 shall remain available until September 30, 2013.

SEC. 1576. Notwithstanding section 1101, the level for "Independent Agencies, National Archives and Records Administration, Repairs and Restoration" shall be \$11,730,000.

SEC. 1577. Notwithstanding section 1101, the level for "Independent Agencies, National Archives and Records Administration, National Historical Publications and Records Commission, Grants Program" shall be \$4,000,000.

SEC. 1578. Of the unobligated balances available under the heading "Independent Agencies, National Archives and Records Administration, Repairs and Restoration" \$3,198,000 is rescinded, which shall be derived from amounts made available for a new regional archives and records facility in Anchorage, Alaska.

SEC. 1579. The amounts included under the heading "Independent Agencies, Merit Sys-

tems Protection Board, Salaries and Expenses" in division C of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$39,000,000" for "\$40,339,000".

SEC. 1580. The amounts included under the heading "Independent Agencies, Office of Personnel Management, Salaries and Expenses" in division C of Public Law 111-117 shall be applied to funds appropriated by this division as follows:

(1) By substituting "\$101,270,000" for "\$102,970,000".

(2) By substituting "\$111,038,000" for "\$112,738,000".

SEC. 1581. The amounts included under the heading "Independent Agencies, Office of Personnel Management, Office of Inspector General" in division C of Public Law 111-117 shall be applied to funds appropriated by this division as follows:

(1) By substituting "\$2,136,000" for "\$3,148,000".

(2) By substituting "20,428,000" for "21,215,000".

SEC. 1582. Notwithstanding section 1101, the level for "Independent Agencies, Office of Special Counsel, Salaries and Expenses" shall be \$18,300,000.

SEC. 1583. Of the unobligated balances available for "Independent Agencies, Privacy and Civil Liberties Oversight Board, Salaries and Expenses", \$1,500,000 is rescinded.

SEC. 1584. Notwithstanding section 1101, the level provided under section 523 of division C of Public Law 111-117 shall be \$0.

SEC. 1585. Notwithstanding section 1101, the level for "Independent Agencies, Small Business Administration, Salaries and Expenses" shall be \$408,438,000.

SEC. 1586. The amounts included under the heading "Independent Agencies, United States Postal Service, Payment to the Postal Service Fund" in division C of Public Law 111-117 shall be applied to funds appropriated by this division as follows:

(1) By substituting "\$103,905,000" for "\$118,328,000".

(2) By substituting "\$74,905,000" for "\$89,328,000".

(3) By substituting "2011" for "2010".

SEC. 1587. Notwithstanding section 1101, the level for "Independent Agencies, Securities and Exchange Commission, Salaries and Expenses" shall be \$1,069,916,000 and the proviso pertaining to prior year unobligated balances shall not apply to funds appropriated by this division.

Mrs. EMERSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 243, line 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1588. Notwithstanding section 1101, the level for "Independent Agencies, Selective Service System, Salaries and Expenses" shall be \$24,032,000.

□ 0040

AMENDMENT NO. 98 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 243, line 7, after the dollar amount, insert “(reduced by \$24,032,000)”.

Page 359, line 10, after the dollar amount, insert “(increased by \$24,032,000)”.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. I had hoped to be joined by Dr. PAUL, who is a coauthor of this amendment. Unfortunately given the very late hour, I'm not certain he'll make it. However, we're talking tonight about making cuts. We've heard in the earlier debate of programs that actually have constituencies, actually serve Americans: The COPS program which puts officers on the beat and helps with drug interdiction, drug prevention; the LIHEAP program providing financial assistance to families who can't afford to heat their homes. The list is long. But there are a few programs in the government which have no constituency and no purpose, and this is one of them. And somehow it escaped the knife, which I assume was just an oversight. So I'm hoping to persuade the committee to adopt this amendment. This is the expenditures for the Selective Service System of the United States of America, i.e., the draft boards. That is, if we believe that at some time in the future that the United States of America is going to reimpose the draft, then one might want to maintain this bureaucracy in deep standby. On the other hand, it might not, because the few times that this agency has attempted to test its capabilities with its obsolete computer systems, which could be surpassed by anything available publicly on the Internet, they showed that they couldn't have conducted a legal draft. And even if they could have conducted a legal draft, we no longer have a surge capacity at our training bases so we would be drafting people for no purpose. Beyond that, I don't think there are many in this House who believe that we are going to go back to having a draft. The Pentagon doesn't want to go back to a draft. The Pentagon has said time and time and time again they believe in an all-volunteer military; the all-volunteer military is superior to forced enlistment, as in the years of the draft. We're a higher quality, we're using significant incentives to get people to enlist in the military, and we have the best military in the world as a result.

So why would we maintain this bureaucracy? Here's what they spent \$25 million on, or intend to, this year. It will be used for expenses of attendance at meetings. For purchase of uniforms. Now beyond me, I'm not certain what the uniforms are. I served actually on a draft board once and we didn't have uniforms. I don't know. I guess now we've got uniforms for people who are going to go sit somewhere and hear

claims, if we ever reimpose the draft. I really don't know who they're purchasing uniforms for or what the purpose might be or what a Selective Service member's uniform might look like. They also will hire passenger motor vehicles and for official reception and representation expenses—all for a dead bureaucracy that does nothing and never will do anything.

Now, colleagues, truly if we are serious here, if we are in a crisis and we're going to cut programs that actually have large constituencies; my phone's been ringing off the hook about public broadcasting. Other people are hearing about other programs. Here's one where you're not going to get a single call except maybe a thank-you if you eliminate this useless bureaucracy that will never be activated for any purpose, foreseeable, in the future.

Colleagues, we have twice actually in the House voted to end the Selective Service System: in 1993 when Democrats were in control and in 1999 when the Republicans were in control. Unfortunately, the termination of the program never became law. Now is the time. Now is the time. I'm just dedicating the money to deficit reduction. It could be used to restore some meritorious spending elsewhere within this title by somebody else.

With that, I would yield back the balance of my time and urge my colleagues to end this useless bureaucracy.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Thank you, Mr. Chairman.

While most would hope that we would never need to use the draft again, I think this agency is an important insurance policy against unforeseen threats. If we eliminate the Selective Service System, it would take us over a year to draft men into military service, whereas now it would take 90 to 120 days. And in any kind of an emergency, wartime situation, this could be disastrous. Further, we're almost 6 months into the budget year and the Selective Service has already spent money on salaries and expenses, so we really can't take all of their money away. This is a small agency with the potential to avert a crisis, should the draft ever be reinstated.

I urge a “no” vote on this amendment.

I yield back the balance of my time. Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, in opposition to this amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The Selective Service is a readiness issue. If we don't have the process all set up, it would take 2 years

to restore it. And if we're in a national emergency—that's why we put the Selective Service thing in place—because if we were in a national emergency and we had to get more people and we couldn't do it through the all-volunteer force, we have to have a way to do it.

And so we put this in place several years ago. It was very bipartisan at the time. I can understand the gentleman's skepticism, but this is the first we've heard of this. I think it would be better for the committee to look at this and maybe have a hearing on this and then we can address it again in the 2012 bill.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1589. Notwithstanding section 1101, the level for “Independent Agencies, United States Tax Court, Salaries and Expenses” shall be \$52,093,000, of which \$2,852,000 shall be for security improvements.

SEC. 1590. Section 814 of division C of Public Law 111-117 shall be applied to funds appropriated by this division by striking “Federal”.

SEC. 1591. (a) Notwithstanding section 1101, and section 810 of division C of Public Law 111-117, none of the funds contained in this division may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this division and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this division.

TITLE VI—HOMELAND SECURITY

SEC. 1601. Within 30 days after the date of enactment of this division, the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan for fiscal year 2011 that displays the level of funding by program, project, and activity consistent with the table of detailed funding recommendations contained at the end of the joint explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83).

SEC. 1602. Notwithstanding section 1101, the level for “Department of Homeland Security, Office of the Secretary and Executive Management” shall be \$136,818,000.

SEC. 1603. Notwithstanding section 1101, the level for “Department of Homeland Security, Office of the Under Secretary for Management” shall be \$239,933,000.

SEC. 1604. Notwithstanding section 1101, the level for “Department of Homeland Security, Office of the Chief Information Officer” shall be \$333,393,000, of which not less than \$77,788,000 shall be available for data center development and migration.

SEC. 1605. Notwithstanding section 1101, the level for "Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding" shall be \$0.

SEC. 1606. Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses" shall be \$8,212,626,000: *Provided*, That for fiscal year 2011, the Border Patrol shall maintain an active duty presence of not fewer than 20,500 full-time equivalent agents throughout the fiscal year.

SEC. 1607. Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Customs and Border Protection, Automation Modernization" shall be \$341,575,000, of which \$153,090,000 shall be for the Automated Commercial Environment.

SEC. 1608. (a) Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology" shall be \$450,000,000.

(b) Paragraph (11) of the first proviso and the third and fourth provisos under the heading "Border Security Fencing, Infrastructure, and Technology" of Public Law 111-83 shall not apply to funds appropriated by this division.

SEC. 1609. Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement" shall be \$516,326,000.

SEC. 1610. Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Customs and Border Protection, Construction and Facilities Management" shall be \$241,040,000.

SEC. 1611. Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses" shall be \$5,399,894,000: *Provided*, That U.S. Immigration and Customs Enforcement shall maintain a level of not fewer than 33,400 detention beds throughout fiscal year 2011.

SEC. 1612. Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Immigration and Customs Enforcement, Automation Modernization" shall be \$75,000,000.

SEC. 1613. Notwithstanding section 1101, the level for "Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction" shall be \$0.

SEC. 1614. Notwithstanding section 1101, the level for "Department of Homeland Security, Transportation Security Administration, Aviation Security" shall be \$5,113,796,000: *Provided*, That the amounts included under such heading in Public Law 111-83 shall be applied to funds appropriated by this division as follows: by substituting "\$5,113,796,000" for "\$5,214,040,000"; by substituting "\$4,121,329,000" for "\$4,358,076,000"; by substituting "\$607,891,000" for "\$1,116,406,000"; by substituting "\$992,467,000" for "\$855,964,000"; by substituting "\$291,266,000" for "\$778,300,000"; by substituting "9 percent" for "28 percent"; and by substituting "\$3,013,796,000" for "\$3,114,040,000": *Provided further*, That none of the funds in this division may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: *Provided further*, That not later than August 15, 2011, the Secretary of Homeland Security shall submit a detailed report on (1) the Department's efforts and the resources being devoted to develop more ad-

vanced, integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs, and (2) how the Transportation Security Administration is deploying its existing screener workforce in the most cost-effective manner.

SEC. 1615. Notwithstanding section 1101, the level for "Department of Homeland Security, Transportation Security Administration, Surface Transportation Security" shall be \$105,961,000.

SEC. 1616. Notwithstanding section 1101, the level for "Department of Homeland Security, Transportation Security Administration, Transportation Threat Assessment and Credentialing" shall be \$162,999,000.

SEC. 1617. Notwithstanding section 1101, the level for "Department of Homeland Security, Transportation Security Administration, Transportation Security Support" shall be \$988,638,000: *Provided*, That within "Department of Homeland Security, Transportation Security Administration, Transportation Security Support", funding for intelligence and international programs shall be no less than the level provided for such purposes for fiscal year 2010: *Provided further*, That within "Department of Homeland Security, Transportation Security Administration, Transportation Security Support", funding for headquarters administration and information technology shall not exceed \$705,239,000.

SEC. 1618. Notwithstanding section 1101, the level for "Department of Homeland Security, Transportation Security Administration, Federal Air Marshals" shall be \$934,802,000.

SEC. 1619. Notwithstanding section 1101, the level for "Department of Homeland Security, Coast Guard, Operating Expenses" shall be \$6,885,432,000 of which \$241,503,000 is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress), and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress): *Provided*, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU-25 aircraft, and one Maritime Safety and Security Team, and may make necessary staffing adjustments at the Coast Guard Investigative Service and other support units, as specified in the budget justification materials for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That the Coast Guard shall submit a future-years capital investment plan, as specified in the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83), for fiscal years 2012 through 2016 to the Committees on Appropriations of the Senate and House of Representatives in conjunction with the budget justification materials for fiscal year 2012.

SEC. 1620. Notwithstanding section 1101, the level for "Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements" shall be \$1,427,783,000, of which \$42,000,000 shall be for vessels, small boats, critical infrastructure, and related equipment; of which \$36,000,000 shall be for other equipment; of which \$49,200,000 shall be for shore facilities and aids to navigation facilities; of which \$106,083,000 shall be available for personnel compensation and benefits and related costs; and of which \$1,194,500,000 shall be for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program,

\$101,000,000 is for aircraft and \$938,000,000 is for surface ships.

SEC. 1621. Notwithstanding section 1101, the level for "Department of Homeland Security, Coast Guard, Alteration of Bridges" shall be \$0.

SEC. 1622. Notwithstanding section 1101, the level for "Department of Homeland Security, United States Secret Service, Salaries and Expenses" shall be \$1,499,669,000.

SEC. 1623. Notwithstanding section 1101, the level for "Department of Homeland Security, National Protection and Programs Directorate, Management and Administration" shall be \$43,577,000.

SEC. 1624. Notwithstanding section 1101, the level for "Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security" shall be \$805,965,000.

SEC. 1625. Notwithstanding section 1101, the level for "Department of Homeland Security, National Protection and Programs Directorate, United States Visitor and Immigrant Status Indicator Technology" shall be \$334,613,000.

SEC. 1626. Notwithstanding section 1101, the level for "Department of Homeland Security, Office of Health Affairs" shall be \$134,250,000.

SEC. 1627. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Emergency Management Agency, Management and Administration" shall be \$773,350,000, of which \$0 shall be for capital improvements at the Mount Weather Emergency Operations Center.

SEC. 1628. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs" shall be \$2,149,500,000: *Provided*, That of the amount provided by this division for the State Homeland Security Grant Program under such heading, \$50,000,000 shall be for the Driver's License Security Grant Program and \$10,000,000 shall be for the Citizen Corps Program: *Provided further*, That the amounts provided by this division for the Citizen Corps Program under such heading shall not be subject to the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.): *Provided further*, That the amounts included under such heading in Public Law 111-83 shall be applied to funds appropriated by this division as follows: in paragraph (1), by substituting "\$900,000,000" for "\$950,000,000"; in paragraph (2), by substituting "\$800,000,000" for "\$887,000,000"; in paragraph (3), by substituting "\$0" for "\$35,000,000"; in paragraph (5), by substituting "\$0" for "\$13,000,000"; in paragraph (6), by substituting "\$100,000,000" for "\$300,000,000"; in paragraph (7), by substituting "\$100,000,000" for "\$300,000,000"; in paragraph (8), by substituting "\$5,000,000" for "\$12,000,000"; in paragraph (9), by substituting "\$0" for "\$50,000,000"; in paragraph (10), by substituting "\$0" for "\$50,000,000"; in paragraph (11), by substituting "\$0" for "\$50,000,000"; in paragraph (12), by substituting "\$0" for each amount in such paragraph; in paragraph (13), by substituting "\$203,500,000" for "\$267,200,000"; in paragraph (13)(A), by substituting "\$112,500,000" for "\$164,500,000"; in paragraph (13)(B), by substituting "\$0" for "\$1,700,000"; and in paragraph (13)(C), by substituting "\$0" for "\$3,000,000": *Provided further*, That 4.5 percent of the amount provided for "Department of Homeland Security, Federal Emergency Management Agency, State and Local

Programs" by this division shall be transferred to "Department of Homeland Security, Federal Emergency Management Agency, Management and Administration" for program administration.

□ 0050

Mr. ADERHOLT (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 253, line 6 be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1629. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Emergency Management Agency, Firefighter Assistance Grants" for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), shall be \$300,000,000, of which \$30,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$0 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

AMENDMENT NO. 223 OFFERED BY MR. PASCRELL

Mr. PASCRELL. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 253, line 12, after the first dollar amount, insert "(increased by \$510,000,000)".

Page 253, line 12, after the second dollar amount, insert "(increased by \$90,000,000)".

Page 253, line 14, after the dollar amount, insert "(increased by \$420,000,000)".

Page 255, line 21, after the dollar amount, insert "(reduced by \$510,000,000)".

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PASCRELL. Mr. Chairman, as a former mayor, I have always believed that our Nation's first responders constitute both our first and our last line of defense for the American people. This continuing resolution before us today fails our first responders. Regrettably, we are treating these public safety officers as being non-security, discretionary spending and have subjected them to drastic cuts.

Real homeland security starts on our streets. We all remember on 9/11 when we were attacked on our own soil. It was our brave cops and firefighters who ran into the burning buildings. The Federal Government was not there. To say that funding our cops and firefighters is not national security spending is ludicrous. Our brave local police officers and firefighters who protect our streets day and night are the very essence of our national security.

Earlier in the process we debated the COPS Program. An amendment tonight restores critical funding for its counterpart, the FIRE Act and the SAFER Grant programs. The continuing reso-

lution significantly reduces funding for the FIRE Act and eliminates all funding for SAFER grants, over \$510 million in cuts in total. This would absolutely be devastating for our public safety professionals who rely on this funding for the equipment and personnel they need to protect our communities.

The FIRE and SAFER grants help local fire departments equip, train and maintain their personnel, preparing them to respond to all forms of an emergency. And things changed, didn't they, after 9/11? An independent evaluation of the FIRE program published by the U.S. Fire Administration concluded that it was highly effective in improving the readiness and capabilities of firefighters across the Nation.

I may add, Mr. Chairman, that the FIRE programs and the COPS programs are among the highest efficiency and most effective programs run by the Federal Government. The money goes directly to the communities, so States can't skim off the top. They are effective and they are competitive, and no one has challenged that in 10 years.

SAFER has been critical to many local departments who, as a result of recent economic downturns, have been forced to cut personnel and services.

What effect would cuts to these programs have? Let's go to the real world and not the video.

Bethesda Volunteer Fire Department in Coleman, Alabama, they used the FIRE grant to purchase personnel protective equipment which now allows them to enter a burning structure to search for victims and to extinguish the fires. Previously, the department did not have the proper equipment to do this. Today they have greatly reduced the amount of total-loss structures in their region.

North County Fire Protection District in Holbrook, California, they were able to purchase emergency backup power generators. During the 2007 San Diego firestorms, power failed throughout the community early on the first day and was not completely restored in the community for 2 weeks. The emergency power generators they purchased with their FIRE grant allowed them to keep all of the facilities fully functional.

Before the Belle Chasse Volunteer Fire Department in Belle Chasse, Louisiana, received a SAFER grant in 2008, the department could not comply with the National Fire Protection Association standards. There is such a thing. Before we cut something, we should know what the alternatives are. Its initial alarm assignment capability was only 20 percent in that time. That insufficient level of service put the communities and the volunteer firefighters at considerable risk for injury or even the loss of life.

Thanks to a SAFER grant, the department was able to hire 45 fire-

fighters, increase the rate of compliance, and it is now estimated that the compliance is 90 percent and they have increased their initial alarm dispatch with three more engine companies.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. PASCRELL was allowed to proceed for 1 additional minute.)

Mr. PASCRELL. Together, FIRE and SAFER grants have provided over \$7 billion in firefighter jobs, equipment and training for local fire departments. It is serious business. We are talking life and limb, and we are talking about property here. To me, cutting these critical programs is wrong, especially when local fire department budgets are already strained. We are facing it in all of our districts. You know that.

My amendment restores the funding for FIRE and SAFER to their fiscal 2010 amounts: \$390 million for FIRE, \$420 million for SAFER. Because of the rule, we are forced to reluctantly take funding from DHS Science and Technology. If this amendment passes, I hope we can restore some of the funding during conference.

I hope that both sides will come together on this. It has bipartisan support. We need to protect our firefighters.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, this CR strikes the right balance between funding priority programs that are essential to our Nation's security and keeping our discretionary spending in check. Let me just say that \$300 million is included in this CR for fire equipment, and this only applies to the SAFER grants. As has been stated, there are no funds in the bill for SAFER grants.

Just 5 years ago, this program was funded at \$65 million, but last year it had ballooned to \$420 million and included a waiver for the cost-share requirements with local governments. In 2009, Congress provided \$210 million for the SAFER grants, supporting 1,236 jobs at the high cost of \$170,000 per job.

In the just-released FY12 request, the Department of Homeland Security plans to create or retain 2,200 firefighters at a cost of \$190,000 per job. This seems unrealistic at a time when our Nation faces serious fiscal constraints. While we all know local budgets are under fiscal pressures, the hiring of local firefighters at a cost of \$190,000 per job should not be borne by the Federal Government. These cuts will not be easy, but they are long overdue and necessary to address our out-of-control Federal spending.

Beyond this, the proposed offset is not prudent and ignores the fact that

this CR has already cut the Science and Technology Directorate funding. This enormous reduction to a budget that barely amounts to \$1 billion would absolutely be devastating.

□ 0100

S&T is the single organization within the Department of Homeland Security that performs research and stimulates and funds related research initiatives within the private sector—to include work underway at the Transportation Security Laboratory in New Jersey and at the Pacific Northwest Laboratory. The projects that this funding supports are crucial to the homeland mission, and this cut will either significantly slow or end their progress.

I would urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in qualified support of this amendment.

The bill before us eliminates the firefighter hiring program, known as SAFER, and it reduces funding for grants to purchase fire equipment by 23 percent. If adopted, these cuts will result in over 2,400 firefighters being laid off in 2011 and prevent fire departments from purchasing equipment, breathing apparatus, and protective gear that our firefighters depend on during a time of emergency. This is simply not acceptable.

During my tenure as chairman of the Homeland Security Appropriations Committee, we ensured that not only was funding providing for these critical firefighter programs, but that these dollars could be used flexibly in this time of economic stress to retain firefighters that might lose their jobs, to rehire firefighters that have been laid off due to economic conditions, as well as to hire new firefighters.

Repeatedly, I hear from communities that were able to use funds for these purposes. For example, in Plaquemines Parish, Louisiana, SAFER funding was used to hire and retain a total of 73 firefighters, ensuring that seven departments had salaried firefighters and that 12 parish fire stations could be manned 24 hours a day, 7 days a week.

The North Las Vegas Fire Department was able to hire 15 new firefighters with a SAFER grant, permitting them to open an eighth fire station, thereby reducing response times and enhancing the level of protection for city residents as well as the millions of visitors to Las Vegas.

Spanish Forth, Alabama, recently received a SAFER grant that allowed them to retain their whole roster of firefighters instead of letting some go. Collinsville, Illinois, received a recent

grant, allowing them to retain five firefighters who otherwise would have been laid off.

Retaining this funding, Mr. Chairman, preserves government services that are critical to our public safety and security. Local governments are already facing serious budget constraints. The CR simply exacerbates the layoffs we're already seeing with public safety personnel. This amendment will help keep thousands of firefighters on the job.

Mr. Chairman, I must express some reservations about how the increase in firefighter grants is paid for in this amendment. The gentleman's amendment drastically reduces funding for research and development activities throughout the Department of Homeland Security. It's not desirable or wise to cut the Department's research and development budget so much. But, unfortunately, the majority has prevented us from paying for these amendments from other parts of the bill, and the overall allocation for Homeland Security and the rest of the domestic agencies is completely inadequate.

So I support this amendment, but I'll work diligently to restore these funding cuts as the bill progresses and we get down to responsible budgeting in negotiations with the Senate and the White House.

Mr. Chairman, Members have a choice to make: Support this amendment and support your local firefighters, or vote "no" and see a decline in critical first responder personnel in this country and in the options available to hard-pressed local communities.

I urge my colleagues to vote "yes" on this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. I yield to the chairman of the subcommittee.

Mr. ADERHOLT. Let me say, Mr. Chairman, that I realize the importance that these grants do contribute, and the bottom line right now is we simply can't afford it in the position we're in right now. As we move forward for the FY12 budget, I'll be happy to work with the ranking member of the subcommittee and the gentleman from New Jersey as we move forward to try to work on this. But the bottom line is today we cannot afford this at this point, but I certainly would look forward to working with both of them as we move forward in FY12.

At the end of the day, on the amendment today, I do urge my colleagues to oppose the amendment that we have before us.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PASCRELL. To zero out one of the most effective and efficient programs in the Federal Government—and all objective observers have come to that conclusion. And yes, we do have to cut. That's why we're here. But we don't have to cut what is an essential service when we know what the results of this legislation have brought. I have been on Homeland Security from day one. I think I know it. But that's beside the point.

Today, we know what the results have been of this legislation. So, for the 2,400 firefighters right off that bat that would be laid off, because this is a 3-year plan, there's certain matches that have to go into it. Those matches have been reduced so that other local communities can get involved.

When we see what happens with many Federal programs that go through States and never wind up to do what they have to do, this stands out above everything else. It is not enough for us to pat firefighters on the back, to bring our grandkids to get up on the fire engines when we are pulling the rug out from under them.

When this passed 10 years ago, there were fire companies throughout the United States that had to push their equipment to the fire. We are here at 1 o'clock in the morning questioning that this is not a priority of ours and we can't afford this right now. I can tell you what we can't afford. We can't afford other things in other places, but we need to protect our first responders. If we meant what we said on 9/12/2001, then we need to do something right now to protect them.

This is a visceral subject, there's no question about it. I have not heard one argument where this legislation has let us down one iota. In fact, it has delivered what it said it was going to deliver.

Whether you be volunteers or career firefighters, you are assisted by the SAFER bill, and we made it that way. When you look at the FIRE Act itself, that act went to all the small departments. In fact, we skewed it. The first 2 years of the program was to go to smaller fire departments, not to big cities, and we followed through on that.

Do you know how these applications are evaluated? They're evaluated by peers. It costs us very little to do it. That's why it's efficient as well as an effective program. We should all belong to the Police Caucus and the Fire Caucus. They don't need our pats on the back. They don't need our words of inspiration. What they need is some help to put enough people out there.

These are people's lives we're talking about. How dare we even consider. You talk about 6 years ago. The conditions of our municipalities large and small are quite different now than they were 6 years ago. They're laying off cops and firefighters.

Someone mentioned when we were discussing the COPS program earlier this evening—last night—they were talking about what happened in Camden, New Jersey. They're laying off half the fire department and half the police department. Don't we have some responsibility in this?

And, by the way, that part of Homeland Security which protects the Nation and protects them through our first responders, since they're the fire people there, God knows, when a catastrophe occurs, what, are we putting the brakes on that? Are we going out on recess? These are the line between us and perhaps disaster. We cannot.

Much of the equipment that was bought in the FIRE Act, competitive bidding, much of that equipment saved lives already. Most of the firefighters—all of the firefighters—who were hired, because we wanted to give someone in every town some edge when they were down below the ranks that they should have, those firefighters save lives.

□ 0110

Mr. Chairman, we need bipartisan support on this amendment. It is good for America, and it works. No one has questioned that this evening.

I yield back the balance of my time.

Mr. HOYER. Mr. Chair, our country is in deep fiscal trouble, and cutting wasteful or low-priority spending is part of getting back to fiscal balance. But there is nothing low-priority about the firefighters who protect our communities, our families, and our homes. It is another example of Republicans' short-sighted and reckless approach to cutting spending that they are willing to take 2,400 firefighters off of the streets by passing this spending bill. To prevent that blow to public safety, I support Rep. PASCRELL's amendment, which would protect funding for the vital FIRE and SAFER grant programs.

FIRE and SAFER help fire departments across America recruit, train, and retain skilled firefighters, and help departments equip them with the up-to-date tools they need to protect property and save lives. These grant programs have helped our community firefighters afford protective equipment that helps them enter burning buildings, backup power generators that keep their stations running during emergencies, and full staffing, so that fire departments are not sitting empty or underprepared when disasters strike. In an independent study, the U.S. Fire Administration found that grants like these are making fire departments across the country more prepared for emergencies, and better equipped to do their job.

The Republican spending bill would not only cost us the jobs of thousands of public servants who risk their lives for our safety—it would put communities across the country at greater risk. I urge my colleagues to pass this amendment and restore these vital investments in public safety.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I would like to talk briefly about the amendment offered by my friend from New Jersey, Mr. PASCRELL.

The Pascrell amendment would restore funding to the fire grant programs which was

cut by the Republicans in the CR. I wholeheartedly support the notion of restoring this funding. However, I must oppose this amendment because it restores the fire grant funding by cutting an equal amount from the Department of Homeland Security's Science and Technology Directorate.

The proposed \$510 million cut to the Science & Technology Directorate is on top of an \$85 million cut already proposed in the CR. If this amendment is adopted, the budget for the Science and Technology Directorate will fall to \$410 million from \$1.005 billion in FY 2010. This would be a 59 percent cut from FY 2010 levels. The magnitude of this cut would cripple the DHS Science and Technology Directorate. Some of the specific effects of this cut include:

- Elimination of all border security and maritime security research and development which includes cargo security research and development;

- Termination of all first responder research and development;

- Termination of all cyber security research and development;

- Termination of all non-aviation explosives research and development;

- Elimination of all human factors research and development including all biometric identification work;

- Elimination of all infrastructure and geophysical research and development including first responder monitoring and tracking work;

- Significant cuts to chemical and biological research and development;

- Significant cuts to radiological and nuclear research and development;

- Elimination of all university programs including the Minority Serving Institution program.

While the Republican cuts to the fire grants program in the CR are devastating, I cannot support solving one problem by creating an equally devastating one. And make no mistake, these cuts to the S&T Directorate will cripple our nation's ability to respond to future threats. As terrorists evolve and adapt, we must do so as well, and the S&T Directorate is at the forefront of this effort.

For these reasons, I must reluctantly oppose the Pascrell amendment, and urge a "no" vote on its adoption.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

Mr. ADERHOLT. Mr. Chairman, I ask unanimous consent that the bill through page 263, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of that portion of the bill is as follows:

SEC. 1630. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Emergency Management Agency, Emergency Management Performance Grants" shall be \$300,000,000.

SEC. 1631. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Emergency Management Agency, Disaster Relief" shall be \$3,165,000,000.

SEC. 1632. Notwithstanding section 1101, in fiscal year 2011, funds shall not be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) for operating expenses in excess of \$110,000,000, and for agents' commissions and taxes in excess of \$963,339,000: *Provided*, That notwithstanding section 1101, for activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be \$169,000,000, which shall be derived from offsetting collections assessed and collected under 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), of which not to exceed \$22,145,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than \$146,855,000 shall be available for floodplain management and flood mapping, which shall remain available until September 30, 2012.

SEC. 1633. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Emergency Management Agency, National Predisaster Mitigation Fund" shall be \$65,000,000.

SEC. 1634. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Emergency Management Agency, Emergency Food and Shelter" shall be \$100,000,000.

SEC. 1635. Notwithstanding section 1101, the level for "Department of Homeland Security, United States Citizenship and Immigration Services" shall be \$275,776,000, of which \$151,376,000 is for processing applications for asylum and refugee status, and of which \$103,400,000 shall be for the E-Verify Program: *Provided*, That none of the funds made available under this heading may be used for grants for immigrant integration.

SEC. 1636. Notwithstanding section 1101, the level for "Department of Homeland Security, Federal Law Enforcement Training Center, Acquisitions, Construction, Improvements, and Related Expenses" shall be \$38,456,000.

SEC. 1637. Notwithstanding section 1101, the level for "Department of Homeland Security, Science and Technology, Management and Administration" shall be \$141,200,000.

SEC. 1638. Notwithstanding section 1101, the level for "Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations" shall be \$778,906,000: *Provided*, That the final proviso included under the heading "Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations" in the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) shall have no force or effect.

SEC. 1639. Notwithstanding section 1101, the level for "Department of Homeland Security, Domestic Nuclear Detection Office, Management and Administration" shall be \$36,992,000.

SEC. 1640. Notwithstanding section 1101, the level for "Department of Homeland Security, Domestic Nuclear Detection Office,

Research, Development, and Operations" shall be \$293,537,000.

SEC. 1641. (a) Section 560 of Public Law 111-83 shall not apply to funds appropriated by this division.

(b) Upon completion of 50 percent of design planning for the National Bio- and Agro-Defense Facility, and prior to construction of that facility, the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-Defense Facility and addresses shortcomings identified in the National Academy of Sciences' evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment.

(c) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (b) shall—

(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-Defense Facility site;

(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and Federal authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-Defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

(d) The Department of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (b). The National Academy of Sciences shall submit a report on such evaluation within four months after the date the Department of Homeland Security concludes its risk assessment.

SEC. 1642. Section 503 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) is amended by adding at the end the following:

"(e) The notification thresholds and procedures set forth in this section shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years."

SEC. 1643. For fiscal year 2011, sections 529, 541, and 545 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2174, 2176) shall have no force or effect.

SEC. 1644. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2010," and inserting "Until September 30, 2011,"; and

(2) in subsection (d)(1), by striking "September 30, 2010," and inserting "September 30, 2011,".

SEC. 1645. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking "2010" and inserting "2011".

SEC. 1646. Of the funds transferred to the Department of Homeland Security when it

was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

- (1) "Operations", \$1,891,657;
- (2) "Violent Crime Reduction Program", \$4,912,245;
- (3) "U.S. Customs and Border Protection, Salaries and Expenses", \$21,210,423; and
- (4) "Office for Domestic Preparedness", \$10,568,964.

SEC. 1647. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83; 123 Stat. 2174) are rescinded: \$886,665 from "Office of the Secretary and Executive Management"; \$604,342 from "Office of the Under Secretary for Management"; \$24,379 from the "Office of the Chief Financial Officer"; \$29,741 from "Office of the Chief Information Officer"; \$218,173 from "Analysis and Operations"; \$76,498 from "Office of the Federal Coordinator for Gulf Coast Rebuilding"; \$197,272 from "Office of Inspector General"; \$11,373,129 from "U.S. Customs and Border Protection, Salaries and Expenses"; \$691,552 from "U.S. Immigration and Customs Enforcement, Salaries and Expenses"; \$2,555,962 from "Transportation Security Administration, Federal Air Marshals"; \$8,617,331 from "Coast Guard, Operating Expenses"; \$2,965,312 from "Coast Guard, Reserve Training"; \$83,784 from "National Protection and Programs Directorate, Management and Administration"; \$551,737 from "National Protection and Programs Directorate, Infrastructure Protection and Information Security"; \$704,700 from "United States Secret Service, Salaries and Expenses"; \$863,628 from "Federal Emergency Management Agency, Management and Administration"; \$864,660 from "Office of Health Affairs"; \$7,945,983 from "United States Citizenship and Immigration Services"; \$960,828 from "Federal Law Enforcement Training Center, Salaries and Expenses"; \$353,524 from "Science and Technology, Management and Administration"; and \$45,468 from "Domestic Nuclear Detection Office, Management and Administration".

SEC. 1648. Of the funds appropriated to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:

- (1) "Department of Homeland Security, U.S. Customs and Border Protection, Automation Modernization", \$10,000,000.
- (2) "Department of Homeland Security, U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology", \$119,000,000.
- (3) "Department of Homeland Security, Office of Health Affairs", \$5,562,000.
- (4) "Department of Homeland Security, Federal Emergency Management Agency, National Disaster Mitigation Fund", \$18,173,641.

(5) "Department of Homeland Security, Science and Technology, Research, Development, Acquisition, and Operations", \$8,500,000.

(6) "Department of Homeland Security, Domestic Nuclear Detection Office, Research, Development, and Operations", \$17,100,000.

(7) "Department of Homeland Security, Coast Guard, Acquisition, Construction, and Improvements", \$1,122,000.

SEC. 1649. Of the unobligated balances available for "Department of Homeland Security, U.S. Customs and Border Protection,

Construction" for construction projects, \$106,556,000 is rescinded: *Provided*, That the amounts rescinded under this section shall be limited to amounts available for Border Patrol projects and facilities as recommended by the Department of Homeland Security in the fiscal year 2011 budget request.

SEC. 1650. Of the unobligated balances made available under section 44945 of title 49, United States Code, \$800,000 is rescinded.

SEC. 1651. Of the unobligated balances available for "Department of Homeland Security, Transportation Security Administration", \$15,000,000 is rescinded: *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

SEC. 1652. Of the unobligated balances available for "Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security", the following amounts are rescinded:

(1) \$6,000,000 from Next Generation Networks.

(2) \$9,600,000 to be specified in a report submitted by the Secretary of Homeland Security to the Committees on Appropriations of the Senate and the House of Representatives no later than 15 days after the date of enactment of this division, that describes the amounts rescinded and the original purpose of such funds.

SEC. 1653. From the unobligated balances of funds made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102-393, \$22,600,000 is rescinded.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALDERHOLT) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON ETHICS FOR THE 112TH CONGRESS

Mr. BONNER. Mr. Speaker, I submit for publication the attached copy of the Rules of the Committee on Ethics for the U.S. House of Representatives for the 112th Congress. The Committee on Ethics adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 15, 2011. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

FOREWORD

The Committee on Ethics is unique in the House of Representatives. Consistent with

the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 112th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) "Committee" means the Committee on Ethics.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigate," "Investigating," and/or "Investigation" mean review of the conduct of a Member, officer or employee of the House of Representatives that is conducted or authorized by the Committee, an investigative subcommittee, or the Chair and Ranking Minority Member of the Committee.

(e) "Board" means the Board of the Office of Congressional Ethics.

(f) "Referral" means a report sent to the Committee from the Board pursuant to House Rules and all applicable House Resolutions regarding the conduct of a House Member, officer or employee, including any accompanying findings or other supporting documentation.

(g) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(h) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(i) "Adjudicatory Subcommittee" means a subcommittee designated pursuant to Rule

23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(j) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(k) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(l) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(m) "Member" means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice, including reviews of requests for privately-sponsored travel pursuant to the Committee's travel regulations; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) Requests for privately-sponsored travel shall be treated like any other request for a written opinion for purposes of paragraphs (g) through (l).

(1) The Committee's Travel Guidelines and Regulations shall govern the request submission and Committee approval process for privately-sponsored travel consistent with House Rules.

(2) A request for privately-sponsored travel of a Member, officer, or employee shall include a completed and signed Traveler Form that attaches the Private Sponsor Certification Form and includes all information required by the Committee's travel regulations. A private sponsor offering officially-connected travel to a Member, officer, or employee must complete and sign a Private Sponsor Certification Form, and provide a copy of that form to the invitee(s).

(3) Any individual who knowingly and willfully falsifies, or who knowingly and will-

fully fails to file a Traveler Form or Private Sponsor Certification Form may be subject to civil penalties and criminal sanctions pursuant to 18 U.S.C. §1001.

(g) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(h) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(i) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(m), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(j) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto. Upon request of any Member, officer, or employee who has submitted a written request for an opinion or submitted a request for privately-sponsored travel, the Committee may release to the requesting individual a copy of their own written request for advice or submitted travel forms, any subsequent written communications between such individual and Committee staff regarding the request, and any Committee advisory opinion or travel letter issued to that individual in response. The Committee shall not release any internal Committee staff work product, communications or notes in response to such a request, except as authorized by the Committee.

(k) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(l) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(n) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(o) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

RULE 4. FINANCIAL DISCLOSURE

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to

file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) Any Financial Disclosure Reports filed by Members of the Board of the Office of Congressional Ethics that are forwarded to the Committee by the Clerk shall not be subject to paragraphs (d) through (q) of this Rule regarding Financial Disclosure Statements filed pursuant to Title I of the Ethics in Government Act of 1978. The Office of Congressional Ethics retains jurisdiction over review of the timeliness and completeness of filings by Members of the Board as the Board's supervising ethics office.

(d) The Chair and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a non-incumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(e) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(f) Any individual who files a report required to be filed under Title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of \$200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(g) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(h) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(i) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(0)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(j) The Committee shall designate staff counsel who shall review Financial Disclosure

Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(k) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(l) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(m) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(n) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(o) Within the time specified, including any extension granted in accordance with clause (d), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(p) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(q) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

RULE 5. MEETINGS

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive ses-

sion unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

RULE 6. COMMITTEE STAFF

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

RULE 7. CONFIDENTIALITY

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Ethics, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House. This rule shall not prohibit the Chair or Ranking Minority Member from disclosing to the Board of the Office of Congressional Ethics the existence of a Committee investigation, the name of the Member, officer or employee of the House who is the subject of that investigation, and a brief statement of the scope of that investigation in a written request for referral pursuant to Rule 17A(k). Such disclosures will only be made subject to written confirmation from the Board that the information provided by Chair or Ranking Minority Member will be kept confidential by the Board.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) Except as provided in Rule 17A, the Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's

final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

RULE 8. SUBCOMMITTEES—GENERAL POLICY AND STRUCTURE

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

RULE 9. QUORUMS AND MEMBER DISQUALIFICATION

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is the respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, the Chair shall so notify the Speaker and ask the Speaker to designate a

Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

RULE 10. VOTE REQUIREMENTS

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

- (1) Issuing a subpoena.
- (2) Adopting a full Committee motion to create an investigative subcommittee.
- (3) Adopting or amending of a Statement of Alleged Violation.
- (4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.
- (5) Sending a letter of reproval.
- (6) Adopting a recommendation to the House of Representatives that a sanction be imposed.
- (7) Adopting a report relating to the conduct of a Member, officer, or employee.
- (8) Issuing an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

RULE 11. COMMITTEE RECORDS

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

RULE 12. BROADCASTS OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(c) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(d) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

RULE 13. HOUSE RESOLUTION

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

RULE 14. COMMITTEE AUTHORITY TO INVESTIGATE—GENERAL POLICY

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives,

the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, undertakes an investigation;

(4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony;

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(6) a referral from the Board is transmitted to the Committee.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

RULE 15. COMPLAINTS

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, "Signed and sworn to (or affirmed) before me on (date) by (the name of the person)" setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any

new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

RULE 16. DUTIES OF COMMITTEE CHAIR AND RANKING MINORITY MEMBER

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

RULE 17. PROCESSING OF COMPLAINTS

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within 5 days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information relevant to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

RULE 17A. REFERRALS FROM THE BOARD OF THE OFFICE OF CONGRESSIONAL ETHICS

(a) The Committee has exclusive jurisdiction over the interpretation, administration, and enforcement of the Code of Official Conduct pursuant to clause 1(g) of House Rule X. Receipt of referrals from the Board under this rule does not limit the Committee's discretion to address referrals in any way through the appropriate procedures authorized by Committee Rules. The Committee shall review the report and findings transmitted by the Board without prejudice or presumptions as to the merit of the allegations.

(b)(1) Whenever the Committee receives either (A) a referral containing a written report and any findings and supporting documentation from the Board; or (B) a referral from the Board pursuant to a request under Rule 17A(k), the Chair shall have 45 calendar days or 5 legislative days after the date the referral is received, whichever is later, to make public the report and findings of the Board unless the Chair and Ranking Minority Member jointly decide, or the Committee votes, to withhold such information for not more than one additional 45-day period.

(2) At least one calendar day before the Committee makes public any report and findings of the Board the Chair shall notify in writing the Board and the Member, officer, or employee who is the subject of the referral of the impending public release of these documents. At the same time, Chair shall transmit a copy of any public statement on the Committee's disposition of the matter and any accompanying Committee report to the individual who is the subject of the referral.

(3) All public statements and reports and findings of the Board that are required to be

made public under this Rule shall be posted on the Committee's website.

(c) If the OCE report and findings are withheld for an additional 45-day period pursuant to paragraph (b)(1), Chair shall—

(1) make a public statement that the Committee has decided or voted to extend the matter referred from the Board on the day of such decision or vote; and

(2) make public the written report and findings pursuant to paragraph (b) upon the termination of such additional period.

(d) If the Board transmits a report with a recommendation to dismiss or noting a matter as unresolved due to a tie vote, and the Committee votes to extend the matter for an additional period as provided in paragraph (b), the Committee is not required to make a public statement that the Committee has voted to extend the matter pursuant to paragraph (b)(1).

(e) If the Committee votes to dismiss a matter referred from the Board, the Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c) unless the Committee's vote is inconsistent with the recommendation of the Board. A vote by the Committee to dismiss a matter is not considered inconsistent with a report from the Board that the matter is unresolved by the Board due to a tie vote.

(f) Except as provided by paragraph (g):

(1) If the Committee establishes an investigative subcommittee respecting any matter referred by the Board, then the report and findings of the Board shall not be made public until the conclusion of the investigative subcommittee process pursuant to Rule 19. The Committee shall issue a public statement noting the establishment of an investigative subcommittee, which shall include the name of the Member, officer, or employee who is the subject of the inquiry, and shall set forth the alleged violation.

(2) If any such investigative subcommittee does not conclude its review within one year after the Board's referral, then the Committee shall make public the report of the Board no later than one year after the referral. If the investigative subcommittee does not conclude its review before the end of the Congress in which the report of the Board is made public, the Committee shall make public any findings of the Board on the last day of that Congress.

(g) If the vote of the Committee is a tie or the Committee fails to act by the close of any applicable period(s) under this rule, the report and the findings of the Board shall be made public by the Committee, along with a public statement by the Chair explaining the status of the matter.

(h)(1) If the Committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on a matter referred by the Board under paragraph (b)—

(A) The Committee is not required to make public the written report and findings of the Board pursuant to paragraph (c), except that if the recommendation of the Board is that the matter requires further review, the Committee shall make public the written report of the Board but not the findings; and

(B) The Committee shall make a public statement that it is deferring taking action on the matter at the request of such law enforcement or regulatory authority within one day (excluding weekends and public holidays) of the day that the Committee agrees to the request.

(2) If the Committee has not acted on the matter within one year of the date the public

statement described in paragraph (h)(1)(B) is released, the Committee shall make a public statement that it continues to defer taking action on the matter. The Committee shall make a new statement upon the expiration of each succeeding one-year period during which the Committee has not acted on the matter.

(i) The Committee shall not accept, and shall return to the Board, any referral from the Board within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate.

(j) The Committee may postpone any reporting requirement under this rule that falls within that 60-day period until after the date of the election in which the subject of the referral is a candidate. For purposes of calculating any applicable period under this Rule, any days within the 60-day period before such an election shall not be counted.

(k)(1) At any time after the Committee receives written notification from the Board of the Office of Congressional Ethics that the Board is undertaking a review of alleged conduct of any Member, officer, or employee of the House at a time when the Committee is investigating, or has completed an investigation of the same matter, the Committee may so notify the Board in writing and request that the Board cease its review and refer the matter to the Committee for its consideration immediately. The Committee shall also notify the Board in writing if the Committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities by the end of any applicable time period specified in Rule 17A (including any permissible extension).

(2) The Committee may not request a second referral of the matter from the Board if the Committee has notified the Board that it is unable to resolve the matter previously requested pursuant to this section. The Board may subsequently send a referral regarding a matter previously requested and returned by the Committee after the conclusion of the Board's review process.

RULE 18. COMMITTEE-INITIATED INQUIRY OR INVESTIGATION

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established. The Chair and Ranking Minority Member may also jointly take appropriate action consistent with Committee Rules to resolve the matter.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an investigation into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an

alleged violation that occurred in a more recent Congress.

(e)(1) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

(2) Not later than 30 days after a Member, officer or employee of the House is indicted or otherwise formally charged with criminal conduct in any Federal, State or local court, the Committee shall either initiate an inquiry upon a majority vote of the members of the Committee or submit a report to the House describing its reasons for not initiating an inquiry and describing the actions, if any, that the Committee has taken in response to the allegations.

RULE 19. INVESTIGATIVE SUBCOMMITTEE

(a)(1) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(2) The respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from participating in the inquiry pursuant to Rule 9(e).

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chair of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be

under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or subcommittee member designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or relevance of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its inquiry.

(e) Upon completion of the inquiry, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or em-

ployee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

RULE 20. AMENDMENTS TO STATEMENTS OF ALLEGED VIOLATION

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

RULE 21. COMMITTEE REPORTING REQUIREMENTS

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional

views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

RULE 22. RESPONDENT'S ANSWER

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing

shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

RULE 23. ADJUDICATORY HEARINGS

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of any disqualification and may choose to seek disqualification from serving on the subcommittee pursuant to Rule 9(e).

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or relevance of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other relevant evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness.

The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the relevant provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

RULE 24. SANCTION HEARING AND CONSIDERATION OF SANCTIONS OR OTHER RECOMMENDATIONS

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reprimand or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reprimand constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

RULE 25. DISCLOSURE OF EXCULPATORY INFORMATION TO RESPONDENT

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify

any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

RULE 26. RIGHTS OF RESPONDENTS AND WITNESSES

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(i) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing the respondent of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

RULE 27. FRIVOLOUS FILINGS

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

RULE 28. REFERRALS TO FEDERAL OR STATE AUTHORITIES

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

ADJOURNMENT

Mr. CHAFFETZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 13 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, February 16, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

479. A letter from the Director, Human Capital and Resource Management, Department of Defense, transmitting a letter providing notification that the Department intends to approve the following additions to the current limitations on purchase quantities of specific merchandise items; to the Committee on Armed Services.

480. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1162] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

481. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1156] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

482. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1135] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

483. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1157] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

484. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1150] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

485. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1146] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

486. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes

in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

487. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

488. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

489. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's fiscal year 2010 Performance Report for the Animal Drug User Fee Act; to the Committee on Energy and Commerce.

490. A letter from the Secretary, Department of Health and Human Services, transmitting fiscal year 2010 Performance Report to Congress for the Animal Generic Drug User Fee Act; to the Committee on Energy and Commerce.

491. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle program report for FY 2010; to the Committee on Energy and Commerce.

492. A letter from the Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the September 30, 2010 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on Foreign Affairs.

493. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of a proposed lease with the Government of France (Transmittal No. 09-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

494. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

495. A letter from the Deputy Secretaries, Department of the Interior and the Department of State, transmitting draft legislation to amend Title I of Pub. L. 99-658, 100 Stat. 3672; to the Committee on Foreign Affairs.

496. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

497. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

498. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

499. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the South Atlantic States; Emergency Rule To Delay Effectiveness of the Snapper-Grouper Area Closure; Correction [Docket No.: 101124587-0586-01] (RIN: 0648-BA47) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

500. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XA017) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

501. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Proposed 2011-2013 Fishing Quotas for Atlantic Surfclam and Ocean Quahog [Docket No.: 101013504-0504-02] (RIN: 0648-XY27) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

502. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders (RIN: 0648-XX20) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

503. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Shipping Act, Merchant Marine, and Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Provisions; Fishing Vessel, Fishing Facility and Individual Fishing Quota Lending Program [Docket No.: 0908061221-0533-02] (RIN: 0648-AY16) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

504. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Final Rule to Implement Addenda to 17 Fishing Year (FY) 2010 Sector Operations Plans and Contracts [Docket No.: 100818375-0600-02] (RIN: 0648-XX84) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

505. A letter from the Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as

amended by Public Law 110-81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on July 1, 2009, pursuant to 2 U.S.C. section 1605(b)(1); to the Committee on the Judiciary.

506. A letter from the President and Chief Executive Officer, Little League International, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2010, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

507. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 93. A resolution providing for consideration of the Senate amendment to the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011 (Rept. 112-14). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROE of Tennessee:

H.R. 702. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require States to delay certifying the results of regularly scheduled general elections for Federal office in order to ensure the counting of any marked absentee ballots of absent overseas uniformed services voters that are collected by the Presidential designee under such Act for delivery to State election officials; to the Committee on House Administration.

By Mr. KING of New York (for himself, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. WALSH of Illinois, Mr. MEEHAN, Mr. LONG, and Mr. LATHAM):

H.R. 703. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. DEFazio, Mr. SMITH of Texas, Mr. SHERMAN, Mr. WOLF, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. MARCHANT, Mrs. MYRICK, Mr. GALLEGLY, Mr. KING of Iowa, Mr. WEST, and Mr. BILBRAY):

H.R. 704. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 705. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 706. A bill to direct the Secretary of Energy to establish a pilot program to award grants and loan guarantees to hospitals to carry out projects for the purpose of reducing energy costs and increasing resilience to improve security; to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mrs. SCHMIDT, and Mr. TERRY):

H.R. 707. A bill to prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test; to the Committee on Energy and Commerce.

By Mr. SHUSTER (for himself and Mr. HOLDEN):

H.R. 708. A bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Transportation and Infrastructure.

By Mr. SIREs (for himself, Ms. LEE of California, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. TOWNS, Mr. NADLER, Mr. CARNAHAN, Mrs. MALONEY, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. JACKSON of Illinois, Mr. ELLISON, Mr. COHEN, Mr. ACKERMAN, Mr. HASTINGS of Florida, Ms. CLARKE of New York, Mr. ENGEL, Mr. RANGEL, Mr. SCHIFF, Mr. GONZALEZ, Mr. POLIS, Mr. MCNERNEY, Mr. WEINER, Mr. TURNER, Mrs. NAPOLITANO, Mr. SERRANO, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. FATTAH, and Ms. BORDALLO):

H.R. 709. A bill to authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide Federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN:

H.R. 710. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Ways and Means.

By Ms. HIRONO (for herself, Mr. ANDREWS, and Ms. MATSUI):

H.R. 711. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Education and the Workforce.

By Mr. CAPUANO (for himself, Mrs. CHRISTENSEN, Mr. COHEN, Mr. DEFA-

ZIO, Mr. JACKSON of Illinois, Mr. MCGOVERN, Ms. MOORE, Mr. NADLER, Ms. NORTON, Ms. RICHARDSON, Mr. SABLON, Mr. SHULER, and Mr. COSTELLO):

H.R. 712. A bill to require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 713. A bill to amend the Immigration and Nationality Act to restore certain provisions relating to the definition of aggravated felony and other provisions as they were before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 714. A bill to amend the Immigration and Nationality Act to permit certain Mexican children, and accompanying adults, to obtain a waiver of the documentation requirements otherwise required to enter the United States as a temporary visitor; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 715. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grant funds to be used for the Troops-to-Cops Program; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 716. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize a fire station construction grant program for 5 years, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. FILNER:

H.R. 717. A bill to authorize Federal payment to first responders for costs associated with providing emergency services at the international borders of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 718. A bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 719. A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. NADLER):

H.R. 720. A bill to establish the National Commission on the Anthrax Attacks Upon the United States to examine and report upon the facts and causes relating to the anthrax letter attacks of September and October 2001, and investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent and respond to acts of bioterrorism; to the Committee on the Judiciary.

By Ms. JENKINS (for herself, Mr. BLUMENAUER, Mr. SHUSTER, and Mr. COSTELLO):

H.R. 721. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 722. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 723. A bill to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN of New Jersey:

H.R. 724. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit; to the Committee on Ways and Means.

By Mr. RYAN of Ohio:

H.R. 725. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office"; to the Committee on Oversight and Government Reform.

By Mr. SCHRADER (for himself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 726. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 727. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. STUTZMAN:

H.R. 728. A bill to require that the Government give priority to payment of all obligations on the debt held by the public, payment of Social Security benefits, and military funding in the event that the debt limit is reached; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. DINGELL, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. GONZÁLEZ, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. MORAN, Mr. NADLER, Mr. ROSS of Arkansas, Mr. RUPERSBERGER, Mr. SHERMAN, Mr. SHULER, Mr. TERRY, Mr. TIBERI, Mr. TOWNS, and Mr. WEINER):

H.R. 729. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WOODALL:

H. Con. Res. 17. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. FILNER:

H. Con. Res. 18. Concurrent resolution urging the President to authorize the return to the people of the Philippines of two church bells that were taken by the United States Army in 1901 from the town of Balangiga on the island of Samar, Philippines, and are currently displayed at F.E. Warren Air Force Base, Wyoming; to the Committee on Foreign Affairs.

By Mr. FILNER:

H. Res. 94. A resolution calling for an end to the violence, unlawful arrests, torture,

and ill treatment perpetrated against Iranian citizens, as well as the unconditional release of all political prisoners in Iran; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 730. A bill for the relief of Fernando Javier Cervantes; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 731. A bill for the relief of Aluisa Zace and Ledia Zace; to the Committee on the Judiciary.

By Mr. GONZÁLEZ:

H.R. 732. A bill for the relief of Benita Veliz-Castillo; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROE of Tennessee:

H.R. 702.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 4, Clause 1 of the United States Constitution.

By Mr. KING of New York:

H.R. 703.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. GOODLATTE:

H.R. 704.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization.

By Mr. CAMP:

H.R. 705.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. ENGEL:

H.R. 706.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following pro-

visions of the United States Constitution: Article I, Section 1; Article I, Section 8, Clause 3; and Article I, Section 8, Clause 18.

By Mr. ENGEL:

H.R. 707.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. SHUSTER:

H.R. 708.

Congress has the power to enact this legislation pursuant to the following:

Clause 3, of Section 8, of Article I of the Constitution.

By Mr. SIRES:

H.R. 709.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. WITTMAN:

H.R. 710.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the Sixteenth Amendment.

By Ms. HIRONO:

H.R. 711.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

By Mr. CAPUANO:

H.R. 712.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FILNER:

H.R. 713.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish a uniform Rule of Naturalization; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 714.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish a uniform Rule of Naturalization; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 715.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1 and 18), which grants Congress the power to provide for the common Defense and general Welfare of the United States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 716.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1 and 18), which grants

Congress the power to provide for the common Defence and general Welfare of the United States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 717.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1 and 18), which grants Congress the power to provide for the common Defence and general Welfare of the United States; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 718.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 1, 3, 14, and 18), which grant Congress the power to provide for the general welfare of the United States; to regulate Commerce among the several States; to make rules for the Government; and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 719.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper to execute these powers.

By Mr. HOLT:

H.R. 720.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution.

By Ms. JENKINS:

H.R. 721.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI to the United States Constitution.

Description: The first is "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises . . ." And; the second grants Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. NADLER:

H.R. 722.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 1, 3, and 18.

By Ms. NORTON:

H.R. 723.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. ROTHMAN of New Jersey:

H.R. 724.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect duties, imposts and excises, to pay the debts and provide for the general welfare of the United States; as enumerated in Article I, Section 8.

By Mr. RYAN of Ohio:

H.R. 725.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8 of the U.S. Constitution: To establish Post Offices and post Roads;

By Mr. SCHRADER:

H.R. 726.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 727.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 18, and Article III, Section 1 of the United States Constitution.

By Mr. STUTZMAN:

H.R. 728.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

Article 1, Section 8, Clause 1 of the United States Constitution bestows upon Congress the authority "to pay the Debts and provide for the common Defence and general Welfare of the United States."

Congress is within its constitutionally prescribed role to direct payment of the nation's obligations. The ability to prioritize existing expenditures is subsumed under the authority to pay debts.

By Mr. THOMPSON of California:

H.R. 729.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. FILNER:

H.R. 730.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish a uniform Rule of Naturalization and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. FILNER:

H.R. 731.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (clauses 4 and 18), which grants Congress the power to establish a uniform Rule of Naturalization and to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

By Mr. GONZALEZ:

H.R. 732.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

Article 1, Section 8, Clause 4.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. NUNES, Mr. JOHNSON of Ohio, Mr. LABRADOR, and Mr. WEST.

H.R. 4: Mr. COSTELLO.

H.R. 11: Mr. JACKSON of Illinois, Ms. ESHOO, and Mr. GARAMENDI.

H.R. 23: Mr. BISHOP of New York and Mr. WU.

H.R. 49: Mr. SCHOCK, Mr. BISHOP of Utah, Mr. BURTON of Indiana, and Mr. GRIFFITH of Virginia.

H.R. 59: Mr. COBLE and Mr. SAM JOHNSON of Texas.

H.R. 135: Ms. HIRONO.

H.R. 136: Mr. MURPHY of Connecticut.

H.R. 217: Mr. WILSON of South Carolina.

H.R. 302: Mr. SAM JOHNSON of Texas.

H.R. 303: Ms. NORTON.

H.R. 308: Mr. PRICE of North Carolina, Ms. FUDGE, Mr. STARK, and Mr. GARAMENDI.

H.R. 330: Mr. FUDGE.

H.R. 332: Mr. BLUMENAUER.

H.R. 358: Mr. CAMP, Mr. HUNTER, and Mr. PEARCE.

H.R. 371: Mr. CHAFFETZ and Mr. GRIFFIN of Arkansas.

H.R. 413: Mr. COHEN.

H.R. 423: Mr. DEUTCH.

H.R. 440: Mrs. ELLMERS, Mr. FALEOMAVAEGA, and Mr. LOBIONDO.

H.R. 456: Mr. JACKSON of Illinois, Mr. HINCHAY, Mr. FILNER, Mr. CARNAHAN, Mr. KILDEE, and Mr. MCINTYRE.

H.R. 459: Mr. BARLETTA, Ms. GRANGER, Mr. MACK, and Mr. THORNBERRY.

H.R. 502: Mr. CARNAHAN, Mr. POLIS, Mr. HONDA, and Mr. MICHAUD.

H.R. 509: Mr. TERRY, Mr. HUELSKAMP, Mr. ALTMIRE, Mr. ALEXANDER, and Mr. COFFMAN of Colorado.

H.R. 517: Mr. DAVIS of Kentucky and Mr. REHBERG.

H.R. 523: Mr. GENE GREEN of Texas.

H.R. 548: Mr. CALVERT and Mr. GOWDY.

H.R. 572: Mr. FRANK of Massachusetts.

H.R. 591: Mr. PRICE of North Carolina.

H.R. 609: Mr. COFFMAN of Colorado, Mr. YOUNG of Indiana, Mr. CANSECO, and Mr. LONG.

H.R. 615: Mr. BOREN.

H.R. 620: Mrs. MYRICK, Mr. YOUNG of Florida, Mr. REICHERT, Mr. WALSH of Illinois, Mr. ROSS of Florida, Mr. KING of Iowa, Mr. SENSENBRENNER, and Mr. CONAWAY.

H.R. 639: Mr. ANDREWS, Mr. HARPER, Mr. LUETKEMEYER, Mr. MCINTYRE, Mr. RANGEL, Mr. FITZPATRICK, Mr. GERLACH, Mr. JACKSON of Illinois, Mr. ROGERS of Michigan, Mr. SARBANES, Mr. WALZ of Minnesota, and Mr. LYNCH.

H.R. 651: Mr. CONYERS, Mr. COHEN, Ms. SCHAKOWSKY, Mr. WELCH, and Mr. JACKSON of Illinois.

H.R. 657: Mr. KINGSTON, Mr. BISHOP of Utah, and Mr. GOSAR.

H.R. 674: Mr. DUNCAN of Tennessee.

H.R. 675: Mr. SAM JOHNSON of Texas and Mr. SCHOCK.

H.R. 676: Mr. KUCINICH.

H.R. 683: Mr. RICHMOND.

H.R. 688: Mr. CLAY.

H.J. Res. 23: Mr. CHAFFETZ.

H. Res. 15: Mr. GUINTA.

H. Res. 88: Mr. RYAN of Ohio, Ms. BORDALLO, Mr. PAYNE, Mr. CAPUANO, Mr. ELLISON, Ms. HANABUSA, Mr. GARAMENDI, Mr. TOWNS, Ms. ESHOO, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. MILLER of Florida, and Mr. OLVER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1

OFFERED BY: MR. WALDEN

AMENDMENT No. 404: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available by this Act may be used to implement the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY: MR. THOMPSON OF PENNSYLVANIA

AMENDMENT No. 405: At the end of [the bill (before the short title)] [title ____ of division ____], insert the following:

SEC. _____. Section 3136(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395m note) is amended (1) by striking “2011” and inserting “2012”; and (2) by inserting “, provided that payments otherwise made for such standard power wheelchairs furnished in 2011 are subject to a 1 percent reduction in the covered item update otherwise made under Section 1834(a)(14) of the Social Security Act (42 U.S.C. 1395m(a)(14))” after “such date”.

H.R. 1

OFFERED BY: MR. WELCH

Amendment No. 406: Page 273, line 14, insert before the period at the end the following:

Provided further, That, of the funds made available by this section, \$15,000,000 is for small and rural community technical and compliance assistance authorized under section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j-1(e)). In providing such assistance, the Administrator of the Environmental Protection Agency shall give preference to nonprofit organizations that, as determined by the Administrator, are most qualified, experienced, effective, and supported by small community water systems in the States.

H.R. 1

OFFERED BY: MR. HALL

AMENDMENT No. 407: Page 273, after line 3, insert the following new section:

SEC. 1738. The Environmental Protection Agency is directed to enter into a contract, within 60 days after the date of enactment of this Act, with the National Academy of Sciences to perform a comprehensive review of non-mercury hazardous air pollutants emitted by electric generating units and industrial boilers, and related health and economic data (including impacts on job creation and energy price, supply, and reliability) associated with potential regulation of such non-mercury hazardous air pollutants. The National Academy of Sciences shall prepare recommendations on appropriate regulatory standards for addressing non-mercury hazardous air pollutants and shall establish appropriate health-based exposure standards for such emissions. Upon completion of the study, the National Academy of Sciences shall report findings and recommendations to the Environmental Protection Agency and the Congress within 24 months of entering into the contract. The Environmental Protection Agency is discouraged from issuing any regulatory deter-

mination for non-mercury hazardous air pollutants, including a maximum achievable control technology standard for non-mercury hazardous air pollutants from electric generating units and industrial boilers, until the Environmental Protection Agency fully reviews the results and recommendations of such study.

H.R. 1

OFFERED BY: MR. CLYBURN

AMENDMENT No. 408: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) Of the funds made available by this Act for each of the following accounts or activities, 10 percent shall be allocated for assistance in persistent poverty counties:

- (1) “Department of Agriculture, Rural Development Programs”.
 - (2) “Department of Commerce, Economic Development Administration, Economic Development Assistance Programs”.
 - (3) “Department of Commerce, National Institute of Standards and Technology, Construction”.
 - (4) “Department of Education, Fund for the Improvement of Education”.
 - (5) “Department of Education, Fund for the Improvement of Postsecondary Education”.
 - (6) “Department of Labor, Employment and Training Administration, Training and Employment Services”.
 - (7) “Department of Health and Human Services, Health Resources and Services Administration”.
 - (8) “Department of Housing and Urban Development, Economic Development Initiative”.
 - (9) “Department of Justice, Office of Justice Programs”.
 - (10) “Environmental Protection Agency, State and Tribal Assistance Grants, Water and Wastewater”.
 - (11) “Department of Transportation, Federal Highway Administration, Transportation Community and System Preservation”.
 - (12) “Department of the Treasury, Community Development Financial Institutions”.
- (b) For purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses.
- (c) Not later than six months after the date of the enactment of this Act, each department or agency listed in subsection (a) shall submit to Congress a progress report on the implementation of this section.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 409: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division B may be used by the Department of Health and Human Services to implement or enforce section 2718 of the Public Health Service Act, as added by section 1001(5) and replaced by section 10101(f) of the Patient Protection and Affordable Care Act (Public Law 111-148).

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 410: Page 303, line 19, after the dollar amount insert “(reduced by \$233,400,000)”.

Page 359, line 15, after the dollar amount insert “(increased by \$233,400,000)”.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 411: At the end of the bill (before the short title), insert the following: SEC. _____. (a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$45,000,000,000 in appropriated discretionary funds is rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under section (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 412: Page 228, line 12, strike “\$80,000,000” and insert “\$0”.

Page 228, line 18, strike “\$80,000,000” and insert “\$0”.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 413: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used in Department of Defense overseas contingency operations budget for military operations in Afghanistan until the President to seeks to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan.

H.R. 1

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT No. 414: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division B of this Act may be used for the National Bio and Agro-Defense Facility in Manhattan, Kansas.

H.R. 1

OFFERED BY: MS. EDWARDS

AMENDMENT No. 415: Page 275, line 19, after the dollar amount, insert “(reduced by \$200,000,000)”.

Page 274, line 16, after the dollar amount, insert “(increased by \$2,816,446,000)”.

H.R. 1

OFFERED BY: MR. PALLONE

AMENDMENT No. 416: Page 305, line 15, after the dollar amount, insert “(reduced by \$639,463,000)”.

At the end of the division A, insert the following:

SEC. _____. Each amount made available by this division (other than an amount required to be made available by a provision of law) is hereby reduced, on a pro rata basis, so that the total of the reduction in amounts under this division resulting from the operation of this section equals \$639,463,000.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT No. 417: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the National Institutes of Health to study the impact of integral yoga on hot flashes in menopausal women.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 418: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the National Institutes of Health to examine the potential impact of a soda tax on population health.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 419: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the National Institutes of Health to research the use of marijuana in conjunction with opioid medications, such as morphine.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 420: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Health and Human Services to study condom use skills in adult males.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 421: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Department of Health and Human Services to study the concurrent and separate use of malt liquor and marijuana among young adults.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT NO. 422: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the National Science Foundation to study whether video games improve mental health for the elderly.

H.R. 1

OFFERED BY: MRS. BLACKBURN

AMENDMENT NO. 423: At the end of the bill (before the short title), insert the following:

SEC. ____ Each amount made available by this Act (except for amounts made available by division A and titles VI and X of division B) is hereby reduced by 5 percent.

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT NO. 424: At the end of the bill (before the short title), insert the following new section:

SEC. ____ None of the funds made available by this Act may be used to provide any of the following types of assistance to Chad: international military education and training (IMET), foreign military financing (FMF), provision of excess defense articles, foreign military forces capacity assistance (section 1206 of the National Defense Authorization Act for Fiscal Year 2006), and direct commercial sales of military equipment.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 425: Page 171, line 21, after the dollar amount, insert “(reduced by \$750,000)(increased by \$750,000)”.

H.R. 1

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 426: Page 173, line 14, after the dollar amount, insert “(reduced by \$750,000)(increased by \$750,000)”.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 427: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for—

(1) the investigation or criminal prosecution under any State or local law of any person for the manufacture, distribution, dispensation, or possession of marijuana; or

(2) the enforcement of any Federal law prohibiting the manufacture, distribution, dispensation, or possession of marijuana in jurisdictions where such activity is not prohibited under State or local law.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 428: Page 246, line 13, after the dollar amount, insert “(reduced by \$200,000,000)”.

Page 246, beginning on line 13, strike the colon and all that follows through “2011.” and insert a period.

H.R. 1

OFFERED BY: MR. STEARNS

AMENDMENT NO. 429: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for the payment of attorney’s fees or other legal expenses of any former senior executive officer of the Federal National Mortgage Corporation or Federal Home Loan Mortgage Corporation.

H.R. 1

OFFERED BY: MR. PITTS

AMENDMENT NO. 430: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury who takes any action to specify or define, through regulations, guidelines, or otherwise, essential benefits under section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022).

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT NO. 431: Page 199, line 6, after the dollar amount, insert “(reduced by \$44,000,000)”.

Page 359, line 5, after the dollar amount, insert “(increased by \$44,000,000)”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 432: Page 215, lines 8 and 9, strike “(other than nuclear power facilities and front-end nuclear facilities)”.

Page 215, line 13, after the dollar amount insert “(increased by \$22,000,000,000)”.

H.R. 1

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 433: Page 217, line 13, after the dollar amount, insert “(reduced by \$586,600,000)”.

Page 359, line 8, after the dollar amount, insert “(increased by \$586,600,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 434: Page 227, line 9, after the dollar amount, insert “(reduced by \$30,000,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 435: Page 228, beginning on line 10, strike section 1517.

H.R. 1

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 436: Page 303, strike lines 3 through 9 and insert the following:

(b) For payment to the Corporation for Public Broadcasting (“Corporation”), as au-

thorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2013, \$460,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose.

(c) For taxable years beginning after the date of the enactment of this Act, the allowance under section 611 of the Internal Revenue Code of 1986 with respect to an oil or gas well shall be calculated without regard to subsection (c) or (d) of section 613A of such Code.

H.R. 1

OFFERED BY: MR. WOODALL

AMENDMENT NO. 437: Page 195, line 6, strike “in excess of \$112,000,000.”

H.R. 1

OFFERED BY: MR. WOODALL

AMENDMENT NO. 438: Page 195, line 6, strike “in excess of \$112,000,000” and insert “other than amounts contractually obligated by the United States prior to enactment of this section.”

H.R. 1

OFFERED BY: MR. DOYLE

AMENDMENT NO. 439: At the end of the bill (before the short title), insert the following:

SEC. ____ The policy regarding public access to research results established for the National Institutes of Health by section 217 of division F of Public Law 111-17 shall apply to all Departments funded in this Act having more than \$100,000,000 in annual expenditures for extramural research. Except with respect to the National Institutes of Health, the Secretaries of the Departments affected may designate other suitable online depositories to be used in lieu of the National Library of Medicine’s PubMed Central.

H.R. 1

OFFERED BY: MR. MICA

AMENDMENT NO. 440: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of two-thirds of the current staff at headquarters and one-half of the current staff, not including screeners, at regional offices.

H.R. 1

OFFERED BY: MR. DENHAM

AMENDMENT NO. 441: Page 239, line 16, after the first dollar amount, insert “(reduced by \$20,000,000)”.

H.R. 1

OFFERED BY: MR. DENHAM

AMENDMENT NO. 442: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for high-speed rail in the State of California, for the California High Speed Rail Authority, or for projects designed to further high speed rail in the State of California.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 443: Page 199, line 6, after the dollar amount, insert “(reduced by \$150,000,000)”.

Page 203, line 23, after the dollar amount, insert “(increased by \$150,000,000)”.

Page 204, line 8, after the first dollar amount, insert “(increased by \$150,000,000)”.

H.R. 1

OFFERED BY: MR. REICHERT

AMENDMENT No. 444: Page 199, line 6, after the dollar amount, insert “(reduced by \$298,000,000)”.

Page 203, line 23, after the dollar amount, insert “(increased by \$298,000,000)”.

Page 204, line 8, after the first dollar amount, insert “(increased by \$298,000,000)”.

H.R. 1

OFFERED BY: MR. KINZINGER OF ILLINOIS

AMENDMENT No. 445: At the end of the bill (before the short title), insert the following:

SEC. _____. No funds made available in this Act may be used to participate in any lawsuit that seeks to invalidate those provisions of the Arizona Revised Statutes amended by Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 6 2010) (as amended by Arizona House Bill 2162, 49th 7 Leg., 2nd Reg. Sess., Ch. 211 (Az. 2010)).

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 446: Page 131, line 24, after the dollar amount, insert “(reduced by \$1,500,000,000)”.

Page 359, line 6, after the dollar amount, insert “(increased by \$1,500,000,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 447: Page 198, line 3, after the dollar amount, insert “(reduced by \$309,500,000)”.

Page 203, line 23, after the dollar amount, insert “(increased by \$309,500,000)”.

Page 204, line 8, after the first dollar amount, insert “(increased by \$309,500,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 448: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Transportation Security Administration for the acquisition or deployment of backscatter x-ray full body scanner technology.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 449: Page 268, line 12, after the dollar amount, insert “(increased by \$40,000,000)” and strike on line 14 “by substituting “\$0” for “\$40,000,000”;”.

Page 270, line 24, after the dollar amount, insert “(reduced by \$40,000,000)”.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT No. 450: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out the programs under the National Community Service Act of 1990 (42 U.S.C. 12501 et seq.) or part A of title I of the Domestic Volunteer Service Act (42 U.S.C. 4952 et seq.).

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT No. 451: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out the American Community Survey.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT No. 452: At the end of the bill (before the short title), add the following:

SEC. _____. None of the funds made available by this Act may be used to administer the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT No. 453: At the end of the bill (before the short title) insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the National Railroad Passenger Corporation.

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT No. 454: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT No. 455: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement or enforce the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

H.R. 1

OFFERED BY: MR. MACK

AMENDMENT No. 456: Page 281, line 21, strike “\$145,000,000” and insert “\$0”.

H.R. 1

OFFERED BY: MR. FLAKE

AMENDMENT No. 457: Page 293, line 25, insert “(reduced by \$100,000,000)” after the dollar amount.

Page 294, line 1, insert “(reduced by \$100,000,000)” after the dollar amount.

Page 359, line 15, insert “(increased by \$100,000,000)” before the period at the end.

H.R. 1

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT No. 458: At the end of the bill (before the short title), insert the following new section:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for the “Department of the Treasury, Internal Revenue Service, Enforcement”, by reducing the amount made available for the “Department of the Treasury, Internal Revenue Service, Operations Support”, by reducing the amount made available for the “General Services Administration, Real Property Activities, Federal Building Fund”, by reducing the amount made available for the “General Services Administration, General Activities, Government-Wide Policy”, and by increasing the amount made available for the “Independent Agencies, Securities and Exchange Commis-

sion, Salaries and Expenses”, by \$77,000,000, \$46,000,000, \$7,000,000, \$1,000,000, and \$131,000,000, respectively.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 459: Page 218, line 5, after the dollar amount insert “(reduced by \$700,000) (increased by \$700,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 460: Page 276, beginning on line 4, strike section 1746.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT No. 461: At the end of the bill (before the short title), insert the following:

SEC. 4002. There is hereby enacted into law H.R. 131 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 132 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 133 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 134 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010 and H.R. 135 of the 112 Congress, as introduced in the House of Representatives on January 5, 2010.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 462: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for a program for which the authorization expired more than 5 years prior to the date of enactment of this Act.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 463: At the end of the bill (before the short title), insert the following:

SEC. _____. The unobligated balances of appropriations (and transfers of funds) listed in Table 2 of the Congressional Research Service report (R41301) entitled “Appropriations and Fund Transfers in the Patient Protection and Affordable Care Act (PPACA)” and dated February 10, 2011, are hereby rescinded and any such transfers so rescinded are restored to the fund from which the transfer originated. Insofar as such appropriation or transfer relates only to an increase in the amount of such an appropriation or transfer, the previous sentence shall only apply to the amount of such increase.

H.R. 1

OFFERED BY: MR. FILNER

AMENDMENT No. 464: At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for “Department of Housing and Urban Development, Administration, Operations and Management”, increasing the amount made available for “Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance”, and increasing the amount made available for activities specified in paragraph (6) under the heading “Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance” of division A of Public Law 111-117, by \$40,000,000.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 465: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available by this Act may be appropriated to any agency for the implementation, enforcement, or administration of section 1501 of the Patient Protection and Affordable Care Act, and the amendments made by such section, as amended.

H.R. 1

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 466: At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources that is issued or becomes applicable or effective after January 1, 2011.

(b) In this section, the term “stationary source” has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 467: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 468: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to subsidize wireless service under the Low Income Fund program of the Universal Service Fund.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 469: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for construction of the Richard H. Poff Federal Building in Roanoke, Virginia.

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 470: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to carry out title XX of the Public Health Service Act (42 U.S.C. 300z et seq.; relating to adolescent family life demonstration projects).

H.R. 1

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 471: At the end of the bill, before the short title, insert the following:

LIMITATION ON FUNDS FOR NON-FEDERAL MUSEUMS

SEC. 4002. None of the funds appropriated, or otherwise made available, by this Act may be used to fund non-Federal museums.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 472: Page 198, lines 4 through 7, strike section 1312 which states “SEC. 1312. Notwithstanding section 1101, the level for “Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities” shall be \$865,097,000.”

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 473: Page 208, at lines 11 through 15 of Section 1340 shall be amended

to read “the Legal Services Corporation” in division B of Public Law 111–117 in the manner authorized in Public Law 111–117 for fiscal year 2010, except that for fiscal year 2011 the amounts specified in division B of Public Law 111–117 shall be—(1) “\$420,000,000”; and (2) “\$394,400,000”.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 474: Page 208, lines 21 through 24, strike section 1342 which rescinds \$1,740,000,000 of the funds made available for “Department of Commerce, Bureau of the Census, Periodic Censuses and Programs”.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 475: Page 245, lines 1 through 3, strike section 1605 which reduces the level of funding for “Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding” to \$0.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 476: Page 262, lines 22 through 24 and page 263, lines 1 through 4, strike Section 1649 which rescinds \$106,556,000 of unobligated balances available for “Department of Homeland Security, U.S. Customs and Border Protection, Construction” for construction projects.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 477: At the end of the bill (before the short title), insert the following:

SEC. ____ The amounts otherwise provided by this Act are revised by reducing the amount made available for “Related Programs, United States Institute of Peace”, and increasing the amount made available for “Department of Health and Human Services, Administration for Children and Families, Low Income Home Energy Assistance”, by \$42,676,000.

H.R. 1

OFFERED BY: MR. BARLETTA

AMENDMENT No. 478: Page 215, line 19, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 220, line 21, after the dollar amount, insert “(reduced by \$1,000,000)”.

H.R. 1

OFFERED BY: MR. SHULER

AMENDMENT No. 479: Add at the end of title V the following section:

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “(C) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY—“(i) IN GENERAL.—Subparagraph (A) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(ii) AGGREGATION RULE.—For purposes of clause (i), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) The funds dedicated in this Act to the Head Start program shall be supplemented by an amount equal to the total revenues lost by the general treasury in fiscal year 2010 as a result of tax incentives issued under paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 to entities that meet the exception requirements of subsection (a) of this section.

H.R. 1

OFFERED BY: MR. SHULER

AMENDMENT No. 480: Add at the end of title VII the following new section:

SEC. ____ (a) IN GENERAL.—None of the funds appropriated in this Act may be used for re-contouring of roads, construction of earthen berms or “tank traps” to block roads, or for the decommissioning of any roads within the Roy Taylor area of the Nantahala National Forest in North Carolina.

H.R. 1

OFFERED BY: MR. FRANKS OF ARIZONA

AMENDMENT No. 481: Page 334, line 23, insert before the colon the following: “and that the new Government of Egypt fulfills its commitment to the Egypt-Israel Peace Treaty signed on March 26, 1979, and to freedom of navigation of the Suez Canal”.

H.R. 1

OFFERED BY: MR. HELLER

AMENDMENT No. 482: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to designate monuments under the Act of June 8, 1906, (commonly known as the “Antiquities Act of 1906”; 16 U.S.C. 431, et seq.).

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT No. 483: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for or in sterilization campaigns.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT No. 484: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to pay the travel expenses of the Secretary of the Treasury.

H.R. 1

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 485: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for the gathers and removals of free-roaming wild horses and burros, except for the purpose of fertility control.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT No. 486: Page 198, line 7, after the dollar amount insert “(reduced by \$29,000,000)”.

Page 201, line 12, after the dollar amount insert “(increased by \$29,000,000)”.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT No. 487: Page 264, line 23, after the dollar amount insert “(reduced by \$6,679,000)”.

Page 271, line 6, after the dollar amount insert “(increased by \$6,679,000)”.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT No. 488: Page 346, line 16, strike “and”.

Page 346, line 18, before the period, insert “; and of which \$24,000,000 shall be for the ground-based augmentation system of the NextGen air traffic control system”.

H.R. 1

OFFERED BY: MR. WEINER

AMENDMENT No. 489: Page 203, line 23, after the dollar amount, insert “(increased by \$501,500,000)”.

Page 204, line 4, after the first dollar amount, insert “(increased by \$25,385,000)”.

Page 204, line 5, after the first dollar amount, insert “(increased by \$25,385,000)”.

Page 204, line 6, after the first dollar amount, insert “(increased by \$168,723,000)”.

Page 204, line 7, after the first dollar amount, insert “(increased by \$168,723,000)”.

Page 204, line 8, after the first dollar amount, insert “(increased by \$298,000,000)”.

Page 206, line 10, after the dollar amount, insert “(reduced by \$501,500,000)”.

H.R. 1

OFFERED BY: MS. CHU

AMENDMENT NO. 490: Page 301, line 16, strike “\$4,015” and insert “\$4,860”.

H.R. 1

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 491: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act to the Food and Drug Administration may be used to approve any application submitted under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) for approval of genetically engineered salmon (or any product derived from genetically engineered salmon) intended for human consumption.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 492: Page 217, line 13, after the dollar amount insert “(reduced by \$133,625,000)”.

Page 218, line 5, after the dollar amount insert “(increased by \$445,625,000)”.

Page 218, line 21, after the dollar amount insert “(reduced by \$312,000,000)”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 493: Page 218, lines 5 through 10, strike “: *Provided,*” and all that follows through “et seq.”.

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 494: Page 268, line 12, after the dollar amount, insert “(increased by \$40,000,000)”.

Page 268, line 15, after the first dollar amount, insert “(increased by \$40,000,000)”.

Page 270, line 24, after the dollar amount, insert “(reduced by \$40,000,000)”.

H.R. 1

OFFERED BY: MR. HALL

AMENDMENT NO. 495: At the end of the bill (before the short title) insert the following new section:

Sec. 4002. None of the funds made available by this Act may be used to implement, establish, or create a NOAA Climate Service (NCS) as described in the “Draft NOAA Climate Service Strategic Vision and Framework” published at 75 Fed. Reg. 57739 (September 22, 2010) and updated on 12/20/2010.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 496: At the end of the bill (before the short title), insert the following:

SEC. ____ The total amount of appropriations made available by this Act (other than for the Departments of Defense and Homeland Security) is hereby reduced by \$600,000,000.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT NO. 497: At the end of the bill (before the short title), insert the following:

SEC. ____ The total amount of appropriations made available by this act (other than for Department of Defense and the U.S. Postal Service) is hereby reduced by \$280,000,000.

H.R. 1

OFFERED BY: MR. JOHNSON OF OHIO

AMENDMENT NO. 498: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.

H.R. 1

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 499: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to pay the expenses of official travel (within the meaning of subchapter I of chapter 57 of title 5, United States Code) for the Secretary of the Treasury.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 500: Page 246, line 13, after the dollar amount, insert “(reduced by \$200,000,000)”.

Page 246, beginning on line 13, strike the colon and all that follows through “2011.” and insert a period.

Page 359, line 11, after the dollar amount, insert “(increased by \$200,000,000)”.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 501: Page 230, line 6, after the dollar amount, insert “(reduced by \$24,886,000)”.

H.R. 1

OFFERED BY: MR. POLIS

AMENDMENT NO. 502: Page 230, line 6, after the dollar amount, insert “(reduced by \$24,886,000)”.

H.R. 1

OFFERED BY: MR. LAMBORN

AMENDMENT NO. 503: Page 155, after line 20 (before the short title at the end of division A), insert the following:

TITLE X—ADDITIONAL APPROPRIATIONS AND OFFSET

SEC. 10001. (a) ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF DEFENSE.—In addition to amounts otherwise appropriated or made available by this division for the Department of Defense, there is appropriated to the Secretary of Defense an amount equal to the difference between—

(1) the sum of the amounts authorized to be appropriated for the Department of Defense by division A of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383); and

(2) the sum of the amounts actually appropriated or made available for the Department of Defense by titles I through IX of this division.

(b) OFFSET.—The amount appropriated by subsection (a) shall be offset by reductions in future appropriations for the executive branch generally, not merely the Department of Defense, and the Chairman of the Committee on the Budget of the House of Representatives shall provide the necessary adjustments in allocations, aggregates, and other appropriate levels in the concurrent resolution on the budget for fiscal year 2012 and such subsequent fiscal years as may be necessary to achieve such reductions.

H.R. 1

OFFERED BY: MR. LAMBORN

AMENDMENT NO. 504: At the end of the bill (before the short title), insert the following new section:

SEC. ____ (a) ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF DEFENSE.—In addition

to amounts otherwise appropriated or made available by this Act for the Department of Defense, there is appropriated to the Secretary of Defense an amount equal to the difference between—

(1) the sum of the amounts authorized to be appropriated for the Department of Defense by division A of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383); and

(2) the sum of the amounts actually appropriated or made available for the Department of Defense by division A of this Act.

(b) OFFSET.—The amount appropriated by subsection (a) shall be offset by reductions in future appropriations for the executive branch generally, not merely the Department of Defense, and the Chairman of the Committee on the Budget of the House of Representatives shall provide the necessary adjustments in allocations, aggregates, and other appropriate levels in the concurrent resolution on the budget for fiscal year 2012 and such subsequent fiscal years as may be necessary to achieve such reductions.

H.R. 1

OFFERED BY: MS. DEGETTE

AMENDMENT NO. 505: On page 287, lines 17 through 20, strike paragraph (2) (prohibiting the availability of funds for the program under title X of the Public Health Service Act) and redesignate paragraph (3) as paragraph (2).

H.R. 1

OFFERED BY: MR. HOLT

AMENDMENT NO. 506: At the end of the bill (before the short title), insert the following:

SEC. ____ The amounts otherwise made available by this Act are revised by reducing the amount made available for “Department of the Treasury, Internal Revenue Service, Enforcement”, and increasing the amounts provided in section 1517(a) for transfer from the Federal Reserve to the Bureau of Consumer Financial Protection for activities authorized to be carried out by such Bureau under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act and amounts made available in section 1517(b) for obligation by such Bureau during fiscal year 2011, by \$63,000,000, respectively.

H.R. 1

OFFERED BY: MR. AKIN

AMENDMENT NO. 507: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by division A of this Act may be used for termination liabilities with respect to assault vehicles of the Marine Corps or the Expeditionary Fighting Vehicle.

H.R. 1

OFFERED BY: MR. BARTLETT

AMENDMENT NO. 508: At the end of the bill (before the short title), insert the following:

SEC. ____ No funds made available in this Act, or any prior Act, may be used for grant agreements or contracts with facilities defined in 7 U.S.C. §2132(e) if those agreements or contracts allow or encourage the breeding of chimpanzees.

H.R. 1

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT NO. 509: Page 175, line 5, after the dollar amount, strike “1,975,000,000” and insert “1,775,000,000.”

Page 347, strike lines 8 through 10.

H.R. 1

OFFERED BY: MS. NORTON

AMENDMENT NO. 510: Page 243, add after line 24 the following:

SEC. ____ Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1—206.02(c)(1), D.C. Official Code), the Closing of a Public Alley in Square 0441, S.O. 09-8516, Act of 2010 (D.C. Act 18-0639) shall take effect on the date of the enactment of such Act.

H.R. 1

OFFERED BY: MR. NADLER

AMENDMENT NO. 511: Beginning on page 346, strike line 12 and all that follows through page 348, line 2.

On page 348, strike line 17 and all that follows through page 351, line 17.

H.R. 1

OFFERED BY: MR. GRIMM

AMENDMENT NO. 512: Page 206, line 10, after the dollar amount insert “(reduced by \$195,150,000)”.

Page 293, line 4, after the dollar amount insert “(increased by \$195,150,000)”.

Page 293, line 8, after the dollar amount insert “(increased by \$195,150,000)”.

H.R. 1

OFFERED BY: MR. GRIMM

AMENDMENT NO. 513: Page 347, line 10, insert “Reductions required under this section for ‘Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service’ shall not be applied to maintenance programs. Such reductions shall be applied to routes with the highest operating losses, excluding maintenance costs,” after “Transit Authority”.

H.R. 1

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT NO. 514: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act; and

(5) section 34(c)(4)(A) of such Act.

H.R. 1

OFFERED BY: MR. BISHOP OF UTAH

AMENDMENT NO. 515: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for the National Landscape Conservation System.

H.R. 1

OFFERED BY: MR. CAMP

AMENDMENT NO. 516: At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available by this Act may be used for the opening of the locks at the Thomas J. O'Brien Lock and Dam or the Chicago River Controlling Works.

H.R. 1

OFFERED BY: MR. FORTENBERRY

AMENDMENT NO. 517: Page 323, line 23, after the dollar amount, insert “(reduced by \$200,000,000) (increased by \$200,000,000)”.

H.R. 1

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 518: At the end of the bill (before the short title), insert the following:

SEC. ____ Each amount made available by this Act (except for amounts for the Departments of Defense, Homeland Security, and Veterans Affairs, and other than an amount

required to be made available by a provision of law) is hereby reduced by 5.5 percent.

H.R. 1

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 519: At the end of the bill (before the short title), insert the following:

SEC. ____ Each amount made available by this Act (other than an amount required to be made available by a provision of law) for the Departments of Defense and Homeland Security is hereby reduced by 3.5 percent.

H.R. 1

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 520: Page 231, beginning on line 22, strike section 1535.

H.R. 1

OFFERED BY: MR. BRALEY OF IOWA

AMENDMENT NO. 521: Page 276, line 11, after “climate change” insert “: *Provided*, That nothing in this section shall prohibit the Administrator of the Environmental Protection Agency from implementing or enforcing section 211(o) of the Clean Air Act (relating to the renewable fuel program)”.

H.R. 1

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 522: Page 173, line 20, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 172, line 4, after the dollar amount, insert “(increased by \$5,000,000)”.

H.R. 1

OFFERED BY: MR. PAUL

AMENDMENT NO. 523: Page 325, line 7, after the dollar amount, insert “(reduced by \$1,000,000,000)”.

Page 325, line 12, after the dollar amount, insert “(reduced by \$5,385,000,000)”.

Page 325, line 13, after the dollar amount, insert “(reduced by \$3,000,000,000)”.

Page 325, line 14, after the dollar amount, insert “(reduced by \$1,300,000,000)”.

Page 325, line 15, after the dollar amount, insert “(reduced by \$300,000,000)”.

Page 325, line 21, after the dollar amount, insert “(reduced by \$789,000,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$1,000,000,000)”.

Page 359, line 20, after the dollar amount, insert “(increased by \$5,385,000,000)”.

H.R. 1

OFFERED BY: MR. CONYERS

AMENDMENT NO. 524: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

H.R. 1

OFFERED BY: MR. SCHWEIKERT

AMENDMENT NO. 525: At the end of the bill (before the short title), insert the following:

SEC. ____ In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

H.R. 1

OFFERED BY: MR. WU

AMENDMENT NO. 526: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement, administer, or enforce section 3(e) of the Natural Gas Act (15 U.S.C. 717b(e)).

H.R. 1

OFFERED BY: MR. DEUTCH

AMENDMENT NO. 527: Page 357, after line 22, insert the following:

SEC. 2239. The amounts otherwise provided by this Act are revised by reducing the amount made available for “Department of Housing and Urban Development, Management and Administration, Administration, Operations and Management”, and increasing the amount made available for “Department of Housing and Urban Development, Community Planning and Development, Community Development Fund”, by \$25,000,000: *Provided*, That the additional amount made available by this section for the Community Development Fund shall be only for activities to mitigate, replace, or otherwise address problem drywall, to remain available until expended: *Provided further*, That such funds shall be treated as if the funds were made available for purposes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) and the funds shall be allocated by the Secretary of Housing and Urban Development to States and local governments evidencing significant numbers of homes and other real property affected by problem drywall as defined by the Consumer Product Safety Commission: *Provided further*, That the funds made available by this section for the Community Development Fund shall be exempt from the national objective and overall low- and moderate-income benefit requirements of such title I: *Provided further*, That in administering such funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation or the use of such funds except for requirements related to fair housing, non-discrimination, labor standards, and the environment, upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: *Provided further*, That the Secretary shall publish any such waiver or alternative requirement in the Federal Register no later than 30 days before the effective date of such waiver or alternative requirement.

H.R. 1

OFFERED BY: MR. CARTER

AMENDMENT NO. 528: At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available by this Act may be used to pay the salary or expenses of any position identified in subsection (b).

(b) The positions identified in this subsection are as follows:

(1) Senior Advisor to the Secretary of the Treasury Assigned to the Presidential Task Force on the Auto Industry.

(2) Assistant to the President for Homeland Security and Counterterrorism.

(3) Assistant to the President for Energy and Climate Change.

(4) White House Director of Urban Affairs.

(5) Associate Director, Technology Policy, Office of Science and Technology Policy.

(6) Senior Advisor, Environmental Protection Agency, Great Lakes Restoration Plan.

(7) Director, White House Office of Health Reform.

(8) Chair of the Recovery Accountability and Transparency Board.

(9) Special Counsel to the President for Ethics and Government Reform.

(10) Intellectual Property Enforcement Coordinator.

(11) Special Master for TARP Executive Compensation, Department of the Treasury.

(12) Special Envoy To Oversee the Closure of the Detention Center at Guantanamo Bay.

(13) Special Envoy for Sudan.

(14) Special Representative for Afghanistan and Pakistan.

(15) Chairman, Council on Jobs and Competitiveness.

(16) Special Advisor for Green Jobs, Enterprise and Innovation, Council on Environmental Quality.

(17) Associate General Counsel and Chief Diversity Officer, Federal Communications Commission.

(18) Special Envoy for the Middle East.

(19) Director of Recovery for Auto Communities and Workers.

(20) Special Advisor for the Persian Gulf and Southwest Asia.

(21) Special Assistant and Senior Director to the President and Weapons of Mass Destruction Coordinator.

(22) Assistant to the President and Special Advisor to the Secretary of the Treasury on the Bureau of Consumer Financial Protection.

(23) Deputy Director for Management, Office of Management and Budget.

(24) Special Envoy to Monitor and Combat Anti-Semitism.

H.R. 1

OFFERED BY: MR. ALEXANDER

AMENDMENT No. 529: At the end of Sec. 1632, insert the following:

For Fiscal Year 2011, the Administrator of the Federal Emergency Management Agency may not use the assumption that a currently existing levee or flood control structure does not exist to designate an area as having new flood hazards pursuant to issuance, revision, updating, or other process to implement changes in flood insurance maps, except in cases where no affected community notifies the Federal Emergency Management Agency of objections to the Administrator's hazard modeling processes within 90 days of enactment of this Act. Nothing in this section shall be construed to establish, provide, or otherwise imply that the presence of an existing levee or flood control structure pursuant to the prior sentence thereby accredits such levee with providing 1-percent-annual-chance flood protection.

H.R. 1

OFFERED BY: MR. NUNES

AMENDMENT No. 530: At the end of the bill (before the short title), insert the following:

The amount otherwise provided by this act for the Mid-Pacific Region of the Bureau of Reclamation within the Water and Related Resources account is hereby reduced by \$72,000,000.

H.R. 1

OFFERED BY: MR. NUNES

AMENDMENT No. 531: Page 216, line 19, after the period insert the following: "The amount otherwise provided by this section for the Mid-Pacific Region of such Bureau is hereby reduced by \$72,000,000."

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT No. 532: Page 298, line 12, insert, "or" after "title II,".

Page 298, beginning on line 12, strike "part B of title VII, or part C of title VII".

H.R. 1

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT No. 533: At the end of the bill, (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

H.R. 1

OFFERED BY: MR. ROYCE

AMENDMENT No. 534: At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount made available by this Act for motor vehicles for any civilian agency listed in the worldwide inventory of the most recent Federal fleet report of the General Services Administration is hereby reduced by 20 percent.

H.R. 1

OFFERED BY: MR. SCOTT OF VIRGINIA

AMENDMENT No. 535: Page 198, line 3, after the dollar amount, insert "(reduced by \$100,000,000)".

Page 203, line 8, after the dollar amount, insert "(increased by \$100,000,000)".

H.R. 1

OFFERED BY: MR. WELCH

AMENDMENT No. 536: At the end of the bill (before the short title), insert the following new section:

SEC. _____. The amount otherwise provided by this Act for "Operation and Maintenance, Defense-Wide" is hereby reduced by, and amount otherwise provided by this Act for "Operation and Maintenance, Army National Guard" is hereby increased by, \$150,000,000 and \$150,000,000, respectively.

H.R. 1

OFFERED BY: MR. WELCH

AMENDMENT No. 537: Page 9, line 15, after the dollar amount, insert "(reduced by \$150,000,000)".

Page 12, line 25, after the dollar amount, insert "(increased by \$150,000,000)".

H.R. 1

OFFERED BY: MR. WELCH OF VERMONT

AMENDMENT No. 538: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out section 456(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087f(a)(4)).

H.R. 1

OFFERED BY: MR. SENSENBRENNER

AMENDMENT No. 539: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds that this Act makes available to the Department of Transportation may be used for any program to check helmet usage or create checkpoints for motorcycle drivers or riders.

H.R. 1

OFFERED BY: MR. LATOURETTE OF OHIO

AMENDMENT No. 540: Strike all after the enacting clause and insert the following:

DIVISION A—FULL-YEAR CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SECTION 101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations

Acts for fiscal year 2010, for each account, program, project, or activity (including the costs of direct loans and loan guarantees) for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 (division B of Public Law 111-117).

(3) The Department of Defense Appropriations Act, 2010 (Public Law 111-118).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(5) The Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111-117).

(6) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (division D of Public Law 111-117).

(9) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(10) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-117).

(11) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111-117).

(12) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117).

(13) Section 102(c) (except the last proviso relating to waiver of fees) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(14) The appropriation under the heading "Department of Commerce—United States Patent and Trademark Office" in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

(b) For purposes of this division, the term "level" means an amount.

(c)(1) Except as provided in paragraphs (2) and (3), the level referred to in subsection (a) shall be, with respect to the amounts appropriated in the appropriations Acts referred to in the following paragraphs of such subsection, including transfers and obligation limitations, equal to the following percentage of such amounts:

(A) In paragraph (1), 69.18 percent.

(B) In paragraphs (2) and (14), 79.77 percent.

(C) In paragraph (3), 101.30 percent.

(D) In paragraph (4), 89 percent.

(E) In paragraph (5), 81.25 percent.

(F) In paragraph (6), 95.26 percent.

(G) In paragraph (7), 80.94 percent.

(H) In paragraph (8), 82.66 percent.

(I) In paragraph (9), 93.69 percent.

(J) In paragraphs (10) and (13), 71.4 percent.

(K) In paragraph (11)—

(i) 100 percent, with respect to amounts made available for the Veterans Benefits Administration and the Veterans Health Administration; and

(ii) 96.19 percent, with respect to all other amounts.

(L) in paragraph (12)—

(i) 100 percent, with respect to amounts made available for Israel; and

(ii) 88.08 percent, with respect to all other amounts.

(2) Such level shall not include any amount previously designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(3) Such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 101(a) shall continue in effect through the date specified in section 106.

SEC. 105. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2011.

SEC. 107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111-242), shall be charged to the applicable appropriation, fund, or authorization provided by this division.

SEC. 108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 109. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2010.

(b) In addition to the amounts otherwise provided by section 101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) "Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners", for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, \$41,000,000, to remain available until expended.

(2) "Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid", for

payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, \$86,445,289,000, to remain available until expended.

(3) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs", for payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$1,200,000,000, to remain available until expended.

(4) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency", for payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$1,850,000,000.

(5) "Social Security Administration, Supplemental Security Income Program", for benefit payments under title XVI of the Social Security Act, \$13,400,000,000, to remain available until expended.

SEC. 110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress).

SEC. 111. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this division. For purposes of this section, the term "earmark" means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 112. Notwithstanding section 101, none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 113. (a)(1) Notwithstanding section 101, except as provided in paragraph (2), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the

disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 114. (a) Notwithstanding section 101, none of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 115. None of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 116. Section 550(b) of Public Law 109–295, as amended by section 550 of Public Law 111–83, shall be applied by substituting the date specified in section 106 of this division for “October 4, 2010”.

SEC. 117. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106 of this division for “September 30, 2010”.

SEC. 118. (a) Section 1115(d) of Public Law 111–32 shall be applied by substituting the date specified in section 106 of this division for “October 1, 2010”.

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106 of this division for “October 1, 2010” in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106 of this division for “October 1, 2010” in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106 of this division for “October 1, 2010” in subparagraph (B).

SEC. 119. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106 of this division.

SEC. 120. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106 of this division; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

DIVISION B—STIMULUS RESCISSIONS

SEC. 201. (a) There are hereby rescinded all unobligated balances remaining available as of February 11, 2011, of the discretionary appropriations provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(b) Subsection (a) shall not apply to funds appropriated or otherwise made available to Offices of Inspector General and the Recovery Act Accountability and Transparency Board by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

SEC. 202. Hereafter, no Federal agency administering funds provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) may provide funding or reimbursement to any entity awarded funds from such Act for the cost associated with physical signage or other advertisement indicating that a project is funded by such Act.

DIVISION C—MISCELLANEOUS PROVISIONS

SPENDING REDUCTION ACCOUNT

SEC. 4001. [Here insert the text of section 4001 in the pending text, as perfected, such that the matter proposed to be inserted under the heading SPENDING REDUCTION ACCOUNT is identical to the matter proposed to be stricken under that heading.]

This Act may be cited as the “Full-Year Continuing Appropriations Act, 2011”.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 541: Page 201, strike lines 9 through 18.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 542: Page 294. Beginning on line 4, strike “and” and all that follows through “Act” on line 5.

H.R. 1

OFFERED BY: MR. MICA

AMENDMENT No. 543: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed two-thirds of the current employees at headquarters or one-half of the current non-screener workforce at regional offices.

H.R. 1

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 544: Page 245, strike lines 11 through 15.

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT No. 545: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any of the activities described in section 6A of the Consumer Product Safety Act (15 U.S.C. 2055a).

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT No. 546: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Consumer Product Safety Commission to promulgate, implement, administer, or enforce a final rule relating to testing and labeling pertaining to product certification based on the proposed rule published in the Federal Register on May 20, 2010 (75 Fed. Reg. 28336).

H.R. 1

OFFERED BY: MR. POMPEO

AMENDMENT No. 547: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Consumer Product Safety Commission to publish a notice of requirements for accreditation of third party conformity assessment bodies for testing the conformity of products with section 106 or 108 of the Consumer Product Safety Improvement Act of 2008 or rules promulgated under either such section.

H.R. 1

OFFERED BY: MR. JONES

AMENDMENT No. 548: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to develop or approve a new limited access privilege program (as that term is used in section 303A the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a)) for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Council.

H.R. 1

OFFERED BY: MR. WELCH

AMENDMENT No. 549: Page 187, line 24, insert before the period the following: “: *Provided further*, That, from the funds made available by this title, the Secretary of Agriculture shall transfer an additional \$149,000,000 to the Commodity Futures Trading Commission to ensure that the Commodity Futures Trading Commission is able to carry out its duties under the law”.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 550: Page 288, line 20, and line 21, after the dollar amount on each such line, insert “(reduced by \$750,000,000)”.

Page 359, line 15, after the dollar amount, insert “(increased by \$750,000,000)”.

H.R. 1

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 551: Page 288, line 20, after the dollar amount, insert “(reduced by \$750,000,000)”.

Page 288, beginning on line 21, strike “\$750,000,000” through “such Public Law; (2)”.

Page 289, line 1, strike “(3)” and insert “(2)”.

Page 359, line 15, after the dollar amount, insert “(increased by \$750,000,000)”.

H.R. 1

OFFERED BY: MR. SCHRADER

AMENDMENT No. 552: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act (other than a provision relating to amounts required to be made available by a provision of law), divisions A and B of this Act appropriate for fiscal year 2011, for each agency for which amounts were made available (with respect to division A) in the Department of Defense Appropriations Act, 2010 (Public Law 111–118) or (with respect to division B) an appropriations Act referred to in section 1101(a), such amounts as may be necessary, under the authority and conditions provided in applicable appropriations Acts and at the level specified in section 1101(c), except that such level, with respect to the following appropriations Acts, shall be equal to the following percentages of the amounts made available for such agency in such Acts for fiscal year 2010 (other than amounts required to be made available by a

provision of law), including transfers and obligation limitations:

(1) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 (division B of Public Law 111-117), 89 percent.

(2) The Department of Defense Appropriations Act, 2010 (Public Law 111-118), 101 percent.

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to \$42,517,000,000.

(4) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111-117), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to \$74,682,000,000.

(5) All other appropriations Acts referred to in section 1101(a), 96 percent.

(b) Notwithstanding any other provision of this Act, expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111-242), shall be charged to the applicable appropriation, fund, or authorization provided by division A in the same manner as provided by this Act with respect to division B.

(c) Amounts appropriated by subsection (a) may be allocated by the applicable agency head among agency accounts, programs, projects, and activities, notwithstanding any other provision of this Act.

H.R. 1

OFFERED BY: MRS. MCMORRIS RODGERS

AMENDMENT No. 553: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay salaries of officers and employees of the Department of the Treasury who implement any of the following sections of Public Law 111-148 (including the amendments made by such sections):

- (1) Section 1501.
- (2) Section 1502.
- (3) Section 1513.
- (4) Section 1514.
- (5) Section 10108.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 554: At the end of the bill before the short title, insert the following:

SEC. _____. It is the sense of the House of Representatives that the current budgetary framework as provided for in the Congressional Budget and Impoundment Control Act of 1974 and subsequent Acts should be repealed and replaced with a new framework which—

- (1) Forces Congress to balance the budget;
- (2) Relies on zero-growth based budgeting;
- (3) Sets forth binding spending limits;
- (4) Makes it easier to review and eliminate federal programs and agencies; and
- (5) Narrows the criteria for designating emergency spending.

H.R. 1

OFFERED BY: MR. BOUSTANY

AMENDMENT No. 555: Page 215, beginning on line 9, strike “and front-end nuclear facilities” and insert “, front-end nuclear facilities, and conditional loan guarantee commitments”.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 556: On page 263, line 22, after the dollar amount, insert “(reduce by \$2,590,000)”.

On page 264, line 3, after the dollar amount, insert “(reduced by \$2,750,000)”.

On page 264, line 20, after the dollar amount, insert “(reduced by \$23,737,000)”.

On page 264, line 23, after the dollar amount, insert “(reduced by \$15,055,000)”.

On page 267, line 17, after the dollar amount, insert “(reduced by \$171,713,000)”.

On page 268, line 12, after the dollar amount, insert “(reduced by \$14,100,000)”.

On page 278, line 3, after the dollar amount, insert “(reduced by \$9,100,000)”.

SEC. _____. None of the funds made available by this Act may be used for the Land and

On page 359, line 12, after the dollar amount, insert “(increases by \$239,045,000)”.

H.R. 1

OFFERED BY: MR. GARDNER

AMENDMENT No. 557: At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available by this Act or any other Act in any fiscal year may be used by the Environmental Protection Agency to propose, finalize, implement, or enforce any regulation that includes any article or substance described in subsection (b) as a chemical substance subject to regulation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

(b) Articles and substances described in this subsection are the following:

(1) Any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986, and any component of such an article thereof.

(2) Any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in paragraph (1) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 under section 4182, section 4221, or any other provision of that Code).

(3) Any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4161 of the Internal Revenue Code of 1986, and any component of such an article thereof.

(4) Any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in paragraph (3).

H.R. 1

OFFERED BY: MR. ALEXANDER

AMENDMENT No. 558: Page 254, after line 17, insert the following new section:

SEC. 1633. For fiscal year 2011, the Administrator of the Federal Emergency Management Agency may not use the assumption that a currently existing levee or flood control structure does not exist to designate an area as having new flood hazards pursuant to issuance, revision, updating, or any other process to implement changes in flood insurance maps used under the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), except in cases where no affected community notifies the Federal Emergency Management Agency of objections to the Administrator's hazard modeling processes within 90 days of the enactment of this Act. Nothing in this section shall be construed to establish, provide, or otherwise imply that the presence of an existing levee or flood control structure pursuant to the preceding sentence thereby accredits such levee with providing protection from a flood of a level that has a 1-percent chance of being equaled or exceeded in any single year.

H.R. 1

OFFERED BY: MR. ALEXANDER

AMENDMENT No. 559: At the end of the bill (before the short title), insert the following:

SEC. 4002. None of the funds made available by this Act may be used to designate an area protected by a currently existing levee or flood control structure as having new flood hazards pursuant to issuance, revision, updating, or any other process to implement changes in flood insurance maps used under the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and pursuant to an assumption that such currently existing levee or flood control structure does not exist, except in cases where no affected community notifies the Federal Emergency Management Agency of objections to the Administrator's hazard modeling processes within 90 days of the enactment of this Act.

H.R. 1

OFFERED BY: MR. FLORES

AMENDMENT No. 560: At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise made available by this Act for the following accounts are hereby reduced by the following amounts:

(1) “Executive Office of the President and Funds Appropriated to the President, The White House, Salaries and Expenses”, \$4,530,000.

(2) “Executive Office of the President and Funds Appropriated to the President, Executive Residence at the White House, Operating Expenses”, \$332,000.

(3) “Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration”, \$405,000.

(4) “Executive Office of the President and Funds Appropriated to the President, National Security Council, Salaries and Expenses”, \$2,979,000.

(5) “Executive Office of the President and Funds Appropriated to the President, Office of Administration, Salaries and Expenses”, \$17,771,000.

(6) “Executive Office of the President and Funds Appropriated to the President, Office of Management and Budget, Salaries and Expenses”, \$10,220,000.

H.R. 1

OFFERED BY: MR. PETERS

AMENDMENT No. 561: At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used by the Animal and Plant Health Inspection Service to conduct lethal wildlife control activities under the Wildlife Services program for the purpose of protecting livestock, crops or other agricultural interests, and the amount otherwise provided by this Act for “Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses” is hereby reduced by \$28,000,000.

H.R. 1

OFFERED BY: MR. REYES

AMENDMENT No. 562: Page 245, line 7, after the dollar amount, insert “(increased by \$60,000,000)”.

Page 245, line 19, after the dollar amount, insert “(reduced by \$60,000,000)”.

H.R. 1

OFFERED BY: MRS. NOEM

AMENDMENT No. 563: At the end of the bill (before the short title), insert the following:

SEC. _____. No funds made available by this Act may be used to modify the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to coarse particulate matter under section 109 of the Clean Air Act.

H.R. 1

OFFERED BY: MR. BASS OF NEW HAMPSHIRE

AMENDMENT No. 564: Page 291, line 11, after the dollar amount, insert “(reduced by \$98,000,000)”.

Page 293, line 4, after the dollar amount, insert “(increased by \$50,000,000)”.

Page 293, line 8, after the dollar amount, insert “(increased by \$50,000,000)”.

Page 359, line 15, after the dollar amount, insert “increased by “(increased by \$48,000,000)””.

H.R. 1

OFFERED BY: MR. BASS OF NEW HAMPSHIRE

AMENDMENT No. 565: Page 291, line 11, after the dollar amount, insert “(reduced by \$98,000,000)”.

Page 293, line 4, after the dollar amount, insert “(increased by \$50,000,000)”.

Page 293, line 8, after the dollar amount, insert “(increased by \$50,000,000)”.

H.R. 1

OFFERED BY: MR. BOREN

AMENDMENT No. 566: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

H.R. 1

OFFERED BY: MS. HAYWORTH

AMENDMENT No. 567: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to implement section 1899A of the Social Security Act (42 U.S.C. 1395kkk), as added by section 3403 of the Patient Protection and Affordable Care Act (Public Law 111-148).

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT No. 568: At the end of the bill (before the short title), insert the following:

SEC. ____ .
(a) None of the funds made available by this Act may be used to provide grants (within the meaning of section 6302 and section 6304 of Title 31 of the United States Code).

(b) Subsection (a) shall not apply to grants allocated under a statutory formula or grants to states, territories, tribal areas, the District of Columbia, outlying areas and freely associated states.

H.R. 1

OFFERED BY: MR. ISSA

AMENDMENT No. 569: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to fund periodic step increases described in Section 5335 of Title V of the United States Code.

H.R. 1

OFFERED BY: MR. MATHESON

AMENDMENT No. 570: At the end of the bill (before the short title), insert the following:

SEC. ____ . Each amount made available by this Act for motor vehicles for any civilian

agency listed in the worldwide inventory of the most recent Federal fleet report of the General Services Administration is hereby reduced by 20 percent.

H.R. 1

OFFERED BY: MR. HULTGREN

AMENDMENT No. 571: In Division B, at the end of TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES, add the following new section:

SEC. ____ . Notwithstanding any other provision of law, the Department of Energy is hereby authorized to proceed with the new experiments requested for the High Energy Physics program.

H.R. 1

OFFERED BY: MR. RUSH

AMENDMENT No. 572: Page 287, line 23, insert the following:

(4) not more than \$100,000,000 shall be available until expended for carrying out the provisions of Section 3505(b) [Trauma Service Availability Grants] of Public Law 111-148 (Patient Protection and Affordable Care Act).

H.R. 1

OFFERED BY: MR. COOPER

AMENDMENT No. 573: At the end of the bill (before the short title), insert the following:

SEC. ____ . Notwithstanding any other provision of this Act (other than a provision relating to amounts required to be made available by a provision of law), this Act appropriates for fiscal year 2011, for each account, program, project or activity for which amounts were appropriated in an appropriations Act referred to in section 1101(a), such amounts as may be necessary, at the level specified in section 1101(c), except that such level, with respect to the following appropriations Acts, shall be equal to the following percentages of the amounts appropriated in such appropriations Acts, including transfers and obligation limitations:

(1) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83), 100 percent.

(2) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (division D of Public Law 111-117)—

(A) with respect to amounts made available by such Act for Pell Grants, 100 percent; and

(B) with respect to all other amounts made available by such Act, 95 percent.

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111-117), 100 percent.

(4) All other appropriations Acts referred to in section 1101(a), 95 percent.

H.R. 1

OFFERED BY: MR. PEARCE

AMENDMENT No. 574: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to make any contribution on behalf of the United States to the Intergovernmental Panel on Climate Change (IPCC).

H.R. 1

OFFERED BY: MR. REHBERG

AMENDMENT No. 575: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be paid to any employee, officer, contractor, or grantee of any department or agency funded by title VIII of division B of this Act to implement the provisions of Public Law 111-148 or title I or subtitle B of title II of Public Law 111-152.

H.R. 1

OFFERED BY: MS. ESHOO

AMENDMENT No. 576: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to enter into any contract with a corporation or other business entity that does not disclose its political contributions.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 577: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to pay the salaries and expenses of personnel to carry out and implement Title X (Bureau of Consumer Financial Protection) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

H.R. 1

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT No. 578: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to pay the salaries and expenses of personnel to carry out and implement the National Labor Relations Act (29 U.S.C. 151 et seq.).

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 579: Page 261, lines 22 through 25, and page 262, lines 1 through 4, strike Section 1649 which rescinds \$106,556,000 in unobligated balances available for “Department of Homeland Security, U.S. Customs and Border Protection, Construction” for construction projects.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 580: Page 245, lines 1 through 3, strike Section 1605 which reduces the level of funding for “Department of Homeland Security, Office of the Federal Coordinator for Gulf Coast Rebuilding” to \$0.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 581: Page 358, beginning on line 9, strike section 3002.

H.R. 1

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 582: Page 357, beginning on line 24, strike section 3001.

H.R. 1

OFFERED BY: MR. REED

AMENDMENT No. 583: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to change any rate of salary or basic pay pursuant to section 1113 of Public Law 111-32.

EXTENSIONS OF REMARKS

HONORING KATHARINE CARR
ESTERS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Katharine Carr Esters. Mrs. Katharine Carr Esters, a devout Christian and member of the Presbyterian Church since the age of seven years old, gives thanks to her Lord and Savior Jesus Christ for her accomplishments, especially since returning home to Mississippi back in 1972.

After retiring from the Veterans Administration in Milwaukee, Wisconsin, she wanted to start a small business, so in October of 1972 she built a 12 x 15 concrete block grocery store on her parents' land. She mixed the mortar and hauled it in a wheelbarrow herself. Her small enterprise was a success that enabled her to later add two gas pumps at the store. She felt fortunate to get approval for gasoline on the gravel country road where she lived. Along with obtaining a license to sell groceries she was also issued a beer license.

Seeing the need for improving the standard of living in her neighborhood, in 1975 she applied for community water from County Supervisors. They initially denied her, so she got an easement for a waterline right-of-way from neighborhood property owners. With that breakthrough she rented equipment and bought the pipe, then hired workers to lay the waterline. Ford Motor Credit loaned her some of the money. After completion, the County Supervisors reassessed the taxes on all property where her waterline was put down and that was how she got her area of the county road surfaced.

A politician and staunch democrat, in 1976 she became a Governor Cliff Finch Colonel and placed on the Probation and Parole Board for the State of Mississippi, replacing Dr. Leslie McLemore. Shortly afterwards she was reappointed to the Board of Directors of the Department of Mental Health where she served two consecutive seven-year terms. Working hard on the Board, she is credited with the idea of the State building group homes for mentally challenged citizens so they can have some independence while not being totally on their own, helping to keep their dignity and humanity intact. The first group home was built in Meridian and named the Katharine Carr Ray Esters Group Home and the group home in Kosciusko was also given her name in 2002.

A relative of the rich and famous Miss Oprah Winfrey, in 1988 Mrs. Esters contacted the Northern Highway Transportation Commissioner and persuaded him to name the road that passed the bend from Buffalo Methodist Church near where Oprah was born the Oprah

Winfrey Road. Miss Winfrey came home for the celebration and the road was dedicated on the grounds of the Buffalo Community Youth Center—the old church. The evening of the dedication a benefit was held in Oprah's honor at the Coliseum where money was raised. The proceeds were split. Half the money was given to the Buffalo Community Youth Center and half to the Kosciusko/Attala Cultural Center. After that Mrs. Esters refurbished the Buffalo Community Youth Center.

A history major in college she has a love for the past and people who survived hard times with dignity and respect, especially family members. So over the years she has bought and had installed permanent signs at several historical landmarks. She bought a sign for the site at the old retired Black Presbyterian Church at Ethel where she was baptized, a sign at Alexander Memorial Presbyterian Church where she is a member that is on the "Tour Guide" in Kosciusko, and a sign for the Carr Graveyard on #12 Highway near Ethel. She also reactivated the abandoned Civil War Era Cemetery and extended its entire perimeter so that indigent people today can be buried there, and bought and placed 36 granite headstones for those buried there whose graves had not been marked. She also bought and lettered a 14-foot metal gate for the cemetery.

But perhaps her best known accomplishment is her memoir titled *Jay Bird Creek and My Recollections* published in 2003 that told of when Jim Crow was law in Mississippi. Her book has sold many copies and touched the hearts of readers young and old. Also, in 2005 she wrote the history of Plantation Missionary Baptist Church for the benefit of future members.

She is a Life Member of the NAACP, a Life Member of the Attala County Cultural Center, a member of the Board of Directors of the Oprah Winfrey Boys & Girls Club, a member of the Democratic Executive Committee, and an Elder at Alexander Memorial Presbyterian Church.

In closing the interview she said, "I have given too many scholarships to number, taken high blood pressure medicine everyday for 60 years and taught Christian Education even longer. From my dialysis chair I am still privileged to enjoy my family and friends and, most of all, I remain a grateful servant person."

A TRIBUTE TO LES OESTERREICH,
ON THE OCCASION OF HIS RETIREMENT

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to honor Les

Oesterreich, a resident of Dixon, California, a man respected as an American, a husband to Pat Oesterreich, a father to their combined seven daughters, and a grandfather. Perhaps more germane to this moment is his position as chairman emeritus of Superior Farms, the largest harvester and processor of lamb in the United States. Under his leadership, the company has grown from having a single plant in Dixon, California, to having plants in Denver, Colorado, Boston, Massachusetts, Hawarden, Iowa, and Blue Island, Illinois, with contractual arrangements in Australia as well. Today, Superior Farms employs 494 employees and operates under an Employee Stock Ownership Plan (ESOP), so that every employee has a stake in the company's bottom line.

As CEO of Superior Farms, Mr. Oesterreich skillfully guided the company by working with other industry organizations. He was honored in 2008 by the American Sheep Industry Association with its Camptender Award. He served several terms as a director of the National Meat Association, and as chair of its Small Stock Committee. He was recognized by the United States Department of Agriculture for his work with the Agricultural Marketing Service on the implementation of fair standards for lamb grading. He served on the Advisory Committee for the Animal Science Department at California Polytechnic University at San Luis Obispo and the University of California at Davis. His input to the American Lamb Board and the California Sheep Commission has guided those organizations, and during all these activities he has guided the growth and prosperity of Superior Farms to ensure that he recruited the brightest and best professional management talent available.

Mr. Oesterreich's father worked for Armour Food Co. for 35 years and he learned a lot about the meat business during his formative years in Brownsville, Texas, and Sterling, Illinois. He started work in the slaughter facilities at age 16, then learned how to load trucks, and was finally trained in meat cutting, all at Armour. He joined Superior Farms in 1981 as general manager of the Dixon, California, facility and moved up the chain of management, by dint of hard work, to become its CEO in 2004.

Off the job, he has served as president of the local fire district in Dixon; he is passionate about cars and horses; and he is a member of the American Quarter Horse Association.

As Mr. Oesterreich moves into retirement, he leaves behind an incredible legacy to be continued by the professionals that he has recruited to Superior Farms. Men like Mr. Oesterreich make the United States of America a wonderful place to live. Congratulations, Les Oesterreich!

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING LOU ELLA ROBINSON-
WELTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Lou Ella Robinson-Welton. Ms. Welton was born to the late Reverend John D. (Doc) Robinson, a Baptist Minister, and Ella Jones-Robinson, a homemaker, on April 10, 1921, in Itta Bena, Mississippi. She was the youngest of six and is the only surviving member. Her siblings were Russell, Frank, Arie, and Seavon and Cleavon (twins). She was married to Sammie Lee Welton Senior, also from Itta Bena, Mississippi, for 41 years until his death in 1986. Sammie Sr. was a World War II Disabled Veteran, a Purple Heart Recipient, a Radio Technician, Printer, and Retired Mississippi Valley State University Laundry Technician. They have 5 children: Vernola, Arie Lue, Sammie Jr., Joyce, and Wanda, all graduates of Mississippi Valley State University. Lou Ella has 12 grandchildren, 19 great grandchildren and one great-great grandchild.

Lou Ella Robinson Welton is an educator, community activist, and for 42 years, was a full-time teacher to generations of students in and around Leflore County, and is affectionately known throughout her community as "Miss Welton." Miss Welton began her career as a teacher/educator when she graduated high school, taking her first teaching job when she was 18. Public schools for African Americans in the early 1900s were rare, so her family sent her to private boarding schools. She was the first in her family to complete high school and the only one to graduate college.

She began her education in Humphreys County but the family moved back to Leflore County after only several months. She attended school at the Saint John's Palo Alto and the Leflore County Training Schools in Itta Bena and graduated from the Stone Street School in Greenwood, Mississippi in 1941. She attended Rust College, and later Mississippi Vocational College, now Mississippi Valley State University, when it was little more than a dream in the eyes of its first president, Dr. James Herbert White. Attending Saturday and summer sessions, she and her husband, Sammie (vocational degree in printing), were among the first graduating class of 1953. She was the only sibling to graduate from college and is one of only two surviving members of the first Graduating Class of 1953 at Mississippi Vocational College in Itta Bena, Mississippi.

After receiving her B.S. degree in elementary education, Miss Welton taught in the Leflore County School System for over 42 years. She taught elementary education, special education, and migrant education with an emphasis on independent living, during her career. She has attended numerous training programs at universities around the country and received certificates in many academic areas related to teaching.

Miss Welton has also been active in her community and church where she has lived for the last 89 years. She was a member of the

church choir, Sunday School teacher, Home Mission Society, and still serves as a Mother of the church. Miss Welton has been a member of the Goodwill Industrial Club, which she co-founded (a group of women who assisted needy families), The Cancer Network Control, Leflore County Homemakers, and the Mississippi Education Association.

Her other activities have included selling a variety of commodities in the community that included: Avon, Shaklee, Sarah Coventry, World Book Encyclopedia and Sewing for anyone who wanted something special. She made costumes for many years for the sororities and fraternities at Mississippi Valley State University.

She worked part-time at the Roses Department Store and the Spotless Cleaners in Itta Bena, Mississippi. She has mentored numerous students who still call and come by to maintain the friendships that were garnered many years ago. She has a good memory and likes to talk about the good old days to former students, family and friends. Miss Welton remains active by attending local functions, Adult Day Care, talking on the telephone, and keeping abreast of current events through the newspaper and television.

IN HONOR OF ANN SOLDO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the life of Ann Soldo, a generous community leader in California's Pajaro Valley and the first female mayor of Watsonville, California. Ann passed away at the age of 90 on January 24, 2011. She was an admired teacher that taught from the heart and touched the lives of thousands in the Pajaro Valley.

Born in Watsonville, California, on May 27, 1920, Ann received a bachelor's degree from San Jose State University in 1942, before getting her Master's degree from Stanford University in 1954. From there, Ann began her 40-year career as an educator on California's Central Coast. In addition to teaching, Ann furthered her contribution to education through her role as principal at several schools including Aptos Junior High, where she was the first female principal. She retired from the Pajaro Valley Unified School District in 1978. In 1999, Ann M. Soldo Elementary School was named in her honor.

Ann was the epitome of public service in the Pajaro Valley. She became involved with her local government in 1979, when she was elected to the Watsonville City Council and appointed as Vice-Mayor. From 1983 to 1987, Ann served as the first female mayor of Watsonville. Moreover, she volunteered for numerous community organizations, including the Salvation Army, YWCA, and the Pajaro Valley Historical Association. After the 1989 Loma Prieta Earthquake, she co-chaired the fundraising drive to rebuild a local church and construction of the Henry Mello Center for the Performing Arts.

Mr. Speaker, Ann Soldo was an inspiring leader to so many, a woman who dedicated

herself to bettering her community. Ann was proud of her Croatian heritage and took comfort in calling the Pajaro Valley home. She was preceded in death by her husband Andrew Soldo and is survived by her sister Grace Leavitt of Newport Beach, California and stepdaughter Mary Ann Jurchan of Colorado. I know that I speak for the whole House in mourning the passing of this dedicated and loving woman. Her life was a gift to her community.

IN HONOR OF FIRE CHIEF KYLE D.
KING FOR A LIFETIME OF COM-
MUNITY SERVICE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to recognize Fire Chief Kyle D. King for his commitment to community service in Farmers Branch, Texas. Chief King retired from the City of Farmers Branch on December 31, 2010, after completing 35 years of service.

Chief King was born in Carnegie, Oklahoma, attended Southwestern State University, and graduated from Oklahoma State University. After moving to Texas, he began his employment with the City of Farmers Branch as a Fire Inspector on January 1, 1976. He rose quickly, and was promoted to Fire Protection Safety Technician in 1979, Fire Marshal in 1981, Chief Training Officer in 1985, and Fire Chief in 1991.

As Fire Chief, Mr. King held certifications as an Instructor, Master Fire Inspector, Master Fire Fighter, Master Fire Investigator, and Master Peace Officer. He was a member of the Texas and International Fire Chiefs Association and is past President of the Dallas County Fire Chiefs Association. He has most recently served as Texas State Vice President of the Southwestern Fire Chiefs Association.

Chief King has overseen the construction of several fire department buildings, including the Farmers Branch Fire Station No. 3 and the Bob Phelps Fire Administration Building. He also helped to set up the construction documents for new Fire Station No. 1. Additionally he has supervised the implementation of a mass casualty incident task force, the development of an emergency management plan, initiation of the Citizens Fire Academy, and the beginning of the paramedic engine program. Other achievements for the department include receiving a Class 2 ISO rating, recognition for maintaining an outstanding cardiac save rate, and the maintenance of extremely low annual fire losses through innovative fire prevention programs.

Beyond his work at the Fire Department, Chief King is active in his community. A Baptist deacon for over 30 years, Chief King has held several leadership roles in First Baptist Carrollton, his home church. He is also a former Chaplain for Dallas North Gideons International and currently holds the position of Membership Chair. Additionally, he mentors middle school students through the Carrollton-Farmers Branch Independent School District.

On behalf of the 24th Congressional District of Texas, I would like to thank Chief King for

his exceptional career and community service contributions to the greater north Texas area. Because of his leadership and expertise, thousands of residents in Farmers Branch receive vital services each year. I ask all my distinguished colleagues to join me in recognizing Chief King for his lifetime of community service.

INTRODUCTION OF THE "SECURITY
AND FAIRNESS ENHANCEMENT
(SAFE) FOR AMERICA ACT"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the bipartisan "Security and Fairness Enhancement (SAFE) for America Act." This much-needed legislation eliminates the controversial visa lottery program, through which 50,000 aliens are chosen at random to come and live permanently in the United States based on pure luck. The visa lottery program threatens national security, results in the unfair administration of our Nation's immigration laws, and encourages a cottage industry for fraudulent opportunists.

Because winners of the visa lottery are chosen at random, the visa lottery program presents a serious national security threat. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. During testimony before the House Committee on the Judiciary, the Office of Inspector General stated that the Office "continues to believe that the diversity visa program contains significant risks to national security from hostile intelligence officers, criminals, and terrorists attempting to use the program for entry into the United States as permanent residents."

Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from planting members in the U.S. by having those members apply for the program. As long as those individuals do not have previous criminal backgrounds, these types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our Nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the "guarantee" of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in a September 2003 report. Specifically, the report states that the visa lottery program is "subject to widespread abuse" and that "identity fraud is endemic, and fraudulent documents are commonplace." Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in the 2003 visa lottery alone.

In addition, the visa lottery program is by its very nature discriminatory. The complex formula for assigning visas under the program arbitrarily disqualifies natives from countries that send more than 50,000 immigrants to the U.S. within a five-year period, which excludes nationals from countries such as Brazil, Canada, India, the Philippines and others.

The visa lottery program represents what is wrong with our country's immigration system. My legislation would eliminate the visa lottery program. The removal of this controversial program will help ensure our Nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud and opportunism.

HONORING FANNIE M. WHITE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor Mrs. Fannie M. White, a lifelong resident of Issaquena County. Fannie White was born on September 2, 1950, to Mr. Sidney and Marie Marshall, the seventh of nine children. She is a 1973 graduate of Mississippi Valley State University with a BS in Business Administration. She is retired from

the Mississippi Department of Human Services after 28 years of service. She is married to Supervisor Larry White, who is also the assistant pastor of Rose Hill M.B. Church in Mayersville, MS, and has one son, Tristan White, who is a student at Alcorn State University.

Mrs. White has always had an interest in working with the youth in Issaquena County. Since the 1970's, she has been very active in working with the youth in the church, putting on plays to celebrate different holidays. She is the Adult Sunday School teacher at St. Peter M.B. Church where she is a dedicated member. She is also the founder and president of the Mayersville Youth Development Committee, and the director of the Mayersville Children's Village. Mrs. White has worked with these organizations for several years with such services as the Summer Feeding Program, the After School Tutoring Program, as well as the Summer Enhancement Program. She enjoys summer activities with the children, which consists of Summer Fun Days at the park, trips to educational museums such as the Civil Rights Museum in Memphis, TN, the Natural Science Museum, the Planetarium, and the Civil Rights Museum in Jackson, MS. Mrs. White is also instrumental in participating with St. Jude and Muscular Dystrophy Foundation to help raise money for their organizations, also is an alderman for the town of Mayersville.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. WOOLSEY. Mr. Speaker, on February 14, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 35–37. Had I been present I would have voted: rollcall No. 35: "yes"—On Motion to Recommit with Instructions; rollcall No. 36: "no"—To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011; rollcall No. 34: "yes"—On Approving the Journal.

PERSONAL EXPLANATION

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. BASS of California. Mr. Speaker, on rollcall No. 36, had I been present, I would have voted "no."

HONORING JESSIE PEARL WATT
STEWART

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Jessie Pearl Watt Stewart. Jessie Pearl Watt Stewart is the eighth child of 12 born to the late Plummie and Cora Yates Watt in Grenada, Mississippi where she was reared. She attended the Grenada Colored Public Elementary and High School where she received her high school diploma. Upon graduation from high school, she matriculated in Mississippi Vocational College, now known as Mississippi Valley State University, where she earned a Bachelor of Science and a Master of Science Degree in Elementary Education. She also did further studies at Delta State University in Cleveland, Mississippi.

It was at Mississippi Vocational College where she met and married the late Coach Conway Stewart, a native of Greenwood, Mississippi. To this union was given three beautiful daughters, Rev. Cora Denise Stewart Lowe, Valeria Stewart Skinner Moses and Yolanda Yvette Stewart Spinks.

Jessie Stewart's genuine love for children and people and her respect for education were the guiding forces that led her to a career of teaching for more than 39 years in Indianola, Grenada, Leflore County and Greenwood Public Schools. Her dedication and commitment to the successful education for Black children and young adults of the cultural, civic/moral development of Black women were her inspiration in teaching the whole child every facet of life. This was also instrumental in her organizing several young Black women organizations, a young men's organization, Gentlemen of Quality for high school boys. She worked with junior and high school girls for more than 25 years as sponsor and counselor of a civic, social, cultural and educational club. She worked as counselor, advisor and teacher of youth, and young adults, in the Mississippi State Baptist Congress of the Young People Department of Christian Education for 10 years. Jessie's love for God is evident having served at Jones Chapel Missionary Baptist Church, as assistant secretary for more than 40 years, President of the Missionary Society, Director of Christian Education, Director of Baptist Training Union and Sunday school teacher. She has always exemplified strong Christian faith and gives God all the praise for her successes.

Her leadership ability is reflected in her service to the community, having served as President of The Rising Sun Community Organization, which has more than 300 residents, President of the Greenwood-Leflore Retired Education Personnel Association, Past President of the Third District, City and local Federation of Colored Women Clubs Inc., An active Silver Star of Kappa Alpha Omega Chapter of Alpha Kappa Alpha Sorority (AKA), Past President of the Cotillion Federation of Colored Women' Club, Board member of the Salvation Army, originator and sponsor of orphan residents of local nursing homes. She is an

active life and local member of Mississippi Valley State University Alumni Chapter and she has served on the United Way and Girl Scout Boards.

She is the recipient of numerous plaques, awards and recognitions for work in the community, schools and churches. Teacher of the Year from Threadgill Elementary School 1978, Teacher of the Year Dickerson Elementary School 1991, 1993, 1994 and 1996. Employer of the Year for Greenwood City Schools 1995, A+ Teacher of the year 1992, Who's Who Among American Teachers 1993, Community Services Award for volunteers, Wesley United Methodist Church 1997, 4-H Youth Volunteer Award 1993, Club Woman of the Year, Mississippi State Federation of Colored Women Third District, Cotillion Federated Club Woman of the Year and the Greenwood Commonwealth Newspaper Unsung Hero 2004.

She continues to work untiringly, teaching, mentoring, guiding and providing active participation in her church, The Greenwood-Leflore Retired Education Personnel Association, The Rising Sun Community Organization, AKA Sorority, schools, nursing homes and wherever she is called.

UNITED STATES RELATIONSHIP
WITH RUSSIA

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. DREIER. Mr. Speaker, last month, The Economist exhorted Western Leaders to more openly and consistently criticize Russia for its sham democracy, its brutal treatment of human rights activists and political dissidents, and its utter disregard for the rule of law. It was a challenge that should be taken seriously.

Our approach to Russia has been characterized, paradoxically, by a failure to be both sufficiently pragmatic and sufficiently idealistic at the same time.

Russia is a key international player with whom we must engage. That's undeniable. It is a permanent member of the Security Council. It is a key actor in any united international effort to contain Iran's nuclear ambitions. It exerts great influence in regions, such as Central Asia, with implications for our struggle against violent extremism in Afghanistan and elsewhere. Keeping our engagement with Russia as constructive and effective as possible is essential to pursuing our vital national security interests.

But this reality cannot preclude our commitment to promote democracy around the globe and condemn those who brutally suppress it. We must stand up for human rights and the rule of law, even when—especially when—they are undermined by major international players. We cannot remain silent when journalists and activists are killed or savagely beaten with impunity, while political prisoners face years of jail time. The new guilty verdict imposed on Mikhail Khodorkovsky late last year makes it appear that the only crime that's actually punishable in the Russian Federation is opposition to Putin.

Days after the verdict was handed down, opposition leader and former Prime Minister Boris Nemtsov was arrested for participating in a peaceful rally. He had committed the grave offense of expressing support for the protection of constitutional rights and condemning the sham Khodorkovsky verdict.

Hostility to the rule of law extends beyond Russia's own borders, as we saw in the August 2008 invasion of our democratic ally Georgia. Georgia's sovereignty and territorial integrity remains under threat today.

In our relationship with Moscow, we must learn to balance the twin imperatives of effective engagement and criticism of gross miscarriages of justice. This will only become more essential in the context of the coming debate on Russia's entry into the World Trade Organization.

Russia has moved closer than ever to acceding to the WTO. We are likely to face this prospect in the coming year and the resulting vote on whether to extend Permanent Normal Trade Relations. We will need to have a full and robust debate on this issue. We will need to ensure that PNTR is not granted until we have confirmed that Russia has fulfilled the basic obligations that WTO membership demands.

If those obligations are met, my view is that WTO accession would be a very positive step forward. Bringing Russia into a rules-based trading system would bind Moscow to the rule of law. It would create consequences and enforcement mechanisms for failure to live by its commitments. WTO membership is by no means a panacea, particularly for systems as deeply flawed as Russia's. But it would be a significant step in the right direction.

Not only would it impose the rule of law in Russia's trading relationships. It would demonstrate that even Moscow recognizes the value of international rules of fairness. This should serve as a reminder that their presumed indifference to our criticism is no excuse for failing to voice that criticism. We need to engage with Russia, but Russia also needs to engage with us. We cannot shy away from taking a public stand against increasingly brutal repression at the hands of those with whom we have important negotiations.

Neither can we lose sight of the fact that supporting the rule of law is not just about promoting American ideals. One of the most important lessons of the last decade is that democracy strengthening is as firmly grounded in realpolitik as it is steeped in lofty, high-minded ideals. If our moral clarity helps to strengthen democracy advocates in Russia, we will further our strategic goals in the long run. A less corrupt, less autocratic regime in Moscow will result in a better international partner.

As Vladimir Kara Murza has written in World Affairs, defending the rule of law is not just our right but our duty. Last week Vladimir wrote that statutes of the Organization for Security and Cooperation in Europe, to which both the U.S. and Russia are party, make this clear. The statutes state "issues relating to human rights, fundamental freedoms, democracy, and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order" and "commitments undertaken

in the field of the human dimension are matters of direct and legitimate concern to all participating States."

As a member of key international bodies and an aspirant to the WTO, Russia has subjected itself to international norms. The U.S. and its Western allies must take seriously the responsibility to hold Russia accountable for its commitments and its actions.

The Russian people have a long and tremendous history. Their government has very tragically tried to return this great people to a dark chapter of that history. But if we refuse to stay silent in the face of egregious human rights violations while constructively engaging in key negotiations, I believe we can effectively encourage positive change in Russia.

RECOGNIZING MARY EVELYN ARNOLD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today, along with my colleague, Representative MIKE THOMPSON, to recognize Mary Evelyn Arnold, who has been named the City of Sonoma's 2011 Alcaldessa, or Honorary Mayor.

The title, "Alcalde" or "Alcaldessa" when referring to a woman, is the Spanish word for "Mayor." During the Spanish colonial period in California, the Alcalde was the primary civil authority. In modern times in the City of Sonoma, it is an honorary title and the contemporary Alcalde or Alcaldessa presides over ceremonial events for the city.

Alcaldes and Alcaldessas are nominated by the community and are representative of individuals with a long record of volunteer work. Ms. Arnold is no exception to this rule.

At the top of the list of Ms. Arnold volunteer passions is the library. She has served on both the Sonoma County Library Commission and as Chair of the Sonoma Valley Library Advisory Board.

She also serves as Treasurer and Chair of the Investment Committee at Vintage House, organizes the Wednesday cooking crew at Meals on Wheels and bakes birthday cakes for the WillMar Center, which offers support and counseling for children and teens grieving the death of a loved one.

Pets Lifeline (where she is the unofficial cat cuddler), Kiwanis Club of Sonoma Plaza and the AAUW Scholarship Committee round out her volunteer community activities.

Ms. Arnold is also very active in her church, serving on the Committee on Ministry of the Northern California Nevada Conference of the United Church of Christ and serves as Vice Moderator of the First Congregational Church of Sonoma.

Ms. Arnold moved to Sonoma County in 1987 and was the co-owner of a specialty wine business and worked for the Wine Business Monthly and Wine Business Insider for several years, finishing her career with internet.com.

Mr. Speaker, Mary Evelyn Arnold is the quintessential volunteer, a dynamic and well respected member of the community. It is

therefore appropriate that we acknowledge her today as the City of Sonoma's Alcaldessa for 2011.

HONORING MICHAEL LATIKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Michael Latiker. Mr. Latiker was the first born to the late Charlie and Earnestine Latiker. He is a lifelong resident of Yazoo City, Mississippi. He attended school in Yazoo City and graduated from Yazoo City High School in 1977. Michael is a man with a heart of gold. He is a selfless servant to the public, a helping hand to those in need, a visitor of the sick, and a fierce friend.

Latiker was introduced to Christianity at an early age by his parents. He is an active and a most dedicated member of King Solomon Baptist Church, where he serves on the deacon board and a committed usher. Besides his Christian duties, he acquired other responsibilities which include: The Outreach Program of the community established by Herman Leach, The King Solomon Male Choir, softball coach of males at Roy Capernella Park (ages 6 through 14), Yazoo Brotherhood and mentor for the youth as well as his children Roderick Miguel, Verneda, and Eureka.

Michael's work never ends without a loving smile. No task for him has ever been too enormous. The philosophy he shares, "Never too early; Never too late, Just call." He has affected and changed the lives of many people and has made the community a better place in which to live. With his faith in Christ, he in a portrait true of brotherhood.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. CLARKE of New York. Mr. Speaker, I was unavoidable detained in my district and missed several votes on February 14, 2011. Had I been present, I would have voted "yea" on rollcall No. 35, the Motion to Recommit with Instructions, and "no" on rollcall No. 36, final passage of H.R. 514.

IN HONOR OF PRESIDENT GEORGE
H.W. BUSH ACCEPTING THE
PRESIDENTIAL MEDAL OF FREE-
DOM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, today President George H.W. Bush accepted the Presidential Medal of Freedom from President Obama.

President Bush, dubbed "41," and I share the common bond very few combat veterans have experienced. We both were shot down while flying for our country. I am thrilled to report that he had a better experience after the shoot down than I did, but it's a once-in-a-lifetime experience that instantly bonds you with fellow survivors. I will always recall the day that I said goodbye to him on the tarmac at Andrews Air Force Base as he left Washington when President Clinton took office. I still hang the note that he wrote me thanking me for being there in my office. He's just that kind of personable guy who not only thinks of the little things that helps people feel great, he makes time for them.

To commemorate the awarding of the Presidential Medal of Freedom, I would like to submit a poem, the Man the Lord Pulled from the Sea, written by Albert Caswell.

Congratulations, President Bush. You're an outstanding American and a great patriot. God bless you, and I salute you.

THE MAN THE LORD PULLED FROM THE SEA

A patriot's plane was shot from the sky . . .
Would this brave heart live or die?

What was to be?

With his two comrades gone . . .

As their fine souls rose up to Heaven, with
our Lord living on, eternally . . .

And from the heavens up above, our Lord
God in his love . . . reached down and
pulled this Hero, this Man From The
Sea!

Our 41st President . . . born,
George Herbert Walker Bush in Milton
Massachusetts . . . on June 12th,
1924 . . .

Score a lifetime of public service, to his Na-
tion so great be assured!

As none other in history, have so equaled so
before!

When all is said and done, his records are the
ones . . .

The historians will contend, are one of the
greatest Presidents I'm sure!

Born of wealth, power, social prestige and
such fame . . .

How so easily, he could have so
made . . . his life just a game!

Instead, he chose public service . . .

As had too, his most distinguished Father
Prescott Bush . . . all of Senate fame!

With a lifetime of public service, he can now
so claim . . .

Has so given even greater honor, to that al-
ready prestigious family name!

Just out of Phillips Academy, at 18 as he
knew he had to be . . .

Off to war for this his country 'Tis A
Thee . . . ready to die!

With, The World To Be Saved, and a war to
be won!

This hero flew off, to that land of the rising
sun, up in the sky . . .

Not hiding behind social position, as the
world lie in such a horrid condition!

All because, patriot's never ask why!

Leaving, he was barely a man . . .

But returning home, as before us now so
stood a hero so grand . . .

One of America's Best, no one denies!

As once again, in 1944 he was so blessed . . .

As he wed his true love and wonderful wife,
Barbara Pierce no less . . .

And still, to this very day . . .

Their great love story and wonderful family
they consider, of their life's greatest of
all success!

Returning home, as straight to Yale . . .

As his heart would so roam, eager to grow at
Andover he had been ready to
learn . . .

Captain of a championship baseball team,
even then the word Bush meant lead!

As great respect as a Leader, he had so
earned . . .

For athletics and exercise, he truly
yearns . . .

For within his heart, this great passion and
way of life has ever so burned!

As a cowboy at heart, as so soon he drove off
westward ho . . . out of town . . .

As to Texas as an oilman, he was so surely
bound . . .

Then, giving up his company he had built
from the ground . . .

As when inside his great heart, so came a
calling sound!

So soon he discovered, it was public service
that he was in love with . . .

Where his future and heart, and life's work
were so to be found . . .

Following his respected Dad, Prescott foot-
steps into Congress for two terms . . .

And as the head of the CIA, as all of those
commies he so burned . . .

Ever striving to improve, growing and learn-
ing, as The Man On The Move, as for
great challenges his heart ever
yearned!

With it becoming clear, that "The White
House" was ever near, and all of the
World.... The Name of Bush would so
soon learn . . ."

Serving as Vice President . . . for two
terms . . .

As no higher respect . . . in this that office
has so since been so returned!

As Timber Wolf, was the "Go To Guy!"

Among world leaders, his respect was so very
high!

That's something, that which must be so
earned!

Then The President in 88, no more accom-
plished resume has ever been so great!

As has had The Electoral College so con-
firmed!

As history one day . . . shall so forever
say . . .

No more productive 12 years of Executive
service, has ever come her way!

Because in 12 years . . . such incredible
events!

As a real future for our children, had so
commenced . . .

As the records will say . . .

Bush and respect, and World leadership, are
now one in the same . . .

As communism fell, do you remember that
magnificent day?

Our Lord so remembers, your great fight and
devotion doing right . . .

To save that most sacred gift of life, "The
Unborn Child!"

As now, high above you he so stands so
proud . . .

With tears in his eyes, as all across the heav-
ens with great smile . . .

For each and every life, is so precious and so
dear . . .

For it's our Lord's greatest gift which so
blesses us, as Robin your sweet child so
clear!

While, all of the others questioned . . . it
was you who so drew that line in the
sand! "This aggression shall not
stand!"

Mr. President, your plan saved the Mid East!
Bringing together each, Jewish and Arab,
woman and Man . . .

For you had seen Hitler, and the evils that
men do . . .

As you all in your lifetime, had so lived
through . . . "No Never Again!"

As you had stood in harms way once before!
And you knew of the great cost to families in
of war!

So you followed a code!
Giving to each and every hero, all that they
would so need so!

So that they could so carry that load!
As you said, "if a hero must die valiantly in
this honor's code"!

Then, to their loved ones . . . their true fine
worth must be showed!

And no classier First Lady, or President
have ever so graced our Heartland . . .

Reaching out to all, with but a warm
hand . . .

The Old System, a Member of The Gold
System . . . for which you so surely
stand!

In your treatment, of the average woman
and so man . . .

We come this way but only once, and how
the big people treat us, so surely
makes our world's of such . . .

All in our Lord's plans . . .

For in this Capitol Town, the words class are
often found . . .

Whenever, the name of George Bush we so
sound!

As his secret service tell of a man so re-
nowned!

While, working for Timber Wolf in
town . . . he's a guy they love to be
around!

With his great sense of humor, as him and
Dana roll on the ground . . .

And his buddy Arnold, never lets him down!
On your last days in office, how some people
had forgotten what you had
done . . . "Oh, how it gives us such pain!"

But, history shall be far kinder and remem-
ber your name . . .

And never forget your great record there, as
always will remain . . .

As it's your words which so ring true, indeed
it is what you do! "It's all about
character" . . . Time and Time Again!

Now, listen ever closely . . .

From up in the Heavens up above . . .

As our Lord looks down upon you, on this
earth in all of his love . . .

As he's been watching you, throughout all of
these years . . .

As these words you may hear, on a gentle
breeze from up above . . .

"George my Son, you've never let me
down" . . .

I'm so glad that I pulled you, from the sea as
I found . . . on the wings of a
dove" . . .

—Albert Caswell

HONORING JOSEPH CLEOPHUS DAVIS, SR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speak-
er, I rise today to honor Mr. Joseph Cleophus
Davis, Sr., a long time resident of Port Gibson,
Mississippi for 53 years. He was born June 5,
1934 in Claiborne County, Mississippi, to the
union of Benjamin Davis, Jr. and Paris Smith,
and he shares the June 5th birth date with his
mother who celebrated her 102nd birthday on
June 5, 2010. Joseph was reared by his pater-
nal grandparents Abby & Benjamin Davis, Sr.
and his father in Lorman, Mississippi. Mr. Jo-
seph Davis attended the Jefferson County

Schools before he enlisted in the United
States Army at the age of 18. He served his
country for 3 years, being station at Ladd Air
force Base in Fairbanks, Alaska; and at Fort
McCullum Army Base in Anderson, Alabama,
he served 6 months in the capacity of TDY/
Military Policeman. While serving in the Army
Reserve in 1961 he was inducted back into
active duty because of the Berlin Crisis. He re-
ceived an Honorable Discharge from the
United States Army in 1962.

Mr. Joseph Davis was employed with the
Westin House Electric Company from August
1965 through April 1967. Mr. Joseph Davis
was sworn in as a Port Gibson City Policeman
in April of 1967, taking this oath gave him per-
mission to carry a weapon in the city, making
him the first official black policeman for the
City of Port Gibson. Later in life, he was af-
forded an employment opportunity at one of
the great Historically Black University, Alcorn
State University. He served in the capacity of
Campus Police Officer for 8 years. His great
leadership quality and abilities lead him to be
offered the Chief of Campus Security position.
Her served in this capacity for a total of 11½
years. He celebrated his retirement at the age
of 58 in 1992. After a few months into his re-
irement he decided to become a Deputy for
the Claiborne County Sheriff Department from
1993 to the present. He also works in his
store F & J's (Faye & Joe); the store is a very
special place for the children of his commu-
nity.

Mr. Joseph Davis joined Christian Chapel
Church in 1957 under the direction of Elder T.
E. Harris. He has served the church as a jun-
ior deacon, a deacon, Chairman of the Board
(two terms), Christian Men Fellowship (two
terms) and has volunteered on many commit-
tees; he presently serves as an Elder.

Mr. Joseph Davis is a graduate of Alcorn
State University with a BA in Sociology, a
member of the Phi Beta Sigma Fraternity, St.
John's Lodge #4, a Charter Member of the
NAACP, two time President of the Claiborne
County Branch of the NAACP, a former mem-
ber of the Board of Governors for the Clai-
borne County Family Health Center Commu-
nity Health Center, and a former leader for
Boy Scout Troop #253.

Mr. Joseph Davis has been married to Faye
Vera (Holt) Davis for 52 years. They are the
parents of four children: Belinda, Joseph, Jr.,
Myrtle and Patrick.

PERSONAL EXPLANATION

HON. JOHN ABNEY CULBERSON

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 15, 2011

Mr. CULBERSON. Mr. Speaker, on Feb-
ruary 14, 2011, I was unable to be present for
all rollcall votes due to illness. If present, I
would have voted accordingly on the following
rollcall votes: rollcall No. 35—nay; rollcall No.
36—aye.

HONORING MATTIE KNIGHT WASHINGTON—EDUCATOR AND COMMUNITY ACTIVIST

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mattie Knight Washington. Ms. Washington, the sixth of fourteen children was born and raised in rural Yazoo County, Mississippi. Mrs. Mattie Knight Washington—an outstanding educator and community activist; first and foremost professes God to be her personal Savior. With the firm belief that family is the most basic and important institution in society, Mrs. Washington proudly represents the adage “a Knight in shining armor”! She is a fine example of bravery, heroism, courtesy, and generosity. This celebrated woman is the epitome of courage, strength and love.

A trailblazer in the area of education, Mattie Bee (as she is affectionately called) learned her first lessons in a home where she was raised by God-fearing parents amid several siblings and members of her extended families. During her teen years she entered Jackson State College (JSU) where she worked very diligently to earn her General Education Diploma (GED). She pursued her goals and later earned a Bachelor of Science, making her first in her family to attend college. Being thirsty for knowledge she obtained a Masters of Science and Education Specialist degrees, all at her dear JSU. Although she has completed further studies at Delta State University, Mississippi State University, and the University of Southern Mississippi, Jackson State remains her “school of the heart.” She has served as president of the local chapter of the Jackson State University National Alumni Association.

Mrs. Washington has not only taught for over 32½ years, retiring in 2004, but she also displays her strong desires to give every child the opportunity to be educated and expand their experiences through sponsorship/coordination of many successful educational field trips for students in Yazoo County to various sites in Mississippi, as well as Tennessee, Louisiana, Florida, New York, and the nation's capital—Washington, DC. A lifetime member of the Mississippi Association of Educators (MAE) and the National Educators Association (NEA), Mrs. Washington takes pride in teaching children to find a love for education within them. She actively participates in educational enhancement programs and projects in the community, including the G.A. Carmichael Family Health Center, the Yazoo County Chamber of Commerce-Competitive Community, Adopt-A-School Programs, serves as a board member of the Historical Preservation Society, and is an Election Commissioner.

Reflecting on the biblical passage “The Lord loves a cheerful giver. (11 Corinthians 9:6–7), Mrs. Mattie K. Washington is a strong supporter of the church. Having served in various capacities, particularly in the organization of the Youth Choir, she was one of the first three members of King Solomon Missionary Baptist Church to make a sizeable monetary contribu-

tion to the renovation efforts of its fellowship hall. She also assists other community churches in their efforts.

Mattie believes in balance in her life, so she not only gives materialistically, but she also gives of herself through donation of her time and talents. She was the first African-American woman to have started a catering service in Yazoo County, and still enjoys cooking and baking for large numbers of people. One will still find this being displayed over the last 26 years as she honors the Mother Board of King Solomon's Church with an elaborate tribute dinner, where her culinary prowess is demonstrated. She thoroughly enjoys lauding others for their good work so she often takes on sponsoring dinners for the Police Dept., the Mayor and Board of Alderman, as well as family gatherings where city, state, and national officials come to break bread also. This year was her first year spearheading the “Make a Difference Day” event that was formally headed by nationally acclaimed local sponsor, Ms. Leola Dillard.

People from all walks of life, ages, and ethnic backgrounds have benefitted from Mattie's contributions. Her philosophy of whether you are prince or pauper, queen or maid, you will find the same warm, friendly welcome to her home, heart, and life. (She is still educating through modeling!)

Mrs. Washington attributes her inspiration to be an educator from the following: her parents, Roosevelt and Minnie Vaughan Knight, who were not afforded the opportunity to obtain formal education; daughter, Debra Knight Howard, an educated business leader; Joseph G. Williams, a fellow educator, who all preceded her in death; supported by her loving husband, George Washington; daughter, Jennifer Washington; and grandchildren, Deidra, David B., Draven Howard, and A.J. Washington; along with her 13 siblings and countless other relatives, friends and associates.

Mrs. Mattie Knight Washington lives to “make a difference,” symbolizing courage, strength and love.

THE INTRODUCTION OF THE
WASHINGTON CHANNEL BILL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. NORTON. Mr. Speaker, this non-controversial bill, which the House passed by unanimous consent in the 111th Congress, will allow development at the Southwest Waterfront in the District of Columbia. This bill will benefit not only D.C. residents, but also regional residents, businesses and national and international visitors, by permitting the District to extend docks and increase recreation and maritime activity just an eyeshot from the U.S. Capitol. The District urgently needs this bill to finalize plans for the Southwest Waterfront, which it hopes to convert into an attractive location for residents and visitors alike.

In order for the District to make these improvements, the Federal Government must redesignate part of the water designated by the Federal Government as the Washington Chan-

nel, so that more and larger docks can be built by the District to accommodate increased boating and waterside activity. The original width of the Washington Channel was established in the early 1800s, prior to the construction of East Potomac Park, to accommodate industrial and maritime commerce at the Southwest Waterfront. Today, however, the Southwest Waterfront is no longer a major port and does not accommodate large vessels. In fact, the U.S. Coast Guard, the U.S. Navy and the U.S. Army Corps of Engineers have agreed that this redesignation will not affect navigation interests or adversely affect navigation safety.

I ask Members to support this non-controversial change to reinvigorate the Southwest Waterfront for the city, region and visitors to enjoy.

HONORING THE REVEREND EDWARD JOSEPH HILDEBRANDT, JR.

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor the Reverend Edward Joseph Hildebrandt, Jr., and celebrate a life dedicated to serving the American people. On the ninth anniversary of his passing, I would like to commemorate the selflessness and devotion that Reverend Hildebrandt exemplified in every aspect of his work.

Reverend Hildebrandt was born on June 7, 1940, in Hoboken, New Jersey. His family life was difficult, and he grew up protecting and providing for his siblings in their broken and often abusive home. He eventually enlisted in the Army, serving for 4 years as a military policeman, including a tour of duty in Korea where he was stationed at the Korean Demilitarized Zone. After leaving the military, Reverend Hildebrandt worked as a union leader and postal clerk in the Carlstadt and East Rutherford Annex Post Offices. He also worked part-time as a house painter and metal foundry worker. Reverend Hildebrandt was never idle, providing for his family as well as others in their community. He would often invite less fortunate families into his home until they were able to get back on their feet.

Reverend Hildebrandt's strong desire to serve people and improve his community led to his becoming a deacon in the Roman Catholic Church in the late 1970s. He ministered to parishioners at churches in Little Ferry, Garfield, and East Rutherford; however, he would happily minister to those in need—people did not have to be a member of his congregation to receive his attention. With a growing population of Korean immigrants in his community, Reverend Hildebrandt used the cultural knowledge he gained during his military service in Korea to communicate with and provide aid to many families. He also served his community as a Boy Scout leader, Little League coach, and as a member of both the Knights of Columbus and the Rosary Altar

Society. Reverend Hildebrandt was a published poet, part of the Hoboken Historic Society, and involved with the National Park Service. He was a founding member of New Kid Ministries in Stockholm, New Jersey.

Despite his deep involvement in many aspects of his community, Reverend Hildebrandt's most proud accomplishment was his 39-year marriage to his wife Rosemarie Ali Hildebrandt, and the nine children they raised together in the Borough of Carlstadt. He was also blessed with four grandchildren. Reverend Hildebrandt's passing on February 2, 2002, was a tremendous loss for both his family and the community which he served.

Mr. Speaker, today I would like to honor the life of Reverend Edward Joseph Hildebrandt, Jr., and join his family and friends in fondly remembering his many years of devoted service to the people of Northern New Jersey.

HONORING JOYCE ROBINSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Joyce Robinson. Ms. Robinson was born on December 8, 1954 to Doris Murray and Charles Welch. She attended Crystal Springs High School. She married Eugene Robinson on October 2, 1972. They have two sons, Eugene Robinson II and Jarvis Robinson. Joyce works for the George Harris Building Company located in Hazlehurst, MS.

She attends Brushy Creek Baptist Church where she serves in the sanctuary choir, vice president of mission ministry, secretary of the mother ministry and church clerk. She is a member of the Heroines of Jericho, Hopewell Court 118. She is also a member of the Hazlehurst Schools' PTA.

She takes care of her mom who are and other senior citizens in the Crystal Springs area. Many of the senior citizens, who are Veterans of the Civil Rights Movement, depend on Joyce to help them in completing their absentee ballots. She does voter registration throughout Copiah County. During Hurricane Katrina, Joyce assisted in preparing meals for the displaced. She is always a "helping hand" to her neighbors.

HONORING DR. TIM BURLINGAME

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in memory of Dr. Tim Burlingame, a great American who faithfully and tirelessly served the community and inspired thousands of young people to better themselves through the word of God.

From 1980 to 1984, I had the pleasure of working with Dr. Burlingame as a member of the Board of Directors of Sunrise Christian School. Dr. Burlingame dutifully worked to en-

sure his students received the finest academic and religious education from preschool to eighth grade. In August 2010, Dr. Burlingame retired from Sunrise Christian School as head administrator, a position he held for 35 years.

Dr. Burlingame generously gave his time to many educational causes. He served as a board member for the Western Christian School and the Association of Christian Schools International where he also acted as commissioner. He was a leader whose impact was undoubtedly felt well beyond the San Gabriel Valley communities to which he was so devoted.

Dr. Burlingame was an exceptional community volunteer. He was an active member of the Rotary Club, the Covina Planning Commission and a Director for the Covina Chamber of Commerce where he served a term as President.

On October 28, 2010, Dr. Burlingame left our mortal world and returned home to God.

Dr. Burlingame was a devoted Christian, loving husband, father, grandfather and valued community leader. I am proud of his many accomplishments and contributions. He has made a lasting mark on my life and countless others.

Mr. Speaker, I respectfully ask that this Congress join me in honoring the memory of Dr. Tim Burlingame, a truly great American.

A PROCLAMATION RECOGNIZING THE HONORABLE J. TIMOTHY CAMPBELL IN HONOR OF HIS SERVICE AS GREENE COUNTY JUDGE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Judge J. Timothy Campbell for his outstanding efforts of preserving justice in the Greene County Community.

In receiving this distinguished tribute, Judge Campbell has been recognized as an exemplary elected official. Judge Campbell has dedicated nine years to Greene County serving as a Judge in the Greene County Common Pleas Court. Throughout his 37 years of practicing law, he has accepted many roles that range from serving as an Assistant Greene County Prosecutor to serving on educational and service boards. Along with his practice of law Judge Campbell is a renowned author and has published many articles and educational publications. Judge Campbell has also shared time as an instructor and faculty member at RETS College and Wilmington College. He has shown himself to be a prominent and hardworking member of the Greene County community.

Judge Campbell is the epitome of selflessness, commitment and impartial justice. He has demonstrated sincere dedication to providing equality and justice in Greene County. It is his exemplary efforts that assist the progress of our nation in fairly and efficiently protecting our citizens.

Thus, with great pride, I congratulate Judge J. Timothy Campbell for his commendable service to the community and extend best wishes for the future.

HONORING MANUEL WELCH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Manuel Welch, a retired Copiah County District Four Supervisor, born in Copiah County in the Shady Grove community. He attended Shady Grove School and joined Shady Grove M. B. church at an early age. Later his family moved into the Crystal Springs School District where he attended school. He graduated from Holtzclaw High School and soon after graduation obtained a summer job at the GEM plant.

Manuel attended Utica Junior College for one year. He received his first full-time job at a furniture plant in Jackson where he worked for 20 years. He found another job interest as he became a Tax Preparer in 1978.

Manuel was active in the civil rights era. In 1982 he was instrumental in getting Copiah County redistricted. He won the 1983 election but it was taken from him. Manuel didn't get elected until 1985 as the first black Supervisor in Copiah County.

He is an active member of the Copiah County NAACP, the Copiah County Democratic Executive Committee, and is a Mason.

HONORING BETTY DAVIS

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mrs. MYRICK. Mr. Speaker, for almost a half a century, Betty Davis—affectionately known as Miss Betty—has been serving the community at Queens University in Charlotte. Having been at Queens for nearly a third of the university's history, she's its longest serving employee, and everywhere you look, you can see Miss Betty's influence.

She began working at Queens in 1962 as a housekeeper in one of the residence halls. She then became a housemother, saying recently in an interview that the girls in her houses respected her because she respected them.

It's her respect for those around her that has made Miss Betty more than just a friendly face on the Queens University campus—she's someone that students, faculty and staff know they can turn to at any time.

In 1978, university President Dr. Billy O. Wireman took notice, and asked Miss Betty to be his personal assistant. She says that she became like family with Dr. Wireman. He presented her with the Honorary Alumna Award in 1988; she sat with his family at his funeral in 2005.

Close to starting her 50th year at Queens, Miss Betty has recently been named the

doyenne of the Queens dining hall. When she's not caring for what she calls her "Queens children" during the school year, she's often spotted around Charlotte—whether shopping or walking around Freedom Park. She's a celebrity-type figure, and anywhere you go around town, you're sure to find someone who knows Miss Betty.

In an article recently published by the Queens University Magazine, Miss Betty recalls a piece of advice her friend and mentor Dr. Wireman once told her: "Gal, don't ever say no. Say you'll try your best." And that's exactly what Miss Betty has been doing for Queens University, her family and the Charlotte community for five decades. We appreciate her service to generations of Charlotteans, and look forward to many more years of her guiding influence.

HONORING MARY EVELYN ARNOLD OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today, along with my colleague, LYNN WOOLSEY, to recognize Mary Evelyn Arnold, who has been named the City of Sonoma's 2011 Alcaldessa, or Honorary Mayor.

The title "Alcalde," or "Alcaldessa," when referring to a woman, is the Spanish word for "Mayor." During the Spanish colonial period in California, the Alcalde was the primary civil authority. In modern times in the City of Sonoma, it is an honorary title and the contemporary Alcalde or Alcaldessa presides over ceremonial events for the city.

Alcaldes and Alcaldessas are nominated by the community and are representative of individuals with a long record of volunteer work. Ms. Arnold is no exception to this rule.

At the top of the list of Ms. Arnold's volunteer passions is the library. She has served on both the Sonoma County Library Commission and as Chair of the Sonoma Valley Library Advisory Board.

She also serves as Treasurer and Chair of the Investment Committee at Vintage House, organizes the Wednesday cooking crew at Meals on Wheels, and bakes birthday cakes for the WillMar Center, which offers support and counseling for children and teens grieving the death of a loved one. Pets Lifeline (where she is the unofficial cat cuddler), Kiwanis Club of Sonoma Plaza and the AAUW Scholarship Committee round out her volunteer community activities.

Ms. Arnold is also very active in her church, serving on the Committee on Ministry of the Northern California Nevada Conference of the United Church of Christ and serves as Vice Moderator of the First Congregational Church of Sonoma.

Ms. Arnold moved to Sonoma County in 1987 and was the co-owner of a specialty wine business and worked for the Wine Business Monthly and Wine Business Insider for several years, finishing her career with internet.com.

Mr. Speaker, Mary Evelyn Arnold is the quintessential volunteer, a dynamic and well

respected member of the community. It is therefore appropriate that we acknowledge her today as the City of Sonoma's Alcaldessa for 2011.

IN MEMORY OF KATHY RADKE AND HER CONTRIBUTIONS TO OUR COMMUNITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, along with my wife Cynthia, my sons George and Stephen, I rise today to join with the citizens of my hometown, Martinez, California, to mourn the death of our friend and neighbor Kathy Radke.

Kathy was a friend in the best sense of the word, and she was a neighbor in the largest sense of the word: she worried about us, inquired after us, and supported us as individuals and as families.

Kathy, along with her husband Ted, brought a vision of community that would be supportive of children, families, and our elderly. Hers was a vision that included environmentally sound policies to make our city safer and our community a more enjoyable place to live.

Time and again she was successful in realizing this vision, as she moved through Martinez as a parent, as an elected official, as a volunteer, and as an organizer.

We were all shocked and saddened to learn of her serious illness last year and her passing last week. It's difficult to think of our town without Kathy's caring, her vision, and her drive.

Now along with Ted and her sons HT and Dylan, we will all have to work harder to maintain and grow the many gifts she left for us. We all are going to miss her and the strength of her spirit.

I know that my colleagues will join me in celebrating the life of Kathy Radke, and expressing our condolences to her family and her many friends. I want to draw my colleagues' attention to an article in the Martinez News-Gazette about Kathy and her great legacy, and I ask unanimous consent that the full article be printed in the RECORD.

[From the Martinez News-Gazette, Feb. 10, 2011]

KATHY RADKE: ENVIRONMENTAL CHAMPION,
CIVIC LEADER, CHERISHED FRIEND TO MANY
(By Greta Mart)

The woman largely responsible for protecting Mt. Wanda from development, conserving the Franklin Hills as open space and galvanizing community support for Alhambra Creek died this week: Kathy Radke passed away on Monday from pancreatic cancer. She was 71.

During her two terms on the Martinez City Council, Radke focused on water quality issues and worked to bring cleaner water to Martinez residents. Later, the geriatric peer-counseling program she created became a model for others around the state. Another late career change saw her becoming licensed as a conservator, managing financial and health matters for elderly patients.

On Wednesday, her son Dylan Radke, currently the chair of the Parks, Recreation,

Marina and Cultural Commission, spoke about his mother's life and touched on the many roles Kathy played in the civic life of Martinez.

Born in December of 1939 and raised in Chicago, Kathy was the middle of three sisters. Her father Otto ran a family beer distributing business, said Dylan, and she attended the Chicago Commercial High School, graduating at age 16.

For a few years Radke worked for the American Medical Association in Chicago and then New York City as an executive secretary until she volunteered for the newly established Peace Corps.

The Peace Corps took her to rural Guatemala, where she taught nutrition and trade skills. When her stint was up, she moved to San Francisco and enrolled at San Francisco State to earn a B.A.

There she met Ted Radke, who was a fellow student and served as a teaching assistant for one of Kathy's classes.

The two were married and she dropped out when the pair moved to Martinez and had their first child, Harold Theodore III in 1969.

Asked the reason his parents chose Martinez, Dylan said it was a combination of his paternal grandparents living here and his father securing a job at what was then called the Abandoned and Abused Children's Center, across from the County's Juvenile Hall.

Dylan was born in 1971, at a time when Ted was mounting his first political campaign. Kathy was the key staffer on Ted's campaign for City Council, which he won. Ted served for one term on the Martinez City Council before being elected to the Board of the East Bay Regional Park District in 1977, a position he still holds.

"During that same time, both my parents helped found the Contra Costa Ecology Action," said Dylan. "They were trying to draw attention to environmental issues; how pollution, poor air and water quality affect health. It was an environmental advocacy group."

Ted left county social services for a teaching position at Contra Costa College while Kathy worked as a secretary for the Martinez Unified School District and subsequently the local electrician's union.

Ted's campaign had apparently inspired Kathy to public service, as she was elected to the City Council in 1982 and served for two terms. She ran for Mayor in 1984, but lost to Mike Menesini.

"Although the office is non-partisan, my mother would not be ashamed to be identified as a Democrat. She was really into water quality; it was a hot issue then due to the proposal of the Peripheral Canal idea. She was also dedicated to maintaining Martinez's small town character," said Dylan. "Mom was active in trying to protect the Franklin Hills [from development] and same with Mt. Wanda. She worked with George Miller to get Mt. Wanda to become part of the John Muir National Historic Site."

Former Council member Peter Langley said this week that he and Kathy were very close friends when they served together on the Council.

"We were both on the water subcommittee and what we were trying to do was get better water quality for Martinez," said Langley. "Kathy was very much an environmentalist. One of the issues was a development in the Alhambra Hills, which is still before the City Council and we turned down several proposals for the Franklin Hills. South of Highway 4 where Alhambra Valley Road shoots off from Alhambra, there is a place where there is a sort of natural entrance to the

hills, a canyon, and there was a guy who wanted to put a development there," which Radke opposed.

Langley said that one couldn't dislike Kathy Radke.

"She had a very sunny personality, very warm," he said.

Dylan Radke said after his mother left the Council, she returned to finish her Bachelor's degree at Cal State Hayward. She went on to earn a Master's in Human Development and started working on a second Master's in Public Health when she was recruited by Contra Costa County to do geriatric social work.

When he was on the Board of Supervisors, now-Senator Mark DeSaulnier proposed creating a senior peer counseling program and asked Kathy Radke to head it up.

"The program was very successful and become a model for others," said Dylan.

"She set up a fabulous peer counseling program that's been copied elsewhere," said Radke's friend Harriett Burt.

In the mid-90s, Radke was appointed to the John Muir Health Board of Directors and ran for Board of Supervisors, but was defeated by Gail Uilkema.

After retiring from her County position a few years ago, Radke started a new career by obtaining her license as a fiduciary conservator.

"Conservators are people who manage the care for people who are unable to do it, older adults who no longer have the capacity to manage their financial affairs," said Dylan. "Conservators are court-appointed and Mom would essentially make sure they are being seen by doctors and bills are being paid, it enabled them to continue to live longer in a home environment."

In the late '80s, Kathy and Ted Radke helped found the Friends of the Alhambra Creek organization.

"There was concern over the accumulation of debris and trash in the creek and with more development in [Alhambra Valley], also watershed issues. [The founders] were primarily trying to restore the creek to a natural flow and making sure it was healthy for fish, turtles, and of course, beavers," said Dylan Radke. "[Kathy], along with Igor Skaredoff and Jane Moore, those three would organize creek cleanups because they saw the creek as vital to the downtown and [Alhambra] valley ecosystem."

"The first time I met [Kathy], Shirley [his wife] and I went to a slide show by the Friends of Alhambra Creek. Several members had hiked to the source, in Briones, and took pictures. That's when we joined FAC, circa 1990," Skaredoff said Wednesday in a telephone interview. "We hit it off and started doing things together like surveys and creek cleanup. Kathy and I designed a little brochure [about the creek]. Kathy also created a creek protection ordinance for the City of Martinez that is still in the General Plan. It's a great legacy from her; it's actually written into the General Plan how to protect [the creek]."

Turning to the more personal attributes of Radke, Skaredoff described Kathy as possessing a great sense of humor.

"Always she could find something to laugh about, something positive. Whenever you were around her you always felt better, she had that way about her," said Skaredoff. "She was a vital force. I'm very happy I met her and our community was so much better off with her in it."

Jane Moore also became close to Radke after joining the Friends of Alhambra Creek, and later worked on Radke's campaign for the County Board of Supervisors.

"I've been meaning to look up the definition of this word, although it's usually used in a negative way, because Kathy always comes to mind when I hear it: instigator. She was an instigator in the best sense of the word, in the way she got ideas going, got people interested in ideas, instrumental in showing people how to use their best potential," said Moore. "I wouldn't be doing the work I'm doing without her, she inspired me to get my degree. The loss of Kathy Radke is a huge loss to Martinez and Contra Costa County. She was pivotal in so many people's lives, programs and services. She was an incredibly important person, giving and generous."

Another friend who had known Radke for many years, Sheila Grilli, said described her death as "such a loss."

"We were political cohorts: I ran for City Council when she ran for Mayor. She was fair and well liked, and a happy person. We traveled together a couple of times a year to Mexico and Hawaii—and she was easy to get along with, energetic and open to suggestions. It's hard to imagine that someone as dynamic and interesting is gone," said Grilli.

Dylan said traveling the world was one of his mother's passions.

"She couldn't do it enough, she been all over the world," said Dylan Radke. "She also loved to camp, especially with the family, and she loved to garden."

Anyone who has visited the Radke home was witness to Kathy Radke's passion for gardening. When he was young, Dylan said his parents maintained huge planters for kitchen garden crops; about 15 years ago, Kathy transformed the back yard into an Asian-themed wonderland.

Besides raising their two biological children, Kathy and Ted Radke served as foster parents to three children.

Trying to remember all of his mother's accomplishments, Dylan added that Kathy was also a licensed social worker on top of all her other achievements.

"She passed the social work exam right after I passed the bar," to practice law, said Dylan.

Dylan's wife Deidre Seguenza said Wednesday afternoon the family had set a date for Kathy's funeral; it will be held on Wednesday, Feb. 16 at St. Catherine's in Martinez.

"She will be greatly missed," said Seguenza with heartbreak in her voice.

INTRODUCTION OF THE YOUTH CORPS ACT OF 2011

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. HIRONO. Mr. Speaker, today I introduce the Youth Corps Act of 2011 to help increase opportunities for youth in Hawaii and nationwide.

In the worst recession since the Great Depression, 2010 marked the highest unemployment rate for youth ages 16–24 since the Labor Department began tracking the figure in World War II. Nearly 1 in 5 youth were unemployed in 2010.

Youth Corps can help. Modeled after President Franklin D. Roosevelt's Civilian Conservation Corps, today's Corps Network includes 143 programs in 44 states and the District of Columbia. Youth Corps programs have

helped 600,000 youth gain critical education, civic engagement, and job training skills.

A shining example of a Youth Corps leader is my constituent Mari Takemoto-Chock, who is one of six 2011 Corps Member of the Year. Mai grew up on Hawaii Island and thrived at excellent public schools. Once she attended the University of Hawaii at Manoa, she became aware of the daunting opportunity gap between young people of different socioeconomic and ethnic backgrounds.

Last spring and summer, Mari served as a UH Fellow in my Washington office, where she was one of the most effective employees I have ever had. Wanting to do more on-the-ground service, Mari became an AmeriCorps VISTA intern for Kupu, the Hawaii Youth Conservation Corps. There she helped develop and implement Kupu's new Urban Corps program.

In 2011, Kupu itself is honored with a Project of the Year award. Kupu in Hawaiian means "to sprout, grow, germinate, or increase" and like the Kupukupu fern that grows after a lava flow, Kupu brings life back to the people, the land, and the ocean. Kupu used Recovery Act funding to create a Recovery Youth Conservation Corps. The program provided education and job training to 45 underserved young adults; produced nearly 83,000 service hours, and yielded nearly \$1.5 million in community improvement projects.

Unfortunately, Youth Corps programs today must cobble together funding from a wide variety of sources, and they operate with tremendous uncertainty. The Youth Corps Act of 2011 would provide more stability for Youth Corps affiliates and the youth they serve by authorizing a new program through the Workforce Investment Act, WIA.

I thank Congressman ANDREWS for his continued leadership on this bill and urge my colleagues to support this effort.

RECIPIENTS OF THE MEDAL OF FREEDOM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to this year's recipients of the Medal of Freedom, our Nation's highest civilian honor; to individuals who have made our country stronger, our culture richer, our world more peaceful; to men and women who have helped shape our history and lay the foundation for a better future.

In bestowing this honor, President Obama highlighted leaders of vision and courage. Each hails from a different background. Their fields vary, ranging from public service to civil rights, from the arts to athletics, from poetry to politics, from environmental activism to labor and business. Yet they share a common commitment to bold leadership, principled action, and the common good.

In particular, I rise to recognize three recipients who I am privileged to call respected colleagues and friends.

Congressman JOHN LEWIS is the conscience of the Congress, a true hero of our history,

and an inspiration to all who serve with him and to every American. From the first Freedom Ride in South Carolina to a "Bloody Sunday" in Selma to the well of the House, he stood for his own rights, and extended the blessings of liberty to others. He sought equality for African Americans, and secured justice for all. Through non-violence and courage, he advanced our most basic rights—to vote, to speak, to assemble. JOHN LEWIS' story is a triumph for those whose souls cry out for freedom. No one is more deserving of this recognition.

Ambassador Jean Kennedy Smith, founder of VSA, carries forward her family's torch of service, offering children and adults with disabilities the freedom to celebrate their artistic talents, and ushering in an era of peace and cooperation as our Nation's envoy to Ireland. For more than 35 years, she has worked to empower all people with disabilities to reach their full potential through the arts. She has long believed in the power of art to inspire and to connect individuals and communities of different backgrounds. Through her passion and her commitment, Jean Kennedy Smith has lived up to her own words: that "art is central to what makes us fully human."

John Sweeney has provided more than a strong voice for our middle class; he has fought for the freedom of our workers to organize, support their families, and earn a living wage. In California and nationwide, workers have never had a more resilient, more passionate champion than John Sweeney. His life's work is a tribute to fairness, equality, and opportunity for all. On behalf of working Americans—from the chambers of Sacramento to the halls of Washington, DC—when John Sweeney speaks out, America's leaders listen.

In their lifetimes of service, today's recipients of the Medal of Freedom have played a

central role in upholding the promise of a better future for all Americans and for our fellow citizens of the world. To them, I offer congratulations and gratitude.

HELP BORDER HEALTHCARE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. FILNER. Mr. Speaker, I rise today to introduce H.R. 541, the Pay for All Your Undocumented Procedures (PAY UP!) Act. This bill will provide payments for emergency services provided to undocumented aliens.

The costs of uncompensated emergency care for undocumented immigrants are sky high and border area hospitals, physicians, and ambulance providers are choking on the costs that they have to eat. My bill, the Pay for All Your Undocumented Procedures (PAY UP!) Act, is the first step to solving this problem which is well known in border communities.

Undocumented aliens receive emergency services in a hospital and yet that hospital is not reimbursed for these services. My bill will ensure that the healthcare providers are reimbursed for the emergency services they provide.

My bill makes permanent a provision of the Medicare Modernization Act that provided payments to eligible providers for procedures for undocumented aliens. The bill authorizes \$250 million a year to reimburse eligible providers for this care. Two-thirds of the funds are divided among the 50 states and the District of Columbia based on their relative percentages

of undocumented aliens, the last third is divided among the 6 states with the largest number of undocumented aliens.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. SMITH of Washington. Mr. Speaker, last Friday, February 11, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 32 (on the motion to recommit with instructions), "yes" on rollcall vote No. 33 (on agreeing to the resolution H. Res. 72), and "yes" on rollcall vote No. 34 (on approving the journal).

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2011

Mr. SMITH of Washington. Mr. Speaker, yesterday evening, Monday, February 14, 2011, I was unable to be present for recorded votes. Had I been present, I would have voted "yes" on rollcall vote No. 35 (on the motion to recommit with instructions), "yes" on rollcall vote No. 36 (on passage of H.R. 514), and "yes" on rollcall vote No. 37 (on approving the journal).

SENATE—Wednesday, February 16, 2011

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the hope of the world, let Your kingdom come. Let Your will be done on Earth as it is in heaven.

Fill the minds of our lawmakers with Your truth so that they will labor for freedom with integrity and compassion. Lord, use them to establish Your rule in the life of our Nation. May they be guides who lead us away from sin, sorrow, and destruction, toward truth, justice, and peace. Shelter them in their coming in and going out, in their labor and leisure, as they seek to advance Your kingdom.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will

be a period of morning business until 11 a.m., with Senators permitted to speak up to 10 minutes each. That time will be equally divided and controlled between the leaders or their designees.

At 11 this morning, the Senate will resume consideration of the FAA authorization bill. As a result of cloture being filed yesterday, any germane first-degree amendments must be filed at the desk prior to 1 p.m. today in order for the amendments to be in order postcloture. We have the opportunity to complete this legislation tomorrow. There will be two cloture votes in the morning. We hope to be able to have some votes today. Senators will be notified when rollcall votes are scheduled.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

SPENDING FREEZE

Mr. MCCONNELL. Madam President, as the debate over government spending comes into focus this week, I think it is worth noting once again how this debate has shifted in recent weeks.

After 2 years of bailouts and stimulus bills, we are finally talking about how much government should cut instead of how much it should spend.

Obviously, the details matter. And we will be working those out in the weeks ahead. But the fact that this debate has shifted is a testament to the millions of Americans who insisted that their voices be heard on this issue. They have made a difference. It is important we acknowledge that.

Now the question shifts to whether those in power will actually follow through in any serious way. Will Democratic leaders in Washington really do something to rein in a government we can no longer afford or will they just pretend to and hope the American people focus on their words instead of their actions.

Unfortunately, the early signs are discouraging.

The President's response to the growing national alarm about spending and debt was a proposal to freeze government spending at the already-irresponsible levels that he himself has set over the past 2 years—levels that, if maintained, will only intensify the current crisis by putting us deeper and deeper in debt.

The consensus on the President's proposal is that it is both unserious and ir-

responsible, and that, despite what the President may say, he is not in fact treating this crisis with the seriousness it demands. The President even seemed to concede the point yesterday, saying his budget wasn't adequate to the task and suggesting that maybe Congress could do something more meaningful than he has.

And what do we find in Congress?

Well, we find one party in the House of Representatives making a genuine effort to cut spending and debt, and we find Democrats in the Senate announcing today that they intend to line up behind the President's timid proposal for a partial spending freeze.

In other words, Democratic leaders in Congress intend to join the President in resigning themselves to a future of growing debts and deficits at a time when Americans are demanding cuts instead.

So here is what we have learned this week: on the most pressing issue of the day, the President and Democratic leaders in Congress have decided to take a pass. They are either unwilling to admit that Washington needs to live within its means or they are completely unwilling to make the tough choices that will get us there.

It is hard to believe, really.

Americans are screaming at us to do something about a \$14 trillion debt, the President proposes a budget that nearly doubles it, and Democrats clap their hands in approval.

Maybe Democrats were so focused on passing their health care bill last year they didn't notice what has been going on in Europe.

Maybe they were so focused on defending their stimulus that they missed a national uprising right here at home about the spending and the debt they have racked up.

Maybe they missed the fact that while they were busy adding \$3 trillion to the debt, nearly 3 million Americans lost their jobs.

Maybe they have been so focused on passing their agenda that they didn't notice the fact that the American people just repudiated their entire agenda.

They need to get real.

The men and women who were sent to Washington this year were not sent here on a mission to keep spending at the levels this administration has set. They were sent here to change the culture, to convince the administration that it needs to change its ways.

Democrats in Washington seem to think they can wait it out; that if they just agree to freeze current spending levels in place people will think they are listening. Don't they realize that

current levels of spending are the reason we just had the biggest wave election in a generation?

The senior Senator from New York seems to think that anything short of freezing current spending levels is extreme.

I will tell you what is extreme: extreme is to insist in the middle of a jobs and debt crisis that government has to spend a trillion dollars more than we take in every year.

That is extreme.

Extreme is a view of the world that says government will not live within its means, even when the American people demand it.

Extreme is a view of the world that says the survival of this or that program is more important than the survival of the American dream itself.

Extreme is telling our children they may have to do without because we refuse to do with less.

So I suggest to my Democratic colleagues that they stop thinking about what they can get away with and start thinking about what is actually needed to solve this crisis.

I suggest they start listening to the American people who are telling us in no uncertain terms that a freeze will not cut it.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Thank you, Madam President.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 361 are printed in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 360 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBERTS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Madam President, I understand the time for morning business has come and gone, but I ask unanimous consent to speak as in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REGULATORY RESPONSIBILITY FOR OUR ECONOMY ACT OF 2011

Mr. ROBERTS. Madam President, I recently introduced a bill called the Regulatory Responsibility for Our Economy Act of 2011—it is S. 358—and I would urge my colleagues who would like to, after hearing my remarks, to cosponsor this. I realize the bill is a mouthful—the Regulatory Responsibility for Our Economy Act—but I think it is appropriate.

This bill would strengthen and codify President Obama's Executive order from January 18. In that Executive order, the President made a commitment to review, to modify, to streamline, to expand or repeal—that is a lot of things, to review, modify, streamline, expand, and repeal—those regulatory actions that are duplicative, unnecessary, overly burdensome, or would have significant economic impacts on Americans. So the Regulatory Responsibility for Our Economy Act of 2011 would ensure just that.

My legislation would require that all regulations put forth by the current and future administrations—regardless of the President—consider the economic burden on American businesses, ensure stakeholder input—i.e., the people who are affected—during the regulatory process, and promote innovation. Back on January 18, the President signed an Executive order to do precisely that, we thought. It was for "improving regulation and regulatory review." But the President also released a factsheet on the intent for his regulatory strategy. It was in detail. Per the factsheet, "In this Executive Order, the President requires Federal agencies to design cost-effective, evidence-based regulations that are compatible with economic growth, job creation, and competitiveness." My legislation would ensure that would actually happen.

In addition, the President published an op-ed in the Wall Street Journal detailing the administration's commitment to reviewing regulations. As part of this op-ed, the President stated:

We have preserved freedom of commerce while applying those rules and regulations necessary to protect the public against threats to our health and safety and to safeguard people in business from abuse.

But he also noted that—and this is the key:

Sometimes those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and had a chilling effect on growth and jobs.

I must say I absolutely agree with the President. I was extremely pleased when he came out with the Executive order on January 16. And as I travel across my home State, I have heard Kansan after Kansan, regardless of the business, regardless of where they are on Main Street, who find themselves weighed down by the burden of too many regulations. As a matter of fact, I think if any Member of this Senate would like to get a standing ovation from even a group of five at a coffee shop or at a meeting of any organization that is business-oriented or just folks, you can talk about the debt, you can talk about spending, you can talk about other issues, but the one that really grabs them is this business of overregulation.

This has been going on for too many years—too many decades. As a matter of fact, you can come into a meeting, and you will probably get the question—even the distinguished President pro tempore, the Senator from New York, would get the question, though probably a little nicer than I would get it, and certainly the other Senator from New York, who is now leaving the Chamber—the question usually comes as: PAT, what on Earth are you doing back there, saddling us with paperwork and regulations that are costly, burdensome, and that we don't even know about? All of a sudden, on a Wednesday morning we wake up and we face this regulatory dictate. It is counterproductive, and the cost outweighs the benefit. What is going on back there? What are you guys doing?

My response: Well, let's stop there for just a minute. I am not a "you guy," I am an "us guy."

Clear back in the days when I was in the House of Representatives and I had the privilege of serving in that body, we were all trying to do something about unnecessary and burdensome regulations. So I have had a long-standing concern with the regulatory process, and that is the one issue that is a tinderbox issue. It is one where you really get an immediate response, with people saying: Amen. Somebody needs to do something about that. And they were so pleased with the President when he came out with the Executive

order, saying: Hey, I am going to do something about this.

As of January 3, 2011, less than 6 months after the Dodd-Frank act was signed into law, regulators have issued over 1,000 pages of regulatory proposals and 360 pages of final rules. Talk about asking Senators whether they have read a bill, I know that nobody in the Senate has read over the 1,000 pages of regulatory proposals and 360 pages of final rules on the regulatory reform act. And many more pages of regulations—upwards of 5,000—are expected.

Regulations such as those put forth by the Department of Health and Human Services, along with the Departments of Labor and Treasury, have resulted in the child-only insurance market effectively disappearing in 20 States because of the regulations. The idea was to provide just the opposite but in 20 States today, that is not the case.

The Environmental Protection Agency began implementing its greenhouse gas regulations on stationary sources of energy that emit 75,000 or more tons of CO₂ a year, which, on its surface, aims to only regulate those largest emitters, such as powerplants and oil refineries, but it is only a matter of time—it is only a matter of time—before stricter regulations are handed down that will impact every corner of commerce.

Let me just say that the EPA—knowing, of course, that Congress said no to cap and trade—is trying very hard to go around the Congress to try to put forth these regulations into compliance with the law.

Last year, the Grain Inspection, Packers and Stockyard Administration—and everything has to have an acronym in Washington, but the one for that is called GIPSA—published a proposed rule that would change longstanding rules governing the production and marketing of livestock. This is an agriculture thing. This proposed rule goes far beyond what was intended in the last farm bill. In fact, a number of items in the proposed rule were defeated here on the Senate floor, and yet they were put in the proposed rule.

A number of private economic studies show the loss of gross domestic product is in excess of \$1 billion—much more costly than the \$100 million threshold required for an economic analysis to be completed. Unfortunately, an economic analysis is yet to be completed.

So I was encouraged, Madam President. I was a happy camper there for a little bit by President Obama's commitment to a new regulatory strategy. But the devil is in the details, and with staff help, after reviewing the Executive order, I must say I was left with some larger concerns. I was upset.

The Executive order states:

In applying these principles, each agency is directed to use the best available techniques

to quantify anticipated present and future benefits and costs as accurately as possible.

Wonderful. We will have a cost-benefit yardstick applied to all of the regulations pouring out of all the agencies in Washington. The distinguished Speaker of the House said the other day that we had 200,000 more Federal employees in Washington than we did 2 years ago. I can assure you they are not twiddling their thumbs. They are issuing regulations, and they tend to be agenda-oriented, not really getting down to sound science or determining the unanticipated effects of their regulations.

Picking up again on what the President said:

Where appropriate and permitted by law, each agency may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

The partridge in the pear tree was left out.

Let me read this again.

Where appropriate and permitted by law, each agency—

As they go through the regulations to determine which are counter-productive to this economy, costing billions in regard to manufacturing and businesses and harming our economy where it should not be harmed, they say, OK, but, but, but—

Where appropriate and permitted by law, each agency may consider—

And this is the part where we ought to really take a look at it—

values that are difficult or impossible to quantify—

How are you going to do that? How are you going to quantify values that are difficult or impossible—

including equity—

Everybody is for that—

human dignity—

I don't know anyone who is against that—

fairness, and distributive impacts.

Now, try to figure that out if you are working in a Federal agency and you are trying to issue a regulation. If that isn't a loophole large enough to drive a truck through, I don't know what is.

As the Wall Street Journal captured so eloquently in their response to President Obama's editorial, "These amorphous concepts are not measurable at all." You can't do it. You can't measure them.

On the surface, I think this language has the potential to be a very large loophole. This, coupled with an exception for independent agencies such as the FDIC, the SEC, or the EPA, has the potential to result in no changes at all. So we issue an Executive order saying: Let's take a tough look at the regulations that are so terribly counter-productive, and we may end up with nothing, more especially without the independent agencies. Note I said the FDIC. Note I said the SEC. Read Dodd-

Frank, read financial regulatory reform. Read the reach into the small community banks and what they are going to have to put up with and hire a bunch of bad news bears—employees—to figure out and tell the rest of the employees how on Earth they are going to comply with these new regulations.

And my favorite, the EPA, which had the temerity and the unmitigated gall, after this loophole came out, to say: Well, none of our regulations even apply. Our regulations are just fine. I got news for the EPA. The chairwoman of the Agriculture Committee, DEBORAH STABENOW, and I have agreed to hold a hearing on this to determine just exactly where we are, and where we are is not good.

My legislation would close the loophole in President Obama's Executive order and would close other existing loopholes, including those that the administration has been using to bypass valuable stakeholder input on regulations. Again, there is that word—"stakeholder." That is a Senate word. Those are the people who are getting smacked right up alongside the face in regard to the regulations they do not even know adhere to their business or what they are about.

The President has also agreed—and here is the key word or phrase:

Sometimes, those rules have gotten out of balance, placing unreasonable burdens on businesses—burdens that have stifled innovation and have had a chilling effect on growth and jobs.

The President went on to say, "At other times, we have failed to meet our basic responsibility to protect the public interest leading to disastrous consequences," precisely what I am trying to demonstrate here. My legislation would assure a review of these regulations to assure fewer burdensome and economically irresponsible regulatory actions on struggling businesses in the United States.

President Obama's Executive order "requires the Federal agencies ensure that regulations protect our safety, our health and environment while promoting economic growth." So does my legislation. "And it orders a government-wide review of the rules already on the books to remove outdated regulations that stifle job creation and make our economy less competitive."

That is what the President's Executive order does, and so does my legislation.

The President said, "It's a review that will help bring order to regulations that have become a patchwork of overlapping rules, the result of tinkering by administrations and legislators of both parties and the influence of special interests in Washington over decades."

The President was right. My legislation would do this but would add some teeth to the commitment—sharp

teeth—by cutting out the loopholes, the very loophole I read. I am not going to read it again. I defy anybody to tell me what it means or how anybody could use that kind of language in determining the cost-benefit of any regulation.

The President has made it his “mission to root out regulations that conflict,”—and I am quoting here—“that are not worth the cost or are just plain dumb.” That is pretty clear, if the President says these regulations are just plain dumb. I said “counter-productive.” That is the Senate word. He said “dumb.” That is the Dodge City word and I think Dodge City would agree. I think my legislation is something the administration can support. So while the President believes his Executive order “makes clear, we are seeking more affordable, less intrusive means to achieve the same ends—giving careful consideration to benefits and costs,” and that it “means writing rules with more input from experts, businesses and ordinary citizens,” there were a number of loopholes in the Executive order I am happy to address with the administration in my legislation.

My bill would keep the President accountable for another promise to Americans, and I urge my colleagues to support this legislation, the details of which I am happy to share with my colleagues. I hope we get a great number of colleagues to help us codify the Executive order, put some teeth in it, make it work, and get at regulatory reform as opposed to being disingenuous. I think that is exactly what has happened in regard to this, what turned out to be a very noble effort, but the end result had so many loopholes in it as to be completely ineffective.

I yield any time I may have.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for un-

manned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe modified amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the essential air service program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Udall (NM) modified amendment No. 49, to authorize Dona Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes.

Udall (NM) modified amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Rockefeller (for Baucus) further modified amendment No. 75, of a perfecting nature.

Hutchison modified amendment No. 93 (to modified amendment No. 7), to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I wish to catch up the membership on the floor and off the floor a little bit about where we are. We are at midweek for a third week of consideration of the FAA reauthorization bill. Last night, Senator REID filed cloture on this bill. In a perfect world we would have finished this bill already without filing cloture, but we need to finish and that is what cloture motions are for. I will support cloture, needless to say.

Senator HUTCHISON also filed cloture on an amendment that will bring conclusion to a debate on slots at National Airport. I will talk about that issue in more detail later. But I am saying right now slots are very important but

they do not need to consume all of the arguments and all of the discussion on the floor about this bill. They are a very small part of the bill—an important part of the bill, recognizing the West has to be served much better than it is being—but it is not the entire bill. It is a very small part of the bill.

Last night we disposed of two pending amendments by voice vote. I believe we have made progress to resolve some of the pending amendments, but votes will be required on several of them and I expect we will have those votes today. Senator HUTCHISON and I are trying to clear a number of other filed amendments. There were at one point 100 of them. I hope we can accept a number of them. I have heard from any number of my colleagues on their amendments and I am trying to be helpful in getting them adopted where they contribute to the bill.

I know Senator HUTCHISON is committed to supporting the bill. We need to resolve the issue of slots. She has been working—we have all been working diligently and almost exclusively on that matter, and we will do this with a vote. We will resolve that issue.

After that vote we will vote on cloture, which I believe will pass and I am extremely hopeful we will reach agreement to get this bill done this week. The farthest possible day and most unhappy thought would be if we had to go through the recess and do it on the day we came back. I think it is far better that we get it done this week. There is no excuse for not doing it.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we now have, I think, a glidepath to passing this important legislation. We worked late into the night, Senator ROCKEFELLER and I did, to try to accommodate needs, concerns, amendments of Members. Now we have the cloture motion in play and hope we can come to a real agreement on the Reagan Airport perimeter issue so we could even do it before cloture is invoked—but hopefully, if we are not able to come to a complete agreement, we would at least be able to get cloture and move on.

I hope our Members know we are going to continue to work to address everyone's concerns. We have concerns of western Senators and concerns of Senators within the Washington, DC metropolitan area. We have small community concerns and we have eastern seaboard community concerns. We have been working for years, actually—but months and then weeks to address concerns. We are open to do that. But it is time to wind this bill up so we can go to conference with the House with a strong Senate position and do the big picture policy issues that need to be addressed.

We must have the next generation of air traffic control started. We must

have a satellite-based system that is for the whole world—for the people coming into our country and the people using our airspace. We need to have the safety and the consumer protections that are in this bill. We need to have a responsible way for people from all over our country to come into Reagan Washington National Airport while also protecting the people around the area from congestion.

We have a lot of concerns. I think this is a good bill and it is getting better every day. I do think we can come up with the right mix that will put our aviation system in the forefront of the world because half of the air traffic of the world comes into and out of the United States. We certainly need to be the best and that is what this bill will put us on the glidepath to do.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL CARRIERS

Mr. INHOFE. Madam President, the supplemental carriers provide a valuable and unique service to our economy as well as our military's ability to move troops and materiel around the world in a safe and timely manner. Current flight and duty rules for carriers recognize differences in operations and provide the necessary flexibility for supplemental carriers, given the challenging worldwide environments they operate in such as Afghanistan, Kyrgyzstan, Iraq, and other Middle East destinations.

Supplemental carriers have a long track record of safe operations. In more than 15 years, the National Transportation Safety Board, NTSB, has not cited fatigue as a primary cause in any nonscheduled/supplemental airline accident while flying under supplemental rules, 14 CFR Part 121, subpart S. There have been no fatalities attributed to any accident where fatigue was even remotely considered a contributing factor.

In the months preceding FAA's notice of proposed rulemaking, the agency's lack of interest in the operations of nonscheduled carriers led many to believe their unique operating procedures and status as small business entities would be addressed in a separate rulemaking. FAA issued its notice of proposed rulemaking, NPRM, to the public on September 14, 2010, and it was clear supplemental carriers were, indeed, covered by the NPRM, but the impacts of this proposal on supplemental carriers were not taken into consideration. This oversight is un-

precedented. The FAA collected data from scheduled carriers to analyze their operations but acknowledged in the Regulatory Impact Analysis that it collected no data from NACA's non-scheduled airlines. FAA has a legal obligation to examine the impacts of this proposed rule on all segments of industry, which they failed to do. In the coming weeks and months I hope you will join me in encouraging the FAA to consider supplemental carriers flying under subpart S separately in the rulemaking proceeding.

Mr. ROCKEFELLER. I appreciate my colleague's concerns about how supplemental carriers have been treated in the FAA's rulemaking process dealing with pilot flight and duty time. As you are aware, modernizing the pilot flight and duty regulations has been one of the highest priorities of the FAA as well as many in Congress. In fact, when H.R. 5900 was signed into law last year by the President, Congress mandated the FAA complete the final rule overhauling these regulations by August 1 of this year.

I agree that all the regulated parties affected by this and other rulemakings should be treated fairly. I am willing to work with Senator INHOFE, Senator MURKOWSKI, and other interested parties to ensure supplemental carriers receive fair and thorough consideration, and that their industry data be considered, before any new rules for those carriers are promulgated.

Mr. INHOFE. I thank the Senator for his gracious commitment to insure that these carriers are treated fairly and in accordance with well established precedent.

Mr. ROCKEFELLER. Let me catch up a bit on where we are. The Senate has been working on this national slots issue for close to 1 year or it may be 10 years. I don't know. It has been an awfully long time. But we have been unable to achieve a resolution so far on the matter. That is a problem.

When we began consideration of the FAA reauthorization bill, Senator HUTCHISON and I decided we should focus on helping consumers. Everybody was talking about helping airliners. We were talking about people. Airliners fly around. People have to be able to do it. So we decided to focus on them.

So we both believed the growth of Western States must be recognized. I come from an Eastern State, sort of. The Presiding Officer comes from an Eastern State, totally. But the growth is in the West. They are underserved. That cannot be debated. It is embarrassing how few flights there are back and forth between National and them. The National Capital is a fairly important place. People need to go there, either for tourism or for business or whatever, and we need more access to the National Capital to be provided to the citizens from there on a "both-way" basis.

So time is running short for the consideration of the FAA package. This bill is too important to the country to let it languish over this issue. It is virtually all we have talked about, and I regret that because it does not reflect the nature and the priorities of the bill.

Unlike the national slot issue, the FAA bill has direct impacts on the whole Nation all the time. It will help our economy now. It will help our economy in the future with immediate job support and long-term impact on our role in the global marketplace.

To move forward on the bill, Senator HUTCHISON offered a slots amendment, a national slots amendment, that I feel offers a fair and reasonable solution on this issue. Over the past 2½ weeks, she and I have worked closely with other Members and their staffs in an effort to achieve a compromise on this issue.

Many of their needs and ideas have been incorporated into her amendment. It still may not be perfect, but it represents an attempt to fairly balance the competing needs of Members and their constituents inside and outside the perimeter. It is fascinating when people have it in their minds that something has to happen. They have to have so many flights or flights have to go to this city or that city or whatever. Then people sort of get attached to airlines. They feel they have to represent an airline.

I sort of thought we were here to represent the people of the States from which we come but, more importantly, in some sense, the entire country, particularly on an issue such as this.

Her amendment will permit some additional beyond-perimeter flights shortly after enactment of the bill. Then this very interesting part about the Department of Transportation, we have introduced that into the bill. It is a very good part of the bill. The Department of Transportation, which is neutral, which is professional, which is fully engaged in all of this, is required to study the effect of those flights over the next year.

Some people will say that is kind of a dodge. It is not kind of a dodge. Because slots are so controversial, it takes the Department of Transportation and their analysis to guide us about whether there is an overload at National, whether there is an underload. My own view is there is an underload at National, lots of slots available. But that is not the prevailing view on the part of some. They feel we cannot have a single additional flight.

So DOT can study that. If they find there is no negative impact, a limited number can be added at the appropriate time or not, depending on what we want to do.

Specifically, the amendment provides network carriers an opportunity to swap existing flights they conduct

within the perimeter and use them for flights to Western States beyond the perimeter. Seven round-trip flights could be converted under this provision.

Under this construct a carrier could use flights to large hub airports within the perimeter where significant service already is provided. This protects States and small communities within the perimeter and limits the number of new flights at the airport as requested by local officials.

The amendment also provides five new flight exemptions that would only be distributed to new entrants or limited incumbent carriers. To provide maximum flexibility for the carriers, these could be used for new flights within or beyond the perimeter. All of this is kind of opaque, like a puzzle, but it does happen to work.

We have had approximately 100 amendments filed to the FAA reauthorization bill. Much of the talk is focused on slots at National Airport. There are lots of airports, but National Airport has received the bulk of the amendments. I don't resent that or regret it. I just wish we could get to the rest of the bill, which I think is probably going to be entirely acceptable to people because it is a very reasonable approach.

Only three other amendments have been filed that directly address the issue of west coast access to National. The Ensign amendment would allow carriers to have unlimited conversions or swaps beyond the perimeter. I believe this proposal goes too far and could have a significant negative impact locally and for small communities serviced within the perimeter. I do think Senators ENSIGN and KYL, with whom I have worked on this issue over the past year, can appreciate this position and will receive opportunities for their constituents through passage of our amendment.

The Merkley and Wyden and Cantwell-Murray-Merkley-Begich amendments are the only other two amendments that have been filed with a focus on the issue of beyond-perimeter flights at National. They would both allow for new flight exemptions at the airport that would favor distribution to limited incumbents or new entrants. The Merkley amendment would provide eight new round-trips for beyond-perimeter service. The Wyden amendment would add 12 new round-trips beyond the perimeter and 4 new round-trips within the perimeter for a total of 16 new flights. While the Hutchison amendment may not provide the same level of opportunity for services to their States that they desire, her amendment does provide ample room for their constituencies to obtain new service with 5 exemptions rather than 12 beyond perimeter.

I believe we must strike an appropriate balance. We have no choice. We

can't make everybody happy. Senator HUTCHISON's and my approach has been to go down the middle. People who don't want anything more and people who want a lot more, kind of edge them together and go right down the middle. That is all we can do in a bill of this sort where emotions run very high.

I do believe we must strike an appropriate balance between new service from incumbent carriers and service from limited or new-entrant carriers if we are going to give consumers the greatest options on choice and competition. Consumers are really what this is about. Airlines are obviously important. They are going to fly where the business is. That makes all of us—the Presiding Officer, for part of her State which is not in the New York area—very sensitive to rural situations. West Virginia is entirely rural. It has no city larger than slightly over 50,000 people, that being the State capital. Flights in and out of that State are very important to me. Most of them are done by propeller. Most of them are not particularly comfortable. But they do get one to where one wants to go. Now we have switched to Dulles so we can feed out from Dulles to anywhere in the world. Taking care of rural areas is incredibly important to us.

Again, the DOT study included in the amendment will also provide valuable insight into the impact of additional flights at National Airport on this or any other aspect of it. Under the amendment, if DOT finds that more access is appropriate, it can permit up to four additional flights at National. These would be provided to incumbent carriers to swap service from large hubs within the perimeter, resulting in no new air traffic at the airport. Senator HUTCHISON and I would like to emphasize those words, "no new flights." They have room for flights. A GAO study showed that, really quite a lot of flights. But the prevailing wish is not to have noise and disruption.

The fact is, the planes are getting quieter, and they will get much more quieter as they are entered into all markets.

In total, as few as 12 or as many as 16 additional beyond-perimeter flights could result from the amendment over a 2-year period. If the DOT determines the initial 12 flights have had a direct negative impact on the DC market—I emphasize, we are putting DOT right on the case so they can watch it closely; whatever people might think, they are neutral and professional and they do this for a living—it will limit the likelihood of adding additional flights in future FAA reauthorizations. That makes sense. Let them be the arbiters of that rather than us battling it out here.

This type of review is long overdue and will provide far greater under-

standing of local needs by any carrier seeking access at National. If DOT finds there is enough room for up to 16 flights, the amendment would seek to balance them among various stakeholders. Eleven of these flights would be swaps or conversions of service to incumbent carriers already providing this, resulting, again, in no new traffic at that particular airport—there are other airports in the country; I have to keep telling myself that, but it is hard to recognize that looking at the debate so far—and minimizing the impacts of flights on a local basis generally.

Five of the flights would be dedicated to new entrants or limited incumbents to receive new exemptions. These could be used for service within or beyond the perimeter so all communities in the country would have an opportunity to obtain a flight.

In closing, I recognize every amendment addressing slots at National will be considered flawed in some corners. That is in the nature of our world. However, I do think it is important that we have votes on these amendments to determine a Senate position on this issue.

I believe the Hutchison amendment is a very reasonable offer. I hope it will obtain the support of the majority of the Senate.

I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 75, AS FURTHER MODIFIED

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate resume consideration of the Baucus amendment No. 75, as further modified—this is the amendment for the finance title of the bill we are on which was reported out by the Finance Committee last week—further, that the amendment, as further modified, be agreed to; and the motion to reconsider be laid upon the table with no intervening action or debate.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 75), as further modified, was agreed to, as follows:

Strike title VIII and insert the following:

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2011” in the matter preceding subparagraph (A) and inserting “October 1, 2013”, and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2011” and inserting “October 1, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) **RATE OF TAX ON AVIATION-GRADE KEROSENE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 4081(a)(2) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) **FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.**—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) **TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.**—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) **EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.**—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”.

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) **CONFORMING AMENDMENTS.**—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”, and

(ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Paragraph (2) of section 4081(d) is amended by striking “(a)(2)(C)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) **RETAIL TAX ON AVIATION FUEL.**—

(1) **EXEMPTION FOR PREVIOUSLY TAXED FUEL.**—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) **RATE OF TAX.**—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) **RATE OF TAX.**—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) **REFUNDS RELATING TO AVIATION-GRADE KEROSENE.**—

(1) **AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.**—Clause (ii) of section 6427(1)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) **KEROSENE USED IN AVIATION.**—Paragraph (4) of section 6427(1) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) **PAYMENTS TO ULTIMATE, REGISTERED VENDOR.**—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) **AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—Subsection (1) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) **REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.**—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking “6427(1)(5)(B)” and inserting “6427(1)(6)(B)”.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking “(4)(C) or (5)” and inserting “(4)(B) or (6)”, and

(ii) by striking “, (1)(4)(C)(ii), and (1)(5)” and inserting “and (1)(6)”.

(C) Subsection (1) of section 6427 is amended by striking “DIESEL FUEL AND KEROSENE” in the heading and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Paragraph (1) of section 6427(1) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Paragraph (4) of section 6427(1) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting “AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION”, and

(ii) in subparagraph (A)—

(I) by striking “kerosene” and inserting “aviation-grade kerosene”,

(II) by striking “KEROSENE USED IN COMMERCIAL AVIATION” in the heading and inserting “IN GENERAL”.

(d) **TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.**—

(1) **IN GENERAL.**—Subparagraph (C) of section 9502(b)(1) is amended to read as follows: “(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(2) **TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.**—

(A) **IN GENERAL.**—Subsection (d) of section 9502 is amended—

(i) by striking “(other than subsection (1)(4) thereof)” in paragraph (2), and

(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(1))” in paragraph (3).

(B) **CONFORMING AMENDMENTS.**—

(i) Paragraph (4) of section 9503(b) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(5),”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) **TIME AND METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) AVIATION-GRADE KEROSENE.—The term “aviation-grade kerosene” means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT AVIATION-GRADE KEROSENE.—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 is amended by adding at the end the following new subsection:

“(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

“(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

“(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2011, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9502(d) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.

“(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

“(1) IN GENERAL.—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

“(A) IN GENERAL.—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{16}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of a least 1 rotorcraft program aircraft.

“(B) FRACTIONAL OWNERSHIP INTEREST.—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) DRY-LEASE AIRCRAFT EXCHANGE.—The term ‘dry-lease aircraft exchange’ means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 4082 is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),”.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: “For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).”.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—The first sentence of section 4281 is amended by inserting “or when such aircraft is a turbine engine powered aircraft” after “an established line”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking “subsection (a) or (b)” in subsection (d), as so redesignated, and inserting “subsection (a), (b), or (c)”, and

(3) by inserting after subsection (b) the following new subsection:

“(c) NON-TAX CHARGES.—

“(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

“(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: “Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor today to speak about comments I have heard from both the chairman and the ranking member this morning about the FAA bill.

First of all, I wish to thank them for their hard work and diligence on this legislation. This hasn't just come now, this year; this is something the chairman and ranking member have been working on for several years.

I had a chance yesterday to talk about the NextGen system and how many jobs are going to be created from high-wage technology that is going to be used to modernize our transportation system. It is going to deliver flights that are probably 20 percent more on time, it will save us probably 5 or 6 percent on fuel, it is going to lower CO₂, and it is going to improve the experience for passengers. So I am

all for the FAA underlying bill and I applaud my colleagues for their hard work in trying to make this legislation a reality and doing so this week.

I have concerns about the proposed Hutchison amendment. I know the Senator from Texas indicated she is still talking with people and working with people in an effort to make everyone happy. In this place I don't think we make everyone happy, but I thank the Senator for her willingness to at least on the floor say she is trying to make everyone happy, and I think she is probably sincere in her efforts.

I have been involved with this issue now for probably 3 or 4 years—not just the FAA bill but the slots issue and air transportation—and my former colleague, Senator Gordon Smith from Oregon, and I were involved with this issue and several years before that with numerous other members of the Commerce Committee. It is probably one of the thornier issues the Congress has to deal with, primarily because the issue is one that is fused both by issues of economic development around airports, as well as transportation interests of the flying public, and probably a little bit of a dose of what Members' own personal experiences and interests are.

For me, getting access to the West, to the Nation's capital, is an important issue. It is not the primary way I come to work every week. I actually fly in and out of the other airport in the region and do so—I don't know if I would say happily because, frankly, I think Dulles Airport—although I don't know what they have done lately, but they got rid of their mobile lounges and now have invested in some transport system where you probably walk as far on that system as you do on the previous system. There are people smiling on the floor. I think they have already been through it. I think they are saying, Yes, I have done that drill, and what is up at Dulles?

Putting that aside, that is the way I fly 80 percent of the time back and forth to the Nation's capital. I am pleased to have that flight schedule that accommodates me and actually accommodates many Washingtonians, because I think there are plenty of my Washingtonians who are coming back to the region to do business on a variety of issues in that corridor and see that as an access point as well.

The issue, though, is about whether the West has enough access to National Airport. In the past two debates we have had on this issue in 2000 and 2003, the Congress decided the West did not have enough access to National Airport. In both of those instances this body passed legislation opening more slots to the West through a process whereby the Department of Transportation basically decided what were the best areas of the West to service, which were the best networks to possibly

service those areas, and how to get that traffic from one destination to the Nation's capital. In both instances, in 2000 and in 2003, when that very broad directive was given to the Department of Transportation, each time six new flight paths were opened to the Nation's capital, and I think that process worked very well. It worked very well because the debate was not here on the Senate floor about whose service was going to be delivered, but it was given to the Department of Transportation, the broad outline. In each instance, increasing access from the West to the Nation's capital is about having the flying public gain access to the Nation's capital and it is also about economic interests. That is why I still have concerns about this proposal on the table and about the fair access it may not provide to many people in the West.

In this particular proposal, unlike the two previous access issues in 2000 and 2003, in each point six new slots were given and the Department of Transportation had a fair and open process about it.

This particular proposal focuses on the airlines that already service the Nation's Capital, and in this case over 60 percent of the Nation's Capital slots are controlled by two specific airlines. This proposal would open those carriers' ability to trade out slots they already have with other cities, thereby giving them access to the West. In fact, the proposal of my colleague from Texas, even on those new slots, new incumbent carriers they are saying can give access to the West are carriers that are currently operating even inside the perimeter today. If you think this proposal is about helping access the West, it is primarily about accessing the West by people who already control the real estate at National Airport, which are two carriers.

I noticed the Department of Justice looked at this larger issue. That is because many of my colleagues who do not want to spend a lot of time on this—I guess I am glad I am educated on it, but I wish I had time to work on other things. The issue is, the national interest or policy question comes into play when you have access to what are limited footprint destinations, such as National Airport, such as La Guardia. Those are times when the U.S. Government has said we want to make sure there is a fair process about this because there is a small footprint and, obviously, if somebody controls too much of that footprint, it is an issue.

In the most recent debate, Delta and US Airways have been trying to do a swap exchange between La Guardia and DCA, and the Department of Justice says: Not such a good idea. You already own too much of the market share. If you want to do this, why don't you divest some of the slots you have now. Instead of doing that, the airlines are

going to go down a path of continuing to accumulate and dominate in the East.

I hope my colleagues will take into consideration that I know the chairman and ranking member are trying to work in good faith, both on this issue and to move the bill forward. For this Member who wants to see a healthy transportation network, I am very concerned about the existing incumbents at National Airport continuing to dominate, with 60 percent of the market, and perhaps cancelling a lot of flights that they currently have now within this region only to benefit from the more lucrative long-haul flights across the country.

I am for a fair process. I think everybody should be able to bid on any new flights that are going to be put on the table. The two processes Congress followed in 2000 and 2003 were closer to what I believe, personally, is a more fair and open process.

I hope we can continue working and dialoging on these issues. I do think they are important. They are probably more important for the long run of what a transportation network system looks like in this country, to be sure the consumer interests are taken care of and that there is a fair and competitive price.

I know some of the people who have been involved in this debate—probably not on the floor but out in the public—are talking about the amount of money airlines have invested in these airports, as if somehow that means they own the airports. The facts will show, in both these cases, the majority of money poured into the infrastructure at both these facilities is basically taxpayer dollars through bonding authority. It is not as if some airline owns the rights, owns the ability to control 50 or 60 percent of one of these airports just because they have paid for airport improvements. We all have been paying for airport improvements. As I said, I, personally, think the airport improvements made at Dulles are not so much of an improvement. I am going to continue with that and continue to fly through that particular airport.

I hope my colleagues will keep discussing this issue, and I hope we can get somewhere on it. My concern is that a proposal with conversion in it will mean many of my colleagues on the Senate floor will have their flights canceled to their favorite locations, and basically they will start servicing long-haul across the country with a very big share of the existing national market.

I hope we can do something that will instigate more competition, more diversity, and something that will help get this legislation passed.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor today because, on Monday, President Obama introduced his new budget. What we saw in that budget is, for the most part, more of the same—more spending, more taxes, more borrowing. We see this budget from a President who doesn't seem to understand the gravity of the Nation's fiscal crisis.

When we start digging down into the budget the President proposed and look into the Internal Revenue Service component of that budget, what we see is the Internal Revenue Service is starting to focus in and audit ObamaCare. There is a glaring difference in the budget this year from previous years because of the President's new health spending law. The IRS now has unprecedented power over health care in America.

In fact, when we take a look at this budget, and specifically the Internal Revenue Service's fiscal year 2012 budget request, over 250 times the Affordable Care Act—known in the budget as the ACA but known by people all across the country as ObamaCare—is mentioned. Over 250 times.

To me, the goal of the health care law has been to let people all across this country get the care they need from the doctors they want at a price they can afford.

As a member of my party, looking at our economy, looking at the deficit, looking at the incredible debt, what I think we need to do is make it cheaper and easier to create private sector jobs in this country. That is the way we get the economy going again. But when I read this budget, and specifically IRS requests, it seems to me it is making it harder and more expensive to create private sector jobs in our country.

The people of this country are not taxed too little. The problem is that the government spends too much. When I take a look at this budget, that is exactly what I see being rejected by this administration because it seems this administration is more interested in taxing, in raising taxes, rather than cutting spending.

When you take a look at what the IRS says in the budget, it says:

The implementation of the Affordable Care Act of 2010 presents a major challenge to the Internal Revenue Service.

This is the IRS talking about the law that was crammed down the throats of

the American people in the middle of the night, written behind closed doors. We are all familiar with it. Now it is presenting a major challenge to the Internal Revenue Service.

The Internal Revenue Service goes on to say:

This law represents the largest set of tax law changes in more than 20 years, with more than 40 provisions that amend the tax laws.

The Wall Street Journal reported earlier this week that the budget gives the IRS the ability to hire 5,000 new workers. After taking a close look at the IRS's plans, we know they will have to hire over 1,000 new IRS bureaucrats, Washington bureaucrats, to implement ObamaCare measures. What are some of those that we are now going to have IRS agents coming and looking into? One is the tanning tax, the component that promotes compliance with the new excise tax on tanning facilities. The IRS is requesting another \$1.5 million and requesting 81 more full-time equivalents to go ahead and implement this tanning tax. For oversight—they call it “strengthen oversight of exempt hospitals.” These are tax-exempt hospitals, hospitals that do not pay taxes, but to do an oversight of these hospitals, they want another \$9.9 million and another 84 full-time employees. For the new health coverage information reporting, they want \$34 million and 100 full-time employees. For something I call ObamaCare 101—assisting taxpayers in understanding the new provisions—the IRS is requesting \$22.2 million and hiring another 150 full-time equivalents. And then, of course, for the call centers, IRS call centers—so if someone has a question, they can call and ask a question—they want another \$15 million because of the complexity of this new health care law that is going to be difficult for people to understand.

The American people and small business owners—and those are the job creators of this country—want the IRS to make their lives easier, not tougher, not audit their health care choices and health care decisions. But adding hundreds of new jobs and millions of new dollars to the IRS is not going to make health care better. It is not going to make care more available for anyone.

I am going to continue to come to the floor with a doctor's second opinion to fight to repeal and replace this health care law and to do it with patient-centered reforms that help the private sector, not the IRS, create more jobs.

This morning, we had a little event called Wyoming Wednesdays where people from Wyoming who are here come together in Senator ENZI's office, and we have coffee and doughnuts and visit.

One of the people here from Wyoming said: I saw a sign that was worrisome. I said: What is the sign?

He said that this location where they are putting in offices used to be a parking lot. When you are replacing a parking lot with more offices for more Washington bureaucrats, that is not a good sign for the rest of America.

Here we have the IRS saying they are dealing with a major challenge because of the health care law. It represents the largest tax law change in more than 20 years. More than 40 provisions are being amended in the tax law to go after things. They want this kind of money to implement the tax changes with regard to the indoor tanning services—81 new full-time equivalents—and they say what is involved in this. The IRS says there are as many as 25,000 businesses that provide indoor tanning services they are now going to tax, including about 10,000 businesses that offer tanning services along with other services such as spas, health clubs, and beauty salons.

We are here in the Senate, in Congress, with 9 percent unemployment in this country, with people looking for work, and more government jobs are being created, and these people are creating government jobs to make it harder on small businesses. It gets right to the crux of it right here because the IRS even says these entities, all these tanning entities, typically do not have experience filing Federal excise tax returns. So what is the government going to do? Come in, make them file claims and forms they do not have experience with. It is going to be costly; it is going to take time; it is going to increase taxes. That is not a way to create new jobs.

They want 10 million more dollars to strengthen oversight on tax-exempt hospitals. These are tax-exempt hospitals. Why are the American taxpayers being asked to pay another \$10 million to hire 84 full-time equivalents to deal with tax-exempt hospitals? Because, according to the law that was crammed down the throats of the American people, the IRS is now required to review at least every 3 years the benefit activities of tax-exempt hospital organizations, which number about 5,100 in this country. They actually say in the budget request by the IRS, as part of the President's budget that was submitted on Monday:

These are new requirements for tax-exempt hospitals which include a majority of hospitals in the United States.

We are going to increase taxpayer dollars going for more IRS auditors and make it harder and more burdensome on the tax-exempt hospitals in terms of paperwork and what they need to do.

It goes on and on. That is why the American people are fed up with what is happening in Washington.

Let's talk a little bit about the CLASS Act because there is a whole component of the budget wanting 30 staff members added to the health de-

partment office overseeing implementation of what is called the CLASS Act. That stands for community living assistance services and supports.

The President's own debt commission—remember, the President appointed this commission about a year ago to say: Let's look into the debt. People thought that was a bold move, a bipartisan move, a lot of people coming together to take a look at this debt. For a year, the President said: We have a debt commission looking into this, so he did not deal with the debt. Now that the debt commission came out with its report in December, the President has mostly ignored it. Yet the debt commission—it was bipartisan, chaired by Erskine Bowles, a former Chief of Staff of the White House for Bill Clinton, and Al Simpson, a former Senator from my State of Wyoming—came out, took a look at the health care law, and specifically honed in on this CLASS Act.

One of the Members of this Senate, a colleague on the opposite side of the aisle, someone who voted for the health care law, called it a Ponzi scheme that Bernie Madoff would be proud of.

The President's budget commission, the bipartisan budget commission, looked at it, and they have significant concerns about the sustainability of the program and called for the program to either be repealed or reformed because it is not sustainable. They have raised concerns. People on both sides of the aisle have raised concerns. Yet the Secretary of Health and Human Services has, in her budget, money for 30 additional staff members added to the health department offices. Why? To go over the details of this act that people say ought to be repealed because, as it says, the details of the CLASS Act—they want to spend \$93.5 million informing and educating people about the CLASS Act. I can tell them right now it is unsustainable, it is irresponsible, and it is something that should be repealed. Yet the Department of Health and Human Services wants to spend over \$93 million of taxpayer money to inform and educate the public about this component of the health care law that people on both sides of the aisle think needs to go away.

Finally, as someone who believes this health care law is bad for patients, bad for providers—the nurses and doctors who take care of those patients—and bad for the taxpayers—what we saw in the President's budget that came out Monday, coming out for next year, is it is asking for over 1,000 new IRS agents to go ahead and implement the various components and responsibilities that have been put on their heads by this health care law. This is only the beginning. The entire health care law does not really come fully into play until 2014. That is when Americans are going to have more IRS agents, more money being spent looking into their own personal lives, looking into what kind of insurance they have.

Is it acceptable to the government? Is it government approved? That is why Senator GRAHAM and I have introduced legislation called the State Health Care Choice Act, to let States decide. Let States decide if Washington ought to be telling the people in their States that they must buy, that every individual must buy government-approved insurance. Let the States make that decision. Let the States opt out if they would like. Let the States decide if all the businesses in their States must provide government-approved insurance to their workers. Let the States decide as to Medicaid, a program for low-income Americans which is being expanded significantly by cramming 16 million more Americans into Medicaid. Governors all across the country in a bipartisan way are saying: Our States cannot afford this.

A New York Times story shows Jerry Brown from California and Andrew Cuomo from New York complaining about the mandates Medicaid is putting on their States, the additional burdens in terms of taxes and the mandates and what it is going to do to the people of the State who are trying to educate their kids and the cost and the pressure on education dollars because they are getting shifted to Medicaid, the cost of dollars shifted away from public safety, from firefighters, police officers, other public safety officers. As to this health care law, I think people at the State level ought to decide that, no, we don't want this to apply to us.

That is why I come today, again as a physician who practiced medicine in Wyoming for a quarter of a century, took care of thousands and thousands of patients and families, trying to help people get better, all in a way that now I think is being taken in the wrong direction by this health care law, and why I think we want to continue to look for ways to make sure people get the care they want from the doctors they need at a price they can afford. The health care law that was passed by this body fails in all of those respects, and now we see, with the President's budget, a request for money for another thousand IRS agents, not to help people get better, not to help people get the care they need from a doctor they want at a cost they can afford—no, not at all—but to audit the health care of the American people.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EFFECTS OF THE RECESSION

Mr. SANDERS. Mr. President, I rise to briefly do three things. No. 1, there

are a lot of politicians and pundits and economists who are proclaiming all over the country that the recession is over. They have some economic models by which they determine that the recession is over. I suggest those pundits and economists and politicians take a look at the booklet we recently produced in my office. It is called "Struggling Through the Recession—Letters from Vermont."

We have also received letters from other States, people in other States as well. We sent out a request for people to tell us, as we enter the third year of this recession, what is happening in their lives. We got, from my small State, over 400 responses. That is a lot from a small State. We probably received an equal number from around the rest of the country.

The problem I had with these letters, some of them are so painful to read that it is hard to read more than a few at a time because you get sick to your stomach hearing what good and decent and hard-working people are going through.

I wish to take a few moments to read a handful of the letters I am receiving from Vermont, in answer to the question: Is the recession over?

This comes from a young lady from central Vermont. She says:

I have been fortunate to hold onto my job throughout the past 3 years, especially since I have about \$42,000 remaining on my school loans.

One of the recurring themes we hear from all over Vermont—and I suspect it is true in New Mexico and all over the country—is a lot of young people are graduating with a heck of a lot of debt. The jobs they are getting are not sufficient, in terms of pay, to help them pay off that debt.

She writes:

Anyway, what I want to write isn't about me—it's about my boyfriend, a talented mechanical engineer that graduated with about \$80,000 in school loans.

We are telling the young people of this country: Go out and get an education. They are coming out with huge loans, having a hard time getting a job.

He was laid off in November 2009 and it has not only caused financial hardship, but it has put all of our future plans on hold. He fortunately has temporary employment now after nearly a year of searching, but my qualm is with the high cost of education and how people in their twenties are supposed to move forward with their lives with school debt lingering over them.

That is a very significant point.

Here is another one. This is a young man from Barre, VT, in the central part of the State.

In 2002, I received a scholarship to Saint Bonaventure University, the first in my family to attend college. Upon graduation in 2006, I was admitted to the Dickinson School of Law at Penn State University and graduated in 2009 with \$150,000 of student debt.

That is not uncommon.

In Western New York I could find nothing better than a \$10/hour position stuffing envelopes.

Another example of a young person graduating from college, doing all the right things, and yet ending up with very substantial debt.

That is from some of the younger people. Then we got letters from middle-aged people. This is from a woman from the central part of the State.

My husband lost his job in 2002 and has been self-employed as a carpenter ever since due to the lack of jobs in central Vermont.

I should tell you the recession has been less disastrous in Vermont than in other parts of the country. These are stories from a State that has not been hit as hard as other States.

He's had no insurance and we have not saved a cent since 2002. We've depleted our savings account paying for property taxes. We've been burning wood to save money heating the house. The cost of fuel for the house and vehicles puts a huge burden on making ends meet. Being self-employed is extremely challenging due to the economic situation.

Again, she is touching on an issue that millions of people are aware of. The price of gas to get to work is going up. The price of home heating fuel in States such as Vermont is going up. Wages are low for millions of people. How do they survive in that crisis?

We also have stories from older people. This is from a woman named Beth, who lives in the northeastern part of our State, a very rural part of Vermont. She is 69 years of age. She writes:

I don't know what kind of a future my grand kids will have. How will they be educated if we can't help them? It is great there are loans out there for education but they are being charged more for the schools than I paid for my house. They will be in debt their whole lives.

Here is a woman who is worried about her grandchildren. Here is another woman, Ellen, who lives in Rutland County.

All I can say is I still have a job for all it is worth. I feel making \$8.81 an hour at 17 hours per week is ridiculous!

This woman is 63 years of age.

I don't bring home enough to help out with the major household expenses I used to pay half on. I'm lucky if my paycheck reaches \$130 a week. By the time I pay a few bills gas up and pick up a few needed items I'm lucky if I have any left for spending. I earned less than \$8,000 this year. It [is] just about what I made back in the 1970's and lived better.

So the point here is, A, if folks tell you the recession is over, read some of these stories. These stories are available on my Web site: "Sanders.Senate.gov." These are mostly from Vermont, but I think they touch the same themes that exist all over our country. For millions and millions of people, not only those who are unemployed—those who are underemployed, those who are working full time and not making a living wage—trust me, the recession is not over.

The reason I ask people to send me these letters is I think it is important

as a Senate to understand we have to address these economic issues. When 16 percent of our people are either unemployed or underemployed or have given up looking for work, when millions more are working with inadequate wages, we cannot say we should not be vigorously going forward in creating millions and millions of jobs that our people desperately need.

SOCIAL SECURITY

I also want to say a word on Social Security. What I want to say is, I get very tired watching the TV or hearing some of my colleagues tell me that Social Security is going bankrupt, that Social Security will not be there for our kids or that Social Security is part of the serious deficit and national debt problem we face. Let me say a few words on that.

No. 1, Social Security has existed in this country for 75 years, and it has been an enormous success. We take it for granted. But for 75 years, Social Security has paid out every nickel owed to every eligible American in good times and bad. When Wall Street collapsed a few years ago, millions of Americans lost all or part of their retirement savings when the stock market crashed. All over America, during the last 10, 20 years, corporations that had promised defined benefit pension plans to their employees rescinded on that promise. People had worked for years, expecting a pension from a company. That pension never came. Yet during all of that period, Social Security has paid out every nickel owed to every eligible American at minimal administrative cost. That is a pretty good record. Our job now is to make sure Social Security is strong and vibrant 75 years from now and continues to do the excellent job it has done in the past 75 years.

People say: Social Security is going broke. Social Security is in crisis. A lot of people believe that because they hear it over and over, and it is repeated in the media again, again, and again.

What are the facts? The facts are that not only is Social Security not going broke, Social Security has a \$2.6 trillion surplus—a \$2.6 trillion surplus—which, by the way, is going to go up before it goes down.

Social Security, according to the Social Security Administration and the Congressional Budget Office, can pay out every nickel owed to every eligible American for the next 25, 26, 27 years, at which point it will pay out between 75 and 80 percent of all of the benefits. The challenge we face, therefore, is how, in 25 or 30 years, do we make up that 20 percent gap? That is the challenge.

So Social Security is strong and will pay out every benefit owed to every eligible American for the next 25 or 30 years. People say: Oh, yeah, well, that is just worthless IOUs, that Social Security trust fund.

Absolutely not true. The U.S. Government, from the day of its inception, has paid its debt. Social Security is backed by the faith and credit of the United States of America. We have never yet—and I certainly hope we never will—default on our debt.

So the first point I want to make is, Social Security is strong. Social Security will pay out benefits for the next 26 years. For people to come forward and say we have to privatize Social Security, we have to raise the retirement age, we have to lower benefits, is absolutely wrong, to my mind. We made a promise to the American people regarding Social Security, and that is a promise we have to keep.

In the dialog around Washington, people lump the very serious problem of a \$1.5 trillion deficit and a \$14 trillion national debt with Social Security. So let's ask a very simple question. How much has Social Security contributed to our national debt? How much? The answer is, not one penny—not one penny—because Social Security is not paid out from the U.S. Treasury. Social Security comes from the payroll taxes that workers and employers contribute into the Social Security trust fund. That trust fund today has a \$2.6 trillion surplus. So when people say we have a very significant national debt and, therefore, we have to cut Social Security, that is absolutely a wrong thing to say.

Let me say, I will do everything I can to protect a program that has worked extremely well for the American people.

Why are we hearing all of this opposition against Social Security? Where does it come from? It does not come from ordinary people. They know Social Security has been successful, it is worth preserving, worth protecting. By the way, as we all know, Social Security is not just there for the elderly, the retirees; it is there for people with disabilities; it is there for widows and orphans through the survivors fund. Where is all of this opposition coming from?

It is coming from two places.

No. 1, it is coming from folks on Wall Street—from Wall Street—who are saying: Gee, we could make many billions of dollars if we ended the Social Security system right now and Americans had to invest in retirement accounts on Wall Street. And we can make all kinds of commissions doing that work.

That is one of the areas, one of the sources of the opposition to Social Security.

Second is from many of my very conservative Republican friends. Very honestly, they do not believe government should be playing a role in making sure elderly people have a secure and dignified retirement. They do not believe much in government. They do not think government should be playing a role in those areas, and they want to get government out of those areas.

I understand where they are coming from. It is an honest position. I strongly disagree with them. I think in a civilized, democratic society we have to make sure when you get old it has to be guaranteed—guaranteed—as it has been for 75 years, that you are going to get the help you need. I believe government should be playing that role.

I would remind you, Mr. President, before Social Security was developed in the mid 1930s, 50 percent of the elderly people of our country at that point lived in poverty. Today, that number is too high, but it is 10 percent—50 percent before Social Security; 10 percent today. That is a pretty good record.

So I would respectfully disagree with my Republican friends who say: Well, if people want a retirement account, let them invest in Wall Street, let them do it through the private sector. I do not agree with that. I think Social Security has worked well for 75 years. We have to make sure it works well for another 75 years. I will do everything I can as chairman of the new Defending Social Security Caucus to make that happen.

THE DEFICIT AND NATIONAL DEBT

The last point I want to make: I want to talk a little bit about the deficit and our national debt.

I think it is appropriate for the American people to be reminded about how we got into the very difficult situation we are in right now. I have to tell you, I find it a bit amusing that some of the “loudest” deficit hawks in the Congress are precisely the same people who helped drive up the deficit and the national debt—the same people.

Let's try to determine how we got into the recession.

No. 1, in the midst of a recession, by definition, less money is coming in. That is obviously an important part of why we have the deficit and the national debt we have today. But there are other factors.

Mr. President, you will recall that this country, during the Bush administration, began two wars—a war in Afghanistan, a war in Iraq. The war in Iraq is estimated, by the time we take care of the last veteran, to run up a tag of about \$3 trillion. Does anybody quite remember how we paid for those wars? Well, the answer is we did not pay for those wars. Those wars were put on the credit card. President Bush said: We are going to go to war, but we do not have to worry about how we pay for them.

The second area: As a result of President Bush's tax policies, which have recently been extended, against my vote, in the Obama administration, we provided many hundreds of billions of dollars in tax breaks to millionaires and billionaires. The wealthiest people in this country are doing phenomenally well. The effective tax rate for the wealthiest people in this country is lower than at any time on record, in

many cases lower than what working people are paying. Yet we decided, against my vote, to give them hundreds of billions of dollars in tax breaks, driving up the deficit.

Congress voted, against my vote, to bail out Wall Street—unpaid for, driving up the deficit. Some years ago, Congress, against my vote, decided to pass an insurance company-written Medicare Part D prescription drug program—very expensive program, unpaid for.

So all of these things are unpaid for. The national debt goes up, the deficit goes up. Then our Republican friends say: Oh, my goodness, we have a very large deficit. What are we going to do? We are going to have to cut back on programs that are important to working people and lower income people.

I think that is absolutely unacceptable.

So the first point I would make is, I regard it as incomprehensible that there are folks who supported hundreds of billions of dollars in tax breaks for millionaires and billionaires and then they tell us they are concerned about the deficit and the national debt. That is absolute hypocrisy.

In my view, the Congress should not be about cutting back on programs for low- and moderate-income people after we have given huge tax breaks to the wealthiest people in this country.

Second of all, I think the time is long overdue that we start ending a lot of the corporate tax loopholes which now are preventing this country and this government from getting the revenue we need. Before we talk about major cutbacks for our kids or for the elderly, maybe we should end the absurdity of the tax havens that exist in the Cayman Islands and Bermuda, where the wealthiest people in this country and large corporations are stashing their money away, to the tune of about \$100 billion a year—\$100 billion a year—in taxes that are not being paid because of the tax havens that exist.

I would also argue it is somewhat absurd we have a situation where last year ExxonMobil paid no Federal income taxes at all and got a \$156 million rebate from the IRS, after earning \$19 billion in profits.

What I would say is, yes, deficit and national debt are very important issues. But it is important for us to understand how we got to where we are. It is important for us to understand that the top 1 percent today earn more income than the bottom 50 percent and have enjoyed huge tax breaks. So before we start slashing programs the middle class and working families of this country need, let's take a look at some of those issues as well.

With that, Mr. President, I yield the floor.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 93, AS FURTHER MODIFIED, TO AMENDMENT NO. 7, AS MODIFIED

Mrs. HUTCHISON. Mr. President, I have a modification of my amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as further modified, is as follows:

Strike out all after the word "SEC" and add the following:

RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

"(g) ADDITIONAL SLOTS.—

"(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

"(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

"(B) increase competition in multiple markets;

"(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

"(D) not result in meaningfully increased travel delays;

"(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

"(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

"(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

"(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

"(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

"(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

"(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

"(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

"(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

"(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

"(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

"(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

"(A) caused congestion problems at the airport;

"(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

"(C) affected the environment in the area surrounding the airport; and

"(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

"(7) ADDITIONAL EXEMPTIONS.—

"(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

"(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

"(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

"(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

"(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

"(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

"(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport lo-

cated within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

"(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

"(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

"(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

"(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

"(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

"(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

"(h) SCHEDULING PRIORITY.—In administering this section, the Secretary shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109."

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking "3 operations" and inserting "4 operations"; and

(2) by striking "subsections (a) and (b)" and inserting "under this section".

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting "not" after "shall" in subparagraph (B);

(2) by striking "and" after the semicolon in subparagraph (B);

(3) by striking "Administration." in subparagraph (C) and inserting "Administration; and"; and

(4) by adding at the end the following:

"(D) for purposes of section 41718, an air carrier that holds only slot exemptions".

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

"(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport."

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

THE BUDGET

Mr. SESSIONS. Mr. President, we have had sort of a dustup, I guess you could say, in the Budget Committee yesterday with Mr. Lew from the Office of Management and Budget and a very likable individual, but we had a serious disagreement, a fundamental matter that I do not think can be brushed over and needs to be confronted and settled. There is only one way to settle it, I believe; that is, for Mr. Lew and the President to cease saying their budget does not add to the debt and somehow changes the trajectory on which we are going.

Mr. Lew, on a Sunday morning program, said: "Our budget will get us, over the next several years, to the point where we can look the American people in the eye and say we're not adding to the debt anymore. . . ."

"Our budget will get us to the point where we can look the American people in the eye and say we're not adding to the debt anymore; we are spending money that we have each year, and then we can work on bringing down our national debt."

That is my goal. I believe that is achievable. But it is clear this budget does not do that.

Troubling, additionally, was the President, in his radio address Saturday, said the same thing. Then, again yesterday, while we were having this discussion, presumably at a similar time, the President said this: "What my budget does is to put forward some tough choices, some significant spending cuts so that by the middle of this decade [2015] our annual spending will match our annual revenues. . . ."

Our annual spending will match our annual revenues. We will not be adding more to the national debt.

That is an unequivocal statement. No matter what, it can have only one meaning to American citizens who hear it, that his budget calls for a situation in which our annual spending will match our annual revenues and we will not be adding to the national debt.

Those of us who have been wrestling with the budget know how hard it is. I believe we can achieve that in 10 years, but it is very hard. I have to admit it. I wish it were not. The Presiding Officer is on the Budget Committee and he knows how hard that would be. It would be a heroic effort. I think we can do it. I think the American people are ready to do it. But it is not easy.

The President says that is what we are going to do and that is his plan. But, sadly, it is not correct. I asked Mr. Lew, was he not concerned and was not this misleading to the American

people who heard it. He refused to say his statement was misleading.

What does the budget do? These are the numbers in his budget, the document they presented to us, written by the White House, the President's budget he is required by law to submit to Congress. This is what happens to the debt. The quote up there again is: "We will not be adding more to the national debt."

We add more under his plan, to the national debt, every single year. The numbers are stunning in size. They are consistent and, unfortunately, in the outer years of his 10-year budget, his numbers show the annual debt—annual deficit increasing, not going down. So this is what it amounts to in terms of total debt.

His plan, by his own budget that they submitted to us, would add, without dispute, \$13 trillion in new debt, doubling it to \$26 trillion. It started out at \$13 trillion; in 10 years, it doubles to \$26 trillion. How can this possibly be a position in which you will not be adding more to the debt? What world are we living in? What kind of fantastical accounting situation can occur that we can make such a statement as that?

I am going to ask my colleagues in the Senate, any single one of them who can defend this statement, I would like them to come down here and do so. Otherwise we need to call on the President to be honest with the American people. We have a serious debt crisis. To waltz out there in a press conference yesterday, to send out to speak on his radio program Saturday or to have his Budget Director on Sunday, and even at our committee hearing yesterday, insist that somehow they are not adding to the debt is not a way to begin a dialog about how to confront the serious problems this country has. I have to say that.

I do not think it is a little bitty matter. I don't think it is subject to gentlemen's disagreement. I don't think it is subject to anything other than black and white, yes and no. Is that an accurate statement or not? It is not true. The debt is added to every year. In fact, President Bush was criticized for his deficits—and I think rightly so. The highest deficit he ever had was \$450, \$460 billion. The lowest deficit in the 10 years, by the President's own budget document he sent to us, is over \$600 billion—the lowest. It averages \$720 billion a year in added debt. This is why we are on a dangerous course.

The essence of what we are talking about is can we get off this wrong road? Can we get on the road to prosperity? Can we get on the road to progress that gets us out of the debt disaster area we are headed toward?

Let me read a couple things because this is the real test of the budget. We can argue over the finer details. But the question is, Can we continue at the rate we are going? What I would say

about the budget is that these numbers, this \$13 trillion added debt, is what was being predicted before. According to the President, it would have been \$14 trillion. He has reduced it to \$13 trillion, which is not enough change, if it were to happen. But when the Congressional Budget Office independently scores the President's budget, it is going to show he doesn't have a \$1.1 trillion reduction in spending—probably none. There is probably no reduction in the debt.

What I am saying is, this budget keeps us on the course we were on. I do not think that can be disputed. It does not alter the basic debt totals each year from what has been projected, and those are the numbers, the debt totals, that are unsustainable.

For example, in 2009, President Obama called the current deficit spending, on this basic trend, unsustainable—himself—and warned of skyrocketing interest rates for consumers if the United States continues to finance government by borrowing from other countries. This is Bloomberg:

"We can't keep on just borrowing from China," Obama said at a town-hall meeting at Rio Rancho, New Mexico, outside Albuquerque. "We have to pay interest on that debt, and that means we are mortgaging our children's future. . . ."

That is correct.

Mr. Bernanke, the Chairman of the Federal Reserve Board, warned in June of last year that "the federal budget appears to be on an unsustainable path."

Mr. Geithner, the Secretary of the Treasury, in February—actually February 15—a couple days ago on ABC, said this—this is what the Secretary of Treasury said, Mr. Obama's Secretary:

Our deficits are too high. They are unsustainable, and left unaddressed, these deficits will hurt economic growth and make us weaker as a nation. . . . We have to restore fiscal responsibility and go back to living within our means.

Peter Orszag, who was President Obama's Director of the Office of Management and Budget, said that the CBO report—he said this in June of last summer:

. . . concludes that we are on an unsustainable fiscal course. About this, there is no ambiguity.

We are on an "unsustainable fiscal course," there is no doubt about it, said Mr. Orszag last summer.

What I would say to you is, the President's budget does not change that direction and we have to change it. We have to be honest with the American people that we are not changing it, that the President's plan is his plan for the future. He can change the numbers any way he wants to. He can change the trajectory we are on. It is a voluntary thing. The numbers he put forth are his numbers, and they are a call for our country to follow his plan. That is

not an acceptable plan. It is not an acceptable plan, and we have to change it.

Briefly, I will add this. The warnings that are out there—Alan Greenspan, our former Chairman of the Federal Reserve Board, said in December that it is a little better than 50–50, but not much, that we won't have a debt crisis in this country in 2 to 3 years.

Moody's, the organization most famous for rating government debt and private company debt—you know, AAA is the highest rating—Moody's, in December, sent a warning letter that, unless the United States changes its trajectory of debt, our debt could be downgraded from AAA in less than 2 years.

The International Monetary Fund has said we have to reduce our structural deficit more than Greece. They have to go to a 9-percent improvement; we have to go to a 12-percent improvement. Only Japan, says the International Monetary Fund, is worse off than we are and has to take stronger action.

So this budget is no action at all. It is no alteration of the trajectory. It is unacceptable. As Congressman RYAN said, it is debt on arrival.

We cannot pass this budget. It is unthinkable that we would. The American people are ready for change. They are supporting Governors and mayors around the country who are making tough choices, bringing their States and cities up to speed and being more effective. They are doing that. These cities are not ceasing to exist.

We increased discretionary spending, nondefense discretionary spending, in the last 2 years under President Obama's leadership and the Democratic majority in both Houses, 24 percent—12 percent a year, on average. Well, at a 7-percent-a-year increase, the total budget doubled in 10 years. I guess at 12 percent it will probably double in 6 or 7 years. This is the trend we are on. We have to come off of that. We are going to have to reduce those numbers because we do not have the money.

But I will tell you, this economy has vibrancy. It is trying to come out of this recession. If we create some stability and permanence in our rules, eliminate unnecessary regulations, allow our energy prices to be competitive and create more American energy and all of the things that make sense to bring down costs and increase productivity, bring this debt under control, we will be surprised how strong we can bounce back. But this is not the path to do it. This is the unsustainable path that can lead to danger. The closer we get to it, the more dangerous we are.

So I believe it is time to change course. Where we are going to go, I just cannot say. I am rather stunned that the President's budget—I did not expect a very strong budget, but I expected one that would make a lot more

progress than this. So I guess we are all befuddled right now what our choices will be. All of us have to work at it, though, because the future of our country is at stake.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Oklahoma.

Mr. COBURN. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. The second-degree Hutchison amendment to the Inhofe amendment is pending.

Mr. COBURN. Thank you. Let me confine my remarks for a few minutes to how I see where we are from my perspective. My hope is that I can offer some amendments, at least get them pending, and then discuss with the chairman—I just discussed them with the ranking member—the disposition of those. I wonder whether the chairman has any comments on that.

Mr. ROCKEFELLER. I will be objecting to your amendments because you objected to the pending amendments, and there will be no reason to add more unless you lift your objection.

Mr. COBURN. I told them I would be happy—

Mr. ROCKEFELLER. I am very happy to listen to what you have to say.

Mr. COBURN. I told Senator LEAHY last night that I would be happy to lift my objection once my amendments were pending, and we can have a debate on his nongermane amendment.

Mr. ROCKEFELLER. I think the order has to be reversed.

Mr. COBURN. Well, if the chairman will assure me I will have the opportunity to, No. 1, debate Senator LEAHY's amendment—

Mr. ROCKEFELLER. I cannot assure that at this point. We have not arrived—

Mr. COBURN. Then I will continue with my objection.

Mr. ROCKEFELLER. If you have amendments you wish to offer—I think five—I am constrained to object to them.

Mr. COBURN. It is interesting. We have a nongermane amendment that is outside the bounds of the Constitution, doing something that is not the role of the Federal Government, that we are going to expand the cost at a time when we are bankrupt, and five germane amendments that actually lower the cost of the airport improvement fund, actually help NextGen in terms of money, help preserve the airport trust fund, and we are not going to be allowed to bring them up? If that is the way we are going to operate, then you can count on me, knowing procedure around here, that we will have a very difficult time moving ever to a Leahy amendment.

Mr. President, I came to the floor to discuss what we are trying to do and to be helpful in moving that along. I have

now heard that I will not be allowed to offer these amendments or at least bring them up. I am going to discuss each one of them, and I will object to any unanimous consent moving forward on any area until we have an opportunity, as is the Senate tradition, to have a debate and bring up amendments. If we are not allowed to do that, then I am sure we are going to start going backward again.

Passing an FAA authorization bill, as the chairman and ranking member have tried to do, is a significant priority for Congress. We have a system of air traffic control that needs to be modernized. We have monies that we are putting forward to do that. We have not had the oversight, according to the inspector general, that is necessary for those programs.

In this bill, we have authorizations for moneys that are not priorities for this country at a time that we are facing a \$1.6 trillion deficit, we have an unemployment rate in excess of 9 percent, and interest rates that are going to rise in the future.

My amendments, which I am happy to have voted on and voted down, lead us to a path that secures and enhances the airport improvement fund and the trust fund, makes common sense that 99 percent of the American people would agree with, excludes Alaska because it is a totally different animal when it comes to the Essential Air Service requirements, and will, in fact, enhance the trust fund. So I am very sorry the chairman refuses to allow my amendments to come up, but I will offer them and have him object in total.

What has to happen with every program in this country is that wasteful spending, low-priority spending, and duplicative spending has to be eliminated. Although I think the chairman and ranking member did a fairly good job on this bill, there are areas where we can eliminate wasteful spending, there are areas where we can eliminate duplicative spending, and there are areas where we can say: This can't be a priority now given the financial fix in which we find ourselves.

During our current budget deficit, the revenues coming into the airport trust fund are lower than expected, and we have this very real need on NextGen development. Congress has to limit somewhere and make a priority next year, and I think they have tried to go in that direction, and these amendments will do such a thing.

The first amendment I would like to talk about is the airport improvement Federal cost share reduction amendment. Across this country, we now have money being spent on low-priority projects in airports that have very little traffic or minimal traffic, and we are not spending money on the airports for safety and for the airports in which we have the vast majority of

traffic. We have seen one program in particular where billions of dollars for low-priority projects have been spent.

I would just tell you, if we are ever going to get out of the jam we are in, some common sense has to be applied in that we cannot do everything everybody wants, and there is going to have to be some sacrifice in these areas.

The whole goal of this first amendment is to discourage low-priority, wasteful aviation projects that would not be funded by increasing the non-Federal cost share to just 25 percent over 3 years. In other words, it is 5 percent now, and so it is 95 percent of the government's money, and all we do is, over 3 years, move it to where you have to pay 25 percent. It is going to discourage a lot of low-priority projects because the communities or the States have to have a greater participation.

There is no program in the Federal Government that has a grant process and a funding process where the Federal Government pays 95 percent other than this program—not one. So we are encouraging money to be wasted on low-priority projects by maintaining 95 percent Federal funding. This gives us 3 years to adjust to 75 percent, which probably should be 50 percent but 75 percent given our fiscal issues.

Nonprimary airports could initially have up to 90 percent of their airport improvement projects covered by the Federal Government. In recent years, we raised that, under Public Law 108-176, to 95 percent. This is 20 percent higher than the same cost share for other airports qualifying for this \$4 billion program. It is \$4 billion a year.

Lest you think I am too critical, let me give you some examples. Two flights a day—two flights a day, non-commercial flights, just two private flights a day—is the average for Kentucky's Williamsburg-Whitley County Airport. We spent \$11 million there to build an airport with a 5,500-foot lighted runway, a colonial-style terminal, and hundreds of acres for growth even though it does not have one airline passenger and averages two flights a day. Now, tell me, if you ask the average American: Should we spend \$11 million there or should we make sure we can take care of the kids who do not have what they need in this country, should we spend \$11 million there or not borrow another \$11 million from the Chinese, should we spend \$11 million there or should we, in fact, make sure the airport trust fund has the money to do high-priority projects, such as large airports or NextGen, which one would the average American think we should do?

Lest you think I am picking on Kentucky, Halliburton Field in Duncan, OK, got \$700,000 for a pilot room and a reception room. We are building for private aviation with taxpayer money—a low priority. We are building a nice pilot room and a reception room

for the private pilots who fly there. Now, tell me how that is a priority in our country today. That is my own State.

We are sending money down a hole because we refuse to make tough choices. All this amendment does is say: Let's move it from 95 percent, over 3 years, to 75 percent so we do not get the lower priority projects funded, because we are too generous with what the Federal Government contributes. The chairman may not like it, but I will bet you the average American thinks it is a pretty smart thing to do given the state we are in.

All bets are off on the politics of this. I have never been accustomed to playing the politics of it at all, but there are just as many people on the left who think we ought to cut spending as there are on the right. America gets it. The only place that does not get it is here. And this does not do anything except enhance what can be done for higher priority issues within our aviation community. That is all it does. It is a small, simple step. And by rejecting or not allowing an amendment such as this to come forward, what we are saying is that we are going to keep kicking the can down the road; we are not going to pay attention to the American public. We are going to hide from the reality that is coming very soon for this country. We will not have any money to put into airport improvement programs. We will not have the money to fund a NextGen program. It will become a low-priority program unless we wake up and start doing what the rest of America recognizes we have to do; that is, start living within our means.

The next amendment is an amendment that is a bipartisan amendment between the Senator from Alaska and myself.

It is an earmark rescission amendment. All it says is the earmarks that have been out there, that the money hasn't been spent for over 9 years, giving 1 year for the agencies to decide whether they think that is so, should be rescinded. It puts \$500 million, a half a billion dollars at a minimum, back in the public Treasury. Why would we not want to do that? We have \$2.6 million sitting in Atlanta that can't be spent on anything except the 1996 Olympics. Why wouldn't we take back that \$2.6 million? It was earmarked. It didn't get spent. But it is sitting out there in a hole. We can reverse that. Estimates are we will save a billion dollars. The conservative estimate at a minimum is \$500 million. Yet we are not going to allow this amendment to be considered? It makes no sense.

The next amendment calls on us to sacrifice a little bit. The Essential Air Service Program has multiple subsidies where people can easily drive 1 hour and 20 minutes and get to a regional airport that doesn't require any sub-

sidies. All this amendment does is move it to 100 miles from where it is today, which is 70. It moves it to 100 miles and says if you are less than 100 miles, you ought not be eligible, sometimes to the tune of \$4 or \$500 per person per flight, to have a subsidized flight when you could drive 70 minutes, 80 minutes, and have access to a ton of flights.

Again, it is priority. Is it priority for us to continue to spend money on a small group of airports, 36, that in no way pay for themselves, that are readily accessible throughout the country to major airports, and spend the kind of money we are spending?

Another amendment says if you have less than 10 enplanements a day, we ought to think about whether we are subsidizing Essential Air Service.

All these amendments are saying is, will we make the tough decisions. We can't do everything we want to do. Is it nice that we have an Essential Air Service Program so some people don't have to drive an hour? I guess so. What are we willing to sacrifice to get our house in order? These are little bitty amendments that will send a wonderful signal to the American public that we get it, we absolutely get it. And because we get it, we are going to make choices about priorities. We are going to enhance the airport trust fund. We are going to enhance the airport improvement program because we are going to take lower priorities off the board, which is exactly what they want us to do. They want us to focus on the big things, the important things, and they want us to cut the spending that is not absolutely necessary.

I can tell my colleagues, it is not absolutely necessary that we subsidize some of these smaller airports that are very close to regional airports or have less than 10 passengers a day. It is not absolutely essential. Would we ask some Americans to sacrifice? Yes. But do you know what will happen? We will all have to sacrifice before we get through this. The problem is the resistance in this Chamber and in this city. We don't want to make the hard choices. It is disappointing that we have not done that. We will have to do that. And we are either going to do it or somebody from the outside is going to tell us what we are going to do.

Then a fifth amendment—and I know the chairman will be against this amendment because it is his program that I am trying to eliminate—in the year 2000, we created another program called the Small Community Air Services Program. This is an amendment to repeal that. It was geared to help smaller communities enhance their air service in addition to Essential Air Service; in other words, make it more effective, to try to promote utilization, which is a good idea except it is not working. When we see the funds from this program, after the grant is over,

do you know what happens? The airlines leave. They don't stay. They leave. So we are kind of spending money in a market that won't sustain what we are trying to put there, and then we are putting more money on top of it to try to promote it. When it doesn't work, what happens? We lose the Essential Air Service anyhow. It has happened in Oklahoma.

In this day and time that we live, we have to have an FAA bill. We can't continue to not have an FAA bill. Even if my amendments are voted down, considering that they are going to get a vote, I will probably support this bill. But it should be noted that we haven't gone far enough. We haven't made all the tough choices we need to make. I am highly disturbed that we take amendments that are absolutely germane and say they can't be offered because a time agreement, even though it has been agreed to, isn't disagreed to yet because the Senator from Vermont isn't on the floor.

I am going to offer the amendment and let the chairman object. Then I will utilize the procedures that are available to me as a Member of the Senate.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 91.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. I would say to the Senator from Oklahoma, most of the pending amendments which are now pending have been objected to from his side of the aisle. I don't have any objection to looking at some of his amendments and seeing if we can vote on them. But I can't do that right now. I obviously can't give him any kind of consent right now.

It is a difficult situation. It is a sort of rolling veto type of situation. If objection is made, we can't have votes on amendments which are pending. I am willing to look at what he has suggested. As he talked through some of them, they sort of stung pretty hard in my State of West Virginia, but I am willing to look at them. But I can't do that without consent from folks on my side. So for the time being, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I thank the chairman. I will go on and allow him to object to further amendments I have so it will be in the RECORD that I did attempt to offer them.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 80.

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I ask unanimous consent to set aside the pending amendment and call up amendment No. 81.

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I ask unanimous consent to call up amendment No. 82 and set the pending amendment aside.

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I thank the chairman for his words. I will take him at his word and work with him and allow him to look at some of these. There are only two airports in West Virginia that this would have an impact on. Both of them are less than 75 miles from the regional airport. They both have minimal emplanements daily. They are over 10 but not far over that. The point is, we ought to help who we can help, and it ought to make economic sense. They are not targeted because there are 36 airports in here, actually, where the average American would say, this is nuts to spend the kind of money we are.

I thank him for the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Madam President, I rise today in order to speak in support of the Essential Air Service Program and explain why the program truly is essential, especially in rural States. In Nebraska, our two largest airports are separated by only 63 miles in a State that covers 77,000 square miles.

This means that thousands of Nebraskans are hours away from a large or even medium-sized airport requiring them to drive several hours to take a flight.

Due to these geographical barriers, many Nebraskans rely on Essential Air Service to keep themselves and their communities connected to the Nation's transportation network.

In Nebraska, we have Essential Air Service airports in many communities including my hometown of McCook, Alliance, Chadron, Grand Island, Kearney, North Platte, and Scottsbluff. Without the EAS Program, you would see the many hours it already takes to get to any type of air service increased significantly for people in rural areas.

The cost to travel on one of these EAS flights would become so cost-prohibitive that many would not even be able to afford to travel. And, quite frankly, there would probably be many cases where EAS airports would struggle to exist.

But the EAS Program isn't simply about cutting hours off a driver's time

to make a flight. It is also about economic development in rural areas and job creation.

EAS promotes accessibility and growth in rural communities and in the surrounding rural areas—and I have seen the impact air service can have on a community's ability to attract employers firsthand.

When I was Governor of Nebraska, one of the first questions many companies would ask when they wanted to bring a manufacturing plant or warehouse distribution complex to town would be what is the air service situation in the area.

Because of these EAS airports, I could respond that the area provided an air service transportation option which gave these communities a job creation recruiting edge. But don't just take my word for it. Listen to other Nebraskans who are saying the same things about how important the essential air program is to their communities.

For example, John Chizek, the mayor in Chadron, NE has said:

As the Mayor and lifetime resident of Chadron I believe it is essential to continue support of the Essential Air Service Program. As a community we are active in the recruitment of new business. I firmly believe we have a unique atmosphere to offer to businesses looking to move or expand. Our county was recently identified as the poorest in the State and any limitations place on us by reducing EAS support will only hinder our hopes of growth.

Darwin Skelton, the airport director at Western Nebraska Regional Airport, has said:

Essential Air Service is very important to Western Nebraska Regional Airport and Western Nebraska as a whole, without this funding we would not have commercial air service to our community. We have many businesses in this community that use this airport (i.e. Aurora Loan Service, Vertex, Regional West Medical Center, Twin City Development, just to name a few).

When they are told of this plight, I am sure you will be receiving letters of support from many businesses/organizations from around the area . . . small, more rural markets need air service to grow and maintain connections with larger hubs and doing away with Essential Air Service would be saying to rural America that they are not valued as an important part of air service in the United States.

Kyle Pothoff, public works director for the city of McCook, said:

Having access to commercial air service is critical to the economic stability of communities like McCook and without this service it would make recruiting new businesses very difficult.

A statement that I have recently heard is that economic development does not come by bus or train, it comes by air. This statement could not be more true.

Finally, Dave Glenn, CEO of Pathology Services in North Platte, said:

With the economy finally showing signs of improvement, loss of EAS funding for airports like North Platte (LBF) would be disastrous. Pathology Services, P.C. serves 18

hospitals and over 50 clinics in Central and Western Nebraska, Northwest Kansas, and Northeast Colorado. To provide the Medicare required pathologist services, we rely on using our general aviation plane based at the North Platte airport.

Our hospital has also recently started a medical helicopter service which helps meet the health care needs of patients. Without EAS funding our business and the health of our citizens would be negatively impacted.

I am well aware that the Essential Air Service does have its critics who are concerned about providing government funding support to keep air service in rural America. Certainly a review of all government supported programs to find efficiencies and ways we can make a program run better and spend less I am always open to. But to simply try and eliminate the Essential Air Service Program which is a driver of economic activity in my State, as you can clearly see from these Nebraskans' stories, is the wrong approach. Essential Air Service truly is essential to rural Nebraska and rural America and why I oppose any efforts to eliminate this important program.

Ms. SNOWE. Madam President, I rise today, with my colleagues, Senator COLLINS, COBURN, and BROWN of Massachusetts to discuss an amendment to the S. 223, the FAA Air Transportation Modernization and Safety Improvement Act. Currently this bill contains language which adjusts for inflation the personal net worth cap in the Small Business Administration's 8(a) program. This would expand the net worth level established by the SBA in 1989 from \$750,000 to approximately \$1.4 million. Our amendment aims to strike that language from the bill.

In March of 2010, the Government Accountability Office, GAO, issued a report detailing extensive fraud within the 8(a) program. The report revealed that 14 ineligible firms received \$325 million in sole-source and set-aside contracts even though these firms were not eligible for the 8(a) program. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I take very seriously our committee's responsibility of vigorous oversight and am concerned with efforts to expand the SBA's 8(a) program when these issues have not been fully vetted through the regular order in the Small Business Committee. Moreover, there has not been a hearing to examine the GAO reports of fraud.

The SBA's 8(a) program is designed to help socially and economically disadvantaged small businesses gain access to Federal contracting opportunities. I support these goals and applaud the Federal Government for consistently meeting the goal for small disadvantaged businesses. However, I am deeply troubled by the program's current vulnerabilities to fraud and abuse which results in legitimate firms being excluded in favor of bad actors who have infiltrated the program. This is

not a partisan issue. I recently sent a letter along with SBC Chair MARY LANDRIEU to Administrator Mills' where we stated unequivocally that our first priority in the 112th Congress is to ensure the SBA is taking the requisite steps to purge the contracting programs of any and all fraud and abuse.

When calculating an individual's net worth, the SBA currently excludes the value of their primary residence and the equity in the 8(a) company. The language contained in the FAA bill would result in allowing potential multimillionaires to be considered economically disadvantaged. Therefore, I wonder about the further effects this change would have on the program. I question whether expanding the net worth would result in crowding out of business owners with significantly lower net worth. Additionally, I worry lower income individuals would be at a disadvantage competing with those with substantially more resources.

In light of all these concerns, I fear the current net worth expansion is fraught with unintended consequences and ignores the recent reports of fraud in the 8(a) program. I urge my colleagues to support the Snowe-Collins-Coburn-Brown amendment to strike this language.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. REID. Mr. President, we have been working through this bill. I congratulate our manager, Senator ROCKEFELLER, who is one of the most experienced people in the Senate and is a good manager. He has worked well with Senator HUTCHISON, comanager of the bill. We have made significant progress. We have a few amendments on which we are trying to work a way to the end of this. I hope we can work out an agreement to complete this legislation maybe as early as tomorrow morning sometime. If we can't, the first cloture vote is tomorrow, and we will see what happens after that.

Everyone should understand. It is Wednesday. Tomorrow is Thursday. I know a lot of people have arrangements because we have a home work period the following week. We want to go home, if at all possible, late tomorrow night or early Friday morning, but we can't do that if there is work left to be done on this bill. I hope we can work something out so we can finish tomorrow. It would certainly be doable.

We know what we have left. Work on the different issues has been extremely difficult and time-consuming, but we

have settled most everything on the Senate floor, as we are supposed to do.

There will be no more rollcall votes tonight. We hope we can move forward to complete work on this most important piece of legislation tomorrow. This legislation is extremely important for our country.

Let's keep in mind, this deals with people. Almost 300,000 jobs will be created or saved with this legislation. I repeat what I have said on the Senate floor once before. McCarran Airport in Las Vegas is the sixth busiest airport in the country. The manager of that airport, Randy Walker, when asked about this bill last week, said: If it passes, we will finally be able to stop using World War II technology to land and have airplanes take off.

It is not just McCarran in Las Vegas. At every airport in the country it is the same thing, World War II technology. We will be able to have passengers' bill of rights. It is a very fine piece of legislation that has been years in the making. We are too close to the end of this to walk away. We have to finish this bill. It means jobs, real jobs, not make believe jobs.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I now ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS RULES OF PROCEDURE

Mr. AKAKA. Mr. President, I ask unanimous consent to have printed in the RECORD the Committee on Indian Affairs Rules of Procedure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, as supplemented by these rules, are adopted as the rules of the Committee to the extent the provisions of such Rules, Resolution, and Acts are applicable to the Committee on Indian Affairs.

MEETING OF THE COMMITTEE

Rule 2. The Committee shall meet on Thursday while the Congress is in session for the purpose of conducting business, unless

for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3(a). Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

(b). Except as otherwise provided in the Rules of the Senate, a transcript or electronic recording shall be kept of each hearing and business meeting of the Committee.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that holding the hearing would be non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, at least 48 hours in advance of a hearing, in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by a Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to have his or her additional views included in the Committee report in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8(a). Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary.

(b). At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

(c). Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration

and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, Internet, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

COMMITTEE ON THE BUDGET RULES OF PROCEDURE

Mr. CONRAD. Mr. President, I ask unanimous consent that the rules of the Committee on the Budget for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON THE BUDGET

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 calendar day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

COMMITTEE ON ENERGY AND NATURAL RESOURCES RULES OF PROCEDURE

Mr. BINGAMAN. Mr. President, in accordance with Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have the rules governing the procedure of the Committee on Energy and Natural Resources printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Hearings of any Subcommittee may be called by the Chairman of such Subcommittee. Provided, That no Subcommittee hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and all the hearings of any of its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee unless a majority of all the Members of the Committee agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include a legislative measure, nomination, or other matter on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee on matters not included on the public agenda. The Staff Director shall promptly notify absent Members of any action taken by the Committee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b) and (c), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an in-

vestigation or preliminary inquiry unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation or inquiry shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the terms "investigation" and "preliminary inquiry" shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at such hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or Subcommittee meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the

Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, the Committee on Environment and Public Works has adopted rules governing its procedures for the 112th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, one third of the members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair

of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a non-governmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) **SUBSEQUENT VOTING:** Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) **PUBLIC ANNOUNCEMENT:**

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) **REGULARLY ESTABLISHED SUBCOMMITTEES:** The committee has seven subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Toxics and Environmental Health; Water and Wildlife; Green Jobs and the New Economy; Oversight; and Children's Health and Environmental Responsibility.

(b) **MEMBERSHIP:** The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) **ENVIRONMENTAL IMPACT STATEMENTS:** No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) **PROJECT APPROVALS:**

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) **BUILDING PROSPECTUSES:**

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Ad-

ministration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) **NAMING PUBLIC FACILITIES:** The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

TRIBUTE TO EUGENE M. LANG

Mr. LEVIN. Mr. President, I am proud, for many reasons, that I am a graduate of Swarthmore College. But among those reasons is the fact that as a graduate of Swarthmore, I am in the same company as Eugene Lang, a 1938 graduate of the college. Few if any of our school's many distinguished graduates have matched Gene Lang's ability and determination to use his talents in the service of his fellow man.

If his resume consisted only of his extraordinarily successful business career, Gene would be an admirable figure. As founder of REFAC Technology Development Corporation, in more than a half a century of work, he has helped foster innovation, particularly in manufacturing, by helping American inventors and entrepreneurs profit from their ideas.

But what he has done with the earnings from that business is truly remarkable.

In 1981, Gene paid a visit to P.S. 121, the Harlem elementary school he had attended as a boy. He was going to speak to a group of sixth graders preparing to move on to middle school. Before his speech, he spoke with the principal, who told him that three out of every four of the students he would address would never finish high school.

To a man who entered college at the age of 14 and had an advanced business degree by his 20th birthday, this was unacceptable. And so he told the students that day: Education has allowed me to follow my dreams, and it can do the same for you too. He promised each and every student that day that if they would work hard, stay in school and graduate from high school, he would pay their way to college.

Gene's promise became the "I Have a Dream" Foundation, and it did not just benefit the 61 students he addressed that day. It inspired similar promises all over the world, more than 200 now, where others who have enjoyed the benefits of education have followed Gene's example and invested in bringing those benefits to others. In my own State, the Kalamazoo Promise, a pledge by a small group of anonymous donors to give every Kalamazoo public school student a chance at a college education, is just one example of the kinds of programs Gene has inspired.

That is not all. Determined to connect America's universities more closely to the societies they serve, in 2001 he founded Project Pericles, which provides funding for more than 20 U.S. colleges and universities to help them include social responsibility and citizenship in their curricula. His donations to Swarthmore, Columbia, the New School University and other institutions have made him one of higher education's most important benefactors. President Clinton honored him in 1996 with the Presidential Medal of Freedom.

This weekend Swarthmore will honor Gene with a celebration of his life and work. Fittingly, this won't just be a celebratory dinner. It will also be a search for answers, for solutions on how to solve problems and improve our society. Symposia will focus on the role of social responsibility in education and on the link between social change and the arts.

I want to add my voice to those honoring Eugene Lang this weekend at Swarthmore. Thousands of American students have achieved their dreams thanks in part to his dedication, persistence and effectiveness. Swarthmore pride in Eugene Lang will be on display this weekend. This Swarthmorean is proud to call him my friend.

REMEMBERING REPRESENTATIVE HOWARD POLLOCK

Ms. MURKOWSKI. Mr. President, I rise today to honor Howard Pollock, an Alaskan political pioneer. I am saddened to report that Representative Pollock, a true Alaskan spirit and a greatly respected public servant, passed away at the age of 90 in Coronado, CA, on January 9, 2011.

Twenty-eight members of Howard's family were by his side during his final moments. Like all who knew and loved Howard, they will remember him as both a family man and a fighter for Alaska's best interests. He is respected by the people of my home State for his dedicated service during territorial days, his leadership in Juneau in the early days of Alaska's statehood, and for his continued service in Washington, DC, and other parts of the world. Howard recognized and valued Alaska's untilled potential and true

grit spirit, and it was that very spirit that drew him north to Alaska as a young man.

Howard Pollock was born in Chicago on April 11, 1920. As a boy he grew up in New Orleans, and he won a Mississippi State boxing title in junior college. When World War II broke out, he answered his country's call to duty, enlisted as a Navy seaman, and served overseas.

On Easter Sunday in 1944, a grenade exploded during a training exercise and Howard lost his right forearm. This tragedy would be a setback for most, but it didn't slow Howard down one bit. He continued to rise through the ranks and retired in 1946 as a lieutenant commander. This prestigious rank was quite fitting for his distinguished career.

After the war Howard and his first wife Maryanne Passmore Pollock began their trek north to the territory of Alaska on the recently built Alaska-Canadian highway. Howard and Maryanne built a cabin and made their home on 80 wild acres of land south of Anchorage, nothing like the Anchorage we know today.

Alaska quickly became Howard's pride and focus. He juggled school and politics and earned a law degree from the University of Houston and a master's degree from MIT. And it wasn't long before he again answered the call to service. His official entrance into politics began when a friend dared him to run for mayor of Anchorage. Although he lost that race, he would stay involved in the affairs of Alaska—from then on.

Howard's dedication and involvement quickly earned him a seat at the table with the other young movers and shakers of those infamous years leading up to statehood. Teaming up with a passionate group of Alaskans, including a young Ted Stevens, they worked tirelessly to gain statehood and built upon what little infrastructure Alaska had at that time.

Howard also held office—both elected and appointed—for a number of years. He was elected to the territorial legislature in 1955 and served as a State senator for 5 years. In 1966, he became Alaska's sole Congressman, ably serving the Nation's largest State. He served in the U.S. House of Representatives until 1970. He would go on to serve as deputy director of the National Oceanic and Atmospheric Administration, and, following that, served as part of the American delegation to the Law of the Sea Conference. Also, Howard proudly served as the National Rifle Association president.

Despite his demanding public commitments, Howard never forgot how to have fun. After losing his arm in the war, he taught himself how to shoot left handed and enjoyed hunting. He loved fishing for marlin and traveling the world. He earned a black belt in

Tae Kwon Do at the age of 75—the epitome of a man who was “young at heart.” If Howard's love of the Last Frontier didn't emulate the pioneer spirit enough already, his hobbies certainly did.

Howard Pollock made a difference not only in Alaskan politics, but also in the lives of Alaskans. He helped set a foundation that has allowed Alaska to become the greatest State in our Union. Last month, the Pollock family lost a loving father and husband. Alaskans lost a pioneer and a leader—a man who always fought for them. And our Nation lost a dedicated servant who had served with great distinction, first in World War II and ultimately in a public career that spanned several decades.

On behalf of all Alaskans, I extend my prayers and deepest sympathies to Howard's five children, his nine grandchildren, his family and friends, most particularly his companion Marina Goodenough, and all who knew and loved him.

ATTACKS IN HUNGARY AND THE CZECH REPUBLIC

Mr. CARDIN. Mr. President, as co-chairman of the U.S. Helsinki Commission, I wanted to bring to the Senate's attention that next week, February 23, will mark a tragic anniversary. Two years ago on that date, assassins gathered outside the home of Robert Csorba. They threw a Molotov cocktail into the house. Although some family members escaped the blaze, five-year-old Robert Csorba and his father did not: as they tried to flee the flames, their attackers riddled them with bullets. The murderers were prepared; if the bomb did not finish them off, their guns would. They were prepared to kill men, women, and children.

The Csorbas were just two of the victims in a wave of racially motivated attacks against Roma that has roiled Hungary. According to the European Roma Rights Center, between January 2008 and July 2010 there were at least two dozen cases where Molotov cocktails, hand grenades or sniper fire were used. The victims included nine fatalities, including two children, and others who were seriously injured.

Among them was the 13-year-old daughter of Maria Balogh. Ms. Balogh was murdered when snipers shot into her home in the middle of the night on August 3, 2009, killing her and leaving her daughter an orphan. Her daughter was also grievously wounded: she was shot in the face, blinded in one eye, and maimed for life. It is no wonder that these attacks led one Romani activist to declare that Roma would need to arm themselves or flee, and another asserted that if these attacks continued, Hungary would be headed toward civil war.

There are some positive developments. The fatal attacks have stopped.

Hungary's new government has reached out to the victims to provide support for rebuilding homes that were damaged or destroyed in arson attacks. Hungary's new Minister for Social Inclusion, Zoltan Balog, has demonstrated a rare and welcome compassion for his Romani fellow citizens.

But the wounded and the dead still wait for justice in Hungary. Although four men have been arrested on suspicion of carrying out the serial killings of Roma that occurred in 2008 and 2009, there have been no trials and no convictions.

The Czech Republic has also seen a dramatic rise in anti-Roma rhetoric and violent actions in the past few years. Last October, I joined Helsinki Commission cochairman, ALCEE HASTINGS in welcoming the lengthy sentences handed down in the Czech Republic to four neo-Nazis who firebombed a Romani home in 2009, an act which left an infant, widely known simply as “Baby Nataalka,” with second and third degree burns over 80 percent of her body and a lifetime of painful rehabilitation ahead of her.

When that judgment was handed down against the four men who firebombed Baby Nataalka, I was heartened. I also said I was watching another Czech case—one that is largely unknown.

On November 8, 2008, a roving mob attacked several Roma in the town of Havirov. One teenager was so savagely beaten, he was effectively left for dead. For a prolonged period of time afterwards, he was in a coma, and when he regained consciousness, he was unable to talk. Although he has learned to speak again, he has suffered permanent brain damage. He is paralyzed, was forced to end his studies, and may never be able to work.

A decision in the case is expected to be announced in the Ostrava regional court at 8:30 a.m. on February 24. Behind the high profile murder cases of Roma that make their way into the news, there is an even larger number of cases involving Roma who have been attacked, but not fatally; they do not die but are maimed, disabled, and traumatized for life by the racially motivated violence they have encountered. Their stories are often never told, but each of them stands as a living monument to everyone in their families and everyone in their communities, testifying to the government's failure to protect them. Each of them deserves justice, including Jaroslav Horvath, the teenager attacked in Havirov.

ADDITIONAL STATEMENTS

REMEMBERING CLARENCE MITCHELL, JR.

• Mr. CARDIN. Mr. President, today I wish to recognize and pay tribute to a

fellow Marylander and civil rights champion, the late Clarence Mitchell, Jr., as we approach the 100th anniversary of his birthday. Clarence Mitchell was the chief lobbyist for the National Association for the Advancement of Colored People, NAACP, from 1950 to 1979. He worked alongside the Rev. Dr. Martin Luther King, Jr. and NAACP attorney Thurgood Marshall to secure rights and opportunities for African Americans.

Clarence Mitchell had faith. He believed in America's promise and in the democratic process. He believed that the will of the people could become the law of the land, and he believed that equality could be championed without bitterness. He dedicated his life to turning the disappointment and anger of the African-American community into political action. He understood that it was possible to take what was unjust and make it just.

Clarence Mitchell walked the Halls of Congress, lobbying friends and foes to set the wheels of justice in motion. He was quietly forceful as he worked tirelessly to pass comprehensive civil rights laws, including the 1957 Civil Rights Act, the 1960 Civil Rights Act, the 1964 Civil Rights Act, the 1965 Civil Rights Act, and the 1968 Fair Housing Act. In fact, his near constant presence in the Senate earned him the nickname the "101st Senator." Former Majority Leader Howard Baker remarked, "In those days, Clarence Mitchell was called the 101st Senator, but those of us who served here then knew full well that this magnificent lion in the lobby was a great deal more influential than most of us with seats in the Chamber."

Clarence Mitchell's extraordinary achievements have shaped our lives and our country to this day. In 1980, President Carter appropriately awarded him the Presidential Medal of Freedom. On the centennial of his birth, I ask my colleagues to join me in honoring the late Clarence Mitchell, Jr., and recognize the enormous impact his life's work has had on our great Nation.●

SNELL LABORATORY'S 100TH ANNIVERSARY

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Snell Prosthetic & Orthotic Laboratory on their celebration of 100 years in business. Started in Little Rock, Snell Laboratory has grown from its earliest years and now has nine offices across the State of Arkansas.

Originally called Snell's Limbs and Braces, the company was founded by R. W. "Pop" Snell in 1911. With a mission and desire to provide the best possible care to his patients, Pop began handcrafting each custom-fitted artificial limb out of rawhide and red willow. Through both World Wars, the

business continued to blossom as standards and practices evolved from the company's earliest days. Both the fields of prosthetics and orthotics have revolutionized since Pop opened his doors 100 years ago, and his company continues to be at the forefront of this industry.

Frank Snell, a great-nephew of the original founder, continues the family commitment to restoring the highest mobility and function to patients as the company's current president. With his eye on the future, Frank moved the company to its current Little Rock location in 1986 and began the expansion across the rest of the State. With more offices, Snell Laboratory was able to expand while providing high-quality customer service to more Arkansas communities.

Snell's commitment to the community extends beyond working in the office. Snell employees frequently donate their time to such worthy organizations as Easter Seals Arkansas, the American Diabetes Association, and the Baptist Health Foundation. Efforts by Snell employees landed the company the 2008 Arkansas Community Foundation Corporate Philanthropy Award. As the company continues to evolve, I know it will continue demonstrating a strong commitment to service in Arkansas both in and out of the office.

I ask my colleagues to join me today in congratulating Snell Prosthetic & Orthotic Laboratory on its 100th anniversary and in wishing the company another 100 years of success.●

RECOGNIZING SAUNDERS BROTHERS

● Ms. SNOWE. Mr. President, as we have heard time and time again, the American manufacturing sector is struggling. Manufacturers face a whole host of challenges, from oppressive regulations to increased energy costs to foreign competition. Indeed, it has been predicted that China will surpass the United States in 2011 as the world's biggest manufacturing nation in terms of output. In Maine, wood products manufacturers have been particularly harmed by the effects of unfair competition from overseas countries. Indeed, only three American factories still manufacture wooden dowels, which are often used to join pieces of furniture. When one of those factories that operated in my home State was shuttered last year, a group of Maine investors stepped forward to restart operations and provide economic opportunity to the region. Today I wish to recognize that company—Saunders Brothers—and the individuals who made the purchase of the firm.

Saunders Brothers was founded in 1900 by siblings Harry and Arthur, who built the small woodworking operation from the ground up, making wooden

dowels. When the original mill in North Waterford burned down in 1916, the brothers moved their operation to Westbrook, near Maine's largest city of Portland, and finally settled at the present-day site in the western Maine community of Locke Mills, a small village in the town of Greenwood. Its recognizable smokestack is a local landmark, and its doors have welcomed hundreds of workers over the years.

However, with the calamitous economy, the owners were simply unable to keep the doors open, and the facility was forced to close last spring, leaving 55 employees without jobs. Yet just a few months later, investors Louise Jonaitis and Steve LaFreniere purchased the mill for \$450,000 at a foreclosure auction, and have begun the process of re-employing some of those who lost their jobs. In September, they reopened the factory's doors and began operating the rolling pin line, with seven employees. The owners are also looking at ways to make the plant more energy efficient as well as examine which products and processes will make the factory most successful for years to come. For instance, Saunders Brothers also makes a number of other wood products, including rolling pins sold by companies like Williams Sonoma, in hopes of becoming "the Rolling Pin Capital of New England."

Furthermore, Ms. Jonaitis and Mr. LaFreniere have purchased a number of mills across the State during these tough economic times, seeking to bring economic prosperity to Maine's struggling mill towns. Mr. LaFreniere has noted that "Our goal is to keep them from being torn down during these hard times so when the economy recovers, they can make a profit and be successful again." This unbridled optimism is a hallmark of America's entrepreneurial spirit, and I thank them for their actions.

The United States of America is a resilient nation. We know there will always be tough times, but we can never shake the notion that our best days are still ahead of us. That belief is what makes the actions of Louise Jonaitis and Steve LaFreniere so laudable. I sincerely wish everyone at Saunders Brothers much success as they continue their miraculous recovery in support of the company's motto, "Let's Get Maine Rolling."●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 17. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-577. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bank Secrecy Act Compliance; Fair Credit Reporting; Technical Amendments" (RIN1557-AD38) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-578. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Office of the Ombudsman" (RIN2590-AA20) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-579. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "(General Provisions) Contract Appeals and the Acquisition Regulation: General, Acquisition Planning, and Contracting Methods and Contract Types" (RIN1991-AB81) received during adjournment of the Senate in the Office of the President of the Senate on February 11, 2011; to the Committee on Energy and Natural Resources.

EC-580. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Arroyo Toad" (RIN1018-AV89) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Environment and Public Works.

EC-581. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for Fiscal Year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-582. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's Budget Justification Report for Fiscal Year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-583. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Medical Information to the Surrogate of a Patient Who Lacks Decision-Making Capacity" (RIN2900-AN88) received in the Office of the President of the Senate on February 8, 2011; to the Committee on Veterans' Affairs.

EC-584. A communication from the Departmental Freedom of Information and Privacy Act Officer, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Government Information; Responsibility for Responding to Freedom of Information Requests" (RIN0605-AA22) received in the Office of the President of the Senate on February 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-585. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (107); Amdt. 3413" (RIN2120-AA65) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-586. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (63); Amdt. 3412" (RIN2120-AA65) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-587. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (69); Amdt. 3410" (RIN2120-AA65) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-588. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Operations Specifications" ((RIN2120-AJ45) (Docket No. FAA-2009-0140)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-589. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company (Type Certificate Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company))" ((RIN2120-AA64) (Docket No. FAA-2009-1186)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-590. A communication from the Staff Assistant, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Ejection Mitigation" (RIN2127-AK23) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-591. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Incorporation of Certain Cargo Tank Special Permits into Regulations" (RIN2137-AE56) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-592. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air" (RIN2137-AE45) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-593. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2010 annual report; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-3. A petition from the Administrator of the Public Safety Personnel Retirement System, transmitting, pursuant to Arizona law, a report relative to the Arizona Terrorism Country Divestment act; to the Committee on Banking, Housing, and Urban Affairs.

The Public Safety Personnel Retirement System ("System") and its affiliated retirement plans, the Elected Officials' Retirement Plan ("EORP") and Corrections Officer Retirement Plan ("CORP"), and their group trust, the Arizona PSPRS Trust ("Trust"), which together with the System, EORP, CORP are collectively, the "Plans"), are sending you this letter in accordance with Arizona Revised Statutes ("A.R.S.") §35-392 (the "Arizona Terrorism Country Divestment Act").

The Arizona Terrorism Country Divestment Act requires public pension systems such as the Plans to create process for creating a list of investments in U.S. companies that have violated Section 6(j) of the Export Administration Act (the "List"), determine a process to engage in certain communications with those companies and appropriate federal officials, including Arizona's congressional delegation, and then determine a process for divestment from companies on the List, all as outlined in the Arizona Terrorism Country Divestment Act. On or about December 17, 2008, the Plans adopted a Terrorism Country Divestments Compliance Policy (the "Policy") adopting the processes as required by the Arizona Terrorism Country Divestment Act.

Pursuant to the Policy, the Plans are required to submit a report ("Report") that includes a copy of the List and an explanation of any planned or actual divestments made pursuant to its Policy to the Governor of Arizona, President of the Arizona Senate,

Speaker of the Arizona House of Representatives, the President of the U.S. Senate and Speaker of the U.S. House of Representatives, the Director of the Department of Administration, the Arizona Treasurer, and the Arizona State Retirement System. See A.R.S. §35-392(C).

With respect to the List prepared by or on behalf of the Plans as of December 15, 2010, there were no companies appearing on the List and therefore, no formal List was prepared. In addition, since no companies appeared on the List divestment is not applicable and no formal Report is enclosed. Feel free to contact me with any questions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Res. 58. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 365. An original bill to make a technical amendment to the Education Sciences Reform Act of 2002.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

Mr. HARKIN. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination list which was printed in the Record on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Public Health Service nominations beginning with Eric P. Goosby and ending with Jeffrey L. Sumter, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHANNIS:

S. 359. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of

information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. BURR, Mr. COBURN, Mr. KYL, Mr. CRAPO, Mr. BOOZMAN, Mr. RISC, Mr. GRAHAM, Mr. RUBIO, Mr. BLUNT, Mrs. HUTCHISON, Mr. WICKER, Mr. ISAKSON, Mr. BARRASSO, Mr. CHAMBLISS, Mr. JOHANNIS, Mr. ENZI, Mr. GRASSLEY, Mr. THUNE, and Mr. CORNYN):

S. 360. A bill to reduce the deficit by establishing discretionary spending caps for non-security spending; to the Committee on the Budget.

By Ms. COLLINS:

S. 361. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. BEGICH, Mr. LUGAR, Ms. COLLINS, Mr. INOUE, and Mr. BROWN of Ohio):

S. 362. A bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. 363. A bill to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself, Mr. BROWN of Massachusetts, and Mr. KOHL):

S. 364. A bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Savings Account; to the Committee on Finance.

By Mr. HARKIN:

S. 365. An original bill to make a technical amendment to the Education Sciences Reform Act of 2002; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mrs. GILLIBRAND (for herself and Mr. KIRK):

S. 366. A bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself and Mrs. HAGAN):

S. 367. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit to small businesses which hire individuals who are members of the Ready Reserve or National Guard, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. GRASSLEY, Ms. LANDRIEU, Mr. UDALL of Colorado, Ms. KLOBUCHAR, Mr. DURBIN, Mr. BENNET, Mr. JOHNSON of South Dakota, Mr. HARKIN, Mr. LEAHY, Mr. NELSON of Nebraska, Mr. CONRAD, and Mrs. GILLIBRAND):

S. 368. A bill to amend the Consolidated Farm and Rural Development Act to suspend a limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI:

S. 369. A bill to award posthumously a Congressional Gold Medal to Giuseppe Garibaldi, and to Recognize the Republic of Italy on the 150th Anniversary of its Unification; to the

Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 370. A bill to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LAUTENBERG (for himself, Mrs. MURRAY, and Ms. CANTWELL):

S. 371. A bill to improve the efficiency, operation, and security of the national transportation system to move freight by leveraging investments and promoting partnerships that advance interstate and foreign commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 372. A bill to reduce the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, Mr. LEAHY, Mr. INOUE, Ms. STABENOW, and Mr. SCHUMER):

S. 373. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mr. MCCONNELL, Mr. ENSIGN, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. PAUL, Mr. RISC, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S.J. Res. 6. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Mr. INHOFE, Mr. BOOZMAN, Mr. COCHRAN, Mr. ISAKSON, and Mr. JOHANNIS):

S. Res. 55. A resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day"; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN:

S. Res. 56. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. HARKIN:

S. Res. 57. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions;

from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. CONRAD:

S. Res. 58. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. CARDIN (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. REID, Mr. BINGAMAN, Mr. LEAHY, Mr. DURBIN, Mr. HARKIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. KERRY, Mr. BROWN of Ohio, Mr. COONS, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. REED, Ms. STABENOW, Ms. LANDRIEU, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. Con. Res. 6. A concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary; considered and agreed to.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 73, a bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes.

S. 77

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 77, a bill to amend the Clean Air Act to reduce pollution and lower costs for building owners.

S. 82

At the request of Mr. JOHANNES, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 96

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 96, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 163

At the request of Mr. TOOMEY, the names of the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CORNYN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 163, a bill to require

that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 210

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was withdrawn as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 210, *supra*.

S. 256

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 256, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in small business concerns.

S. 312

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 312, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits.

S. 328

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. 344

At the request of Mr. REID, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Nebraska (Mr. JOHANNES), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Utah (Mr. LEE), the Senator from North Carolina (Mr. BURR), the Senator from Alabama (Mr. SES-

SIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Missouri (Mr. BLUNT), the Senator from Kentucky (Mr. PAUL), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

AMENDMENT NO. 46

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 46 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 51

At the request of Mr. UDALL of New Mexico, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 51 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 68

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 68 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 76

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 76 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 83

At the request of Mrs. MURRAY, the names of the Senator from Georgia

(Mr. CHAMBLISS), the Senator from Oregon (Mr. MERKLEY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 83 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. BURR, Mr. COBURN, Mr. KYL, Mr. CRAPO, Mr. BOOZMAN, Mr. RISCH, Mr. GRAHAM, Mr. RUBIO, Mr. BLUNT, Mrs. HUTCHISON, Mr. WICKER, Mr. ISAKSON, Mr. BARRASSO, Mr. CHAMBLISS, Mr. JOHANNES, Mr. ENZI, Mr. GRASSLEY, Mr. THUNE, and Mr. CORNYN):

S. 360. A bill to reduce the deficit by establishing discretionary spending caps for non-security spending; to the Committee on the Budget.

Mr. INHOFE. Mr. President, we are trying to resolve one of the great problems I am sure my colleagues are sensitive to; that is, the infrastructure of this country. Today we have two witnesses next to each other, the head of the AFL-CIO and the head of the U.S. Chamber of Commerce, to show that liberals, conservatives, labor, and industry all feel this should be at least the second highest priority in America.

When I heard the President's budget yesterday and I looked at it, I shook my head in disbelief: \$8.7 trillion in new spending, \$1.6 trillion in new taxes—all these things. I remembered back when I was complaining in 1996 at this very podium during the Clinton administration. That was his budget. It was \$1.5 trillion. Do my colleagues know that the deficit in this President's budget is greater than the entire budget of 1996—to run this whole thing called America. It was a shocker to me. It reminded me about how people talk about entitlements and how we are going to have to do something with that.

Something we can do right now is something I tried to do last year and the House Members are trying to do right now. When the President gave his message, he talked about how he was going to freeze nondefense discretionary spending and everyone applauded, thinking that was a great austerity program. In reality, he is talking about after he has increased it from 2008 levels to 2010 levels and then freezing in those increases. That is what I find unreasonable.

So I am reintroducing S. 360—I have a whole lot of cosponsors—to wind back the discretionary spending to 2008 levels and then freeze it at 2008 levels.

I will just tell you, briefly, what the bill does. It reduces the nonsecurity spending to 2008 levels and will hold it there for 5 years through 2016. After that, spending will be allowed to increase with the CPI of inflation between 2017 and 2021. The amount of money saved by this in that period of time would be over \$1 trillion.

If I can put up the chart. This chart shows what is going to happen if we don't do that. The red is what is projected in the President's budget; the blue is what is projected if we are successful in doing this. I am very proud the House of Representatives Republicans in their budget have included my bill I introduced last year and that I am reintroducing today as S. 360 as part of their budget. I think it is responsible. We will be looking forward to getting cosponsors.

By Ms. COLLINS:

S. 361. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, Americans are resilient. Throughout our Nation's history, we have stood up to every challenge and we have stood together. At this moment in history, we face the challenge of recovering from the worst economic recession since the Great Depression. Through no fault of their own, too many Americans have lost their jobs and continue to struggle to find work in this tough economy. Putting Americans back to work is the key to economic recovery and must be the No. 1 goal for this Congress.

Today, I offer my own seven-point plan to help us reach that goal. This jobs plan recognizes that small businesses are America's job creators and, thus, our efforts must be targeted toward helping small businesses start up, grow, and prosper.

In Maine alone, we have 141,000 small businesses. During the past decade, America's small firms have created about 70 percent of all new jobs. But far too often Congress directs Federal policies and attention toward those businesses deemed too big to fail. Instead, we must redirect our efforts toward those small businesses that are too entrepreneurial to ignore.

The plan I am introducing today is based on extensive conversations I have had with small business owners and workers throughout the State of Maine. It also represents a great deal of hard work by my staff.

While each State has its own particular opportunities and challenges, the fundamentals of a jobs-oriented economic recovery are similar everywhere. As I illustrate my seven-point plan with examples from my home State of Maine, I believe the Presiding Officer and my colleagues will recognize similarities in their own home States.

First, my plan to build a 21st century economy begins with building a 21st century workforce. America's greatest asset is its people. Ensuring that American workers get the education and job training they need to compete in an increasingly global economy must be a top priority.

My plan amends the Workforce Investment Act to place special emphasis on job training programs that assist our manufacturing industry. I am tired of seeing so many manufacturing jobs leave my State and our Nation to go overseas. It is important we have a strategy to work with manufacturers, to work with local community colleges and universities to develop the manufacturing base curriculum, job training programs, and research opportunities to ensure this generation and the next have the education and skills for the jobs of today and tomorrow. Some of those manufacturing jobs are gone forever. But others are coming online, and America must lead and Congress must support targeted funding to help provide the resources for this education and training.

In addition, we must provide workforce development assistance to those communities harmed as a direct consequence of the closure or realignment of military installations.

For example, the State of Maine is expected to lose more than 6,500 military and civilian jobs following the decisions made by the Base Realignment and Closure Commission in 2005. We are losing the Brunswick Naval Air Station in our State. There are many other States, including Illinois, Missouri, and New Jersey that are facing similar losses. In Virginia, nearly 40,000 jobs will be lost. In such cases where decisions made at the Federal level directly affect local employment, we have a special obligation to make sure displaced workers have the training and education they need to find new employment in their communities. After all, these communities have structured their economies to support military operations for decades, in many cases. Now that that linchpin of the local economy is being pulled out, surely we have an obligation to help with the adjustment. My plan would redirect Economic Development Administration funds—EDA resources—to those communities most harmed by these decisions.

Targeted Federal funds can also be a catalyst for new economic opportunities. For example, I worked to secure one-time funding for a radiologic technician training program at a Maine community college. This program had broad support from local hospitals and from the college, but they simply couldn't afford the expensive equipment to get the program under way. With that one-time Federal investment, the program is now completely self-sustaining, and it produces between 18 and 20 graduates a year. Job

placement has been 100 percent, with graduates earning starting salaries of about \$40,000 a year. I am sure similar targeted job training success stories can be found in every State, and we ought to build on them.

We must also fix what has not worked as well as it should. Government agencies must provide more efficient and productive services to the American people. The Department of Labor, for example, should reduce paperwork and redtape associated with Federal job training programs. The Department should identify ways it could cut costs by working more closely with other government entities, such as the Department of Education, and with the private sector. The best programs I have seen at community colleges, for example, combine some job training funds with commitments from private employers to hire the graduates and to help shape those job training programs so we are training people for the jobs that exist or that are going to exist.

The second part of my plan would encourage innovation in Maine's natural resource-based economy. Nowhere is there greater potential than in energy. I want the United States to lead the world in developing renewable energy technologies, and that is going to require significant private and public investments to develop this technology and to make its deployment affordable. For example, deepwater offshore wind has enormous potential to help us meet our Nation's electricity needs, and it presents an exciting opportunity to create thousands of much needed, good-paying, and sustainable green jobs. Estimates show that the development of just 5 gigawatts of offshore wind off the coast of Maine—and that is just a fraction of the overall potential—could power more than 1 million homes, attract \$20 billion of investment, and create more than 15,000 green energy jobs that would be sustained over 30 years.

Deepwater offshore wind is the key transformative technology that America needs in order to compete globally. Europe, China, Japan—our technology competitors—continue to make far larger investments in offshore wind R&D than we do. I am proud of the work of the University of Maine and the DeepCwind Consortium private sector investment to deploy loading wind turbines, which would be the first of its kind in the world, placing the United States in a position to lead in deepwater offshore wind technology.

Federal investments in programs to spur the advancement of deepwater offshore wind is an investment in America's future. Federal and State seed funding is expected to yield up to \$4 billion in private sector investment over the next 10 years in Maine alone. With these investments, Maine is well positioned to be a global leader in this promising source of alternative energy. We must not lose these jobs to China,

as has increasingly occurred with solar technology. Let's not let it happen with deepwater offshore wind technology.

We must also do more to promote agricultural exports. I know this is an issue of great interest to the Presiding Officer. In Maine, blueberries, potatoes, and lobster help create and sustain jobs in our State. Every \$1 billion in agricultural exports supports 12,000 jobs. Therefore, increasing exports of our agricultural products could play an important role in reviving our economy. Boosting support for the Department of Agriculture's Foreign Agricultural Services will help promote our homegrown natural products abroad. This effort to increase agricultural exports could be paid for by strengthening our effort to curtail wasteful agricultural subsidies, such as payments to very wealthy corporate farmers who, frankly, do not need Federal assistance.

The corn-based ethanol tax break is another example of an extraordinarily expensive subsidy, costing taxpayers some \$6 billion annually, and which has produced a host of problems from higher grain prices to impaired engine performance. We must reevaluate all programs that have not performed as promised and then reallocate their funding to job-creation initiatives and to deficit reduction.

Third, we simply must do more to encourage job creation and investment by small business. My plan includes a series of tax reform proposals targeted at these engines of job growth. The tax package agreed to by Congress and the President in December included a 2-percent cut in the employee portion of the payroll tax, but no cut was provided for the employer portion of the payroll tax.

With unemployment stuck above 9 percent for 21 consecutive months, we must do more to encourage businesses to hire. When I talk to small businesses, they tell me this is something we can do that would directly reduce the cost of hiring and encourage them to bring on more workers. My proposal includes a 2-percent reduction of the employer portion of the payroll tax on the first \$50,000 of payroll for 1 year. This reduction in the employer portion of the payroll tax is estimated to lead to the creation of 1.4 million jobs. This will work.

As with the employee-side payroll tax relief we passed in December, my proposal would require the Treasury to reimburse the Social Security trust fund using general revenues. Again, the cost of this payroll tax relief can be offset by eliminating the ethanol and other wasteful subsidies and by implementing budget cuts for discretionary spending.

There are other provisions in my bill that are targeted toward small businesses. For example, section 179 is a

provision of the Tax Code that small businesses have found to be very helpful. It allows them to immediately expense equipment purchases rather than depreciate those purchases over many years.

I also propose making permanent the tax provision allowing restaurants to depreciate equipment over 15 years rather than 39½ years. Think about it. If a restaurant is only renovating once every 40 years, that is not going to be very feasible or attractive to its patrons.

The plan would also reduce the depreciation periods on commercial and residential buildings to 15 years to encourage investment and jump-start the economy. We did that back in 1981, and it worked.

My fourth point is one that some small business owners, I know, would put at the very top of the list of what we should do; that is, we need to reduce the redtape that ties them in knots. Let me provide an illustration.

We need to make sure Federal regulations do not impose an unnecessary burden on job creation. The EPA has proposed a new regulation known as the boiler MACT. This rule, as originally proposed, could cost Maine businesses \$640 million to comply with, despite the fact there are less costly approaches to deal with boiler emissions. It also has Federal agencies working at cross-purposes. Here we have the Department of Energy trying to encourage the conversion to biomass boilers at the same time the EPA is putting burdensome new regulations on them.

The result in Maine was the Department of Energy awarded one Maine high school a \$300,000 grant to help buy a new wood pellet boiler to reduce the school's use of fossil fuels. But because EPA's proposed regulations would have greatly increased the cost of that boiler, the school board ended up turning down the grant. This is an example of where the right hand did not know what the left was doing.

My point is that Federal agencies should take into account the impact on small businesses and job growth before imposing new rules. Thus, my plan contains several provisions to help reduce onerous regulations and cut redtape.

First, it requires Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Second, it obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as "guidance documents."

Third, it creates a mechanism to protect small businesses from onerous penalties the very first time they fail to comply with a paperwork requirement as long as no harm comes from that failure. If it is an honest, first-

time mistake that causes no harm, why do we want to slap that small business with a heavy fine? That does not make sense.

The fifth point in my plan is aimed at our transportation policies. Getting raw materials to the factory or farm and finished products to market quickly, efficiently, and safely must be a priority. But the inconsistent and inequitable Federal policy on truck weight limits on interstate highways provides a telling example of where we are doing the opposite. The consequences are particularly acute in Maine.

I have spoken on this issue many times, so I am going to briefly describe it. Maine's businesses and trucking firms are currently at a competitive disadvantage because Federal law prohibits the heaviest trucks from using Federal interstates and instead diverts them to downtown streets and secondary roads. This means, for example, that nearly 260 miles of nonturnpike interstates that are the major economic corridors in my State are off-limits. Yet these same trucks are permitted on many Federal interstates in New Hampshire, Massachusetts, parts of New York State, and neighboring provinces in Canada. That makes Maine and Vermont an island of non-competitiveness. It just does not make sense. The heaviest trucks belong on the roads built for them.

In 2009, I authored a law to establish a 1-year pilot project to allow trucks weighing up to 100,000 pounds to travel on Maine's Federal interstates. This project was an enormous success. It helped to preserve and create jobs because it allowed our businesses to be more efficient. It lowered fuel costs. It resulted in fewer carbon emissions, and it made our roads safer. Working with Senator LEAHY, I am trying to make this permanent.

Point No. 6: We must invest in America's future. Research and development investment is critical to the breakthroughs we need to keep our economy competitive and to create good-paying jobs. The R&D tax credit provides an important incentive, but it needs to be updated so more companies can benefit from it. And there needs to be more certainty. Just having that tax credit from year to year discourages the kind of long-range planning and investment companies need. My plan includes a 5-year extension of the R&D tax credit. That is likely to happen, but by doing it year by year we create all these disincentives for investment.

Finally, the seventh point in my plan would help expand opportunities for small businesses and farmers to do business with the Federal Government. We need to help our small businesses, our farmers tap into markets they have not previously explored. As the former head of the New England Small Business Administration, I know how essential this drive for new markets is for job creation and for our economy.

One approach we are going to take is my Washington and State offices are going to redouble their efforts to help small businesses reach the Federal Government because the Federal Government is the largest consumer of goods and services in our country. I know that disturbs a lot of Americans right now, and it shows the size of the Federal Government. The fact is, the Federal Government purchased more than \$535 billion worth of goods and services in this past fiscal year. Some 23 percent of that spending is directed to small businesses, and last year the value of Federal contracts to small businesses in my State alone was more than \$250 million. If we can expand the opportunity for small businesses to do business with the Federal Government, that is a brandnew market for their products and services.

Last year, along with my colleague, Senator SNOWE, and in conjunction with the Department of Defense Northeast Regional Council and the Maine Procurement Technical Assistance Center, I sponsored a small business matchmaker conference that brought together government agencies and prime contractors with our small business community to match up the purchasing needs with goods and services. It was a 3-day conference in south Portland. It was a tremendous success. We had about 385 small business owners and representatives from 135 government agencies and prime contractors looking to subcontract work meet face to face, sit down, exchange ideas.

Let me give an example of a successful connection that was made. A representative of a \$2 billion aerospace company sat across the table from the owner of a 40-employee Maine machine shop with experience in very high quality, high-end custom work. That first meeting led to a significant business relationship that continues to grow.

I note that at our conference in south Portland, our total number of registrants was 597 people, and that just shows how eager our small businesses are to expand their customer base.

One great benefit of the matchmaker approach is instead of a small business working for weeks or even months to try to find the right person in the vast government bureaucracy or the right prime contractor, our entrepreneurs merely need to sit down across the table with them. It is direct, effective, and efficient.

But, obviously, it is not easy to do business with Uncle Sam. The rules and regulations are often strict, cumbersome, and unfamiliar. That is where our offices can help.

My plan also calls for Congress to work harder to open the Federal marketplace beyond the Washington beltway to entrepreneurs in every State. That will benefit our job creators and the American taxpayer because there will be more competition.

The struggling economy has challenged our Nation's entrepreneurial spirit, but that spirit remains strong in Maine, in your State of New York, Madam President, and across the Nation. We will recover from this deep recession, but the recovery depends on the right policies in Washington to encourage the innovative and bold job creators of America. That means helping our small businesses start up, grow, prosper, sustain, and create good jobs.

My seven-point jobs plan offers a straightforward path forward for Congress to lead rather than impede job creation at this critical juncture in our history and in our recovery.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS &
ENTREPRENEURSHIP COUNCIL,
Oakton, VA, February 16, 2011.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Small Business & Entrepreneurship Council (SBE Council) and its members across the nation appreciate and support your proposed "Seven Point Plan for Growing Jobs Act."

As you are aware, entrepreneurs, small businesses and the overall economy have been suffering due to uncertainty and rising costs when it comes to federal tax and regulatory measures. Your legislation's sections on small business tax relief and regulatory reform thankfully would provide some relief and clarity.

For example, making permanent the expanded expensing levels for capital expenditures made by small businesses would be a plus for investment, creating jobs, and boosting incomes.

In addition, the repeal of the 1099 reporting requirements included in the Patient Protection and Affordable Care Act—i.e., that businesses must issue 1099 forms to all vendors for goods purchased exceeding \$600—would remove a big, looming paperwork burden for the small business community.

In addition, the measures to improve upon the federal government's regulatory process are most welcome, including the requirement that agencies submit a cost-benefit analysis for each significant regulation, that this process be open and more transparent to the public, and that small businesses be given opportunities to seek waivers of penalties for first-time, non-harmful paperwork violations.

These are positive tax and regulatory reforms that will help small businesses in their ongoing struggles to deal with the otherwise mounting burdens from government.

Thank you for your leadership Senator Collins. SBE Council looks forward to working with you to ensure this important legislation is advanced into law.

Sincerely,

KAREN KERRIGAN,
President & CEO.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, February 16, 2011.

Senator SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business organization, I am writing in support of the Seven Point Plan for Growing Jobs Act. Your bill would help to support a small business recovery by addressing two of their most important problems—taxes and regulations.

Small businesses account for about two-thirds of the net new jobs created, but they continue to struggle. The most recent monthly NFIB Small Business Economic Trends (SBET) Survey, found that small business confidence was up slightly, but still below prerecession levels and not improving fast enough to support meaningful job creation. While sales continues to be the number one problem facing small business, second and third in the survey are taxes and regulations.

The Seven Point Plan for Growing Jobs Act provides both short-term and long-term tax relief for small business. First, the bill would build on last year's payroll tax cut for employees by providing an equal reduction in the portion of the payroll tax paid by employers. Payroll tax relief will help to reduce the cost of hiring, making it less expensive for small businesses to retain and add new workers.

Over the last few years, capital expenditures have been at or near an all-time low in the SBET survey. To address this, the bill includes permanent investment incentives that will help small businesses cover the cost of new investments as they recover from the recession. Specifically, the bill would make permanent the increased and expanded section 179 expensing provision and shorter depreciation periods for business properties such as restaurants and retail spaces, as well as commercial buildings.

The proposal would also repeal the expanded 1099 reporting requirements included in the Patient Protection and Affordable Care Act (PPACA), reducing the tax-filing burden on small businesses. Based on an NFIB Small Business Survey, tax paperwork is already the most expensive paperwork burden placed on small business by the federal government and the new 1099 requirements would increase this cost dramatically.

The Seven Point Plan for Jobs Act also provides important regulatory reforms for small businesses. It allows for a reduction or waiver of penalties on small businesses the first time the business makes a non-harmful mistake on paperwork. Because the paperwork burden often falls on the small business owner—and because small businesses do not have dedicated compliance staff—this relief for innocent mistakes is most welcome.

The bill also provides agencies the ability to better analyze both direct and indirect costs and benefits, which will give the public more accurate information on the economic impact of proposed rulemakings. In addition, the bill requires agencies to treat guidance documents for significant rules as the enforceable standards they are. With this measure, small businesses and the public will have a greater input on these important documents.

Again, thank you for introducing this important legislation, which will help small business and support a meaningful economic

recovery and job creation. We look forward to working with you.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 372. A bill the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, the Internet has had a profound impact on the daily lives of millions of Americans by enhancing communications, commerce, education and socialization between and among persons regardless of their location. Internationally, we have seen the transformative power of the Internet in places like Egypt. A free and open Internet gives strength and a voice to people worldwide and should be protected from censorship and other forms of suppression. But the Internet and those who engage in communications and commerce across cyberspace must be safe—protected from predators like criminals, terrorists and spies who wish to exploit or compromise information and systems connected to the Internet. Our Nation is vulnerable to such attacks, but working together, in partnership with the private sector, we can find a balance that keeps information flowing freely while keeping us all safe from harm.

I have been focusing on cybersecurity issues for quite some time. More than a year ago, as the former chairman of the Terrorism and Homeland Security Subcommittee of the Judiciary Committee, I chaired a Subcommittee hearing titled "Cybersecurity: Preventing Terrorist Attacks and Protecting Privacy in Cyberspace." The hearing included witnesses from key federal agencies responsible for cybersecurity, as well as representatives of the private sector. We reviewed governmental and private sector efforts to prevent a terrorist cyber attack that could cripple large sectors of our government, economy, and essential services.

The cybersecurity expertise that I have developed has convinced me that the Government and the private sector can and should work together to protect the American people in cyberspace. As a result, I am reintroducing the Cybersecurity and Internet Safety Standards Act, CISSA. This bill, which is cosponsored by Senator WHITEHOUSE, will require the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Commerce, and the Director of National Intelligence, to conduct an analysis to determine the costs and benefits of requiring internet service providers and others to develop and enforce min-

imum voluntary or mandatory cybersecurity and Internet safety standards. Under this bill, the Secretary of Homeland Security will be required to report to Congress within one year with specific recommendations. Cybersecurity must be a top priority. This bill will help secure our nation's digital future by keeping the American people and our cyber infrastructure safe without hampering the freedoms inherently found in an open and accessible Internet.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cybersecurity and Internet Safety Standards Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **COMPUTERS.**—Except as otherwise specifically provided, the term "computers" means computers and other devices that connect to the Internet.

(2) **PROVIDERS.**—The term "providers" means Internet service providers, communications service providers, electronic messaging providers, electronic mail providers, and other persons who provide a service or capability to enable computers to connect to the Internet.

(3) **SECRETARY.**—Except as otherwise specifically provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) While the Internet has had a profound impact on the daily lives of the people of the United States by enhancing communications, commerce, education, and socialization between and among persons regardless of their location, computers may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors, and, therefore, computers pose a risk to computer networks, critical infrastructure, and key resources in the United States. Indeed, users of computers are generally unaware that their computers may be used, exploited, and compromised by others with spam, viruses, and other malicious software and agents.

(2) Since computer networks, critical infrastructure, and key resources of the United States are at risk of being compromised, disrupted, damaged, or destroyed by terrorists, criminals, spies, and other malicious actors who use computers, cybersecurity and Internet safety is an urgent homeland security issue that needs to be addressed by providers, technology companies, and persons who use computers.

(3) The Government and the private sector need to work together to develop and enforce minimum voluntary or mandatory cybersecurity and Internet safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying the computer networks, critical infrastructure, and key resources of the United States.

SEC. 4. COST-BENEFIT ANALYSIS.

(a) **REQUIREMENT FOR ANALYSIS.**—The Secretary, in consultation with the Attorney General, the Secretary of Commerce, and the Director of National Intelligence, shall conduct an analysis to determine the costs and benefits of requiring providers to develop and enforce voluntary or mandatory minimum cybersecurity and Internet safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) **FACTORS.**—In conducting the analysis required by subsection (a), the Secretary shall consider—

(1) all relevant factors, including the effect that the development and enforcement of minimum voluntary or mandatory cybersecurity and Internet safety standards may have on homeland security, the global economy, innovation, individual liberty, and privacy; and

(2) any legal impediments that may exist to the implementation of such standards.

SEC. 5. CONSULTATION.

In conducting the analysis required by section 4, the Secretary shall consult with the Attorney General, the Secretary of Commerce, the Director of National Intelligence, the Federal Communications Commission, and relevant stakeholders in the Government and the private sector, including the academic community, groups, or other institutions, that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources.

SEC. 6. REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a final report on the results of the analysis required by section 4. Such report shall include the consensus recommendations, if any, for minimum voluntary or mandatory cybersecurity and Internet safety standards that should be developed and enforced for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives.

By Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, Mr. LEAHY, Mr. INOUE, Ms. STABENOW, and Mr. SCHUMER):

S. 373. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues, Senators SHAHEEN, LEAHY, INOUE, STABE-

NOW, and SCHUMER, to reintroduce an important piece of legislation, the Fair Prescription Drug Competition Act. Our legislation eliminates one of the most prominent loopholes that brand name drug companies use to limit consumer access to lower-cost generic drugs; it ends the marketing of so-called “authorized generic” drugs during the 180-day exclusivity period that Congress designed to provide specific incentives to true generics to enter the market.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic. Some argue that authorized generic drugs are cheaper than brand name drugs and, therefore, benefit consumers. However, authorized generics only serve to reduce generic competition, extend brand monopolies, and lead to higher health care costs for consumers over the long-term.

After up to 20 years of holding a patent for a brand name drug—the brand-name manufacturer—which has already been handsomely rewarded for its investment—doesn’t want to let go of its profits. So, it repackages the drug and refers to it as a generic in order to extend its market share, while cutting in half the financial incentive for an independent generic to enter the marketplace. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals expire.

In 1984, Congress passed the Drug Price Competition and Patent Term Restoration Act, known as the Hatch-Waxman Act, to provide consumers greater access to lower-cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. Specifically, the Hatch-Waxman Act provided for a 180-day marketing exclusivity period for the first generic firm that successfully challenges a brand-name patent under the Abbreviated New Drug Application, ANDA, process—thereby providing a crucial incentive for generic drug companies to enter the market and make prescription drugs more affordable for consumers.

Filing a patent challenge is expensive and requires enormous up-front costs for the generic company. Yet, the 180-day exclusivity incentive to launch a patent challenge is being widely undermined by authorized generics. According to one account, since 2004, “authorized generic versions have appeared for nearly all drugs with expiring U.S. patents.” And, because authorized generics are still allowed, an independent generic can get all the way to the end of a patent challenge—even winning in court—but still lose the anticipated reward of 180-day market exclusivity because the brand-

name company can, and does, launch an authorized generic. The fact that the brand-name company can launch an authorized generic even if it loses a patent challenge to a generic company gives it an incentive to pursue multiple additional patents on dubious grounds, just for the sake of extending its market share. The fact remains that brand-name firms regularly introduce authorized generics on the eve of generic competition, further extending their hold on the market and chilling competition from independent generic drugs.

Every American agrees on the need to reduce health care costs. Today, generic medications comprise 69 percent of all prescriptions in this country, yet only 16 percent of all dollars spent on prescriptions. Furthermore, in 2007, the average retail price of a generic prescription drug was \$34.34, compared to the \$119.51 average retail price of a brand name prescription drug. In fact, generic drugs save consumers an estimated \$8 billion to \$10 billion a year at retail pharmacies. For working families, these savings can make a huge difference, particularly during difficult economic times.

Passage of the Fair Prescription Drug Competition Act would revitalize and protect the true intent of the 180-day marketing exclusivity period created in the Hatch-Waxman Act. This bill does just that by eliminating the authorized generics loophole, protecting the integrity of the 180-day exclusivity period, and improving consumer access to lower-cost generic drugs.

I urge my colleagues to support this timely and important piece of legislation.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 55—EX-PRESSING SUPPORT FOR DESIGNATION OF A “WELCOME HOME VIETNAM VETERANS DAY”**

Mr. BURR (for himself, Mr. INHOFE, Mr. BOOZMAN, Mr. COCHRAN, Mr. ISAKSON, and Mr. JOHANNES) submitted the following resolution; which was referred to the Committee on Veterans’ Affairs:

S. RES. 55

Whereas the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory

role to the Government of the Republic of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas March 30, 2011, would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

(2) encourages States and local governments to also establish "Welcome Home Vietnam Veterans Day"; and

(3) encourages the people of the United States to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that—

(A) provide the appreciation Vietnam War veterans deserve, but did not receive upon returning home from the war;

(B) demonstrate the resolve that never again shall the Nation disregard and denigrate a generation of veterans;

(C) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home;

(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and

(E) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

SENATE RESOLUTION 56—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S RES. 56

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$3,924,299.

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$6,727,369.

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$2,803,070.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 57

Resolved, that, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$6,115,313, of which amount (1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$10,483,393, of which amount (1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$4,368,081, of which amount (1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2012 and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee,

except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011, October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 58—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CONRAD submitted the following resolution from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 58

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$4,489,241, of which amount (1) not to exceed \$35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$21,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$7,695,840, of which amount (1) not to exceed \$60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$36,000 may

be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$3,206,599, of which amount (1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE CONCURRENT RESOLUTION 6—COMMENDING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 102ND ANNIVERSARY

Mr. CARDIN (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. REID of Nevada, Mr. BINGAMAN, Mr. LEAHY, Mr. DURBIN, Mr. HARKIN, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. KERRY, Mr. BROWN of Ohio, Mr. COONS, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. REED of Rhode Island, Ms. STABENOW, Ms. LANDRIEU, Mr. ROCKEFELLER, and Mr. SCHUMER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 6

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry

Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in *Brown v. Board of Education* (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85-315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86-449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days of the civil rights struggle that remain unsolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of "Bold Dreams, Big Victories" with a historic address from the first African-American President of the United States, Barack Obama; and

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 102nd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 95. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 96. Ms. SNOWE (for herself, Ms. COLLINS, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 223, supra; which was ordered to lie on the table.

SA 97. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 98. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 99. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 100. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 101. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

SA 102. Mr. UDALL of New Mexico submitted an amendment intended to be pro-

posed to amendment SA 51 proposed by Mr. UDALL of New Mexico to the bill S. 223, supra; which was ordered to lie on the table.

SA 103. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 95. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 320 and insert the following:
SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and
(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and
(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administra-

tion shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(d) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

SA 96. Ms. SNOWE (for herself, Ms. COLLINS, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 289, strike line 23 and all that follows through page 291, line 4, and insert the following:

(e) BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

“(e) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

SA 97. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike lines 1 through 14.

SA 98. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 128, strike line 5 and all that follows through page 141, line 9.

SA 99. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 11 and 12, insert the following:

SEC. 733. AUTHORITY TO EXTEND THE EMPLOYMENT OF CERTAIN REEMPLOYED ANNUITANTS OTHERWISE SUBJECT TO MANDATORY SEPARATION.

(a) COVERED REEMPLOYED ANNUITANT DEFINED.—In this section, the term “covered reemployed annuitant” means any individual who—

(1) was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor after completing at least 15 years of service as an air traffic controller (as defined in section 8401 of title 5, United States Code);

(2) is in receipt of an annuity awarded under the provisions of section 8414(b)(1)(A) of such title based on such involuntary separation;

(3) was reemployed as an air traffic controller subject to the provisions of section 8468 of such title; and

(4) who has completed or can complete 20 years of service as an air traffic controller within 5 years after becoming reemployed as described by paragraph (3).

(b) EXTENSION OF EMPLOYMENT.—Notwithstanding any other provision of law, during the 5-year period of reemployment required for a recomputation of an annuity under section 8468 of title 5, United States Code, a covered reemployed annuitant shall not serve at the will of the appointing officer.

(c) CONSTRUCTION.—

(1) SEPARATION FOR CAUSE OR LACK OF FUNDS.—Nothing in this section shall be construed to prohibit the involuntary separation of a covered reemployed annuitant for cause or lack of funds.

(2) REASSIGNMENT.—Nothing in the section shall be construed to prohibit a covered reemployed annuitant from being reassigned to a position other than as an air traffic controller after completing 20 years of service as an air traffic controller if the covered reemployed annuitant's rate of pay is not reduced.

SA 100. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 733. IMPLEMENTATION BY THE TRANSPORTATION SECURITY ADMINISTRATION OF CERTAIN RECOMMENDATIONS RELATING TO CONTRACTS FOR SUPPORT SERVICES; ASSESSMENT OF CERTAIN PROCUREMENT POLICIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall implement the recommendations set forth in the report of the Office of the Inspector General of the Department of Homeland Security entitled “Transportation Security Administration's Acquisition of Support Services Contracts” (No. OIG-10-72), dated March 2010.

(b) MONITORING BY INSPECTOR GENERAL.—The Inspector General of the Department of Homeland Security shall—

(1) monitor the implementation of the recommendations described in subsection (a); and

(2) conduct an assessment of the process of the Transportation Security Administration for procuring technology and equipment for screening passengers at airports that includes an assessment of—

(A) the effectiveness of procurement procedures used by the Administration to obtain airport screening technology and equipment, including—

(i) the cost-benefit analysis utilized by the Administration; and

(ii) the resulting cost-effectiveness of technologies and equipment acquired by the Administration since 2007;

(B) the human health and personal privacy protection considerations that are taken into account in acquiring each type of screening technology and equipment;

(C) the efforts being made to improve procurement policies and reduce expenditures on screening technologies and equipment;

(D) the extent to which trends or patterns in procurement activity, and how those trends or patterns are impacted by evolving security breaches or threats, are being analyzed and considered;

(E) which events and circumstances prompt the procurement of new screening technology or equipment and how frequently such events or circumstances occur; and

(F) the process by which screening technology and equipment is assessed after being deployed, including the frequency of assessments and the metrics used during those assessments.

(c) REPORT BY INSPECTOR GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to Congress a report that—

(1) assesses the progress made by the Transportation Security Administration in implementing the recommendations described in subsection (a); and

(2) contains the results of the assessments required by subsection (b)(2); and

(3) makes recommendations with respect to how the Transportation Security Administration can better address the issues assessed under subsection (b)(2).

SA 101. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . SUBSISTENCE CLAIMS.

(a) DEFINITIONS.—In this section:

(1) BARTER.—The term “barter” means the exchange of natural resources taken for subsistence uses for—

(A) other natural resources; or

(B) other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

(2) COMMUNITY USE.—The term “community use” means the sharing of natural resources with or among individuals (including among members of a family) who, collectively, are substantially dependent on, or substantially engaged in, the taking of natural resources for subsistence or to meet economic or social needs.

(3) FAMILY.—The term “family” means all individuals who—

(A) are related by blood, marriage, or adoption; and

(B) live within the same household on a permanent basis.

(4) NATURAL RESOURCES.—The term “natural resources” includes crustaceans, mollusks, fish, game, and wildlife, and parts of those species.

(5) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security, acting through the National Pollution Funds Center.

(6) SUBSISTENCE USE.—The term “subsistence use” means the customary and traditional use of any natural resource by an individual for—

(A) personal, family, or community consumption as food; or

(B) barter or sharing for personal, family, or community use.

(b) DAMAGES.—

(1) IN GENERAL.—In adjudicating a claim for loss of subsistence use of a natural resource that has been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*, the Secretary shall fix the amount of damages available for the claim at an amount equal to the reasonable wholesale value of the quantity of the natural resource that would have been taken by the claimant for subsistence use at a place where such natural resources are sold to a retailer for resale, as of the date on which the natural resource would have been taken, as determined by the Secretary.

(2) ADDITIONAL AWARD.—Damages awarded for the loss of subsistence use of a natural resource may be in addition to damages awarded for any other economic loss that a claimant sustains.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Gulf Coast Claims Facility, in adjudicating a claim for loss of subsistence use of natural resources that have been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*, should calculate the value of damages in the same manner as described in subsection (b).

(d) REPORT.—Not later than 30 days after the date of enactment of this Act and every 90 days thereafter, the Secretary shall submit to the Committees on Homeland Security and Governmental Affairs and Environment and Public Works of the Senate and the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the number of claims filed for loss of subsistence use of natural resources that have been injured, destroyed, or lost in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*;

(2) the number of those claims that have been adjudicated during the preceding period; and

(3) the amount of damages claimed and awarded for each claim adjudicated.

SA 102. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 51 proposed by Mr. UDALL of New Mexico to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the

air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 12 through 22 and insert the following:

“(A) **ADVANCED IMAGING TECHNOLOGY.**—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

“(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

SA 103. Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2 of the amendment, strike line 11 and all that follows through page 3, line 10, and insert the following:

(6) addresses both military and non-military unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration’s NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) **SELECTION OF TEST SITES.**—

(1) **INCREASED NUMBER OF TEST SITES; DEAD-LINE FOR PILOT PROJECT.**—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) **TEST SITE CRITERIA.**—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) **CERTIFICATION PROCESS.**—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(d) **REPORT ON SYSTEMS AND DETECTION TECHNIQUES.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to

develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 64 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 80 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 81 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 82 on S. 223.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering the following amendment no. 91 on S. 223.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, February 17, 2011, at 3:30 p.m., to conduct its organization meeting for the 112th Congress.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, “Safeguarding Our Future: Building a Nationwide Network for First Responders.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 16, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in Dirksen 406 to hold a hearing entitled, “National Leaders’ Call to Action on Transportation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled, “The President’s Budget for Fiscal Year 2012.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 16, 2011, at 10:30 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 16, 2011, at 9:15 a.m. to conduct a hearing entitled “The Value of Education Choices: Saving the D.C. Opportunity Scholarship Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 16, 2011, at 11:30 a.m. in Room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m. in Room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Targeting Websites Dedicated To Stealing American Intellectual Property."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 16, 2011, at 3 p.m. in Room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND
ENTREPRENEURSHIP

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 16, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 16, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKPLACE,
AND THE DISTRICT OF COLUMBIA

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on February 16, 2011, at 2:30 p.m. to conduct a hearing entitled "Improving Federal Employment of People with Disabilities."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE NATIONAL AS-
SOCIATION FOR THE ADVANCE-
MENT OF COLORED PEOPLE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Con. Res. 6.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 6) commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CARDIN. Mr. President, I rise today to discuss this concurrent resolution that honors the National Association for the Advancement of Colored People, NAACP, on the occasion of its 102nd anniversary. I thank Senators GRASSLEY, LEAHY, and others for joining me in submitting this bipartisan resolution and would like to note that this resolution is particularly timely not only because the NAACP just celebrated its 102nd anniversary, but also because we are celebrating Black History Month.

The NAACP was created amidst great adversity. In 1905, a group of African American civil rights activists came together to discuss prominent issues that they and many others faced in our Nation. Among those discussed issues was disenfranchisement. Despite passage of the 15th amendment to the U.S. Constitution in 1870, African Americans throughout the country were denied their right to one of the fundamental methods of civic engagement: the right to vote. In many circumstances Jim Crow State laws. These discussions were held on the Canadian side of the Niagara Falls because hotels across America remained segregated. On February 12, 1909, the centennial of President Abraham Lincoln's birth, distinguished leaders in the struggle for civil and political liberty, which included W.E.B. DuBois, Ida Wells-Barnett, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling, created the National Association for the Advancement of Colored People. It is now the oldest and largest civil rights organization in the United States.

Its national headquarters is located in my home city of Baltimore, MD, and its mission is one that I hold dear; that is, to ensure the political, educational, social, and economic equality of the rights of all persons and to eliminate racial hatred and racial discrimination.

Over the years, the NAACP has advanced its mission of racial equality and has achieved concrete goals to that effect by nonviolent means through sheer moral force and legal persuasion.

The NAACP initially focused on ending the use of lynching, bringing equality into the job market, and ensuring voting rights for all. Many of the significant legal victories came under the leadership of Charles Houston and his protégé and fellow Marylander, Thurgood Marshall. Houston is remembered for stating, "[A] lawyer is either a social engineer or a parasite on society."

The duo of Houston and Marshall successfully argued *Murray v. Maryland*, 1936, which resulted in the desegregation of the University of Maryland's Law School and in 1938 *Missouri ex rel. Gaines v. Canada* the Supreme Court ordered the admission of a Black student to the Law School at the University of Missouri. When Thurgood Marshall served as the NAACP's special counsel, the organization continued to fight for equality in cases such as *Smith v. Allwright*, 1944, where Marshall challenged "White primaries," which prevented African Americans from voting in several Southern States. In *Morgan v. Virginia*, 1946, the Supreme Court struck down a State law that enforced segregation on buses and trains that were interstate carriers. In *Shelley v. Kraemer*, 1948, the NAACP won a battle to end the enforcement of racially restrictive housing covenants, which denied access for African Americans to homes in what was considered White neighborhoods.

In 1950, the NAACP provided the legal resources to contest both Texas and Oklahoma laws allowing segregated graduate schools in *Sweatt v. Painter*, 1950, and *McLaurin v. Oklahoma*, 1950. Marshall and the team of lawyers argued and won unanimous decisions in the U.S. Supreme Court, stating the equal protection clause of the 14th amendment required those States to admit African-American students to their respective graduate and professional schools. These court rulings supported and led to the landmark decision in *Brown v. Board of Education*, 1954, which ended racial segregation in our public schools. Marshall went on to become the Nation's first African-American Solicitor General, and then the Nation's first African-American Supreme Court Justice.

Additionally, the NAACP has worked tirelessly to win passage of important legislation that protects the fundamental rights of all Americans. This legislation includes the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act. More recently, the NAACP played an integral role in ensuring passage of important contemporary civil rights bills that I was proud to cosponsor, including the Civil Rights Act of 2008, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and the landmark Fair Sentencing Act, which reduced the gross racial disparity inherent in our sentencing laws for crack cocaine.

One of America's greatest strengths is its rich diversity. From Rosa Parks and the Reverend Dr. Martin Luther King Jr. to Marylanders Harriet Tubman, Frederick Douglass and Thurgood Marshall, strong African-American men and women have become role models for our Nation and others around the world who struggle for freedom. During the month of February, we all should take a moment to reflect upon the achievements and sacrifices of the African-American community—achievements that might not have been possible without the hard work and tireless effort of the NAACP. It also is a time to rededicate ourselves to the ideals enshrined in the U.S. Constitution—the ideals of equality, freedom and justice—and making sure they are protected for future generations. Because in the words of the late Senator Ted Kennedy: “Civil rights is the unfinished business of the Nation.”

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 6) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 6

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the “NAACP”), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well

as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in *Brown v. Board of Education* (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85–315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86–449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. García Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days of the civil rights struggle that remain unsolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of “Bold Dreams, Big Victories” with a historic address from the first African-American President of the United States, Barack Obama; and

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372), a landmark piece

of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 102nd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. GRASSLEY).

ORDERS FOR THURSDAY, FEBRUARY 17, 2011

Mr. REID. Mr. President, I ask unanimous consent that at 1:30 p.m. tomorrow Senator COATS be recognized for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, February 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; further, that following any leader remarks, the Senate resume consideration of S. 223, the Federal Aviation Administration authorization bill, that there then be 2 hours of debate prior to a cloture vote on the Inhofe amendment, as modified, with the time equally divided and controlled between the proponents and opponents; finally, the filing deadline for second-degree amendments to S. 233 be 10 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should expect the first vote of the day tomorrow to begin about 11:30, with additional votes occurring throughout the day in an effort to complete action on the FAA bill.

As I announced here a couple of hours ago, we can complete this FAA

bill tomorrow. If not, we are going to have to work into the next day. We have two cloture votes that are set up and we are going to finish this bill before we leave. That could mean some extended time. Everyone knows that. Everyone has been alerted to that. There is no reason that we do that. All the issues have been laid before us. We know the votes we have. If people want to cooperate and finish this important piece of legislation, we can do that. If they do not, then they can sit around with the rest of us.

We will not accomplish anything by not finishing the bill tomorrow except use up a lot of time. I know next week is the Presidents Day recess. As I have said on a number of occasions, this is not a time that we go back to our States and hang around the swimming pool or take steam baths. The fact is, we go home to meet with constituents. We need to be home during the week so we can go to places of business, meet with government officials who are not working during the weekends.

I hope everyone will work toward that goal. If not, our first obligation is to complete legislation and we may have to be here longer than just tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent we adjourn under the previous order.

There being no objection, the Senate, at 6:26 p.m., adjourned until Thursday, February 17, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

TIMOTHY M. CAIN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE F. MICHAEL DUFFY, RETIRED.
SCOTT WESLEY SKAVDAHL, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING, VICE WILLIAM F. DOWNES, RETIRING.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH L. VOTEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KAFFIA JONES

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STACY J. TAYLOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

TEMIDAYO L. ANDERSON
ALISON F. ATKINS

ANDREW R. ATKINS
MICHAEL E. BAHM
NATHAN J. BANKSON
AIMEE M. BATEMAN
JEFFREY K. BLANK
ANDREW T. BOCHAT
LOUIS J. BOSTON, JR.
CATHERINE L. BRANTLEY
LYNN Y. BRUCKELMEYER
PATRICK L. BRYAN
ERIK J. BURRIS
PAUL S. BUTLER
ERIK CLAUDIO
JASON A. COATS
CLAY A. COMPTON
MICHAEL C. CUSACK
TIFFANY K. DEWELL
JASON M. ELBERT
SHELLEY R. FARMER
REBECCA L. FARRELLKLIEM
NICOLE L. FISH
THERESA R. FORD
SEAN D. FOSTER
MELISSA E. GOFORTHKOENIG
NATHAN T. GOLDEN
MICHAEL P. GORDON
ALISON L. GREGOIRE
SAMUEL E. GREGORY
ROBERT A. GUILLEN, JR.
KARI L. HADLEY
CHARLES D. HALVERSON
ERIC K. HANSON
CHRISTOPHER S. HARRY
JOHN F. HARWOOD
JOE N. HILL
DANA M. HOLLYWOOD
ERIC C. HUSBY
LEWIS V. KLIEM
JOE B. KOBS
DAVID J. KRYNICKI
JAMES P. LEARY
ANDRE LEBLANC
NANCY J. LEWIS
LEAH D. LINGER
JOHN R. LONGLEY III
MATTHEW H. LUND
TYLER J. MCINTYRE
TRACY MORRIS
CHRISTOPHER P. MORSE
PAUL F. MUETHING III
DANIEL J. MURPHY
JENEVIEVE R. MURPHY
SEAN T. NGUYEN
EMEKA NWOFILI
THOMAS W. OAKLEY
MARK S. OPACHAN
MARK J. OPPEL
BOBIE B. OSEI
BRIAN B. OWENS
MARLIN D. PASCHAL
SHAWN L. PATTEN
KEITH A. PETTY
JEFFREY H. ROBERTSON
HANA A. ROLLINS
JUAN M. ROMAN, JR.
LAURA R. ROMAN
JESSE J. RONGITSCH
LISA M. SATTERFIELD
ALEXANDER R. SCHNEIDER
EVAN R. SEAMONE
EDWIN H. SHIN
CORY S. SIMPSON
SHAY STANFORD
JEREMY W. STEWARD
JOCELYN C. STEWART
JOSEPH L. STRAWN
LUCIUS E. TILLMAN
ELIZABETH A. TURNER
JENNIFER L. VENGHAUS
JOSEPH K. VENGHAUS
THEOLOGOS A. VOUDOURIS
WILLIAM D. WARD III
JASON C. WELLS
EAN P. WHITE
CANDACE N. WHITEHALVERSON
WAYNE H. WILLIAMS
SARAH E. WOLF
ALLEN P. ZENT

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOE H. ADKINS, JR.
JOHN L. ALBERS
TRAY J. ARDESE
JON M. AYTES
JAMES M. BAKER
ANTHONY S. BARNES
SCOTT F. BENEDICT
PAUL F. BERTHOLF
ANTHONY J. BIANCA
STEFAN E. BIEN
JASON Q. BOHM
WILLIAM J. BOWERS
MARK T. BRINKMAN
THOMAS A. BRUNO
GLEN G. BUTLER
CHRISTIAN G. CABANISS
MICHEL C. CANCELLIER

JOHN J. CARROLL, JR.
MITCHELL E. CASSELL
BRIAN W. CAVANAUGH
CLIFFORD D. CHEN
JEFFREY S. CHESTNEY
JAMES D. CHRISTMAS
VINCENT E. CLARK
SHAWN J. COAKLEY
SHANE B. CONRAD
MATTHEW H. COOPER
MATTHEW R. CRABILL
CHARLES M. CROMWELL
ROBERT D. CURTIS
DONALD J. DAVIS
MATTHEW A. DAY
TODD S. DESGROSSEILLIERS
JEFFREY J. DILL
TODD S. ECKLOFF
KATHERINE J. ESTES
JOHN P. FARNAM
ANTHONY A. FERENCE
ROBERT A. FIFER
JOHN S. FITZPATRICK
MICHAEL D. FLYNN
TODD D. FORD
JAMES S. FRAMPTON
TYSON B. GEISENDORFF
SEAN D. GIBSON
GREGORY G. GILLETTE
FLAY R. GOODWIN
GERALD C. GRAHAM
VERNON L. GRAHAM
STEVEN J. GRASS
THOMAS E. GRATAN III
JESSE L. GRUTER
GLENN R. GUENTHER
WAYNE C. HARRISON
RYAN P. HERITAGE
JAMES B. HIGGINS, JR.
JONATHAN W. HITESMAN
TODD A. HOLMQUIST
CHRISTOPHER W. HUGHES
JAMES T. JENKINS II
JEFFREY J. JOHNSON
PAUL H. JOHNSON III
RICHARD E. JORDAN
GARY F. KEIM
BRIAN M. KENNEDY
GLENN M. KLASSA
ERIC R. KLEIS
TIMOTHY A. KOLB
ANDREW J. KOSTIC, JR.
ERIK B. KRAFT
DANIEL T. LATHROP
KEVIN J. LEE
STEPHEN E. LISZEWSKI
TODD W. LYONS
ARTURO J. MADRIL
BRIAN L. MAGNUSON
JOHN A. MANNLE
ANTHONY J. MANUEL
GREGORY R. MARTIN
RICARDO MARTINEZ
DOUGLAS S. MAYER
ROBERT E. MCCARTHY III
DEBORAH M. MCCONNELL
BRANDON D. MCGOWAN
ARCHIBALD M. MCLELLAN
CHRISTOPHER A. MCPHILLIPS
JOHN S. MEADE
JOHN P. MEE
MARK J. MENOTTI
JOHN E. MERNA
ANDREW R. MILBURN
LAWRENCE F. MILLER
MICHAEL A. MOORE
JOSEPH M. MURRAY
CHRISTOPHER L. NALER
TODD J. ONETO
DUANE A. OPPERMAN
CHRIS PAPPAS III
TIMOTHY M. PARKER
ARTHUR J. PASAGIAN
DOUGLAS R. PATTERSON
RICHARD W. PAULY
JOHN M. PECK
VON H. PIGG
WILLIAM N. PIGOTT, JR.
TRAVIS M. PROVOST
STEPHEN E. REDIFER
JOHN M. REED
KEITH D. REVENTLOW
GEORGE W. RIGGS
DONALD J. RILEY, JR.
DAVID W. ROWE
JOSEPH J. RUSSELL
KEITH E. RUTKOWSKI
MARK G. SCHRECKER
STEPHEN S. SCHWARZ
ROBERT R. SCOTT
CHARLES L. SIDES
STEVEN A. SIMMONS
ROBERT B. SOFGE, JR.
MARK E. SOJOURNER
JOSEPH P. SPATARO
CLAY A. STACKHOUSE
ROGER D. STANDFIELD
SCOTT F. STEBBINS
JAMES A. STOCKS
DANIEL M. SULLIVAN
MICHAEL W. TAYLOR
DAVID C. THOMPSON

ALPHONSO TRIMBLE
MATTHEW G. TROLLINGER
JEFFREY D. TUGGLE
LORETTA L. VANDENBERG

MICHAEL E. WATKINS
SEAN D. WESTER
DWAYNE A. WHITESIDE
TIMOTHY E. WINAND

JOSEPH A. WOODWARD, JR.
JAMES B. ZIENTEK

HOUSE OF REPRESENTATIVES—Wednesday, February 16, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. NUNNELEE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 16, 2011.

I hereby appoint the Honorable ALAN NUNNELEE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

TYRANT FROM THE DESERT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the aftershocks of the Egyptian revolution are being felt throughout the Middle East. The hunger for freedom has gone viral and reenergized the movement for freedom in the country of Iran. No country in that region presents more of a threat to the national security of the United States, Israel, and the world than the “tyrant from the desert” and his regime in Iran, Ahmadinejad.

Ahmadinejad says that his first nuclear missile will be sent to Tel Aviv, Israel. He hates the United States; he hates Israel, and he has been determined to destroy the both of us. We must believe his words are more than just rhetoric. For decades, the regime has managed to quash but not eliminate a vibrant opposition movement.

In 2009, that frustration erupted for the whole world to see. Thousands of people, mainly young people, marched defiantly in the streets, protesting the fraudulent election of Ahmadinejad. The “little tyrant” is a rogue President and an illegitimate President, and

the response from the regime was brutal. Police on motorbikes ran over protestors, fired tear gas, beat them with batons, tortured them, shot them, and over a hundred protestors were murdered in the 2 weeks that followed the election. But to the surprise of the world and the little tyrant from the desert, the flame of freedom was not quashed in Iran.

During that fight for self-determination, our administration was somewhat passive, believing we could work with that tyrant. But Ahmadinejad does not want peace. He’s already declared war on his own people and wants war with the West. In Iran there’s no freedom of expression and association, no freedom from arrest, detention or torture, and women are denied basic human rights. But there’s a remarkable thing, Mr. Speaker, about repression: The more a tyrant tries to hold on to power by cracking down on the people, the faster he loses grip on that society.

So, inspired by the events in Egypt, tens of thousands of young people once again took to the streets in Iran on Monday to protest the rogue government. But the dictator is fighting back, and he will continue to do so. But the protestors want freedom in their country. Communication has been cut. However, we are seeing communication from Iran through videos and YouTube and tweets from those Iranian people. The judiciary in Iran has already arrested 1,500 people. Two nonviolent protestors have been murdered, and the rogue parliament, along with the henchman Ahmadinejad has called for the hanging of corrupt opposition leaders. But the people of Iran still continue to protest.

The Iranian people—the Iranian resistance movement—is here to stay, whether Ahmadinejad likes it or not, and they deserve the same chance as every other freedom-loving people to rule their own country. The Iranians are freedom-loving people, and they deserve that basic human right that all peoples have of self-determination.

Today, we support—I support—the Iranians in Iran to take over their own country and to remove the dictator that is oppressing them. This fight will be difficult, but we hear the cries of the Iranian people. And those of us in Congress that support them, we are not going away any more than the Iranian people are going away, because they have the basic right of self-determination in their country.

And that’s just the way it is.

CONTINUING RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. If our country continues on a course of fiscal irresponsibility and continues to pile debt on our children, we will all feel the consequences, no matter our party. It is vital that our two parties work together, Mr. Speaker, to put our fiscal house in order. So when I tell the House how disappointed I am in the proposal that is on the floor on spending for the rest of the fiscal year, I’m coming from a perspective of real worry about our debt, a defining challenge that must be seriously met. Sadly, that’s not the seriousness we see in the Republicans’ spending bills for the rest of this fiscal year.

Republicans began the new Congress by passing a rules package that paves the way to add nearly \$5 trillion to the deficit. Why do I say that? Because the Republican rules provide for \$4.7 trillion, to be exact, in additional spending that is not paid for over the next 10 years, while at the same time suggesting reductions in spending, which I think we need to effect. I may disagree with the specifics, but we need to effect reductions in spending. However, if you project \$1 trillion in reduced spending and \$5 trillion in additional unpaid-for expenditure, it doesn’t take much of a mathematician to get you to \$4 trillion of additional deficits. This is in the context of the \$5 trillion they’ve authorized themselves to borrow from our children and in the context of the Republican record of fiscal irresponsibility in the past where, as I pointed out, every Republican administration with which I’ve served has run over a trillion dollars of deficit—\$1.4 trillion for Mr. Reagan, about \$1.1 trillion for the first President Bush, and \$3.6 trillion or \$3.7 trillion for the second President Bush—as contrasted with a \$62.9 billion surplus under the Clinton administration.

Time and again, Republicans have used the rhetoric of spending cuts as a cover for massive borrowing, for record surplus to turn into record deficits—a \$5.6 trillion projected surplus in 2001 turned into about a \$5 trillion projected deficit in the following 8 years under President Bush—and for budgets that year after year did far more fiscal damage than they promised. This time, unfortunately, is no different.

But let’s look at the actual cuts proposed in this spending bill. They’re shortsighted and indiscriminate. Even

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

as they fail to change our long-term fiscal picture for the better, these cuts recklessly damage programs essential to America's competitive edge. I agree that reducing spending is and must be a part of the fiscal solution, but let's reduce spending wisely instead of doing it in such a way that costs America jobs.

When we talk about cutting investments in education, in innovation, and in infrastructure, we are talking about cutting tomorrow's jobs, because those are exactly the investments that will build the technologies and industries of the future and help American workers stay competitive in a global economy. The Association of General Contractors said that just yesterday in USA Today.

The spending bill on the floor today would make it harder for deserving students to afford college, meaning a less educated, less competitive workforce. Every businessperson that I've talked to says that's not the way to go.

□ 1010

It would cut 20,000 researchers supported by the National Science Foundation and \$2.5 billion in cancer and other disease research at the National Institutes of Health, meaning an America in danger of losing its place as the world's innovation leader. If we do that, we will not be the kind of country Americans want to be.

It would lead to the loss of 25,000 construction jobs and leave our air traffic control system stuck in the last century, meaning an America with an infrastructure falling further and further behind our competitors.

We need spending discipline. Everyone in America knows that, and everyone in this House knows that—but not at the cost of our future and our jobs. I suggest to you that the rules adopted in this House not only did not effect discipline; they ignored and threw out the door discipline, and said that they could borrow \$4.7 trillion and not pay for it.

I can't sum up the central issue any better than Jack Lew, our Director of OMB, who said this: "We must take care to avoid indiscriminate cuts in areas critical to long-term growth, like education, innovation, and infrastructure, cuts that would stifle the economy just as it begins to recover." Now, who was making a similar statement like that? Richard Trumka, the president of the AFL-CIO. Who was he doing it with? Mr. Tom Donohue, the president of the United States Chamber of Commerce. "That, in turn, would deprive us of one of the most powerful drivers of deficit reduction, a growing economy," concluded Jack Lew.

The President's bipartisan fiscal commission agrees. It found that indiscriminate cuts to investments in growth would "interfere with the ongoing economic recovery." Both commissions concluded that short-term sub-

stantial cuts in research, education, and innovation would be harmful to bringing this economy back to where we want it to be.

Therefore, I urge my Republican friends: Listen to the economic and business leaders who understand the value of public investment, not as a replacement for the private sector, but in partnership with the private sector. That's the partnership that Democrats are striving for with our Make It in America agenda. "Make it in America," of course, means two things:

Number one, you're going to make it. You're going to succeed. You're going to have the opportunity to get opportunities. Of course, "make it in America" also means that we are going to make "it" in America. We are going to manufacture and grow it in America and sell it here and around the world. The President wants to double our exports over the next 5 years. We can do that; we should do that, and Americans believe that, if we do that, we will remain the great economic engine that they believe our country needs to be.

We have a set of bills that helps create an environment for American companies to create jobs here and to manufacture more goods here in America so that more middle class families will be able to make it in America. Let's cut needless spending but preserve our investments in growth, and let's work together to build the bipartisan support that is essential to the hard choices our long-term fiscal problems demand.

I tell my friends on the other side of the aisle, when you look at your rules package and when you contemplate the fact that you have provided for an additional \$4.7 trillion of spending without paying for it and at the same time you project a \$100 billion cut per year over 10 years, \$1 trillion, it is quite obvious that there is a \$4 trillion hole that you have created.

Reforming the Tax Code to grow our economy and reduce the deficit is absolutely essential, in my view, eliminating wasteful defense spending that doesn't keep us safer, and keeping our entitlement programs solvent for generations to come.

Those are the challenges that both Republicans and Democrats need to face together: to cooperate, to make common cause, to make sure that our children and grandchildren inherit a fiscally sound Nation and not a Nation deeply mired in debt, not a Nation that has \$4.7 trillion in expenditures without paying for them, as the Republican rules suggest.

THE COURAGE TO CONTROL GOVERNMENT SPENDING AND RETURN POWER TO THE PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. HAYWORTH) for 5 minutes.

Ms. HAYWORTH. Mr. Speaker, on January 24, I received a letter from Jeremy Vaitas, who lives in Middletown, New York.

He wrote: "As a 13-year-old boy in seventh grade, I am concerned about my future. Currently, the national debt is 14 trillion, 16 billion, 110 million, 552 thousand, 952 dollars, and five cents. Myself and every other citizen will have to pay \$45,241.77 to eliminate this debt. My parents struggle with money, and I'm afraid that I will struggle even more and not be able to own a home, buy a car, or provide for a family someday."

"I feel the only way to reduce the national debt is to reduce the amount of money the government is spending. There are many ways to do this, but I believe increasing taxes is not one of them. To reduce the national debt, I would like to see you vote against any further bailouts or any other wasteful spending programs that give money to people or businesses that make bad decisions. Furthermore, I think you should concentrate on fraud and misuse of government funds."

Here is a 13-year-old who has the common sense to recognize that our Federal Government has been committing intergenerational theft and to call for it to stop. Our national debt is increasing at a rate of more than \$4 billion per day.

We are hearing a lot about the people who would be deprived of some form of benefit through spending cuts, but Jeremy's voice reminds us that Americans everywhere, and especially those who are most vulnerable by virtue of their youth, are being deprived of opportunity by the government's profligacy. We can help them best by returning taxpayer dollars to American pockets to buy, build, invest, and hire.

That is our most urgent task.

Jeremy Vaitas is only 13, but he gets it.

He needs us in Congress to be adults, to accept that we must say "no" to what has been all too easy to do in the past—to spend taxpayer dollars to grow the Federal Government far beyond its constitutional bounds. We must say "no" in order to say "yes" to the opportunity and prosperity that come only with American enterprise, entrepreneurship, and ingenuity. We must say "yes" to the future that Jeremy and all of the members of his generation and of generations to come deserve as the heirs to the American Dream.

Our Nation is exceptional in all of history and in all the world. It has always taken courage to defend it. The continuing resolution we will pass this week must show that we have the courage to take control of our government's spending and return power to the people.

THE FIGHT OF AMERICA'S VETERANS FOR ECONOMIC SECURITY HERE AT HOME

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 5 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, with all of this talk about the CR and where money is being spent and where taxpayer dollars should be spent, I want to remind Americans that there are 1.4 million Americans on active duty in our U.S. military. Another 718,000 civilian personnel support our men and women in uniform, and 1.1 million are in the Reserves or in the National Guard.

The military is our Nation's largest employer, and it is honorable work. Our fighting men and women are the best and the brightest, the bravest and the most battle-tested. They serve with distinction whether they are on bases here at home or in combat abroad, whether they are in the infantry or in military information technology.

But once our soldiers, airmen, sailors, and marines leave the service, shouldn't they be assured of jobs right here in America? Is that too much to ask of Congress? Is it too much to ask of America? Shouldn't their families know that they will have roofs over their heads, food on their tables, and clothes on their backs? That's the least we can do for our veterans, but for too many veterans, unemployment and economic insecurity is what they are finding in civilian life.

□ 1020

Recently, I asked unemployed veterans to send me their resumes and their stories so that I can submit them for the CONGRESSIONAL RECORD, to put their struggles front and center before our government. I heard from a number of veterans who sent their resumes to me at Resumes From Veterans @mail.house.gov.

I heard from Charles Diver of Plantation, Florida, who served for 4 years in the U.S. Coast Guard. He wrote that, "In addition to being unemployed, many of us feel the government has been less than forthcoming about the scope of the problem."

I couldn't agree more. Mr. Diver has been unemployed since June of 2009. I think we owe him more than that for the service that he's given to our country.

Vincent Torrez of Las Vegas, Nevada, told me, "It has been a year since I have been discharged from the Army, and it has virtually been impossible for me to find work that matches my skill-set in the civilian market. I believe within the next few years unemployed veterans will be a bigger problem than it is now with the wars coming to a close."

Mr. Torrez last served in the Army's 1st Airborne Division, 509th Infantry Regiment Opposing Force. We should

see to it that veterans like him can find meaningful work when they're back at home.

I heard from Mr. Jay Magan of Taylorsville, Kentucky, who wrote simply and poignantly, "Out of work for 1½ years. Desperate for a job." He signed that short e-mail, "Respectfully, Jay G. Magan."

We owe him more respect than unemployment for his 20 years of service in the United States Navy.

I heard from Evelyn Thomas. She is a veteran of the Army National Guard and the Marine Corps and lives in Carlsbad, California. She enlisted in the military on the Montgomery G.I. Bill in order to earn money for college. She then obtained a master's degree in teaching, learning, and leadership. She told me, "We need to create jobs. We need to provide avenues and opportunities for manufacturing and production companies to exist in this global economy. Now I am at a crossroads, in which I must utilize my activism work to create a job. I must work to support my family. I want to work. Surely, there is a position for a honorably discharged veteran with a master's degree."

Indeed, there should be.

But then, Mr. Speaker, I received what I think is the most striking e-mail. It was from Tonya Batson, the wife of a 12-year Navy veteran named Billy Batson. She didn't write much, just that Mr. Batson had been out of work since December of 2009, over a year, after his military service ended. But imagine the anguish that Mr. and Mrs. Batson must be feeling. Imagine the uncertainty. I refuse to accept that any military spouse should feel that. No husband or wife, who after supporting their partner through military service, deployment, travel, and battle, should feel like they have to fight another battle right here at home to find a job, to provide for their family, to be financially secure.

Mr. Speaker, we can do better. We can create an economy that employs all of our veterans. We need a jobs program that will put Americans back to work doing productive things for society—teachers aides in classrooms across the country, health clinic workers, home energy technicians, food pantry workers. We can create jobs that pay benefits to workers and the country without the kind of overhead of infrastructure and other projects.

But, Mr. Speaker, we can do even better than creating jobs. We can eliminate unemployment as a factor in American life. In order to do that, I need to hear more stories like those of Mr. Diver, Mr. Torrez, Mr. Magan, Ms. Thomas, and Mr. and Mrs. Batson. I know they are out there, so I'm calling on unemployed veterans to send me their resumes and stories to Resumes From Veterans @mail.house.gov.

As I've said before, sending me your resume will not get you a job, or put

you into consideration for a job. But it can help keep the unemployed problem front and center here in Washington.

We need to do something, Mr. Speaker, so that all Americans, veterans and nonveterans alike, have work. We can do so much better.

VETERAN'S RESUME FOR THE CONGRESSIONAL RECORD

From: Chuck Diver

[chuckdiver@comcast.net]

Sent: Tuesday, February 15, 2011 8:25 AM

To: Veterans, Resumes from

DEAR REP. JESSE JACKSON JR.: Thank you for your work. Providing veterans with recognition is an important contribution, because in addition to being unemployed, many of us feel the government has been less than forthcoming about the scope of the problem. I served four years in the U.S. Coast Guard.

RESPECTFULLY, CHARLES E. DIVER.

CHARLES E. DIVER

AIRCRAFT DISPATCHER

Nine years experience dispatching aircraft under Part 121 and Part 135 operations both domestically and internationally, of which the last one and one half years were as the manager of the flight control department.

Professional Strengths

Use of aviation software programs; attention to detail while multitasking; composure in stressful situations; excellent communications skills; respectful of cultural diversity; ability to prioritize dynamically; ability to teach and supervise; management experience; private pilot (SEL).

Key Achievements

Los prevention by audit control of APIS and E-APIS reports and required passenger travel documentation.

Designated as dispatch ground instructor.

Contributed to and assisted with GOM and OPSPEC revisions.

Poet of contact for U.S. Customs, Immigration, TSA and FAA Inspectors.

Professional Experience

Manager of Flight Control Lynx Air International—11-2007 to 6-2009

Dispatched company aircraft on charters and scheduled domestic and international flights.

Responsible for all dispatch operations, reporting directly to the DO and the President of Administration.

Adjusted master crew schedule as necessary for operational requirements.

Coordinated operational requirements for charter, cargo, and passenger service departments.

Managed logistical considerations for all flights including over-flight permits and fuel cost and availability.

Interviewed, hired and trained new dispatch personnel, including recurrent training.

Maintained records archives and updated all dispatch records and required manuals, including operational expense reports, aircraft and crew flight times, maintenance status of aircraft and Twelve-five security protocol documents.

Aircraft Dispatcher Lynx Air International—8-2005 to 11-2007

Dispatched Fairchild Metroliner III (SA227-AC) on charters and to the Bahamas, Haiti and Guantanamo (GITMO) Cuba using Flitesoft Commercial Flight Calculator and Flight View. All releases done manually for each flight and filed or updated all flight plans.

Assisted the flight control manager as possible in the completion of his responsibilities.

Interacted with cargo department, reservations and ticket counter personnel for each flight as necessary.

Assisted other departments as circumstances required when not the dispatcher on duty.

Flight Follower, Custom Air Transport 2-2005 to 8-2005

Monitored scheduled and on demand cargo flights of Boeing 727-200 aircraft domestically and internationally using Navtech flight planning software and Flight Explorer for flight following.

Interacted with company supervisors and customer service representatives, especially during delayed flights or IROPS.

Aircraft Dispatcher Lynx Air International—12-2003 to 2-2005

Dispatched Fairchild Metroliner III (SA227-AC) on charters and to the Bahamas, Haiti and Guantanamo (GITMO) Cuba using Flitesoft Commercial Flight Calculator and Flight View. All releases done manually for each flight and filed or updated all flight plans.

Assisted the flight control manager as possible in the completion of his responsibilities.

Interacted with cargo department, reservations and ticket counter personnel for each flight as necessary.

Assisted other departments as circumstances required when not the dispatcher on duty.

Aircraft Dispatcher Atlantic Southeast Airlines—11-2000 to 9-2002

Dispatched CRJ's, ATR-72's and E-120's domestically and internationally using Eagle Dispatch Monitor, Flight Explorer, Flight Trac Plot, Storm Century PC and the "Delta Term" system of flight information management.

Aircraft Dispatcher Chalks Ocean Airways—8-2000 to 11-2000

Dispatched Grumman Mallard seaplanes to the Bahamas.

Interacted with station agents to coordinate passenger services.

Health Care Educator Behavioral Medicine and Biofeedback Consultants—3-1993 to 12-1999

Taught behavior modification under the supervision of a licensed psychologist in his private practice and at North Broward Medical Center (NBMC), utilizing biofeedback assisted stress management and relaxation techniques to patients with stress symptoms and work related injuries. Provided classroom instruction and public lectures at NBMC for the management of diabetes, and conducted group sessions for the use of behavioral strategies to improve coping skills for diabetes, pain control and related conditions for stroke survivors.

Education

Sheffield School of Aeronautics—Aircraft Dispatcher Certification (Certificate Number 2636673); Graduated 8-2000.

Sea School—U.S. Merchant Marine Officer License (Serial Number 605571); Graduated 6-1984.

University of North Florida—Master of Science in Allied Health Services (GPA 4.00); Graduated 3-1979.

University of North Florida—Bachelor of Arts in Psychology (GPA 3.30); Graduated 12-1977.

Military

U.S. Coast Guard—Rate/Rank: Quartermaster / E-5; Enlisted 8-31-1970.

National Defense Service Medal; Small Boat Coxswain Insignia; Secret Clearance, Honorable Discharge 8-30-1974.

RESUME FOR CONGRESSIONAL RECORD

From: Vince Torrez
[vince.torrez@hotmail.com]

Sent: Tuesday, February 15, 2011 3:11 AM

To: Veterans, Resumes from

TO WHOM IT MAY CONCERN: I recently read an article in the Army Times that unemployed Veteran's resumes were being published in the Congressional Record for debate on the floor. As an unemployed Veteran of the Iraq War I would like my resume published into record. It has been a year since I have been discharged from the Army, and it has virtually been impossible for me to find a job that matches my skill set in the civilian market. I believe within the next few years unemployed Veterans will be a bigger problem than it is now with the wars coming to a close. Furthermore, with the reduction of military force this will only increase, and possibility lead to unrest among Veterans and their families.

Thank you,

VINCENT TORREZ.

VINCENT TORREZ JR.

Objective

A dedicated and loyal Veteran with a plethora of diverse talent seeking to obtain a position with the Secret Service as a Special Agent

Professional Experience

Company: Active Army Component, 1st Airborne 509th Infantry Regiment Opposing Force, Joint Readiness Training Center and Fort Polk, Louisiana

Employment Dates: August 2008–April 2010
Supervisor: 1 SG David Crosson, May Contact

Salary: \$35,000 per year, 40-50 Hours Per Week, Pay Grade E-5

Position: Lead Company Program Administrator

Duties:

Manage accountability and adjustment of over \$1.5 million worth of assigned equipment.

Development and implementation of standardize training in clerical data.

Brief senior leadership on work conditions and climate.

Ensure the workplace is in compliance with policies and regulations.

Accountable for official administrative actions of one-hundred seventy employees to include separations, retirements, awards, and leave.

Director of company retention and professional development program for approximately one-hundred sixty-five employees.

Strong clerical skills with ability to type forty words per minute.

Possession of superb written and interpersonal skills.

Processing of legal documents Absence Without Leave, Chapter Discharge packets, and Company level Uniform Code of Military Justice proceedings.

Created an internal guidelines for processing employees more efficiently.

Monitored coordinating and supporting of reports to meet objectives and deadlines daily, monthly, and quarterly basis.

Orally administrated numerous operational directives.

Assisted in unit operations center (C2 Command and control).

Company: Active Army Component, 1st Battalion 26th Infantry Regiment, Schweinfurt, Germany

Employment Dates: April 2005–August 2008

Supervisor: Major Andrew Jasso, May Contact

Salary: \$28,000 per year, 40-50 Hours Per Week, Pay Grade E-4 to E-5

Position: Team Leader

Duties:

Outstanding ability briefing senior leadership.

Skillful in research and analysis in security protection programs.

Highly organized and attentive in the construction of emergency response programs.

Active Department of Defense secret clearance.

Extensive experience as a Team Leader in a personnel security team; maintaining static and roving security posture, preventing of unauthorized trespassing of controlled access points, and provided physical body protection for Army Officers, Army civilian employees, and Army contractors while in Baghdad, Iraq.

Familiarized in remaining composed and disciplined under duress.

Expertise with American small arms weapons systems; 9MM, M203, 240B, 240C, M-4, M-16, 50 Cal., and M-14 rifle.

Participated in conducting surveillance, search warrants, and arrests on criminal targets for the purpose of testifying in Iraqi court to the events witnessed.

Seized numerous devices as evidence while conducting preliminary intelligence gathering such as weapons, ammunitions, and bomb making materials.

Conducted primarily field interviews of suspected criminals during search warrants.

Development and implementation of standardize training.

An earned reputation for continued consummate team player with ability to communicate effectively with internal and external agencies.

Achievements

Participated in Operation Iraqi Freedom Fiscal Years 2006-2008.

Awarded the Iraqi Campaign Medal with Campaign Star.

Awarded the Combat Infantryman Badge.

Awarded the Army Commendation Medal for Actions in Combat.

Received commendable evaluation for pioneering overhaul on Company Retention Program.

Company: Oreck Corporation, 2047 West Bullard Avenue, Fresno, CA 93711

Employment Dates: March 2000–April 2005

Supervisor: Martin Lopez, May Contact

Wage: \$9.00 per hour plus commission, 30 Hours Per Week

Position: Manager

Duties:

Administer daily operations: including accounts, security deposits, customer service, and sales.

Planning and coordinating business itineraries for management.

Overight on protection of store assets and investigation of loss assets.

Education and Specialized Training

Specialized Training:

Drivers Training Course: Ft. Polk, Louisiana 2009. Curriculum focuses on laws of the road 40 hours, and 20 hours of on and off road vehicle driving of military and civilian wheeled vehicles.

Advance Leaders Course: Schweinfurt, Germany 2008. A focus on planning and conducting operation orders, combat leadership skills, and becoming subject matter experts on small arms proficiency. Fundamental characteristics of ballistic trajectory.

Warriors Leaders Course: Grafenwohr, Germany 2008. Primary focus on developmental

leadership skills. A breadth of military subjects to include leadership in combat, land navigation, individual skill training, and physical fitness.

Combat Life-Saver Course: Schweinfurt, Germany 2006. Highly developed lifesaving procedures beyond the level of basic first aid. Combat methodologies on intravenous injections, cardiopulmonary resuscitation, trauma management, and medical evaluation.

Bachelor of Arts in History with an emphasis in U.S. History, May 2004; California State University, Fresno: Fresno, CA 93740

Related Course Work:

Political Science: Acquired a strong foundation of American politics, domestic and foreign policy. Composed written assignments on U.S. and North Korean Relations.

Computer Aptitude:

Military Systems: Force Battlefield Command Bridge and Below, Blue Force Tracker System

Operating Systems: Windows XP, Vista
Software Applications: Microsoft Power Point, Word, Excel, Access

General Education Diploma, June 1997; Sanger High School: Sanger, CA 93657

References

Available upon request.

URGENT NEED TO CUT GOVERNMENT SPENDING AND REDUCE GOVERNMENT DEBT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. HURT) for 5 minutes.

Mr. HURT. Mr. Speaker, I rise today in support of the urgent need to cut government spending and reduce government debt.

Last year, our President and our Congress failed to enact a budget. This fundamental failure of leadership has put our country on a path of skyrocketing debt, growing deficits, and unacceptably high unemployment.

This week, the President submitted to this new Congress a new budget proposal. Instead of recognizing the urgent need to reduce spending and reduce our debt, the President's budget proposal amounts to, yet again, failure of leadership. It is a budget predicated on unsustainable deficit spending and insurmountable debt that will be passed on to our children and to our grandchildren.

Our deficit is projected to reach an all-time high of \$1.6 trillion, and our national debt is projected to equal the size of the entire U.S. economy, reaching over \$15 trillion by September 30 of this year. And for 21 straight months, our national unemployment rate has been at 9 percent or higher, the country's longest jobless streak since the Great Depression.

The people of my district, Virginia's Fifth District, and the people of our Nation know this course is unsustainable and that it must stop. Enough is enough. It is time to chart a new course of fiscal discipline and restraint. It is time to act on the urgent message sent by the people in November that we must put an end to Washington's reckless spending.

No longer should the people of the Fifth District be stuck to foot the bill for a growing and intrusive Federal Government. No longer should families and businesses in central and southside Virginia be the ones making the tough choices to live within their means while the Federal Government borrows 40 cents on every dollar it spends.

By making tough choices and by reducing government spending, we are taking the first step in tackling our unsustainable debt and of preserving our economic strength for future generations. By reducing spending, we are restoring a sense of certainty and confidence to the marketplace that will create a better environment for job creation. By reducing spending, we are reducing the size and scope of the Federal Government and are empowering our true job creators to hire, innovate, and expand.

The decisions we face are not easy, but we have not been given an easy task. Now is the time to act and to act boldly if we are serious about leaving a better America for our children and our grandchildren.

THE 2011 CONTINUING RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS of California. Mr. Speaker, I rise in strong opposition to the reckless spending plan in H.R. 1.

Mr. Speaker, it has been 43 days since I joined the new Congress, and my colleagues across the aisle have not offered one job, let alone offered a jobs plan to put Americans back to work. While hardworking Americans struggle to keep a roof over their head, food on the table, and the heat turned on, my colleagues have not taken one single action to create jobs for the unemployed. They have completely abandoned the number one issue for the American people right now—jobs and the unemployment rate—and in fact, they are blatantly destroying, instead of creating, good jobs.

In fact, the Speaker recently said, "Over the last 2 years since President Obama has taken office, the Federal Government has added 200,000 new Federal jobs," greatly exaggerating, citing a number 10 times greater than what has actually been reported. He said, "If some of those jobs are lost in the spending cuts, so be it."

Mr. Speaker, under the Republican plan, jobs are the target of the cuts. For example, the largest cuts ever in history for education programs under H.R. 1 would result in more than 26,000 K-12 teachers and support staff, 14,000 Head Start teachers, and 7,000 special ed teachers all losing their jobs. This is just the education budget alone.

According to the nonpartisan Economic Policy Institute, the Republican continuing resolution would cost the

Nation almost 1 million jobs. Included on the majority party cut list are 25,000 new construction jobs from infrastructure projects, 1,300 police officers by eliminating the COPS program, 2,400 firefighters by terminating SAFER grants, and 16,000 private sector construction jobs lost from cutting \$1.7 billion to the Federal Buildings Fund.

The spending plan would also slash in half all job training funds—dollars used to help workers obtain the skills they need to compete in the global economy.

Mr. Speaker, reducing the unemployment rate is the most important challenge facing this country. The most promising new source of economic growth and job creation is in our public infrastructure system, from roads and bridges to broadband and air traffic control systems to a new energy grid. I commend President Obama for his leadership in crafting a budget proposal for fiscal year 2012, for his leadership in crafting this budget proposal that focuses Federal dollars on rebuilding America's infrastructure, which USA Today describes as "a massive job creation engine, with plans to generate millions of jobs by repairing and expanding highways, bridges, and railways."

Mr. Speaker, the President's budget addresses the real sources of our deficit and makes tough but careful choices needed to reduce the deficit. With cuts of \$78 billion, President Obama has taken the first step in curbing the massive defense budget, and I want to work with my colleagues and the President to find additional savings in the defense budget by closing permanent bases overseas that no longer serve a strategic value.

□ 1030

For example, I believe we need to examine why we still have over 200 military bases in Germany 65 years after World War II and many years after the fall of the Berlin Wall. The President also makes necessary sacrifices to sustain the maximum Pell Grant award for all students by eliminating the summer Pell Grant program. These are hard cuts to swallow but are necessary.

The Republican bill, on the other hand, prefers to arbitrarily make shortsighted cuts; for example, cutting funding from programs that affect women and their children, like \$758 million from the WIC program and \$1 billion from Head Start. The long-term impact of these cuts is clear: prohibiting access to family planning services. So guess what happens? Then denying food for the child and denying access to preschool.

Mr. Speaker, H.R. 1 recklessly cuts spending at the expense of our economic recovery and job creation; nor does the Republican plan put us on a sustainable path to deficit reduction.

I urge my colleagues to vote against this job-cutting, fiscally irresponsible spending bill.

WE ALL NEED TO GET INTO THE BOAT TOGETHER

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, I rise this morning to congratulate President Obama for what I believe were the most important words that came from his press conference that he delivered yesterday when he said we all need to get into the boat together. Now, he was referring, of course, to the challenge of entitlement spending.

I listened to my California colleague talk about her priorities when it comes to dealing with budget issues. We are in the midst of a debate right now that will take place later today, and obviously it went into early this morning, on the continuing resolution and the challenges we face there. We are looking at making cuts that are important and need to take place. But, Mr. Speaker, they pale in comparison to the challenge that we face of dealing with entitlement spending.

When the President said we all need to get into that boat together, what he meant was, it was very clear, we need to work together in a bipartisan way. And there are all kinds of challenges that have been put before us and horror stories as it relates to entitlement spending. And there is a tendency on both sides of the aisle, when it comes to dealing with the issue of entitlement spending, to point the finger of blame at the other party. That's why I was particularly pleased that just recently the former chairman of the Senate Budget Committee, our colleague Pete Domenici, along with the former Director of the Congressional Budget Office, Alice Rivlin, have been meeting with leaders of both political parties, talking about the imperative of dealing with the issue of entitlement reform.

As we look at the debate that's taking place right now, Mr. Speaker, on the discretionary spending that is before us and juxtapose that to the massive, massive spending as we look as far as the eye can see when it comes to Social Security, Medicare, and other entitlement spending, I believe that if we can deal with entitlement spending, we will be able to have resources to address priorities that I know my California colleague and other colleagues on both sides of the aisle share. So that's why I think that it's important for both the left and the right to come together and recognize that the problems that exist with entitlement spending need to be addressed in a bipartisan way. They can be addressed in a bipartisan way. And in so doing, we will be ensuring that future generations are not going to face this tremendous debt burden.

We'll be addressing the issue that the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, has said is our number one national security threat,

and that is the looming national debt. I believe that we will be able to let the American people know that we do have, as a priority, a desire to work together to resolve the very important problems that lie ahead.

A HUMAN AND CIVIL RIGHTS CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. I rise today to bring the urgent attention of the U.S. House of Representatives to a human rights and civil rights crisis. I want to talk to you today about a part of the world where the rights of citizens of all walks of life to protest and speak their minds is being denied with clubs and pepper spray; a part of the world where a student strike led the university to ban student protests anywhere, anytime on campus; and where, when the students protested the crackdown on free speech, they were violently attacked by heavily armed riot police; a place where a newspaper editorial stated, "The indiscriminate aggression of police riot squads against students who are exercising their constitutional rights in public areas is a gross violation of their rights and an act comparable only to the acts of the dictatorships we all denounce and reject"; a place where the government has closed public access to some legislative sessions just like this one.

I ask this Congress to look at a part of the world where the Bar Association has been dismantled by the legislature and its leader has been jailed for fighting a politically motivated lawsuit. And where is this part of the world? Egypt? No. Protesters exercising freedom of speech brought down a dictator in Cairo last week. What far away land has seen student protests banned, union protesters beaten, and free speech advocates jailed? The United States of America's colony of Puerto Rico. Sound outrageous? It is. But true, and well documented.

I ask my colleagues in the U.S. House of Representatives to turn their eyes to Puerto Rico. The doors of the U.S. Congress are open. Our proceedings are public. In fact, the public is our boss, and that's how it works in a democracy. Across America today, I am sure there will be protests at college campuses. Across America, workers will go on strike, and there will be marches and protests against mayors and Governors and derogatory things said, even about President Obama.

In Madison, Wisconsin, as we speak, protests over employment policies and budget cuts at the University of Wisconsin are taking place. College and even high school students have been joined by union members and their allies in peaceful protests on the streets across the State of Wisconsin. Will we

see pepper spray and beatings? Not likely. The protesters will be protected by the First Amendment to our Constitution. And that's the way it works in a democracy. It is their right to say whatever they want and say it without fear of pepper spray or clubs or a legislature that limits and restricts the people's rights.

In the 50 States, we have lots of organizations not unlike the Puerto Rican Bar Association, an organization under attack by the government, and we don't tolerate its leaders being sent to jail because they exercise their rights and they stand up for what they believe in. But that's not the reality in Puerto Rico.

Just last week, Judge Fuste, a Federal judge with close ties to the ruling party and a personal history of opposing the Puerto Rican Bar Association, this Federal judge whose salary is paid for by the taxpayers of America, ordered Osvaldo Toledo, the president of the Puerto Rican Bar Association, to jail. And what was Mr. Toledo's crime? Educating his members on how to opt out of a politically motivated lawsuit designed to destroy the Bar Association. For me, this attack was the final straw that brought me to the floor to speak out today.

So, in solidarity with Osvaldo Toledo, jailed for doing his job as the leader of the Puerto Rican Bar Association, I will enter into the CONGRESSIONAL RECORD today the instructions for his members on how to opt out of the class action lawsuit that is threatening the viability of the Bar Association.

I will say to those who would pass laws to stifle public protest, to those who would authorize the use of force against peaceful protesters, and to stifle the words and actions of their enemies, attacking free speech has no place in a democracy, and a Federal judge like Fuste should know better.

Here is a fact that most of us learned a long time ago: Brutal laws, secret meetings, armed enforcers don't extinguish the flame of justice; they are the spark that makes it burn even brighter. You may, with your armed guards and your restrictive laws, try to slow down the protests of the people of Puerto Rico. You may harass the Puerto Rican Bar Association and make their life uncomfortable for a while. And every time you turn police on students and jail an opponent, you guarantee that the good people of Puerto Rico and this Congress will speak out.

Mr. Speaker, I say to the people of Puerto Rico, there are some places that this crusade to end free speech cannot reach, not today, not ever. I stand with you.

February 16, 2011
Brown vs. Colegio de Abogados Administrators
PO Box 2439 Faribault, MN 55021-9139.
Re: Request for Exclusion

To Whom It May Concern:

I do not want to be part of the Damages Class in *Brown v. Colegio de Abogados de Puerto Rico*, CV 06-1645 (JP).

No quiero ser parte de la Clase con Derecho a Resarcimiento en *Brown v. Colegio de Abogados de Puerto Rico*, CV 06-1645 (JP).

Regards, _____ (firma)

Name/Nombre _____

(print)(letra de molde) _____

Address/Dirección: _____

Phone Numbers/Teléfonos: () _____

() _____

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

Herbert W. Brown, III, et al., Plaintiffs, v.
Colegio de Abogados de Puerto Rico, Defendant.

Civil No: 06-1645 (JP).

Class Action.

NOTICE OF CLASS ACTION LAWSUIT

Please read this notice carefully. It explains that you are entitled to a judgment against the Colegio de Abogados de Puerto Rico. This is not a notice of a lawsuit against you.

I. Summary of Important Points

Liability has been established in a federal class action lawsuit in which you were identified as a class member. You are automatically entitled to a judgment in your favor, unless you choose to exclude yourself from the judgment.

You do not need to do anything to have the judgment entered in your favor.

If your address has changed, you should complete the enclosed Change of Address form and submit it to the address indicated on the form so that any payment to you can be sent to your current address. Please note the following important dates:

February 26, 2011 Deadline for submitting Change of Address form (see enclosed form).

February 26, 2011 Deadline to exclude yourself from the judgment (see procedures below).

For more detailed information relating to this class action, please refer to the information set forth below.

II. Why did I get this notice?

This is a notice of a class action lawsuit wherein the Colegio de Abogados de Puerto Rico ("Colegio") was found liable for impermissibly collecting dues from its members from October 2002 to December 2006 which were utilized for a mandatory life insurance program. You have received this notice because records indicate that you were an attorney practicing in the Commonwealth of Puerto Rico local courts from 2002-2006, who was obligated to pay the Colegio the annual membership renewal fee in order to practice law in this jurisdiction. Your legal rights will be affected by the judgment to be entered in this lawsuit.

Please read this notice carefully. It explains the lawsuit, the finding of liability, and your legal rights.

III. What is this lawsuit about?

This lawsuit was filed on June 27, 2006, in the United States District Court for the District of Puerto Rico and assigned case number CV 06-1645 (JP), Plaintiffs Herbert W. Brown, III, José L. Ubarri, and David W. Román claimed that they were required to purchase a compulsory life insurance policy as a precondition to their ability to practice law in Puerto Rico in violation of the First Amendment of the United States Constitution and 42 U.S.C. §1983.

Plaintiffs' claims were that the Colegio's compulsory life insurance program was not

germane to the purposes that justify an integrated bar association, and therefore violated the First Amendment of the United States Constitution.

On September 26, 2008, the United States District Court for the District of Puerto Rico granted summary judgment in favor of Plaintiffs and found the Colegio liable for "damages to compensate the members of the Colegio whose dues were allocated to the compulsory life insurance program from the entry of the Romero decision in 2002 until the present . . ." *Brown v. Colegio de Abogados de Puerto Rico*, 579 F. Supp. 2d 211, 222 (D.P.R. 2008).

On April 27, 2009, the United States District Court for the District of Puerto Rico entered an Amended Final Judgment in favor of Plaintiffs.

On July 23, 2010, the United States Court of Appeals for the First Circuit affirmed the District Court's finding of liability against Colegio. Also, the First Circuit vacated the District Court's judgment insofar as it determined the amount of damages and remanded the case to allow notice to be given to Class Members including their right to opt out of the Class. The First Circuit determined that, after the expiration of the notice period, the District Court should reinstate the damage award as calculated before but this time excluding damages otherwise attributable to those who opted out of the Class. *Brown v. Colegio de Abogados de Puerto Rico*, 613 F.3d 44 (1st Cir. 2010).

IV. Why is this a class action?

In a class action, one or more persons, called "Class Representatives" (in this case Herbert W. Brown, III, José L. Ubarri, and David W. Román) sue on behalf of people who have similar claims. All of these people together are a "Class" or "Class Members." The Court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

V. Who are Class Members?

You received this notice because the Colegio's records identified you as a Class Member entitled to damages. That means that you fit the description of the Damages Class, which the Court has certified. The certified Damages Class consists of all attorneys practicing in the Commonwealth of Puerto Rico local courts from 2002-2006, who were obligated to pay the Colegio de Abogados their yearly annual membership renewal fee in order to practice law in this jurisdiction.

VI. What will the judgment provide?

Judgment will be entered against the Colegio for damages based on the amount of the individual membership fees paid by Class Members to the Colegio from 2002-2006 which were impermissibly attributed to the compulsory life insurance program. This amount may total up to four million one hundred fifty six thousand nine hundred eighty eight dollars and seventy cents (\$4,156,988.70). Judgment will also be entered for interest, costs and attorney's fees, in an amount in addition to the damage figure. No attorney's fees will be deducted from the Damages Class' judgment or recovery.

The Court has also issued a permanent injunction as follows: Defendant Colegio de Abogados de Puerto Rico is hereby prohibited from collecting from its members that portion of their future annual dues attributable to the Colegio's mandatory group life insurance program. Failure to comply with this Judgment will result in an immediate reimbursement of the funds allocated for compulsory life insurance, or an Order of

Execution against the property and assets of the Colegio.

VII. How much will my judgment be?

If you do not opt out of the Damages Class, judgment will be entered in your favor in the amount of the membership dues you actually paid to the Colegio from 2002-2006 which were impermissibly attributed to the compulsory life insurance program. Those amounts impermissibly attributed to the compulsory life insurance program on an annual basis are as follows: 2002: \$2210, 2003: \$83.79, 2004: \$79.20, 2005: \$78.69, 2006: \$78.00.

If you paid the membership dues for multiple years from 2002-2006, you are entitled to the sum of the amounts impermissibly attributed to the compulsory life insurance program from each of the years that you paid the membership dues.

VIII. How are the damages determined?

The damage figures represent all funds impermissibly attributed to the compulsory life insurance program from October 2002 until December 2006, when the compulsory life insurance program was discontinued.

IX. What will happen if I do nothing?

You have already been identified as a Class Member and are entitled to a judgment in your favor in the amount of the membership dues paid by you to the Colegio from October 2002-December 2006 which were impermissibly attributed to the compulsory life insurance program. If you take no action, a judgment in that amount will be entered in your favor. Judgment in your favor means the Colegio will legally owe you a payment in that amount, plus interest.

Counsel representing the Class will pursue a collection effort on your behalf to satisfy the Judgment by the Colegio making a payment to you in the amount owed.

X. Am I giving up any rights if judgment is entered in my favor?

Unless you exclude yourself from the judgment, you will be considered a member of the Damages class, which means you give up your right to sue or continue a lawsuit against the Colegio regarding the legal issues that were raised or could have been raised in this case. Regarding the possibility of recovering additional damages, the First Circuit Court of Appeals has clearly stated that the damages award already established in this case is "seemingly the best relief imaginable."

XI. Can I exclude myself from the judgment?

You may exclude yourself from the judgment. If you exclude yourself from the judgment, you will not have judgment entered in your favor, you will not receive any money from this class action lawsuit, but you will retain the right to sue the Colegio separately, at your own expense, for any claims you might have.

XII. How do I exclude myself from the judgment?

If you wish to be excluded, you must mail a written request for exclusion to Brown v. Colegio de Abogados Administrator at: Brown v. Colegio de Abogados Administrator, P.O. Box 2439, Faribault, MN 55021-9139.

Your request for exclusion must be in writing and postmarked on or before February 26, 2011. The request must state: "I do not want to be part of the Damages Class in Brown v. Colegio de Abogados de Puerto Rico, CV 06-1645 (JP)." The request should be signed, with your name, address, and telephone number printed below your signature. The address you use should be the address to

which this notice was mailed, so that you can be properly identified. You will be a member of the Damages Class entitled to entry of judgment if a request for exclusion is not timely postmarked.

If prior to the issuance of this notice you have filed an anticipatory notice of intent to opt out with the Clerk of the U.S. District Court for the District of Puerto Rico, with the Colegio de Abogados de Puerto Rico or through CM-ECF directly, you must still reaffirm your opt out decision by following the procedures for opting out set out in this notice.

XIII. What additional rights do I have?

You, as a Class Member, may enter an appearance in this case though an attorney if you so desire.

XIV. Who represents the Class?

The attorneys who have been appointed by the Court to represent the Damages Class are: David C. Indian, Esq., Seth A. Erbe, Esq., Indiano & Williams, P.S.C., 207 Del Parque, 3rd Floor, San Juan, PR 00912, Tel: (787) 641-4545, Fax: (787) 641-4544; Andres W. Lopez, Esq., The Law Offices of Andres W. Lopez, P.S.C., 207 del Parque St., 3rd floor, San Juan, PR 00912, Tel: (787) 641-4541, Fax: (787) 641-4544.

XV. Where can I get additional information?

This notice is only a summary of the issues related to the issuance of the judgment in this case. All pleadings and documents filed in Court, may be reviewed or copied at the Clerk of Court, United States District Court for the District of Puerto Rico and United States Court of Appeals for the First Circuit. Additionally, the following opinions have been published: *Brown v. Colegio de Abogados de Puerto Rico*, 579 F. Supp. 2d 211 (D.P.R. 2008); *Brown v. Colegio de Abogados de Puerto Rico*, 613 F.3d 44 (1st Cir. 2010).

An automated telephone system has also been established to provide information regarding this notice and can be reached at 1-866-329-4703.

For information visit www.colegioalitigation.com.

Please do not call the Court about this case. Neither the Judge, nor the Clerk of Court, will be able to give you advice about this case.

Dated: 01/26/2011.

Clerk of Court, United States District Court, For the District of Puerto Rico.

□ 1040

PROPOSED CUTS TO FUNDING FOR COMMUNITY HEALTH CENTERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I've come to the well today to talk about what I call the insensitivity of the Republican majority as they seek to cut important domestic spending that will affect low-income and working class families in America.

Every Member of this Body, Mr. Speaker, understands that we must reduce the deficit. We understand that. We must put America on the path of fiscal responsibility. And so we don't need lectures from the Republican majority. We don't need partisanship. What we need, as the distinguished

chairman of the Rules Committee said a few moments ago, we need a bipartisan solution to these great problems.

While some of the Republican solutions in H.R. 1 will certainly eliminate ineffective programs, these cuts cannot be made arbitrarily, and they should not be made simply to make good on a political campaign promise. Many of the proposed cuts will only cost us more in the long run.

One glaring example, Mr. Speaker: Republicans want to cut \$1.3 billion from community health centers. Republicans ignore the fact that, since the start of the recession, 4 million additional Americans have lost their health insurance, which means that more and more people rely on community health centers.

When the uninsured get sick, they do one of three things. They stay home and get sicker and lose productivity, or they will go to the emergency room and leave a bill that all of us will end up paying for and the insurance companies will pay for. Or, Mr. Speaker, they can go to a community health center to receive medical care.

Under their proposal, Republicans seek to eliminate funding for 127 clinics in underserved districts across 39 states and reduce services at another 1,096 community health centers nationwide. That is absolutely awful.

This cut would have devastating effects on the communities and patients who most need access to care: Patients with diabetes, and heart disease, and HIV/AIDS; pregnant women; and children, leaving them nowhere to turn for health care.

Under these cuts, more than 2.8 million people would likely lose access to their current primary care provider, and over 5,000 health center staff could lose their jobs.

The President's 2012 budget proposal, by contrast, builds on the health care reform law by boosting investment in health centers. The budget includes \$3.3 billion for the health centers program, including \$1.2 billion in mandatory funding provided through the Affordable Care Community Health Center Fund.

Mr. Speaker, I represent many poor rural communities in eastern North Carolina with many constituents who depend on community health centers, and I know how deeply these cuts will be felt. As we struggle with this difficult economy and struggle with difficult fiscal issues, we have an even greater responsibility, to protect our most vulnerable citizens, especially when it comes to access to health care.

Community health centers are cutting costs. They are continuing to serve our communities extremely well, and they need and they deserve congressional support.

I urge my colleagues to support worthwhile investment in community health centers and reject the unwise cuts in H.R. 1.

REPUBLICANS' IRRESPONSIBLE SPENDING BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 5 minutes.

Mr. TONKO. Mr. Speaker, I rise today in strong opposition to the Republican spending bill currently before this House. This bill fails to create jobs, deeply hurts our families and seniors, and responds with extremes at a time when our fragile economy can least afford it.

I am committed to a budget that lives within our means while investing in the future and cutting our deficit. However, this irresponsible Republican spending bill hampers job creation and jeopardizes investments in American innovation, American education, and American infrastructure.

That is why President Obama vowed today to veto the irresponsible Republican spending bill because it undermines critical priorities for national security and curtails the drivers of long-term economic growth and job creation.

We must do more to focus on jobs, grow the economy, and protect our middle class, certainly, while responsibly tackling our Nation's debt and deficit. That is why I've offered 8 amendments to this bill which will protect seniors, protect energy innovation, strengthen our children's education, and most importantly, will protect and grow jobs as the fragile economy slowly recovers. We simply cannot afford to pull the rug out from underneath progress, not now, not when we are finally rebounding from the Bush recession, not with the extreme spending bill this represents.

I refuse to take America back to the failed policies that sunk our economy. My first two amendments would restore funding from the cuts to the Social Security Administration to prevent its shutdown. The cuts that the irresponsible Republican spending bill propose in this section alone would raid \$625 million from the Social Security Administration. This would affect the 53 million Americans who are collecting Social Security by furloughing every employee and closing the doors for a month or more. An estimated 400,000 people, mostly seniors, would not have their claims processed this year, creating a huge backlog and threatening the timely payment of benefits.

My amendments would restore this funding because I do not believe we should use our Nation's seniors that have worked hard and played by the rules their whole lives to somehow painfully balance our budget. This is simply extreme and, again, painfully irresponsible.

The Low Income Home Energy Assistance Program, or LIHEAP, is also cut in this irresponsible Republican spending plan by some nearly \$400 million. Those are cuts that are made on

the backs of the low-income residents, seniors, the disabled, and those with children like those I represent in the now cold and snowy Capital region of New York, who struggle to pay to keep the thermostat set at a livable level. LIHEAP keeps those receiving help from having to make the heart-breaking decision about whether to pay to keep the heat on or to pay for food and prescription drugs. To pull the rug out from underneath our Nation's most vulnerable is both simply extreme and painfully irresponsible.

My fourth amendment would maintain funding for the Weatherization Assistance Program and the State Energy Program. It is amendment number 4 and is set up for a recorded vote today. I encourage my colleagues to support this bill. The State Energy Program yields \$7.22 in annual energy savings for every \$1 invested in it while renovating our 13,000 buildings per year.

The Weatherization Assistance Program helps low-income and elderly save over \$437 on their annual utility bill, and decreases oil consumption by the equivalent of 24.1 million barrels annually. To cut these jobs-producing, energy savings programs that clearly work is both simply extreme and painfully irresponsible.

I have also offered two amendments that would protect the Clean Air Act and Clean Water Act from being jeopardized under the irresponsible Republican spending plan. The Clean Air Act protects public health and safety and has saved hundreds of thousands of lives since 1970 by reducing air pollution by 60 percent, while the economy has grown by 200 percent.

The Clean Water Act protects drinking water for 117 million Americans and safeguards 20 million acres of wetlands and wildlife habitats from big polluters. Seeking to inappropriately legislate against these programs in a spending bill, the continuing resolution would threaten the air our children breathe and the water we drink. This is simply extreme and painfully irresponsible.

My seventh amendment removes unobligated funding from Fossil Energy Research and Development and transfers these funds to the Office of Energy Efficiency and Renewable Energy. This would prioritize our investments from dirty oil and dirty fossil fuel sources of the past to the energy of today and tomorrow, clean energy that would create jobs and make us competitive in a global market. Choosing to go sit out the clean energy race of today for the outdated energy sources of yesterday is simply extreme and painfully irresponsible.

□ 1050

My eighth amendment would restore funding for education and special ed to ensure our children and the future of our country have the resources they

desperately need to compete in a global marketplace for generations to come. It prevents thousands of teacher layoffs.

The irresponsible Republican spending bill cuts over \$1.25 billion in education funding that goes directly to States at a time when we can least afford it. Balancing the budget on the backs of our children and their education is simply extreme and painfully irresponsible.

Mr. Speaker, I strongly oppose the current irresponsible Republican spending bill before the House. It threatens to undermine our recovery economy and job growth.

REPUBLICAN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise today to encourage my Republican colleagues to stop their attack on women. Family planning is between women, their doctors, and their family. Republicans have no business being in that discussion.

The anti-choice, anti-women Republican majority in the House has made eliminating critical health services for women a top priority. Apparently, protection begins at conception and ends at birth.

Republicans want to gut all reproductive health care in the country and are trying to shut down Planned Parenthood. What an amazingly immoral thing to do. It is utterly disingenuous of the Republicans to go after Planned Parenthood in their inhuman crusade. Radical Republicans are catering to their most extreme base at the expense of 150 million women in this country, and they should be ashamed. But they won't.

The Republicans are also at war with the poor, again, leaving millions of low-income women and women of color with no access to basic health care.

Let's not forget, the American people sent us here to solve problems that face everyone. Unfortunately, the Republican leadership is laser-focused not on jobs or the economy or the national security, but on attacking women and children in this bill, waging a culture war to get campaign contributions from the extremists in this country.

In their rush to appease religious conservatives and undermine the health care law, Republicans have gone from pro-life to pro-government intrusion in the extreme. Republican government is about silencing you as you talk to your doctor.

Republicans love to silence Americans and anyone else they can get to on their moral crusade. Only a real Republican could love a law that says it has a gag rule.

Let me be clear. The so-called pro-life agenda set by the Republicans is

the most unprecedented form of government intervention on reproductive rights in decades.

I remember the seventies and the sixties. The Republicans are defining what constitutes forcible rape and penalizing private businesses that choose comprehensive insurance coverage. If that's not government intervention, I don't know what is.

Women are the victims in several major bills and amendments that the Republican leadership is pushing at a mind-boggling speed. These radical anti-choice bills all seek to fundamentally erode the right of all women to health care. More importantly, they don't reflect the will of the American people.

A recent national survey conducted by the Lombardo Consulting Group found that more than 60 percent of the voters support family planning. How is attacking women helping the economy or creating jobs or helping our national security?

We have been in the House for a month now and we have seen lots of talks about how we're going to slice the deficit, but not one single discussion, serious discussion, about how to get there. It is irresponsible to allow these narrowly driven ideological debates about women's health to dominate the House calendar when we have a budget to work out and almost 15 million unemployed.

I urge my colleagues to abandon this vicious attack on women and to focus on issues the American people actually sent us here to solve: Looking for jobs. And I urge my Republican colleagues to get out of the doctor's office and leave women and families and doctors alone.

Mr. Speaker, I submit for inclusion in the CONGRESSIONAL RECORD an article by Joel Connelly of the Seattle Post-Intelligencer that talks about the duplicitous and dangerous agenda set by the House Republicans to severely restrict the rights of women, children, and low-income families.

[From www.seattlepi.com, Feb. 13, 2011]

HOUSE GOP AGENDA: CURTAILING ABORTION, CUTTING KIDS

(By Joel Connelly)

The new "pro-life" Republican majority in the U.S. House of Representatives seems dedicated to a curious proposition: The protection of life begins at conception, and ends at birth.

The leadership is pushing a Protect Life Act that would prohibit any subsidies for abortion in any component of the 2010 Affordable Health Care act. It is moving to end any U.S. government support for abortion providers—anywhere.

"We need to protect human life from the unborn to the elderly," Rep. Joe Pitts, R-Penn., chairman of the Health Subcommittee of the powerful House Energy and Commerce Committee, said recently. Pitts has headed the Values Action Team, a House caucus concerned with pro-life and pro-family issues.

When it comes to spending on children and health and the elderly, however, House Republicans' new budget is The Pitts.

The budget axe is about to fall on, to use Ronald Reagan's line stating his opposition to abortion, "those who have already been born."

Women, Infants and Children was the one new, bipartisan social program passed by Congress and signed into law by President Reagan. (Then-Rep. Mike Lowry of Seattle was a lead sponsor.) House GOP budget writers have targeted it for a \$758 million cut.

WIC provides federal money to States for supplemental foods, health care referrals and nutrition education for low income women, and to infants and kids under 5 who are at nutritional risk.

The budget axe in Congress' lower chamber will also fall—to the tune of \$1.3 billion in cuts—on Community Health Centers. The program supports community health, migrant health centers, health care for the homeless, and primary care programs in public housing.

Maternal and Child Health Block Grants to States have been targeted for a \$210 million reduction. The program helps train providers and support services for children with special health needs, screening of newborns, injury and lead poisoning prevention.

The cuts continue through stages of life, and programs that sustain and enhance life.

AmeriCorps, the Clinton-era program in which young people do public service work in exchange for college tuition, is marked for elimination. Job training is targeted for a \$2 billion cut.

LIHEAP, the program that provides winter heating assistance to low-income families, is to be hit with a \$400 million reduction—despite the growing need for it as America goes through the Great Recession.

The National Institutes for Health would see a \$1 billion reduction. The Centers for Disease Control and Prevention would see a \$755 million reduction, or 12 percent.

Nor do cuts stop at the water's edge. A total of \$544 million would be axed from international food aid grants to such organizations as World Vision and Catholic Relief Services.

The House members championing such cuts are the very people who profess to be advocates for the unborn and defenders of life. Yet, their policies hit at society's poor and vulnerable, and at the ability to pursue the American dream.

How could anyone, in good conscience, proclaim himself/herself "pro-life" while axing a child nutrition program? Check that. The late Sen. Jesse Helms, R-North Carolina, managed it for 30 years.

The new majority seems proud of its handiwork: Rookie Tea Party lawmakers have forced even deeper cuts on the House Republican leadership.

"Remember, this is historic: The level of cuts here have not taken place in Congress since World War II," House Majority Leader Eric Cantor boasted Friday.

But we should remember another moment in history: Just before Christmas, Congress and the White House extended tax cuts to the wealthiest two percent of Americans.

Jim Wallis, editor of the Christian publication *Sojourners*, has suggested posing a question to the "peoples' house" of Congress. It's a variation on the familiar What-Would-Jesus-Do slogan used by some Christian believers.

What would Jesus cut?

REPUBLICAN BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Mr. Speaker, we are involved in probably the most important thing that this body does on a year-to-year basis—figuring out how to spend taxpayers' money.

The budget process is more than taking dollars from one place and spending them in another. It's a statement of our values, a statement of our values as representatives who are trusted by our constituents to do the right thing, and a statement of our values as a Nation.

I think it is pretty clear, from what we have seen in H.R. 1, the Republican version of the continuing resolution proposal, that we have a very distinct difference in our values. At a time when millions and millions and millions of Americans, hundreds of thousands of Kentuckians are suffering, the Republican continuing resolution would take money and would put the burden of these very, very serious economic times on the people least able to afford them. At the same time, we're taking money away from incredibly important investments that this Nation has to make if it wants to remain competitive in this global economy a generation from now and two generations from now.

Instead, the Republicans would slash money from police departments, slash money from fire departments, slash money from our education system, deal a very serious blow to Head Start, all of the things that we need to fulfill our basic obligation as a government. One is to provide opportunity, one is to protect our citizens.

And then the final thing they would slash is important investments in infrastructure, which we know, if we review history, is one of the most important investments that we can make in terms of long-term economic vitality.

The Republican budget, slashing money from infrastructure, from transportation projects, would cost this economy, according to one estimate, 300,000 private-sector jobs.

Now we are fighting as hard as we can to create jobs. As a matter of fact, for the last entire Congress the Republicans kept saying on this very floor, Where are the jobs? Where are the jobs? Now, after 6 weeks of their majority rule in the House, we haven't seen one proposal to create a job. But what we've seen is a budget that is so draconian in its cuts that it would actually destroy American jobs.

This is not the type of values that the American people want to see coming out of this body. All of us agree that we have a serious long-term financial picture in this country. We do need to deal with our deficits and with our national debt. We do need to make some long-term changes.

But if you are a family and you have got a lot of people in your family and

are overweight, you don't just say, "Okay, we're just going to stop eating today. We're just not going to eat." No. You say, "We're going to go on a program, we're going to reduce our calories, we're going to exercise." But we still have to do some important things. We have to eat, we have to pay for that roof over our head. We've got kids who are college age. We want to send them to college so they can have a brighter future. We do want to make those investments, even if we have to borrow money. We just don't stop. We can't stand in place, because the rest of the world is not standing in place.

So as we move forward in these few days considering the continuing resolution, H.R. 1, let's remain mindful of what our values as a country are. This is a country that has always made investments, has always looked to the future, has always said, yeah, in a capitalistic society some people are not going to do as well or are not going to have as good of luck or are going to be downfallen, and we've got to lift them up. We've got to help them out.

Over the last 25 years, the percentage of wealth or the amount of wealth owned by the top 5 percent in this country has gone from \$8 trillion to \$40 trillion, according to David Stockman. He is the former budget director under the Reagan administration.

□ 1100

That is an enormous amount of wealth. That increase in wealth alone, for the top 5 percent of this country over the last 25 years, is more than the entire wealth of the world prior to 1985. So the people at the top have done very well, enhanced and encouraged by tax policies that Republicans have put in place. But, meanwhile, we have got to make sure that those other 95 percent of the American people do well too, and we have got to make sure that the policies we enact, the budgets that we approve in this body, reflect those values.

OPPOSITION TO CUTTING FUNDING TO FEMA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. RICHARDSON) for 5 minutes.

Ms. RICHARDSON. Mr. Speaker, I rise today to speak in opposition to H.R. 1. First of all, I want to begin my comments by talking about last night, a couple issues that were so important to many of us. Number one, COPS grant funding, and also CDBG, which stands for Community Development Block Grants.

Now, I don't know about many of you, but I started my legislative career in local government, and, for most of us, we know that COPS grant funding is what actually puts the police officers on the streets, in the neighborhoods, that can help protect the communities.

Now, I would ask you, do you want to take two police officers out of your neighborhood? I don't think so.

I would ask the question, why are we willing to support police officers in Iraq and Afghanistan and to do nation building there, and yet we are not willing to do nation building in our own country? Something is wrong with this proposal today. We don't have the right priorities, and that is why I stand in opposition.

Community Development Block Grants. When I was on the city council, what did that fund? Parks, housing, to help businesses. Do we want to say no to that? Is that what really this budget is about? Is that where the abuses have been, in the neighborhoods? I wouldn't say yes to that.

So let me end with my last comments, which I am going to focus on, which is the committee of jurisdiction on which I serve. I am the ranking member of the Emergency Communications, Preparedness, and Response Subcommittee. I stand in opposition to Sections 1628 through 1634 and 1648 of this bill, which cut funding to the Federal Emergency Management Agency, also known as FEMA. I oppose these provisions because they are unwise, irresponsible, and they undermine what our Nation learned.

Do we want to go back? How many of us remember watching on television when we looked at 9/11. How many of us remember Hurricane Katrina. It wasn't that long ago, and I know I don't want to go back.

This bill that the Republicans have brought to the floor is reckless. It is not only reckless to our economy, it is reckless to the American workers, and, above all, it puts our national security in harm's way.

The terrorist acts of September 11 revealed the catastrophic consequences of our inability to communicate. Have we forgotten? We just got interoperable radios in my district in Signal Hill just last year. They are not all connected, and it is a huge vulnerability for all of us. Communication glitches also occurred during the response to Hurricane Katrina, yet the Republicans want to step back and terminate those grants for interoperable emergency communications.

Have we not learned anything? These draconian cuts will put our first responders at risk and slow down the response to terrorist attacks and natural disasters. I cannot in good conscience, and I don't think any of you can as well, accept these cuts to such vital pieces of emergency equipment that we all need and we depend upon.

Further, this shortsighted Republican plan also puts our Nation's firefighting ability at risk. Now, I am from California. We know about fires. We know about the need for firefighters. This bill would eliminate the Staffing for Adequate Fire and Emergency Re-

sponse Grants program. You tell the resident who has lost their home that, oh, we will deal with this next year. Fires aren't something you plan. They are an emergency that has to be responded to.

So when we call upon our firefighters, the International Association of Firefighters, they are opposed to this. Why? Not because they are not being fiscally responsible, but because this bill would cut jobs, 5,200 jobs on top of the 5,000 firefighters we have already lost. Is your community willing to lose more firefighters? I don't think so.

The city of Compton in my district is the future home to an emergency operations communications center operated by FEMA. My district is home to several major oil refineries, gas treatment facilities, petrochemical facilities, and, of course, the challenges and opportunities of two ports, of both the ports of Los Angeles and Long Beach. These centralized major business economic engines thrive. But we also have problems sometimes, and that is why we need the appropriate support of fire and communications to protect them.

This Republican bill seeks to destroy jobs, to end operation centers, all of the things that we have learned from the past. I can't support depriving first responders of the equipment they need to do their jobs. I can't support this bill and hurt our firefighters, our police officers and those who choose to serve us.

So, Mr. Speaker, I rise in opposition to H.R. 1, and I urge my colleagues to really look at this bill closely and make sure that our communities aren't paying. But the real abuses that got us here, that is where the cuts should begin.

CALLING FOR A PEACEFUL SOLUTION TO THE EASTER ISLAND CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from American Samoa (Mr. Faleomavaega) for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I'm not wanting to detract from today's spirited discussion or debate on H.R. 1, which I will discuss at a later point of time in the day, but I want to discuss with my colleagues and the American people the current crisis now happening between the government of Chile and the people of Easter Island, also known as Rapa Nui among its native people.

Easter Island was settled by Polynesian voyagers about 700 AD. The island is famous for some 887 monumental statues carved out of stones weighing tens of tons. These statues are known throughout the world for their archeological wonder and mystery in terms of how these ancient Polynesians were able to carve and move these tremen-

dous statues to different locations on the island. Less well-known is that Easter Island is home to roughly 2,500 indigenous people, known as the Rapa Nui Nation. The people of Easter Island carry a vibrant culture dating back centuries before the arrival of Europeans.

Like many other islands in the Pacific, Easter Island has had its sovereignty determined by more powerful outside influences. In 1888, the Rapa Nui Nation entered into a disputed treaty with the government of Chile. The Chilean government used the treaty as a license to treat the island and the indigenous people as property of the State. Chile confined the people to a small area, about 1 square mile, believe this, Mr. Speaker, today known as Hanga Roa. To this day, the validity of the 1888 agreement is contested by most of the Rapa Nui people.

Chile then annexed Easter Island in 1933 without the consent of or even consultation with the Rapa Nui people. The government of Chile unilaterally leased the majority of the island to private sheepherding enterprises, without the Rapa Nui Nation's consent.

The lands that were wrongfully taken from the Rapa Nui people have not been restored. Instead of returning the lands to their rightful owners, the Chilean government continues to favor private enterprises interested in exploiting the Rapa Nui culture for private gain.

In addition, Mr. Speaker, to the serious land rights disputes, several other issues threaten the livelihood of the people of Rapa Nui. For example, roughly 50,000 tourists each year flock to Easter Island to view these huge Moai statues. Yet the Chilean policies prevent the Rapa Nui people from benefiting from the tourism industry. Non-indigenous individuals and corporations possess most of the land, while jobs related to tourism often go to continental Chileans. Uncontrolled migration to the island has caused widespread unemployment among the native people, exploitation of natural resources and increased pollution.

Within this context, Mr. Speaker, the Rapa Nui Nation began taking a stand. In July and August of last year, the Rapa Nui people wrote several letters to the President of Chile, Sebastian Pinera, to negotiate a peaceful solution to the underlying problems of Chile's relationship with the people of Easter Island. The Rapa Nui people also began to peacefully reoccupy their ancestral lands, including the Hotel Hanga Roa, a five-star hotel supposedly being built by the Schiess family, a non-indigenous family, on ancestral Rapa Nui lands.

□ 1110

Mr. Speaker, while the Government of Chile attempted to initiate a dialogue with Rapa Nui individuals, the

problem is that the Chilean Government also sent military police to this little island which is 2,300 miles from Chile. I can't believe, Mr. Speaker—we have 17 million people, good people, living in Chile—sending police forces to take control of this little island with some 2,500 Rapa Nuians and they have not even been given any consultation or even an opportunity to conduct consultations, serious consultations, with the Government of Chile.

Mr. Speaker, I sincerely hope that the Government of Chile can begin a dialogue for ways to help the Rapa Nui people achieve a greater sense of self-determination and self-governance in their lands. I ask President Pinera to advocate for a more positive approach for partnership and dialogue with the indigenous people of Easter Island. It is my honest belief that the indigenous people of Easter Island do not wish any harm to the good people of Chile. Nor is there a possibility that the people of Easter Island will ever pose a threat to the military and strategic or national security interests of the people and the Government of Chile.

Mr. Speaker, I also hope that the White House and the State Department and Assistant Secretary Valenzuela will take a stand against these violent evictions and express solidarity with the Rapa Nui nation, especially in light of President Obama's planned visit to Chile next month and Assistant Secretary Valenzuela's recent testimony before the House Foreign Affairs Committee yesterday. I sincerely hope that even our international community will build pressure on President Pinera and the Government of Chile. Let's treat these poor people with justice and give them an opportunity to live in peace in this area. I ask that the good people of America make this appeal and that the Government of Chile be responsive to this request.

REGARDING THE REPUBLICAN CONTINUING RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise today in opposition to this continuing resolution, a continuing resolution that I call the silly, the dangerous and the hypocritical. Budgets are more than just numbers. They are a statement of our values as a Nation.

As a Congress, we are faced with several serious challenges: growing our economy, putting people back to work, investing in the future, reducing the deficit, and ensuring the most vulnerable in our society are protected. Judging on that criteria alone, this CR doesn't pass the laugh test.

It would cut 300,000 private sector transportation jobs, ensuring our construction workers are receiving unemployment checks instead of paychecks.

It would stifle our competition. It would stifle competitiveness by making Pell Grants less accessible to students and families. And it would run roughshod over women, children and the environment. With such an extreme proposal, I assume my good friends on the Republican side would be coming forward with ideas to improve it. But what we've gotten this week is a combination of the silly, the dangerous, and the hypocritical.

In the silly department, we have an amendment preventing funds from being used to repair the White House. Now ironically right now, going on in the Rayburn Building, are remodeling of hearing rooms that I guess the chairmen of these committees have found no need to halt. How much money is being spent there?

Or how about the amendment preventing funds from being used for President Obama's teleprompter. Oh, right. We're going to cut \$3,000 from the budget. That's really going to help us. I would expect this sort of hyperpartisanship on cable TV, but not in a budget debate.

Under dangerous, we have: several provisions gutting environmental protection, rolling back EPA regulations on clean air and clean water, and reducing our investment in clean energy, making America even more dependent on foreign oil. How many more solar panels do we want manufactured in China?

How about the amendment undermining a third party testing requirement at the Consumer Product Safety Commission? Great. So let's have Chinese companies pour in more tainted toys, more lead- and cadmium-filled toys for our kids.

How about the reduction in funding for our first responders, meaning there will be less cops and less firefighters in every single neighborhood in this country?

Or how about the amendment preventing funding for the Consumer Financial Protection Bureau, meaning big banks can call the shots again? Have we learned nothing from the financial meltdown over the last 3 years?

Or how about the unprecedented attack on women's reproductive health which will result in more unplanned pregnancies and more abortions; not less.

And finally, the category my colleagues on the Republican side seem to relish the most—hypocritical. The party that ran on jobs has authored a budget that would increase the unemployment rolls. Asked about likely job losses in the CR, Speaker BOEHNER said, "Well, so be it." It's like Marie Antoinette saying, "Let them eat cake."

The party that ran on cutting spending didn't take a scalpel to the defense budget; they took a toothpick. In fact, there's another \$2.2 billion in the bud-

et for the V-22 Osprey, which is basically obsolete; \$495 million for nine Joint Strike Fighters; and \$450 million for a second engine that the military defense budget doesn't want.

And the party that ran on fiscal responsibility has offered a budget that will balloon the deficit by continuing tax cuts for the millionaires and billionaires that don't need them.

I agree with President Obama, that we must out-innovate, out-educate and out-build the rest of the world. While not perfect, the budget he released this week will take an important step in that direction. As for the silly, the dangerous and the hypocritical CR we are considering today, I urge my colleagues to vote "no."

Budgeting is a serious process, and what we're doing this week is unserious at least.

IMPARTIALITY AND THE SUPREME COURT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 3 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, on a day that we're talking about the continuing resolution, I want to talk about a body that may someday be judging the continuing resolution—the Supreme Court. There is perhaps nothing more important to the preservation of our democracy than the continued guaranteed impartiality of our Supreme Court. It's a uniquely American institution; it's been given enormous power to invalidate American laws; and it needs to be dispensed with complete blind justice, blind to outside influence.

However, this Nation's confidence in the blind justice of the Supreme Court has been badly shaken recently by a series of revelations regarding possible conflicts of interest by Justice Scalia and Justice Thomas in the Citizens United case. This landmark 5-4 decision overturned restrictions on corporate funding in elections that had been in place since 1947, and immediately thereafter, millions and millions of dollars in shadowy special interest group donations flowed into American campaigns. Two of the main benefactors of these groups were Charles and David Koch, billionaire brothers who operate a Kansas-based energy business. They spent about \$2.6 billion that we know about in the 2010 election cycle and likely a lot more in anonymous donations.

In addition to funding these outside groups, they also organize a lot of conferences in which they gather people of like mind to discuss their radical views and plot strategies to benefit their interests. Now if I were to ask somebody on a main street in my district if they would be comfortable with a Supreme Court justice attending a conference

like this, having their plane flight and the hotel all paid for by the special interests, I know what their answer would be. They'd say, no way. Yet Justice Scalia and Justice Thomas did just that and they thought it was just fine. They didn't recuse themselves from the Citizens United decision at all.

But here's the real problem. This could be just an isolated problem to the Citizens United case. Or it could be much more widespread, with justices conflicted on several fronts, refusing to disclose their conflicts or recuse themselves when they have actual conflicts of interest. But we have no idea, because right now there is no law requiring Supreme Court justices to disclose their conflicts of interest as is required of all other Federal justices.

□ 1120

I don't believe we should be meddling in the day-to-day business of the Supreme Court. I get why there is great wisdom in separating legislative and judicial functions. But there's no undue burden in just requiring sunlight on Supreme Court proceedings.

So when we return to Washington after the recess, I will be introducing legislation to do just that, to implement a few reasonable reforms to add greater transparency and disclosure requirements on the Supreme Court. I hope my colleagues will join me.

My legislation will apply the Judicial Conference's Code of Conduct to the Supreme Court, which now applies to all other Federal judges. It will require the Justices to simply publicly disclose why they've recused themselves from a particular case. And it will ask the Court to develop a simple process so that the parties to a case can request the Court to decide whether a particular Justice has a conflict of interest.

I think this is an important step forward for transparency of our democracy and of the Supreme Court, and I ask my colleagues to join me in this important legislation.

INTRODUCTION OF NATIONAL DAY OF REMEMBRANCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU) for 2 minutes.

Ms. CHU. This Saturday, Japanese Americans will take a moment to remember the tragic events that imprisoned their community 69 years ago.

In 1942, President Roosevelt signed one of the strongest acts against American citizens, Executive Order 9066, imprisoning 120,000 Japanese Americans with the stroke of a pen. Half of those incarcerated were children posing no threat to our national security. But these concentration camps were labeled a military necessity, and so they, too, were rounded up and forced to live their childhood in bleak, remote camps

surrounded by barbed wire and armed guards. Families were forced out of their homes, made to leave their jobs and abandon their positions. Families were torn apart.

This unconstitutional act was a blatant violation of Americans' civil rights. And all of this occurred at the hands of our government oppressing individual freedom for years without any factual basis and without due process. That is why I plan to introduce a bill tomorrow to institute a National Day of Remembrance to annually observe the signing of Executive Order 9066.

This brings back painful memories of a period in American history, but it is important for us to remember because it also provides an ongoing reminder about the value of protecting the civil rights of all people. The Day of Remembrance also honors all who fought and continued to fight for freedom and equality among all people.

So this Saturday, I will take a moment also to remember this time and to hope for a better future.

H.R. 1

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 2 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, I rise to speak on H.R. 1.

Access to an affordable, quality education is part of the American Dream. In our competitive global economy, a college degree is more important than ever. With annual tuition hikes outpacing inflation, the cost of attending college is increasing just as quickly as the importance of attending. Making college more affordable has been one of my top priorities and should be a top priority for this Congress. Unfortunately, this bill sends the opposite message.

This bill threatens to cut Pell Grants by over \$5.6 billion, denying millions of Americans, including over 20,000 students in my district, the chance to attend and graduate from college. The number of my constituents receiving Pell Grants has increased by over 6,000 people over the last school year. This is possible, in large part, by efforts that have been supported in Congress to make college more affordable and provide our students with the skills needed to compete in a 21st century global economy.

Access to Pell Grants is often the deciding factor for a family when contemplating whether they can afford to send their son or daughter to college. It is often the deciding factor on whether or not a displaced worker can afford to go back to school to get retrained. It is often a deciding factor on whether or not a potential student will have access to the world of opportunities that come with a college education.

We need to do fiscal belt-tightening, but cutting over \$5.6 billion in finan-

cial aid for Americans seeking higher education so that they may better equip themselves for the jobs of tomorrow is a self-destructive act. Simply put, investing in education is an investment in our future. Cutting Pell Grants is detrimental to that future.

We need to stand up for America and make good financial decisions. We need to tighten our budgets, but Pell Grants should not be one of them.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Rev. Bill Shuler, Capital Life Church, Arlington, Virginia offered the following prayer:

Heavenly Father, we bow our heads to worship You, for You are an awesome and personal God. Make us ever mindful of the words engraved over the Speaker's chair, "In God We Trust." We place our trust not in man or in political parties or in our own strength. It is in You we trust. You are the God who founded our Nation, the God who gave us liberty, and it is by turning to You that we are blessed.

Guide each Member of Congress by Your hand. Protect them. Refresh them in body, mind, and spirit. Help them to love their families well, to serve their constituents with excellence, and to strengthen our Nation by their decisions.

We pray these things in the name of the one who taught us the true priorities of life when He called us to "seek first the kingdom of God, and all these things will be added to us."

In Jesus' name, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. BILL SHULER

The SPEAKER. Without objection, the gentleman from Virginia (Mr. MORAN) is recognized for 1 minute.

There was no objection.

Mr. MORAN. Mr. Speaker, I rise to recognize Rev. Bill Shuler, who delivered this morning's invocation. He is the senior pastor of Capital Life Church in Arlington, Virginia.

He and his family moved to the Washington metropolitan area on September 1, 2001, just days before 9/11. And in response to the tragic events of 9/11, Rev. Shuler launched a prayer center near the Capitol out of which formed the Capital Life Church. He is the seventh generation in an unbroken line of ministers in the Shuler family. I think it might be interesting for the Members to know that Rev. Shuler has preached in 30 nations of the world. He served for 8 years as a university chaplain and a dean of spiritual affairs at Oral Roberts University in Tulsa, Oklahoma.

Dr. Billy Graham recently expressed his appreciation for the "godly heritage that continues through the Shuler family." In fact, Dr. Graham's biographer said that Rev. Shuler's father, evangelist Jack Shuler, was "at least as popular as Billy Graham" during the 1940s and 1950s. And, in fact, Rev. Shuler's grandfather, Robert Shuler, was the first of the great radio preachers. He was called Fighting Bob Shuler. He pastored the famous Trinity Methodist Church in the heart of Los Angeles, California.

He is joined today by a number of congregants as well as his three lovely daughters and beautiful wife.

We thank Rev. Shuler for gracing this House with our invocation today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

ANOTHER CASUALTY OF MURDER IN MEXICO, ICE AGENT JAIME ZAPATA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, David Hartley, Lesley Enriquez, Arthur Redelfs, Nancy Davis, Carlos Mario Gonzalez Bermudez, Juan Carlos Echeverri, and now ICE agent Jaime

Zapata. These are all American victims of the border war, the third front, all murdered in Mexico.

Yesterday, ICE agent Jaime Zapata was ambushed and murdered and another agent was wounded when they were gunned down at a fake "checkpoint" between Mexico City and Monterrey. None of the assassins or perpetrators of any of these homicides have ever been captured. I suspect, based upon Mexico's lax enforcement of the rule of law, no one will ever be held accountable.

Agent Zapata's murder will be news for a few days, then the country will move on to other matters. But the border war continues against the vicious drug cartels and it is time we acknowledge that this war is not going away. The drug bandits have operational control of portions of the southern border. Drugs and people are smuggled north. Money and guns are smuggled south.

We should help our neighbors restore the rule of law in Mexico and hold the lawless accountable for murdering Mexicans and Americans. Otherwise, there will be more murders like the one against Agent Zapata.

And that's just the way it is.

HONORING MAJOR GENERAL ROGER BRAUTIGAN

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Mr. Speaker, I rise today to honor a truly great American, Major General Roger Brautigan. He is a 33-year Army veteran who has earned the Defense Distinguished Service Medal, the Legion of Merit, and the Bronze Star.

Following his military service, Roger Brautigan joined the California Department of Veterans Affairs and was appointed as its secretary in 2009. Under his leadership, the department implemented California's Operation Welcome Home, a groundbreaking program that matches veterans with the services and assistance they've earned and need. General Brautigan, who recently retired from the California Department of Veterans Affairs, envisions Operation Welcome Home expanding nationwide so that all veterans may benefit from this important and effective program.

Throughout both his military service and civilian career, General Brautigan proved himself to be an exemplary leader. I ask my colleagues to join me in honoring Major General Roger Brautigan for his tireless service to our veterans, to the State of California, and to our great Nation.

THE PROPOSED BUDGET HURTS SMALL BUSINESSES

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Monday, the proposed budget for next year was released by the current administration. This budget fails to address the issue of Washington's 4-year spending excess.

The proposed budget freezes will not work. They will not provide a path to fundamental reform. The proposed budget destroys jobs by adding \$1.3 trillion to the national debt. Bill Miller of the U.S. Chamber of Commerce reports that the budget leads to \$175 billion in new tax increases. It cripples job creation by spending too much, taxing too much, and borrowing too much. Excessive borrowing by the government competes unfairly with small businesses.

I support fundamental cuts that will promote private sector job creation. We cannot expect to borrow the way to prosperity. House Republicans are committed to combining sound policy with practical solutions to create jobs. We need to cut spending, reduce borrowing, keep taxes low, and provide the necessary tools to jump-start job creation.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

REPUBLICAN SPENDING PLAN

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. President Obama understands that it's a very difficult time for the American people. Our economy is improving, but unemployment remains around 9 percent across the Nation and is close to 14 percent in California's Inland Empire.

Right now we should be working on a plan that creates jobs and makes intelligent cuts to the budget. But instead, the Republicans have introduced a spending bill that will undermine the future of the American children.

The Republican CR is another attempt to play politics with the well-being of every American. There will be 200,000 children kicked out of Head Start while Republicans still live in their offices. Over \$700 million will be cut from WIC. Pell Grants will be reduced, making college unaffordable to tens of thousands, and thousands more teachers will be receiving pink slips.

Scripture tells us, "Love thy neighbor as thyself," but apparently, for Republicans, it's about "me, myself, and Irene."

□ 1210

LIBERATION OF DR. FAN YAFENG

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, once again the Chinese government has targeted a human rights proponent for persecution, Dr. Fan Yafeng, head of the Christian Human Rights Lawyers of China.

Dr. Yafeng was granted an interview last October with National Public Radio regarding the absence of the Chinese delegation at the Lausanne Congress, which is an international gathering of evangelicals.

The government's response to the interview was systematic interrogation, search and seizure, and torture. He is currently under house arrest, guarded by police in Beijing and cut off from the outside world. Those attempting to contact him through family have also endured police brutality.

I call upon the State Department and our Embassy in Beijing to reach out to Dr. Yafeng to verify his condition and apply pressure on the Chinese government to ensure his release. The Chinese government's continued persecution of human rights advocates, harassment, brutality, and house arrest must not be tolerated. I hope that we will stand up for Dr. Yafeng and support his peaceful work to bring freedom and dignity to the Chinese people.

SUPPORT FUNDING OF NOAA

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to the NOAA budget cuts in the continuing resolution before us in the House today.

Slashing NOAA's funding by 22 percent will put lives, property, and critical infrastructure in jeopardy by diminishing our ability to respond to disasters like the gulf oil spill and to conduct safe evacuations in advance of weather emergencies.

Also, marine sanctuaries would be inevitably cut, and those sanctuaries are so essential to a healthy coastal environment, and to the fishermen and to the tourism economies along our coasts.

Cutting NOAA funding will also sacrifice the science and technology investments that we need to win the future and to maintain robust funding for this vital agency.

REPUBLICANS' RECKLESS SPENDING BILL

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in strong opposition to the misguided spending bill on the floor. Instead of creating jobs, this troubling bill slashes higher education funding.

How can we expect our students to compete globally when we don't invest

in the resources to allow them to succeed?

Under this bill over 1 million college students in California alone will have their Pell Grant cut by \$675. These students probably won't be able to take classes next semester or buy textbooks. It doesn't make sense.

America's businesses need a well-trained, highly skilled workforce. If we want our country to out-innovate, out-educate, and out-build the rest of the world we need to start with adequate funding for higher education.

This bill is a direct attack on our future workforce and economic stability. I urge my colleagues to oppose it. Our students deserve better, our country deserves better.

Vote "no" on the reckless Republican omnibus spending bill.

PLAYING POLITICS WITH OUR FUTURE

(Mr. RICHMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHMOND. Mr. Speaker, President Obama challenged us to out-innovate, out-educate and out-build the rest of the world in order to compete globally. We can and must educate our way to a more prosperous future.

Through the continuing resolution, congressional Republicans are handicapping our kids by recklessly slashing education funding. Instead of equipping our kids to out-innovate, out-educate and out-build, this resolution prepares kids to under-perform, under-whelm and under-achieve.

Across America, over 127,000 preschoolers will be kicked out of Head Start. Instead of setting up kids for success, this continuing resolution dooms them for failure.

Over 131,000 students will see their after-school programs reduced or eliminated, even though after-school programs improve academic success.

Over 1.4 million college students will see their Pell Grants cut, even though education is the best way to escape poverty.

This resolution plays politics with our children's futures, and our children will lose.

Mr. Speaker, I will say that this continuing resolution is a train wreck for Louisiana and a train wreck for this country.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 514, EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 93 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 514) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend and thoughtful Rules Committee colleague, the gentleman from Boulder, Mr. POLIS, pending which I yield myself such time as I may consume.

Mr. Speaker, as we all know, by a vote of 274-144, the House passed a temporary 10-month extension to the Patriot Act, the three provisions that are scheduled to expire within one legislative day from now. One legislative day from now. We all know that we're going to be going into a district work period beginning tomorrow afternoon, so we have one legislative day left to deal with this issue.

And yesterday, by a vote of 86-12, our colleagues in the Senate chose to take the 10-month extension that we had and turn that into a 90-day extension.

Now, I think there's bipartisan consensus that we need to have Mr. SENBRENNER, Mr. LUNGREN, other members of the Judiciary Committee, the House Permanent Select Committee on Intelligence, and others involved in this take a very close look at the need to deal with both the national security implications as well as the civil liberties implications of the extension of the Patriot Act.

I just had a meeting with Mr. SENBRENNER in which we were talking about the fact that when we first put the Patriot Act into effect, he and I were together in saying there needed to be sunset provisions because we didn't want to legislate through the prism of September 11 without ensuring that this House and the other body would expend the time and energy and effort looking at all of the ramifications of the Patriot Act, because it was unprecedented. But I believe that as we look at where we are today, the Patriot Act has been a very, very important tool in

ensuring that we have not seen what so many people expected would happen after September 11, and that is repeated attacks on our country. We have had attempts, we all know that. But we all thank God that we have been able to successfully prevent those attempts to attack us from coming to fruition. And I believe, Mr. Speaker, that the existence of the Patriot Act has played a role in that.

Having said that, I am a self-described small L libertarian Republican. I believe in recognizing the civil liberties of every American, and I think that that's a priority that does need to be addressed. And I also recognize that sacrifices have to be made when you're dealing with the kinds of threats that we face. And so striking that balance is not an easy thing to do, and Messrs. SENSENBRENNER and LUNGREN and others, Mr. SMITH, the chairman of the Judiciary Committee, I believe, are going to, in the next 90 days, do a lot of work in ensuring that the concerns that have been put before us are addressed.

And so, Mr. Speaker, in ensuring that we don't see the expiration of these very important three provisions of the Patriot Act, I'm going to urge my colleagues to support this rule that will allow us to simply accept the language that the Senate has passed with a 90-day extension, and move ahead just as expeditiously as possible so that our colleagues will be able to get to work in addressing the concerns that are out there.

I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, this bill, it's important to talk about what this bill would do and how the Patriot Act really cuts to the heart of what it means to be American, that sensitive balance that we have between protecting what makes it special to be an American, our rights as individuals, our civil liberties, balancing that with the need for national security.

□ 1220

I am opposed to the rule and the bill. We need to have law enforcement make sure that it has the provisions it needs to combat the very real threat of terrorism. However, the Patriot Act strikes that balance in the wrong way. But rather than actually debating the merits of the provisions and coming up with solutions that I think we can agree on with both sides of the aisle, as we have done in the past, the Republican leadership is forcing this through without the proper debate or transparency. In spite of their plethora of promises to change the culture of Congress, here we are without a single hearing on this topic, without a classified briefing for Members so we know what has and hasn't been done under the Patriot Act.

Specifically, we are discussing the continuation of three provisions of the

Patriot Act. We have the lone wolf provision, which relates to foreign nationals in our country that are not specifically connected to a foreign terrorist network or foreign government or represent a security threat. We have the roving wiretap provision, again particularly problematic in how it's been designated where you don't have to even designate whose phone you are tapping or the area in which the phone is being tapped. All that has to be shown is that it might be a phone that is used by somebody who might be considered a suspect by someone without any oversight with regard to that matter. There's nothing to restrict it from being used to tap the phones of an entire neighborhood, an entire block, an entire city.

Has it been used for that? I don't know, because we haven't had yet a classified briefing on this matter. I certainly hope, and it's been stated in our prior debate on this, that it was the intention of our colleagues on the other side to hold hearings and a classified briefing prior to the 90-day period in which this expires.

Mr. DREIER. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California.

Mr. DREIER. One question I would have is February 25 of last year is when the 12-month extension was put into place. How many hearings or classified briefings were held for Members during the past 12 months before this February 25 expiration?

Mr. POLIS. Reclaiming my time, again, I would hope and I know that the gentleman and the chair of the Rules Committee's intentions and goals, as are the Speaker's, are more transparency in this Congress. And I don't think it's particularly helpful to cite what may be a failure of the Democrats to deliver on reforming the Patriot Act and say, therefore, we don't have to succeed either in reforming the Patriot Act.

I want to discuss the importance of this vote. We all agree that this affects our national security and the civil liberties of Americans. And yet, unfortunately, from a process perspective, we have reverted back to getting this through first on a suspension vote, then on a long-term extension, and now on a short-term extension.

Again, there is no doubt that the short-term extension is favorable to a long-term extension from those of us who have legitimate concerns, and I think there is even a bipartisan consensus that these concerns are legitimate about the overreach of the Patriot Act. We will have, as a result of this, a 90-day period to try to work through, in a bipartisan way, some of our concerns and make sure that we protect what is special about being Americans. We had an emergency meeting of the Rules Committee late

last night, which was the second emergency meeting for this bill alone. Again, I think we all knew coming into this Congress that these provisions were set to expire. There would have been time for the Judiciary Committee to hold hearings and even a markup with regard to this bill, because they have held hearings with regard to other bills. They were constituted. They held hearings on immigration, on abortion, on other topics. And I think that, regardless of where one stands on this bill, it rises to the level of importance for American citizens that we do strike the right balance between security and protection of civil liberty.

If House Republicans are going to honor the promise of openness and transparency, we must make sure that they do schedule the hearings and markups that are necessary to have a proper debate of this bill. Now, this new version before us today, the short-term CR, provides a window for that; and I am hopeful that the chairs of the respective committees of jurisdiction and subcommittees will be able to offer some assurances to members of both parties that are concerned that this 90-day period will be used to improve upon the bill, to hold hearings on the bill, and offer classified briefings for Members so we can determine exactly how these authorities have been used. Only after the initial effort to push this bill through under suspension failed did Republican leadership bring it to the floor under a closed rule. New Members have not even had a classified briefing, nor have I, the Members from last session, so it's hard for us to understand exactly how these authorities that are delegated are being used.

It is clear that there's bipartisan support to improve this law. In fact, even as we speak, the Senate is debating several versions of the long-term reauthorization bill, and I think there's a very legitimate and important security concern in support of long-term reauthorization so law enforcement can plan accordingly and have long-term planning with regard to exactly what powers and the balances they have with protecting civil liberties they will have.

I think we can all agree a 90-day extension is not the right answer. It's not the right answer for law enforcement. It's not the right answer for protecting our civil liberties. It may be an answer that affords us a chance to get it right, and I would call upon members of both parties to work hard to do that.

Apart from the procedural flaws with the process, the Patriot Act is a bill that really has been plagued with abuse since it was first passed. After 10 years of public record, there are some clear sections of the law that need to be improved. And yet here we are again. Instead of debating those sections of the law and finding solutions we can agree on, we are facing an up-

or-down vote on this bill with very little debate.

This reauthorization fails to provide the administration with the tools and predictability it needs to fully protect and defend our Nation. The administration supports a permanent reauthorization and has asked for a real one, and I think they are willing to work with us in this body on improving the Patriot Act.

So this bill fails both to please the advocates pushing to reform the Patriot Act and also fails to provide for the administration, whose job it is to protect our country.

Again, we ask why is the Republican Party jamming this bill through here, today, instead of debating a real bill that would improve our national security.

This bill before us today specifically reauthorizes three provisions of the Patriot Act. Section 215 allows the government to capture any tangible thing, any business record that might be relevant to a terrorist investigation. That can include medical records, a diary, even, in one case, books that have been checked out of a library. There was a library where somebody checked out a book about Osama bin Laden, and who that person was was reported on.

In the past, these orders were limited to certain classes of businesses and records and also required that we show specific facts that pertain to an agent of a foreign power. And if the Patriot Act is stripped away of those basic requirements, that's something I think that every American who values privacy should be concerned about.

This section 215 goes against the basic constitutional notions of search and seizure. We began this session of Congress by reading the Constitution on the floor of the House, and this really comes at the very core identity of what it means to be an American.

The government, under our Constitution, is required to show reasonable suspicion or probable cause before they can infringe upon an American's privacy. We should seriously consider making changes to this section instead of blindly giving the government the ability to secretly spy on its citizens.

Section 206, the second provision of the bill, allows the government to conduct the roving wiretaps. These allow the government to obtain surveillance warrants that don't even specify a certain person or an object that's going to be tapped. Another problem with this is the Fourth Amendment of our Constitution, which again I'm sure all my colleagues are familiar with, having read it on the floor of the House. It states that warrants must specify the person and places to be seized and searched with particularity. This is to make sure the executive branch doesn't have unfettered power to decide single-handedly who and how to search private citizens and seize their property.

The Founding Fathers were concerned and worried about the possibility of a central government authority issuing general warrants that would give it far-reaching power to spy on its citizens and intervene in their private lives. That's an American value that we share today, and I think it's critical to craft protections for our privacy as Americans that can be consistent with the need to secure our country before authorizing the government such overwhelming power.

The final section would be the lone wolf provision, which allows secret surveillance of noncitizens in the U.S. These are foreign citizens who are here legally, even if they are not connected to a terrorist group or foreign power. So, again, this authority is only granted in a secret court.

So from our perspective in Congress, without having had the benefit of a classified briefing, it's very difficult for us to exercise any meaningful oversight on a provision when we're not aware of how or if it's been used.

My friends on the other side of the aisle have said in numerous debates that they are worried about the growth of government. Yet, in spite of the recent rhetoric about how the government is trying to take control over our lives, this bill, their fifth bill under rules since taking control of the House, actually gives the government the ability to spy on innocent Americans.

□ 1230

No wonder so many Republicans joined Democrats in voting against this bill earlier this week. I encourage my colleagues to continue standing strong for civil liberties.

With that, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

I just was talking to our first-rate staff here saying that the last statement my friend just made is just plain wrong. This bill does not allow the government to spy on innocent Americans.

I also want to say, Mr. Speaker, before I yield to the distinguished chair of the Crime Subcommittee, that the notion of claiming that we could have had full hearings before we dealt with this expiration is preposterous. The Judiciary Committee organized about 2 weeks ago, and the expiration date, the 1-year expiration date that was established last February 25 provided that entire year, and there was not a single hearing.

I wasn't being critical of the majority. But what I am being critical of is to come here and now point the finger at us and saying, why haven't hearings and briefings been held on this issue before we deal with the extension? The extension is set to come to pass in one legislative day. We are going to deal with a 90-day extension that is before us that the Senate passed by that 86-12

number, and I think it is very clear that we have to do our work.

The person who is going to lead this effort is the former chairman of the Judiciary Committee, my friend from Menomonee Falls, Wisconsin, who is ready in the next 90 days to take this measure on with great enthusiasm. I would like to yield him 3 minutes, Mr. Speaker.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from San Dimas, and I just want to reiterate the point that my friend from Colorado is so, so wrong. We have heard most of these arguments in the three times this bill has been on the floor in the last 9 days.

I want to say again, first of all, the Judiciary Committee under my chairmanship reported out a Patriot Act unanimously in October of 2001, and that ranged from people like MAXINE WATERS on the left to Bob Barr on the right. We did reform the Patriot Act in 2005 when it came up for renewal last time, and I fulfilled my promise, number one, to oppose a premature elimination of the sunset, and, number two, to have hearings on each of the then 17 expanded provisions of law enforcement that were sunsetted at that time.

Fourteen out of the 17, there was no complaint about. Even the American Civil Liberties Union testified on behalf of the fact that there were no abuses whatsoever in those 14. There was concern about the three that are in the underlying bill today, and at the insistence of the gentleman from California, Mr. LUNGREN, we put a sunset on it. That expired in 2009, and there have been two extensions that were voted on by the then-Democrat Congress, but they really didn't get at what the complaints of the gentleman from Colorado, Mr. POLIS, have been.

This bill has been used by its opponents as a way of expressing frustration with the FBI and other law enforcement agencies that have nothing to do with the Patriot Act, and it is kind of like a bait and switch or putting up a straw man and then attacking the straw man, because they really can't attack the real man, which is the Patriot Act and what is up for extension.

None of these three provisions have been held unconstitutional by a court. There hasn't even been a challenge to the roving wiretaps, and there hasn't been a challenge to the lone wolf provision that is also up for renewal. When there was a challenge to section 215, business records, or for that matter library records, the reforms that I wrote and which we passed in 2005 corrected them to the extent that those who were filing the constitutional challenge against it withdrew their complaint after we fixed what they were complaining about.

Now the gentleman from Colorado and the other opponents of the Patriot

Act are complaining for the sake of complaining. They are saying that there has been a violation of civil liberties. There hasn't been. No court has found that there has been a violation of civil liberties.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman an additional minute.

Mr. SENSENBRENNER. On none of these provisions that are up for renewal has there really been any meritorious complaint. There has been this great big fear that civil liberties have been violated, but when you get down to the facts, no court has found that civil liberties have been violated.

I really would hope that we could debate these issues without all of the smokescreen of the other sins, real or imagined, by law enforcement, and particularly by the FBI, and maybe we could get to a rational debate on what this bill does. But the arguments I have heard from the gentleman from Colorado and other opponents of this rule and this bill simply miss the mark. You are now up to strike four, I would say to the gentleman from Colorado. Let's retire the side.

Mr. POLIS. I yield myself 1 minute.

Mr. Speaker, first of all, I want to respond. Absolutely the Patriot Act can be used to investigate and find out private records from innocent Americans, and we say that because section 215 can be used for any information relevant to an investigation. It doesn't need to be from the subject of an investigation. It can be Internet records, what they buy at a bookstore, what they get at a library.

The Judiciary Committee has had time to have 10 hearings this year. It is just none of them have happened to be on this particular topic. Apparently it is not important enough to discuss. How are we to know whether violations have occurred if we don't have the benefit of a classified briefing before making this vote?

Saying no court has found or there haven't been reported violations, well, that is because all of this is hush-hush and secret, as some of it needs to be, and I would agree. But for us to execute our oversight function, you can't just simply say there haven't been abuses because we don't know about them. We have to find out about what has been going on under this law and execute our judgment as an elected body representing our country to decide whether there have or haven't been abuses.

I am honored to yield 3 minutes to the ranking member of the Rules Committee, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman.

I first want to respond to some of the things that I just heard before I give my statement, if I may. The majority

has promised that after we vote on this, we will have some hearings. We are told they are going to be rigorous and fair, and we are reminded of the many hearings held by Mr. SENSENBRENNER during the 2005 reauthorization.

Well, first, in the 111th Congress we held the hearings before we marked up the Patriot Act, before we asked Members to vote on the bill, not after. We have new Members in the body who have never voted on the Patriot Act, have never been briefed on how these authorities are used. It is simply not responsible to make them vote when they don't know what they are voting on.

Second, the majority's nostalgia for 2005 has colored their memories a bit. While they remember a careful and thorough process, I remember being forced to hold minority hearings so all perspectives could be heard. I remember hearings being gavelled to a close before they were over. I remember a subcommittee chairman walking out of the hearing while Members were raising points of order. I remember microphones being turned off on Democrat members, including one of my fellow Members from New York, while they were speaking. I remember being forced to convene a hearing on something like 2 days' notice as the power to schedule the committee was abused. So I don't know how to take these current promises of openness and a fair procedure.

Third, while there has been so much talk today on the floor about using the coming hearings to reform the Patriot Act, we know that is simply not what is going to happen. My friends in the majority have already stated their views on the question. Last Congress, Chairman SMITH proposed a 10-year extension with no changes or reforms to the underlying law. In 2005, Mr. SENSENBRENNER proposed a permanent extension, and they have a bill for that right now in the Senate.

Indeed, if there were any will in the majority party to reform these provisions, that would have happened in the last Congress. The Democrat majority worked for months to forge a compromise but got no Republican support. So I don't expect the coming hearings to be part of any kind of reform process. I expect them to be heavy on political theater designed to make these powers permanent. That, no doubt, is why this extension is timed to force the next vote into the presidential primary season; to raise the political stakes.

Mr. Speaker, one of the reasons the 16 provisions were set to expire in 5 years is because they were deemed too invasive of our civil liberties, possibly invasive enough to be used to violate the very freedoms that our young men and women in uniform too often die protecting. These provisions provide

the government with exceptional powers of search, seizure, and surveillance, often without the due process that our Constitution guarantees us.

□ 1240

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentlewoman 2 additional minutes.

Ms. SLAUGHTER. Nearly 10 years later, we continue to reauthorize these provisions without a blink of the eye. The idea of these measures always was that they would be temporary. And yet to see the process under which we deliberate them, it seems they would last forever. Seeking no input or deliberation of any point in this bill's consideration and instead choosing to blindly move forward is a rather sad testament to the majority's view of an open process.

Ultimately, this is no way to consider a piece of legislation that has such far-reaching and profound implications for our civil liberties as this does. Yet the majority seeks to simply kick the can down the road, all the while stifling the rigorous debate with which these deserve and need to be scrutinized.

We would do well to remember that these provisions were passed into law in the frantic weeks after September 11, 2001, without our understanding of their potential impact and benefit. And that is why we created a sunset review in the first place and why we need thorough review as long as we keep these incredible powers in place.

Make no mistake, they are incredible powers. We're not patching a run-of-the-mill program here. These are powers that will allow the government to continue to access business records, conduct roving wiretaps, and monitor American citizens. The intrusive nature of these provisions that the majority seeks to whisk through would leave our Founding Fathers aghast at the willful erosion of the civil liberties they enshrined for us. Our swearing into office is an oath to protect and defend the Constitution. However, many Members of the House voted against the Constitution when this came on the floor last week. This process, lacking a serious review of far-reaching and invasive provisions, does not live up to that standard.

Mr. Speaker, I urge my colleagues to vote "no" on the rule and against the underlying measure.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my hard-working colleague, the gentleman from Gold River, California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, I don't know whether we're in an episode of "Alice in Wonderland" here or not. Just because you say something is true doesn't make it true.

The gentlelady just spoke a moment ago and said we need to look at this; we need to scrub this. And yet she is asking her colleagues to vote against the rule to not even allow this to be brought up. What's the conclusion of that? What's the intimation of that? That we should allow these provisions to expire. Not that we would have time to look at it, but they would expire, one legislative day left.

There are three major provisions in our effort to fight against terrorists. These are the provisions that initially were put under a sunset by the gentleman from Wisconsin when he was chairman of the committee. And then later on when we redid, reviewed, and reformed provisions of this, I authored and brought forward the extension with the sunsets on these three provisions. So I find it interesting to have my friends on the other side of the aisle tell us what we were doing and tell us now that there has been a proven unconstitutionality or unconstitutional basis for these three provisions.

Interestingly enough, they refer to the lone wolf provision. That was known when it was first passed as the Schumer-Kyl provision. Now, some people may not be aware that those are two Senators, Members of the other body, I would say probably extending from the left to the right. Why did they put that in? Because we believe that we were actually burdening ourselves in a way that would not allow us to find out about terrorism before it was actually carried out.

The lone wolf provision recognizes that the greatest threat we have today are, as was said by the two cochairs of the 9/11 Commission, less consequential attacks; meaning attacks on a smaller scale than that we saw on 9/11, still meant to do grievous harm to Americans, to cause us to see the loss of life, to do tremendous fiscal damage to this country, yet with smaller cells or even from individuals.

Do we have to be reminded of what happened on that Christmas Day a couple of years ago? That was a lone wolf, even though these provisions wouldn't apply because he's an American citizen. Major Hasan was a lone wolf. Just to prove the point that we have to be concerned about lone wolves.

The other two provisions, the business records and the roving wiretaps, I'd like to talk about those because there's been so much misunderstanding, misstatements.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I actually observed a Member of the other body this morning on television saying the reason that he voted against these extensions was that under the Constitution he believes that one ought to have a warrant so there's

intervention of a third party that is a judicial officer. Well, these two provisions, the business records provision and the roving wiretap provisions, require the government to go to the FISA court to get permission to carry out those elements directed at any individual.

And so let's just make sure we know what we're talking about here. We're talking about two provisions that require the government to go before the FISA court to get permission to utilize those provisions in their investigation. And the third part deals with the lone wolf definition, and the lone wolf requirement is needed now more than it was when it first passed because of the difference in the threat to us that has been recognized by our intelligence agencies and by the 9/11 Commission and, most recently, by Secretary Napolitano.

Mr. POLIS. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the new majority in the House has told us that their decisions are guided by two principles: first, loyalty to the Constitution; and, second, a belief that the government is too large and too intrusive. Well, here's their chance to act on these principles, because the Patriot Act provisions we are voting on today represent Big Brother at its creepiest and most invasive. They are a clear violation of the Fourth Amendment, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Mr. SENSENBRENNER. Will the gentlewoman yield?

Ms. WOOLSEY. No, sir.

Mr. Speaker, for close to a decade now we've been told that our civil liberties must be shredded in the name of a so-called war on terrorism. We've been told that the national security imperatives of the moment are so great and so different than any we face in our history that we must submit to roving wiretaps and that we must empower the government to retain "any tangible thing" related to a terrorism investigation. "Any tangible thing"—that gives the government pretty broad discretion to ferret out just about whatever they want. It is an invitation to overreach and abuse. I believe it has stifled freedom more than it has advanced it.

There is a real incoherence to an approach that says we have to do violence to our Nation's values in order to protect them. Benjamin Franklin's words are just as powerful today as they were more than 200 years ago when he said, "Any society that would give up a little liberty to gain a little security will deserve neither and lose both."

I believe we must let these provisions expire. And let's not stop there. Let's

move toward a fuller debate about civil liberties and national security, a debate that revises and ultimately repeals the Patriot Act.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds.

I was sorry that my friend would not yield to the distinguished chair of the subcommittee. He was simply going to ask her what provisions of the Patriot Act have been determined to be unconstitutional. The answer is: Not one.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want my friend from Wisconsin to know that I don't denigrate his service on this. We have a different way of looking at this.

I believe the Patriot Act represents the cracked domestic crown jewel of a disastrous global war on terror which led us to attack Iraq based on lies, invade Afghanistan based on a misreading of history, indulge in occupations which having fueled insurgencies, expand war to Pakistan and other countries, demonstrating a total lack of common sense. So the Patriot Act issues from a pestiferous soil laced with lies and distortions.

□ 1250

We've created a national security state which threatens our Constitution and weakens our basic liberties. This is not about whether you're Democrat or Republican, liberal or conservative, but whether we can actually realize that we have been sold a bill of goods, lies about WMDs, and questions about the nature of an anthrax attack, which caused us all too willingly to limit our civil liberties.

I joined other Members of Congress in approving the United States in its launching of attacks on the training camps after 9/11 because we have a right to respond and defend ourselves. We also have an obligation to defend the Constitution. We have an obligation to defend the truth. Freedom isn't free, and we shouldn't freely give our freedoms away.

Francis Scott Key wrote the Star-Spangled Banner. Remember these words: "O say, does that star-spangled banner yet wave o'er the land of the free and the home of the brave?" He connected freedom and democracy.

We have to be courageous to stand up for this Constitution. I believe my colleagues on the Republican side are courageous Americans and are good Americans, but I want to say we have to look at the context in which the Patriot Act was passed, and we have to, from that context, challenge the Patriot Act.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I am glad to yield 2 minutes to the gentlewoman of

California (Ms. CHU), a member of the Judiciary Committee.

Ms. CHU. I rise today to oppose this rule. The underlying bill will extend provisions of the Patriot Act that continue to deny Americans their civil liberties.

Mr. Speaker, we should not be extending these provisions. We should be fixing them. A delay even of 3 months will only incur more violations of the civil rights of American citizens.

Take the so-called "roving wiretaps," which allow our government to spy on a nebulous array of people and technology. If the FBI wants to wiretap a phone, they don't even have to know who they're listening to. They don't even have to get a court's permission to tap a phone before they start listening.

Now, last year, I voted on a bill that would at a minimum require the government to name the place or person they want to listen to. But does this bill include that simple protection? No.

These provisions, including the provision to allow the FBI to access your private information, even the books that you read, make a mockery of our civil liberties—letting the government spy on whomever they want for any reason without letting Americans know or without giving them a chance to challenge that order in court.

It has been a full decade since these overly broad provisions were passed, and I don't think we should extend them without commonsense changes. We need to fix them and fix them now and protect American privacy and personal information from government overreach.

So I urge the other side to come back to the table and work with us on a bill that protects our national security without undermining Americans' civil liberties and constitutional rights. And if they can't find a way to work with us on a bipartisan basis to protect the American people, then all of my colleagues should oppose this rule and the underlying bill.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, this Patriot Act really speaks to our very core identity as Americans.

How do we balance what makes it special to be an American—with our unprecedented levels of rights that we enjoy, our privacy as individuals, our civil liberties—and reconcile that with staying safe in an incredibly complex world?

I think it is critical for any of us who are concerned about the unchecked growth of this state, those of us who seriously believe in protecting the rights and liberties of Americans, to seriously look at these issues and debate them. A "no" vote on the rule and the bill is the first step towards accomplishing that.

The House was in session late into the night, as it likely will be again tonight, on a very important topic: cutting spending. I've put several suggestions forward. I appreciate this process which has enabled Members to come up with how we are going to cut. There have been a lot of great ideas that have been submitted through amendments. I would submit that this Patriot Act and balancing our civil liberties with our security is as important a topic with regard to what it means to be an American as is making cuts in our budget.

I voted against the adjournment resolution yesterday. I think that, if we were in session next week and put the time into solving the issues under the Patriot Act that we're putting into making budget cuts, we would be able to come to a consensus that protects our civil liberties and that also keeps Americans safe from the threat of terrorism.

The majority argues that we must pass this extension now without any process. It has also been alluded to that there were not hearings in the last Congress. There actually were. The Judiciary Committee held two hearings on the Patriot Act in 2009. It has been said, Oh, there hasn't been time to hold hearings in this Congress because the Judiciary Committee just constituted itself. Well, they found time to hold 10 hearings on items that have not even come to the floor. So surely there would have been time for one hearing on an item that everybody knew was going to expire and needed to be dealt with.

Those of us who joined Congress in the last session as well as our new Members this session, many of whom are on the other side of the aisle, have not had any classified briefings on how this authority that has been given to the Federal Government has been used.

How can we exercise meaningful oversight with regard to these three provisions of the Patriot Act, and the Patriot Act in general, if we are not given the benefit of finding out exactly how these broad powers that have been given to the Federal Government have been used?

If this passes today—and I expect it might—it is critical that we take the next 90 days to make sure that Congress can properly execute its oversight upon the next need for renewing the necessary provisions of the Patriot Act. There is a window of time that will afford the Judiciary Committee to do its work in a bipartisan way, which is to include other Members through a classified briefing to find out how and when the powers under the Patriot Act have been used, so that Members of this body can make an informed decision, an informed decision about how to move forward in 90 days in protecting our rights as Americans and in protecting our security as Americans. The two are not irreconcilable, and we

cannot sacrifice what makes it special to be an American in the name of security—or the terrorists will have won.

I urge a "no" vote on the rule and the bill.

I yield back the balance of my time.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD on H. Res. 93.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. I yield myself the balance of my time.

Mr. Speaker, we are where we are. The Senate took our 10-month extension that we passed by a vote of 274-144, and decided to offer a 90-day extension, which passed by an 86-12 vote.

Even before we saw this extension, the gentleman from Menomonee Falls, the chairman of the Crime Subcommittee and the former chairman of the Judiciary Committee, had made a commitment that he will proceed very vigorously in the next 90 days to deal with the questions that my friend has raised.

I think that many of the questions that have been raised are valid. That's why it is that we need to have this extension, which is scheduled to expire in one legislative day if we take no action, because I think everyone can acknowledge that the Patriot Act has played a role in keeping the United States of America safe.

My two colleagues and I have joined from the get-go in saying that they should not have made this measure permanent, because we were legislating through the prism of September 11 at the outset. We felt very strongly that recognizing the civil liberties of every single American has to continue to be a very, very top priority while we look at what, I think, are the five most important words in the middle of the preamble of the U.S. Constitution, which are "providing for the common defense."

In his first inaugural address, Thomas Jefferson made it very clear when he said that a wise and true government shall restrain men from injuring one another.

That is why our security has to be of paramount importance, but it doesn't mean it is done at the expense of civil liberties and the rights of every American.

Well, guess what, Mr. Speaker? The gentleman who chairs the Crime Subcommittee is absolutely dedicated within the next 90 days of pursuing that as vigorously as possible.

□ 1300

I will say that when this extension that we're faced with right now was

passed, last February 25, 1 year ago, that brought to an end any discussion, any hearings. That brought to an end any hearings through the entire rest of that Congress once the extension was put into place.

I will say that any Member who wants a classified briefing can request it, and so the opportunity for classified briefings on the Patriot Act or any other measure is there for Members of this body.

So, Mr. Speaker, it's clear to me, we have a 90-day extension that has come back from the Senate. It will expire in one legislative day. We want Mr. SEN-SENRENNER to begin working with Mr. LUNGREN and others who have spent so much time and energy in dealing with the questions of the lone wolf and roving wiretaps and all that. We need to have that addressed as quickly possible.

So let's do it, let's do it now, let's pass this thing in a bipartisan way and get it done.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 176, not voting 3, as follows:

[Roll No. 45]

YEAS—254

Adams	Carter	Franks (AZ)
Aderholt	Cassidy	Frelinghuysen
Akin	Chabot	Galleghy
Alexander	Chaffetz	Gardner
Altmire	Chandler	Garrett
Amash	Coble	Gerlach
Austria	Coffman (CO)	Gibbs
Bachmann	Cole	Gingrey (GA)
Bachus	Conaway	Gohmert
Barletta	Cooper	Goodlatte
Bartlett	Costa	Gosar
Barton (TX)	Cravaack	Gowdy
Bass (NH)	Crawford	Granger
Benishke	Crenshaw	Graves (GA)
Berg	Critz	Graves (MO)
Biggert	Cuellar	Griffin (AR)
Bilbray	Culberson	Griffith (VA)
Bilirakis	Davis (KY)	Grimm
Bishop (UT)	Denham	Guinta
Black	Dent	Guthrie
Blackburn	DesJarlais	Hall
Bonner	Diaz-Balart	Hanna
Bono Mack	Dold	Harper
Boren	Donnelly (IN)	Harris
Boustany	Dreier	Hartzler
Brady (TX)	Duffy	Hastings (WA)
Brooks	Duncan (SC)	Hayworth
Brown (GA)	Duncan (TN)	Heck
Buchanan	Ellmers	Heller
Bucshon	Emerson	Hensarling
Buerkle	Farenthold	Heger
Burgess	Fincher	Herrera Beutler
Burton (IN)	Fitzpatrick	Huelskamp
Calvert	Flake	Huizenga (MI)
Camp	Fleischmann	Hultgren
Campbell	Fleming	Hunter
Canseco	Flores	Hurt
Cantor	Forbes	Issa
Capito	Fortenberry	Jenkins
Cardoza	Fox	Johnson (IL)

Johnson (OH)	Mulvaney	Scalise
Johnson, Sam	Murphy (PA)	Schilling
Jones	Myrick	Schmidt
Jordan	Neugebauer	Schock
Kelly	Noem	Schweikert
King (IA)	Nugent	Scott (SC)
King (NY)	Nunes	Scott, Austin
Kingston	Nunnelee	Sensenbrenner
Kinzing (IL)	Olson	Sessions
Kissell	Palazzo	Sewell
Kline	Paulsen	Shimkus
Lamborn	Pearce	Shuster
Lance	Pence	Simpson
Landry	Peters	Smith (NE)
Lankford	Peterson	Smith (NJ)
Latham	Petri	Smith (TX)
LaTourette	Pitts	Southerland
Latta	Platts	Stearns
Lewis (CA)	Poe (TX)	Stivers
LoBiondo	Pompeo	Stutzman
Long	Posey	Sullivan
Lucas	Price (GA)	Terry
Luetkemeyer	Quayle	Thompson (PA)
Lummis	Rahall	Reed
Lungren, Daniel E.	Rehberg	Thornberry
Mack	Reichert	Tiberi
Manzullo	Renacci	Tipton
Marchant	Ribble	Turner
Marino	Rigell	Upton
Matheson	Rivera	Walberg
McCarthy (CA)	Roby	Walden
McCarthy (NY)	Roe (TN)	Walsh (IL)
McCaul	Rogers (AL)	Webster
McCotter	Rogers (KY)	West
McHenry	Rogers (MI)	Westmoreland
McIntyre	Rohrabacher	Whitfield
McKeon	Rokita	Wilson (SC)
McKinley	Rooney	Wittman
McMorris	Ros-Lehtinen	Wolf
Rodgers	Roskam	Womack
Meehan	Ross (AR)	Woodall
Mica	Ross (FL)	Yoder
Miller (FL)	Royce	Young (AK)
Miller (MI)	Runyan	Young (FL)
Miller, Gary	Ryan (WI)	Young (IN)

NAYS—176

Ackerman	Edwards	Lewis (GA)
Andrews	Ellison	Lipinski
Baca	Engel	Loebach
Baldwin	Eshoo	Lofgren, Zoe
Barrow	Farr	Lowey
Bass (CA)	Fattah	Lujan
Becerra	Filner	Lynch
Berkley	Frank (MA)	Maloney
Berman	Fudge	Matsui
Bishop (GA)	Garamendi	McClintock
Bishop (NY)	Gibson	McCollum
Blumenauer	Gonzalez	McDermott
Boswell	Green, Al	McGovern
Brady (PA)	Green, Gene	McNerney
Braley (IA)	Grijalva	Meeks
Brown (FL)	Gutierrez	Michaud
Butterfield	Hanabusa	Miller (NC)
Capps	Harman	Miller, George
Capuano	Hastings (FL)	Moore
Carnahan	Heinrich	Moran
Carney	Higgins	Murphy (CT)
Carson (IN)	Himes	Nadler
Castor (FL)	Hinche	Napolitano
Chu	Hinojosa	Neal
Cielline	Hirono	Oliver
Clarke (MI)	Holden	Owens
Clarke (NY)	Holt	Pallone
Clay	Honda	Pascarell
Cleaver	Hoyer	Pastor (AZ)
Clyburn	Inslee	Paul
Cohen	Israel	Payne
Connolly (VA)	Jackson (IL)	Pelosi
Conyers	Jackson Lee	Perlmutter
Costello	(TX)	Pingree (ME)
Courtney	Johnson (GA)	Polis
Crowley	Johnson, E. B.	Price (NC)
Cummings	Kaptur	Quigley
Davis (CA)	Keating	Rangel
Davis (IL)	Kildee	Reyes
DeFazio	Kind	Richardson
DeGette	Kucinich	Richmond
DeLauro	Labrador	Rothman (NJ)
Deutch	Langevin	Roybal-Allard
Dicks	Larsen (WA)	Ruppersberger
Dingell	Larson (CT)	Rush
Doggett	Lee (CA)	Ryan (OH)
Doyle	Levin	

Sanchez, Linda T.	Sires	Visclosky
Sanchez, Loretta	Slaughter	Walz (MN)
Sarbanes	Smith (WA)	Wasserman
Schakowsky	Stark	Schultz
Schiff	Sutton	Waters
Schrader	Thompson (CA)	Watt
Schwartz	Thompson (MS)	Waxman
Scott (VA)	Tierney	Weiner
Scott, David	Tonko	Welch
Serrano	Towns	Wilson (FL)
Sherman	Tsongas	Woolsey
Shuler	Van Hollen	Wu
	Velazquez	Yarmuth

NOT VOTING—3

Giffords	Markey	Speier
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□ 1329

Messrs. JACKSON of Illinois, WALZ of Minnesota, Ms. BASS of California, Messrs. BACA, LABRADOR, BUTTERFIELD, Mrs. LOWEY, Messrs. COURTNEY and MURPHY of Connecticut changed their vote from "yea" to "nay."

Messrs. ADERHOLT, DUNCAN of Tennessee, BILBRAY, LOBIONDO, BARTLETT, MURPHY of Pennsylvania, Ms. HERRERA BEUTLER, Messrs. CARDOZA, HELLER, JONES, BARLETTA, CRAVAACK, ROGERS of Alabama, RAHALL, BUCSHON, BILIRAKIS, GRIMM, FRELINGHUYSEN and YOUNG of Alaska changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO THE BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore (Mr. GINGREY of Georgia). Pursuant to 10 U.S.C. 4355(a) and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Military Academy:

Mr. SHIMKUS, Illinois.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 1330

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. PRICE of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 223, printed in the CONGRESSIONAL RECORD, offered by the gentleman from New Jersey (Mr. PASCRELL) had been postponed and the bill had been read through page 263, line 9.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. ROONEY of Florida.

Amendment No. 95 by Mr. JONES of North Carolina.

Amendment No. 237 by Mr. HOLT of New Jersey.

Amendment No. 97 by Mr. DEFAZIO of Oregon.

Amendment No. 153 by Mr. MICHAUD of Maine.

Amendment No. 368 by Mr. FLAKE of Arizona.

Amendment No. 260 by Mr. LATTA of Ohio.

Amendment No. 125, as modified, by Mr. WEINER of New York.

Amendment No. 110 by Mr. DUNCAN of South Carolina.

Amendment No. 192 by Mrs. BIGGERT of Illinois.

Amendment No. 395 by Mr. INSLEE of Washington.

Amendment No. 4 by Mr. TONKO of New York.

Amendment No. 259 by Mr. LATTA of Ohio.

Amendment No. 98 by Mr. DEFAZIO of Oregon.

Amendment No. 223 by Mr. PASCRELL of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. ROONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. ROONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 198, answered “present” 1, not voting 1, as follows:

[Roll No. 46]

AYES—233

Ackerman	Baca	Bass (CA)
Adams	Baldwin	Becerra
Altmire	Barrow	Benishak
Amash	Barton (TX)	Berman

Bishop (GA)	Gosar	Noem
Bishop (NY)	Granger	Olver
Blackburn	Graves (GA)	Owens
Blumenauer	Graves (MO)	Pallone
Boren	Green, Al	Pascarell
Boustany	Green, Gene	Pastor (AZ)
Brady (PA)	Griffin (AR)	Paul
Brady (TX)	Grijalva	Paulsen
Braley (IA)	Hall	Payne
Broun (GA)	Hanabusa	Pearce
Brown (FL)	Harman	Pelosi
Buchanan	Harris	Perlmutter
Buerkle	Hastings (FL)	Peterson
Burgess	Hayworth	Petri
Butterfield	Heinrich	Pingree (ME)
Camp	Hensarling	Platts
Campbell	Herger	Poe (TX)
Canseco	Himes	Polis
Capito	Hinojosa	Pompeo
Capps	Hirono	Posey
Cardoza	Holden	Quayle
Carnahan	Holt	Quigley
Carter	Honda	Rangel
Cassidy	Hoyer	Reed
Castor (FL)	Huelskamp	Rehberg
Cicilline	Huizenga (MI)	Reyes
Clay	Inlee	Ribble
Coble	Jackson (IL)	Roby
Coffman (CO)	Jenkins	Roe (TN)
Cohen	Johnson (GA)	Rohrabacher
Cole	Johnson (IL)	Rooney
Conyers	Johnson, E. B.	Ross (AR)
Cooper	Johnson, Sam	Royce
Costa	Jones	Ryan (WI)
Courtney	Kind	Sánchez, Linda
Crawford	King (NY)	T.
Cuellar	Labrador	Schakowsky
Culberson	Lance	Schiff
Cummings	Landry	Schock
Davis (CA)	Langevin	Schrader
Davis (IL)	Lankford	Schwartz
DeFazio	Larson (CT)	Schweikert
DeGette	Lee (CA)	Scott (SC)
DeLauro	Lewis (GA)	Scott, Austin
Denham	Lofgren, Zoe	Sensenbrenner
Dent	Long	Sherman
Deutch	Lowe	Sires
Dicks	Luján	Southerland
Doggett	Lummis	Speier
Dold	Lungren, Daniel	Stark
Doyle	E.	Stearns
Duffy	Lynch	Sullivan
Duncan (SC)	Mack	Thompson (CA)
Duncan (TN)	Maloney	Thompson (PA)
Edwards	Marchant	Tipton
Ellison	Matheson	Towns
Ellmers	Matsui	Upton
Eshoo	McCarthy (NY)	Van Hollen
Farenthold	McClintock	Velázquez
Farr	McCollum	Walden
Fattah	McDermott	Walsh (IL)
Filner	McKinley	Walz (MN)
Fincher	Meehan	Waters
Fitzpatrick	Meeks	Waxman
Flake	Mica	Webster
Fleischmann	Michaud	Weiner
Flores	Miller (FL)	West
Frank (MA)	Miller (MI)	Westmoreland
Garamendi	Miller, George	Wilson (FL)
Gardner	Moore	Womack
Garrett	Murphy (CT)	Woolsey
Gibson	Nadler	Wu
Gingrey (GA)	Napolitano	Yoder
Gohmert	Neal	
Gonzalez	Neugebauer	

NOES—198

Aderholt	Boswell	Costello
Akin	Brooks	Cravaack
Alexander	Bucshon	Crenshaw
Andrews	Burton (IN)	Critz
Austria	Calvert	Crowley
Bachmann	Cantor	Davis (KY)
Bachus	Capuano	DesJarlais
Barletta	Carney	Diaz-Balart
Bartlett	Carson (IN)	Dingell
Bass (NH)	Chabot	Donnelly (IN)
Berg	Chaffetz	Dreier
Berkley	Chandler	Emerson
Biggert	Chu	Engel
Bilbray	Clarke (MI)	Fleming
Bilirakis	Clarke (NY)	Forbes
Bishop (UT)	Cleaver	Fortenberry
Black	Clyburn	Fox
Bonner	Conaway	Franks (AZ)
Bono Mack	Connolly (VA)	Frelinghuysen

Fudge	Loeb sack	Runyan
Gallegly	Lucas	Ruppersberger
Gerlach	Luetkemeyer	Rush
Gibbs	Manzullo	Ryan (OH)
Goodlatte	Marino	Sanchez, Loretta
Gowdy	Markey	Sarbanes
Griffith (VA)	McCarthy (CA)	Scalise
Grimm	McCaul	Schilling
Guinta	McCotter	Schmidt
Guthrie	McGovern	Scott (VA)
Gutierrez	McHenry	Scott, David
Hanna	McIntyre	Serrano
Harper	McKeon	Sessions
Hartzler	McMorris	Sewell
Hastings (WA)	Rodgers	Shimkus
Heck	McNerney	Shuler
Heller	Miller (NC)	Shuster
Herrera Beutler	Miller, Gary	Simpson
Higgins	Moran	Slaughter
Hinchey	Mulvaney	Smith (NE)
Hultgren	Murphy (PA)	Smith (NJ)
Hunter	Myrick	Smith (TX)
Hurt	Nugent	Smith (WA)
Israel	Nunes	Stivers
Issa	Nunnelee	Stutzman
Jackson Lee	Olson	Sutton
(TX)	Palazzo	Terry
Johnson (OH)	Pence	Thompson (MS)
Jordan	Peters	Thornberry
Kaptur	Pitts	Tiberi
Keating	Price (GA)	Tierney
Kelly	Price (NC)	Tonko
Kildee	Rahall	Tsongas
King (IA)	Reichert	Turner
Kingston	Renacci	Visclosky
Kinzinger (IL)	Richardson	Walberg
Kissell	Richmond	Wasserman
Kline	Rigell	Schultz
Kucinich	Rivera	Welch
Lamborn	Rogers (AL)	Whitfield
Larsen (WA)	Rogers (KY)	Wilson (SC)
Latham	Rogers (MI)	Wittman
LaTourette	Rokita	Wolf
Latta	Ros-Lehtinen	Woodall
Levin	Roskam	Yarmuth
Lewis (CA)	Ross (FL)	Young (AK)
Lipinski	Rothman (NJ)	Young (FL)
LoBiondo	Roybal-Allard	Young (IN)

ANSWERED “PRESENT”—1

Watt

NOT VOTING—1

Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain in this vote.

□ 1349

Messrs. ENGEL and GRIMM changed their vote from “aye” to “no.”

Messrs. AL GREEN of Texas, ELLISON, Ms. DEGETTE and Ms. WILSON of Florida changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 95 OFFERED BY MR. JONES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. JONES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 294, not voting 4, as follows:

[Roll No. 47]

AYES—135

Amash
Baldwin
Bass (CA)
Becerra
Bishop (UT)
Blumenauer
Bono Mack
Boswell
Brady (PA)
Braley (IA)
Broun (GA)
Campbell
Capuano
Cardoza
Carney
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Coble
Coffman (CO)
Cohen
Conyers
Cooper
Costello
Davis (IL)
DeFazio
DeLauro
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gerlach
Goodlatte
Griffin (AR)
Griffith (VA)

NOES—294

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Bonner
Boren
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert

Hall
Hastings (FL)
Heller
Higgins
Himes
Hinchey
Hinojosa
Holden
Holt
Honda
Hurt
Inslee
Jackson (IL)
Jackson Lee
(TX)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kind
Kissell
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Mack
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Moran
Nadler
Napolitano
Neal
Oliver
Pallone

NOES—294

Camp
Canseco
Cantor
Capito
Capps
Carnahan
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Cleaver
Clyburn
Cole
Conaway
Connolly (VA)
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)

Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hirono
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Israel
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
LaTourette
Latta
Levin
Lewis (CA)
LoBiondo
Loeb sack
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter

NOT VOTING—4

Cummings
Giffords
Latham
Turner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1353

Mr. GRIFFIN of Arkansas changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LATHAM. Mr. Chair, on rollcall No. 47, I was unavoidably detained. Had I been present, I would have voted “no”.

Mr. TURNER. Mr. Chair, on rollcall No. 47, I was unavoidably detained. Had I been present, I would have voted “no”.

AMENDMENT NO. 237 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were

Sánchez, Linda
T.
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sewell
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stark
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yoder
Young (FL)
Young (IN)

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 133, noes 299, not voting 1, as follows:

[Roll No. 48]

AYES—133

Amash
Andrews
Baldwin
Hastings (FL)
Bass (CA)
Becerra
Bishop (UT)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Coble
Coffman (CO)
Cohen
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi

NOES—299

Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot

Paul
Payne
Pearce
Petri
Pingree (ME)
Polis
Posey
Price (NC)
Quigley
Rahall
Richardson
Richmond
Rohrabacher
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schrader
Scott (VA)
Sensenbrenner
Serrano
Sevel
Shuler
Sires
Lofgren, Zoe
Maloney
Markay
Matsui
McClintock
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (FL)
Miller, George
Moran
Murphy (CT)
Nadler
Neal
Oliver
Pallone
Pastor (AZ)

NOES—299

Chaffetz
Chandler
Cleaver
Clyburn
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy

Duncan (SC) Labrador
 Ellmers Lamborn
 Emerson Lance
 Engel Landry
 Farenthold Langevin
 Fincher Lankford
 Fitzpatrick Latham
 Flake LaTourette
 Fleischmann Latta
 Fleming Levin
 Flores Lewis (CA)
 Forbes Lipinski
 Fortenberry LoBiondo
 Foxx Long
 Franks (AZ) Lowey
 Frelinghuysen Lucas
 Gallegly Luetkemeyer
 Gardner Luján
 Garrett Lummis
 Gerlach Lungren, Daniel
 Gibbs E.
 Gibson Lynch
 Gingrey (GA) Mack
 Gohmert Manzullo
 Gonzalez Marchant
 Goodlatte Marino
 Gosar Matheson
 Gowdy McCarthy (CA)
 Granger McCarthy (NY)
 Graves (GA) McCaul
 Graves (MO) McCotter
 Green, Al McHenry
 Green, Gene McIntyre
 Griffin (AR) McKeon
 Griffith (VA) McKinley
 Grimm McMorris
 Guinta Rodgers
 Guthrie Meehan
 Hall Meeks
 Hanabusa Mica
 Hanna Miller (MI)
 Harman Miller (NC)
 Harper Miller, Gary
 Harris Moore
 Hartzler Mulvaney
 Hastings (WA) Murphy (PA)
 Hayworth Myrick
 Heck Napolitano
 Heinrich Neugebauer
 Heller Noem
 Hensarling Nugent
 Herger Nunes
 Herrera Beutler Nunnelee
 Higgins Olson
 Himes Owens
 Hoyer Palazzo
 Huelskamp Pascrell
 Huizenga (MI) Paulsen
 Hultgren Pelosi
 Hunter Pence
 Hurt Perlmutter
 Israel Peters
 Issa Peterson
 Jenkins Pitts
 Johnson (GA) Platts
 Johnson (OH) Poe (TX)
 Johnson, Sam Pompeo
 Jordan Price (GA)
 Kelly Quayle
 King (IA) Rangel
 King (NY) Reed
 Kingston Rehberg
 Kinzinger (IL) Reichert
 Kissell Renacci
 Kline Reyes

NOT VOTING—1

Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining in this vote.

□ 1358

Mr. CARNEY changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 97 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded

Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Roybal-Allard
 Royce
 Runyan
 Ruppersberger
 Ryan (WI)
 Scalise
 Schiff
 Schilling
 Schmidt
 Schock
 Schwartz
 Schweikert
 Scott (SC)
 Scott, Austin
 Scott, David
 Sessions
 Sherman
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Sutton
 Terry
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner
 Upton
 Van Hollen
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)
 Wasserman
 Schultz
 Watt
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yarmuth
 Yoder
 Young (FL)
 Young (IN)

vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 136, noes 296, not voting 1, as follows:

[Roll No. 49]

AYES—136

Ackerman Fortenberry
 Baldwin Frank (MA)
 Barrow Fudge
 Bass (CA) Garamendi
 Bass (NH) Gibson
 Becerra Gonzalez
 Berkley Gutierrez
 Berman Hanna
 Bishop (GA) Harman
 Blumenauer Hastings (FL)
 Braley (IA) Heinrich
 Brown (FL) Higgins
 Butterfield Hinchey
 Holt Hirono
 Honda Holt
 Hoyer
 Capuano Inslee
 Castor (FL) Israel
 Chu Jackson (IL)
 Cicilline Johnson (GA)
 Clarke (MI) Johnson, E. B.
 Clarke (NY) Clay
 Cohen Keating
 Conyers Kind
 Cooper Kissell
 Costello Kucinich
 Courtney Larsen (WA)
 Critz Larson (CT)
 Cummings Lee (CA)
 Davis (CA) Levin
 Davis (IL) Lewis (GA)
 DeFazio Lipinski
 DeGette Loeb sack
 DeLauro Lofgren, Zoe
 Deutch Lowey
 Dicks Luján
 Doggett Matsui
 Donnelly (IN) McCollum
 Doyle McDermott
 Edwards McGovern
 Ellison McMorris
 Engel Rodgers
 Eshoo McNeerney
 Farr Meeks
 Filner Michaud

NOES—296

Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Amash
 Andrews
 Austria
 Baca
 Bachmann
 Bachus
 Barletta
 Bartlett
 Barton (TX)
 Benishek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boswell
 Boustany
 Brady (PA)
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Canseco
 Cantor
 Capito
 Cardoza

Culberson
 Davis (KY)
 Denham
 Dent
 DesJarlais
 Diaz-Balart
 Dingell
 Dold
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fattah
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Green, Al
 Green, Gene
 Griffin (AR)
 Griffith (VA)
 Grijalva
 Grimm
 Guinta
 Guthrie
 Hall
 Hanabusa
 Harper
 Harris
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Heller
 Hensarling
 Herger
 Herrera Beutler
 Himes
 Hinojosa
 Holden
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jackson Lee
 Jones
 Jordan
 Kelly
 Kildee
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Renacci
 Reyes
 Renacci
 Reyes
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Roybal-Allard
 Royce
 Runyan
 Ruppersberger
 Ryan (WI)
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schilling
 Schmidt
 Schock
 Schwartz
 Schweikert
 Scott (SC)
 Scott (VA)
 Scott, Austin
 Scott, David
 Sensenbrenner
 Sessions
 Sewell
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Sutton
 Terry
 Thompson (PA)
 Thornberry
 Tipton
 Turner
 Visclosky
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Webster
 Weiner
 West
 Westmoreland
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NOT VOTING—1

Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining in this vote.

□ 1402

Messrs. GARAMENDI, NEAL, Mrs. NAPOLITANO, and Mr. RUSH changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 153 OFFERED BY MR. MICHAUD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maine (Mr. MICHAUD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 305, noes 127, not voting 1, as follows:

[Roll No. 50]

AYES—305

Ackerman	Crenshaw	Hinojosa
Aderholt	Critz	Hirono
Akin	Crowley	Holden
Alexander	Cuellar	Holt
Altmire	Cummings	Hoyer
Andrews	Davis (CA)	Huizenga (MI)
Austria	Davis (KY)	Hultgren
Baca	DeFazio	Hunter
Bachus	DeGette	Hurt
Baldwin	DeLauro	Inslee
Barletta	Denham	Israel
Barrow	Dent	Jackson Lee
Bartlett	Deutch	(TX)
Barton (TX)	Dicks	Johnson (GA)
Bass (CA)	Dingell	Johnson (IL)
Bass (NH)	Doggett	Johnson (OH)
Berg	Dold	Johnson, E. B.
Berkley	Donnelly (IN)	Johnson, Sam
Bishop (GA)	Doyle	Jones
Bishop (NY)	Duncan (TN)	Kaptur
Bishop (UT)	Ellison	Keating
Blackburn	Emerson	Kelly
Blumenauer	Engel	Kildee
Bonner	Farr	Kind
Bono Mack	Fattah	Kingston
Boren	Filner	Kinzinger (IL)
Boswell	Fincher	Kissell
Boustany	Fitzpatrick	Lance
Brady (PA)	Fleming	Landry
Braley (IA)	Forbes	Langevin
Brooks	Fox	Larsen (WA)
Brown (FL)	Frank (MA)	Larson (CT)
Buchanan	Frelinghuysen	Latham
Bucshon	Gallegly	LaTourette
Buerkle	Gerlach	Latta
Butterfield	Gibbs	Lee (CA)
Calvert	Gibson	Levin
Camp	Gingrey (GA)	Lewis (CA)
Canseco	Gohmert	Lewis (GA)
Capito	Goodlatte	Lipinski
Capps	Gowdy	LoBiondo
Capuano	Granger	Loebsack
Cardoza	Graves (MO)	Lowe
Carnahan	Green, Al	Luetkemeyer
Carney	Green, Gene	Lujan
Carson (IN)	Griffin (AR)	Lynch
Carter	Griffith (VA)	Mack
Cassidy	Guinta	Maloney
Castor (FL)	Guthrie	Manzullo
Chabot	Hanabusa	Marchant
Chandler	Hanna	Marino
Cicilline	Harman	Markey
Clarke (MI)	Harper	Matheson
Clyburn	Harris	Matsui
Coble	Hastings (FL)	McCarthy (NY)
Coffman (CO)	Hastings (WA)	McCollum
Cohen	Heck	McCotter
Conyers	Heinrich	McDermott
Cooper	Heller	McGovern
Costello	Higgins	McIntyre
Courtney	Himes	McKeon
Crawford	Hinchey	McKinley

McMorris
Rodgers
McNerney
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nunnelee
Olson
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis

Pompeo
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross (AR)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, David
Sewell
Shuler
Shuster

NOES—127

Adams
Amash
Bachmann
Becerra
Benishak
Berman
Biggert
Bilbray
Bilirakis
Black
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Chaffetz
Chu
Clarke (NY)
Clay
Cleaver
Cole
Conaway
Connolly (VA)
Costa
Cravaack
Culberson
Davis (IL)
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Edwards
Ellmers
Eshoo
Farenthold
Flake
Fleischmann
Flores
Fortenberry
Franks (AZ)
Fudge

Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stark
Stearns
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Watt
Webster
Welch
Westmoreland
Whitfield
Womack
Woolsey
Wu
Yarmuth
Young (AK)

□ 1407

Messrs. GOSAR, COLE, and HERGER changed their vote from “aye” to “no.”

Messrs. AL GREEN of Texas and WU changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 368 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 169, not voting 2, as follows:

[Roll No. 51]

AYES—262

Adams	Doggett	Hultgren
Aderholt	Dold	Hunter
Akin	Dreier	Hurt
Alexander	Duffy	Inslee
Amash	Duncan (SC)	Issa
Austria	Duncan (TN)	Jenkins
Bachmann	Ellmers	Johnson (IL)
Bachus	Emerson	Johnson (OH)
Bartlett	Eshoo	Johnson, Sam
Bass (CA)	Farenthold	Jones
Bass (NH)	Fincher	Jordan
Benishak	Flake	Keating
Berg	Fleischmann	Kind
Berman	Fleming	King (IA)
Biggert	Flores	Kingston
Bilirakis	Forbes	Kline
Black	Fortenberry	Kucinich
Blackburn	Fox	Labrador
Bonner	Frank (MA)	Lamborn
Bono Mack	Franks (AZ)	Lance
Boustany	Frelinghuysen	Landry
Brady (TX)	Gallegly	Lankford
Brooks	Gardner	Latham
Broun (GA)	Garrett	LaTourette
Buchanan	Gibbs	Latta
Bucshon	Gibson	Lewis (CA)
Buerkle	Gingrey (GA)	LoBiondo
Burgess	Gohmert	Loebsack
Burton (IN)	Goodlatte	Lofgren, Zoe
Calvert	Gosar	Long
Camp	Gowdy	Lowe
Campbell	Granger	Lucas
Canseco	Graves (GA)	Luetkemeyer
Cantor	Graves (MO)	Lummis
Capito	Griffin (AR)	Lungren, Daniel
Capuano	Griffith (VA)	E.
Carney	Guinta	Lynch
Carter	Guthrie	Mack
Cassidy	Hall	Maloney
Chabot	Hanna	Manzullo
Chaffetz	Harman	Marchant
Chandler	Harper	Matheson
Coble	Harris	McCarthy (CA)
Coffman (CO)	Hartzler	McCaul
Cohen	Hastings (WA)	McClintock
Conaway	Hayworth	McCotter
Cooper	Heck	McDermott
Cravaack	Heller	McGovern
Crawford	Hensarling	McHenry
Crenshaw	Herger	McKeon
Culberson	Herrera Beutler	McKinley
Davis (KY)	Himes	McMorris
Denham	Huelskamp	Rodgers
DesJarlais	Huizenga (MI)	McNerney

NOT VOTING—1

Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Myrick
Nadler
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Renacci

Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Sanchez, Loretta
Sarbanes
Schalick
Schakowsky
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)

Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Terry
Thornberry
Tiberi
Tierney
Tipton
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Waters
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—169

Ackerman
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Barton (TX)
Becerra
Berkley
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Farr

Fattah
Filner
Fitzpatrick
Fudge
Garamendi
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kelly
Kildee
King (NY)
Kinzinger (IL)
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lujan
Marino
Markey
Matsui
McCarthy (NY)
McCollum
McIntyre
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (PA)
Napolitano
Neal

Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Schiff
Schilling
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuster
Sires
Slaughter
Smith (WA)
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tonko
Towns
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—2

Bishop (UT) Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1410

Mr. LEWIS of California changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 260 OFFERED BY MR. LATTA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. LATTA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 247, not voting 2, as follows:

[Roll No. 52]

AYES—184

Adams
Akin
Altmire
Amash
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Benishak
Bilirakis
Blackburn
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Butterfield
Camp
Campbell
Canseco
Cantor
Capito
Carney
Chabot
Chaffetz
Thompson (CA)
Thompson (MS)
Thompson (PA)
Coble
Coffman (CO)
Cohen
Cole
Conaway
Costa
Costello
Cuellar
Denham
DesJarlais
Doggett
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)

Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleming
Fortenberry
Foxy
Franks (AZ)
Gardner
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Griffith (VA)
Guinta
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heller
Hensarling
Herger
Herrera Beutler
Himes
Holden
Huelskamp
Huizenga (MI)
Hurt
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kaptur
Keating
King (IA)
Kingston

Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris
Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quigley
Rangel
Rehberg
Renacci
Ribble
Richmond
Roby

Roe (TN)
Rogers (MI)
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schrader
Schweikert
Scott (SC)

Scott, Austin
Sensenbrenner
Sessions
Shuler
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thornberry
Tiberi
Tierney
Tipton
Tsongas
Turner
Upton

Fudge
Gallegly
Garamendi
Gerlach
Gingrey (GA)
Gonzalez
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guthrie
Gutierrez
Hall
Hanabusa
Harman
Hartzler
Hastings (FL)
Heck
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Hultgren
Hunter
Inslee
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kelly
Kildee
Kind
King (NY)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McKeon
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)
Miller, George

Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quayle
Rahall
Reed
Reichert
Reyes
Richardson
Rigell
Rivera
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)

NOES—247

Wasserman	Whitfield	Woolsey
Schultz	Wilson (FL)	Wu
Waxman	Wittman	Yarmuth
Weiner	Wolf	Young (FL)
Welch	Womack	

NOT VOTING—2

Bishop (UT) Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1413

Ms. WATERS changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 125, AS MODIFIED, OFFERED BY MR. WEINER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER), as modified, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 203, not voting 2, as follows:

[Roll No. 53]

AYES—228

Ackerman	Cole	Gosar
Altmire	Connolly (VA)	Griffin (AR)
Andrews	Conyers	Grijalva
Baca	Cooper	Grimm
Baldwin	Costa	Guinta
Barletta	Costello	Guthrie
Barrow	Courtney	Gutierrez
Bass (NH)	Critz	Hanabusa
Becerra	Crowley	Hanna
Berg	Cuellar	Hastings (FL)
Berkley	Cummings	Hayworth
Berman	Davis (CA)	Heck
Bishop (GA)	Davis (IL)	Heinrich
Bishop (NY)	DeFazio	Heller
Blackburn	DeGette	Herrera Beutler
Blumenauer	DeLauro	Higgins
Bono Mack	Denham	Himes
Boren	Dent	Hinchey
Boswell	Deutch	Hinojosa
Brady (PA)	Dicks	Hirono
Braley (IA)	Dingell	Holden
Bucshon	Doggett	Hoyer
Buerkle	Dold	Inslee
Butterfield	Donnelly (IN)	Israel
Camp	Doyle	Jackson (IL)
Canseco	Duffy	Johnson (GA)
Capito	Duncan (TN)	Johnson (IL)
Capps	Ellison	Johnson (OH)
Capuano	Engel	Jones
Cardoza	Farr	Keating
Carnahan	Fattah	Kelly
Carney	Filner	Kildee
Carson (IN)	Fitzpatrick	Kind
Chabot	Fortenberry	King (NY)
Chandler	Frank (MA)	Kissell
Cicilline	Garamendi	Lance
Clarke (MI)	Gerlach	Langevin
Clarke (NY)	Gibbs	Larsen (WA)
Clay	Gibson	Larson (CT)
Coble	Gingrey (GA)	Lee (CA)
Cohen	Goodlatte	Levin

Lewis (GA)	Nunnelee	Schwartz
Lipinski	Oliver	Scott, David
LoBiondo	Owens	Serrano
Loeb sack	Pallone	Sewell
Lowe y	Pascrell	Sherman
Luetkemeyer	Pastor (AZ)	Shuler
Lujan	Paulsen	Sires
Lynch	Payne	Slaughter
Maloney	Pelosi	Smith (NJ)
Marino	Peters	Smith (WA)
Markey	Peterson	Speier
Matheson	Petri	Stark
Matsui	Pingree (ME)	Stivers
McCollum	Platts	Thompson (CA)
McCotter	Price (NC)	Thompson (MS)
McDermott	Quigley	Thompson (PA)
McGovern	Rahall	Tiberi
McHenry	Rangel	Tierney
McIntyre	Reed	Tonko
McMorris	Rehberg	Towns
Rodgers	Reichert	Tsongas
McNerney	Renacci	Upton
Meehan	Richardson	Van Hollen
Meeks	Ross (AR)	Velázquez
Michaud	Rothman (NJ)	Visclosky
Miller (MI)	Roybal-Allard	Walden
Miller (NC)	Runyan	Walz (MN)
Moore	Ruppersberger	Walters
Moran	Rush	Watt
Murphy (CT)	Ryan (OH)	Weiner
Murphy (PA)	Sánchez, Linda T.	Welch
Myrick	Sanchez, Loretta T.	Wilson (SC)
Nadler	Sarbanes	Woolsey
Napolitano	Schilling	Yarmuth
Neal	Schrader	Young (AK)
Noem		

NOES—203

Adams	Fox	Lungren, Daniel
Aderholt	Franks (AZ)	E.
Akin	Frelinghuysen	Mack
Alexander	Fudge	Manzullo
Amash	Gallegly	Marchant
Austria	Gardner	McCarthy (CA)
Bachmann	Garrett	McCarthy (NY)
Bachus	Gohmert	McCaul
Bartlett	Gonzalez	McClintock
Barton (TX)	Gowdy	McKeon
Bass (CA)	Granger	McKinley
Benishek	Graves (GA)	Mica
Biggert	Graves (MO)	Miller (FL)
Bilbray	Green, Al	Miller, Gary
Bilirakis	Green, Gene	Miller, George
Black	Griffith (VA)	Mulvaney
Bonner	Hall	Neugebauer
Boustany	Harman	Nugent
Brady (TX)	Harper	Nunes
Brooks	Harris	Olson
Broun (GA)	Hartzler	Palazzo
Brown (FL)	Hastings (WA)	Paul
Buchanan	Hensarling	Pearce
Burgess	Herger	Pence
Burton (IN)	Holt	Perlmutter
Calvert	Honda	Pitts
Campbell	Huelskamp	Poe (TX)
Cantor	Huizenga (MI)	Polis
Carter	Hultgren	Pompeo
Cassidy	Hunter	Posey
Castor (FL)	Hurt	Price (GA)
Chaffetz	Issa	Quayle
Chu	Jackson Lee	Reyes
Cleaver	(TX)	Ribble
Clyburn	Jenkins	Richmond
Coffman (CO)	Rigell	Rivera
Conaway	Johnson, E. B.	Roby
Cravaack	Johnson, Sam	Roe (TN)
Crawford	Jordan	Rogers (AL)
Crenshaw	Kaptur	Rogers (KY)
Culberson	King (IA)	Rogers (MI)
Davis (KY)	Kingston	Rohrabacher
DesJarlais	Kinzinger (IL)	Rokita
Diaz-Balart	Kline	Rooney
Dreier	Kucinich	Ros-Lehtinen
Duncan (SC)	Labrador	Roskam
Edwards	Lamborn	Ross (FL)
Ellmers	Landry	Royce
Emerson	Lankford	Ryan (WI)
Eshoo	Latham	Scalise
Farenthold	LaTourette	Schakowsky
Fincher	Latta	Schiff
Flake	Lewis (CA)	Schmidt
Fleischmann	Lofgren, Zoe	Schuck
Fleming	Long	Schweikert
Flores	Lucas	Scott (SC)
Forbes	Lummis	

Scott (VA)	Sullivan	West
Scott, Austin	Sutton	Westmoreland
Sensenbrenner	Terry	Whitfield
Sessions	Thornberry	Wilson (FL)
Shimkus	Tipton	Wittman
Shuster	Turner	Wolf
Simpson	Walberg	Womack
Smith (NE)	Walsh (IL)	Woodall
Smith (TX)	Wasserman	Wu
Southerland	Schultz	Yoder
Stearns	Waxman	Young (FL)
Stutzman	Webster	Young (IN)

NOT VOTING—2

Bishop (UT) Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1418

Messrs. KEATING, GRIFFIN of Arkansas and CANSECO changed their vote from “no” to “aye.”

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 110 OFFERED BY MR. DUNCAN OF SOUTH CAROLINA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. DUNCAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 259, not voting 3, as follows:

[Roll No. 54]

AYES—171

Adams	Cravaack	Hastings (WA)
Aderholt	Culberson	Hayworth
Amash	Denham	Heller
Bachmann	DesJarlais	Hensarling
Barletta	Dreier	Herger
Bartlett	Duffy	Huelskamp
Barton (TX)	Duncan (SC)	Huizenga (MI)
Benishek	Duncan (TN)	Hultgren
Berg	Ellmers	Hunter
Bilbray	Fincher	Hurt
Bilirakis	Flake	Issa
Black	Fleming	Jenkins
Bono Mack	Flores	Johnson (OH)
Boustany	Forbes	Jones
Brady (TX)	Franks (AZ)	Jordan
Broun (GA)	Gallegly	Kelly
Brown (FL)	Gardner	King (IA)
Buchanan	Garrett	King (NY)
Bucshon	Gibbs	Kingston
Buerkle	Gingrey (GA)	Kline
Burgess	Gohmert	Labrador
Calvert	Goodlatte	Lamborn
Campbell	Gosar	Landry
Canseco	Gowdy	Lankford
Cantor	Granger	Latta
Carter	Graves (GA)	Lewis (CA)
Chabot	Graves (MO)	LoBiondo
Chaffetz	Guthrie	Long
Coble	Hall	Lucas
Coffman (CO)	Harper	Lummis
Conaway	Harris	

Lungren, Daniel E.	Pearce	Schock	Rivera	Sherman	Van Hollen	Hultgren	McMorris	Royce
Mack	Pence	Schweikert	Rogers (AL)	Shimkus	Velázquez	Hunter	Rodgers	Ryan (WI)
Manzullo	Petri	Scott (SC)	Rogers (KY)	Shuler	Visclosky	Hurt	Miller (FL)	Scalise
Marino	Pitts	Scott, Austin	Ros-Lehtinen	Simpson	Walden	Issa	Miller (MI)	Schilling
McCarthy (CA)	Poe (TX)	Sensenbrenner	Ross (AR)	Sires	Walz (MN)	Jenkins	Miller, Gary	Schock
McClintock	Pompeo	Sessions	Rothman (NJ)	Slaughter	Wasserman	Johnson (IL)	Mulvaney	Schweikert
McCotter	Posey	Shuster	Roybal-Allard	Smith (NJ)	Schultz	Johnson (OH)	Murphy (PA)	Scott (SC)
McHenry	Price (GA)	Smith (NE)	Ruppersberger	Smith (WA)	Waters	Johnson, Sam	Myrick	Scott, Austin
McKeon	Quayle	Smith (TX)	Rush	Speier	Watt	Jones	Neugebauer	Sensenbrenner
McKinley	Rehberg	Southerland	Ryan (OH)	Stark	Waxman	Jordan	Noem	Sessions
McMorris	Renacci	Stearns	Sánchez, Linda T.	Stivers	Weiner	King (NY)	Nugent	Shimkus
Rodgers	Ribble	Stutzman	Sanchez, Loretta	Sutton	Welch	Kingston	Nunes	Shuster
Miller (FL)	Rigell	Sullivan	Sarbanes	Terry	Wilson (FL)	Kinzinger (IL)	Olson	Smith (NE)
Miller (MI)	Roby	Thornberry	Schakowsky	Thompson (CA)	Wittman	Kline	Owens	Smith (TX)
Miller, Gary	Roe (TN)	Tiberi	Schiff	Thompson (MS)	Wolf	Labrador	Palazzo	Southerland
Mulvaney	Rogers (MI)	Tipton	Schrader	Thompson (PA)	Womack	Lamborn	Paul	Stearns
Murphy (PA)	Rohrabacher	Walberg	Schwartz	Tierney	Woolsey	Lance	Paulsen	Stutzman
Myrick	Rokita	Walsh (IL)	Scott (VA)	Tonko	Wu	Landry	Pence	Sullivan
Neugebauer	Rooney	Webster	Scott, David	Towns	Yarmuth	Lankford	Petri	Thornberry
Noem	Roskam	West	Serrano	Tsongas	Young (FL)	Latta	Pitts	Tipton
Nugent	Ross (FL)	Westmoreland	Sewell	Turner		Luetkemeyer	Poe (TX)	Turner
Nunes	Royce	Whitfield		Upton		Lummis	Pompeo	Walberg
Olson	Runyan	Wilson (SC)				Mack	Price (GA)	Walden
Palazzo	Ryan (WI)	Woodall				Maloney	Quayle	Walsh (IL)
Paul	Scalise	Yoder				Manzullo	Renacci	Webster
Paulsen	Schilling	Young (AK)				Marchant	Ribble	West
	Schmidt	Young (IN)				Marino	Rogers (MI)	Westmoreland
						McCaul	Rohrabacher	Wilson (SC)
						McClintock	Rokita	Woodall
						McCotter	Rooney	Yoder
						McHenry	Roskam	Young (AK)
							Ross (FL)	Young (IN)

NOT VOTING—3

Bishop (UT) Blackburn Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1422

Mr. FLORES changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 192 OFFERED BY MRS. BIGGERT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 262, not voting 1, as follows:

[Roll No. 55]

AYES—170

Ackerman	Deutch	Kinzinger (IL)	Adams	Capito	Garrett
Akin	Diaz-Balart	Kissell	Akin	Carter	Gibbs
Alexander	Dicks	Kucinich	Amash	Cassidy	Gohmert
Altmire	Dingell	Lance	Austria	Chabot	Goodlatte
Andrews	Doggett	Langevin	Bachmann	Chaffetz	Gosar
Austria	Dold	Larsen (WA)	Bachus	Coble	Gowdy
Baca	Donnelly (IN)	Larson (CT)	Barrow	Coffman (CO)	Granger
Bachus	Doyle	Latham	Bartlett	Cole	Graves (GA)
Baldwin	Edwards	LaTourrette	Benishek	Conaway	Graves (MO)
Barrow	Ellison	Lee (CA)	Berg	Culberson	Griffin (AR)
Bass (CA)	Emerson	Levin	Biggert	Denham	Griffith (VA)
Bass (NH)	Engel	Lewis (GA)	Bilirakis	Diaz-Balart	Guthrie
Becerra	Eshoo	Lipinski	Bishop (UT)	Dold	Hall
Berkley	Farenthold	Loeb sack	Boustany	Dreier	Hanna
Berman	Farr	Lofgren, Zoe	Brady (TX)	Duffy	Harper
Biggert	Fattah	Lowe y	Brooks	Duncan (SC)	Hartzler
Bishop (GA)	Filner	Luetkemeyer	Broun (GA)	Duncan (TN)	Hastings (WA)
Bishop (NY)	Fitzpatrick	Luján	Buchanan	Fitzpatrick	Heller
Blumenauer	Fleischmann	Lynch	Bucshon	Flake	Hensarling
Bonner	Fortenberry	Maloney	Buerkle	Fleming	Hерger
Boren	Fox x	Marchant	Burgess	Flores	Herrera Beutler
Boswell	Frank (MA)	Markey	Burton (IN)	Foxx	Holden
Brady (PA)	Frelinghuysen	Matheson	Campbell	Franks (AZ)	Holt
Braley (IA)	Fudge	Matsui	Canseco	Gallegly	Huelskamp
Brooks	Garamendi	McCarthy (NY)	Cantor	Gardner	Huizenga (MI)
Burton (IN)	Gerlach	McCaul			
Butterfield	Gibson	McCollum			
Camp	Gonzalez	McDermott			
Capito	Green, Al	McGovern			
Capps	Green, Gene	McIntyre			
Capuano	Griffin (AR)	McNerney			
Cardoza	Griffith (VA)	Meehan			
Carnahan	Grijalva	Meeks			
Carney	Grimm	Mica			
Carson (IN)	Guinta	Michaud			
Cassidy	Gutierrez	Miller (NC)			
Castor (FL)	Hanabusa	Miller, George			
Chandler	Hanna	Moore			
Chu	Harman	Moran			
Cicilline	Hartzler	Murphy (CT)			
Clarke (MI)	Hastings (FL)	Nadler			
Clarke (NY)	Heck	Napolitano			
Clay	Heinrich	Neal			
Cleaver	Herrera Beutler	Nunnelee			
Clyburn	Higgins	Olver			
Cohen	Himes	Owens			
Cole	Hinche y	Pallone			
Connolly (VA)	Hinojosa	Pascarell			
Conyers	Hirono	Pastor (AZ)			
Cooper	Holden	Payne			
Costa	Holt	Pelosi			
Costello	Honda	Perlmutter			
Courtney	Hoyer	Peters			
Crawford	Inslee	Peterson			
Crenshaw	Israel	Pingree (ME)			
Critz	Jackson (IL)	Platts			
Crowley	Jackson Lee	Polis			
Cuellar	(TX)	Price (NC)			
Cummings	Johnson (GA)	Quigley			
Davis (CA)	Johnson (IL)	Rahall			
Davis (IL)	Johnson, E. B.	Rangel			
Davis (KY)	Johnson, Sam	Reed			
DeFazio	Kaptur	Reichert			
DeGette	Keating	Reyes			
DeLauro	Kildee	Richardson			
Dent	Kind	Richmond			

NOES—259

NOES—262

Ackerman	Davis (KY)	Kaptur
Aderholt	DeFazio	Keating
Alexander	DeGette	Kelly
Altmire	DeLauro	Kildee
Andrews	Dent	Kind
Baca	DesJarlais	King (IA)
Baldwin	Deutch	Kissell
Barletta	Dicks	Kucinich
Barton (TX)	Dingell	Langevin
Bass (CA)	Doggett	Larsen (WA)
Bass (NH)	Donnelly (IN)	Larson (CT)
Becerra	Doyle	Latham
Berkley	Edwards	LaTourrette
Berman	Ellison	Lee (CA)
Bilbray	Ellmers	Levin
Bishop (GA)	Emerson	Lewis (CA)
Bishop (NY)	Engel	Lewis (GA)
Black	Eshoo	Lipinski
Blackburn	Farenthold	LoBiondo
Blumenauer	Farr	Loeb sack
Bonner	Fattah	Lofgren, Zoe
Bono Mack	Filner	Long
Boren	Fincher	Lowe y
Boswell	Fleischmann	Lucas
Brady (PA)	Forbes	Luján
Braley (IA)	Fortenberry	Lungren, Daniel E.
Brown (FL)	Frank (MA)	Lynch
Butterfield	Frelinghuysen	Markey
Calvert	Fudge	Matheson
Camp	Garamendi	Matsui
Capps	Gerlach	McCarthy (NY)
Capuano	Gibson	McCollum
Cardoza	Gingrey (GA)	McDermott
Carnahan	Gonzalez	McGovern
Carnahan	Green, Al	McIntyre
Carney	Green, Gene	McKeon
Carson (IN)	Grijalva	McKinley
Castor (FL)	Grimm	McNerney
Chandler	Guinta	Meehan
Chu	Gutierrez	Meeks
Cicilline	Hanabusa	Mica
Clarke (MI)	Harman	Michaud
Clarke (NY)	Harris	Miller (NC)
Clay	Hastings (FL)	Miller, George
Cleaver	Hayworth	Moore
Clyburn	Heck	Moran
Cohen	Heinrich	Murphy (CT)
Connolly (VA)	Higgins	Nadler
Conyers	Himes	Napolitano
Cooper	Hinche y	Neal
Costa	Hinojosa	Nunnelee
Costello	Hirono	Olver
Courtney	Honda	Pallone
Crawford	Hoyer	Pascarell
Crenshaw	Inslee	Pastor (AZ)
Critz	Israel	Payne
Crowley	Jackson (IL)	Pearce
Cuellar	Jackson Lee	Pelosi
Cummings	(TX)	Perlmutter
Davis (CA)	Johnson (GA)	Peters
Davis (IL)	Johnson, E. B.	

Peterson	Ryan (OH)	Thompson (PA)
Pingree (ME)	Sánchez, Linda	Tiberi
Platts	T.	Tierney
Polis	Sanchez, Loretta	Tonko
Posey	Sarbanes	Towns
Price (NC)	Schakowsky	Tsongas
Quigley	Schiff	Upton
Rahall	Schmidt	Van Hollen
Rangel	Schrader	Velázquez
Reed	Schwartz	Visclosky
Rehberg	Scott (VA)	Walz (MN)
Reichert	Scott, David	Wasserman
Reyes	Serrano	Schultz
Richardson	Sewell	Waters
Richmond	Sherman	Watt
Rigell	Shuler	Waxman
Rivera	Simpson	Weiner
Roby	Sires	Welch
Roe (TN)	Slaughter	Whitfield
Rogers (AL)	Smith (NJ)	Wilson (FL)
Rogers (KY)	Smith (WA)	Wittman
Ros-Lehtinen	Speier	Wolf
Ross (AR)	Stark	Womack
Rothman (NJ)	Stivers	Woolsey
Roybal-Allard	Sutton	Wu
Runyan	Terry	Yarmuth
Ruppersberger	Thompson (CA)	Thompson (MS)
Rush	Thompson (MS)	Young (FL)

NOT VOTING—1

Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1424

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 395 OFFERED BY MR. INSLEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 273, not voting 1, as follows:

[Roll No. 56]

AYES—159

Andrews	Chu	Eshoo
Baldwin	Cicilline	Farr
Bartlett	Clarke (MI)	Finler
Bass (CA)	Clarke (NY)	Fortenberry
Bass (NH)	Clay	Frank (MA)
Becerra	Cleaver	Fudge
Berkley	Clyburn	Garamendi
Berman	Cohen	Gibson
Bilbray	Connolly (VA)	Gonzalez
Bishop (NY)	Conyers	Grijalva
Blumenauer	Crowley	Gutierrez
Bono Mack	Cummings	Hanabusa
Boswell	Davis (CA)	Harman
Braley (IA)	DeFazio	Harris
Brown (FL)	DeGette	Hastings (FL)
Buchanan	Deutch	Heinrich
Butterfield	Dicks	Higgins
Capps	Dingell	Himes
Capuano	Doggett	Hinche
Carnahan	Edwards	Hirono
Carney	Ellison	Holt
Castor (FL)	Engel	Honda

Hoyer	McNerney	Schrader
Inslee	Meeks	Schwartz
Israel	Michaud	Scott (VA)
Jackson (IL)	Miller, George	Scott, David
Johnson (GA)	Moore	Serrano
Johnson, E. B.	Moran	Sherman
Kaptur	Myrick	Shuler
Keating	Nadler	Sires
Kildee	Napolitano	Slaughter
Kind	Neal	Smith (WA)
Kissell	Olver	Speier
Kucinich	Pallone	Stark
Langevin	Pascrell	Thompson (CA)
Larsen (WA)	Pastor (AZ)	Thompson (MS)
Lee (CA)	Payne	Tierney
Levin	Pelosi	Tonko
Lewis (GA)	Pingree (ME)	Towns
Lipinski	Polis	Tsongas
Loeb sack	Price (NC)	Van Hollen
Lofgren, Zoe	Quigley	Velázquez
Lowey	Rogers (MI)	Walz (MN)
Lujan	Rothman (NJ)	Wasserman
Lynch	Roybal-Allard	Schultz
Mack	Royce	Waters
Maloney	Ruppersberger	Watt
Markey	Rush	Waxman
Matsui	Ryan (OH)	Weiner
McCarthy (NY)	Sánchez, Linda	Welch
McCollum	T.	Woolsey
McCotter	Sanchez, Loretta	Wu
McDermott	Sarbanes	Yarmuth
McGovern	Schiff	

NOES—273

Ackerman	Davis (KY)	Huizenga (MI)
Adams	DeLauro	Hultgren
Aderholt	Denham	Hunter
Akin	Dent	Hurt
Alexander	DesJarlais	Issa
Altmire	Diaz-Balart	Jackson Lee
Amash	Dold	(TX)
Austria	Donnelly (IN)	Jenkins
Baca	Doyle	Johnson (IL)
Bachmann	Dreier	Johnson (OH)
Bachus	Duffy	Johnson, Sam
Barletta	Duncan (SC)	Jones
Barrow	Duncan (TN)	Jordan
Barton (TX)	Ellmers	Kelly
Benishek	Emerson	King (IA)
Berg	Farenthold	King (NY)
Biggert	Fattah	Kingston
Bilirakis	Fincher	Kinzingler (IL)
Bishop (GA)	Fitzpatrick	Kline
Bishop (UT)	Flake	Labrador
Black	Fleischmann	Lamborn
Blackburn	Fleming	Lance
Bonner	Flores	Landry
Boren	Forbes	Lankford
Boustany	Fox	Larson (CT)
Brady (PA)	Franks (AZ)	Latham
Brady (TX)	Frelinghuysen	LaTourette
Brooks	Gallegly	Latta
Broun (GA)	Gardner	Lewis (CA)
Bucshon	Garrett	LoBiondo
Buerkle	Gerlach	Long
Burgess	Gibbs	Lucas
Burton (IN)	Gingrey (GA)	Luetkemeyer
Calvert	Gohmert	Lummis
Camp	Goodlatte	Lungren, Daniel
Campbell	Gosar	E.
Canseco	Gowdy	Manzullo
Cantor	Granger	Marchant
Capito	Graves (GA)	Marino
Cardoza	Graves (MO)	Matheson
Carson (IN)	Green, Al	McCarthy (CA)
Carter	Green, Gene	McCauley
Cassidy	Griffin (AR)	McClintock
Chabot	Griffith (VA)	McHenry
Chaffetz	Grimm	McIntyre
Chandler	Guinta	McKeon
Coble	Guthrie	McKinley
Coffman (CO)	Hall	McMorris
Cole	Hanna	Rodgers
Conaway	Harper	Meehan
Cooper	Hartzler	Mica
Costa	Hastings (WA)	Miller (FL)
Costello	Hayworth	Miller (MI)
Courtney	Heck	Miller (NC)
Cravaack	Heller	Miller, Gary
Crawford	Hensarling	Mulvaney
Crenshaw	Herger	Murphy (CT)
Critz	Herrera Beutler	Murphy (PA)
Cuellar	Huelskamp	Neugebauer
Culberson	Holden	Noem
Davis (IL)		Nugent

Nunes	Rivera	Southerland
Nunnelee	Roby	Stearns
Olson	Roe (TN)	Stivers
Owens	Rogers (AL)	Stutzman
Palazzo	Rogers (KY)	Sullivan
Paul	Rohrabacher	Sutton
Paulsen	Rokita	Terry
Pearce	Rooney	Thompson (PA)
Pence	Ros-Lehtinen	Thornberry
Perlmutter	Roskam	Tiberi
Peters	Ross (AR)	Tipton
Peterson	Ross (FL)	Turner
Petri	Runyan	Upton
Pitts	Ryan (WI)	Visclosky
Platts	Scalise	Walberg
Poe (TX)	Schakowsky	Walden
Pompeo	Schilling	Walsh (IL)
Posey	Schmidt	Webster
Price (GA)	Schock	West
Quayle	Schweikert	Westmoreland
Rahall	Scott (SC)	Whitfield
Rangel	Scott, Austin	Wilson (FL)
Reed	Sensenbrenner	Wilson (SC)
Rehberg	Sessions	Wittman
Reichert	Sewell	Wolf
Renacci	Shinkus	Womack
Reyes	Shuster	Woodall
Ribble	Simpson	Yoder
Richardson	Smith (NE)	Young (AK)
Richmond	Smith (NJ)	Young (FL)
Rigell	Smith (TX)	Young (IN)

NOT VOTING—1

Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1428

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 223, not voting 2, as follows:

[Roll No. 57]

AYES—208

Ackerman	Butterfield	Connolly (VA)
Altmire	Camp	Conyers
Andrews	Capito	Cooper
Baca	Capps	Costa
Baldwin	Capuano	Costello
Barletta	Cardoza	Courtney
Bass (CA)	Carney	Critz
Bass (NH)	Carson (IN)	Crowley
Becerra	Castor (FL)	Cuellar
Berg	Chandler	Cummings
Berkley	Chu	Davis (CA)
Berman	Cicilline	Davis (IL)
Bishop (GA)	Clarke (MI)	DeFazio
Bishop (NY)	Clarke (NY)	DeGette
Blumenauer	Clay	DeLauro
Boswell	Cleaver	Dent
Brady (PA)	Clyburn	Deutch
Braley (IA)	Coble	Dicks
Brown (FL)	Cohen	Dingell

Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
LoBiondo
Farr
Fattah
Lofgren, Zoe
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Hanna
Harman
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)

NOES—223

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Benishek
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Campbell
Canseco
Cantor
Carnahan
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole

Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Reyes

Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Guinta
Guthrie
Hall
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Duffy
Herrera Beutler
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latta
Lewis (CA)
Lipinski
Long
Lucas
Luetkemeyer

Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence

Giffords

Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner

NOT VOTING—2

Miller (NC)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1431

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 259 OFFERED BY MR. LATTA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Ohio (Mr. LATTA) on
which further proceedings were post-
poned and on which the noes prevailed
by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 137, noes 293,
not voting 3, as follows:

[Roll No. 58]

AYES—137

Aderholt
Akin
Altmire
Amash
Austria
Bachmann
Barton (TX)
Benishek
Bilirakis
Bishop (UT)
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Culberson
DesJarlais

Burton (IN)
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Culberson
DesJarlais

Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Witman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Ackerman

Adams

Alexander

Andrews

Baca

Bachus

Baldwin

Barletta

Barrow

Bartlett

Bass (CA)

Bass (NH)

Becerra

Berg

Berkley

Berman

Biggert

Bilbray

Bishop (GA)

Bishop (NY)

Black

Blackburn

Blumenauer

Bonner

Bono Mack

Boren

Boswell

Brady (PA)

Braley (IA)

Brooks

Brown (FL)

Buchanan

Butterfield

Calvert

Capito

Capps

Capuano

Cardoza

Carnahan

Carney

Carson (IN)

Castor (FL)

Chandler

Chu

Cicilline

Clarke (MI)

Clarke (NY)

Clay

Cleaver

Clyburn

Cohen

Connolly (VA)

Conyers

Cooper

Costa

Costello

Courtney

Crawford

Crenshaw

Critz

Crowley

Cuellar

Cumming

Mack
Manzullo
Marchant
McClintock
McCotter
McHenry
McMorris
Rodgers
Miller (FL)
Miller (MI)
Mulvaney
Myrick
Neugebauer
Nugent
Paul
Pence
Peters
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Renacci
Ribble
Rogers (MI)
Rohrabacher
Rokita

NOES—293

Davis (CA)

Davis (IL)

Davis (KY)

DeFazio

DeGette

DeLauro

Dent

Deutch

Diaz-Balart

Dicks

Dingell

Doggett

Donnelly (IN)

Doyle

Edwards

Ellison

Emerson

Engel

Eshoo

Farenthold

Farr

Fattah

Filner

Fincher

Fitzpatrick

Fleischmann

Forbes

Fortenberry

Foxy

Frank (MA)

Frelinghuysen

Fudge

Gallegly

Garamendi

Gerlach

Gibson

Gonzalez

Gosar

Granger

Green, Al

Green, Gene

Grijalva

Grimm

Guinta

Guthrie

Gutierrez

Hanabusa

Hanna

Harman

Harris

Hartzler

Hastings (FL)

Hayworth

Heck

Heinrich

Herrera Beutler

Higgins

Himes

Hinchey

Hinojosa

Hirono

Holden

Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Southernland
Stearns
Stutzman
Thornberry
Tiberi
Tipton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

Holt

Honda

Hoyer

Hultgren

Inslee

Israel

Jackson (IL)

Jackson Lee

(TX)

Johnson (GA)

Johnson, E. B.

Johnson, Sam

Kaptur

Keating

Kelly

Kildee

Kind

King (NY)

Kinzinger (IL)

Kissell

Kucinich

Lance

Langevin

Lankford

Larsen (WA)

Larson (CT)

Latham

LaTourette

Lee (CA)

Levin

Lewis (CA)

Lewis (GA)

Lipinski

LoBiondo

Loeb sack

Lofgren, Zoe

Lowey

Lucas

Luján

Lungren, Daniel

E.

Lynch

Maloney

Markey

Matheson

Matsui

McCarthy (CA)

McCarthy (NY)

McCaul

McCollum

McDermott

McGovern

McIntyre

McKeon

McKinley

McNerney

Meehan

Meeks

Mica

Michaud

Miller (NC)

Miller, Gary

Miller, George	Rigell	Smith (TX)	Donnelly (IN)	Kline	Pingree (ME)	McHenry	Reichert	Southerland
Moore	Rivera	Smith (WA)	Doyle	Kucinich	Polis	McIntyre	Renacci	Speier
Moran	Roby	Speier	Dreier	Larson (CT)	Price (NC)	McKeon	Reyes	Stivers
Murphy (CT)	Roe (TN)	Stark	Duncan (TN)	Lee (CA)	Rahall	Meehan	Ribble	Stutzman
Murphy (PA)	Rogers (AL)	Stivers	Edwards	Lewis (GA)	Richardson	Meeks	Richmond	Sullivan
Nadler	Rogers (KY)	Sutton	Ellison	Loeb sack	Rogers (MI)	Mica	Rigell	Thompson (MS)
Napolitano	Rooney	Terry	Engel	Lofgren, Zoe	Rohrabacher	Miller (MI)	Rivera	Thornberry
Neal	Ros-Lehtinen	Thompson (CA)	Farr	Lujan	Royce	Miller (NC)	Roby	Tiberi
Noem	Ross (AR)	Thompson (MS)	Filner	Lummis	Ryan (OH)	Miller, Gary	Roe (TN)	Tipton
Nunes	Rothman (NJ)	Thompson (PA)	Foxx	Lynch	Sanchez, Linda T.	Moore	Rogers (AL)	Tonko
Nunnelee	Roybal-Allard	Tierney	Frank (MA)	Mack	Sarbanes	Moran	Rogers (KY)	Towns
Olson	Runyan	Tonko	Garamendi	Manzullo	Schakowsky	Murphy (CT)	Rokita	Tsongas
Olver	Ruppersberger	Towns	Garrett	Markey	Schiff	Murphy (PA)	Rooney	Turner
Owens	Rush	Tsongas	Green, Al	Matsui	Sensenbrenner	Myrick	Ros-Lehtinen	Van Hollen
Palazzo	Ryan (OH)	Turner	Green, Gene	McCollum	Serrano	Nadler	Roskam	Visclosky
Pallone	Sanchez, Linda T.	Van Hollen	Griffith (VA)	McDermott	Sessions	Napolitano	Ross (AR)	Walberg
Pascrell	Sanchez, Loretta	Velazquez	Grijalva	McGovern	Sherman	Neugebauer	Ross (FL)	Walden
Pastor (AZ)	Sarbanes	Visclosky	Gutierrez	McKinley	Shuler	Noem	Rothman (NJ)	Walsh (IL)
Paulsen	Schakowsky	Walz (MN)	Hall	McMorris	Slaughter	Nugent	Ruppersberger	Walz (MN)
Payne	Schiff	Wasserman	Hayworth	Rodgers	Smith (WA)	Nunes	Rush	Wasserman
Pearce	Schmidt	Schultz	Heinrich	McNerney	Stark	Nunnelee	Ryan (WI)	Watt
Pelosi	Schock	Waters	Michaud	McNerney	Stearns	Olson	Sanchez, Loretta	Waters
Perlmutter	Schrader	Watt	Hinchey	Miller (FL)	Sutton	Owens	Scalise	Webster
Peterson	Schwartz	Waxman	Hirono	Miller, George	Terry	Palazzo	Schilling	Waxman
Pingree (ME)	Scott (VA)	Weiner	Holt	Mulvaney	Thompson (CA)	Pascrell	Schmidt	Weber
Platts	Scott, David	Welch	Huizenga (MI)	Neal	Thompson (PA)	Paulsen	Schock	Weiner
Polis	Serrano	Whitfield	Hurt	Olver	Tierney	Pearce	Schwartz	Welch
Price (NC)	Sewell	Wilson (FL)	Jackson (IL)	Pallone	Upton	Pelosi	Schweikert	West
Quigley	Sherman	Wittman	Johnson (IL)	Pastor (AZ)	Velazquez	Pence	Scott (SC)	Whitfield
Rahall	Shuler	Wolf	Johnson, E. B.	Paul	Westmoreland	Peters	Scott (VA)	Wilson (FL)
Rangel	Shuster	Womack	Jones	Payne	Wooley	Peterson	Scott, Austin	Wilson (SC)
Rehberg	Simpson	Woolsey	Keating	Perlmutter	Wu	Pitts	Scott, David	Wittman
Reichert	Sires	Young (AK)	Kingston	Petri		Platts	Sewell	Wolf
Reyes	Slaughter	Young (FL)				Poe (TX)	Shimkus	Womack
Richardson	Smith (NJ)					Pompeo	Shuster	Woodall
Richmond						Posey	Simpson	Yarmuth

NOT VOTING—3

Denham Giffords Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1434

Mr. DEFAZIO changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 98 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 301, not voting 2, as follows:

[Roll No. 59]

AYES—130

Amash Camp
Baldwin Campbell
Bartlett Capps
Barton (TX) Capuano
Bass (CA) Carnahan
Berkley Carney
Bishop (NY) Cassidy
Blumenauer Chaffetz
Braley (IA) Chandler
Broun (GA) Chu
Burgess Clarke (MI)

Clarke (NY)
Cleave
Coble
Coffman (CO)
Cohen
Conyers
Costello
Crowley
DeFazio
DeGette
Doggett

ACKERMAN

Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bass (NH)
Becerra
Benishak
Berg
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Castor (FL)
Chabot
Cicilline
Clay
Clyburn
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravack
Crawford
Crenshaw

NOES—301

Critz
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Duffy
Duncan (SC)
Ellmers
Emerson
Eshoo
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hanabusa
Hanna
Harman
Harper
Harris
Hartzer
Hastings (FL)
Hastings (WA)

Heck
Heller
Henger
Herrera Beutler
Higgins
Himes
Hinojosa
Holden
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Inslee
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Maloney
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCotter

NOT VOTING—2

Giffords Roybal-Allard

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1438

Mr. NADLER and Mrs. MALONEY changed their vote from “aye” to “no.”

Messrs. PASTOR of Arizona and LYNCH changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 223 OFFERED BY MR. PASCRELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 318, noes 113, not voting 2, as follows:

[Roll No. 60]

AYES—318

Ackerman
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah

Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Hanna
Buchanan
Harman
Harris
Hastings (FL)
Hayworth
Heck
Heinrich
Heller
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lowey
Luján
Lynch
Maloney
Manzullo
Marino

Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nunes
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires

Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southernland
Stark
Stearns
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney

Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt

Waxman
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—113

Adams
Aderholt
Akin
Amash
Bachmann
Barton (TX)
Benishak
Bilbray
Black
Blackburn
Bonner
Brady (TX)
Brooks
Broun (GA)
Burton (IN)
Campbell
Canseco
Cantor
Carter
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
DesJarlais
Diaz-Balart
Dreier
Duncan (SC)
Elmlers
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Foxy
Franks (AZ)

Garrett
Gowdy
Graves (GA)
Hall
Harper
Hartzler
Hastings (WA)
Hensarling
Huelskamp
Hunter
Issa
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan
Labrador
Lamborn
Latta
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marchant
Markey
McClintock
McKeon
Mica
Miller (FL)
Miller, Gary
Mulvaney
Neugebauer
Nugent
Nunnelee
Olson

Palazzo
Pearce
Pence
Petri
Pitts
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rohrabacher
Rokita
Ross (FL)
Royce
Rush
Ryan (WI)
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Smith (TX)
Speier
Stutzman
Sullivan
Thornberry
Tipton
Walsh (IL)
Webster
Wilson (FL)
Wolf
Womack
Woodall
Yoder
Young (IN)

NOT VOTING—2

Giffords Herger

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1442

Messrs. GARDNER and RIGELL changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to this deeply flawed Republican funding resolution.

The bill is a reckless and sweeping attack on the public health and environmental protections that keep our air safe to breathe and our water safe to drink.

One of the most egregious assaults on public health and the environment in the legislation is section 1746. This provision guts the Clean Air Act and bars the Environmental Protection Agency

from addressing the grave threat to public health and the environment posed by carbon pollution, and it does so while destroying thousands of jobs.

The science is clear and the evidence is overwhelming. According to the National Academy of Sciences and the premier scientific organizations of all the world's major economies, carbon pollution is changing the climate and endangering the environment. But section 1746 prohibits EPA from taking commonsense, reasonable measures to address this threat.

The Clean Air Act currently requires that new source plants, new power plants, new oil refineries, and other major new sources of carbon emissions take steps to reduce their carbon emissions. This requirement makes sense because it is easier for facilities to plan for emission reductions before construction than to install retrofits afterwards. EPA says sources should be able to comply just by being energy efficient. Section 1746 would prevent EPA from implementing this commonsense requirement.

EPA has also indicated it plans to set minimum Federal standards for the two largest sources of carbon pollution: power plants and oil refineries. This section would prevent EPA from even proposing these standards.

Instead of gutting the Clean Air Act, the top priority for this Congress should be getting Americans back to work, but section 1746 does exactly the opposite. It imposes a de facto construction ban on many areas of the country. The Clean Air Act requires the largest new or expanding facilities to obtain carbon pollution permits before they begin construction. The Republican bill doesn't change this legal requirement to have a permit, but it does prevent EPA from actually issuing the needed permits. This affects every jurisdiction where EPA issues permits.

This construction ban would apply to all or part of 13 States, including my own State of California. It would block dozens of major projects, including power plants, refineries, cement kilns, and large manufacturing plants. The result would be the loss of thousands of construction jobs and permanent jobs at these facilities.

Members have different views about how to reduce carbon pollution, but we should all agree that a multi-State construction ban is a terrible idea.

The Republican bill has other damaging impacts. The bill blocks requirements to reduce carbon pollution emissions that Congress established in the 1990 Clean Air Act amendments and expanded a few years ago. The bill even blocks successful voluntary programs that partner with industry like Energy Star, and it blocks the renewable fuel standard that Congress established 4 years ago which aims to reduce our dependence on foreign oil.

This is a sweeping, reckless, and irresponsible bill. I urge all my colleagues to oppose it.

I yield back the balance of my time.

Mrs. EMERSON. Madam Chair, I move to strike the last word to enter into a colloquy with Mr. DENHAM of California.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I yield to the gentleman from California.

Mr. DENHAM. I thank the gentlewoman for yielding.

I originally planned on offering an amendment to cut the General Services Administration's budget to force it to sell unneeded Federal properties. My purpose was to get GSA's attention and compel it to stop wasting billions of dollars on Federal buildings we no longer need or barely use. However, through this colloquy, I hope our committees can make a commitment to work together and accomplish this same goal.

Just last week, I held my subcommittee's first hearing in a freezing cold, vacant Federal building on Pennsylvania Avenue. The building sits on one of the most famous streets in America, within walking distance of the U.S. Capitol and the White House. Yet it has been empty for over a decade and loses over \$6 million in taxpayer money each year. I am sad to say there are buildings like this across the entire Nation. According to GAO, Federal agencies reported over 45,000 underutilized buildings that cost \$1.66 billion annually to operate and maintain.

□ 1450

At GSA's current rate of disposal, it will take over 800 years to get rid of excess and surplus properties.

Our Nation is facing financial distress, and this wasteful spending must stop. GSA needs to get serious about selling wasteful properties. To date, GSA has failed to provide my office with detailed information about the Federal Government's inventory of properties. Congress needs to see the list of properties so we can hold GSA's feet to the fire, sell wasteful properties and save taxpayer money.

Madam Chairman, I would greatly appreciate your commitment to work with our committee on the following items:

To compel GSA to provide detailed property lists of unneeded or money-losing properties to our committees, as well as an inclusive list of the entire asset inventory under its jurisdiction;

Second, to compel GSA to greatly increase the number of properties it sells or redevelops;

And, third, to work with the Transportation and Infrastructure Committee on a legislative initiative to consolidate Federal employees into fewer Federal buildings.

Mrs. EMERSON. Let me thank the gentleman for calling attention to these important issues and offering to work with our subcommittee on your three initiatives. The Appropriations Committee shares your deep concerns about the number of wasteful properties in the government inventory, and I commit to working with you on the three items you mentioned so we can together save taxpayer money.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE VII—INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES

SEC. 1701. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Land Management, Management of Lands and Resources" shall be \$927,523,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$927,523,000" for "\$959,571,000" the second place it appears.

AMENDMENT NO. 30 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 263, line 15, after the dollar amount, insert "(reduced by \$2,000,000)".

Page 263, line 18, after the first dollar amount, insert "(reduced by \$2,000,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$2,000,000)".

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Chairman, I have talked to the leadership of the committee, and I think that this amendment is agreeable to them, and I don't think there is going to be a great deal of opposition to it.

What I want to do is I want to send a message to the Bureau of Land Management. This amendment only cuts about \$2 million from the Bureau of Land Management's Management of Lands and Resources Account, and I know that is not much when you are talking about a \$1.65 trillion deficit this year. But the problem I am addressing is the Wild Horse and Burro Management Program that they have. This program was started I believe in 1971, and since then the Secretary of the Interior has been charged with managing these mustangs that live on public lands out West primarily.

By any stretch of the imagination, this program may have been successful to a degree, but it is very, very costly. The cost has gone from \$20.4 million in fiscal year 2000 to \$64 million in 2010, and the President has asked for \$75.7 million in this coming fiscal year. As far back as 2008, the nonpartisan Government Accountability Office has warned that the cost of this program will get completely out of control un-

less we deal with it in an efficient way, and this has not happened.

What is going on right now is they are taking these mustangs and they are transporting them from their habitat where they live now as far as 1,000 miles. They are putting them in holding pens. They just recently rounded up I believe about 10,000 of these wild horses. They ship them to a holding pen halfway from, let's say, Nevada to Oklahoma, and then they transfer them the rest of the way, about 1,000 miles. It costs about \$2,500 per horse to keep them in these pens, and there are other ways to handle this problem. So the Bureau of Land Management really needs to get on with the problem of dealing with these wild animals in a very efficient and humane way, and they are not doing that.

I have talked to the people over at the Bureau of Land Management, told them we were going to bring this up, and that it was very, very important that they come up with a program that is a responsible way to deal with these animals and do it in a humane way.

Now, they are talking about, in addition to corralling them, to killing many thousands of these horses through euthanasia, and a lot of people in this country, the Humane Society and animal lovers, think this is a very inhumane way to deal with this problem. The Bureau of Land Management needs to talk to people who are interested in this issue and come to a conclusion that is acceptable to people all across this country that believe in the mustangs that are out West.

So, as I said, my amendment only cuts \$2 million. It is just a drop in the bucket when you are talking about this overall cost problem we are facing. But it is one that I hope will send a very strong message to the Bureau of Land Management, to treat mustangs in a humane way and to solve this problem in a way that is acceptable to the Congress of the United States and the people of this country across America.

I yield back the balance of my time.

Mr. SIMPSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Madam Chairman, we agree that there is a major problem with the wild horse and burro policy. It is too expensive and problematic for multiple uses on public lands and conserving western rangelands. I would like to work with Mr. BURTON, Mr. HASTINGS, and Mr. BISHOP on this problem. The true problem is the law, not the funding of the law.

In recognition of the problems that Mr. BURTON raises, we will accept this amendment, but first I would like to make some important points about the wild horse and burro program.

The wild horse population is not native to North America and can double every 4 years. If horses aren't removed

from the range, it can cause degradation and reduced foliage for wildlife and livestock. If this program isn't appropriately funded and horses aren't removed from the range, wild horses will continue to reproduce, over-graze and eventually have a population crash, which means starving horses.

I would also point out that it is already illegal to slaughter wild horses or burros, and the BLM spends no funds on slaughtering wild horses or burros. But I appreciate the gentleman from Indiana pointing out the problem, and I would like to work with him to find a reasonable solution to this that doesn't cost the kind of money that it currently costs.

I yield back the balance of my time. Mr. MORAN. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Madam Chairwoman, we are going to hear some opposition to the intent of this legislation, so let me share some thoughts about it.

Despite so much public support for allowing wild horses to remain wild, despite multiple scientific studies of their management that exposed poor analysis, fiscal waste, and no use of preventative methods, the BLM continues to use helicopters to round up and remove horses from the range and place them in long-term holding facilities. There are about 40,600 horses in these pens currently.

The most recently completed fiscal year holding costs accounted for \$37 million out of a total wild horse and burro budget of \$64 million. The average lifespan of a wild horse in captivity is about 30 years. Holding and maintaining one wild horse in these long-term facilities costs about \$500 a year.

Last year, BLM received a 30 percent increase in their budget. Instead of using that to fix this broken wild horse management problem, they permanently removed another 10,000 wild horses and burros and put them into tax funded long-term holding pens.

BLM's approach has been enormously wasteful and misguided. Instead of capturing wild horses and holding them in pens for life, BLM should have already fully implemented a less costly, preventative, and more humane option, that of controlling herd size through contraception.

According to a study by the U.S. Geological Survey, the BLM could save up to \$8 million a year with the implementation of herd reduction through birth control. It plans to use birth control for approximately 1,000 horses this year but will still round up and remove nearly 10,000 others they feel are "excessive," in their words. At the same time, we have private citizens who are willing to use their own money to form public-private partnerships that will preserve these horses in the wild, pro-

mote economic activity, and reduce the cost to the Federal Government.

Instead of embracing these opportunities, such as Mrs. Pickens' generous plan, BLM has relied on procedural arguments to block such initiatives and maintain the status quo. That is why this amendment is important.

As we expanded into the West two centuries ago, we found millions of wild horses thriving on the American prairies and high deserts. They became part of our American heritage, helping us reach the West and develop and thrive as a nation. They have been our companions and our inspiration, but we have already destroyed too many of them.

The small herds that still run free symbolize our growth as a great nation. That is why Congress declared them protected in 1971. We said that they are entitled to the greatest protection possible, as they were fast disappearing from the American landscape. But rather than maintaining them in their natural state and allowing them to be free, we captured them, often causing harm and even death, and we contained them in these long-term holding facilities.

□ 1500

We had millions of wild horses at one time, now reduced to only 30,000 still living on the range. We have more in captivity than we have on the range. The fact is, it's time for the Bureau of Land Management to wake up, take this issue seriously, work with all the stakeholders to fix an unsustainable situation.

Mr. BURTON's amendment is intended to make this point abundantly clear to the Bureau of Land Management, and that's why we accept this amendment.

Mrs. LUMMIS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Madam Chair, I rise to correct some of the statements that were just made. In my home State of Wyoming, we have more than 30,000 wild horses. The wild horses have no natural predators. And I have ridden BLM wild horses. My sister adopted two of them. I've ridden them. We've used them on our ranch, and I know whereof I speak.

Wild horses overgrazing our fragile ecosystems in the West on lands that were not conducive to the type of grazing that occurs when a hoofed animal that does not have a split hoof is grazing causes the soil to be tamped down. Horses are a solid-hoofed animal. When they run, they tamp the soil. When we have our sparse rains, it runs off, thereby causing soil erosion and causing difficult grazing situations.

The natural grazers on that land for millennia were split-hoofed animals such as elk and bison, and that is why

sheep and cattle are more conducive to protecting the grazing of that sparse fragile resource than a solid-hoofed animal. When you put too many solid-hoofed animals tamping down that fragile grass with a very shallow reservoir of top soil, you cause overgrazing and you are loving horses in a way that causes the fragile grass ecosystem to the Western States to die.

It is this Congress that has caused the problems by saying that we cannot slaughter horses. Yet we're not supposed to keep them in pens. We're supposed to allow them to overgraze the West.

When the gentle people east of the Mississippi will take these excess horses into their backyards, I will support this amendment. Until then, I oppose efforts by those well-meaning people that measure animal unit months by the acre and we measure acres by the animal unit month.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

Mr. TONKO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, I rise to discuss section 1746, which would eliminate EPA funding from going to implementation of the Clean Air Act.

Over the past 40 years, the bipartisan Clean Air Act has saved hundreds of thousands of lives and improved the health of Americans in every State. It protects the air we breathe. It protects our children from developing asthma and our seniors from developing emphysema. According to the American Lung Association, in 2010 alone the Clean Air Act saved over 160,000 lives. Even since 1990, the EPA estimates the Clean Air Act prevented an estimated 843,000 asthma attacks, 18 million cases of respiratory illness amongst children, 672,000 cases of chronic bronchitis, 21,000 cases of heart disease, and 200,000 premature deaths.

And yet in the irresponsible Republican spending bill, there's an attempt to eliminate all funding from the implementation of the Clean Air Act. It is clear that the Republican majority is doing all it can to stop EPA from carrying out its mission of protecting public health and protecting our environment.

Many will claim that the EPA is moving at a faster pace than any other administration in history. However, the EPA has proposed fewer Clean Air Act rules under President Obama over the past 21 months than in the first 2 years of either President Bush or President Clinton. That is why in December of 2010, 280 groups, including the American Heart Association, the American Lung Association, the American Public

Health Association, and others, sent a letter urging the Congress to “reject any measure that would block or delay the United States Environmental Protection Agency from doing its job to protect all Americans from life-threatening air pollution.”

The irresponsible Republican spending bill is not the place to legislate these types of changes. These policy changes should not be made during this sort of process. The Clean Air Act is promoting innovation and breaking American oil dependence, but Republicans would give big polluters a loophole to roll back our clean energy process and continue our addiction to foreign oil.

The Clean Air Act is good for our economy. Many studies have shown the Clean Air Act’s economic benefits to far exceed any costs associated with the law by as much as a 40-to-1 ratio. As President Obama so eloquently spoke of during his State of the Union address, we must out-innovate, out-educate, and out-build our global competitors and win the future. Rolling back a law that protects the air our children breathe to allow oil companies—companies that are already reaping record profits—the ability to spew chemicals, smog, soot, and pollution into the air just to please a lobbyist or a Big Oil corporation is irresponsible and extreme.

The Clean Air Act has been on the books for decades, with positive results for our economy, our environment, and our businesses. Rolling back these protections will only hurt our most vulnerable. We simply cannot afford to go backward.

With that, I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1702. Notwithstanding section 1101, the level for “Department of the Interior, Bureau of Land Management, Construction” shall be \$2,590,000: *Provided*, That no less than \$1,000,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

AMENDMENT NO. 556 OFFERED BY MR. PEARCE

Mr. PEARCE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 263, line 22, after the dollar amount, insert “(reduced by \$2,590,000)”.

On page 264, line 3, after the dollar amount, insert “(reduced by \$2,750,000)”.

On page 264, line 20, after the dollar amount, insert “(reduced by \$23,737,000)”.

On page 264, line 23, after the dollar amount, insert “(reduced by \$15,055,000)”.

On page 267, line 17, after the dollar amount, insert “(reduced by \$171,713,000)”.

On page 268, line 12, after the dollar amount, insert “(reduced by \$14,100,000)”.

On page 278, line 3, after the dollar amount, insert “(reduced by \$9,100,000)”.

SEC. None of the funds made available by this Act may be used for the Land and

On page 359, line 12, after the dollar amount, insert “(increases by \$239,045,000)”.

Mr. SIMPSON. Madam Chairwoman, I reserve a point of order on the gentleman’s amendment.

The Acting CHAIR. A point of order is reserved.

Mr. PEARCE. Madam Chair, I ask unanimous consent to modify my amendment in the form at the desk.

The Acting CHAIR. Is there objection to the request of the gentleman from New Mexico?

Mr. MORAN. Madam Chairwoman, I object to the modification.

The Acting CHAIR. Objection is heard.

The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Madam Chair, whenever a family is running behind on its obligations, the family begins to stop its investments and its purchases.

Madam Chair, I would draw the attention of our body to the chart in front of me. We’re spending \$3.5 trillion a year, and we bring in \$2.2 trillion a year. That means that we have \$1.3 trillion a year in deficit that goes into our debt barrel. Currently, our debt is around \$15 trillion a year. That’s on top of the \$89 trillion unobligated funds that we have to pay in the future for Social Security, Medicare and Medicaid.

Madam Chair, it is time for us to live within our means as a Nation. So my amendment simply strikes the ability for BLM to purchase new land and buildings. It removes \$15 million from fish and wildlife for land acquisitions.

□ 1510

It removes \$14-plus million from national parks for land acquisitions. It removes \$9 million from the Forest Service for land acquisitions. It removes \$2.5 million from the OMB for new construction. It removes \$23 million from the Fish and Wildlife Service for construction funds, and it removes \$171 million from the National Park Service for construction funds.

As we look at the picture here of us as a Nation—and we are seeing that literally we are in the process of wrecking our economy, the same as a family would be wrecking its economy—it is time for us to not stop the purchases of land, but to simply put them off to a future time when we can get our economic house in order. We are not talking about stopping these programs forever, just for the rest of this fiscal year.

It is not the time for us to be spending money in this way. Our future is at risk. We are having to look at cutting significant funds from programs that matter. We are running a \$1.3 trillion deficit this year. The President says in next year’s budget he wants to run a \$1.6 trillion deficit. CBO and OMB both have a chart here that shows our economy as simply discontinuous in the 2030 range.

When we are talking about the fiscal instability of our economy, when we are talking about this picture for our ability to pay our debts, when we are talking about this picture for the Nation, then it only makes sense for us to look and to prioritize our funding and to prioritize our expenditures the same way any family would.

I yield back the balance of my time.

POINT OF ORDER

The Acting CHAIR. Does the gentleman from Idaho continue to reserve his point of order?

Mr. SIMPSON. Madam Chairwoman, I insist on my point of order.

The Acting CHAIR. The gentleman will state.

Mr. SIMPSON. Madam Chairwoman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment does not merely propose to transfer appropriations among objects in the bill, but also proposes language other than those amounts.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

The gentleman from Virginia is recognized.

Mr. MORAN. Madam Chair, in addition to its being a point of order, I think it should be noted that what we are talking about, nature and culture visitation, are huge industries, responsible for more than 3 million jobs.

The Park Service has a backlog in deferred maintenance of at least \$6 billion. We can’t be cutting construction. In fact, these funds enhance national parks, wildlife refuges, public lands, and create thousands of new jobs.

The Acting CHAIR. The gentleman will confine his remarks to the point of order.

Mr. MORAN. I would support, though, the motion that this is out of order and trust that it will be ruled as such.

The Acting CHAIR. Does any other Member wish to be heard on the gentleman’s point of order? If not, the Chair will rule:

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentleman from New Mexico proposes also another kind of change in the bill, namely, a new limitation on funds in the bill, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

Mr. THOMPSON of California. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. Madam Chair, there is bipartisan

agreement that Congress needs to create jobs, grow our economy, and live within our means. The bill before us today, though, goes too far, with irresponsible and arbitrary cuts that will threaten the economy and cost us more than 800,000 private and public sector jobs. Included in today's bill is reckless language that will cost thousands of jobs in coastal communities in my district and in Oregon by destroying the recreational and commercial salmon fisheries.

Over the years, my district has been hit hard by politically motivated water management decisions that have resulted in dramatic declines in salmon stock. For example, in the Central Valley, we witnessed a peak of 768,000 fall-run salmon in 2002, followed by a collapse to a historic low of only 39,500 fish in 2009. These declines have led to an estimated \$1.4 billion in lost economic activity in 2008, 2009 and 23,000 lost jobs.

In these 2 years, the commercial fishery was completely shut down. Last year, only 14,500 salmon were caught by the California salmon fishery, which is about 20 percent as many as were caught during the 2006 disaster. This only exacerbates the economic crisis facing fishing families in communities in my district. These fishing families have been put out of work in my district and up through and into Oregon. Some have lost their homes, their savings, and their livelihoods.

Water management decisions in the collapsing bay-delta ecosystem need to be based on science, not politics. In 2002, the science on minimum flows in the Klamath River was ignored, resulting in the death of some 80,000 salmon and the loss of countless fishing community jobs. Today's bill does the same thing by waiving Federal protections, which put at risk fishing industry jobs. By de-funding the biological opinions, this bill also threatens water supplies for southern California farmers and cities by placing the burden to comply with the California Endangered Species Act solely on the State Water Project.

We know that with the right tools and careful water management we can meet our water needs in a cost-effective way and restore salmon runs and coastal economies. We need to continue the ongoing negotiations aimed at reaching balanced solutions for California's water challenges. This bill undermines that effort.

For these reasons and many more, I urge my colleagues to join me in opposing this reckless piece of legislation that hurts jobs, hurts the economy, and hurts my district.

I yield back the balance of my time.

Mrs. CAPPS. Madam Chairwoman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Madam Chair, I am troubled to be on the floor this afternoon.

Americans still are facing staggering unemployment rates, and our economy has not yet fully recovered; but instead of talking about the many ways we can generate jobs, especially clean-energy jobs that can't be shipped overseas and about ways to improve the health of American families, we have an extreme piece of legislation before us.

Americans all agree that fiscal discipline is a must, but special interests giveaways and legislative earmarks to protect big polluters won't balance our checkbook. Putting health protection on the chopping block means dirtier air, dirtier water, and more children's lives at risk. One of the most egregious legislative earmarks in the bill would block the EPA from doing its job, which is to protect our health from air pollution.

Madam Chair, not allowing the EPA to address carbon pollution under the Clean Air Act is flat-out dangerous. Climate change is a serious problem. The scientific evidence is clear. The debate is over. Climate change is real. It is happening—and human beings are largely to blame.

2010 was the hottest year on record. In the last decade, the Earth experienced nine of the 10 hottest years since data has been recorded. We are also starting to see the irreversible damage to our economy and to our environment. Sea levels are rising. Acidification is happening in our oceans. The world is witnessing increased rainfall, floods, droughts, and wildfires; and our fresh water supplies and capacity to grow enough food will be severely challenged in the years ahead.

Madam Chair, the longer we delay taking action to address climate change, the more difficult and expensive the solutions will be. That is why the EPA is taking a cautious, flexible, and balanced approach to addressing carbon pollution. Each of the steps it has taken so far has followed the letter of the law. For four decades, the Clean Air Act has protected the health of millions of Americans, including our children, our seniors and the most vulnerable among us, from all kinds of dangerous air pollutants. The law also has a tremendous track record in providing certainty to businesses and delivering economic benefits.

Since the Clean Air Act was enacted, overall, air pollution has dropped while the U.S. GDP has risen 207 percent. We have also seen major health benefits, including asthma reduction, lower lung cancer rates, and much greater productivity. In fact, by 2020, the benefits of the Clean Air Act are expected to reach \$2 trillion, exceeding any cost by more than 30 to 1.

All of these benefits, Madam Chair, are jeopardized by this dangerous rollback of the Clean Air Act included in the Republican omnibus spending bill.

□ 1520

And that's why groups, many groups ranging from the American Lung Association to the American Sustainable Business Council, have decried the harm of this proposal to people's health and our economy. And it's why I stand with them today in opposing the extreme earmarks to gut the Clean Air Act. This sweeping proposal has many impacts. It would block new construction. It tampers with the clean car agreement between the automakers, the States, and the Obama administration. And it would stop the renewable fuels standard in its track.

Madam Chair, our constituents want us to create jobs and to stand up for the health of our families. They don't want us to stand with the big polluters. This attack just doesn't make sense.

Last month, President Obama stood on the House floor and talked about "winning the future" through innovation, and he used clean energy as his central example. We know that clean energy will put Americans to work. It will help our economy grow, and it will help America compete in a global marketplace. Let's create jobs by investing in cleaner forms of energy. Let's not obstruct the EPA from doing its job of protecting the public's health and environment.

These are crucial issues, Madam Chair, for the public and the planet. It's our duty here in this place to ensure both are protected from harmful carbon pollution. Unfortunately, this extreme legislation does not meet this crucial test. Congress should be investing in America's future, not moving backwards.

So I urge my colleagues to say "no" to this irresponsible omnibus with all of its reckless spending cuts.

Mr. POLIS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Madam Chairman, this spending bill is simply unacceptable on many levels. This is a bill drafted for a sound bite, not sound policy for the American people. Handcuffing the EPA is proof of that fact, and I have and will continue to oppose those attempts and propose amendments where possible.

This CR arbitrarily kills jobs, hurts the public health, and is a slap in the face to protecting our environment and clean air. This CR will set our country back decades by curtailing scientific research simply because Republicans don't like what the science says. Worse yet, it puts our children's health at risk by handcuffing the EPA's ability to simply police polluters. The American public needs real solutions and thoughtful policies, not sound bytes.

This bill is a backhanded way of achieving a policy objective. Just because the Republican Party doesn't

like what the overwhelming science is telling us and they've stopped time and time again any meaningful reform, now they're attempting to legislate in a spending bill.

This bill simply continues the false logic often employed by Republicans: underfund an agency, then complain about its ineffectiveness, then call for further cuts because the program didn't have the funds to work in the first place.

Madam Chairman, the EPA is working hard to protect us from pollution in a responsible way that spurs the economy. This CR prohibits any funding from being used to carry out the EPA's power plant pollution safeguards, the rules that target the largest power plants and prevent them from polluting our air.

The rules also spur economic growth. A recent study by MIT found that nearly 1.5 million jobs could be created by simply letting the EPA ensure that over time power companies move towards cleaner power plants. That's 1.5 million jobs cut by this CR. Furthermore, this provision only harms an industry by giving it increased uncertainty and not allowing them to plan for the future. In some cases, it might even lock up permits from going to companies that are a normal part of business. We don't need sound bites; we need sound policy.

The Clean Air Act guards the most vulnerable Americans, those with asthma and other lung disease, children, older adults, people with heart disease and diabetes, from the danger, the real danger of airborne pollutants, including threats from mercury, carbon dioxide and methane. Each year, the act prevents tens of thousands of ill health effects, including preventing asthma attacks, heart attacks and, yes, preventing premature death. This year alone, the Clean Air Act will save more than 160,000 lives, according to estimates by the Environmental Protection Agency.

Forty years of evidence shows that these health benefits come not only without harm to the economy but with benefits to the economy. Since 1970, the Clean Air Act has cut emissions by 60 percent. At the same time, the economy has grown by more than 200 percent.

Madam Chair, I implore the majority party to stop making grand gestures attempting to bully the EPA. Let it do its job of protecting your family and my family from dangerous pollution. Let it do its job to keep our air and our water clean.

This CR is a polluter's dream and a public health nightmare. I urge a "no" vote.

Mr. GEORGE MILLER of California. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Chair, we all recognize the need for us to reduce the deficit and curtail unreasonable spending, but this continuing resolution obviously goes far too in the extreme direction of harming our economy and harming many of the services that our citizens have come to rely on to finish and bring their lives together, whether they're working, whether they need health care, whether their children need education, and this resolution is harmful for that.

But I want to speak for the moment on section 1475, which is a rider that is added to this legislation that will harm the California economy, harm our ability to plan into the future for the use of water.

We have a water system in California that's dramatically oversubscribed, and we're in the process now of bringing that together to make sure that we can meet the future economic needs of our State and also the needs of the various sectors of that economy, whether they be the fishing sector, they be the energy producing sector, the farming sector or the settlement of our cities.

But with this rider—this rider, first of all, throws out 18 years of litigation successfully brought to an end, a long conflict on the San Joaquin River to provide for that settlement, a settlement that is agreed to by almost everyone. But more importantly, for the sake of the long-term water using, this amendment defunds the biological opinions that were going forward that are the cornerstone to provide for the final elements of the plan to provide California and the apportionment of that water for the protection of the fisheries and the economies in northern California, for the protection in the water supplies of the Central Valley's economy and the needs of the great urban areas of southern California. That planning must be completed.

This is as close as we've come. After decades and decades of water wars in the State of California, we finally have the opportunity now to bring the various parties together from all geographic regions, from all sectors of the economy, and plan the future of our State so that we will have the water that is necessary to secure our economy, to secure our families, to secure our agricultural areas of the State, and to provide for the great ecology of the State of California.

We've gone through some disasters, if you will, because of the droughts, because of water cycles, and my colleague from further north in the State, MIKE THOMPSON, laid out this. We saw thousands of jobs lost, the fisheries decimated because of political water decisions that were made over the last several years that decimated the salmon run, not only affecting just the San Francisco Bay delta but affecting the coastal regions of our State and the

coastal regions of Oregon and Washington.

These are important fisheries. This is an important part of our economy. It's a renewable part of our economy if we take care of it, but if we have mindless riders that are put onto legislation like the one provided in section 1475, it will bring an end to these negotiations.

It's taken a long time to get the water parties from the south, the water parties from industry, the water parties from agriculture, from the environmental community and the government, the Federal Government and State government together. They are sitting at that table and they're working it through.

Just in the last couple of days, we see the delta planning organization put forth its first document to say what the requirements will be for the conservation habitat plan that all of these elements from north and south California working on. This amendment simply kicks that negotiating table over. It drives the parties away from the negotiation, and California goes back into water uncertainty, economic uncertainty, ecological uncertainty that our State cannot continue to have if we're going to grow our economy, if we're going to come out of this recession.

So I would hope that on passage the Members would vote against this continuing resolution, understanding the kind of damage that these kinds of riders that were inserted in the middle of the night on behalf of a few special interests have the opportunity to really destroy, destroy bipartisan geographical negotiations that are the most promising in the last 40 years in the history of our State.

The opposition from so many of the water users across the State, no matter where they reside, to this rider is well-known, to the fishing community, to so many parts of our economy in the San Joaquin-Sacramento Bay delta, and to the future of our ability to get a handle on these water issues that have plagued us for so many years in California. I would hope that we would reject this provision of this legislation.

□ 1530

Ms. MATSUI. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. MATSUI. Madam Chair, we all believe in economic growth and job creation and environmental stability, but this resolution goes in the wrong direction and affects my State and district adversely.

Madam Chair, water in California is never a dull subject. As we try to repair the delta and prepare our water system for the generations to come, it is imperative that we make progress and not take steps backwards. That

means achieving a healthy delta and finding a way for water users throughout California to receive their water without harming the delta. The amendments to the continuing resolution that defund and cut funding from the San Joaquin River Restoration, the Central Valley Project Restoration Fund, and the implementation of the biological opinion of the delta smelt and salmon are steps backwards.

The balance that we have been trying to achieve in California is a negotiation that must not be thrown off balance. Decades of work toward a more certain future for California water is only attainable when everyone works toward a solution rather than throw up roadblocks that cost us precious time. That work started during the Bush administration and continues to this day. I urge you to oppose the language in the continuing resolution and allow the work by key stakeholders in California to continue.

Madam Chair, I yield back the balance of my time.

Mr. YARMUTH. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. YARMUTH. Madam Chair, I rise today to oppose section 1746 of H.R. 1 and to urge defeat of this bill.

In my hometown of Louisville, Kentucky, and in communities all across the United States, a provision of H.R. 1, section 1746, will effectively ban new construction on power plants, refineries, and manufacturing facilities. By freezing the Environmental Protection Agency's ability to issue a mission-based construction permit, H.R. 1 would halt dozens of ongoing projects in communities like Louisville. Under this provision, thousands of jobs in construction, contracting, and manufacturing could be lost. In Louisville alone, plans to improve Ford's Kentucky truck plant could be derailed, jeopardizing the jobs of thousands of hardworking Kentuckians.

I know what you're thinking, what I'm saying can't possibly be true. But it is. You're thinking, this must be an unintended consequence of section 1746 or perhaps an error in drafting, but it's not. Apparently, this is exactly what the Republicans on the Appropriations Committee intended to do. They will let nothing stand in the way of their feverish rush to handcuff the EPA, not even American jobs. In their effort to slam through a package of irresponsible cuts and to thwart the work of the very agency charged with protecting the air we breathe and the water we drink, the casualties aren't just limited to our national environment but real people and real jobs. Republicans in the House are trying to shut down the EPA at all costs, except they aren't the ones paying the price.

I, therefore, urge my colleagues to oppose H.R. 1. It is reckless. It is irre-

sponsible. And it is politics at their very worst.

I yield back the balance of my time.

Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Madam Chair, the draconian cuts to EPA funding will negatively impact my congressional district which has one of the highest rates of asthma in the Nation. For many years, I have worked closely and been dependent on EPA's collaboration to address the impact that poor air quality has had on residents of my district. The funding limitation that stops the EPA from limiting greenhouse gases will negatively impact air quality not only in my congressional district but throughout the Nation. This would also cause the cancellation of numerous projects which would eliminate thousands of jobs.

The National Endowments for the Arts and Humanities are also facing severe cuts. What kind of society have we become if we cannot encourage and fund the arts and humanities? Are we focusing on jobs? We must remember that giving our young people the opportunity to experience the arts leads to a more qualified and educated workforce. The funding for the NEA and the NEH helps to provide an important investment in our local arts organizations.

Our national parks contribute to the standard of living that many Americans enjoy. Our national parks are one of our greatest treasures, available to all of us. We must continue to improve and protect this valuable resource. The cuts to the National Park Service will also negatively affect many historical and conservation projects. With cuts to the Drinking Water Fund, we will be eliminating communities' ability to provide clean and safe drinking water to their residents who we, as elected officials, are stewards of.

Now I know that we continue, over the last 24 and over the next 24 hours, to discuss these very serious cuts. All I would hope is that as we go forward and we deal with cuts that many of us agree have to be made, that we pay special attention to the future of our country. One thing is to simply say, cuts reduce the deficit. The other thing is to say, what are we going to do to parks, what are we going to do to drinking water, what are we going to do to the air we breathe, what are we going to do to all the good things we've done over the last 30, 40, 50 years to make our country even better? As we cut budgets, we must take that into consideration.

I yield back the balance of my time.

Ms. BORDALLO. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Guam is recognized for 5 minutes.

Ms. BORDALLO. Madam Chairman, I will not be offering my amendment No. 487 in the CONGRESSIONAL RECORD. It would restore funding to the Assistance to Territories Account under U.S. Department of the Interior's Office of Insular Affairs to fiscal year 2008 levels. The 7 percent reduction in funding offered by the Republican majority would cut necessary assistance to the governments of Guam, the U.S. Virgin Islands, American Samoa, Puerto Rico, and the Commonwealth of the Northern Mariana Islands. The U.S. territories are provided assistance through the Office of Insular Affairs, and the financial assistance provided by the account to be cut has allowed our governments to fund disaster mitigation programs, coral reef conservation initiatives, infrastructure repairs, and environmental preservation. In fact, Madam Chairman, the Constitution under article IV, section 3, clause 2 gives this Congress explicit authority: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

While this impacts all territories, on Guam, in particular, funding from the OIA has been critical to the mitigation of invasive species, management of coral reef conservation programs, technical assistance to modernize and develop our port which provides direct economic benefit as well as assistance in modernizing our tax collection and our auditing systems. If my colleagues on the other side want to help diversify and develop the economies of the territories, then it is essential that we continue to provide this technical assistance in a targeted fashion, as is done now, to jump-start that development process.

My colleagues from the U.S. territories, Mr. FALEOMAVAEGA, Mr. PIERLUISI, Mrs. CHRISTENSEN, and Mr. SABLAN, all agree that this funding cut is yet another example of the majority's lack of concern for the over 4 million residents of the U.S. territories. While the majority's removal of our symbolic voting rights at the beginning of the 112th Congress did not affect the livelihoods of our constituents, this funding cut would tangibly result in a reduction of public service in each of our districts, and I oppose the Republicans' continued neglect of our local governments in the territories.

I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from American Samoa is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Madam Chairman, I appreciate the goal to cut spending and reduce the deficit, which is projected to hit \$1.6 trillion this year; and I am very pleased with the

approach laid out by President Obama. In his budget proposal for FY 2012 and beyond, President Obama is making the case for selectively cutting spending while increasing resources in areas like education and clean-energy initiatives that hold the potential for long-term payoffs in economic growth.

□ 1540

This commonsense approach will help bring down annual deficits to more substantial levels, but not at the peril of programs that are vital to economic growth, job creation and the well-being of our fellow Americans.

Madam Chairman, this spending bill, H.R. 1, which proposes to cut programs and funding under section 1729 and 1730 does not help our economically struggling fellow Americans through initiatives involving education, the environment and housing and employment. It will cut critical programs and projects that are essential to economic development and job creation, not only in the 50 States, but also in the insular areas.

Madam Chairman, in particular, the proposed bill will cut approximately \$6.6 million from the current budget outlays for the Department of the Interior's Office of Insular Affairs. These cuts also include an 8 percent reduction for technical assistance, and about 4 percent reduction of OIA salaries and expenses.

Madam Chairman, the OIA budget has maintained relatively constant funding levels since FY 1998, despite disproportionate need for improvements in the territories. For instance, the OIA Office General Technical Assistance program provides critical support not otherwise available to insular areas, combating deteriorating economic and fiscal conditions and to maintain momentum needed to make and sustain meaningful systematic changes.

Reduction in the OIA and the compact association funding will translate to cuts to the vital projects including, but are not limited to, these projects which foster development of the insular areas in accountability, financial management, tax systems and procedures, insular management controls, economic development, and also with regard to energy, public safety, health, immigration, the whole thing, Madam Chairman.

And, Madam Chairman, these projects are also critically needed funding for implementation of our obligations under the Compact of Free Association for the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

Madam Chairman, I urge my colleagues to continue support for the needs of these insular areas and our obligations to our compact friends in the Pacific.

I yield back the balance of my time.

Ms. CHU. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. CHU. Madam Chair, I rise in support of Ms. BORDALLO's amendment and to protest the gutting and slashing of more than \$6 million for the insular areas. This will hurt American families and communities all across the country, from the Northern Mariana Islands to the northern border of Maine.

It hits our outlying territories particularly hard and the American citizens and families who live and work there. This bill takes more than 7 percent out of the Assistance to Territories Account which funds critical programs at the local level in Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands. These communities have unique needs and this account helps them address those. It helps fund disaster mitigation programs, particularly important in low-lying islands susceptible to tropical storms. It helps ensure a strong and robust judiciary in American Samoa, a crucial program to ensure that the American Constitution and U.S. laws are upheld in every corner of our Nation. It helps these areas make needed infrastructure repairs, which creates jobs that are critical during this tough economic time.

This amendment would restore this funding; and just because these communities may be farther away does not mean that they are any less American and in any less need of the services this funding provides. Just because these communities are farther away does not mean that the slashing of programs will go unnoticed.

As chairwoman of the Congressional Asian Pacific American Caucus, I want to express my strong support for the amendment offered by Ms. BORDALLO and oppose the cuts to the Assistance to Territories Account offered by the Republican majority in H.R. 1.

I yield back the balance of my time.

Mr. SABLON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from the Northern Mariana Islands is recognized for 5 minutes.

Mr. SABLON. Madam Chair, people in the Northern Mariana Islands pay up to 40 cents per kilowatt hour for electricity. That's four times the national average because we're dependent on diesel oil shipped long distances.

A technical assistance grant for the Department of the Interior's Office of Insular Affairs, however, has helped identify a possible source of geothermal energy on one of the islands. Further exploration and more investments are needed to be sure that this alternative source will work for us; but without the technical assistance grant from Interior, we wouldn't even know that we have this possibility of getting off our dependence on expensive foreign oil.

And now, H.R. 1 proposes to cut the funds that Interior uses to help the Northern Marianas and the other insular areas in this way. That kind of thinking is penny wise and pound foolish.

But helping us get free of foreign oil is only one example of how this Interior Department funding helps us. These cuts threaten the brown tree snake program. I know this may sound like a joke to some, but on Guam there are literally 500,000 or more of these snakes. A few came in on military aircraft and spread quickly. They have caused millions of dollars in damage to electrical distribution systems and destroyed the rare indigenous bird life.

And we don't want to see these pests spread to the Northern Mariana Islands or Hawaii or mainland United States. And the Interior Department funding is keeping these snakes in check. Do away with this funding and these unwanted immigrants will break through our borders.

The Interior Department funding that H.R. 1 cuts supports training programs for high school and college students in the islands. It supports training for our professional people in financial management, accounting and auditing to help us manage our money to U.S. standards. Take away that training money and you will make it even more difficult for us to build capacity and become fully integrated into the American family.

Our economy is based on tourism. Tourists come to enjoy our warm oceans and beautiful coral reefs there, but these reefs are at risk. Run-off from development on land kills the coral. Funding that H.R. 1 cuts is helping us to protect the coral that underpins our tourism economy. Take away the funding and you hit our already fragile tourism industry.

We all know that the Federal Government has to cut spending. There is no disagreement there. We need to weed out wasteful programs. We have to get more efficient and effective with our own spending.

But the money that goes to the Interior Department to help the insular areas is not wasted. It is effective. It is targeted on precisely the problems that the insular areas confront. It will be a mistake, it is a mistake, to cut this tiny amount of money that has a large positive effect in the Northern Mariana Islands and all of the U.S. insular areas.

I yield back the balance of my time.

Mr. HEINRICH. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. HEINRICH. Our Nation's unsustainable budget deficit is staring us in the face, but it is at critical moments like this when we must approach our Nation's greatest challenges with

responsibility and prudence. Make no mistake that what's at stake here is grand in scope, and we could have grave consequences for our Nation's security, our infrastructure, and our economy.

Just this morning, Secretary of Defense Robert Gates called the Republicans' stopgap spending plan "a crisis on our doorstep" in terms of our national security, and these shortsighted budget cuts could lead to costlier and more tragic consequences later.

The approach we take must focus on responsible cuts which will have a lasting impact on our deficit, not arbitrary short-term cuts to programs to win a few votes back home.

We should be making decisions based on the best available science, not the worst possible politics. For example, my colleagues on the other side of the aisle are focused on de-funding the Mexican Wolf Recovery program, instead of protecting the critically important jobs at the National Nuclear Security Administration.

□ 1550

The NNSA is responsible for the management and security of our Nation's nuclear weapons and nuclear non-proliferation, and provides crucial funding for the work being done at our national labs.

Our national labs, like Sandia National Lab in central New Mexico, have a tremendous impact on our local communities and our national defense. Last year, Sandia Labs hired a little over 700 people; 203 of these new hires graduated from a New Mexico university.

I am in favor of reducing government spending. In fact, this week I voted to cut \$3 billion in unnecessary spending. But installations critical to our national security which are also successful private sector economic drivers like Sandia National Labs should not take the hit.

Elsewhere in their spending plans, Republicans want to gut the Land and Conservation Fund, a proven economic multiplier that has yielded \$4 in economic activity around national parks for every dollar of Federal investment. They want to slash the Antiquities Act, which, since 1906, has provided an economic lifeline to rural communities surrounded by public land.

Madam Chair, in the West, outdoor recreation and public lands means jobs. They mean hunting and fishing and camping and a western way of life.

Also on the chopping block is vital funding for women's health care and service agencies like AmeriCorps.

In regard to infrastructure, the Republicans' continuing resolution cuts key investments aimed at fixing our crumbling roads, energy grids, and clean water programs. Just this month, in my home State of New Mexico, we experienced a major gas outage emer-

gency. On the coldest night of the year, with temperatures as low as negative 32 degrees, families were left without heat due to distribution infrastructure failures across the Southwest.

In an era of infrastructure failures which wreak havoc on communities, cutting key transportation and infrastructure investments would leave America dangerously vulnerable. At the same time, these cuts will result in the loss of hundreds of thousands of jobs.

The middle class is still on a shaky path to recovery from the worst recession since the Great Depression. Let's not pull the rug out from underneath the hardworking people we came here to represent.

It has been 2 months since the Republicans took over the majority, and they still haven't introduced a jobs package. It was bad enough that the Republicans were ignoring jobs, but with this CR, they are now actively trying to cut jobs. I don't know about you, but a "so be it" attitude is simply not going to cut it when it comes to the families I represent back home.

I urge my colleagues on both sides of the aisle to resist the temptation to politicize the very serious business of reducing our Nation's deficit. That is the only way we will ever rebuild the public's trust in government and grow our economy.

I yield back the balance of my time.

Mrs. NAPOLITANO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. I am going to speak on the issue of water.

I represent an area where we have a Superfund site called the San Gabriel groundwater contaminated site. This resolution will risk the water supply of over 30 million people and directly affects the ability to continue the 20-year cleanup that has been in effect, with another 15 years to run on the contaminated site—the size of Connecticut—which undermines the agreement the local, the State, the Federal, and the potential responsible parties have come together on in doing the Bay Delta Conservation Plan.

With regard to Klamath settlements, which helps secure a clean water supply, an adequate water supply to farmers and the environment in the San Joaquin Valley and the Klamath Basin, impacting the entire State of California, the settlement impacts an agreement developed by not only the farmers, the tribes, and the conservation groups, but the power companies and the States of California and Oregon, negotiated by no less than the Bush administration for voluntary removal of these privately owned dams. This will prevent fair congressional consideration of the Klamath agreements.

Madam Chair, the San Gabriel Restoration Fund, the Superfund list that I cited before, on H.R. 1, is the last line of defense against migrating groundwater contamination that has affected our basin for over 35 years, which was due to pesticides, fertilizer, and other contaminants. The fund has treated 24,000 acre feet of contaminated groundwater, helped fund the construction of 24 treatment facilities, and has removed thousands of volatile organic compounds, or VOCs, carcinogens, which threaten the health of some 40, 50 communities in the southern California area. With another decade or more to complete this cleanup, the funding to fight the spread of this contamination must not be eliminated.

In the Bay Delta, the further cuts would also abolish key elements of the San Joaquin River Restoration program and the implementation of two biological opinions on endangered species protecting wild California Bay-Delta fisheries, risking millions of people's water supply delivery. Fish are species. So is the human race another species.

Conservation and water recycling save jobs, save money, and talking about conservation and these cuts is not warranted. We need that water, our economy needs the water, and the jobs all of these will produce. Our communities need our support in developing local and sustainable water supplies through all the programs we can afford.

ASSOCIATION OF CALIFORNIA
WATER AGENCIES,

Sacramento, CA, February 15, 2011.

Hon. TOM MCCLINTOCK,
Chairman, Subcommittee on Water & Power,
House Natural Resources Committee, Longworth House Office Building, Washington, DC.

Hon. GRACE NAPOLITANO,
Ranking Member, Subcommittee on Water & Power, House Natural Resources Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN MCCLINTOCK AND RANKING MEMBER NAPOLITANO: The Association of California Water Agencies strongly supports the Bureau of Reclamation's Water Recycling and Reuse Program, known as Title XVI, and believes it should be funded in the continuing resolution. For this reason, ACWA opposes amendment 286 to HR 1. ACWA represents nearly 450 public water agencies in California that collectively supply over 90% of the water delivered in California for domestic, agricultural, and industrial uses.

As you are aware, managing water supplies in Western states is challenging. Title XVI projects provide a valuable source of water and help alleviate conflicts. In California alone, this program helps generate over 525,000 acre-feet of recycled water each year. It is strongly supported by local project sponsors who provide three local dollars for every one federal dollar invested in recycling and reuse projects.

Title XVI projects also create jobs and help local economies. As the projects are constructed, jobs are created in both the primary and secondary job market. As noted by Reclamation's Commissioner Mike Connor in

his July 21, 2009 testimony to the House of Representatives Natural Resources Subcommittee on Water and Power, there is a \$600 million unfunded backlog of authorized Title XVI projects. These projects are approved by Congress and have local support and funding. Instead of decreasing funding for this program, ACWA encourages Congress to provide more funding. The water reuse program creates jobs and provides near-term solutions to water supply challenges facing many Western states.

Sincerely,

TIMOTHY QUINN,
Executive Director.

—
WATERREUSE ASSOCIATION,
Alexandria, VA, February 16, 2011.

Hon. TOM MCCLINTOCK,
*Chairman, Subcommittee on Water and Power,
Committee on Natural Resources, U.S.
House of Representatives, Washington, DC.*

Hon. GRACE NAPOLITANO,
*Ranking Member, Subcommittee on Water and
Power, Committee on Natural Resources,
U.S. House of Representatives, Washington,
DC.*

DEAR HONORABLE MCCLINTOCK AND NAPOLITANO: On behalf of the WaterReuse Association, I am writing to oppose efforts to eliminate funding for the U.S. Bureau of Reclamation's Title XVI program and WaterSmart grant program. The WaterReuse Association opposes amendments 286 and 289 of the fiscal year 2011 continuing appropriations bill (H.R. 1) that would eliminate these vital water supply programs.

The Title XVI program of P.L. 102-575 allows local communities to reduce their reliance on imported water supplies. Communities throughout the West are able to supplement dwindling local water supplies, reduce energy consumption associated with transporting water, and allow greater quantities of fresh water to be reserved for municipal water supply, irrigation or environmental needs. The Title XVI program allows local communities to leverage federal funds by a factor of three by obtaining additional financing to complete projects. These projects create jobs and new water. The Title XVI program is a necessary tool to meet the growing demands on western water resources. Eliminating the perennially underfunded program will only exacerbate the burden on local communities in the West.

The WaterSmart grant program is another critical program to conserve and maximize local water supplies. The WaterSmart grant program allows communities to compete for grant opportunities for conservation projects and projects that address the viability of using brackish groundwater, seawater, impaired waters, or otherwise creating new water supplies. This program addresses the most significant challenges facing our water supplies in the 21st Century, including population growth, climate change, rising energy demands, environmental needs and aging infrastructure.

Title XVI and the WaterSmart grants programs are important tools to conserve water supplies in the West. These programs need funding and should be funded through H.R. 1. I encourage you to join the WaterReuse Association in supporting these programs.

Sincerely,

G. WADE MILLER,
Executive Director.

I yield back the balance of my time.

Ms. CASTOR of Florida. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Madam Chair, I am committed to cutting the deficit, and I sought a seat on the Budget Committee to do so. But I rise to express deep concerns over the congressional Republicans' irresponsible fiscal scheme that will harm communities and students back home that I represent.

We need a multiyear strategy to cut the debt and the deficit, but a strategy that ensures that America retains its superiority in education, innovation, and research.

We must cut waste and close the huge tax loopholes written by lobbyists, like the ones for oil companies. But congressional Republicans do not do this.

Instead of tackling the debt and deficit in a smart and strategic way, the congressional Republicans' scheme will result in job losses, and it will make economic recovery more difficult for American families and businesses. And here are some stark examples from the community I represent back in Florida in the Tampa Bay area.

First, on education and the Pell Grant. I represent an education community, with a large public research university, a private college, and many community colleges. When the Republicans propose cutting the Pell Grant and support to students, this harms our ability to maintain our superiority in education when we are competing with countries all across the globe.

You know, over 9 million students and families rely on the Pell Grant every year in America, and we have worked very hard through the economic recovery to help those students maintain that same level of Pell Grants. So don't take us backwards. You shouldn't be taking us backwards.

Do you know what it's like for a hardworking family to pay tuition right now? Is tuition going down? Is tuition being cut? Are books being cut? No. So let's not turn our backs on our students and families at this time.

The same thing for Head Start. In Tampa and Hillsborough Counties, we have an award-winning Head Start initiative. And the evidence that Head Start gives students a boost in life is very well known. Parents have to be involved. We wish all eligible kids could get that boost. Even now, before the congressional Republican cuts, we have 2,400 families on the waiting list and 1,000 infants and toddlers on the Early Start list. The Republican cuts again take us backwards. I hear from back home that 452 families will be told that there is no room for their child.

They will also lay off 123 teachers just in my home county alone, because in the State of Florida they predict that they will have to lay off almost 2,000 teachers under your cuts.

Schools and students. The Republicans again are off base in cutting my

local schools, particularly the title I schools that serve kids that need a little extra attention. We estimate that Republicans will be eliminating 20 to 30 jobs in my home district that serve students that need that achievement gap boost. You are harming the high poverty middle and high school students also in the county across the Bay that recently was able to expand beyond elementary school.

□ 1600

Madam Chairman, rather than close the tax loophole for the oil companies that are making multi-billion dollar profits, the Republicans instead cut my local police and sheriff's departments, like the help we get under COPS for the anti-methamphetamine initiative and for our juvenile justice initiative to try to prevent gangs from forming in the counties. The youth initiatives have received national awards from the Attorney General, and it would be a real shame if we had to turn these back.

Also, in my home county, we rely on some very robust ports in the Tampa Bay area as our economic engine. You are going to cut that support for that economic engine to dredge the canals and ports so the ships can come in, and we rely on those for jobs.

You also are going to cut the National Oceanic and Atmospheric Administration. Now, after the Gulf of Mexico suffered the economic hit under the BP oil blowout, our coastal communities were hurt badly. The tourism industry, the seafood industry and our wildlife habitat suffered significant damage.

So, coming from Florida, when you all say that you are going to turn your backs on our ability to monitor our oceans, that is very harmful, because clean oceans and clean beaches mean a healthy economy. Certainly closing the oil company tax loophole would be a wiser course of action.

We all know how harsh it has been under the Great Recession with foreclosures. It has hit us especially hard, so hard that a local expert told me yesterday that the Republican budget cuts to the magnitude being considered would greatly and immediately increase homelessness, place more than 1,000 families at risk and put seniors on the street.

Vote "no" on this CR.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1703. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Land Management, Land Acquisition" shall be \$2,750,000: *Provided*, That no less than \$2,250,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division: *Provided further*, That the proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

AMENDMENT NO. 193 OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Madam Chairman, I have an amendment at the desk.

Mr. MORAN. Madam Chairman, I reserve a point of order on this amendment.

The Acting CHAIR. The gentleman from Virginia reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 264, line 3, after the dollar amount, insert “(reduced by \$2,750,000)”.

Page 264, line 4, after the dollar amount, insert “(reduced by \$2,250,000)”.

Page 264, line 23, after the dollar amount, insert “(reduced by \$15,055,000)”.

Page 264, line 24, after the dollar amount, insert “(reduced by \$2,500,000)”.

Page 278, line 3, after the dollar amount, insert “(reduced by \$9,100,000)”.

Page 278, line 4, after the dollar amount, insert “(reduced by \$3,400,000)”.

Page 359, line 13, after the dollar amount, insert “(increased by \$35,055,000)”.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Madam Chairman, in December, I voted for that historic agreement between President Obama and Congress to keep American taxes low and to extend unemployment benefits. Now we are here to debate how to pay for that, and I have an idea about how to help pay for that.

My amendment, No. 193, would strike the remaining funding for this 6 months in this year totaling \$35 million from the budgets of the U.S. Fish and Wildlife Service, the BLM and the Forest Service for the purpose of buying new Federal land. There are many alternatives to buying land with cash that would allow them to continue using Yankee ingenuity, and those include land exchanges.

In my own State, we have over half a million acres that have been designated for disposal by Federal agencies because these lands don't fit into good land management, yet there are other lands that these same Federal agencies would like to acquire. They can do exchanges. They can do sales of this land that is designated for disposal and purchase other lands that work better for the fragmented land ownership patterns that we sometimes experience in the West. This is a much better alternative to using \$35 million to pay cash to buy new land that adds to the management base and responsibility. At the same time, it would free up land that would be disposed of for people to buy and begin to earn a living on.

So this is a way to create jobs, not to burden the Federal Government, and to recognize that good stewardship and good conservation can be practiced by good Federal and private partnerships. Those are the opportunities that are available if we adopt this amendment. It saves the taxpayers money and it helps pay for those people receiving unemployment benefits, and this is a win-win amendment.

It is only a moratorium, and when we begin the next fiscal year, we would have an opportunity, from having reviewed projects between the Natural Resources Committee and the Interior Subcommittee of the Appropriations Committee, and have a better understanding of the ultimate goal of our land acquisitions programs within these Federal agencies.

So, Madam Chairman, I urge adoption of the amendment.

I yield back the balance of my time.

Mr. MORAN. Madam Chairman, I withdraw the point of order, and I rise in opposition to the amendment.

The Acting CHAIR. The reservation is withdrawn.

The gentleman is recognized for 5 minutes.

Mr. MORAN. Madam Chairman, let me give this body the top 10 reasons to defeat this amendment.

Number one, these are not really taxpayer dollars. The money comes from oil drilling receipts.

Number two, this amendment represents a complete elimination of a bipartisan program that has existed for 45 years.

The third reason is that this amendment will eliminate all the land and water conservation funding, even the few dollars remaining under the continuing resolution for management of these programs.

The fourth reason is that this amendment would force land management agencies to end all the work on congressionally approved projects that are now underway using previous-year appropriations. It will hurt willing seller landowners by preventing agencies from finishing out commitments that are already in place.

The fifth reason is that many landowners, ranging from elderly widowers and family trusts to ranchers and forest owners, have pressing financial needs that now depend on completion of these ongoing land and water conservation projects.

The sixth reason is that by eviscerating the Land and Water Conservation Fund, you are going to cause severe impacts on many others as well, including schoolchildren in the State of Wyoming. The amendment will bring to an immediate halt the negotiated agreement between the State of Wyoming and the National Park Service to transfer \$107 million of school trust lands to Grand Teton National Park. Without the Land and Water Conservation Fund, the State can't meet its mandate to sell those lands and generate revenue to support its educational system.

The seventh reason is that the amendment would frustrate land exchanges that are currently in process, many of which have been years in the making and are important for local private economic development and public land management.

The eighth reason, under this amendment, the staff wouldn't be in place to even accept and process donations of important natural historic and other properties from the public.

The ninth reason is that, without staff, right-of-way work to provide or maintain access for key public needs would be rendered impossible. The public would be unable to secure critically needed routes for fuel and wildfire management, watershed management, and access for sportsmen and other recreational use.

The tenth reason is that the amendment would exacerbate an already draconian cut to the Land and Water Conservation Fund, a program that is already paid for using a very small percentage of oil drilling receipts.

This amendment should be rejected.

I yield back the balance of my time.

Mr. HOLT. I move to strike the requisite number of words.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. In every State of the United States, the Land and Water Conservation Fund has been one of the most successful programs for preserving open space and our environment for future generations. It is important to note, as the ranking member has said, that the LWCF is not funded by taxpayer dollars but by fees charged to the industry for the extraction of oil and gas from public lands.

Congress created the LWCF 45 years ago on the principle that some funds garnered from extraction of resources should be devoted to the preservation of other resources, in fact protecting permanently important lands and waters and access to recreation for all Americans. The LWCF is the only environmental preservation program in the Federal Government that is fully offset, and under the LWCF, polluters, not taxpayers, pay to protect the environment.

□ 1610

So cutting this program doesn't save taxpayer dollars. It robs taxpayers of the returns. And, actually, as in so many things in this continuing resolution, it does away with jobs.

It's my belief that the LWCF should be fully funded at the authorized level of \$900 million and the stateside program should receive at least \$200 million to match State funds. This is what the President requested in his fiscal year 2012 budget—and I think that's a fair proposal. The draconian continuing resolution in front of us not only would zero out the stateside portion of the LWCF, it would cut the LWCF overall program to the lowest level in its history, ending much-needed balance between resource extraction and resource conservation. We should reject this amendment.

The budget before us and this continuing resolution would really turn

back the clock on efforts to preserve open spaces. The stateside portion of LWCF, which I helped revive in one of my first acts when I came to this Congress, through its matching grants has saved over 73,000 acres in my State of New Jersey; and in our 12th District, which I have the privilege to represent, we've received tens of millions of dollars in stateside LWCF funding. Every family that visits Veterans Park in Mercer County, the Sickles recreation area in the Borough of Shrewsbury, or the Colonial Lake playground in Lawrence Township, to name a few of the hundreds of LWCF projects, have benefited directly from this successful program.

Preserving open space is more than an environmental issue. It really is a quality of life issue. It's not just about preserving beautiful vistas. It's about preserving nature's way of cleansing herself. It is about providing recreation and parks. It is particularly important for States east of the Mississippi, but it is no less important for all 50 States.

Every State has positive stories to tell about LWCF. Voters consistently have supported funding open space preservation. Recent polling found that 86 percent of Americans are supportive of reinvesting funds from offshore drilling fees to land and water protection.

President Johnson said, "If future generations are to remember us more with gratitude than with sorrow, we must achieve more than just the miracles of technology. We must also leave them a glimpse of the world as it was created, not just as it looks when we get through with it."

The Land and Water Conversation Fund is one of the few government programs that really benefits all Americans, does not use taxpayer dollars, and receives the overwhelming support of the Nation.

I ask my colleagues to defeat this amendment.

I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I understand and sympathize with the amendment that the gentlelady from Wyoming is proposing. We in the West sometimes have a little bit different point of view. Regardless of where the funding comes from, whether it comes from money that comes from oil sales or other things, when you're buying additional land in the States with 64 percent of Federal land currently, that causes some concern to westerners. So I understand why sometimes people from New Jersey and Massachusetts and other places that don't have a lot of public lands sometimes don't understand the same concern that we share out there.

So I sympathize with what the gentlelady is saying in this amendment,

but I would point out this started out in 2010. There was \$450 million in the Land and Water Conversation Fund appropriated for this year. We have reduced that in this bill to \$58 million. It already terminates funding for any new Federal land acquisition projects, an action we had to take in order to meet the subcommittee's allocation halfway through this fiscal year. All that remains is enough funding for managing projects funded in prior years and for emergencies and in-holdings for small acquisitions that make sense and save taxpayers money in the long run. So we've reduced this fund for any new land acquisition.

I can't tell you what's going to happen in the next bill, but this one would allow for those in-holdings to be purchased, those things that are ongoing and currently under negotiation. So I think it's the appropriate thing to do. Terminating these programs will pull the rug out from under private landowners that we've already made commitments to, many of whom have fallen on hard times in this economy, who need to sell their lands and who would want to conserve those lands for the benefit of all Americans.

So as much as I sympathize with what the gentlelady is trying to do, I think reducing all of the funds out of that account would be inappropriate. And I would oppose the amendment and urge all Members to oppose this amendment.

I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. The Land and Water Conversation Fund is a nearly 50-year-old promise to the American people that if we are going to allow giant oil companies like BP to deplete our ocean energy resources, we will take a small sliver of their massive profits and deposit it into a conservation fund.

Since its creation in 1965, the Land and Water Conversation Fund has allowed Federal acquisition of critical acres inside the national parks, vital wildlife habitats, conservation easements, and water rights, as well as construction of local recreational facilities through grants to States. The fund has served as one of the most important tools in building and protecting our national resources heritage.

The underlying bill devastates this revered program by slashing the amount to be paid out of the fund for conservation by almost 90 percent compared to current levels—almost 90 percent of a cut from current levels. The funding level contained in the underlying bill is the lowest proposed amount since the program was created in 1965. This is not a return to fiscal year 2008. This is not a return to fiscal

year 2009. This is a return to fiscal year LBJ. That's their goal, to go back right to the very beginning, and if they could, to the year before when it did not exist at all. That's the real goal of what this debate is trying to accomplish from the Republican side. And now this amendment proposes a further reduction in the Land and Water Conservation Fund.

To be clear, this amendment does not save this money. Rather, it borrows this money from a trust fund and uses it to offset spending that has already occurred. This is diverting oil money from its intended conservation purpose in violation of a promise made to the American people. The Outdoor Industry Association points out that outdoor recreation contributes \$730 billion annually to the United States economy and supports more than 6 million jobs. The Land and Water Conservation Fund is good for the environment, it's good for the economy, and it's a 50-year-old promise to every American.

The cuts contained in the underlying bill would cripple the Land and Water Conservation Fund. Further cuts could kill it. This amendment should be defeated, and it should be seen in the context of this massive attempt by the new Republican majority to take the EPA and to turn it into every polluter's ally; to take the clean air and the clean water laws and begin to undermine them systematically; to take each and every one of these environmental areas that we've made tremendous progress in over the last 30, 40, and 50 years and begin to roll back those gains as though America was not the beneficiary.

There's a good reason why America is the number one box office smash in the world, and that's because they look at us and they appreciate the commitment that we have made to the public health, to the public lands, to clean water, to clean air. And if we begin to undermine that image, then we will be hurting our country; we will be hurting our tourism; we will be hurting our ability to be able to pass on this planet in better condition than the way we found it. I urge that under no circumstances we support a provision that would accomplish all those goals.

□ 1620

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wyoming will be postponed.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. I rise more in sorrow than in anger about the legislation now before us.

Mr. Chairman, all Members will agree we have to confront our budget deficit; but we have to do so, I think, in a sensible fashion. I grieve that that does not happen here. The cuts of the magnitude that we are making today and the places they are being made is destructive beyond belief. We risk a continuation or, indeed, a re-igniting of the recession which has plagued us, and we risk seeing to it that the great needs of our country are not met. We are looking at the strong possibility of a loss of jobs.

The Economic Policy Institute estimates that 800,000 jobs will be lost, jobs that are not only important but that are, indeed, of major national priority, which are being put on the chopping block. Let us look at some of the things about which our Republican friends are dismissive.

The education of our children: the continuing resolution will eliminate or reduce aid for almost 1.5 million low- and middle-income students paying for college.

The safety of our food: these cuts here will hamstring the Food and Drug Administration's ability to implement critical food safety legislation, leaving us vulnerable to food-related illness and death.

Americans' health: the continuing resolution cuts billions from the Department of Health and Human Services, over \$1 billion from the National Institutes of Health, and over \$1 billion from community health centers.

The welfare of our homeless veterans: even housing vouchers for the homeless defenders of our country are eliminated. This is disgraceful, and indeed it is a dishonor to those who have served their country.

Job training: the continuing resolution cuts billions from job training for displaced workers, turning our backs on those hit hardest by the recession.

U.S. exports, which make jobs: even though both Democrats and Republicans have called for a reduction in the U.S. trade deficit, the continuing resolution severely cuts into our primary export promotion effort.

Security on our streets: millions will be cut from the funding for State and local policing activities to fight drugs, gangs and terrorism. Moreover, the continuing resolution eliminates Federal grants that help police departments around the country hire or rehire police officers.

Critical conservation programs: the Land and Water Conservation Fund and the North American Wetlands Conservation Act, all of which are solid, bipartisan programs, would either be completely or effectively gutted. In ad-

dition, this legislation prevents the Environmental Protection Agency from taking important steps to protect the waters of our Nation.

Mr. Chairman, with unemployment hovering around 9 percent nationally—and much higher in my own State—and with many Americans still struggling through this recession, we cannot pull the rug out from under them. Politics aside, cuts of this magnitude would be unhealthy, untimely, and would provide uncertainty for our Nation as we try to get back on our feet.

Instead of draconian cuts, we should be looking to see to it that we have wise and prudent cuts, while at the same time we have an investment in the future of our country and in our people. I do not see that in this proposal before us at this time.

As the President has said, we can and, indeed, we must out-educate, out-innovate and out-build our competitors. That is the only way that the United States can achieve the kind of hope for recovery and economic activity that will benefit our next generations. Contrary to H.R. 1, we need to balance investments that will help our economy recover while also committing to decreasing the Federal deficit.

It is clear that neither goal will be achieved overnight and that they certainly will not be achieved in this legislation. I stand ready to work with my colleagues and with the President to find responsible and effective ways to trim the budget, but I refuse to permit my Republican colleagues to gut vital government programs and bring our economic recovery to a standstill.

I yield back the balance of my time.

Mr. TONKO. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chair, I offer this motion to speak out against the blatant attack on clean water, which is contained in section 1747 of this Republican continuing resolution—a provision that does not save the taxpayer one single dollar.

As we know, the Clean Water Act became law in 1972 with the stated purpose of cleaning up America's waterways and wetlands. Since then, this landmark legislation has served as a framework for protecting our drinking water from deadly toxins and for preserving the ecological integrity of our waterways.

In my home State of New York, from the mighty waters of rivers like the Hudson to the many lakes of the Adirondacks, this legislation has been absolutely critical, where 95 percent of our population relies on public drinking water in some form. Unfortunately, in the last 10 years, millions of acres of wetlands and thousands of miles of streams have lost Clean Water Act protection.

Healthy streams and wetlands naturally filter and replenish our drinking water supplies. They absorb flood waters and protect coastlines and support local hunting, fishing, boating, and recreation industries. One-third of Americans get their drinking water from the types of streams that are vulnerable to pollution under recent rollbacks; and this bill includes a provision that would ban the EPA and the Army Corps of Engineers from working within their legal authority to mitigate that threat.

This is an appropriations bill. According to my colleagues across the aisle, it is a bill with the sole purpose of reducing the deficit—a noble goal. However, the clean water rider in section 1747 of this bill does not save one dime of taxpayer money. It is not about funding. It is about restricting the legal authority of the EPA and the work of the Army Corps of Engineers in an underhanded “politics as usual” attack on our drinking water, on our environment, and on the thousands of recreational fishing, hunting and boating jobs that these water resources support.

We may have banned formal earmarks this year, but this rider amounts to a handout to big polluters at the expense of basic public health protections.

Mr. Chair, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. The legislation before us, the continuing resolution, I believe is a full-throttled extremist assault on the environment, on the public health of the American people, and on the jobs and economic well-being of our Nation as a whole. In these difficult times that we are in, it is the economy and jobs that should be the top priorities for this Congress and for the Republican majority.

Mr. Chairman, this CR does irreparable harm to the environment, including to the air, water, our public lands, and to wildlife. The virtual elimination of public health protection by the reckless dismantling of the jurisdiction of the EPA and of the funding of the EPA will bring health crises to the American people and will endanger families and children.

□ 1630

Today, the President is announcing his great outdoors initiative, and at a time when he is asking for private, State, local, and Federal cooperation in the protection of public places in the enhancement of recreation and outdoor activities for the American people, this CR talks about the elimination of State and tribal wildlife grants which are essential in that coordination. It

talks about reducing by 90 percent the land water conservation fund, which is essential to promoting that cooperation and promoting the joint planning and joint jurisdiction of many of our special places in this country.

And the upcoming punitive attempt to eliminate the national landscape conservation system will leave 800 public units abandoned without coordination and without the ability to plan for the future and to be coordinated in such a fashion that they save money and serve the American people the best.

This CR places our special public places and lands on the endangered list, with irrational cuts in ending the shared responsibility to protect and conserve. Big Oil and gas and mining do not own these public places and lands—the American people do—and to turn to extraction as the only goal for these public lands denies history, ignores science, and welcomes the exploitation of a shared resource by the American people.

If deficit reduction is the item on the agenda—and we all agree that we must confront that and be prudent, be pragmatic, and be realistic in cutting programs—then we also should put everything on the table because if it is indeed an issue of deficit reduction, then let's talk about some items that the majority did not put in their CR, some of the subsidies, some of the giveaways to industries that are part of the public land agenda and part of what happens within the Interior Department:

Expensing reforestation expenditures, \$600 million under public land; excessive percentage over cost depletion for nonfuel minerals, \$500 million; expensing exploration for nonfuel minerals, \$400 million; intangible drilling costs, \$8.9 billion; oil and gas royalty relief, \$6.9 billion; domestic manufacturing and tax deduction for oil and gas companies, \$6.2 billion. And if you keep going down that list with coal subsidies, nuclear industry subsidies, oil and gas subsidies, public land subsidies, you end up with a figure of \$100 billion to \$200 billion.

I'm not saying that all those cuts should be eliminated. I don't think we should take an axe to those areas. Some are productive and needed; but if we are going to scrutinize this budget, let's do it in a fair way that shares and balances what we're going through while we protect important things in our public lands and in our public health.

I urge all my colleagues to balance public health of families and children, the public lands we love, the shared responsibility we have to clean air, water, public health, and our national resources, balance that with the narrow agenda that is confronting us today, an agenda that punishes taxpayers and the American people at the expense and for the profit of private oil and gas interests in this country.

As we confront this issue, I would suggest to my colleagues that the legacy of our public lands and our environment, the legacy of our clean air and water, the public health of our people should be the priority. And if cuts need to be made, then all cuts should be placed on the table, all cuts should be looked at, including subsidies and including giveaways and deductions that are not part of the norm with our public dollars. That would be good for the taxpayer, and it would be good for the environment, and it would be good in reducing the deficit.

Ms. TSONGAS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. Mr. Chairman, I rise in opposition to the underlying bill.

I was an early and strong supporter of the President's bipartisan commission on the debt; and while I do not agree with all of the commission's recommendations, I recognize that their report to the President offered an important starting point for debate on an issue that affects the lives of every American, as well as future generations.

In the report, the commission warns against disrupting our fragile economic recovery: "We need a comprehensive plan now to reduce the debt over the long term. But budget cuts should start gradually so they don't interfere with the ongoing economic recovery. Growth is essential to restoring fiscal strength and balance. We should cut red tape and unproductive government spending that hinders job creation and growth. But at the same time we must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs."

The bill before us fails to heed this sound advice, making shortsighted decisions that will sabotage our short-term recovery and undermine our long-term competitiveness. The reckless decisions made in this bill will lead to lost jobs in my district and throughout the Nation.

Some of these job losses are obvious. Deep cuts to COPS and SAFER funding will ensure that we will lose thousands of police officers and firefighters protecting our communities nationwide; but other losses may be less obvious but just as painful.

For instance, this legislation imposes deep cuts on the food Food and Drug Administration. Every single drug, vaccine, biologic and medical device must be approved by the FDA before it can ever be offered to patients. This means that not only do patients rely on the FDA but also American pharmaceutical and medical device companies that need an efficient and effective FDA to ensure that they can continue to innovate, grow, and create jobs.

We are lucky to have a medical device industry in this country that is on the cutting edge of technological advances in medicine. What we should be doing is modernizing the FDA to make it more efficient, transparent, predictable, and rigorous; and to do that, we need to ensure that the FDA has all the necessary resources to conduct proper and speedy review of life-saving devices that not only benefit patients but our innovative businesses so that many of them can get to work putting people to work.

For these private sector firms, cutting FDA resources means slowing down their approval process, driving some of them overseas, and losing many jobs here in our country as well. Likewise, cuts to local funding included in this bill will harm communities I represent, particularly the deep cuts to the Community Development Block Grant program. When I have asked leaders in the cities I represent how we can best help their recovery efforts, the answer has been unhesitating and unequivocal: CDBG funding.

Last week, the city manager in my hometown of Lowell wrote, saying, "This is probably the most valuable tool that the Federal Government offers cities to address economic development, infrastructure, and community needs."

What is most discouraging about the attack on CDBG funding is that it does just what my colleagues say they support: it provides local flexibility, allowing stakeholders to decide what makes sense for their communities, while ensuring an extremely efficient use of funds. For example, last year in the city of Lowell, every \$1 in CDBG funding generated more than \$16 in additional funding.

Over the years, Lowell has successfully used CDBG funds to redevelop a historic building into a much-needed senior center, turning a blight into a landmark and prompting the entry of private businesses nearby. It has used funds to spur the development of a mixed-use development that is bringing in millions of dollars in private development and restoring architectural treasures key to the city's identity. And it has provided seed money to nonprofits like the United Teen Equality Center, recognized nationally for the revolutionary work they're doing every day to curb gang violence in the city of Lowell.

All of these actions have improved the quality of life and created jobs for Lowell residents, and none might have been made possible without this modest Federal investment.

So I do not support the underlying bill, and I encourage its rejection.

Ms. MCCOLLUM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. McCOLLUM. I rise today to let the American people and all Minnesotans know that this continuing resolution is an unprecedented assault on our public health and environment.

We know that the Federal budget is in crisis, and we know we must make tough choices; but those choices must be prudent, wise, and invest in our future. It should not put the basic health of Americans at risk. The Republicans' plan before us proposes to cut \$3 billion from the EPA's budget, the largest percentage cuts to this critical agency in 30 years.

□ 1640

The bill also proposes radical policy language to keep the EPA from carrying out its historic mission—a mission to protect the health of the American people—by limiting the EPA's ability to enforce the Clean Air Act and Clean Water Act.

The EPA needs to be allowed to do its job, and it needs the resources to do this job. This bill would cause the EPA to lay off 80 percent of its employees who are responsible for protecting public health.

State clean water programs are gutted by \$2 billion in the Republican budget. Our local communities are struggling with their own budgets, and these vital funds allow for communities to hire engineers, construction workers, to upgrade water plants and drinking water projects.

It is the EPA's investment in clean water that allows parents to know that if their child walks up to a drinking fountain anywhere in America, they can have the peace of mind that that water is safe for their child to drink. These irresponsible cuts jeopardize that peace of mind.

The EPA does important work, and the work that the EPA does saves lives. I strongly oppose these reckless Republican cuts and radical deregulation proposals that endanger our communities. Congress needs to make difficult choices. Mr. Chair, I believe that these are foolhardy choices to short-change clean air, clean water, and the health of our families.

On Monday, I received over 1,000 valentines from Minnesotans, and those valentines were dedicated to the EPA. My constituents understand the important work that the EPA has done to protect our water, our land, and their health over the past 40 years. And it's work that they feel must continue. This continuing resolution would turn back all the tremendous progress we have made in cleaning up our environment, and I firmly reject it and urge my colleagues to do as well.

Mr. Chair, with that, I yield back the balance of my time.

Mr. BLUMENAUER. I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Chair, I appreciate Speaker BOEHNER and my Republican colleagues providing for an open discussion on this legislation, and I appreciate the Speaker's request that we be respectful of the process. I think that is important. But I think it is also important to come to the floor at this point to make a couple of observations that are critical to the people I represent.

We are ready to move forward to actually deal with cutting the budget. We have already seen today a significant amendment adopted dealing with defense. There are opportunities for us to accelerate health care savings in Medicare. And from the beginning of my coming to this body, I have been working on a bipartisan basis to deal with reductions in unnecessary and wasteful agricultural subsidies.

There are several items that we are dealing with in the continuing resolution that have nothing to do with saving money. Indeed, they are actually going to cost money in economic impact in my community and around the country.

I note, for instance, the policy rider that would prevent the EPA and the Corps of Engineers from clarifying provisions of the Clean Water Act. As a result, millions of acres of wetlands and thousands of miles of streams will lose Clean Water Act protections. Because these affect so much of the headwater streams supply to public surface drinking water in my State, it could end up threatening drinking water quality for almost 2 million people.

The cut to the State revolving funds are extraordinarily imprudent. This money leverages a great deal of activity and helps us deal with the massive infrastructure deficit with water quality. The American Society of Civil Engineers backs this up. We are talking about hundreds of billions of dollars we need to be investing in the next 20 years. Cutting the revolving fund is a dramatic step backward.

In the area of air quality, there is a rider that attempts to prevent EPA from regulating greenhouse gas emissions. Now I will tell you, on its merits, dealing with greenhouse gases, that this will look foolish for the people who are proposing it to their children and grandchildren. They will wonder, What were you thinking?

But put aside for a moment the problem of greenhouse gas emissions and carbon pollution. The language will have far-reaching—and I hope unintended—consequences. It would hinder EPA's ability to relax requirements on biomass plants that matter, for example, to my friend from Idaho and others in the Northwest. Very important to us. In addition, because of the way it was drafted, to prevent the issuance of permits, the language would impose a de facto construction ban on new sources in many States, including Or-

egon. This could block not only new or expanding power plants but refineries and large manufacturing plants. With unemployment rates high in my State and around the country, this construction moratorium hardly seems to make sense.

The budget decimates the Land and Water Conservation Fund. This was a program that represented a commitment to offset some of the destructive effects of oil and gas production by preserving many of America's high-quality recreational opportunities and vital wildlife habitat.

This is violating a commitment that this body has made to finally allow these funds to flow. Unfortunately, future investments are going to be at risk if this CR passes with the existing funding level, missing opportunities to complete landscapes and protect watersheds and actually preventing agencies from meeting commitments already in place.

My final concern at this point deals with the assault on energy investments. The United States invests approximately 0.5 percent of the trillion-dollar energy sector. If anything, we should be ramping this up. We are losing our competitive edge around the world. We are losing economic opportunities and opportunities to preserve the environment.

Mr. Chairman, I have other concerns. There are other people who have things to say. But I hope that we can reject these provisions in the CR that actually make no difference in terms of reducing the budget and violate commitments that we have made.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1704. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, Resource Management" shall be \$1,204,240,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$20,945,000" for "\$22,103,000"; and by substituting "\$10,548,000" for "\$11,632,000".

AMENDMENT NO. 295 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 264, line 12, after the dollar amount, insert "(decreased by \$7,537,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$7,537,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, the National Fish and Wildlife Foundation is a government-established, government-financed, so-called private nonprofit set up to act as a conduit to

funnel public dollars to private environmental advocacy groups. The authorization for these grants has expired. Let me repeat that. There is no congressional authorization for this program, and yet the money just keeps rolling on.

If we are actually serious about spending taxpayer money as carefully as they spend what they've got left after they've paid their taxes, then we ought to start by insisting that if Congress has not authorized a program, it should not be funded. If we ignore this principle, then why do we have any committees other than the Appropriations Committee?

When Ronald Reagan very reluctantly signed the original legislation, NFWF's budget was \$100,000. It has grown to \$7.5 million, 75-fold. Nor was Reagan's signing statement exactly a ringing endorsement. Here is what he said: "I must convey my serious reservations about the bill. The statements in the bill to the effect that the foundation shall be a nonprofit, charitable corporation and that it shall not be an agency or establishment of the United States are contradicted by the facts. Establishment of the foundation under the terms of the bill is an unwise and dangerous precedent." Well, Reagan had "serious reservations" about an unwise and dangerous precedent.

□ 1650

Reagan's "serious reservations" were well founded, and, at the very least, there ought to be a full congressional review of this program and a decision made to reauthorize it before we throw more money at it, money, by the way, if you haven't checked the newspapers recently, that we don't have.

In this particular case, these are public dollars being funneled to private concerns, many of which have a disconcerting habit of then turning around and suing the government, that is, suing taxpayers over environmental issues. As we all know, all funds are fungible. So, in essence, through this agency, we are using taxpayer money to give to groups to sue taxpayers.

Not all of these private foundations are even domestic. These grants have gone to such foreign groups as the Prakratic Society of India, the Centre for Dolphin Studies of Nelson Mandela Metropolitan University in Central Mozambique, and to the San Lorenzo Public Outreach Program in Panama.

Mr. Chairman, with our Nation facing the worst peacetime fiscal crisis in our history, do we really need to continue these expenditures? And shouldn't we at least review the program and renew the authorization before we throw more money at it?

I yield back the balance of my time. Mr. MORAN. Mr. Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. I oppose the gentleman's amendment that reduces the Fish and Wildlife Service by \$7.5 million. The gentleman says that it is aimed at the National Fish and Wildlife Foundation, although it doesn't say so. But whether it is or not, it's still a bad idea.

The National Fish and Wildlife Foundation raises private funds with minimal Federal seed dollars. It should be encouraged, not eliminated. Last year, the foundation leveraged \$40 million in Federal funds into more than \$180 million for on-the-ground conservation projects. That's a leverage ratio of 4½ times.

The Fish and Wildlife Foundation continues to be the best financial investment of public dollars to leverage private funds that pay for Federal priorities. In 1984, a quarter century ago, during challenging budget times, as well as we have today, the Foundation was created by a bipartisan group of Members of the House and Senate to leverage taxpayer dollars with private dollars.

This amendment would affect more than 400 conservation projects this year in most U.S. States and territories. These programs are nonregulatory, community driven; they promote working landscapes and foster innovation. In this critical time of constrained budgets, you would think we would want the National Fish and Wildlife Foundation more than ever.

So I would urge a "no" vote on this amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCLINTOCK).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1705. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, Construction" shall be \$23,737,000.

SEC. 1706. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, Land Acquisition" shall be \$15,055,000: *Provided*, That no less than \$2,500,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1707. Of the unobligated amounts under the heading "Department of the Interior, United States Fish and Wildlife Service, Landowner Incentive Program" from prior year appropriations, all remaining amounts are rescinded.

SEC. 1708. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, Cooperative Endangered Species Conservation Fund" shall be \$2,479,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$2,479,000" for "\$29,000,000"; by substituting "\$0" for "\$5,145,706"; and by substituting "\$0" for "\$56,000,000".

SEC. 1709. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, North American Wetlands Conservation Fund" shall be \$0.

AMENDMENT NO. 338 OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 265, line 21, after the dollar amount, insert "(increased by \$50,000,000)".

Page 274, line 16, after the dollar amount, insert "(reduced by \$50,000,000)".

Page 274, line 25, after the second dollar amount, insert "(reduced by \$50,000,000)".

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, I'm surprised that this continuing resolution eliminates all funding for the very successful, bipartisan-sponsored North American Wetlands Conservation Fund. It cuts \$48 million.

My amendment simply adds \$50 million for the North American Wetlands Conservation Act. The offset is the EPA Diesel Emissions Program which, in fact, has been eliminated in the budget just proposed by the President.

Now, both Houses unanimously reauthorized what's called NAWCA. That's the acronym for the North American Wetlands Conservation Act.

We authorized it unanimously in 2006. The appropriation authorization for NAWCA was increased to \$75 million for fiscal years 2007 through 2012. It's wildly popular with all sportsmen and those who value our wetlands. So I'm surprised that H.R. 1 would eliminate it. This, frankly, shows what a meat axe approach has been taken here today by some in the Republican majority.

The North American Wetlands Conservation Fund conserves our waterfowl, fish and wildlife resources while, at the same time, generating environmental and economic benefits. This is a successful partnership involving Federal, State and local governments and especially nonprofit organizations like Ducks Unlimited.

The current CEO of Ducks Unlimited, Dale Hall, who incidentally was President George Bush's U.S. Fish and Wildlife Service Director, wrote, and I quote, "If these cuts and actions take place, waterfowl, waterfowl hunters and wetlands conservation would lose in a big way. In short, these actions would adversely affect all of us who care about and have funded wetlands and waterfowl conservation. We should remember, conservation in America pays for itself through the economic return from hunters, anglers and other outdoor enthusiasts."

I could not have said it better than the spokesperson, the CEO of Ducks Unlimited, who served in the Bush administration as the U.S. Fish and Wildlife Service Director.

Every Federal dollar provided by NAWCA must be matched by at least \$1 from non-Federal sources. Because the program is so effective, NAWCA funds are usually tripled or quadrupled on the local level.

In short, this is both a highly popular and very successful program. Since its inception in 1989, more than 1,600 NAWCA projects have contributed to the conservation of more than 25 million acres of habitat across North America.

The offset we use, the Diesel Emissions grant program, is a good program. But sometimes we have to make hard choices. The President's fiscal year 2012 request also eliminates the Diesel grant program so as to encourage the truck industry to increase its own diesel R&D.

I ask the Members to support this amendment to protect our wetlands and wildlife and support the people who enjoy it.

Mr. DICKS. Will the gentleman yield?

Mr. MORAN. I would be happy to yield to the gentleman from Washington.

Mr. DICKS. I just want to rise in very strong support. This has been one of the most successful conservation programs. It brings in the private sector. They add two or three times to the contribution here. And I think this is a program that is very worthy and should be supported, and I hope the gentleman's amendment will be accepted.

Mr. MORAN. I greatly thank the chair of the full committee.

I yield back the balance of my time.

Mr. CALVERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CALVERT. I rise in opposition to the amendment.

The North American Wetlands Conservation Fund is a good program. I have no objections to that program. It's just a bad offset that the gentleman is choosing to move ahead with.

Mr. Chairman, the \$50 million that's included in the continuing resolution to support Diesel Emissions Reduction Act grants is a good program. Because heavy diesel engines can operate for 20 to 30 years after they enter service, many of these engines operating today were manufactured years before the modern clean air standards. DERA grants support projects to retrofit over 20 million aging diesel engines currently in use with modern technologies to reduce toxic emissions and improve air quality.

This successful environmental program is supported by a unique broad coalition of environmentalists, industry, State and local governments. This program enjoys strong bipartisan support in both the House and the Senate

and was reauthorized in the lame duck session last Congress.

□ 1700

Since 2008, the EPA has awarded over 500 DERA grants for projects nationwide. These grants leverage two State and local dollars for every one Federal dollar invested and provide \$13 of economic benefit for every dollar spent. These leveraged dollars buy us cleaner air and more green jobs in every State in our Nation.

Perhaps most importantly, recent studies indicate that black carbon, like that emitted from diesel engines, is the worst kind of pollution. The retrofit technology supported by DERA reduces black carbon emissions by 90 percent.

The EPA's third "National Assessment of Toxic Air Pollutants" found that 2.2 million Americans now live in areas where the air they breathe increases their risk of cancer to levels deemed grossly unacceptable, one in 10,000. Given these findings, we owe it to our constituents to continue to support clean air technology.

Mr. Chairman, DERA is a win-win program. It supports green American jobs and improves the air quality for all Americans.

I urge a "no" vote on the amendment.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. Mr. Chairman, I rise today to speak in opposition to the gentleman's amendment, section 1709; however, I want to state for the record I am completely supportive of the program that he spoke of today.

This particular amendment, however, seeks to eliminate funding for the Diesel Emissions Reduction Act, a vital public health, environment and infrastructure program that was reauthorized with huge bipartisan support that Representative CALVERT referred to, through a bill I authored last year. That is the purpose of my standing, because I was an author of that bill this year.

DERA is a proven program that improves air quality by reducing diesel emissions. It has strong bipartisan support in both the House and Senate and from a diverse coalition of transportation, health, and environmental organizations.

I thank Congressman MORAN, and I applaud his leadership efforts to protect and preserve our environment and natural resources. He has been a stalwart advocate in the struggle to reduce harmful emissions from antiquated coal-fired power plants and protect green space and green infrastructure. However, today is a rare moment that he and I do not agree.

DERA is a voluntary national and State-level grant and loan program

that reduces the diesel emissions by upgrading and modernizing older diesel engines and equipment. For someone like me and my district, this is important. It's the lives of my constituents. By design, it looks to reduce the emissions from 20 million existing diesel engines in use today by as much as 90 percent.

The \$50 million designated for DERA is but half of the authorized level and already a 20 percent cut in the program from last year's funding. Although I would say, for the record, that it has not been terminated, it is merely a recommendation by the President at this time.

Eliminating funding entirely would be a huge mistake and cause substantial detriment to the economic health and environmental interests, particularly of communities that are along port areas.

Since DERA funding began in 2007, more than 3,000 projects nationwide have benefited from this program, creating considerable employment opportunities in the area of manufacturing, installation and servicing of emissions-related technology. The bill I authored this last year, which passed in December, will actually amplify job creation further by expanding the program and increasing the number of eligible beneficiaries.

Additionally, DERA is widely considered one of the most cost-effective Federal programs in the Nation. The EPA has estimated that in California alone the program averages more than \$13 in health and economic benefits for every \$1 that it receives in funding. Projections estimate that nearly 2,000 lives will be saved by 2017 in direct relation to DERA's impact on air quality.

In my district, the positive benefits of DERA are far reaching, home to the two busiest container ports in the United States, the Port of Los Angeles and the Port of Long Beach. On average, 35,000 trucks commute to and from these ports daily. By the year 2030, this number will be expected to triple. Just imagine for a moment the pollution caused by these vehicles in a single day.

Now, think of those Americans who live along those freight corridors and are exposed to the pollutants on a daily basis. Would you want that for you and your family? In my district, these folks already suffer from asthma and cancer rates far above the national average, and it's documented. Air quality improvements and reductions in emissions are vital to the quality of life and health of these families and countless others throughout the Nation.

I would also like to add that DERA is often mentioned in association with the trucking industry and freight movement. There is another important area where diesel engines are most frequently utilized and where DERA will

create a substantial necessary improvement in our public transportation and our school bus system.

These vehicles are vital to the millions of Americans who rely upon them every day to get to work or school. Many of these folks include young children whose lungs and immune systems are still developing and who are especially susceptible to health problems. We owe it to these young people and their families to give the DERA program our full support and see its funding maintained.

DERA has been endorsed by a large coalition of leading environmental health and transportation organizations who also believe in its effectiveness at protecting and creating jobs, promoting healthy economies and healthier citizens. At a time when our future is so heavily dependent upon economic growth, infrastructure investment, and improving the quality of life of average Americans, it seems counterintuitive to cut funding for a program that provides us with so many benefits.

For these reasons, I urge opposition to the amendment, but I seek to work with my colleagues to support other funding to support the program laid out.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I rise to very strongly oppose the gentleman's amendment and associate myself with the remarks of the gentleman from southern California.

Before going to that, though, Mr. Chairman, I would like to take a moment to express my deep appreciation to both the work of my chairman and his ranking member putting together what I consider to be overall a very, very fine bill. I know of MIKE SIMPSON's concern about those issues that relate to our environment and the interior especially. He is a fabulous chairman, assisted today by a very, very fine young person who is his staff director, not so young as he used to be, Dave LesStrang. But this fine bill also is put together by a cross-section of great staffers who are doing all they can to improve the conditions in which we live.

I rise to oppose this amendment in no small part because KEN CALVERT and I over the years have shared the same problem. We live in a region known as the Inland Empire, and it is surrounded by beautiful, beautiful mountains. It's a wonderful area; but during much of our lifetime, indeed for decades, for 250 days-plus a year you could not see the mountains. How come? It wasn't because of the fog. It was because of 7 million automobiles starting their engines in Los Angeles and that which was spewed out going up against the mountains crystallizing with sunlight

creating a thing called air pollution or smog. Indeed, the battle against air quality problems began many, many years ago for us, efforts to create a new standard of regulatory enforcement that would make a difference in the region.

Today, you can see that beautiful valley almost every day of the year because of the progress that we have made in terms of cleaning the emissions from mobile sources. We are very proud of the fact that we've controlled stationary sources. It is easy to point a finger at the big smoke stack and say, Oh, my God, that's the problem. Indeed, we have solved 99 percent of all those emissions, and air quality still is a challenge.

When you come to this question today, we are talking about serious efforts to improve the emissions that come largely from trucks, but diesel-using engines and those emissions have a tremendous impact upon air quality as well.

Over the years, all of our efforts have saved I don't know how many tens of thousands of lives because we have improved the conditions in which these people have to live and breathe. But to suggest that we ought to begin to break down the progress being made on these engines by way of this relatively easy but, I must say, simplistic kind of transfer is a very, very big mistake.

So, Mr. Chairman, in the strongest way I urge our members to vote "no" on this \$50 million transfer and recognize it's a lot more important to save the lives of those breathing foul air than to give a pittance to a very important environmental problem.

Ms. MATSUI. Mr. Chair, I rise to express my opposition and urge my colleagues to oppose Amendment 338, which would zero out funding for the Diesel Emissions Reduction Act, also known as "DERA."

Studies have shown that diesel emissions are one of the most significant threats to public health. In order to address this problem in a manner that is both responsible to businesses reliant upon diesel engines, and to protect the general public from further exposure to the damaging emission from diesel engines, Congress enacted DERA.

This voluntary program provided federal and state grant funding to retrofit diesel engines to reduce emissions. It has been endorsed by over 500 public health, environmental and industry supporters, including the American Lung Association, Caterpillar, and the U.S. Chamber of Commerce.

Retrofitting provides enormous environmental, and therefore health, benefits, but before this program was implemented, there was little economic benefit for vehicle and equipment owners to do so. It is estimated that DERA could reduce particulate matter emissions by 70,000 tons, generate nearly \$20 billion in economic benefit, and return \$13 of benefit for every one dollar invested.

The incentives provided by DERA support voluntary rather than regulatory efforts to assist states meet air quality standards. Zeroing

out funding for this program would effectively kill those efforts. It would hamper the development and demand of "clean diesel" technology as well as put a further strain on those workers who manufacture, sell, repair, or retrofit diesel vehicles. This program has great support on both sides of the aisle and should not be eliminated here today.

For those reasons I again urge my colleagues to vote against this amendment.

□ 1710

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1710. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, Neotropical Migratory Bird Conservation" shall be \$4,430,000.

SEC. 1711. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, Multinational Species Conservation Fund" shall be \$7,875,000.

SEC. 1712. Notwithstanding section 1101, the level for "Department of the Interior, United States Fish and Wildlife Service, State and Tribal Wildlife Grants" shall be \$0.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I was very disappointed that the committee zeroed out the State and Tribal Wildlife Grant program. I think this has been a great program that has helped the States do plans on how they can use their habitat to protect endangered species. This is the kind of work that is necessary so that we don't get future listings.

I know my friend from Idaho and others are concerned about the Endangered Species Act and the number of listings, and we will talk more about that later, but this was a very important program and one that I as chairman strongly supported and actually created.

So I just want to mention that I hope in conference we can at least maintain some level of funding for this program.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1713. Before the end of the 60-day period beginning on the date of enactment of this division, the Secretary of the Interior shall reissue the final rule published on April 2, 2009 (74 Fed. Reg. 15123 et seq.) without regard to any other provision of statute or regulation that applies to issuance of such rule.

Such reissuance (including this section) shall not be subject to judicial review.

AMENDMENT NO. 194 OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 266, strike line 12 and insert "on February 27, 2008 (73 Fed. Reg. 10514 et seq.) without".

Mr. MORAN. Mr. Chairman, I reserve a point of order against this amendment.

The Acting CHAIR. The gentleman from Virginia reserves a point of order.

The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Chairman, first of all I want to thank you personally, as well as your colleague from Utah (Mr. CHAFFETZ) and also Mrs. McMORRIS RODGERS of Washington, for your work on this amendment.

The continuing resolution as written would reinstate a 2009 Fish and Wildlife determination that the gray wolf in Montana and Idaho should be removed from the endangered species list. This amendment would replace that 2009 determination with an earlier-approved Fish and Wildlife determination, the one made in 2008, and that expands the scope of delisting of the gray wolf to include the full range of the Northern Rockies wolf.

Mr. Chairman, after gray wolves were introduced in 1995 into Yellowstone National Park in my home State and placed on the endangered species list under section 10(j), which is the non-essential experimental population section of the Endangered Species Act, a list was determined about what it would take to recover the species, when would we consider it recovered, and it was determined by experts at the time that the recovery would be complete if the population of wolves grew to 300 wolves with at least 30 breeding pairs. That was the target, that was the goal, 300 wolves, 30 breeding pairs.

So how many wolves are there today, Mr. Chairman? Here we are, 16 years later. There are more than 1,600 wolves and 113 breeding pairs. By every reasonable definition, the wolf has recovered, and yet these wolves remain on the endangered species list. They remain protected, even as they overwhelm and decimate other wild game herds. For example, in the Grovont, the moose population in terms of young calves has declined 90 percent, 90 percent, and it is due to wolf depredation.

Wolves remain protected in each State because of court determinations, not because of science, and it is now time to be honest about the wolf and its recovery. Its continued inclusion on the endangered species list has everything to do with special interests and emotion and nothing to do with

science. Organizations that repeatedly sue the government at taxpayer expense orchestrate these strategies and make people believe that the wolf is not recovered. The simple truth is the wolf is doing very well.

Lest anyone be confused, my amendment will not create an open season on wolves. It will return management of the wolf populations back to the States, and they are the ones who suffer the effects of the wolves. It will allow for appropriate management of wolf herds, wolf herds by any definition, that have fully recovered.

So it is time to be honest. It is time to delist.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. MORAN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, "an amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment imposes additional duties beyond what is legislatively authorized.

So I now ask for a ruling from the Chair.

The Acting CHAIR. Is there any other Member who wishes to speak to this point of order?

If not, the Chair will rule.

The Chair finds that this amendment imposes new duties on the Secretary to reissue a different final rule than is required to be reissued by the pending section. The amendment therefore constitutes additional legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

SEC. 1714. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Operation of the National Park System" shall be \$2,237,674,000.

SEC. 1715. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Park Partnership Project Grants" shall be \$0 and the matters pertaining to such account in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1716. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, National Recreation and Preservation" shall be \$57,829,000, of which \$0 shall be for projects authorized by section 7302 of Public Law 111-11.

SEC. 1717. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Historic Preservation Fund" shall be \$54,500,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$0" for "\$25,000,000": *Provided further*, That the proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1718. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Construction" shall be \$171,713,000: *Provided*, That the last proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division: *Provided further*, That of the unobligated balances available under such heading in division A of Public Law 111-88 and in prior appropriation Acts, \$1,000,000 is rescinded from amounts made available for the (now completed) project at Cape Hatteras National Seashore, North Carolina, and \$1,000,000 is rescinded from amounts made available for the (now completed) project at Blue Ridge Parkway, North Carolina, and such unobligated balances are reduced accordingly: *Provided further*, That no less than \$23,000,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1719. The contract authority provided for fiscal year 2011 by 16 U.S.C. 4601-10a is rescinded.

SEC. 1720. Notwithstanding section 1101, the level for "Department of the Interior, National Park Service, Land Acquisition and State Assistance" shall be \$14,100,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$0" for "\$40,000,000"; and by substituting "\$0" for "\$9,000,000": *Provided further*, That no less than \$3,400,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division: *Provided further*, That section 113 of division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1721. Notwithstanding section 1101, the level for "Department of the Interior, United States Geological Survey, Surveys, Investigations, and Research" shall be \$1,086,163,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$53,500,000" for "\$40,150,000"; and by substituting "\$4,807,000" for "\$7,321,000".

SEC. 1722. Notwithstanding section 1101, the level for "Department of the Interior, Minerals Management Service, Royalty and Offshore Minerals Management" shall be \$239,478,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$109,494,000" for "\$89,374,000"; and by substituting "\$154,890,000" for "\$156,730,000" each place it appears.

SEC. 1723. Notwithstanding section 1101, the level for "Department of the Interior, Minerals Management Service, Oil Spill Research" shall be \$10,632,000.

SEC. 1724. During fiscal year 2011, the Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement, may establish accounts and transfer funds among and between the offices and bureaus affected by the reorganization only in conformance with the House and Senate Committees on Appropriations reprogramming guidelines described in the joint explanatory statement of managers accompanying Public Law 111-88.

□ 1720

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Chairman, we're fortunate that the new Republican majority brought their proposal before this Congress the day after President Obama submitted his budget plan for next year. We are fortunate because it gives the American people the opportunity to compare very different approaches.

The President's budget is tough but it is responsible. It's tough because it cuts non-security discretionary spending by \$400 billion over the next decade to the lowest share of the economy since the Eisenhower administration. It's responsible because it steadily reduces the deficit while making targeted investments in areas like education, clean energy, infrastructure, and scientific innovation—investments that will strengthen our economy and make sure America wins the future in a competitive global marketplace.

One of those key areas of investment the President has proposed is infrastructure. The American Society of Civil Engineers—hardly a left-wing group—issued a report card on the state of America's deteriorating infrastructure. They gave us practically failing grades—mostly Ds and D-minuses—for the state of our roads, schools, transit, and drinking water—not grades that we would want our kids to bring home from school.

So I'm very pleased that the President has announced that he wants to make critical investments in this area. As reported yesterday in USA Today, using the analysis of the Associated General Contractors—again, not a liberal group—his plan could create about 5.4 million construction jobs and 10 million more jobs in related industries in the broader economy. At a time when the construction industry is facing over 20 percent unemployment, those are exactly the kinds of smart investments that will help grow our economy. This proposal and this investment is supported by a diverse range of groups, from the U.S. Chamber of Commerce to the AFL-CIO.

The President's tough and balanced approach stands in stark contrast to the proposal we're seeing on the floor today. The proposal that we're talking about today, with very immediate and deep cuts, is a reckless approach when too many families are struggling to make ends meet, and it will do virtually nothing to address our long-term structural deficit.

The Economic Policy Institute found that the proposal before this House today would likely put 800,000 Americans out of work. Indeed, that's why the bipartisan commission charged with reducing our deficits and debt, along with the bipartisan Domenici-Rivlin Commission, recommended against taking deep, immediate cuts. Yes, they're coming together now to put together a plan to reduce the deficit in a stable way. No, to immediate

deep cuts that could hurt a very fragile economy.

Let me read you exactly what the bipartisan commission on deficit and debts reduction said. "In order to avoid shocking the fragile economy, the Commission recommends waiting until 2012 to begin enacting programmatic spending cuts." In other words, below the CR level. And that's exactly what the President's budget does.

Why should we cut essential investments in Head Start and in education rather than eliminate huge taxpayer subsidies to the oil industry? In fact, just today, the GAO came out with a report talking about the huge bonanza oil companies are getting for lack of royalty payments on many of their lands.

Just yesterday, in the Budget Committee, we had the OMB director, Jack Lew, testify. Mr. Lew reminded us that the last time he had testified before the Budget Committee was when he had served as the OMB Director for President Clinton. When he left office, he left the country with a \$45.6 trillion surplus and an economy that during that 8-year period added 20.8 million private sector jobs. Unfortunately, we know the end of the movie. Those huge surpluses were squandered. The previous administration to this one, the Bush administration, cut taxes for the very wealthy. And, through a number of other policy actions, turned a \$5.6 trillion surplus into a sea of deficits. By the end of that 8-year period, 653,000 private sector jobs were eliminated.

Mr. Chairman, I hope we will oppose this approach and accept the approach the President has presented.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1725. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs" shall be \$2,336,865,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$220,000,000" for "\$166,000,000"; by substituting "\$585,779,000" for "\$568,702,000"; and by substituting "\$46,129,000" for "\$43,373,000".

SEC. 1726. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Indian Affairs, Construction" shall be \$216,100,000.

SEC. 1727. Notwithstanding section 1101, the level for "Department of the Interior, Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians" shall be \$46,480,000, of which \$0 shall be for the matter pertaining to Public Law 109-379.

SEC. 1728. Notwithstanding section 1101, the level for "Department of the Interior, Departmental Offices, Office of the Secretary, Salaries and Expenses" shall be \$117,336,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$10,636,000" for "\$12,136,000".

SEC. 1729. Notwithstanding section 1101, the level for "Department of the Interior,

Departmental Offices, Insular Affairs, Assistance to Territories" shall be \$78,516,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$69,590,000" for "\$75,915,000"; and by substituting "\$8,926,000" for "\$9,280,000".

SEC. 1730. Notwithstanding section 1101, the level for "Department of the Interior, Departmental Offices, Insular Affairs, Compact of Free Association" shall be \$5,422,000: *Provided*, That \$2,104,000 of such funds shall be available for section 122 of division A of Public Law 111-88.

SEC. 1731. Notwithstanding section 1101, the level for "Department of the Interior, Departmental Offices, Office of the Solicitor, Salaries and Expenses" shall be \$64,845,000.

SEC. 1732. Notwithstanding section 1101, the level for "Department of the Interior, Departmental Offices, Office of Inspector General, Salaries and Expenses" shall be \$48,389,000.

SEC. 1733. Notwithstanding section 1101, the level for "Department of the Interior, Departmental Offices, Office of the Special Trustee for American Indians, Federal Trust Programs" shall be \$168,115,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88, as amended by Public Law 111-212, shall be applied to funds appropriated by this division by substituting "\$31,534,000" for "\$47,536,000".

SEC. 1734. Notwithstanding section 1101, the level for "Department of the Interior, Department-wide Programs, Wildland Fire Management" shall be \$769,897,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$150,000,000" for "\$125,000,000".

SEC. 1735. Notwithstanding section 1101, the level for "Department of the Interior, Department-wide Programs, Natural Resource Damage Assessment and Restoration, Natural Resource Damage Assessment Fund" shall be \$6,320,000.

SEC. 1736. Notwithstanding section 1101, the level for "Department of the Interior, Department-wide Programs, Working Capital Fund" shall be \$80,119,000.

SEC. 1737. Notwithstanding section 1101, the level for "Environmental Protection Agency, Science and Technology" shall be \$790,510,000.

AMENDMENT NO. 376 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 273, line 3, after the dollar amount, insert "(reduced by \$64,100,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$64,100,000)".

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment seeks to reduce the EPA's Science and Technology account by \$64 million. It transfers the money into the Spending Reduction Account. Sixty-four million dollars is the level of the agency's astronomically expensive Science to Achieve Results, or STAR program, funded in fiscal year 2010. It's the intent of this amendment

to zero out this costly program for the rest of the year, something that due to procedural limitations will be accomplished by supporting the cut to the account's top line for that purpose and the agency's operational plan that will come forth in 2011.

According to the EPA, the STAR program is the agency's primary grants program for funding extramural research in environmental science and engineering. In a recent press release, the EPA boasts that the taxpayer-backed awards "ensure the best science is being used to protect the air we breathe, the water we drink, and the land we build our communities on." What it doesn't mention is that these grants average 3 years and about \$1 million.

□ 1730

This program was funded at roughly \$60 million last year, and the President requested \$87 million for it in fiscal year 2011. I believe the committee used \$50 million on an assumed funding level based on this CR for the rest of the year.

Don't get me wrong. If we were printing money in a basement and if we had plenty of it, this may be something we'd want to spend some money on. I'm sure something good comes out of it, but we're not in that situation now. We have a debt of \$14 trillion, and we have an annual deficit now of \$1.5 trillion. When we're funding research like this, just out of an account to give to grad students, I think it's time to question whether or not this is the time we should do this or not.

Not all of the grants that are issued, obviously, are used for good research. It's not all above reproach. For example, here are just a couple of the reports that we've received for the research that was done on these topics:

Environmental Regulation and Productivity Benefits in the Paper Industry;

Estimating Ownership and Use of Older Cars;

Transforming Office Parks into Transit Villages;

Public Opinion on Environment and Water Quality Management in the New York City Watershed;

Ironically, there is a study on Experimental Programs to Stimulate Competitive Research.

I thought that's what this program does.

I've often talked about a lot of the earmarks we used to have that were just simply earmark incubators that begot more earmarks. It seems that some of the funding for studies like these are studies that beget further studies.

If we can't move in now and say, hey, maybe we ought to slim back a little and save a little money for the taxpayer—remember, the money saved here will go into the spending reduc-

tion account and can be applied against this year's deficit—then we have to ask ourselves:

How can we go back to our constituents and explain, "Sorry, that \$50 million was better spent giving out research dollars to study experimental programs to stimulate competitive research or to transform office parks into transit villages or for public opinion on the environment and water quality management in the New York City watershed or for environmental regulation and productivity benefits in the paper industry?"

Let's say to the taxpayer that we are serious here, that we are serious about this debt and this deficit. Let's vote for this amendment and put \$50 million into the spending reduction account.

With that, I yield back the balance of my time.

Mr. MORAN. Mr. Chair, I move to strike the requisite number of words in opposition to this amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chair, the scale of this reduction to EPA science shuts down EPA's STAR research grants this year and next, affecting researchers in universities throughout the Nation. The Science to Achieve Results program, whose acronym is STAR, grants money to leverage innovative, cutting-edge research with universities across the Nation.

Now, I don't know about the way they have titled some of these grants, but I suspect that the gentleman doesn't know much more than I do about the specific grant itself, other than the title.

What I do know is that this amendment ends funding for the Children's Health Research Centers, which focus on the study of children's environmental health hazards, including asthma and exposure to chemicals.

It ends funding for research for four EPA air research centers that focus on the health effects of air pollutants on all ages of Americans, especially the most physically vulnerable and those in smog-laden communities.

It ends funding for EPA's groundbreaking computational toxicology research effort, which enables us to screen literally thousands of chemicals at one time. I've seen how this works, and it's extraordinarily productive and cost-efficient. It screens chemicals for environmental health hazards, and it saves millions of dollars in the process. These innovative and cost-saving tools also offer the potential to greatly reduce our dependence on animal testing.

The amendment ends funding for critical research to assess risks of nanotechnology and to develop approaches to ensure the safe development of nano materials.

The amendment also wipes out EPA's STAR academic research fellowships

program, affecting 350 current and future fellows and creating real economic hardship in the midst of our depressed economy. Cutting funding for the STAR fellows program eliminates the opportunity to develop the future generation of the best scientific minds to address 21st century environmental problems with new and innovative scientific and technological solutions.

Now, it's not the end of the world, but it will be the end of a program that works very well—a program that recruits, trains, and integrates some of the very best minds in preserving and protecting our environment.

So, for those reasons, I would urge the rejection of this amendment, Mr. Chairman.

I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. I rise in opposition to the amendment.

Mr. Chairman, in the CR, we have already proposed deep cuts with tough choices. In the Interior and Environmental section, we have proposed to cut \$4.4 billion and to eliminate 26 different programs.

The STAR program competitively funds research grants and graduate fellowships in numerous environmental science and engineering disciplines.

I would note, as the gentleman from Arizona knows, that this is competitively awarded in that they actually, as I said, compete for these.

The EPA receives approximately 2,000 to 2,500 proposals each year, and it funds about 150 research grants and 125 graduate fellowships.

I'd be a little leery about coming down here and just naming off the title of what a research project is and then saying that it's silly, because I don't know. I don't know exactly what they're trying to do with some of these things. You actually need to dig into it and find out what they're trying to find out with some of these research grants.

A few years ago, some people did this with, I think it was, the National Academy of Sciences research grants. I can remember some of my colleagues brought down amendments to defund this research grant or that research grant. One of them was to defund a research grant on studying brown fat in panda bears.

Of course, we all on the floor went, Wow, that sounds silly. Why are we studying brown fat in panda bears? Can't we actually study brown fat in American bears?

When I called the National Academy of Sciences, what I found is that who supported that research was NASA, because, if you're ever going to do deep space research, you need to know something about brown fat. Guess what animal has more brown fat than any other animal on Earth? Panda bears. That's why they were doing it.

So just to look at the title of a research project is kind of a silly way to propose eliminating it and making fun of the program. Some of them may be silly—I don't know—but I know these are peer-reviewed, that they actually are competitively granted, and that the gentleman from Arizona has always been concerned that we give earmarks that are not competitively granted. Here we have a program that is competitively granted, so that seems, to me, to be the right way to do it.

Like many other EPA programs, the CR reduces the STAR grant funding. We did so by applying a \$10 million reduction to fund the grants at \$51 million in the CR, which is \$8 million below the 2008 level. Therefore, while we understand the intent of the amendment is to eliminate all funding for the STAR grants, there is no longer \$61.4 million in the CR to reduce for STAR grants, and other research programs would need to be reduced based on the way the amendment has been drafted.

In addition, I believe we must maintain our scientific competitiveness as we work to bring our fiscal house in order, and zeroing out this program, I don't believe, is in the best interest of our country or that it is the right thing to do.

This is a program that we should—and will—discuss on the record with the EPA during the 2012 budget hearings, and we will either build the case for further reductions or an elimination of the program, or we will have a better understanding of why we should look elsewhere for additional cuts.

Therefore, I recommend my colleagues vote “no” on this amendment given that it would unintentionally cut the EPA's research by more than that which is in the CR for the STAR grants and given that we will be taking a look at this during our hearings. The gentleman sits on the committee, and will be, obviously, involved as we have the EPA before us for our oversight hearings.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1740

AMENDMENT NO. 407 OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 273, after line 3, insert the following new section:

SEC. 1738. The Environmental Protection Agency is directed to enter into a contract, within 60 days after the date of enactment of this Act, with the National Academy of Sciences to perform a comprehensive review of non-mercury hazardous air pollutants emitted by electric generating units and industrial boilers, and related health and economic data (including impacts on job creation and energy price, supply, and reliability) associated with potential regulation of such non-mercury hazardous air pollutants. The National Academy of Sciences shall prepare recommendations on appropriate regulatory standards for addressing non-mercury hazardous air pollutants and shall establish appropriate health-based exposure standards for such emissions. Upon completion of the study, the National Academy of Sciences shall report findings and recommendations to the Environmental Protection Agency and the Congress within 24 months of entering into the contract. The Environmental Protection Agency is discouraged from issuing any regulatory determination for non-mercury hazardous air pollutants, including a maximum achievable control technology standard for non-mercury hazardous air pollutants from electric generating units and industrial boilers, until the Environmental Protection Agency fully reviews the results and recommendations of such study.

Mr. SIMPSON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Mr. HALL. Mr. Chairman, I rise today in support of my amendment directing the United States Environmental Protection Agency to enter into an agreement with the National Academy of Sciences to perform a comprehensive review of non-mercury hazardous air pollutants emitted by electric generating units and industrial boilers, recognizing the boiler maximum achievable control technology, called MACT, is moving toward the end of the rulemaking process while the utility MACT will debut soon.

My amendment requires that the review provide for health and economic data, including impacts on job creation, energy price, supply and reliability associated with the potential regulation of non-mercury hazardous air pollutants.

The Clean Air Act regulates two kinds of air emissions: criteria pollutants, which are high in volume; and hazardous air pollutants, which are low in volume but can be toxic.

Folks are familiar with the most noteworthy of the hazardous air pollutants for utilities and industrial boilers, mercury. Let me be clear, my amendment does nothing to affect mercury controls. The amendment focuses only on those hazardous air pollutants other than mercury. EPA simply fails to do all the necessary homework when it

comes to potential regulation of hazardous air pollutants other than mercury.

This amendment asks the National Academy of Sciences to assist EPA in doing its homework and encourages EPA to listen and encourages EPA to learn. This will assist EPA in establishing a clear and direct administrative record for non-mercury hazardous air pollutants; and without adequate study, regulations in this area could place jobs and economic output at risk, while threatening household budgets.

The power sector faces an avalanche of regulations from EPA, and it's important to get each of them right and correct. A recent executive order laid out a new review process for regulations and asked that the agencies consider costs and how best to reduce burdens for American businesses and consumers.

The amendment echoes the need for responsible regulations that protect health and environment but also provide for reasonable rates and dates. The EPA maximum achievable control technology rule for industrial commercial and institutional boilers and process heaters could impose tens of billions of dollars in capital costs at thousands of facilities across the country.

I, along with a large number of my colleagues, sent a letter to EPA Administrator Lisa Jackson expressing our concerns with the proposed rule. It's my understanding that although the boiler MACT rule will come out later this week, upon reconsideration of the rule, the information gathered by the review required under this amendment may be useful.

I remain concerned as EPA moves toward a utility MACT rule. Logically, I bring this amendment to the floor today to protect a simple way of thinking. The government should not regulate without sound science to back it up. Let's remind EPA to slow down and allow for reasoning along with regulation.

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I understand the concern of the gentleman from Texas, and we pledge to work with him as the EPA comes before our committee to address this issue, but I must insist on my point of order.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if it changes existing law. This amendment gives affirmative direction in effect.

I ask for a ruling by the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? Seeing none, the Chair finds that this amendment includes language imparting direction. The amendment,

therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. LUJÁN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. LUJÁN. I rise today in opposition to the drastic cuts in this continuing resolution and the amendments that make further cuts that threaten to weaken our economy and destroy jobs.

It is critical that while we face growing budget constraints we do not short-change investments that will create jobs or provide vital services that New Mexicans rely on.

Unfortunately, many of the cuts proposed in this bill and in a number of amendments would negatively impact our communities in New Mexico. For example, in the wake of the natural gas outages that left thousands of homes across the State without heat, this bill cuts the Low Income Home Energy Assistance Program that helps working families, senior citizens, and disabled individuals heat their homes.

At a time when New Mexico needs critical investments in education so that we can prepare our children to be the next generation of leaders, the House Republican plan makes drastic cuts to education at all levels. Beginning with early education, Republicans cut the Head Start program, which helps build a strong foundation for New Mexico's children. The bill also cuts programs that help poor school districts. With more than one-third of New Mexico's students failing to graduate from high school, we must do more, not less, to ensure our children succeed. In addition, the Republican bill cuts Pell Grants that our young adults rely on to help make college more affordable.

Arbitrary cuts to New Mexico's national labs that are contained in this bill will hinder their ability to promote U.S. competitiveness and job creation.

We're ending our ability to win the race before we can even begin. Instead of making these cuts, we need to outpace the competition. We need to out-educate and out-innovate the rest of the world in order to grow our economy and put people back to work right here in New Mexico.

And as we debate the proposed amendments in this section of the bill, I am extremely concerned with amendments that will be proposed today that make cuts to the Land and Water Conservation Fund. In New Mexico, we take pride in our beautiful landscapes and the protection of our water. The LWCF has helped to protect dozens of New Mexico icons, including Tent Rocks National Monument, Valles Caldera National Preserve, Rio Grande River Gorge, Santa Fe National Forest,

and Petroglyphs National Monument, just to name a few.

These attacks on the Land and Water Conservation Fund would eliminate a bipartisan program that has existed for 45 years by preventing revenues deposited in the LWCF account from being used for their authorized purposes, such as protecting public lands and promoting recreation.

The Land and Water Conservation Fund was established by Congress in 1964 as a bipartisan conservation offset for offshore oil and gas drilling. Under current law, Outer Continental Shelf oil and gas leases and royalty receipts are deposited in a dedicated LWCF account in the Treasury. However, only a fraction of the annual receipts deposited in the LWCF have been appropriated, despite a surplus of over \$17 billion.

In New Mexico, outdoor recreation is an integral part of the economy, and I know when I visit with many of our colleagues here in the Congress, Democrats and Republicans, everyone is eager to get out to New Mexico. The Outdoor Industry Association reports that recreation contributes about \$730 billion annually to the U.S. economy, supports nearly 6.5 million jobs across the country, and generates \$88 billion in annual State and national tax revenues.

A recent study by The Trust for Public Land found that every \$1 invested in the LWCF returns \$4 in economic value. Protecting the Land and Water Conservation Fund will expand opportunities for all Americans to have access to parks and natural areas for outdoor recreation and for hunting.

Protecting the Land and Water Conservation Fund has immediate relevance to our efforts to create jobs in this country, and it is critically important that we ensure funding for this important Federal program is protected, while also working together to find a permanent solution to LWCF funding shortfalls over the long term.

I urge my colleagues to oppose these amendments and vote "no" on this shortsighted spending bill that will hurt families and put more people out of work. While Republicans say, So be it, to chopping American jobs, the people of New Mexico deserve better.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1738. Notwithstanding section 1101, the level for "Environmental Protection Agency, Environmental Programs and Management" shall be \$2,571,099,000: *Provided*, That of the funds included under this heading \$305,784,000 shall be for the Geographic Programs specified in the explanatory statement accompanying Public Law 111-88: *Provided further*, That of such amount for Geographic Programs, \$225,000,000 shall be for the Great Lakes Restoration Initiative; \$40,000,000 shall be for Chesapeake Bay; and \$20,000,000 shall be for Puget Sound.

AMENDMENT NO. 84 OFFERED BY MR. POMPEO

Mr. POMPEO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 273, line 6, insert "(reduced by \$8,458,000)" after the aggregate dollar amount.

On page 359, line 13, insert "(increased by \$8,458,000)" after the dollar amount.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, I offer this amendment to return just under \$8.5 million to the United States taxpayers by sending \$8.5 million to the deficit reduction account.

□ 1750

In November, America elected a different set of leaders to this House of Representatives. They elected a set of leaders who understand job creation. But the EPA has not gotten the message. This Congress has refused to pass cap-and-trade and yet EPA continues down the road to try to implement cap-and-trade through regulations when there is no statutory authority to do so, and it's beyond its constitutional powers.

My amendment takes on only one very costly piece of the EPA's effort to destroy jobs, the Greenhouse Gas Registry. I'm not against bridal registries or even the registration of property deeds, but forcing businesses to comply with these unnecessary and burdensome regulations will destroy jobs in Kansas and all across America. This registry drives up the cost of doing business all with the asserted mission of satisfying the left's obsession with regulating every nook and cranny of our existence.

Now EPA would, I'm sure, tell you that they are simply collecting a little bit of data on greenhouse gases, that this registry is just a very innocent effort to learn a little bit more about who is emitting greenhouse gases, who or what. But this data is the very foundation of the EPA's effort to pursue its radical anti-jobs agenda. Indeed, continuing the Greenhouse Gas Registry at currently funded levels will permit the EPA regulatory nose inside the job-destroying tent. We cannot head down this path.

The amendment I am proposing is very modest. In 2006, the registry had \$3.2 million appropriated. That was increased to almost \$16 million. I'm simply trying to roll back the amount of money that this registry has to 2008 already bloated levels.

Mr. Chairman, until about 45 days ago, I was in the private sector. I was running a small business. I can attest to you that this Greenhouse Gas Registry, an attempt to implement cap-and-tax, will destroy jobs in Kansas; it will increase the cost of manufacturing for every Kansas airplane manufacturer; it will increase the cost of energy for every Kansas farmer, and it

will increase the cost of energy for every Kansas family.

With unemployment at record levels and energy prices already high, America cannot afford this additional government mandate, and our taxpayers would be well served by reducing the funding to this misguided Greenhouse Gas Registry. Please join me in rolling back to 2008 levels the amount of funds appropriated for the Greenhouse Gas Registry.

I yield back the balance of my time.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. I rise in opposition to the Pompeo amendment which would basically strip all funding from EPA's Greenhouse Gas Reporting Program. It's part of an effort to ignore what scientists tell us is the most serious environmental problem of our time—climate change.

Some Republicans have introduced legislation that would repeal a scientific finding that greenhouse gases pose a danger to human health. The underlying bill we're considering says that no stationary source no matter how large should ever have to reduce its carbon pollution. This amendment goes even further. It says that we should not even bother to find out how much pollution is being put into our air. I guess you could call it the "ignorance is bliss" amendment.

The Greenhouse Gas Reporting Program simply requires the largest sources of carbon pollution—power plants, refineries, and the very largest factories—to tell EPA and the public how much they pollute. If we are ever going to deal responsibly with this pollution, we need to know where it is coming from and have some idea of how much is being emitted.

This amendment is yet one more example of putting profits and pollution ahead of people and public health.

Americans understand that pollution is dangerous to their health. The scientists tell us that. We know it intuitively. It makes us sick. Let's allow EPA to fulfill its legal responsibility to collect this information.

So I urge my colleagues to oppose the Pompeo amendment.

I yield back the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I move to strike the last word in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chair, I want to congratulate the gentleman from Kansas, one of our new Members, Mr. POMPEO, for not only a thoughtful amendment but an amendment when he is jumping right into the fray some 45 days after he has assumed office here. I think I was here for about 2 years before I even gave my first floor speech. So congratulations to him.

Sadly, however, we have to oppose your amendment. This was an account that the committee and the staff looked at hard as the CR was being prepared. It has been reduced by \$5 million in the continuing resolution. It was at \$16 million. It's down to \$11 million in the CR. The feeling continues to be that cutting it further would be irresponsible because cutting the funding does nothing to change the mandate that's in the law of March 31 of this year that the industry has to report their emissions by that date.

Since this is the first time through this reporting requirement, there are obviously a lot of questions that businesses and industries all across the country have, and they are calling the EPA for technical assistance on how to be in compliance. If the program is reduced, as the gentleman's amendment would suggest, it will leave companies high and dry with a reporting requirement with no one on the other end to answer the telephone to help them out to meet their obligations. Considering that, we have felt that we could achieve the \$5 million in savings now.

And I can tell the gentleman that it's at least a majority of the committee's feeling that we will review and address this issue in a more comprehensive manner as we proceed with the 2012 budget. As such, I recommend that our colleagues vote "no" on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POMPEO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1739. The matter pertaining to planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada under the heading "Environmental Protection Agency, Buildings and Facilities" in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1740. Notwithstanding section 1101, the level for "Environmental Protection Agency, Hazardous Substance Superfund" shall be \$1,273,765,000: *Provided*, That the matter under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$1,273,765,000" for "\$1,306,541,000" the second place it appears; by substituting "September 30, 2010" for "September 30, 2009"; and by substituting "\$24,527,000" for "\$26,834,000".

SEC. 1741. Notwithstanding section 1101, the level for "Environmental Protection Agency, Leaking Underground Storage Tank Trust Fund Program" shall be \$106,101,000, of

which \$71,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)).

SEC. 1742. Notwithstanding section 1101, the level for "Environmental Protection Agency, State and Tribal Assistance Grants" shall be \$2,716,446,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division as follows: by substituting "\$690,000,000" for "\$2,100,000,000"; by substituting "\$830,000,000" for "\$1,387,000,000"; by substituting "\$10,000,000" for "\$17,000,000"; by substituting "\$10,000,000" for "\$13,000,000"; by substituting "\$0" for "\$156,777,000"; by substituting "\$70,000,000" for "\$100,000,000"; by substituting "\$50,000,000" for "\$60,000,000"; by substituting "\$0" for "\$20,000,000"; and by substituting "\$1,056,446,000" for "\$1,116,446,000".

AMENDMENT NO. 379 OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 274, line 16, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 274, line 22, after the first dollar amount, insert "(reduced by \$10,000,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. REED. Mr. Chairman, I rise today in support of my amendment.

But before I talk about that, I want to say that I am proud to be a part of this process. Last night, I heard one of my colleagues say that what we should do is, because the President threatened to veto this process at the end of the day, we should pack it up, go in the back room and try to resolve our differences there.

To me, this is what the process was all about, to have this debate on the floor of the House so that we can have an open and vigorous debate about these spending issues because, ladies and gentlemen, today we face a national crisis, and that national crisis is a national debt that is going to destroy us as a nation and destroy it for our children and our grandchildren. So I am proud today to stand up and say that we need to shine the light on every aspect of every dollar that is spent in our Federal budget.

And today I rise to ask that we rescind and amend the continuing resolution to remove \$10 million of spending on a sewer project in Tijuana, Mexico. When we are borrowing 40 cents on every dollar on the backs of our children and our grandchildren, I ask the question: Why are we spending \$10 million so that a sewer could be constructed in Tijuana, Mexico?

□ 1800

Now, I understand and I empathize with my friends from San Diego and that area where waste apparently

washes on the shore from Tijuana because they're not acting responsibly with their matters.

But I say this: today it is to hold the country of Mexico accountable for the situation in Tijuana. And rather than use our dollars, our borrowed dollars that are being absorbed by our children and grandchildren, we hold them accountable. And I think this is exactly what we should be doing and standing and calling out this kind of wasteful spending, in my opinion.

And I am proud and ask that my colleagues join me in approving this amendment.

I yield back the balance of my time. Mr. LATOURETTE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR (Mr. THORNBERRY). The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chair, again, as with Mr. POMPEO's amendment, the gentleman from Kansas, the gentleman from New York (Mr. REED) is also a new Member of the body, and I commend him for coming to the floor and offering this thoughtful amendment.

For those of us who have been here a little while, the seat which Mr. REED holds used to belong to our dear friend Amo Houghton, who was a friend and a champion for many issues for many years in this body.

And although we welcome Mr. REED to our company, we oppose his amendment. In the CR we have reduced the U.S.-Mexico border program by \$7 million from \$17 million in 2010 to \$10 million in the continuing resolution. It's a 41 percent decrease. This action taken on behalf of the committee reduces the CR level to a level below the increase that was added in 2010 by the previous majority party, over and above President Obama's request.

This is a program that we plan to have active discussions on with the EPA during the 2012 budget hearings, and we'll either build the case for further reductions, or we will have a better understanding of why we should look elsewhere for additional cuts based upon programmatic needs.

Therefore, while I congratulate my friend and new colleague from New York, I recommend that our colleagues vote "no" on this amendment, given that we have achieved what we intended to achieve via the CR, and that is to take the necessary first step at past programmatic increases and allow for a deliberative process in 2012 to examine the true needs of this program.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. REED. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 415 OFFERED BY MS. EDWARDS

Ms. EDWARDS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 275, line 19, after the dollar amount, insert "(reduced by \$200,000,000)".

Page 274, line 16, after the dollar amount, insert "(increased by \$2,816,446,000)".

Mr. SIMPSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Ms. EDWARDS. Mr. Chairman, I understand that a point of order is reserved and, of course, I have the amendment as modified with language that would ensure that the amendment is budget neutral. I would ask unanimous consent for the modified amendment that is at the desk.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Maryland?

Mr. SIMPSON. Mr. Chairman, I object to the modification of the amendment.

The Acting CHAIR. Objection is heard.

The gentleman from Idaho has reserved a point of order.

The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, the amendment before you takes rescinded funds, increases the amount of State and Tribal Assistance Grants to make sure that we can really fund our water and sewer infrastructure. The continuing resolution really deals a death blow to our water and sewer infrastructure in this country. That means jobs all across the country in every single State.

I would ask support of the amendment and note that in April 2000, the Water Infrastructure Network released its first report, "Clean and Safe Water for the 21st Century," and that report documented significant improvements in water quality and public health that was associated with America's investments in water and wastewater infrastructure.

But it also documented unprecedented financial problems. Over the next 20 years, America's water and wastewater systems will have to invest \$23 billion a year more than current investments to meet the national environmental and public health priorities in the Clean Water Act and Safe Drinking Water Act to replace aging and failing infrastructure.

The epidemic isn't isolated. Eroded infrastructure is prominent in every neighborhood across this country; and nationwide, wastewater infrastructure needs range from \$300 billion to \$400

billion over the next 20 years. My home State of Maryland has self-reported that it has an \$8.4 billion deficit in water infrastructure needs.

Just last month, out in my district on a cold winter morning, not far from Capitol Hill, a 54-inch water main broke that created massive destruction, overturned cars, destroyed businesses, and left residents like me without safe drinking water for days. It stopped the traffic along the Nation's beltway. The trucks that travel up and down the eastern seaboard were stopped, stopping commerce along the way. This happens all across the country. We've had at least 278 water main breaks just since January 1 in the counties that I represent.

I would note that under the continuing resolution, States like Maryland would lose \$33 million in funding, 937 jobs in States like Idaho, for example. In that State alone, there would be a loss of \$6.9 million and 192 jobs, and this at a time when we need to do real job creation.

Overall, the continuing resolution would see a loss of about at least \$1.4 billion in funds from wastewater and water treatment, to the tune of 39,253 jobs at a time when the economy is really staggering.

So I would strongly urge consideration of this amendment; and whether or not it's done in this continuing resolution, the fact is that our water infrastructure is failing. It's failing all across the country. We have needs that are unmet. Local communities cannot meet those needs, and it's really incumbent upon us to improve the Nation's water infrastructure so that we improve our competitiveness and we ensure that we have clean drinking water.

I would not like any other community across the country to have to do what I've done three times just during this last year, that is, boiling every single bit of water that I use because of our failing infrastructure. And this isn't just about my community in Maryland. It's about communities across the country.

And I think if anything, in this continuing resolution we need to be thinking about economic development and job creation. And the resolution in front of us does exactly the opposite. It takes millions of dollars away from communities for wastewater and water infrastructure and ensures that we won't be competitive over this next century. So I would urge strong consideration of the resolution.

I yield back the balance of my time. Mr. SIMPSON. I continue to reserve my point of order.

The Acting CHAIR. The gentleman from Idaho continues to reserve a point of order.

Mr. MORAN. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, I want to be on the record strongly agreeing with the concept of the gentlewoman's amendment, to add \$200 million to State and local grants.

Our congressional districts are on either side of the Potomac River. We can also see the Blue Plains sewage treatment plant from Maryland and Virginia.

Now, we've made strides thanks to Federal funding in cleaning up the Potomac River, which all of us can see, and most of us cross every day; but much work still lies ahead.

This bill's cuts to State and local infrastructure grants will undermine the progress that we have made on this river and will cripple hundreds of State and local government efforts throughout the country.

The Republican bill slashes the clean water and safe drinking water State revolving funds by \$2 billion, or 56 percent, reducing the number of wastewater and drinking water projects by about 750 nationwide.

□ 1810

The needs of our Nation's aging water infrastructure exceed \$660 billion. This would also be a missed opportunity to add thousands of engineering, construction, and other support service jobs if we cut these programs. Additionally, the bill includes an undesignated \$300 million rescission to EPA already that will most likely also impact these revolving funds.

So the gentlewoman's amendment does have great merit. Albeit technically it may be out of order, it should be offered because it addresses a very important problem with this continuing resolution. It should be accepted.

I yield back the balance of my time.

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I must insist on my point of order.

The amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase a rescission to offset an increase in an appropriation. And I would ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentlewoman from Maryland proposes also another kind of change in the bill, namely, to increase the amount of a rescission, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

Therefore, the point of order is sustained and the amendment is out of order.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, I am wondering if the gentleman from Idaho (Mr. SIMPSON) would be willing to engage in a colloquy with me concerning the climate change provision in the bill.

Mr. SIMPSON. I would be happy to.

Mr. WHITFIELD. I want to ask the gentleman, first of all, if he could explain section 1746 of the bill to me.

Mr. SIMPSON. I would be happy to.

Section 1746 hits the pause button on the EPA's efforts to regulate greenhouse gas emissions because of what I think are unfounded fears about global climate change.

As the chairman knows, and as the gentleman from Kentucky knows, over the last 2 years, EPA Administrator Jackson has been very busy creating an enormous body of regulations on greenhouse gas emissions. These regulations will cost jobs, drive up energy costs, and further imperil the American economy.

EPA's greenhouse gas regulations need to be stopped in their tracks, and that's what section 1746 does. It provides a time-out for the balance of this fiscal year, during which time EPA will be prohibited from acting on them or enforcing them.

Section 1746 is intended to put a halt to the regulations that we feel will harm this economy. It is not intended to affect permitting or other matters unrelated to greenhouse gas emissions such as construction starts or permit approvals.

Mr. WHITFIELD. I thank the gentleman, and I do agree with you wholeheartedly.

I might add that Congress and the U.S. Senate have specifically addressed this issue on three separate occasions, and on every one of those three occasions have said "no" to EPA regulation.

I might also add that last week we had a hearing with Administrator Jackson, and Mr. GREEN, our colleague from Texas on the Democratic side, asked her a question. He said: My question is this. What happens if only the United States acts to reduce these emissions while major emitters like China or India do not take action, do not follow suit? Can we really address climate change without strong mandatory reductions by other major emitters around the world?

And Ms. Jackson, the Administrator of the EPA, said: We will not ultimately be able to change the amount of CO₂ that is accumulating in the atmosphere alone.

So I would say, Mr. Chairman, that EPA's regulations will lead to higher costs for the coal industry, the oil industry, and natural gas industries that

comprise 85 percent of America's energy mix, burdening both individuals and businesses and, most important of all, destroying jobs.

So let me ask the gentleman. Is this a debate about global warming science?

Mr. SIMPSON. No. It's not even necessary to be a climate change skeptic to be an EPA greenhouse gas regulations skeptic. These regulations are all economic pain for little, if any, environmental gain.

EPA can only regulate American companies, and we know that China already emits more carbon dioxide than we do. Its rate of emissions growth is many times faster than ours, and the Chinese Government has repeatedly made clear that they will never impose such job-destroying regulatory measures on themselves. Even Administrator Lisa Jackson, as you said, has concluded that unilateral action would have little or negligible impact on further temperatures.

Mr. WHITFIELD. I thank the gentleman.

I do want to mention that the Committee on Energy and Commerce has released a discussion draft on exactly this same issue, called the Energy Tax Prevention Act, that would block EPA's global warming agenda under the Clean Air Act.

The bill does not weaken the Clean Air Act, however. It would have no effect on the agency's ongoing efforts to deal with smog, soot, lead, mercury, and all the other pollutants that have been addressed under the Clean Air Act. It is simply a bill to stop the agency and bureaucrats from issuing regulations absent congressional approval.

As our former chairman JOHN DINGELL said, avoiding the glorious mess is what we would be doing, because the Clean Air Act was never designed to regulate greenhouse gases.

As it is, EPA's global warming regulatory agenda, which is just beginning to roll out, is so open-ended that it is already having a chilling effect on investment and job creation. The longer it moves forward, the more domestic manufacturing jobs will be forced overseas to countries not similarly burdened.

Mr. SIMPSON. Will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Idaho.

Mr. SIMPSON. When do you expect Congress to act on the Energy Tax Prevention Act?

Mr. WHITFIELD. We have already had our first hearing, which was on February 9. We have heard from a wide range of industries about the job creation issue, and I expect that we will be moving this legislation within the next month and a half.

Mr. SIMPSON. I thank the gentleman.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, in light of the last colloquy, I find it necessary to make a few points about this underlying bill.

It contains language that stops EPA from limiting greenhouse gas emissions for the term of the continuing resolution in other words, through the end of fiscal year 2011.

First, let me point out that this issue should not be included in an appropriations bill that has received zero days in the Appropriations Committee for debate. I do understand that the Energy and Commerce authorizers are working this issue through a regular order process, but this is anything but regular order. Not that we would necessarily agree on the language that they are working on. But the reason you don't deal with complicated policy issues in eight lines of bill text is because often the only thing you achieve is unintended bad consequences. In this instance, I believe that is exactly what has happened.

EPA has a new permitting program that is currently in place as of January. It is to be implemented by both the States and EPA. There would be serious implications from this CR language, since new and modified large facilities are now required by law to obtain greenhouse gas permits before construction, but this bill's language would prevent Federal and State permitting authorities to take action to issue the permits. This would subject large facilities to legal challenges from citizens for failing to obtain permits and will lead to construction delays effectively eliminating thousands of American jobs. This is going to be held up in the courts indefinitely because of this language.

We have heard the arguments that these regulations will stop power plants and refineries and other big industry from creating jobs, but EPA's regulations encourage companies to make major new investments and to find cleaner ways to do business. This language is an actual assault on jobs.

The chair of the Republican Energy and Commerce Committee stated last week at a hearing, I bring this up since in the last colloquy the Chinese Government was mentioned, and I quote the Republican Chairman, "The Chinese Government and other competitors have no intention of burdening and raising the cost of doing business for their manufacturers and energy producers the way EPA plans to do here in America."

□ 1820

Now, Mr. Chairman, to suggest that we should be taking our cues on public health and environmental policies from China, the People's Republic of China, exposes a majority party that is clear-

ly on the side of industry, but not of their constituents, let alone being on the right side of history.

This language is not about deficit reduction. It is a free pass to allow certain industries to pollute at whatever damage to the public health, they choose. We know that pollution is dangerous to the public health, we know that EPA has a legislative responsibility to limit that pollution, and yet this language would gut EPA's legal responsibility to carry out that legislation.

I yield back the balance of my time.

Mr. GRAVES of Georgia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRAVES of Georgia. Mr. Chairman, I want to thank you for your attentiveness to this process. I know it is laborious.

I want to draw attention, I want to go back just a few steps here when we were listening to an amendment brought to us by my good friend from New York (Mr. REED).

As we are going through this process, there are those who have been working extremely hard, the Appropriations Committee and Members all across this House, and Mr. REED dug very deep and he found something I think all of us wanted to see, something that was exposed, that the American people pointed out clearly, that the Federal Government has been spending money where it does not need to be spending money.

Think about where we are as a nation: \$14 trillion in debt; unemployment unacceptable; GDP dropping; \$1.5 trillion of deficit, which is almost 150 percent of what the Federal Government takes in. Think about where we are. And then children, upon conception, you ask any economist, they will vary somewhere between \$42,000 and \$47,000 of debt inherited upon conception.

Yet Mr. REED, he points out here today a great find: That this government is funding a Tijuana sewer rehabilitation project. There is something about that that just stinks. And I would hope that this House, that Americans all across this country, that Members of this House would see that just \$10 million is being funded for a rehabilitation project of a sewer facility in Mexico, yet we are in this position of this fiscal house being out of order and in disorder.

I would hope that this House would see and recognize that this simple amendment, only \$10 million, a small amount compared to that \$1.5 trillion deficit, is worthy of a "yes" vote of amending this out of this CR, and we would send a message to the American people: It doesn't matter if it is \$1, \$10 million, \$1 billion, if it is unnecessary funding coming from this government, we are going to get it out and get this fiscal house back in order.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1743. The matter pertaining to competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions in the second proviso under the heading "Environmental Protection Agency, State and Tribal Assistance Grants" in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1744. Notwithstanding section 1101, the amounts authorized to transfer under the heading "Environmental Protection Agency, Administrative Provisions, Environmental Protection Agency" in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$225,000,000" for "\$475,000,000".

SEC. 1745. Of the unobligated balances available for "Environmental Protection Agency" \$300,000,000 is rescinded: *Provided*, That the Administrator shall submit to the House and Senate Committees on Appropriations a proposed allocation of amounts by account and program project to rescind 30 days prior to the rescission: *Provided further*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 1746. None of the funds made available to the Environmental Protection Agency by this division or any other Act may be expended for purposes of enforcing or promulgating any regulation (other than with respect to section 202 of the Clean Air Act) or order, taking action relating to, or denying approval of state implementation plans or permits because of the emissions of greenhouse gases due to concerns regarding possible climate change.

AMENDMENT NO. 521 OFFERED BY MR. BRALEY OF IOWA

Mr. BRALEY of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 276, line 11, after "climate change" insert "": *Provided*, That nothing in this section shall prohibit the Administrator of the Environmental Protection Agency from implementing or enforcing section 211(o) of the Clean Air Act (relating to the renewable fuel program)".

Mr. SIMPSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Idaho reserves a point of order.

The gentleman from Iowa is recognized for 5 minutes.

Mr. BRALEY of Iowa. Mr. Chairman, all day we have been hearing a lot of talk about job-killing regulations, but, Mr. Chairman, section 1746 is a job-killing statute that would block implementation of the Renewable Fuel Standard that was established just 4 years ago. The Braley amendment would allow the Renewable Fuel Standard to move forward and allow this burgeoning industry, which is reducing

our dependence on foreign oil and creating thousands of jobs all over the country, to move forward.

The continuing resolution prevents the Renewable Fuel Standard from promoting clean, renewable home-grown fuel that reduces our dependence on foreign oil.

Prior to the RFS, my State of Iowa produced less than 1 billion gallons of ethanol annually, and in large part because of its implementation, we now produce more than 4.5 billion gallons per year. Ethanol and biodiesel support nearly 49,000 jobs throughout the Iowa economy. This accounts for nearly \$550 million in State tax revenue. Without the Renewable Fuel Standard, we would take a huge step backwards, potentially having a devastating impact on rural economies across the country in every congressional district.

The RFS promotes biofuels by ensuring that transportation fuel sold in the United States contains certain volumes of renewable fuels, including advanced biofuels, cellulosic biofuels, and biomass-based diesel. That includes advanced biofuels, including ethanol from waste material, from crop residue, vegetative waste, animal waste, food waste, yard waste, biomass-based diesel, bio-gas, and butanol.

The RFS promotes biofuels and is supported by the American Coalition For Ethanol, Growth Energy, the National Corn Growers Association, and the Renewable Fuels Association, and this particular legislation was described by the American Advanced Ethanol Council as language that would defund efforts to implement the RFS.

The required volume of each type of fuel is established annually by the EPA, and this summer EPA needs to propose the volume requirements for calendar year 2012. But the Republican provision in this section would prevent EPA from doing so. If EPA can't set the volume requirement, then RFS won't function next year, and renewable fuel producers all across country are counting on these requirements.

In fact, Mr. Chairman, in your area, there are two plants, White Plains Energy in Plainview and Hereford Renewable Energy and White Energy in Hereford that will be affected if this provision becomes law.

In fact, the gentleman from Idaho has Pacific Ethanol in Burley, a 50 million gallon producer, and Idaho Sustainable Energy, which is on the front edge of biofuels with algal biodiesel, in Glenns Ferry, Idaho, which will be impacted if this provision becomes law.

So instead of investing in certainty that allows these producers to move forward, this provision would pull the rug from farmers and refiners all across the country. That is why I urge my colleagues to oppose this flawed funding language and support my amendment to ensure the Renewable Fuel Standard is allowed to move for-

ward. It is a bad policy to have job-killing statutory provisions that are going to increase our dependence on foreign oil and move us backward, not forward, in the important area of bioenergy.

I yield back the balance of my time.

The Acting CHAIR. Does the gentleman from Idaho continue to reserve his point of order?

Mr. SIMPSON. Yes.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I thank the chairman, and I appreciate the gentleman's concern on section 1746 of the continuing resolution that some people think would negatively impact renewable fuel standards. That rider in the bill specifically prohibits the EPA from regulating greenhouse gas emissions from stationary sources. However, reports that this provision will also block EPA from setting standards for the 2012 Renewable Fuel Standard are totally unfounded. The Energy and Commerce Committee confirms this and everyone else. The gentleman, I know, used to be a member of that committee.

I think it is really important to clarify that the rider in the CR is narrowly focused on EPA's new stationary source permitting authority and does not affect EPA's renewable fuels program.

Under the 2007 Energy Independence and Security Act, which was referred to, Congress expressly stated that the Renewable Fuel Standard does not, and I say not, constitute regulation of greenhouse gases under the Clean Air Act. The fundamental purpose of the Renewable Fuel Standard is to ensure our Nation's energy security and to reduce our dependence on foreign sources of oil while providing a valuable incentive for the production of agriculture.

□ 1830

As an Iowan, I understand the vast importance of agriculture to our economy by creating thousands of good-paying jobs and contributing numerous economic benefits to our rural communities. I understand concerns that may have been expressed. However, it is very clear that the renewable fuel standard falls outside EPA's rule-making authority addressing climate change. I want to assure my colleagues and the people of Iowa that this legislation will not affect the renewable fuel standard or bring an end to the program, as some have erroneously suggested.

Mr. Chairman, rules have already been written. Anything in this bill is prospective. We already have the standard in place, and this does not affect that anyway. In the Senate, Senator ROCKEFELLER, a Democrat over there—and I hate to see this be politicized because it should not be a polit-

ical issue—but the Democrat Senator from West Virginia has this identical language and nobody has said anything about that. He wants to have a prohibition for 2 years. The Energy and Commerce Committee is having debates as to making permanent as far as the prohibition. And I have not heard any concerns about that.

So it is, I think, very unfortunate that some information is being put forth on the floor of the House here that is not true. The Energy and Commerce Committee has said over and over again that this does not affect renewable fuel standards. It will have no impact as far as ethanol is concerned.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. I thank the gentleman for yielding.

The problem with the language as drafted, Mr. Chairman, is that it is so broad and poorly drafted that it does threaten the renewable fuel standard, which is why all of those renewable energy advocate groups that I mentioned in my remarks are in support of the amendment that I have offered. The RFS promotes biofuels by ensuring that transportation fuels sold in the United States contain the requisite number of volume for each type of fuel that's established annually.

This summer, the EPA has to make sure that those standards are identified for each one of the various categories; but if they don't have the required guidance available to them because of the confusing language that's currently in this provision, it's going to create confusion and those same industries that waited and waited and waited for the tax extenders package to be passed at the end of the last Congress are going to have the same type of uncertainty governing their investment decisions moving forward, which is why those groups that I mentioned earlier are so concerned about this matter and are in support of the Braley amendment.

They are Growth Energy, the National Corn Growers Association, the American Coalition for Ethanol, the Renewable Fuels Association, and the Advanced Ethanol Council. If the Advanced Ethanol Council believes that this language is so vague that it would defund efforts to implement the RFS, that's not me speaking. That's the very groups that would be subject of regulation by the EPA, and that's why this amendment is important to clarify that that is not within the scope of EPA's powers.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. SIMPSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. I yield to the gentleman from Iowa.

Mr. LATHAM. I thank the gentleman from Idaho.

If there are people concerned about this, why didn't they come to us and talk to us before? We talked about the different groups out there, and that's because they've been given bad information that's not true. It is clear from the 2007 bill—and if someone would read it around here, they would understand that the renewable fuel standard is not affected by this. It is specifically outside the jurisdiction of what we're talking about, and so to make any assertion otherwise is simply giving erroneous information purposely on the floor. And that's very, very unfortunate because you do have people that are being told something that is not true, and now they're getting all worked up about it. I think it's very, very unfortunate.

We had a meeting this last week with the Iowa delegation talking to each other. If you have concerns, why don't you bring it forth so we can take care of the problem? If you want to have the amendment, I would have supported it, but it's not needed. It is absolutely fictitious, this idea that this is somehow going to affect the renewable fuel standard. I think it's very unfortunate that this issue has become something that has been dreamt up for other reasons, I think. That's very, very unfortunate because we should need to work together for energy independence in this country and to lessen our dependence on foreign sources of energy.

POINT OF ORDER

Mr. SIMPSON. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rules states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment gives direction in effect.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The Chair finds that section 1746 of the bill contains a legislative limitation on the use of funds. Such a provision may be properly amended by a non-legislative exception or by a germane, merely perfecting change.

The amendment offered by the gentleman from Iowa, rather than merely excepting section 211(o) of the Clean Air Act from the terms of the limitation, seeks to impart direction to the EPA Administrator with regard to the application of that section of the Clean Air Act.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 193 by Mrs. LUMMIS of Wyoming.

Amendment No. 338 by Mr. MORAN of Virginia.

Amendment No. 376 by Mr. FLAKE of Arizona.

Amendment No. 84 by Mr. POMPEO of Kansas.

Amendment No. 379 by Mr. REED of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 193 OFFERED BY MRS. LUMMIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 216, not voting 4, as follows:

[Roll No. 61]

AYES—213

Adams	Cassidy	Gosar
Aderholt	Chabot	Gowdy
Akin	Chaffetz	Graves (GA)
Amash	Coble	Graves (MO)
Austria	Coffman (CO)	Griffin (AR)
Bachmann	Cole	Griffith (VA)
Bachus	Conaway	Grimm
Barletta	Costa	Guinta
Barrow	Cravaack	Guthrie
Bartlett	Crawford	Hall
Barton (TX)	Culberson	Harman
Benish	Davis (KY)	Harper
Berg	Denham	Harris
Bilbray	DesJarlais	Hartzler
Bilirakis	Diaz-Balart	Hastings (WA)
Bishop (UT)	Dreier	Hayworth
Black	Duffy	Heck
Blackburn	Duncan (SC)	Heller
Bonner	Duncan (TN)	Hensarling
Bono Mack	Ellmers	Herger
Boustany	Farenthold	Herrera Beutler
Brady (TX)	Flake	Huelskamp
Brooks	Fleischmann	Huizenga (MI)
Broun (GA)	Fleming	Hultgren
Buchanan	Flores	Hunter
Bucshon	Forbes	Hurt
Buerkle	Fox	Issa
Burgess	Franks (AZ)	Jenkins
Burton (IN)	Gallegly	Johnson (OH)
Calvert	Gardner	Johnson, Sam
Camp	Garrett	Jones
Campbell	Gibbs	Jordan
Canseco	Gibson	Kelly
Cantor	Gingrey (GA)	King (IA)
Capito	Gohmert	King (NY)
Carter	Goodlatte	Kingston

Kinziger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer

Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Pearce
Pence
Peters
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)

Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Turner
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

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Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
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Berman
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)

Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Moran
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)

Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rigell
Roby
Rooney
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman
 Shuler
 Simpson
 Sires
 Slaughter

NOT VOTING—4

Alexander
 Clay

□ 1902

Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, and Mr. BOREN changed their vote from “aye” to “no.”

Messrs. COLE, MEEHAN, BONNER, LANDRY, and McKEON changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 338 OFFERED BY MR. MORAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 73, noes 352, answered “present” 2, not voting 6, as follows:

[Roll No. 62]

AYES—73

Andrews
 Bachmann
 Barton (TX)
 Becerra
 Bishop (GA)
 Boustany
 Braley (IA)
 Cardoza
 Carson (IN)
 Cassidy
 Castor (FL)
 Clay
 Cohen
 Connolly (VA)
 Conyers
 Davis (CA)
 DeGette
 Dicks
 Dingell
 Ellison
 Farr
 Fattah
 Fortenberry
 Gerlach
 Griffith (VA)

Harman
 Heinrich
 Hinojosa
 Hirono
 Holden
 Hoyer
 Jackson (IL)
 Landry
 LoBiondo
 Lowey
 Marchant
 McCollum
 McDermott
 McIntyre
 Michaud
 Miller (NC)
 Moran
 Napolitano
 Oliver
 Pallone
 Pascrell
 Payne
 Perlmutter
 Pitts
 Price (NC)

Rahall
 Rangel
 Rigell
 Rothman (NJ)
 Ruppersberger
 Sarbanes
 Scalise
 Scott (VA)
 Shuler
 Sires
 Smith (NJ)
 Smith (WA)
 Sutton
 Thompson (CA)
 Velázquez
 Visclosky
 Wasserman
 Schultz
 Weiner
 Welch
 Wittman
 Woolsey
 Yarmuth
 Young (AK)

Walz (MN)
 Wasserman
 Speler
 Waters
 Watt
 Waxman
 Weiner
 Welch
 Whitfield
 Wilson (FL)
 Wittman
 Woolsey
 Wu
 Yarmuth
 Young (FL)

NOES—352

Ackerman
 Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Austria
 Baca
 Bachus
 Baldwin
 Barletta
 Barrow
 Bartlett
 Bass (CA)
 Bass (NH)
 Benishek
 Berg
 Berkley
 Berman
 Biggert
 Bilbray
 Bilirakis
 Bishop (NY)
 Bishop (UT)
 Black
 Blackburn
 Blumenauer
 Bonner
 Bono Mack
 Boren
 Boswell
 Brady (PA)
 Brady (TX)
 Brooks
 Broun (GA)
 Brown (FL)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Capito
 Capps
 Capuano
 Carnahan
 Carney
 Carter
 Chabot
 Chaffetz
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Cleaver
 Clyburn
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cooper
 Costa
 Costello
 Courtney
 Cravaack
 Crawford
 Crenshaw
 Critz
 Crowley
 Cuellar
 Culberson
 Cummings
 Davis (IL)
 Davis (KY)
 DeFazio
 DeLauro
 Denham
 Dent
 DesJarlais
 Deutch
 Diaz-Balart
 Doggett
 Dold
 Donnelly (IN)
 Doyle
 Dreier
 Duffy
 Duncan (SC)

Duncan (TN)
 Edwards
 Ellmers
 Emerson
 Engel
 Eshoo
 Farenthold
 Filner
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes
 Foe
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Garamendi
 Gardner
 Garrett
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Green, Al
 Green, Gene
 Griffin (AR)
 Grijalva
 Grimm
 Guinta
 Guthrie
 Gutierrez
 Hall
 Hanabusa
 Hanna
 Harper
 Harris
 Hartzler
 Hastings (FL)
 Hastings (WA)
 Hayworth
 Heck
 Heller
 Hensarling
 Herger
 Herrera Beutler
 Higgins
 Himes
 Hinchey
 Holt
 Cleaver
 Honda
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Inslee
 Israel
 Issa
 Jackson Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson (OH)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan
 Kaptur
 Keating
 Kelly
 Kildee
 Kind
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Kucinich
 Labrador
 Lamborn

Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Roybal-Allard
 Royce
 Runyan
 Rush
 Ryan (OH)
 Ryan (WI)
 Sánchez, Linda T.
 Sanchez, Loretta
 Schakowsky
 Schiff
 Schilling
 Schmidt
 Schock
 Schrader
 Schwartz
 Schweikert
 Scott (SC)
 Scott, Austin
 Scott, David

Sensenbrenner
 Serrano
 Sessions
 Sewell
 Sherman
 Shimkus
 Shuster
 Simpson
 Slaughter
 Smith (NE)
 Smith (TX)
 Southerland
 Speier
 Stark
 Stearns
 Stivers
 Stutzman
 Terry
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiberi
 Tierney
 Tipton
 Tonko

ANSWERED “PRESENT”—2

Amash
 Giffords
 Lummis

NOT VOTING—6

Lynch
 McCarthy (NY)
 Sullivan
 Waters

□ 1906

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 376 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 230, not voting 4, as follows:

[Roll No. 63]

AYES—199

Adams
 Aderholt
 Akin
 Amash
 Austria
 Bachmann
 Bachus
 Barletta
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle

Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Cardoza
 Carter
 Cassidy
 Chabot
 Chaffetz
 Coble
 Coffman (CO)
 Conaway
 Costa
 Cravaack
 Cuellar
 Culberson
 Denham
 DesJarlais
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers

Emerson
 Farenthold
 Fincher
 Flake
 Fleischmann
 Fleming
 Flores
 Fortenberry
 Foxx
 Franks (AZ)
 Gallegly
 Gardner
 Garrett
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm

NOES—230

Ackerman

Alexander

Altmore

Andrews

Baca

Baldwin

Barrow

Bass (CA)

Becerra

Berg

Berkley

Berman

Biggett

Bishop (GA)

Bishop (NY)

Blumenauer

Bonner

Boswell

Brady (PA)

Braley (IA)

Brown (FL)

Butterfield

Capito

Capps

Capuano

Carnahan

Carney

Carson (IN)

Castor (FL)

Chandler

Chu

Cicilline

Clarke (MI)

Clarke (NY)

Clay

Cleaver

Clyburn

Cohen

Cole

Connolly (VA)

Conyers

Cooper

Costello

Courtney

Crawford

Critz

Crowley

Cummings

Davis (CA)

Davis (IL)

Davis (KY)

DeFazio

DeGette

DeLauro

Dent

Deutch

Diaz-Balart

Dicks

Dingell

Doggett

Dold

Donnelly (IN)

Doyle

Edwards

Ellison

Engel

Eshoo

Farr

Fattah

Filner

Fitzpatrick

Forbes

Frank (MA)

Frelinghuysen

Fudge

Garamendi

Gerlach

Gonzalez

Green, Al

Green, Gene

Grijalva

Gutierrez

Hanabusa

Hanna

Harman

Hastings (FL)

Heinrich

Higgins

Himes

Hinchesy

Hinojosa

Hirono

Holt

Honda

Hoyer

Hultgren

Inslee

Israel

Jackson (IL)

Jackson Lee

Jackson (TX)

Johnson (GA)

Johnson, E. B.

Kaptur

Oliver

Owens

Pallone

Keating

Kildee

Kind

King (NY)

Kinzinger (IL)

Kissell

Kucinich

Lance

Langevin

Larsen (WA)

Larson (CT)

Latham

LaTourette

Lee (CA)

Levin

Lewis (GA)

Lipinski

LoBiondo

Loeb sack

Lofgren, Zoe

Lowey

Lucas

Lujan

Lungren, Daniel

E.

Lynch

Maloney

Markey

Matheson

Matsui

McCollum

McDermott

McGovern

McIntyre

McNerney

Meehan

Meeks

Mica

Michaud

Miller (NC)

Miller, George

Moore

Moran

Murphy (CT)

Nadler

Napolitano

Neal

Noem

Nunnelee

Oliver

Owens

Pallone

AMENDMENT NO. 84 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 185, not voting 9, as follows:

[Roll No. 64]

AYES—239

Adams

Aderholt

Akin

Buchanan

Buchson

Buerkle

Burgess

Burton (IN)

Calvert

Camp

Campbell

Canseco

Cantor

Capito

Cardoza

Carter

Cassidy

Chabot

Chaffetz

Coble

Coffman (CO)

Cole

Conaway

Costa

Brooks

Broun (GA)

Crawford

Crenshaw

Cuellar

Culberson

Davis (KY)

Denham

Dent

DesJarlais

Dold

Donnelly (IN)

Dreier

Duffy

Duncan (SC)

Duncan (TN)

Ellmers

Emerson

Farenthold

Fincher

Flake

Fleischmann

Fleming

Flores

Jenkins

Johnson (IL)

Johnson (OH)

Johnson, Sam

Jones

Jordan

Kelly

King (IA)

King (NY)

Kingston

Kinzinger (IL)

Kline

Labrador

Lamborn

Lance

Landry

Pence

Peterson

Petri

Pitts

Platts

Poe (TX)

Pompeo

Posey

Price (GA)

Quayle

Rahall

Reed

Rehberg

Renacci

Ribble

Rigell

Upson

Walberg

Walden

Walsh (IL)

Webster

West

Westmoreland

Whitfield

Wilson (SC)

Wittman

Wolf

Womack

Woodall

Yoder

Young (AK)

Young (IN)

NOES—185

Costello

Courtney

Critz

Crowley

Cummings

Davis (CA)

Davis (IL)

DeFazio

DeGette

DeLauro

Deutch

Diaz-Balart

Dicks

Dingell

Doggett

Doyle

Edwards

Ellison

Engel

Eshoo

Farr

Filner

Fitzpatrick

Frank (MA)

Fudge

Garamendi

Gonzalez

Green, Al

Green, Gene

Grijalva

Gutierrez

Hanabusa

Harman

Hastings (FL)

Heinrich

Higgins

Himes

Hinchesy

Hinojosa

Hirono

Holt

Honda

Hoyer

Inslee

Israel

Jackson (IL)

Jackson Lee

(TX)

Johnson (GA)

Johnson, E. B.

Kaptur

Keating

Kildee

Kind

Kissell

Kucinich

Langevin

Larsen (WA)

Larson (CT)

LaTourette

Lee (CA)

Levin

Lewis (GA)

Lipinski

Loeb sack

Lofgren, Zoe

Lowey

Lujan

Lynch

Maloney

Markey	Price (NC)	Slaughter	Gingrey (GA)	Lummis	Rokita	McCollum	Price (NC)	Slaughter
Matheson	Quigley	Smith (WA)	Gohmert	Mack	Rooney	McDermott	Quigley	Smith (WA)
Matsui	Rangel	Speier	Goodlatte	Manzullo	Ros-Lehtinen	McGovern	Rahall	Speier
McCollum	Reichert	Stark	Gosar	Marchant	Roskam	McIntyre	Rangel	Stark
McDermott	Reyes	Sutton	Gowdy	Marino	Ross (AR)	McKeon	Reyes	Sutton
McGovern	Richardson	Thompson (CA)	Graves (GA)	McCarthy (CA)	Ross (FL)	McNerney	Richardson	Thompson (CA)
McIntyre	Richmond	Thompson (MS)	Graves (MO)	McCaul	Royce	Meeks	Richmond	Thompson (MS)
McNerney	Ros-Lehtinen	Tierney	Griffin (AR)	McClintock	Runyan	Michaud	Rohrabacher	Tierney
Meeks	Rothman (NJ)	Tonko	Griffith (VA)	McCotter	Ryan (WI)	Miller (NC)	Rothman (NJ)	Tonko
Michaud	Roybal-Allard	Towns	Grimm	McHenry	Scalise	Miller, Gary	Roybal-Allard	Towns
Miller, George	Ruppersberger	Tsongas	Guinta	McKinley	Schilling	Miller, George	Ruppersberger	Tsongas
Moore	Rush	Van Hollen	Guthrie	McMorris	Schmidt	Moore	Rush	Van Hollen
Moran	Ryan (OH)	Velázquez	Hall	Rodgers	Schock	Moran	Ryan (OH)	Velázquez
Murphy (CT)	Sánchez, Linda	Visclosky	Hanna	Meehan	Schweikert	Murphy (CT)	Sánchez, Linda	Visclosky
Nadler	T.	Walz (MN)	Harper	Miller (FL)	Scott (SC)	Nadler	T.	Walz (MN)
Napolitano	Sanchez, Loretta	Wasserman	Harris	Miller (MI)	Scott, Austin	Napolitano	Sanchez, Loretta	Wasserman
Neal	Sarbanes	Schultz	Hartzler	Mulvaney	Sensenbrenner	Neal	Sarbanes	Schultz
Olver	Schakowsky	Waters	Hastings (WA)	Murphy (PA)	Sessions	Olver	Schakowsky	Waters
Owens	Schiff	Watt	Hayworth	Heck	Shimkus	Owens	Schiff	Watt
Pallone	Schwartz	Waxman	Heck	Heller	Shuster	Pallone	Schrader	Waxman
Pascarella	Scott (VA)	Weiner	Heller	Neugebauer	Simpson	Pascarella	Schwartz	Weiner
Pastor (AZ)	Scott, David	Welch	Hensarling	Noem	Smith (NE)	Pastor (AZ)	Scott (VA)	Welch
Payne	Serrano	Wilson (FL)	Herger	Nugent	Smith (NJ)	Payne	Scott, David	Wilson (FL)
Pelosi	Sewell	Woolsey	Herrera Beutler	Nunes	Smith (TX)	Pearce	Serrano	Woolsey
Perlmutter	Sherman	Wu	Holden	Nunnelee	Southerland	Pelosi	Sewell	Wu
Peters	Shuler	Yarmuth	Huelskamp	Olson	Stearns	Perlmutter	Sherman	Yarmuth
Pingree (ME)	Simpson	Young (FL)	Huizenga (MI)	Palazzo	Stivers	Pingree (ME)	Shuler	Young (AK)
Polis	Sires		Hultgren	Paul	Stutzman	Polis	Sires	Young (FL)
			Hunter	Paulsen	Sullivan			
			Hurt	Pence	Terry			
			Issa	Peters	Thompson (PA)			
			Jenkins	Peterson	Thornberry			
			Johnson (IL)	Petri	Tiberi			
			Johnson (OH)	Pitts	Tipton			
			Jordan	Platts	Turner			
			Kelly	Poe (TX)	Upton			
			King (IA)	Pompeo	Walberg			
			King (NY)	Posey	Waldeen			
			Kingston	Price (GA)	Walsh (IL)			
			Kinzing (IL)	Quayle	Webster			
			Kline	Rehberg	West			
			Labrador	Reichert	Westmoreland			
			Lamborn	Renacci	Whitfield			
			Lance	Ribble	Wilson (SC)			
			Lankford	Rigell	Wittman			
			Latham	Rivera	Wolf			
			LaTourette	Roby	Womack			
			Latta	Roe (TN)	Woodall			
			LoBiondo	Rogers (AL)	Yoder			
			Long	Rogers (KY)	Young (IN)			
			Lucas	Rogers (MI)				
			Luetkemeyer					

NOT VOTING—9

Bachus	Fattah	McCarthy (NY)
Capps	Franks (AZ)	Miller (NC)
Carney	Giffords	Smith (NE)

□ 1914

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 379 OFFERED BY MR. REED

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. REED) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 203, not voting 2, as follows:

[Roll No. 65]

AYES—228

Adams	Brady (TX)	Denham
Aderholt	Brooks	Dent
Akin	Broun (GA)	DesJarlais
Alexander	Buchanan	Diaz-Balart
Altmire	Bucshon	Dold
Amash	Buerkle	Dreier
Austria	Burton (IN)	Duffy
Bachmann	Camp	Duncan (SC)
Bachus	Campbell	Duncan (TN)
Barletta	Cantor	Ellmers
Bartlett	Capito	Emerson
Barton (TX)	Cardoza	Fincher
Bass (NH)	Carmahan	Fitzpatrick
Benishek	Cassidy	Flake
Berg	Chabot	Fleischmann
Biggart	Chaffetz	Fleming
Bilbray	Coble	Forbes
Bilirakis	Coffman (CO)	Fortenberry
Bishop (UT)	Cole	Foxx
Black	Conaway	Franks (AZ)
Blackburn	Costa	Gardner
Bonner	Cravaack	Garrett
Bono Mack	Crawford	Gerlach
Boren	Crenshaw	Gibbs
Boustany	Davis (KY)	Gibson

Ackerman	Crowley	Hinchey
Andrews	Cuellar	Hinojosa
Baca	Culberson	Hirono
Baldwin	Cummings	Holt
Barrow	Davis (CA)	Honda
Bass (CA)	Davis (IL)	Hoyer
Becerra	DeFazio	Inlee
Berkley	DeGette	Israel
Berman	DeLauro	Jackson (IL)
Bishop (GA)	Deutch	Jackson Lee
Bishop (NY)	Dicks	(TX)
Blumenauer	Dingell	Johnson (GA)
Boswell	Doggett	Johnson, E. B.
Brady (PA)	Donnelly (IN)	Johnson, Sam
Braley (IA)	Doyle	Jones
Brown (FL)	Edwards	Kaptur
Burgess	Ellison	Keating
Butterfield	Engel	Kildee
Calvert	Eshoo	Kind
Canseco	Farenthold	Kissell
Capps	Farr	Kucinich
Capuano	Fattah	Landry
Carney	Filner	Langevin
Carson (IN)	Flores	Larsen (WA)
Carter	Frank (MA)	Larson (CT)
Castor (FL)	Frelinghuysen	Lee (CA)
Chandler	Fudge	Levin
Chu	Gallagher	Lewis (CA)
Cioccilline	Garamendi	Lewis (GA)
Clarke (MI)	Gonzalez	Lipinski
Clarke (NY)	Granger	Loebach
Clay	Green, Al	Loftgren, Zoe
Cleaver	Green, Gene	Lowe
Clyburn	Grijalva	Lujan
Cohen	Gutierrez	Lungren, Daniel
Connolly (VA)	Hanabusa	E.
Conyers	Harman	Lynch
Cooper	Hastings (FL)	Maloney
Costello	Heinrich	Markey
Courtney	Higgins	Matheson
Critz	Himes	Matsui

NOES—203

NOT VOTING—2

Giffords	McCarthy (NY)
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□ 1919

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. INSLEE. I rise to ask, what happened to the party of Teddy Roosevelt? What happened to the party that helped us adopt, under Richard Nixon's leadership, the Clean Air Act? What happened to the Republican Party that used to be allied in the adoption of the clean air rules that have so helped the health of Americans? What happened to the party that adopted the Clean Air Act 40 years ago which has helped save over 200,000 lives? And I ask why today, in this continuing resolution, the Republican Party has abandoned any pretext whatsoever to stand for clean air when they eviscerate the clean air law in their continuing resolution.

This is a sad statement to think that a party that at one time helped us clean up the air, reducing cancer deaths and reducing respiratory illness and reducing heart attacks, has seen fit to go and leave with the polluting industries to gut the Clean Air Act.

I want to make it clear so people know what the Republican continuing resolution does. Even though the Clean Air Act today requires the Environmental Protection Agency to clean up our air against dangerous gases like carbon dioxide and ozone, even though the Supreme Court has ruled that Americans are entitled to this protection, the Republican Party has decided to make it illegal for the cops on the beat to do their job.

This bill, amazingly enough, the Republicans have passed a provision, or want to in this bill, that would make it

illegal for the Environmental Protection Agency to protect the environment. Now, why would you want to make it illegal for the Environmental Protection Agency to protect the environment?

And I want to make clear how radical this action is. There is no fiscal reason for this. This is just an assault on clean air. The "dirty air act" is not going to revise any proposed rules of the Environmental Protection Agency. It isn't going to modify any clean air laws. It's going to eliminate them by saying that it is illegal for the EPA to enforce these clean air laws.

And the sad thing about this, Mr. Chairman, this is an assault on science. You read the specific scientific conclusions of the thousands of scientists who have reviewed this, and here is what the scientists and the physicians say. Mr. Chairman, not the politicians, the physicians. Here is what they say: Greenhouse gases are the primary driver of climate change, which can lead to hotter, longer heat waves that threaten the health of the sick, poor, or elderly, increases in ground level ozone pollution linked to asthma and other respiratory illnesses, as well as other threats to the health and welfare of America.

Now, why would the Republican Party want to make the air more dangerous for our kids who are using those inhalers to try to prevent asthma attacks?

In our Commerce Committee hearing, we had a young woman from North Carolina, and she talked about the fact that increasing ozone increases and aggravates her asthma. What reason on this green earth do we have to increase the rates of asthma of our kids? And that's what the Republican Party wants to do in this continuing resolution.

Now, that's kind of a harsh statement. It's a harsh statement to say that one of our noble parties wants to increase the availability of ozone to damage our kids' health. But facts are stubborn things, and this is what the Republican Party is sentencing our kids to, which is more dangerous air. And it's a real sad statement when you consider the past history of the Republican Party which helped, under Richard Nixon and Teddy Roosevelt, to adopt these environmental laws.

So, Mr. Chairman, I hope that at some point we will get a little more bipartisanship here for clean air, we will abandon this commitment to the polluting industries that are running this effort, and reject this continuing resolution and these anti-clean air laws.

I yield back the balance of my time.

Mrs. ELLMERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Mrs. ELLMERS. Mr. Chairman, today we are debating amendments on

a continuing resolution because the leadership of the 111th Congress failed to do one of their most basic jobs last year: Pass a budget to fund the Federal Government.

Left without a budget to work with and our financial house in shambles, it is clear that we are in a state of financial crisis. Our debt requires immediate action, and the CR is just the beginning.

I came to Congress because, like many other new Republican Members of the freshman class, I run a small business, sticking to my budget and trying to make plans for the future. All the while I was watching Washington politicians drive this country's economy into a ditch. I knew that something had to change.

My friends on the other side of the aisle are trying all the same worn-out tricks. But I am here to say to the American people, this is not about tricks or politics. This is about preserving the greatness of America.

No one in this Chamber finds joy in the tough decisions we have to make, but we can no longer ignore them. The American people have elected this Congress to be good stewards of their money.

Today is not a happy day. This is not a happy speech.

Government spending and burdensome regulations have driven the American people to anger and frustration with good reason. Sadly, our Nation stands on the edge of bankruptcy. Our love for future generations of Americans requires that we not ignore today's problem only to find them, years from now, in irreparable financial ruin.

Regardless of the program, today's deficit spending is tomorrow's tax increase. In my neighborhood, there have been three babies born recently. Each of those babies now owe \$45,000 in Federal debt.

□ 1930

We are fighting for our very survival. At risk are the freedoms representative of a free market economy and free society; the freedom to choose, freedom of private industry to compete, freedom from burdensome taxation, and freedom from mandated government programs. Washington today is slowly smothering the personal liberty Americans so greatly esteem.

As the 112th Congress struggles to pass legislation that meets our Nation's current challenges, fundamental disagreement remains. Unfortunately for the American people, the debate is being framed by my colleagues on the other side as "vicious cuts to vital programs by Republicans who simply don't care." Hear me now when I say this has never been farther from the truth.

Today we come to terms with the fact that we cannot spend money on

everything we want, regardless of the good intentions. For years politicians have ignored these problems. Not this Congress. Not this Congresswoman. The people elected us to end the talks and take swift action, and we must.

As a small business owner, when finances get tight, we cut where necessary. Raising prices isn't always the option. As painful as it may be, you make tough decisions to cut waste, operations, production costs, and eventually jobs as a last resort. Why should the Federal Government be any different?

Today's debt crisis is a very real threat to our liberty. Liberty allows people to work hard and achieve what they want, be responsible for their own actions and be free. No one shackled by debt is free.

Today's budget crisis is dangerous and threatens our basic freedom. Free societies value every citizen equally, placing no preference one over another. I believe that no one should be entitled to another's hard-earned provisions, and that government should support its citizens, not burden them with insurmountable debt and obligations they cannot fulfill. Government spending is not the answer to our looming problem.

I know there will be those who argue that my rhetoric is too harsh and that the financial crisis is not as bad as it seems. This crisis is real; and without immediate action, America will continue spiraling toward financial disaster.

Today, I challenge my colleagues to let real leadership begin. No longer should we turn to China to finance that which we cannot afford. Let us have the courage to right our wrongs, the strength to see it through, and the vision to lead with the powers entrusted to us from the consent of the governed, rather than selfish ambition.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, I rise to oppose this bill and the priorities and the values it represents.

Republicans repeat like robots the same talking points we have heard again and again tonight, that to get our debt under control, middle class families are going to have to suck it up. We face tough choices, harsh choices; but really there is no choice. We are going to have to cut public education drastically, along with Head Start for the children who otherwise would start kindergarten too far behind to ever catch up; job training for workers who have lost their jobs; Pell Grants so middle class kids can afford a college education; research at the National Science Foundation and Department of Energy, and on and on.

Mr. Chairman, we do have choices. We have this deficit because of choices we have made. Just a decade ago, the debate here was what to do with the surplus. Alan Greenspan, who was then the chairman of the Federal Reserve Board, worried that it might unsettle the economy if we paid off the national debt too quickly. President Clinton urged that we use the surplus to shore up Social Security and Medicare so that my generation could live in dignity when we retire.

A Republican President and a Republican Congress decided instead to cut taxes sharply for the richest of the rich. The deficit we face now is because of that choice, and we saw just 2 months ago that protecting those tax cuts for the richest of the rich, even Americans making more than \$1 million a year, was their first priority. So despite all of the weeping and wailing, the gnashing of teeth, the rending of garments about the deficit now, just 2 months ago they said not a word about the deficit when they were voting to cut taxes, to explode the deficit by cutting taxes on the very richest Americans.

So now Congress is voting to kick 200,000 kids out of Head Start so that Americans who worked and strived to be conceived to the right parents will pay little in inheritance taxes.

Now Congress is voting to fire 17,000 teachers and special educators so Americans making more than \$1 million a year will not have to pay the income taxes that they paid in the nineties, which was hardly a confiscatory rate.

And much of the bill obviously has nothing to do with saving money or whether the government is too big or too small. It is about whose side the government is on. This bill cuts drastically the funding needed to protect middle class families from the gouging that has lurked in the legalese, the fine print of financial contracts, the tricks and the traps written by banks' lawyers. That cut has nothing to do with saving money. It is all about putting government on the side of financial predators, not on the side of hard-working honest Americans trying to make an honest living.

We have seen clusters of rare cancers and birth defects that we know are the result of an environmental exposure to something, and this bill devastates environmental protection. Middle class children are facing life with lower IQs because of unchecked environmental exposure so polluters can have bigger profits and CEOs can reward themselves with bigger bonuses.

Many of my colleagues have argued that this bill is penny wise and pound foolish, it is shortsighted and will hurt the economy. All of that is true. But I am most disturbed that this bill represents values that are incompatible with values that I learned at my moth-

er's knee, the values of generations of Americans, the values of the faith traditions of most Americans, including me, the values that have been the glue that has held our country together in tough times. I will vote "no."

I yield back the balance of my time. Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. BROWN of Florida. I am totally opposed to this resolution. I knew back in December when Congress cut taxes for millionaires and billionaires that in February we would be cutting services for the working poor, children, and the disabled.

The House Republican CR in fact is very similar to the last December tax cut bill, which included billions of dollars in tax breaks for the wealthiest 2 percent of Americans, while driving up the budget deficit an extra \$700 billion. The proposed continuing resolution will be what I usually call reverse Robin Hood: it will rob from the poor and working people to give tax breaks to the rich.

In my area of specialization, transportation and infrastructure, this bill would rescind \$2.5 billion for high-speed rail projects already awarded, as well as cancellation of 76 transportation projects in 40 States, bringing about a loss of 25,000 new construction jobs. Pink slips.

While the unemployment rate is still 9 percent in our Nation, it is critical to invest in infrastructure at this time. As I always said, Federal transportation and infrastructure funds are essential to job creation, and for every \$1 billion invested in infrastructure projects, over 42,000 well-paid, permanent jobs are created and over \$2 billion in economic development.

This resolution also cuts programs to assist homeless vets. Over 130,000 of our Nation's 24 million veterans are homeless on any given night. In this time of foreclosures and uncertainty in the housing market, it is inconceivable that we would limit the help available to those who serve and protect our country's freedom that we hold so dear. So we are going to give pink slips to over 130,000 veterans. I want to say that that will not happen—but pink slips to the veterans.

In addition, over 200,000 children we are going to kick off of Head Start. A pink slip for the Head Start program. We are going to reduce the maximum Pell Grant \$800 per student. It takes away over 20,000 researchers supported at the National Science Foundation. And a program that is near and dear to my heart, over 1,300 cops will be taken off the beat. This program was started under President Clinton, where we put an additional 100,000 cops on the beat and cut down crime.

□ 1940

We cut another 2,400 firefighters. Pink slips for the firefighters. And we

cut \$2.5 billion to the National Institutes of Health. Budget decisions by Congress and the President should prioritize the most vulnerable communities who are struggling to make ends meet at this difficult economic time, not the wealthy and the powerful.

Today's bill on the House floor does absolutely nothing to create jobs or improve our Nation's economy but is a direct assault on the most vulnerable by cutting the budget in every single area, from transportation to our Nation's veterans to our Nation's children to police on the beat protecting our citizens. Once again, the Republican Party is asking our seniors, our students, our children, and working families to make fiscal sacrifices while millionaires and billionaires and powerful special interest groups get to walk off without a scratch.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1747. None of the funds made available by this division or any other Act may be used by the Environmental Protection Agency to implement, administer, or enforce a change to a rule or guidance document pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 1748. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, Forest and Rangeland Research" shall be \$297,252,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$61,939,000" for "\$66,939,000".

AMENDMENT NO. 85 OFFERED BY MR. POMPEO

Mr. POMPEO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 277, line 3, after the dollar amount, insert "(reduced by \$7,400,000)".

Page 359, line 13, after the first dollar amount, insert "(increased by \$7,400,000)".

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, I rise to offer an amendment that will reduce spending for the International Forestry Program by \$7.4 million. Some on the other side have said \$7.4 million isn't very much money when we have a deficit of a little over \$1.5 trillion. In Kansas, that's still a little bit of money.

This program started out a long time ago to provide funds for saving the Brazilian rainforest. But like so many programs that had good intentions, it's morphed, it's morphed into something terribly different. Just this past year, this program funded field trips for students in Mexico to follow the migration of monarch butterflies. It funded research in China to protect the Panda habitat and make sure that we didn't have the infestation of forest pests in

China. I think the Chinese can fund themselves if someone thinks that's a worthy task. Last year, the International Forestry Program funded a study on the declining hummingbird populations in the western United States, Canada, and Mexico.

Mr. Chairman, there are difficult decisions to make when the country is at this point in its economic life, but this is not difficult. These are precisely the kind of programs that Americans sent a new Congress to take care of to make sure that we're not doing things that make no sense for America. So I would urge support for this amendment.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, I yield to Ms. McCOLLUM from Minnesota to explain why the Democrats on the subcommittee are very strongly opposed to this amendment.

Ms. MCCOLLUM. Mr. Chairman, first of all, I want to make it clear that while the Congressman says the amendment eliminates the U.S. Forest Service's International Programs, it does not. The amendment only calls for a reduction in the budget of the Department of Agriculture, Forest Service, State and private forests. Should this shortsighted amendment pass, the agency would decide what to cut within its budget. That being said, the gentleman from Kansas has unfairly maligned an important agency that's doing unsung work.

The U.S. Forest Service's International Programs plays a unique role as one of the few Federal agencies working with international governments and NGOs to, one, stop the flow of illegal wood that is undercutting our U.S. timber industry and costing us jobs. Another example, protecting western Canada's boreal forests in partnership with Ducks Unlimited to ensure future generations of hunters will have access to waterfowl habitats. This area is the second most productive breeding ground for ducks that migrate to the United States.

The examples of working with China and Russia are important, working with China and Russia to address such invasive species as the emerald ash borer and the Asian gypsy moth, both of which currently are threatening millions of forest acres in my home State of Minnesota and have devastated parts of the eastern part of the United States.

Similarly, all wildlife salmon migrate from the rivers of the West Coast of North America to eastern Russia to the Pacific Ocean. The Forest Service is working with the Russians to improve the watershed management on these rivers in eastern Russia to preserve the wild stock of this important species for future generations.

One of the things that disturbs me most is the way that a program has been described that allows students to interact with one another and learn about forestry management, biology, and how we are interconnected in this world. There are no Mexican students that go on field trips here in the United States, but there is an exchange of classrooms in Canada and the United States and in Mexico where teachers online follow the migration of the monarch. Students learn about, yes, insects. They learn about the trees that are important to them, and they learn biology.

These are very, very important programs. They should not be maligned. And this amendment, while it does not eliminate the program, should still be opposed.

Mr. MORAN. Mr. Chairman, I would associate myself strongly with the remarks of the gentlelady from Minnesota, and strongly urge rejection of this amendment.

I yield back the balance of my time. Mr. SIMPSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment.

The International Forestry Program has already been reduced by 25 percent in this proposal. It's funded at \$7.4 million in the CR. In FY10 it was funded at \$9 million. The International Program brought in an additional \$36 million in funds from State and USAID. The International Program brings in approximately \$3 for every dollar invested. This program, regardless of the amount of money spent, is still a lot of money in Idaho, just as it is in Kansas.

But this program is critical to protecting forestry and the forest products industry in the United States. It's the only forestry entity representing the U.S. at trade summits. International Forestry is the only program working directly to counter the flow of illegally harvested forest products abroad. These materials compete with legally and sustainably harvested U.S. forest products.

The U.S. negotiators from the Department of State and the U.S. Trade Representatives rely on the International Program to provide technical input to effectively advocate for the domestic forest products industry. These agencies do not have this expertise.

The International Program also prevents the introduction of invasive and nonnative pests that would cause millions of dollars of damage to U.S. forests and the U.S. economy. The International Program, though funded through funding from USAID, plays a critical role in protecting U.S. security interests in conflict-prone areas. Unrelated, illegal resource extraction many times leads to unrest and corruption abroad.

So I would oppose this amendment, even though I understand that it's easy to go after international programs when we have such problems here. The fact is that they protect industry here in this country, in the U.S. forest products industry in this country, because, as I said, they're the only ones representing the U.S. forest products industry and forestry in general in international trade agreements.

I would oppose this amendment and hope that my colleagues would also.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POMPEO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1750. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, National Forest System" shall be \$1,525,339,000: *Provided*, That no less than \$10,000,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1751. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, Capital Improvement and Maintenance" shall be \$495,409,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$50,371,000" for "\$90,000,000": *Provided further*, That no less than \$10,000,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1752. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, Land Acquisition" shall be \$9,100,000: *Provided*, That no less than \$3,400,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1753. Notwithstanding section 1101, the level for "Department of Agriculture, Forest Service, Wildland Fire Management" shall be \$1,978,737,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$200,000,000" for "\$75,000,000": *Provided further*, That of the unobligated balances available in the FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture created by section 502(b) of Public Law 111-88 (43 U.S.C. 1748a(b)), \$250,000,000 is rescinded.

SEC. 1754. The authority provided by section 337 of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3102), as amended, shall remain in effect until September 30, 2011.

SEC. 1755. Notwithstanding section 1101, the level for "Department of Health and Human Services, Indian Health Service, Indian Health Services" shall be \$3,883,886,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-

88 shall be applied to funds appropriated by this division as follows: by substituting "\$862,765,000" for "\$779,347,000"; by substituting "\$53,000,000" for "\$48,000,000"; and by substituting "\$444,332,000" for "\$398,490,000": *Provided further*, That of the funds included under this heading, \$29,211,000 shall be for staffing and operating costs of newly constructed facilities.

SEC. 1756. Notwithstanding section 1101, the level for "Department of Health and Human Services, Indian Health Service, Indian Health Facilities" shall be \$255,497,000: *Provided*, That no less than \$10,000,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1757. Notwithstanding section 1101, the level for "Department of Health and Human Services, National Institutes of Health, National Institute of Environmental Health Sciences" shall be \$77,546,000.

SEC. 1758. Notwithstanding section 1101, the level for "Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxic Substances and Environmental Public Health" shall be \$74,039,000.

SEC. 1759. Notwithstanding section 1101, the level for "Executive Office of the President, Council on Environmental Quality and Office of Environmental Quality" shall be \$2,848,000.

SEC. 1760. Notwithstanding section 1101, the level for "Chemical Safety and Hazard Investigation Board, Salaries and Expenses" shall be \$10,799,000: *Provided*, That the matter pertaining to methyl isocyanate in the last proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1761. Notwithstanding section 1101, the level for "Smithsonian Institution, Salaries and Expenses" shall be \$634,661,000: *Provided*, That no less than \$200,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1762. Notwithstanding section 1101, the level for "Smithsonian Institution, Facilities Capital" shall be \$123,600,000: *Provided*, That no less than \$1,400,000 in available, unobligated prior-year funds shall be used in addition to amounts provided by this division.

SEC. 1763. Notwithstanding section 1101, the level for "Smithsonian Institution, Legacy Fund" shall be \$0.

SEC. 1764. Notwithstanding section 1101, the level for "National Gallery of Art, Repair, Restoration and Renovation of Buildings" shall be \$48,221,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$42,250,000" for "\$40,000,000".

SEC. 1765. Notwithstanding section 1101, the level for "John F. Kennedy Center for the Performing Arts, Operations and Maintenance" shall be \$22,500,000: *Provided*, That the proviso under such heading in division A of Public Law 111-88 shall not apply to funds appropriated by this division.

SEC. 1766. Notwithstanding section 1101, the level for "John F. Kennedy Center for the Performing Arts, Capital Repair and Restoration" shall be \$13,920,000.

SEC. 1767. Notwithstanding section 1101, the level for "Woodrow Wilson International Center for Scholars, Salaries and Expenses" shall be \$9,844,000.

□ 1950

Mr. SIMPSON (during the reading). Mr. Chairman, I ask unanimous con-

sent that the remainder of the bill through page 281, line 17 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1768. Notwithstanding section 1101, the level for "National Foundation on the Arts and the Humanities, National Endowment for the Arts, Grants and Administration" shall be \$145,000,000.

AMENDMENT NO. 196 OFFERED BY MR. WALBERG

Mr. WALBERG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 281, line 21, insert "(reduced by \$20,594,000)" after the dollar amount.

Page 359, line 13, insert "(increased by \$20,594,000)" before the period at the end.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Mr. Chairman, currently, the CR funds the National Endowment for the Arts at the approximate fiscal year 2008 level of \$145 million. Amendment No. 196 takes the funding levels back to the fiscal year 2006 levels at \$124.4 million. If accepted, this cut returns \$20.6 million to the spending reduction account.

Though some would call for the full defunding of the NEA, I'm not doing that. You see, I believe in the true fine arts, and of course that's defined by individual standards, I understand. I found that to be a fact for a number of years when I was a finance chair of a symphony orchestra. People will support what they appreciate.

However, at a time when our government is in a position where it must cut Federal spending, I believe one of the main sources of the funding for the arts needs to be through philanthropy, but that only happens best in a sound and a growing economy. This budget crisis, this economy, continues to be frustrated by the spending of government, which frustrates individuals, who, indeed, would be willing to support and, in fact, still do support the arts as well.

The National Endowment for the Arts does provide benefits to our country, and helps fund some true fine arts. However, we are asking them to only fund their true priorities, priorities approved by the majority of taxpaying citizens, of sponsors and of patrons of the arts. Limiting resources sometimes refocuses and defines that focus.

We know that the public has had questions on some of the programs that the NEA has supported—major questions, major concerns. Attention to those concerns will gain the support of

the taxpayer as well as of the philanthropist. Our country is in financial hardship, and we are not taking programs like the NEA off the table.

I refer to a letter I received last night from a very strong patron of the arts, of the symphony for which I served as a finance chair. He is the chairman of a major manufacturing corporation in my district, who is writing about what they have just gone through as a business. I will just read excerpts:

Until today, we have been operating under a forbearance agreement that began in 2008. It has been a struggle. Our leadership group accepted 15 to 50 percent cuts in salary, and our hourly staff accepted 10 percent wage reductions. Our salesmen continue to find new opportunities. We reduced our spending tremendously and only spent for essentials. Our belt was very tight. We did all we could to help ourselves, and we all made many sacrifices. Above all, we never stopped believing in our future.

That's the type of impact that happens in the private sector, even in programs we enjoy, benefit from and help out on, that we need to understand. Our country is in financial hardship, and we are not taking programs, even like the NEA, off the table.

I yield back the balance of my time.

Mr. MORAN. I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. I rise in opposition to the amendment, Mr. Chairman.

The NEA has already been cut by \$22 million in this continuing resolution. The NEA's contribution to deficit reduction is really infinitesimal, but its elimination would not be. It would be very costly.

Mr. Chairman, the NEA represents less than 1/100th of discretionary spending. The economic dividend this Nation receives from the Endowment for the Arts, however, far exceeds the investment we make.

It seems to me that, when there are too many issues that divide this Nation, and when there remains too much harshness and rancor, the arts have an even more important role to play because they remain a powerful medium through which we can all transcend our common differences, appreciate beauty, and empathize with all of humankind. This is what the arts are all about. This is what the NEA enables all Americans to more greatly appreciate. The NEA budget is small, but it is such an important catalyst in helping to create and sustain the arts.

Last year, actor Jeff Daniels spoke at an Interior Appropriations subcommittee hearing as to how the NEA had supported the revival of a theater in his hometown in Michigan. It was a small grant, but in his case, it restored

the theater and its productions so that neighboring owners could then restore their homes and turn them into bed and breakfast places. Restaurants and antique shops saw boosts in their businesses. In fact, the State of Michigan just built an exit ramp off the State highway to serve the increasing numbers of cars that are flocking to his hometown, which otherwise would be a virtual ghost town.

The NEA is a magnet for businesses in every place to which they locate, and it searches out those opportunities. There are 668,000 businesses involved in the creation and distribution of art, and there are millions of jobs. I have two examples in Virginia. Actually, to save time, I'll just give one example:

Signature Theatre in Shirlington, Arlington, Virginia, received NEA grants for its nationally recognized artistic and education programs.

I would suggest that all of our Members go there some time. They will invariably see an extraordinary good performance, one that has generated economic activity throughout that community and one that could not have gotten on its feet without the help of the National Endowment for the Arts.

When you cut that budget, you will see a dramatic adverse impact on the national arts community and on specifically the arts education programs that are developing throughout community centers and in our schools.

□ 2000

We do need to invest in the cultural lives of our citizenry and in our children's future. I can't help but fathom how a Nation as rich and prosperous as ours could not find it in its heart to provide \$167 million for the Endowment for the Arts.

The arts and humanities will survive, but they will not be accessible for the large majority of our citizens who couldn't otherwise afford the expensive tickets that too often are charged at those performing arts places where frankly the financially elite are only able to afford to go. What the NEA does is to expand artistic achievement, to give people an opportunity to fully appreciate and for us to appreciate their talent.

Denyce Graves, who grew up in Washington in the Anacostia area, said that The Kennedy Center could have been a world away. She never would have seen it had it not been for a National Endowment for the Arts grant. That enabled her to then pursue a career that ultimately resulted in one of the finest operatic performers in America, in the world.

The chair of the National Endowment for the Arts, Rocco Landesman, a Broadway producer, extraordinarily effective, active leader, he has suggested reform, that we probably have too many arts venues. Let's consolidate

them. Let's make sure that all of them are of the highest quality. It has started a discussion that needs to be done, but what shouldn't be done is to cut the National Endowment for the Arts even further than this continuing resolution does.

I would urge rejection of the amendment, Madam Chair.

Mr. DICKS. Madam Chair, I move to strike the requisite number of words and rise in opposition to the amendment.

The Acting CHAIR (Mrs. CAPITO). The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. First of all, I have been on the committee for a long time, the Interior Appropriations Committee, and I can remember when Sid Yates from Chicago was the chairman, and we had arts funding at about \$180 million, then we had new Republican leadership come in in 1994 and 1995 and they cut the endowments in half. What we found out was that when the endowment had less money to give out in grants, the private sector started to give less money for grants and to help these institutions. I applaud the gentleman for being a leader in his local arts community.

Americans for the Arts did a major study 4 or 5 years ago about the economic impact of the arts, and the gentleman from Virginia is absolutely correct; the arts have exploded across the country. We have given grants now in almost every single congressional district, which has helped the proliferation of arts institutions. Consolidation, it doesn't scare me. I think that, in some areas, it might be a good idea. I've seen in the Puget Sound area, in Seattle, and in Tacoma how much this has meant to the local communities, and this is a relatively small amount of money.

When I was chairman of the committee, I did increase it, but I never increased it by an amount that the Republican ranking member could not also support. So Rocco Landesman said, well, why didn't you just put up the \$250 million. We did this on a bipartisan basis. We also have an Arts Caucus in the Congress that operates on a bipartisan basis, and we've had on the floor over the years a multiple of votes, and we've had, you know, 40 or 50 enlightened Republicans who have joined with us and made a good majority in support of these programs.

The humanities is also extremely important in literature and in education and helping our teachers. So I think these are worthy programs. I think the committee made the right decision here. I wish it was still at \$167.5 million, but they've reduced it down to about \$145 million. I think that's good enough. I think going further than that will really do damage to both of these endowments that have been there since 1965 back in the Johnson administra-

tion, and I just think this would be a mistake.

I support what the committee did, and I think we should stay with that number.

Mrs. MALONEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. I rise in opposition to this amendment and want to state that the arts not only contribute to education and enlightenment, they're important job creators. The NEA contributes to the development and economic growth of communities nationwide, and each year, the arts industry generates \$166 billion in economic activity and provides 5.7 million full-time jobs. In my district alone, nearly 120,000 people are employed in the museum, theater, art galleries, and other arts organizations that I'm proud to represent.

So this is not the moment for trying to score political points in the name of fiscal responsibility, and we should not be proposing deep cuts that will take effect right away and destroy jobs in the arts and other places at the very time we're trying like mad to create them. This CR threatens our recovery just as the economy is bouncing back from the worst recession in decades, and it proves that my colleagues on the other side of the aisle are tone deaf to the American people's number one priority, which is jobs.

Earlier this week, President Obama laid out a budget that makes tough choices, a thoughtful budget that includes a 5-year freeze on non-defense discretionary spending and reduces the deficit by \$1.1 trillion. It does all of this while making important investments in education, infrastructure, jobs, and our Nation's competitiveness, investments that will prepare us to compete now and in the future.

As the President said at his press conference on Tuesday, when it comes to this budget, we need to use a scalpel, not a machete. The Republicans, by contrast, are making deep, painful, and seemingly arbitrary cuts, cuts that would result in more than 200,000 children being dropped from Head Start. Thousands of teachers would lose their jobs and be forced to leave the classroom. Some \$2.5 billion in NIH cuts would jeopardize critical cancer and other disease research, and 1,300 fewer cops would be on the beat as a result of eliminating the COPS hiring program, which we restored in a vote on this floor earlier tonight, thankfully. There will be 2,400 fewer firefighters through the elimination of SAFER grants, which again we fought to restore. Science and energy research, to help drive our clean energy economy, would be reduced, and the horrible list goes on and on, including this cut that is before us right now.

Let's be clear: Cutting education, the arts, letting our infrastructure deteriorate further, and failing to harness the power of innovation is a recipe for declining competitiveness in an increasingly competitive global economy. It's imperative that we must invest in the future, invest in creating jobs, and this grant to the National Endowment for the Arts is an important investment that will pay dividends years down the road.

I strongly support the program, and I'm opposed to the gentleman's proposal to cut it.

Sure—it's harder to be strategic—but it's required.

It's required that we recognize some investments make sense and some don't.

We need to do more of what's working and eliminate what's not.

The reality is that we have to keep growing the economy to bring down the deficit.

And we have to bring down our long-term deficits to sustain that growth.

But indiscriminate steep cuts—like the ones now being advocated by the Republicans—will jeopardize our recovery and make deficit reduction that much more difficult to achieve.

This CR is bad for the recovery, bad for jobs and will hamper efforts to get out our long-term deficit under control.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. WALBERG. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

□ 2010

The Clerk will read.

The Clerk read as follows:

SEC. 1769. Notwithstanding section 1101, the level for "National Foundation on the Arts and the Humanities, National Endowment for the Humanities, Grants and Administration" shall be \$145,000,000: *Provided*, That the amounts included under such heading in division A of Public Law 111-88 shall be applied to funds appropriated by this division by substituting "\$130,700,000" for "\$153,200,000".

SEC. 1770. Notwithstanding section 1101, the level for "National Capital Arts and Cultural Affairs" shall be \$4,500,000.

AMENDMENT NO. 249 OFFERED BY MR. CANSECO

Mr. CANSECO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 282, line 7, after the dollar amount, insert "(reduced by \$4,500,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$4,500,000)".

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CANSECO. Madam Chairman, my amendment is very simple. It would

eliminate Federal funding for the National Capital Arts and Cultural Affairs grant program which the underlying continuing resolution funds at \$4.5 million. This program provides noncompetitive grant funding for overhead costs to support artistic and cultural programs in the District of Columbia exclusively.

In his budget last year and this year, President Obama has requested that this program's funding be cut by 50 percent, which the underlying legislation does. In this year's budget, President Obama notes that "in general, these institutions are also able to apply for Federal funding from other resources."

I'm not here to debate the merits of the program. I'm not here to question whether or not the money has been used by the institutions to accomplish good things. What I'm here to do today is to debate and question why this program should be considered a priority and receive taxpayer funding when we're in a fiscal crisis. Make no mistake, we are in a fiscal crisis that threatens not only our economic security but our national security.

However, you don't have to take my word for it. Admiral Mike Mullen, chairman of the Joint Chiefs of Staff, has said, "I think the biggest threat we have to our national security is our debt." Dr. Alice Rivlin, a former Office of Management and Budget Director under President Clinton and member of the President's Deficit Commission, said in testimony before the Senate Budget Committee last February, "On any reasonable set of economic assumptions, the U.S. budget is on an unsustainable track. There is no disagreement among the Office of Management and Budget, the Congressional Budget Office, the Government Accountability Office, and leading private forecasters on where the budget is headed if we do not change course." And she continued, "The growing deficit will be more and more difficult and expensive to finance. Ultimately, we will not be able to borrow enough to finance the widening gap between spending and revenues."

Even before the government's spending spree began that occurred under President Obama, then-Speaker PELOSI and Majority Leader HARRY REID, our Nation was headed for a day of fiscal reckoning. They simply sped up the day our Nation will hurtle off the fiscal cliff, increasing non-defense discretionary spending by 84 percent in just 2 years. Under their leadership, Federal spending has risen to levels as a share of our economy not seen since World War II and resulted in the Federal Government borrowing approximately 40 cents out of every dollar we spend. Where is all this headed if we don't stop our spending?

If you followed the situation that occurred last year in Greece, you know that that nation had to make many

painful choices very quickly because it had spent too much and investors were demanding higher interest rates to take on the risk associated with buying Greece's debt. If we don't get our fiscal house in order, what occurred in Greece is a preview of events to come to America. If we don't stop the spending and get our fiscal house in order, we will be the first generation of Americans to leave the next generation with a legacy of less freedom and prosperity. Do we want to leave our children and grandchildren a legacy of debt and limited opportunity?

We have two choices: we can either stop the spending that is driving our fiscal crisis, or we can continue the spending and one day become the next Greece.

Madam Chairman, I yield back the balance of my time.

Mr. MORAN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. I rise in opposition to the amendment offered by the gentleman. This amendment would entirely eliminate funding for a successful, proven program. The National Capital Arts grant program was established in 1986 to fill a substantial funding gap affecting the major private arts groups in the District of Columbia, our Nation's Capital. It now funds 23 such groups. In every other major city in the United States, major private arts groups receive Federal funds from their State arts councils, which frequently have such a major institution's funding category.

That's not particularly important, but those who are involved in arts organizations understand that that's the money they depend upon. In D.C., they don't have that money to depend upon. No similar flow of government funds from any level is available to major arts groups in Washington, D.C.

The 23 groups that receive this money employ thousands of people. Outreach efforts to schoolchildren is one of the principal things that is funded through this National Capital Arts grant program. If we didn't have this, those outreach programs would be virtually eliminated. They constitute almost all of the arts outreach and arts educational programs that are available to children in the D.C. schools and schools in the suburbs. It's a program that has widespread popular support. It is not a lot of money for each organization, but it's essential money to enable them to continue functioning.

The fact that we are talking about such a small amount of money in the context of such an enormous deficit, it really seems wrong that children in our Nation's Capital would be denied outreach from these arts institutions that are proximate to where they live but wholly inaccessible without this program. So I would urge that we have a

heart, particularly for the children in the schools in Washington, D.C. Reject this amendment and leave this very small amount of money in this interior appropriations bill.

I yield back the balance of my time.

Mr. DICKS. I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in opposition to the amendment. I want to associate myself with the remarks of the ranking member, Mr. MORAN. This is a program that was created because the arts institutions in the District of Columbia, many of them do not get any support from the District of Columbia government. And there's no State government. In New York, they get money from the city, from the boroughs, from the State government for their major arts institutions.

This program was a very modest program that helps 23 performing arts institutions which are extremely important, all of which have very solid educational programs that help inner city youth here. We have a very high population of inner city youth in the District of Columbia.

So I just think this has been a proven program. It is very modest. It's been cut in half. Last year I think we had it at about \$9.5 million. It has been cut in half. I think we should leave that. I think the committee has made a decision; and to go further would just be, in my mind, punitive.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CANSECO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CANSECO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

□ 2020

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1771. Notwithstanding section 1101, the level for "Presidio Trust, Presidio Trust Fund" shall be \$15,000,000.

AMENDMENT NO. 381 OFFERED BY MR. REED

Mr. REED. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 282, line 10, after the dollar amount, insert "(decreased by \$15,000,000)".

Page 359, line 13, after the dollar amount, insert "(increased by \$15,000,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. REED. Madam Chair, I rise today in support of my amendment seeking to rescind \$15 million of funds out of this continuing resolution.

As I've listened to the debate here this evening and yesterday and over the last few days, as a freshman Member of Congress, I've come to a realization that part of the problem is that many Members of this esteemed body look at our spending in terms of it's a relatively small amount of money; it's a small sum. But we're talking about millions of dollars. We're talking about \$15 million in this situation.

Now, I proposed this amendment without any disrespect to any Member of this House. But I proposed it in a time when we face a national crisis that goes to our very existence for generations to come, a nation that won't be here for our children and our grandchildren.

And when I look at the Presidio Trust fund and I look at the park—and it's a great park. I concede that point. But the plan for the park was to be self-sufficient. And upon researching, going through page by page of this budget and doing the hard work, my staff and I have uncovered that this park is at the point where it can be self-sufficient on its own.

They receive grants of \$80,000 from the Cowell Foundation for three projects. They have a \$15 million gift from the private sector from Evelyn and Walter Haas, Jr. LucasArts video games and Industrial Light & Magic are leasing portions of the park, and it's a private revenue stream. This is a success story. And at this point it's time for us to put all our cards on the table and say, Now that you are standing on your own two feet, when we face this fiscal crisis, this government now has to make a responsible decision. And to me, that responsible decision is to allow the park to stand on its own two feet—it has shown plenty of ability to do that—and save the children and grandchildren so that we can have a nation that they can be proud of and can have a nation that they can live in, because that's the point that we are in our Nation's history.

So I stand today and ask your support for this amendment. I think it is the responsible action to do. And I applaud this process, because this process is being conducted in the open and through a vigorous debate, and that's what the American people have called upon us to do. No line of our spending shall be left under stones. We shall uncover each stone.

I urge all my fellow Members to support this amendment.

I yield back the balance of my time.

Mr. MORAN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. I rise in strong opposition to this amendment that would

eliminate funding for the Presidio Trust.

The Presidio was in continuous use as a military post from 1776 until 1994. An Army installation, the post was closed in 1994 as part of the BRAC process and transferred to the National Park Service. In 1996, Congress established the Presidio Trust to govern this unique national park site and to ensure its preservation by making it financially self-sustaining. And that's exactly what has happened.

Over the past 12 years, appropriations as a percentage of the overall trust budget have been reduced from over 95 percent Federal funding in fiscal year 1998 to less than 20 percent in fiscal year 2010. The current ratio of private investment in the Presidio to Federal appropriations is already greater than 4:1. Appropriations, though, are authorized through fiscal year 2012. That was the deal. After 2012, the trust itself, by itself, alone, is responsible for long-term operations and maintenance of the Presidio.

Since it took over management of the Presidio in 1998, the trust has rehabilitated and leased 97 percent of the Presidio's housing units and rehabilitated 75 percent of the Presidio's 433 very historic buildings. I've been there. I've seen it. It's phenomenal what the trust has accomplished.

Eliminating funds just 1 year short of its goal violates the spirit of the 1996 law, and it undermines the trust's ability to achieve self-sufficiency. This would result in higher future obligations, as the Federal Government might have to assume full responsibility to maintain the historic properties.

It also sends a terrible signal to communities across the country that may also have innovative solutions in partnering with the Federal Government. They are time-controlled; in other words, it's not forever. But they say for a certain period of time, if you'll partner with us, we'll take this responsibility off your hands.

The \$23 million appropriated for the trust in fiscal year 2010 has created 860 jobs. Federal appropriations in this current fiscal year will help expedite rehabilitation of historic buildings and take advantage of favorable construction costs that exist today.

At a recent oversight hearing, the members of our Appropriations subcommittee received assurances that the trust will accomplish its financial stewardship and public use goals. That was the deal. They said, We'll meet our part of the deal, assuming that the Federal Government will meet its obligation.

As one of the Nation's oldest and most important military posts, the trust has had some unique extraordinary challenges since the Defense Department closed out its installation, but the trust is well on its way toward

meeting its legislative objectives. It should not be undermined by this amendment.

This has worked well. It's an example for the rest of the country. Let it serve as an example. One more year to go, and then it will be off our books. The trust will take over responsibility, and we will point out that this is the way to do it, in partnership, where we will not be perpetually responsible but, in fact, the private sector will come in, let the market work and have a national gem, really, a national asset for everyone to visit and appreciate and learn from.

Madam Chair, I yield back the balance of my time and strongly urge opposition to this amendment.

Mr. SIMPSON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Madam Chairman, I rise in concurrence with the comments of my ranking member from Virginia. Funding for the Presidio in this CR is \$8.2 million below the FY10 enacted level, and \$7 million below the fiscal year 2008 level.

When the government closed down the Presidio Army base in 1994, it was transferred to the National Park Service as part of the Golden Gate National Recreation Area. It could have been turned over to the National Park Service and run as a historic park, but that would have cost tens of millions of dollars per year to the taxpayers. Instead, Congress devised a unique management and funding model by creating the Presidio Trust to preserve the Presidio and help it become financially self-sufficient. The trust manages 80 percent of the Presidio lands, including most of the buildings and infrastructure. The Park Service manages the remaining 20 percent, including the coastal areas of the Presidio. The Presidio Trust receives Federal appropriations that are diminishing each year and, as was mentioned, will cease at the end of FY12, when it becomes self-sufficient.

This truly is a model of how we can do these things where they will become self-sufficient and off the roll of the taxpayer. But our part of this is we have to keep our end of the deal. And so through FY12 we need to make sure that we keep our word on what was agreed on in 1996 and let this Presidio Trust take over and become self-sufficient at the end of the next fiscal year.

So I rise in opposition to this amendment and would encourage my colleagues to vote against it.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. REED. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from New York will be postponed.

□ 2030

The Clerk will read.

The Clerk read as follows:

SEC. 1772. Notwithstanding section 1101, the level for "Dwight D. Eisenhower Memorial Commission, Salaries and Expenses" shall be \$0.

SEC. 1773. Notwithstanding section 1101, the level for "Dwight D. Eisenhower Memorial Commission, Capital Construction" shall be \$0.

SEC. 1774. Section 409 of division A of Public Law 111-88 (123 Stat. 2957) is amended by striking "and 111-8" and inserting "111-8, and 111-88", and by striking "2009" and inserting "2010".

SEC. 1775. Notwithstanding section 1101, the level for section 415 of division A of Public Law 111-88 shall be \$0.

SEC. 1776. Section 433 of division A of Public Law 111-88 (123 Stat. 2965) is amended by striking "2010" and "2009" and inserting "2011" and "2010", respectively.

SEC. 1777. Not later than 30 days after the date of enactment of this division, each of the following departments and agencies shall submit to the House and Senate Committees on Appropriations a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level:

- (1) Department of the Interior.
- (2) Environmental Protection Agency.
- (3) Department of Agriculture, Forest Service.
- (4) Indian Health Service.
- (5) Council on Environmental Quality.
- (6) Smithsonian Institution.
- (7) National Gallery of Art.
- (8) National Endowment for the Arts.
- (9) National Endowment for the Humanities.

SEC. 1778. None of the funds made available by this division or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

TITLE VIII—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

SEC. 1801. Notwithstanding section 1101, the level for "Department of Labor, Employment and Training Administration, Training and Employment Services" shall be \$221,699,000: *Provided*, That the amounts included under such heading in division D of Public Law 111-117 shall be applied to funds appropriated by this division as follows: by substituting "\$0" for each amount included in paragraph (1); by substituting "\$167,538,000" for "\$470,038,000"; by substituting "\$29,160,000" for "\$229,160,000"; by substituting "\$0" for "\$200,000,000"; by substituting "\$0" for "\$102,500,000"; by substituting "\$54,161,000" for "\$389,043,000"; by substituting "\$44,561,000" for "\$93,450,000"; by substituting "\$0" for "\$48,889,000"; by substituting "\$0" for "\$108,493,000"; by substituting "\$0" for "\$40,000,000"; by substituting "\$0" for "\$125,000,000"; and by substituting "\$0" for "\$12,500,000": *Provided further*, That of the funds made available for dislocated worker employment and training activities under such heading in division D of Public Law 111-117, \$65,000,000 is rescinded: *Provided further*, That of the funds made available for dislocated worker employment and training activities under such heading in division D of Public Law 111-117, up to 25 percent may be used for the period April 1, 2011,

through September 30, 2011, for youth activities.

SEC. 1802. (a) Of the unobligated balances available for "Department of Labor, Departmental Management, Office of Job Corps", \$300,000,000 is rescinded.

(b) None of the funds made available by this division or any prior Act may be used to initiate a competition for any new Job Corps center not previously approved by the Secretary of Labor as a Jobs Corps center through a competitive selection process.

SEC. 1803. Of the unobligated balances of the funds made available for "Department of Labor, Employment and Training Administration, Training and Employment Services, Federally Administered Programs, Dislocated Workers Assistance National Reserve" in division D of Public Law 111-117, \$100,000,000 is rescinded.

SEC. 1804. Of the unobligated balances of the funds made available for "Department of Labor, Employment and Training Administration, Training and Employment Services, National Activities, Evaluation", \$10,000,000 is rescinded.

SEC. 1805. Notwithstanding section 1101, the level for "Department of Labor, Employment and Training Administration, Community Service Employment for Older Americans" shall be \$300,425,000, and for purposes of funds appropriated by this division, the amounts under such heading in division D of Public Law 111-117 shall be applied by substituting "\$0" for "\$225,000,000", and the first and second provisos under such heading in such division shall not apply.

SEC. 1806. Notwithstanding section 1101, the level for "Department of Labor, Mine Safety and Health Administration, Salaries and Expenses" shall be \$355,843,000, of which up to \$15,000,000 shall be available to the Secretary of Labor to be transferred to "Departmental Management, Salaries and Expenses" for activities related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission, and the amounts included under the heading "Department of Labor, Mine Safety and Health Administration, Salaries and Expenses" in division D of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$0" for "\$1,450,000".

SEC. 1807. Notwithstanding section 1101, the level for "Department of Labor, Departmental Management" shall be \$315,154,000, and the third proviso under such heading in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1808. Of the unobligated balances available for "Department of Labor, Working Capital Fund", \$3,900,000 is permanently rescinded, to be derived solely from amounts available in the Investment in Reinvention Fund (other than amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985).

SEC. 1809. (a) Notwithstanding section 1101, the level for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" shall be \$5,313,171,000, of which (1) not more than \$100,000,000 shall be available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law; (2) no funds shall be for the program under title X of the Public Health Service Act (referred to in this title as the "PHS Act"), to provide for voluntary family planning projects; and (3)

\$352,835,000 shall be available for health professions programs under titles VII and VIII and section 340G of the PHS Act.

(b) The eighteenth, nineteenth, twenty-first, twenty-second, and twenty-fifth provisions under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" of division D of Public Law 111-117 shall not apply to funds appropriated by this division.

(c) Sections 747(c)(2) and 751(j)(2) of the PHS Act, the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of such Act, and section 511(f) of the Social Security Act (42 U.S.C. 711(f)) shall not apply to funds made available by this division for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services".

(d) For purposes of this section, section 10503(d) of Public Law 111-148 shall be applied as if "over the fiscal year 2008 level," were stricken from such section.

Mrs. LOWEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. As I visit all the communities of my district, I am asked about high unemployment, how government can help promote job growth, and how we can get the economy working again for families trying to make ends meet. It is clear that the top priority in New York and across the country is creating jobs. But when I'm in Washington, I don't hear the House leadership answering that call.

Since the beginning of the year, we have yet to debate a single bill that would create a single job. There have been no attempts to make the targeted investments in innovation and education that will help us win the next century, as the President mentioned in the State of the Union.

In the last decade, unemployment has skyrocketed while the number of abortions has decreased. Yet today the majority is pursuing an extreme assault on women's health and reproductive rights by eliminating the cost-effective Family Planning Program.

My amendment would restore \$317 million for title X family planning because it is a wise investment. Publicly supported family planning clinics save taxpayers nearly \$4 for every \$1 that is spent providing contraceptive care. In New York, more than 340,000 women are served by title X funding clinics and 66 percent have incomes at or below poverty level. Elimination of the program in the CR would only guarantee higher government health care costs for these low-income Americans in future years.

If our goal is to cut spending, it is reckless to eliminate this program that saves taxpayer dollars. It is unconscionable that those Americans who most need access to the affordable basic health care title X provides, like cancer screenings and contraceptives, have become victims of the extreme right's divisive partisan attempts to

deny women a full range of legal health services.

Even as we consider this wrong-headed bill, they are simultaneously pursuing legislation and authorizing committees to roll back the clock on a woman's right to choose, women's services available to victims of rape and incest, and even allow hospitals to deny lifesaving treatments for women.

Not once have I heard a constituent say that it's important for the government to get to work on restricting women's health choices and denying basic care. At a time of high unemployment and enormous economic challenges, Congress should focus on job creation. The assault on women's health must stop now.

Ms. SLAUGHTER. Madam Chair, I rise to support this amendment to restore funding to Title X family planning.

By slashing Title X family planning services in the budget, Republicans risk the lives and safety of millions of American women. These proposed cuts to family planning represent the opening salvo in an all-out war on women's health. I ask you to join with me and with my colleagues to restore this vital funding to Title X family planning.

Five million men and women depend on Title X providers for important preventive health care. Among other services, they received 2.3 million breast exams, 2.2 million cervical cancer screenings, and nearly 1 million HIV tests. These services prevent fatal illness; and for those who do have the misfortune to contract HIV/AIDS or cancer, Title X providers ensure that they receive life-saving treatment early, when it has the greatest potential for good.

The proposed cuts in H.R. 1 would eviscerate these life-saving services.

While these cuts to family planning were proposed under the guise of being "fiscally responsible," that is far from the truth.

For every dollar invested in Title X family planning services, taxpayers save just under \$4. Cutting family planning is not fiscally responsible, and will not reduce the bottom line.

Moreover, this cut has nothing to do with ending funding for abortions, despite claims to the contrary. Title X family planning funds simply do not fund abortions. If we want to reduce the number of abortions in this country, the methodology is clear—empower women to prevent unintended pregnancies through education and access to contraception. And, that is precisely what family planning funding does.

In my home State of New York, cuts to Planned Parenthood would impact 209,410 patients. Just last year, Planned Parenthood provided 70,490 screenings for cervical cancer in New York, detecting 7,931 abnormal results requiring medical action. Another 67,957 women received breast exams. 138,501 tests for chlamydia helped to avert the leading cause of preventable infertility in America today. New Yorkers stand to lose valuable health services.

Instead of cutting vital health care services, we should focus on rebuilding our economy and creating jobs.

Mr. FARR. Madam Chair, I stand in strong support of the Lowey amendment to restore

funding for Title X family planning programs. My colleagues have spoken about the achievements of Title X, so I want to focus on what elimination of this highly successful program would mean to the citizens of California.

As you all know, California has been hit extremely hard by this recession and is struggling just to meet the basic needs of its residents. In 2010, Title X funded health care services for over 1.2 million people—which represent 20 percent of all Title X participants. In my district alone, over 33,000 people relied on Title X-funded clinics for their primary health care needs. Eliminating Title X funds would result in a critical loss of vital health care services to an already struggling state with limited resources.

My district has been profoundly affected by the Medicare reimbursement issue because, while we are a high cost area comparable to San Francisco, the reimbursement rate reflects rural costs. As a direct result of doctors no longer accepting Medicare patients, many seniors have been forced to turn to Title X clinics for their basic health care needs. Older adults, both men and women, are able to receive immunizations, physicals, diabetes testing, and STD testing and treatment, in addition to typical gynecological services. If Title X funds are eliminated, these seniors will lose the only access to health care that is available to them.

A vote in support of this amendment is a vote in favor of allowing millions of Americans access to vital health care services. I urge my colleagues to vote in favor of the Lowey Amendment to restore funding to Title X.

Mrs. MALONEY. Madam Chair, I rise in strong support of the Lowey amendment which restores lifesaving medical services to millions of young and low-income women and men who receive their basic health care through the 4,400 clinics nationwide receiving Title X funds. Let's be very clear about what services Title X family planning programs do and do not provide. First off and very importantly, federal law prohibits any Title X money from being used for abortion care. Plain and simple.

Instead, these monies go toward breast and cervical cancer screenings, hypertension and blood pressure measurement, prenatal, postpartum and well-baby care, birth control and abstinence education.

The statistics speak for themselves: contraceptive services at Title X centers annually prevent 973,000 unintended pregnancies, which would result in 433,000 unplanned births, 406,000 abortions, and 134,000 miscarriages. Slashing this funding actually has the opposite effect of the so-called "pro-life" majority. Not only would the number of abortions rise by 40% if these funds are cut, defunding Title X jeopardizes the millions of women and their babies who benefit from these clinics.

Given the objective benefits of this program which include annual savings of \$3.4 billion, it is unclear how the anti-choice, Republican majority concludes that attacking and eliminating women's basic health care will improve our economy, erase our deficit, or create one single job. Once again, the message this majority is sending to women across this country is clear: They do not trust you to make your

own decisions about your own body and will cut or eliminate programs that help you do so.

Ms. DELAURO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Madam Chair, in a breathtaking and a radical step, the Republican majority has proposed to eliminate title X funding which has connected millions of American women to health care since 1970.

In 2009, title X funding provided 2.3 million breast exams, 2.2 million Pap tests, and nearly 1 million HIV tests to men and women both. This Republican Congress is trying to turn back the clock on women's health and turn back the clock on women's basic rights. They are taking us back to a day when family planning was not a given opportunity for women.

In Connecticut, more than 62,000 men and women benefit from care at title X-funded health centers each year. Over 70 percent of them have a family income of less than \$16,245 a year. In other words, this is the only way they can afford health care. In fact, six of every 10 women who seek care at a title X-funded center consider it their main source of medical care. Yet the majority is trying to take these important services away.

It is argued that we need to cut title X services to reduce the deficit. This is simply not true. For every dollar invested in title X, taxpayers save just under \$4. The fact of the matter is that vital preventive care and family planning services supported by title X save money and save lives.

Make no mistake, cutting title X funding is a breathtaking and a radical step. The majority is using the guise of budget cutting to launch an assault on title X, which would endanger women's health. Understanding their purpose has nothing to do with the deficit. They want to impose their traditional view of a woman's role.

Let's get real. This legislation is not about Federal funding for abortion. Federal funds, including title X, are already banned from going toward abortion services under the Hyde amendment. Rather, much like the repeal of health care reform, this is part of an agenda to force women back into traditional roles with limited opportunities. Under their proposal, more than 5 million people lose access to basic primary and preventive health care. As a cancer survivor myself, who is only here today because my cancer was found at stage I, I can tell you, losing access to screenings will cost lives.

It comes down to this: The proposal to eliminate title X is a bad policy. It will hurt women and do nothing for our economy. It costs money. Instead of making it harder for women to get health care, we should be standing up for these vital services.

The American public called for job creation and turning our economy around last November. I believe that my colleagues on the other side of the aisle have not heeded that call. This bill will do nothing to create jobs nor reduce the deficit.

On behalf of women, on behalf of middle class and working families we represent, I urge my colleagues to leave this extreme and divisive social agenda out of the picture of support. We should not be playing games with women's health and with basic rights.

□ 2040

Mrs. ROBY. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Alabama is recognized for 5 minutes.

Mrs. ROBY. I oppose increased funding for title X. We should not allocate Federal funds to groups like Planned Parenthood that use the money for abortion.

Planned Parenthood has recently made plain the centrality of abortion to its mission, mandating that every affiliate have at least one clinic performing abortions within the next 2 years. Additionally, it is beyond shocking that Planned Parenthood employees were recently found on video aiding and abetting in the alleged sex trafficking of minors.

This is not the first time that Planned Parenthood has shown such shocking behavior. It happened in my home State of Alabama back in 2009. A Planned Parenthood counselor was caught on hidden camera telling an alleged 14-year-old statutory rape victim that the clinic "does sometime bend the rules a little bit" rather than report sexual abuse to State authorities. Two years later, we are still seeing this outrageous behavior by Planned Parenthood employees. It is time to stop funding such an organization with taxpayer dollars.

Planned Parenthood ignores statutory rape law reporting, pushes abortion procedures, and opposes any effort to elevate the legal status of a fetus at any stage of development. It is not a proud day that citizens learn that these activities have been continually funded by the Federal Government. It is an even worse day when we are told that our government has funded Planned Parenthood with more than \$363 million in government grants and contracts.

Since fiscal year 1998, title X has seen increased funding for 10 of the 12 years. From fiscal year 1998 to fiscal year 2010, title X funding has increased by over 56 percent. In appropriations for fiscal year 2010, title X saw a 3.3 percent increase in funding, which was a \$10 million increase over 2009 funding. This is unacceptable spending at a time that we must cut Federal spending.

The continual action by Planned Parenthood and its employees is demean-

ing for women and a black eye on our society. Funding must be stopped. We should not spend any more taxpayer dollars to push Planned Parenthood's agenda to take away the rights of the unborn.

I urge my colleagues to vote "no" on the amendment to add money to title X.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1810. (a) Notwithstanding section 1101, the level for the first undesignated paragraph under the heading "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training" shall be \$5,742,989,000, of which (1) \$750,000,000 shall be derived from funds transferred, pursuant to section 4002(c) of Public Law 111-148, from amounts appropriated by section 4002(b) of such Public Law; (2) no funds shall be available for acquisition of real property, equipment, construction, and renovation of facilities; and (3) \$523,533,000 shall remain available until expended for the Strategic National Stockpile under section 319F-2 of the PHS Act.

(b) The amount included before the first proviso under the heading "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training" of division D of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$0" for "\$20,620,000".

(c) Paragraphs (1) through (3) of section 2821(b) of the PHS Act shall not apply to funds made available by this division.

(d) For purposes of this section, section 4002(c) of Public Law 111-148 shall be applied as if "over the fiscal year 2008 level," were stricken from such section.

SEC. 1811. (a) Notwithstanding section 1101, the level for "Department of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases" shall be \$4,214,275,000, and the Director of the National Institutes of Health shall transfer up to \$256,627,000, on a pro rata basis, based on total funding levels, from the other Institutes, Centers, and Office of the Director accounts within the National Institutes of Health Account to "National Institute of Allergy and Infectious Diseases", and the requirement under "National Institute of Allergy and Infection Diseases" in division D of Public Law 111-117 for a transfer from Biodefense Countermeasures funds shall not apply.

(b) Notwithstanding any other provision of this division, the first proviso under the heading "Department of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1812. The amount provided by section 1101 for "Department of Health and Human Services, National Institutes of Health" is reduced by \$260,000,000, through a pro rata reduction in all of the Institutes, Centers, and Office of the Director accounts within "Department of Health and Human Services, National Institutes of Health", based on the total of the projected funding levels for the Non-competing Research Project Grants in fiscal year 2011 for each such Institute, Center, and Office of the Director account. In addition, the Director of the National Institutes of Health shall ensure that the average

of the total cost of Competing Research Project Grants for all of the Institutes, Centers, and Office of the Director accounts within "Department of Health and Human Services, National Institutes of Health" during fiscal year 2011 shall not exceed \$400,000.

SEC. 1813. Notwithstanding section 1101, the level for "Department of Health and Human Services, National Institutes of Health, Buildings and Facilities" shall be \$22,700,000.

SEC. 1814. (a) Notwithstanding section 1101, the level for "Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services" shall be \$3,202,152,000.

(b) The amount included before the first proviso under the heading "Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services" in division D of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$0" for "\$14,518,000".

(c) The second proviso under the heading "Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services" of division D of Public Law 111-117 shall not apply to funds appropriated by this division.

AMENDMENT NO. 565 OFFERED BY MR. BASS OF NEW HAMPSHIRE

Mr. BASS of New Hampshire. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 291, line 11, after the dollar amount, insert "(reduced by \$98,000,000)".

Page 293, line 4, after the dollar amount, insert "(increased by \$50,000,000)".

Page 293, line 8, after the dollar amount, insert "(increased by \$50,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BASS of New Hampshire. Madam Chairman, my amendment very simply adds \$50 million to the Low Energy Assistance Program, otherwise known as LIHEAP. Winters in the Northeast and elsewhere in America are long and hard, and especially this year it has been difficult. It has been a tough year. In January we saw more or less twice the average amount of snow. Temperatures have been well below average in some parts of the country; and there are similar stories not only in New Hampshire, but elsewhere in the Northeast and around the Nation.

The problem with reducing the contingency fund in the Low Income Energy Assistance Plan is we are in the middle of the winter right now, and what my amendment does is add \$50 million to ensure that we have adequate resources to make it through March and into April. The amendment also reduces the substance abuse and mental health services by an equivalent amount, but that is only about 1 percent of the total funding for that line item.

Let me point out that what this amendment will do is ensure that low-

income individuals in America have the necessary resources in order to ensure that they have adequate heat throughout the rest of the year.

This is a difficult process that we are going through here, and I recognize there are trade-offs; but this is a very small change in a safety net that provides an enormous resource very quickly. We can debate the rest of the Low Income Energy Assistance Plan later in the year. What this \$50 million increase does is make it possible to get through the winter.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. REHBERG. I move to strike the last word.

The Acting CHAIR. The gentleman from Montana is recognized for 5 minutes.

Mr. REHBERG. We accept this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1815. The amount included under the heading "Department of Health and Human Services, Agency for Healthcare Research and Quality, Healthcare Research and Quality" of division D of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$372,053,000" for "\$397,053,000".

SEC. 1816. (a) Notwithstanding section 1101, the level for amounts transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund for "Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management" shall be \$3,012,162,000, of which the level for the Research, Demonstration, and Evaluation program shall be \$0.

(b) The amount under the third proviso under the heading "Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management" in division D of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$9,120,000" for "\$65,600,000".

(c) The sixth proviso under the heading "Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1817. (a) Notwithstanding section 1101, the level for "Department of Health and Human Services, Administration for Children and Families, Low Income Home Energy Assistance" shall be \$4,709,672,000, of which \$4,509,672,000 shall be for payments

under subsections (b) and (d) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621); and of which \$200,000,000 shall be for payments under subsection (e) of such Act, to be made notwithstanding the designation requirements of such subsection.

(b) The second proviso under the heading "Department of Health and Human Services, Administration for Children and Families, Low Income Home Energy Assistance" of division D of Public Law 111-117 shall not apply to funds appropriated by this division.

AMENDMENT NO. 160 OFFERED BY MR. MARKEY

Mr. MARKEY. Madam Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 293, line 4, after the dollar amount insert "(increased by \$390,328,000)".

Page 293, line 8, after the dollar amount insert "(increased by \$390,328,000)".

At the end of the bill, before the short title, insert the following new sections:

SEC. 4002. SHORT TITLE.

This Act may be cited as the "End Big Oil Tax Subsidies Act of 2011".

SEC. 4003. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) of the Internal Revenue Code of 1986 is amended by striking "major integrated oil company" and inserting "covered large oil company".

(b) COVERED LARGE OIL COMPANY.—Paragraph (5) of section 167(h) of such Act is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) COVERED LARGE OIL COMPANY.—For purposes of this paragraph, the term 'covered large oil company' means a taxpayer which—
 "(i) is a major integrated oil company, or
 "(ii) has gross receipts in excess of \$50,000,000 for the taxable year.

For purposes of clause (ii), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person."

(c) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 167(h) of such Code is amended by inserting "AND OTHER LARGE TAXPAYERS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4004. PRODUCING OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Section 45I of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

"(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

"(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits determined for taxable years beginning after December 31, 2011.

SEC. 4005. ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4006. INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS.

(a) IN GENERAL.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is not a small, independent oil and gas company, determined by deeming all persons treated as a single employer under subsections (a) and (b) of section 52 as 1 person.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 4007. PERCENTAGE DEPLETION.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—This section and section 611 shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) CONFORMING AMENDMENT.—Section 613A(c)(1) of such Code is amended by striking “subsection (d)” and inserting “subsections (d) and (f)”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 4008. TERTIARY INJECTANTS.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(2) EXCEPTION FOR QUALIFIED CARBON DIOXIDE DISPOSED IN SECURE GEOLOGICAL STORAGE.—Paragraph (1) shall not apply in the case of any qualified tertiary injectant expense paid or incurred for any tertiary injectant is qualified carbon dioxide (as defined in section 45Q(b)) which is disposed of by the taxpayer in secure geological storage (as defined by section 45Q(d)).

“(3) AGGREGATION RULE.—For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses incurred after December 31, 2011.

SEC. 4009. PASSIVE ACTIVITY LOSSES AND CREDITS LIMITED.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(C) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any taxpayer which is not a small, independent oil and gas company for the taxable year.

“(ii) AGGREGATION RULE.—For purposes of clause (i), all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.”.

SEC. 4010. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Section 199 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) EXCEPTION FOR TAXPAYER WHO IS NOT SMALL, INDEPENDENT OIL AND GAS COMPANY.—Subsection (a) shall not apply to the income derived from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof by any taxpayer which for the taxable year is an oil and gas company which is not a small, independent oil and gas company.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 4011. PROHIBITION ON USING LAST-IN, FIRST-OUT ACCOUNTING FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(h) MAJOR INTEGRATED OIL COMPANIES.—Notwithstanding any other provision of this section, a major integrated oil company (as defined in section 167(h)) may not use the method provided in subsection (b) in inventorying of any goods.”.

(b) EFFECTIVE DATE AND SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over a period (not greater than 8 taxable years) beginning with such first taxable year.

SEC. 4012. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period with respect to combined foreign oil and gas income (as defined in section 907(b)(1)) shall not be consid-

ered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after December 31, 2011.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

Mr. REHBERG. I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Madam Chairman, we all recognize that we must make calculated decisions to drive down our deficit, but today we see the cold calculations of the Republican leadership, who are cutting hundreds of millions of dollars that would help our Nation's poorest families heat their homes while continuing the billions in taxpayer subsidies we send to big oil companies.

My amendment would fully restore LIHEAP funding and reduce the deficit by repealing these \$40 billion in tax breaks for Big Oil. Oil companies don't need the 100-year-old tax breaks to sell \$100-per-barrel oil while making \$100 billion per year.

For millions of families across the country this year, heating bills have been piling up along with the snow, and so are the record numbers of people turning to LIHEAP to help them get through the winter.

□ 2050

In my State of Massachusetts alone, LIHEAP is projected to help 250,000 families this winter. But even as the mercury has dropped, House Republicans are now considering dropping this important safety net for millions of low-income families nationwide. The only way this bill is going to help families heat their homes would be if they tossed all 359 pages in the fireplace.

It takes a frigid heart for the Republican leadership to continue to defend tax breaks for oil and gas companies while putting heating fuel assistance for America's neediest on ice. But that's exactly what they are doing.

The majority spending bill presents us with a false choice. We shouldn't be cutting heating assistance for the poorest families before repealing the \$40 billion in tax subsidies to big oil companies, the most profitable companies

in the history of the world. The Republicans can continue to make their choices, but the American people will not stand with them. When they are faced with giving tax breaks to Exxon or fuel assistance to low-income Americans, they have chosen Exxon. When they are forced to choose between a free lunch for BP or lunch for hungry senior citizens, they make the choice for BP. We should not be balancing the budget on the backs of the poorest families. I urge support for this amendment to protect the neediest amongst us with a "no" vote on this cold-hearted funding bill.

Madam Chairman, I yield back the balance of my time.

Mr. MCGOVERN. Madam Chair, I rise today in strong opposition to any cuts to the Low-Income Home Energy Assistance Program, or LIHEAP, in this misguided Republican CR.

Mr. Chair, cutting LIHEAP would literally leave thousands of families and seniors in the cold.

My constituents in the 3rd congressional district and people across the country, are experiencing one of the coldest winters on record.

The number of households served by LIHEAP has skyrocketed in recent years, jumping from 5.8 million in fiscal year 2008 to a projected 8.9 million in fiscal year 2011.

In just this year alone, Massachusetts expects to see a 21 percent increase in the number of eligible applications.

And, to make matters worse, the cost of home heating oil continues to go up this winter. Since November, the cost of heating oil has gone from \$3.11 to \$3.58 a gallon.

This means that the average family living in New England is now paying about \$30 more for home heating than they initially expected at the start of this winter.

It is unconscionable that we would even consider cutting heating assistance at a time like this.

My Republican colleagues seem to have no problem supporting tax breaks for millionaires and billionaires but, when it comes to families and seniors struggling to heat their homes, they have no problem saying "so be it."

I understand that we need to reduce our deficit and long-term debt but doing so by literally leaving thousands of Americans out in the cold is exactly the wrong approach.

Madam Chair, I urge my colleagues to oppose cuts to LIHEAP and oppose this CR.

Mr. TONKO. Madam Chair, I move to strike the last word.

The cuts contained in these sections to the Low Income Home Energy Assistance Program—LIHEAP—are dangerous, and I rise to oppose them. The Republican continuing resolution cuts \$390.3 million in funding from LIHEAP's emergency contingency fund for the remaining seven months of this fiscal year. Those are cuts that are made on the backs of the low-income residents, like those I represent in the cold and snowy Capital Region of New York, who struggle to pay for the cost of home heating oil and natural gas.

LIHEAP is a widely supported, essential program that delivers short-term aid to our most vulnerable neighbors, including the elder-

ly on fixed incomes. LIHEAP provides a vital safety net, allowing families and seniors to stay healthy and protected from cold winters and hot summers. It keeps those receiving help from having to make the heart-breaking decision about whether to pay to keep the heat on, or to pay for food and prescription drugs.

The numbers of households receiving assistance reached record levels this year, increasing from 7.7 million to 8.8 million. The rise in participation includes only households that are below the maximum income level—\$33,525 for a family of four this year. The need for the continued support of LIHEAP is clear—the program was only able to help one in five eligible Americans. Four out of five families in need went without this assistance, and were left out in the cold.

The Republican continuing resolution cuts \$390.3 million in funding from LIHEAP's contingency fund. The LIHEAP contingency fund allocates emergency funding to states dealing with emergencies, like cold snaps, heat waves, or spikes in energy prices that force low-income Americans to cut off their heat. So far this year, the Administration has released \$200 million in contingency funds, illustrating the need for full funding of the contingency fund. I do not think we can afford to let seven more months pass and risk another blizzard, or another heat wave, and leave our nation's vulnerable citizens out on their own.

In FY 2010, my home state of New York received about \$57.8 million in contingency funds, but in FY 2011 the state has only received about \$26 million. These CR cuts would mean that New York loses out on about half the contingency fund money it saw during the same period last year. Given the fact that this winter has been comparably cold and seen substantially more snow, my state and my constituents will be losing out tremendously with these cuts.

The continued need for LIHEAP funding is clear to me as I travel around my district and talk to my constituents. Staff in my district offices help connect seniors and low-income families to LIHEAP for desperately needed assistance. Cutting funding for this program is, in my mind, unconscionable. We cannot leave behind our nation's most vulnerable in the dead of winter.

The Majority is lauding the fact that this bill represents the largest spending cut in the history of our country. If they want to cut funding to satisfy their base, fine. But I will not stand for cutting LIHEAP funding. I will not support budget cuts balanced on the backs of seniors on fixed incomes, struggling to make it through this cold winter. Madam Chair, I urge defeat of this bill.

POINT OF ORDER

Mr. REHBERG. Madam Chair, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law." And the amendment directly amends existing law.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

The Chair finds that the amendment proposes directly to change existing law, to wit: the Internal Revenue Code of 1986.

As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

Mr. HIGGINS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HIGGINS. Madam Chair, I rise today in opposition to the continuing resolution. Instead of fighting the war on cancer, this bill declares war on cancer research and those who undertake it. The National Cancer Institute Director, Dr. Harold Varmus, said it best in December when he warned that the proposed cuts would have dire and lethal consequences. He is right. The proposed \$1.6 billion cut to the National Institutes of Health would undermine the most successful innovation model the world has ever seen. The classic view of innovation is that government funds basic science while industry comes up with new innovative products based on that science. This model has worked well.

Over the past 40 years, 153 new FDA-approved drugs and vaccines were discovered through research carried out at public institutions with Federal funds. In the last 20 years alone, one out of every five important medical advances approved by the FDA was invented in a federally funded lab. Those inventions, which included 40 new drugs for cancer, are currently generating more than \$100 billion a year in sales for drug and biotechnology firms.

This includes drugs like Herceptin for breast cancer; Avastin for lung cancer; and Gleevec for gastrointestinal stromal tumors that inhibit and/or block cancer cell growth. This research in cancer alone supports over 1,300 clinical trials each year for promising new therapies for more than 200,000 cancer patients.

President Nixon, a Republican, recognized the importance of a sustained public commitment in basic research when he signed the National Cancer Act in 1971. Last year, under President Obama, \$5 billion was provided to the National Cancer Institute to continue that mission.

This funding bill would take us back years, decreasing the National Institutes of Health budget by 5 percent, disrupting this tremendously successful innovation model. The only failure in cancer research is when you quit or you're forced to quit because of the lack of funding.

Our sustained commitment to biochemical research is vital to the community I serve in western New York, where approximately \$100 billion in Federal funding supports research each

year. Institutions like Roswell Park Cancer Institute, Hauptman Woodward Medical Research Institute, the University of Buffalo, and companies along the Buffalo campus all rely on this funding to conduct research and translate that research into new treatments and products to improve quality of life. The cuts proposed would not only hurt these institutions and small businesses, it will hurt the entire Buffalo community that is now beginning to realize the tremendous economic benefit of this research.

Alleviating suffering due to diseases like cancer in our lifetime should be Congress's goal. This continuing resolution falls dangerously short of that.

Mr. MARKEY. Will the gentleman yield?

Mr. HIGGINS. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Right now, 2010, we spent \$172 billion on Alzheimer's patients—\$172 billion, Medicare and Medicaid. You're cutting the budget for NIH to find a cure for Alzheimer's. By the time all the baby boomers have retired, the budget for each year is going to be \$1 trillion to take care of the 15 million baby boomers that are going to have Alzheimer's in nursing homes.

So what are you guys doing? You're saying, We're going to cut the budget for Medicaid, which pays for Alzheimer's patients in nursing homes, and we're going to cut the budget for the cure for the funding for the NIH. You're having it both ways. No cure—and you're then going to cut the money for these poor families under the Medicaid and Medicare budget. You shouldn't do this.

The NIH are the National Institutes of Hope—researchers in medicine's field of dreams from which we harvest the findings that give hope to millions of families in our country. You are cutting this budget and you're not giving us an opportunity to make amendments in which we'll be able to put the funding in for the NIH budget. And that is just a very bad moral decision which you are making. And you're sending a false hope to people that you're actually solving the problem by cutting the NIH budget.

All of those people who are going to have Alzheimer's—and it's a demographic certainty—are going to cost \$1 trillion by 2050. You are doing nothing about that right now. And, by the way; you won't have the courage to tell people you're not going to take care of them in nursing homes across the countries. That demographic is going to be so strong. Put the money in NIH for Alzheimer's, Parkinson's, for all of these diseases. Please, God, let's at least agree on that as a bipartisan issue—that all our families are going to be equally struck by all of these diseases.

The gentleman from New York has put his finger right on this great moral and political dilemma for our country. A stitch in time will save nine. The money we put up now will save not 9 but 900 times the money that is ultimately going to have to be spent on all of these Alzheimer's and Parkinson's patients. It is a demographic certainty.

Mr. RUSH. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Madam Chair, today I am rising to speak out on the severe lack of centers and facilities for Level 1 trauma centers throughout this Nation. I introduced an amendment, which I am withdrawing.

Madam Chair, in my home State of Illinois, our family members are dying due to the tragic lack of Level 1 trauma centers in close proximity to those who need it. Sadly, our newspaper headlines, including yesterday's Chicago Sun-Times, are filled with tragic stories of victims struck by bullets, stabbed, and other kinds of trauma visited upon them. Despite the best efforts of witnesses, bystanders, and paramedics, the lack of nearby Level 1 trauma centers dramatically reduces survival rates and drives up long-term acute care needs and costs.

Madam Chair, in 1999, my son, 29-year-old Huey, was shot two blocks from a hospital. But he couldn't go to that hospital because they didn't have a Level 1 trauma center. So they had to transport him some 10 miles away, where eventually he passed.

This is just one example of one of these sad stories. It is not only patently unfair, but it's an injustice that in a Nation as vast and prosperous as ours that we have a tragic lack of such misplaced priorities by not having Level 1 trauma centers close to the communities where people reside. The fact that a community that's home to about 750,000 people on the greater South Side of Chicago, an overwhelming portion of which sits in my congressional district, does not have one Level 1 trauma care center literally results in the needless loss of life for far too many of us.

□ 2100

Our Nation has seen time and time again the amazing work that gifted trauma surgeons and fully equipped trauma care facilities can deliver to pull patients back from almost certain death. What I want to ensure, Madam Chair, is that the same level of care that is available in the affluent communities in this Nation is also available to the men, women and children in low-income communities.

The aforementioned editorial in the Chicago Sun-Times reported on the tragic set of circumstances that befell an 18-year-old trauma victim, who,

after being struck by a bullet in a drive-by shooting last August, could not go to the nearby University of Chicago Medical Center, which was only four blocks away, because that facility did not have a trauma center. The University of Chicago Medical Center, one of the major hospitals in this Nation, does not have a level 1 trauma center. Instead, at a time when every moment counts, when every minute counts to save a life, paramedics had to drive the victim 9 miles to the nearest level 1 trauma center, to Northwestern Memorial Hospital, where the victim later died.

Madam Chair, situations like this simply should not happen in America. As I stand here today, I am fully aware of the need to provide funding to trauma centers for the financial losses they incur. The National Trauma Care Foundation has estimated that the economic loss to trauma centers due to their treatment of the uninsured and underinsured patients is \$230 million per year.

In the same Sun-Times editorial that I mentioned before, they also reported on a study last year by the Robert Wood Johnson Foundation, which found that almost three-fourths of the Nation's emergency rooms are unable to provide round-the-clock specialty care and that almost one-fourth of hospitals cited this as a reason for the loss or downgrading of their trauma center designations.

It is time for us to address the nationwide shortage of trauma care, especially in underserved areas.

I yield back the balance of my time.

Mr. GRIMM. Madam Chairwoman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. I rise in support of Representative BASS's amendment, which supports the Low Income Home Energy Assistance Program. The continuing resolution cuts the LIHEAP program by almost \$400 million.

Madam Chairwoman, this program is crucial to the homeowners of the Northeast, specifically in my district of Staten Island and Brooklyn, New York. LIHEAP helps low-income families and seniors remain healthy and secure from cold winters in the North and from hot summers in the South, as well as keeping them from having to face the impossible choice of paying their home energy bills or affording other necessities, such as prescription drugs and food.

I am cognizant of the fact that at a time of record deficits and of reduced spending, we must tighten our respective belts. However, it is imperative that we make smart spending choices. That being said, I believe, when given the choice between ensuring that our seniors have the ability to heat their homes during frigid New York winters

or putting even more money into the catchall slush fund at NASA, there is no choice at all.

As I have stated numerous times, I absolutely believe that deep budget cuts are required to get our government back on a sound fiscal path. However, we must first look to cut spending that is truly wasteful. For that reason, I stand in support of Representative BASS's amendment.

I yield back the balance of my time.

Ms. DELAURO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Madam Chair, I am really intrigued by my colleagues on the other side of the aisle who have made the determination to cut LIHEAP by \$390 million, a decision that, in fact, wasn't important enough to consider the well-being of people, whether they are in the Northeast, whether they are in the Midwest, or whether they are in other parts of the country which have very tough winters. So now what they would want to do is take money from other worthy programs that, in fact, they have cut but would further cut.

In the instance of Mr. BASS's amendment, he would reduce the money from SAMHSA. That is the money for substance abuse and mental illness. What it does is help to reduce the impact of substance abuse and mental illness on America's communities by focusing its services on the people who are in most need. It translates research, and makes it useful and more effective so that we can get this into the general health care system.

How do you treat addiction? How do you treat mental illness? Very difficult issues.

So they would take that money, but they have cut LIHEAP, low-income energy assistance, which, for the most part, we are looking at low-income people. Then if it's applied to seniors, what they will do is they won't cook their food at the right temperature, which will put their health in jeopardy. They will buy space heaters, potentially, which will put their lives in jeopardy.

If my colleagues on the other side of the aisle really cared about low-income energy assistance, they wouldn't have started to make their cuts there. They would have moved to the \$40 billion in subsidies for oil and gas. They would have moved elsewhere to look for this funding. What they would have done is cut back on the subsidies for special interests to do that.

It is a bit disingenuous, and it robs Peter to pay Paul; but I believe that that's the nature of what this unfixable bill is all about.

I yield back the balance of my time.

Mr. QUIGLEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. QUIGLEY. Madam Chair, I rise today to support the amendment offered by my friend and colleague from New York (Mrs. LOWEY). This amendment would restore vital funding to the title X family planning program.

Now, I am all for reducing our deficit and for getting our fiscal house in order, but let's be clear on something: this cut to title X will not save money.

The proponents of eliminating family planning funds want us to believe that cutting these funds is fiscally responsible and that it has to be done to balance our budget. What they don't want us to know is that investing in family planning actually saves money. For every public dollar invested in family planning, taxpayers saved nearly \$4. So while cutting family planning appears to be a savings up front, over the long run it will cost us both in dollars and in the health and well-being of millions of women.

While we are being honest, let's also discuss the other motive of the proponents of cutting title X. They argue that cutting funds for family planning will reduce abortions. Once again, they are wrong. In fact, if they wanted to reduce abortions, they would increase funding for title X. Why? Because title X services prevent nearly 1 million unintended pregnancies each year, almost half of which would otherwise end in abortion.

If we want to get serious about cutting Federal spending and reducing abortions, a good start would be investing in title X, not eliminating it, which is exactly what this amendment will do. Of course, in addition to reducing unintended pregnancies and saving taxpayers' money, family planning providers, like Planned Parenthood, provide essential life-saving and preventative care.

In 2009, title X providers performed 2.3 million breast exams, 2.2 million Pap tests, over 6 million tests for STIs, and close to 1 million HIV tests. For six out of 10 women who receive care from women's health centers, this is their only source of health care. Eliminating all funds for family planning would cut millions of women off from their primary and, in many cases, their only source of health care.

To the millions of women out there who want comprehensive reproductive health care: this is what they think of you.

They think that women should not have access to basic reproductive health care, including birth control. Recent legislation revealed that they think you shouldn't be able to access care even if you are a victim of rape or incest.

□ 2110

This is what they think of you.

All these bills reveal the true mindset of the opponents of choice: women are not capable of making their own decisions about their own health and their own lives.

These cuts to family planning programs would have a devastating impact in my community. Ten Planned Parenthood health centers in Illinois that provide primary and preventive care, including flu vaccines, diabetes screening, and cholesterol screening would all be forced to close. This would affect approximately 30,000 low-income patients and eliminate the jobs of 200 health center workers. Not exactly the kind of job-stimulating legislation we should be focusing on.

The conversation we're having today is not about choice, but choices. With family planning, we can reduce abortions and save the Federal Government money; without, we only pretend to do either. With family planning we can embrace educating and providing health care to women; without, we abandon women when they need care the most. With family planning, we can empower the women of America; without, we undermine them.

We have the choice. And we must choose to stand up to these attacks and fight back against the mistruths because the health, well-being, and lives of millions of women and their families are at stake.

This amendment is a strike against these wrongheaded cuts to family planning. I encourage my colleagues to restore funding to title X family planning programs and vote "yes" on Mrs. LOWEY's amendment.

Ms. ROYBAL-ALLARD. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Chair, I rise in strong opposition to this continuing resolution because it ignores the needs of America's families and does nothing to create jobs, strengthen the middle class, or effectively lower the deficit.

The \$1.3 billion cut to community health centers is astounding. In my district alone, if these cuts are enacted, over 112,000 individuals will suffer a significant loss in primary health services, and they will be forced to use costly hospital emergency care. Nationally, these cuts mean health centers will be unable to serve 11 million patients over the next year. It means 127 new health centers in underserved districts will lose their funds. And it means the loss of thousands of health care jobs.

Also on the chopping block is the title X program, which provides over 8,000 men and women in my district

with reproductive health care and cancer screening. Nationally, the \$317 million cut to title X will force many clinics to close, eliminating another primary care safety net for 5 million men and women.

Also unbelievable is the \$210 million in proposed cuts to the Maternal and Child Health Block Grant program. This cut will devastate primary and preventive health services in California for an estimated 2.6 million pregnant women, infants, and special needs children.

The cuts also endanger other critical programs such as California's newborn screening program, which last year tested almost 550,000 newborns for treatable genetic and metabolic diseases, which if undetected could have become painful and life threatening. On the national level, these cuts in MCH grants will reduce or eliminate prenatal health services for 2 million women and primary health care for more than 17 million children. In a country that ranks far behind almost all other developed nations in maternal and infant outcomes, we can ill-afford to slash funding for the only Federal program that focuses solely on improving the health of mothers and their babies.

Madam Chair, this bill is a Trojan horse that pretends to address our Nation's deficit crisis at the expense of the most vulnerable among us. This bill is not worthy of this House, for it fails to honor the true priorities and values of the American people, and I urge my colleagues to join me in rejecting this irresponsible resolution.

Mrs. CAPPS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Madam Chair, I rise to speak in strong support of the Lowey amendment reinstating the funding for the title X program, which supports family planning services for all of our constituents. While we all agree on the need to reduce spending, it is just bad policy to eliminate a proven, successful program that saves the taxpayer money and provides critical health care services for our mothers, our sisters, our friends. This is bad policy.

The title X program, the only Federal program devoted to family planning, is the core of the public effort to ensure that all women, regardless of income, have the knowledge and health care they need to plan for their families. Its flexible grant funds not only help pay for direct client services but also help to ensure that State and local governments and nonprofit organizations across the country can place safety net clinics in the communities that need them the most. These clinics are the primary source of health care for millions of low-income American women.

By helping women and couples plan and space their pregnancies, family planning services have led to healthier mothers and children and have been instrumental in the long struggle for women's equality in education, the workforce, and society.

In light of the economic downturn, the freedom that the title X program has given to women in the workforce is particularly important. But this program hasn't just been successful for the over 4½ million Americans who use it every year. It has been successful for the American taxpayer, as every dollar spent on this program saves our Nation nearly \$4 in return.

In light of the important role that family planning has played in health care and society, the Centers for Disease Control and Prevention has called family planning one of the top 10 greatest public health achievements of the 20th century, alongside other critical breakthroughs like vaccinations and the campaigns against smoking.

Over 40 years ago, title X family planning funding was enacted on a unanimous vote in the Senate and by an overwhelming majority in the House. When signed into law, then-President Richard Nixon said it fulfilled a promise that "no American woman should be denied access to family planning assistance because of her economic condition."

How far we have come from that time to this day, when we have the research to prove that a program works, and yet the House Republican leadership has recklessly decided to cut it completely. Eliminating title X now would be a devastating blow to the health, the security, and the dreams of millions of American women and their families, denying 5 million women preventive care, including annual exams, life-saving cancer screenings, contraceptive services, and testing and treatment for sexually transmitted infection.

If Members of Congress really want to reduce our Federal deficit, we would double funding for family planning, which studies have shown could save the taxpayers nearly \$2 billion per year. And yet, for some reason, my friends on the other side of the aisle seem to believe that cutting this program, defunding a program that actually saves Americans money and improves the health, improves the health of millions of Americans, that somehow this is a good idea.

For those Members who oppose title X funding, I ask you: How do you plan to ensure that the women in your district and your State have access to lifesaving prevention services? This sham of a Republican omnibus spending bill contains no answers to these questions, just broken promises for the American people.

Let's be clear. A vote against title X is a vote for unintended pregnancies. A

vote against title X is a vote for the spread of sexually transmitted diseases and HIV. A vote against title X is a vote for increased rate of cervical cancer and breast cancer if caught late or if at all. And a vote against title X is a vote for increased abortion rates.

While I would like to think of this as an oversight, it is not the first attack to women's access to health care that has been seen in the 112th Congress. Combined with the mean-spirited bills moving through House committees that reopen the culture wars, it is obvious that this extreme and reckless proposal by the Republican majority to defund title X clinics is just the next step in an all-out Republican assault on women's health.

This Congress should be focused on creating jobs for the millions of moms working to put food on the table, not attacking their rights and their health.

I urge my colleagues to support the Lowey amendment to add some common sense to this omnibus spending bill.

□ 2120

Ms. LEE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Madam Chair, first let me just say, I am shocked and appalled at the comment yesterday by the Speaker when he said "so be it" in response to the likely job losses that will occur as a result of this continuing resolution.

An independent analysis by the non-partisan Economic Policy Institute indicates that this bill will result in the direct loss, mind you, of 800,000 private and public sector jobs. Instead of doing everything we can do to halt the loss of jobs and put people back to work, this bill takes the wrong approach, putting our economy and our country back on the path to recession.

For every job opening in this country, we have 4.7 unemployed people who are looking for work. Why would we want to add to their numbers? "So be it" cannot and should not be our response to this economic crisis, not with a 9 percent unemployment rate and over 15 percent in communities of color, and record layoffs and furloughs at the State level, and especially not when Republicans have the temerity to demand tax breaks for millionaires and billionaires paid for through borrowed money. This is just wrong, and it's immoral.

As a member of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, I am in strong opposition to these cruel cuts. Budgets are moral documents, and they are a reflection of who we are and what we value. This spending bill makes it clear that the poor, the young, women, the elderly, teachers, firefighters, cops, and the communities

that they protect and serve are not valued. Make no mistake, this bill will harm the most vulnerable among us, and it represents a wrongheaded approach to reducing the deficit or expanding job growth in our country.

Madam Chair, I am especially concerned about the proposed cuts to education and training programs. Among the range of cuts include Workforce Investment Act programs, which last year helped over 8.4 million job seekers find jobs. They got additional education and job training support. This is being cut.

All told, when counting rescissions of prior funding, elimination of the requested FY11 funding, and the advanced funding needed to run these employment and training programs, they will experience nearly a \$5 billion cut. Republican cuts in job training will only prolong the recession, keep unemployment high, and keep more Americans collecting unemployment instead of training and getting ready for our 21st century job opportunities.

How can we justify cutting job training programs in the middle of an economic crisis? How will my Republican colleagues respond to the unemployed in their communities who come to them and ask them for help? Will they just say "so be it"?

Pell Grants. Pell Grants provide vital funds for students who wish to attend 2- and 4-year colleges but who need help to pay their expenses. In my district alone, there are 16 institutions that provide Pell Grants to over 18,000 recipients. This proposal would cut Pell Grants by \$845, making college less affordable and accessible for low- and moderate-income students. More than 8 million students benefit from Pell Grants, and many would be hurt by this cut, especially as schools are raising tuition fees to meet rising costs and to deal with tighter budgets.

The bill also entirely eliminates Federal funding for Supplemental Educational Opportunity Grants, which colleges and universities use to assist undergraduates who have the greatest financial need. That program assisted 1.3 million college students last year.

Head Start, under this proposal, is cut by nearly \$1.1 billion. This will effectively knock out 200,000 children, mind you, in Republican and Democratic districts from participating in this critical early education program. This helps provide health, nutrition, and supportive services to prepare our children for school.

The Job Corps program, this program is cut by \$891 million, which will result in 21,384 jobs lost in communities in every State, the majority of which are in the private sector. There will be \$1.7 billion lost in economic activity as a result of this. And 36,000 at-risk young people will be turned away from Job Corps, costing the government and the economy as much as \$17 billion over

the course of their lifetimes. Additionally, the cuts will guarantee the closure, mind you, of 75 Job Corps centers across the Nation in your districts and in our districts. Slashing one of the most effective, accountable, and market-driven solutions for millions of youth who leave our schools unprepared is really the wrong move at the wrong time.

The majority has stated that they want to cut the deficit, but, in effect, they are cutting the social safety net lifeline for those who need it the most. This CR leads us down a path that will result in hopelessness, joblessness, and desperation, and it destroys the future for our young people.

I urge my colleagues to meet the challenge before us and reverse the potential harm that will be inevitable if this bill is enacted.

I yield back the balance of my time. Ms. JACKSON LEE of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Chair, let me thank the former chair of the Health and Human Services Subcommittee and now the ranking member, Ms. DELAURO, and the manager and the chairman of the subcommittee.

I thought, Madam Chairwoman, that we lived in a country that was a land of the free and the brave. We had a sense of pride in the progress that America has made, and we have always said we would never want to go back, whether it has to do with actual equal rights for women, whether it is civil rights and the ability to be empowered to vote. But I stand on the floor today with a great deal of disappointment because it seems as if, with this continuing resolution, that will literally stop in its tracks the functioning of this government. We are really going back.

I rise to support the Lowey amendment because I really can't believe that this CR is eliminating \$327 million in family planning. It just baffles the mind that this critical aspect of health care is now in jeopardy. It is now being part of turning the clock back. It is amazing that we would not acknowledge the fact that lives of women have been saved, lives of young girls have been saved because they've had access to family planning.

As much as we have fought to be able to ensure that around the world where indigent women who have lost their lives through the birthing process now have access to good medical care—and yes, family planning—so that they can have live births, now we come here to the soil of the United States, and to take \$327 million out of the mouths and the hands of women and children—yes, children who can be born healthy. Children who are part of the health care process that these women are able to secure through the many clinics that are around this Nation and in this community.

I am disappointed in the games that are played with Planned Parenthood and to be able to demonize them with false and fraudulent tapings and a lot of bogus arguments about the fact that they are not in the business of helping people. I am disappointed in using those tactics because this is a very serious issue. Mrs. LOWEY's amendment addresses the seriousness of it because she realizes that if we were to go through with the elimination of \$327 million, there would be many, many lives that are lost.

We have a Planned Parenthood office in my community. It is mostly focusing its attention on educating the community about healthy births, about ensuring that teenagers are not alone when decisions have to be made, decisions that will allow for the healthy birth or determination that is made by their faith leader with their family. They will not be left alone. In fact, family planning and Planned Parenthood extinguishes, I hope for good, the back alley procedures and, as well, the rusty hangers that were used in years past.

Just a day or two ago, we heard of a horrible abortion clinic that saw the lives lost of babies and their mothers because of the dastardly tactics that were being used. That is not what we speak of here today. We speak of the right of a woman to be able to choose but also to accept the good health care of family planning.

□ 2130

We speak of the rights of the Constitution and the Declaration of Independence that really ensure that we all are created equal, with certain inalienable rights of life, liberty and the pursuit of happiness. The Bill of Rights, which allows us due process, is what is being denied in this continuing resolution for, as we speak, if that money is eliminated, clinics around America will have their doors closed. Women will be standing outside, banging on the door and asking for good health care.

So I ask my colleagues to support Congresswoman LOWEY's amendment, and I truly ask you to not take this Nation back and eliminate \$327 million in family planning, benign but healthy and good health care and good policy for America and for America's women and for America's children.

Let us support the Lowey amendment and let us reject the elimination of \$327 million in family planning and this continuing resolution.

I yield back the balance of my time. Mr. PALLONE. I move to strike the last word, Madam Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chairman, as we continue to work our way out of the recession towards the thriving economy that offers economic opportunity

to all Americans, we must out-innovate, out-educate and out-build the rest of the world; but the House Republican continuing resolution will do none of that. What it accomplishes is nothing but irresponsible slashing of necessary programs just so they can go back home and say that they cut government spending.

Now, I'm not sure if our Republican colleagues realize that actions have consequences. House Republicans are going too far, and they're sacrificing Americans' health, safety and future in the process, all in order to protect special interests. And what makes it worse is they are offering no real plan to deal with the deficit or create jobs.

Madam Chairman, American competitiveness depends on our ability to innovate and keep America number one. But, instead, this bill holds \$2.5 billion in cuts to the National Institutes of Health, representing a significant setback in cancer and other disease research. We have to properly fund the key agencies like NIH that are essential to disseminating medical research and assisting in the development of new drugs and devices. Declining or stagnant Federal funding for research and development has an impact on all sectors of our workforce. And I want to use my home State of New Jersey as an example.

A report that was released last year showed that the pharmaceutical and medical technology industries are the leaders in private sector capital construction in New Jersey. In fact, in 2008, that meant \$1.4 billion to the State and almost 6,000 jobs for construction alone.

In addition, there's a new report, "Research America," that notes that New Jersey is the third largest R&D employer in the United States with more than 211,000 jobs supported by health R&D, including 50,000 direct jobs in health R&D. The same report shows the economic impact in New Jersey is \$60 billion.

And that's why I believe that we must provide R&D incentives, additional research grants and more technology funding. These investments will provide new jobs, not only in the research sector, but in the construction and maintenance of labs and research facilities.

So, Madam Chairman, the government must be responsible for facilitating an environment where Americans can continue to innovate. This is what President Obama talked about in his State of the Union speech. That is the key to creating new thriving industries that will produce millions of good jobs here at home and a better future for the next generation.

If government abandons its role in R&D, we run the real risk of squandering many, many opportunities. Oftentimes, government can support and advance initial research that is then

developed by the private sector. Government can plant the seeds, often with modest investments relative to the long-term payoffs in new products, new discoveries, new jobs, and economic growth.

Government has limited resources in these tough times, but that doesn't mean we abandon our role. In fact, we have a responsibility to the future to make wise investments that can lead to so many innovative discoveries and so much in economic benefits.

Now, last Thursday, Speaker BOEHNER said, "Everything's on the table. We're broke. Let's be honest with ourselves."

But the Pentagon, in this CR, gets 99 percent of what they ask for. Now, defense spending makes up more than half of our discretionary budget. The non-defense discretionary spending in this CR is enduring brutal cuts. Why should defense spending remain so high when all this non-discretionary spending, including R&D, is cut so severely? It simply makes no sense.

And I would say, Madam Chairman, really this is all about priorities. The Republicans clearly have the wrong priorities. They're not making investments in the future. They're not creating jobs. They're not creating an environment where people can be educated for new jobs and be trained for new jobs. They simply have the wrong priorities here with their spending cuts.

I yield back the balance of my time.

Ms. MOORE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. Madam Chair, I rise today to offer my strong support for the Lowey amendment, which would restore nearly \$318 million in title X, and I rise to vehemently oppose the continuing resolution which completely eliminates title X funding.

Title X funding provides low-income women with access to contraceptive services; but it also provides coverage for primary care services, prevention services, including screenings for breast and cervical cancer, STD and HIV testing, screenings for high blood pressure, diabetes, anemia, pregnancy testing, health education and referral for other services. It has nothing to do with abortion. Title X, of course, prohibits recipients from expending these monies for abortions.

Madam Chair, I find this CR particularly troubling because I know that the overwhelming majority of title X patients are very, very poor. In fact, 70 percent of the these patients have incomes at or below the Federal poverty level, meaning that they earn less than \$10,830 a year; 92 percent have incomes at or below 250 percent of the Federal poverty level, meaning that they earn less than \$27,075 a year.

Now, you know what? We begrudge these patients Temporary Assistance to Needy Families, so that if they would become pregnant and have an unintended pregnancy, we would call them welfare queens and begrudge them welfare benefits. And these patients, who are disproportionately poor, women of color, would not be able to receive the economic support they need and, with this cruel continuing resolution, would not be able to receive the primary care that they deserve and that they need.

We talk about the need to have jobs in this tough economic time. How can women who have no family planning dollars sustain a job or get a job when there are unplanned pregnancies?

As a co-chair of the Women's Congressional Caucus, I want to take a final moment to note that access to family planning services has been nothing short of revolutionary for women in the United States. Women's ability to control their own reproductive destiny has changed the landscape at home, at work, and in the community. It's fundamentally altered women's role in society, and researchers tell us that it's helped to decrease infant mortality, child mortality, and maternal deaths. These are all incredibly worthy goals for women, men and families.

We've heard the cry of those who want our country back. We've heard the cries of those who want limited government. We've heard the cries of those who want to cut spending.

Well, I say, we want our bodies back. We want to govern our destinies, and we want to cut suspending our choices.

And so, therefore, I urge all of you to join me in supporting Congresswoman NITA LOWEY's amendment to restore title X funding.

I yield back the balance of my time.

Ms. CHU. I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. CHU. Madam Chair, I rise to support Mrs. LOWEY's amendment to restore title X funding.

At a time when we need to come together around jobs and the economy, the Republicans are, instead, focusing on bills attacking women's health. The Republican gutting and slashing spending plan isn't about Federal funding; it's about undermining women.

□ 2140

This bill is an unprecedented display of disrespect for American women and shows no concern for their health. And all this raises the key question: Isn't the Republicans' real goal here just to end women's access to birth control?

Preventing unintended pregnancies and thus the need for abortion should be a goal on which both pro-choice and anti-choice lawmakers should agree. But the Republicans' anti-women continuing resolution includes language

that dismantles Federal funding for family planning, attacks successful organizations that provide critical women's health care, and jeopardizes women's access to affordable birth control.

Now, this is a program that affects real people, and these drastic cuts will only hurt American women when they need help paying for these basic services the most.

Title X funding helped Shania, a woman who received care at Planned Parenthood in Los Angeles. She learned a terrible lesson when her mother broke her hip, was brought to the hospital, and then was discovered to have stage 5 cervical cancer, too late for a cure. But thanks to Planned Parenthood, her daughter is with us today, because after learning about her mother's illness, doctors urged Shania to get checked for the same diseases. Unemployed and without health insurance, she couldn't afford to go to a regular doctor. Instead, she walked into that clinic, which indeed did the testing and found her cervical cancer early enough to save her life.

Title X funding helped Beth, a volunteer soldier in our military who put her life on the line for our country. But in the military, they do not provide family planning services for our hardworking servicewomen, forcing them to look elsewhere for the care they need and deserve. When Beth needed help, Planned Parenthood and the title X fund was there for her even when the military wasn't, and she was able to get the help she needed for birth control.

This Federal money is a critical health care safety net for women around the country. It has helped improve the quality of women's health, given women free choice, and saved lives. What will Republicans tell Shania when she can no longer get the lifesaving checkups she needs? What will they tell Beth when she no longer has access to her reproductive choices despite serving her country?

It is clear that the real Republican agenda is to roll over women's health and steal away their rights. This Congress and this bill should be about creating jobs, not attacking American women.

Instead of working on the economy, Republicans are working to limit women's choices. Instead of doing the bidding of ideological extremists, let's address the true needs of the American people.

I yield back the balance of my time.
AMENDMENT NO. 111 OFFERED BY MR. BARLETTA

Mr. BARLETTA. Madam Chair, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 321, line 7, after the dollar amount, insert

“(reduced by \$42,676,000)”.

Page 293, line 4, after the dollar amount, insert

“(increased by \$42,676,000)”.

Mr. REHBERG. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman's point of order is reserved.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. BARLETTA. Madam Chair, I rise today to voice my concerns with a number of items listed in this continuing resolution.

I understand that the time has come for the government to tighten its belt, and I accept the fact that painful decisions must be made in order to get our economy on the right track. However, it is my belief that we have a responsibility to conduct our due diligence before defunding some of our most important programs.

For my district in Pennsylvania, that includes a thorough examination of alternatives to any cuts in clean coal technology research.

According to the National Mining Association, 52,000 Pennsylvanians are dependent on our coal industry for their jobs, jobs that may be put in danger without an investment in the future. And as the recent events overseas have demonstrated, we no longer have the luxury of time when it comes to our energy independence.

While clean coal research will prepare us for the future, the Low Income Home Energy Assistance Program invests in our most vulnerable. Last year, LIHEAP provided heat to 545,000 families in our country. And with an unemployment rate that's held over 9 percent for 21 consecutive months, we must remember that the cuts we debate here today will have a drastic effect on families who are already struggling to make ends meet.

The same can be said for the Community Service Employment for Older Americans. In 2008, this program helped nearly 90,000 older Americans prepare for the next phase of their careers, even assisting in their placement in the workforce.

Seniors constitute 16.5 percent of my district's population, and given the current nature of our economy, many of these hardworking men and women will be forced to prepare for changes in their future.

As a former mayor, Madam Chair, I understand how important the Community Development Fund is to supporting our local communities. It serves as a critical lifeline to towns, cities, and communities that are already struggling to pay their most basic bills.

It also supports revitalization programs in our communities and assists communities that have fallen victim to disasters.

And in a similar vein, State and local law enforcement assistance helps to

keep our communities and neighborhoods safe. In particular, it supports communities that are forced to incarcerate illegal aliens for extended periods of time as well as programs that strive to protect our borders.

Madam Chair, I understand that we are broke, that programs such as those I have listed here today will be forced to bear the brunt of our new economic realities. Yet, I stand here today to reiterate my support of these important programs, and to remind my colleagues to remain ever cognizant of the fact that our cuts are again both necessary and painful.

I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Ms. HIRONO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. I rise today in strong support of the Lowey amendment and in strong opposition to cuts to the title X funds in this continuing resolution.

These cuts are a threat to women's health, as you have heard from so many of the previous speakers. For example, these cuts will prevent Planned Parenthood from receiving needed Federal funds. Much of the cuts in H.R. 1 target the most vulnerable among us, the poor, children, young adults, and women.

We are a diverse country, proud of it, with good people on all sides of an issue, including of course the issue of abortion. We know that cutting title X funds strikes at a favorite target of the anti-choice group, Planned Parenthood.

□ 2150

Sadly, in pursuing their anti-choice agenda, tens of thousands of women in our country will be denied health care services that have absolutely nothing to do with abortions. The vast majority of Planned Parenthood's medical services are related to contraception, testing and treatment for sexually transmitted infections, cancer screening and other services, like pregnancy tests and infertility treatments. Abortion services comprise only 3 percent of the medical care Planned Parenthood provides. Federal law already prohibits title X funds from being used for abortion services. It is important to point out that there are no known violations of this law.

I would like to share with this body my views on how Planned Parenthood Hawaii has helped women and their families in my State. In Hawaii, there are three Planned Parenthood centers: one in Honolulu on the Island of Oahu, one in Kahului on the Island of Maui, and one in Kailua-Kona on the Island of Hawaii. Together, these three centers served over 7,800 patients. They

provided 2,582 cervical cancer screenings that detected 321 abnormal results that required further diagnoses and treatment. These represent lives saved. They provided 2,705 breast exams. They conducted 3,346 tests for chlamydia, the leading cause of preventable infertility, that resulted in 172 positive results and follow-up treatment.

By cutting funding for title X family planning programs, the Planned Parenthood clinic in Kailua-Kona would have to close its doors. That center is one of the only dedicated sexual and reproductive health clinics on that island. The centers in Maui and Oahu would be forced to reduce their clinic hours. Cutting title X funds eliminates a safety net program that provides family planning services and lifesaving preventative care to 3 million Americans every year.

I urge my colleagues to join me in opposing H.R. 1, and I join my colleague, Mrs. LOWEY, in saying to the women of this country, we need to take our bodies back.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Chairman, I rise in strong opposition to H.R. 1, which cuts the heart out of safety net programs which sustain and help sustain the most economically challenged and most vulnerable individuals and families in our society.

Of particular concern to me are the maternal and child health programs, Community Development Block Grants, cuts to legal assistance services, education and training, the Low Income Home Energy Assistance Program, known as LIHEAP, and others which sustain the most vulnerable, the most disadvantaged, the most disadvantaged, and, in many instances, the most helpless and the most hopeless members of our society.

I am obviously concerned about health services in a real sense, because if you have all of these other problems and then you are sick on top of it and have no way of taking care of yourself, then you have no way of addressing the other needs that you have.

I have been involved with health services for more than 40 years, and I have had a good look at what we call Community Health Centers, which have become to me the most effective way of providing quality health care to large numbers of low-income people in this country.

When we talk about cutting over \$1 billion to Community Health Centers, we are talking about ending funding for 127 new centers in underserved areas across the country. It means ending funding of Increased Demand for Services, or IDS grants, which have allowed health centers to expand to serve

3.3 million new patients in the last year and a half.

These cuts would raise costs in the Medicaid program and overall general health care services to the country. As a result, patients would lose access to primary care, to a regular doctor, and seek care for nonemergency health situations by using hospital emergency rooms, which would cost the country billions of dollars and continue to increase high-cost health care to our economy.

If these cuts go through, it would have an additive effect to the States that are cutting nearly \$90 million in financial support to health centers due to their own fiscal crises, therefore leaving health centers with no way to continue to serve their existing patients.

Community Health Centers provide high quality health care and they do it cost-effectively and efficiently. In the State of Illinois, in 2008, 40 of these centers operated over 350 sites, contributed almost \$1 billion to the Illinois economy and directly employed almost 6,000 individuals. For every 10 people employed by an Illinois health center, an additional four jobs were created in their surrounding communities. These programs served over 1.1 million patients, nearly 80 percent of whom all fell below the Federal poverty level and 30 percent of whom had no health insurance at all. Without these cuts, these centers can continue to operate and provide services.

I say let's not be what my mother used to call penny wise and pound foolish. It might look like we are saving, but every time we take care of one's health, we are making an investment.

I urge that we reject these cuts.

I yield back the balance of my time.

Mr. HOLT. Madam Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chairman, I rise in support of the amendment that Mrs. LOWEY presented and in opposition to this continuing resolution, which would completely eliminate the national women's health and family planning programs known as title X.

The resolution we are considering would cut care to Americans who need it most. Title X funds ensure that millions of low-income and uninsured individuals have access to primary health care. For most of these individuals, this is the only medical care they receive. Without access to this health care, they are at risk of developing serious medical conditions. If title X funding is eliminated, it would remove the only access point to primary health care for millions of women and would increase the health care costs for all Americans.

Now, some of my colleagues would argue that title X is all about abortion.

That statement is simply not true. These programs fund prevention, provide lifesaving care to millions of women each year, cancer detection, care provided, women and families treated with the dignity they deserve, and it is family planning.

I know these claims, and I know the work of these clinics and their importance to our society. Maybe the men who put together this continuing resolution don't know what these programs do. I assure you, I do. Cutting funding to these programs would be devastating for women's health, and I strongly oppose efforts to do so.

These programs prevent an estimated 1 million unintended pregnancies each year. For every dollar spent on family planning, several dollars are saved, saved, in Medicaid costs. These clinics provide lifesaving and preventive care to millions of women. In 2009 alone, providers performed millions of Pap tests, millions of breast exams, over 6 million tests for sexually transmitted infections and nearly 1 million HIV tests.

In my home State of New Jersey, it is estimated that the elimination of these programs would cause as many as 40,000 patients to lose their access to women's health care. I estimate that without these funds, 14 Community Health Centers would close their doors.

We need to take a careful look at whom we hurt by cutting these programs. In 2009, these funded health centers provided services to over 135,000 patients. Eliminating national family planning programs would result in millions of women across the country losing access to primary care and preventive health care.

□ 2200

I can't emphasize that too strongly. Simply put, without these programs, more women will experience unintended pregnancies, face potentially life-threatening cancer, and other disease—diseases that could have been prevented. This is unacceptable.

I yield back the balance of my time.

Ms. SUTTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR (Mr. HASTINGS of Washington). The gentlewoman is recognized for 5 minutes.

Ms. SUTTON. Mr. Chairman, I rise in support of the gentlewoman, Representative LOWEY's, amendment to restore funding for the title X family planning program. I also want to convey my strong opposition to the amendment offered by the gentleman from Indiana prohibiting Planned Parenthood from receiving any Federal funds, including any funds for cervical or breast cancer screening. These draconian proposals will end preventive and primary care for millions of American women—primary care services that are for so many women the only medical care they receive throughout

the year. In fact, six in 10 women who access care from a family planning center consider it to be their main source of health care.

What we are seeing here today is nothing less than an attack on access to women's health services. The real impact of these cuts is that 5 million women across this country will lose access to basic primary and preventive care services.

Let's be clear, Planned Parenthood does offer needed family planning services, and they also offer preventive health care services. In 2009, in the State of Ohio, Planned Parenthood served 97,574 patients by providing primary health services like cervical and breast cancer screenings, birth control, along with general services including smoking cessation, flu vaccinations, and screening for diabetes and anemia. Planned Parenthood in Ohio provided 32,532 cervical cancer screenings in 2009. Planned Parenthood in Ohio provided 32,717 breast exams in 2009—32,717 women given piece of mind that they are free from cancer or put on the path to necessary further treatment for breast cancer; 32,717 women given access to preventive care services that each and every American woman needs.

From the cuts to the Women, Infants, and Children program to these cuts targeted at women's health care, a pattern is quickly emerging. And it's unacceptable. It shows a disregard for women's health and safety. Rather than jeopardize the health of women and children across our country; rather than cutting heating assistance for those with low income; rather than cutting funding for Community Health Centers that help our most vulnerable; rather than cutting Community Development Block Grant funding that helps with economic development and job creation, this Congress can cut things like billions of dollars out of oil subsidies that go right to the profits of those oil companies. We can require the negotiations of lower drug prices to benefit our seniors and the bottom line.

We as a Congress, rather than focusing on these draconian cuts to jeopardize the health of women and children, we should focus on job number one, and that is making investments helping Americans get back to work. We need to be working to strengthen U.S. manufacturing, rebuilding our infrastructure, and stopping the outsourcing of American jobs. I urge my colleagues to join us in these efforts.

Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. GOHMERT. Mr. Chairman, I think for over an hour we've been hearing people say, I rise in support of this

amendment, over and over, speaker after speaker.

My parliamentary inquiry is: Is there an amendment before the floor right now?

The Acting CHAIR. No.

Ms. WOOLSEY. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, I stand strongly in support of Congresswoman LOWEY and her amendment and title X and its protections for women and family. What a shame we're here tonight defending a woman's reproductive rights—defending a woman's right to make choices that work for her, that work for her family, that work for their future. Instead, we should be debating how we can get our economy going, how to provide jobs. Instead, we're defending a woman's right to control her body, her right to good health care, her right to prevent a pregnancy, and her right to end a pregnancy.

This, my friends, is the 21st century. We are not in the Middle Ages. It is time to respect women and to respect their choices. It is past time to begin creating jobs here in the United States of America.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1818. Notwithstanding section 1101, the level for "Department of Health and Human Services, Administration for Children and Families, Payments to States for the Child Care and Development Block Grant" shall be \$2,088,081,000, of which no funds shall be for the Child Care Aware toll-free hotline.

SEC. 1819. (a) Notwithstanding section 1101, the level for "Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs" shall be \$7,796,499,000, of which \$405,000,000 shall be for making payments under the Community Service Block Grant Act ("CSBG Act"), except that such level shall include \$10,000,000 for section 680(a)(3)(B) of the CSBG Act and \$6,151,783,000 shall be for making payments under the Head Start Act.

(b) The fourteenth and fifteenth provisos under the heading "Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs" of division D of Public Law 111-117 shall not apply to funds appropriated by this division.

AMENDMENT NO. 457 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 293, line 25, insert "(reduced by \$100,000,000)" after the dollar amount.

Page 294, line 1, insert "(reduced by \$100,000,000)" after the dollar amount.

Page 359, line 15, insert "(increased by \$100,000,000)" before the period at the end.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment reduces the Administration for Children and Families programs by \$100 million, with reductions specifically targeting the Community Service Block Grant program. Under this amendment, this reduction would be transferred to the savings reduction account and would save the taxpayers \$100 million. The agency has already spent \$295 million on this program for fiscal year 2011. This amount of money is already out the door, and an authorization requiring \$10 million to be spent on discretionary activities is already out; but this amendment would essentially zero out funding for grants for the remainder of the fiscal year.

The program is administered through the Department of Health and Human Services. It provides Federal funds to States, territories, and tribes for distribution to local agencies to support a wide range of community-based activities. This program, however, has been flagged previously for its lack of accountability and oversight for the use of taxpayer dollars.

In 2006, GAO was asked to review the administration of the Community Service Block Grant program. GAO indicated in a letter to the Assistant Secretary for Children and Families on February 7, 2006, that "the Office of Community Services does not have the policies, procedures, and internal controls in place needed to carry out its monitoring efforts."

Later, GAO writes: "By sending staff without sufficient expertise in financial management on monitoring visits, the Office of Community Services failed to ensure that States spend Federal dollars appropriately."

We have a projected deficit, as we've said many times today. It's \$1.5 trillion this year alone. Sobering reports say that the national debt may soon exceed our annual GDP. Simply put, the Federal Government does not have the resources to fund every grant program, particularly one that has little accountability over how taxpayer dollars are spent.

□ 2210

Beyond issues related to oversight, there have been concerns related to the effectiveness of taxpayer dollars spent on grants under this program.

In a New York Times article published on February 5, White House Office of Management and Budget Director Jacob Lew wrote about the CSBG program, stating: "For the past 30 years, these grants have been allocated using a formula that does not consider how good a job the recipients are doing."

In fact, presumably for this reason, President Obama cut funding for the Community Service Block Grant program by 50 percent in his FY 2012 budget request. Let me say that again: the

President for the FY 2012 budget has cut this program in half, from \$700 billion to \$350 billion. I suppose it's likely because of these problems.

The President defended this reduction by stating: "CSBG provides funding for the important work of Community Action Agencies, but does not hold these agencies accountable for outcomes."

On November 2, taxpayers sent a clear message to all of us here to spend money more wisely.

As I mentioned, we are borrowing 40 cents for every dollar we spend. So when you have programs we are told by GAO and other groups that simply aren't using taxpayer dollars wisely, it behooves us to cut the funding. If we don't cut this funding, we will actually be funding this program at a greater level than the President is asking for. Let me repeat that:

Unless we do this cut that we are talking about today, we will be funding for fiscal year 2011 this program at a greater level than the President is requesting for the following year.

I think that we ought to move now, when we have a deficit of \$1.5 trillion and a debt nearing or over \$14 trillion, to save money where we can for the taxpayers.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding. I just wanted to ask the gentleman a question.

Has the gentleman given any consideration as to what the impact of this Federal cut is on State programs and as to the likelihood that States are to follow suit after the enactment of his proposed amendment?

Mr. FLAKE. I think any impact there will be is dwarfed by the impact of having a \$1.5 trillion deficit and a \$14 trillion debt and what happens to us as a country if we continue to run that kind of deficit and debt.

Mr. JACKSON of Illinois. I thank the gentleman.

Mr. FLAKE. I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in strong opposition to the Flake amendment and to the Republican cuts of the Community Service Block Grant.

Mr. Chairman, there isn't any question that Democrats are committed to reducing the deficit. We believe we should start by ending the tax subsidies and special interest waste. We also must make sure that programs are accountable and that we end those that do not work.

But what we have here is a program that serves as nothing short of a life-

line. It provides assistance to our Nation's poorest families, families who are trying to meet the most basic of human needs. We have the latest Census data, which tells us that more than 43.7 million people are living in poverty in the United States. That number is growing.

A striking point is that many in this category are hardworking Americans who have, in fact, been making it; yet some may refer to them now as the "new poor." In this Great Recession, life has changed very quickly for so many American families who have first lost their jobs and then lost their homes. The majority of Americans served by this program can be described as extremely poor, with incomes below 75 percent of the Federal poverty threshold. That's \$9,735 for a family of three. That's the average size: \$9,735.

Is that what we make in this institution here, \$9,735? You know what, Mr. Chairman? We'd be hard-pressed to find a corner of our Nation that doesn't feel the impact of these severe cuts. The service areas of Community Action Agencies cover 96 percent of the Nation's counties.

I just might add that not so long ago this body voted for a tax increase for the richest 2 percent of the people in this Nation, providing them with \$100,000 in tax cuts—the richest 2 percent of the people in this country as opposed to people who make \$9,735. Now, if we really want to be serious about that deficit, let's start with several items.

Let's go to the oil subsidies of \$40 billion over 5 years and eliminate 10 tax breaks for the oil companies. Let's start there. What about ending what they call "treaty shopping," which would be a \$7.4 billion savings over 10 years? Let's shut down the current practice that allows multinationals to avoid paying their taxes. I think that's a good idea that we ought to implement. That certainly is un-American if they're not going to pay their taxes.

As for other savings, why don't we cut agricultural subsidies in half and save almost \$8 billion? We can do that. We could save \$3 billion a year if we ended the licensing agreements in which pharmaceutical companies pay competitors to slow the introduction of cheaper generic drugs. That raises the cost of health care for all of us. Then we could immediately save \$450 million and almost \$3 billion if we stop spending on the alternate engine for the Joint Strike Fighter.

It's very interesting. Those total about \$61 billion, which is the size of the cuts that the other side of this venerable House has proposed we cut: K-12 education for the neediest people in this Nation and the National Institutes of Health, which provide the opportunity to look for groundbreaking discoveries to cure disease.

One should really be opposed to this amendment for what it would do to the most vulnerable people of this Nation. It is effectively a 100 percent cut. It is again the example of how the Republican resolution hits those who can afford it least.

With 9 percent unemployment in our country, this is not the time to be cutting critical services. These are services in local communities to help low-income families get on their feet. The issues are child care, job training, nutrition. The money goes to nonprofit agencies, to the Boys and Girls Club, to Habitat for Humanity, to Feeding America, to hundreds of local faith-based churches and synagogues, to the United Way, and to Big Brothers and Big Sisters.

I urge defeat of the Flake amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, the Community Service Block Grant program provides grants and other services to States to combat poverty and to increase self-sufficiency. The funding is directed to community organizers in poor neighborhoods. The range of services provided includes emergency services, housing, health care, food and nutrition, economic development, and education.

States award the funds to Community Action Agencies. I've got several of them in my congressional district, which are nonprofit, private and public organizations established under the Economic Opportunity Act of 1964. Today, there are approximately 1,000 Community Action Agencies serving the poor in every State.

Now, I know the gentleman from Arizona is basing part of his cut on what is in the President's budget. From my perspective, the President's budget is wrong on this subject. To cut this program in half and then say we're going to have competitive bidding for the other half is going to hurt thousands, if not millions, of poor people in this country. It is not the right thing to do. This is shredding the safety net. Then this last \$100 million, because so much of this money has already been spent this year, would take this program down to zero. It would be a disaster. All of these agencies would have to close, and the people who are the poorest people would not have any place to go to get help.

So I just think it's despicable that we have finally gotten down to where we're going to go after the Community Service Block Grant, which helps the poorest people in each of our districts around the country.

□ 2220

It's indefensible, it's just not right, and I hope that the gentleman from Arizona will reconsider this amendment, and I would hope that the committee would reconsider this in conference committee. I don't think the other body should in any way embrace this. This is a bad amendment, a bad cut, and it's going to hurt people, the poorest people in this country.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, I rise in strong support of the Lowey amendment, I rise in strong opposition to the Flake amendment, and I want to begin by saying that my friend, Mr. FLAKE from Arizona, is a very nice man. He's a decent man. He's just dead wrong on this. He's just wrong, wrong, wrong. Before I get into the specifics of the amendment, I want to highlight the deep cuts my friends on the other side of the aisle want to make to the accounts in the Labor-Health and Human Services and Education bill.

This subcommittee not only funds the Departments of Labor, Health and Human Services, and Education, but programs that make vital investments in people. That's why the Labor-H bill is often referred to as "the people's bill." It provides resources that train people for jobs; offers educational opportunities in early, secondary, and higher education; and expands social safety net programs to millions of Americans that need temporary assistance.

While some of my colleagues will argue that with our growing budget deficit and growing levels of spending that we need to make some cuts—and we must, by targeting wasteful and unnecessary spending—the legislation that has been brought to the floor by my colleagues from the other side of the aisle seeks to weaken some of the critical social safety nets for the most vulnerable amongst us: for working families, for children, for seniors, and for the poor.

Mr. Chairman, I've been listening to this debate for a couple of hours now, and as we get later and later into the night, I'd just like to take a moment to remind my friends that these cuts are not just about dollar amounts and percentage cuts over the last fiscal year, but cuts to real people. I think some of us often forget that. So the way this works is the Federal Government cuts these programs. Without matching funds available from the Federal Government, States then in turn cut the exact same programs, and suddenly, millions of Americans wake up without the Federal Government or without the State government providing them with any assistance. This isn't just about the Federal deficit and the Federal

budget. The ramifications of this cut spiral, trickle all the way down to the States, and the ramifications for States' indebtedness continues to grow.

Under the Department of Labor, my colleagues on the other side of the aisle propose a \$2.5 billion cut to programs to support job training opportunities for dislocated workers, the unemployed, and young Americans at a time when the unemployment rate remains at a historic 9 percent. That's nearly 14 million Americans. By some estimates, this number is even higher. This is a 40 percent cut to programs that help unemployed people get out of the unemployment office and get their feet in the door.

From Health and Human Services, this legislation cuts \$1 billion for 1,250 community health centers. That does not include the ramifications of States that are not likely to fund the exact same health centers and even more. These health centers serve nearly 20 million low-income individuals by providing access to primary, dental, and preventative care.

The \$1.8 billion cut from the Head Start program will threaten jobs of thousands of teachers and teachers' aides and will cut off access to an estimated 200,000 low-income children across this country.

And \$694 million will be cut for grants to schools that serve disadvantaged students. Teachers, tutors, and teachers' aides are likely to lose their jobs, and after-school and supplemental programs will be cut. And the students that need the help the most will suffer. Nearly \$558 million will be cut from special education programs that serve children with disabilities.

As the cost of tuition, textbooks, and living expenses continues to rise, the 8 million students in community colleges and universities that benefit from Pell grants will no longer be able to receive the current maximum award of \$5,550 per year. My colleagues across the aisle believe that \$4,705 is adequate.

I could go on and on, Mr. Chairman, with the detrimental cuts my colleagues plan to make to these social safety net programs. But the fact is that the legislation in front of us provides cuts to people in this country that can least afford it. These devastating cuts to health care, to education, to energy assistance, and other programs means the most vulnerable Americans will be left to fend for themselves, in the midst of the worst economy of our lifetime.

Mr. Chairman, I recommend my colleagues vote against any amendments that further cut any of these vital programs for Americans. I strongly urge my colleagues to vote against this irresponsible continuing resolution.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. The spending bill that the Republicans have introduced is a threat to our economy, a threat to our competitiveness, and a threat to America's working families, and with this amendment, a threat to America's poor.

No one is in favor of wasteful spending and outdated government regulations that don't work or special spending for the powerful and the special interests. Instead of identifying real governmental waste, like subsidies to Big Oil and tax cuts to billionaires, the House Republicans have decided that all the cuts will fall on the backs of working people, on students, and on the poor in this country. The universe of cuts will be limited to those parts of our population, the most vulnerable parts of our population, those who struggle every day to keep their jobs and provide for their families, to hold on to their homes, or maybe to catch a break and get a job, or maybe to catch a break and have their child be put into Head Start, or to have mental health services for a member of their families.

They deny workers the basic rights and protections on the job, and they prevent unemployed Americans from getting job training that will give them a leg up in this economy because they zero out these programs. Simply put, the Republican spending bill eliminates hundreds of thousands of jobs and hundreds of thousands of job opportunities for Americans who are seeking to get back into the economy. This bill is reckless and irresponsible. The programs that are targeted in this bill are a lifeline to the future of our economy.

These cuts mean over 200,000 young children will lose their spots in a Head Start classroom. For the first time, as we celebrate the 100th birthday of President Reagan, we destroy Ron and Nancy's favorite program. Those children will not be allowed into the Head Start classroom, and we know exactly what that means. They will start school behind, they will continue behind, and if they graduate, they will graduate behind. That's what we cast them into. That's why it's called Head Start. These children need a head start. These quarter of a million children will not get a head start. They will go to the back of the line. It means that parents will have to choose between going to work and putting their children in a low-quality child care without an option for those Head Start classes.

It means that 2,400 disadvantaged schools that rely on title I, the funding that will provide quality education, will lose the funding for teachers and tutors and after-school programs. And again, the most vulnerable children, the children who start without that head start, the children who are the poorest in our Nation, they will receive

the least resources available so that they could participate in an economy if they can get a good quality education, and have the opportunity to achieve it.

These cut means reduced support for students with disabilities. It will leave some 7,000 special education teachers and staff unemployed. And the services those students so desperately need—and they can prosper when they're given those services in our education programs and thrive in regular education programs—they will be denied that opportunity.

And of course, as has already been mentioned, it means that \$845 that would have been available for the poorest students, middle-income students who are starting college, whether it's community or 4-year college or it's a proprietary school, that money won't be available for them. But mind you, the costs in the community colleges, the costs in the public institutions, the 4-year institutions, the proprietary schools, they're all going up. These students' resources to pay for college are going down, and many of these students do not have the ability to replace those resources.

By eliminating the Corporation for National Community Services, we break the great bipartisan compact here that we would join together to provide people an opportunity to give back to this Nation, that we would organize services to serve our community and to volunteers in our community, whether they be senior citizens or whether they be young people starting out, and the people could earn an opportunity by serving their community to earn a scholarship, and grandparents could earn a scholarship to give to their children if they gave back to their community and volunteered in their community. Those programs are gone. They're eliminated. They're zeroed out in this legislation.

□ 2230

By eliminating critical job training opportunities offered through the Workforce Investment Act, some 200,000 unemployed Americans who need these skills to compete in the workplace will be denied their services, as will the returning vets from the vets program who use the One-Stop services. In April, 3,000 of them will be gone, closed down because of the budget cuts here.

Where will those veterans go? Where will those veterans go that are seeking opportunities? Where are we going to take these veterans who were harmed, who have suffered in combat, who are recovering from their injuries and trying to navigate the employment sector and our economy? They can go to a One-Stop shop. They can get special treatment as a veteran in that place. They can see the array of opportunities that they might have to bring to them. But no, now they can cruise the com-

munity. They can go from place to place, trying to find and knit together the services that are available today in those One-Stop centers.

So this legislation is devastating, devastating to millions of Americans. Millions of Americans with the slightest bit of help would be able to engage in our economy, be able to engage in our society, and be able to prosper for themselves and for their families. Tonight, the Republicans foreclose that future. They foreclose that future for millions of Americans who will not be able to fight back or hire lobbyists.

I yield back the balance of my time.

Mr. ANDREWS. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, for the last 5 weeks or so since the new majority has taken over the House, as 15 million people are unemployed in this country, as people are losing their homes, losing their businesses, the majority has focused like a laser beam on everything except job creation for the American people. They have found time to dabble in a variety of political issues while ignoring the essential purpose for which I believe we were all sent here, which is to foster an environment where businesses and entrepreneurs can create jobs for this country.

This week they have changed. They have gone from ignoring the jobs problem to making it worse. The legislation that's on the floor tonight does reflect a good faith and necessary goal of reducing spending in our country. I don't think there is anyone here who would disagree with the proposition that continuing to spend more than we take in eventually will cause even greater pain and harm to the U.S. economy than it has already caused, which is considerable, indeed.

But all spending cuts are not created equally, and all spending decisions don't have the same consequences. The prism through which we have to look at spending cuts is whether they are sensible or reckless, whether they help to create jobs or destroy jobs. And I would submit, ladies and gentlemen of the House, that the legislation before us is worsening the very deep economic crisis in our country in three ways.

First of all, you can't have economic growth if you don't have safe streets and a safe country. But the provisions of this bill will lead to the layoff of more than 10,000 police officers in cities and towns across our country. The provisions of this bill will lead to the dismissal or furlough of over 1,000 people whose job it is to check containers coming into this country to see if they have dirty bombs or chemical weapons in them. A country that isn't safe won't grow.

Ladies and gentlemen, the other cuts in this bill, let's talk about education.

A country that can't learn won't grow. But this legislation will result in the elimination of 10,000 reading tutors and math coaches for the neediest students in this country. It will remove 7,000 teachers who teach autistic kids, children with a learning disability, from classrooms. For the single mom who is struggling to pay her bills, raise her children, and go to school, it will raise her tuition by up to \$825 this year by eliminating the college scholarship on which she relies to go to school. A country that doesn't learn doesn't grow, and these cuts will lead us into a country that makes it very difficult in which to learn.

And finally, this country is fueled by research and development, inventing and creating new products, new cures, new solutions to the world's problems. Yet in this bill, in one of the most important areas, medical research, the majority has given us an unwelcome surprise. There is a spending cut in excess of \$600 million from the National Institutes of Health that is described, ladies and gentlemen, as further cuts to get to the 2008 levels. I don't know what that means. I don't think anyone on the majority side will tell us what that means. But I do know this: Thousands of Americans work doing medical research through the National Institutes of Health. Millions of Americans depend upon the miracles which grow out of that research, and this country's economy is stronger when that research continues. That research will be cut. The average cancer research grant in this country is about \$500,000. Looking at the cut that's in here, it appears that over 500 cancer research grants will go by the wayside.

A country that isn't safe, a country that isn't learning and investing won't grow. This bill means America won't grow. This bill should be defeated.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1820. (a) Notwithstanding section 1101, the level for "Department of Health and Human Services, Administration on Aging, Aging Services Programs" shall be \$1,445,323,000.

(b) The first proviso under the heading "Department of Health and Human Services, Administration on Aging, Aging Services Programs" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

(c) None of the funds appropriated by this division for "Department of Health and

Human Services, Administration on Aging, Aging Services Programs" shall be used to carry out sections 1701 and 1703 of the PHS Act (with respect to chronic disease self-management activity grants), except that such funds may be used for necessary expenses associated with administering any such grants awarded prior to the date of the enactment of this division.

SEC. 1821. Notwithstanding section 1101, the level for "Department of Health and Human Services, Office of the Secretary, General Departmental Management" shall be \$375,938,000: *Provided*, That amounts included under such heading in division D of Public Law 111-117 shall be applied to funds appropriated by this division by substituting "\$0" for "\$5,789,000": *Provided further*, that the third and seventh provisos under such heading in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1822. Notwithstanding section 1101, the level for "Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund" shall be \$708,510,000, of which \$65,578,000 shall be for expenses necessary to prepare for and respond to an influenza pandemic, none of which shall be available past September 30, 2011, and \$35,000,000 shall be for expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services: *Provided*, That in addition, \$318,000,000 of the funds transferred to the account under the heading "Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund" in Public Law 111-117 under the fourth paragraph under such heading may be used to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided further*, That no funds shall be made available to the United States Postal Service for the delivery of medical countermeasures.

SEC. 1823. Of the funds made available for "Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund" in Public Law 111-32, \$1,397,439,000 is rescinded.

SEC. 1824. (a) Notwithstanding section 1101, the level for "Department of Education, Education for the Disadvantaged" shall be \$3,994,365,000, of which \$3,944,530,000 shall become available on July 1, 2011, and remain available through September 30, 2012 (in addition to the \$10,841,176,000 previously appropriated under such heading that became available on October 1, 2010), and an additional \$10,841,176,000 to remain available through September 30, 2012, shall be available on October 1, 2011 for academic year 2011-2012: *Provided*, That of the amounts available for such heading (1) \$6,405,844,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 ("ESEA"); (2) \$1,365,031,000 shall be for concentration grants under section 1124A of the ESEA; (3) \$3,014,000,000 shall be for targeted grants under section 1125 of the ESEA; (4) \$3,014,000,000 shall be for education finance incentive grants under section 1125A of the ESEA.

(b) The tenth, eleventh and twelfth provisos under the heading "Department of Education, Education for the Disadvantaged" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

(c) Of the unobligated balances available for "Department of Education, Education for the Disadvantaged" in division D of Public Law 111-117, \$189,000,000 is rescinded, to be derived from the amounts specified under such heading for availability under section 1502 of the ESEA.

AMENDMENT NO. 276 OFFERED BY MRS.

MCMORRIS RODGERS

Mrs. MCMORRIS RODGERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 296, line 21, after the dollar amount, insert "(reduced by \$336,550,000)".

Page 296, line 22, after the dollar amount, insert "(reduced by \$336,550,000)".

Page 297, line 25, after the dollar amount, insert "(reduced by \$500,000,000)".

Page 298, line 1, after the dollar amount, insert "(reduced by \$500,000,000)".

Page 299, line 20, after the first and second dollar amounts, insert "(increased by \$557,700,000)".

The Acting CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. MCMORRIS RODGERS. Mr. Chairman, my amendment is simple. It increases funding for the part B program of IDEA, which provides educational grants to States for children with disabilities, by \$557 million, restoring funding for the program to 2010 levels. The amendment is fully offset by reducing funding to the Teacher Quality State Grant program and the School Improvement Grant program, two programs that have received substantial funding increases since 2009.

Mr. Chairman, 35 years ago Congress recognized that too many special needs children were being denied an education and the opportunity to maximize their potential and contribution to our society, and 35 years ago severely disabled children who were confined to State institutions received no education. Special needs students did not attend school. They were kept out of classrooms, receiving little education.

□ 2240

Today, more than 6 million children receive an effective education because of IDEA. Special needs children are no longer confined to institutions. The number of special needs students who graduate high school with a diploma has increased. The number of children who go on to enroll in high school has more than tripled since IDEA's enactment. And through IDEA, we have increased our Nation's expectations of our children. But more can and must be done.

The McMorris Rodgers/Kline/Sessions/Harper amendment ensures that Congress keeps its promise. Too often IDEA is overlooked in our education debates. For example, Congress has yet to meet its commitment to cover 40 percent of a student's cost. Barriers to

reliable research prevent effective teaching. Low expectations continue to plague our school systems. The reductions to IDEA in H.R. 1 are just another example of the challenges that IDEA experiences.

This amendment reaffirms that there is no greater priority in Congress than ensuring all children have access to an appropriate education.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Providing a quality education for all students, including those with disabilities, should be one of our highest priorities. So I agree with the goal of this amendment.

But, in fact, we are considering a Republican resolution, this continuing resolution this evening, and it's the majority party, to which the gentlewoman belongs, which cuts IDEA. It cuts special education by \$558 million. So now we have an amendment that attempts to undo the damaging cuts to IDEA, but only by cutting other critical education programs. The damage done in this bill cannot be alleviated by robbing Peter to pay Paul. That's what this amendment is about.

Let me just mention to you that—and our colleague spoke about special education and what it does. But \$558 million is where they come from with regard to education for special needs kids. What that means is almost 7,000 special education teachers and aides and other staff who serve these youngsters would not be there. And it is critical. Teachers and staff are critical to the education of these youngsters. As a matter of fact, the Federal Government mandates that local school districts have to provide this education. And when it was determined that that would be the case, it said that the States would do 60 percent, the Federal Government would do 40 percent.

What's happened now is we've been at about 17 percent in terms of Federal contribution. With the \$558 million cut we go down to about 15 percent.

I would suggest that if there is such a great urgent need and a great burning desire to be able to provide education to special needs children, that we do not cut \$558 million.

Now, where does the money come from? As I mentioned, we're talking about other critical education programs. School improvement grants. I venture to say that everybody is concerned about those schools that are failing, that there's got to be student achievement at these schools. And that's what the current Federal law requires, that there's demonstrable success in student achievement. The funds for the school improvement grants are

appropriated precisely for those schools that fail the test and are seeking to implement a strategy for turning around our Nation's lowest-performing schools. That's where we would take money from in order to turn a potentially failing school, to turn around so that they can go from the lowest-performing to better-performing schools.

The other place that my colleague takes funds from is something called the Teacher Quality Grants, an approximately \$3 billion program and a major piece of No Child Left Behind. This provides funds to States and school districts to develop and support a high quality teacher force.

Aren't we all about making sure that those people who teach our children are qualified to do that? These funds are distributed by formula to all States. They are relied upon tremendously to reduce class size, to ensure that classroom teachers have the proper training and credentials to be effective instructors.

There isn't a day that goes by that we aren't talking about school reform, and at the center of school reform is to develop quality teachers. And, in fact, we want to try to link merit pay to quality teachers, do everything we can, but my colleagues on the other side of the aisle would like to take the money for school improvement grants, teacher quality grants.

I suggest to you that what you do, if you are really truly interested in educating special needs children, that you decide that a \$558 million cut is just not the right thing to do to children who have these special needs and who are mandated by the Federal Government to States to get the kind of training that they need to achieve their level and realize their dreams and aspirations.

I urge my colleagues to oppose this amendment.

Mr. KLINE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. I yield to the gentleman from Montana.

Mr. REHBERG. Mr. Chairman, we have no objection to the amendment, and I intend to vote for the amendment.

Mr. KLINE. I thank the gentleman.

Mr. Chairman, budgeting is about making tough choices. Congress has a responsibility to outline a budget the country can afford that sets priorities to live within those means. Too often in recent years Congress failed in this basic duty. I'm pleased to see us beginning to move in a new direction.

The choice we face today is whether we will begin to uphold our commitments or continue to kick the can down the road for another debate another time. That's why I'm proud to support this amendment.

This amendment will move Congress closer to meeting its commitment to students with disabilities and help schools, all schools across the Nation. It adds to our effort to set the right priorities.

In 1971, a landmark decision was handed down by a Federal judge that ruled the U.S. Constitution prohibits schools from denying access to education based solely on a child's disabilities. While this represented the judgment of one court, states soon followed.

Four years later Congress passed the Education for All Handicapped Children Act. That law, now known as the Individuals with Disabilities Education Act, was designed to help states meet their obligation to provide a quality education to students with disabilities. It is a law that has been improved over the years, most recently, in 2004.

We've worked to strengthen the law's focus on academic achievement, empowered parents to take greater responsibility for the direction of their child's education, and helped to improve the critical relationship between local school leaders and the parents and students they serve. Despite our efforts over the years, more work remains to strengthen the law to ensure students with disabilities receive the education they need. That's why we're here today.

Over the past 35 years, while states have worked to follow the letter of the law and serve these students, the Federal Government has failed to deliver on its promise to fund 40 percent of the additional costs of educating students with disabilities. In fact, Mr. Chairman, we've never funded 20 percent. We haven't made it halfway.

This amendment reallocates resources at the Department of Education to improve our commitment to meet this important need. It makes tough choices we were sent here to make. I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I strongly oppose this amendment. The suggestion has been made by the chairman of my committee that somehow if you vote for this amendment you're increasing the government's commitment to fully fund IDEA. No you're not. You're simply restoring the cut that the Republican caucus already made a decision about, and that was to cut \$558 million. That would be admirable if you restored the cut.

But when you decide therefore to restore the cut, you're going to now have to make additional cuts, and those additional cuts will come out of the most

difficult, hard-pressed failing schools in our country, many with increased populations of children with disabilities. Those will be the schools that we will target.

□ 2250

We will target those schools in the poorest neighborhoods with the poorest records where now, for the first time we have a proposal made, carried out by the Governors, by the local school districts to turn those schools around and to provide the quality education that those children are entitled to so they can take advantage of the opportunities that America presents.

But now money for those schools is going to be taken away on the theory that somehow you are doing a favor for students with disabilities. Don't do them such a favor. I don't think they would appreciate that you are taking the money from their poorest neighbors.

And then, on top of that, you are going to take the funds that we are speaking to. And you have all given the speeches, you have all told people, the most important thing outside of the family is the teacher. Well, this is the funding by which we have prepared teachers to be special education teachers, to be title I teachers, to teach math, to teach science. And now we're going to take that money in the name of somehow that this is a restorative amendment that will be good for IDEA.

Let us understand something. When we were doing No Child Left Behind, we circulated a petition signed by Republicans and Democrats. We had over 300 people sign that and said let's go for full funding. When we offered that amendment in the conference committee, the Republican Members voted it down. You signed the petition. You just didn't have the courage to stand up and put the funding into play, and you have been screwing around with this program ever since. You have tried to use funding for IDEA to batter some other portion of the education community. Little incremental parts were offered year after year, but it always came out of the hide of the less fortunate. You ought to stop it. You ought to stop it.

Poor children need access to high-quality education and students with disabilities need access to high-quality education. The kind of barbaric attitude that is being carried out here in terms of playing these two populations off against one another is simply outrageous. It's unfair to the students with disabilities because it is being done in their name, and we know how desperate they and their families are for education and for the resources to carry out that education. And in their name, we are stripping the resources from some of the poorest children, and also some of the poorest children with disabilities we're stripping the resources for them. That doesn't sound

like a win-win. That doesn't sound like a plus for disabilities.

I have been at this a long time. I had the honor of writing this legislation with my colleagues back in 1975, 1976, and it's an honor and I have defended it my whole life and it's changed people's lives. And the nicest thing that has ever been said to me in public life is when a parent says, But for that law, my child would have never had an education.

But for that law. But I don't think they would have thought that we are now trading their child's education for somebody to deny another student an education. That's not the game that they wanted to play.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members that they must address their remarks to the Chair and not to others in the second person.

Mr. BASS of New Hampshire. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BASS of New Hampshire. I thank the chairman for recognizing me. And I have great respect for my colleague from California and all the hard work that he has done now for generations, practically on this issue.

I would point out that from the late seventies through all of the eighties, special education was funded at 1, 2, 3, 4 percent. And it wasn't until 1995, 1996, 1997—actually '96, '97, '98, '99, into the 2000s that funding for special education began to increase significantly under the Republican-controlled Congress.

President Clinton's own Education Secretary said on a number of different occasions that full funding of special education had to take a second place to the new programs that the administration was offering at the time, which was school construction, school improvement, and these other programs that my friend, the maker of the amendment, was proposing to reduce in order to fund special education.

I have felt for many years that IDEA funding should be the top priority for education funding in the Congress, and I am pleased that we have this amendment that will restore funding to the same level that it was in fiscal year 2010. I would certainly like to have it higher than that, but under the circumstances I believe that this is a good and justifiable improvement. It is especially important and it is different from SIP and teacher quality grants because we make the rules, when it comes to special education, here at the Federal level, and the school districts put out their individual service plans for students, which they have to pay for. So without this amendment and with a cut in funding for special education, it is a direct dollar-for-dollar cost shift to every school district in America.

So this is an amendment that is good. It should be bipartisan, and we

should all support its passage so that we can get special education funding back to FY10 levels.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Mrs. McMORRIS RODGERS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

Mr. TONKO. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chair, I offer this motion to speak out against the egregious cuts that are being addressed here to public education contained in this irresponsible Republican spending bill.

This spending bill cuts over \$1.25 billion in education funding that goes directly to States and school districts to support educating disadvantaged students and special education students. Now is not the time to choke off funding to school districts when stimulus money is eroding and when States are cutting their own budgets. I fear we are leaving schools and our Nation's most vulnerable students behind.

These sections of the irresponsible Republican spending plan represent a nearly 5 percent cut in aid to school districts. For title I funding that supports school budgets and teacher jobs in low-income school districts, this means a \$693.5 million cut. For Individuals with Disabilities Education Act, the IDEA Act, special education funding that supports school districts educating children with special needs and disabilities, this means a \$557.7 million cut.

Title I funding has helped school districts with high poverty levels meet State education standards and ensure equal access to quality education for all of their students. More than 50,000 public schools around this Nation depend on these Federal dollars to maintain their educational services.

This cut to title I funding alone would affect 2,400 schools that serve nearly 1 million disadvantaged students. These schools would lose funding for teachers, for tutors, and for after-school programs. It would mean that nearly 10,000 teachers and aides could lose their jobs. Children could see larger class sizes. And, yes, access to quality education would again be threatened.

Not only does this bill cut funding for education for low-income children, but it institutes painful cuts to special

education programs funded with the IDEA dollars.

For 35 years, IDEA has supported special education, guaranteeing students with disabilities the right to a free, appropriate public education. Millions of students with disabilities have been able to go to public schools because of the IDEA funding school districts receive, allowing them to provide an individualized education for children with those special needs. This bill cuts over one-half billion dollars out of special education funding to school districts. Cuts of this proportion could force States and school districts to lay off almost 7,000 special education teachers and aides and other staff serving children with disabilities.

Just last week, I met with members of the New York State School Board Association who advocated for full funding for title I and especially for IDEA. They stressed the fact that special education funding has never been fully funded to the amount that was originally promised to our schools. These cuts are giant steps backwards after several years of quality investments in title I and IDEA funding.

Furthermore, these cuts would come at a time when States across this country are also slashing education funding. These cuts come at a time when supplemental stimulus aid is drying up. Cuts mean that school districts in local communities will have to make up the difference, potentially with teacher layoffs, larger class sizes, reduced programs, and higher—higher—property taxes. This is not responsible policymaking, especially while our economy is still in recovery.

The majority in this House is lauding the fact that this bill represents the largest spending cut in the history of our country. If they want to cut funding to satisfy their base, fine, but I will not stand for cutting education funding. I will not support budget cuts balanced on the backs of our Nation's students, our youngest citizens, and, indeed, our future.

Mr. Chairman, I urge defeat of this bill.

I yield back the balance of my time.

□ 2300

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman.

I rise in strong support of the amendment to add funding back to title X from my colleagues Congresswoman LOWEY and Congresswoman DELAURO, who have always been fierce advocates for women's health, and I am thrilled to join them in this important fight.

Since 1970, the title X family planning program has been a key component of our Nation's health care infrastructure and an essential element in

the winning strategy to reduce unintended pregnancies. Efforts to cut the title X program would take away funding from essential women's health care providers like Planned Parenthood.

Today, title X serves over 5 million low-income individuals every year. In every State, women and men rely on title X for basic primary and preventative health care, including annual exams, lifesaving cancer screenings, contraception, and testing and treatment for sexually transmitted diseases. In fact, in 2009 alone, title X providers performed 2.2 million Pap tests, 2.3 million breast exams, and over 6 million tests for sexually transmitted diseases, including nearly 1 million HIV tests. And preventative care isn't limited to cancer screenings and education on how to avoid STDs.

If Republicans truly wanted to reduce abortions in this country, they would vote for this amendment. Indeed, title X actually reduces the number of abortions. Title X services help to prevent nearly 1 million unintended pregnancies each year, almost half of which would otherwise end in abortion. So we can say for certain that title X funds play a vital role in helping to reduce the number of abortions in our Nation, working towards the goal of making abortions safe, legal, and rare.

But it goes further. The title X programs through providers like Planned Parenthood provide vital family planning services which help improve the life of the mother and the child. It has been proven time and again that family planning keeps women and children healthy. Studies have shown that when women have better access to family planning, it leads to healthier outcomes for both mother and child.

When women plan their pregnancies, they are more likely to seek prenatal care, improving their own health and the health of their children. In fact, access to family planning is directly linked to declines in maternal and infant mortality rates.

Eliminating the national family planning program will result in millions of women across the country losing access to basic primary and preventative health care and to the providers that offer these services. Without title X, more women will experience unintended pregnancies and face potentially life-threatening cancer and other diseases that could have been prevented.

In recent weeks, Republicans in this Congress have produced some of the most anti-choice, anti-woman, anti-family bills that we have ever seen, trying to redefine rape, raising taxes on women who have private insurance with comprehensive health care coverage, telling women who need our help the most that they are on their own.

But that just didn't just go far enough for them. Republican proposals to cut title X funding and completely

shut down Planned Parenthood, where millions of women receive their only health care, is one of the most spiteful, egregious moves we have ever seen.

It is truly mind-boggling that the same Members who purport to be anti-choice can turn around and say in the same breath that they want to strike all Federal family planning funding. So now they don't just want to make abortions illegal, they also want to throw a huge obstacle in the path of those who want to prevent themselves from ending up in a situation where they might need one. This helps no one. It doesn't help women, it doesn't help families, and it certainly doesn't help reduce our deficit. That is because title X actually saves taxpayer dollars.

Since many of the patients served by title X are on Medicaid, preventive care like cancer screenings and contraceptive counseling actually means fewer costs to the taxpayer in the long run. Indeed, for every public dollar invested in family planning, \$3.74 is saved in Medicaid-related costs. That is savings to both Federal and State governments.

Mr. Chairman, I am proud to support this amendment of my good friends that would reinstate title X funding in the continuing resolution. The decision by Republicans to defund title X was not only reckless, but thoroughly anti-woman, anti-child, and anti-taxpayer.

I urge my colleagues to support this amendment and help correct a massive injustice against American women and families.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1825. (a) Notwithstanding section 1101, the level for "Department of Education, School Improvement Programs" shall be \$3,066,967,000, of which \$2,978,515,000 shall become available on July 1, 2011, and remain available through September 30, 2012 (in addition to the \$1,681,441,000 previously appropriated under such heading that became available on October 1, 2010), and an additional \$1,681,441,000, to remain available through September 30, 2012, shall be available on October 1, 2011 for academic year 2011-2012: *Provided*, That of the amounts available for such heading (1) \$7,463,000 shall be available to carry out subpart 6 of part D of title V of the ESEA; and (2) no funds shall be available for activities authorized under part B of title II, part D of title II, subpart 9 of part D of title V, part B of title VII, or part C of title VII of the ESEA, or part Z of title VIII of the Higher Education Act of 1965.

(b) The first, second, third, fourth, fifth, sixth, eighth, twelfth and thirteenth provisions under the heading "Department of Education, School Improvement Programs" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

AMENDMENT NO. 532 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows.

Page 298, line 12, insert, "or" after "title II,".

Page 298, beginning on line 12, strike "part B of title VII, or part C of title VII".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment will strike the language in H.R. 1 that prohibits the Department of Education from funding the Alaskan Native Education Equity Act and the Native Hawaiian Education Program. The amendment will not add money to the Department of Education budget but will allow the department to fund those programs as they see a need.

I yield at this time to the good lady from Hawaii for a very short statement.

Ms. HIRONO. I thank the gentleman for yielding.

I rise in strong support of this amendment introduced by my colleague, Congressman Don YOUNG, to support Alaska Native and Native Hawaiian education. This amendment makes these worthwhile programs eligible for these education funds.

I urge my colleagues to support this amendment.

Mr. Chair, I rise today in strong support of the amendment introduced by my colleague Congressman Don YOUNG.

I appreciate the opportunity to work with him on this amendment. For many years, Congressman YOUNG has been a leader on issues of importance to the indigenous, aboriginal peoples of the United States. He understands that we have a special trust responsibility to American Indians, Alaska Natives, and Native Hawaiians. And while we sit on different sides of the aisle, the bond between the native peoples of Alaska and Hawaii transcends political party.

The Native Hawaiian Education Act was enacted in 1988 and was last reauthorized in 2002 as a part of the No Child Left Behind Act. Native Hawaiians have historically experienced educational risk factors, such as high rates of poverty and low academic achievement. The modest appropriations provided under the Native Hawaiian Education Act have helped to improve educational opportunities for Native Hawaiian children and remain necessary in reversing low achievement trends.

One of the successes of the program has been the flourishing of the Hawaiian language. Following the overthrow of the Kingdom of Hawaii in 1893, use of the Hawaiian language in public classrooms was banned. This decline in the use of the language paralleled declines in other aspects of a once vibrant culture and community. We know that loss of one's language is part and parcel of the loss of one's culture. Like all too many native languages, Hawaiian was on the brink of extinction. It was only in 1986 that the ban on Hawaiian language in schools was removed. Now, with funds from the Native Hawaiian Education Act, Hawaiian language is taught through immersion schools, beginning in kindergarten and continuing through high school.

We now have a growing cadre of young people who are fluent in the Hawaiian language—thanks in great part to the existence of the Native Hawaiian Education Program. Several tribes have looked to the success of the Hawaiian language program as a model for how they can ensure the survival of their language.

I met with a student named Kuulei last week. She grew up in a Hawaiian homestead community where attending college was not thought possible. She attended a Native Hawaiian immersion school and through hard work and perseverance is now a student at the University of Hawaii at Hilo. After graduation, she plans to become a teacher so she can inspire the next generation of Native Hawaiian students.

The school that Kuulei attends, the University of Hawaii at Hilo is home to the Ka Haka Ula O Keelikolani College of Hawaiian Language. In December 2010, the College awarded its first two doctorates in Hawaiian and Indigenous Language and Culture Revitalization. The honors went to Katarina Edmonds, a Maori educator from New Zealand, and Kauanoe Kamana, the first of Native Hawaiian ancestry to receive a Ph.D. in Hawaiian Language from UH Hilo.

The amendment before you today does not increase funding for Alaska Native or Native Hawaiian education programs. All this amendment does is make these worthwhile and successful programs eligible for funds from the Department of Education School Improvement account.

I urge my colleagues to support this amendment. Mahalo nui loa (thank you very much).

Mr. YOUNG of Alaska. Mr. Chairman, I urge my colleagues to vote yes on the amendment.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, as I understand the current definition of an earmark as defined by this body, the two programs that the gentleman is seeking to restore are both earmarks.

Alaskan native education and native Hawaiian education programs are worthy programs, there is no doubt in my mind, and I believe the overall purpose of both is to ensure that the unique educational needs of Alaskan and Hawaiian natives are met. Clearly we all want the same for our constituents. But I think we have to be clear about what these programs are. They are earmarks with a pricetag that approaches \$70 million.

Now, this majority has been very proud of their policy to ban all earmarks. If I might, I would like to just read from the comments of the chair of the Appropriations Committee, Mr. ROGERS, in his summary for the fiscal year 2011 continuing resolution.

“The continuing resolution includes no earmark funding and eliminates all previous earmark funding from fiscal year 2010, saving the taxpayers ap-

proximately \$8.5 billion. In addition, the bill includes language specifically negating any and all earmarks as defined by House rules.”

Again, as I say, this majority has been very, very proud of their policy to ban all earmarks. That is why, really, the decision by my Republican colleague from Alaska is therefore hard to understand, and the support that the majority is providing for this amendment is hard to understand. But I think it is clear evidence that the status quo remains when it comes to special favors and when it comes to special interests.

I yield back the balance of my time.

Mr. REHBERG. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Montana is recognized for 5 minutes.

Mr. REHBERG. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I am deeply disappointed in the lady from Connecticut. This is a program that has been in existence since 1994, and you voted for it every time. This is not an earmark. This is an existing program. And I've heard you rail all night about restoring money, which are all earmarks. You're dead wrong.

Ms. DELAURO. Mr. Chair, doesn't the gentleman have to address the Chair?

Mr. YOUNG of Alaska. Well, all right. I'll address the Chair, but I'll look over there.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind all Members to address their remarks to the Chair.

Mr. YOUNG of Alaska. I am going to say respectfully, this is an existing program, and the reason it was started is because Alaskan natives and the Hawaiian natives do not receive money from the BIA. It was started to recognize an inequity of those people that live in both of our States. It is not a new program, and this language as written is at the discretion of the Department as they see a need.

Like I say, I thought we were going to start a little bit of a bipartisan effort on this side, and I don't see it when those people will take away from some of the most impoverished people who have not had that opportunity.

So I am urging my colleagues to vote “yes” on this amendment. And I say to those that oppose it, shame on you. I have heard the bleeding hearts all night, and it deeply disturbs me that they would say this is something different when it is an existing program.

□ 2310

Mr. REHBERG. Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield to the distinguished ranking member.

Ms. DELAURO. I thank the gentleman.

Mr. Chairman, I would just say to my colleague and friend, I might add, and my friends here, that this in fact is in the same category of a program as Teach for America, the National Writing Project, and other projects, just to name a couple, that have been designated by the majority as earmarks. This is the same category of programs. We cannot be talking about a series of programs on the one hand which are categorized as earmarks and then the other the same, in the same breath, then say these, because they are of specific interest to me or anyone else, that in fact then they are not.

If the majority is going to be true to its principle—and it has been a very, very defined principle. It's one which I quoted specifically the chairman of the Appropriations Committee, who made a special point of letting not only us but the country know that earmarks were not going to be a part of this continuing resolution. I did not say that. I have not stood here and made a claim that the problem with spending in this country is about earmarks and they should all be gone.

Now you either have to define the earmarks, stick to your definition and your principle, or don't. And then let's talk about Teach for America, the Writing Project, and the others that have been categorized as earmarks. Let's have a level playing field.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chair, I rise today in support of the amendment offered by my colleagues Congressman DON YOUNG and Congresswoman MAZIE HIRONO.

This amendment removes the current language in H.R. 1 that prohibits the Department of Education from funding the Alaska Native Education Equity Act and the Native Hawaiian Education Program. No additional funds are added to the underlying bill.

Alaska and Hawaiian natives historically have had lower student achievement levels due to high rates of poverty and the lack of resources available to them. Investment in Alaska Native and Native Hawaiian programs have decreased student dropout rates and improved student achievement. These programs provide students a quality education while also recognizing and building upon their unique cultural backgrounds.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of all Native Americans, Alaska Natives, and Native Hawaiians. I will continue to advocate on behalf of all of our native populations and work to ensure that they have equal opportunities to succeed.

Mr. Chair, I urge my colleagues to support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1826. (a) Notwithstanding section 1101, the level for "Department of Education, Innovation and Improvement" shall be \$885,786,000, and no funds shall be available for activities authorized under subpart 5 of part A of title II, part D of title II, part D of title V, or section 1504 of the ESEA, or part F of title VIII of the Higher Education Act of 1965.

(b) The first, second, third, fourth, fifth, seventeenth and eighteenth provisos under the heading "Department of Education, Innovation and Improvement" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1827. (a) Notwithstanding section 1101, the level for "Department of Education, Safe Schools and Citizenship Education" shall be \$191,341,000, of which no funds shall be available for activities authorized under subpart 3 of part C of title II or subpart 2, 3, or 10 of part D of title V of the ESEA.

(b) The first, second, and third provisos under the heading "Department of Education, Safe Schools and Citizenship Education" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1828. (a) Notwithstanding section 1101, the level for "Department of Education, Special Education" shall be \$3,414,870,000, of which \$3,168,654,000 shall become available on July 1, 2011, and remain available through September 30, 2012 (in addition to the \$8,592,383,000 previously appropriated under such heading that became available on October 1, 2010), and an additional \$8,592,383,000, to remain available through September 30, 2012, shall be available on October 1, 2011 for academic year 2011-2012.

(b) The first and second provisos under the heading "Department of Education, Special Education" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1829. (a) Notwithstanding section 1101, the level for "Department of Education, Rehabilitation Services and Disability Research" shall be \$3,453,388,000.

(b) The second proviso under the heading "Department of Education, Rehabilitation Services and Disability Research" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1830. (a) Notwithstanding section 1101, the level for "Department of Education, Career, Technical, and Adult Education" shall be \$1,017,338,000, to become available on July 1, 2011, and remain available through September 30, 2012 (in addition to the \$791,000,000 previously appropriated under such heading that became available on October 1, 2010), and an additional \$791,000,000 to remain available through September 30, 2012, shall be available on October 1, 2011 for academic year 2011-2012: *Provided*, That of the amounts available for such heading, no funds shall be available for activities authorized under subpart 4 of part D of title V of the ESEA, or part D of title VIII of the Higher Education Amendments of 1998.

(b) The first, second, third, seventh and eighth provisos under the heading "Department of Education, Career, Technical, and

Adult Education" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1831. Notwithstanding section 1101, the level for "Department of Education, Student Financial Assistance" shall be \$18,475,492,000, of which \$17,495,000,000 shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 and \$980,492,000 shall be available to carry out part C of title IV of the Higher Education Act of 1965. The maximum Pell grant for which a student shall be eligible during award year 2011-2012 shall be \$4,015.

AMENDMENT NO. 490 OFFERED BY MS. CHU

Ms. CHU. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 301, line 16, strike "\$4,015" and insert "\$4,860".

Mr. REHBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved by the gentleman from Montana.

The gentlewoman from California is recognized for 5 minutes.

Ms. CHU. Mr. Chair, I rise today to strongly support investing in America's future. I rise to present the Chu-Moore-Jackson Lee amendment to restore full funding to the Pell Grant program.

With this CR, the Republicans slashed the very funding that ensures every American has the opportunity to go to college. H.R. 1 does something that is shocking, especially in these tough economic times. It deprives millions of students of the financial support that they need to go to college. At a time when people are losing jobs, when people can't find jobs, when people are scared about whether they have a future, Republicans are cutting Pell Grant financial aid by 15 percent for students across the board. This is an astounding number.

If the Republicans gut this program, there will be 9 million students who will have cuts in their financial aid, endangering their ability to go to college. It is the largest cut in student financial aid in history. This will hit the neediest students hardest. In California, my home State, one-third of undergraduates—nearly 65,000 students—get this money for college. And most come from families making less than \$30,000 a year.

But this is about more than just numbers and statistics. This is about real people and real students, whose real futures are at stake. Students like Chris Hamm who attends the University of Cincinnati. Chris' Pell Grant pays for a quarter of his college tuition. Without this money, Chris doesn't think he will be able to afford school and will be forced to drop out, leaving him few options in this tough economy.

Today, we know we are no longer in an arms race. Today, we are in a brains race. Every year, we are falling further and further behind other countries. Fewer Americans are getting a college degree compared to those from other countries. We don't have all the science, math, and talent we need to compete. America's ability to remain competitive in a global modern economy hinges on our ability to encourage and grow a highly educated workforce.

Gutting Pell Grants in this bill will only compound our future economic challenges and undermine the dream that we have for our young people to join the middle class. Pell Grants aren't just an investment in an individual student but an investment in the future of our Nation.

We need a comprehensive approach that makes strategic cuts in investments with an eye to the future. Instead, the Republicans are taking a meat ax to programs that are crucial to American competitiveness. This strategy is senseless and it is tragic. It is tantamount to telling our young people, You will not have a future.

Instead, we must win the future by out-innovating, out-building, and out-educating the world. We must train all Americans from every class and background to succeed in the economy of tomorrow. We must give them the financial aid that they need. So I ask Members to support this amendment and restore Pell Grant funding to our students.

I yield back the balance of my time.

Ms. HIRONO. Mr. Chair, I rise today in support of the Chu amendment, and for the 19,000 students in Hawaii who rely on Pell grants to pay for college.

That's 22 percent of the student body at Maui College. 30 percent at the University of Hawaii at Hilo. 17 percent at UH Manoa. 18 percent at UH West Oahu. 22 percent at Chaminade. 13 percent at Hawaii Pacific University.

The underlying bill turns a blind eye to these 19,000 students in Hawaii, and 9 million students nationwide. H.R. 1 would slash Pell grants by more than 15 percent, the largest cut in the program's history.

Investing in education is an investment in our future. Employees with a bachelor's degree earn more than \$20,000 per year more than those without a degree, and in turn contribute more to the economy in taxes and spending. For low-income families struggling to make ends meet, Pell grants are a lifeline to help students pay for college.

Meanwhile, Pell grants have not kept pace with rising tuition costs. In 1979, Pell grants helped low-income students at four-year public colleges pay for 77 percent of their tuition, fees, room, and board. Today, the grant covers less than half that—just 34 percent of college expenses.

In this difficult economy, slashing investments in education like Pell is exactly the wrong move to make. The Chu amendment would restore full funding to the Pell grant program, and I urge my colleagues to adopt it.

Ms. MATSUI. Mr. Chair, I rise today in opposition to the CR put forward by my Republican colleagues, and in support of the amendment offered by Ms. CHU of California, which would restore full funding to the Pell Grant program.

H.R. 1 makes severe cuts to student aid programs in a time of tuition increases and tough economic standings. These cuts will impose an even heavier burden on many students and families. Specifically, this bill makes the largest cut the Pell Grant program, more than 15 percent.

The Federal Pell Grant program provides much needed financial support for more than nine million students nationwide and makes. This amendment would specifically maintain the maximum award level for Pell Grants at \$5,550.

Pell Grant are solely based on an individual's financial needs and are not required to be paid back. They are an effective mechanism to help students offset the expensive costs of text books, room and board, and school supplies.

For many, this grant makes the difference between attending college or dropping out because they don't have the money to afford tuition or books. Yet we know that access to higher education is critical to our nation's economic competitiveness.

We need to do be more to encourage students to pursue education. Unfortunately, this legislation will only set us backwards.

This funding is crucial for students in my district and these drastic cuts will have an adverse affect on our nation's ability to be an economic leader. Maintaining access to quality and affordable education is a vital priority.

I urge my colleagues to vote in favor of this amendment and against this C.R.

POINT OF ORDER

Mr. REHBERG. Mr. Chairman, the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states: "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI."

The amendment proposes a net increase in budget authority in the bill in violation of such section.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Ms. MOORE. Mr. Chairman, I would just like to say that I think that the point of order should not be considered in order because this continuing resolution looks at striking waste, fraud, and fat out of our budget. And I would argue that amendment No. 490 is in fact the bone, the nerve, the blood, and the sinew of our economy.

The Acting CHAIR. The gentlewoman will confine her remarks to the point of order.

□ 2320

Ms. MOORE. I am, Mr. Chair, making the point that this amendment is in

order because it deals with the continuing resolution which would slash the Pell Grant funding by \$845 and that the purpose of this continuing resolution is to slash funding that is unnecessary in our budget. I would argue that this amendment should be made in order because the Pell Grant is the cornerstone of our Federal financial aid programs.

The Acting CHAIR. The Chair would again remind the gentlewoman to confine her remarks to the point of order.

Ms. MOORE. Will the gentleman restate his point of order?

The Acting CHAIR. The gentleman is recognized to restate his point of order.

Mr. REHBERG. Mr. Chairman, the amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states:

"It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI."

The amendment proposes a net increase in budget authority in the bill in violation of such section.

Again, Mr. Chairman, I ask for a ruling of the Chair.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Montana makes a point of order that the amendment offered by the gentlewoman from California violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

AMENDMENT NO. 239 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 301, at the end of line 16, strike "\$4,015" and insert "\$4,860."

Mr. REHBERG. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Montana reserves a point of order.

The gentlewoman from Texas is recognized for 5 minutes.

PARLIAMENTARY INQUIRIES

Ms. JACKSON LEE of Texas. Mr. Chair, I have a parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her inquiry.

Ms. JACKSON LEE of Texas. I respect the gentleman, but there were individuals who wanted to debate on the amendment of Ms. CHU, and I think we are allowed to do that except that the gentleman rose on his point of order and started speaking to it before we could strike the last word.

Will others be allowed to debate before the gentleman pursues his point of order?

The Acting CHAIR. The Members may offer pro forma amendments. But when an amendment is offered, there is no requirement that any point of order be reserved rather than pressed.

Ms. JACKSON LEE of Texas. A further parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her inquiry.

Ms. JACKSON LEE of Texas. So, if Members are on their feet, you would be kind enough to recognize them before the gentleman from Montana pursues a point of order, which he has already reserved?

The Acting CHAIR. A pro forma amendment may not be offered while a point of order is pending.

Ms. JACKSON LEE of Texas. Let me say that I rise to join with the Chu-Moore-Jackson Lee amendment and that I now rise to introduce the Jackson Lee amendment, which also addresses the question of the Pell Grant. I would hope that my colleagues would be allowed to debate it. I consider this an emergency, and I will make this point as the gentleman makes his point of order.

Mr. Chair, let me just refer to where we are today because we are needing to be engaged in creating jobs. I am not sure what my colleagues heard in the last election, but what I heard was that we needed jobs.

It is clear—and I hope that we can see this—we have been here for 5 weeks plus, and the number of jobs that have been created by the Republicans is zero. So here we are now with a 15 percent cut on Pell Grants.

What does that mean?

It means that schools all around the Nation will not be able to provide Pell Grants to the individual students who need them. In fact, in my own district, with this 15 percent cut, this 5,550 going down to 4,705 will drastically impact students in my constituency.

For example, the cuts will jeopardize education and the future of 16,570 students who are currently dependent on Pell Grants in order to finance their education. 5,726 are currently studying at Texas Southern University and 10,847 at the University of Houston—16,570 in my district alone. Those from the State of Montana will lose their Pell Grants. Those from the State of Alabama, from the State of Connecticut, and from the State of Wisconsin will lose their Pell Grants. But

the real insult is that this will stop the education of thousands upon thousands of students in the middle of their education.

Again, how many jobs have the Republicans created?—zero.

I always want to bring this chart, which is very hard to see, but we can see how many jobs we lost in the last administration. We are on the rise of creating jobs. In fact, the CBO said that our future is great. It will not be great with a misguided plan to eliminate \$600 million from the Pell Grant program. It is absolutely absurd. For example, let me share with you thoughts from *The New York Times*:

This CR is ideologically driven. We started with a \$74 billion cut, but because the Republicans decided that it is preferable to abide by polls, they decided to move to a draconian and ludicrous \$100 billion.

That means that \$600 million was cut from Pell Grants.

In addition to an amendment that I did not offer, the NIH, we see that those grants that were competitive for fellowships and research have also been drastically cut at Texas Southern University and at the University of Houston, and many State institutions in Texas are impacted by the cuts of the NIH grants.

But this is the greatest sin: In a meeting that I had with my community colleges and my school districts, they were in complete panic about losing Pell Grants that will then impact on the wonderful upsurge of jobs from what we had lost in the last administration.

I would simply ask my colleagues: Why are we going down a pathway that would take away the growth that we have provided?

So I would ask, as we look to the future, that this be restored. My amendment and Ms. CHU's amendment—the one that I joined and the one that I intended to speak on—was, in fact, to restore these dollars.

A new Wall Street Journal survey of economists shows they expect the

economy to expand at the fastest pace since 2003 but not with these draconian cuts. Why wouldn't they do as the President's budget has done, which is to get rid of the 2 percent tax cuts for the billionaires? We might be able to provide \$600 million for students. But no. We want to, I guess, stand with ideological viewpoints and with individuals who say, I was sent here to budget cut.

You were sent here to govern. You were sent here to protect the American people. Students who will create the workforce of the 21st century, you are now telling them they can't get an education.

Let me say this: The Constitution reminds us of what a wonderful country we live in—a country that believes we all are created equal. We don't have the same economic opportunities, meaning the same wealth, but we do have the ability to access education through wonderful programs like the Pell Grant program. Now you're telling poor and low-income students the door is closed; the lights are out; you're not equal, and you don't deserve an education.

I would say that this is an abomination. Support the amendments that will provide for \$600 million restored to the Pell Grants. I ask my colleagues to vote for the amendment.

Mr. Chair, I move to strike the last word.

H.R. 1, the Continuing Resolution making appropriations to fund the federal government through September 20, 2011 contains some very deep cuts that will be very hurtful to many Americans, especially those who are the most vulnerable—disadvantaged women and families, children, minorities, the elderly, and our nation's university students. The proposed cuts in the CR will have a disproportionate effect on the low-income and minority portions of our population.

As we face a large deficit and growing debt, we know that cuts will have to be made. And yes, some of those cuts will be painful. However, we must be careful not to place added burdens and cause greater harms to those Americans who are the most vulnerable and in need of our support the most.

The proposed CR calls for a 15 percent reduction in funding for Pell grants. Such a cut will reduce the maximum Pell grant award from its current level of \$5,550 to \$4,705. This would present a serious problem for institutions of higher learning, but more importantly, it creates a major hardship on students.

Current students who receive Pell grants would have to figure out a way to come up with nearly an additional \$1,000 in order to continue their education. Students who have been accepted to school and have received their financial aid packages are also put in a position that would force them to find and secure additional funds for their schooling. Pell Grants provide the basic foundation of federal student aid and help more than 8 million students afford to attend college.

To some of us, \$800–\$1,000 may not seem significant. However, to a student who qualifies for Pell grant assistance, and relies on those funds, this would be a great hardship, potentially forcing students to take time off from their schooling.

In my district in Houston, TX, these cuts will jeopardize the education and future of 16,570 students who are currently dependent on Pell grants in order to finance their education—5,726 currently studying at Texas Southern University and 10,847 at University of Houston. 16,570 students in one Congressional District alone will be unfairly affected by these cuts.

In the entire state of Texas, 650,790 students currently enrolled in school will be forced to deal with unexpected financial hardships under this provision. In other words, in my state alone, the number of students negatively impacted by this drastic cut to Pell grant funding is more than the entire population of Washington, DC. Nationwide, more than 9 million students would potentially be impacted.

Mr. Chair, these cuts are an unnecessary and unfair hardship that will be forced on college students. These young men and women represent the future labor force of our country, and in these trying economic times, I believe it is extremely appalling for Members of Congress to purposefully jeopardize the educational and economic future of our country.

ESTIMATED STATE-BY-STATE IMPACT ON FEDERAL PELL GRANT PROGRAM

State or Area	AY 2011–12 \$5,550 Maximum Grant			AY 2011–12 Difference at \$4,705 Maximum Grant		
	Aid Available	Recipients	Avg. Award	Aid Available	Recipients	Avg. Award
Alabama	\$772,900,000	178,348	\$4,334	(\$127,700,000)	(184)	(\$713)
Alaska	\$32,700,000	8,434	\$3,877	(\$5,400,000)	(8)	(\$637)
Arizona	\$2,221,700,000	601,345	\$3,695	(\$356,500,000)	(337)	(\$592)
Arkansas	\$416,200,000	94,780	\$4,391	(\$68,800,000)	(97)	(\$722)
California	\$4,330,700,000	1,038,137	\$4,172	(\$704,000,000)	(980)	(\$675)
Colorado	\$594,400,000	150,699	\$3,944	(\$98,200,000)	(156)	(\$648)
Connecticut	\$281,300,000	72,492	\$3,880	(\$46,400,000)	(75)	(\$636)
Delaware	\$65,500,000	16,594	\$3,947	(\$10,800,000)	(17)	(\$647)
District of Columbia	\$165,600,000	44,606	\$3,713	(\$27,400,000)	(46)	(\$612)
Florida	\$2,363,500,000	587,309	\$4,365	(\$416,200,000)	(388)	(\$706)
Georgia	\$1,365,500,000	314,859	\$4,337	(\$223,000,000)	(241)	(\$706)
Hawaii	\$80,700,000	18,859	\$4,279	(\$13,300,000)	(19)	(\$702)
Idaho	\$211,600,000	48,803	\$4,336	(\$35,000,000)	(50)	(\$714)
Illinois	\$1,693,800,000	395,672	\$4,281	(\$277,500,000)	(282)	(\$699)
Indiana	\$802,900,000	204,045	\$3,935	(\$132,700,000)	(210)	(\$647)
Iowa	\$809,200,000	205,546	\$3,937	(\$133,700,000)	(212)	(\$647)
Kansas	\$316,500,000	76,782	\$4,122	(\$52,300,000)	(79)	(\$678)
Kentucky	\$593,300,000	138,742	\$4,276	(\$98,000,000)	(143)	(\$702)
Louisiana	\$578,200,000	130,187	\$4,441	(\$95,600,000)	(134)	(\$730)
Maine	\$133,000,000	31,503	\$4,222	(\$22,000,000)	(32)	(\$695)
Maryland	\$492,600,000	123,070	\$4,003	(\$81,400,000)	(128)	(\$658)
Massachusetts	\$575,600,000	136,517	\$4,216	(\$95,100,000)	(141)	(\$693)
Michigan	\$1,404,800,000	346,109	\$4,059	(\$231,700,000)	(461)	(\$665)
Minnesota	\$583,000,000	148,629	\$3,923	(\$96,300,000)	(153)	(\$645)
Mississippi	\$566,100,000	120,540	\$4,696	(\$93,500,000)	(125)	(\$771)
Missouri	\$736,600,000	179,451	\$4,105	(\$121,700,000)	(185)	(\$675)

ESTIMATED STATE-BY-STATE IMPACT ON FEDERAL PELL GRANT PROGRAM—Continued

State or Area	AY 2011–12 \$5,550 Maximum Grant			AY 2011–12 Difference at \$4,705 Maximum Grant		
	Aid Available	Recipients	Avg. Award	Aid Available	Recipients	Avg. Award
Montana	\$104,700,000	23,896	\$4,381	(\$17,300,000)	(25)	(\$720)
Nebraska	\$171,400,000	43,355	\$3,953	(\$28,300,000)	(45)	(\$649)
Nevada	\$129,600,000	32,896	\$3,940	(\$21,400,000)	(34)	(\$647)
New Hampshire	\$86,100,000	21,354	\$4,032	(\$14,200,000)	(23)	(\$661)
New Jersey	\$804,000,000	185,446	\$4,335	(\$132,800,000)	(192)	(\$712)
New Mexico	\$274,000,000	66,784	\$4,103	(\$45,300,000)	(69)	(\$675)
New York	\$2,832,900,000	536,983	\$5,276	(\$466,200,000)	(713)	(\$863)
North Carolina	\$993,900,000	249,958	\$3,976	(\$165,700,000)	(312)	(\$659)
North Dakota	\$81,000,000	18,821	\$4,304	(\$13,400,000)	(20)	(\$708)
Ohio	\$1,499,800,000	366,549	\$4,092	(\$247,900,000)	(705)	(\$670)
Oklahoma	\$455,400,000	107,109	\$4,252	(\$75,200,000)	(110)	(\$699)
Oregon	\$459,600,000	111,109	\$4,136	(\$76,000,000)	(115)	(\$680)
Pennsylvania	\$1,226,500,000	302,255	\$4,058	(\$209,900,000)	(804)	(\$686)
Rhode Island	\$151,600,000	36,251	\$4,182	(\$25,000,000)	(38)	(\$686)
South Carolina	\$541,300,000	128,126	\$4,225	(\$89,400,000)	(132)	(\$694)
South Dakota	\$109,800,000	26,634	\$4,123	(\$18,100,000)	(28)	(\$676)
Tennessee	\$778,500,000	184,299	\$4,224	(\$128,700,000)	(190)	(\$695)
Texas	\$2,723,000,000	650,790	\$4,184	(\$444,800,000)	(805)	(\$679)
Utah	\$390,800,000	96,550	\$4,048	(\$64,600,000)	(100)	(\$666)
Vermont	\$55,200,000	13,301	\$4,150	(\$9,100,000)	(14)	(\$680)
Virginia	\$746,300,000	180,219	\$4,141	(\$123,300,000)	(186)	(\$681)
Washington	\$574,000,000	139,500	\$4,115	(\$94,800,000)	(144)	(\$676)
West Virginia	\$274,800,000	61,818	\$4,445	(\$45,400,000)	(63)	(\$730)
Wisconsin	\$486,000,000	119,192	\$4,077	(\$80,300,000)	(123)	(\$670)
Wyoming	\$51,100,000	12,284	\$4,160	(\$8,400,000)	(13)	(\$680)
Puerto Rico	\$1,258,000,000	270,060	\$4,658	(\$195,800,000)	(535)	(\$717)
U.S. Territories	\$71,300,000	15,628	\$4,562	(\$11,700,000)	(16)	(\$744)
Total	\$39,718,500,000	9,413,225	\$4,219	(\$6,517,200,000)	(10,437)	(\$688)

Mr. Chair, I rise today in support of this amendment to strike the provision of the Continuing Resolution, CR, that would significantly reduce the level of funding used by the National Institutes of Health, NIH, to fund competitive and noncompetitive grant programs. The proposed cuts would have a direct detrimental impact on students studying at institutions of higher learning.

Majority of the fellowships offered at institutions of higher education are funded by these competitive and non-competitive grants issued by the National Institutes of Health, NIH. Under the proposed Continuing Resolution, NIH funding would be cut by close to \$1 billion. Such a cut would have a massive and immediate impact on the ability of students to continue their studies.

Many of the fellowships funded by NIH are multi-year programs, meaning that many of the students in receipt of these fellowships are studying in expectation of a certain level of funding. These students are dependent on these funds in order to continue their studies and pay their living expenses. Drastic cuts such as the ones proposed would leave these students in a very difficult situation financially, and in some cases, may even require them to put their studies on hold.

My district, the 18th Congressional District in Houston, TX is home to a number of colleges and universities, amongst those, Texas Southern University—a Historically Black College, and the University Houston system—a massive institution responsible for the education of over 60,000 students.

In 2010, Texas Southern University, a relatively small institution, received \$895,228 in educational grants from NIH alone. The University of Houston, a much larger school, was able to offer close to 900 fellowships to students because of over \$13.9 million dollars of grant funding received from NIH. Under the cuts proposed in the CR, approximately a thousand students in my district alone would be potentially negatively impacted.

These grants from NIH enabled students in my district at Texas Southern University and University of Houston to study and research in

the fields of engineering, pharmacy, optometry, education, social work and other sciences. These students, and hundreds of thousands of other students across the country, are our future. They are actively taking steps to win the future for America, and the cuts proposed in this CR creating hardships that could lead to failure.

Not only will these cuts to NIH funding affect current students, but it will reduce the number of fellowships that colleges and universities will be able to offer to students in the future. We are living in a highly competitive global economy. If America intends to remain a global super power, we must arm our students with the knowledge and tools to remain competitive, specifically quality education. Cutting funding to these organizations will impose a great hardship on students striving to educate themselves in order that they may be competitive in a global economy.

Just a few weeks ago, during the State of the Union address, President Obama laid out his blueprint for how America can “win the future.” He acknowledged the need for America to tighten its belt and make difficult cuts to address our national debt. Saying, “we need to take responsibility for our deficit and reform our government.” And I wholeheartedly agree—cuts will have to be made, and some of those cuts may be painful.

However, in the next breath, President Obama stated, “The first step in winning the future is encouraging American innovation.” The research grants and fellowships that NIH has been providing to students do exactly that. They allow American students to research and spur innovation, which is a long term investment in our economy.

I yield back the balance of my time.

POINT OF ORDER

Mr. REHBERG. Mr. Chairman, the amendment proposes a net increase in budget authority in the bill.

The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states:

“It shall not be in order to consider an amendment to a general appropria-

tions bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI.”

The amendment proposes a net increase in budget authority in the bill in violation of such section.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

□ 2330

Ms. JACKSON LEE of Texas. Mr. Chairman, I tried to craft my discussion in the form of an emergency. The loss of thousands upon thousands of students' access to education, I consider that an emergency.

The Acting CHAIR. The gentlewoman will suspend.

Will the gentlewoman speak to the point of order.

Ms. JACKSON LEE of Texas. Thank you, Mr. Chairman, I will.

I consider this an emergency, and I would ask that this point of order be waived in order to provide for the thousands of students, Mr. Chairman, that are now going to stop school because of the \$1,000, \$800 they will lose. I'm asking the gentleman for a waiver so that this is based on an emergency and the fact there was no offset available that would not impact negatively other vital programs to make America equal. I'd ask for a waiver and I'd ask for this amendment to be accepted and the point of order to be waived.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? The Chair is prepared to rule.

The gentleman from Montana makes a point of order that the amendment offered by the gentlewoman from Texas violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

Ms. MOORE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. Mr. Chairman, I rise to support the Chu-Moore-Jackson Lee amendment for the continuing appropriations act, H.R. 1, because we're deeply concerned about the cuts to the Pell Grant funding contained in the continuing resolution which would slash funding by \$845, a 15 percent cut, and, of course, this amendment would preserve the Pell Grant program and maintain the full award level.

I am, you know, again, just a little bit perturbed, Mr. Chairman. This cut, like so many cuts in the resolution, would disproportionately harm traditionally underserved communities. According to the National Center for Education Statistics, Pell recipients are more likely to be female, first-generation college students, and less likely to be white than those who don't receive the grants. In other words, Mr. Chairman, they kind of look like me.

Minority students also face disproportionate unmet need, meaning the amount that they still need to pay for college even after family contributions, parties, raising money from their churches, grants, nonprivate loans still will not meet their needs to go to college. Women sometimes come into college with more precarious financial situations. They're already parents and mothers.

Now, you know, if this country is prepared to just slide into irrelevancy in the global economic community because we don't educate our workforce, this would be the loss leading legislation to do that. Cutting the program is so counterintuitive to our remaining a first-rate power.

And what is our secret weapon in this country for staying on top? It's our diversity, our diversity to be competitive. We're women. We're blacks. We're Asians. We're Hispanics. We're Indians. We're Hmong. We bring different talents and abilities to the table, and our ability to educate these young people comes with our ability to provide a Pell Grant which levels the playing field for all students.

There's not a politician in this country that doesn't make part of their platform that this country has got to have a highly educated 21st century workforce. There's not a politician, Democrat, Republican, Independent, or

any other stripe, that doesn't say and pronounce that education is the key, and yet we're not willing to provide the lubricant so that key can fit into the lock, and that is the resources to make sure our students can go to school.

This Pell Grant is that opportunity. Don't deny it to students. Don't deny it. Don't deny it, Mr. Chair.

Mr. REYES. Mr. Chair, I rise in strong support for the amendment to H.R. 1 to restore funding for the Pell Grant and stand in firm opposition to the underlying bill.

The Pell Grant is extremely vital to help economically disadvantaged students pay for higher education. In fact, over 55,000 students in my congressional district use the Pell Grant to pay for their higher education costs.

I am highly disappointed that after years of hard work by previous Congresses to increase the maximum Pell Grant award to \$5,500, the Republican Continuing Resolution today would cut Pell Grant resources by \$5.6 billion reducing the maximum Pell Grant award by \$845. Indeed, this cut would translate into a loss of tens of millions of dollars in financial aid for students in my congressional district alone.

As Congress looks to enact the full year Continuing Resolution for fiscal year 2011, H.R. 1, I urge my colleagues to oppose amendments that seek to cut critical education funding and severely impact the future of our students, communities, and nation. While cutting the deficit is important, doing so at the expense of special education grants for local school districts, Head Start for children, and Pell Grants to underserved college students, among other educational initiatives, is the wrong approach and unacceptable.

As it stands, H.R. 1 would not only make it more difficult for college students to afford a higher education, but it also would make it difficult for K-12 schools to provide beneficial services like after school tutoring, or much needed literacy, math and science supplemental education. In fact, as written, H.R. 1 will cut:

Head Start by over \$1 billion, leaving an estimated 127,000 poor children without access to early childhood education, health, and social services and the potential loss of over 14,000 jobs;

ESEA Title IA funding by \$693 million, eliminating critical resources that help schools assist educationally underserved children in high-poverty schools and by some estimates would reduce or eliminate services for 957,000 high-risk children and result in the loss of over 9,000 education jobs;

Individuals with Disabilities Education Act, IDEA, state grants by \$557 million, leaving already struggling states and school districts with fewer resources to meet the needs of over 324,000 students with disabilities and resulting in the loss of another 7,000 education jobs;

Job Corps by \$300 million and eliminate any advance funding appropriated in FY 2010 for use in FY 2011, resulting in a \$900 million cut to the program. These cuts will force the closure of 75 out of 124 Job Corps centers, the loss of over 21,000 jobs, and leave 36,000 at-risk youth without the mentoring and educational services of Job Corps, and;

Hispanic Serving Institutions by \$100 million, leaving many outstanding universities

without the needed funds to educate and prepare the fastest growing demographic group in the country.

Every child deserves a quality education. H.R. 1 threatens America's progress and vision to remain competitive in the global arena. While the deficit should be a top priority, I urge my colleagues to ensure that this bill provides schools and universities the necessary resources to prepare our students for the future.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1832. Of the unobligated balances of funds made available in subparagraphs (A) through (E) of section 401A(e)(1) of the Higher Education Act of 1965, \$986,433,851 is rescinded.

SEC. 1833. (a) Notwithstanding section 1101, the level for "Department of Education, Higher Education" shall be \$1,690,285,000, of which no funds shall be available for activities authorized under part A of title II, part B of title VII or subpart 1 of part D of title VII of the Higher Education Act of 1965, section 1543 of the Higher Education Amendments of 1992, part H of title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, or section 117 of the Carl D. Perkins Career and Technical Education Act of 2006.

(b) The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth provisos under the heading "Department of Education, Higher Education" in division D of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 1834. Notwithstanding section 1101, the level for "Department of Education, Institute of Education Sciences" shall be \$530,106,000.

SEC. 1835. Notwithstanding section 1101, the level for "Corporation for National and Community Service, Operating Expenses" shall be \$0.

SEC. 1836. Notwithstanding section 1101, the level for "Corporation for National and Community Service, National Service Trust" shall be \$50,000,000.

SEC. 1837. Notwithstanding section 1101, the level for "Corporation for National and Community Service, Salaries and Expenses" shall be \$68,000,000.

SEC. 1838. (a) Of the funds made available for "Corporation for Public Broadcasting" in title IV of division F of Public Law 111-8, the unobligated balance is rescinded.

(b) The amounts included under the heading "Corporation for Public Broadcasting" in division D of Public Law 111-117 shall be applied to funds appropriated by this division as follows: by substituting "\$0" for "\$86,000,000"; by substituting "\$0" for "\$25,000,000"; by substituting "\$0" for "\$36,000,000"; and by substituting "\$0" for "\$25,000,000".

AMENDMENT NO. 436 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 303, strike lines 3 through 9 and insert the following:

(b) For payment to the Corporation for Public Broadcasting ("Corporation"), as authorized by the Communications Act of 1934,

an amount which shall be available within limitations specified by that Act, for the fiscal year 2013, \$460,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose.

(c) For taxable years beginning after the date of the enactment of this Act, the allowance under section 611 of the Internal Revenue Code of 1986 with respect to an oil or gas well shall be calculated without regard to subsection (c) or (d) of section 613A of such Code.

Mr. REHBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Montana reserves a point of order.

The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Chairman, I'm sad to have to offer this amendment this evening. It's more unfortunate that if we're going to be subject to a strict interpretation of the House rules, I have a list of provisions already in this young session where time after time the majority has chosen to waive the rules since they were first adopted, when it served their purpose. If our colleagues are serious about cutting the deficit, they will not just allow the amendment to be debated, but they will vote upon it and pass it.

Mr. Chairman, the public doesn't care whether the deficit is reduced by closing a tax loophole or reducing spending. I'll bet it would rather stop another giveaway to large oil companies rather than cutting programs that are important to them. For that matter, I think the voters like public broadcasting a lot more than they like Congress.

These funds for public broadcasting are absolutely essential to protect. It helps serve 170 million Americans every month. Especially important are the innovative programs for education, culture, and public affairs.

Make no mistake, the reduction of the funds that are contemplated by my colleagues in 2 years, eliminating public broadcasting support altogether, will damage all the stations, and, indeed, I think all of us listen to these stations ourselves. But it would particularly hurt the stations in rural and small town America.

First, small town stations rely more heavily on public funds than the stations in big cities like Boston, New York, Chicago, and even Portland, Oregon.

Second, not only do these smaller communities rely more heavily on the stations that are located there, but in rural and small town America, the circumstance is that it is much more expensive to broadcast to them. Taking an example in a region familiar to the Chairman, in our Pacific Northwest, for Oregon public broadcasting, which serves both our districts, it costs 11 times as much to broadcast to remote Burns, Oregon, than it does in the metropolitan area.

Public broadcasting is also the source of innovative journalism that you're not going to find anyplace else. At a time when large corporate newsrooms are cutting back on foreign affairs, for instance, public broadcasting, because of the generous support of viewers and support from the country itself, is being able to expand its foreign coverage.

□ 2340

I'll bet most of us in this Chamber today relied on NPR first thing in the morning as we were getting ready to go to work to be aware of the recent events, for example, in Egypt. It is particularly important for our children. Public broadcasting is the only source of programming that is geared to educate our children, not try to sell something to them. Pulling out this vital public funding stream is going to undermine that mission of educating our children.

And at a time when I would think that we would want to support public-private partnerships, taking away the essential contributions that the Federal Government has provided since 1967 undermines that public-private partnership where we see six, seven times the funding leveraged as a result of that public contribution.

Mr. Chairman, we've seen this movie before. The Republicans, when they came into power before, tried to shut down public broadcasting, and we have seen the American public push back. Just this last week, tens of thousands of people have called our offices entreating us to allow the funding to continue. I would strongly urge that there not be selective application of the rules to this amendment but waive, as the majority has done time and time again for their purposes, to enable this provision to go forward.

I yield back the balance of my time.

POINT OF ORDER

Mr. REHBERG. Mr. Chairman, the amendment adds a limitation to a general appropriations bill. Under clause 2 of rule XXI, such amendments are not in order during the reading of a general appropriations bill. The rule states in part: "Except as provided in paragraph

D, an amendment proposing a limitation not specifically contained or authorized in existing law for the period of the limitation shall not be in order during consideration of a general appropriations bill."

Mr. Chairman, the amendment adds a limitation and is not specifically contained or authorized in existing law during the reading. The amendment, therefore, is in violation of clause 2(c) of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment includes a limitation. As such, under clause 2(c) and 2(d) of rule XXI, it is not in order, as a matter of form, until the reading for amendment has progressed to the end of the bill.

The point of order is sustained.

Mrs. LOWEY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. It's *deja vu*. Here we go again. This week, we are again fighting extreme efforts to dismantle the public broadcasting services that 170 million Americans use for news and education. In 1995 and in 2005, we defeated efforts to slash the Corporation for Public Broadcasting. How long will it take for some people to learn that the public wants Congress to focus on creating jobs, not laying off Burt and Ernie with GO-pink slips. My grandchildren are learning from not only old favorites like Big Bird, but also Maya and Miguel, Clifford the Big Red Dog, and a cast of other fun and educational characters.

Millions of Americans rely on public TV and radio for vital news in the community, and broadcasters leveraged \$6 for every \$1 in Federal funds. Do we want to live in a society in which the only characters that appear on children's programs are those who gross the highest profits rather than those who deliver the most compelling lessons to our kids? Or one where our news is delivered primarily from sources focused on their bottom line? Of course not. That is why I am so pleased to support this amendment to restore cuts.

In recent years, we have already cut funding for programs related to public broadcasting, including the Department of Education's Ready-to-Teach Program. We cannot abandon the Corporation for Public Broadcasting altogether. Republicans should be less preoccupied with silencing Cookie Monster and more focused on getting our economy back on track.

I yield back the balance of my time.

Mr. LAMBORN. I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, I want to thank the hard work that the House Appropriations Committee has done in crafting a bill that in so many ways is making the tough choices necessary to bring back fiscal sanity to Washington. I am pleased that they have incorporated a bill that I had earlier filed in this session, H.R. 69, which also would eliminate taxpayer subsidies for the Corporation for Public Broadcasting. There are a number of well-known accountability groups, such as the Club for Growth, Americans for Limited Government, and National Taxpayers Union, that have all endorsed this end of funding for taxpayer-supported broadcasting.

You know, if we go back in time, in 1967, when the Public Broadcasting Act was first enacted, the intent of that act was "to provide telecommunications services to all citizens in the United States." Well, that has been accomplished. That was over 40 years ago. Now we have 500 channels on cable TV. People get Internet access on their cell phones. We have satellite, wireless available around this country. We have so many media options that are available now that were not available 40 years ago. So we have fulfilled the purpose of that Act.

Now that Republicans are in control of the House, we're getting serious about getting the budget under control.

There is some good programming that the Corporation for Public Broadcasting produces that I personally enjoy and like; but that's not the issue, whether we like it or not. It's whether taxpayers should subsidize this form of broadcasting. When something puts out good quality programming, like the corporation does, they could survive, if they wanted to go into the free market and get funding—whether it's selling advertising or something like that. They are perfectly capable of surviving, and not just surviving but thriving in the open market because they do have some good-quality programming. They don't need to rely on taxpayers.

And when you look at what a deep fiscal hole we are in now as a country—for instance, this annual deficit that we are in the middle of right now is going to be \$1.6 trillion, the highest in the history of this country. The time has come to end funding for government programs that are no longer necessary.

So it's a matter of fiscal responsibility and fiscal sanity that the Appropriations Committee has produced this amendment. It's not against the Corporation for Public Broadcasting; but it's for the taxpayers, saying, You don't have to keep subsidizing something that no longer needs the government crutch that it originally was given.

□ 2350

The amount of money we're talking about is considerable. For fiscal year 2011, the Corporation for Public Broadcasting appropriation is \$430 million. For next year, it will be \$445 million. And President Obama's budget request that was just submitted that we got on Monday asks for \$451 million for 2014. That's almost half a billion dollars. When we have \$1.5 trillion annual deficits, we have to get our budget in order. And the reason is because, by leaving money in the private sector, that will create jobs. Rather than the government and the favored programs having the money, if that can stay in the private sector, people can invest and create private sector jobs, and those are the jobs that Americans are really looking for.

Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oregon that the majority has, unfortunately, ruled out of order.

In this continuing resolution, the Republicans are trying to dismantle one of the most precious landmarks of the entire media landscape. Public broadcasting is an electronic oasis for learning in what has been called the vast wasteland of commercial television.

Now, why do I say that? Well, I say it because you just have to look at what is on commercial television from the perspective of a parent with children trying to ensure that those children are given the educational and informational programming that will help in their development.

Here's a short sampling of what was on television during the day today. There's a spate of daytime soap operas which are full of adult themes not appropriate for young children. Then there were programs on this afternoon such as "Hoarding," "Buried Alive," and "The Babysitter's Seduction." Again, more programming not suitable for children. In addition, there was "Hollywood's Most Shocking Breakups," and "Dog, the Bounty Hunter," and they were not talking about Clifford the Big Red Dog.

Ladies and gentlemen, what we hear is that the private sector, private television, commercial television is taking care of the children's audience. It does not. The Cartoon Network is in no way to be compared to what is on the Public Broadcasting System from 6 a.m. every morning until 6 p.m. every night, 12 hours every day, something that parents can rely upon for their children to see which is educationally nutritious for their development. And it's on every television station, every public

television station in the country, every single day.

Let me give you a typical day. On WGBH up in Boston, but on every other public television station, beginning at 6 a.m., it's "Between the Lions," then "Clifford the Big Red Dog" and "Arthur," followed by "Martha Speaks," "Curious George," "Dinosaur Train" and "WordWorld," which brings us all the way up to noontime. The parents are happy. The kids have good programming that they're watching.

And then rather than soap operas in the afternoon, on the Public Broadcasting System, the kids get to see "Sid the Science Guy," "WordGirl," "The Electric Company," and on and on and on until 6 every night.

PBS is really the children's television network, and generations of children and parents have benefited from this programming being on.

What the Republicans are trying to do is just end this era and just toss these families over to this commercial world, which is fine if you really do believe that Cartoon Network and other networks like that targeted at children for commercial purposes can in any way substitute for this Sesame Street diet that children have been on for more than one generation and have immeasurably helped, not just those that come from the white upper middle class, but in polling it's actually above 80 percent, whether your family is Asian, Hispanic, white, African American. All poll out at 80 percent in terms of what those parents believe about the benefit that comes from the Public Broadcasting System in the children's programming that is presented to those children.

So CPB doesn't just stand for Corporation for Public Broadcasting. It also stands for Children and Parents Benefit. And that's why it's important. And that's why it was important in 1967, and that's why it is important today. This has been the crown jewel in our national media mix when it comes to the children of our country. And this attempt to take out a meat cleaver and to cut this programming source off in a way that would harm those families in our country is a huge mistake.

Now, Mr. BLUMENAUER has attempted to offer an amendment that would have restored the full \$460 million in funding for the Public Broadcasting System. But in turn, what his amendment would have tried to do is to go to the big tax breaks for oil and gas companies in our country.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MARKEY. I would ask unanimous consent for 1 additional minute.

The Acting CHAIR. Is there objection to the request of the gentleman from Massachusetts?

Mr. REHBERG. Mr. Chairman, I object.

The Acting CHAIR. Objection is heard.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I will be happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. And it's altogether understandable why the gentleman who did object objected because I know where he's coming from on this. He did not want to hear the next sentence, because the gentleman from Montana is someone who does believe that the tax breaks for Big Oil should stay on the books. It's \$40 billion over the next 5 years, and he'd rather see a cutting of Big Oil be substituted by a cutting of Big Bird. Okay? That's what tonight's all about, just this misallocation of resources within our society.

And I understand why the gentleman from Montana doesn't want to hear those words spoken, but he should get ready to hear it over and over again. Big Oil is going to get all the breaks that they want, and it might come at the expense of children's television or poor people. But I will tell you this much. Grandma isn't going to get her lunch because of these people over here. And these guys want to continue to take Big Oil to lunch, but we're going to have a big debate about this as each and every day goes by.

I thank the gentlelady, and I congratulate the gentleman from Oregon for making this amendment.

Ms. JACKSON LEE of Texas. Very briefly, and I thank the gentleman from Massachusetts for confirming the strategy that is being used by our friends on the other side of the aisle. If it's good, if it has been good, it's time for it to go.

I'm going to join the gentleman in supporting the gentleman from Oregon's amendment and to cite Channel 8 in Houston, Texas, that compensates for bloody domestic fights on domestic or commercial TV during the day and doesn't expose our children to opportunities for learning.

I might add, the National Public Radio, as well, has its challenges. So I just hope that as we begin to understand that our economy is churning, that we will invest in our children, which the National Public Radio represents.

And as my friend from New York said, Big Bird is still alive, and other new characters have been utilized to teach children. Public broadcast equalizes opportunity for good education in preschool for children who are at home, or in home daycare, to give them an exposure to learning, reading, writing and colorful activities.

So let me just say that I'm sorry the gentleman's amendment was ruled out of order. It looks as if we have just turned our head away from investing in education—cutting Pell Grants, cut-

ting NIH fellowships and scholarships, cutting public broadcast. It looks like we've just said enough is enough with job creation and let's get rid of education as well. And I ask, of course, that this CR be defeated.

Mr. CONNOLLY of Virginia. Mr. Chair, I strongly support the Blumenauer, Lowey, Markey amendment to restore our commitment to the Corporation for Public Broadcasting. Public broadcasting provides an essential service, providing millions of Americans with educational and cultural programming. In my district, and throughout the entire Washington, DC metropolitan region, we have been admirably served by public broadcasting stations like WETA on television and WAMU on the radio for many years.

Support for public broadcasting was first provided in 1967, and has been maintained for more than 40 years—it is an American institution. Whose children have not grown up learning their A,B,Cs from Sesame Street? Who has not enjoyed one of the many rich musical performances or riveting documentaries, including Ken Burns' historic 1990 series on the American Civil War, and a recent series on America's national parks, shown exclusively on PBS?

In America, unlike many countries around the world, the media industry always has been a completely commercial enterprise. Public broadcasting was not designed to supplant private media—and given the explosion of private television channels it clearly has not. Instead it merely provides viewers with a broad selection of educational and cultural programs that are available for free in every household in every community. I myself did not subscribe to cable television until just a few years ago and routinely watched PBS using rabbit ears on my old television set. Millions of Americans choose PBS, and they support it with their own money by donating to local stations during pledge drives. This has been a successful partnership, leveraging public investment with private funds for decades. That's why the proposed Republican cut is all the more surprising, given their alleged reverence for respecting the popular will expressed on You Cut. The number of Americans who support public broadcasting with their private contributions exceeds all of the participation in You Cuts by tens of multiples.

I recognize the need to control federal spending and reduce the deficit, and I support responsible reductions to that end. However, eviscerating public broadcasting is not responsible budgeting and flaunts any pretense of respect for popular support.

While less than twenty percent of its funding comes from the federal government, any reduction in support would result in significant degradation of the educational and cultural programming it provides. Public broadcasting is an extraordinarily cost-effective investment in America's cultural and educational advancement. For more than 40 years, PBS has brought the world to our living rooms, regardless of our financial means or where we lived. A PBS is to broadcasting what the Internet is to the digital revolution, and like the Internet democratizes and makes universal access to information. We must not sever access to such a unifying public resource at the short-

sighted altar of fiscal dogma. I urge my colleagues to join me in supporting the Blumenauer, Lowey, Markey amendment. Support the American institution of Public Broadcasting.

Mrs. CAPPS. Mr. Chair, I rise to speak in strong support of Mr. BLUMENAUER's amendment to restore funding to the Corporation for Public Broadcasting.

The Republican move to gut funding for public broadcasting in this Omnibus spending bill is an incredibly bad idea.

Millions of Americans rely on public broadcasting for their news, entertainment, and local programming.

Public broadcasting provides programs and services that inform, enlighten, and enrich our society.

And in a world enlightened by all too often ill-informed and sensationalist cable "news" shows, public broadcasting provides thoughtful, even handed analysis of the issues of the day.

Simply put, public broadcasting helps educate our society and celebrates the arts, education, respectful debate and civil discourse.

The CPB enables nearly 1,300 public radio and television stations—like KCBX, KCLU, and KOCE, in my district—to stay on the air and broadcast quality, commercial-free news and educational programming.

These stations reach 260 million Americans in every corner of this country—bringing "All Things Considered" and "Car Talk" into our cars and Sesame Street, Frontline, the Newshour and NOVA into our living rooms.

I know that my district is a far richer place because of these important public broadcasting outlets.

The CPB also promotes public-private partnerships.

And as we look for ways to reduce our spending, we ought to look to agencies and programs that have the most bang for the buck.

By providing essential foundational money, the CPB enables public stations to leverage funds to raise the additional resources they need to fully cover operating costs.

Ending CPB funding would undeniably punish these successful partnerships.

Finally, the public radio and TV stations supported by CPB are locally owned and consistently broadcast content important to their communities.

In rural areas, these stations are frequently the only source of free local, national, and international news.

Public broadcasting is often a lifeline for Americans in times of natural disasters, providing up-to-date information on evacuation routes and evacuation center locations.

CPB funds are vital to the success of public broadcasting.

You know, some years ago Newt Gingrich went after Big Bird and the results weren't pretty.

The American people made it clear that they like their local NPR stations and other public broadcasters.

They believed that supporting public broadcasting was a worthwhile use of their tax dollars.

I don't think that sentiment has changed.

I urge my colleagues to restore funding to the CPB by supporting Mr. BLUMENAUER's commonsense amendment.

Ms. MATSUI. Mr. Chair, I rise to express support for Amendment 436, offered by Mr. BLUMENAUER, to restore funding to the Corporation for Public Broadcasting, and I urge my colleagues to vote in support as well.

Recently, I spoke to one of my constituents who expressed his sorrow to me at the prospect of losing public broadcasting services. As he put it, he pays less than two dollars a year in taxes for the service, but it brightens his day every morning that he listens to his favorite public radio shows. To him, it was a simple equation of value for money.

He specifically voiced his support for National Public Radio (NPR) and Public Broadcasting Service (PBS). NPR is a public-private membership media organization that syndicates programming for hundreds of public radio stations across the country. Individual member stations, such as local university stations are required to be non-commercial, and educational in nature, and are not required to broadcast all NPR programming.

And despite what I have heard from my colleagues, the truth is that only about two percent of NPR funding is directly provided by the federal government, under the Corporation for Public Broadcasting (CPB), which also funds PBS. The reality is that the Corporation for Public Broadcasting receives around .0001% of the annual federal budget. Eliminating that funding would save Americans less than half a cent a day, and in doing so, eliminate a valuable educational, cultural, and community resource.

But the value of the services are unending. As a former board chair of my district's local PBS TV station, I can attest to the value local programming offers to my constituents. I hear from families, seniors, and everyday commuters who use public broadcasting to get local news, to learn something new about the world, and teachers who use its educational programming in their classrooms.

Moreover, public TV and radio stations employ over 17,000 people across the country—jobs that no one can afford to lose—and especially not now.

Mr. Chair, the number of listeners and viewers speak for themselves. Every month, over 170 million Americans use public media—through 368 public television stations, 934 public radio stations, hundreds of online services, education services, and in-person events and activities. Every month over half of all Americans use public media.

Defunding public broadcasting would be a deep and misguided error, and would lose our country a great resource.

Maintaining support for public, educational, and government channels and networks is necessary to facilitate communication, and I am dedicated to ensuring that citizens have access to tools that inform, educate, and encourage interest in local activities.

I urge my colleagues to vote yes on Amendment 436, and to uphold the legacy of American public broadcasting.

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The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1839. Notwithstanding section 1101, the level for "Institute of Museum and Li-

brary Services, Office of Museum and Library Services, Grants and Administration" shall be \$265,869,000.

SEC. 1840. Notwithstanding section 1101, the level for "Medicare Payment Advisory Commission, Salaries and Expenses" shall be \$12,450,000.

SEC. 1841. Notwithstanding section 1101, the level for "National Labor Relations Board, Salaries and Expenses" shall be \$233,400,000.

AMENDMENT NO. 410 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chair, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 303, line 19, after the dollar amount insert "(reduced by \$233,400,000)".

Page 359, line 15, after the dollar amount insert "(increased by \$233,400,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. I think it's important to put this discussion tonight in a little context.

Our friends on the other side of the aisle are fond of saying that we want to dismantle this and slash that and cut that. And the truth of the matter, Madam Chair, is that what we want to do is save. We want to save the American taxpayer and, yes, save the country. Because what is happening, and the American people know it, is that this Federal Government has for year after year after year and more over the last 4 years borrowed too much and spent too much and taxed too much, and it's destroying jobs. It is destroying jobs.

If you don't believe the words, all you have to do is look at the picture. The pictures show very clearly that's what is happening. This is 2006 down here when Speaker PELOSI came into power, and the amount of spending at the Federal level. And this is where we are right now, about one-third more under this administration, and this is where it is going. And the American people are sick and tired of it. And what they sent folks here to Washington to do is to decrease spending, to decrease borrowing, and to decrease taxes so that we can put the American people back to work.

That's what this is all about. It's not about some small program here or some large program there. It's about putting American people back to work and making the government the right size.

So I rise on my amendment, which identifies an agency that can only be described as anti-worker and anti-business and anti-jobs. You know what it is, Madam Chair. It is the National Labor Relations Board. It's a New Deal relic charged with conducting elections for labor union representation and investigating unfair labor practices. However, what has happened is that

the board has gotten beyond any claims that it's a neutral arbiter of labor relations. And this starts with Craig Becker, the recess appointment, which means no Senate confirmation by the Obama administration, to lead the board. He has got huge ties to SEIU and AFL-CIO, and has proven to be very adept at carrying the water for Big Labor while siding against American employers and the American taxpayer. He could hardly be characterized as an impartial voice.

The out-of-control NLRB now is seeking to expand the board's role beyond current law. American businesses are under constant threat from the NLRB. They tried to push for card check, which is actually the "Secret Ballot Destruction Act." You will recall, Madam Chair, that this was a bill that the Democrats, when they were in charge of this whole place, couldn't get through Congress so now they want to do it by rule. They want to enact it by rule through the NLRB. A remarkable, remarkable overreach. They try to rig the deck over and over again.

But the rigging of the deck is just what Big Labor needs at this point, because the private sector unionization is only about 7 percent in this country of our workforce. So a new influx of dues-paying members is needed for their contributions and for their political campaigns.

So my amendment is very simple. At a time of crippling national debt that destroys jobs, my amendment would defund the NLRB and save the American taxpayer \$283 million. It makes sense, since this agency really has seen its role remarkably diminish. The NLRB's caseload has shrunk dramatically, by some estimates, a 40 percent drop in elections and petitions since 2001. And yet, while its role has been diminishing, its reach into America's workplaces and into America's pocket-books has only expanded.

So a vote for this amendment would be a vote for America's job creators, and we would work to defund an agency whose time has really, really passed. So I urge the adoption of the amendment.

I yield back the balance of my time.

Ms. DELAURO. Madam Chair, I seek time in opposition.

The Acting CHAIR (Ms. Foxx). The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. This is amazing. What a step backward for democracy if there was support for this bill. This amendment would actually eliminate all funding for the National Labor Relations Board.

The NLRB has been in existence for 75 years. Its functions are to protect the rights of workers to unionize or not unionize; to promote peaceful, productive relations between labor and management. It conducts secret ballot elections to determine whether workers

want to be represented by a union. It investigates, it resolves complaints of unfair labor practices that are brought against both unions and employers. It protects workers from retaliation from exercising their rights. These functions are fundamental to democracy and a workplace. Why do we want to throw out the entire system with nothing to replace it?

If the amendment were adopted, what would take the place of the NLRB in determining workers' preferences about unionization? If workers are fired for joining a union, where would they go for a remedy?

The continuing resolution itself is bad enough as far as the NLRB is concerned. It cuts the board's budget by \$50 million, an 18 percent cut to be made in the last 6 months of the year. So it really winds up being a 36 percent cut. It would have to furlough employees to get through the rest of the year, furloughs that could be as much as 3 months per each employee. Now, these are folks who want to really create jobs, and now we are going to lay off people. In other words, the CR has crippled already the ability of the board to protect workers' rights. It's simply about protecting workers' rights, and to shut down the board completely truly is a backwards step for democracy.

I urge the defeat of the amendment. And I certainly hope whatever the final appropriations legislation for 2011 ultimately emerges will ensure that the NLRB has enough funding to continue to do its job.

I yield back the balance of my time.
Mr. ANDREWS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. This amendment sets a new standard of irresponsibility that I hope the House never again emulates.

Let's assume that a worker who is trying to organize a union is fired because of his or her union organizing activity, files a complaint against the employer for an unfair labor practice, and the National Labor Relations Board is in the process of determining whether that claim is right or wrong and what should happen as a result.

Or, let's imagine that a worker believes that he or she has not been properly represented by the union they are in, and they file a claim against their union claiming that the union has failed in its duty to represent that worker.

This amendment says that both of those claims and others will just stop in the middle. We will pull the plug from the adjudication of the rights of these Americans.

I frankly think that it's ironic that a majority which chooses to define itself in terms of its great devotion to the Constitution may be proposing an

amendment that violates the due process rights of American citizens kind of on its face.

If you file a claim and a duly constituted adjudicatory body starts to hear that claim, my sense is the Congress cannot step in and interrupt that claim in the middle of its adjudication and take your rights away. But that appears to be what is happening here.

This is a precedent that would be inappropriate and even dangerous to the extreme in this regard: The principle that apparently informs this amendment is if Congress doesn't like something that an agency is doing substantively, we can pull the plug on the agency and not give it any more money in the middle of its deliberations.

Imagine for a moment if during the runup to the Wall Street meltdown in 2008 that those of us who were unhappy with decisions of the Securities and Exchange Commission, which we were unhappy with, said we're so unhappy with what the SEC is doing, we're going to defund that organization and stop the process of any investigations they are doing, stop the process of any decisions they are making. Just pull the plug in the middle of their deliberations.

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I think that the majority would have correctly criticized us for an act of irresponsibility. We didn't do that. When we disliked the actions of the SEC, we came together and passed a law, the Dodd-Frank law last year, that tried to improve its operations. That is the way a responsible legislative body acts.

So forget for a moment about the consequences of this amendment for those who work for the NLRB or for those somehow engaged in it. Let's talk about the litigants, the workers, the employers, the unions, all of those involved here. The agency just disappears the day that this law is signed.

Yes, Congress has the power of the purse, but with power comes responsibility. This is an amendment which sets a new low standard of irresponsibility in this House. If we don't like the substantive decisions of an agency, then amend the statute they are operating under or litigate those decisions. But to pull the plug in the middle of decisionmaking that affects thousands of Americans is, frankly, an abuse of the power of the purse. I think it is unconstitutional or a violation of the due process rights of those litigants, and I would urge a "no" vote.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I rise in opposition to this legislation. As my colleague from New Jersey has pointed out and the ranking member of the subcommittee, this amendment, to begin

with, seems to make no sense at all. It is interesting, as the gentleman said, you pull the plug, but then everybody is left without a right. There is no private right of action. There is no place to go.

There were some 1,571 secret ballot elections for union representation last year that were supervised by the National Labor Relations Board to certify those unions, or to decertify unions in some cases where that action was taken in the secret election; and now there will be no remedy. You won't be able to decertify the union; you won't be able to certify the union.

There are employees every day who are fired for simply suggesting to their employer that they would like to have a union. That alone will get you fired over and over again in this country. That employee is now without a job, but no right of action to go back and find out whether that person was wrongfully fired.

The same is true if an employer wants to make an allegation of secondary boycott, which is illegal under the law. Where do they go for the remedy? Where do they go? There is no private right of action. It is contained within the National Labor Relations Act, and it is administered by the board.

So this amendment just sort of creates chaos; and it denies people rights, be they employers or employees, be they pro-union or anti-union, whatever it is. Whatever their situation is, this simply denies them the ability to take advantage of the law or to have the law administered in any way or fashion, and it provides really no alternative to them, because, as I said, this occupies the entire area for these individuals.

So I don't know if this law is a temper tantrum. I don't know if this law is just—I don't know what the hell it is. But clearly it doesn't address what might be legitimate concerns about the operation of the board.

The board has been controversial over the years and back and forth, and people have agreed and disagreed with its rulings and its actions. Or you might want to amend the law. But this amendment doesn't do any of this. And I would certainly hope that we would continue—when you look around at other countries, I think you would say this is a pretty successful system of managing labor relations in the workplace. It certainly took a history of actions that people considered wrong and dangerous and concerned about the economy, concerned about individual safety, concerned about the safety of workplaces and the ability of businesses to survive, and through the passage of the National Labor Relations Act regularized that so people had a place to go for their complaints and determine their rights.

So I would hope that Members of Congress would reject this amendment

and maintain the rights of workers and employers to have their concerns adjudicated, if necessary.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting CHAIR announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 1842. Notwithstanding section 1101, the level for "Railroad Retirement Board, Dual Benefits Payments Account" shall be \$57,000,000.

SEC. 1843. Notwithstanding section 1101, the level for "Social Security Administration, Payments to Social Security Trust Funds" shall be \$21,404,000, and in addition such funds may be used to carry out section 217(g) of the Social Security Act.

SEC. 1844. Notwithstanding section 1101, the level for the first paragraph under the heading "Social Security Administration, Limitation on Administrative Expenses" shall be \$10,675,500,000.

AMENDMENT NO. 15 OFFERED BY MR. TONKO

Mr. TONKO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 304, beginning on line 3, strike section 1844.

Mr. REHBERG. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chairman, I offer this amendment because I am seriously concerned about the effect the irresponsible Republican spending plan will have on our Nation's seniors.

This amendment would stop the cut of \$125 million to the Social Security Administration's operating budget. Slashing funding for the Social Security Administration is slashing money out of Social Security, plain and simple. Cuts to Social Security will directly affect our seniors, there is no way around it; and my amendment seeks to avert this impending crisis.

The funding in this irresponsible Republican spending plan is over half a billion dollars less than what Social Security spent in 2010 to process payments to seniors and carry out basic operations. But the cost of running Social Security in 2010 will not suffice for 2011. Our Nation's baby boomers are retiring each month, growing the number of seniors in the system and the num-

ber of claims Social Security must process each month. This continuing resolution leaves Social Security more than \$1 billion short of what they actually need to help keep checks going out on time to seniors.

This irresponsible Republican spending bill creates an enormous funding shortfall that Social Security will not have to survive on for the remainder of the year. Both Social Security and the Office of Management and Budget have confirmed that these massive cuts would force Social Security to lay off nearly 3,500 employees, furlough other employees, and close their offices in States across the country for up to 4 weeks.

What does this mean for seniors on Social Security? It means that 400,000 seniors would not have their applications processed this year. It means that 290,000 people would not have their disability applications processed, adding months of wait time for newly sick and disabled workers with no other source of income.

It means that 70,000 fewer people will have their appeals heard, burdening seniors and the disabled with wait times of over a year before their cases can move forward and allow them to receive their benefits earned. And it means that there will be 32,000 fewer investigations to root out improper payments, fraud and abuse.

Each month Social Security processes nearly 500,000, half a million, yes, half a million, new applications from seniors and the disabled. Employee layoffs and office closures lasting a month would delay benefits to all those applicants, disrupting seniors' and widows' checks and delaying payments for those trying to live on a fixed income.

Furthermore, closing Social Security offices would create a backlog of applicants, so even when offices reopened they would be dealing with an ongoing backlog of applications affecting our seniors long into the future. Who knows when they would ever catch up on the claims.

Never in the history of Social Security has there been a backlog of retirement and survivors' benefit applications. This bill is certainly precedent setting. Without a doubt, it would create the first Social Security backlog in our Nation's history.

□ 0020

This bill would force the Social Security system to shut its doors for up to a month, something that will affect every person receiving Social Security payments. People will get busy signals or unanswered rings when they call their local offices for help. Seniors will wait weeks for appointments and wait even longer to access their hard-earned benefits. Make no mistake about it, the seniors we represent—the entire body here represents—will feel the impact of these cuts.

The majority is lauding the fact that this bill represents the largest spending cut in the history of our country. If they want to cut funding to satisfy that base, fine. But I will not stand for cutting Social Security. I will not support budget cuts balanced on the backs of our Nation's seniors and middle class that bail out the rich and comfortable. I urge defeat of this bill and the adoption of my amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. REHBERG. Madam Chair, the amendment proposes a net increase in the budget authority in the bill. The amendment is not in order under 3(j)(3) of House Resolution 5, 112th Congress, which states: "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI."

The amendment proposes a net increase in budget authority in the bill in violation of such section.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Mr. TONKO. Madam Chair, I rise to speak against the point of order.

My amendment eliminates the extreme and irresponsible budget cuts to Social Security. These cuts will create massive gaps in Social Security's operating budget, leading to even larger costs in the future. My amendment averts this shortsighted downfall, creating a net budget savings that addresses the gentleman's point of order.

The Acting CHAIR. The gentleman must confine his remarks to the point of order.

Mr. TONKO. These cuts pose real threats to Social Security and seniors' benefits.

The Acting CHAIR. The gentleman from New York will confine his remarks to the point of order.

Mr. TONKO. Madam Chair, I ask that this point of order be waived. And on behalf of seniors in my district and seniors across this country who rely on Social Security, I ask that the gentleman withdraw his point of order. We cannot blindly cut Social Security in the name of reducing the deficit without regard to drastic consequences.

The Acting CHAIR. The gentleman will suspend.

Mr. TONKO. I yield back the balance of my time.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Montana makes a point of order that the amendment offered by the gentleman from New York violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

SEC. 1845. Notwithstanding section 1101, the level for the first paragraph under the heading "Social Security Administration, Supplemental Security Income Program" shall be \$39,892,164,000, of which \$3,402,164,000 shall be for administrative expenses.

SEC. 1846. Of the funds appropriated for "Social Security Administration, Limitation on Administrative Expenses" for fiscal years 2010 and prior years (other than funds appropriated in Public Law 111-5) for investment in information technology and telecommunications hardware and software infrastructure, \$500,000,000 is rescinded.

AMENDMENT NO. 16 OFFERED BY MR. TONKO

Mr. TONKO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 304, beginning on line 12, strike section 1846.

Mr. REHBERG. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Thank you, Madam Chair.

I offer this amendment because I am seriously concerned about the effect of the irresponsible Republican spending bill on our Nation's seniors and most specifically on our Social Security system. If my amendment does not pass, \$500 million will be stripped from Social Security. In this nearly 400-page irresponsible Republican spending bill, which has held no hearings, which was written and debated through the night and is being rammed through this Chamber, Social Security is put at risk.

The bedrock and foundation for so many of our Nation's seniors and retirement is Social Security; and yet this bill would steal half a billion dollars from the program. This is money that helps keep the lights on, the doors open, and the checks going out to those who earned it—those who worked hard and play by the rules. It goes to those who have rightfully paid into the system and deserve their return on investment. And it should not be taken away in the dead of night.

Nearly half a billion dollars, if stolen back from Social Security, will be devastating. In fact, we might as well put the sign on the door of Social Security now: Sorry, we're closed for business. That is because a cut of \$500 million will lay off employees that process and mail these checks to seniors. It will

furlough every Social Security Administration employee for a month or more this year. Every worker that works for the Social Security Administration could potentially lose his or her job for at least 1 month this year.

Most of my constituents might say, Well, I don't really know anybody that works for the Social Security Administration. What does that mean for me? Unfortunately, it means 400,000 people across these United States will not have their claims processed this year. Think of it. You're finally eligible for Social Security. Your plan for monthly income and budget based on this program is disrupted. Perhaps it even allows you to retire completely after a long and productive life of work. You walk up to the office to apply, but you are greeted with a dark and empty building. Or perhaps you called to ensure your payments will soon be processed, and all you get is a dial tone. Nobody is there to answer.

This is unthinkable. Even more egregious, 290,000 disabled workers would wait months for their claims to be processed, threatening already vulnerable people with further insecurity. Or imagine you want to appeal your funding amount or there's an error in your payment. What do you do?

Something my office prides itself on is helping these appeals get heard and settled to give Social Security recipients their due payment and peace of mind. Under this irresponsible Republican spending bill, which will cut half a billion dollars to Social Security, some 70,000 appeals cases would cry out but nobody would be there to listen, nor would the Social Security Administration be able to clean up cases of fraud, abuse, and improper payment. This cut could actually cost the government more than it saves.

It is no secret that the majority in this body seeks to privatize Social Security. Their top budget-maker has already proven that in his plan. This provision in the irresponsible public spending bill is simply another brick laid along the path to Social Security's destruction.

President Bush proposed privatizing this program in 2005, and Americans said "no." We were right to say "no," as Social Security would have trillions in the stock market during the meltdown of the Bush recession lost. Instead, Social Security did not lose a single penny. That bears repeating. In the worst economic recession since the Great Depression, Social Security did not lose a single penny.

We must protect Social Security from being raided for short-term political gains. Without it, almost half of all our seniors would be living in poverty. It makes up 76 percent of the total income for middle- and low-income seniors. But it is not just the seniors who depend on Social Security. Families who have lost loved ones are

able to survive on their loved one's benefits, including about 6.5 million children. Raiding Social Security would hurt them, too.

In 1934, President Franklin Delano Roosevelt uttered a quote that is as true today as it was 76 years ago. He said, "We put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions and their unemployment benefits. With those taxes in there, no damn politician can ever scrap my Social Security program."

With that, Madam Chair, I yield back the balance of my time.

POINT OF ORDER

Mr. REHBERG. Madam Chair, the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states: "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI."

The amendment proposes a net increase in budget authority in the bill in violation of such section.

The Acting CHAIR. Does any Member wish to be heard?

Mr. TONKO. Madam Chair, I rise to speak against the point of order.

The Acting CHAIR. The gentleman is recognized and is asked to confine his remarks to the point of order.

□ 0030

Mr. TONKO. I want to be clear so that everyone in this House and everyone watching knows what a \$500 million cut to Social Security will do.

On the point of order, Madam Chair, my amendment eliminates harmful budget cuts to Social Security, which actually saves more money in the long term than what is cut by the bill.

The Acting CHAIR. The gentleman from New York will confine his remarks to the point of order.

Mr. TONKO. Madam Chair, on the point of order, the Social Security Administration has said that an additional cut in their funding would lead to many local offices closing their doors, stopping all claims processing, and not being able to answer the phones for a month.

The Acting CHAIR. The gentlemen from New York and Montana will suspend.

The Chair needs to hear the argument that the gentleman from New York is making.

Mr. TONKO. Madam Chair, on the point of order, I am disappointed that the other side submitted a rule that doesn't allow an amendment to save this funding for Social Security and guarantee that checks go out on time;

but they can right this wrong right now. My amendment will ensure that checks go out on time. It will ensure that we continue to save billions by allowing Social Security to continue to go forward.

The Acting CHAIR. The gentleman from New York will suspend. The gentleman is not confining his remarks to the point of order.

Mr. TONKO. Madam Chair, I yield back the balance of my time.

Mr. WEINER. Madam Chair, I ask to be heard on the point of order.

The Acting CHAIR. The Chair will hear the gentleman from New York.

Mr. WEINER. Through all of the talking and interrupting, the gentleman was addressing the point of order directly.

Madam Chair, the point of order alleges that, if Mr. TONKO's amendment is accepted, it will raise net budget authority in this line. In fact, as Mr. TONKO has said, if you will look at the net effect of reducing this line item, the net effect is to increase the amount of senior poverty, to increase the amount of seniors who are not getting Social Security checks on time and, therefore, raising the cost to society and ultimately raising the cost to the budget. In fact, unless you adopt the Tonko amendment, you will be agreeing not only to slash services to seniors but to increase the deficit by raising costs throughout the system.

It is directly on point, and it is important to understand that the points that Mr. TONKO is making about the quality of the service under Social Security impacts directly on whether or not this is net higher budget authority, which it is not. It saves money to endorse the Tonko amendment. This House should consider it on its merits, "yes" or "no." This point of order should be ruled out of order.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Montana makes a point of order that the amendment offered by the gentleman from New York violates section 3(j)(3) of House Resolution 5.

For the reasons stated in the previous ruling of the Chair, the point of order is sustained.

The amendment is not in order.

Mr. WEINER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Madam Chair, the support for your last three points of order rulings against Mr. TONKO has been relying upon the Budget Committee chairman's advice to the Chair. The Budget Committee chairman is someone who advocates on behalf of the majority for privatizing Social Security.

To explain to the viewers and to this Chamber what that means, it is that he believes and the Republicans believe, if

you take Social Security, which is a guaranteed program that can pay 100 percent of all of its benefits for at least 26 years, and if you invest a portion of that in the stock market, it is a better policy.

It is on that person's advice that you have been ruling on the last few occasions that Mr. TONKO is out of order in trying to preserve that system that we have.

If there is an important debate in the context of the American budget in the year 2011, it is the one that Mr. TONKO is trying to engage: It is privatizing Social Security, which is what this side of the aisle, Madam Chair, seeks to do, versus keeping this program the way it is—the single most successful government program, arguably, in American history.

What Mr. TONKO and many of us are trying to do is to preserve that program. Let's have this debate on this floor in an honest way. For months now, we've had this kind of strange shadow dance around the idea of the privatization of Social Security. Well, the chairman of the Budget Committee, not some fringe element of the Republican Party, has suggested in a book that they paraded around the country that they are going to offer the privatization of Social Security as the foundation for their budget.

Now, for the last three amendments, Mr. TONKO has been trying to engage that debate, and the Chair has said, in using the best judgment of the Budget Committee, it seems that his policies would increase the net budget authority in the bill.

Let's put that aside for a moment and have a real full-throated debate about whose side the different people in this Chamber are on with regard to this fundamental question of the security of the Social Security system. Let's review the bidding.

On one side, you have Democrats who have created, supported, and fought for the Social Security program ever since it was passed in 1933 and ever since the first check went out in 1935. We say it should be something that generation by generation is there for seniors. One group works; the seniors retire, and we support each other as part of that contract. It is fundamental to democratic values—I believe with a capital "D" but also with a small "d."

Then you have my Republican friends. They say, You know what? In watching the stock market, we think it would be a good idea to take a portion of that Social Security trust fund and sock it into stocks and equities and bonds. They make an argument that actually has an element of truth to it. They say, if you'd invested every dime of Social Security into the stock market since the beginning of the Social Security system, you would have had more money in it today, because they say, Look. The stock market has gone way up since 1933.

Yes, but as we all know, it didn't go like this (indicating). Let the stenographer note my hand going up. It went like this (indicating). Let the stenographer note a roller coaster shape.

So I ask: Do you want to be one of the seniors who retires in the dip of the roller coaster?

They apparently want to take that chance. My Republican friends want to take that chance. We Democrats say, No, this is not a program that seniors get wealthy on, but it's a safety net program—and it worked. It took, roughly, a 30 percent poverty level among seniors to the single digits that we have today.

Then they say, Oh, no, but it will never be there in the future.

The baby boomer generation, the biggest generation in American history. We've heard that one before. Huh-uh. The baby boomers had babies. Now they're the biggest generation in American history. Now they're paying in.

By the way, do you know what helps the Social Security program more than anything else? People working, people paying Social Security taxes, people on the job, which are all the things that they're cutting in this very same budget.

So, as Mr. TONKO tries to make that point and engage that argument, I see nothing but Members on this side of the aisle cowering under their desks and hiding behind Roberts Rules.

When the Chair makes her rulings, listen carefully. She says she is relying on the best judgment of the chairman of the Budget Committee. Now, I like the chairman of the Budget Committee. He is a fine man—his judgment, not so much. I think that we should have this conversation because, if there is a fundamental difference here, it is on Social Security and its future. We want it to be there.

So I say to people watching at this hour:

First of all, have a warm glass of milk. There might be other ways to get to sleep. I would say to you, think very carefully about what the budget debate is about. It's very easy to lose sight of page this, line that. What it is really about is a fundamental difference in philosophy.

On the Democratic side of this debate, we are saying let's try to build this country on a foundation of everyone having a safety net, of everyone having a basic opportunity, and none of us can really get too far ahead if we're leaving a whole bunch of people behind.

This debate is not new, and I will let someone else continue it.

The Acting CHAIR. The time of the gentleman from New York has expired.

Ms. DELAURO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I appreciate the comments from my colleague from New York.

Madam Chair, I think that one thing that comes out, the clarity that comes out of tonight's debate on this bill, is to look at what, in fact, the American people have asked us to do. They have asked us to truly work together to address what their top priority is, which is creating jobs and fostering economic recovery.

Again, as we listen to this debate that unfolded tonight, what we see is that, unfortunately, the majority's priorities are deeply out of touch with those of the country. Democrats are committed to reducing the deficit. We believe that we start by ending tax subsidies and special interest waste. We need to make programs accountable and end the ones that will not work.

But the challenge is not whether we address the deficit and spending, or not to do that. The question is: Where do we start? Do we start with slashing special interest waste and ineffective programs, or do we start with what helps the middle class, our businesses, our working families, with children, and with seniors?

We could have achieved cuts. We could have achieved cuts in spending in this continuing resolution.

□ 0040

It was where the majority decided to start to make cuts. What about those oil subsidies that we spoke about tonight, \$40 billion over 5 years, and eliminating the 10 tax breaks for the oil companies? What about the \$7.4 billion we can save over 10 years by shutting down the current practice that allows multinational corporations to avoid paying their taxes? What about cutting agriculture subsidies in half and saving \$8 billion? What about the \$3 billion a year we can save by saying to the pharmaceutical companies that you can no longer pay to delay in order for us to get cheaper generic drugs to market because it raises the cost of health care?

Let's do away with the \$3 billion that we want to spend on an alternate engine for the Joint Strike Fighter. That's about \$61 billion. That is approximately the amount of money that you are taking out of K-12 education, Pell grants where you lower the amount of maximum award that people could get, 9 million people trying to get an education, trying to be able to get that education in order to be able to get a job and to go to work, take care of their family, pay their taxes, and do the right thing. You say no.

Another 1.3 million, you say no to the Supplemental Education Opportunity Grant so that they can no longer get education. You take 218,000 kids off of Head Start. You lay off 55,000 teachers, you close down centers

around the country, and you don't give youngsters the opportunity for early childhood education, and we know that that succeeds.

You tell seniors, up to 10 million, meals will no longer be served to you because you're a homebound elder, you can't get out. We're not going to do anything about low-income energy assistance for you—you're on your own.

It is, in fact, Washington to the contrary: Drop dead, is what you're saying to them, and all because there is no courage, no courage at all to go after the special interests and the tax subsidies that could overwhelmingly pay for the cuts that we need in order to be able to bring down the deficit.

That is what's wrong with this bill tonight. The issue is where do you start. Do you start to cut in that reckless rush to slash without regard to the impact on our economy, without regard for our businesses to create jobs, or the middle class or working families who are being responsible? They're doing the best for their families today. They're trying to educate themselves for the future. You are hitting families with children and the elderly, and that is your starting point. It is not our starting point. Therein lies the difference of Democrats and Republicans in this continuing resolution debate.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair must remind Members that remarks must be addressed to the Chair and not to others in the second person.

The Clerk will read.

The Clerk read as follows:

SEC. 1847. Notwithstanding section 1101, and section 505 of division D of Public Law 111-117, section 505 of division F of Public Law 111-8 shall apply to funds appropriated by this division.

SEC. 1848. Notwithstanding section 1101, the level for "Department of Labor, Occupational Safety and Health Administration, Salaries and Expenses" shall be \$459,653,000, of which \$138,928,000 shall be for compliance assistance programs: *Provided*, That the amounts included under such heading in division D of Public Law 111-117 shall be applied to funds appropriated by this Act by substituting "\$89,502,000" for "\$104,393,000".

SEC. 1849. Notwithstanding section 1101, the level for "Department of Health and Human Services, National Institutes of Health, Office of the Director" shall be \$1,128,800,000, and the fifth proviso under such heading in division D of Public Law 111-117 shall be applied to funds appropriated by this Act by substituting "\$495,609,000" for "\$544,109,000".

SEC. 1850. The amount provided by section 1101 for "Department of Health and Human Services, National Institutes of Health" is reduced by \$639,463,000 through a pro rata reduction in all of the Institutes, Centers, and Office of the Director accounts within "Department of Health and Human Services, National Institutes of Health", based on the total funding levels for each such Institute, Center, and Office of the Director accounts (excluding the Common Fund). In addition, the Director of the National Institutes of Health shall ensure at least a total of 9,000 new competing research grants are awarded

in fiscal year 2011 from all Institutes, Centers, and Office of the Director accounts within the "Department of Health and Human Services, National Institutes of Health".

SEC. 1851. Of the unobligated balances available for "Department of Health and Human Services, Administration for Children and Families, Refugee and Entrant Assistance" in division D of Public Law 111-117, \$77,000,000 is rescinded.

AMENDMENT NO. 221 OFFERED BY MS. LEE

Ms. LEE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 306, after line 7, insert the following: SEC. 1852. (a)(1) Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) in subparagraph (A), by striking "80" and inserting "131"; and

(B) in subparagraph (B), by striking "20" and inserting "34".

(2) Section 4002(f) of such Act is amended by adding at the end the following:

"(3) RULES RELATING TO ADDITIONAL WEEKS OF FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

"(A) IN GENERAL.—If a State determines that implementation of the increased entitlement to first-tier emergency unemployment compensation by reason of the amendments made by section 1852(a)(1) of the Full-Year Continuing Appropriations Act, 2011 would unduly delay the prompt payment of emergency unemployment compensation under this title, such State may elect to pay second-tier, third-tier, or fourth-tier emergency unemployment compensation (or a combination of those tiers) prior to the payment of such increased first-tier emergency unemployment compensation until such time as such State determines that such increased first-tier emergency unemployment compensation may be paid without undue delay.

"(B) SPECIAL RULES.—If a State makes an election under subparagraph (A) which results in—

"(i) the payment of second-tier (but not third-tier) emergency unemployment compensation prior to the payment of increased first-tier emergency unemployment compensation, then, for purposes of determining whether an account may be augmented for third-tier emergency unemployment compensation under subsection (d), such State shall treat the date of exhaustion of such increased first-tier emergency unemployment compensation as the date of exhaustion of second-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the second-tier emergency unemployment compensation; or

"(ii) the payment of third-tier emergency unemployment compensation prior to the payment of increased first-tier emergency unemployment compensation, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased first-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.

“(4) COORDINATION OF MODIFICATIONS (RELATING TO ADDITIONAL FIRST-TIER EMERGENCY UNEMPLOYMENT COMPENSATION) WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any additional emergency unemployment compensation under subsection (b) (payable by reason of the amendments made by section 1852(a)(1) of the Emergency Unemployment Compensation Expansion Act of 2011), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this paragraph), (c), (d), or (e).”.

(3) Section 4004(e)(1) of such Act, as amended by section 501(b) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), is amended—

(A) in subparagraph (F), by striking “and” at the end; and

(B) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 1852(a)(1) of the Full-Year Continuing Appropriations Act, 2011; and”.

(4) Section 4007(b)(3) of such Act, as amended by section 501(a)(1)(C) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312) is amended by striking “June 9, 2012” and inserting “September 22, 2012”.

(b) The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

(c) The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205), except that no additional first-tier emergency unemployment compensation shall be payable by virtue of the amendments made by subsection (a)(1) with respect to any week of unemployment commencing before the date of the enactment of this Act.

(d)(1) The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(2) This section—

(A) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)); and

(B) is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010”.

Mr. REHBERG. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Madam Chair, first, let me just say that I offer this amendment in

support of the unemployed workers across the country who are truly living in a state of emergency and who desperately need our assistance like right now.

This CR really reminds me of a CR that reflects survival of the fittest. Of the nearly 600 amendments to the continuing resolution that have been proposed or considered so far, this amendment is the only one, mind you, that deals with the problem of the unemployed directly. Nowhere in the proposed continuing resolution does the majority try to address the needs of the unemployed, whether to provide benefits or to help create jobs. In fact, the underlying resolution is estimated to cost more than 800,000 private and public sector jobs. The proposal before us would even cut \$2.5 billion from job training programs that directly assist the unemployed in getting the skills that they need to find new jobs and get back to work.

The national unemployment rate stands at 9 percent. In California, in my home State, it's 12.5 percent. In Ohio, where the Speaker is from, it's 9.6 percent. And of course, African Americans and Latinos and teenagers have far higher unemployment rates of 15.5, 11.5, and 25.7 percent respectively. Altogether, 13.9 million people are looking for work across the country, 6.2 million of them are classified as long-term unemployed, and yet the Republican response is to cut job training programs. Just think about that for a moment. How in the world does cutting job training programs put people back to work? Madam Chair, I really can't figure out the logic of that. And I wonder how Republicans will explain it to their unemployed constituents. You have unemployed constituents, also.

And so my amendment, on the other hand, is really a very commonsense response to the unemployment problem in our country. This amendment would add language to the continuing resolution from a bill that I introduced with Representative BOBBY SCOTT, the Emergency Unemployment Compensation Act.

Quite simply, this amendment and my bill would provide an additional 14 weeks of benefits to the existing tier one of the Emergency Unemployment Compensation Program in order to help unemployed workers who have exhausted their current benefits. These people have hit the wall.

My amendment includes an emergency designation pursuant to the rules of the House and would not trigger statutory PAYGO rules. This is an emergency. Every single Member of this body has unemployed people in their district, people who just want a chance to get a job, to work hard and to sustain their families. That's all. They just want to be part of this American dream. But for every job opening in this country, there are 4.7 unem-

ployed workers seeking to fill it. Let me repeat that. One job for every 4.7 unemployed workers.

It's clear from that statistic that unemployment is not a problem of self-motivation; it is a symptom of a job deficit. It will take time to close this deficit, and I believe it will require continued government investments to do so, but in the meantime, people have to survive. We have a moral obligation to help the long-term unemployed get through this crisis by extending their benefits now.

□ 0050

The response to the bill and my amendment has been, quite frankly, overwhelming. People from my district and also people from your districts have been calling my office nonstop in support of this bill, wanting to know when the Republican majority will finally deal with the problem of the long-term unemployed. They want to see a real plan from Republicans and Democrats that will create jobs and jump-start the economy. They don't want to hear the Speaker casually dismiss job loss by saying, “So be it.” In fact, in 7 weeks, we haven't seen one single effort to create a job. We haven't seen any legislation that would do that.

Now it's your chance to step up to the plate and prove to them that your priorities don't just lie with the rich and the well connected. Many of the unemployed are experiencing poverty for the first time as they literally try to make a dollar out of 15 cents. If we don't act now, many of them will fall into poverty.

So I ask my Republican colleagues: If you can insist on giveaways to the wealthy, why can't you stand up for the unemployed who need our help the most? Extending unemployment benefits is not only the right thing to do, but it also creates and contributes economic growth and job creation, because unemployed workers put what little they have back into the economy as they just try to get by day by day.

I know my colleagues have reserved a point of order. And I urge you, don't resort to parliamentary maneuvers to block help for the unemployed. Join me and our 66 cosponsors, and let's provide an additional 14 weeks of benefits for those who have hit the wall.

Mr. REHBERG. I continue to reserve my point of order.

Mr. SCOTT of Virginia. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Madam Chair, we must acknowledge that passing a continuing resolution will do nothing to create jobs. We are stuck with an unemployment rate of 9 percent and have left the long-term unemployed who have exhausted their unemployment benefits out in the cold.

Representative LEE's amendment makes it clear that some of us have not forgotten about these individuals and their families. The amendment will ensure that these hardworking Americans will have access to unemployment benefits during this historic economic recession. It's not only the right thing to do, but it will also help our economy.

Economists estimate that the U.S. economy grows by over \$1.60 for every \$1 the government spends on unemployment compensation because unemployed persons usually spend all of their benefits quickly. This \$1.60 is in stark contrast to the 20 cents in economic activity generated by some of the tax cuts we passed last month. Put simply, unemployment compensation is one of the most efficient and effective ways to stimulate the economy. But extending benefits is only one part of a comprehensive approach that is needed to get the long-term unemployment back to work.

Many of the Americans who have lost their jobs have lost jobs that are not coming back, jobs that have been shipped overseas or jobs that now require new skills. So while unemployment compensation is the temporary solution, we need to simultaneously be providing job training programs and educational training to help American workers develop the new in-demand skills. Unfortunately, this resolution actually cuts job training programs.

We face very difficult choices when it comes to the Federal budget, and there's no easy solution to solve our budget problems. When I first came to Congress in 1993, we considered a budget that put an end to fiscal recklessness. We passed a budget that, by the end of the 8 years of the Clinton administration, would not only have eliminated the deficit but had a projected surplus large enough to have paid off the entire national debt held by the public 2 years ago. That means we would have owed no money to Japan, China, and Saudi Arabia. That budget also led to record job growth, but it required tough choices; and in fact, dozens of Members who voted for that budget lost their seats in the next election.

In contrast, under the Bush administration, we passed popular but huge tax cuts without paying for them, a prescription drug benefit without paying for it, a \$700 billion bailout without paying for it, and cut taxes in the middle of two wars, all of which put us in the economic ditch. Now, in order to get the present deficits under control, we are going to have to make some tough choices. Unfortunately, at the end of last year, we made a move in the wrong direction when Congress passed a huge tax cut bill, at a total 2-year cost of \$800 billion, without paying for it. To put that number in perspective, \$800 billion exceeds the general fund

budget of all 50 States. That's right. Add it up. If you add up all the general fund budgets of the 50 States, it comes up to a total of \$650 billion, less than the cost of the \$800 billion tax cut bill.

Before that bill was passed, many of us asked how we're going to pay for it, but nobody wanted to answer it. Everybody who supported the bill focused solely on the nice tax cuts. But now we're going to debate a long list of spending cuts in the proposed resolution to show how we're paying for it. The safety net is attacked: low-income energy assistance; Women, Infants and Children's nutrition; the health centers; housing; and investments in our future, like the National Science Foundation, NASA, Pell Grants, job training, clean water, high-speed rail. These are the things that we're cutting to pay for some of last year's tax cut bill. Now the American people are seeing how we're going to pay for it.

Last year we passed the tax cuts that gave great benefits to multimillionaires, and now we're paying for it by inflicting pain on vulnerable portions of our population. We can do better, and that's why we need to fight against these draconian cuts and programs that are so important to so many people and, instead, provide assistance where it helps not only individuals but helps the economy, as the Lee amendment does.

The American people deserve better than this resolution. We should support the Lee amendment but oppose the underlying legislation, and I urge my colleagues to do just that.

I yield back the balance of my time.

POINT OF ORDER

Mr. REHBERG. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment directly amends existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to speak on the point of order? The Chair is prepared to rule.

The Chair finds that the amendment proposes directly to change existing law; as such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

Ms. WOOLSEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Madam Chair, I rise in disappointment that the amendment offered by the gentlewoman from California (Ms. LEE) was not made in order.

While the Republicans cut the heart out of necessary, needed programs that would help the people who have lost

their jobs—and they've lost these jobs through no fault of their own—it actually stuns me how unaware they are that it is our very obligation in this House to help make families whole again, to help them do what they have to do when they can't find work. But of course it's up to the BARBARA LEES and the BOBBY SCOTTS of this Congress to insist that we provide a lifeline for hardworking families who have exhausted all of their benefits. It is particularly shameful, Madam Chair, that this is something we're even questioning after giving billions of dollars in deficit-busting tax cuts to the very wealthiest.

After extending those tax breaks for the affluent, how can they say that we can't afford to extend unemployment insurance for families struggling to find jobs in this economy? The Republican leadership has given a lot of lip service to creating jobs, but they've yet to bring even one jobs bill to the floor. Now they have a chance to support emergency relief to millions of working families, a chance to extend unemployment benefits to help struggling families which will also help end the recession because, as it was just said a minute ago, getting people back to work will get our economy going again because working is actually the first crucial step in reducing the deficit.

Actually, unemployment insurance is a proven economic booster. According to the Congressional Budget Office, for every \$1 spent on unemployment insurance, economic activity increases by \$2.

□ 0100

In fact, the CBO has found unemployment insurance to be one of the most cost effective and fast-acting ways to stimulate the economy.

There's no shortage of work ethic in America, Madam Chair. There is a shortage of work, however. So where is the majority party's jobs bill? Where is their support for the millions of people who have exhausted all their emergency unemployment benefits and are desperately looking for employment?

I urge my colleagues, provide additional unemployment benefits for those whose benefits have run out. And I suggest that the best thing you could do right now is help create jobs for America.

I yield back the balance of my time.

Ms. LEE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Madam Chair, let me just say, providing unemployment benefits for people struggling to survive, it really should not be subject to any parliamentary point of order. I just wanted to say that's really a shame and disgrace.

I yield back the balance of my time.

Mr. NADLER. I move to strike the last word, Madam Chairman.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. I won't speak for 5 minutes. I've been sitting here waiting for my amendment to come up, which it will in a couple of hours probably. But I have to make one comment on everything I'm hearing on the floor.

We hear amendment after amendment to extend unemployment benefits to the unemployed in a time when we have 9 percent unemployment, and they're struck down because there's no pay-for. The amendment provides no other means of paying for the unemployment insurance.

For the last 50 or 60 years it was never considered necessary, in a time of recession and high unemployment, that in order to extend unemployment benefits you had to find someplace else to pay for it. It was automatic emergency spending until this Republican Congress.

I hear amendment after amendment that's denied. We can't even formulate certain amendments because we can only increase, not even increase spending, we can only restore draconian spending cuts on human services that are necessary for our people if we reduce other human services.

But the tax cuts that we've seen, the huge tax cuts of hundreds and hundreds of billions of dollars for our wealthiest citizens at a time when the top 1 percent of our people, the richest 1 percent of our people have 24 percent of the income and almost half of the wealth in the country, we can't talk about increasing or restoring those tax cuts. Those tax cuts are a given.

Madam Chairman, this is the culmination when we see \$100 billion of cuts in spending, in non-defense discretionary spending, spending on transportation that is necessary if our economy is to be competitive, spending on research and development that is necessary if we're going to be able to create jobs, spending on schools and education and housing that is necessary for our people, spending on job training so our people can work, spending on unemployment insurance so they can eat. All of these things must be cut in order that the wealthiest people have tax cuts, in order that the tax cuts for the oil companies not be disturbed.

All of this is the culmination of a 30-year campaign by the Republican Party to starve the beast. Ronald Reagan's Budget Director, David Stockman, I believe coined the phrase "starve the beast." He said, he pointed out that if you come to the American people and you say, We want to reduce certain services, we want less money for transportation, the voters don't go along with that. If you say, We want less money for education, the voters

don't go along with that. And if you say, We want less money for most things that are necessary, the voters won't say yes.

But if you deliberately create a crisis, if you deliberately create a situation where there is no money, by cutting taxes of the rich so that they don't pay their fair share, you can create a crisis, and then you come and say we can't afford this. We've got a budget deficit. We must reduce unemployment insurance. We must reduce schools and housing and transportation and the competitiveness of our economy and the jobs available for our people. We must reduce them because there is no money. Then you can get away with it. And that is the plot that the Republican Party has been advancing for 30 years, and today we are seeing the culmination of that. Today and in this Congress.

But remember what creates this necessity for these drastic cuts: The fact that we are unwilling to restore the tax cuts for the richest portion of our population. We are unwilling to take away the tax breaks for the oil companies. We are unwilling to tax the large corporations as we used to. We are unwilling to have the rich pay as high a percentage of their income in taxes as their secretaries. That's what's really at stake here.

But this debate is structured by the rules which have been imposed on this House that prevent us from bringing this all together in one debate. Unfortunately, it is not in order. The chairman ruled it's out of order if someone proposes to pay for a restoration of unemployment insurance by increasing a tax or by cutting war funding because it's not in the same bill. It's not in the same section of the bill.

So the American people's representatives have our hands tied because we are prisoners of the construct constructed by the Republican Party that says, let the rich have their tax cuts, let the oil companies have their tax breaks, let the multinational companies export the jobs overseas and pay no taxes. We'll pay for it by robbing the American people of transportation, of highways, of bridges, of unemployment insurance, of job creation, of education. That's what we're dealing with here, and the debate should be looked on in the context of the culmination of that 30-year plot by the Republicans which we're seeing, which was freely admitted by a lot of people, starting with Ronald Reagan's budget director who started it.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE IX—LEGISLATIVE BRANCH

SEC. 1901. Notwithstanding section 1101, the level for "House of Representatives, Salaries and Expenses" shall be \$1,288,299,072.

AMENDMENT NO. 108 OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 306, line 11, insert after the dollar amount the following: "(reduced by \$1,500,000)".

Page 359, line 16, insert after the dollar amount the following: "(increased by \$1,500,000)".

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Madam Chairman, this amendment is very simple. We're going through this process, or the continuing resolution, and we're trying to reduce spending to help bring down the Federal debt, which is now around \$14 trillion.

I might also say that I would certainly want to commend Chairman ROGERS, ranking member NORM DICKS, and Speaker BOEHNER for allowing unlimited amendments to this continuing resolution. It certainly is an open process. And it's my understanding that over 700 amendments were printed in the RECORD to give Members an opportunity to represent their districts and try to bring spending under control. And I might say, that's in direct contrast to when the health care bill was brought to the floor in the last Congress, a bill, 2,400 pages, that had direct impact on the health care throughout America—not one amendment was in order on the floor. So there certainly is a contrast here in the way we're proceeding with the people's business.

But this amendment basically simply removes \$1.5 million from the greening of the Capitol project. There was a total of about \$7 million in this project. The project is basically over with, and there is approximately \$1.5 million left. If we go on and eliminate the program now, that \$1.5 million can be put directly to reducing the debt.

Now, some people would say, well, my gosh, \$7 million is not much money. But, back in March of 2009, I wrote a letter to the Architect of the Capitol because one of the parts of the Greening of the Capitol was to stop buying coal for the Capitol power plant. And when they stopped buying coal for the Capitol power plant, a coal mine in West Virginia that was providing that coal closed down and those jobs were lost.

The Architect of the Capitol, in responding to my letter, also indicated that by switching away from coal, the annual cost to the taxpayers of America went up between \$7 million and \$8 million a year, and that's an ongoing expense. And that does not include the conversion that had to take place with the Capitol power plant, and we know that at least \$1.5 million was spent on the conversion. We do not know what

additional funds were spent, but the Architect of the Capitol said additional funds were spent. And I might add, there was never any discussion about this on the House floor. There was never any notice given to any of the Members about this. But it came about simply because Speaker PELOSI and Senate Leader HARRY REID wrote a letter to the Architect of the Capitol directing him to do so.

□ 0110

So all we are doing with this amendment is trying to reduce our Federal debt by \$1.5 million. The Greening of the Capitol program is basically over with. In fact, the only thing they are doing now, according to the information I have, is they are calling around to congressional district offices to go down there to see about buying more up-to-date light bulbs. So I would respectfully request that the Members support this amendment.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 2009.

Mr. STEPHEN AYERS,
Acting Architect of the Capitol,
Washington, DC.

DEAR MR. AYERS: There have been several articles written about the Capitol Power Plant in recent weeks and I have had several groups in my office lobbying to stop using coal at the plant. I would appreciate your providing me some basic facts about the plant.

1. When was it constructed, what was its initial cost, and when did it begin operations?

2. What was/is the rated electrical capacity of the plant?

3. How much coal was burned at the plant during its peak years of operation?

4. When was natural gas first used as a fuel in the plant, and what was the cost to convert the plant so that natural gas could be used?

5. What is the mix of fuel used today at the plant, in percentages?

6. What has been the additional cost or cost-saving associated with the use of a mix of natural gas and coal, instead of coal only?

7. What is the timeline for converting the plant to natural gas only, and what will be the cost of the conversion?

8. What is the projected additional cost or cost-saving over the next five years, by converting the plant to operate only on natural gas?

9. What type of coal is presently burned at the plant, and where is it produced?

10. Does the plant produce electricity, or only steam and cooled water for the Capitol complex?

11. If electricity is produced, what amount of income does the sale of the electricity produce annually?

12. If electricity is not produced, why not?

13. If electricity is not produced, what would it cost to convert the plant so that electricity could be produced and sold, and what would be the projected annual income from those sales?

14. What emissions controls are in place at the plant, when were they added, and at what cost?

15. Is the plant presently in compliance with federal Clean Air Act regulations?

16. If the plant is not in compliance with emissions limitations, what additional con-

trols might be needed to continue to use coal or a mix of coal and natural gas, and what are the estimated capital costs of those additional controls?

Thank you very much for your attention to this request. I will look forward to your response.

Sincerely,

ED WHITFIELD,
Member of Congress.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, March 20, 2009.

Hon. ED WHITFIELD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WHITFIELD: Thank you for your interest in the U.S. Capitol Power Plant. As a matter of background, Congress authorized \$1,545,975.65 for the design and construction of the Capitol Power Plant on April 28, 1904, and it was completed and began operations in 1910. Originally, the plant was constructed to produce electricity. However, since 1951 it has not produced electricity and only generates steam and chilled water for the Capitol Complex.

The Capitol Power Plant is currently capable of using three fuels: coal, natural gas, and fuel oil. In a series of projects starting in 1989, individual boilers within the plant have been modified to be capable of burning natural gas. In Fiscal Year 2008, the fuel consumed by the plant was 65% natural gas and 35% coal. The largest amount of coal burned during the last 20 years was in 1993, when the plant used 47,393 short tons. The plant currently burns low sulfur bituminous coal which is purchased through the General Services Administration and the Defense Energy Support Center. The following table provides details on the fuel usage and costs for Fiscal Year 2008:

Utility type	Energy (MMBTU)	Cost (\$)
Natural Gas	975,046	\$12,653,649
Oil	120	2,291
Coal	528,489	2,444,511
Heating Energy Total	1,503,655	15,100,451

The Capitol Power Plant operates in full compliance with current Federal Clean Air Act regulations. The plant utilizes two reverse air bag houses, installed in the early 1980's, to control particulate emissions. Emissions are further controlled via fuel specifications and combustion controls.

On February 26, 2009, the Office of Architect of the Capitol (AOC) received a letter signed by the Speaker of the House and the Senate Majority Leader directing a reduction in the use of coal at the plant, in favor of natural gas. Our preliminary estimates indicate that operating the plant using 100% natural gas will cost an additional \$5-\$7 million annually in fuel costs and will require a one-time capital investment needed to equip the plant. We are currently preparing preliminary designs with cost estimates for the capital investment requirement.

The AOC has undertaken a comprehensive strategic planning process for the Capitol Power Plant. Leveraging the skills of expert consultants and in-house staff, the AOC is analyzing a number of options for the plant, including several scenarios which utilize co-generation systems to generate electricity. Those options are also being reviewed by the National Academy of Sciences and later will be reviewed by the Department of Energy. We expect to publish a final report in Summer 2009.

Should you have further questions about the Capitol Power Plant or any of AOC's ac-

tivities, please do not hesitate to contact me at 228-1793.

Sincerely,

STEPHEN T. AYERS, AIA,
Acting Architect of the Capitol.

I yield back the balance of my time. Mr. WEINER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. I'm a big fan of Mr. WHITFIELD, but he misses the big thing here; and that is that we're in the portion of this budget where the legislative branch is funded. Isn't this the opportunity to end the funding for the health care plans that so many Members of Congress get? So many Members of Congress get health care plans, like the 9 million Federal employees and their workers where they get a booklet twice a year with different choices. And since there's so many workers, they are aggregated together to be able to hold down costs for all of them. This is exactly what the new health care plan that is going into effect for the American people seeks to do.

Now, the Democrats have said let's extend that to all Americans. Let's give everyone that opportunity. And my Republican friends say, no, that's government-controlled health care. This is your chance. Don't blow it.

Mr. WHITFIELD is an important, prominent member of the Energy and Commerce Committee, one of the most learned members of that committee. This is our chance to say, you know what, we're so against government-run health care that we want to get rid of the Federal Employees Health Benefit Plan. This is your moment. This is the time. Let's do it. Come on. Let's put your money where your mouth is, Madam Chair.

I mean, the problem here is that if you think about what is going on, with all of the debate about health care and the Big Government-run health care plan, it's really not that. It's really taking the number of uninsured people, giving them subsidies and incentives to go out and get private insurance. And then, since more people are going to have it, all of our costs come down. The aggregation that goes on in insurance markets, the automobile insurance, for example, and Members of Congress take advantage of that.

Now, I should point out the mythology that there is some fancy health care plan. No. We're in the Federal Employees Health Benefit Plan. We get this booklet every 6 months. We choose the plan that's best. It's like the exchange is going to be in 2013 and 2014.

So here it is. We're on the floor. This is your opportunity. And I respect Mr. WHITFIELD. I don't know much about this provision of what coal-powered plants there are here, but I do know that's here. Why don't you step up and

say, We're opposed to government-run health care for Members of Congress?

You know, it's funny. There was actually a Member of Congress on the Republican side—and I forget his name, you will forgive me—who campaigned all summer and fall against what they call ObamaCare and how outrageous it is, and he is going to get to work on doing away with it. They had orientation for the new Members of Congress, and he stands up and says, When do I get my government health care plan?

And when we started looking and we started asking questions, it turned out that there are a lot of Members of Congress who railed against other people getting health coverage but really like that they get it. As they should. No one should give up their health care plan. People should get it.

There was even a member of the New York delegation, when asked about it, Are you going to take the government health care plan since you campaigned so hard against it? And he said, Of course. What happens if I have an accident and I need health care? Where am I going to get it? Exactly.

The same is true for a citizen who works hard. And, by the way, of the uninsured, 75 percent of them have full-time jobs. It's not like they are slacking. They are hardworking Americans. And so the health care plan that we provided, like the Members of Congress, their staffs, and 9 million Federal employees have, says, you know what, the more of us are covered, the more we can control costs just like what the health care plan does.

And here it is, the moment has arrived in the bill, and the silence is deafening. You could probably save a few shekels doing that. Couldn't you, Mr. HONDA? You could probably save a few dollars if you eliminated that. Maybe this is the time to do it. And instead, we are going to hear about an amendment.

And Mr. WHITFIELD may be right, I don't know. I will have to figure out how to vote on that. I'm not up on the coal-powered plants here. But it's certainly that opportunity. I would hope all of those people who deride government-funded, government-run health care can come down here. And while you're at it, I guess you are going to de-fund Medicare. I read that in the paper today. That's the next thing. Government-run health care. Well, this is kind of your moment to do it.

Be consistent. Be honest. What this is really about is that we took a plan that is basically founded on free-market principles and said, you know what, the employer-based model, we're going to try to have more people get employer-based insurance.

But if you are really honest and consistent, this is the moment in the bill that I would hope our Republican colleagues come down 5 minutes at a time and say, Let's get rid of that dastardly

Federal Employee Health Benefits Plan that the legislative branch benefits from. Or at least come down and say, I'm taking it and here is why I'm contradicting what I said in the campaign. This is our time to do it, and I would hope we would.

Mr. CRENSHAW. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. CRENSHAW. In the interest of time, Madam Chair, I just want to rise in support of the amendment by the gentleman from Kentucky. I think it's a good amendment, and I encourage my colleagues to support it.

I yield back the balance of my time.

Mr. HONDA. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. HONDA. Madam Chair, just a word against the amendment.

The amendment really actually reduces the House of Representatives' budget by \$1.5 million, which will bring the total reduction to \$82 million from fiscal year 2010.

The gentleman purports that this amendment cuts energy reduction programs when in actuality that is not what his amendment does. He makes a general cut that will affect office budgets and the services of the House.

So I just want to be clear on this. It is a shortsighted strategy to handicap the legislative branch of government by reducing our own staffs here. We are an equal branch of government and must effectively serve our own constituents.

Not only is the gentleman's amendment flawed, but the motive of his amendment is flawed. Energy reduction programs save the government and taxpayers money. For example, the House has installed nearly 13,000 energy saving compact fluorescent light bulbs, or CFLs, throughout the House complex, saving more than 1.1 million kilowatt hours annually. This project has already saved taxpayers up to now \$446,000 and is projected to produce an annual savings of \$178,000 annually into the future. So we are getting a return on our investments.

Furthermore, consolidating Member office computer services has dramatically saved energy and taxpayer money. This project has already saved taxpayers over \$1 million and is projected to save nearly \$800,000 annually, returning back to us a return on investment.

All told, energy reduction programs for the House have already saved taxpayers \$3.2 million and is projected to save nearly \$9 million annually once it is completed.

While I know that cuts are needed, Madam Chair, I would prefer if the Congress focused its time on policies

that actually accomplished deficit reduction. Now, if the gentleman wants to cut energy funding and we're looking at our budget, it's really the Architect of the Capitol's budget. So there is a misfocus on the target. But if the gentleman wants to really cut energy funding, he should join this side of the aisle and call for the end of the Big Oil subsidies.

Let's stop the message amendments and work towards real deficit reduction.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 1902. Notwithstanding section 1101, the level for "House of Representatives, House Leadership Offices" shall be \$24,861,969, and the levels under that heading shall be as follows:

- (1) For the Office of the Speaker, \$4,877,851.
- (2) For the Office of the Majority Floor Leader, \$2,432,808.
- (3) For the Office of the Minority Floor Leader, \$4,378,238.
- (4) For the Office of the Majority Whip, \$2,105,373.
- (5) For the Office of the Minority Whip, \$1,628,873.
- (6) For the Speaker's Office for Legislative Floor Activities, \$497,619.
- (7) For the Republican Steering Committee, \$940,674.
- (8) For the Republican Conference, \$1,679,970.
- (9) For the Republican Policy Committee, \$344,485.
- (10) For the Democratic Steering and Policy Committee, \$1,319,273.
- (11) For the Democratic Caucus, \$1,659,696.
- (12) For nine minority employees, \$1,487,455.
- (13) For the training and program development—majority, \$277,807.
- (14) For the training and program development—minority, \$277,439.
- (15) For Cloakroom Personnel—majority, \$477,469.
- (16) For Cloakroom Personnel—minority, \$476,939.

SEC. 1903. Notwithstanding section 1101, the level for "House of Representatives, Members' Representational Allowances" shall be \$613,052,000.

SEC. 1904. Notwithstanding section 1101, the level for "House of Representatives, Committee Employees, Standing Committees, Special and Select" shall be \$132,449,103, the period of applicability referred to in the proviso under that heading shall be December 31, 2012, and none of the funds made available under that heading may be used for committee room upgrading.

SEC. 1905. Notwithstanding section 1101, the level for "House of Representatives, Committee on Appropriations" shall be \$28,483,000, and the period of applicability referred to in the proviso under that heading shall be December 31, 2012.

SEC. 1906. Notwithstanding section 1101, the level for "House of Representatives, Salaries, Officers and Employees" shall be \$184,386,000, and the level under that heading—

- (1) for the Office of the Clerk shall be \$26,568,000;

(2) for the Office of the Sergeant at Arms shall be \$8,221,000; and

(3) for the Office of the Chief Administrative Officer shall be \$121,676,000.

SEC. 1907. Notwithstanding section 1101, the level for "House of Representatives, Allowances and Expenses" shall be \$305,067,000, and the level under that heading—

(1) for employee tuition assistance benefit payments shall be \$0;

(2) for employee child care benefit payments shall be \$0;

(3) for Business Continuity and Disaster Recovery shall be \$17,000,000, of which \$5,000,000 shall remain available until expended;

(4) for the Wounded Warrior Program shall be \$2,000,000; and

(5) for Energy Demonstration Projects shall be \$0.

SEC. 1908. Notwithstanding section 1101, the level for "Joint Items, Joint Economic Committee" shall be \$4,364,500.

SEC. 1909. Notwithstanding section 1101, the level for "Joint Items, Joint Committee on Taxation" shall be \$10,551,150.

SEC. 1910. Notwithstanding section 1101, the level for "Capitol Police, Salaries" shall be \$277,688,000.

SEC. 1911. Notwithstanding section 1101, the level for "Office of Compliance, Salaries and Expenses" shall be \$4,085,150.

SEC. 1912. Notwithstanding section 1101, the level for "Congressional Budget Office, Salaries and Expenses" shall be \$42,761,000.

SEC. 1913. (a) Except as provided in subsection (b), notwithstanding section 1101, the level and period of availability for each item under the heading "Architect of the Capitol" shall be determined in accordance with an allocation plan submitted by the Architect of the Capitol and approved by the Committees on Appropriations of the House of Representatives and Senate, except that—

(1) the aggregate level for all items under that heading may not exceed \$498,491,000; and

(2) no amounts may remain available for any item under such plan beyond September 30, 2015.

(b) Subsection (a) does not apply to "Architect of the Capitol, Senate Office Buildings".

SEC. 1914. Notwithstanding section 1101, the level for "Library of Congress, Salaries and Expenses" shall be \$417,189,000, the amount applicable under the fourth proviso under that heading shall be \$4,815,000, and the amount applicable under the fifth and seventh provisos under that heading shall be \$0.

SEC. 1915. Notwithstanding section 1101, the level for "Library of Congress, Copyright Office, Salaries and Expenses" shall be \$52,914,670, of which not more than \$33,751,000, to remain available until expended, shall be derived from collections credited to such appropriation during fiscal year 2011 under section 708(d) of title 17, United States Code, and the amount applicable under the third proviso under such heading shall be \$34,612,000.

SEC. 1916. Notwithstanding section 1101, the level for "Library of Congress, Congressional Research Service, Salaries and Expenses" shall be \$107,309,000.

SEC. 1917. Notwithstanding section 1101, the level for "Library of Congress, Books for the Blind and Physically Handicapped, Salaries and Expenses" shall be \$66,124,000.

SEC. 1918. Notwithstanding section 1101, the level for "Government Printing Office, Government Printing Office Revolving Fund" shall be \$1,659,000.

SEC. 1919. Notwithstanding section 1101, the level for "Government Printing Office,

Office of Superintendent of Documents, Salaries and Expenses" shall be \$39,911,000.

SEC. 1920. (a) Section 309(c) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note) is amended by striking paragraph (5).

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

SEC. 1921. Notwithstanding section 1101, the level for "Government Accountability Office, Salaries and Expenses" shall be \$522,823,000, the amount applicable under the first proviso under that heading shall be \$9,400,000, the amount applicable under the second proviso under that heading shall be \$3,100,000, and the amount applicable under the third proviso under that heading shall be \$7,000,000.

SEC. 1922. Notwithstanding section 1101, the level for "Open World Leadership Center Trust Fund" shall be \$5,100,000.

SEC. 1923. Notwithstanding section 1101, the level for "John C. Stennis Center for Public Service Training and Development" shall be \$0.

□ 0120

Mr. CRENSHAW (during the reading). Madam Chairman, I ask unanimous consent that the bill through page 312, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE X—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES

SEC. 2001. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense, excluding funds designated by section 1110 of this division, shall be as follows: "Military Construction, Army", \$3,904,998,000; "Military Construction, Navy and Marine Corps", \$3,516,173,000; "Military Construction, Air Force", \$1,214,295,000; and "Military Construction, Defense-Wide", \$2,964,062,000.

SEC. 2002. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: "Military Construction, Army National Guard", \$873,664,000; "Military Construction, Air National Guard", \$194,986,000; "Military Construction, Army Reserve", \$318,175,000; "Military Construction, Navy Reserve", \$61,557,000; and "Military Construction, Air Force Reserve", \$7,832,000.

SEC. 2003. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: "Family Housing Construction, Army", \$92,369,000; "Family Housing Construction, Navy and Marine Corps", \$186,444,000; "Family Housing Construction, Air Force", \$78,025,000; "Family Housing Construction, Defense-Wide", \$0; and "Family Housing Improvement Fund", \$1,096,000.

SEC. 2004. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: "North Atlantic Treaty Organization Security Investment Program", \$258,884,000; "Homeowners Assistance Fund", \$16,515,000; "Chemical Demilitarization Construction,

Defense-Wide", \$124,971,000; "Department of Defense Base Closure Account 1990", \$360,474,000; and "Department of Defense Base Closure Account 2005", \$2,354,285,000.

SEC. 2005. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: "Family Housing Operation and Maintenance, Army", \$518,140,000; "Family Housing Operation and Maintenance, Navy and Marine Corps", \$366,346,000; "Family Housing Operation and Maintenance, Air Force", \$513,792,000; and "Family Housing Operation and Maintenance, Defense-Wide", \$50,464,000.

SEC. 2006. Notwithstanding any other provision of this division, the following provisions included in title I of division E of Public Law 111-117 shall not apply to funds made available by this division: the first, second, and last provisos, and the set-aside of \$350,000,000, under the heading "Military Construction, Army"; the first and last provisos under the heading "Military Construction, Navy and Marine Corps"; the first, second, and last provisos under the heading "Military Construction, Air Force"; the second, third, fourth, and last provisos under the heading "Military Construction, Defense-Wide"; the first, second and last provisos, and the set-aside of \$30,000,000, under the heading "Military Construction, Army National Guard"; the first, second, and last provisos, and the set-aside of \$30,000,000, under the heading "Military Construction, Air National Guard"; the first, second, and last provisos, and the set-aside of \$30,000,000, under the heading "Military Construction, Army Reserve"; the first, second, and last provisos, the set-aside of \$20,000,000, and the set-aside of \$35,000,000, under the heading "Military Construction, Navy Reserve"; the first, second, and last provisos, and the set-aside of \$55,000,000, under the heading "Military Construction, Air Force Reserve"; the proviso under the heading "Family Construction, Army"; the proviso under the heading "Family Housing Construction, Navy and Marine Corps"; the proviso under the heading "Family Housing Construction, Air Force"; the proviso under the heading "Family Housing Construction, Defense-Wide"; and the proviso under the heading "Chemical Demilitarization Construction, Defense-Wide".

SEC. 2007. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, General Operating Expenses" shall be \$2,546,276,000, of which not less than \$2,148,776,000 shall be for the Veterans Benefits Administration.

SEC. 2008. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Information Technology Systems" shall be \$3,146,898,000.

SEC. 2009. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Construction, Major Projects" shall be \$1,151,036,000: *Provided*, That not later than 30 days after the date of the enactment of this section, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for fiscal year 2011 at a level of detail below the account level: *Provided further*, That the last proviso included in title I of division E of Public Law 111-117 under the heading "Department of Veterans Affairs, Departmental Administration, Construction, Major Projects" shall not apply to funds appropriated by this division.

SEC. 2010. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Construction, Minor Projects" shall be \$467,700,000.

SEC. 2011. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Grants for Construction of State Extended Care Facilities" shall be \$85,000,000.

SEC. 2012. Notwithstanding section 1101, the level for "Armed Forces Retirement Home, Trust Fund" shall be \$71,200,000, of which \$2,000,000 shall be for construction and renovation of physical plants.

SEC. 2013. Notwithstanding any other provision of this division, the following provisions included in title IV of division E of Public Law 111-117 shall not apply to funds appropriated by this division: the proviso under "Military Construction, Army" and the proviso under "Military Construction, Air Force".

SEC. 2014. Of the funds made available for "Military Construction, Defense-Wide" in title I of division E of Public Law 110-329, \$23,000,000 is rescinded.

SEC. 2015. Of the funds made available for "Military Construction, Defense-Wide" in title I of division E of Public Law 111-117, \$125,500,000 is rescinded.

SEC. 2016. Of the funds made available for "Military Construction, Army" in title I of division E of Public Law 111-117, \$160,000,000 is rescinded.

SEC. 2017. Of the funds made available for "Military Construction, Navy and Marine Corps" in title I of division E of Public Law 111-117, \$34,000,000 is rescinded.

SEC. 2018. Of the funds made available for "Military Construction, Air Force" in title I of division E of Public Law 111-117, \$87,000,000 is rescinded.

SEC. 2019. Of the unobligated balances available for "Department of Defense Base Closure Account 2005" from prior appropriations (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$200,000,000 is rescinded.

SEC. 2020. Of the funds designated by section 1110 of this division, funds available for the Department of Defense shall be as follows: "Military Construction, Army", \$929,994,000; "Military Construction, Air Force", \$280,506,000; and "Military Construction, Defense-Wide", \$46,500,000.

SEC. 2021. The levels for each of the following accounts for fiscal year 2012 shall be as follows:

(1) "Department of Veterans Affairs, Medical Services", \$39,649,985,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

(2) "Department of Veterans Affairs, Medical Support and Compliance", \$5,535,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

(3) "Department of Veterans Affairs, Medical Facilities" in the amount of \$5,426,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

SEC. 2022. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2011 for "Medical services", "Medical support and compliance", "Medical facilities", "Construction, minor projects", and "Information technology systems", up to \$235,360,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Med-

ical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111-84 and may be used for operation of the facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 2023. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417 shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of Public Law 111-84, and (2) for operations of the facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417.

SEC. 2024. Of the funds made available for "Department of Veterans Affairs, Departmental Administration, Information technology systems" in division E of Public Law 111-117, \$117,000,000 is rescinded.

Mr. CRENSHAW (during the reading). Madam Chairman, I ask unanimous consent that the bill through page 319, line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

SEC. 2101. For purposes of this title, the term "division F of Public Law 111-117" means the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117).

Mr. BERMAN. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Madam Chairman, it seems to me that in this frenzied competition to see who can cut the most and the fastest, we are losing all sense of reason and rationality. I am deeply concerned by what I see happening to the international affairs budget which is contained in this title XI of the bill before us.

In the past, the State Department and foreign appropriations bill has passed with strong bipartisan support, often by an overwhelming margin. Members of both parties have understood how important diplomacy and development are, not only to U.S. standing in the world, but to our country's own economic growth, to American jobs and to American national security.

They recognize that problems such as terrorism, the proliferation of weapons of mass destruction and the spread of deadly disease cannot be resolved unilaterally. They know that over the long term, the best way to create more jobs at home is to build more export markets overseas. They understand that we cannot defeat violent extremism by military means alone and that, as Secretary Gates said last fall, "Development is a lot cheaper than sending soldiers."

Yet the process by which this CR has been produced makes a mockery of the responsibilities we have as Members of Congress to advance our economy and protect our national security.

First, the Republican leadership announced a plan to make \$44 billion in cuts. Then we started hearing other numbers: \$58 billion, \$74 billion, \$100 billion. Each time it is measured a different way by a different baseline. And no matter how high the number goes, there are proposals to cut even deeper.

These numbers weren't chosen because they looked at programs and said, Here is something that is not working, or, Here is something we don't need to do. No, the number was purely arbitrary, plucked out of a hat, totally unrelated to any thoughtful calculation of what was actually needed and how much that cost.

This bill isn't about making government more cost effective or more efficient. It doesn't promote the kinds of reforms and streamlining that are needed to ensure that our aid reaches those who need it most. It is simply a slash-and-burn process, hacking away with a machete without consideration for all the critically important work that is being destroyed or how it affects our national security.

The base bill itself might be laughable if it weren't so appalling. Humanitarian programs to provide lifesaving assistance, food, water, medicine and plastic sheeting to victims of earthquakes, hurricanes, floods and famines is cut by 50 percent. Do we really intend to stand idly by as innocent men, women, and children starve to death? Will we turn off our television sets when we see people's homes and livelihoods wiped away by an unexpected catastrophe?

It is not just disaster aid that is affected. Every other program that protects the poorest and most vulnerable people is savaged: refugee aid, food aid, water and sanitation, massive cuts in international efforts to fight AIDS, malaria and tuberculosis.

Meanwhile, funding for the diplomats and aid workers who carry out these programs is also slashed. If there is anything we have learned over the past few years, it ought to be that we just don't hand over money to contractors and governments without adequate oversight and accountability.

Over the last month, we have all watched the incredible events unfolding in Tunisia and Egypt. The United States did not create these democracy movements and does not control them. But our diplomats did and do play a large role in helping to promote peaceful, negotiated solutions so that the will of the people can be heard.

Our security assistance helped professionalize forces in both of those countries so they did not crush the demonstrators with force, as has happened in so many other places. And yet this bill and many of the proposed amendments would slash the kinds of assistance we provide nascent democracy movements and human rights activists under other authoritarian regimes.

Somehow, the draconian cuts in this bill were not enough for many in this body. Add on top of all these cuts, we now face amendments to remove ourselves completely from the United Nations, to eliminate funding for the National Endowment for Democracy and the Millennium Challenge Corporation and the U.S. Institute of Peace. They would prohibit us from taking action to address climate change and increase the availability of voluntary family planning for couples who cannot feed the children they already have. They would cut aid to countries whose support is essential to us in the areas of counterterrorism, intelligence and nonproliferation just because they don't vote with us in the United Nations.

There is one thing the authors of these amendments don't seem to understand: Aid is not a gift. The United States provides foreign assistance because it serves our interests. Helping countries become more democratic, more stable, more capable of defending themselves and better at pulling themselves also out of poverty is just as important for us as it is for them.

Madam Chairman, the cuts to international spending in this bill will not create a single U.S. job. In fact, they will cost jobs.

Mrs. LOWEY. Madam Chairman, I rise to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Madam Chairwoman, as chair of the State and Foreign Operations Appropriations Subcommittee for the last 4 years, I worked in a bipartisan manner with my friend, Chairwoman KAY GRANGER, to ensure our bill protects our national security, and I do appreciate her efforts to sustain our successes and note the inclusion of \$3 billion pursuant to the MOU between the United States and Israel and continued commitments to Egypt and Jordan in the bill we consider today. I am also pleased the bill continues robust investment in basic education, which is the cornerstone of free, healthy and economically stable societies.

Tough measures we authored to hold accountable recipients of U.S. assistance in Afghanistan are also preserved in this bill to ensure that taxpayer dollars are spent efficiently and effectively to achieve our security priorities in the region. However, irresponsible cuts in policies in the CR will threaten global stability and American interests abroad.

There is broad bipartisan agreement that a three-legged stool of defense, diplomacy and development is vital to our national security, yet this bill would dramatically weaken U.S. diplomacy and development.

□ 0130

Despite the ongoing events in Egypt, burgeoning protests throughout the region, instability around the world, this bill undermines our efforts aimed at democratic governance and alternative development options, our support of international financial institutions, conflict mitigation and reconciliation, disaster assistance, and global health priorities.

In addition, the Republican leadership has taken a divisive approach by including reinstatement of the global gag rule and a prohibition on funds for the United Nations Population Fund in our first spending bill in the new majority.

During my 4 years as chair of the subcommittee, I refrained from including many women's health priorities I fought for throughout my career so that we could work together to advance America's best interests. This CR would deny millions of women abroad family planning and basic health services, and I'm deeply disappointed that my colleagues refuse to work with us to bolster our efforts to prevent unintended pregnancies and the spread of disease in the developing world.

Finally, these measures are brought to the floor under the guise of fiscal responsibility. Let me be clear: This bill would endanger our national and economic security, hurt job growth, and put an extreme social agenda ahead of restoring our economy. So I urge my colleagues to oppose this bill.

I yield back the balance of my time. Mr. SCHIFF. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. Madam Chair, over the last several weeks we've seen some of the most dramatic and potentially promising events in the Arab world in perhaps a generation. We saw what began with the actions of a fruit vendor in Tunisia spiral and take down not only the government in that country but in Egypt in a way that carries on and whose consequences we have yet to fully comprehend.

In this environment where we have a potential game-changing situation in

the Arab world, where people not only in the Arab world but around the entire globe have celebrated as people have taken to the streets to reclaim the right to shape their own government, to exercise their God-given rights of freedom of expression, freedom of association, in this hour of great promise and hour of great peril, our ability to interact with the rest of the world, our ability to fund vital efforts in the rest of the world is more essential than ever.

We have an opportunity here to help in parts of the world that have been fertile terrain for terrorism to remove some of the root causes of that terrorism—the lack of opportunity, suffering under authoritarian regimes—and we need to engage in this potentially new world.

I am very much afraid that some of the crippling cuts to our foreign assistance budget that are contemplated in this CR will undermine our ability to react and respond in this fast-changing situation. Some of the further cuts that are contemplated in the amendments that we'll hear tonight which will even go beyond what is in this CR would, again, be extraordinarily detrimental to our ability to help shape in a positive way the events that are taking place.

To give you one example, right now Egypt is under military law. We have a decades-long relationship with the Egyptian military by virtue of our FMF funding, by virtue of our IMET relationship. These are the subject of not only cuts but, in some of the amendments tonight, crippling cuts that will undermine our continuing ability, our continuing relationship with that military as it works with members of the opposition to shape Egypt's future. That relationship we have with the Egyptian military I think will be pivotal in keeping a fire lit in Egypt to make sure that the road to democracy is inexorable and that it happens soon. So I am desperately concerned about some of the cuts in the CR and some of the cuts that are contemplated in the amendments.

I appreciate very much the work that my chair, NITA LOWEY, has done and the new chair, Ms. GRANGER, has done. I look forward to working with both of them. I hope to restore some of the funding that has been taken out in the CR and to defeat some of the amendments that will further undercut these vital international efforts.

I yield back the balance of my time. Ms. GRANGER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. GRANGER. Madam Chair, I rise in support of H.R. 1.

Chairman ROGERS, it's been a pleasure working with you and the other members of the committee on this important piece of legislation that begins to address our country's fiscal crisis. For too long we have seen

unsustainable increases in spending. This bill puts an end to that practice and further corrects course by making unprecedented cuts to the federal budget.

As chair of the State-Foreign Operations Subcommittee, I know the difficult tradeoffs that have to be made to achieve these levels of cuts, but we cannot continue to ignore our skyrocketing deficits and debt.

We are taking our pledge to cut spending seriously. Since fiscal year 2008, the state-foreign operations budget has had dramatic increases, and this bill begins to rein in the growth of many programs.

The state-foreign operations title of the bill before us is \$44.9 billion. This represents—an \$11.7 billion, or 21%, reduction from the president's fiscal year 2011 request; A \$3.8 billion, or 8%, reduction from the fiscal year 2010 enacted level, and A \$9.9 billion, or 18%, reduction from the fiscal year 2010 level with supplemental appropriations.

Let me be clear—while these are dramatic cuts, I support the goals and objectives of using civilian power to achieve our national security goals. But the state of our economy does not afford us the luxury of continuing all the programs we're currently supporting around the world, particularly at a time when domestic programs are being significantly reduced.

To achieve the level of savings included for the remainder of FY11, reductions were made in areas that, while difficult, preserve important efforts and priorities. For example, the bill before us supports top national security priorities, maintains momentum in Iraq, Afghanistan, and Pakistan, fully funds the US-Israel memorandum of understanding at \$3 billion, and continues the fight against illegal drug trafficking in Mexico, Central America, and Colombia.

In order to do all of these things, in this bill:

New activities are paused so we can take a closer look at our current investments to ensure they are working before we expand them.

Many programs that are well-liked and supported are scaled back. Our country simply cannot afford the growth some of these programs have experienced since 2008.

Underperforming, wasteful, and duplicative programs are significantly reduced, and many are eliminated. We cannot continue to spend simply because we have done so in the past.

Large administration commitments—like climate change—are shelved. We must be sure our domestic problems are addressed before we consider these large investments abroad.

While these choices were difficult, they must be made in order to preserve our national security priorities.

There is a need for continued oversight in our foreign aid and constituents want to be assured that their tax dollars are being used as intended and not falling into the wrong hands. For that reason I have included language which provides additional oversight for countries like Afghanistan and Lebanon.

I would like to thank ranking member LOWEY for her dedication to the subcommittee as chair for the last four years, and I look forward to continuing to work together.

We both agree that members on both sides of the aisle deserve to be heard on the important foreign policy matters that come before

our subcommittee. We have members who are returning this year to the subcommittee and new members who are ready to be a part of our team.

I would also like to thank the staff on both sides. On the majority staff Anne Marie Chotvacs, Craig Higgins, Alice Hogans, Susan Adams, Celia Alvarado, and Jamie Guinn. On the minority staff: Steve Marchese.

I know Mrs. LOWEY and I both appreciate the work of our personal office staff: Aaron Ranck, Johnnie Kaberle, and Talia Dubovi.

I also want to recognize Jeff Shockey. This will be the last appropriations bill on the floor before Jeff leaves the appropriations committee so I want take this opportunity to thank him for his years of dedication and hard work. Jeff has been a significant asset to this committee, and to the house, and he will be missed.

We all benefit from these highly professional staff and I thank them for their work to help bring the fiscal year 2011 process to a close.

I hope this bill will move forward quickly to ensure important government operations are continued in a manner that is fiscally responsible and meets our foreign policy challenges around the world.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 2102. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Administration of Foreign Affairs, Diplomatic and Consular Programs", \$8,383,460,000, of which \$1,491,041,000 is for Worldwide Security Protection (to be available until expended); "Administration of Foreign Affairs, Office of Inspector General", \$94,000,000; "Administration of Foreign Affairs, Capital Investment Fund", \$59,575,000; "Administration of Foreign Affairs, Emergencies in the Diplomatic and Consular Service", \$9,400,000; "Administration of Foreign Affairs, Representation Allowances", \$7,685,000; "Administration of Foreign Affairs, Payment to the American Institute in Taiwan", \$19,904,000; "Administration of Foreign Affairs, Civilian Stabilization Initiative", \$40,000,000; and "Administration of Foreign Affairs, Protection of Foreign Missions and Officials", \$26,320,000.

SEC. 2103. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Organizations, Contributions to International Organizations", \$1,516,430,000; "International Organizations, Contributions for International Peacekeeping Activities", \$1,898,511,000; "Related Programs, United States Institute of Peace", \$42,676,000, which shall not be used for construction activities; "Related Programs, East-West Center", \$10,716,000; and "International Commissions, International Fisheries Commissions", \$44,627,000.

AMENDMENT NO. 100 OFFERED BY MR. WEINER

Mr. WEINER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 321, line 7, after the dollar amount, insert "(reduced by \$42,676,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$42,676,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Madam Chair, this amendment is a simple one. It strikes funding for the United States Institute of Peace. I'm going to direct most of my remarks today to my colleagues on the Democratic side, because I think this does insist upon bipartisan support.

I think the United States Institute of Peace is a great organization. I think they do great work. If you're going to rise today to say continue funding them because of all the great things they do, you don't need to bother. I agree with you.

The simple question is: After spending \$720 million in taxpayer funds adjusted for inflation since 1985 not through a grant program but through a congressional earmark that has been dropped in year after year, the taxpayers have built this glorious new building.

By the way, this one right here is the State Department. That does many of the same things.

I can tell you that the Council on Foreign Relations hasn't gotten \$721 million, the Foreign Policy Research Institute, the Brookings Institute, Cato, Roosevelt Institute, Council on Hemisphere Affairs, or none of the nearly 151 peace study organizations at universities around the country.

I say to my friends on the Democratic side of the aisle, if for a moment we can focus on this, it is incumbent on all of us to also be seeing opportunities where we can find things in the budget that perhaps we can do without. Just like in the eighties when there were so many of the programs we felt important to us came under attack during the Reagan years, it sharpened our focus and it made us come up with better and better programs that dealt with some of the critique of our opponents. We need to do that now as well. The idea of weeding out government waste is a Democratic progressive ideal. We want to do that.

This is a very, very good program. But should we be spending \$100 million of taxpayer money to build a think tank, a giant headquarters a stone's throw from the State Department? Should we be providing them money through grants from the Department of Defense or State Department? Maybe. They get those, too. But they get a direct congressional earmark that was dropped in in 1985 and hasn't had a single oversight hearing since.

It's a good program. It does worthy things. I got a copy of the talking points of the gentlelady from New York (Mrs. LOWEY), one of my absolute heroes in this place, and it lists some of those great things they do. But the question has to be: In these fiscal times, is there nothing that we should be able to say, you know, maybe we should do without? Or, better yet, if you believe that giving an additional \$40 million, let it go out in the form of

grants. Let other institutes step up and try to get it. Let them apply. Let them make an application.

This is a moment that we progressives have to embrace. There's a lot of waste. They didn't get a lot of it, the other side of the aisle. And I think that we should be looking for opportunities to say maybe we can do things a little bit differently.

Let's remember how this got here, by the way. This got here when former Senator Stevens put a \$100 million earmark in the bill in conference. It wasn't voted on here, wasn't voted on the Senate, and it plopped in. We deride those things all the time, and yet here it is, this glorious building. This building is remarkable. And I'll give you more. Apparently, Navy Hill, which is right nearby, the Defense Department is giving them some land there, too.

□ 0140

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. WEINER. If we are going to engage in a debate and if you will yield on your time, I gladly will.

Mr. JACKSON of Illinois. I would be happy to.

Mr. WEINER. Yes, I will gladly yield.

Mr. JACKSON of Illinois. General Petraeus has written a letter indicating that the Institute of Peace is an integral part of resolving conflict and mediation on the ground.

I hope the gentleman will comment on that.

Mr. WEINER. Yes, certainly. He's right.

The question is not that but, rather, where in General Petraeus' letter did he say we should be funding it with a direct congressional earmark. No one says stop functioning. I want this building to be filled up with happy, peace-loving activists who are doing their job. I hope they do.

The question is very simple, I say to my colleague from Illinois, one of the foremost leaders of this House:

Why do we choose this particular think tank to bestow this direct congressional line item? I'm amenable to taking the \$42 million and saying, let's see if they can use it at Cornell or the University of Illinois' Peace Institute or at the Cato Institute or—I was going to say a more conservative one just to mix it up a little bit.

The point that I'm making is, it's just why it has this status in the budget. It shouldn't. It had it once. It keeps it. It keeps it. It keeps it. It keeps it. Look at this. Have you been to the State Department recently? It doesn't look this good. Have you been to the Pentagon recently? It doesn't look this good. I mean, this is pretty darned good, and it's \$100 million of U.S. taxpayer dollars. Go out and raise it like every other think tank.

General Petraeus is right. Let's keep the United States Institute of Peace, but let's stop paying for it in this way.

I yield back the balance of my time.

Ms. GRANGER. Madam Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. GRANGER. Madam Chair, Congress created the U.S. Institute of Peace in 1984 as part of the Defense Authorization Act of 1985. Since that time, USIP has been active on the ground in diverse conflict zones around the world, among them the Balkans, Afghanistan, Colombia, Iraq, Kashmir, Liberia, Nepal, Pakistan, the Palestinian Territories, Nigeria, Sudan, Uganda, and the Philippines.

With conflicts continuing around the globe, the institute's expertise and independence is an important resource for both the Secretary of State and the Secretary of Defense to utilize in protecting our national security and in promoting our values of liberty and democracy.

General David Petraeus stated it well in a 2009 letter to OMB: "I write to underscore the importance of the U.S. Institute of Peace to the missions the United States is currently pursuing in Iraq and Afghanistan. While I have long been an avid reader of USIP's analytical products, which are second to none in tracking the challenges we face in both countries and in outlining policy options, I have more recently been impressed with USIP's on-the-ground peace-building efforts. USIP's experience working closely with the U.S. military will be a great asset in developing stronger unity of effort between civilian and military elements of government."

Former Secretary of State George Schultz, in a February 15, 2011, letter to the institute's President, echoed the comments of General Petraeus by saying:

"We are in the most profound period of change in international affairs since the end of the Cold War; and the institute, as a small and agile operation, has demonstrated a unique capacity to innovate in approaches to managing conflicts abroad that affect U.S. interests."

Madam Chair, I have great respect for both General Petraeus and former Secretary of State George Schultz. The CR already reduces USIP's appropriation by over 6 percent. I cannot support further cuts, and I urge a "no" vote on the gentleman's amendment.

I yield back the balance of my time.

Mr. JACKSON of Illinois. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JACKSON of Illinois. Madam Chair, the U.S. Government simply must have options for solving international conflict other than military action or international diplomacy. USIP is the only independent U.S. Government actor that is dedicated solely to conflict mediation and resolution.

For example, in both Afghanistan and Iraq, USIP has been on the ground since the beginning of these conflicts, actively bringing together parties to the conflict and building an agenda for the resolution of these conflicts, resulting in less need for American troops and paving the way for stabilization efforts. General Petraeus called USIP's reconciliation work in Iraq "a striking success."

Here are several examples of what the Department of Defense, the Regional Combatant Commands and other components of the military have asked USIP to do, just in the past year, to help them deal with challenges:

A joint program with the U.S. Army Combined Arms Center in Fort Leavenworth to convene multiple U.S. agencies and extract key lessons from the U.S. military to civilian transition in Iraq to help those confronting another massive handoff in Afghanistan.

Comprehensive training for the U.S. Department of Defense's Ministry of Advisors Program, MoDA, going out to serve in Afghanistan for Lieutenant General William B. Caldwell, IV, commander of NATO Training Command Afghanistan.

USIP, Madam Chair, is a small, agile center of innovation in support of America's national security. Funding for it, obviously, should not be eliminated today.

I want to draw from a letter that General Petraeus, the General of the United States Army Commanding Forces in Afghanistan, most recently wrote to Rob Goldberg, the Director of International Affairs at NSP.

He says—and I extrapolate—"USIP's experience working closely with the U.S. military will be a great asset in developing stronger unity of effort between civilian and military elements of government. In fact, I hope soon to see U.S. military officers training alongside civilian governmental and non-governmental counterparts in USIP's headquarters at 23rd and Constitution," the wonderful building that my colleague Mr. WEINER, one of the foremost leaders of this institution, pointed out to us just moments ago.

"Their facility is not just an important symbol of our Nation's commitment to peace; it is also home to a wonderful training center that we hope to leverage to increase understanding and unity of effort in today's complex operations."

The USIP is across the street, or just across the river, from the Pentagon, therefore giving access to our military leaders who are fighting abroad.

Mr. WEINER. Will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. WEINER. The gentleman correctly points out some of the great things they're doing on behalf of the Department of Defense.

Is the gentleman aware that the United States Institute of Peace gets, in addition to the money that I've identified here, \$135 million in transfer from DOD, USAID and the State Department? Is the gentleman aware that they already get grants to do that work and that the money that I am seeking to cut is above and beyond that work? Is the gentleman aware of that?

Mr. JACKSON of Illinois. I am aware of that.

That notwithstanding, the fact of the matter is this money is not wasted money. This money is designed to provide our military officers and civilian sectors of various combatant war zones in both Afghanistan and Iraq with an opportunity to interact.

This is not the responsibility of the Pentagon. This is not what the Pentagon does. So, with our military personnel on the ground, either as combatants or as noncombatants, having access to civilian sectors in society and helping them transition to peaceful forms of government and having conflict resolution at the local level are critical parts of our long-going mission in Afghanistan.

I would be happy to continue to yield to the gentleman from New York.

Mr. WEINER. Does the gentleman not believe that the Council on Foreign Relations is good or the Foreign Policy Research Institute or the Brookings Institute or all of the other institutes that do similar work but that don't live in this gilded building and that don't do so with government?

I mean, the question is not whether they're good. It's whether they should have this wanted status that puts them primary among all think tanks that are doing very good work.

Mr. JACKSON of Illinois. In reclaiming the balance of my time, let me say that, while I recognize the importance of the other think tanks and the work that they do in achieving and working towards peace, the United States Government also has an obligation to work directly with civilian sectors in various combatant zones.

What is the United States Government's commitment to peace? Well, that commitment to peace manifests itself through the United States Institute for Peace, USIP, not through other foundations or through other means by which peace may be maintained.

I thank the gentleman for engaging in the debate.

UNITED STATES CENTRAL COMMAND,

OFFICE OF THE COMMANDER,

MacDill Air Force Base, FL, Feb. 11, 2009.

Mr. ROB GOLDBERG,

Director, International Affairs Division, National Security Programs, The Office of Management and Budget, Washington, DC.

DEAR Mr. GOLDBERG, I would like to underscore the importance of the US Institute for Peace (USIP) to the missions the United States is currently pursuing in Iraq and Af-

ghanistan. While I have long been an avid reader of USIP's analytical products, which are second to none in tracking the challenges we face in both countries and in outlining policy options, I have more recently been impressed with USIP's on-the-ground peacebuilding efforts.

In Iraq, the Institute stepped up to the plate beginning in August 2007 to assist the 10th Mountain Division in a reconciliation effort in Mahmoudiya, a community on the southern edge of Baghdad that was once known as the "Triangle of Death." Since then, General Odierno and I have often cited Mahmoudiya as a striking success story. USIP's continuing reconciliation efforts at the community level, especially in Diyala and Ninewa, as well as at the national level in Baghdad, hold great promise for the future.

In Afghanistan, USIP's work on the informal justice system has been invaluable as we work toward improving the rule of law at the provincial level. Their plans for reconciliation efforts at the community level on the Afghanistan/Pakistan border are likewise a potential key to success in the enormous challenges we face.

USIP's experience working closely with the US military will be a great asset in developing stronger unity of effort between civilian and military elements of government. In fact, I hope soon to see US military officers training alongside civilian governmental and nongovernmental counterparts in USIP's headquarters at 23rd and Constitution. Their facility is not just an important symbol of our nation's commitment to peace; it is also home to a wonderful training center that we hope to leverage to increase understanding and unity of effort in today's complex operations.

We can be proud of what USIP has done in the past, and I look forward with confidence to the contributions the Institute will make in the future.

Sincerely,

DAVID H. PETRAEUS,

General, United States Army, Commanding.

Mr. CRAVAACK. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. CRAVAACK. I rise today in support of the amendment, and I thank the gentleman from New York (Mr. WEINER) for working across party lines to include us in this continuing resolution.

Madam Chair, after years of massive deficit spending and with a ballooning national debt, we must look for ways to rein in Washington's out-of-control spending and begin the process of getting our fiscal house back in order.

□ 0150

That begins by cutting unnecessary and repetitive programs like the U.S. Institute of Peace. Make no mistake, I believe that the institute's goals are also important and they are honorable. Who among us does not wish for peace, both for ourselves and for future generations of Americans?

But given our current fiscal constraints, I cannot justify spending over \$42 million to pay for an organization whose role could be fulfilled by exist-

ing Departments, agencies, or non-profit organizations, many of which do not depend on the Federal Government for funding.

This program has essentially been on autopilot with no real congressional oversight since it was created over 25 years ago. Over that time, the taxpayers have spent over \$700 million to fund this redundant organization. Enough is enough.

The people of northeast Minnesota sent me, like many of my freshman colleagues, to Washington because they are tired of unaccountable government wasting their hard-earned dollars and borrowing against their children's futures.

I am proud to note that this amendment is supported by Citizens Against Government Waste, a nonpartisan group whose mission is to eliminate waste, mismanagement, and inefficiency in the Federal Government. They know an unnecessary program when they see it.

For example, in the building for the Institute of Peace—and this is from their Web site—there will be a contemplation area that will provide a quiet, meditative setting where visitors can reflect on their journey through the Global Peacebuilding Center. Enveloped in a spare, yet evocative, space combining a soothing water element with a generous gathering area, visitors will be encouraged to take time to consider the meaning of their recent experience. Preliminary thoughts for the water feature suggest a piece of cantilevered, honed slate across which flows a thin sheet of water that spills off the table into a pool below.

Included in these areas is an immersion theater and paths to peace building. A culminating game will illustrate the winding path to peace, filled with challenges and obstacles along the way. Visitors will determine the best route to take to reach a peaceful solution to a conflict. Signposts along the way will flag obstacles to peace, opportunities for moving the peace process forward, and dangers of backsliding or losing ground.

In response to President Reagan signing this into existence, what actually occurred is former Representative Dante Fascell had a provision inserted at the last minute to title 17 of the Defense Authorization Act which then-President Reagan signed. General Petraeus, and I also agree, signed it in 2007 commending this organization but that was several years ago, and since then, we have had no oversight.

In closing, this is a real, tangible cut we can make today. Eliminating this funding and returning the money to the taxpayers is just one way we can show we are serious about getting down to business and righting our fiscal ship.

I urge my colleagues to support this amendment.

Mr. CHAFFETZ. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. Madam Chair, one of the great urgencies that we have in this country is to get our fiscal house in order. We're paying more than \$600 million a day in interest on our debt. Our debt has now accumulated to something like \$14 trillion; and when we have an opportunity, really an obligation to point out redundancies within our government, we have to take that obligation and act upon it.

The United States Institute of Peace is clearly one of those opportunities where we cite redundancy and we say we don't need somebody competing, in essence, with the State Department. Yes, they do great work in many different areas. They have been able to raise literally millions and millions of dollars from grants but, also, more importantly, from the outside world; and this is an opportunity for us to actually scale this back and allow that transition to happen.

Now, some will say, well, it is just another \$40 million; that's not going to make a big enough dent in the debt. The reality is, we have to start small. We have to see small things add up over the course of time. These appropriations that have happened year after year after year really on autopilot have now cost the taxpayers in excess of \$700 million. We're about to approach \$1 billion, right in the shadows of the State Department.

Their primary mission is to do what the United States Institute of Peace is also trying to do; and if they are able to add to the equation, then they surely, with the letters that they get from General Petraeus and the former Secretary of State, can go out and use that in a fund-raising mechanism to continue in that effort. But for us to go back into the taxpayers' wallet and pull money out and give it in favor of this particular institution, in contrast to what CATO and Heritage and all these other organizations that have been identified previously, is not fair, it's not right, and in this case, I would urge my colleagues to understand the redundancy that is going on here and say, please, this is an opportunity where we can truly make a cut.

I appreciate the great work that the Representative from New York (Mr. WEINER) has done and the gentleman from Minnesota who has spoken to this. I concur with that.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. CHAFFETZ. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

There seems to be some confusion about the role of the State Department and the role of the Institute of Peace. We know that the State Department is

responsible for diplomacy, and the Institute of Peace is the only institute that the United States of America has on the ground that advances peace in conflict areas, sustainable peace.

Would the gentleman please comment for us on the difference between diplomacy at the State Department and peace? Peace is not the responsibility of the State Department.

Mr. WEINER. Will the gentleman yield?

Mr. CHAFFETZ. I yield to the gentleman from New York.

Mr. WEINER. I appreciate you yielding. Peace is not the job of the State Department? That is exactly—

Mr. JACKSON of Illinois. Diplomacy is the responsibility of the State Department.

Mr. WEINER. Diplomacy and not towards making a grilled cheese sandwich; diplomacy towards making peace.

Look, we're parsing here. The fact of the matter is it's a nonprofit think tank that does a great job. Pursuing peace is a good thing. I don't believe Mr. CHAFFETZ and I are against pursuing peace.

The only question is, when we are apportioning Federal dollars in the budget, do we say to one institute that tries to foster peace, you're going to get money, and another, you're not? Do we say to one, you're going to get a building, and the other, you're not? Do we say, one, you're going to go through competitive grants; the other is not?

That's the only question. The idea there's only one—maybe Mr. CHAFFETZ can speak to this. The idea there's only one think tank pursuing peaceful outcomes, I believe, Mr. JACKSON, you know that that's not the case.

Mr. CHAFFETZ. Reclaiming my time, I would state that it is the overarching goal of the United States of America in every form to achieve peace. I think we are a very peaceful Nation. I think to the President, the Congress, the State Department, the Department of Defense, the overall goal of the United States of America is to achieve peace; and if we have anybody who is trying to pursue anything other than peace, I would take issue with that.

Mr. WEINER. If the gentleman would yield, I also think we need to change the way we think here. A lot of us are, like, why would you want to defund anything with peace in its name?

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. CHAFFETZ. Reclaiming my time, I am happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Once the conflict in Afghanistan is over, once the conflict in Iraq is over and we have an embassy in Iraq and Afghanistan, it is not the responsibility of the embassy in Afghanistan or Iraq to be responsible for conflict resolution in various provinces as a result of conflict.

The Institute of Peace has a very different role than that of the State Department in a combat zone. There's a very, very different role for the Institute of Peace.

The Acting CHAIR. The time of the gentleman from Utah has expired.

Mr. BERMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. BERMAN. Madam Chairman, I plan to vote against this amendment.

I want to just make two points: one, the gentleman from New York's argument is very good if, in fact, U.S. Institute of Peace was simply another think tank. If it were, then why shouldn't they compete like other think tanks do for projects and contracts through the discretionary funds of the appropriate agencies and decided on that basis?

But the U.S. Institute of Peace is not just the Brookings Institute or the Heritage Foundation. It's really more of a "do" tank than a think tank. It engages very specifically in projects, implementing projects that have direct benefits for our forces and for our diplomats based on their charter.

□ 0200

Secondly, if we're going to zero out the U.S. Institute of Peace because it's no longer necessary because it isn't worthy of a direct earmark, then repeal the legislation that created it. There wasn't legislation that created Heritage or Brookings or American Enterprise Institute. These were private organizations. The U.S. Institute of Peace was created by legislation, passed by both Houses. This wasn't dropped in in some conference committee. This was a piece of legislation that authorized and created that institute. And what the appropriators do each year is decide what appropriation should come, as the gentlelady from Texas said in her opening remarks.

They've already taken a whack out of the Institute of Peace for this particular year because—in some cases, they took a bigger whack out of some programs that I wish they hadn't done, but they have cut this. But then to come back with legislation to repeal the authorizing legislation, and then there will be nothing to earmark for, nothing to fund.

The fact is, yeah, it's a nice building and it's right next door to a pretty drab building, the State Department. The State Department may not like the building they're in, but they sure like to use the U.S. Institute of Peace for a whole variety of activities that they think they're able to get value added from, and they choose to direct and work with and contract with and partner with the U.S. Institute of Peace on a whole variety of projects, as does the Pentagon.

I urge a "no" vote.

Mr. WEINER. Will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New York.

Mr. WEINER. I just want to make sure that it's clear what we're saying. I don't think anyone who supports this amendment believes they should cease to exist. You can go to their Web site. They also have the benefit of being a beneficiary of private funds that they raise in large amounts. They can raise money to continue their work. And it was Mr. JACKSON who suggested that somehow no one else can do this work. The State Department has an Office of the Coordinator for Reconstruction Stabilization. The Defense Department has an Arms Control and Disarmament Agency. These functions exist within the agencies. No one is saying it should not exist. It should exist, just not in this way.

Mr. BERMAN. I respect that the gentleman is not saying they shouldn't exist. But this isn't a matter of whether or not they should exist. It's that we, by statute, decided to create them for very specific purposes. If you don't think this is worthy of Federal funds, then put in legislation to repeal the authorization and the creation of this institute. Don't keep a statute on the books that creates an institution which we're now going to take away the direct appropriation for.

Mr. WEINER. You've got to understand, in the context of this CR, we have a binary choice: fund/don't fund. I agree, I would like there to be oversight since 1985 over this and to answer this question. To be very clear, you are not entirely correct. The money and the authorization to build the building came in the form of an earmark, a drop of \$100 million by Senator Stevens that came from neither House, from neither committee. It just fell in there. And that was to build that building. We are catching up \$780 million in.

Mr. BERMAN. If retroactively you could undo the money that was spent to build the building, make that argument. You are right now trying to zero out the appropriation for the programs of an institute that Congress created through legislation passed in both Houses. Put in a bill to repeal the legislation, and then we will go through the arguments about its merits or not and decide. Don't wipe it out through this indirect fashion. If you put in legislation, the authorizing committees will consider that legislation. This isn't the right way to do it.

I urge a "no" vote.

I yield back the balance of my time.

Mr. CANSECO. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CANSECO. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. Madam Chair, just to discuss a point about the Institute

of Peace being not like any other organization, actually, they are.

The Afghan Study Center, where they will go in to conduct 2-day, 1-day seminars in Kabul province on national unity, peace, and stability.

The Cooperation for Peace and Unity organization, resolve longstanding conflicts on Pashtun Sunnis over disputed grazing wetlands, report back to their respective community stakeholders on peaceful approaches to resolve their disputes.

Another organization, Cooperation Center Afghanistan. The CCA will map ethnic-based conflicts in central Afghanistan, train local members and civil society leaders on conflict resolution, and conduct community outreach to promote nonviolent practices in conflict situations.

These, dear colleagues, are in-country. The same thing that the Institute of Peace does.

Now, the bottom line for this is we are \$14.1 trillion in debt. We are selling our children's futures away. The only reason I am standing here today as a Member of Congress is because I'm a father on a mission to restore the fiscal responsibility of this great body. And this is one organization that we can do without.

Mr. WEINER. Will the gentleman yield?

Mr. CANSECO. I yield to the gentleman from New York.

Mr. WEINER. I just want to also make something else clear. You know, one of the ironies of the way the U.S. Institute of Peace operates is that they are also in the grant-making business with U.S. taxpayer dollars, about \$50 million. They actually use this as a defense for their practice. They say, Oh, wait a minute, Congressman. We pass along some of our money to other institutions. We understand there are other people that do our business. That's not their job. That should be the job either of an agency that they're contracted with, the Department of Defense or State, or Congress.

Now we're saying that we need them to give money to other institutions. They, themselves, rebut what Mr. JACKSON and what Mr. BERMAN were saying because they've identified universities and nonprofits.

The gentleman from Minnesota is exactly right, that there are institutions that do this. According to—this was just a very cursory search. 151 peace study programs are underway now in colleges around the United States. Just maybe one of them can do this as well. Maybe the competition will help some. Maybe a couple of them can work together to maybe figure out ways to do this same work. The presumption that we have here on this floor, that there's something magical about the U.S. Institute of Peace's ability to do it, is what the gentleman from Minnesota is referring to. I even heard that intro-

duced in evidence. And if I went to the transcripts since 1985 of oversight hearings, I would have very little reading to do because we didn't have any. So what we're really relying upon is the benevolence of this organization to say, If you give us more than the \$780 million we've gotten, we'll do good things with it.

The gentleman is exactly right.

Mr. CRAVAACK. I thank the gentleman from New York, and I thank the gentleman from Texas for the time.

Mr. CANSECO. I yield back the balance of my time, Madam Chair.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CHAFFETZ. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 248 OFFERED BY MR. CANSECO

Mr. CANSECO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 321, line 9, after the dollar amount, insert "(reduced by \$10,716,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$10,716,000)".

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CANSECO. Madam Chairman, the gentleman from California (Mr. MCCLINTOCK), the gentleman from California (Mr. ROYCE), and I have introduced a very simple amendment. Specifically, the amendment would eliminate the \$10,716 million in funding for the East-West Center.

The East-West Center was established in 1960, according to its Web site, "to foster better relations and understanding among the peoples of the United States, Asia, and the Pacific Islands through programs of cooperative study, training, and research." Last year, the Federal Government appropriated \$23 million to the East-West Center. On top of the Federal funds it received, the East-West Center raises money from private sources.

I'm not here to debate the merits of the East-West Center. I'm not here to question whether or not the money has been used to do good things. What I'm here to do today is to debate and question why this program should be considered a priority and receive taxpayer funding when we're in a fiscal crisis.

Make no mistake, we are in a fiscal crisis that threatens not only our economic security but our national security. However, you don't have to take my word for it. Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff,

has said, "I think the biggest threat we have to our national security is our debt."

□ 0210

Erskine Bowles, President Clinton's former Chief of Staff and cochair of President Obama's Deficit Commission, has said, "This debt is like a cancer. It is truly going to destroy the country from within."

Just how bad is our fiscal situation? Well, I've just run two back-to-back trillion dollar-plus deficits, and we are on track to run a third one. We're spending at levels as a share of the economy not seen since World War II. We are borrowing 40 cents on the dollar, driving our already \$14 trillion in debt even higher.

Cutting spending is the solution to putting our budget back on a sustainable fiscal path. However, my friends on the other side of the aisle would have you believe that we do not have to cut spending. This just isn't the case. However, you don't have to take my word for it.

In his written testimony from his recent appearance in front of the House Budget Committee, Federal Reserve Chairman Ben Bernanke said, "One way or another, fiscal adjustments sufficient to stabilize the Federal budget must occur at some point. The question is whether these adjustments will take place through a careful and deliberative process or whether the needed fiscal adjustments will come as a rapid and painful response to a looming or actual fiscal crisis."

No doubt we are making tough decisions here today to begin putting our budget back on a sustainable fiscal path. Yet, as painful as some of these decisions are, it will be more painful for our children and grandchildren if we do not get our fiscal house in order. Failing to do so will mean that we will be the first generation to leave the next with less opportunity and less liberty. Is that the legacy we want to leave our children and grandchildren? I think not.

Mr. Chairman, I yield back the remainder of my time.

Ms. GRANGER. Mr. Chair, I move to strike the last word.

The Acting CHAIR (Mr. CHAFFETZ). The gentlewoman from Texas is recognized for 5 minutes.

Ms. GRANGER. I rise to address the gentleman's amendment to eliminate funding for the East-West Center. Historically the House has not included funding the center in the subcommittee bill, not because the center's work is not useful or is wasteful but because of the need to address other more important diplomatic and development priorities.

Strong advocates have urged the House to continue funding in conference negotiations. The committee again considered eliminating funding

in the CR. But we were advised by the center that their projected obligations through March of this year exceeded \$8 million. As a result, the decision was made to continue the center's funding, but at half of last year's level to adjust for what was planned to be spent.

Having said that, I share the gentleman's objective, and I'm prepared to accept the amendment with the understanding that the \$8 million in obligations during the CR period will preclude us from eliminating the agency entirely.

I yield back the balance of my time. Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from American Samoa is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in opposition to the Royce, Canseco, and McClintock amendments which seek to eliminate altogether any and all funding for the East-West Center.

Mr. Chairman, H.R. 1, the base bill put forward by the Republicans, already cuts the East-West Center from the current \$23 million to \$10.7 million. But my friends across the aisle want to eliminate any and all funding for this institution.

While I will agree that we need to cut the Federal budget, I do not believe we should carelessly use a machete, a samurai sword or a sledgehammer to discard programs that are necessary to protecting U.S. interests in this region of the world. The East-West Center was established by Federal law of the U.S. Congress in 1960. President Eisenhower signed the Mutual Security Act of 1960 which authorized its creation only after the State Department conducted a study and reported back to Congress about the relevance of establishing the East-West Center.

President John Kennedy also signed an act which appropriated additional funding, and every President since then, both Republican and Democrat, have done the same. Why? Because the East-West Center promotes a better understanding among the peoples and nations of the United States, Asia, and the Pacific region, and this understanding is critical to our own economic, political, and social interests, especially our strategic and military interests in this region of the world.

The Asia Pacific region is the world's most populous region, where more than 4 billion people live, currently more than 60 percent of the world's population. Two of the three largest economies in the world are in the Asia Pacific region.

Our trade and commercial relations with the Asia Pacific region are critical to our own economic interests in this important region.

Since the East-West Center is not solely funded by the Federal Government but also receives the majority of

its funding from private agencies, individuals, foundations, and corporations, I agree that the Federal support can be scaled back, and this has already been done by the committee's mark of 50 percent deductions at the urging of this institution.

My friends on the other side want to go further than their own party by a total elimination of Federal funding to help in the operations of this institution. For the information of my colleagues here, more than 50,000 people from the Asia Pacific region have participated in East-West Center programs, including many who currently hold high positions of leadership, including heads of government, cabinet members, universities, NGO presidents, corporate and media leaders coming as eminently as they were participants in this important institution.

Mr. Chairman, I think the U.S. would do well to keep its seat at this table, and for this reason, I ask my colleagues to support the base bill and the committee's mark concerning this important institution.

And I do want to say that while I have the utmost respect for my colleagues on the other side of the aisle, they wanted to eliminate this institution. We do have an authorizing law that continues to provide for the continuation of the activities of this important institution that has done many things in promoting and to enhance a better relationship between our country and the countries of the Asia Pacific region.

I respectfully request that these amendments not be approved.

I yield back the balance of my time.

Ms. HIRONO. Mr. Chair, it is sad to see that amendments like this are being proposed based on no knowledge nor any serious evaluation of the institutions involved.

Anyone who has been involved with the East-West Center would understand that it is exactly the kind of activity that most cost-effectively promotes U.S. foreign policy and security interests in a critically important, fast-growing region of more than 3.5 billion people. Since its creation as a national institution 50 years ago, the Center has impacted more than 58,000 people in its region.

It operates our country's largest outreach program to Asia-Pacific region's journalists, the largest outreach program to the region's teachers, particularly in Muslim countries of Asia, and the only sustained U.S. program for engagement with the leaders of Pacific island nations. Both presidents Bush met Pacific island leaders through the East-West Center.

The Center is not a foreign aid program, but a public diplomacy program. The secret of the Center's effectiveness is that its programs bring together Americans with Asia-Pacific counterparts—American teachers with Asia and Pacific teachers, American youth leaders with their counterparts, etc. This is the very best way to show off American values and interests. If the U.S. had created a similar center for the Middle East, bringing young Israelis,

Egyptians, and other Middle Easterners together with Americans for cooperative exchange and research at a location on American soil, our world may be a little different today. We would not see misguided amendments like that offered by Congressman RON PAUL that would eliminate funding for important allies like Israel, Egypt, and Jordan.

It is a hard to imagine a program that is more fiscally conservative. The cost is minimal compared to most government programs because the Center, because of its size, operates far more efficiently and flexibly and because, unlike government departments, it leverages significant amounts of non-appropriated sources for its national mission. This figure is 40 percent in last year's budget.

The Center originally was supported fully by the U.S. government and at much higher levels of appropriations during the Reagan and Bush 41 administrations. It has been repositioning itself as a public-private partnership. The amendment to zero out its funding would have a devastating impact on its ability to continue to increase private funding and leverage public funding. It also would have a devastating impact on U.S. public diplomacy in East, Southeast, and South Asia and the Pacific islands just at a time that other countries, especially China, are ramping up their public diplomacy programs in that region that is so important to our future.

Under the successful leadership of Charles Morrison, the East-West Center chaired the committee that developed the Hawaii hosting proposal for the 2011 Asia-Pacific Economic Cooperation (APEC) Leaders Summit.

The Center supports and leads the official APEC Pacific Economic Cooperation Council on behalf of the United States. It has provided essential research support for several APEC activities, including an assessment requested by the APEC Business Advisory Council of the U.S.-proposed Free Trade Area of Asia and the Pacific and studies in the area of energy security. I know that President Morrison and the East-West Center are integral to a successful U.S. hosting APEC year. This Congress needs to continue to support the East-West Center in these efforts.

Mahalo nui loa (thank you very much).

Ms. HANABUSA. Mr. Chair, I rise in opposition to the amendment of the gentleman from Texas.

This amendment proposes to cut all funding for the East-West Center—a shortsighted and impulsive measure that takes away from a program that has done so much on behalf of our Nation.

Due to its strategic location half way between the continental U.S. and Asia, the East-West Center has served as an unparalleled resource; a bridge between the United States and our allies in the Pacific.

For more than 50 years, it has been working to further diplomatic efforts between China, Japan, and other Asian countries through collaborations on education and research.

Finally, Mr. Chair, let us not forget that one of America's biggest opportunities will be culminating later this year with the Asian Pacific Economic Cooperation Leaders Meeting. The East-West Center will serve as the anchor to this meeting.

For the first time since 1993, the United States will be hosting leaders of 20 other

member economies. At this event, our Nation is poised to showcase our best and brightest, illustrating President Obama's goal to out-innovate, out-build, and out-educate our competitors. This is our chance to show the world what Americans are capable of.

I believe that there is no better place in America for this than the East-West Center. However, if we decide to eliminate this center for collaboration between the U.S. and Asia, if we take away the mere \$10 million that they require; we are sending a message that rejects our diplomatic relationships with Asia, rejects our strides in innovation, and rejects our ability to be capable hosts at one of the most important meetings of the next 10 years.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CANSECO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CANSECO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 2104. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Commissions, International Boundary and Water Commission, United States and Mexico, Salaries and Expenses", \$43,419,000; "International Commissions, International Boundary and Water Commission, United States and Mexico, Construction", \$25,286,000; "International Commissions, American Sections", \$11,852,000; "Related Programs, The Asia Foundation", \$14,749,000; "Other Commissions, Commission for the Preservation of America's Heritage Abroad, Salaries and Expenses", \$597,000; "Other Commissions, United States Commission on International Religious Freedom, Salaries and Expenses", \$4,042,000; "Other Commissions, Commission on Security and Cooperation in Europe, Salaries and Expenses", \$2,453,000; "Other Commissions, Congressional-Executive Commission on the People's Republic of China, Salaries and Expenses", \$1,880,000; and "Other Commissions, United States-China Economic and Security Review Commission", \$3,290,000.

SEC. 2105. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Related Agency, Broadcasting Board of Governors, International Broadcasting Operations", \$689,761,000; and "Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements", \$6,785,000.

SEC. 2106. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Administration of Foreign Affairs, Educational and Cultural Exchange Programs", \$501,347,000; "Related Programs, National Endowment for Democracy", \$110,920,000, of which \$100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes; "Bilateral Economic Assistance, Independent Agencies, Inter-American Foundation", \$20,830,000; and "Bilateral Economic Assistance, Independent Agencies, African Development Foundation", \$29,757,000.

SEC. 2107. Notwithstanding section 1101, the level for each of the following accounts

shall be as follows: "United States Agency for International Development, Funds Appropriated to the President, Operating Expenses", \$1,267,872,000; "United States Agency for International Development, Funds Appropriated to the President, Civilian Stabilization Initiative", \$7,000,000; "United States Agency for International Development, Funds Appropriated to the President, Capital Investment Fund", \$120,777,000; and "United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General", \$43,710,000.

SEC. 2108. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Bilateral Economic Assistance, Funds Appropriated to the President, Development Assistance", \$1,773,780,000; "Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia", \$697,134,000; and "Bilateral Economic Assistance, Independent Agencies, Millennium Challenge Corporation", \$790,000,000.

SEC. 2109. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund", \$5,706,552,000; "Bilateral Economic Assistance, Funds Appropriated to the President, Democracy Fund", \$112,800,000; "Department of the Treasury, International Affairs Technical Assistance", \$20,235,000; and "Department of the Treasury, Debt Restructuring", \$30,055,000.

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AMENDMENT NO. 291 OFFERED BY MR. MCCLINTOCK

Mr. McCLINTOCK. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 324, line 3, after the dollar amount, insert "(reduced by \$20,000,000)".

Page 359, line 20, after the dollar amount, insert "(increased by \$20,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Chairman, the Tropical Forest Conservation Act is a \$20 million-a-year program, and perhaps one of the most outrageous of any that I have seen so far. It calls into question any of the claims that we can't possibly spare a dollar from this section of the budget.

Under this program, the United States, staggering under the biggest peacetime debt in the Nation's history, a debt so large that the United States of America would now be denied entry into the European Union because of our excessive debt, nevertheless is paying down the debts of developing countries if they do restoration and conservation work in their own rainforests. Really?

The deficit this year alone puts an average family of four on the hook for about \$20,000 of additional debt that they must repay through their future taxes just as surely as if it appeared on their credit card, and part of that debt will be used to pay down the debt of developing countries if they develop their rainforests.

Now, of course if they cut down their rainforests to grow corn, they can get American ethanol subsidies, but that's a subject for another day.

History is screaming this warning at us, that countries that bankrupt themselves aren't around very long.

Before we pay down the debt of developing countries, I would like to make this modest suggestion: perhaps we ought to tend to our own.

I yield back the balance of my time.

Ms. GRANGER. Mr. Chair, I rise to thank the gentleman for offering this amendment, and I am willing to accept the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 2110. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Bilateral Economic Assistance, Funds Appropriated to the President, International Disaster Assistance", \$429,739,000; and "Bilateral Economic Assistance, Funds Appropriated to the President, Transition Initiatives", \$44,635,000.

SEC. 2111. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Bilateral Economic Assistance, Department of State, Migration and Refugee Assistance", \$1,023,178,000; and "Bilateral Economic Assistance, Department of State, United States Emergency Refugee and Migration Assistance Fund", \$44,635,000.

SEC. 2112. Notwithstanding section 1101, the level for "Bilateral Economic Assistance, Independent Agencies, Peace Corps" shall be \$330,799,000.

SEC. 2113. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Security Assistance, Department of State, Nonproliferation, Anti-terrorism, Demining and Related Programs", \$740,000,000; and "International Security Assistance, Department of State, Peacekeeping Operations", \$305,000,000.

SEC. 2114. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "International Security Assistance, Funds Appropriated to the President, Pakistan Counterinsurgency Capability Fund", \$1,000,000,000, which shall remain available until September 30, 2012, and shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111-32; and "International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program", \$5,385,000,000, of which not less than \$3,000,000,000 shall be available for grants only for Israel and \$1,300,000,000 shall be available for grants only for Egypt and \$300,000,000 shall be available for assistance for Jordan: *Provided*, That the dollar amount in the fourth proviso under the heading "International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program" in division F of Public Law 111-117 shall be deemed to be \$789,000,000 for the purpose of applying funds appropriated under such heading by this division.

SEC. 2115. Notwithstanding section 1101, the level for each of the following accounts

shall be as follows: "Multilateral Assistance, Funds Appropriated to the President, International Organizations and Programs", \$309,897,000; "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Global Environment Facility", \$32,020,000; "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Contribution to the International Development Association", \$942,305,000; "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Contribution to the Enterprise for the Americas Multilateral Investment Fund", \$20,127,000; "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Contribution to the African Development Fund", \$134,585,000; and "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, International Fund for Agricultural Development", \$17,926,000.

AMENDMENT NO. 29 OFFERED BY MR. HELLER

Mr. HELLER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 326, line 2, after the dollar amount, insert "(reduced by \$44,935,065)".

Page 326, line 4, after the dollar amount, insert "(reduced by \$4,642,900)".

Page 326, line 7, after the dollar amount, insert "(reduced by \$136,634,225)".

Page 326, line 11, after the dollar amount, insert "(reduced by \$2,918,415)".

Page 326, line 14, after the dollar amount, insert "(reduced by \$19,514,825)".

Page 326, line 17, after the dollar amount, insert "(reduced by \$2,599,270)".

Page 359, line 20, after the dollar amount, insert "(increased by \$211,244,700)".

The Acting CHAIR. The gentleman from Nevada is recognized for 5 minutes.

Mr. HELLER. Mr. Chairman, I appreciate the opportunity to speak.

Earlier this evening, or I should say last night, I had a tele-town hall meeting. I do this once a week. Generally what I do is I ask and we talk about what we're doing on the floor today; trying to create jobs to reducing the size of our Federal Government. So I open it up and I ask people, What would you cut? Or, Send me an email. Go to heller.house.gov, hit the prompt button to send me an email. Tell me what you would cut out of this Federal Government. And I got, obviously, numerous responses, as I'm sure most people in this audience would.

But I have to tell you, at the top of everybody's list, frankly, if it's not the top two or three, it's always in the top five, is to cut foreign aid. So we have an opportunity to do that today. So what my amendment does is it cuts \$211,244,700 from the Multilateral Economic Assistance Account in the State Foreign Operations section.

This number is 14.5 percent of the account. And I am asked, What is the purpose of the 14.5 percent of this particular account? Well, 14.5 percent happens to match the State with the highest unemployment in the country, and

that State happens to be the State of Nevada, the State that I am from.

This money is going to go to debt reduction. And I would like to talk about what frankly is being cut in this particular amendment. Some of us have heard of these organizations. Most haven't.

For example, we can go to the Global Environmental Facility, GEF. They make grants to help developing countries deal with global environmental problems.

We're going to cut the International Development Association from the World Bank. IDA lends concessional rates to low-income countries. What is a concessional rate? That means we're just going to take your tax dollars, and World Bank is going to actually lend it for less than you can go to your own bank to get a loan. So it is kind of a double whammy: we're going to take your money, and then we're going to loan it for less than you can actually get the loan yourself.

The Clean Technology Fund seeks to reduce the growth of greenhouse gas emissions in developing countries.

The Strategic Climate Fund seeks to address climate change under the auspices of the World Bank.

We can go through the list, some of them actually quite interesting. The International American Development Bank, Enterprise for the American Multilateral Investment Fund. I don't know how many people have heard of many of these, but this is where your tax dollars go in this foreign aid.

How about the Asian Development Fund? I wonder if some Asian country gets a concessional rate, China perhaps, to buy our own government securities with.

The African Development Fund. The International Fund for Agricultural Development. We can go on and on. International Organization and Programs. International Financial Institutions.

My point here, Mr. Chairman, is it is not our responsibility to create jobs in foreign countries. Our responsibility is to create jobs right here at home. And I choose America first. I think that's what our constituents are asking: In this process, do you choose America first over foreign aid to some of these other countries?

I choose America first. I choose Nevada first. And I think when our Nation is facing some significant budget crisis and many Americans needs are still unmet, the fact that Congress continues sending so much money overseas is unconscionable, and I believe the Federal Government is responsible to Americans before any other country. I support reducing foreign spending, and I strongly urge all my colleagues to support my amendment.

I yield back the balance of my time.

Ms. GRANGER. Mr. Chair, I am willing to accept the amendment.

Mrs. LOWEY. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I understand that it is quite easy in a time of fiscal belt tightening to offer an amendment to reduce funding for international financial institutions, but I would encourage my colleagues to recognize that voting in favor of this amendment has serious consequences for U.S. interests.

The amendment would cut funding to the Asian Development Fund, which provides loans and grants to support basic health care, education, infrastructure, and economic development resources to frontline countries such as Pakistan and Afghanistan.

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The International Development Association which provides debt relief to developing countries and is supporting an integrated agricultural initiative to address the global food crisis.

The Global Environment Facility, which provides grants and loans to preserve some of the most vulnerable habitats in the world.

The International Fund For Agricultural Development, which provides grants and loans to the poorest of the poor to support food security programs as a compliment to U.S. Government-funded programs.

The amendment would undermine the ability of the United States to meet its commitment to global debt relief efforts and to countries around the world that rely on grants and loans from these institutions to stabilize their economies.

The U.S. Chamber of Commerce strongly opposes this amendment. The U.S. Chamber of Commerce strongly opposes this amendment because it would impair the ability of U.S. companies to access developing markets. The Chamber recognizes that these programs help build reliable trading partners for the United States, which in turn creates jobs here at home and strengthens our own economy. In light of that fact, it is puzzling why the majority would propose these cuts.

With regard to international organizations, the CR cuts the request to below levels enacted under President Bush. This level would result in draconian cuts to our contributions to UNICEF, the United Nations Development Program, the Montreal Protocol to prevent ozone-depleting substances, and a wide range of programs that address counterterrorism and security activities, sustainable development, humanitarian needs, reduce violence against women, human rights, scientific, environmental, and international trade development. This would represent a major step back from U.S. engagement in these organizations and dramatically impact U.S. national security.

This cut would harm U.S. support for efforts in international development, human rights and environmental areas, as well as send the wrong signal to our partners and allies.

I urge a no vote on this amendment. I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I also rise in opposition to this amendment.

As my ranking member, Mrs. LOWEY from New York pointed out, the funding for international operations and programs in the CR is already below levels enacted under President Bush. This would cut it further. It means reductions to a fund for victims of torture, the Development Fund For Women, the U.N. Development Program, as well as two that I want to highlight in particular: UNICEF and the Democracy Fund.

Since its founding in 1946, UNICEF has saved more children's lives than any humanitarian organization in the world. UNICEF works in 150 countries, literally saving children's lives, one of the best investments in foreign assistance dollars.

Through global efforts spearheaded by UNICEF, child mortality rates have dropped by a third since 1990. Every year, 8 million children under 5 still perish from preventable causes. The funding contributed to UNICEF is urgently needed to help save these children.

UNICEF reaches more than half of the world's children with inexpensive immunizations against lethal diseases like measles and tetanus. Annually, UNICEF distributes more than 2.6 billion doses of vaccines worth more than \$600 million. UNICEF is one of the largest purchasers of anti-malaria bed nets, distributing 19 million of these life-saving nets in 48 countries.

Nearly a third of the funding for UNICEF comes from nongovernmental sources, businesses, and personal and foundation contributions. UNICEF is also a partner with organizations like Rotary International to eradicate polio and Kiwanis International to fight iodine deficiency disorders.

UNICEF plays a critical role as a U.S. partner to help children in humanitarian crises, whether it is an earthquake in Haiti or flooding in Pakistan. It is a lifeline to millions of children caught up in more than 36 humanitarian emergencies worldwide, serving as the coordinating agency for water and sanitation, child protection, nutrition, and education.

The funding for UNICEF extends the reach of the U.S. Government and the American people in saving children from preventable deaths, supporting education, fighting HIV/AIDS, and protecting children from violence, exploitation, and abuse.

It is a high-return investment in children and a critical part of our international assistance that enjoys the ongoing support of the American people. This is just one of the programs that would be dramatically cut.

The Democracy Fund is another that I want to highlight. We have all witnessed the marvel of the Tunisian and Egyptian people who have risen up against brutal dictators in the name of democracy. The next months and years will be crucial as these countries travel the path to democracy. We must be able to fund NGOs and other entities to support the growth of democracy there and help it become rooted.

As the world's oldest democracy, we cannot shirk our responsibility to foster representative government elsewhere, especially when people have taken it upon themselves to cast off the old order.

The Democracy Fund provides resources for innovative projects that support the longstanding bipartisan U.S. foreign policy goals of defending human rights and advancing democratic values. Working through over 110 implementing partners, in 2010 the Democracy Fund supported local groups to promote democracy and human rights.

Just a few examples: In Yemen, an NGO is working through a combination of youth chat radio series, youth leadership trainings, and public roundtables and forums to increase public awareness and understanding of religious freedom and tolerance.

In the West Bank, the funding has helped promote tolerance among youth by working with teachers and administrators.

And in the Sudan, in response to widespread violence against women in Darfur, the fund supported critical services and critical outreach to survivors of gender-based violence.

Without the Democracy Fund, DRL and the State Department would be unable to support efforts to push the Chinese government to more actively disclose food and drug safety information, information that directly affects the well-being of the American public.

These are just a few of the essential programs that are covered and are cut in the CR and that will be cut further by this amendment. For all these reasons, I urge a "no" vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HELLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 2116. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “Export and Investment Assistance, Overseas Private Investment Corporation, Noncredit Account”, \$47,115,000; “Export and Investment Assistance, Overseas Private Investment Corporation, Program Account”, \$23,310,000; and “Export and Investment Assistance, Funds Appropriated to the President, Trade and Development Agency”, \$49,992,000.

SEC. 2117. (a) Notwithstanding section 1101, the amounts included under the heading “Administration of Foreign Affairs, Embassy Security, Construction and Maintenance” in division F of Public Law 111-117 shall be applied to funds appropriated by this division as follows: by substituting “\$824,239,000” for “\$876,850,000” in the first paragraph; and by substituting “\$796,462,000” for “\$847,300,000” in the second paragraph.

(b) Notwithstanding section 1101, the amounts included under the heading “Administration of Foreign Affairs, Repatriation Loans Program Account” in division F of Public Law 111-117 shall be applied to funds appropriated by this division as follows: by substituting “\$695,000” for “\$739,000” in the first paragraph; and by substituting “\$668,000” for “\$711,000” in the second paragraph.

(c) Notwithstanding section 1101, the level in the second paragraph under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Development Credit Authority” shall be \$8,084,000.

SEC. 2118. Notwithstanding section 1101, the amounts included under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Global Health and Child Survival” in division F of Public Law 111-117 shall be applied to funds appropriated by this division as follows: by substituting in the first paragraph “\$2,149,780,000” for “\$2,420,000,000”; by substituting in the second paragraph “\$4,845,700,000” for “\$5,359,000,000” and “\$600,000,000” for “\$750,000,000”.

SEC. 2119. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: “Administration of Foreign Affairs, Buying Power Maintenance Account”; “Bilateral Economic Assistance, Funds Appropriated to the President, Complex Crises Fund”; “Bilateral Economic Assistance, Funds Appropriated to the President, International Fund for Ireland”; “Multilateral Assistance, Funds Appropriated to the President, Contribution to the Clean Technology Fund”; “Multilateral Assistance, Funds Appropriated to the President, Contribution to the Strategic Climate Fund”; and “Multilateral Assistance, Funds Appropriated to the President, Contribution to the Asian Development Fund”.

SEC. 2120. (a) Of the unobligated balances available from funds appropriated under the heading “Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation” in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) and under such heading in prior acts making appropriations for the Department of State, foreign operations, and related programs, \$150,000,000 are rescinded.

(b) Of the unobligated balances from funds appropriated or otherwise made available for the Buying Power Maintenance Account, \$18,960,000 are rescinded.

(c) Of the unobligated balances available for the Development Assistance account, as

identified by Treasury Appropriation Fund Symbols 7206/111021, \$1,000,000 are rescinded.

(d) Of the unobligated balances available for the Assistance for the Independent States of the Former Soviet Union account, as identified by Treasury Appropriation Fund Symbols 7206/111093, 7207/121093, and 72X1093, \$11,700,000 are rescinded.

(e) Of the unobligated balances available for the International Narcotics Control and Law Enforcement account, as identified by Treasury Appropriation Fund Symbols, 11X1022, 1106/121022, and 191105/111022, \$7,183,000 are rescinded.

SEC. 2121. (a) Notwithstanding section 653(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(b)), the President shall transmit to Congress the report required under section 653(a) of that Act with respect to the provision of funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs: *Provided*, That such report shall include a comparison of amounts, by category of assistance, provided or intended to be provided from funds appropriated for fiscal years 2010 and 2011, for each foreign country and international organization.

(b) Not later than 30 days after the date of enactment of this division, each department, agency or organization funded by this title or by division F of Public Law 111-117 shall submit to the Committees on Appropriations an operating plan for such funds that provides details at the program, project, and activity level: *Provided*, That the report required under subsection (a) shall be considered to have met the requirements of this subsection with respect to funds made available to carry out the Foreign Assistance Act of 1961 and the Arms Export Control Act: *Provided further*, That the spending reports required in division F of Public Law 111-117 for assistance for Afghanistan, Pakistan, Iraq, the Caribbean Basin, Lebanon, Mexico, and Central America, and spending reports required for funds appropriated under the headings “Diplomatic and Consular Programs”, “Embassy Security, Construction, and Maintenance”, “International Narcotics Control and Law Enforcement”, “Civilian Stabilization Initiative”, and “Peace Corps” shall be considered to have met the requirements of this subsection.

(c) The reports required under subsection (b) shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111-117 or under section 634A of the Foreign Assistance Act of 1961.

SEC. 2122. (a) Notwithstanding any other provision of this division, the dollar amounts under paragraphs (1) through (4) under the heading “Administration of Foreign Affairs, Diplomatic and Consular Programs” in division F of Public Law 111-117 shall not apply to funds appropriated by this division: *Provided*, That the dollar amounts to be derived from fees collected under paragraph (5)(A) under such heading shall be “\$1,702,904” and “\$505,000” respectively: *Provided further*, That none of the funds appropriated by this division may be used to support the United States Ambassador’s Fund for Cultural Preservation.

(b) Division F of Public Law 111-117 shall be applied to funds appropriated by this division under the heading “Development Assistance” by substituting “should” for “shall” each place it appears: *Provided*, That the sixth, seventh and eighth provisos under the heading “Development Assistance” in division F of Public Law 111-117 shall not apply to funds appropriated by this title.

(c) Division F of Public Law 111-117 shall be applied to funds appropriated by this division under the heading “Economic Support Fund” by substituting “should” for “shall” each place it appears in the fourth and sixteenth provisos.

(d) Notwithstanding any other provision of this division, the following provisions in division F of Public Law 111-117 shall not apply to funds appropriated by this division:

- (1) Section 7034(1).
- (2) Section 7042(a), (b)(1), (c), and (d)(1).
- (3) In section 7045:
 - (A) Subsections (a) and (b)(2).
 - (B) The first sentence of subsection (c).
 - (C) The first sentence of subsection (e)(1).
 - (D) The first sentence of subsection (f).
 - (E) Subsection (h).
- (4) Section 7070(b).
- (5) Section 7071(g)(3).

(6) The third proviso under the heading “Administration of Foreign Affairs, Civilian Stabilization Initiative”.

(7) The fourth proviso under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia”.

(e)(1) Notwithstanding the proviso in section 7060 in division F of Public Law 111-117, of the funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs, not more than \$440,000,000 may be made available for family planning/reproductive health: *Provided*, That none of the funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs may be made available for the United Nations Population Fund: *Provided further*, That section 7078 of division F of Public Law 111-117 shall not apply to funds appropriated by this division.

(2) None of the funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs for population planning activities or other population assistance may be made available to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.

(f) Section 7064(a)(1) and (b) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting “should” for “shall” each place it appears.

(g) Section 7081 of division F of Public Law 111-117 shall not apply to funds appropriated by this division: *Provided*, That the second proviso of section 7081(d) of division F of Public Law 111-117 is repealed.

(h) Section 7042 of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting “\$552,900,000” for the dollar amount in subsection (f)(1).

SEC. 2123. (a) The first proviso under the heading “Economic Support Fund” in division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting the following: “*Provided*, That of the funds appropriated under this heading, up to \$250,000,000 may be provided for assistance for Egypt: *Provided further*, That any assistance made available to the Government of Egypt shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms that are additional to those that were undertaken in previous fiscal years.”.

(b) The tenth proviso under the heading “Economic Support Fund” in division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting

the following: “*Provided further*, That funds appropriated or otherwise made available by this division for assistance for Afghanistan and Pakistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the government of the recipient country have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.”.

(c) The second proviso under the heading “International Security Assistance, Department of State, Peacekeeping Operations” in division F of Public Law 111-117 shall be applied by substituting the following: “*Provided further*, That up to \$55,918,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia, except that up to an additional \$35,000,000 may be made available for such purpose subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.”.

(d) Section 7034(n) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by adding at the end before the period the following: “: *Provided*, That none of the funds appropriated or otherwise made available by this division or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority”.

(e) Section 7034(n) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by adding at the end before the period the following: “: *Provided*, That not less than \$10,000,000 should be transferred and merged with funds available under the heading ‘Related Agency, Broadcasting Board of Governors, International Broadcasting Operations’ to carry out the purposes of this subsection”.

(f) Section 7042 of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting the following for the proviso in subsection (d)(2): “: *Provided*, That funds may not be made available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that funds provided are in the national security interest of the United States and provides the Committees on Appropriations a detailed spending plan.”.

(g) Section 7043 of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting the following for subsection (b):

“(b) LIMITATION.—None of the funds appropriated or otherwise made available in title VI of this division under the heading ‘Export-Import Bank of the United States’ may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172).”.

(h) Sections 7061, 7065, 7071(i), and 7087(a) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting “should” for “shall” each place it appears.

(i) Section 7071(b) of division F of Public Law 111-117 shall be applied to funds appropriated by this division by substituting “up

to \$36,500,000 may” for “not less than \$36,500,000 shall” in paragraph (2).

□ 0240

AMENDMENT NO. 481 OFFERED BY MR. FRANKS OF ARIZONA

Mr. FRANKS of Arizona. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 334, line 23, insert before the colon the following: “and that the new Government of Egypt fulfills its commitment to the Egypt-Israel Peace Treaty signed on March 26, 1979, and to freedom of navigation of the Suez Canal”.

Ms. GRANGER. Mr. Chairman, I would reserve a point of order on the gentleman’s amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman is recognized for 5 minutes.

Mr. FRANKS of Arizona. My amendment calls on the new government of Egypt to fulfill its commitment to the Egypt-Israel Peace Treaty signed on March 26, 1979, and to the freedom of navigation in the Suez Canal.

For over a quarter of a century, Mr. Chairman, Israel and Egypt have chosen to transcend their differences to promote their respective national interests. Through hostile times and dramatic regional and international changes, Egypt and Israel have maintained a steadfast commitment to well-being and the existence of one another.

The United States now calls upon Egypt to maintain their alliance with the State of Israel during these perilous times. Israel has been a beacon of democracy even in the midst of experiencing both foreign state-sponsored and other omnipresent terrorist attacks, all the while being surrounded by those who embrace a radical Islamist agenda and a pledge of jihad against the tiny Jewish State. For this reason, I offer amendment 481. The continuing resolution states that, “any assistance made available to the government of Egypt shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms.” Mr. Chairman, the Egypt-Israel Peace Treaty of 1979 is central to fulfilling that commitment.

I also feel it important to express my grave concern about the Muslim Brotherhood in Egypt and their stance against preserving a peaceful relationship with Israel. According to its charter, Mr. Chairman, the Muslim Brotherhood seeks to impose Sharia law, restore the Islamic caliphate, and conquer non-Muslim or “infidel” states.

Mohamed Badi, the Brotherhood’s Supreme Guide, recently pledged the Brotherhood would “continue to raise the banner of jihad” against the Jews. He called the Jews the Brotherhood’s “first and foremost enemies.” Another top Muslim Brotherhood leader,

Mohamed Ghanem, said to Iran’s Al-Alam Arabic language television network that he believed Egypt should close the Suez Canal to U.S. warships, and “the people of Egypt should be prepared for war against Israel.” Mr. Chairman, there are now reports that Iranian ships are passing unimpeded through the Suez Canal this very night.

The Obama administration recently said the Muslim Brotherhood is largely a secular group which has eschewed violence and has decried al Qaeda as a perversion of Islam, and that they have pursued social ends and a betterment of the political order in Egypt, and that there is no overarching agenda, particularly in pursuit of violence. Mr. Chairman, what a preposterous and expressively dangerous statement to make. The terrorist group Hamas is an offshoot of the Muslim Brotherhood, and al Qaeda itself was catalyzed by elements of the Muslim Brotherhood.

Mr. Chairman, I am bewildered by what President Obama has done when he has called for the Muslim Brotherhood to have a “seat at the table” in the new Egyptian government. Based on their recent history and the statements from their leadership and from their founding charter, a “seat at the table” for the Brotherhood would be a grave threat to any democratic society as well as the Egypt-Israel Peace Treaty and the stability indeed of the entire Middle East.

Mr. Chairman, Israel shares a long and porous border with Egypt, and I cannot express how crucial it is for the new government of Egypt to honor their peace treaty. I call on the U.S. House of Representatives to expect any government of Egypt to do exactly that, and I hope any new government of Egypt will remember that America is watching.

Mr. Chairman, I felt it was important to get these comments on the record on this debate night. However, I’m told that due to clause 2 of rule XXI a point of order will be raised on my amendment. Therefore, I ask unanimous consent to withdraw it at this time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, abortion is always coercive for the child in the womb. An unborn baby girl or boy has no say, no right of refusal, no means to protest, no veto power whatsoever concerning a procedure that violently tears that child’s body to pieces and effectuates the kill by lethal injection or starvation by RU486. In China, that coercion is extended by brute force to all women. Any mother caught without explicit authorization to give birth is coerced to abort her baby.

Since 1979, Mr. Speaker, brothers and sisters have been illegal in China as part of the barbaric one child per couple policy. For 30 years, the United Nations Population Fund has vigorously supported, funded, defended, promoted, and even celebrated these massive crimes against humanity.

Under Presidents Reagan, Bush I and Bush—and even 1 year under President Clinton—UNFPA was barred from receiving U.S. funding because of their shameful support and co-management of China's forced abortion policy. My concern this morning is an amendment that had been printed in the RECORD but not offered—at least it has not been offered at this setting; I expect we'll see it later—that would compel every American taxpayer to furnish \$55 million to the UNFPA, an organization that has unapologetically stood not with oppressed women but with the oppressors of women; an organization that has made the Chinese killing machine more efficacious and lethal; an organization that has systematically whitewashed and defended these crimes against humanity.

The UNFPA is not only an essential part of the planning and training of the Chinese cadres who run this anti-woman, anti-child program, but the UNFPA assists in the implementation of it in several countries as well.

The uncontested facts are these: Any Chinese, Tibetan, or Uyghur mother without a birth-allowed certificate is forced to abort. All unwed moms are compelled to abort. In what can only be described as a "search and destroy mission," disabled children are forcibly aborted as part of a nationwide eugenics program.

Each day, Chinese family planning cadres impose huge "compensation fees" on any woman who lacks permission to give birth or evades detection. Many women have their children on the run. Ruinous fines—from 1 to 10 times the combined annual salaries of both parents, plus jail, torture, property confiscation, loss of employment, loss of educational opportunities, housing, and health care—are all weapons routinely employed by the so-called family planning cadres to ensure compliance with the one child per couple policy.

In denying U.S. funds to the UNFPA in 2008, Deputy Secretary of State John Negroponte wrote, "China's birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization." The number two at the State Department said it is illegal in almost all provinces for a single mom to bear a child. The State Department noted that Chinese law is "the foundation of its coercive policies and practices" and that the UNFPA complies with and adheres to that Chinese law.

Mr. Chairman, the UNFPA-supported one child per couple policy has led to

the worst gender disparity in any nation in all of human history. Where are the missing girls in China? Dead, Mr. Chairman. Murdered because they were female. Systematically destroyed over 30 years by sex-selective abortion. Today, there are as many as 100 million missing girls in China—gendercide, the evil twin of genocide.

The social implications of the UNFPA-supported one child per couple policy are absolutely staggering. According to the World Health Organization, about 500 Chinese women commit suicide every single day. China has become a magnet for sex trafficking in large measure because of the "missing girls." An estimated 40 million men won't be able to find wives by 2020 because for 30 years and counting girls have suffered the ultimate gender discrimination—sex-selective abortion.

□ 0250

A little over a year ago, Mr. Chairman, I convened a congressional hearing on China's one-child-per-couple policy—the 27th hearing on human rights violations in the PRC that I've chaired.

The Acting CHAIR. The time of the gentleman has expired.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I had not intended to speak, my colleagues, on this issue, but I do feel that my friend, the gentleman, does deserve a response to clarify the facts and to talk to this body about why funding for UNFPA is so important.

Mr. Chairman, first of all, I fervently believe that UNFPA is essential to achieving our global health goals. UNFPA's family planning and reproductive health activities are key elements of global health, and they contribute to the comprehensive strategy of the U.S. for sustainable development. The UNFPA improves the reproductive and maternal health of women around the world through the implementation of effective voluntary—voluntary—family planning policies and programs. It is the largest multilateral provider of family planning and reproductive health information and services with programs in nearly 150 countries.

The U.S. Government's partnership with the UNFPA leverages funds for these health programs, including the reduction of maternal mortality, the promotion of the human rights of women, including those affected by conflict and natural disasters, and it extends the reach of U.S. Government support to a number of countries where USAID does not have programs.

UNFPA works with governments to develop and strengthen laws and national capacities to promote women's equality, the prevention of gender-

based violence, including in refugee and conflict situations. Improving the health and well-being of populations in other countries, especially those of women and children, promotes internal stability and social and economic progress.

I would like to remind my colleagues that the Kemp-Kasten amendment prohibits funding for any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntarily sterilization.

We oppose China's coercive birth limitation policies. The facts show that UNFPA does not support or participate in the management of any program of coercive abortion or involuntary sterilization. In fact, UNFPA works to eliminate them.

In 2009, the department concluded, based on the review of available facts, that the UNFPA does not engage in these activities. We continue to monitor UNFPA's programs. We continue to believe that UNFPA's activities in China do not implicate Kemp-Kasten. As part of our due diligence, the department sent a team to China to review UNFPA's program in June 2010 prior to the UNFPA executive board's renewal of the China Country Program.

I yield back the balance of my time. Mr. HUELSKAMP. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. HUELSKAMP. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I will just take a minute, Mr. Chairman, because the hour is late.

The problem with the United Nations Population Fund activities in China is that it strictly adheres to Chinese law.

Chinese law is a one-child-per-couple policy, and it has a direct result in the clinics and in the programs that are run in the approximately 30 counties that UNFPA oversees or has programs in or projects. Each and every one of those adhere to this one-child-per-couple policy. Yes, they may say you can choose to be sterilized or have an IUD insertion, one or the other, but you must have it. It is compulsory. It is involuntary. So they enforce the involuntariness, the compulsory nature, but they may give a choice as to what method a person may be able to follow. That is not voluntary.

I would also point out that, for 30 years, representatives of the UNFPA have said publicly again and again and again that the Chinese program is "totally voluntary." Nothing I would submit to my good friend and colleague from New York could be further from the truth. There was nothing voluntary about this horrific program where women are treated like chattel.

As a Member of Congress, I have held 27 hearings as chairman of the Human

Rights Committee of the Foreign Affairs Committee—27 hearings just on China. We heard from numerous women who were forcibly aborting. They told the story about how it was told to them—that this was a voluntary abortion. They were coerced. They had sessions with cadres who wore them down; and over time, they submitted, feeling they had no way to fight back.

I had a woman testify. Her name is Wuijan. She recently got asylum right here in the United States. She had a well-founded fear of persecution based on the forced abortion policy. A student at a major university here, she testified through tears how she was forced to abort after being rounded up with other women.

She said, at the clinic, which was voluntary—all of this is voluntary according to the UNFPA—that there were moms crying, rolling on the floor. She said, when they killed her baby and severed the baby's limbs with scissors and a curet that the nurse actually put a foot on her, near the top of her lapel. She looked at the bloody foot and broke down, crying. She could not finish her testimony.

I will provide that to the gentlelady if she would like to see it.

The UNFPA has enabled these crimes, and they are crimes against humanity. At the Nuremberg War Crimes Tribunal, forced abortion was properly construed to be a crime against humanity because it was employed by the Nazis against Polish women.

People like Wei Jingsheng and Harry Wu—the great human rights activists—have all been very clear that the one-child-per-couple policy is one of the worst violations, if not the worst violation, of human rights in scope and in magnitude directed against women and, of course, against the dead children who are the result.

The UNFPA is a part of that. They defend it.

With all due respect to my good friend, this funding of an organization that says that this is a voluntary program must cease, because they give tangible assistance. I met finally with Pong Peiyon, the woman who ran the program. Yes, I was in Beijing on one of my many human rights trips there. She said to me over and over again in that conversation that the UNFPA is here, and they see no coercion. There is no coercion.

So I thank my friend for yielding. Again, we should direct our moneys to other organizations—to NGOs, to USAID. I would also point out that a dear colleague went on, as well as some Members on the other side of the aisle, about obstetric fistula.

I want to point out to my friends that I got a bill passed in this House back in 2005 that established a fistula repair program for women in the developing world. It passed. It failed over in the Senate, but it passed.

I went to Kent Hill, who was then the administrator of health for USAID. I said to please take this and administratively put it into practice. We now have 35 different programs in 12 countries. Fifteen thousand African and Asian women have had fistula repairs as a direct result of this program.

We need to funnel our money into maternal health care and into other health care interventions that will aid women, especially those who suffer from such terrible things as obstetric fistula.

Mr. HUELSKAMP. Mr. Chairman, I yield back the balance of my time.

Mr. NADLER. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Let me begin by congratulating the gentleman from New Jersey on his program to repair fistulas, which are a great problem for many women in the developing world.

I yield to the gentlewoman from New York.

Mrs. LOWEY. I thank the gentleman for yielding.

I also want to congratulate my friend for the important work that you're doing with regard to fistula. I've seen it. I know the suffering that women go through, and I thank you for your leadership on this issue.

□ 0300

The hour is late. The gentleman and I have been talking about this issue for many, many years, and I'd be delighted to have a further discussion, but for the purpose of this debate and the purpose of closing the bill for the moment, I just want to close again by making it clear. We oppose China's coercive birth limitation policy, and the facts show that UNFPA does not support or participate in the management of any programs of coercive abortion or involuntary sterilization. In fact, UNFPA works to eliminate them, and I think it's important to note, again, that in 150 countries that do not receive bilateral support and family planning we have seen some very, very important work that actually saves women's lives.

So I would like to say to the gentleman, as we are closing this debate, thank you for your good work. We can agree to disagree on this issue, but I think this is such an important program and we have provided such invaluable help to women that I would hope that at some point we could agree on that.

I thank the gentleman from New York for yielding, and I thank our chairwoman for your important work on this bill.

Mr. NADLER. I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 2124. (a) IN GENERAL.—Subsections (b) through (d) of this section shall apply to funds appropriated by this division in lieu of section 7076 of division F of Public Law 111–117.

(b) LIMITATION.—None of the funds appropriated or otherwise made available by this division under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” may be obligated for assistance for Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations the following:

(1) The Government of Afghanistan is—

(A) demonstrating a commitment to reduce corruption and improve governance, including by investigating, prosecuting, and sanctioning or removing corrupt officials from office and to implement financial transparency and accountability measures for government institutions and officials (including the Central Bank);

(B) taking significant steps to facilitate active public participation in governance and oversight; and

(C) taking credible steps to protect the internationally recognized human rights of Afghan women.

(2) There is a unified United States Government anti-corruption strategy for Afghanistan.

(3) Funds will be programmed to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial, and local governments, as outlined in the spending plan submitted to the Committees on Appropriations on October 26, 2010 (CN 10–298).

(4) Representatives of Afghan national, provincial, or local governments, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(5) Funds will be used to train and deploy additional United States Government direct-hire personnel to improve monitoring and control of assistance.

(6) A framework and methodology is being utilized to assess national, provincial, local, and sector level fiduciary risks relating to public financial management of United States Government assistance.

(c) ASSISTANCE AND OPERATIONS.—

(1) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” by this division that are available for assistance for Afghanistan—

(A) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7062 and 7063 of division F of Public Law 111–117, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led nongovernmental organizations;

(B) may be made available for a United States contribution to an internationally-managed fund to support the reconciliation with and disarmament, demobilization and

reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if—

(i) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and

(ii) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights;

(C) may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan; and

(D) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(2) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” by this division that are available for assistance for Afghanistan that provide training for foreign police, judicial, and military personnel shall address, where appropriate, gender-based violence.

(3) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2011 and shall apply as if part of this division.

(4) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this division for rule of law programs in Afghanistan.

(5) None of the funds made available by this division may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(6) The Secretary of State, after consultation with the USAID Administrator, shall submit to the Committees on Appropriations not later than 45 days after enactment of this division, and prior to the initial obligation of funds for assistance for Afghanistan, a detailed spending plan for such assistance which shall include clear and achievable goals, benchmarks for measuring progress, and expected results: *Provided*, That such plan shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111–117 or under section 634A of the Foreign Assistance Act of 1961.

(d) OVERSIGHT.—(1) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this division a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(2) Of the funds appropriated by this division under the heading “Economic Support Fund” for assistance for Afghanistan, \$3,000,000 shall be transferred to, and merged with, funds made available under the heading “Administration of Foreign Affairs, Office of Inspector General” by this division, for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes: *Provided*, That \$1,500,000 shall be for the activities of the Special Inspector General for Afghanistan Reconstruction.

(3) Of the funds appropriated by this division under the heading “Economic Support Fund” for assistance for Afghanistan, \$1,500,000 shall be transferred to, and merged with, funds appropriated under the heading “United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General” by this division for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes.

(e) MODIFICATION TO PRIOR PROVISIONS.—(1) Section 1004(c)(1)(C) of Public Law 111–212 is amended to read as follows:

“(C) taking credible steps to protect the internationally recognized human rights of Afghan women.”.

(2) Section 1004(d)(1) of Public Law 111–212 is amended to read as follows:

“(1) Afghan women are participating at national, provincial, and local levels of government in the design, policy formulation, and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and”.

(3) Section 1004(e)(1) of Public Law 111–212 is amended to read as follows:

“(1) based on information available to the Secretary, the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 presidential election in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghan law as of December 31, 2009; and”.

TITLE XII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

SEC. 2201. Notwithstanding section 1101, the level for “Department of Transportation, Federal Aviation Administration, Operations” shall be \$9,523,028,000, of which \$4,559,000,000 shall be derived from the Airport and Airway Trust Fund, of which not less than \$7,473,299,000 shall be for air traffic organization activities and not less than \$1,253,020,000 shall be for aviation regulation and certification activities.

SEC. 2202. Notwithstanding section 1101, the level for “Department of Transportation, Federal Aviation Administration, Facilities and Equipment” shall be \$2,736,203,000, of which \$2,226,203,000 shall remain available through September 30, 2013, and of which \$470,000,000 shall remain available through September 30, 2011.

AMENDMENT NO. 511 OFFERED BY MR. NADLER

Mr. NADLER. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 346, strike line 12 and all that follows through page 348, line 2.

On page 348, strike line 17 and all that follows through page 351, line 17.

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, the continuing resolution under consideration today includes very dangerous cuts to key transportation programs. This is exactly the wrong thing to do if we want to reduce unemployment, create jobs, and grow the economy.

In a survey released by the American Public Transportation Association, 80 percent of private sector businesses surveyed indicated that the level of Federal investment in public transportation has a large influence on their business revenue. For example, every \$10 million in capital investment in public transportation yields \$30 million, three times, in increased business sales. The Texas Transportation Institute’s “2010 Urban Mobility Report” shows that worsening road congestion across the Nation, \$134 billion, \$134 billion a year costs in loss productivity. And when it comes to transit alone, every \$1 billion invested creates or supports 36,000 jobs.

Despite the clear link between transportation funding and economic recovery, this continuing resolution cuts billions for transit, high-speed railroads, and other key infrastructure projects. The CR cuts over \$8 billion from current infrastructure formula programs and already-awarded projects, resulting in the loss of over 280,000 jobs from the current budget funding levels.

These proposed cuts to transportation include \$4.975 billion in high-speed and intercity passenger rail grants; \$710 million in transit capital investment grants; \$292 million in FHWA surface transportation priorities; \$150 million in grants to Amtrak; and \$100 million in Federal Rail Administration rail safety technology grants.

This amendment would eliminate these cuts and restore transportation funding to their current levels, not any increase for inflation, no increase for increased population, no increase for increased work, but simply to restore the current levels. We must restore these current levels because every dollar we cut reduces \$3 in business activity, and every \$1 billion we cut costs 36,000 jobs in an economy which cannot afford to lose tens of thousands of jobs.

Unfortunately, the underlying bill cuts transportation funding so dramatically and other funding so dramatically that it is virtually impossible to write an amendment to restore transportation funding to current levels even that would be in order under the rules the House has adopted without causing great harm to other critical programs. This is particularly true since all the transportation funding

programs and all the Housing and Urban Development programs which are in this title are underfunded. So it's almost impossible to say let's restore these transportation funds but eliminate other transportation or housing funds.

In fact, this CR is such an irresponsible and reckless document that it is almost not worth trying to fix it. The Republicans have seized on this idea to cut \$100 billion from the current budget, pulling that figure arbitrarily out of thin air and without any regard to what it could mean for our economy or the services that it prevents. It is a dangerous overreach that would be devastating for middle- and working class Americans. It would destroy tens, in fact, hundreds of thousands of jobs without replacing them and would threaten national security.

The transportation cuts are a small part of these irresponsible cuts. This amendment is a small part of opposing this dangerous continuing resolution, and I anticipate unfortunately that my amendment is going to be ruled out of order. I hope that's not the case. In a rational House, it would not be the case, but I urge my colleagues to support the amendment if they have the opportunity to do so, and in order to support reasonable transportation funding so as not to decimate this economy. If necessary, I urge them to vote against the entire CR.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Does the gentleman from Iowa continue to reserve his point of order?

Mr. LATHAM. I would continue to reserve.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I want to congratulate and thank the gentleman from New York for the statement that he has just made because I think it represents the most rational thing that we could do with the transportation section of this legislation. But given the hour and understanding that we are not operating under rational rules on this issue, I will say only that, that I do congratulate and commend you for the statement that you have made, in which I virtually totally concur. I might find a word or two to disagree with in the usage there, but I concur with it.

I yield back the balance of my time.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, the amendment proposes a net increase in budget authority in the bill.

The amendment is not in order under section 3(j)(3) of House Resolution 5, 112th Congress, which states:

"It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless con-

sidered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI."

The amendment proposes a net increase in budget authority in the bill in violation of such section.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The gentleman from Iowa makes a point of order that the amendment offered by the gentleman from New York violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

□ 0310

The Clerk will read.

The Clerk read as follows:

SEC. 2203. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: "Department of Transportation, Office of the Secretary, National Infrastructure Investments"; "Department of Transportation, Federal Highway Administration, Surface Transportation Priorities"; "Department of Transportation, Federal Transit Administration, Grants for Energy Efficiency and Greenhouse Gas Reductions"; "Department of Transportation, Federal Railroad Administration, Railroad Safety Technology Program"; "Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service"; "Department of Transportation, Maritime Administration, Assistance to Small Shipyards"; and "Department of Transportation, Federal Transit Administration, Grants to the Washington Metropolitan Area Transit Authority".

SEC. 2204. Notwithstanding section 1101, the level for "Department of Transportation, Federal Aviation Administration, Research, Engineering, and Development" shall be \$146,828,000.

SEC. 2205. Notwithstanding section 1101, the level for "Department of Transportation, Federal Transit Administration, Capital Investment Grants" shall be \$1,569,092,000.

SEC. 2206. Notwithstanding section 1101, the level for "Department of Transportation, Federal Railroad Administration, Rail Line Relocation and Improvement Program" shall be \$15,000,000.

SEC. 2207. Notwithstanding section 1101, the level for "Department of Transportation, Federal Railroad Administration, Capital and Debt Service Grants to the National Railroad Passenger Corporation" shall be \$850,000,000.

AMENDMENT NO. 43 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 348, line 2, after the dollar amount insert "(reduced by \$446,900,000)".

Page 359, line 22, after the dollar amount insert "(increased by \$446,900,000)".

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Mr. Chairman, I rise this morning to offer an amendment to H.R. 1 which would decrease the amount the Federal Government subsidizes Amtrak by \$446,900,000.

In 2008, the Pew Charitable Trusts Foundation performed a study of Amtrak's services. According to that study, the 20 most egregiously inefficient train lines run annual deficits between \$4.9 million and \$59.4 million per year, with many operating at a 100 percent loss. My amendment would decrease the spending authority to Amtrak by the amount equal to those lines' losses.

Mr. Chairman, in 1997, Congress passed what was referred to as the Amtrak Reform and Accountability Act which required that Amtrak operate without any Federal assistance after 2002. By the way, that was 8 years ago, Mr. Chairman. It has never reached the intended level of self-sufficiency. It is time that Congress stop supporting these failed rail lines. It is important to the taxpayers of this country, Mr. Chairman.

Instead, by eliminating these very inefficient and seldom used lines, Amtrak can focus on its core competency of urban and suburban transportation. For example, the Acela line which operates along the northeast corridor continually operates in a self-sufficient manner. We need to shift Amtrak's focus to the things that it does well, not the extremely inefficient long-distance line it fails to operate within the budget.

Mr. Chairman, Amtrak has proven to be a money-losing venture that the government can no longer sustain and support. In 2008 alone, Amtrak lost \$1.1 billion. At a time of record debt and deficit, this amendment stops wasteful spending and directs the entire \$446,900,000 to the spending reduction account to help pay down the debt. We must operate within some sense of business operation of common sense. I urge my colleagues to support this commonsense amendment to reduce Federal spending.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the underlying bill that we have before us profoundly limits the transportation options that are available for the American people and imposes deep cuts upon the very programs with the greatest potential for creating jobs and providing the necessary foundation on

which a strong economic recovery depends.

The underlying bill terminates, completely defunds the High-Speed Intercity Passenger Rail program that was authorized under the PRIIA rail safety bill in the fall of 2008 and signed by then President Bush. That's 28 months ago. It rescinds those items that were in the Recovery Act. In the legislation that was passed in February of 2009, the Recovery Act, it rescinds all of the unobligated funds from that Recovery Act, and it rescinds in the high-speed rail program the \$2.5 billion of grants that were awarded in September of last year that were passed in the December '09 2010 appropriations bill. Those grants were awarded but have not yet been obligated.

It also happens to shut down all of the new funding for light rail and commuter rail and bus rapid transit, only providing money for those projects already in place that have received full funding grant agreements. They have contracts of that sort. There is funding in the underlying legislation to do that in the area of the Federal Transit Administration. It also cancels all of the so-called TIGER grants which were part of the fiscal year 2010 legislation, some \$600 million, over 76 projects in 40 different States which were awarded money from among 1,000 projects that asked for \$20 billion, showing the enormous need that was perceived on the part of the country. All of that in the TIGER grants in the 2010 budget are matched by local funds. It's not all Federal funds, as were the ARRA monies. But it has to be matched at the local level. It's not cookie cutter. It is not ordered by Beltway bureaucrats or anything like that. It's projects that grew out of the planning and the intent on the part of the States or the cities or the regional transit agencies to get good projects done.

All of these, all of these are job-killing cuts, terminations, and rescission, every one that I have mentioned that is done in the underlying legislation. All of these are part of the \$7 billion reduction in transportation construction for transportation and infrastructure that have been removed—terminated, rescission, cuts—that have been removed from our construction industry, which is suffering from 30 to 40 percent unemployment. They represent at least 280,000 jobs, 280,000 man years of work for that construction industry suffering from 30 to 40 percent unemployment. And this is at a time when bids are coming in at 20 percent below the engineering estimates for what they would cost. Exactly the time that we should be doing those construction projects, putting those construction projects out to bid.

The Acting CHAIR. The time of the gentleman has expired.

Mr. NADLER. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. OLVER. I thank the gentleman for yielding.

Now I have finally gotten to the amendment of the gentleman from Texas. The underlying bill before us actually provides \$850 million which covers both the debt service for the bonded debt of Amtrak and covers capital improvements.

□ 0320

Now, we also have Amtrak, which was authorized for funding in the legislation, the rail safety legislation as signed by President Bush in September or October of 2008. For the fiscal year 2011, the authorization for debt service and for capital grants, that authorization is over \$1.3 billion. So the amount that is in this bill, which happens to be at \$850 million, is \$450 million plus, below the authorized amount for those items, and actually comes right on the enacted number for Amtrak for the same purposes, the debt service and the capital grants for new improvements and for improvements to whatever it is that is needed for state of good repair and such in Amtrak, mostly which is spent on the Northeast Corridor, which is where Amtrak owns all the trackage. Most of that capital money is used in that kind of a way.

That money already leads to 1,500 jobs, which will be terminated at Amtrak at the \$850 million level, and the gentleman's proposal is to cut another \$446 million below that. That happens to leave us in a situation where there is almost no money left for Amtrak to operate, to do any capital program for the rest of the year, because they are committed to \$270 million plus of debt service.

Therefore, if the gentleman's amendment were adopted, it would take \$446 million out, leaving only \$403 million left in the program. 270 is needed for the debt service, and 127 or \$128 million has already—it changes as the days go on—has already been expended on state of good repair, service and improvements in this fiscal year as allowed under the CR that we've worked under for now almost 5 months, so that there would be virtually no money, less than \$5 million left for doing any of the kind of improvements, maintenance, the track work, if there are bridges that need to be done or anything of that sort.

So it virtually ends up with leaving them nothing to do for the kind of emergencies and anything that would be otherwise planned for the rest of the year. Now that, in fact, means then that Amtrak will in fact terminate another 1,000 jobs.

Mr. SESSIONS. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Texas.

Mr. SESSIONS. I find it very interesting that we are going to continue operating the service which costs the money, but if I took the money and stopped the service we all of a sudden can't fix all the things that you want to fix.

My gosh, the bottom line is they need to quit operating the service and then use it for what the gentleman says they should use the money for, of the bridges and the operating of the infrastructure.

Mr. OLVER. Reclaiming—it wasn't my time. I think we should have been trading it through Mr. NADLER.

But the money is assigned to be used either for the payment for the service, the contract for the service itself, or the need for some subsidy on the service, which is a very small one, on the operation for the Northeast Corridor, if any at all. And the rest of it is assigned clearly for debt service and for the capital program which necessarily goes on, because if you don't do it and keep up with repairs when they are needed, then you end up with ever-growing repairs that put you out of business.

Mr. NADLER. Reclaiming my time, I'd like to just point out, of course what the gentleman from Massachusetts says is absolutely correct.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 2208. Notwithstanding section 1101, the level for "Maritime Administration, Operations and Training" shall be \$155,750,000, of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies; of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; of which \$59,057,000 shall be available for operations at the United States Merchant Marine Academy; and of which \$6,000,000 shall remain available until expended for the reimbursement of overcharged midshipmen fees for academic years 2003-2004 through 2008-2009, and such reimbursement shall be the final and conclusive disposition of claims for such overcharges.

SEC. 2209. Of the prior year unobligated balances available for "Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service", \$2,475,000,000 is rescinded.

Mr. LATHAM. Mr. Chairman, I ask unanimous consent that the remainder

of the bill through page 357, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

Mr. POLIS. I object.

The Acting CHAIR. Objection is heard.

Mr. POLIS. I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. I yield to the gentleman from New York.

Mr. NADLER. I won't take the 5 minutes, but I just wanted to complete a couple of comments on Amtrak from the discussion of the last amendment.

That amendment, which has now been passed—I thought it wasn't—on a voice vote, but which has been passed subject to a vote on the floor presumably tomorrow, if adopted, will, as Mr. OLIVER said, essentially eliminate all capital funding for Amtrak after debt service is taken care of, all capital funding.

Now, the question is raised: Why should we spend money on Amtrak for capital funding when it loses money? The gentleman asked that. Well, the answer is almost no transportation modality in this country makes money. That's why we had to form Amtrak in the first place.

You look at trucking, for instance. You look at trucking. We support the interstate highway system without which the trucks couldn't operate. Someone may say, well, the trucks pay diesel fuel taxes; they support the highway system. Not really. One 18-wheeler of 70,000 pounds does 10,000 times the damage, the wear and tear, the vibration damage to a highway as an automobile, yet the trucks don't pay 10,000 times the gasoline tax as the automobile driver does. If we asked them to do so, trucking would be uneconomic. I'm not suggesting we should, obviously, because we need a trucking industry.

By the same token, we need rail transportation because rail is three times as energy efficient per ton mile for freight. It's far more energy efficient. I don't have the figure, per passenger. We want to decrease our dependence on Middle Eastern oil. We want to have less of borrowing money from China to give it to Middle Eastern potentates who help fund the other side on the war on terror. So we need more rail. The only way we do that is by funding Amtrak, and Amtrak has to put money into capital improvements, to a large extent, because for 50 years there were no capital improvements on the passenger rail system.

So an amendment like this is totally destructive, because we must have in this country a choice, a choice for ship-

pers, a choice for people of the modalities of transportation, to make our economy more efficient and to make people's lives better so they don't sit on the highways in congestion all the time.

So Amtrak is cheap enough. And for \$850 million for the entire country, which is much too small, it should have been the \$1.3 billion, which was the authorized level, we should maintain that level and certainly not go—well, we shouldn't have that level. We should have \$1.3 billion, but the CR is bad enough taking it to 850, which only allows a couple hundred million for capital for the balance of the year. We certainly shouldn't bring it down essentially to zero by adopting the amendment that we just voice voted which will come up to a vote on the floor tomorrow.

□ 0330

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 2210. Of the prior year unobligated balances available for "Department of Transportation, Office of the Secretary, National Infrastructure Investments", \$600,000,000 is rescinded.

SEC. 2211. Of the funds made available for "Department of Transportation, Federal Transit Administration, Capital Investment Grants" in division A of Public Law 111-117, \$280,000,000 is rescinded.

SEC. 2212. Of the prior year unobligated balances available for "Department of Transportation, Federal Railroad Administration, Railroad Safety Technology Program", \$50,000,000 is rescinded.

SEC. 2213. Of the prior year unobligated balances available for "Department of Transportation, Federal Railroad Administration, Capital Assistance to States—Inter-city Passenger Rail Service", \$78,423,000 is rescinded.

SEC. 2214. Of the prior year unobligated balances available for "Department of Transportation, Federal Transit Administration, Grants for Energy Efficiency and Greenhouse Gas Reductions", \$75,000,000 is rescinded.

SEC. 2215. Notwithstanding section 1101, no funds are provided for activities described in section 122 of title I of division A of Public Law 111-117.

SEC. 2216. Notwithstanding section 1101, section 172 of title I of division A of Public Law 111-117 shall not apply to funds appropriated by this division.

SEC. 2217. Notwithstanding section 1101, section 186 of title I of division A of Public Law 111-117 shall not apply to fiscal year 2011.

SEC. 2218. Notwithstanding section 1101, no funds are provided for activities described in section 195 of title I of division A of Public Law 111-117.

SEC. 2219. (a) Notwithstanding section 1101 of this division and section 120(a)(5) title I of division A of Public Law 111-117, no obligation limitation for Federal-aid highways for fiscal year 2011 shall be distributed to the following programs: the interstate maintenance discretionary program under section 118(c) of title 23, United States Code; the Transportation, Community, and Systems Preservation program under section 1117 of the Safe, Accountable, Flexible, Efficient,

Transportation Equity Act: A Legacy for Users; the Ferry Boats discretionary program under sections 129(c) and 147 of title 23, United States Code (except for the funds set aside under section 147(d) of title 23, United States Code); and the delta region transportation development program under section 1308 of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users.

(b) The obligation limitation reserved under subsection (a) of this section shall be instead distributed as follows: 20 percent to the interstate maintenance program authorized under section 119 of title 23, United States Code; 26 percent to the surface transportation program authorized under section 133 of title 23, United States Code; 17 percent to the highway bridge program authorized under section 144 of title 23, United States Code; 5 percent to the highway safety improvement program authorized under section 148 of title 23, United States Code; 7 percent to the congestion mitigation and air quality maintenance program authorized under section 149 of title 23; and 25 percent for the national highway system program authorized under section 103 of title 23, United States Code: *Provided*, That the Secretary of Transportation shall distribute the obligation limitation under subsection (a) of this section to each State in the ratio in which such State is apportioned contract authority for such programs for fiscal year 2011 under section 104 and section 144 of title 23, United States Code.

SEC. 2220. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance" shall be \$14,080,098,711, to remain available through September 30, 2012, shall be available on October 1, 2010 (in addition to the \$4,000,000,000 previously appropriated under such heading that became available on October 1, 2010), and an additional \$4,000,000,000, to remain available through September 30, 2013, shall be available on October 1, 2011: *Provided*, That of the amounts available for such heading, \$16,702,688,117 shall be for activities specified in paragraph (1) under such heading of division A of Public Law 111-117, \$110,000,000 shall be for activities specified in paragraph (2) under such heading in such Public Law, \$1,207,410,594 shall be for activities specified in paragraph (3) under such heading in such Public Law, of which \$1,157,410,594 shall be used as provided in the first proviso of such paragraph (3), and \$0 shall be for activities specified in paragraph (6) under such heading of such Public Law.

SEC. 2221. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Housing Programs, Project-Based Rental Assistance" shall be \$8,882,328,000, to remain available through September 30, 2012, shall be available on October 1, 2010, and an additional \$400,000,000, to remain available through September 30, 2013, shall be available on October 1, 2011: *Provided*, That of the amounts available for such heading, \$8,950,000,000 shall be for activities specified in paragraph (1) under such heading of division A of Public Law 111-117 and \$326,000,000 shall be available for activities specified in paragraph (2) under such heading of such Public Law.

SEC. 2222. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: "Department of Housing and Urban Development, Public and Indian Housing, Revitalization of Severely Distressed Public Housing (HOPE VI)"; "Department of Housing and Urban Development, Public and

Indian Housing, Native Hawaiian Housing Block Grants"; "Department of Housing and Urban Development, Housing Programs, Housing Counseling Assistance"; "Department of Housing and Urban Development, Housing Programs, Energy Innovation Fund"; and "Department of Housing and Urban Development, Community Planning and Development, Brownfields Redevelopment".

SEC. 2223. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Public and Indian Housing, Public Housing Operating Fund" shall be \$4,626,000,000.

SEC. 2224. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Public and Indian Housing, Public Housing Capital Fund" shall be \$1,428,000,000.

SEC. 2225. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Public and Indian Housing, Native American Housing Block Grants" shall be \$500,000,000.

SEC. 2226. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Community Planning and Development, Community Development Fund" shall be \$1,500,000,000: *Provided*, That the funds made available under such heading shall be used only for assistance under the community development block grant program that is provided under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306), as amended: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used for a Sustainable Communities Initiative.

SEC. 2227. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Community Planning and Development, HOME Investment Partnerships Program" shall be \$1,650,000,000.

SEC. 2228. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Office of Lead Hazard Control and Healthy Homes, Lead Hazard Reduction" shall be \$120,000,000.

SEC. 2229. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Federal Housing Administration, Mutual Mortgage Insurance Program Account" for administrative contract expenses shall be \$207,000,000.

SEC. 2230. Of the prior year unobligated balances available for "Department of Housing and Urban Development, Community Planning and Development, Brownfields Redevelopment", \$17,300,000 is rescinded.

SEC. 2231. Of the prior year unobligated balances available for "Department of Housing and Urban Development, Public and Indian Housing, Revitalization of Severely Distressed Public Housing (HOPE VI)", \$198,000,000 is rescinded.

SEC. 2232. Of the prior year unobligated balances available for "Department of Housing and Urban Development, Community Planning and Development, Community Development Fund", \$130,000,000 made available for a Sustainable Communities Initiative is rescinded.

SEC. 2233. Of the prior year unobligated balances available for "Department of Housing and Urban Development, Housing Programs, Energy Innovation Fund", \$49,500,000 is rescinded.

SEC. 2234. The heading "Department of Housing and Urban Development, Management and Administration, Transformation Initiative" in title II of division A of Public Law 111-117, is amended by striking "For

necessary expenses" and all that follows through the end of such heading and inserting the following: "For necessary expenses of information technology modernization including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems, \$71,000,000: *Provided*, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary of Housing and Urban Development submits to the House and Senate Committees on Appropriations a plan for expenditure that (1) identifies, for each modernization project (A) the functional and performance capabilities to be delivered and the mission benefits to be realized, (B) the estimated lifecycle cost, and (C) key milestones to be met; (2) demonstrates that each modernization project is (A) compliant with the Department's enterprise architecture, (B) being managed in accordance with applicable lifecycle management policies and guidance, (C) subject to the Department's capital planning and investment control requirements, and (D) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office."

SEC. 2235. Notwithstanding section 1101, the level for "National Railroad Passenger Corporation, Office of Inspector General, Salaries and Expenses" shall be \$19,350,000.

SEC. 2236. No rescission made in this title shall apply to any amount previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 2237. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Housing Programs, Housing for the Elderly" shall be \$237,700,000: *Provided*, That none of the funds made available under this heading shall be used for capital advances or project rental assistance contracts.

SEC. 2238. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Housing Programs, Housing for Persons with Disabilities" shall be \$90,036,817: *Provided*, That none of the funds made available under this heading shall be used for capital advances or project rental assistance contracts: *Provided further*, That none of the funds shall be used for amendments or renewals of tenant-based assistance contracts entered into prior to fiscal year 2005.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 357, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

DIVISION C—STIMULUS RESCISSIONS

SEC. 3001. (a) There are hereby rescinded all unobligated balances remaining available as of February 11, 2011, of the discretionary appropriations provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(b) Subsection (a) shall not apply to funds appropriated or otherwise made available to

Offices of Inspector General and the Recovery Act Accountability and Transparency Board by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

AMENDMENT NO. 68 OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 357, beginning on line 25, strike "February 11, 2011" and insert "September 30, 2011".

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, I am proud to offer this amendment with my colleague from Colorado (Mr. PERLMUTTER), a strong advocate for commonsense policies.

Mr. Chairman, this amendment simply changes the date by which the bill rescinds obligated funds. By moving the date to the end of the fiscal year, September 30, it allows for everyone, from local government to innovative clean-tech companies, the ability to plan for the rest of their fiscal year and not have grants yanked from under their feet. We should not change the rules on people in the middle of the game. It really calls into question the reliability of the Federal Government.

There are so many grants in the queues of these agencies. And calling all funds unobligated after February 11 will be devastating to local communities and small businesses that are just looking for long-term stability throughout the rest of the fiscal year. Changing the rules after the fact is never a strong, good practice.

Mr. Chairman, this amendment is pro-business, pro-infrastructure, pro-local government, and deserves to be supported. The amendment is also fiscally responsible and meets the House budget rules.

My State of Colorado provides an example as to why this date should be changed. Colorado was awarded a \$10 million TIGER/TIFIA Challenge grant through the Recovery Act that expands one of the most heavily used and heavily congested highways in our State, creating jobs, fostering economic development, multi-modal transportation, the lifeblood of my congressional district and the greater State of Colorado. This \$10 million investment helps leverage additional funds in the area, creating \$276 million in employment income and over 7,200 jobs.

To date, only \$900,000 has been obligated. And because the CR rescinds all unobligated funding across the board, without thought to details or individual projects, we risk never seeing the remaining \$9.1 million that they were promised. And because of that, they could lose \$300 million in local funding contingent on the stability provided by the TIGER grant.

For the businesses and residents in Colorado, this is simply ridiculous and just doesn't make sense. How could we rescind a small government grant—not an earmark. We have moved away from earmarks, and I supported that. But what they get replaced by are grants and merit-based opportunities for our projects to compete for Federal funds. How could we rescind a grant which, through local and State ingenuity, they have already leveraged \$300 million in local, State, and private funding? That is not fiscally responsible.

I am hopeful that this was merely an oversight by the committee, and I hope that they will work with me to address this issue.

The process to leverage \$10 million into \$305 million takes time. Colorado was awarded the TIGER/TIFIA Challenge grant in February 2010, and Colorado and other States were challenged to think bigger and do more with less; but Colorado was the only State to accept that challenge. Many of the other funds have already been obligated under TIFIA. So because they are doing what we wanted them to do, being creative and leveraging the capital, unless we make this change they could be punished.

Colorado's U.S. 36 application did not anticipate a TIFIA loan, but Colorado and the U.S. 36 embraced the challenge. The application is in, and the obligation is expected by September of 2011, consistent with the intention of the challenge grant in the first place.

Mr. Chairman, in addition, my amendment would ensure that the long process of applying for a loan guarantee at the Department of Energy—not a grant, simply a loan in this tight credit market—would not mean projects already in the queue would be thrown out. How can we tell a private company to spend time and money applying for something, have it awarded, and then turn around and take it off the table? That's simply bad for business. Similar programs at the World Bank and IMF treat the loan authority authorized by Congress as obligated funds once they are appropriated. We owe it to our small businesses and local governments to provide predictability with regard to Federal funding streams.

As we move toward grant-based programs, it's critical that people trust and believe that the Federal word is good. I believe that these provisions in the CR run contrary to that, and I ask my colleagues to work with me to address this issue.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, H.R. 1 attempts to save the American taxpayer on a number of fronts.

First, we cut \$100 billion from regular government spending. Second, we went a step further for the taxpayer by rescinding the remaining balances of the failed stimulus bill, about \$5 billion if we act now. We need to act now to stop any more funds from being spent. The longer we wait, the longer we let the administration shop around with the taxpayers' hard-earned money.

Further, we were told that the stimulus bill was the lightning bolt that would put America back to work right away. If these funds haven't been already obligated, when are the people going back to work? Where is the instant impact? Where are the jobs? Unemployment is still over 9 percent in many areas of the country and upwards of 15 percent in other sections. If the funds have not been obligated by now, they probably weren't meant to be in the stimulus package.

Let's save the taxpayers \$5 billion today and rescind these funds now. I urge a "no" vote.

Mr. OLIVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. OLIVER. I want to commend again and congratulate the gentleman from Colorado for offering this amendment, and I want to support this amendment, though I realize the realities of the situation that we are in.

In the recovery bill—and we could have a long discussion about the word "failure" of the recovery bill but we won't go into that at this time of night—the so-called projects that were ready to go into construction right away, those were designated with a termination date. The work had to be done by the end of 2010. And those monies that were for shovel-ready projects have already been expended completely in the process.

For the longer term investments, of which the high-speed rail program and the TIGER grant program were part, those were always intended to go farther. Never was it suggested that they could be done and the work done that would produce the jobs necessary in less than at least 2011 and 2012 as well. So what has been proposed for the TIGER grant here, and all of the TIGER grants, puts them in quite a different category.

The gentleman's amendment highlights an example of how the majority's rhetoric and political posturing on the continuing resolution come at the expense of good policy.

If you had presented this project that the gentleman from Colorado has put forward to a Member on the other side of the aisle, they would agree that the use of a \$10 million grant to leverage over \$200 million in non-Federal funds is a perfect example of the potential for public-private partnerships. But the moment you mention the project genesis within the President's Recovery

Act, their tune turns to righteous condemnation.

□ 0340

More broadly, there are other projects across the country that would be impacted by the rescission's political intent. In particular, efforts to address congestion that is choking our transportation network through the creation of a 21st-century high-speed rail system would be halted in many regions. For example, \$110 million to improve connections to Amtrak's Northeast Corridor within the Nation's most densely populated region is also caught up in the same problem that the gentleman from Colorado is talking about. So it would be an entirely rational thing to allow the ARRA funds to be implemented until September 30, 2011, as has been suggested.

I support the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 3002. Hereafter, no Federal agency administering funds provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may provide funding or reimbursement to any entity awarded funds from such Act for the cost associated with physical signage or other advertisement indicating that a project is funded by such Act.

DIVISION D—MISCELLANEOUS PROVISIONS

SPENDING REDUCTION ACCOUNT

SEC. 4001. The amount by which each applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of related proposed new budget authority is as follows:

- (1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, \$1,972,000,000.
- (2) Commerce, Justice, Science, and Related Agencies, \$1,405,000,000.
- (3) Defense, \$1,500,000,000.
- (4) Energy and Water Development, and Related Agencies, \$100,000,000.
- (5) Financial Services and General Government, \$750,000,000.
- (6) Homeland Security, \$1,000,000,000.
- (7) Interior, Environment, and Related Agencies, \$1,750,000,000.
- (8) Labor, Health and Human Services, Education, and Related Agencies, \$10,901,000,000.
- (9) Legislative Branch, \$100,000,000.
- (10) Military Construction, Veterans Affairs, and Related Agencies, \$500,000,000.
- (11) State, Foreign Operations, and Related Programs, \$2,000,000,000.
- (12) Transportation, Housing and Urban Development, and Related Agencies, \$3,923,000,000.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other pur-

poses, had come to no resolution thereon.

There was no objection.

HOURLY OF MEETING

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

ADJOURNMENT

Mr. CHAFFETZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 43 minutes a.m.), under its previous order, the House adjourned until today, Thursday, February 17, 2011, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. William D. Delahunt	10/9	10/13	Russia		1,620.00						1,620.00
	10/13	10/15	Belarus		681.03						681.03
Howard Diamond	10/16	10/22	Israel		1,645.00		4,190.30		632.70		3,190.30
							4,632.29				2,277.70
Hon. Keith Ellison	11/10	11/14	Morocco		337.34						337.34
	11/14	11/14	Nigeria		118.00						118.00
							11,114.60				11,114.60
Hon. Eni F. H. Faleomavaega	11/20	11/22	United Arab Emirates		786.00						786.00
	11/22	11/24	India		1,478.00						1,478.00
	11/24	11/27	Vietnam		916.00						916.00
	11/27	11/29	South Korea		580.00						580.00
							11,435.00				11,435.00
Sajit Gandhi	12/12	12/17	India		2,337.00						2,337.00
	12/17	12/20	Sri Lanka		561.00						561.00
	12/21	12/23	Pakistan		813.90						813.90
							9,672.90				9,672.90
Samantha Goldstein	10/4	10/6	Switzerland		922.71						922.71
							1,713.40				1,713.40
Mark Little	10/4	10/6	Switzerland		1,052.71						1,052.71
							1,713.40				1,713.40
	12/8	12/11	Mexico		1,038.00						1,038.00
							715.00				715.00
Vili Lei	11/20	11/22	United Arab Emirates		786.00						786.00
	11/22	11/24	India		1,478.00						1,478.00
	11/24	11/27	Vietnam		916.00						916.00
	11/27	11/29	South Korea		580.00						580.00
							7,205.00				7,205.00
Alan Makovsky	11/19	11/20	Kuwait		402.52						402.52
	11/20	11/22	Iraq				(³)				
							10,950.70				10,950.70
Mary McVeigh	12/9	12/12	Argentina		852.00						852.00
	12/12	12/16	Colombia		1,498.00						1,498.00
							3,336.20				3,336.20
Hon. Mike Pence	11/20	11/21	United Arab Emirates		245.00						245.00
	11/21	11/22	Iraq		20.00		(³)				20.00
	11/22	11/22	United Arab Emirates								
							10,522.10				10,522.10
Peter Quilter	12/9	12/12	Argentina		862.00						862.00
	12/12	12/16	Colombia		1,511.00						1,511.00
							3,336.20				3,336.20
Sheri Rickert	10/17	10/22	Kenya		1,359.00						1,359.00
							11,587.90				11,587.90
Algene Sajery	10/17	10/22	Kenya		1,556.00						1,556.00
							11,580.90				11,580.90
Daniel Silverberg	11/22	11/24	Poland		570.00						570.00
							3,006.00				3,006.00
Hon. Christopher H. Smith	12/10	12/12	Norway		560.00						560.00
							1,547.00				1,547.00
Jason Steinbaum	12/10	12/14	Kosovo		665.00						665.00
							3,370.60				3,370.60
Lisa Williams	11/20	11/22	United Arab Emirates		786.00						786.00
	11/22	11/24	India		1,478.00						1,478.00
	11/24	11/27	Vietnam		916.00						916.00
	11/27	11/29	South Korea		580.00						580.00
							7,205.00				7,205.00
Brent Woolfork	12/8	12/11	Mexico		1,003.00						1,003.00
							625.72				625.72
Committee total					33,510.21		120,460.21		632.70		154,603.12

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

⁴ Round-trip airfare.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

508. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin [Docket No.: APHIS-2009-0098] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

509. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Prevention of Payments to Deceased Persons (RIN: 0560-AH91) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

510. A letter from the Chief Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Supplemental Nutrition Assistance Program, Regulation Restructuring: Issuance Regulation Update and Reorganization To Reflect the End of Coupon Issuance Systems (RIN: 0584-AD48) received January 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

511. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Highly Pathogenic Avian Influenza [Docket No.: APHIS-2006-0074] (RIN: 0579-AC36) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

512. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Loan Servicing; Farm Loan Programs (RIN: 0560-AI05) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

513. A letter from the Assistant Secretary, Department of Defense, transmitting a report Pursuant to the National Defense Authorization Act for Fiscal Year 2009; to the Committee on Armed Services.

514. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Marking of Government-Furnished Property (DFARS Case 2008-D050) (RIN: 0750-AG44) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

515. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8167] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

516. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8165] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

517. A letter from the Chairman and President, Export-Import Bank, transmitting a letter of notification to authorize an unconditional guarantee on a supply chain finance facility; to the Committee on Financial Services.

518. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Joint Final Rule — Community Reinvestment Act Regulations (RIN: 3064-AD68) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

519. A letter from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of Six Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974, as Amended [Docket Number: OSHA-2007-0028] (RIN: 1218-AC25) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

520. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Commission Involvement In Voluntary Standards received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

521. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Interpretation of "Children's Product" [Docket No.: CPSC-2010-0029] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

522. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Substantial Product Hazard Reports received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

523. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i) Final DTV Table of Allotments, Television Broadcast Stations. (Huntsville, Alabama) (MB Docket No.: 08-194) (RM-11488) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

524. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, (North Pole and Plattsburgh, New York) [MM Docket No.: 99-238] (RM-9669) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

525. A letter from the Deputy General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines [Docket No.: RM07-9-003; Order No. 710-B] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

526. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-11, Annual Survey of U.S. Direct Investment Abroad [Docket No.: 100217100-0608-02] (RIN: 0691-AA74) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

527. A letter from the Under Secretary, Bureau of Industry and Security, Department of Commerce, transmitting the Department's

final rule — U.S.-India Bilateral Understanding: Revisions to U.S. Export and Reexport Controls Under the Export Administration Regulations [Docket No.: 101222617-0617-01] (RIN: 0694-AF10) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

528. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sculpins, Sharks, Squid, and Octopus in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA156) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

529. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA155) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

530. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 100830407-0626-02] (RIN: 0648-XY51) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

531. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea and Aleutian Islands Atka Mackerel Total Allowable Catch Amount [Docket No.: 0910131363-0087-02] (RIN: 0648-XA129) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

532. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendment 20 and 21; Trawl Rationalization Program; Allocations for the Start of the 2011 Fishery [Docket No.: 101221628-0628-01] (RIN: 0648-BA40) January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

533. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Passenger Weight and Inspected Vessel Stability Requirements [Docket No.: USCG-2007-0030] (RIN: 1625-AB20) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

534. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty Revised Loan Modification Procedures (RIN: 2900-AN78) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

535. A letter from the Director, Regulations Management, Office of Regulatory Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Herbicide Exposure and Veterans with Covered Service in Korea (RIN: 2900-AN27) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

536. A letter from the Deputy Assistant Secretary for Import Administration, Department of Commerce, transmitting the Department's final rule — Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings: Interim Final Rule [Docket No.: 0612243022-1049-01] (RIN: 0625-AA66) received February 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

537. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Sales [Notice 2011-9] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ESHOO (for herself, Mr. LANCE, and Mr. REICHERT):

H.R. 733. A bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself, Mr. CALVERT, and Mr. ROHRBACHER):

H.R. 734. A bill to amend the Internal Revenue Code of 1986 to repeal the medical device tax, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. WILSON of South Carolina, Mr. HARPER, Mr. LAMBORN, Mr. SESSIONS, Mr. PAUL, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. MULVANEY, Mr. WALBERG, Mr. CHAFFETZ, Mr. ROONEY, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. FLORES, Mr. PITTS, Mr. TIPTON, Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. PENCE, and Mr. BISHOP of Utah):

H.R. 735. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON (for herself and Mr. FILNER):

H.R. 736. A bill to amend the Internal Revenue Code of 1986 to extend the Build America Bond program, and for other purposes; to the Committee on Ways and Means.

By Mr. AKIN:

H.R. 737. A bill to terminate the Paul S. Sarbanes Transit in Parks Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. BORDALLO (for herself, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. SABLON, Mr. PIERLUISI, Mr. FARR,

Ms. HIRONO, Ms. LEE of California, Ms. CASTOR of Florida, Ms. HANABUSA, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. HONDA):

H.R. 738. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Natural Resources.

By Mr. BURGESS:

H.R. 739. A bill to provide that no Federal or State requirement to increase energy efficient lighting in public buildings shall require a hospital, school, day care center, mental health facility, or nursing home to install or utilize such energy efficient lighting if the lighting contains mercury; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEUTCH (for himself and Mr. BURTON of Indiana):

H.R. 740. A bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes; to the Committee on Financial Services.

By Mrs. EMERSON:

H.R. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. GRIMM (for himself, Mr. PASCRELL, and Mr. KING of New York):

H.R. 742. A bill to award posthumously a Congressional Gold Medal to Giuseppe Garibaldi and to Recognize the Republic of Italy on the 150th Anniversary of its Unification; to the Committee on Financial Services.

By Ms. JENKINS (for herself, Mr. LAMBORN, Ms. NORTON, and Mr. MILLER of Florida):

H.R. 743. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit to small businesses which hire individuals who are members of the Ready Reserve or National Guard; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 744. A bill to establish the National Commission on Women's Business Ownership, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Small Business, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself and Mr. MACK):

H.R. 745. A bill to repeal the wage rate requirements commonly known as the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. MACK (for himself, Mr. BROWN of Georgia, Mr. PAUL, Mr. CHAFFETZ, Mr. GARY G. MILLER of California, Mr. MCCLINTOCK, Mr. FLAKE, Mr. CASSIDY, Mr. HERGER, Mr. WOLF, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. CULBERSON, Mr. KING of Iowa, Mr. NEUGEBAUER, and Mr. JORDAN):

H.R. 746. A bill to repeal the wage rate requirements commonly known as the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. SCHIFF:

H.R. 747. A bill to amend the Internal Revenue Code of 1986 to extend the Build Amer-

ica Bonds program; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. MCCLINTOCK, Mr. FLAKE, Mr. PETRI, Mr. ROSS of Florida, and Mr. HERGER):

H.R. 748. A bill to prohibit the Administrator of the Environmental Protection Agency from authorizing the use of gasoline containing greater than 10 percent ethanol in certain vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. SAM JOHNSON of Texas, Mr. LARSON of Connecticut, Mr. BRADY of Texas, and Mr. CROWLEY):

H.R. 749. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. WALBERG:

H.R. 750. A bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change; to the Committee on Energy and Commerce.

By Mr. WALDEN (for himself, Mr. UPTON, Mr. TERRY, Mr. STEARNS, Mr. WHITFIELD, Mr. SHIMKUS, Mr. GUTHRIE, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mr. BASS of New Hampshire, Mrs. BONO MACK, Mr. KINZINGER of Illinois, Mr. GINGREY of Georgia, Mr. BARTON of Texas, Mr. OLSON, Mrs. MCMORRIS RODGERS, Mr. LATTA, Mr. BURGESS, Mr. LANCE, Mr. SCALISE, Mr. MCKINLEY, Mrs. EMERSON, Mr. GRAVES of Georgia, and Mr. DIAZ-BALART):

H.J. Res. 37. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; to the Committee on Energy and Commerce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BECERRA, Ms. MATSUI, and Mr. LATOURETTE):

H.J. Res. 38. A joint resolution providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BECERRA, Ms. MATSUI, and Mr. LATOURETTE):

H.J. Res. 39. A joint resolution providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BECERRA, Ms. MATSUI, and Mr. LATOURETTE):

H.J. Res. 40. A joint resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BECERRA, Ms. MATSUI, and Mr. LATOURETTE):

H.J. Res. 41. A joint resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. HELLER, Mr. SENSENBRENNER, Mr. MATHESON, Mrs. CAPITO, Mrs. BLACKBURN, Mr. CHABOT, Mr. KING of New York, Mr. SCHRADER, Mr. WITTMAN, Mr. PITTS, Mr. PAUL, Mr. WEST, Ms. ZOE LOFGREN of California, Mr. WESTMORELAND, Mr. THOMPSON of Pennsylvania, and Mr. REED):

H. Res. 95. A resolution supporting the preservation of Internet entrepreneurs and small businesses; to the Committee on the Judiciary.

By Mr. MURPHY of Pennsylvania (for himself and Mr. CRITZ):

H. Res. 96. A resolution recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded by an Iraqi missile attack on Dhahran, Saudi Arabia, during Operation Desert Shield and Operation Desert Storm on the occasion of the 20th anniversary of the attack; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII,

5. The SPEAKER presented a memorial of the House of Representatives of the State of Arizona, relative to House Resolution 2001 memorializing the intent to affirm the sovereignty of the State of Arizona under the Tenth Amendment; to the Committee on Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ESHOO:

H.R. 733.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8, the General Welfare Clause.

By Mr. BILBRAY:

H.R. 734.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. SULLIVAN:

H.R. 735.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 736.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. AKIN:

H.R. 737.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. BORDALLO:

H.R. 738.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. BURGESS:

H.R. 739.

Congress has the power to enact this legislation pursuant to the following:

The attached legislation falls within Congress' constitutional authority to regulate interstate commerce pursuant to Article I, Section 8, clause 3 of the U.S. Constitution.

By Mr. DEUTCH:

H.R. 740.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, clause 3, Congress has the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. Under Article I, Section 8, clause 3 Congress created the Securities and Exchange Act of 1933.

By Mrs. EMERSON:

H.R. 741.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate commerce among the several States, as enumerated in Article I, Section 8, Clause 3.

By Mr. GRIMM:

H.R. 742.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Ms. JENKINS:

H.R. 743.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI to the United States Constitution.

Description: The first is "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises..." and; the second grants Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 744.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. KING of Iowa:

H.R. 745.

Congress has the power to enact this legislation pursuant to the following:

Because this legislation adjusts the formula the federal government uses to spend money on federal contracts, it is authorized by the Constitution under Article 1, Section 8, Clause 1, which grants Congress its spending power.

By Mr. MACK:

H.R. 746.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. SCHIFF:

H.R. 747.

Congress has the power to enact this legislation pursuant to the following:

The Build America Bonds Extension Act is constitutional under Article I, Section 8, Clause 1 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Article I, Section 8, Clause 1 provides Congress with the authority to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SENSENBRENNER:

H.R. 748.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. TIBERI:

H.R. 749.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

By Mr. WALBERG:

H.R. 750.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. WALDEN:

H.J. Res. 37.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution ("The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes").

By Mr. SAM JOHNSON of Texas:

H.J. Res. 38.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

By Mr. SAM JOHNSON of Texas:

H.J. Res. 39.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

By Mr. SAM JOHNSON of Texas:

H.J. Res. 40.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 17, giving Congress exclusive jurisdiction over the District of Columbia. That clause was cited as the authority for the government's ability to accept the original Smithsonian donation and the creation of the Smithsonian Institution via the Act of August 10, 1846.

Article 1, Section 8, Clause 18, the Necessary and Proper clause, which provides the power to enact legislation necessary to effectuate one of the earlier enumerated powers, such as the authority granted in Clause 17 above.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. REED, Mr. YOUNG of Indiana, Mr. STEARNS, and Mr. OLSON.

H.R. 27: Ms. VELÁZQUEZ, Mr. LYNCH, and Mr. NEAL.

H.R. 140: Mr. HARRIS.

H.R. 198: Mrs. MCCARTHY of New York.

H.R. 217: Mrs. NOEM and Mr. AUSTRIA.

H.R. 343: Mr. SCHILLING.

H.R. 358: Mr. MULVANEY, Mr. WILSON of South Carolina, Mr. DUNCAN of South Carolina, Mr. HERGER, Mr. SCOTT of South Carolina, Mr. JOHNSON of Ohio, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. POSEY, and Mr. GOWDY.

H.R. 362: Mr. CUELLAR, Ms. JACKSON LEE of Texas, Mr. POE of Texas, and Mr. HENSARLING.

H.R. 401: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 423: Mr. POLIS.

H.R. 432: Ms. PINGREE of Maine.

H.R. 436: Mr. GOSAR, Mr. MCKINLEY, Mr. UPTON, Mr. PLATTS, Mr. GARY G. MILLER of California, Mr. LATTA, Mr. GINGREY of Georgia, Mr. ROKITA, Mrs. BONO MACK, Mr. BARTON of Texas, Mr. BOUSTANY, Mr. SCHOCK, Mr. BRADY of Texas, and Mr. BERG.

H.R. 455: Mr. PALAZZO and Mrs. MCMORRIS RODGERS.

H.R. 458: Ms. ROYBAL-ALLARD.

H.R. 459: Mr. ALTMIRE.

H.R. 471: Mr. BUCSHON, Mr. WOODALL, Mr. COFFMAN of Colorado, and Mr. FRELINGHUYSEN.

H.R. 572: Mr. ANDREWS.

H.R. 573: Mr. COHEN.

H.R. 584: Ms. SCHWARTZ and Mr. COSTELLO.

H.R. 589: Mr. LUJÁN, Mr. LANGEVIN, Ms. RICHARDSON, Ms. PINGREE of Maine, and Mr. KILDEE.

H.R. 601: Ms. SPEIER and Mr. ELLISON.

H.R. 605: Mr. BURTON of Indiana, Mr. CASSIDY, Mr. PRICE of Georgia, Mr. MCKINLEY, and Mr. BILIRAKIS.

H.R. 638: Mr. JONES.

H.R. 651: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, and Mr. CAPUANO.

H.R. 659: Mr. WESTMORELAND and Mr. JONES.

H.R. 660: Mr. WESTMORELAND and Mr. LONG.

H.R. 661: Mr. CAPUANO.

H.R. 680: Mr. HUELSKAMP, Mr. MCKINLEY, and Mr. HERGER.

H.R. 690: Mr. HANNA, Mr. CARTER, Mr. BUCSHON, Mr. JOHNSON of Illinois, Mr. GOHMERT, Mr. JONES, Mr. GRAVES of Missouri, Mr. WESTMORELAND, Mr. MACK, Mr. HULTGREN, Mr. AUSTRIA, Mr. MCHENRY, and Ms. GRANGER.

H.R. 692: Mr. COFFMAN of Colorado and Mr. KINGSTON.

H.R. 695: Mrs. MYRICK.

H.R. 700: Mr. BROOKS, Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. MULVANEY, Mr. MILLER of Florida, and Mr. HARPER.

H.R. 711: Mr. KILDEE and Mr. GRIJALVA.

H.R. 720: Mr. BARTLETT.

H.J. Res. 13: Mr. FORBES, Mr. MCKINLEY, Mr. SMITH of Washington, and Mr. PLATTS.

H. Con. Res. 13: Mr. MILLER of Florida, Mrs. ELLMERS, Mr. NUNNELEE, and Mr. GRIFFITH of Virginia.

H. Res. 34: Ms. JACKSON LEE of Texas, Mr. DEUTCH, Mr. PAYNE, Ms. BASS of California, and Mr. SHERMAN.

H. Res. 36: Mr. GONZALEZ.

H. Res. 57: Mr. KINZINGER of Illinois and Mr. JONES.

H. Res. 83: Ms. EDWARDS and Mr. GRIJALVA.

H. Res. 88: Ms. MATSUI, Mr. YARMUTH, Mr. MCNERNEY, Mr. HIGGINS, Mr. CROWLEY, Mr. KIND, Ms. BROWN of Florida, Ms. CHU, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. STARK, Mr. HOLT, Ms. BASS of California, Mr. JACKSON of Illinois, Mr. MORAN, Mr. ROHRBACHER, Ms. HARMAN, Mr. CARDOZA, Mr. GENE GREEN of Texas, Mr. SHERMAN, Ms. DEGETTE, Mr. QUIGLEY, Mr. KILDEE, Mr. HASTINGS of Florida, Mr. BECERRA, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. GONZALEZ, Mr. HOLDEN, Ms. MCCOLLUM, Mr. COSTA, Mr. LARSON of Connecticut, Mr. WALZ of Minnesota, Mr. THOMPSON of California, and Mr. CONNOLLY of Virginia.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1

OFFERED BY: Mr. KINZINGER OF ILLINOIS

AMENDMENT No. 584: At the end of the bill (before the short title), insert the following:

SEC. _____. No funds made available in this Act may be used to participate as a party in any lawsuit that seeks to invalidate those provisions of the Arizona Revised Statutes amended by Arizona Senate bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 6 2010) (as amended by Arizona House Bill 2162, 49th 7 Leg., 2nd Reg. Sess., Ch. 211 (Az. 2010)).

EXTENSIONS OF REMARKS

HONORING WILLIAM J. DAVIS

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. ELLISON. Mr. Speaker, I would like to extend my congratulations to fellow Minnesotan William J. Davis in honor of his twenty years of service as President and CEO of Community Action of Minneapolis.

At the helm of Community Action of Minneapolis, Mr. Davis has advocated tirelessly for underserved communities; ensuring the concerns of so many, which are often overlooked, are heard. During his twenty years of dedication, innumerable citizens have received critical services vital to their well being: children and family development, weatherization, home electric savings and energy services. Under Mr. Davis' calculated and efficient stewardship, Community Action of Minneapolis has not only grown, but thrived.

Mr. Speaker, the stability of our cherished American life is contingent upon a functional and educated populace. Public servants such as Mr. Davis continue to ensure that opportunities to contribute at any level within our nation are extended throughout our society. The continued pursuit of equality has become a cornerstone of which we, as Americans, are tremendously proud. Our pride would be unwarranted without the profound contributions of public servants such as William J. Davis.

CONGRATULATING BARBARA CLOVER

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise today to congratulate Mrs. Barbara Clover on being named the 2010 National Secondary Art Educator of the Year by the National Art Education Association. She is truly deserving of this honor for her exemplary contributions toward the promotion of art education.

Mrs. Clover has been an art teacher at Holy Savior Menard Central High School in Alexandria, LA, for 16 years where she has challenged and inspired students to explore their creative sides.

Beyond the classroom, Mrs. Clover serves as president of the Louisiana Art Education Association. She views this affiliation as a means to further her advocacy for the arts and art education.

In addition, Mrs. Clover has been featured at numerous local art events and has chaired the Youth Art Month program for the Louisiana Art Education Association.

For her dedication to enhancing art education, she has been honored nationally five times for her work with Youth Art Month, including four awards of Excellence and one Claire Flanagan Memorial Grand Award, which is the highest award presented by the Council for Art Education, Inc.

I ask my colleagues to join me in congratulating Mrs. Barbara Clover for being named the 2010 National Secondary Art Educator of the Year. As an excellent teacher and promoter of the arts, she is deserving of this laudable recognition.

RECOGNIZING MRS. LAJUANA MALLOY AS THE 2011 WASHINGTON COUNTY TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mrs. LaJuana Malloy as the 2011 Washington County Teacher of the Year. For nearly two decades, Mrs. Malloy has been an inspiration to her students, motivating and inspiring them to succeed at the highest levels, and I am honored to recognize her achievements.

Mrs. Malloy is a lifelong resident of Washington County, Florida. After receiving her Bachelor of Science Degree in Elementary Education, she worked as a Protective Services Caseworker in the Florida Department of Children and Families. Mrs. Malloy was born to make a positive impact on her community. After her time as a caseworker, she decided to enter into the teaching profession.

Mrs. Malloy sought to motivate her students to succeed and to reach their full potential. With this goal in mind, she decided to continue her education at Florida State University, where she earned a Master's degree and a certification in Exceptional Student Education. She taught at Kate Elementary School for fourteen years and at Vernon Elementary School, where she also served as Reading Coach. For the past three years, Mrs. Malloy has served as a language arts and reading teacher at Roulhac Middle School, where her dedication to her students inspires them to pursue excellence in language arts.

Mrs. Malloy and her husband, Wesley, are the proud parents of two college students. Eli is a junior at Chipola College, and Elizabeth is a sophomore at the University of South Alabama. Mrs. Malloy also spends her weekends teaching at her church's Preschool Sunday School, where she is also the church's pianist.

Mrs. Malloy believes that teaching is a true calling, and that her work as an educator makes an invaluable and lasting impact on her students and community. The Washington

County Teacher of the Year award is evidence of her enormous impact; however, her achievement is even better illustrated through the lives of her exceptional students. I am privileged to have her as a constituent in Florida's First Congressional District.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize LaJuana Malloy for her accomplishments and her continuing commitment to excellence at Roulhac Middle School. My wife Vicki joins me in congratulating Mrs. Malloy, and we wish her all the best.

HONORING ALFENETTE ROBINSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Alfenette Robinson, born July 10, 1957, to Mr. and Mrs. William Henry Robinson, Jr., a lifelong Bolton, Mississippi, native. She graduated from Sumner Hill High School in 1975 and furthered her education by obtaining her Associate Degree in Education from Hinds Community College. Alfenette has been in education for the past 31 years. She served as an assistant teacher for the Trainable Mentally Retarded classroom in the Clinton Public School District for 20 years. She presently serves as Branch Supervisor at the Annie L. Thompson-Jeffers Branch of the Hinds County Public Library System, where she has been employed since 1987. People in general have been Ms. Robinson's life and passion. She helps all kinds of people on and off the job. She is Chairman of the Bolton Christmas Parade committee, Secretary of Mount Olive Missionary Baptist Church Sunday School, lifelong member of Mount Olive Missionary Baptist Church, active member of the Mount Olive Missionary Baptist Church Choir, active member of the National Association for the Advancement of Colored People, NAACP, and has dedicated her time towards many local campaign elections. She loves helping the elderly members of the community, no matter how big or small the task. She is known for running errands and assisting the elderly with understanding and completing important documents and forms. In addition to her love for the elderly, she is gifted in working with special-needs children and superbly knowledgeable and passionate in overseeing the operation and functionality of the Bolton community's only library. Alfenette has a twin sister and one brother, along with many community-adopted children.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO WILLIAM "BILLY"
LYON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to a longstanding business leader in South Alabama, Mr. William "Billy" Lyon, who recently passed away at the age of 80.

A native of Mobile, Mr. Lyon graduated from Murphy High School in 1944 and attended the Citadel in Charleston, South Carolina before joining the Navy in 1945, where he served on the USS *Chicago*. Following the end of the war, he attended Auburn University and the University of North Carolina.

A natural entrepreneur, Mr. Billy became a homebuilder with a lifelong passion for commercial and residential real estate development in Alabama, Louisiana, Mississippi, Florida and Georgia.

He developed scores of local residential subdivisions, including Brookwood, Blacksher Downs, Tuthill Lane Estates and Carriage Hills, and sold lots to nearly every builder in Mobile. He also partnered and developed numerous commercial shopping centers, including Mobile's Bel Air Mall, which opened in 1966.

He was one of the founding board members of Commercial Guaranty Bank in Mobile, which later became SouthTrust Bank, and also served on the Boards of Bel Air Corporation, Mobile Gas Company, First Southern Federal, Altus Bank, the Drug Education Council, and the Alabama School of Math and Science.

Mr. Billy was the longest active member of the Home Builders Association of Mobile and received the E. L. Jones award in 2002. He witnessed and played a vital role in Mobile for many years, helping countless individuals, bankers, builders, realtors, friends and associates along the way.

On behalf of the people of South Alabama, I extend my condolences to his wife, Patricia; their two sons, BJ and Jimmy; their four daughters, Tricia, Nancy, Victoria and Ashley; nineteen grandchildren and their entire family. You are all in our thoughts and prayers.

HONORING DR. MICHAEL COLLINS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today to honor the distinguished career of Dr. Michael Collins. For more than 25 years, he has exhibited a drive and work ethic on and off the ice that serves as inspiration to his colleagues and friends.

Dr. Collins, a Chicago native, attended the University of Notre Dame. In South Bend he played varsity hockey and shoveled furnaces to pay the bills, but still graduated in three and a half years. Upon graduation, Michael spent several years driving a cab, and working construction before entering medicine. After returning to college for another two years to take

pre-med courses, he attended the Loyola University Stritch School of Medicine followed by five years at the Mayo Clinic. He is now a full-time, board-certified orthopedic surgeon.

In addition to his medical practice, he has written professionally for more than 30 years. His first book, *Hot Lights, Cold Steel*, continues to be a best-seller in the medical memoir field. Since its publication, Michael has lectured extensively on topics relating to medicine and writing.

Dr. Collins' hard work and accomplishments have earned him national attention, and in 2010 he received the American Hockey Coaches Association Lou Lamoriello Award. The Lamoriello Award recognizes a former college hockey player or coach who goes on to a distinguished career in or out of hockey.

Michael and his wife, Patti, have raised 12 children and today he still plays hockey twice a week. Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Michael Collins and his life of achievement. His career has inspired many and continues to impress.

RECOGNIZING TIFFANY MCKINNIE
AS THE 2011 WASHINGTON COUNTY
EDUCATIONAL SUPPORT PER-
SON OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Tiffany McKinnie as the 2011 Washington County, Florida Educational Support Person of the Year. I am honored to recognize her achievements and her dedication to the students of Northwest Florida.

Mrs. McKinnie is an Exceptional Student Education (ESE) paraprofessional at Roulhac Middle School. ESE paraprofessionals serve an integral role in the development of ESE students. They are responsible for assisting teachers in a variety of ways to implement the instructional program. They work directly with children in small groups or on a one-to-one basis, and through this close interaction, they foster strong bonds that motivate pupils to develop the knowledge needed to provide a solid educational foundation.

Mrs. McKinnie and her husband, Albert, have three sons and one daughter, and her time outside the classroom is spent enjoying quality time with her family. She is currently enrolled at Chipola College, where she is pursuing a degree in Exceptional Student Education.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Tiffany McKinnie for her accomplishments and her continuing commitment to excellence at Roulhac Middle School. My wife Vicki joins me in congratulating Mrs. McKinnie, and we wish her all the best.

HONORING MINNIE B. YOUNG

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Minnie B. Young. Mrs. Minnie B. Young was born on March 11, 1937, outside of Leland, Mississippi. She is the youngest of five children. Mrs. Young was married twice; both husbands are deceased. Mrs. Young is the proud mother of five children.

Mrs. Young attended elementary school in Dunleith, MS, then on to Abraham Lincoln Attendance Center in Leland, MS.

In 1965, Mrs. Young and others went on a strike for a pay increase from A.L. Andrew Plantation, located in what was then Tent City, MS. It was called Tent City because they lived in tents. However, there were no raises and the strikers eventually quit their jobs at the Plantation. The strikers then changed the name of the town from Tent City to what we now know as Strike City in 1966. Also, she was one of the marchers in Greenville, MS, during the Civil Rights Era in 1966.

Mrs. Young worked in the Head Start program from 1966–1980. She went from Head Start to Witte Memorial Hospital, in Leland, MS, from 1980–1985.

Mrs. Young enjoys writing poems. She considers this a hobby, which she has been doing since she was a little girl. Both she and her daughter, Maxine Johnson, call themselves "Strike City's Finest Poets." They published a book of poems called *Real Talk*. Mrs. Young considers herself a religious poet. Today, she still writes poems, mostly for her church, Greater St. Matthew M.B. Church, located in Strike City, MS.

HONORING THE CHELSEA AREA
CHAMBER OF COMMERCE BUSI-
NESS LEADERSHIP AWARD WIN-
NERS

HON. TIM WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. WALBERG. Mr. Speaker, I rise today to honor The Chelsea Area Chamber of Commerce, 2010 Business Leadership Award winners. The Large Business Award winner is Cleary's Pub and the Small Business Award winner is True North Jerky Co. These annual awards are presented by the Chelsea Area Chamber of Commerce and the Ambassador Club of the Chamber.

The formal presentation of each award will be during the February 17, 2011, Annual Meeting for the Chelsea Chamber of Commerce. Each of these award winners was judged in several areas that include; displaying innovative ideas and services, demonstrated leadership in the Chelsea business community, support of the Chelsea Area Chamber of Commerce, and contributing to the economic impact of the City of Chelsea.

Cleary's Pub is owned by Pat Cleary, Meg Boomer, and Joan Henry. This brother and

sister team of owners has been in business for 20 years in their familiar Main Street location in downtown Chelsea.

True North Jerky Co. is owned by Phil and Jennifer Tolliver. Phil and Jennifer also are the franchisee for Bearclaw Coffee Drive-Thru located adjacent to the Jerky Co.

These local businesses in the 7th Congressional District have established themselves as true leaders and entrepreneurs who continue to spur economic growth even during these tough economic times.

I would like to commend and congratulate these businesses owners on their successful business ventures that have contributed greatly to the City of Chelsea, Michigan, and the 7th Congressional District.

HONORING JOHN DAVID MERCER
FOR HIS HEROIC ACTION IN SAV-
ING LIVES

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. BONNER. Mr. Speaker, I rise to bring to the attention of the House the heroic efforts of a constituent of mine whose quick thinking saved lives during a recent pre-dawn Mobile, Alabama motel fire.

On the early morning of December 21, 2010, John David Mercer, a staff photographer with the Mobile Press-Register, was driving home after shooting the historic lunar eclipse when his eye caught sight of another target. While glancing over at the battleship USS Alabama, a local landmark, Mr. Mercer noticed thick white smoke billowing from a nearby motel roof. He quickly headed to the building in hopes of capturing some news photos when he realized no one else was aware of the blaze. At that point, he alerted the motel manager, sounded the fire alarm and sprinted upstairs to awake the motel guests. At one point the flames reached 40 feet in the air, yet Mr. Mercer continued to knock on doors.

Fire and police soon arrived and the motel was fully evacuated avoiding any injuries in the fire. The motel owner credited Mr. Mercer with saving lives and helping to prevent further damage to the building.

For his heroic action, Mr. Mercer was presented the Citizen Valor Award by the Mobile Fire-Rescue Department. Additionally, he was given the National Press Photographers Association's Humanitarian Award.

A recent Press-Register editorial honoring Mr. Mercer said it best: "These days, the title 'hero' is tossed about too casually and too often. However, we consider it fitting in this case. John David Mercer is a hero because he got into the game when he didn't have to, and because he placed the welfare of others above his own without being asked."

Mr. Speaker, I would like to add my voice to those who have praised Mr. Mercer's selfless act on that early December morning. He truly deserves to be called a hero.

HONORING MR. AND MRS.
WILFORD AND MARIE NORTON,
COMMUNITY ACTIVISTS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the late Mr. Wilford Norton, Sr., and Mrs. Marie Norton of Rolling Fork, MS, who were instrumental in the Civil Rights Movement during the origin of civil rights in Mississippi. Both Mr. and Mrs. Norton played significant roles in the success of voter registration and equality for local citizens in Sharkey County and surrounding counties. In 1965-66, Mr. Wilford and Marie Norton worked hand in hand with the late Mr. Sidney Alexander, Sr. (who was a strong advocate for civil rights) and other brave and resilient citizens to ensure all eligible and those that were of age were registered to vote. They spent many hours traveling throughout the counties visiting families to encourage them; this was during an era when many families were afraid of consequences and feared their safety. With much persuasion and long hours of labor, voters were registered.

In 1964, Marie and Wilford Norton also assisted in housing white students who traveled from Massachusetts and Ohio to assist the community in organizing the Head Start Program and other community programs. During this time the Nortons resided at 507 Magnolia Street, a small house with only three bedrooms. The Norton children sacrificed their beds for the comfort of their guests.

Shortly after the Massachusetts and Ohio visitors departed Rolling Fork, the Ku Klux Klan burned a cross in the center of the field that stood across the street from 507 Magnolia Street. During this time (1964 or 1965) the field was vacant with no houses. The burning cross was center field directly in front of the Norton's home and center to the newly organized Head Start Center (Ms. Francis Alexander's home until her passing) adjacent to Magnolia Street on Poplar Street. This did not deter the Nortons or the Alexanders in the cause for justice and equality; their will to end bigotry and injustice continued strong in both families.

This was a time when some in the community were making it known that they wanted an end to inequality and made a stand as they formed Picket Groups; the Norton and Alexander children 10 years of age and above were taken out of school to assist in a week-long of picketing all local merchants in Rolling Fork; they were joined by a few other Rolling Fork families and families from surrounding counties. In 1966, two of the Norton girls were amongst the first to integrate the former Fielding L. Wright School (currently Rolling Fork High School) in Rolling Fork. Though this was not an easy transition for the participating Norton children and others, it was a sacrifice that families made to end segregation in the public school system.

In 1963, Mr. Wilford Norton, Sr., joined Mr. Sydney Alexander, Sr., and a few other men of Rolling Fork, MS, with much support from their wives to participate in the March on

Washington with Martin Luther King, Jr., that occurred on August 28, 1963, to rally for freedom, jobs, justice and equality for all at the Lincoln Memorial where Dr. King gave his awesome "I Have a Dream" speech. Mr. Norton could not have been any prouder when he returned to his family; he told of how this was one of the most incredible events and days of his life.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Ms. DeLAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 33 regarding H. Res. 72, "Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth." Had I been present, I would have voted "yes."

HONORING MR. ROBERT COTTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Robert L. Cotton of Sallis, Mississippi. Mr. Cotton has always stood out as a community leader. In 1987 Mr. Cotton helped to build New Bethel M.B. Church. He established the Beat 4 Community Club and served as president for several years. Mr. Cotton has raised funds for different organizations. He is a strong supporter of the McAdams High School Football team.

Under the leadership of Mr. Jerry Lewis, President of the NAACP Attala County Chapter, Mr. Cotton is the leader in soliciting memberships for the chapter. Mr. Cotton has worked diligently in the political arena, helping his community stay abreast of political issues. He has served as a Trustee of New Bethel M.B. Church for the past 30 years, where he has helped to secure needed funds for the Church's many programs. Mr. Robert Cotton is a World War II Veteran and served 3 years and 8 months overseas. On November 10, 2010, Mr. Cotton celebrated his 91st birthday.

FEBRUARY IS JEWISH DISABILITY
AWARENESS MONTH

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to congratulate the Jewish Disability Network, a coalition of over 20 Jewish organizations, for its advocacy on behalf of the rights of disabled Americans. This February marks the third Jewish Disability Awareness Month,

organized to push for greater recognition of the needs and concerns of disabled Americans.

Jewish tradition recognizes the importance of inclusion and prizes the ability of every person to participate fully in their community. Today, over fifty million Americans are living with a disability. Tragically, too many of them face barriers that lock them out of employment, housing, education, or health care. They are denied the opportunity to be productive and our society is denied the benefits of their abilities.

Only 21 percent of people with disabilities are employed full or part-time. One in six people with disabilities has not completed high school, 28 percent live in poverty, 19 percent have gone without needed health care at least once during the past year, and 34 percent lack access to adequate transportation. We are making progress through legislation like the Americans with Disabilities Act and the Patient Protection and Affordable Care Act, and through continued investments in IDEA, job training, health care and technology assistance. Those commitments must continue and we should reject budget cuts that would reverse the gains we have already made.

We must strive for inclusion. A 2010 survey by the Kessler Foundation and the National Organization on Disability found people with disabilities are less likely to socialize with friends and family, to go to restaurants or to attend religious services on a regular basis. Jewish Disability Awareness Month seeks to focus on the barriers that create isolation and remove them. The Religious Action Center of Reform Judaism, a leader of the Jewish Disability Network, puts it this way: "Stumbling blocks come in many forms, from less-than-accessible buildings, Shabbat services, prayer books and web pages to health care that is harder to access or isn't sufficient for people with disabilities. We are obligated to remove these stumbling blocks."

Jewish Disability Awareness Month is an opportunity not just to highlight problems but to promote solutions. Doing so is not that difficult, nor does it need to be costly. One-third of disabled workers can be accommodated for no cost, and 80 percent of job accommodations cost less than \$500. The average added cost for homes built with accessibility features is between \$100 and \$600, while retrofitting a home can cost several thousand dollars. Enactment of legislation like my Inclusive Home Design Act can help bring and keep people with disabilities in our communities.

Today, the Jewish Disability Network will hold a Congressional briefing on ways to expand access to employment and education and protect the civil rights of the disabled. This month, congregations across the country will undertake activities to engage people with disabilities in their communities: taking disabled seniors to a meal or museum, providing lunch and learning sessions for parents of disabled children, or helping young disabled adults develop leadership skills in a social context. Throughout the year, the Jewish Disability Network works to put its principles of participation and inclusion into practice.

I am proud of those efforts, and I encourage my colleagues to learn more about them. Again, I want to congratulate Rabbi Lynne

Landsberg, senior adviser for disability issues at the Religious Action Center; David Feinman, senior legislative associate of the Jewish Federation of North America; and the many others who are leaders in this critical initiative.

IN RECOGNITION OF SHREWSBURY YOUTH & FAMILY SERVICES, INC.

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. MCGOVERN. Mr. Speaker, I rise today in recognition of Shrewsbury Youth & Family Services, the only private, non-profit social service agency in Shrewsbury, Massachusetts. Shrewsbury Youth & Family Services has provided programs and services to help Shrewsbury residents reach their full potential and has promoted the best quality of life for over 27 years.

Shrewsbury Youth & Family Services was founded in 1983, and has since grown to serve over 1,500 children and families each year. They strive to provide a wide range of counseling, empowerment services and youth development programs in order to strengthen children, families and individuals in Shrewsbury. Shrewsbury Youth & Family Services is also committed to ensuring that no one, including the many low income families they serve, is turned away based on an inability to pay for services.

On February 26, 2011, Shrewsbury Youth & Family Services will be holding their 7th Annual Fundraising Gala, and I would like to take a moment to recognize the individuals being honored for their service to the community: the Irving J. Donahue Family, recipients of the Harry S. Cutting Jr. Award; and Hannah Boudreau, John McBride, Sara Pederson and Leland Smith, recipients of the 2011 Outstanding Youth of Shrewsbury Awards.

Mr. Speaker, I am sure that the United States House of Representatives joins me in recognizing Shrewsbury Youth & Family Services for their dedicated and invaluable work in my district. I sincerely hope that they are able to continue their generosity and serve the Shrewsbury community far into the future.

TRIBUTE TO VERNON MINTON, DIRECTOR OF THE ALABAMA MARINE RESOURCES DIVISION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Mr. Vernon Minton, one of the best friends of Alabama's Gulf Coast recreational and commercial fishermen, who recently passed away at the untimely age of 61. Vern Minton was a major force behind protecting and building Alabama's coastal fisheries and his loss will be sorely felt.

A graduate of Auburn University where he earned a master's degree in biology, Vern

Minton began his life's work as a steward of Alabama's coastal fisheries in 1978 at the state Department of Conservation and Natural Resources. For the next 32 years, Mr. Minton would have increasing impact upon the science and the quality of Alabama's marine life. He assisted in the development of techniques for raising many species of fish and authored papers on raising marine animals in captivity.

By December 1990, Vern Minton was appointed director of the Marine Resources Division of the Alabama Department of Conservation which manages estuaries and saltwater resources along the state's Gulf Coast. He is credited with both the modernization of his department's enforcement methods as well as the creation of the state's inshore and offshore artificial reef programs.

Although Alabama has the smallest sea-coast of the Gulf states, fish stocks in our state waters are robust, thanks to the leadership of Vern Minton. As a member of the Gulf of Mexico Fishery Management Council, he was a consistent voice for the need of updated data to accurately calculate red snapper populations and set snapper fishing limits.

On behalf of the people of Alabama and the Gulf Coast who have benefitted from Vern's efforts to enhance and protect our marine life, I wish to extend my condolences to his wife Sharon; their children, Randal and Kristen; grandchild, T.J., and all their family and friends. You are each in our thoughts and prayers.

HONORING MINNIE CARTER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Minnie Carter. Ms. Carter grew up in Tunica County, Mississippi and is extremely proud to continue her work in her community. She is a graduate of Rosa Fort High School and Jackson State University. She is a member of the Zeta Phi Beta Sorority.

In 1987, Minnie was hired by the Tunica County Department of Human Services in Tunica, Mississippi. Her responsibilities included determining the initial and continuing eligibility of applicants and recipients for welfare assistance and provide other services related to the programs of the county offices.

When not busy at work Minnie has volunteered at community pride fairs, community health fairs, schools and churches. She has served several years as a member of various community and civic groups such as the Tunica County United Voters League, Tunica County PUSH, Concerned Citizens of Tunica, Leaders of Tomorrow, and African-Americans for A Better Tunica County and Tunica County NAACP. In her spare time she enjoys traveling, reading, walking and working out.

Minnie has been recognized and honored for her work. She has received numerous awards and accolades. She has been a recipient of the Community Service Award, Woman of the Year Award, and the Distinguished Citizen of the Year Award.

Minnie has over 24 years experience in community organizing, program implementation and nonprofit management. She is presently the Executive Director of Tunica County Housing Project, Inc. Since its beginning Tunica County Housing Project, Inc. (TCHP) has had as its goal, "to provide decent affordable housing for families with low incomes living in Tunica County, Mississippi." For 19 years, Tunica County Housing Project, Inc. has been a leader in promoting affordable housing in Tunica County. "Minnie Carter believes that homeownership contributes to the Tunica County economy, builds strong communities and is a powerful tool for building economic stability and self-esteem for families." Tunica County Housing Project, Inc. is especially committed to improving the quality of life for the people of Tunica County.

One of TCHP greatest accomplishments has been the creation of a subdivision, Nellie Johnson Village in Tunica County. This subdivision consists of sixty-one affordable houses owned by families with low and very low incomes.

In 2004 TCHP assumed the Tunica County Housing Rehabilitation Program. This program is designed to bring a person's house up to compliance with the Standard Housing Code published by International Residential Code as adopted by Tunica County and all other relevant codes adopted by the local governing bodies. TCHP has repaired and rehabilitated 146 homes for families with low incomes. It has provided replacement mobile homes for 23 families whose homes were beyond repair.

In 2007 TCHP received a Housing Preservation Grant in the amount of \$117,921.71. This program is designed to assist homeowners with low and very low incomes with the repair and rehabilitation of their homes to bring their dwellings up to development standards. The HPG funds were used to complement the funds committed by Tunica County. TCHP has repaired and rehabilitated an additional 24 homes for families with low and very low incomes utilizing these funds.

In 2008 TCHP assumed the Tunica County Mortgage Assistance Program (TMAP) which provides up to \$25,000 to first time homebuyers purchasing a home in Tunica County. The grant may be used for down payment and/or closing costs.

Since 2010 Minnie has been a mentor for the Tunica County Mentoring Program. She plans to help mentees make positive connections between the world of work, school and the community. She believes this will help mentees develop personal skills and career awareness in order to make better life-long decisions.

A LIFE OF SERVICE: SERGEANT
MAJOR JAMES BOWLING

HON. JOSEPH J. HECK

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. HECK. Mr. Speaker, I rise today to pay tribute and honor the life of Sergeant Major James Franklin Bowling, Jr., United States Marine Corps (Retired). Sergeant Major Bow-

ling was born the son of a marine on July 21, 1952, in Quantico, Virginia. He served his nation as a marine for over 30 years, retiring in 2001, but remaining active in his local community.

Sergeant Major James Franklin Bowling joined the United States Marines Corps in 1970 where he served for 31 years. He completed tours in Okinawa, Saudi Arabia, Desert Storm and Desert Shield. Jim's true passion in the Marine Corps was serving as a Drill Instructor. He served as a Drill Instructor for two tours at Quantico for Officers Candidacy School and three tours at Parris Island. At Parris Island he met a then-Sergeant in the Marine Corps who would become his wife; Gunnery Sergeant Jacqueline Bowling (née Milon), USMC (Retired).

Sergeant Major Bowling was truly a dedicated marine. His drive to serve leaves a positive impression on his family, his community, and his country. His exceptional tour of service saw the end of the Vietnam War, the end of the Cold War and the beginning of the Global War on Terror.

After retiring from the Marine Corps almost 10 years ago, the Bowlings moved to Henderson, Nevada. Sergeant Major Bowling became active with veterans in Henderson. He joined the Black Mountain Detachment of the Marine Corps League and served as its Detachment Commandant from 2007 to 2009. He served as an officer with the Devil Dogs, an honorary degree within the Marine Corps League. The Sergeant Major also dedicated part of his life to the Devil Pups Youth Leadership Program of America, serving as a sponsor and Volunteer PT Instructor with them. At the Department of Nevada level of the Marine Corps League, he served as Junior Vice Commandant from 2008 to 2009, and was serving as Detachment Junior Past Commandant and Detachment Chaplain when he passed away.

Sergeant Major Bowling's career is also distinguished by the many decorations and awards he received during his service: Meritorious Service Medal (2nd Award); Navy and Marine Corps Commendation Medal; Navy and Marine Corps Achievement Medal; Navy Unit Commendation; Meritorious Unit Commendation; Good Conduct Medal (9th Award); National Defense Service Medal (2nd Award); Southwest Asia Service Medal (2nd Award); Sea Service Deployment Ribbon; Overseas Service Ribbon; Drill Instructor Ribbon (4th Award); Kuwait Liberation Medal (Saudi Arabia); Kuwait Liberation Medal (Kuwait); Rifle Expert Badge (3rd Award); and the Pistol Sharpshooter Badge.

Sergeant Major Bowling is survived by his wife of 22 years, Gunnery Sergeant Jacqueline Bowling (née Milon), USMC (Retired). He also leaves behind his son, Jonathan; his mother, Hattie Trombley; two sisters, Becky Bird and Lode Silcox; and two brothers, David Bowling and Stephen Bowling.

Sergeant Major Bowling will be remembered for his sacrifice and willing service, and for the extraordinary qualities he displayed as a husband, father, and friend. His personal warmth, sense of humor, and unfailing optimism brightened the lives of everyone around him. We will long remember the great impact he made on us all—he will be truly missed.

HONORING RIA JUDGE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON. Mr. Speaker, Mr. Speaker, Mrs. Ria Judge was born on January 23, 1968 in Vicksburg to Ms. Lucinda Williams and reared by her grandparents Mr. and Mrs. Leroy Williams.

Mrs. Judge graduated from Vicksburg High in 1986 and furthered her education by obtaining a Bachelor in Elementary Education from the University of Southern Mississippi, followed by a double Masters in Administration and Education from Alcorn State University.

Mrs. Judge has been teaching in the Vicksburg-Warren Public School system for the last 17 years and presently serves as Assistant Principal at Beechwood Elementary School.

Children and the elderly have always been Mrs. Judge's passion. She has been the assistant troop leader for Girl Scout Troop #5119 since 2005, dedicated Sunday School teacher, served on Mountain of Faith Restoration Shelter for Homeless Women and Children Board, volunteers at local nursing homes and has worked in many local campaign elections because of the concern she has for her community.

Mrs. Judge is married to Terry Judge and they have two children, Tavarius and Isla.

TRIBUTE TO THE HONORABLE
FLOYD BUCKNER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable public servant who has served the people of South Carolina's lowcountry for more than four decades. Mr. Floyd Buckner has been a member of Colleton County Council for 28 years, and was an educator in Colleton and Dorchester County School Districts for 39 years. He has earned the praise and respect of his fellow citizens and is deserving of this recognition.

Floyd Buckner graduated from Colleton County's Ruffin High School in 1960. He went on to earn a bachelor's degree from Benedict College in 1964, and a master's degree in Education from South Carolina State University in 1970.

He began his teaching career in the mid-1960s in Dorchester County schools and rose to the position of principal of Jenkins Hill Middle School in Harleyville in 1972. The following year, his home county hired Mr. Buckner to serve as Principal of Forest Hills Elementary School in Walterboro. In 1975, Mr. Buckner became the director for the Title I Program in the Colleton County School District, a position he held until his retirement in 2002. In this capacity, he instituted a classroom on wheels designed to serve the educational needs of pre-school children, and received recognition from the U.S. Department of Education for the program's effectiveness. His commitment to

the Colleton County School District was rewarded with the dedication of the Floyd Buckner Title I Parent Center in Walterboro in 1995.

Mr. Buckner also contributed to the education of young people statewide. Governor Dick Riley appointed him as a member of a state committee tasked with drafting legislation for the Education Improvement Act. He also served as President of the South Carolina State Association of Elementary Secondary Education Act Board in 1980–1981.

In addition to serving our youth in the schools, Mr. Buckner felt called to run for elective office. In 1982, he ran for a seat on Colleton County Council, and the race earned him the distinction of being the first African American to win a run-off election in that county. Mr. Buckner has served on Colleton County Council since his swearing-in on January 1, 1983.

During his service on County Council he has been committed to delivering the best service to the people of Colleton County with limited resources. He is known for ensuring equitable treatment in areas such as education, access, and quality of life. He is an expert on policy, protocol and procedures, having spent a number of years serving as the County Council Chairman. He also helped lead the restoration of the historic Old Jail into the building that houses the current County Council Chambers. His tremendous service has been recognized by Colleton County with the naming of the building at North Jefferies Boulevard in Walterboro in his honor.

Mr. Buckner has also been a committed member of the community. He has served on a number of boards including the Lowcountry Council of Governments, the Lowcountry Community Action Agency, and the South Carolina Migrant Workers Board. He is currently a member of the Walterboro-Colleton County Regional Airport Board and the Hollings Cancer Center Disparities Advisory Board at the Medical University of South Carolina. Mr. Buckner is the first president of the Arabian Temple #139, the Walterboro Shrine Club. With his appointment to the First Federal Savings and Loan Board, he became the first African American in Colleton County to serve on a bank board. He is also the first African American to own and publish a newspaper in Colleton County.

Mr. Speaker, I ask you and my colleagues to join me in commending Floyd Buckner for his outstanding lifetime of public service. He is a trailblazer and a role model for so many in South Carolina's lowcountry, and I am proud to call him a friend.

HONORING ROBERT A. DENNIS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor Robert A. Dennis, Assistant Director for Macroeconomic Analysis of the Congressional Budget Office, upon his retirement after 32 years of outstanding service to CBO and the Congress. Bob has been instrumental in

providing the Congress with analyses of macroeconomic issues throughout his exceptional career at CBO. His extraordinary analytical skills and leadership ability were recognized early in his CBO career. While serving in his first position as a Principal Analyst in the Macroeconomic Analysis Division during the early 1980s, Mr. Dennis received a CBO Director's Award in recognition of outstanding performance. He was later promoted to the position of Deputy Assistant Director of the Macroeconomic Analysis Division in 1988 and to the position of Assistant Director of the Division in 1992, the position he has held until his retirement at the end of February, 2011.

Bob's versatility and skill as an economist are evident in the Division's high-quality and prescient work on an extraordinarily diverse range of issues. Those issues included, for example, the macroeconomic effects of the savings and loan crisis, possible terrorist disruptions of U.S. ports, flu epidemics, trade agreements, financial crises, housing policies, economic stimulus policies, changes in tax policy, and climate policy, as well as the determinants of long-term economic growth. Bob has been central to the development of the procedures the Macroeconomic Analysis Division has used to prepare the economic outlook for the budget baseline. He even wrote the computer software that the Division used for many years to analyze current economic developments and prepare charts for CBO publications.

Bob has performed his various duties within the Congressional Budget Office with objectivity, non-partisanship, and a high level of professionalism. I commend him for his many years of dedicated, faithful, and exemplary service to the United States and the Congress. This nation is fortunate enough indeed to have outstanding and dedicated public servants like Bob Dennis at CBO. Bob's presence will be missed but his legacy of commitment and superlative service will carry on.

TRIBUTE TO CPL. JOSEPH C.
WHITEHEAD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. BONNER. Mr. Speaker, there is no greater sacrifice one can make for his country than to lay down his life in defense of our freedom. It is with a heavy heart that I inform this House that one of our own from South Alabama, Cpl. Joseph C. Whitehead, recently lost his life in the service of America.

Cpl. Whitehead, a native of Axis, Alabama, was a 2007 graduate of Satsuma High School where he was a talented and versatile player. Upon graduation, he joined the United States Marine Corps, where he was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division II Marine Expeditionary Force based in Camp Lejeune, North Carolina.

Last month, Cpl. Whitehead was conducting combat operations with his fellow Marines in Afghanistan's Helmand province when he encountered an improvised explosive device. According to reports, Cpl. Whitehead was performing a sweep when the IED took his life.

Cpl. Joe Whitehead was not only the embodiment of the Marine, tough and devoted to his comrades and his country, he was known to his family and friends as "always smiling and loved everyone and everyone loved him."

Mr. Speaker, on behalf of this House, on behalf of a grateful nation and on behalf of the people of Alabama, I wish to extend heartfelt condolences and support to the family of Cpl. Joe Whitehead including his mother, Melanie Miller; fathers Mark Goodhue and Keith Miller; sister, Jessica Whitehead; brothers Destin Goodhue and Jeffrey Miller; grandparents Roy and Wanda Patrick, Willie Whitehead and Joan Sasser, Jackie Norwood, Devon and Lucille Miller; great grandparents Don and Barbara Johnson; and, his entire family and friends. You are all in our thoughts and prayers.

HONORING MARION LEROY HAYES,
EDUCATOR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Marion Leroy Hayes, Mississippi's Second Black Superintendent of Education and Jefferson County's First Black Superintendent of Education. He was married to the late Mrs. Louise B. Hayes who was a Jefferson County Elementary Retired School Teacher during 1976–1977.

Mr. Marion Leroy Hayes is the son of Mrs. Irene Hayes and the late L.J. Hayes, born and reared in Jefferson County, Mississippi where he attended public schools in Jefferson, Claiborne and Warren counties. He received his Bachelor of Science (B.S.) Degree from Alcorn State University in Lorman, Mississippi; Master's Degree from Southern University Baton Rouge, Louisiana. He furthered his studies at Mississippi College in Clinton, Mississippi, University of Southern Mississippi in Hattiesburg, Mississippi, Atlanta University in Atlanta, Georgia and The University of Mississippi.

Mr. Marion Leroy Hayes served in the United States Air Force and Army for seven and one-half years during the Korean Conflict where he received an honorable discharge. During that time he served overseas in Guam, North Africa and Germany.

Mr. Marion Leroy Hayes believes in the Lord and is a member of the East Mount Olive M.B. Church. He is also a member of the Prince Hall Masons, Board of Trustees of Copiah-Lincoln Junior College; Chairman of the American Red Cross Fund Raising Advisory Committee; Boy Scouts of America; Jefferson County Board of Directors; Chamber of Commerce; Advisory Committee, National Youth Sports Program, Alcorn State University, State Advisory Committee of Teacher Certification; Director of Title III ESEA; American Association of Administrators, Mississippi Association of Schools Superintendents; and Mississippi Association of School Administrators.

Mr. Marion Leroy Hayes is listed in Who's Who Biographical Records—School District Officials 1976, 1st Edition; Who's Who in Educational Administration, 1976–1977; and

Who's Who Among Black Americans, 1977–1978.

Mr. Marion Leroy Hayes has been given many awards in his lifetime. He has received such notable awards as Star Teacher in 1970, 1971, 1972, Presidential Citation—National Association for Equal Opportunity in Higher Education in 1984, Service to the Community Directory of Distinguished Americans in 1981, District Award of Merit—Natchez Trace District for the Boy Scouts of America in 1987, For Service to Scouting as Vice Chairman of Natchez Trace District in 1976 and Certificate of Appreciation—Co-Lin Junior College Board of Trustees in 1987.

RECOGNIZING MRS. MILLIE KINDIG
AS THE 2011 WASHINGTON COUNTY
ROOKIE TEACHER OF THE
YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mrs. Millie Kindig as the 2011 Washington County Rookie Teacher of the Year.

A graduate of Florida State University, Millie Kindig received her degree in 2002 and moved with her husband to Alachua County, Florida where she began her teaching career. Four years ago, Mrs. Kindig and her family moved back to Northwest Florida, and she began teaching at Chipley High School in Washington County.

Our many great teachers inspire their students to pursue excellence and to achieve greatness. During her short time in Washington County, Mrs. Kindig has proven to be an inspiring instructor. She helps mold the leaders of our future by providing a mathematical education that will give them the tools needed to succeed. She currently teaches Algebra, Geometry and Analysis of Functions. Her expertise is invaluable to her students.

Mrs. Kindig's success in the classroom shows that with hard-work and commitment, young educators can be just as successful as their more senior colleagues. Her recognition as the Washington County Rookie Teacher of the Year is a reflection of her undeniable excellence in the classroom. She is among the great teachers in Northwest Florida, and Washington County is honored to have her as one of their own.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Millie Kindig for her accomplishments and her continuing commitment to excellence at Chipley High School. My wife Vicki joins me in congratulating Mrs. Kindig, and we wish her all the best.

HONORING STEWARD
ROSENGRANT

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Mr. Steward Rosengrant, on the occasion of his 80th birthday. Steward was born on February 11, 1931 on a farm in Elmhurst, Lackawanna County, Pennsylvania.

Steward, one of eight children, spent all of his childhood on the family farm. He graduated in 1949 from the Lake Vocational High School. Upon his graduation, Steward was hired full-time as a milk tester in Bradford County. He attended Pennsylvania State University classes focusing on milk testing and feed management. Steward is also a veteran, having served our country for two years in the United States Army.

In 1957, Steward became a Dairy Herd Improvement Association tester and he served as President of the Association for two terms and retired from the Association after 44 years of dedicated service.

Steward Rosengrant is deeply committed to his community in Bradford County. He held the position of Bradford County Manager for 28 years. He served as Treasurer of the Bradford County Dairy Promotion Board for 32 years. And he was actively involved in the Troy Fair where he worked at the promotion booth, dipped ice cream, made milk shakes, and retrieved supplies for the booths. Steward served as the President of the Wysox Volunteer Fire Company for 10 years in addition to serving on several committees. He has also been a member of the Wysox Ambulance Association for 15 years and currently serves as the Director. Steward has been a member of the Towanda Methodist Church for 40 years and served on many committees.

Steward married his wife, Barbara, on November 11, 1965. The couple has lived in their home in Bradford County since 1965 where they raised 4 children and now have 11 grandchildren.

Mr. Speaker, I am proud to rise today to honor Steward Rosengrant on his 80th birthday and ask my colleagues to join me in praising his commitment to his family, his community, and our nation.

EDWARD A. RAPS TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Edward Raps, of Del Norte, Colorado. Undersheriff Raps was recently appointed Rio Grande undersheriff.

Undersheriff Raps served in the U.S. Army for four years, where he served in the Airborne as a military traffic accident investigator, and as a traffic division leader. His military experience provided an ideal backdrop for his transition to civilian law enforcement.

Undersheriff Raps' expansive career in law enforcement includes work in Missouri, El Paso County, Kit Carson County, and the Colorado Corrections Association. He served as Kit Carson County Sheriff for a number of years as well. Attending numerous classes, certificate programs and schools over the past few decades, Edward's law enforcement pedigree is well-rounded and extensive.

He has a passion for agriculture and the outdoors. Aside from having an extensive knowledge and background in farming and agriculture, Edward is a supporter of wildlife habitat preservation, and also teaches youth courses in hunter safety.

Mr. Speaker, I am proud to recognize Undersheriff Raps for his service to the law enforcement field. Any organization is lucky to have him, and I would like to thank him for decades of service in both the civilian and military law enforcement fields.

HONORING OSCAR PRICE, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Oscar Price Jr. Mr. Price who was born in Robinsonville, MS on July 24, 1953 to the late Oscar, Sr. and Dora. Encouraged by his parents, Oscar Jr., learned the value of education at an early age. Oscar attended school at Christian Spring Church where he was taught by the late Edna Pullam Carpenter. Soon after, Oscar attended school at Shallow Baptist Church and later transferred to Rosa Fort Elementary during the early 60s. Price furthered his education, attended grade school, middle school, and completed his coursework in 1972. He worked on farms and returned to school to graduate from Rosa Fort High School, Class of 73. Oscar completed various technical courses and educational training to advance in a competitive job market.

Oscar, at an early age, confessed Christ at Good Hope #1 Baptist Church under the leadership of Reverend R. Douglas. Price participated in various church activities that taught good morals, sound values, and respect for others. Price earned the role of becoming a junior deacon at his church. He served his church family and community through volunteering and participating in events. Later, Price became a Deacon at Good Hope where he continues to worship. In addition, to this spiritualistic accomplishment, Price has now served as the Chairman of the Deacon Board for over twenty years.

Oscar's employment career began on local farms. Later, he became a student bus driver. Leaving high school in December 1972, Oscar was employed as a laborer at Amax Aluminum in Hernando, MS. Price was promoted to the maintenance department. Shortly after that promotion, Price's hard work paid off. He was promoted to one of the few tool and die repairmen. Price later ended his employment journey at Amax and began employment at Texas Gas Transmission in 1978. Oscar continued his work at Texas Gas Transmission as a

maintenance man and plant operator. Price recently retired after 32 years of employment at Texas Gas Transmission.

Oscar married Mary Ann Camper on May 20, 1975. He is the proud father of four children: Markuette, Oscar III, Gureka, Toynga. Price is also the proud grandfather of Oscar IV and Taunta Price.

From 1981 to 1983 Oscar served as the Parent Teacher Association (PTA) President for Tunica County School District. Later, he was elected to the Tunica County School Board where he served as Secretary for many years, and later became President of the School Board. Oscar served a total of eighteen years on the School Board of Tunica County. One of his most prize honors is when he worked with families, his community, and Tunica County's faculty, staff, and administrators to remove their students from corrective action. Price received numerous awards for being a proactive band parent, athletic booster, and community volunteer and representative. He also worked with community leaders and other board members to build two of Tunica's new schools: Robinsonville Elementary and Tunica Middle School.

In addition to his service, Price joined the NAACP and was elected as the President of the Robinsonville Chapter. Also, Price served as Jr. Warden at Lake Cormorant Masonic Lodge.

HONORING MS. JACKIE SHORTER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Jackie Shorter born July 25, 1960 to Mr. and Mrs. Willie and Robbie Shorter in Vicksburg, Mississippi. She graduated from Warren Central High School in 1978 and furthered her education by receiving a Bachelor's Degree and a Master's Degree in Elementary Education from Alcorn State University.

Ms. Shorter has been in education for 33 years and presently teaches at South Park Elementary School. She has dedicated all of her life to helping others. She has been the Girl Scout Troop Leader of Troop # 5119 for 12 years and serves as an active member of the Vicksburg Alcorn State Alumni Chapter for 18 years. She is also an active member of her church, Locust Grove M.B. Church, Vicksburg Alumnae Chapter of Delta Sigma Theta Sorority, Negro Business and Professional Women Club, member of Eastern Star, Lady of Knight, Daughters of Sphinx, Heroines of Jericho, Warren County Sunday School Institute and a member of the NAACP.

While most of her passion is volunteering at nursing homes and the summer program at the local library, Ms. Jackie Shorter still finds time to share her love throughout the community helping others.

KOHLER MCINNIS TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. TIPTON. Mr. Speaker, I rise today to commend Kohler McInnis of Durango, Colorado, for his courage in the face of a direct threat of his life. His recent actions protected the lives of his fellow classmates, teachers, and St. Columba Catholic School staff. Kohler's actions were celebrated with the Citizen Commendation Award, presented by Durango Police Chief David J. Felice.

Last April, Kohler was a seventh-grader at St. Columba Catholic School, when a fellow student told Kohler that he was planning on using a gun he had brought to school to harm one of the teachers. Despite a death threat from the student if Kohler told anyone, Kohler put aside his own well-being for the sake of others and informed a staff member of his classmate's intention. After a quick search of the student's belongings, a .22 caliber pistol was found.

Kohler's actions show his strong inclination to do the right thing regardless of consequence or outcome. Kohler not only protected the lives of those around him, but gave a misguided child a second chance at a successful life.

Mr. Speaker, I am honored to recognize Kohler McInnis for his exceptional conduct in the face of personal harm. I thank him for his ability to stand strong for what he believes right.

HONORING REVEREND PAUL E. LUCKETT

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Reverend Paul E. Luckett. Reverend Luckett proudly serves as Elder in the Mississippi Conference of the United Methodist Church. Currently, he serves as pastor of Saint Paul United Methodist Church and Blessed Trinity United Methodist Church. His divinely anointed duties encompass serving as Chairperson of the West Jackson Vicksburg District Board of Ordained Ministry, member of the Conference Board of Ordained Ministry, member of the Bishop and Superintendent Advisory Committee, and supporting Elder of the Ethnic Ministry Church Committee.

Reverend Luckett received his formal education from Jackson State University, where he obtained a Bachelor of Arts degree in Sociology. He later obtained his Master's of Divinity degree in Pastoral Care and Christian Education from the Interdenominational Theological Center in Atlanta, Georgia. With a sound educational background and a spirit rich with love for helping others, Reverend Luckett has devoted his life to uplifting those less fortunate in his community. He is a strong advocate and member of the Clinton Branch of

Habitat for Humanity, works adamantly with Campus Ministry (organization designed to assist students with financial aid and Christian guidance), and helps to enrich the lives of the elderly and underprivileged through his volunteer work at the Clinton Christian Community Cooperation.

HONORING VERN MOSS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Madera County Supervisor Vern Moss on his retirement from the Madera County Board of Supervisors; and to thank him for his dedicated, life-long spirit of community service.

Vern Moss was the first child of hard working parents who set an example Vern would adhere to his whole life. Vern grew up working in the fields picking cotton and cutting grapes. After graduating high school and briefly attending the College of the Sequoias, Vern enlisted in the U.S. Air Force in 1963.

Vern served honorably in both the U.S. Air Force and the U.S. Army before his retirement in 1983 as a Lieutenant Colonel. His military service included a tour in Vietnam as the Executive Officer of the MACV 16, and an assignment to the Joint Chiefs of Staff at the Pentagon. For his service, he has received countless honors, including a Bronze Star. During his military service, he earned a Bachelor's and a Masters Degree.

In addition to a long and successful career in the banking industry, Vern has participated actively in his community. He served twice as the Mayor of Chowchilla, as well as President of the Chowchilla Rotary Club and Chamber of Commerce. The Chowchilla Chamber of Commerce has named him Citizen of the Year and Business Person of the Year. During his three terms as a member of the Madera County Board of Supervisors, Vern committed his time to various commissions and projects aimed at improving the life and welfare of Madera County citizens. While his retirement is well-deserved, his dedicated leadership on the Board of Supervisors will be missed.

Mr. Speaker, please join me in honoring Madera County Supervisor Vern Moss on his retirement and wishing him the best of luck and health as he moves on from this role.

THE CORAL REEF CONSERVATION ACT REAUTHORIZATION AND ENHANCEMENT AMENDMENTS OF 2011

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 16, 2011

Ms. BORDALLO. Mr. Speaker, today I have reintroduced a bill to enhance and reauthorize the Coral Reef Conservation Act of 2000. In the 111th Congress, I sponsored this legislation as H.R. 860, the "Coral Reef Conservation Act Reauthorization and Enhancement

Amendments of 2009", which the House of Representatives passed by voice vote on September 22, 2009. The bill I have introduced today, with 12 of my colleagues, strengthens H.R. 860 without changing its original intent.

The conservation of coral reef ecosystems is essential to protect public health, ensure environmental sustainability, support thousands of American jobs, and guarantee the long-term economic progress of coastal regions across the nation. United States waters contain some of the world's greatest coral reef biodiversity. From the waters off the coast of Guam and islands in the Pacific, to Florida and the U.S. Territories in the Caribbean, our reefs provide habitat and shelter for fisheries and food and recreation for our residents. These ecosystems also protect us from storm waves and are the basis for marine tourism industries.

Today, however, our coral reefs, and the numerous ecosystem services that they provide, are under threat from pollution, climate change, and overharvesting, among others stressors. Unless the United States acts in conjunction with the global community to support focused, long-term action on coral reef education, research, and management, the state of our coral reefs will continue to deteriorate.

Since its enactment, the Coral Reef Conservation Act of 2000 has sparked a greater commitment to protect, conserve, and restore coral reef resources within our waters. We now have improved our understanding of the condition of our coral reefs, and have better focused our management capabilities. The Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2011 would further strengthen the original legislation by improving the National Oceanic and Atmospheric Administration's, NOAA, ability to respond to emergency or disaster-related situations and minimize the likelihood of vessel impacts on coral reefs. Specifically, the legislation would establish community-based planning grants for states and territories to support projects that address emerging threats to corals. In addition, the legislation would promote international cooperation by authorizing NOAA to engage with international partners to protect coral reef ecosystems.

This bill would also codify the United States Coral Reef Task Force established in 1998 by President Clinton through Executive Order 13089. The work of the Task Force, and its mission to coordinate the efforts of the United States in promoting conservation and the sustainable use of coral reefs internationally, is vital to our interests and coastal economies.

I look forward to working with my colleagues on both sides of the aisle to advance this legislation, enhance and conserve our coral reef ecosystems, and protect coastal jobs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees

to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 17, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-106

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for education.

SD-608

Foreign Relations

To hold hearings to examine breaking the cycle of North Korean provocations.

SD-419

2 p.m.

Veterans' Affairs

To hold joint hearings to examine a legislative presentation from Disabled American Veterans.

345, Cannon Building

2:15 p.m.

Foreign Relations

Organizational business meeting to consider committee rules, subcommittee membership and jurisdiction, and an original resolution authorizing expenditures by the committee during the 112th Congress, and the nominations of Sue Kathrine Brown, of Texas, to be Ambassador to Montenegro, Daniel L. Shields III, of Pennsylvania, to be Ambassador to Brunei Darussalam, David Lee Carden, of New York, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank of Ambassador, and Pamela L. Spratlen, of California, to be Ambassador to the Kyrgyz Republic, all of the Department of State, and Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development.

S-116, Capitol

MARCH 2

9:30 a.m.

Foreign Relations

To hold hearings to examine national security and foreign policy priorities in

the fiscal year 2012 International Affairs Budget.

SD-106

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior.

SD-366

10:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2012.

SR-418

MARCH 3

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD-106

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service.

SD-366

2:30 p.m.

Foreign Relations

To hold hearings to examine navigating a turbulent global economy, focusing on implications for the United States.

SD-419

MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.

SD-G50

Veterans' Affairs

To hold joint hearings to examine the legislative presentation from Veterans of Foreign Wars.

345, Cannon Building

MARCH 9

10 a.m.

Finance

To hold hearings to examine the President's 2011 trade agenda.

SD-215

MARCH 16

9:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations from AMVETS, Jewish War Veterans, Military Officers Association of America, Gold Star Wives, Blinded Veterans Association, Non Commissioned Officers Association, Iraq and Afghanistan Veterans of America, Fleet Reserve Association.

SDG-50

10:30 a.m.	MARCH 30	lyzed Veterans of America, Air Force Sergeants Association, Military Order of the Purple Heart, National Association of State Directors of Veterans Affairs, Wounded Warrior Project, Vietnam Veterans of America, The Retired Enlisted Association, American Ex-Prisoners of War.	
Veterans' Affairs			
To hold joint hearings to examine the legislative presentations from Para-			

SENATE—Thursday, February 17, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

You are awesome, O God. We acknowledge Your sovereignty and might. Give our Senators a sense of Your nearness, as You nourish them with the reality of Your presence. Take their human and finite minds and illuminate them with the light of Your eternal wisdom. May their daily lives validate the faith of our Nation's Founders and all who have sacrificed for freedom. Teach them to think seriously about the blessings of liberty and help them to be grateful for this land of freedom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, February 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will re-

sume consideration of the Federal Aviation Administration bill. There will be up to 2 hours for debate equally divided and controlled between the proponents and opponents of the Inhofe amendment prior to a vote on the motion to invoke cloture on the Inhofe amendment, as modified. The filing deadline for second-degree amendments to this bill is 10 a.m. today. As a reminder, cloture was also filed on the bill. That cloture vote will occur upon disposition of the Inhofe amendment or, if cloture is not invoked on the Inhofe amendment, immediately following the Inhofe cloture vote. Senators should expect rollcall votes to occur throughout the day in an effort to complete action on the FAA bill.

I ask unanimous consent that the previous order for Senator COATS to be recognized at 1:30 p.m. be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAA AUTHORIZATION

Mr. REID. Mr. President, we are at a point where we can finish the FAA bill after all these many years. That was not a mistake. For years, we have been trying to get this bill completed. We are going to have a vote in 2½ hours, an important vote dealing with the so-called slot arrangement; that is, what air companies get to fly into which airports and what time and all that stuff. It has been very controversial.

We have had two main issues that have held up this legislation. One is a labor-management disagreement. That has gone away. Now we have the issue dealing with slots that will go away as a result of the cloture vote that will occur sometime in the next 2½ hours.

We can complete this legislation today. There is no reason we can't complete the legislation today. We have a number of votes that will have to be cast. That is something we will do. We are going to work to complete this legislation. Today is Thursday. It would be an appropriate time to finish.

As I mentioned last night, we have the Presidents Day recess when we need to go home to constituents. As I mentioned last night, I am always amazed—a lot of times, the press writes that we have gone back for a break, and oftentimes they write as if we are going to go back and leisurely hang around the house. The fact is, when we go home, we have a lot of work to do. Our constituents throughout the State are there during the week. We have government buildings that are open, and we can go visit there and do all the

many things we have to do. For example, I have to address the Nevada State Legislature next week. These are the kinds of things we need to do during the time we go home.

I, like everyone else, would like to get back to my home in Searchlight more quickly, but we have to finish this legislation. There is no reason we can't. Everyone has had their opportunity to debate, to offer amendments. We could have as many as eight or nine amendments to vote on. There is work being done with Senator COBURN now to see if we can somehow condense his five amendments to a couple. The managers will work that out. We are on a path to being able to finish this legislation. I hope we can finish today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

NET NEUTRALITY

Mr. MCCONNELL. Mr. President, yesterday, Republicans in both the House and Senate, led by Senator HUTCHISON, introduced a resolution of disapproval under the Congressional Review Act to repeal the so-called net neutrality regulations recently adopted by the Federal Communications Commission.

We believe, as most Americans do, that the Internet has transformed our society precisely because people have been free to create and innovate free from government intrusion. As Americans become more aware of what is happening here, I suspect many will be as alarmed as I am at the government's growing involvement in this area of our lives. They will wonder if this is a Trojan horse for further meddling by the government. We intend to use the tools available to us to push back against this meddling, and I want to thank Senator HUTCHISON for taking the first step in our effort.

STIMULUS TWO-YEAR ANNIVERSARY

Mr. MCCONNELL. Mr. President, two years ago today, at a moment of deep

economic uncertainty, the President signed a bill that he said would put us back on track. It was a plan, he said, that would "save or create" up to 4 million jobs over 2 years—a figure that he called his bottom line for success, a plan that was supposed to drive unemployment below 7 percent by now. And it was predicated on the notion that government spending—spending borrowed money on government programs—was the recipe for a rebound; a plan that said if we "invest" in government, we will get out of this mess.

We were told the bill included record investments. And then we learned what the administration means by "investment": a plant database project; a multimillion dollar facelift for the Sunset Strip; a study of the mating decisions of female cactus bugs; hundreds of millions of dollars to a solar panel company that was supposed to double its workforce but ended up cutting jobs instead; massive bailouts to the States; turtle tunnels. Senators get the drift.

Within a year of its passage, the so-called stimulus bill had become a national punchline.

Nearly a trillion dollars was added to the debt as a result of this bill in the name of investing in our future. And in the 2 years since it was signed, we have lost millions of jobs.

And now they want to do it again. They are back for more.

Just as amazing is the fact that the same people who touted this bill now refuse to cut government spending. We learn about another wasteful stimulus project just about every day, and they say they can't find a dime's worth of government spending to cut?

It defies common sense.

I mean, if we can't cut a turtle tunnel when the country is \$14 trillion in the hole, we have problems. It is time to turn over the credit card.

The bottom line here is that 2 years after the President told us he was investing in our future, here is what we have to show for it: higher unemployment than they predicted and trillions more in debt.

The fact is, dangerously high debt has actually slowed the recovery, making it harder to create private sector jobs.

So in my view this second debate was over before it started.

Massive government investment of borrowed taxpayer money as a tool for economic growth has been a failure.

TRIBUTE TO PADUCAH

Mr. McCONNELL. Mr. President, I wish to recognize the people of Paducah, KY, for all of the efforts they have made to make their city one of our country's best places in which to work, visit or live. Now that hard work has paid off, Paducah has been recognized by the National Trust for Historic Preservation as one of their Dozen Dis-

tinctive Destinations in America in 2011.

The National Trust for Historic Preservation seeks to recognize cities and towns that offer an authentic cultural and recreational experience. They take into account a community's commitment to the historic preservation and revitalization of its downtown, its rich cultural history, attractive architecture and a town's core character. Obviously, I think Paducah ranks highly in all of these criteria, and I am glad the National Trust for Historic Preservation, after considering thousands of communities across the Nation, agrees.

The history of Paducah is a history of life on the river. Paducah was originally settled because of its strategic position on the Ohio River, and traffic on the Ohio and the Tennessee River drove its economic development. As rivers were America's original highways, Paducah was founded on vital arteries of trade and commerce.

That history is still alive in Paducah because of the hard work of many to preserve their city's heritage. For years I have worked along with local leaders to enhance some of the city's greatest attributes; namely, Paducah's downtown and riverfront. Paducah is now a vibrant river town. I would encourage my colleagues, the next time they are planning a vacation, to keep Paducah in mind.

The National Quilt Museum of the United States, the River Discovery Center, the Lower Town Arts District, the Upper Town Heritage Walking Tour, and much more await them there. I will point out that the National Trust for Historic Preservation also recently named Paducah as having one of the most romantic main streets in America.

The Paducah Sun recently published an article about this high honor received by the city.

Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From paducahsun.com, Feb. 15, 2011]

CITY NAMED DISTINCTIVE DESTINATION

(By Will Pinkston)

Paducah keeps adding awards to its trophy shelf, as the city was named one of the 2011 Dozen Distinctive Destinations in America by the National Trust for Historic Preservation.

Since 2000, the National Trust for Historic Preservation annually selects communities across America that offer cultural and recreational experiences setting them apart from typical vacation destinations. Consideration for this honor comes with communities exhibiting a commitment to historic preservation and revitalization of their downtown centers, displaying their diverse cultural history and architecture, and showing efforts to implement sustainable "green" concepts.

"This is an incredible honor to be named by the national trust," said Rosemarie

Steele, marketing director for the Paducah Convention and Visitors Bureau. "There's strong criteria for qualifications and we've met all of them."

Steele said several factors helped to put Paducah in the running for the trust's honor.

"Paducah's history is really rich in the diversity and the prosperity of being a river town," Steele said. "The spirit of the people who decided to save and preserve downtown, which started years ago, and kept the moment alive, have made us a vibrant river town."

The trust considered Paducah attractions, such as the National Quilt Museum of the United States, the annual Quilt Show, the River Discovery Center, the Lower Town Arts District and Upper Town Heritage Walking Tour.

"(The National Trust for Historic Preservation) wants to know what the hidden gems are, like all the creative experiences we have," Steele said. "More than 5,000 people learn their craft in Paducah, not just quilting, but the arts, throughout lower town."

The National Trust for Historic Preservation also considered the city's "walkability," according to Steele, with many of Paducah's historic and cultural attractions centered within only a few blocks of one another.

"Paducah celebrates its past in a wide variety of ways, from protecting and restoring landmark buildings to commissioning artists to create life-sized historic murals," said Stephanie Meeks, president of the National Trust for Historic Preservation.

While being included on the Dozen Distinctive Destinations list is an honor in itself, the National Trust for Historic Preservation asks the public to vote for the 2011 fan favorite on its website. Voters may cast ballots once daily through March 15. The winner will be announced March 16. Last year's fan favorite community was Marquette, Mich.

"We're really excited about the voting and we think we can win this one," Steele said. "We're hoping to get a whole lot of help from the community to help us become the distinctive destination and fan favorite."

Paducah's appearance on the trust's Dozen Distinctive Destinations list comes on the heels of it being named as having one of the most romantic main streets in America just this past week, Steele said. Towns from across the country submitted five photographs that best illustrated why their main street and downtown districts should be considered among the most romantic in the country; Paducah was included in the top five, alongside towns in Louisiana, Tennessee, Connecticut and Indiana.

"The beautiful thing about all of this is it really puts us in front of so many people through the national trust," Steele said. "These honors will resonate with so many people who are considering on moving here."

To vote for the Dozen Distinctive Destinations fan favorite, visit www.preservationnation.org/ddd/.

Mr. McCONNELL. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Pending:

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe modified amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the Essential Air Service Program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Udall (NM) modified amendment No. 49, to authorize Dona Ana County, NM, to exchange certain land conveyed to the county for airport purposes.

Udall (NM) modified amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Hutchison further modified amendment No. 93 (to modified amendment No. 7), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the time be equally divided in the quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. CANTWELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the filing deadline for second-degree amendments be extended up until the cloture vote.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I came to the floor to briefly voice my very strong support for this FAA reauthorization bill and to thank my chairman, JAY ROCKEFELLER, for his leadership.

Many people have said this, but it is worth repeating. This is a jobs bill. The FAA reauthorization act is going to modernize our air transport system. As many have said far more eloquently than I could ever say, we are looking at a system that has its roots in the 1940s and the 1950s, and we need to move beyond this and get a 21st century system. That is what NextGen is going to do—give us a much better way to handle all of those flights, all of that congestion. It is going to be, in addition to a jobs bill—280,000 jobs nationwide—it is also going to be a bill that focuses on safety. The growth that will be spurred on by this bill is crucial, because this industry also accounts for nearly 11 million jobs and more than 5 percent of U.S. GDP.

I want to talk about two issues I have a great stake in for the people of California and, frankly, for the people of this country. The first issue is the passengers' bill of rights. I am so grateful to our leader on the committee, Senator ROCKEFELLER, and his ranking member, KAY BAILEY HUTCHISON, for ensuring that this bipartisan legislation—I wrote it with Senator SNOWE—is included in the FAA bill.

We have all heard the horror stories of travelers trapped for hours without adequate food or water, some not even able to access their medicines; planes filled with screaming kids; upset passengers and unsanitary conditions from overflowing toilets.

In fact, it is a situation that, if anyone has ever been in it, makes an indelible mark, and, frankly, it makes you

less likely to want to fly in the American skies because you have a chance at being one of those unfortunate people to get trapped in such a situation.

I thank Kate Hanni, a constituent of mine who was trapped in one of these aircraft for hours on the tarmac and got off the plane and said: I need to do something about this. She is the one who lobbied very hard, a citizen's lobby, to get a passengers' bill of rights.

I am grateful the Department of Transportation, under President Obama, took the first step by adopting key elements of our passengers' bill of rights through regulation last year. Secretary LaHood, who heads the Department of Transportation, sent a strong message and basically said airlines must give passengers the option of deplaning if they have been stranded on the tarmac for more than 3 hours.

According to the Bureau of Transportation Statistics, there have only been 12 tarmac delays of more than 3 hours from May to October of 2010, after the Department of Transportation instituted this rule, compared to 500-plus in the same period a year earlier. So by putting in a regulation that tells the airlines they cannot keep people on planes past 3 hours and, if they do, they have to give them an option to get off, we have turned things around. We have seen 12 tarmac delays compared to 500. We want to codify these consumer protections. We want a law. We don't know what the next President will do. We don't know what could happen. We need a law that says they cannot keep people on an aircraft for more than 3 hours unless they are about to take off in the next 30 minutes or the pilot says there is a danger in taking passengers back to the gate.

We have very commonsense loopholes. But we don't have any loopholes on this: they have to have adequate water, food, and access to clean restrooms if there is any type of delay.

We also set up a consumer complaint hotline within the DOT which would give passengers the means to communicate directly with the agency about delays. Someone will be on the other end when people are exhausted and upset and need to have redress.

The passengers' bill of rights has broad bipartisan support. It passed the Senate 93 to 0 last March. We believe we now have to see it through.

I understand some of my friends on the other side of the Capitol in the House have said no to the 3-hour time period. We are going to have to fight hard for it because the bottom line is, if we don't have an end time, we could go back to the same delays.

The last issue I wish to bring before the Senate that is important not only to my State but to every State is the issue of having more direct flight options into Washington, DC, Reagan National Airport than we have now for

many cities across this great Nation. We have now 38 million people in California. We have an economy that is about the seventh largest in the world. We have one direct flight from Los Angeles into Washington National Airport. If one lives in San Francisco, Sacramento, San Diego, San Jose, Fresno, or any other city in our great State, they do not have an option of flying directly into our Nation's Capital. That is not good for business or jobs in California. It is not good for business or jobs in Washington or Virginia.

We need to encourage more domestic tourism. That creates jobs for our communities. Tourism in my State generated \$90 billion and supported 881,000 jobs in 2009 alone. It makes a difference flying into the airport right here in DC. We can be in the Capitol in 15–20 minutes, depending on traffic, compared to getting off in Dulles, a great airport but not easy. Once we get off the plane, we have to get into a special train, and we walk and we go up escalators. We go on moving walks. It is quite good for exercise, but it is not good if one is interested in getting somewhere in a reasonable amount of time. Then the drive could be anywhere, on a good night, from 50 minutes to an hour and a half. That makes a difference to travelers, particularly those who are working or have work in this area.

I know there is a compromise on which my chairman and ranking member have been working to open some more slots so we can get more options in our State and other States that are likewise deprived. I will be supporting that compromise. It is crucial.

We need to have a bill that includes increasing service for citizens beyond this kind of artificial perimeter that was set up. We can't afford to wait any longer as opportunity lies in the balance. We are not going to overrun Washington National. Nobody wants to do that. We only want to do what makes sense and allow more freedom for the airlines to pick the routes for which they have a demand.

We have one direct flight into all of California. Boy, one can never get on that either. It just doesn't make any sense. We have multiple flights out of Dulles. There is not a balance there at all.

Again, this is a jobs bill. This is a consumer bill. This is a bill that is going to help commerce. I strongly support it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, Senator BOXER—and not everybody knows this—is the author of the passengers' bill of rights. It has been an obsession of hers. It is not about helping airlines; it is about helping human beings. That has been a long process on the committee. It is in the bill. It is a very good part. She is responsible for all of that.

When Senator BOXER talks about more flights to the West, she echoes my deepest thinking. It is hard sometimes for people to understand. We are the East, and we get the feeling that everything happens in the East. But the fact is, the West is growing and the East is not. All of our slots are predicated on the fact that everybody lives in the East. Yes, there are some people out West—well, there are a lot more people out West. Los Angeles is huge beyond belief. That happens to be the home of Senator BOXER. But there are a lot of cities out there which don't get service and should have service. We have tried to address that in this bill.

The slots issue has been a very difficult one in the bill. But we have tried to address that by allowing the Department of Transportation to say: Are they getting enough? Is DC overcrowded or is it not? If it isn't, then they allow more to come on.

I enormously appreciate Senator BOXER in general. She chairs an important committee, but she comes to our hearings and always makes enormous contributions. On this bill of rights she is the author, which puts her right up there with the Founding Fathers.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague and friend Senator BOXER to hail the inclusion of the passengers' bill of rights in the reauthorization of the FAA. We have worked together for 5 years to protect passengers, and moving the passengers' bill of rights off the "to-do" list and into law will be a victory for the traveling public.

Senator BOXER and I have worked diligently as far back as the spring of 2007 to move this essential safety measure forward. Last year's passage of the FAA reauthorization bill brought us closer to our goal, but the legislation expired as the House and Senate grappled with other issues. Undeterred, Senator BOXER and I continued to stand up for this common sense safety and consumer protection proposal.

Make no mistake, providing airline travelers with access to food, water, restrooms, and medication is not just an issue of comfort—passengers who are pregnant, elderly, or ill require access to clean water and appropriate facilities—and no passenger should be held against their will just steps from an airport facility.

When passengers are able to safely deplane in the event of a delay, they absolutely should be given the choice to do so. This proposal ensures that

passengers are given the right to get off a plane after 3 hours of delay on the tarmac. In 3 hours, a passenger could drive from Portland, ME, to Boston, complete an Olympic triathlon, or watch a full length movie. In that time, airlines can certainly ascertain whether or not they will actually be able to get off the ground. In March of last year, American Airlines flight 160 from San Diego to New York sat on the runway in Philadelphia for more than 5 hours, with passengers wondering if they ever would make it to New York.

Passengers already compete for window and aisle seats, and hope for exit rows with a bit more legroom. In fact, a Web site has made a business of providing charts of each air carrier's planes to show which have the best seats. The average airline seat is 17.2 inches wide, and passengers stuck in middle seats are given so little space to move. We have reached the point where we consult the Web to find which seat is least painful. Consumers want assurances that they will not be confined to their seats for any longer than necessary, and this bill helps assure passengers that their time in these tight spaces won't be longer than absolutely necessary to get to their destination.

We have gone from a record high of 268 flights delayed on the tarmac in June of 2009, to zero planes delayed on the tarmac for more than 3 hours in 2 consecutive months in October and November of last year. In the 8 months since the DOT rule was put in place, only 15 flights were delayed for more than 3 hours; in the same 8-month period the year before 586 flights with thousands of passengers aboard were held on the runway for hours on end.

After so many years of hearing horror stories of passengers being held hostage aboard aircraft for 9, 12, and even, what I believe is a record, 16 hours, passengers will be able to point to Federal law that protects them. I hope the only runway record we set in the near future is the number of consecutive months without a single tarmac delay.

To its credit, the Department of Transportation took our bill, and wrote much of it into regulation, and for that, I commend Secretary LaHood and his predecessors. Flights will no longer be stranded on U.S. runways for hours on end, with passengers on board just hoping for clean water, lights, or appropriate facilities. The Department will also impose a fine of \$27,500 per passenger on a stranded flight. Airlines that neglect the welfare of passengers aboard their aircraft won't soon forget the hefty fines they face.

The rules and regulations drafted by the Department of Transportation go a long way towards addressing our concerns. While it would be easy to say the job is done, and passengers are protected, I am pleased the FAA reauthorization will codify the passengers' bill of rights provisions.

It is critical that the Department of Transportation understands that the passengers' bill of rights will extend these passenger protections to international flights using U.S. airports. A passengers' final destination should not dictate his or her rights on the runway. Let us be clear, this passengers' bill of rights applies to every passenger on every commercial plane taking off from or landing in the United States or its territories.

At the end of a flight, there is simply no excuse for trapping people aboard an aircraft for hours on end with airport facilities only yards away. On December 26, 2010, four international flights were held at their U.S. destinations for upwards of 10 hours. While the airport and airlines continue to bicker over who was responsible for the delay, we want to make sure it never happens again. This legislation will ensure that airlines operating international flights will have a strong incentive to find a way to give passengers a way out. It is my hope that in the future all airlines will move heaven and earth to ensure that passengers are not trapped aboard aircraft without access to basic needs.

Airports and airlines have worked hard to improve service and reduce delays. In Portland, one of the major airports in Maine, the number of cancelled flights has dropped from 702 in 2001, to 213 in 2010, and the airport had the greatest percentage of on time departures since 2002. The naysayers who told travelers that these new rules would cause hundreds of cancellations have been proven wrong. Now, if we could only tame our famous New England winter storms, we could reduce that number even more.

This bill also provides recourse to consumers who have complaints or concerns about their air travel experience. When you have an issue with air travel, a consumer complaint hotline at DOT will be available to take your call. While it is our hope that this bill will improve the flying experience for travelers, passengers should have a clear path to addressing concerns with airlines. DOT should serve as a clearinghouse for collecting these concerns so a "big picture" view of the entire industry is available.

I am pleased that this legislation puts into Federal law the clear right of passengers to be treated with dignity while traveling. Reasonable treatment aboard aircraft should not just be a rule, it should be a legal right of passengers.

I look forward to working with Senator BOXER on other vital transportation issues that affect our rail lines, ports, and highways, and the entire Nation. With the reauthorization of many of our transportation programs this year, I am confident that improving the movement of passengers and freight will remain a congressional priority.

Ms. COLLINS. Mr. President, I rise today to speak about a Federal program that creates jobs, improves communities, and ensures air travel throughout the United States. The Essential Air Service Program was created in the wake of the airline deregulation of the 1970s to ensure the continuation of commercial airline service for smaller communities.

Four airports in Maine participate in the EAS Program: Augusta, Rockland, Bar Harbor, and Presque Isle. The EAS Program supports these communities and creates direct and indirect jobs.

If the EAS Program were discontinued, travelers would lose choices and the economies of these communities would suffer. For residents of northern Maine, the only way to travel by air would be following a 3- to 4-hour car drive.

The Maine Department of Transportation calculates that 1,351 direct and indirect jobs rely on aviation activities at the four Maine EAS airports. In rural areas such as Rockland and Presque Isle, these jobs make a huge difference. Without EAS, these jobs would likely disappear.

Additionally, without EAS, our rural communities would be less able to attract new businesses and residents. A businessperson may be less likely to locate a new operation in northern Maine if scheduled airline service is more than 3 hours away. It would be simply unfair to pull the rug out from under these rural communities as they try to attract new jobs and businesses.

EAS is a small fraction of the total FAA spending, but it has a large impact on our Nation's rural communities and travelers. I strongly support the Essential Air Service Program and will oppose eliminating this program.

Mr. REID. Mr. President, we have a briefing by the Secretary of State. We have votes scheduled at 10 until noon, about. I ask unanimous consent that vote be extended to 10 after the hour of noon to allow Members to listen to the Secretary of State and still move the bill along.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I have talked to the Republican leader. He knows I have asked this consent.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 380

Mr. MCCAIN. Mr. President, in a few minutes, I will ask the Senate to proceed to the consideration of S. 380. S. 380 extends the Andean Trade Pref-

erence Act. But first I would like to make a few comments about the importance of this trade preference act.

I am very aware that a lot is going on in the world and there is upheaval in the Middle East and there is a lot going on on both sides of the aisle on spending, and I am very aware of what has dominated the news and the attention of the Congress and the American people. I want to talk for a few minutes about the importance of the Andean Trade Preference Act and the need to reauthorize it.

I remind my colleagues that the Andean Trade Preference Act was first enacted by President George Herbert Walker Bush as a way to boost the licit economies of several Andean nations that were major producers of illegal drugs. Over the past two decades, this program has been supported by Democratic and Republican Presidents, it has been reauthorized by Democratic and Republican Congresses, and it has been widely recognized as a dramatic success—creating jobs for our workers, who can sell cheaper imports to American consumers as a result of these trade preferences, while also supporting the economic development of strategically important countries in our hemisphere.

One of these countries is Colombia. We have been rightly focused on other parts of the world over the past decade, but one of the untold success stories is Colombia's transformation from a failed state to a thriving democracy. It has been one of the world's great stories and one of the greatest bipartisan triumphs of U.S. foreign policy in recent memory.

Through the courage and perseverance of the Colombian people, the government and armed forces of Colombia took their country back from terrorists and drug traffickers and warlords who murdered the innocent indiscriminately and sowed our society with illegal drugs. We were with them every step of the way. It was President Bill Clinton, together with a Republican Congress, who first enacted Plan Colombia, and it was President George W. Bush, initially with a Democratic Congress, who expanded Plan Colombia. Over the past decade, the U.S. taxpayer has invested more than \$8 billion to help Colombia win its war, and it has been some of the best money we have ever spent on a national security program. Remember, the Plan Colombia and the war, where we helped the Colombians take back their country from FARC and the terrorists and drug dealers, were to prevent drugs from coming to the United States of America, where the demand was created.

So I am proud that as an act of generosity and help on the part of the American people, it was in America's national security interest to see Colombia not become a failed state, which it almost was 10 years ago.

The Andean Trade Preference Act has been a critical component of this effort. It has provided Colombia, along with other Andean nations, essential open access to our markets that has catalyzed their success. What is more, the vast majority of the products these countries are exporting to us Americans barely produce at all, such as cut flowers. So it provides a huge benefit for our partners, with little competition or displacement for our workers.

Unfortunately, after the long record of bipartisan support for this successful and vital program, the last Congress did something deeply shortsighted and terrible: Rather than extend the trade preferences, as previous Congresses have done, it made their passage and the passage of other vital free-trade measures conditional on the extension of a whole array of new government spending—spending our country cannot afford.

As a result, the Andean Trade Preference Act expired last weekend and with it the privileged market access that is so vital to key Andean partners, such as Colombia. What is even more terrible, we are failing Colombia at the worst of all possible times, as it is struggling to recover and rebuild from massive flooding. I saw with my own eyes the massive flooding, where hundreds of thousands of people have been displaced. They have been devastated, and the estimated cost to rebuild is several billion dollars.

But it is even worse than that. Not only has this Congress denied Colombians vital trade preferences at a time when their country is literally underwater, it has done so amid the continued failure to ratify the Colombia Free Trade Agreement. This agreement mainly benefits us, leveling the playing field for U.S. workers seeking access to Colombian markets.

But the signal of strategic commitment that it sends to Colombia can't be understated. By failing for 5 straight years now to pass a Colombia Free Trade Agreement, we are sending the opposite signal—that the United States is an unreliable and untrustworthy ally and that we seem to be incapable of rising above our own domestic political differences to consolidate our strategic partnership with one of our best friends in the world. It is sad.

No trade agreement during a time of great need due to a natural disaster, and how have the Congress and the administration responded? By failing to extend critical trade preferences for Colombia and our other Andean friends. We have kicked an ally while they are down and right when they need us most. Colombian officials tell me that without these trade preferences, their cut flower industry, which is one of the pillars of the Colombian economy, could contract by 15 to 20 percent in the coming weeks.

Now is the time to right this wrong. Now is the time to come together and extend the Trade Preference Act—by itself, on its own, and on its merits, just as Congresses before us have done. This legislation will do that. It will extend the privileged market access for our Andean friends until November 30 of next year. After we have invested so much in the success of the Andean region—investments that have earned us enormous goodwill and gratitude—why would we do anything to call our friendship into question? Why would we do anything that harms our allies? We cannot afford not to extend the Andean Trade Preference Act.

Let me also explain something to my colleagues. Before we went out of session last year, we made an agreement—and the Senator from Ohio, whom I see on the floor and who was one of the negotiators—that the trade adjustment assistance would be extended along with the Andean Trade Preference Act. The interesting thing about that extension is that it was not only an extension of the trade adjustment assistance as it was prior to the stimulus being passed, but also after. In other words, the trade adjustment assistance had gone up to some \$2.6 billion, an additional \$620 million for the remainder of this year. So it is in existence today, with \$1 billion being spent on various programs. There is a GAO study that severely questions these multiple employment and training programs that are in existence today. They talk about the \$18 billion being spent to administer 47 programs, an increase of 3 programs and roughly \$5 billion since their last reporting.

What I am asking my colleagues who are supportive of the TAA is to agree to an extension of the Andean Trade Preference Agreement in return for our extension, our agreement to extend the trade adjustment assistance at the level of pre-stimulus. The stimulus was supposedly advertised as a one-shot deal. So why should we increase trade adjustment assistance in keeping with the enactment of the stimulus package? Now that the stimulus is supposedly over, can't we go back to previous levels of adjustment assistance?

I wish to make the record perfectly clear: This proposal of killing off trade adjustment assistance is in being as we speak today. We are saying we don't want the increase that was put in in 2009 as a result of the stimulus package.

Things are not great in our Western Hemisphere. We have a return of Danny Ortega in Nicaragua, we have Hugo Chavez continuing to consolidate power in Venezuela. We are seeing other nations in the region—and I won't enumerate them—that are becoming more and more dictatorial, totalitarian, and anti-American. So when we don't extend the ATPA, the signal to our friends and our adversaries in

the region is very clear: You can't count on the United States of America to keep its solemn agreements negotiated and ratified by Republican and Democratic Presidents and Congresses.

I understand and appreciate and respect the Senator from Ohio, the Senator from Pennsylvania, and the Senator from Montana and their dedication to trade adjustment assistance. I am not seeking to end TAA. We are seeking to leave TAA at its previous level prior to the stimulus package being enacted. I don't understand why that shouldn't be sufficient in this era of huge deficits and debts.

I ask my friend from Ohio and those on the other side of the aisle who oppose a long-term extension—who oppose the Andean Trade Preference Act being extended—that we would agree to the extension of the trade adjustment assistance only at the level where it was before. Isn't that reasonable? Isn't that reasonable? It is \$1 billion a year. It is \$1 billion a year that is going to be allowed under the TAA.

Again, I understand there are a lot of things going on in the world. There are a lot of things going on domestically. There are a lot of things happening, but shouldn't we pay attention to our friends, our little friends who helped us so much in this war on drugs? If they had become, as they nearly did 10 years ago, a failed state, the consequences to the United States national security would have been profound. We are watching the violence in Mexico and we are alarmed by it, including the death of a DEA agent and the wounding of another one in the last couple of days in Mexico. My friends, that was a Sunday school picnic compared to what was going on in Colombia before we helped them with the Andean Trade Preference Agreement. I urge my colleagues to please consider at least a short-term extension of this ATPA, along with the basic TAA, at least to give these people an opportunity to recover from the devastation they have experienced.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 380. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. BROWN of Ohio. Madam President, reserving the right to object, I know the Presiding Officer, the junior Senator from North Carolina, wants to be part of the TAA extension. I appreciate that, as do Senator CASEY and Senator MCCAIN and Senator BAUCUS.

My problem is this: I want to work with Senator MCCAIN on this. I want to make this work. I want to extend the Andean trade preferences. He and I worked this agreement out with Senator KYL and Senator CASEY and others

at the end of last year, in the last 2 hours of the session. I think that was the time line. Right at the end, we were able to extend all of this, but only for 6 weeks. He wanted longer, I wanted longer, but we couldn't get an agreement.

Senator MCCAIN asked, is it not reasonable to extend the old TAA. The old TAA started 50 years ago. It was a great program. It was bipartisan. It has always been that. But it is not reasonable to do only the old TAA. There have been 150,000 workers who are eligible since the Recovery Act passed for the expanded TAA because they happen to have lost their jobs to countries we didn't have a free trade agreement with. They were not eligible under the old one, but they are eligible under the new one. Or they happen to be service workers. They are eligible under the new one but not under the old one.

It is a situation where because of things we do in this body—we pass a trade agreement, people lose their jobs. We have an obligation—I know people are focused on government spending, as we should be, and on the deficit, as we should be, but this is an action of the House and Senate. We pass tax policy here. We give tax breaks to companies that move overseas. Why don't we pay for this TAA with something like that? We could always do that.

The point is there are so many workers in this country who have lost their jobs because of trade agreements, because of tax law and trade law. They should be eligible for getting some assistance so they can get retrained and go back to work. We all know people in our States—Arizona, Nevada, Oregon, Texas, West Virginia, and Ohio—where that has happened.

The other thing we need to extend is the health care tax credit. We know that literally thousands of workers—I can give you some examples quickly: 400 Americans in Arizona, 1,400 Americans in Georgia—mostly Delta workers—6,800 Americans in Michigan, 9,200 Americans in Ohio, 68,000 Americans scattered around every other State in this country—because of the Recovery Act and the expansion of the health care tax credit, they would be able to continue to get their health care.

So with reluctance—I don't want to do this, because I want to see the Andean trade preferences extended—I am going to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Madam President, all I can say to my friend from Ohio is we have deep sympathy for the plight of the citizens of Ohio who have been very hard hit in this economic disaster that this Nation has undergone in the last couple of years. There has been enormous loss of jobs and income on the part of the citizens of Ohio, and particularly that part of the country. I

would also argue that my home State of Arizona has suffered rather dramatically as well.

But does it make sense to dramatically increase any program at this particular time? We are already spending \$1 billion a year. That seems to be a significant amount of money.

I would also point out that a lot of these training programs have drawn scrutiny and even criticism from the GAO. This criticism has been kind of telling. It says:

In fiscal year 2009, nine Federal agencies spent \$18 billion to administer 47 programs, an increase of three programs and roughly \$5 billion since they reported in 2003.

So I don't think we could see tangible benefits from the trade adjustment assistance. But we are willing, I say to my friend from Ohio, to continue to support a \$1 billion program per year for trade adjustment assistance when we are slashing vital programs that people know are far—we are all having to make sacrifices. Can't my friend from Ohio be satisfied with \$1 billion for trade adjustment assistance?

Again, I wish to say, we do have problems in our hemisphere. We do have Brazilians striking out on a new and independent course. We have Venezuela, Nicaragua, Ecuador, Bolivia, we have these countries that are looking on us as either an adversary or an enemy, depending on which country we are talking about. So the message we are sending by not at least extending this agreement I think is a terrible one, and I ask my friend from Ohio to reconsider.

I also wish to say this: The President of the United States and the White House should be weighing in on this. The President of the United States has said he wants the Korea Free Trade Agreement and we want the "Colombian and Panamanian Free Trade Agreement" as well.

Well, if they want that, should they not want to extend the trade preferences that were negotiated by President Bush and extended under President Clinton? Should we not want that—and Republican and Democratic Congresses alike?

I have taken too much time of this body. Again, I ask my friend from Ohio to reconsider, negotiate, do whatever we can before we continue to send this terrible message to our friends in the hemisphere who have literally laid down their lives in the war against drugs, which we have felt is in vital U.S. national security interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent for 2 minutes to make a motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I have great respect for the senior Senator from Ari-

zona. I wish to find a way—and I will give some specific names of people who have benefited from the expansion of TAA. I brought in a stack of literally 500 letters from Georgia, Michigan, and Ohio—the States hit the hardest—some 300 people in Arizona, and others who have benefited from the expansion of the health care tax revenue and TAA.

I offered to Senator MCCAIN—other than the fact that it costs more money, and I don't dispute that—that if we can work on specific problems they have with individual parts of the expansion and if there is a way of working out any kind of language they don't like, I am happy to do that. I am going to offer a unanimous consent request on TAA and tax credits and on Andean. The reason I objected is I cannot walk off this floor having helped the workers in Ecuador and Colombia but not the workers in Toledo and Cleveland and Phoenix and Charleston, WV. That is why I will make this request—which will help in every case—on the Andean trade preference, TAA, and health care tax credit.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 11, H.R. 359, that a Brown of Ohio substitute amendment, also on behalf of Senators HAGAN and CASEY, which provides an 18-month extension for trade adjustment assistance, and the Andean Trade Preferences Act be agreed to, the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I certainly didn't want to get too much into this debate because the fact is that GAO concluded:

Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improving employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inconclusive or restricted to short-term impacts.

We are talking about an additional \$1.6 billion. We can't do that. Why in the world the Senator from Ohio and other Senators from his part of the country were satisfied for years with a TAA of roughly \$1 billion and now are not satisfied with that in these times of economic difficulties confounds me. It is a sad day for our friends in Colombia and the Andes who have sacrificed so much on our behalf. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN of Ohio. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 93, AS FURTHER MODIFIED

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the cloture vote with respect to amendment No. 7 be vitiated; further, that amendment No. 93 be further modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified is as follows:

Strike all after the word "Sec" and add the following:

— RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

"(g) ADDITIONAL SLOTS.—

"(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

"(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

"(B) increase competition in multiple markets;

"(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

"(D) not result in meaningfully increased travel delays;

"(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

"(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

"(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

"(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

"(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such

service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109. The Secretary may not grant more than 2 slot exemptions under paragraph (1) to an air carrier with respect to the same airport, except in the case of an airport serving a metropolitan area with a population of more than 1 million persons.

"(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

"(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

"(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

"(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

"(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

"(A) caused congestion problems at the airport;

"(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

"(C) affected the environment in the area surrounding the airport; and

"(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

"(7) ADDITIONAL EXEMPTIONS.—

"(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

"(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

"(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

"(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

"(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

"(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

"(C) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such

service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

"(D) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

"(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

"(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

"(E) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

"(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

"(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

"(h) SCHEDULING PRIORITY.—In administering this section, the Secretary—

"(1) shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109; and

"(2) shall afford a scheduling priority to slots currently held by limited incumbent air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service."

(b) HOURLY LIMITATION.—Section 41718(c)(2) is amended—

(1) by striking "3 operations" and inserting "4 operations"; and

(2) by striking "subsections (a) and (b)" and inserting "under this section".

(c) LIMITED INCUMBENT DEFINITION.—Section 41714(h)(5) is amended—

(1) by inserting "not" after "shall" in subparagraph (B);

(2) by striking "and" after the semicolon in subparagraph (B);

(3) by striking "Administration." in subparagraph (C) and inserting "Administration; and"; and

(4) by adding at the end the following:

"(D) for purposes of section 41718, an air carrier that holds only slot exemptions".

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

"(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport."

Mrs. HUTCHISON. Madam President, we are ready for the vote on the amendment. I ask for a vote on amendment No. 93, as further modified.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 93, as further modified.

The amendment (No. 93), as further modified, was agreed to.

AMENDMENT NO. 7, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to Inhofe amendment No. 7, as amended.

The amendment (No. 7), as amended, was agreed to.

Mrs. HUTCHISON. Madam President, I wish to ask the Senator from Arizona to engage in a colloquy with myself and Senator ROCKEFELLER and any others who wish to speak within this colloquy regarding an issue that was not able to be resolved because of the time constraints.

I want to say that every stakeholder representing constituents all over America gave greatly to adopt this amendment that will have, in my opinion, a responsible relaxation of the perimeter rule at Washington National Airport.

We can talk about the details certainly as we move forward, but there was one major issue left unresolved that I think deserves a colloquy so we know what we have to do to finish this process in conference before we adopt an FAA bill that is a very important bill for our country.

I ask the Senator from Arizona to state his concerns about the unfinished part of this bill, and then we will open it for discussion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, first, I ask unanimous consent that the cloture vote on the underlying bill occur at 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, very briefly, the Senator from Texas is correct. No one who was directly involved in these negotiations is pleased with the outcome. Some will say that must be a pretty good outcome then. One of the things we did in order to enable us to come to agreement is defer a big issue. That issue will have to be resolved in conference. It is the issue of how the additional flights that are being allowed under this legislation will be allocated among the various air carriers.

Ordinarily, an agency will make a decision based upon criteria the Congress lays out in the underlying legislation; otherwise, their decisions can be challenged as arbitrary and capricious. It is up to us to devise what those standards are. We were not able to agree on them. It is one of the things we will have to try to come to an agreement with each other about and then articulate a position with our House colleagues in conference. This pertains both to the original or first-year tranche as well to the second-year tranche.

I hope my colleagues and I can continue to work together in the spirit of cooperation to devise good criteria so the last piece of this legislation can be put into place.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to make a couple of observations. First of all, I apologize to all of our colleagues having to postpone cloture and precloture votes. What has happened is a number of folks have come in at the very last second and asked for changes. That is not usually the way committee business is done. We have been on this for a number of years. But we have to face the reality of that fact. We want to get cloture, and we want the bill to pass.

I say to my friend from Arizona that I will work with him and with—whether it is GAO, DOT, or whomever we decide to work with or both, which we can obviously do and which is in the legislation; the GAO is automatic for any Member—that I will work to try and resolve this problem as best as I can.

There are many problems wandering around, but the basis of the bill, the structure of the bill, the overall bill is actually not just about slots. That is a relatively small part. It has been virtually all of the conversation and the debate.

As Senator HUTCHISON pointed out, a new air traffic control system, airline safety, all kinds of other things, are so predominantly important that we have had to proceed in this way to try to accommodate our colleagues, and that we will continue to try to do.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, let me thank the chair and the ranking member for their leadership on this issue. Along with my colleagues from Maryland, we have the airports that are most affected by these changes, and we have worked in that spirit of compromise. As the Senator from Arizona noted, I don't think anyone is totally satisfied.

I wish to particularly single out the ranking member and the chair for their willingness to acknowledge our work on the issue of the effects of these additional flights. Going up from where the House position was and the airport authority's original position was to make sure—vis-a-vis Dulles—that the economic effects of this and the question involving the potential shared debt service between the two airports be addressed. This was an issue, again, that we were not able to resolve, but I appreciate the chair, the ranking member and their staffs' willingness to continue to work as this bill goes to conference.

It is very important that we get this bill passed and we move forward on NextGen and all the other important parts of the FAA bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, there have been a lot of negotiations

on this amendment, but I do think we now have a breakthrough and a way forward to solve the unresolved issues and pass a very good FAA bill.

In general, the amendment does relax the perimeter rule, with exemptions. There will be five new entrant capabilities—"new entrant" meaning air carriers that do not serve National Airport now at all—and limited incumbents that have fewer flights from National Airport will get five new slots that will be able to go outside of the 1,250-mile perimeter that has been a standard restriction at National Airport. In addition, there will be seven flights that incumbent carriers can exchange from inside the perimeter to outside the perimeter.

Earlier the Senators from outside the perimeter, which is basically west of St. Louis or Denver, have wanted 75 new flights. They came down to 30, then they came down to 21, and now we are at 16. That would be total because the last four would come later, after a study has shown that there would not be disruptions or congestion at National Airport. So I think we have a very limited number of flights that will be coming in to National Airport—a total of 16 but, of those 16, 11 are already flights that go in and out of National. Thanks to the good work of the Senators from Virginia and Maryland, there will be very little increase or disruption in the National Airport area.

In addition, although the western Senators negotiated down significantly from what they originally wanted, the Senators from the northwest also wanted to have the capability for more competition and more consumer access, and I agree with them. I think they did a great job. Senator WYDEN, Senator CANTWELL, Senator MERKLEY, and Senator MURRAY also had great concerns, along with the Senators from Alaska, Senator MURKOWSKI and Senator BEGICH. They had concerns we had to address. And the California Senators most certainly have wanted more access from California, and that is a huge population base that will now have better access to National Airport as well as Dulles.

I think that is the outline of the amendment we have just adopted, and we are going to continue to work in conference. The House bill has five new entrants only, and we have 16. We have conversions; the House does not. So there will be a lot of talk and a lot of input, but my goal is to have more competition, to have strengthened air carriers for our overall U.S. air competition, and to ensure that the people west of the Mississippi River have access to National Airport.

I think we have made a good start, and I commend all of those who have been involved in a very delicate negotiation. I especially thank my chairman, Senator ROCKEFELLER of the Commerce Committee, for helping us

to get to this point where we could pass an FAA bill.

As has been mentioned, we are on our 18th short-term extension of FAA, and if we are going to have the next-generation air traffic control system, a modernization of the air traffic control system and the safety requirements, we have to pass the underlying bill. So we have taken a major first step. It is not the end by any means, but it is the beginning of the end.

I now recognize Senator WYDEN, who was very much a part of resurrecting from the dead. I would say is not too strong a term, the amendment that would have gone by the wayside but for his persistence in ensuring that we could come to terms that would make no one happy but also no one truly unhappy.

Mr. WYDEN. Madam President, I yield to the distinguished chairman of the Commerce Committee, and I ask unanimous consent that I be allowed to speak briefly after the chairman of the Commerce Committee has spoken.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I wish to echo what Senator HUTCHISON has just said. In the process of legislation, if you look at it logically, you do it over a period of years—1 or 2—or a number of months, and people get their amendments in. That has not been the case here. On the other hand, one has to recognize that people feel very strongly, and when Senators feel very strongly, they have that right, and they have the right to try, therefore, to affect the legislation even though it may be at the very last moment. I think everybody is acting in good faith.

I appreciate very much the Senator from Washington, MARIA CANTWELL, because she has given up a lot and she has also been very cooperative. She is going to be the new chair of the aviation subcommittee, which I look forward to and appreciate. I also appreciate the leadership of Senator HUTCHISON and all other Members—the Senator from Virginia whose time I have taken, Senator WYDEN—who have participated in trying to work this out. It is not a beautiful process, but it is one that throughout the Senate has been solid and strong, and it needs to be voted for when that time comes. As I said, slots are not the only issue. The other issues are huge, and they are resolved without any contentiousness at all. So in that spirit of really thanking all who fought for what they have a right to fight for and saying that we have tried to respond as best we could—and if nobody is entirely happy, that probably means it is a good bill, a good approach—I wish to thank everyone.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I appreciate the chance to speak for just a few minutes.

I particularly wish to thank Senator HUTCHISON and Senator ROCKEFELLER and tell colleagues that last night, at 10 o'clock, after hours and hours worth of negotiation, I thought the prospect of working this out was absolutely gone. I thought that once again the Senate would walk away from the idea of trying to come up with a way to have a more competitive market-oriented system in the aviation sector.

Obviously, this is not all that needs to be done, but this issue of slots, I would say to colleagues and the folks who are listening, is not about adding more gambling machines; this is about the right to land a plane. In much of our country, we have crowded airports, and folks are very concerned about that because it really relates to the business climate and it relates to quality of life. And it is not just in my part of the country but lots of other parts.

So this morning we still had three or four outstanding issues. A group of Senators, on a bipartisan basis, got together. We were just a little ways up here in the building, and in good faith we worked through a variety of issues—issues to make sure everybody was treated fairly in terms of scheduling, issues to ensure fairness with respect to the new flights and to something called conversion, which essentially involves taking short distance of flights and turning them into long distance flights. We still have some matters, obviously, that we are going to have to review with respect to studying this issue and ensuring all airlines have equal access to the markets. It is a sensitive subject, particularly to folks here in Virginia and Maryland. So these are areas that are going to take some additional work, but I think, with the new provisions that have been added, particularly to make sure we would have the five new round-trip flights from Reagan National, ensuring these new slots would be intended for long-distance, for out-of-perimeter, we have moved a long way to ensure that the Senate will go into conference on a bipartisan basis in a unified fashion.

Madam President, I would like to take particular note of the extraordinary work done by Senator CANTWELL, my colleague from the Pacific Northwest. When you reach an agreement such as this, which had three or four provisions, in effect, that were still being thrashed through this morning, it only comes together when colleagues say they have to find a way to get to some common ground and they can't simply go into a negotiation and have everything their way. Nobody, in my view, in these discussions moved more from the position they were most interested in than Senator CANTWELL.

Chairman ROCKEFELLER has been right to note that she will be the chair

of the subcommittee. I can assure colleagues that no one will do more to protect the consumer, protect competition, and to protect the marketplace that we would like in the aviation sector than Senator CANTWELL. She was instrumental last night and this morning, where we practically could have been fed intravenously and she just stayed put and kept negotiating to get to the point where we had an agreement on these slots.

I referenced, Chairman ROCKEFELLER, when the Senator was off the floor, that we can continue this kind of cooperation as we have this bill pass the Senate and we go to conference. There is a reason we couldn't resolve the slots issue in the past; that is, despite efforts to come together, we just couldn't get Senators to focus on these three or four outstanding issues that were dealt with this morning. I think we have been fair to the big markets under this agreement as well as the smaller markets.

So as the chairman goes into the conference, I think the good will that came about as a result particularly of last night's efforts and this morning's efforts and all the cooperation he and Senator HUTCHISON have shown—he will be able to take an issue that was seen as absolutely impossible to resolve even as of late last night—because I felt when I walked in this morning that we were just going to hang drapes on this question and possibly the whole bill. I think now this bipartisan effort in good will shown by a lot of Senators on both sides of the aisle, led by the chairman and Senator HUTCHISON, is going to pay off. It is a very good start to an issue that isn't going to be resolved today, but some of the principles that have been laid out today are going to make a huge difference.

I wish to close by saying that my colleague from the Pacific Northwest, Senator CANTWELL, who I believe knows as much about aviation as anybody on the planet at this point, did an awful lot to bring people together.

I look forward to working with the chairman as we go to conference, and I thank him for his cooperation. I also look forward to talking about some additional issues that he knows I care a lot about—the drones that are so important to central Oregon—but I acknowledge that he has made it possible for us to make an enormous amount of headway today, and I look forward to working with him and Senator HUTCHISON in the days ahead.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Georgia.

(The remarks of Mr. ISAKSON are printed in today's RECORD under "Morning Business.")

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FCC RESOLUTION OF DISAPPROVAL

Mr. ENSIGN. Mr. President, yesterday, along with Senators HUTCHISON and MCCONNELL, I introduced a Resolution of Disapproval that if adopted, will overturn the FCC's attempt to regulate the Internet through its recent Open Internet Order.

In December, the FCC, defying Congress and the Judiciary, announced an order that will give it sweeping new authority to regulate content on, and access to, the Internet. Particularly in today's economy, the Internet and associated applications should be able to evolve without unnecessary government interference that could stifle innovation. The last thing the government needs to do is once again burden the private sector with additional burdensome regulatory red tape. While the FCC's action is certainly concerning, it should come as no surprise considering this administration's history of usurping the private sector's role in our economy and replacing it with more heavy-handed federal regulation. As we have learned, such regulation only serves to micro-manage private businesses and limits the ability of companies to grow. On the contrary, this order will serve to smother creative new uses for the Internet and to slow the expansion of advanced broadband networks.

As you know, the Internet has become an indispensable part of our economy and an integral part of our society. It is a source of innovation, information, entertainment, commerce, and communication. Largely unfettered by government laws and regulations, the Internet owes much of its success to innovators and entrepreneurs having the freedom to imagine, explore, and create new uses for the Internet. The innovation and ingenuity associated with the creation and development of the Internet in this country is a prime example of what the private sector is capable of if its hands are not tied by Washington bureaucrats. The problem with the FCC's order is that it puts the FCC in the position of being the final arbiter of what broadband service providers can and cannot do with their networks. As the Internet evolves, new network services and management practices may be necessary or desirable. Yet, I fear that companies will now either be barred from innovating or will have to seek the FCC's permission first.

Under the order, Internet providers "shall not block lawful content, appli-

cations, services, or non-harmful devices, subject to reasonable network management". The order also states that these providers "shall not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service." Guess who gets to make the determinations as to what constitutes "lawful" or "reasonable"? Not the consumer. Not Congress. Rather, it is the unelected bureaucrats at the FCC, alone, that will make those determinations. This gives the Federal Government, for the first time, the power to make decisions that will affect what websites consumers can and cannot access and how they may access them.

I continue to believe that the competitive market is the best means to preserve and advance the future of the Internet. That is why I have continued to fight the FCC's attempts at regulating the Internet under the guise of preserving "openness". In 2009, I cosponsored an amendment with Senator HUTCHISON that would have prohibited the FCC from using any appropriated funds "to adopt, implement, or otherwise litigate any network neutrality based rules, protocols, or standards." Also, late last year, I authored a letter, signed by 28 of my colleagues, to the FCC urging it not to proceed with this order.

With the sweeping new authority the FCC has given itself, one question that should be asked: Is this order even necessary? How many people in this country have been unable to access the Internet like this order would suggest? Do the American people really want more government oversight when it comes to the Internet? The Internet is that last frontier when it comes to innovation without government interference, do we really want to jeopardize this? Isn't this more like a solution looking for a problem?

Consumers today have more access to more Internet services than ever before. Business has invested tens of billions of dollars in new broadband infrastructure. Internet entrepreneurs continue to offer new services, applications, devices, and content to users of broadband Internet networks. In this type of environment, there is little justification for this type of proposed intrusion into the broadband marketplace. It appears, then, that this Order is simply a solution in search of a problem that does not exist. As we have seen time and again in Washington, this is a recipe for producing unintended consequences.

I do believe that government does have a significant role to play in guiding the future of the Internet. There is a role for the government in guiding the future of broadband, but net neutrality misses the mark. The new government restrictions provided for under the FCC's order will only serve to reduce the private sector's investment in our nation's broadband infra-

structure. Rather, Congress should work with industry to find ways to encourage broadband investment and to promote competition among Internet providers. Investors are eager. During this economic downturn, tens of billions of dollars have been invested in new broadband infrastructure. In turn, this has enabled Internet entrepreneurs to offer new services, applications, devices, and content to more and more users of broadband Internet networks.

President Obama recently announced his initiative to expand broadband deployment so that 98 percent of Americans have access to wireless Internet service. I support this goal. However, for this goal to be achievable, there needs to be substantial private sector investment and participation, which cannot coexist with the FCC's order. In fact, I am confident that if Congress and the courts do not act to reverse this order, it will discourage investment, stifle innovation, and cost this country more jobs.

The FCC's order is anti-free market, anti-competitive, will threaten American innovation and cost American jobs. What possible reason would the private sector agree to invest under this type of heavy-handed regulatory environment provided under this order? I cannot think of one. In fact, this order only creates disincentives for private investment and innovation, which will only put us behind the rest of the world. Consumers today use and have access to more Internet services than ever before. While the FCC order will have little positive impact for consumers, it will certainly reduce the potential for innovation and investment in broadband networks. This will dramatically slow the pace of that innovation and jeopardize billions of dollars of future investment into broadband networks.

The good news is that Congress has the tools to correct this. I encourage my colleagues to support the Hutchison-McConnell-Ensign Resolution of Disapproval. This will allow Congress to repeal the FCC's dangerous order on net neutrality. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SILVER FLEECE AWARD

Mr. KIRK. Mr. President, we are spending money that we do not have. The administration's budget proposes taxing the American people to the tune of \$2.6 trillion, spending \$3.7 trillion, and borrowing \$1.1 trillion. Under the budget, interest payments on the debt are set to quadruple from \$200 billion this year to \$900 billion in 10 years.

The great Harvard economic historian, Naill Ferguson, has stated that

the decline of a country can be measured when it pays its money lenders more than its Army. We will hit that level in the next few fiscal years.

Now, in response today, I am announcing our first Silver Fleece Award. It is not a Golden Fleece Award because in this time of austerity, we can no longer afford that. We pay homage to Senator William Proxmire of Wisconsin that put forward the Golden Fleece Award in the late 1970s and 1980s.

Working with Senator TOM COBURN of Oklahoma, we feature what is in his "Wastebook" on a new site called "Wastebook on Facebook." There, the Silver Fleece Award is being proposed in three parts for a vote by people who wish to participate.

This month we had three nominees for the Silver Fleece Award. The second runner up was a pair of National Science Foundation grants worth \$456,000. These grants went to studies on why political candidates make vague statements and how Americans use online dating. The first runner up was for \$615,000 in a grant to create a library archive about the Grateful Dead, a well-known rock-and-roll band.

However, neither of these two projects were voted on as the worst of the current waste we see. Instead, the inaugural winner of the Silver Fleece Award is for a nearly \$1 million grant going to fund signs to display poetry in zoos. The organization administering the program, Poets House and Public Libraries, states that the goal of the program is to "deepen public awareness of environmental issues through poetry." I would add, using borrowed taxpayer funds.

Thanks to this nearly \$1 million program, a visitor to the Little Rock Zoo in Arkansas can now read the words of author Hans Christian Andersen saying:

Just as living is not enough, said the butterfly. One must have sunshine, freedom and a little flower.

I would argue that future generations would be far more interested in a life without debt, and taxpayers should not pick up the bill for such projects.

I ask unanimous consent to have printed in the RECORD the 2008 Readers' Digest article, the Poets House and Public Libraries statement on the Language of Conservation, and the April 15, 2010, article from the Arkansas Democrat Gazette.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POETS HOUSE AND PUBLIC LIBRARIES
PUBLIC LIBRARIES: THE LANGUAGE OF
CONSERVATION

The Language of Conservation is a Poets House program designed to deepen public awareness of environmental issues through poetry. The program features poetry installations in zoos, which are complemented by poetry, nature and conservation resources

and programs at public libraries. Working with five zoos and four public libraries in New Orleans, Milwaukee, Little Rock, Jacksonville, and Chicago, Poets-in-Residence collaborated with wildlife biologists and exhibit designers to curate exhibitions in zoos that feature poems celebrating the natural world and the connection between species. The installations debuted in 2010 on the following dates: Little Rock on April 17; Jacksonville on May 14; New Orleans on May 15; Brookfield on May 22; and Milwaukee on June 19.

The Poets-in-Residence are Mark Doty in New Orleans, Joseph Bruchac in Little Rock, Alison Hawthorne Deming in Jacksonville, Pattiann Rogers in Milwaukee, and Project Leader Sandra Alcosser in Brookfield, IL (just outside of Chicago). The Chicago-based American Library Association is collaborating with Poets House to share the outcomes of the project—which is designed to be replicated—with libraries throughout the United States and beyond. The Language of Conservation is made possible with funding from the Institute for Museum and Library Services.

This partnership between poetry and science began as a successful program developed by Poets House and the Wildlife Conservation Society that incorporated poetry into wildlife exhibits at the Central Park Zoo in New York City. Through the Central Park Zoo project, Wildlife Conservation Society researchers discovered that the use of poetry installations made zoo visitors dramatically more aware of the impact humans have on ecosystems.

A story about the Language of Conservation, with a focus on Project Leader Sandra Alcosser, appears in 360, San Diego State University's blog.

[From the Arkansas Democrat-Gazette
(Little Rock), Apr. 15, 2010]

POETRY DRIVES HOME MESSAGE AT ZOO: 50
PIECES GOING UP TO GET PATRONS TO
THINK ABOUT NATURE, THEIR ROLE IN IT

(By L. Lamor Williams)

Conservation was a foreign concept when notable 19th-century author Hans Christian Andersen wrote: "Just living is not enough, said the butterfly. One must have sunshine, freedom and a little flower." The Little Rock Zoo is hoping such poetry posted around the park will inspire patrons to think of their place in the world alongside nature.

The Little Rock Zoo is one of five around the country chosen to participate in a \$1 million federal grant program aimed at promoting conservation through poetry.

"The goal of the installation is to make you think a little bit more about the place of humanity in nature," said Susan Altrui, a spokesman for the zoo. "The impact that we have on our environment and the natural world is something we should all consider." The zoo's share of the grant was \$31,000, which covers the cost of the signs and their installation around the park. The other zoos are in Chicago, New Orleans, Milwaukee and Jacksonville, Fla.

Little Rock Zoo employees have been working to install excerpts of nature-inspired poems around the park and plan to have all 50 pieces up by Saturday morning.

The banner that displays Andersen's quote hangs in a play area near the exhibits that house small North American animals such as geese and prairie dogs. The yellow words seem to float on a blue sky next to a lone monarch butterfly above a field of sunflowers. Many may be familiar with such Andersen works as *The Little Mermaid* and *The Ugly Duckling*.

The program is funded by the Institute of Museum and Library Science—created by the federal Museum and Library Services Act of 1996—in conjunction with the Central Arkansas Library System, the Poets House nonprofit group, the Little Rock Zoo and the Institute for Learning Innovation, Altrui said.

The five zoos were chosen by the Institute for Learning Innovation—a nonprofit group that seeks to support museums, libraries and other learning institutions—and the Poet's House—a national poetry library and literary center—to mimic a program started at New York City's Central Park Zoo last year, she said.

"They saw a lot of success with it. It was done with the same organizations. They saw quite a shift in attitude before and after in how people viewed conservation," Altrui said. "The installation was making them think more. It was making them understand the connection between animals, wildlife and humanity's place in the world and in nature." The Institute for Learning Innovation has already randomly surveyed zoo visitors and will conduct another survey sometime after the program is in full swing to measure attitudes toward conservation and whether the project had any impact on Little Rock Zoo visitors, Altrui said.

"The [follow-up] survey will gauge whether or not this has had any effect on attitudes and whether or not someone has learned," Altrui said. "If we're not doing something that encourages learning, then why are we spending the money on it. Having that measurement tool is important when you have a federal grant. We want that measurement tool also to make sure that what we're doing is effective." A grand-opening ceremony will serve as a highlight of the zoo's Earth Day celebration, which begins Friday at 9 a.m. and runs through closing time Saturday. The grand opening of the Language of Conservation poetry installation begins at 10 a.m. Saturday at the Civitan Pavilion.

Among the speakers will be Little Rock Mayor Mark Stodola and poet Joseph Bruchac, who wrote some of the poetry featured around the park, Altrui said. A full list of the zoo's Earth Day Party for the Planet events, is available at littlerockzoo.com.

J.J. Muehlhausen, project director, said she has been on pins and needles waiting for the final pieces to be installed. Among them, a large print poem that will greet visitors at the arch over the zoo's entryway.

Her favorite poem has already been installed above the entrance to the park's Cafe Africa. It's a simple piece by W.S. Merwin that reads: "On the last day of the world I would want to plant a tree." "I think that even when we leave this world there will still be trees on this world," she said. "The first job that God gave us as humans after he created us was to take care of the flora and fauna—the plants and animals—of this world. That was our No. 1 job assignment."

Mr. KIRK. I would also like to now announce the new nominees for the next March Silver Fleece Award. First, we will have the opportunity to vote to give the Silver Fleece Award for a \$150,000 transportation grant to create a "wildlife crossing" at Monkton, VT. This is a technical term for a tunnel that will allow salamanders and other animals to cross below a road.

Our second nominee is a \$46,000 grant from the National Science Foundation to study why people lie in text messages.

Third, we will nominate funding for a videogame called WolfQuest which was funded by a \$508,253 grant from the National Science Foundation to a Minnesota zoo. We invite your votes and your feedback on "Wastebook on Facebook" to decide what next month's silver fleece award winner will be.

The sad thing is, the only loser currently is the American people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, in about 5 minutes, we are going to be, hopefully, voting for cloture on the underlying bill, the basic FAA bill, which has been the product of an awful lot of work. I think, generally speaking, we have tried to bring everybody in. Senators do have rights, and as a bill comes closer to a cloture vote or passage vote, some of those rights are exercised, which then complicates things. On the other hand, it is what the system is, and people ought to have those rights. You cannot ask everybody to sort of sit back and think through a whole bill. Something occurs to them at the last moment, and they need to come down and address that. We have tried to do that.

I think we are pretty close to a slots amendment agreement. Not everybody is happy about it, but everybody has given up and everybody has gotten from it.

So we will have this vote, and then we will continue work on various aspects of the bill. I hope we can get it done tonight from the Senate side. Then we have to go negotiate with the House, and their bill is quite different.

But what is interesting about the aviation bill, it truly does affect America vastly. I do not know how many times I have said it employs 11 million people. Actually, it employs, directly and indirectly, probably closer to 13 million people, and it affects people's lives in every single way. They are trying to build a high-speed rail system. You cannot build a high-speed interstate system. You can take a chance at it, but it does not work very well.

So travel by aviation is how people get to where they want to go. It is a complicated industry. Costs go up. Sometimes it is because of fuel. Passengers are held on tarmacs. Sometimes it is because there is just congestion or there is a crisis at the airport of some sort. Passengers, when they are on their way from one place to another, do not sort of think about the problems the airline industry or air-

ports are going through. They just think about the fact that they are being inconvenienced, if, in fact, they are being inconvenienced.

But I think it is a very good bill, and it has been worked on a very long time by myself and an extraordinarily wonderful Senator, KAY BAILEY HUTCHISON, whom I call cochair of the Commerce Committee, because she is.

People have operated in good faith. We have had a lot of scrums and huddles about on the Senate floor. But that is the way legislation probably needs to work. It is a very complicated bill, but it is a bill that I think we will get cloture on, and people should actually be very anxious to vote for it when it comes to final passage.

I will give a talk about that. But I just remind people again, we have an air traffic control system which is so antiquated that there are actually very many near misses in the sky because we are using a radar system and planes often come very close to running into each other on the tarmac. It is a very old system. It is a 50-year-old system. This bill will fix that and make it safer for people to travel. More planes can take off and fly.

So I hope we invoke cloture at 2 o'clock, and then we will continue to work on the bill. It is important for America, and it is important to satisfy as many people as we possibly can.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask to move to the vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 5, S. 223, FAA Air Transportation Modernization and Safety Improvement Act:

Harry Reid, John D. Rockefeller IV, Kent Conrad, Bernard Sanders, Benjamin L. Cardin, Sheldon Whitehouse, Patrick J. Leahy, John F. Kerry, Amy Klobuchar, Jeff Bingaman, Jack Reed, Tom Harkin, Carl Levin, Kirsten E. Gillibrand, Christopher A. Coons, Claire McCaskill, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 223, the FAA Air Transportation Modernization and Safety Improvement Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 2, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—96

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murkowski
Baucus	Grassley	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Warner
Crapo	McCain	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—2

DeMint Paul

NOT VOTING—2

Kerry Vitter

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on S. 223. If I had attended today's session, I would have voted to invoke cloture.●

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I and Senator MERKLEY and many of the Senators spent a great deal of time working on the question of slots, which, in plain English, is about the right to land a plane. I am very pleased we were able to work out our bipartisan agreement. I outlined why it was so important earlier in the morning.

Given all the attention that discussion received, I want to make sure the Senate did not lose sight of another important aviation issue. Chairman ROCKEFELLER has been very supportive of our efforts to try to expand and improve the unmanned aerial systems—what are known as UAS programs—that are so essential for the future of the aviation sector.

In this part of the aviation sector, we have seen enormous growth in the last few years. A lot of folks know these systems are critical to military operations. They have been of enormous importance in Iraq and Afghanistan. But people may not be as aware that these unmanned aerial systems also have enormous potential in the civilian sector. I am talking now about fire-fighting, law enforcement, border patrol, search and rescue, environmental monitoring. Law enforcement in rural areas, that is much of my State, but I know other parts of the country are also very concerned about this issue.

As yet, the Federal Aviation Administration has not come up with a good plan for how to integrate these unmanned aerial system vehicles into the airspace.

I am pleased that the bill before us includes requirements for the Federal Aviation Administration to work on a plan for these systems and establish test sites for UAS research.

It is my hope as we go forward—and Chairman ROCKEFELLER has been very supportive of our efforts; we have discussed this many times—that it is going to be possible to expand these sites. Senator MERKLEY, Senator TESTER, Senator BAUCUS, Senator SCHUMER and a number of other colleagues are interested in this issue. This is a chance for the Federal Aviation Administration to finally give these unmanned aerial systems the attention and the priority that is warranted.

There is enormous potential in the civilian sector. We talked about it in the military sector.

I yield now to the chairman of the committee who has been exceptionally helpful to me, not just on this question of the unmanned aerial systems but for his patience as we worked through the slots issues where we finally got a breakthrough this morning. I am glad to yield to him for any comments he may have.

Mr. ROCKEFELLER. Mr. President, I thank the Senator very much. I thank him. I agree with what the Senator from Oregon is saying. I want to be helpful, and we will continue to be helpful. There are some in positions not to be helpful and are not being helpful. I understand that. Such is life. I will continue to be helpful on this issue, not just on the substance because he has been so important in the resolution of what he mentioned at the very end, the slots. He has been a non-

stop peacemaker, sort of the Secretary General of the UN. He really has. I respect that, and I appreciate it.

This is complicated. It is emotional. He has been great. I will continue to work with him on this issue to try and get to our mutual goal.

Mr. WYDEN. Mr. President, I thank the chairman of the full committee. He has been exceptionally gracious. I think Senators understand we would not be here other than the fact that the chairman and Senator HUTCHISON have prosecuted this case relentlessly in a bipartisan way. We knew if we stayed at it on the slots issue we would get it resolved.

I thank him, given all the other things he has on his plate, for his help on the unmanned aerial systems. As my colleague knows, Senator SCHUMER and I have strong views on this issue, and we are fairly passionate characters. The chairman has been very patient. We know we have challenges in terms of working out the exact number of additional sites. We thank him for his thoughtfulness.

This is going to be a good bill. We are going to conference in a good position. It could not have happened without his tenacity and Senator HUTCHISON's.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Oregon. I like what he said.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to add my voice of thanks to all involved in the whole slots issue. I know at the last minute Senator WYDEN was actually shuttling back and forth between one side of the Chamber and the other. I think it turned out well. It could not have happened without the support of the chairman and ranking member.

Coming from the largest State in the Union, we have one flight into Washington, DC. It makes no sense. It is not good for the economy. It is inconvenient. It adds a lot of congestion on the highways. We are very pleased that we are on our way to passing a good bill.

Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

(The remarks of Mrs. BOXER pertaining to the introduction of S. 388 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. BOXER. Mr. President, I thank the Chair, I yield the floor, and unless Senators ROCKEFELLER or HUTCHISON want to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET DEBATE

Mr. HATCH. Mr. President, this week the Senate began a debate about nothing less than the future of this country. Next year we face a \$1.65 trillion deficit, the third year in a row where the United States will run a deficit of over a trillion dollars. Even more daunting, we are over \$14 trillion in total debt.

According to the non-partisan Congressional Budget Office, or CBO, the debt held by the public is projected to reach \$18.3 trillion—or 77 percent of GDP—by the end of 2021. This is a problem that truly threatens the well-being of this Nation.

CBO projects that the cost of simply paying the interest on all of this debt will rise to \$792 billion—or 3.3 percent of GDP—in 2021. When you are pushing \$1 trillion a year in interest payments alone, you are reaching a day when the national government will not have the resources to accomplish even the limited mission delegated to it by the Constitution. This is what ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, meant when he testified today that "our debt is the greatest threat to national security."

The President could have led on this issue, when he released his budget earlier this week. But he took a pass instead. Apparently he and his Democratic congressional allies have done some polling that tells them two things.

First, the American people are demanding that Washington tackle our annual deficits and skyrocketing debt.

And second, Democrats can benefit politically by standing aside, letting Republicans propose solutions to this problem, and then demagoguing the daylights out of any effort to restrain spending.

The coming debate is going to be a bruising one. But as we go forward, it is critical that we keep one thing in mind. We cannot get out of this hole by taking more of taxpayers' hard-earned money. Our debt and deficit problems exist because Washington spends too much, not because taxes are too low. It is a terrible idea to propose raising taxes by over \$1.6 trillion on net over the next 10 years alone. Yet, that is exactly what the Obama administration's budget, released earlier this week, proposes.

I said it earlier this week, and I will say it again. This budget proves once and for all that our deficits and debt are not caused by our taxes being too low.

The President has proposed a net tax increase of over \$1.6 trillion. Yet for next year—and every year—of his 10-year budget, he runs a deficit. At their best, the annual deficits dip to roughly

\$600 billion. Even after these astronomical tax increases, the President is still unable to balance the budget. And there are not many more easy targets for Democrats to tax.

In 2012, in a foolish attempt at class warfare, Democrats are prepared to let the tax rates expire with far reaching consequences for the small business owners who account for half of all small business flow-through income. Those small business owners would see their marginal rates hiked by 17 percent to 24 percent under this budget. In Obamacare they taxed medical devices, insurance plans, prescription drugs, small businesses, and individual Americans. The result—a surprise only to the most hardened ideologues—is the loss of 800,000 jobs according to the Congressional Budget Office. And yet they still can't balance the budget. So who else do they propose to tax?

The bottom line is that there isn't anyone left to tax, unless the President and his Democratic allies are willing to crush the middle class with additional tax burdens. There is only one way out. We need to restrain spending. As the chairman of the House Budget Committee, Congressman PAUL RYAN, explained, we need to get spending in line with revenue, not the other way around. The analyses of the Congressional Budget Office, or CBO, confirm this.

The CBO is the nonpartisan official scorekeeper for Congress. According to its January 2011 Budget and Economic Outlook, from 1971 to 2010, taxes have averaged 18 percent of gross domestic product, or GDP. So in recent history, we have had an average level of taxation of 18 percent of GDP.

Take a look at this chart that was made using CBO's January 2011 document. CBO explains that if no changes in law are made, taxes will go up to 20.8 percent of GDP by 2021, and will average 19.9 percent from 2012 to 2021. Taxes at 20.8 percent of GDP would represent a tax increase of 16 percent from their recent historical average.

CBO also states that if most of the provisions from the December 2010 tax act were made permanent, then "annual revenues would average about 18 percent of GDP through 2021—which is equal to their 40-year average." So, according to CBO, even if all the Bush-era tax rates were permanently extended, taxes would still be high enough when measured against the level of taxation in recent history.

So, if taxes are high enough already, should we raise them anyway? I will go ahead and answer my own rhetorical question. Of course we shouldn't raise taxes any higher.

On August 14, 2008, Jason Furman and Austan Goolsbee wrote a Wall Street Journal editorial. In that editorial, Furman and Goolsbee stated that Candidate Obama's tax plan would reduce "revenues to less than 18.2% of

GDP—the level of taxes that prevailed under President Reagan." Today, Austan Goolsbee is the Chairman of the Obama administration's Council of Economic Advisers and Jason Furman is the Deputy Director of the Obama administration's National Economic Council. The President must have missed their editorial, because his recently released budget ignores the campaign promises of these top officials, and raises taxes well above their historical levels. As one writer has put it, all of the President's campaign promises seem to come with an expiration date.

As this debate over the debt and deficits rages on, pay close attention to the words that Republicans and Democrats use. You will hear Republicans say that we need spending restraint. By contrast, you will hear Democrats say that we need to deal with the deficit.

Let's be clear. Dealing with the deficit is code for raising taxes. Liberal pundit after liberal pundit will pronounce confidently that you can't deal with the deficit solely with spending restraint. Yet they won't say why, and they won't explain how you can deal with the deficit and debt through tax increases. That is because they can't. If they came clean with the American people, they would have to admit that their intention is to raise taxes on everyone and everything.

As I have already shown, taxes are high enough already, and we should not be raising them even higher.

Yet the bottom line is that rather than dealing seriously with out-of-control spending, tax-and-spend Democrats want to raise taxes to pay for more out-of-control spending. And guess what: If we raised taxes to eliminate the deficit, the current levels of spending would just cause a new deficit to arise.

I have a chart here that demonstrates just how futile it is to raise the top tax rate if the goal is to raise more money. When the top tax rate has been raised over the years, taxes as a percentage of GDP still hovered around their historical average of 18 percent. This held true even when the top tax rate was raised to a confiscatory level of over 90 percent.

The conventional wisdom on the other side of the aisle is that we can simply raise more tax revenue by increasing tax rates. However, the history is pretty clear. This strategy simply does not work. Just take another look at this chart if you don't believe me. Instead of raising tax rates, what we need to do is implement a pro-growth tax policy. That starts with not raising taxes.

For 2 years, we were able to fight off tax increases on small businesses proposed by President Obama and congressional Democratic leadership. However, I have another chart here that shows the relationship between the annual

growth of Federal revenues and GDP. As you can see from this chart, when GDP increases, Federal revenues increase. Similarly, when GDP decreases, Federal revenues decrease. This should not be a shocking revelation.

When the economy is growing, the government collects more money in tax revenues because there is more taxable income being earned. The key is to have commonsense, pro-growth tax and regulatory policies. And as I mentioned before, a pro-growth agenda starts with refusing to raise taxes. Part of the difference between Republicans and Democrats on whether to increase taxes comes from different ways of looking at the world. Conservative Republicans look at the money earned by the American people and understand that it belongs to the people. As free men and women, America's citizens have a right to the fruit of their own labors. Americans work too hard—they sacrifice too much—for Washington to blithely raise their taxes to pay for an ever expanding Federal Government.

Yet liberal Democrats have a different view. Listening to President Obama and many congressional Democrats, it is clear that they view the money earned by the American people as the Federal Government's money first. It is only by the grace of the Federal bureaucracy that citizens are given an allowance to live on. This is a huge difference. You hear it when liberals talk about the cost of tax cuts. The cost of tax cuts? Cost to whom? When Democrats talk like this, they are effectively saying that anything you earn is the government's to spend. And it is a cost to the government when they decide to let you keep your money. For most Americans, this is an odd way of looking at the world.

Government costs money when it spends trillions of dollars on who-knows-what. The taxpayer does not cost the government money when he keeps what he earns. Yet this liberal worldview was on clear display in the recent debate about whether to extend the 2001 and 2003 tax bills.

President Obama and many congressional Democrats said that we shouldn't be giving tax breaks to certain taxpayers. Since when did keeping your own hard-earned money constitute the government giving you anything? That is not how the American people view it. And it is not how I view it.

President Obama and many congressional Democrats viewed a failure to increase taxes as a giveaway to taxpayers that increased the deficit. Republicans view the job-killing tax increase with nearly 10 percent unemployment as a terrible idea. The way to deal with the deficit is not to raise taxes. The way to deal with the deficit is to live within our means, as families and individuals do across America. The Federal Government should only spend what it takes in.

The President and his allies like to say they inherited these deficits. That is only a half truth. They inherited some debt and deficits. But they have helped create much more. For example, nearly \$1 trillion was added to our debt by President Obama's partisan stimulus bill. That bill was loaded with pent-up Democratic agenda items and was sold with the promise that it would keep unemployment below 8 percent. We all know that by the President's own standard the stimulus bill has failed miserably. Unemployment has been at or above 9 percent for the last 21 months. That stimulus debt was not inherited by President Obama, it was created by President Obama, and he is bequeathing it to all of our children and grandchildren.

The numbers do not lie. When Democrats took over Washington, it was like setting Homer Simpson loose at an all-you-can-eat buffet. For too long, the desire of unions and government workers and special interest groups to create new programs and grow the size of government had gone unfulfilled, and when they finally seized the reins of power in 2008, liberal Democrats went hog wild. Our Nation's deficit has gone from \$161 billion in 2007, when Democrats took over control of Congress—remember, they had 2 years before President Obama even got elected. The Democrats were in control of Congress. It went from \$161 billion in 2007 to \$1.65 trillion in 2011.

With respect to the debt, when congressional Democrats took over control of Congress in 2007, the debt was \$8.68 trillion. It is now over \$14 trillion. So when Democrats are talking about what a bad situation they inherited, let's remember that these folks have been in charge of Congress for the last 4 years. They acted as though the bills on their spending would never come due. And like a college student who maxed out his parent's credit card, Democrats are now looking for someone to bail them out.

Unfortunately, they are looking to the American taxpayers to foot the bill. This cannot happen. The American taxpayer is already overburdened. Citizens are not going to stand for tax hikes when spending restraint is called for. The bottom line is simple. We cannot tax our way out of this problem. I personally will resist any effort to do so.

That is one of the reasons why I am for a balanced budget constitutional amendment. I have found Congress is incapable, fiscally incapable, of getting this mess under control. It is hard to believe we are that incapable, but we are. So we need to put some restraints on Congress, and the best way to do that, in my opinion, is a balanced budget amendment. I think that would be the best way.

There are some who are looking at putting caps on spending, and that

sounds good, except for one thing. If you break the caps, you have got to increase taxes. I think we would find ourselves increasing taxes all the time around here, and that is a big mistake as far as I am concerned. So I am very strongly for the balanced budget constitutional amendment. I believe with the mess we are in, good people on both sides of the aisle ought to be interested as well.

The last time I brought up the balanced budget amendment, we had 66 votes for it in the Senate. It passed the House overwhelmingly. If we had had one more vote back in 1997 we would have had a different situation today, because the balanced budget constitutional amendment would have passed, and I believe 38 States would have ratified it in a very quick fashion, certainly within a year or so.

Had that happened, we would not be in the mess we are in today. We are in a terrible mess. One of the reasons is Congress cannot get its fiscal house in order, and the reason it cannot is because of what I have been talking about. I think it is going to take restraints that the balanced budget amendment would bring to force Congress to have to live within its means or at least vote to break the budget.

Most people who spend do not want that provision, because they know when they vote to break the budget, their constituents are going to see that and they may not be here the next election. So as much as I would prefer to not have any artificial approach, I have come to the conclusion that Congress plain cannot handle its own problems. It does not have the fiscal restraint to do it.

A balanced budget amendment would be a constitutional amendment, locked into our beloved Constitution. It would, like all of the States in this country, except Vermont, require us to balance the budget or at least show a reason why not and to vote so that we have to vote on why not.

Germany has a balanced budget amendment. They meet those restraints. Switzerland has a balanced budget amendment. They meet those restraints. If they can do it, why can't we? I think we have got to get real around here and start doing some things that will help save the country, rather than push it right into bankruptcy.

We spend too much. Congress and the President pushed Build America Bonds. Why do you think they did that? The government is going to pay—it has been paying 35 percent on those bonds. Guess who pays that 35 percent. All of the States that have lived with fiscal restraint will be paying for the profligacy of States that do not live with fiscal restraint. That is not the way to go. It is not fair to the States that are careful with their money. We know which States they are. In almost every

case, they are States that are dominated by my friends on the other side. The fact is, I am totally opposed to this proposal.

In this budget, the President wants to make these bonds permanent, while bringing down the 35 percent government match to 28 percent. But think about that. That is still 28 percent from American taxpayers, most of whom have lived with fiscal restraint in their respective States, to help States that have not and that probably will not behave responsibly. As long as they can get free money from the government, why not, in their eyes?

Some of these states are in such dire straits that even some of these Governors who have been big raging liberals in the past are starting to say, we have got to do something about it. I want to pay particular praise to them. I hope they will get spending under control, because their lack of fiscal restraint and our lack of fiscal restraint here is hurting our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INFRASTRUCTURE INVESTMENT

Mr. DURBIN. Madam President, the budget the President released Monday includes more than \$1 trillion in deficit reduction and two-thirds of it comes from spending cuts. That puts the Nation on the path toward fiscal sustainability. But it also reflects the urgency to invest now in programs that will pay off for a long time. Investing in transportation and infrastructure is the best way to ensure economic recovery now and economic growth well into the future.

It has been 2 years since the President signed into law the American Recovery and Restoration Act. The investments made in infrastructure over 2 years have either saved or created over a million jobs all across the Nation. In the first year alone, that Recovery Act led to 350,000 direct on-project jobs. Direct job creation from these projects has resulted in payroll expenditures of over \$4 billion.

Using this data, the House Transportation Committee calculates that \$717 million in unemployment checks have been avoided as a result of this direct job creation.

In his State of the Union Address, President Obama challenged us to start rebuilding our infrastructure for the

21st century. Our aging network of roads and rails was built from a long time past. Our infrastructure used to be the best. But let's be honest, America has lost its lead. Mongolia has a more advanced air traffic control system than America. South Korea has faster and easier access to the Internet than America. Europe and China have high-speed rail systems far more advanced than America. Dozens of commissions, academics, groups, the smartest people in America, have all come to the same conclusion: Our infrastructure is old and we need to invest in fixing it.

We have to reduce the debt and deficit. I was a member of the Deficit Commission. I understand it as well as anyone. But the American people do not want us to do this at the expense of critical infrastructure that will be needed to grow our economy.

Unfortunately, the House Republicans currently are in a debate on the floor of the House proposing that we cut off our investments in transportation—right in the middle of the year, right before the construction season. House Republicans are debating that this week.

Their plan cuts billions in funding for roads, rail, and mass transit. It is going to cost us over 300,000 private-sector jobs. Let me repeat that: 300,000 private-sector jobs; not government jobs, 300,000 jobs in the private sector. Can we afford that?

Let me give you some examples of what the House Republican budget cuts. They cut money from the Clean Water State Revolving Loan Fund—over \$1 billion of it. That provides low-interest and no-interest loans to our local communities to help them build and make safe wastewater and drinking water. Most communities cannot afford to do this on their own without raising property taxes through the roof, and EPA's funding is vital if these projects are going to get done. This cut alone by the House Republicans would result in 454 fewer sewer projects and 214 fewer clean water projects across America. And it would cost us over 33,000 jobs.

There is a program called the TIGER grants. Mayors know all about it because what President Obama said is, we are going to cut out the middleman. We are not going through the State capitals and the State departments of transportation. If a mayor comes to us with a good idea of a transportation project right at the local level, we are going to send that money directly in a TIGER grant.

So what did the House Republicans decide to do? They took \$1.1 billion from that program. That, unfortunately, would eliminate all funding for this program this year, cutting off this construction season, \$500 million worth of investment in our Nation's infrastructure. Worse, it rescinds \$600 mil-

lion for projects that have already been awarded.

The Department of Transportation announced these projects last year. Now the House Republicans want to cut them off. Communities in 40 States across the country have been planning for these funds for up to 75 projects, which would be absolutely abolished by the House Republican action.

The House proposal will literally take away funding promised for these projects, stopping work. Cutting \$1.1 billion from TIGER programs will put more than 30,000 private-sector workers out of work in America.

Then they want to cut \$7.1 billion from High Speed and Intercity Passenger Rail Grants. I know all about that because, Madam President, as you know, that route from Saint Louis to Chicago on Amtrak is one of the prime areas for high-speed rail in America. The Republican proposal would completely eliminate it, stop it cold.

Worse, they would rescind more than \$6 billion for projects already awarded funding. They take away funding from 54 projects in 23 States across the country. The U.S. Department of Transportation tells us that cutting \$7.1 billion from high-speed rail will put more than 200,000 private-sector jobs at risk.

At a time when we should be creating jobs and building the economy and building the infrastructure for even more jobs to follow, the House Republicans have decided to start cutting jobs in America.

As the Speaker said when asked about whether he was concerned about the loss of jobs from the House Republican cuts, he said: So be it.

I am sorry, but the Speaker has missed the obvious message from the American people. They want us to create jobs, preserve jobs, right here in America. Killing jobs in the U.S. House of Representatives was not the mission that anyone was sent on in the last election.

Compare that cutting with the President's budget. The President understands we have to invest in infrastructure. The unemployment rate in the construction industry—a private-sector industry—is over 20 percent. Construction costs at this moment are low, and local governments are moving forward where they can on projects because they are saving money—at the same time the House Republicans want to stop construction in America on these important projects. We need to make these investments in infrastructure.

The President's budget calls for a 6-year, \$556 billion reauthorization of national transportation programs. He frontloads this 6-year bill with a \$50 billion infusion of investments in fiscal year 2012. This will help us get the biggest bang for the buck. He creates an Infrastructure Bank. Madam President, \$5 billion is set aside to provide credit assistance and loans to attract private investment into public infrastructure.

The President is investing \$8.3 billion in high-speed rail. He wants to bring that high-speed rail to 80 percent of the American population within 25 years. This is the first step in a long-term infrastructure investment by our country, while the President still freezes spending, reduces the deficit, and brings our domestic discretionary spending to a lower level than it was under President Eisenhower in the 1950s.

We can invest in infrastructure in a way that is fiscally responsible and will lead to stronger economic growth long into the future.

The House is proposing slashing investments in transportation and infrastructure. That will cost us jobs, and it will stop us from the economic recovery we desperately need. We need to enact a balanced plan: cut spending, reduce the deficit, but remember that education, innovation, and infrastructure are critical if America is going to continue to be competitive in the 21st century.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 386 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate resume consideration of the McCain amendment No. 4 and proceed to a vote in relation to that amendment; that upon disposition of the McCain amendment, the Senate resume consideration of the Paul amendment No. 18 and there be 4 minutes equally divided prior to a vote in relation to that amendment; that no amendments be in order to the amendments prior to the votes; and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4

The McCain amendment No. 4 is the pending question.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

Mr. ROCKEFELLER. I move to table.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—61

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Baucus	Gillibrand	Pryor
Begich	Harkin	Reed
Bennet	Hoeven	Reid
Bingaman	Hutchison	Roberts
Blumenthal	Inouye	Rockefeller
Blunt	Johanns	Sanders
Boozman	Johnson (SD)	Schumer
Boxer	Klobuchar	Snowe
Brown (MA)	Landrieu	Stabenow
Brown (OH)	Leahy	Tester
Cantwell	Levin	Udall (CO)
Cardin	Lieberman	Udall (NM)
Carper	Manchin	Warner
Casey	McCaskill	Webb
Cochran	McConnell	Whitehouse
Collins	Merkley	Wicker
Conrad	Mikulski	Wyden
Coons	Moran	
Durbin	Murkowski	

NAYS—38

Ayotte	Grassley	Menendez
Barrasso	Hagan	Nelson (FL)
Burr	Hatch	Paul
Chambliss	Inhofe	Portman
Coats	Isakson	Risch
Coburn	Johnson (WI)	Rubio
Corker	Kirk	Sessions
Cornyn	Kohl	Shaheen
Crapo	Kyl	Shelby
DeMint	Lautenberg	Thune
Ensign	Lee	Toomey
Enzi	Lugar	Vitter
Graham	McCain	

NOT VOTING—1

Kerry

The motion was agree to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

AMENDMENT NO. 18

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 18 offered by the Senator from Kentucky, Mr. PAUL.

The Senator from Kentucky.

Mr. PAUL. Madam President, this amendment will keep OSHA out of the cockpit. This amendment is not about safety. OSHA wants to get into the cockpit to add regulatory burden. But already the airlines voluntarily adhere to OSHA regulations.

Before you vote to bring OSHA into the cockpit, you need to know and remember that 20 airlines have gone bankrupt in the last 10 years. Do we want to add more regulatory burden? Do we want to add more regulatory cost? The opposite side, the President included, has said they want less regulatory burden. Here is their chance.

They have a small chance here. Keep OSHA out of the cockpit.

OSHA has 2,000 pages of rules. OSHA regulations cost the economy \$50 billion. Ronald Reagan was talking about OSHA way back in 1976 when he commented on OSHA's 144 regulations with regard to climbing a ladder. I repeat: 144 regulations about how to climb a ladder. No. 1 among those regulations: Remember to face the ladder when you are going to climb it.

He also mentioned the hazards of being on a farm. From the OSHA manual on hazards on being on a farm: When you walk around, look around carefully and make sure you look down because there could be a slippery substance. You could step in it and fall. That is from the 31-page OSHA manual.

OSHA isn't all about safety. It is about regulatory burden—undue regulatory burden—on businesses, and I hope you will reject this. There is a slippery substance around here that we need to avoid, and that is more government regulations. I recommend that we vote not to allow OSHA into the cockpit.

The PRESIDING OFFICER (Mr. COONS). The Senator from Iowa.

Mr. HARKIN. Mr. President, this has nothing to do with OSHA and the cockpit at all. Frankly, the Bureau of Labor Statistics said the people who work in the airline industry, people who handle the airplanes, flight attendants, have one of the highest rates of accidents and illnesses in any part of the private sector. What happened is Congress urged the FAA to consult with OSHA about workplace safety. They entered into a memorandum of understanding. All this bill says is that FAA should consult with OSHA, work together to increase workplace safety in the airline industry. OSHA will have no regulatory power, they will have no subpoena power, they cannot issue citations, they cannot get in the cockpit. FAA merely consults with them. FAA still retains all of their authority, and it will not change in any way the way airline safety is regulated. FAA will continue to keep all of that authority. It will be the sole purview of the FAA.

In addition, by terms of this memorandum of understanding, the FAA will not adopt any OSHA standard unless there is no impact on airline security. So that is a nonissue. Keeping OSHA out of the cockpit—OSHA is not about to get into the cockpit. What we do want to do is to have the FAA get the best expertise and advice on what they should do for safety around our airplanes and in our airports.

Mr. President, I move to table the Paul amendment No. 18. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—52

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson (SD)	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Boxer	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Manchin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NAYS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—1

Kerry

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the votes on the FAA Authorization bill regarding the McCain amendment No. 4 to repeal the Essential Air Service Program and Paul amendment No. 18 to strike the clarifying memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration. Had I attended today's session, I would have opposed or supported any motion to table both the McCain and the Paul amendments.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I express my appreciation, as I have before, to the manager of this bill, Senator ROCKEFELLER, who has worked so hard for so long on this bill—years. I appreciate the work done by the ranking member of this committee, Senator HUTCHISON, who has worked with him for years on this legislation.

I ask unanimous consent the pending amendments be set aside and Senator COBURN be recognized to offer his amendment No. 64; that after the amendment is reported, the Senate proceed to a vote in relation to the Coburn amendment and that no amendments be in order to the Coburn amendment prior to the vote.

Upon disposition of the Coburn amendment No. 64, the pending amendments be set aside and Senator COBURN be recognized for up to 10 minutes to offer amendment No. 80, with a modification which is at the desk, Nos. 81 and 91; and Senator SCHUMER be recognized up to 2 minutes to offer amendment No. 71; Senator BROWN of Ohio be recognized for up to 2 minutes to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32, and the Reid of Nevada amendment No. 54 and the Udall amendment No. 51 be modified with the changes that are at the desk; the Wyden amendment No. 27 be withdrawn; and the Senate then proceed to votes in relation to the following amendments in the order listed: Brown-Portman amendment No. 105; Ensign No. 32, as amended; Reid No. 54, as modified; Udall No. 49, as modified; Udall No. 51, as further modified; Coburn No. 80, as modified; Coburn No. 81; Coburn No. 91; and Schumer No. 71.

Further, there be 2 minutes, equally divided, prior to each voted listed above; that notwithstanding rule XXII, the Leahy-Inhofe amendment No. 50 remain in order and that upon disposition of the Schumer No. 71, there be 10 minutes of debate, equally divided, prior to a vote in relation to the Leahy-Inhofe amendment No. 50; that the Leahy-Inhofe amendment be subject to a 60-vote threshold for passage; that if it does not achieve 60 affirmative votes, the amendment not be agreed to; and that there be no amendments in order to any of the amendments listed in this agreement prior to the votes.

Further, upon disposition of the Leahy-Inhofe amendment, there be no further amendments or motions in order to the bill, except for a managers' package, to be agreed to if it has the concurrence of the majority and Republican leaders; the bill then be read a third time and the Senate proceed to a vote on passage of the bill, as amended; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and if the bill is passed, it be held at the desk.

Finally, that when the Senate receives the House companion to S. 223,

as determined by the two leaders, it be in order for the majority leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 223, as passed by the Senate, in lieu thereof; that the companion bill, as amended, be read a third time, the statutory pay-go statement be read and the bill be passed; the motions to reconsider be considered made and laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 5 to 4; all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 54), as modified, and the amendment (No. 51), as further modified, are as follows:

AMENDMENT NO. 54, AS MODIFIED

On page 27, strike line 11 and all that follows through "or transfer" on line 23, and insert the following:

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "purpose;" and inserting the following: "purpose, which includes serving as noise buffer land that may be—

"(I) undeveloped; or

"(II) developed in a way that is compatible with using the land for noise buffering purposes;" and

(ii) in subparagraph (B)(iii), by striking "paid to the Secretary for deposit in the Fund if another eligible project does not exist," and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes;"

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

"(3)(A) A lease by an airport owner or operator of land acquired for a noise compatibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

"(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for capital purposes.

"(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

"(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

"(4) In approving the reinvestment or transfer

AMENDMENT NO. 51, AS FURTHER MODIFIED

On page 311, between lines 11 and 12, insert the following:

SEC. 733. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

"(1) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

"(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Secu-

rity Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

"(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

"(3) DEFINITIONS.—In this subsection:

"(A) ADVANCED IMAGING TECHNOLOGY.—The term 'advanced imaging technology'—

"(i) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by the clothing; and

"(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as 'whole-body imaging technology' or 'body scanning'.

"(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term 'automatic target recognition software' means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

"(C) PRIMARY SCREENING.—The term 'primary screening' means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger."

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(l) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

Mr. REID. Mr. President, I ask unanimous consent to set aside the pending amendments so I may call up amendment No. 79 regarding a Grand Canyon

economic impact study for air tour operators, and that it be in order notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, until the Senator from Oklahoma is ready to start, I want to say I so appreciate the majority leader working with us, as well as Senator ROCKEFELLER, Senator COBURN, all of the people who have had so many interests in this bill. I think we are finally on the glidepath now, if I can use an aviation metaphor. I am pleased to see that Senator COBURN is on the floor because now I believe we will be able to achieve the passage of this bill after a few votes tonight. I am very grateful to everyone for staying here to finish this important document.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 64

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 64.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 64.

The amendment is as follows:

(Purpose: To rescind unused earmarks)

At the appropriate place, insert the following:

SEC. _____. ORPHAN EARMARKS ACT.

(a) SHORT TITLE.—This section may be cited as the “Orphan Earmarks Act”.

(b) UNUSED EARMARKS.—

(1) DEFINITION.—In this subsection, the term “earmark” means the following:

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(B) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(2) RESCISSION.—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(3) IDENTIFICATION AND REPORT.—

(A) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(B) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(i) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original

earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(ii) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(iii) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

Mr. COBURN. Amendment No. 64 is an amendment by myself and Senator BEGICH from Alaska. It is an orphan earmark amendment where we instruct the agencies to eliminate moneys that have been sitting for 9 years or longer and have not expended it. That is close to \$500 million that we could count so far, probably \$1 billion. It helps the agencies. It is money we have already allocated that will never be spent, that is unaccounted for. I believe we are going to have a voice vote on it and I appreciate everybody's support of that amendment.

Mr. INOUE. Mr. President, the Appropriations Committee will not oppose this amendment not because we think it is a good idea—it is not—but because this amendment does nothing that is not already covered by title X of the bill.

Sadly, this is the kind of amendment that took up far too much of the Senate's time and effort in the last session, and none of it with any discernable value to the American people.

Specifically, we asked CBO to score this amendment and they said they could not. They pointed out that the definition provided in the amendment did not exist 9 years ago; consequently, there are no earmarks older than 9 years that meet this definition. So any claims that this amendment saves the American taxpayer money is simply not substantiated by CBO.

Mr. President, we took the further step of asking agencies across the Federal Government if they could tell us what is out there that could possibly meet the Coburn standard. There are indeed a few projects at the Department of Transportation, but they are already covered by title X of the underlying bill.

Outside of the Department of Transportation, we discovered that there are a few sewer grants still on the books, but they total less than \$5 million.

And outside of those two agencies, there may be anecdotal evidence of an earmark here or an earmark there, but that is it. Meanwhile, I note that this amendment as well as title X may well end up costing the American taxpayer more than the amendment claims to save.

The requirement that OMB must create and administer a database and maintain it on its Web site costs money, not to mention the time and labor necessary to establish the criterion for what defines a Congressional

earmark for the purposes of this amendment.

In the spirit of President Obama, I will not take this opportunity to relitigate our past debates over the worthiness of Congressionally directed spending requests.

Since my announcement of a moratorium on earmarks this year, it is no surprise to me to see a number of press reports about the communities across the country that are now finding themselves without resources they urgently need.

However, I must say, in the spirit of our many past debates over earmarks, that I find this amendment to be duplicative, ineffective, and a potential waste of the taxpayers' dollars. And if it had come up for a vote, I would most certainly have voted no.

We have serious financial issues before us, and we need to get to work.

The PRESIDING OFFICER. Under the previous order, the amendment is considered adopted.

The amendment (No. 64) was agreed to.

AMENDMENT NO. 80, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 80, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 80, as modified.

The amendment is as follows:

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 90 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(B) is located not less than 90 miles from the nearest medium or large hub airport.”

(6) The secretary may waive the requirements of this subsection as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”

Mr. COBURN. Mr. President, this is an amendment regarding Essential Air Service. The amendment of Senator MCCAIN is to eliminate Essential Air Service, which is basically a subsidy

for people who have to drive short distances—not long distances—to the airport. But we have selectively said certain people in this country can be advantaged by driving certain distances.

What this amendment as modified says is, provided the Secretary doesn't see extraneous circumstances otherwise, you have to be at 90 miles or greater to qualify for Essential Air Service. We started out with 100 and we saw there were significant difficulties that people actually had with that requirement. What we have done is taken this amendment and moved it to 90 miles. It does not affect a large number of airports but there are several within this that have minimal enplanements.

Remember, the average American drives over an hour to get to the airport now. We are saying we are not going to do it if you are driving an hour and a half, 90 miles, unless there is a circumstance where the Secretary of Transportation says otherwise, such as some particular places in West Virginia where it is tremendously mountainous and the time and distance does not meet with the average. All it does is lessen it.

Remember, in this bill we are increasing the amount of funds at a time we are going bankrupt. We are increasing the amount of funds for Essential Air Service. What we have done is a compromise to extend it to those who actually need it but also not subsidize something we should not. It affects less than 26 airports, and now less than that, now that we have modified it. I appreciate my colleagues' support on that. I think we will have actual votes on that in a minute.

AMENDMENT NO. 81

I call up amendment No. 81.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 81.

The amendment is as follows:

(Purpose: To limit essential air service to locations that average 10 or more enplanements per day)

On page 141, between lines 9 and 10, insert the following:

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.”.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”.

(c) WAIVERS.—Such section is further amended by adding at the end the following:

“(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.”.

Mr. COBURN. Mr. President, this is another amendment on Essential Air Service. This amendment eliminates Essential Air Service when the average enplanements are less than 10 a day. There is no way we can afford, given our financial situation, to subsidize Essential Air Service for the airports that have less than 10 a day.

I know that is a disagreement amongst us, especially for those who are having the benefit, that have subsidy today. By the way, the subsidy is supposed to be limited to \$200, but if you take what happens on many of these, it is over \$400; one of them is \$482 per person per subsidy on airports that have less than 10 enplanements a day. It is common sense, given the realities of where we are today, realities of a \$1.68 trillion deficit projected by the White House for this year. It makes common sense we would do this.

AMENDMENT NO. 91

Mr. President, I ask unanimous consent to call up amendment No. 91.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 91.

The amendment is as follows:

(Purpose: To decrease the Federal share of project costs under the airport improvement program for non-primary airports)

Strike section 207 and insert the following:

SEC. 207. FEDERAL SHARE OF AIRPORT IMPROVEMENT PROJECT COSTS FOR NON-PRIMARY AIRPORTS.

Notwithstanding section 47109(a) of title 49, United States Code, section 47109(e) of such title (as added by section 204(a)(2) of this Act), or any other provision of law, the United States Government's share of allowable project costs for a grant made under chapter 471 of title 49, United States Code, for an airport improvement project for an airport that is not a primary airport is—

- (1) for fiscal year 2012, 85 percent;
- (2) for fiscal year 2013, 80 percent; and
- (3) for fiscal year 2014, 75 percent.

Mr. COBURN. Mr. President, the Airport Improvement Program is a needed program but what we do regularly in the Airport Improvement Program is we are incentivizing the expenditure of moneys in a way that does not recognize the priorities of this country. The way we do that is we have a cost sharing in which the Federal Government pays for 95 percent of all these programs.

What has happened, and even in my own State, we have spent money in air-

ports that have very few landings every day. There is no commercial service but very few private planes landing. All this amendment does is it says if you are going to qualify for the AIP for airport improvement, that over the next 3 years we would take that from 95 percent down to 75 percent, which is well above the average of every other grant program that we have in the Federal Government.

It is not about trying to eliminate, it is trying to say if we are going to set priorities, what we should do is lower the amount of Federal funds so that the State or the community that wants to utilize these funds will recognize, by their having to pony up a little bit more of the money, in fact it is a legitimate thing. At 95 percent we are having all sorts of money wasted on things that are not a priority for our country given the financial situation we are in.

With that, I think I have responded in less than the time allocated to me, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 71

Mr. SCHUMER. Mr. President, I thank Senator ROCKEFELLER and Senator HUTCHISON for their help here. Pursuant to the previous order, I call up my amendment No. 71.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 71.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To control helicopter noise pollution in residential areas)

At the end of title VII, add the following:

SEC. 733. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

Section 44715 is amended by adding at the end the following:

“(g) CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.—

“(1) IN GENERAL.—Notwithstanding section 47502, not later than the date that is 1 year and 90 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Federal Aviation Administration shall prescribe—

“(A) standards to measure helicopter noise; and

“(B) regulations to control helicopter noise pollution in residential areas.

“(2) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK STATE.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and before finalizing the regulations required by paragraph (1), the Administrator shall prescribe regulations with respect to helicopters operating in the counties of Nassau and Suffolk in the State of New York that include—

“(i) requirements with respect to the flight paths and altitudes of helicopters flying over those counties to reduce helicopter noise pollution; and

“(ii) penalties for failing to comply with the requirements described in clause (i).

“(B) APPLICABILITY OF CERTAIN RULEMAKING PROCEDURES.—The requirements of Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review) (or any successor thereto) shall not apply to regulations prescribed under subparagraph (A).

“(3) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, AND MILITARY HELICOPTERS.—In prescribing standards and regulations under paragraphs (1) and (2), the Administrator may provide for exceptions to any requirements with respect to reducing helicopter noise pollution in residential areas for helicopter activity related to emergency, law enforcement, or military activities.”.

Mr. SCHUMER. I yield the floor.

AMENDMENT NO. 105 TO AMENDMENT NO. 32

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent, on behalf of Senator BROWN of Ohio, to call up the Brown-Portman amendment No. 105 to the Ensign amendment No. 32.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for Mr. BROWN of Ohio, for himself and Mr. PORTMAN, proposes an amendment No. 105 to amendment No. 32.

The amendment is as follows:

(Purpose: To improve the provisions relating to integrating unmanned aerial systems into the National Airspace System)

Beginning on page 1, line 3, of the amendment, strike “(3) establishes” and all that follows through page 3, line 10, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to

integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

Mr. BROWN of Ohio. Mr. President, I rise today to speak in support of Brown-Portman No. 105.

This is the first of what I imagine will be many bills and amendments my colleague Senator PORTMAN and I will be working on together.

What the Brown-Portman amendment does is twofold: it paves the way for further research and development of unmanned aerial systems into our national airspace and would designate six sites across the country to further test these new technologies.

This is clearly needed and I appreciate the work of Senator ROCKEFELLER, Senator HUTCHISON, and committee staff on the issue.

UASs are a growing and important sector of the aviation industry that is critical to our economy—whether it is protecting our men and women serving in Afghanistan, patrolling our border, or better monitoring our Nation's agricultural sector.

As further research and development is conducted, other scientific, environmental, and law enforcement uses will become more standard.

In Ohio, cutting edge work is already being done on UASs: at Wright-Patterson Air Force Base, the Springfield National Guard Base, and NASA Glenn in Cleveland.

There is great potential in this sector for job creation and I am confident Ohio will continue its role as the nation's leader in aviation and aeronautics manufacturing and R&D as it relates to UASs.

I thank my colleagues for their support.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I yield back my time on our side.

AMENDMENT NO. 105

The PRESIDING OFFICER. The question is on agreeing to the Brown-Portman amendment to the Ensign amendment.

Without objection, the second-degree amendment is agreed to.

The amendment (No. 105) was agreed to.

AMENDMENT NO. 32

The PRESIDING OFFICER. The question is on agreeing to the Ensign amendment, as amended.

Without objection, that amendment, as amended, is agreed to.

The amendment (No. 32), as amended, was agreed to.

AMENDMENT NO. 54, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment, No. 54, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 54), as modified, was agreed to.

AMENDMENT NO. 49, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment, No. 49, as modified.

Without objection, that amendment is agreed to.

The amendment (No. 49), as modified, was agreed to.

AMENDMENT NO. 51, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Udall amendment No. 51, as further modified.

Without objection, that amendment is agreed to.

The amendment (No. 51), as further modified, was agreed to.

AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the Coburn amendment No. 80, as modified.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. ROCKEFELLER. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—34

Akaka	Inouye	Rockefeller
Alexander	Johnson (SD)	Sanders
Bingaman	Landrieu	Schumer
Blumenthal	Lautenberg	Snowe
Boxer	Leahy	Stabenow
Brown (OH)	Levin	Udall (NM)
Cardin	Mikulski	Warner
Casey	Nelson (NE)	Webb
Collins	Nelson (FL)	Whitehouse
Durbin	Pryor	Wyden
Feinstein	Reed	
Gillibrand	Reid	

NAYS—65

Ayotte	Enzi	McCaskill
Barrasso	Franken	McConnell
Baucus	Graham	Menendez
Begich	Grassley	Merkley
Bennet	Hagan	Moran
Blunt	Harkin	Murkowski
Boozman	Hatch	Murray
Brown (MA)	Hoeven	Paul
Burr	Hutchison	Portman
Cantwell	Inhofe	Risch
Carper	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
COBURN	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Conrad	Kohl	Tester
Coons	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lieberman	Udall (CO)
Crapo	Lugar	Vitter
DeMint	Manchin	McCain
Ensign	McCain	Wicker

NOT VOTING—1

Kerry

The motion was rejected.

AMENDMENT NO. 80, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 80, as modified.

Without objection, the amendment is agreed to.

The amendment (No. 80), as modified, was agreed to.

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority reader.

Mr. REID. I ask unanimous consent that the next votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 81

The question is on agreeing to amendment No. 81, offered by Senator COBURN.

The amendment (No. 81) was agreed to.

AMENDMENT NO. 91

The PRESIDING OFFICER. The question is on agreeing to Coburn amendment No. 91.

Mr. ROCKEFELLER. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—59

Akaka	Harkin	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Roberts
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Cochran	Lieberman	Tester
Collins	Manchin	Udall (CO)
Conrad	Menendez	Udall (NM)
Coons	Merkley	Warner
Durbin	Mikulski	Webb
Feinstein	Moran	Whitehouse
Franken	Murkowski	Wicker
Gillibrand	Murray	Wyden
Hagan	Nelson (NE)	

NAYS—40

Alexander	DeMint	McCain
Ayotte	Ensign	McCaskill
Barrasso	Enzi	McConnell
Blunt	Graham	Paul
Boozman	Grassley	Portman
Brown (MA)	Hatch	Risch
Burr	Inhofe	Rubio
Cantwell	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Thune
COBURN	Kirk	Toomey
Corker	Kyl	Vitter
Cornyn	Lee	
Crapo	Lugar	

NOT VOTING—1

Kerry

The motion was agreed to.

AMENDMENT NO. 71

The PRESIDING OFFICER. The question is on agreeing to Schumer amendment No. 71.

All time is yielded back.

The amendment (No. 71) was agreed to.

AMENDMENT NO. 50

The PRESIDING OFFICER. There is now 10 minutes of debate, evenly divided, on the Leahy-Inhofe amendment No. 50.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, Senator LEAHY is somewhere around here. But since he is not on the floor, I will go ahead and present this amendment.

This is a Leahy-Inhofe amendment. It is on two almost unrelated things, but the Leahy portion of the amendment extends the public safety officer program benefits from 6 to 10 families whose loved ones died in voluntary services. It is fully offset for 10 years.

The important part of this amendment is mine, and that is—if I could

have your attention over here, and I am speaking to the Republicans now, we have been trying to do this for a number of years, and Senator LEAHY and I have agreed to this. Those of us who have been pilots—and I have been for 55 years—I have been involved in a lot of humanitarian missions. What this does is offer liability protection to those of us who volunteer ourselves, our money, and our aircraft to do missions no one else will do. They are humanitarian missions. The longest one I did was all the way down to Dominica, North of Caracas, Venezuela, through two hurricanes, and we saved a lot of lives down there. This would offer liability protection to those individuals who make those sacrifices.

There are 8,000 of us, by the way, around the country, I am sure from every State represented here. So I would encourage my colleagues to support the amendment.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

Mr. COBURN. Mr. President, I have no problem at all with my senior Senator's modification to the amendment. I am going to ask to have a voice vote on this to accommodate everybody, recognizing the late hour, but I want to make a point. What Senator LEAHY wants to do is great to help people. But the one question we have not asked is—and we are going to be asked to ask it all the time from here forward given where we are—is it a Federal responsibility to supply these benefits? You can't find it in the Constitution. You can't find it anywhere.

When we look at the hard decisions we are going to have to make over the next 2 years in terms of trimming both mandatory programs and discretionary programs, where we set an example that we are going to expand something that is not in our constitutional role, we are making a mistake and we are setting ourselves up for failure.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased we will finally vote on the bipartisan amendment that Senator INHOFE and I have proposed. I thank the Commerce Committee chairman and ranking member.

Before we vote I would like to respond to some remarks made on the floor yesterday. The junior Senator from Oklahoma, Mr. COBURN, expressed some concern with the portion of our amendment that makes an improvement to the Public Safety Officers Benefits Act. As I understand one of Senator COBURN's concerns, it is the belief that the PSOB improvement I propose exceeds Congress's proper role under the Constitution.

Section 8 of article 1 in the Constitution empowers Congress to provide for the "general welfare" of the United States. Supporting our first responders, and encouraging more Americans

to serve their communities as first responders, who are our first line of national security, falls squarely within this clause.

Congress can and does legislate in many areas that support the general welfare of our Nation, whether providing funds to fight violent crime through joint law enforcement task forces, or providing disaster aid to the states following natural disasters. Congress has traditionally acted to support our Federal system through beneficial legislation for the states. I find it difficult to understand how supporting all of our Nation's first responders, on an equal basis, exceeds Congress's proper and traditional constitutional role.

According to my review, there have been 65 Federal cases concerning the PSOB program, and not one of them challenged its constitutionality. In 1986, the Supreme Court took up a case involving the PSOB program, which did not involve a constitutional challenge, and in fact invoked the Constitution's supremacy clause to hold that the Federal PSOB program's benefit could not be interfered with by any inconsistent state law.

Senators may disagree about the wisdom or necessity of legislating for the general welfare or in support of our first responders, but as a constitutional matter, Congress authority to enact programs like the Public Safety Officers Benefits Act is well established.

For over 30 years, since 1976, the Public Safety Officers Benefits Program has assisted the families of first responders lost in the line of duty, including local police, firefighters, and EMS technicians. This policy was enacted in part to encourage more Americans to serve their communities as police officers, firefighters, and paramedics. The importance of the services they provide is undeniable.

Senator COBURN also expressed concern that our amendment expanded Federal costs. So let me be clear on this point: while the estimated cost of this proposal is modest—less than \$13 million over 10 years our—amendment is fully paid for through an included offset. Let me repeat that because I think there may be some confusion on this point—this amendment is completely paid for. It is deficit neutral and will have no budgetary impact given the included offset.

I also heard a concern about the fact that this amendment may not be germane to the underlying bill. If I am not mistaken, one of the very first amendments the Senate voted on, and for which Senator COBURN voted in favor and had no procedural objection that I am aware of, was an amendment to repeal the health care law. I do not think that amendment would be ruled germane. Nonetheless, in the spirit of moving the legislative process forward, the Senate voted on it.

Senator INHOFE and I have worked together to try to advance two proposals that are important to us, and which will both support our Nation's first responders and encourage volunteerism. I thank Senator INHOFE once again, and I urge all Senators to join us in support of this amendment.

I ask unanimous consent that letters of support for my amendment from the American Ambulance Association, the National Association of EMTs, the International Association of Fire Fighters, and the International Association of Fire Chiefs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN AMBULANCE
ASSOCIATION,

McLean, Virginia, February 4, 2011.

The Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: On behalf of the membership of the American Ambulance Association (AAA), I am proud to convey our strong support for Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). Your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. It would also provide much needed liability protection to volunteer pilots.

We greatly appreciate that the amendment is named after Dale Long who lost his life in the line of duty in June of 2009. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years, most recently with the Bennington Rescue Squad. Just two months prior to his death, Dale was recognized by the American Ambulance Association as a Star of Life for his years of dedicated service to patients. In 2010, Dale was honored by the National EMS Memorial. Dale is deeply missed and we greatly appreciate your efforts on his behalf and those of thousands of paramedics and EMTs around the country.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, put their lives on the line. We therefore applaud your leadership to make EMS personnel employed by nonprofit agencies eligible for public safety officer benefits and encourage you to ensure that eventually all EMS personnel are covered.

The AAA is the primary national trade association for providers of emergency and non-emergency ambulance services. The AAA is comprised of more than 600 ambulance service operations which account for providing services to over 75 percent of the U.S. population. AAA members include private, public, fire-based, hospital-based and volunteer ambulance service providers serving urban, suburban and rural areas. The AAA was formed in 1979 in response to the need for improvements in medical transportation and emergency medical services.

Again, we strongly support Amendment No. 50 to S. 223 and greatly appreciate all of your efforts on the issue.

Sincerely,

STEVE WILLIAMSON,
President.

NATIONAL ASSOCIATION
OF EMERGENCY MEDICAL TECHNICIANS,
Clinton, Mississippi, February 4, 2011.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY, The National Association of Emergency Medical Technicians, NAEMT, strongly supports Amendment No. 50 to the FAA Air Transportation Modernization and Safety Improvement Act (S. 223). In addition to providing liability protection to volunteer pilots, your amendment would ensure that the survivors of paramedics and emergency medical technicians who die in the line of duty and who are employed by nonprofit ambulance service agencies are eligible for death benefits under the Public Safety Officers' Benefit program. Your amendment would provide piece of mind to thousands of emergency medical service, EMS, personnel and their families including those of Dale Long.

The death in June of 2009 of Dale Long was a tragedy. Dale was a certified paramedic and provided emergency medical care to patients for nearly twenty five years and served with the Bennington Rescue Squad for the last four of those years. In 1998, he was recognized as the Vermont Advanced Provider of the Year. Dale will be deeply missed and we greatly appreciate you honoring Dale by naming this vital amendment after him.

The ambulance service agencies and EMS personnel which they employ, just like the communities they serve, are unique. Communities are served by governmental and non-profit agencies and a large portion by for-profit agencies. There is one characteristic, however, that is constant. When there is an emergency, all EMS personnel, regardless of by whom they are employed, are willing to put their lives on the line. We very much appreciate your leadership to make EMS personnel employed by nonprofit agencies eligible for federal death benefits and encourage you to ensure that eventually all EMS personnel are covered.

Again, we strongly support Amendment No. 50 to S. 223 and thank you for all of your efforts on this issue.

Sincerely,

CONNIE MEYER,
President, NAEMT.

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
February 7, 2011.

Hon. PATRICK LEAHY, Chairman,
Committee on the Judiciary, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I wish to express our support for the Dale Long Emergency Medical Service Providers Protection Act, and urge the Senate to adopt it as an amendment to the FAA reauthorization.

The legislation corrects an inequity in Public Safety Officers Benefit, PSOB, by extending coverage to those employees and volunteers of non-profit ambulance squads that serve public agencies. Throughout the nation, many non-profit entities serve as the principal 911 emergency responder for their

communities, and the emergency care providers who work or volunteer for such agencies should be treated as public safety officers. For example, Dale Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue

Squad, which is the designated 911 emergency response agency for the town of Bennington, VT.

We believe your amendment fixes this oversight without undermining the original purpose of the PSOB program to provide assistance to the families of fallen public safety officers. The amendment strikes, the appropriate balance, and we urge the Senate's support.

Thank you for your consideration of the views of America's professional fire fighters and emergency medical responders.

Sincerely,

BARRY KASINITZ,
Director of Governmental Affairs.

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Fairfax, VA, February 8, 2011.

Hon. PATRICK LEAHY,
*Chairman, Senate Committee on the Judiciary,
Senate Office Building, Washington, DC.*

DEAR CHAIRMAN LEAHY: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to express our support for your amendment to S. 223, FAA Air Transportation Modernization and Safety Improvement Act, which would add the "Dale Long Emergency Medical Service Providers Protection Act." This amendment strikes a proper balance between providing for the families and loved ones of fallen non-profit EMS personnel, and protecting the original intent of the Public Safety Officers' Benefits (PSOB) program.

The amendment would afford previously excluded survivor benefits through the U.S. Department of Justice's PSOB program to the families and loved ones of fallen EMS personnel who work or volunteer for a public or non-profit rescue squad or ambulance crew that is officially authorized or licensed to engage in rescue activity, and is officially designated as a pre-hospital emergency medical response agency.

Across the United States, many non-profits serve as the principal 9-1-1 emergency medical responder for their communities. These EMS personnel who work or volunteer for such agencies should be treated as public safety officers under the PSOB program. EMT specialist Dale R. Long, the individual for whom this legislation is named, served as a paramedic for the Bennington Rescue Squad, which is the designated 9-1-1 emergency response agency for the town of Bennington, Vermont.

Thank you for your continued support for America's public safety community.

Sincerely,

CHIEF JACK PAROW, MA, EFO, CFO,
President and Chairman of the Board.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DURBIN. I yield back the time.

Mr. COBURN. Mr. President, I ask unanimous consent to waive the 60-vote threshold on this vote and have a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 50) was agreed to.

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 10, AS MODIFIED; 22; 37, AS MODIFIED, 46, AS MODIFIED; 53, 57, 59, 65, 86, AND 94

Under the previous order, the managers' package is agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 10, AS MODIFIED

(Purpose: To change the effective date for certain noise level amendments)

On page 278, line 2, strike "5 years after the date of enactment of this Act." and insert "on Dec. 31, 2014."

AMENDMENT NO. 22

(Purpose: To cap the local cost share under the contract air traffic control tower program at 20 percent)

On page 143, beginning on line 10, strike "for" and all that follows through "enplanements" on line 13 and insert "capped at 20 percent".

AMENDMENT NO. 37, AS MODIFIED

(Purpose: To clarify the allowable costs standards for public-use airport projects)

Strike section 214, and insert the following:

SEC. 214. ALLOWABLE PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

"(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

"(i) the cost was incurred before execution of the grant agreement due to climactic conditions affecting the construction season in the vicinity of the airport;

"(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

"(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

"(iv) the sponsor has an alternative funding source available to fund the project; and

"(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;"

AMENDMENT NO. 46, AS MODIFIED

(Purpose: To allow the IRA rollover of amounts received in airline carrier bankruptcy)

At the appropriate place, insert the following:

SEC. ____ . ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee re-

ceives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term "airline payment amount" means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) **EXCEPTION.**—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) **QUALIFIED AIRLINE EMPLOYEE.**—The term "qualified airline employee" means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) **TRADITIONAL IRA.**—The term "traditional IRA" means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) **ROTH IRA.**—The term "Roth IRA" has the meaning given such term by section 408A(b) of such Code.

(d) **SURVIVING SPOUSE.**—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) **EFFECTIVE DATE.**—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SEC. ____ . APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) **IN GENERAL.**—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking "goods or services" and inserting "property, goods, or services".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. ____ . MODIFICATION OF CONTROL DEFINITION FOR PURPOSES OF SECTION 249.

(a) **IN GENERAL.**—Section 249(a) of the Internal Revenue Code of 1986 is amended by striking " , or a corporation in control of, or controlled by," and inserting " , or a corporation in the same parent-subsidiary controlled group (within the meaning of section 1563(a)(1) as".

(b) **CONFORMING AMENDMENT.**—Section 249(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking "subsection (a)—" and all that follows through "The adjusted issue price" and inserting "subsection (a), the adjusted issue price", and

(2) by striking paragraph (2).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to repurchases after the date of the enactment of this Act.

AMENDMENT NO. 53

(Purpose: To require the Administrator of the Federal Aviation Administration to improve the inspection, mounting, and retention of emergency locator transmitters)

On page 208, between lines 19 and 20, insert the following:

(c) **IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.**—

(1) **INSPECTION.**—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the "Administrator") shall require a detailed inspection of each emergency locator transmitter (referred to in this section as "ELT") installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer's specifications.

(2) **MOUNTING AND RETENTION.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) **REVISION.**—Based on the results of the determination conducted under subparagraph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) **REPORT.**—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

AMENDMENT NO. 57

(Purpose: To authorize the Administrator of the Federal Aviation Administration to authorize general aviation airport sponsors to allocate mineral revenues not needed to carry out 5-year projected airport maintenance needs for other transportation infrastructure projects)

On page 54, between lines 3 and 4, insert the following:

SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) **GENERAL AVIATION AIRPORT.**—The term "general aviation airport" means an airport that does not receive scheduled passenger aircraft service.

(b) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the "Administrator") may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) **USE OF REVENUE.**—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local trans-

portation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(d) **CONDITIONS.**—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) **COMPLETION OF DETERMINATION.**—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) **RULEMAKING.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

AMENDMENT NO. 59

(Purpose: To require a report on the use of explosive pest control devices)

At the end of subtitle A of title V, add the following:

SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

AMENDMENT NO. 65

(Purpose: To accelerate the implementation of required navigation performance procedures)

On page 80, beginning with line 8 strike through line 25 on page 83 and insert the following:

(a) **OEP AIRPORT PROCEDURES.**—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as “qualified third parties”) that includes the following:

(A) RNP OPERATIONS.—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Administrator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and to utilize those procedures at each of the airports in subparagraph (A).

(C) IMPLEMENTATION PLAN.—A plan for implementation of those procedures that establishes—

(i) clearly defined budget, schedule, project organization, environmental, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) coordination and communications mechanisms with qualified third parties;

(iv) specific procedures for engaging the appropriate Administration employee groups to ensure that human factors, training and other issues surrounding the adoption of required navigation performance procedures in the en route and terminal environments are addressed;

(v) baseline and performance metrics for measuring the Administration’s progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System;

(vi) outcome-based performance metrics to measure progress in implementing RNP procedures that reduce fuel burn and emissions;

(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipment to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipment.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 30 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) OTHER AIRPORTS.—

(1) IN GENERAL.—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and qualified third parties, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation, with priority given to those airports where procedures developed, certified, and published under this section will provide the greatest benefits in terms of safety, capacity, fuel burn, and emissions.

(2) SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

(3) IMPLEMENTATION SCHEDULE.—The Administration shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports within 18 months after the date of enactment of this Act;

(B) 50 percent of the procedures at such other airports within 30 months after the date of enactment of this Act;

(C) 75 percent of the procedures at such other airports within 42 months after the date of enactment of this Act; and

(D) 100 percent of the procedures before January 1, 2016.

(c) ESTABLISHMENT OF PRIORITIES.—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and implemented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Administrator shall issue and file a categorical exclusion for such procedures.

AMENDMENT NO. 86

(Purpose: To provide for use of model aircraft for recreational and other purposes)

On page 245, between lines 7 and 8, insert the following:

(g) SPECIAL RULE FOR MODEL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design,

construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) MODEL AIRCRAFT DEFINED.—For purposes of this subsection, the term “model aircraft” means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

AMENDMENT NO. 94

(Purpose: To require the disclosure of the dimensions of seats on aircraft to enable parents to determine if their child safety seats will fit in those seats)

On page 128, between lines 2 and 3, insert the following:

SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

THROUGH THE FENCE AGREEMENTS

Mr. WYDEN. I want to thank Chairman ROCKEFELLER for the opportunity to have this colloquy with him today on the topic of through the fence agreements. Now, most folks don’t know this, but there are a few different developments throughout the country that have houses with plane hangars near airports, and they have what is called a through the fence agreement to use the airway runway. Is the Senator familiar with these agreements?

Mr. ROCKEFELLER. I am aware of these agreements.

Mr. WYDEN. As the Senator might know, one place that has had a residential airport for many decades is in my home State, in a town called Independence, OR. Since 1974, folks at the Independence Airport have had an agreement with the Independence airport to taxi their planes up to the runway and use it for recreation and travel purposes.

But recently, the FAA decided to change the rules on all through the fence agreements and the folks at Independence Airport and elsewhere may not be able to continue an arrangement they have had nearly 40 years with no significant safety issues and no significant noise complaints.

That just doesn’t seem fair. So I have introduced an amendment I believe will safely provide a path forward for places like the Independence Airport to continue to exist. Is the Senator aware of the amendment I filed?

Mr. ROCKEFELLER. I am aware that the Senator has filed an amendment on this issue, and I understand his concerns about this issue and its effect on his constituents.

Mr. WYDEN. While I understand we may not have an opportunity to vote on my amendment, Mr. Chairman, as we moved forward on this FAA reauthorization bill, can the Senator commit to working with me to find a solution so folks who have never gone afoul of the law or regulations are treated fairly?

Mr. ROCKEFELLER. I would be glad to continue working with the Senator on this issue, and I appreciate his work to ensure that there is fairness in this regard.

Mr. WYDEN. I thank the Senator, both for his important work on this larger FAA bill, and for his willingness to work with me in addressing this issue.

Mr. LEVIN. Mr. President, I will vote in support of S. 223, of the FAA Air Transportation Modernization and Safety Improvement Act and I urge its adoption and enactment.

The Senate is already on record in support of the contents of this bill. This is because the bill we are voting on today is almost identical to the FAA authorization bill that passed the Senate 93-0 in March of 2010. The last reauthorization bill expired at the end of fiscal year 2007 and since then we have passed 17 short-term extensions. We are well overdue to enact a long-term reauthorization of FAA's programs in order to provide important funding increases and program improvements that will enhance the safety and efficiency of our Nation's aviation system. In so doing we will make key investments in our nation's aviation infrastructure as well as create good jobs in the process.

Our global economy depends on the smooth and efficient movement of goods, services and people from city to city and across international borders. A safe and efficient aviation system goes hand in hand with a strong economy. We are fortunate to have the best aviation system in the world and we must continue to make the necessary investments and upgrades to retain that high standard. The FAA reauthorization bill helps us to do this by addressing problems of capacity, congestion and delays. This will ensure our aviation system can handle the projected growth in airlines passengers.

The FAA reauthorization bill being considered by the Senate today will create much needed jobs by providing the funding and directives for safety improvements at our airports and in the aviation industry. For instance, in Michigan the FAA is building two new air traffic control towers, at Kalamazoo and Traverse City. The FAA is also repaving numerous runways and taxiways, including at Detroit Metropolitan Wayne County Airport, Alpena County Regional Airport, Bishop International Airport, Sawyer International Airport and at other airports around the state. The FAA is also constructing

new terminal buildings at Kalamazoo/Battle Creek International Airport and at MBS International Airport in Freeport, Michigan. Additionally, FAA funds are paying for the design of a new building for aircraft rescue and firefighting and snow removal equipment at Pellston Regional Airport in Emmet County. These are much needed upgrades to Michigan airports and will make flying into and around Michigan safer and easier. These are the kinds of improvements this bill will continue to make possible in the future.

A key component of S. 223 will modernize our air traffic control system by building the Next Generation Air Transportation System—NextGen—of satellite-based navigation. The NextGen system will be more accurate and more efficient than the current radar-based air traffic control system. It will also result in significant fuel efficiencies and time savings by allowing aircraft to fly more direct routes. This is good for the environment, good for air carriers and good for the flying public. The bill also provides flexibility to airports in using Airport Improvement Program funds as well as studying ways to raise revenue for airport projects through a pilot program.

This bill also includes important passenger rights protections. It requires airlines to plan for delays and protect passengers while they are on an aircraft, including how airlines will provide adequate food, water and access to restrooms. It also requires that passengers be allowed to deplane after 3 hours on the tarmac.

And this bill makes important improvements to the Essential Air Service Program, which provides rural communities with access to the national air transportation system. The EAS program is important to Michigan because we have eight communities that rely on EAS subsidies to help provide them with daily commercial air service. This bill increases EAS program funding by \$73 million a year to \$200 million annually. I joined my colleagues in defeating a McCain amendment that would have eliminated the Essential Air Service Program. I strongly oppose attempts to deprive Michiganders living in the less populated areas of our State of commercial air service. For businesses in the affected communities, this service is an economic lifeline that connects them to the web of both national and international commerce. At a time when we're doing everything we can to compete and to increase the number of jobs, cutting off that access makes no sense.

Again, I am pleased to vote yes on final passage of the FAA Air Transportation Modernization and Safety Improvement Act and I hope the House of Representatives will also act quickly to adopt a bill.

Mr. ROCKEFELLER. Mr. President, I believe this bill is fundamental to our

Nation's long-term economic competitiveness. It will create good-paying jobs across the country. It will improve the safety and efficiency of our Nation's air transportation system. And it will help to make sure the United States remains the global leader in aviation.

As we approach a final vote on the FAA reauthorization, I want to close by touching briefly on why this is so important—and why we have spent 3 weeks working on this bill.

This FAA reauthorization is about more than aviation, it is about stimulating the economy and securing jobs and retaining jobs.

The aviation sector supports over \$1 trillion in economic activity and over 11 million jobs in the United States. This bill will support hundreds of thousands of aviation jobs annually. Moreover, it is critical to the businesses that rely on aviation and will provide a base for financial success in an increasingly global economy.

This bill is about improving commercial airline service to small and rural communities, making sure all areas of the country have adequate access to the Nation's air transportation network.

It also establishes better consumer rights protections for travelers, giving passengers a more consistent and improved air travel experience.

Ultimately, it is about improving safety and modernizing our system.

In other words, it is about people's lives every day—the safety of our skies for passengers and their families is critical and we must get this right.

Statistically, the United States has the safest air transportation system in the world. But statistics do not always tell the whole story.

It has been just over 2 years since the crash of Flight 3407 in Buffalo, NY, took the lives of 50 people. This tragedy reminds us that we must remain vigilant in making the national airspace system as safe as possible.

Although we were able to take important steps last August to improve pilot training and fatigue, this bill still has several critical provisions that will further improve the safety of our skies.

Modernizing the air traffic control system will not just make our skies more efficient, it represents a quantum leap forward for aviation safety by providing our air traffic controllers and pilots' real-time traffic and weather information.

The bill also takes steps to strengthen inspections of airline operations, require better oversight of foreign repair stations, and improve helicopter emergency service operations.

This bill is also about equality and economic stability. It will provide needed resources to airports large and small, urban and rural.

Although the U.S. airline industry has begun to recover from the recent

economic downturn, hundreds of rural communities across our country continue to struggle.

The future of small communities' economic standing depends on access to air service.

I have witnessed firsthand the positive impact that aviation has made on my home State of West Virginia, and I have seen time and time again how important a lifeline it is for local communities.

The Federal Government must continue the commitment it made when the industry deregulated to provide the resources and tools small communities need to attract adequate air service.

Our legislation accomplishes this by building on existing programs and strengthening them with appropriate reforms.

This bill also strengthens passenger protections by incorporating a passenger bill of rights to deal with the most serious flight delays and cancellations.

Passengers have had it with endless delays—especially when they are stuck on the tarmac. They have had it with being overlooked and dismissed by the aviation system.

The Department of Transportation, DOT, has already begun implementing similar measures and seen great success—this legislation makes certain the Federal Government continues to focus on passengers' rights.

Our air traffic control system is outdated and strained beyond its capacity.

America's air traffic control network is still using WWII-era technology. We are behind Mongolia, and that is unacceptable.

The Next Generation Air Transportation System, NextGen, will save our economy billions by creating additional capacity and more direct routes. This will allow aircraft to move more efficiently and effectively.

Drastic reductions in fuel consumption will reduce carbon and noise emissions in the aviation sector.

And as I noted before, NextGen will dramatically improve safety.

A modern air traffic control system will provide pilots and air traffic controllers with better situational awareness—giving them the tools to see other aircraft and detailed weather maps in real time.

But achieving a modernized air transportation system requires sustained focus and substantial resources.

This reauthorization bill takes concrete steps to accelerate implementation of a modern, satellite based air traffic control system so we can begin to reap these benefits now.

We must move boldly or risk losing our leadership in the world. Over the 3 weeks, I have spoken about the primary goals we set out to achieve with this bill: 1, to address critical safety concerns; 2, to establish a clear roadmap for the implementation of

NextGen and accelerate the FAA's key modernization programs; 3, to invest in airport infrastructure; and 4, to continue improving small communities' access to the Nation's aviation system.

I am proud of how far we have come. I also want to thank Senator HUTCHISON, the ranking member of the Commerce Committee and my able partner, for her work on this bill. It is truly a bipartisan bill that reflects a shared vision and goal of making sure the United States continues to have the safest, most efficient, and most modern aviation system possible.

This bill passed 93 to 0 last year. I know a few of my colleagues have had substantial differences over the issue of slots at National Airport. But this issue is minor compared to the benefits provided by the larger bill.

Flights at National Airport should not bring down a bill that is critical to so many Americans and supports so many jobs.

I urge my colleagues to move forward and give the FAA the tools, the resources, the direction, and the deadlines to make sure the agency can provide effective oversight of the aviation industry.

I urge my colleagues to support reauthorization and advance our system now. We cannot afford to wait any longer.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

Mr. ROCKEFELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—87

Akaka	Begich	Boozman
Alexander	Bennet	Boxer
Ayotte	Bingaman	Brown (MA)
Barrasso	Blumenthal	Brown (OH)
Baucus	Blunt	Burr

Cantwell	Inhofe	Nelson (NE)
Cardin	Inouye	Nelson (FL)
Carper	Isakson	Portman
Casey	Johanns	Pryor
Chambliss	Johnson (SD)	Reed
Coats	Kirk	Reid
Coburn	Klobuchar	Roberts
Cochran	Kohl	Rockefeller
Collins	Kyl	Rubio
Conrad	Landrieu	Schumer
Cornyn	Lautenberg	Sessions
Durbin	Leahy	Shaheen
Ensign	Levin	Shelby
Enzi	Lieberman	Snowe
Feinstein	Lugar	Stabenow
Franken	Manchin	Tester
Gillibrand	McCaskey	Thune
Graham	McConnell	Udall (CO)
Grassley	Menendez	Udall (NM)
Hagan	Merkley	Warner
Harkin	Mikulski	Webb
Hatch	Moran	Whitehouse
Hoeven	Murkowski	Wicker
Hutchison	Murray	Wyden

NAYS—8

Crapo	Lee	Toomey
DeMint	Paul	Vitter
Johnson (WI)	Risch	

NOT VOTING—5

Coons	Kerry	Sanders
Corker	McCain	

The bill (S. 223), as amended, was passed.

The bill will be printed in a future edition of the RECORD.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the measure will be held at the desk.

The Senator from Alaska.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on rollcall vote No. 24, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The aforementioned tally has been changed to reflect the above order.)

VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the following votes: (1) vote in relation to Coburn amendment No. 91 to decrease the Federal share of project costs under airport improvement program for nonprimary airports; (2) vote in relation to Coburn amendment No. 80 to limit essential air service to locations that are 100 or more miles away from the nearest medium or large hub airport; (3) vote in relation to Coburn amendment No. 81 to limit essential air service to locations that average 10 or more enplanements per day; (4) vote on Leahy-Inhofe amendment No. 50 to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofits and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefits; and (5) final passage of the FAA reauthorization act, S. 223.

Had I attended today's session, I would have voted (1) to oppose Coburn

amendment No. 91 or to support any motion to lay that amendment on the table; (2) to oppose Coburn amendment No. 80 or to support any motion to lay that amendment on the table; (3) to oppose Coburn amendment No. 81 or to support any motion to lay that amendment on the table; (4) to support Leahy-Inhofe amendment No. 50; and (5) to support final passage of the FAA reauthorization act, S. 223.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING STAFF

Mr. ROCKEFELLER. Mr. President, before we wrap this up entirely, there is just a couple of people I want to thank. I particularly want to thank my ranking member, whom I refer to as my cochair, Senator KAY BAILEY HUTCHISON, for her incredibly hard, smart, indefatigable commitment and pure determination to see this bill through. I could not have asked for a better partner on this bill or as a partner on the Commerce Committee. We work in sync. It doesn't mean we have to agree on everything, but it happens we usually do.

I know, and our colleagues should know, this bill simply would not have happened without her hard work, without her negotiating skills everywhere, constantly. She was tenacious in getting a lot of deals done on what was the most contentious issue, slots. She was patient and she was fair. I want my colleagues and the whole world to know how much I admire her as a person and as a professional, and I am grateful she has applied her considerable expertise and legislative savvy to this effort.

I also want to take a moment to tell my colleagues that I am very disappointed that Senator HUTCHISON has chosen not to seek reelection. She has been a model public servant—she is a model public servant—who has made a real difference in the lives of Americans. She has made Texas proud. The Senate will be worse off without her. The Commerce Committee will be worse off without her. The aviation world will be worse off without her. Most importantly, the people of Texas will miss her talent and her clear ability to represent their interests at the Federal level. She is amazing.

I will reluctantly not begrudge her the opportunity to bring her considerable talents to her post-Senate life, which she fully deserves. But I have her as my partner in the Commerce

Committee for 2 more years, and for that I am very grateful. We have 2 more years to team up and see what we can accomplish together and as a committee. We have a full agenda, and this bill is just the first of what I hope will be many joint successes in this Congress.

I want to take a few minutes to thank the staff who have worked so incredibly hard on this bill. The issues we deal with are very difficult. Sometimes they are very boring. And sometimes they are just persistent. You have to scratch them all the time. They are always arcane. We would not be able to do our jobs without the assistance of a very dedicated and smart staff on both sides of the aisle.

I am going to start with Senator HUTCHISON's staff first. I would like to thank Jarrod Thompson, Senator HUTCHISON's lead aviation staffer, who worked seamlessly with my staff. Such is not always the case in this body. The importance of his work on this bill cannot be overstated. He managed every issue in this bill with a calm professionalism that made a challenging process a lot easier.

I would also like to thank her staff director, Ann Begeman, who is truly a gem—that is called a jewel. Ann has been nominated to be Commissioner on the Surface Transportation Board, and she is going to be a great asset to that commission. The committee will consider her nomination soon. Not trying to look ahead too far, I hate the thought of losing her, but she is going to make a fantastic Commissioner.

Finally, I would like to recognize the work of Brian Hendricks, whose fierce tenacity was essential to getting this bill done. He was instrumental in quietly working away, constantly getting things done.

For my part, I am fortunate to have a tremendous staff, too—in my State, in my personal office, and on the committee. I am genuinely lucky I have managed to hold on to a very talented group of people who each fundamentally appreciate it is a privilege to be in public service. If you don't have that instinct, you are not going to do a lot around here.

The staff of the aviation subcommittee is truly exceptional because Gael Sullivan never seeks recognition. I want to spend a minute on giving him the enormous credit and recognition he deserves. Gael Sullivan has spent 10 years on the subcommittee and almost 20 years as a staffer on the Commerce Committee. He knows everything there is to know about aviation. He works enormously hard day in and day out, whether we are on the floor or just trying to solve a problem of a rural airport or a small community depending on Essential Air Service. Gael is here because he is absolutely dedicated to making a difference. He has been critical to every aviation bill that we have

tried on this committee. His hard work has helped produce a safer and more efficient air traffic control system and a more secure aviation system.

Working with Gael is Rich Swayze. Rich is an aviation expert as well. From his Ph.D. thesis on air service to his work at GAO, Rich has developed his aviation expertise and the committee and my Senate colleagues have benefitted from that. They may not know that, but they have. Rich has put countless hours into this bill over the last 3 years. He has worked tirelessly on helping resolve the thorniest of issues, such as, for example, slots.

Adam Duffy is the third member of my aviation team. Adam keeps the subcommittee running. Besides helping draft briefing materials for the bill and preparing points for the floor, he has done yeomen's work managing the paper—the amendments—and making sure I had what I needed. His is not a glamorous job at times, but sometimes those are the most important jobs of all.

Finally, there is James Reid. James Reid, for many years, has been a senior adviser to me on Commerce Committee issues—both in my office in the Hart Building and at the committee—including aviation. He has been the deputy staff director of the Commerce Committee since I became chair, and I don't know what I would do without him—literally don't know.

I have known James for many years. I know how smart he is. The tragedy of how things get done is that staff is never recognized for who they really are—the group who puts all of it together—and how funny he is. Now, it is an art form to get to the funny part, but he is one of the funniest people I know, and he has a good heart. I still marvel at the sheer skill he has. Whether it is working through the details of a vexing legislative dilemma or thinking through the best strategic maneuver to achieve success, James can do it all. I totally rely on him. I am so grateful for his willingness to sacrifice more lucrative opportunities, as so many of our staff are willing to do, to make the Commerce Committee work. I know the entire staff feels the same way I do.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague, Senator ROCKEFELLER, for the wonderful words about myself, about both of our staffs, and suffice it to say, I think the leadership that comes from the top—Senator ROCKEFELLER, as chairman of the Commerce Committee—has put together a staff and a mandate for all of us such that we are going to be a productive committee, we are going to work together, and we are going to shoot straight. And that is exactly what our staffs do, and it is what we do.

The reason we get along so well and have done so much is that we may not agree on every issue, but we try to help each other in a way that achieves the overall goal we both want. Then we have the room to differ on specific ways to get there. So it is a pleasure to be the ranking member of the Commerce Committee, and I do feel that I am a full partner. Even though I am not the chairman of the committee, I do feel like the vice chairman. So I thank the chairman.

I think we have accomplished so much tonight. We haven't passed, on final passage, this bill, but the authorization bill that preceded this one was passed in 2007, and we have had 18 short-term extensions. The FAA runs our aviation system in this country. It is responsible for the safety, it is responsible for consumer protection, and it is responsible for managing the air traffic in this country and managing the fund that helps airports with infrastructure. So short-term extensions don't work in infrastructure and in the areas where there has to be long-term planning. We have been trying to start the process of the long-term planning for the next generation of air traffic control systems since 2007. Tonight, we have passed a major hurdle.

The House is going along on the same track to pass an FAA reauthorization, and I believe we will pass the final bill, I hope, before the short-term extension runs out at the end of March. That will be our goal. I think because we have come together on this bill, we have a good chance of doing that.

I think having the first major bill on the floor in this session of Congress was a big test, and I want to commend our leaders, HARRY REID and MITCH MCCONNELL, for the way it was handled. HARRY REID let the process work. We had plenty of time for amendments. Senator MCCONNELL was very helpful in ensuring that amendments were not an overload. There was no attempt to filibuster this bill. I think this is the way we ought to proceed for the next 2 years, and I think we have made a great start with this bill. People have had their say, they have had their debate time, and that, I hope, is the way the Senate will resume.

I do want to say there were tough issues. The perimeter rule around Washington Reagan National Airport was the biggest sticking point, and it took a lot of give on all sides to assure that the relaxation of the perimeter rule, through exemptions, was done in a way that, I believe, will not hurt any of the stakeholders. I believe there is a balance. I believe we will have more western Senators and their constituents who will be able to have direct access to National Airport. I think we have done right by the airlines that are incumbent carriers at Washington National, and we have made room for new entrants into Washington National, but it was very difficult.

I just want to single out a few people who made huge contributions to this success: Senator KYL from Arizona and Senator ENSIGN from Nevada. They represented the western interests so well. They know aviation and they knew what we could do and we have made great progress.

I will also commend Senator WYDEN, from Oregon, and Senator CANTWELL, who is going to be the new chairman of the Aviation Subcommittee in the Commerce Committee. They both represented the Northwest and Alaska very well. Senator BEGICH and Senator MURKOWSKI also did so much to help us thread the needle that would be a balanced bill.

Then there was Senator WARNER, who also had a different interest and that was to protect his constituents from congestion around Washington National. I think we were able to accommodate the needs of the people who live around National Airport as well, through the leadership of Senator WARNER. It took a lot of negotiation to get there. That is why this bill took several weeks to do.

I am very proud and pleased that we have done this. I too want to recognize the staffs, without whom none of us could do the research and the detail work that is necessary. I will start with Senator ROCKEFELLER's Democratic Commerce staff. Ellen Doneski runs the Senate majority on the Commerce Committee. She is a joy. She and Ann Begeman, who runs the Republican side, are truly colleagues who can shoot straight. There are never surprises. We trust each other. We don't always agree. The answer is not always "yes." But the answer is straight. That is what you need when you are working together to achieve results.

James Reid, on this bill—I didn't know he was funny because, frankly, there hasn't been much fun for the last 2 weeks. But I am glad to know that we have a personality trait that I am going to get to learn. But I did know he is smart. I did know he was very helpful in the capability to work things out with the many amendments and needs of all of our colleagues when it is a big bill.

Gael Sullivan, Rich Swayze, Bruce Andrews, and Adam Duffy all helped in this effort.

I thank the floor staffs from both sides. They are the ones who are sitting in front of us right now. They have been sitting in front of us about 9 o'clock every night that we have been on this bill. I thank Tim Mitchell, Gary Myrick, Tricia Engle on the majority staff. On our side, I know we couldn't do without Dave Schiappa, Laura Dove, Jody Hernandez, and all the cloakroom staff. Honestly, I have to say the floor staff makes the trains run on time. They also work things out sometimes so we do not even have to

do it. I appreciate so much all that you all do. You are the wind beneath our wings.

I thank, also, on our side Senator MCCONNELL's staff, Scott Raab, who is the aviation Commerce Committee staff person. We appreciate his efforts to help us keep things on track for the leader.

Then my own Senate Commerce Committee staff. This is why I want to say that we have a great Commerce Committee staff, some of whom will be leaving. This may be their final achievement. I am very pleased they are going to leave on such a high.

Ann Begeman is the chief of our Commerce Committee staff. As the chairman pointed out, she has been given a great position, a promotion. She has been appointed to be a Commissioner on the Surface Transportation Board. She is going to do a great job. In fact, I think she is accusing us of holding up her hearing because we like her so much. But she is going to, in fact, have a hearing in the next couple of weeks. I know she will be confirmed because everyone who works with her knows what a great manager and a great leader she has been on our staff.

I want to thank Brian Hendricks. Brian was described by the chairman as quietly effective—and we all started laughing on the back bench because Brian is a tiger. We need his brilliance and his tenacity in all of the major things we do on the Commerce Committee. In fact, Brian is going to be the new incoming Chief of Staff of the Republican Commerce Committee when Ann Begeman takes her new position at the Surface Transportation Board. He has earned this by leading us through some of the toughest times, not only this bill, where he was a help, but also taking the lead on the NASA bill that we also passed through our committee. The NASA authorization bill, that was passed through the Commerce Committee through the leadership of Brian Hendricks of all of us on the Commerce Committee, is saving America's position in space exploration. We could not have done it without Brian Hendricks. I will never forget the contribution he has made to America. He is going to be with us for a long time to come as well.

Jarrold Thompson was the lead on this bill. As the chairman said, we could not have done it without Jarrold. He knows aviation backward and forward. There is not a question that was ever asked about what the rules were, what the law was, who was at every airport—he knew. He has been the aviation committee clerk through the relaxation of the Wright amendment restrictions around Love Field and DFW Airport. When we started on this bill and we got to the perimeter rule at Washington National, it was as though Jarrold Thompson had been through

this before. He knew what restrictions were and how you could ease them in a balanced way. It was in fact Jarrod who came up with the way forward when we were at a complete impasse at 9 o'clock last night. He is essential to our team as well.

Nick Rossi, a very important part of our staff, is also getting a promotion. SUSAN COLLINS has stolen him from our staff to make him Staff Director at Homeland Security. We never argue when people are promoted. We will miss him very much because he has been an invaluable member of the Commerce Committee staff. He will do a great job running the Homeland Security Committee, the Republican side of that committee staff.

Patrick Mullane is going to be moving over to the Budget Committee. He was a great help. He knows transportation backward and forward.

Todd Bertosen is a great member of our team who is staying with us and will continue to contribute so much with his expertise in marine and ocean, which is another part of our Commerce Committee jurisdiction.

I am very pleased we have been able to achieve a great bill that I know is taking us the next step toward the reauthorization bill that is going to put the FAA, our air traffic control system, our consumer protections, and our safety in the place where they ought to be.

I thank the chairman for his leadership and I yield the floor.

COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE

Mr. LEAHY. Mr. President, the Committee on the Judiciary has adopted rules governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent to have printed in the RECORD a copy of the committee rules.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendar days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bills identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

COMMITTEE ON FINANCE RULES OF PROCEDURE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the rules of the Committee on Finance for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the

committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nonemergency items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer*.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums*.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations*.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling*.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions*.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote*.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes*.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas*.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations*.—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings*.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings*.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings*.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences*.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the

orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings*.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

Rule 17. *Subcommittees*.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all mark-ups of the committee, whether they be open or closed to the public. A transcript, marked as “uncorrected,” shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript; and such record shall remain available until the end of the Congress following the date of the meeting.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

(i) **Committee on Finance**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

* * *

RULE XXVI

COMMITTEE PROCEDURE

* * *

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

* * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis,

other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * *

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Mr. HARKIN. Mr. President, in accordance with Rule XXVI.2 of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of procedure for the Committee on Health, Education, Labor, and Pensions, as unanimously adopted by the committee on February 16, 2011.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any

quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing or executive session it intends to hold at least one week prior to the commencement of such hearing or executive session. In the case of an executive session, the text of any bill or joint resolution to be considered must be provided to the chairman for prompt electronic distribution to the members of the committee.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed tes-

timony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall distribute to each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, along with a summary of the proposed changes prepared by the sponsor of the bill or joint resolution.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not

relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term “majority” as used in the committee’s rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments electronically to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(m)(1) **Committee on Health, Education, Labor, and Pensions**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.

18. Regulation of foreign laborers.

19. Student loans.

20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a

clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a

list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Rules of Procedure of the Committee on Veterans' Affairs for the 112th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

I. MEETINGS

(A) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(B) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(C) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside over all meetings.

(D) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(E) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(F) Written or electronic notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee Members at least 72 hours (not counting Saturdays, Sundays, and federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to Members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(G) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written or electronic copy of such amendment has been delivered to each Member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the Members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (F).

II. QUORUMS

(A) Subject to the provisions of paragraph (B), eight Members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five Members of the Committee shall constitute a quorum for purposes of transacting any other business.

(B) In order to transact any business at a Committee meeting, at least one Member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a Member, the matter shall lay over for a calendar day. If the presence of a minority Member is not then obtained, business may be transacted by the appropriate quorum.

(C) One Member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(A) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(B) There shall be a complete record kept of all Committee actions. Such record shall contain the vote cast by each Member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(A) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(B) At least one week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public an-

nouncements of the date, place, time, and subject matter of such hearing.

(C)(1) Each witness who is scheduled to testify at a hearing of the Committee shall submit 40 copies of such witness' testimony to the Committee not later than 48 hours before the witness' scheduled appearance at the hearing.

(2) Any witness who fails to meet the deadline specified in paragraph (1) shall not be permitted to present testimony but may be seated to take questions from Committee members, unless the Chairman and Ranking Minority Member determine there is good cause for the witness' failure to meet the deadline or it is in the Committee's interest to permit such witness to testify.

(D) The presiding Member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(E) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's non-concurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other Member of the Committee designated by the Chairman.

(F) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding Member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee Members or staff or with the orderly conduct of the meeting or hearing. The presiding Member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(A) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children

living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts:

(1) Information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated and which is to be made public; and

(2) Information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

(B) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

(C) Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless:

(A) Such individual is deceased and was:

(1) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(B) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual.

(C) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mrs. FEINSTEIN. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of

the first year of each Congress, the rules of each committee shall be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Tuesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization

(1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of

the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—Witnesses may make brief and relevant statements at the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to oppose such contempt or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or mate-

rials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. "Committee sensitive" means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight

duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee

staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee staff, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee, acting jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by

the Chairman and Vice Chairman, and staff with the principal responsibility for the conduct of an audit shall be qualified by training or experience in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Chairman and Vice Chairman.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

Appendix A

S. Res. 400, 94th Cong., 2d Sess. (1976)¹

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of not to exceed fifteen Members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time

serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2), (5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed

legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4.(a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or

the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5.(a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8.(a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Ethics to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Bureau of Investigation.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and (2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as otherwise provided in subsection (b), the select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(2) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.

APPENDIX B

INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH CONG., 2D SESS. (1976)

TITLE III—COMMITTEE STATUS

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SEC. 301(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

APPENDIX C

RULE 26.5(b) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.1)

Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

ENDNOTES

¹As amended by S. Res. 4, 95th Cong., 1st Sess. (1977), S. Res. 445, 108th Cong., 2d Sess. (2004), Pub. L. No. 109-177, 506, 120 Stat. 247 (2005), and S. Res. 50, 110th Cong., 1st Sess. (2007).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, the Committee on Commerce, Science, and Transportation adopted rules governing its procedures for the 112th Congress earlier today. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules from the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

112TH CONGRESS

RULE I—MEETINGS OF THE COMMITTEE

1. IN GENERAL.—The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. OPEN MEETINGS.—Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in

subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. STATEMENTS.—Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. FIELD HEARINGS.—Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

RULE II—QUORUMS

1. BILLS, RESOLUTIONS, AND NOMINATIONS.—A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. OTHER BUSINESS.—Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination or authorizing a subpoena. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. TAKING TESTIMONY.—For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 Senator.

RULE III—PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum

being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

RULE IV—CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

RULE V—SUBPOENAS; COUNSEL; RECORD

1. **SUBPOENAS.**—The Chairman, with the approval of the ranking minority member of the Committee, may subpoena the attendance of witnesses for hearings and the production of memoranda, documents, records, or any other materials. The Chairman may subpoena such attendance of witnesses or production of materials without the approval of the ranking minority member if the Chairman or a member of the Committee staff designated by the Chairman has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph, the subpoena may be authorized by vote of the Members of the Committee, the quorum required by paragraph 1 of rule II being present. When the Committee or Chairman authorizes a subpoena, it shall be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman. At the direction of the Chairman, with notification to the ranking minority member of not less than 72 hours, the staff is authorized to take depositions from witnesses. The ranking minority member, or a member of the Committee staff designated by the ranking minority member, shall be given the opportunity to attend and participate in the taking of any deposition. Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present.

2. **COUNSEL.**—Witnesses may be accompanied at a public or executive hearing, or the taking of a deposition, by counsel to advise them of their rights. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of the witness at any public or executive hearing, or the taking of a deposition, to advise the witness, while the witness is testifying, of the witness's legal rights. In the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subparagraph shall not be construed to excuse a witness from testifying in the event the witness's

counsel is ejected for conducting himself or herself in such manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of a hearing or the taking of a deposition. This subparagraph may not be construed as authorizing counsel to coach the witness or to answer for the witness. The failure of any witness to secure counsel shall not excuse the witness from complying with a subpoena.

3. **RECORD.**—An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings and depositions. If testimony given by deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee. The record of a witness's testimony, whether in public or executive session or in a deposition, shall be made available for inspection by the witness or the witness's counsel under Committee supervision. A copy of any testimony given in public session, or that part of the testimony given by the witness in executive session or deposition and subsequently quoted or made part of the record in a public session, shall be provided to that witness at the witness's expense if so requested. Upon inspecting the transcript, within a time limit set by the Clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman or a member of the Committee staff designated by the Chairman shall rule on such requests.

RULE VI—BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

RULE VII—SUBCOMMITTEES

1. **HEARINGS.**—Any member of the Committee may sit with any subcommittee during its hearings.

2. **CHANGE OF CHAIRMANSHIP.**—Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator ALEXANDER, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR-301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

A. will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

B. will relate solely to matters of the committee staff personnel or internal staff management or procedure;

C. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

D. will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

E. will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

F. may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the Members present so demand a roll call vote instead of a voice vote, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—AMENDMENTS

1. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee un-

less such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Paragraph 1 of this Title shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

3. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE VI—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Ms. LANDRIEU. Mr. President, the Committee on Small Business and Entrepreneurship today adopted rules governing its procedures for the 112th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules adopted by the Committee on Small Business and Entrepreneurship.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADOPTED RULES FOR THE U.S. SENATE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

JURISDICTION (ESTABLISHED IN THE SENATE STANDING RULES)

Per Rule XXV(1) of the Standing Rules of the Senate:

(o)(1) Committee on Small Business and Entrepreneurship to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration;

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of

the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Chair of the Committee on Small Business and Entrepreneurship, be referred to the Committee on Small Business and Entrepreneurship for its consideration of any portion of the measure dealing with the Small Business Administration and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

GENERAL SECTION

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

MEETINGS

(a) The regular meeting day of the Committee shall be the first Thursday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting or hearing, such member of the Committee as the Chair shall designate shall preside. For any meeting or hearing of the Committee, the Ranking Member may delegate to any Minority Member the authority to serve as Ranking Member, and that Minority Member shall be afforded all the rights and responsibilities of the Ranking Member for the duration of that meeting or hearing. Notice of any designation shall be provided to the Chief Clerk as early as practicable.

(b) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless an electronic copy of such amendment has been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. Following receipt of all amendments, the Clerk shall disseminate the amendments to all Members of the Committee.

This subsection may be waived by agreement of the Chair and Ranking Member or by a majority vote of the members of the Committee.

QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments, and steps in an investigation including, but not limited to, authorizing the issuance of a subpoena.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permitted in voting upon the business of the Committee. A Member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, or through oral or written personal instructions to a Member of the Committee or staff. Proxies shall in no case be counted for establishing a quorum.

NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

HEARINGS

(a)(1) The Chair of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chair and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chair and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Subject to Senate Standing Rule 26(4)(d), such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chair or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chair and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his or her own choosing, who shall be permitted while the witness is testifying to advise the witness of his or her legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chair shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

(f) Testimony may be submitted to the formal record for a period not less than two weeks following a hearing or roundtable, unless otherwise agreed to by Chair and Ranking Member.

CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chair with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

MEDIA & BROADCASTING

(a) At the discretion of the Chair, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chair by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or

broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

SUBCOMMITTEES

The Committee shall not have standing subcommittees.

AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY RULES OF PROCEDURE

Ms. STABENOW. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has adopted rules governing its procedures for the 112th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator ROBERTS, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or

any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, today the Committee on Banking, Housing, and Urban Affairs adopted rules of procedure for the 112th Congress. I ask unanimous consent that the rules of procedure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

RULE 1—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2—COMMITTEE

[a] Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing via electronic mail or paper mail of the date, time, and place of such session and has been furnished a copy of the measure to be considered, in a searchable electronic format, at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

[a] Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive as-

signment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters

on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

[a] Filing of statements.—Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a

second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

[a] Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

TRIBUTE TO GERDA WEISSMAN KLEIN

Mr. REID. Mr. President, I rise today to honor Gerda Weissman Klein, Holocaust survivor and recipient of the Presidential Medal of Freedom.

We tell ourselves never to forget, and we implore our children to do the same. But we cannot do it alone.

We need to listen to those who remember not by choice, but because they can never forget what they saw and what they survived.

With each passing year, fewer and fewer of these witnesses remain. Even fewer of them speak English, or live in America, where we can hear their stories first hand. And fewer still are like Gerda Weissman Klein.

About a year and a half ago, Mrs. Klein and her son visited my office. I invited Senators LEVIN and CARDIN to join me. I will always remember one observation she offered.

I remember it because she didn't say it as though she were teaching a profound lesson, though it was profound. She didn't say it as though it was the most important message she came to deliver, but it has stayed with me to this day. She said it, incredibly, as an off-hand comment while we were just chatting.

Mrs. Klein said this: "Surviving is an incredible privilege, but it is also a very deep responsibility."

It was beyond humbling—that someone could see what she saw and lose what she lost and endure what she endured, and still maintain such perspective, and feel such responsibility.

Mrs. Klein continues to fulfill what she sees as her responsibility, sharing her story and teaching us about tolerance. That's why we fulfilled our responsibility to her—by recognizing her with highest honor our country can give civilians, the Presidential Medal of Freedom.

But more than that, we fulfill our responsibility by thanking her, by appreciating her and by listening to her—so that we will never forget what she cannot forget.

TRIBUTE TO BRIA BENJAMIN

Mr. REID. Mr. President, I rise today to honor Bria Benjamin, a fifth-grader at Forbuss Elementary School in Las Vegas.

Recently, Bria studied hard and recited Martin Luther King's "I Have a Dream" speech in celebration of Dr. King's 82nd birthday at a meeting of the Clark County Board of Commissioners. Bria perfectly conveyed the speech and even captured the powerful, emotional and cadenced performance of Dr. King.

I am proud of Bria and commend her stunning rendition of a speech that embodies such a significant time in our country's history. As we celebrate Black History month, we recognize the immense contributions African Americans have made to this country—from innovations in science and technology to accomplishments in the arts and culture to improvements in all of our communities.

HONORING OUR ARMED FORCES

SPECIALIST ETHAN C. HARDIN

Mr. BOOZMAN. Mr. President, I rise to honor the life of one of America's bravest killed in action in Afghanistan—SPC Ethan C. Hardin—a fallen hero who served our Nation in support of Operation Enduring Freedom.

Specialist Hardin, 22, grew up in Fayetteville, AR, where he graduated Fayetteville Christian Schools. His former

principal, Kenny Francis, remembered Specialist Hardin's "pleasant, likeable, gentle personality."

His pastor remembers Specialist Hardin as an excellent young man who was very dedicated to Christ. He called Specialist Hardin "gentle" as well, saying he harbored no particular hostilities toward the enemy, but a strong desire to protect our country.

Specialist Hardin was a member of the 10th Mountain Division. He was killed when insurgents attacked his unit with an improvised explosive device and small arms fire. PFC Ira Laningham of Zapata, TX, also of the 10th Mountain Division, was also killed in the attack.

Mr. President, Specialist Hardin made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring his life and legacy. He is a true American hero.

SERGEANT ZAINAH CAYE CREAMER

Mr. President, I also rise to honor the life of one of America's bravest killed in action in Afghanistan—SGT Zainah Caye Creamer—a fallen hero who served our nation in support of Operation Enduring Freedom.

Sergeant Creamer, 28, was born in Texarkana, TX, and graduated from Arkansas High School in Texarkana, AR, where she was known for her generosity and kindness. Her friends and family say they will remember her lovely singing voice and her love of country, friends, family and fellow soldiers—including her K-9 partner, Jofa.

A soldier for more than 6 years, Sergeant Creamer was assigned to the 212th Military Police Detachment as an Army dog handler. She and her dog, Jofa, were assigned to check vehicles and facilities for explosives and were carrying out a route and clearance mission when the blast occurred.

She died of injuries sustained when an improvised explosive device detonated near her unit in Kandahar.

Mr. President, Sergeant Creamer made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring her life and legacy. She is a true American hero.

RELIGIOUS FREEDOM

Mr. HATCH. Mr. President, religious freedom is the first subject addressed in the First Amendment to the United States Constitution. In a pair of clauses that too often are divorced from each other, the Constitution prohibits Congress from making laws respecting an establishment of religion or prohibiting the free exercise of religion. Religious freedom has been a passion of mine throughout my service in the Senate and I intend to address this critical subject in a variety of ways during the 112th Congress. Today, I want to offer for my colleagues' consideration an important speech on religious freedom delivered two weeks ago at the Chapman University School of Law by Elder Dallin Oaks.

gious freedom delivered two weeks ago at the Chapman University School of Law by Elder Dallin Oaks.

Elder Oaks serves in the Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter-Day Saints. He received his law degree from the University of Chicago, where he was Editor-in-Chief of the Chicago Law Review and where he would later teach after clerking for Supreme Court Chief Justice Earl Warren. He also served as President of Brigham Young University, Chairman of the Public Broadcasting Service, and as a Justice on the Utah Supreme Court. Elder Oaks is one of the pre-eminent legal scholars of our time, and a man deeply schooled in the Constitution who dearly loves our country.

As Elder Oaks makes clear at the outset, this speech is not about particular religious doctrine but about religious freedom. In fact, he says that his intent is "to contend for religious freedom." Contending for something is much more than simply talking about it, explaining it, or even advocating it. To contend for religious freedom is to strive earnestly for it, to struggle for it, even in the face of opposition. Religious freedom is that important.

So I ask unanimous consent to have this speech printed in the RECORD and ask my colleagues to read and consider it. The full printed version of this speech contains extensive footnotes which have been deleted here for ease of publication in the RECORD. But I note for my colleagues that the full text and notes may be found at the following Internet address: <http://newsroom.lds.org/article/apostle-emphasizes-the-importance-of-religious-freedom-to-society>.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESERVING RELIGIOUS FREEDOM

(Elder Dallin H. Oaks, of the Quorum of the Twelve Apostles, Chapman University School of Law, Orange, California, Feb. 4, 2011)

I am here to speak of the state of religious freedom in the United States, why it seems to be diminishing, and what can be done about it.

Although I will refer briefly to some implications of the Proposition 8 controversy and its constitutional arguments, I am not here to participate in the debate on the desirability or effects of same-sex marriage. I am here to contend for religious freedom. I am here to describe fundamental principles that I hope will be meaningful for decades to come.

I believe you will find no unique Mormon doctrine in what I say. My sources are law and secular history. I will quote the words of Catholic, Evangelical Christian, and Jewish leaders, among others. I am convinced that on this issue what all believers have in common is far more important than their differences. We must unite to strengthen our freedom to teach and exercise what we have in common, as well as our very real differences in religious doctrine.

I.

I begin with a truth that is increasingly challenged: Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of special legal protection. I will cite a few examples.

Our nation's inimitable private sector of charitable works originated and is still furthered most significantly by religious impulses and religious organizations. I refer to such charities as schools and higher education, hospitals, and care for the poor, where religiously motivated persons contribute personal service and financial support of great value to our citizens. Our nation's incredible generosity in many forms of aid to other nations and their peoples are manifestations of our common religious faith that all peoples are children of God. Religious beliefs instill patterns of altruistic behavior.

Many of the great moral advances in Western society have been motivated by religious principles and moved through the public square by pulpit-preaching. The abolition of the slave trade in England and the Emancipation Proclamation in the United States are notable illustrations. These revolutionary steps were not motivated and moved by secular ethics or coalitions of persons who believed in moral relativism. They were driven primarily by individuals who had a clear vision of what was morally right and what was morally wrong. In our time, the Civil Rights movement was of course inspired and furthered by religious leaders.

Religion also strengthens our nation in the matter of honesty and integrity. Modern science and technology have given us remarkable devices, but we are frequently reminded that their operation in our economic system and the resulting prosperity of our nation rest on the honesty of the men and women who use them. Americans' honesty is also reflected in our public servants' remarkable resistance to official corruption. These standards and practices of honesty and integrity rest, ultimately, on our ideas of right and wrong, which, for most of us, are grounded in principles of religion and the teachings of religious leaders.

Our society is not held together just by law and its enforcement, but most importantly by voluntary obedience to the unenforceable and by widespread adherence to unwritten norms of right or righteous behavior. Religious belief in right and wrong is a vital influence to advocate and persuade such voluntary compliance by a large proportion of our citizens. Others, of course, have a moral compass not expressly grounded in religion. John Adams relied on all of these when he wisely observed that "we have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

Even the agnostic Oxford-educated British journalist, Melanie Phillips, admitted that "one does not have to be a religious believer to grasp that the core values of Western Civilization are grounded in religion, and to be concerned that the erosion of religious observance therefore undermines those values and the 'secular ideas' they reflect."

My final example of the importance of religion in our country concerns the origin of the Constitution. Its formation over 200

years ago was made possible by religious principles of human worth and dignity, and only those principles in the hearts of a majority of our diverse population can sustain that Constitution today. I submit that religious values and political realities are so inter-linked in the origin and perpetuation of this nation that we cannot lose the influence of religion in our public life without seriously jeopardizing our freedoms.

Unfortunately, the extent and nature of religious devotion in this nation is changing. Belief in a personal God who defines right and wrong is challenged by many. "By some counts," an article in *The Economist* declares, "there are at least 500 [million] declared non-believers in the world—enough to make atheism the fourth-biggest religion." Others who do not consider themselves atheists also reject the idea of a supernatural power, but affirm the existence of some impersonal force and the value of compassion and love and justice.

Organized religion is surely on the decline. Last year's Pew Forum Study on Religion and Public Life found that the percentage of young adults affiliated with a particular religious faith is declining significantly. Scholars Robert Putnam and David Campbell have concluded that "the prospects for religious observance in the coming decades are substantially diminished."

Whatever the extent of formal religious affiliation, I believe that the tide of public opinion in favor of religion is receding. A writer for the *Christian Science Monitor* predicts that the coming century will be "very secular and religiously antagonistic," with intolerance of Christianity "ris[ing] to levels many of us have not believed possible in our lifetimes."

A visible measure of the decline of religion in our public life is the diminished mention of religious faith and references to God in our public discourse. One has only to compare the current rhetoric with the major addresses of our political leaders in the 18th, 19th, and the first part of the 20th centuries. Similarly, compare what Lincoln said about God and religious practices like prayer on key occasions with the edited versions of his remarks quoted in current history books. It is easy to believe that there is an informal conspiracy of correctness to scrub out references to God and the influence of religion in the founding and preservation of our nation.

The impact of this on the rising generation is detailed in an Oxford University Press book, *Souls in Transition*. There we read: "Most of the dynamics of emerging adult culture and life in the United States today seem to have a tendency to reduce the appeal and importance of religious faith and practice. . . . Religion for the most part is just something in the background."

Granted that reduced religious affiliation puts religion "in the background," the effect of that on the religious beliefs of young adults is still in controversy. The negative view appears in the Oxford book, whose author concludes that this age group of 18 to 23 "had difficulty seeing the possible distinction between, in this case, objective moral truth and relative human invention. . . . [T]hey simply cannot, for whatever reason, believe in—or sometimes even conceive of—a given, objective truth, fact, reality, or nature of the world that is independent of their subjective self-experience."

On the positive side, the Pew Forum study reported that over three-quarters of young adults believe that there are absolute standards of right and wrong. For reasons ex-

plained later, I believe this finding is very positive for the future of religious freedom.

II.

Before reviewing the effects of the decline of religion in our public life, I will speak briefly of the free exercise of religion. The first provision in the Bill of Rights of the United States Constitution is what many believe to be its most important guarantee. It reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The prohibition against "an establishment of religion" was intended to separate churches and government, to forbid a national church of the kind found in Europe. In the interest of time I will say no more about the establishment of religion, but only concentrate on the First Amendment's direction that the United States shall have "no law [prohibiting] the free exercise [of religion]." For almost a century this guarantee of religious freedom has been understood as a limitation on state as well as federal power.

The guarantee of religious freedom is one of the supremely important founding principles in the United States Constitution, and it is reflected in the constitutions of all 50 of our states. As noted by many, the guarantee's "pre-eminent place" as the first expression in the First Amendment to the United States Constitution identifies freedom of religion as "a cornerstone of American democracy." The American colonies were originally settled by people who, for the most part, came to this continent for the freedom to practice their religious faith without persecution, and their successors deliberately placed religious freedom first in the nation's Bill of Rights.

So it is that our federal law formally declares: "The right to freedom of religion undergirds the very origin and existence of the United States." So it is, I maintain, that in our nation's founding and in our constitutional order religious freedom and its associated First Amendment freedoms of speech and press are the motivating and dominating civil liberties and civil rights.

III.

Notwithstanding its special place in our Constitution, a number of trends are eroding both the protections the free exercise clause was intended to provide and the public esteem this fundamental value has had during most of our history. For some time we have been experiencing laws and official actions that impinge on religious freedom. In a few moments I will give illustrations, but first I offer some generalizations.

The free "exercise" of religion obviously involves both (1) the right to choose religious beliefs and affiliations and (2) the right to "exercise" or practice those beliefs without government restraint. However, in a nation with citizens of many different religious beliefs the right of some to act upon their religious beliefs must be qualified by the government's responsibility to further compelling government interests, such as the health and safety of all. Otherwise, for example, the government could not protect its citizens' persons or properties from neighbors whose religious principles compelled practices that threatened others' health or personal security. Government authorities have wrestled with this tension for many years, so we have considerable experience in working out the necessary accommodations.

The inherent conflict between the precious religious freedom of the people and the legitimate regulatory responsibilities of the government is the central issue of religious

freedom. The problems are not simple, and over the years the United States Supreme Court, which has the ultimate responsibility of interpreting the meaning of the lofty and general provisions of the Constitution, has struggled to identify principles that can guide its decisions when a law or regulation is claimed to violate someone's free exercise of religion. As would be expected, many of these battles have involved government efforts to restrict the religious practices of small groups like Jehovah's Witnesses and Mormons. Recent experience suggests adding the example of Muslims.

Much of the controversy in recent years has focused on the extent to which state laws that are neutral and generally applicable can override the strong protections contained in the free exercise clause of the United States Constitution. As noted hereafter, in the 1990s the Supreme Court ruled that such state laws could prevail. Fortunately, in a stunning demonstration of the resilience of the guarantee of free exercise of religion, over half of the states have passed legislation or interpreted their state constitutions to preserve a higher standard for protecting religious freedom. Only a handful have followed the Supreme Court's approach that the federal free exercise protection must bow to state laws that are neutral as to religion.

Another important current debate over religious freedom concerns whether the guarantee of free exercise of religion gives one who acts on religious grounds greater protection against government prohibitions than are already guaranteed to everyone by other provisions of the constitution, like freedom of speech. I, of course, maintain that unless religious freedom has a unique position we erase the significance of this separate provision in the First Amendment. Treating actions based on religious belief the same as actions based on other systems of belief is not enough to satisfy the special guarantee of religious freedom in the United States Constitution. Religion must preserve its preferred status in our pluralistic society in order to make its unique contribution—its recognition and commitment to values that transcend the secular world.

Over a quarter century ago I reviewed the history and predicted the future of church/state law in a lecture at DePaul University in Chicago. I took sad notice of the fact that the United States Supreme Court had diminished the significance of free exercise by expanding the definition of religion to include what the Court called "religions" not based on belief in God. I wrote: "The problem with a definition of religion that includes almost everything is that the practical effect of inclusion comes to mean almost nothing. Free exercise protections become diluted as their scope becomes more diffuse. When religion has no more right to free exercise than irreligion or any other secular philosophy, the whole newly expanded category of 'religion' is likely to diminish in significance."

Unfortunately, the tide of thought and precedent seems contrary to this position. While I have no concern with expanding comparable protections to non-religious belief systems, as is done in international norms that protect freedom of religion or belief, I object to doing so by re-interpreting the First Amendment guarantee of free exercise of religion.

It was apparent twenty-five years ago, and it is undeniable today, that the significance of religious freedom is diminishing. Five years after I gave my DePaul lecture, the United States Supreme Court issued its most important free exercise decision in many

years. In *Employment Division v. Smith*, the Court significantly narrowed the traditional protection of religion by holding that the guarantee of free exercise did not prevent government from interfering with religious activities when it did so by neutral, generally applicable laws. This ruling removed religious activities from their sanctuary—the preferred position the First Amendment had given them.

Now, over twenty years later, some are contending that a religious message is just another message in a world full of messages, not something to be given unique or special protection. One author takes the extreme position that religious speech should have even less protection. In *Freedom from Religion*, published by the Oxford University Press, a law professor makes this three-step argument:

1. In many nations "society is at risk from religious extremism."

2. "A follower is far more likely to act on the words of a religious authority figure than other speakers."

3. Therefore, "in some cases, society and government should view religious speech as inherently less protected than secular political speech because of its extraordinary ability to influence the listener."

The professor then offers this shocking conclusion:

"[W]e must begin to consider the possibility that religious speech can no longer hide behind the shield of freedom of expression. . . .

"Contemporary religious extremism leaves decision-makers and the public alike with no choice but to re-contour constitutionally granted rights as they pertain to religion and speech."

I believe most thoughtful people would reject that extreme conclusion. All should realize how easy it would be to gradually manipulate the definition of "religious extremism" to suppress any unpopular religion or any unpopular preaching based on religious doctrine. In addition, I hope most would see that it is manifestly unfair and short-sighted to threaten religious freedom by focusing on some undoubted abuses without crediting religion's many benefits. I am grateful that there are responsible voices and evidence affirming the vital importance of religious freedom, worldwide.

When Cardinal Francis George, then President of the U.S. Conference of Catholic Bishops, spoke at Brigham Young University last year, he referred to "threats to religious freedom in America that are new to our history and to our tradition." He gave two examples, one concerning threats to current religious-based exemptions from participating in abortions and the other "the development of gay rights and the call for same-sex 'marriage.'" He spoke of possible government punishments for churches or religious leaders whose doctrines lead them to refuse to participate in government sponsored programs.

Along with many others, I see a serious threat to the freedom of religion in the current assertion of a "civil right" of homosexuals to be free from religious preaching against their relationships. Religious leaders of various denominations affirm and preach that sexual relations should only occur between a man and a woman joined together in marriage. One would think that the preaching of such a doctrinal belief would be protected by the constitutional guarantee of the free exercise of religion, to say nothing of the guarantee of free speech. However, we are beginning to see worldwide indications that this may not be so.

Religious preaching of the wrongfulness of homosexual relations is beginning to be threatened with criminal prosecution or actually prosecuted or made the subject of civil penalties. Canada has been especially aggressive, charging numerous religious authorities and persons of faith with violating its human rights law by "impacting an individual's sense of self-worth and acceptance." Other countries where this has occurred include Sweden, the United Kingdom, and Singapore.

I do not know enough to comment on whether these suppressions of religious speech violate the laws of other countries, but I do know something of religious freedom in the United States, and I am alarmed at what is reported to be happening here.

In New Mexico, the state's Human Rights Commission held that a photographer who had declined on religious grounds to photograph a same-sex commitment ceremony had engaged in impermissible conduct and must pay over \$6,000 attorney's fees to the same-sex couple. A state judge upheld the order to pay. In New Jersey, the United Methodist Church was investigated and penalized under state anti-discrimination law for denying same-sex couples access to a church-owned pavilion for their civil-union ceremonies. A federal court refused to give relief from the state penalties. Professors at state universities in Illinois and Wisconsin were fired or disciplined for expressing personal convictions that homosexual behavior is sinful. Candidates for masters' degrees in counseling in Georgia and Michigan universities were penalized or dismissed from programs for their religious views about the wrongfulness of homosexual relations. A Los Angeles policeman claimed he was demoted after he spoke against the wrongfulness of homosexual conduct in the church where he is a lay pastor. The Catholic Church's difficulties with adoption services and the Boy Scouts' challenges in various locations are too well known to require further comment.

We must also be concerned at recent official expressions that would narrow the field of activities protected by the free exercise of religion. Thus, when President Obama used the words freedom of worship instead of free exercise of religion, a writer for the Becket Fund for Religious Liberty sounded this warning:

"To anyone who closely follows prominent discussion of religious freedom in the diplomatic and political arena, this linguistic shift is troubling.

"The reason is simple. Any person of faith knows that religious exercise is about a lot more than freedom of worship. It's about the right to dress according to one's religious dictates, to preach openly, to evangelize, to engage in the public square."

Fortunately, more recent expressions by President Obama and his state department have used the traditional references to the right to practice religious faith.

Even more alarming are recent evidences of a narrowing definition of religious expression and an expanding definition of the so-called civil rights of "dignity," "autonomy," and "self-fulfillment" of persons offended by religious preaching. Thus, President Obama's head of the Equal Employment Opportunity Commission, Chai Feldblum, recently framed the issue in terms of a "sexual-orientation liberty" that is such a fundamental right that it should prevail over a competing "religious-belief liberty." Such a radical assertion should not escape analysis. It has three elements. First, the freedom of religion—an express provision of the Bill of Rights that

has been recognized as a fundamental right for over 200 years—is recast as a simple “liberty” that ranks among many other liberties. Second, Feldblum asserts that sexual orientation is now to be defined as a “sexual liberty” that has the status of a fundamental right. Finally, it is claimed that “the best framework for dealing with this conflict is to analyze religious people’s claims as ‘belief liberty interest’ not as free exercise claims under the First Amendment.” The conclusion: Religious expressions are to be overridden by the fundamental right to “sexual liberty.”

It is well to remember James Madison’s warning: “There are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.”

We are beginning to experience the expansion of rhetoric and remedies that seem likely to be used to chill or even to penalize religious expression. Like the professors in Illinois and Wisconsin and the lay clergyman in California, individuals of faith are experiencing real retribution merely because they seek to express their sincerely held religious beliefs.

All of this shows an alarming trajectory of events pointing toward constraining the freedom of religious speech by forcing it to give way to the “rights” of those offended by such speech. If that happens, we will have criminal prosecution of those whose religious doctrines or speech offend those whose public influence and political power establish them as an officially protected class.

Closely related to the danger of criminal prosecutions are the current arguments seeking to brand religious beliefs as an unacceptable basis for citizen action or even for argument in the public square. For an example of this we need go no further than the district court’s opinion in the Proposition 8 case, *Perry v. Schwarzenegger*.

A few generations ago the idea that religious organizations and religious persons would be unwelcome in the public square would have been unthinkable. Now, such arguments are prominent enough to cause serious concern. It is not difficult to see a conscious strategy to neutralize the influence of religion and churches and religious motivations on any issues that could be characterized as public policy. As noted by John A. Howard of the Howard Center for Family, Religion and Society, the proponents of banishment “have developed great skills in demonizing those who disagree with them, turning their opponents into objects of fear, hatred and scorn.” Legal commentator Hugh Hewitt described the current circumstance this way:

“There is a growing anti-religious bigotry in the United States. . . .

“For three decades people of faith have watched a systematic and very effective effort waged in the courts and the media to drive them from the public square and to delegitimize their participation in politics as somehow threatening.”

The forces that would intimidate persons with religious-based points of view from influencing or making the laws of their state or nation should answer this question: How would the great movements toward social justice cited earlier have been advocated and pressed toward adoption if their religious proponents had been banned from the public square by insistence that private religious or moral positions were not a rational basis for public discourse?

We have already seen a significant deterioration in the legal position of the family, a

key institution defined by religious doctrine. In his essay “The Judicial Assault on the Family,” Allan W. Carlson examines the “formal influence of Christianity” on American family law, citing many state and United States Supreme Court decisions through the 1950s affirming the fundamental nature of the family. He then reviews a series of decisions beginning in the mid-1960s that gave what he calls “an alternate vision of family life and family law.” For example, he quotes a 1972 decision in which the Court characterized marriage as “an association of two individuals each with a separate intellectual and emotional makeup.” “Through these words,” Carlson concludes, “the U.S. Supreme Court essentially enlisted in the Sexual Revolution.” Over these same years, “the federal courts also radically altered the meaning of parenthood.”

I quote Carlson again:

“The broad trend has been from a view of marriage as a social institution with binding claims of its own and with prescribed rules for men and women into a free association, easily entered and easily broken, with a focus on the needs of individuals. However, the ironical result of so expanding the ‘freedom to marry’ has been to enhance the authority and sway of government.”

“As the American founders understood, marriage and the autonomous family were the true bulwarks of liberty, for they were the principal rivals to the state. . . . And surely, as the American judiciary has deconstructed marriage and the family over the last 40 years, the result has been the growth of government.”

All of this has culminated in attempts to redefine marriage or to urge its complete abolition. The debate continues in the press and elsewhere.

IV.

What has caused the current public and legal climate of mounting threats to religious freedom? I believe the cause is not legal but cultural and religious. I believe the diminished value being attached to religious freedom stems from the ascendancy of moral relativism.

More and more of our citizens support the idea that all authority and all rules of behavior are man-made and can be accepted or rejected as one chooses. Each person is free to decide for himself or herself what is right and wrong. Our children face the challenge of living in an increasingly godless and amoral society.

I have neither the time nor the expertise to define the various aspects of moral relativism or the extent to which they have entered the culture or consciousness of our nation and its people. I can only rely on respected observers whose descriptions feel right to me.

In his book, *Modern Times*, the British author, Paul Johnson, writes: “At the beginning of the 1920s the belief began to circulate, for the first time at a popular level, that there were no longer any absolutes: of time and space, of good and evil, of knowledge, above all of value.”

On this side of the Atlantic, Gertrude Himmelfarb describes how the virtues associated with good and evil have been degraded into relative values.

A variety of observers have described the consequences of moral relativism. All of them affirm the existence of God as the Ultimate Law-giver and the source of the absolute truth that distinguishes good from evil.

Rabbi Harold Kushner speaks of God-given “absolute standards of good and evil built

into the human soul.” He writes: “As I see it, there are two possibilities. Either you affirm the existence of a God who stands for morality and makes moral demands of us, who built a law of truthfulness into His world even as He built in a law of gravity. . . . Or else you give everyone the right to decide what is good and what is evil by his or her own lights, balancing the voice of one’s conscience against the voice of temptation and need. . . .”

Rabbi Kushner also observes that a philosophy that rejects the idea of absolute right and wrong inevitably leads to a deadening of conscience. “Without God, it would be a world where no one was outraged by crime or cruelty, and no one was inspired to put an end to them. . . . [T]here would be no more inspiring goal for our lives than self-interest. . . . Neither room nor reason for tenderness, generosity, helpfulness.”

Dr. Timothy Keller, a much-published pastor in New York, asks:

“What happens if you eliminate anything from the Bible that offends your sensibility and crosses your will? If you pick and choose what you want to believe and reject the rest, how will you ever have a God who can contradict you? You won’t! . . .

“Though we have been taught that all moral values are relative to individuals and cultures, we can’t live like that. In actual practice we inevitably treat some principles as absolute standards by which we judge the behavior of those who don’t share our values. . . . People who laugh at the claim that there is a transcendent moral order do not think that racial genocide is just impractical or self-defeating, but that it is wrong. . . .”

My esteemed fellow Apostle, Elder Neal A. Maxwell, asked: “[H]ow can a society set priorities if there are no basic standards? Are we to make our calculations using only the arithmetic of appetite?”

He made this practical observation: “Decrease the belief in God, and you increase the numbers of those who wish to play at being God by being ‘society’s supervisors.’ Such ‘supervisors’ deny the existence of divine standards, but are very serious about imposing their own standards on society.”

Elder Maxwell also observed that we increase the power of governments when people do not believe in absolute truths and in a God who will hold them and their government leaders accountable.

Moral relativism leads to a loss of respect for religion and even to anger against religion and the guilt that is seen to flow from it. As it diminishes religion, it encourages the proliferation of rights that claim ascendancy over the free exercise of religion.

The founders who established this nation believed in God and in the existence of moral absolutes—right and wrong—established by this Ultimate Law-giver. The Constitution they established assumed and relied on morality in the actions of its citizens. Where did that morality come from and how was it to be retained? Belief in God and the consequent reality of right and wrong was taught by religious leaders in churches and synagogues, and the founders gave us the First Amendment to preserve that foundation for the Constitution.

The preservation of religious freedom in our nation depends on the value we attach to the teachings of right and wrong in our churches, synagogues and mosques. It is faith in God—however defined—that translates these religious teachings into the moral behavior that benefits the nation. As fewer and fewer citizens believe in God and

in the existence of the moral absolutes taught by religious leaders, the importance of religious freedom to the totality of our citizens is diminished. We stand to lose that freedom if many believe that religious leaders, who preach right and wrong, make no unique contribution to society and therefore should have no special legal protection.

V. CONCLUSION

I have made four major points:

1. Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of their special legal protection.

2. Religious freedom undergirds the origin and existence of this country and is the dominating civil liberty.

3. The guarantee of free exercise of religion is weakening in its effects and in public esteem.

4. This weakening is attributable to the ascendancy of moral relativism.

We must never see the day when the public square is not open to religious ideas and religious persons. The religious community must unite to be sure we are not coerced or deterred into silence by the kinds of intimidation or threatening rhetoric that are being experienced. Whether or not such actions are anti-religious, they are surely anti-democratic and should be condemned by all who are interested in democratic government. There should be room for all good-faith views in the public square, be they secular, religious, or a mixture of the two. When expressed sincerely and without sanctimoniousness, the religious voice adds much to the text and tenor of public debate. As Elder Quentin L. Cook has said: "In our increasingly unrighteous world, it is essential that values based on religious belief be part of the public discourse. Moral positions informed by a religious conscience must be accorded equal access to the public square."

Religious persons should insist on their constitutional right and duty to exercise their religion, to vote their consciences on public issues, and to participate in elections and in debates in the public square and the halls of justice. These are the rights of all citizens and they are also the rights of religious leaders and religious organizations. In this circumstance, it is imperative that those of us who believe in God and in the reality of right and wrong unite more effectively to protect our religious freedom to preach and practice our faith in God and the principles of right and wrong He has established.

This proposal that we unite more effectively does not require any examination of the doctrinal differences among Christians, Jews, and Muslims, or even an identification of the many common elements of our beliefs. All that is necessary for unity and a broad coalition along the lines I am suggesting is a common belief that there is a right and wrong in human behavior that has been established by a Supreme Being. All who believe in that fundamental should unite more effectively to preserve and strengthen the freedom to advocate and practice our religious beliefs, whatever they are. We must walk together for a ways on the same path in order to secure our freedom to pursue our separate ways when that is necessary according to our own beliefs.

I am not proposing a resurrection of the so-called "moral majority," which was identified with a particular religious group and a particular political party. Nor am I proposing an alliance or identification with any current political movement, tea party or other. I speak for a broader principle, non-

partisan and, in its own focused objective, ecumenical. I speak for what Cardinal Francis George described in his address at Brigham Young University, just a year ago. His title was "Catholics and Latter-day Saints: Partners in the Defense of Religious Freedom." He proposed "that Catholics and Mormons stand with one another and with other defenders of conscience, and that we can and should stand as one in the defense of religious liberty. In the coming years, inter-religious coalitions formed to defend the rights of conscience for individuals and for religious institutions should become a vital bulwark against the tide of forces at work in our government and society to reduce religion to a purely private reality. At stake is whether or not the religious voice will maintain its right to be heard in the public square."

We join in that call for religious coalitions to protect religious freedom. In doing so we recall the wisdom of Benjamin Franklin. At another critical time in our nation's history, he declared: "We must all hang together, or assuredly we shall all hang separately."

In conclusion, as an Apostle of the Lord Jesus Christ I affirm His love for all people on this earth, and I affirm the importance His followers must attach to religious freedom for all people—whatever their beliefs. I pray for the blessings of God upon our cooperative efforts to preserve that freedom.

TRIBUTE TO JERRY SLOAN

Mr. HATCH. Mr. President, on February 11, 2011, the people of Utah received of some very bad news. On that day, Jerry Sloan announced that he was resigning his position as head coach of the Utah Jazz. Jerry is one of the most respected figures in all of sports, a Hall of Famer, and, for the people of Utah, an irreplaceable icon. He will most certainly be missed.

Coach Sloan was born and raised in rural Illinois. He played college ball at the University of Evansville. And, although he began his career in the NBA with the Baltimore Bullets, he will always be remembered for his years with the Chicago Bulls. Few probably remember that Jerry was, in fact, the first member of the Bulls' team, having been selected in the expansion draft prior to the team's first season in the NBA. Throughout his playing career, he was known as "The Original Bull."

As a player, Sloan was known for his tenacity on defense, his unmatched toughness, and his no-nonsense nature. Over the course of his career with the Bulls, he played in two All-Star Games, was named to the NBA All-Defensive First Team four times and the All-Defensive Second Team twice. After his retirement, the Bulls retired Sloan's jersey, the first jersey retirement in the history of the franchise.

After his playing days were over, Jerry joined the Bull's coaching staff, starting out as a scout, eventually working his way up to head coach, a position he held for three seasons. He joined the Jazz coaching staff a few years later as an assistant coach. In 1988, Jerry was named head coach of the Jazz, and he stayed in that position up until last week.

Jerry Sloan was the coach of the Jazz for 23 years. That is simply remarkable, not only in the modern NBA era but in the history of professional basketball. The NBA has seen a number of great coaches in its history, but none have coached the same team as long as Jerry Sloan coached the Jazz.

Coach Sloan's success is even more remarkable than his longevity. In the 23 seasons Jerry coached, the Jazz finished with a losing record only one time. The team was in the playoffs in all but three of those seasons, and they reached the NBA Finals twice, in 1997 and 1998. Jerry finished his career third on alltime wins list. He holds the record for most wins with a single team. No other NBA coach in history has even approached 1,000 wins with one team. Jerry won 1,127 as coach of the Jazz.

However, while Jerry has amassed an impressive pile of statistics, that is not what he will be remembered for. For fans of the Jazz and, indeed, for basketball fans everywhere, Jerry Sloan was the personification of old-fashioned values. As a longtime fan of the Jazz, I have always reveled in the fact that my favorite team has continuously been praised for its efficiency, discipline, and fundamentals. These have been the hallmarks of Utah Jazz basketball, and that is a direct reflection of Jerry Sloan. In an industry filled with agents, bright lights, and endless promotion, Jerry Sloan's Jazz were living proof that hard work and professionalism could trump market size and national popularity. In many ways, I think Utahns see the Jazz as a reflection of their own values and aspirations, and that is due, in large part, to the character of Coach Sloan.

Jerry was never one to seek after accolades or personal attention during his career. For him, basketball was a job, and he was a consummate professional. He was brutally honest when necessary and took responsibility when things didn't go the team's way. No one ever heard an excuse from Jerry Sloan.

Mr. President, I have known Jerry Sloan for a number of years. Quite simply, he is a class act. I think you have to spend some time in Utah to know just what Jerry Sloan has meant to our community. I want thank Jerry for all he has done for the State of Utah, and I wish him and his family the best of luck in all their future endeavors.

REMEMBERING GUISEPPE GARIBALDI

Mr. ENZI. Mr. President, I rise today to talk about the American dream and honoring those who have not only embodied a pioneering spirit, but more specifically, one individual who inspired two nations through his passionate leadership, and through his dedication to family and pride in tradition.

Italian-American Giuseppe Garibaldi lived and fought for the dream of creating his own destiny. All too often today we give little thought to the freedom of deciding who we are, to deciding what we want to be even how and where we raise a family and practice our faith. However, 150 years ago, these decisions meant the world to Mr. Garibaldi.

Giuseppe Garibaldi was born in Nice, Italy, on July 4, 1807. In his early twenties, Mr. Garibaldi continued his family's coastal trade business and answered a call of duty to enlist in the military. At the age of 25, Garibaldi's budding leadership was recognized and he was commissioned as a merchant marine captain.

Throughout Central and South America, he fought in independence struggles leading the Italian Legion. His success earned him the title "Hero of Two Worlds" from the people of Italy and Uruguay. Garibaldi continued to foster his passionate beliefs and soon after leaving South America began learning English and applied for citizenship in America. His request was granted and Garibaldi settled in New York among other notable Italian minds of the time. Not only did he become a community leader for Italian Americans living in Staten Island, he encouraged fellow immigrants to work hard for their dreams and to create true communities with their neighbors, while still embracing family and traditions from Italy.

After his time living in the United States, Garibaldi was called upon again to be a military leader. He led the troops at Risorgimento that fought to unite a divided Italy and succeeded in their mission in 1861. This man's great works and leadership helped shift Italy from a dynastic tyranny to a time of political self-determination.

Because of this extraordinary accomplishment, President Abraham Lincoln offered Garibaldi a position as Major General of the Union Army. Although Garibaldi declined the impressive commission, the 39th New York Infantry was still known afterward as "The Garibaldi Guard"—where Italian-Americans fought alongside fellow soldiers to protect the America they loved.

Giuseppe Garibaldi was not just a soldier though. He was a husband, father and an active free mason who believed that people should unite as brothers within a nation and as a global community. He encouraged fellow immigrants to persevere through hope and hard work and to be proud of their Italian roots.

As an Italian American, I am proud of my heritage and this is why yesterday I introduced a bill today to posthumously award the Congressional Gold Medal to Giuseppe Garibaldi for his life's passions and accomplishments. My bill also commemorates the 150th anniversary of the Republic of

Italy, which will be celebrated across Italy and the United States on March 17, 2011. Thank you to Congressman MICHAEL GRIMM of New York who is introducing the bill in the U.S. House of Representatives. It is my hope that this legislation will challenge us all to pause and reflect on the pioneering spirit, family and traditions that have made this great country what it is today.

TAA AND ATPA

Mrs. HAGAN. Mr. President, I rise today to urge the Senate to quickly pass a long-term extension of the Trade Adjustment Assistance, TAA, program for workers, as well as the Andean Trade Preference program. These programs make our workforce more competitive in the global marketplace and support jobs in North Carolina.

Both are critical Federal programs to North Carolina, and both expired this past Saturday.

North Carolina's workforce has been particularly hard hit as manufacturing has suffered, factories have closed, and companies have moved operations overseas.

The TAA program for workers offers benefits, including job retraining, to workers displaced by imports or a shift of production to other countries. Once a laid-off worker has exhausted State unemployment benefits, he or she can qualify to receive supplemental benefits under TAA.

These include weekly cash payments equal to unemployment benefits. To qualify, the worker must be involved in job retraining.

TAA payments can last for 52 weeks if a worker is in job training and 26 weeks more if a worker needs remedial education.

Many North Carolinians who have lost their jobs through no fault of their own have turned to our network of affordable community colleges to retool their skills.

Yesterday, I met with trustees for the North Carolina Community College System, which is among the best in the Nation.

These leaders told me how valuable it is for these laid-off workers to get a community college education and gain the necessary skills to be competitive in today's job market.

I agree wholeheartedly. Since coming to the Senate I have advocated to expand and enhance the TAA program for workers. In the American Recovery and Reinvestment Act, we significantly enhanced TAA programs by expanding eligibility and increasing the training funds available to States by 160 percent, or \$575 million per fiscal year.

Earlier this month, I was among a group of Senators who sent a letter to leaders in the House of Representatives asking that they quickly introduce and pass a long-term extension of TAA,

which is something they did in a bipartisan way last December.

Since Congress expanded this crucial program, over 17,000 North Carolinians have been certified for assistance under TAA.

Last year, displaced workers in North Carolina received over \$56 million through TAA—the second largest amount given to a single State to help workers develop new skills and find new jobs.

Though we are making progress in turning around our economy, that doesn't mean much if you are one of the 430,000 North Carolinians still out of work.

One North Carolinian, Wayne Kizewski, is 42 years old and 2 years ago lost his job at a Cary company that molded plastic parts for Chrysler. Wayne used the TAA program to go back to school at Wake Technical Community College to study information systems.

Wayne was also able to receive help from the TAA program to pay for 80 percent of his health insurance premiums, including coverage for his 5-year-old son.

I hear from business owners all the time who tell me that workers in North Carolina have a work ethic that is second to none. When these men and women lose their jobs through no fault of their own they are determined to continue providing for their families, and this program allows them to go back to school and retool their skills for the 21st-century economy.

With our State's excellent community colleges, we can get our workforce prepared to lead the way in emerging industries.

The TAA program for workers is essential to maintaining our Nation's global competitiveness and supporting workers in North Carolina and across the country.

I would also like to address the Andean Trade Preference program.

I know my colleagues from Arizona and Ohio were on the floor earlier discussing both TAA and the Andean Trade Preference program.

I know that extending this program is important to my friends on the other side of the aisle. It is important to me too as this program has an impact on jobs in North Carolina.

For example, one of the products eligible for preferential treatment under this agreement is apparel made of U.S. combed-cotton yarn, much of which is made by workers in North Carolina.

In fact, one North Carolina company, Parkdale Mills, exports 1 million pounds of cotton yarn annually that is valued at \$2 million.

These exports support more than 100 jobs in North Carolina.

Earlier this week I received a letter from the CEO of Parkdale Mills. He wrote, "a lapse of duty free benefits, even if a short period of time, is catastrophic to our business."

Over the last 4 years, the Andean program has been extended or renewed three different times, often at the last minute.

American firms doing business in the Andean region do not know from year to year whether they will pay duties or not. That is no way to run a business.

So I agree with my colleague, the senior Senator for Arizona, that a long-term extension of this program is important.

I believe we should be able to extend both of these programs, TAA and ATPA, together. I know that my colleague from Pennsylvania, Senator CASEY, made a number of unanimous consent requests last week to do just that. The bill that Senator BROWN asked consent to pass earlier would provide an 18 month extension of both programs.

Mr. President, these programs have bipartisan support. Workers and businesses need the certainty and support they provide. We should extend them as soon as possible.

150TH ANNIVERSARY OF THE DAKOTA TERRITORY

Mr. THUNE. Mr. President, today I wish to recognize the formation of the Dakota Territory. It was on February 26, 1861, that the Senate passed the legislation creating the territory. In the year of the 150th anniversary, I would like to honor the dedication of those who made this status a reality.

Dr. J.M. Staples of Dubuque, IA, paved the way to develop the Dakota region, leading the new settlers to desire territorial status.

When Minnesota became a State on May 23, 1857, the Dakota area was left without a form of government. Therefore, the settlers unprecedentedly created a provisional government in October of 1858, including electing Henry Masters as Governor and in the autumn of 1859 nominating the Honorable J.P. Kidder as delegate to Congress.

Congress continued to thwart desired territorial status as U.S. Senator Fitch in December 1858, Senator James I. Green on January 29, 1859, and House Representative Alexander II Stevens on February 4, 1859, assertively introduced bills, all of which failed.

Senator Green would not be deterred and continued to push for the creation of the territory, introducing another bill on February 14, 1861. His persistence resulted in the passage of the act. This bill successfully passed in the Senate on February 26, the House on March 1, and President James Buchanan signed it into law less than 48 hours before his term ended on March 2.

After taking office, President Abraham Lincoln had the honor of appointing the first Governor to the territory, Dr. William Jayne of Springfield, IL, a personal friend of his. General J.B.S.

Todd, a relative of Mrs. Lincoln, became the first officially recognized territorial delegate to Congress.

I would like to posthumously recognize the efforts of those who worked to secure the designation of the Dakota Territory. For it is through their labor that eventually on November 2, 1889, the Dakota Territory became, in part, the State of South Dakota of which I am proud to be a citizen.

SPECIAL AGENT JAIME J. ZAPATA AND SPECIAL AGENT VICTOR AVILA

Mr. LIEBERMAN. Mr. President, as chairman of the Senate Committee on Homeland Security and Governmental Affairs, I rise to express my deepest sorrow about a tragic attack on American law enforcement that happened earlier this week in Mexico.

On Tuesday afternoon, two agents from U.S. Immigration and Customs Enforcement were attacked by unknown individuals while driving between Mexico City and Monterrey, Mexico. Today, I honor the incredible sacrifice of Special Agent Jaime J. Zapata, who lost his life in service of our country, and Special Agent Victor Avila, who is recovering from injuries from the shooting.

Special Agent Zapata joined ICE in 2006. He joined one of ICE's offices in Laredo, TX, where he served on the Human Smuggling and Trafficking Unit, as well as the Border Enforcement Security Task Force. He was most recently detailed to ICE's Attache office in Mexico City. He began his Federal law enforcement career with the Department of Homeland Security as a member of the U.S. Border Patrol in Yuma, AZ. A native of Brownsville, TX, Special Agent Zapata graduated from the University of Texas at Brownsville in 2005 with a bachelor of science in criminal justice.

My thoughts and prayers are with Special Agent Avila as he recovers.

These two brave agents gave their all to shield others from harm. They worked tirelessly against dangerous criminal elements. They bravely took dangerous assignments, ultimately making a profound sacrifice.

They were two of the hundreds of ICE personnel around the globe. Honorable agents like these two individuals collaborate with their counterparts in joint efforts to dismantle transnational criminal organizations. Agents like them give their all day in and day out on fighting money laundering, contraband smuggling, weapons proliferation, forced child labor, human rights violations, intellectual property violations, child exploitation, and human smuggling and trafficking.

An incident like this serves to remind us all as a nation how grateful we are for the sacrifices made by these brave men and women every day. The

work they do serves to make the public safe and protect the Nation's security.

I have been in contact with law enforcement, and I know that they are working closely with the authorities in Mexico to ensure that the perpetrators of this horrible attack on American law enforcement are brought to justice as quickly as possible.

In the meantime, I offer my deepest condolences to the family of Special Agent Zapata. He died for a just cause and will forever be remembered as a man of courage and honor.

And a message for Special Agent Avila. I think I speak for a nation when I say that I hope, and pray, for your recovery. Words cannot express our thanks for your service.

HONORING THE USS "MOUNT HOOD" (AE-11)

Mr. NELSON of Florida. Mr. President, on August 21, 1944, laden with precious cargo for the Pacific theatre, the USS *Mount Hood*, the lead ship of her class for the U.S. Navy, departed Norfolk on her first mission. On board were 296 sailors and 22 officers.

The USS *Mount Hood* reached Manus Island, a province of Papua, New Guinea, on September 22 and commenced with dispensing ammunition and explosives to ships preparing for the Philippine offensive. On the morning of November 10, 1944, a young Naval Reserve lieutenant and 17 enlisted men climbed over the side of the USS *Mount Hood* and boarded boats to go ashore. After reaching the beach, they saw an enormous flash followed by two explosions, and the men were knocked to the ground. They scrambled back to the boats and headed to where the *Mount Hood* had been anchored, but found only debris where the ship had once been. The entire ship, and all aboard, were gone.

Over 400,000 Americans lost their lives in World War II. In the deserts of North Africa, the jungles of the Pacific islands, on the beaches in Normandy, and everywhere in between, these brave men and women sacrificed their lives to preserve the freedom and individual liberties we all enjoy. We owe them all an immense debt of gratitude for the sacrifices they made to defend our Nation. They should never be forgotten.

The only surviving officer of the USS *Mount Hood*, LT Lester Wallace, is now 95 years old and resides in Pensacola, FL. While we mourn those who gave their lives to the cause of freedom, we must also remember to celebrate the service and sacrifice of those who survived. I am extremely proud of the service Lieutenant Wallace rendered to our country as a Navy officer, and later as a civilian. On behalf of the people of Florida and our Nation, I thank Lieutenant Wallace—and all those who have served and continue to serve—for their sacrifice and service.

TRIBUTE TO MAJOR GENERAL
GREGORY L. WAYT

Mr. BROWN of Ohio. Mr. President, today I recognize the distinguished military service of MG General Gregory L. Wayt who recently retired from military service after nearly four decades of preserving our Nation's safety and security.

A strong leader with an unyielding call to service and duty to State and Nation, Major General Wayt embodies the character, discipline, and humility that rank him among Ohio's great adjutant generals.

For more than 6 years as the Adjutant General of Ohio, he commanded five brigade-size Army units with more than 11,000 troops and four flying wings and seven nonflying units from Ohio's Air Guard with more than 5,000 additional troops.

During some of the Guard's most challenging times, Major General Wayt's leadership ensured the preparedness of the more than 18,000 Ohio National Guardmembers who served in Iraq and Afghanistan during his tenure, as well as those preparing for overseas contingency operations.

His command also meant Ohio Guardmembers were first on the ground for State emergencies and disasters including flood and winter storm relief from Toledo to Belmont, and in the relief efforts on the gulf coast following hurricanes Katrina and Rita in 2005 and Gustav and Ike in 2008. The Ohio National Guard also had the first C-130 cargo plane on the ground providing critical relief after the Haitian earthquake in 2010.

Under his day-to-day management of the Ohio National Guard—from ensuring the readiness of Guardmembers and weapon systems to the securing fiscal and property resources—Major General Wayt ensured Ohio remained at the top of readiness ranks for our country's National Guards.

Maintaining one of the Nation's premier National Guards also required Major General Wayt's professionalism to maintain the relationship between our military command and civilian leaders. Throughout his service as the Adjutant General of Ohio, he was a trusted national security advisor for two Governors from both parties. He was a valuable resource for all members of the Ohio congressional delegation—always just a phone call away to provide his counsel and recommendations.

As a result of his tireless leadership, Major General Wayt helped save two Air National Guard bases in Ohio and the communities that rely upon them. The Springfield and Mansfield Air National Guard Bases remain critical to our national security and to their local economies because of Major General Wayt's fierce loyalty to those he represents and leads under his command.

He also prioritized the retention of talented officers to ensure the organi-

zation developed qualified servicemembers for senior leadership positions. One of the ways Major General Wayt accomplished this was by improving the retirement benefits available to Guardmembers.

Because of his input and that of other Guard leaders, the National Guard and Reserve Retirement Parity Act was signed into law by President Obama to restore parity in retirement benefits. This bill is law because Major General Wayt understood that talented Guardmembers should have the resources and benefits deserving of their sacrifice.

He also understood the importance of international collaboration and coordination. He continued the success of the State Partnership Program with Hungary and Serbia, which was created to link National Guard States and territories with partner countries to foster long-term relationships across all levels of society and to establish the importance of the rule of law in nations seeking the highest democratic values and ideals.

As a leader of Ohio's citizen-soldiers and citizen-Airmen—war fighters, peacekeepers, and guardians of America's ideals of democracy and freedom—Major General Wayt received the admiration of his peers as President of the Adjutants General Association of the United States.

Yet regardless of medals earned and awards received, this great son of Ohio remained grounded in a classic Midwestern work ethic. From his early education in Columbus public schools and Columbus Northland High School to formative years at the Ohio State University as an ROTC student to the University of Dayton, Army Command and General Staff College, and Army War College as a graduate student and senior commander—Greg Wayt symbolizes a dedication to service and sacrifice, and to State and country that deserves a heartfelt thanks from all Ohioans.

But he would be the first to tell you that any professional accomplishment was made possible only by the personal sacrifice of his wife Deborah and daughter Lindsey. The sacrifices of military families deserve our Nation's highest praise—my deepest thank you to Deborah and Lindsey and the Wayt family for sharing their husband, father, and patriarch with a grateful State and Nation.

For all the achievements throughout his career, Major General Wayt will always be first and foremost a field commander and remembered by his troops as one of their own. Congratulations, MG Gregory L. Wayt for 35 years of service to your Nation.

On behalf of a grateful State, I thank you and wish you well upon your retirement.

TRIBUTE TO AMBASSADOR
RAYMOND L. FLYNN

Mr. BROWN of Massachusetts. Mr. President, today I rise to honor Ambassador Raymond L. Flynn in recognition of the retirement of his basketball jersey at his alma mater, Providence College. On Saturday night, the Friars will pay tribute to Ambassador Flynn, a 1963 graduate of the college. Ambassador Flynn is one of the greatest backcourt players in the storied history of the Providence College basketball program. Over his 82-game career, the Ambassador scored 1,025 points. Prior to the Friars' game against the Cincinnati Bearcats at the Dunkin' Donuts Center on Saturday, the college will unveil a banner bearing Ambassador Flynn's No. 14 jersey hanging from the rafters.

A longtime South Boston resident, Ambassador Flynn compiled an impressive list of achievements during his time as a Providence Friar, including two National Invitation Tournament championships in 1961 and 1963. He earned the Most Valuable Player award for his performance in the 1963 tournament. During his junior season, Ambassador Flynn averaged 12.8 points per game and received All-East honors. A skilled outside shooter, the Ambassador increased his average to 18.9 points per game during his senior year, meriting his second All-East distinction, an All-New England award, and Academic All-America honors. Following his graduation, the Ambassador very nearly joined his hometown team, the Boston Celtics.

Following his noteworthy accomplishments as a collegiate student-athlete, Ambassador Flynn embarked upon a distinguished political career. In 1971, the Ambassador won a seat to represent his South Boston community as a member of the Massachusetts House of Representatives and served at the State house until 1979. Ambassador Flynn subsequently served South Boston as a member of the Boston City Council. After 4 years as a city councilor, Ambassador Flynn ran successfully to become mayor of Boston in 1983. He won reelection in 1987 and 1991. In a 2001 interview, Ambassador Flynn lightheartedly remarked, "As a young kid growing up on the streets of South Boston, everybody wanted to be President of the United States or Mayor of Boston."

Part way through the Ambassador's third term as mayor of Boston, President Bill Clinton called on him to serve as Ambassador to the Holy See. Ambassador Flynn embraced the opportunity to represent the United States at the Vatican. By the time he left this post in 1997, Ambassador Flynn had cultivated a close working relationship with Pope John Paul II, whom he had first met in 1969 during his State representative campaign. The Ambassador's friendship with Pope John Paul

II led him to author two books: "The Accidental Pope," a novel cowritten with Robin Moore, and a memoir titled "Pope John Paul II: A Personal Portrait of the Pope and the Man."

Today, I am proud to salute Ambassador Raymond L. Flynn's accomplishments as a collegiate student-athlete in addition to his achievements as a public servant, diplomat, and devoted husband and father. I am also proud to call him my friend. When Ambassador Flynn sees his jersey hanging high above the court for the first time on Saturday night, I am sure the crowd will give this accomplished son of Massachusetts a standing ovation.

TRIBUTE TO RACHEL BAILEY

• Mr. KERRY. Mr. President, every day in the Senate we owe an enormous amount of gratitude to our staff and to the staff here on the floor which work long hours—often behind the scenes and away from the headlines—to make possible the smooth functioning of this institution.

Today I would like to offer particular gratitude for one of the Senate pages who was among the youngest members of that extraordinary and unheralded team—a page I was privileged to sponsor here, 16-year-old Rachel Bailey from Glendale, MD.

Rachel found herself serving as a page during last year's lameduck session—one of a pair of the only Senate pages, in fact, on hand during that historically busy period.

As we know, typically, the Senate has 30 pages working at any given time. And with 100 Senators, the pace can get pretty hectic.

So imagine how hectic it became for Rachel when the rest of her page class went home for the holidays, leaving her and one fellow page to handle all the page duties in what proved to be an extremely productive and busy session.

Together they handled it all with a smile, carrying the workload of 30 pages and never missing a beat, even though it meant no days off and working up to 14 hours each day. And Rachel did so in a manner that was calm, professional and bipartisan, working with both the Democratic and Republican cloakrooms.

Pages play an important role in the daily operation of the Senate. They deliver correspondence and legislative material throughout the Capitol. They take messages for Senators or call them to the phone. They prepare the Chamber for Senate sessions, and they carry bills and amendments to the desk. All of this is in addition to their regular school work.

But as demanding as it is, being a page also gives a student a rare opportunity to learn about—and contribute—to the legislative branch of our government and to witness firsthand the debates in the U.S. Senate,

often described as the "greatest deliberative body in the world." And in the lameduck session, Rachel had an up close look at a flurry of major legislation, including the Senate's bipartisan ratification of the New START Treaty, a long-sought arms reduction agreement with Russia.

Serving as a page has inspired numerous young Americans to pursue careers in public service, even in politics and in the Senate. My friend Chris Dodd, who just retired after more than three decades in Congress, once served as a Senate page. So did one of my current colleagues, MARK PRYOR of Arkansas. So perhaps someday we will see Rachel in the Senate again, in some role other than page.

But in the meantime, let me thank Rachel's parents, Susan and Karl, for sharing her with the Senate during the Christmas holiday, and sustaining her in her first foray in public service—and please also allow me to thank Rachel for her extra special efforts and to express my admiration for the way she conducted herself throughout our lameduck session. She has set the bar high for herself—and for all the Senate pages who will follow. •

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID M. PITTENGER

• Mr. CARDIN. Mr. President, today, I honor the career and contributions of David M. Pittenger, who is retiring after 30 years with the National Aquarium, 15 years as executive director. Dave joined the National Aquarium as director of education in 1979 and implemented award-winning conservation education programs in Baltimore City public schools 2 years before the aquarium officially opened its doors in 1981. Now, each year, 70,000 Maryland schoolchildren, on average, visit the National Aquarium for free as part of their curriculum and Aquarium educators give curriculum training to more than 1,000 teachers.

Through programs that are onsite, in schools and hands-on in the field, the National Aquarium engages children of all ages in raising young terrapins and releasing them into the Bay, taking water and soil samples, growing plants, and going on nature hikes. Children paddle canoes and kayaks, wade in creeks, count birds in wetlands, snorkel in Florida coral reefs, and patrol sea turtle nesting areas in Georgia. For some children, these programs offer their first encounter with an environment outside their neighborhood.

During Dave Pittenger's tenure as director, the National Aquarium has expanded its footprint in Baltimore's Inner Harbor to three buildings, adding an engaging dolphin amphitheater and the award-winning Australia exhibit. The aquarium has also moved beyond

its Inner Harbor location, acquiring 12.5 acres of once-contaminated waterfront land in South Baltimore and mediating this "brownfield" to make way for a publicly accessible waterfront park.

Dave has fostered Baltimore's alliance with the National Aquarium in Washington, DC, creating a venue that now showcases 70 exhibits featuring America's Aquatic Treasures, highlighting the animals and habitats of freshwater ecosystems in the United States and other conservation hot spots through the National Marine Sanctuaries Program. Under Dave's leadership, however, the National Aquarium has taken on a role greater than its exhibits. He is committed to using the National Aquarium as a stage to educate parents and their children about the importance of aquatic conservation. Dave's priorities of conservation and education are firmly rooted in the conviction that zoos and aquariums have both the capacity and the responsibility to increase public awareness of environmental issues and to implement conservation action programs.

Dave has provided the leadership to make the National Aquarium a true conservation organization with programs around the Chesapeake Bay and the world that restore habitats, rebuild tidal wetlands, strengthen eroding shorelines, reestablish islands, rehabilitate endangered sea turtles, and research lionfish and coral reefs. When the BP oilspill occurred, for instance, scientists from the National Aquarium were available to provide expertise to government and conservation officials trying to ameliorate the damage to the ecosystem in the Gulf of Mexico, work they continue today.

In 2010, building on the aquarium's strong legacy of service to the environment, the National Aquarium Conservation Center was established to research aquatic species and environments and provide advocacy and programs that tackle pressing conservation issues that affect the aquatic environment.

Under Dave's leadership, the National Aquarium has been an economic engine for the city of Baltimore and the State of Maryland, welcoming some 1.5 million visitors annually. The National Aquarium is a world-class entertainment attraction and Maryland's No. 1 tourist attraction. The aquarium generates millions in tax dollars and tourism revenue while employing more than 450 staff and engaging local businesses to support its operations.

I ask my colleagues to join me in thanking Dave Pittenger for his steadfast contributions to our aquatic environment in Maryland and throughout the Nation and the world. The foundation he has laid will produce benefits for all of us as we continue to work to educate and advocate for clean water

and a clean environment for all the inhabitants of this Earth.●

LAUNCH OF FIRST RADIOLOGIC-PATHOLOGY CORRELATION COURSE

● Mr. CARDIN. Mr. President, today I wish to recognize the launch of the first Radiologic-Pathology Correlation Course presented by the American Institute for Radiologic Pathology, AIRP, at its new Silver Spring, MD, venue. The American College of Radiology created the AIRP to allow radiology resident training to move forward uninterrupted by the Defense Department's closure of the Armed Forces Institute of Pathology, AFIP, as part of the Base Realignment and Closure Commission plan. The launch of the AIRP provides an excellent example of the private sector stepping up to help ameliorate the impact that BRAC changes can have on a community.

I am especially pleased that AIRP chose to locate in the newly revitalized historic American Film Institute Silver Theatre and Cultural Center, approximately 2 miles from the former AFIP site. The AFI Silver Theatre is a state-of-the-art education and cultural center anchored by the restoration of noted architect John Eberson's historic 1938 Silver Theatre. Once slated for the wrecker's ball, AFI was saved through the efforts of the local community and reopened in 2003. Its revitalization represents a unique public-private partnership between Montgomery County, MD, and the American Film Institute.

The launch of the AIRP at the AFI Silver Theatre and Cultural Center demonstrates the role the theatre is playing as a major anchor of a redevelopment effort in Montgomery County. Approximately 2,000 physicians annually from around the world are expected to convene in Silver Spring for 4 weeks at a time to participate in AIRP. With courses developed and presented by world-renowned faculty from the most prestigious radiology programs in the country, AIRP will further contribute to Montgomery County's reputation as a leader in medical research and education. I applaud the launch of the AIRP, and I look forward to a long and mutually beneficial relationship between AIRP and the Montgomery County community.●

TRIBUTE TO ROBERT A. DENNIS

● Mr. CONRAD. Mr. President, I want to take a moment to recognize the retirement this week of Robert A. Dennis, CBO's Assistant Director for Macroeconomic Analysis. Mr. Dennis is retiring after more than 30 years of service at CBO.

He began his career at CBO in 1979, working as a Principal Analyst in CBO's Macroeconomic Division. He was

promoted to the position of Deputy Assistant Director of the Division in 1988 and then to the position of Assistant Director of the Division in 1992, where he has served since.

As the head of CBO's Macroeconomic Analysis Division, Mr. Dennis has been one of the leading economists at CBO and has helped drive the agency's outstanding work. His skills as an economist have been highlighted in the diverse issues he has worked on while at CBO, ranging from macroeconomic effects of tax policy, to the impact of flu epidemics and terrorist disruptions at U.S. ports.

Mr. Dennis has also played a critical role at CBO by developing many of the procedures the Macroeconomic Analysis Division has used to prepare its economic forecasts. He even wrote the computer software that the division used for many years to analyze current economic developments and prepare charts for CBO publications.

Mr. Dennis's excellent work has been recognized throughout his career. In the 1980s, as a principal analyst, he received a CBO Director's Award for outstanding performance. And he has since received a number of awards recognizing his outstanding management at CBO.

Mr. Dennis has exemplified CBO's high standard of professionalism, objectivity, and nonpartisanship. He has worked tirelessly to ensure Congress was given accurate and timely information on the key policy issues of the day.

I thank Robert Dennis and commend him for his many years of dedicated, faithful, and outstanding service to CBO, to Congress, and to the American people. I wish him all the best in his well-deserved retirement.●

REMEMBERING CLIFFORD R. PHILLIPS

● Ms. MURKOWSKI. Mr. President, I would like to take a few minutes to offer a tribute to Clifford R. Phillips. He passed away on December 3, 2010, at his home in Surprise, AZ. He was an Alaskan fishing legend and a true hero who fought bravely in the European Theater during World War II.

Cliff was born on December 7, 1919, on the west coast of Vancouver Island. His parents, who had originally been involved in the fishing industry in England, had immigrated to British Columbia where they managed a herring saltery. They later moved to Ketchikan where he would, as a very young man, begin his career in Alaskan fisheries. This was the age of "mild cure" salmon, and starting at the age of seven Cliff began learning the family business and the importance of producing a high quality product. He continued to work with his father in the family business through the 1930s.

After seeing the devastation and heartache of the beginning of World

War II, Cliff joined the Alaska National Guard. He trained at Chilkoot Barracks in Haines, AK, and was assigned to duties in the Aleutian Islands. He was one of the first to fly into the new military airfield built in the Pribilof Islands, which is located nearly 500 miles off the Siberian coast. The rugged winter saw the Islands iced in. The base did not receive supplies by ship for some 9 months, but Cliff and his comrades held their ground.

In September 1944, he transferred to the European Theater and joined the Third Army. He participated in the landing at Normandy, and his unit later helped to repel the German offensive in "The Battle of the Bulge." Cliff managed to make it through combat unscathed, and his distinguished service led to his being awarded the Silver Star.

Upon discharge after World War II, Cliff felt the urge to return to Alaska and to his family heritage in the fishing industry. He naturally gravitated back to Ketchikan in southeast Alaska so that he could work in the waters he knew best.

In 1950, the Phillips father-son duo built the E.C. Phillips cold storage plant on Tongass Narrows in Ketchikan. Cliff and his father excelled at increasing capacity, efficiency, and quality. As time went by, the E.C. Phillips product became known for its high quality around the world, and today it is still known as a premier quality product.

After the death of his father, Cliff took charge, but he was no desk bound executive, and standard working hours did not apply to him. During the fishing season he could always be found in the processing area of his plant inspecting the fish and supervising operations. Cliff sold his product by phone and fax from his Alaskan office to the entire United States and around the world. But nothing left the plant until he was satisfied that the fish met the E.C. Phillips quality standard.

Before there was an Alaska Seafood Marketing Institute, Cliff was Alaska's ambassador for seafood, and he traveled far and wide promoting Alaskan seafood products. Cliff remained active in the business well into his eighties, but even after he retired from daily operations and moved to Arizona he maintained frequent contact with the plant and his many friends and customers.

Everyone found Cliff to be a charming man, eloquent and persuasive, but first and foremost he saw it as his mission to insist on high quality for all products which carried the E.C. Phillips brand name. I extend my sincerest condolences to his wife Dixie and his family members. We have all lost a friend, and Alaska's seafood industry has lost a great champion. May he rest in peace.●

REMEMBERING NEVA EGAN

• Ms. MURKOWSKI. Mr. President, today I honor the passing of the initial first lady of Alaska, Neva Egan. Desdia Neva McKittrick Egan was born in Wilson, KS, on October 3, 1914. The articulate, effervescent Alaskan served on hospital boards, school boards, worked diligently on community commitments, and continued to attend morning meetings of the Commonwealth Club in Anchorage for years. Although she was quick to downplay her role in Alaskan history, she had a key position as first lady. Neva also accompanied her husband to Washington, DC, for 19 months during the period when Alaska was being considered for statehood.

In DC it was a time of adjustment, traffic, "hot weather" and big-city living for the girl from small-town Kansas. After her husband, William A. Egan, was elected as Alaska's first Governor, she took great pride in supporting him, as well as all the Alaskan legislators and their families. She was known to invite legislator's children to the Governor's Mansion while living in Juneau during session. Although, Neva rarely spoke publicly about politics, she was the firm shoulder on which many legislators leaned. She was a strong woman that worked hard to care for others behind the scenes when it mattered most.

Neva was the third in a family of four girls and one boy. She graduated from high school in the midst of the Great Depression in 1932 and then worked for a year in her father's grocery store. After a year, she decided to continue her education and attended Kansas State College, but soon transferred to be closer to her sister and aunt at the University of Wyoming. Quickly, she was recruited to teach in Glenrock, WY, for the "fabulous" salary of \$1,000 a year, while her friends were making \$25 a month. Her musical background and teaching career led her to Valdez, where she expected to only stay a year and was told the town was "a little rough." Shortly after she arrived, one of the few local guys with a car, a quiet man, who read the CONGRESSIONAL RECORD for fun in junior high school, expressed interest in Neva. Apparently, the first date was disastrous, but friends recall "love at first sight."

William and Neva Egan were married on November 16, 1940, in Valdez. It was the same month that William was elected to the Alaska Territorial House of Representatives from the Third Judicial Division that started his drive into Alaskan political history. As a Representative, an advocate pushing for statehood in DC, a Governor, and as a family man, there was never any question as to whom William could look to for support. Neva was the rock that held up her family. While overseeing issues, her son, Dennis Egan who was born in 1947, once asked if

since Neva is the first lady is he "the first kid?" Well, that "first kid" grew up to be a Juneau radio personality, the former mayor of Juneau, and now a State senator.

Neva was known to start the legislative session with buffet receptions for all the Senators and Representatives and their spouses. She was consistently the rock that others leaned upon; ironing shirts, making beds, and taking the initiative to perform any needed repairs on the Governor's Mansion.

Neva Egan worked hard every day and that resulted in a lifetime of contributions to Alaska. Neva is survived by her son Dennis and daughter-in-law Linda; her granddaughters and their husbands, Jill Egan and Sandy Vergano and Leslie Egan and Tyler Malstrom; and brother Richard McKittrick. Neva was preceded in death by her husband William Egan, daughter Elin Carol Egan, and sisters Helen Spiegelberg, Margaret McKittrick and Josephine Trowbridge. I extend my sympathies to the Egan family and feel blessed to come from the same state where she made such a difference. May she rest in peace.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 514) extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The message also announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. SHIMKUS of Illinois.

MEASURE HELD AT THE DESK

The following measure was ordered held at the desk, by unanimous consent:

S. 223. An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-594. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis" (Docket No. APHIS-2008-0052) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-595. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Limitations on Procurements with Non-Defense Agencies" ((RIN0750-AG67)(DFARS Case 2009-D027)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC-596. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Repeal of the Small Business Competitiveness Demonstration Program" ((RIN0750-AG44)(DFARS Case 2011-D001)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC-597. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Publication of Notification of Bundling of Contracts of the Department of Defense" (DFARS Case 2009-D033) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC-598. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Award-Fee Contracts" ((RIN0750-AF51)(DFARS Case 2006-D021)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Armed Services.

EC-599. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Report Regarding Effect on Military Readiness Caused by Undocumented Immigrant Trespassing on Operational Ranges—Implementation Update"; to the Committee on Armed Services.

EC-600. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-601. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-7917)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-602. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy announcement in the position of Deputy Under Secretary, received on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-603. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" ((Docket No. FEMA-7784)(44 CFR Part 64)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-604. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Lactation Expenses as Medical Expenses" (Rev. Rul. 2011-14) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Finance.

EC-605. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-606. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (128); Amdt. 491" ((RIN2120-AA63)(Docket No. 30760)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-607. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (118); Amdt. 3408" ((RIN2120-AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-608. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (46); Amdt. 3409" ((RIN2120-AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-609. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (71); Amdt. 3411"

((RIN2120-AA65) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-610. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Show Low, AZ" ((RIN2120-AA66)(Docket No. FAA-2010-0903)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-611. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Panguitch, UT" ((RIN2120-AA66)(Docket No. FAA-2010-0529)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-612. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Port Clarence, AK" ((RIN2120-AA66)(Docket No. FAA-2010-0354)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-613. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lucin, UT" ((RIN2120-AA66)(Docket No. FAA-2010-1208)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-614. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Fort Worth NAS JRB (Carswell Field), TX" ((RIN2120-AA66)(Docket No. FAA-2010-0183)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-615. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Savannah, TN" ((RIN2120-AA66)(Docket No. FAA-2010-1047)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-616. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Horseshoe Bay, TX" ((RIN2120-AA66)(Docket No. FAA-2010-0843)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-617. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kwajalein Island, Marshall Islands, RMI" ((RIN2120-AA66)(Docket No. FAA-2010-0808)) received in the Office of the President of the Senate on February 16, 2011; to the

Committee on Commerce, Science, and Transportation.

EC-618. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Richmond, IN" ((RIN2120-AA66)(Docket No. FAA-2010-1033)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-619. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; New Hampton, IA" ((RIN2120-AA66)(Docket No. FAA-2010-1035)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-620. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Greensburg, IN" ((RIN2120-AA66)(Docket No. FAA-2010-1028)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-621. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; La Porte, IN" ((RIN2120-AA66)(Docket No. FAA-2010-1030)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lafayette, Purdue University Airport, IN" ((RIN2120-AA66)(Docket No. FAA-2010-1029)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Establishment of Compulsory Reporting Points; Alaska" ((RIN2120-AA66)(Docket No. FAA-2010-1191)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safe, Efficient Use and Preservation of the Navigable Airspace; Correction" ((RIN2120-AH31)(Docket No. FAA-2006-25002)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Crew Resource Management Training for Crewmembers in Part 135 Operations" ((RIN2120-AJ32)(Docket No. FAA-2009-0023)) received in the Office of the President of the Senate on February 16, 2011; to the

the Committee on Commerce, Science, and Transportation.

EC-626. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Low Altitude Area Navigation Routes (T-281, T-283, T-285, T-286, and T-288); Nebraska and South Dakota" ((RIN2120-AA66)(Docket No. FAA-2010-0688)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-627. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Jet Route J-93, CA" ((RIN2120-AA66)(Docket No. FAA-2010-1022)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-628. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-2 and V-21; Hawaii" ((RIN2120-AA66)(Docket No. FAA-2010-1263)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-629. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Kaman Aerospace Corporation (Kaman) Model K-1200 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-1253)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-630. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757-200, -200CB, and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1280)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-631. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0646)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-632. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1080)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-633. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0596)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-634. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model MD-11 and MD-11F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0228)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-635. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 727 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0677)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-636. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Sailplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0053)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-637. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCATA Model TBM 700 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0948)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-638. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers PLC Model SD3 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0225)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-639. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 676-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0796)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-640. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0295)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-641. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; B/E Aerospace Protective Breathing Equipment (PBE) Part Number 119003-11 Installed on Various Transport Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0797)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-642. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes)" ((RIN2120-AA64)(Docket No. FAA-2010-1278)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-643. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Corp. (PandaWC) PW305A and PW305B Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0829)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-644. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1152)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-645. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 Series Airplanes; Model A330-300 Series Airplanes; Model A340-200 Series Airplanes; and Model A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0029)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-646. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS 350 B, BA, BI, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0611)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-647. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB-WERKE GMBH and CO KG Models G102 ASTIR CS, G102 CLUB ASTIR III, G102 CLUB ASTIR IIIB, and G102 STANDARD ASTIR III Gliders" ((RIN2120-AA64)(Docket

No. FAA-2007-28435)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-648. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D-7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, -17AR Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0593)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-649. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; M7 Aerospace LP (Type Certificate Previously Held by Fairchild Aircraft Incorporated) Models SA26-AT, SA26-T, SA226-AT, SA226-T, SA226-T(B), SA226-TC, SA227-AC (C-26A), SA227-AT, SA227-BC (C-26A), SA227-CC, SA227-DC (C-26B), and SA227-TT Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0014)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-650. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/AH-1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0622)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-651. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft, Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1011)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-652. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0549)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-653. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0100, 1000, 2000, 3000, and 4000 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1114)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-654. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A300-600, A310, A318, A319, A320, A321, A330-300, A340-200, A340-300, A340-500, A340-600, and A380-800 Series Airplanes; and Model A330-201, A330-202, A330-203, A330-223, A330-243 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1279)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC-655. A communication from the Secretary of Transportation, transmitting, the Department's Fiscal Year 2010 Annual Report as required by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Commerce, Science, and Transportation.

EC-656. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the GAO report entitled "Information Security: Federal Agencies Have Taken Steps to Secure Wireless Networks, but Further Actions Can Mitigate Risk"; to the Committee on Commerce, Science, and Transportation.

EC-657. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2010; to the Committee on Commerce, Science, and Transportation.

EC-658. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Publicly Available Consumer Product Safety Information Database" (16 CFR Parts 1102) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-659. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations" (Docket No. USCG-2010-0399) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-660. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Agency's proposed fiscal year 2012 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC-661. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program, Policy Wording Correction" ((RIN1660-AA70)(Docket No. FEMA-2010-0021)) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-662. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Alabama Regulatory Program" (Docket No. AL-075-FOR) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Energy and Natural Resources.

EC-663. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC-664. A communication from the Deputy Director, Division of Financial Assistance Policy and Oversight, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Department of Homeland Security Implementation of OMB Guidance on Drug-Free Workplace Requirements" (RIN1601-AA62) received in the Office of the President of the Senate on February 15, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-665. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report relative to its budget request for fiscal year 2012; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 61. An original resolution authorizing expenditures by the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 66. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

By Ms. STABENOW, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 67. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA, from the Committee on Indian Affairs, without amendment:

S. Res. 68. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 69. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mrs. MURRAY, from the Committee on Veterans' Affairs, without amendment:

S. Res. 71. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF
COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Eric E. Fiel, to be Lieutenant General.

Air Force nomination of Col. Howard D. Stendahl, to be Brigadier General.

Air Force nomination of Maj. Gen. Ellen M. Pawlikowski, to be Lieutenant General.

Air Force nomination of Maj. Gen. Michael J. Basla, to be Lieutenant General.

Army nomination of Lt. Gen. Dennis L. Via, to be Lieutenant General.

Army nomination of Lt. Gen. Mark P. Hertling, to be Lieutenant General.

Army nomination of Maj. Gen. Susan S. Lawrence, to be Lieutenant General.

Army nomination of Maj. Gen. John M. Bednarek, to be Lieutenant General.

Army nomination of Maj. Gen. Francis J. Wiercinski, to be Lieutenant General.

Army nomination of Brig. Gen. Renaldo Rivera, to be Major General.

Army nomination of Brig. Gen. William M. Buckler, Jr., to be Major General.

Army nomination of Brig. Gen. Mark J. MacCarley, to be Major General.

Army nomination of Col. Arlen R. Royalty, to be Brigadier General.

Army nomination of Maj. Gen. Rhett A. Hernandez, to be Lieutenant General.

Army nomination of Col. Johnny M. Sellers, to be Brigadier General.

Army nomination of Col. Janson D. Boyles, to be Brigadier General.

Army nomination of Maj. Gen. Vincent K. Brooks, to be Lieutenant General.

Marine Corps nominations beginning with Brigadier General Juan G. Ayala and ending with Brigadier General Glenn M. Walters, which nominations were received by the Senate and appeared in the congressional record on February 2, 2011.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Erwin Rader Bender, Jr. and ending with Catherine A. Hallett, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with David M. Crawford and ending with James H. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with Richard T. Aldridge and ending with Vicky J. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Air Force nominations beginning with Stephen L. Buse and ending with Angela P. Pettis, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Thomas J. Collins and ending with Linda A.

Stokescrowe, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Phillip M. Armstrong and ending with Richard E. Spearman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Lloyd H. Anseth and ending with Karl B. Ross, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Kathleen M. Flarity and ending with Jennette L. Zmaeff, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Melina T. Doan and ending with Felipe D. Villena, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Villa L. Guillory and ending with Danny K. Wong, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Alfred P. Bowles II and ending with Hermingildo V. Valle, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Brian F. Agee and ending with Anita Jo Anne Winkler, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Earl R. Alameida, Jr. and ending with Daniel S. Yenchesky, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Steven L. Argiriou and ending with Adam E. Torem, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Richard C. Ales and ending with Derek C. Underhill, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Marc T. Arellano and ending with Howard E. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Army nominations beginning with Gregory C. Bacon and ending with Donnie J. Quintana, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Army nomination of Sebastian A. Edwards, to be Lieutenant Colonel.

Army nomination of Gregory R. Ebner, to be Colonel.

Army nominations beginning with Curtis O. Bohlman, Jr. and ending with Robert C. Smothers, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Army nomination of Edward J. Benz III, to be Lieutenant Colonel.

Army nomination of Charles E. Lynde, to be Colonel.

Army nominations beginning with Ozren T. Buntak and ending with Ruth Nelson, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Marcia A. Brimm and ending with Heather V.

Southby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Dustin C. Frazier and ending with Jan I. Maby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Robert L. Bierenga and ending with Johnnie M. Toby, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Army nominations beginning with Don A. Campbell and ending with Kevin T. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nomination of Timothy E. Lemaster, to be Major.

Marine Corps nominations beginning with Dax Hammers and ending with David Stevens, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Richard Martinez and ending with James P. Stockwell, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with William Frazier, Jr. and ending with Michael A. Nolan, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Douglas R. Cunningham and ending with Darren R. Jester, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with James E. Hardy, Jr. and ending with James C. Rose, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Conrad G. Alston and ending with Lewis E. Shemery III, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with David M. Adams and ending with Michael C. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Stefan R. Browning and ending with Steve R. Trask, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Joel T. Carpenter and ending with Randal J. Parkan, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of Roger N. Rudd, to be Lieutenant Colonel.

Marine Corps nomination of Lowell W. Schweickart, Jr., to be Lieutenant Colonel.

Marine Corps nomination of Katrina Gaskill, to be Lieutenant Colonel.

Marine Corps nominations beginning with Sean J. Collins and ending with John L. Myrka, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with William H. Barlow and ending with Danny R. Morales, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of James H. Glass, to be Major.

Marine Corps nominations beginning with Timothy M. Callahan and ending with James

N. Shelstad, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Ernest L. Ackiss III and ending with Theodore Silvester III, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nominations beginning with Philip Q. Applegate and ending with James D. Wilmott, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Navy nominations beginning with John G. Brown and ending with William A. Mix, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2011.

Navy nomination of Richelle L. Kay, to be Captain.

Navy nominations beginning with Chris W. Czaplak and ending with Angela J. Tang, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nomination of Scott D. Scherer, to be Lieutenant Commander.

Navy nominations beginning with Carlos E. Moreyra and ending with William N. Brasswell, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nominations beginning with David Q. Baughier and ending with John C. Wiedmann III, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Navy nomination of Jeffrey K. Hayhurst, to be Captain.

Navy nomination of Steven D. Elias, to be Lieutenant Commander.

Navy nominations beginning with Amy R. Gavril and ending with Grant A. Kidd, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois.

James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Ms. SNOWE, and Ms. COLLINS):

S. 374. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. JOHNSON of South Dakota, Mr. ENZI, Mr. THUNE, and Mr. LEE):

S. 375. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior

to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COBURN (for himself and Mrs. MCCASKILL):

S. 376. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 377. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 378. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching standards; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 379. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Mr. MCCAIN:

S. 380. A bill to extend the Andean Trade Preference Act, and for other purposes; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. CRAPO, Mr. WICKER, Mr. INHOFE, Mr. ENZI, Mr. BEGICH, Ms. MURKOWSKI, and Mr. BAUCUS):

S. 381. A bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado (for himself and Mr. BARRASSO):

S. 382. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 383. A bill to promote the domestic production of critical minerals and materials, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. PORTMAN, Mr. DURBIN, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. COONS, Mr. BARRASSO, Ms. MIKULSKI, Mr. BURR, Mr. LAUTENBERG, Mr. KERRY, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. MERKLEY, Mr. LIEBERMAN, Mr. MORAN, Mr. COCHRAN, Mrs. MURRAY, Mr. ENSIGN, Mr. NELSON of Nebraska, and Mr. HATCH):

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. SCHUMER, Mr. CONRAD, and Mr. FRANKEN):

S. 385. A bill to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 386. A bill to provide assistance to certain employers and States in 2011 and 2012, to improve the long-term solvency of the Unemployment Compensation program, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. BURR, and Mrs. GILLIBRAND):

S. 387. A bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Mr. CASEY, Mr. TESTER, Mr. MANCHIN, Mr. WARNER, Mr. WYDEN, Mr. BENNETT, and Mr. NELSON of Nebraska):

S. 388. A bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KIRK:

S. 389. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself and Mrs. MCCASKILL):

S. 390. A bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MORAN:

S. 391. A bill to rescind unobligated stimulus funds and require that such funds be used for Federal budget deficit reduction; to the Committee on Appropriations.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 392. A bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUMENTHAL, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 393. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. DURBIN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DEMINT, Mr. WICKER, Mr. TOOMEY, Mr. SESSIONS, Mr. COBURN, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. PAUL,

Mr. LEE, Mr. ENSIGN, Mr. RISCH, Mr. BARRASSO, Mr. VITTER, Mr. KYL, Mr. BLUNT, Mr. INHOFE, Mrs. HUTCHISON, Mr. COATS, Mr. THUNE, Mr. HATCH, Mr. GRASSLEY, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, Mr. MCCAIN, and Mr. JOHANNIS):

S. 395. A bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 396. A bill to require the Secretary of Veterans Affairs to ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility; to the Committee on Veterans' Affairs.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. WICKER, and Mr. RISCH):

S. 397. A bill to provide that no Federal or State requirement to increase energy efficient lighting in public buildings shall require a hospital, school, day care center, mental health facility, or nursing home to install or use energy efficient lighting if that lighting contains mercury; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 398. A bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 399. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORKER (for himself, Mr. WYDEN, Ms. MURKOWSKI, Mr. BURR, Mr. GRAHAM, Mr. CHAMBLISS, and Mr. LEE):

S. 400. A bill to amend the Federal Power Act to ensure that rates and charges for electric energy are assessed in proportion to measurable reliability or economic benefit, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 401. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. WEBB, Ms. COLLINS, and Mr. KERRY):

S. 402. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 403. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN:

S. 404. A bill to modify a land grant patent issued by the Secretary of the Interior; to

the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 405. A bill to amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 406. A bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. ENSIGN, Mr. LEE, Mr. ENZI, Mr. RISCH, Mr. BARRASSO, Mr. HATCH, Mr. ROBERTS, and Ms. MURKOWSKI):

S. 407. A bill to amend the Act of June 8, 1906, to require certain procedures for designating national monuments, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 408. A bill to provide for the temporary retention of sole community hospital status for a hospital under the Medicare program; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. KYL, Mr. KOHL, Mr. SESSIONS, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 409. A bill to ban the sale of certain synthetic drugs; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. GRAHAM, Mr. CORNYN, Mr. DURBIN, and Ms. KLOBUCHAR):

S. 410. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BROWN of Massachusetts, Mr. CORNYN, Mr. BEGICH, Mr. INHOFE, Mr. CASEY, and Mr. NELSON of Florida):

S. 411. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into agreements with States and nonprofit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. LANDRIEU, Mr. SHELBY, Ms. STABENOW, Mrs. BOXER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. FRANKEN, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, and Mr. CORNYN):

S. 412. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 413. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Ms. SNOWE, Mrs. BOXER, Mr. CARDIN, and Mr. BROWN of Massachusetts):

S. 414. A bill to protect girls in developing countries through the prevention of child

marriage, and for other purposes; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 415. A bill to provide the FCC with authority to conduct incentive auctions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself, Ms. MURKOWSKI, Mr. LUGAR, Ms. COLLINS, Mr. BURR, Mr. BENNET, Mr. BLUNT, Mr. CHAMBLISS, Mr. CORKER, Mr. PRYOR, and Mr. UDALL of Colorado):

S. Res. 60. A resolution recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States; considered and agreed to.

By Mr. LEAHY:

S. Res. 61. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. JOHNSON of South Dakota:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself, Mr. ISAKSON, Mr. TESTER, Mr. DURBIN, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. REID):

S. Res. 63. A resolution designating the first week of April 2011 as "National Asbestos Awareness Week"; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. WICKER (for himself, Mr. CARDIN, and Mr. MCCAIN):

S. Res. 65. A resolution expressing the sense of the Senate that the conviction by the Government of Russia of businessman Mikhail Khodorkovsky and Platon Lebedev constitutes a politically motivated case of selective arrest and prosecution that flagrantly undermines the rule of law and independence of the judicial system of Russia; to the Committee on Foreign Relations.

By Ms. LANDRIEU:

S. Res. 66. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Ms. STABENOW:

S. Res. 67. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the

Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. AKAKA:

S. Res. 68. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. Res. 69. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; to the Committee on Rules and Administration.

By Mrs. MURRAY:

S. Res. 71. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. MENENDEZ):

S. Res. 72. A resolution recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey's masterwork, "Revelations"; considered and agreed to.

By Mr. KIRK (for himself, Mr. LEVIN, Mr. KYL, Mr. CASEY, Mr. NELSON of Florida, Mr. GRAHAM, and Mrs. GILLIBRAND):

S. Res. 73. A resolution supporting democracy, universal rights, and the Iranian people in their peaceful call for a representative and responsive democratic government; considered and agreed to.

By Mr. BROWN of Ohio (for himself and Mr. BARRASSO):

S. Res. 74. A resolution designating February 28, 2011, as "Rare Disease Day"; considered and agreed to.

By Mr. ISAKSON (for himself and Mr. CASEY):

S. Res. 75. A resolution designating March 25, 2011, as "National Cerebral Palsy Awareness Day"; considered and agreed to.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 76. A resolution recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 23

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New York (Mrs. GILLIBRAND) were added as

cosponsors of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 50

At the request of Mr. INOUE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 210

At the request of Mr. COBURN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 217

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 222

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 222, a bill to limit investor and homeowner losses in foreclosures, and for other purposes.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 282

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 282, a bill to rescind unused earmarks.

S. 299

At the request of Mr. PAUL, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 311

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 344

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Arizona (Mr. KYL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Texas (Mr. CORNYN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 51

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr.

DURBIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

AMENDMENT NO. 22

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 22 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 64

At the request of Mr. COBURN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. KIRK) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 64 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 71

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of amendment No. 71 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 86

At the request of Mr. INHOFE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 86 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 97

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 97 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Ms. SNOWE, and Ms. COLLINS):

S. 374. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program; to the Committee on Finance.

Mr. KERRY. Mr. President, our country has recently taken great steps forward to support the principles of mental health parity. In 2008, Congress has enacted two important pieces of legislation to end discrimination against people suffering from mental illnesses.

Congress passed the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, MHPAEA, to prohibit the establishment of discriminatory benefit caps or cost-sharing requirements for mental health and substance use disorders. That same year Congress also passed the Medicare Improvements for Patients and Protections Act, MIPPA, which included legislation introduced by Senator SNOWE and myself, the Medicare Mental Health Copayment Equity Act. This legislation prevented Medicare beneficiaries from being charged higher copayments for outpatient mental health services than for all other outpatient physician services.

Unfortunately, even with the passage of MIPPA, a serious mental health inequity remains in Medicare. Medicare beneficiaries are currently limited to only 190 days of inpatient psychiatric hospital care in their lifetime. This lifetime limit directly impacts Medicare beneficiaries' access to psychiatric hospitals, although it does not apply to psychiatric units in general hospitals. This arbitrary cap on benefits is discriminatory to the mentally ill as there is no such lifetime limit for any other Medicare specialty inpatient hospital service. The 190-day lifetime limit is problematic for patients being treated in psychiatric hospitals as they may easily exceed the 190 days if they have a chronic mental illness.

That is why Senator SNOWE and I are working together once again to address the last remaining mental health parity issue in Medicare. Today, we are introducing the Medicare Mental Health Inpatient Equity Act. Our legislation would eliminate the Medicare 190-day lifetime limit for inpatient psychiatric hospital care. It would equalize Medicare mental health coverage with private health insurance coverage, expand beneficiary choice of inpatient psychiatric care providers, increase access for the seriously ill, and improve continuity of care.

This legislation is supported by eighty national organizations that represent hospital associations, seniors' organizations, disability organizations, and the mental health community. I would like to thank a number of orga-

nizations who have been integral to the development of the Medicare Mental Health Inpatient Equity Act and who have endorsed our legislation today, including the AARP, the American Hospital Association, the National Association of Psychiatric Health Systems, and the American Psychological Association.

Congress has now acted to address mental health parity issues for group health plans and for outpatient Medicare services. It's time to end this outmoded law and ensure that beneficiaries with mental illnesses have access to a range of appropriate settings for their care. I look forward to working with my colleagues in the Senate to achieve mental health parity in Medicare.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 377. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce the President Street Station Study Act. President Street Station, located in my hometown of Baltimore, played a crucial role in the Civil War, the Underground Railroad, the growth of Baltimore's railroad industry, and is a historically significant landmark to the Lincoln presidency.

The station was constructed for the Philadelphia, Wilmington, and Baltimore, PW&B, Railroad in 1849 and remains the oldest surviving big city railroad terminal in the United States. This historical structure is a unique architectural gem, arguably the first example and last survivor of the early barrel-vault train shed arches, also known as the Howe Truss. The arch-rib design became the blueprint for railroad bridges and roofs well into the 20th century and was replicated for every similarly designed train shed and roof for the next 20 years.

The growth of President Street Station and the PW&B railroad mirror the expansion of the railroad industry throughout the country in the latter half of the 19th century. This station played an essential role in making Baltimore the first railroad and sea-rail link in the nation and helped the city become the international port hub it remains to this day.

In its heyday, President Street Station was the key link connecting Washington DC and with the northeast states. Hundreds of passengers traveling north passed through this station and, by the start of the Civil War, Baltimore had become our nation's major southern railroad hub. Not surprisingly, the station played a critical role in both the Civil War and the Underground Railroad.

Perhaps its most famous passenger was Abraham Lincoln, who traveled through the station at least four times, including secretly on his way to his first inauguration. In 1861, President-elect Lincoln was warned by a PW&B private detective of a possible assassination plot in Baltimore as he transferred trains. While it is unclear if this plot existed and posed a serious threat, Lincoln nevertheless was secretly smuggled aboard a train in the dead of night to complete his trip to Washington.

Just a few months later, President Street Station served as a backdrop for what many historians claim was the first bloodshed of the Civil War. The Baltimore Riot of 1861 occurred when Lincoln called for Union volunteers to quell the rebellion at Fort Sumter in Charleston. On April 19, Massachusetts and Pennsylvania volunteers were met and attacked by a mob of secessionist and Confederate sympathizers. The bloody confrontation left four dead and thirty-six wounded. As the war continued, the Station remained a critical link for the Union. Troops and supplies from the north were regularly shuttled through the station to support Union soldiers.

It is well known that Maryland was a common starting point along the Underground Railroad and that many escaped slaves from Maryland's Eastern Shore plantations were destined for Baltimore and the President Street Station to travel North to freedom. A few weeks ago, I introduced a bill, The Harriet Tubman National Historical Parks Act, S. 247, to honor Maryland's own Harriet Tubman, the Underground Railroad's most famous "conductor." While she personally led dozens of people to freedom, her courage and fortitude also inspired others to find their own strength to seek freedom. President Street Station was indeed a station on this secret network. Prior to emancipation in 1863, several renowned escapees, including Frederick Douglass, William and Ellen Craft, and Henry Box Brown, traveled through the station, risking their lives for a better and freer life.

Others' journeys for a better life also passed through President Street Station. From its beginning and into the 20th century, Baltimore was both a destination and departure point for immigrants. New arrivals from Ireland, Russia, and Europe arriving on the eastern seaboard traveled by way of the PW&B railroads to the west.

For decades, President Street Station has long been recognized as having an important place in history: In 1992, it was listed on the National Register of Historic places and the city of Baltimore has dedicated it a local historical landmark. For many years it served as the Baltimore Civil War Museum, educating generations of people about the role Maryland and Baltimore played in

the Civil War and the early history of the city. In recent years, the museum, run by dedicated volunteers from the Maryland Historical Society and Friends of President Street Station, have struggled to keep the station's doors open and keeping the station's character true to its historical roots. The area around President Street Station has changed dramatically over the decades, but the Station has worked to preserve its history. It has been many years since trains passed through the President Street Station and it is clear that the best use for this building today is to preserve the building and use it tell Station's American story.

President Street Station is one of America's historical treasures. As we celebrate President's Day this weekend, we honor some of our country's greatest leaders and remember our own rich and innovative history. This bill authorizes the Secretary of the Interior to conduct a special resource study of President Street Station to evaluate the suitability and feasibility of establishing the Station as a unit of the National Park Service. President Street Station, a contributor to the growth of the railroad, and a vital player in the Underground Railroad, Lincoln's Presidency and Civil War, is part of this history. I urge my colleagues to join me in giving this station the recognition it deserves and support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "President Street Station Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STUDY AREA.—The term "study area" means the President Street Station, a railroad terminal in Baltimore, Maryland, the history of which is tied to the growth of the railroad industry in the 19th century, the Civil War, the Underground Railroad, and the immigrant influx of the early 20th century.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities,

private and nonprofit organizations, or any other interested individuals;

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives; and

(6) identify any authorities that would compel or permit the Secretary to influence local land use decisions under the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and
(2) any conclusions and recommendations of the Secretary.

By Mr. ROCKEFELLER:

S. 378. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching standards; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Incentives to Educate American Children Act of 2011—I TEACH. This bill provides important tax incentives to promote the quality of all public school teachers by encouraging them to achieve certification from the National Board for Professional Teaching Standards. It provides further incentives to teachers in rural and high-poverty schools.

We all know that teachers are the front line for the education of our nation's children. Still, teachers continue to earn less than other college graduates. A recent study found that teachers only earn 77 percent as much as other college graduates. It is even worse for teachers in rural schools. Rural schools struggle with many unique challenges, and one of them is how to pay competitive salaries when transportation costs are necessarily higher than for urban schools. The Department of Education has reported that rural school districts have the lowest base salaries for starting teachers. This bill helps combat this inequity by providing a tax incentive to public school teachers in rural and high-poverty schools.

All schools today are struggling with the recruitment and retention of qualified teachers. Due to retirements and decreasing retention of beginning teachers, the experience level of our teachers is decreasing. In the 1987-1988 academic year, the most common number of years of experience for our teachers was 15 years. The most recent data from the 2007-2008 shows the most common years of experience is now just

1 year. The distribution of teaching experience in the data shows the strong need for incentives to encourage teachers to stay in the profession. We know that more experienced teachers help our students learn.

States are responsible for certifying teachers in their own states, but teachers have had the additional opportunity since 1987 to earn a certification from the National Board for Professional Teaching Standards. This independent, nonprofit, and nonpartisan organization provides teachers with a national board certification similar to those in other professions. Since 1987, more than 91,000 teachers have completed the rigorous process of National Board Certification. The National Research Council of the National Academies recently affirmed that students taught by National Board certified teachers make higher gains on achievement tests than students taught by teachers who have not applied or have not achieved this certification. This bill provides an incentive to public school teachers to achieve this certification and stay in the classroom.

The I TEACH Act of 2011 provides important incentives for teachers to serve in rural and high-poverty schools as well as for all public school teachers to demonstrate the accomplishment of National Board Certification. I urge my colleagues to support this bill.

By Mr. WEBB (for himself and Mr. WARNER):

S. 379. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

Mr. WEBB. Mr. President, I rise to reintroduce the Indian Tribes of Virginia Federal Recognition Act of 2011. This legislation passed the Senate Committee on Indian Affairs and the U.S. House of Representatives in 2009. It would grant Federal recognition to 6 Native American tribes from the Commonwealth of Virginia. I am pleased to be joined by Senator MARK WARNER and in the U.S. House of Representatives Congressman MORAN, Congressman SCOTT and Congressman CONNOLLY, all of whom have been strong advocates for Virginia's Native American Tribes in past Congresses.

The 6 Virginia tribes covered under this bill began seeking Federal recognition more than 15 years ago. They are the Chickahominy, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond Indian Tribe.

The 6 Virginia Tribes covered in this legislation are the direct descendants of the tribes that helped ensure the survival of the first permanent English colony in the New World.

These 6 tribes have received State recognition as early as 1983, and have received strong bipartisan support from the Virginia General Assembly for Federal recognition. It is appropriate for them to finally receive the Federal recognition that has been denied for far too long.

I understand the reluctance from some in Congress to grant any Native American tribe Federal recognition through legislation rather than through the Bureau of Indian Affairs administrative process. I have not embraced this issue lightly, and agree in principle that Congress generally should not have to determine whether or not Native American tribes deserve Federal recognition.

Within the last 2 years the BIA's Office of Federal Acknowledgment came out with new guidelines on implementing the criteria to determine Federal recognition. While I applaud improvements to the process, new guidelines still do not change the impact that racially hostile laws formerly in effect in Virginia had on these tribes' ability to meet the BIA's seven established recognition criteria.

Virginia's unique history and its harsh policies of the past have created a barrier for Virginia's Native American Tribes to meet the BIA criteria, even with the new guidelines. Many Western tribes experienced government neglect during the 20th century, but Virginia's story was different.

First, Virginia passed "race laws" in 1705, which regulated the activity of Virginia Indians. In 1924, Virginia passed the Racial Integrity Law, and the Virginia Bureau of Vital Statistics went so far as to eliminate an individual's identity as a Native American on many birth, death and marriage certificates. The shameful elimination of racial identity records had a devastating impact on Virginia's tribes when they began seeking Federal recognition.

Second, Virginia tribes signed a treaty with England, predating the practices of most tribes that signed a treaty with the Federal Government and therefore were not granted Federal recognition upon signing treaties with the Federal Government like tribes in other States did.

For these reasons, recognition of these 6 Virginia tribes is justified based on principles of dignity and fairness. As I mentioned, I have spent several years examining this issue in great detail, including the rich history and culture of Virginia's tribes. My staff and I asked a number of tough questions before we first introduced this bill in 2009, and great care and deliberation were put into arriving at this conclusion. After meeting with leaders of Virginia's Indian tribes and months of thorough investigation of the facts, I concluded that legislative action is needed for recognition of Virginia's tribes. Congressional hearings and re-

ports over the last several Congresses demonstrate the ancestry and status of these tribes.

This bill has advanced in the past several Congresses with the strong support and tireless efforts of Congressman JIM MORAN. Every living Virginia Governor, Republican and Democrat including our current Governor, Robert McDonnell supports Federal recognition for these tribes. I look forward to working with my colleagues in the Senate, especially those on the Indian Affairs Committee, to push for passage of this important bill. Congress has exercised its power to recognize tribes in the past and I ask you to use this power to grant Federal recognition to these 6 Virginia tribes.

In 2007, we celebrated the 400th Anniversary of Jamestown—America's first colony. After 400 years since the founding of Jamestown, these 6 tribes deserve to join our Nation's other 562 federally-recognized tribes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Tribes of Virginia Federal Recognition Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Federal recognition.
Sec. 104. Membership; governing documents.
Sec. 105. Governing body.
Sec. 106. Reservation of the Tribe.
Sec. 107. Hunting, fishing, trapping, gathering, and water rights.
Sec. 108. Jurisdiction of Commonwealth of Virginia.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Federal recognition.
Sec. 204. Membership; governing documents.
Sec. 205. Governing body.
Sec. 206. Reservation of the Tribe.
Sec. 207. Hunting, fishing, trapping, gathering, and water rights.
Sec. 208. Jurisdiction of Commonwealth of Virginia.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Federal recognition.
Sec. 304. Membership; governing documents.
Sec. 305. Governing body.
Sec. 306. Reservation of the Tribe.
Sec. 307. Hunting, fishing, trapping, gathering, and water rights.
Sec. 308. Jurisdiction of Commonwealth of Virginia.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

Sec. 401. Findings.
Sec. 402. Definitions.
Sec. 403. Federal recognition.
Sec. 404. Membership; governing documents.

- Sec. 405. Governing body.
 Sec. 406. Reservation of the Tribe.
 Sec. 407. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 408. Jurisdiction of Commonwealth of Virginia.

TITLE V—MONACAN INDIAN NATION

- Sec. 501. Findings.
 Sec. 502. Definitions.
 Sec. 503. Federal recognition.
 Sec. 504. Membership; governing documents.
 Sec. 505. Governing body.
 Sec. 506. Reservation of the Tribe.
 Sec. 507. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 508. Jurisdiction of Commonwealth of Virginia.

TITLE VI—NANSEMOND INDIAN TRIBE

- Sec. 601. Findings.
 Sec. 602. Definitions.
 Sec. 603. Federal recognition.
 Sec. 604. Membership; governing documents.
 Sec. 605. Governing body.
 Sec. 606. Reservation of the Tribe.
 Sec. 607. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 608. Jurisdiction of Commonwealth of Virginia.

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy

Chief O.O. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as white or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, "as a matter largely of historical accident", but was "interested in them as descendants of the original inhabitants of the region";

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) In 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians "in your area";

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Chickahominy Indian Tribe.

SEC. 103. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) **RESERVATION STATUS.**—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) **GAMING.**—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 108. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) **IN GENERAL.**—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) **ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.**—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) **EFFECT OF SECTION.**—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a 1-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the 1-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with 5 other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the “United Indians of Virginia” was formed; and

(27) Chief Marvin “Strongoak” Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **TRIBAL MEMBER.**—The term “tribal member” means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) **TRIBE.**—The term “Tribe” means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.

(a) **FEDERAL RECOGNITION.**—

(1) **IN GENERAL.**—Federal recognition is extended to the Tribe.

(2) **APPLICABILITY OF LAWS.**—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) **FEDERAL SERVICES AND BENEFITS.**—

(1) **IN GENERAL.**—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) **SERVICE AREA.**—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) **IN GENERAL.**—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) **DEADLINE FOR DETERMINATION.**—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) **RESERVATION STATUS.**—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) **GAMING.**—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 208. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE III—UPPER MATTAPONI TRIBE**SEC. 301. FINDINGS.**

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as “the cliffs” on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony’s census of Indian bowmen; and

(B) lived in “New Kent” County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as “the cliffs” (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the “Upper Mattaponi Indian Tribe” and “Chickahominy Indian Tribe”, elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have “Adams” as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chicka-

hominy Indians were “blended” with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as “Indians” in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as “Indians”;

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a “colored” designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into “colored” units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term “tribal member” means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term “Tribe” means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 308. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) EFFECT OF SECTION.—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

(1)(A) the first encounter with the English colonists was chronicled by George Percy on May 5, 1607, when the Rappahannock werowance, Pipiscumah or Pipisco, sent a messenger to Captain Christopher Newport bidding the English to come to him.

(B) Percy wrote, “When we came to Rappahanna’s town, he entertained us in good humanity.”;

(C) the meeting took place approximately 10 miles from Jamestown, at the principal town of the Rappahannocks on the James River, Quioughcohanock (also called “Taphanauk”);

(D) Quioughcohanock was a part of the Powhatan chiefdom as well as a later town named after the werowance, Pipisco;

(E) those towns were located in (Old) James City County, which later became Surry County, Virginia; and

(F) there are numerous interactions between those Rappahannock towns and the English recorded in the Jamestown Narratives during the period of 1607 through 1617;

(2) during the initial months after Virginia was settled, the Rappahannock Indians had 2 encounters with Captain John Smith;

(3)(A) a meeting occurred during the time when Powhatan held Smith captive (December 1607 through January 8, 1608);

(B) Smith was taken to the Rappahannock principal town on the Rappahannock River to see if he was the “great man” that had previously sailed into the Rappahannock River, killed their king and kidnaped their people; and

(C) it was determined that Smith was too short to be that “great man”;

(4) a second meeting took place during Smith’s exploration of the Chesapeake Bay (July 1608 to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed on to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;

(7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, because the Rappahannock towns on the Rappahannock River had not participated in the Pamunkey-led uprising in 1644, and the English wanted to “treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the County against the Pamunkey’s”;

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, werowance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, “the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock”;

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that “there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman”;

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, “who were supposed to be her tributaries”, but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council “that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers”;

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres “about the town where they dwelt”, the land being located in (Old) New Kent County, which was later divided to include the modern counties of Caroline and King & Queen in Virginia;

(22) the Rappahannock “town” was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian Land Act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located

across and up the Rappahannock River approximately 30 miles in King George County;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26)(A) in 1706, by order of Essex County, Lieutenant Richard Covington “escorted” the Portobaccos, Nanzaticos, and Rappahannocks out of Portabacco Indian Town, out of Essex County, and into King and Queen County, where those Indians settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation; and

(B) that land encompassed the Newtown area on the King & Queen County side of the Mattaponi River and extended into Mangohick, on the King William County side of the Mattaponi River;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson’s Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29)(A) land was gifted by the Nelson family to the Saunders and Johnson families as wedding gifts to the Rappahannock girls in King William County; and

(B) in the 19th century, those Saunders, Johnson, and Nelson families were among the core Rappahannock families from which the modern Rappahannock Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as “Indians, having a great need for moral and Christian guidance”;

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900s, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a \$50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that "special instructions" were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were "flatly denying" his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as "Indian" only if Indian "blood" predominated and "Indian" identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as "Negro", and it failed to see why "an exception should be made" for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks who were convicted of violating the Federal draft laws

because they refused to be inducted unless they could be classified as Indian, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, "Surviving Indian Groups of the Eastern United States", which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the Commonwealth agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a white public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term "Tribe" means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term "Tribe" does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, and King William County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of King and Queen County, Richmond County, Lancaster County, King George County, Essex County, Caroline County, New Kent County, King William County, and James City County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 408. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) IN GENERAL.—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) **ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.**—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) **EFFECT OF SECTION.**—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

(1) In 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian “Kings and Chief Men”;

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Toter (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as “white” with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the Commonwealth of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D’Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he “would be willing to accept these children in the Cherokee school”;

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as “Monacan Co-operative Pottery” at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since

been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the Commonwealth of Virginia, which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **TRIBAL MEMBER.**—The term “tribal member” means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) **TRIBE.**—The term “Tribe” means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) **FEDERAL RECOGNITION.**—

(1) **IN GENERAL.**—Federal recognition is extended to the Tribe.

(2) **APPLICABILITY OF LAWS.**—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) **FEDERAL SERVICES AND BENEFITS.**—

(1) **IN GENERAL.**—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) **SERVICE AREA.**—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) **IN GENERAL.**—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if the land is located within the boundaries of Amherst County, Virginia; and

(2) may take into trust for the benefit of the Tribe—

(A) any land held in fee by the Tribe, if the land is located within the boundaries of Amherst County, Virginia; and

(B) the parcels of land located in Rockbridge County, Virginia (subject to the consent of the local unit of government), owned by Mr. J. Poole, described as East 731 Sandbridge (encompassing approximately 4.74 acres) and East 731 (encompassing approximately 5.12 acres).

(b) **DEADLINE FOR DETERMINATION.**—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a)(2), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) **RESERVATION STATUS.**—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) **GAMING.**—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 508. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) **IN GENERAL.**—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) **ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.**—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) **EFFECT OF SECTION.**—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were 2 sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief’s family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the "Indian privileges" of clearing swamp land and bearing arms (which privileges were forbidden to other nonwhites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the Commonwealth of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

SEC. 602. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(2) **TRIBAL MEMBER.**—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) **TRIBE.**—The term "Tribe" means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) **FEDERAL RECOGNITION.**—

(1) **IN GENERAL.**—Federal recognition is extended to the Tribe.

(2) **APPLICABILITY OF LAWS.**—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)), that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) **FEDERAL SERVICES AND BENEFITS.**—

(1) **IN GENERAL.**—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) **SERVICE AREA.**—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) **IN GENERAL.**—On request of the Tribe, the Secretary—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if the land is located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia.

(b) **DEADLINE FOR DETERMINATION.**—The Secretary shall—

(1) not later than 3 years after the date of a request of the Tribe under subsection (a), make a final written determination regarding the request; and

(2) immediately make that determination available to the Tribe.

(c) **RESERVATION STATUS.**—On request of the Tribe, any land taken into trust for the benefit of the Tribe pursuant to this section shall be considered to be a part of the reservation of the Tribe.

(d) **GAMING.**—The Tribe may not conduct gaming activities—

(1) as a matter of claimed inherent authority; or

(2) pursuant to any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated pursuant to that Act by the Secretary or the National Indian Gaming Commission).

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 608. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

(a) **IN GENERAL.**—The Commonwealth of Virginia shall exercise jurisdiction over any criminal offense committed, and any civil actions arising, on land located within the Commonwealth that is owned by, or held in trust by the United States for, the Tribe.

(b) **ACCEPTANCE OF COMMONWEALTH JURISDICTION BY SECRETARY.**—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) on verification by the Secretary of a certification by the Tribe that the Tribe possesses the capacity to reassume that jurisdiction.

(c) **EFFECT OF SECTION.**—Nothing in this section affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

By Mr. UDALL of Colorado (for himself and Mr. BARRASSO):

S. 382. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area purposes, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, while our economy is beginning to show signs of recovery, there is still a long way to go. This is especially true in our rural communities. That is why I am reintroducing a bipartisan bill that would help provide new economic opportunities in mountain communities across this country—the Ski Area Recreational Opportunity Enhancement Act.

The outdoors and recreation industries have been a bright spot in the economic downturn. More Americans are spending time outside, enjoying the natural world and getting exercise. I have long felt it is in the national interest to encourage Americans to engage in outdoor activities that can contribute to their health and well being. Our public lands already play a key role by providing opportunities for hiking, skiing, mountain biking and a range of other activities.

In Colorado and across the country, for example, many ski areas are located on National Forest lands. However, under existing law, the National Forest Service bases ski area permits primarily on "Nordic and alpine skiing", a classification that does not reflect the full spectrum of snowsports, nor the use of ski permit areas for non-winter activities. This has resulted in uncertainty for both the Forest Service and ski areas as to whether and how other activities, such as summer-time activities, can occur on permitted areas.

In effect, this means that ski areas on National Forest lands are primarily restricted to use for winter recreation, as opposed to year-round recreation.

The legislation I am introducing with Senator BARRASSO of Wyoming would

clarify this ambiguity. It would ensure that ski area permits could be used for additional snowsports, such as snowboarding, as well as specifically authorizing the Forest Service to allow additional recreational opportunities—like summer-time activities—in permit areas.

I should note that this authority is limited. The primary activity in the permit area must remain skiing or other snowsports. And there are specific types of development, such as water parks and amusement parks, that are specifically prohibited.

This is a narrowly targeted bill that will lead to additional opportunities for seasonal and year-round recreational activities at ski areas on public lands—and most importantly help create more sustainable, year round jobs.

I would like to thank Senator BARRASSO for his continued support of this legislation and his efforts to work with me in the last Congress to pass this bill. I know we were both disappointed that the objections of just two Senators prevented this common-sense legislation from becoming law. Hopefully we will have more success this year—because our mountain communities should be given every opportunity to thrive, as this legislation would help do.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ski Area Recreational Opportunity Enhancement Act of 2011”.

SEC. 2. PURPOSE.

The purpose of this Act is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

(1) to enable snow-sports (other than nordic and alpine skiing) to be permitted on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) to clarify the authority of the Secretary of Agriculture to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

SEC. 3. SKI AREA PERMITS.

Section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) is amended—

(1) in subsection (a), by striking “nordic and alpine ski areas and facilities” and inserting “ski areas and associated facilities”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “nordic and

alpine skiing operations and purposes” and inserting “skiing and other snow sports and recreational uses authorized by this Act”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

“(c) OTHER RECREATIONAL USES.—

“(1) AUTHORITY OF SECRETARY.—Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

“(2) REQUIREMENTS.—Each activity and facility authorized by the Secretary under paragraph (1) shall—

“(A) encourage outdoor recreation and enjoyment of nature;

“(B) to the extent practicable—

“(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

“(ii) be located within the developed portions of the ski area;

“(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

“(D) be authorized in accordance with—

“(i) the applicable land and resource management plan; and

“(ii) applicable laws (including regulations).

“(3) INCLUSIONS.—Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

“(A) zip lines;

“(B) mountain bike terrain parks and trails;

“(C) frisbee golf courses; and

“(D) ropes courses.

“(4) EXCLUSIONS.—Activities and facilities that are prohibited under paragraph (1) include—

“(A) tennis courts;

“(B) water slides and water parks;

“(C) swimming pools;

“(D) golf courses; and

“(E) amusement parks.

“(5) LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow-sports.

“(6) BOUNDARY DETERMINATION.—In determining the acreage encompassed by a ski area permit under subsection (b)(3), the Secretary shall not consider the acreage necessary for activities and facilities authorized under paragraph (1).

“(7) EFFECT ON EXISTING AUTHORIZED ACTIVITIES AND FACILITIES.—Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on the date of enactment of this subsection during the term of the permit.”;

(5) by striking subsection (d) (as redesignated by paragraph (3)), and inserting the following:

“(d) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to implement this section.”; and

(6) in subsection (e) (as redesignated by paragraph (3)), by striking “the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Man-

agement Act” and inserting “the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)”.

SEC. 4. EFFECT.

Nothing in the amendments made by this Act establishes a legal preference for the holder of a ski area permit to provide activities and associated facilities authorized by section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c)) (as amended by section 3).

By Mr. UDALL of Colorado:

S. 383. A bill to promote the domestic production of critical minerals and materials, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to address an issue that affects both our economic and national security—critical minerals and materials. These materials are used in everything from wind turbines to cell phones to weapons guidance systems. However, these materials are primarily imported—many from China—and not always readily available. For example, several clean energy technologies—including wind turbines, batteries and solar panels—require materials that are at risk of supply disruptions. According to the Department of Energy, clean energy technologies currently constitute 20 percent of global consumption of critical materials. As clean energy technologies are deployed more widely in the decades ahead, demand for critical materials will likely grow.

Furthermore, these materials are needed for a number of products essential to protecting our Nation's security, including precision-guided munitions systems, lasers, communication systems, radar systems, avionics, night vision equipment, and satellites. Many of these materials are produced primarily in other countries, and some are not produced in the United States at all.

One group of critical minerals with very high importance today is rare earth elements. The United States was once the primary producer of rare earth materials according to the U.S. Geological Survey, but over the past 15 years we have become 100 percent reliant on imports, with 97 percent coming from China.

When the rare earth industry left the United States, our rare earth materials workforce dwindled as well, leaving very few experts with experience in processing these materials. Currently, there are no curricula in U.S. universities that are geared toward training a new expert workforce; rather, most of the expertise resides in China and Japan. In addition, the U.S.-developed intellectual property for making many of these materials is owned by Japan.

Rare earth materials are not the only critical materials in demand today. Similar supply problems are imminent

for other types of minerals and materials that will be essential for the increased deployment of technologies like batteries, solar panels and electric vehicles. Both the Department of Energy and the National Academy of Sciences have identified minerals and materials—such as lithium, manganese and rhodium—that are now or could become critical in the near future.

Today, I am introducing the Critical Minerals and Materials Act of 2011, a bill intended to help build up the supply chain of minerals and materials that are vital for the development of a clean energy economy and for our national defense.

The National Academy of Sciences recommended improved data-gathering by the Federal Government along with research and development to encourage domestic innovation in the area of critical minerals and materials. My bill specifically would direct the Department of Energy to begin research and development on critical minerals and materials in order to strengthen our domestic supply chain. It would also direct the Department of the Interior to lead in gathering information on the current supply chain and to forecast what materials we might need in the future as our clean energy economy develops.

Finally, my bill would build up the workforce necessary for the United States to regain its leadership in the critical minerals and materials industry. Fellow Coloradans in this industry have told me that it is difficult to find qualified workers to hire in the minerals and materials sector. There are good-paying jobs out there waiting to be filled, and more will become available as these industries grow. But we need to make sure our workforce is properly trained to be able to take advantage of these opportunities and retain U.S. expertise in this industry. My bill will provide for such training in the Nation's colleges and universities, as well as in our technical and community colleges.

While there are a great many minerals and materials that are important for our economic and national security, my bill will focus on only the small portion of minerals and materials that have become critical due to their highly vulnerable supply chain. These critical minerals and materials are in danger of becoming simply unavailable or extremely expensive and I believe these deserve extra attention.

We must also recognize that the raw minerals for these critical materials are often on Federal land and are a valuable resource owned by U.S. citizens. Mining for them must be done in a safe and environmentally responsible way—and that is why I continue to support mining law reform. However, we simply cannot be so dependent upon China or any other nation to provide these critical materials. My bill would ensure

that the U.S. is armed with a robust domestic supply chain and a skilled workforce needed to produce these materials. I urge my colleagues of both parties to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Critical Minerals and Materials Promotion Act of 2011”.

SEC. 2. DEFINITION OF CRITICAL MINERALS AND MATERIALS.

In this Act:

(1) **IN GENERAL.**—The term “critical minerals and materials” means naturally occurring, nonliving, nonfuel substances with a definite chemical composition—

(A) that perform an essential function for which no satisfactory substitutes exist; and

(B) the supply of which has a high probability of becoming restricted, leading to physical unavailability or excessive costs for the applicable minerals and materials in key applications.

(2) **EXCLUSIONS.**—The term “critical minerals and materials” does not include ice, water, or snow.

SEC. 3. PROGRAM TO DETERMINE PRESENCE OF AND FUTURE NEEDS FOR CRITICAL MINERALS AND MATERIALS.

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the United States Geological Survey, shall establish a research and development program—

(1) to provide data and scientific analyses for research on, and assessments of the potential for, undiscovered and discovered resources of critical minerals and materials in the United States and other countries; and

(2) to analyze and assess current and future critical minerals and materials supply chains—

(A) with advice from the Energy Information Administration on future energy technology market penetration; and

(B) using the Mineral Commodity Summaries produced by the United States Geological Survey.

(b) **GLOBAL SUPPLY CHAIN.**—The Secretary shall, if appropriate, cooperate with international partners to ensure that the program established under subsection (a) provides analyses of the global supply chain of critical minerals and materials.

SEC. 4. PROGRAM TO STRENGTHEN THE DOMESTIC CRITICAL MINERALS AND MATERIALS SUPPLY CHAIN FOR CLEAN ENERGY TECHNOLOGIES.

The Secretary of Energy shall conduct a program of research, development, and demonstration to strengthen the domestic critical minerals and materials supply chain for clean energy technologies and to ensure the long-term, secure, and sustainable supply of critical minerals and materials sufficient to strengthen the national security of the United States and meet the clean energy production needs of the United States, including—

(1) critical minerals and materials production, processing, and refining;

(2) minimization of critical minerals and materials in energy technologies;

(3) recycling of critical minerals and materials; and

(4) substitutes for critical minerals and materials in energy technologies.

SEC. 5. STRENGTHENING EDUCATION AND TRAINING IN MINERAL AND MATERIAL SCIENCE AND ENGINEERING FOR CRITICAL MINERALS AND MATERIALS PRODUCTION.

(a) **IN GENERAL.**—The Secretary of Energy shall promote the development of the critical minerals and materials industry workforce in the United States.

(b) **SUPPORT.**—In carrying out subsection (a), the Secretary shall support—

(1) critical minerals and materials education by providing undergraduate and graduate scholarships and fellowships at institutions of higher education, including technical and community colleges;

(2) partnerships between industry and institutions of higher education, including technical and community colleges, to provide onsite job training; and

(3) development of courses and curricula on critical minerals and materials.

SEC. 6. SUPPLY OF CRITICAL MINERALS AND MATERIALS.

(a) **POLICY.**—It is the policy of the United States to promote an adequate and stable supply of critical minerals and materials necessary to maintain national security, economic well-being, and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs.

(b) **IMPLEMENTATION.**—To implement the policy described in subsection (a), the President, acting through the Executive Office of the President, shall—

(1) coordinate the actions of applicable Federal agencies;

(2) identify critical minerals and materials needs and establish early warning systems for critical minerals and materials supply problems;

(3) establish a mechanism for the coordination and evaluation of Federal critical minerals and materials programs, including programs involving research and development, in a manner that complements related efforts carried out by the private sector and other domestic and international agencies and organizations;

(4) promote and encourage private enterprise in the development of economically sound and stable domestic critical minerals and materials supply chains;

(5) promote and encourage the recycling of critical minerals and materials, taking into account the logistics, economic viability, environmental sustainability, and research and development needs for completing the recycling process;

(6) assess the need for and make recommendations concerning the availability and adequacy of the supply of technically trained personnel necessary for critical minerals and materials research, development, extraction, and industrial practice, with a particular focus on the problem of attracting and maintaining high quality professionals for maintaining an adequate supply of critical minerals and materials; and

(7) report to Congress on activities and findings under this subsection.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as are necessary.

By Mrs. FEINSTEIN (for herself,
Mrs. HUTCHISON, Mrs. BOXER,

Ms. SNOWE, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. PORTMAN, Mr. DURBIN, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. COONS, Mr. BARRASSO, Ms. MIKULSKI, Mr. BURR, Mr. LAUTENBERG, Mr. KERRY, Mr. JOHNSON of South Dakota, Mr. TESTER, Mr. MERKLEY, Mr. LIEBERMAN, Mr. MORAN, Mr. COCHRAN, Mrs. MURRAY, Mr. ENSIGN, Mr. NELSON of Nebraska, and Mr. HATCH):

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator HUTCHISON to introduce legislation to reauthorize the extraordinarily successful Breast Cancer Research Stamp for 4 additional years.

Without Congressional action, this important stamp will expire on December 31 of this year.

This stamp deserves to be extended as it has proven to be highly effective.

Since 1998, over 907 million breast cancer research stamps have been sold—raising over \$72 million for breast cancer research.

Furthermore, in October 2007, the Government Accountability Office, GAO, released a report showing that the Breast Cancer Research Stamp has been a success and an effective fundraiser in the effort to increase funds to fight the disease.

The National Institutes of Health, NIH, and the Department of Defense have received approximately \$50.4 million and \$21.6 million, respectively, putting these research dollars to good use by funding innovative advances in breast cancer research.

For example, in 2006, NIH began funding the Trial Assigning Individualized Options for Treatment Program, TAILORx, with proceeds from the Breast Cancer Research Stamp. The trial is designed to determine which patients with early stage breast cancer would be more likely to benefit from chemotherapy and, therefore, reduce the use of chemotherapy in those patients who are unlikely to benefit. The goal of TAILORx is to determine the most effective current approach to cancer treatment, with the fewest side effects, for women with early-stage breast cancer by using a validated diagnostic test.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. Every dollar we continue to raise will help save lives.

One cannot calculate in dollars and cents how the stamp has focused public awareness on this terrible disease and the need for additional research funding.

There is still so much more to do because this disease has far reaching effects on our Nation.

Breast cancer is the second most commonly diagnosed cancer among women after skin cancer.

More than 2.5 million women in the U.S. are living with breast cancer today.

Over 200,000 women have been diagnosed with cancer in each of the past few years, and will be diagnosed in the coming year.

Though male breast cancer is much less common, 1,970 men were diagnosed with breast cancer last year.

This legislation would extend the authorization of the Breast Cancer Research stamp for 4 additional years—until December 31, 2015.

It also will allow the stamp to continue to have a surcharge above the value of a first-class stamp with the surplus revenues going to breast cancer research.

It will not affect any other semipostal proposals under consideration by the U.S. Postal Service.

I urge my colleagues to join me and Senator HUTCHISON in passing this important legislation to extend the Breast Cancer Research Stamp for another 4 years.

Until a cure is found, the money from the sale of this unique postal stamp will continue to focus public awareness on this devastating disease and provide hope to breast cancer survivors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking “2011” and inserting “2015”.

By Mr. LEAHY (for himself, Mr. SANDERS, Mr. SCHUMER, Mr. CONRAD, and Mr. FRANKEN):

S. 385. A bill to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I again introduce legislation to correct an inequity in the U.S. Department of Justice’s Public Safety Officers Benefits, PSOB, Program, by extending benefits to nonprofit Emergency Medical Services, EMS, providers who die or are permanently disabled in the line of duty. I am pleased to be joined in this effort by Senator SANDERS and Senator SCHUMER.

The legislation is named after Dale Long, a long-time paramedic and shift supervisor with the Bennington Rescue

Squad in Vermont. Dale Long died two years ago in a tragic, on-duty accident while treating and transporting a patient. He had a superb 25-year career as a Vermont paramedic. He helped many, many people in ways they will never forget, and Dale Long will not be forgotten.

I had the pleasure and honor of meeting Dale in 2009—less than two months before his death—when he was in Washington to receive the prestigious Star of Life Award from the American Ambulance Association. Dale earlier had received Vermont’s EMS Advanced Rescuer of the Year Award, in 2008. In 2010, Dale was honored as part of the National EMS Memorial Service.

Dale’s tragic passing highlighted a major shortcoming in the current PSOB program, which Congress established more than 30 years ago to lend a hand to police officers, firefighters and medics who lose their lives or are permanently disabled in the line of duty. The current benefit only applies to public safety officers employed by a Federal, State, or local government entity. With many communities around the United States choosing to have their emergency medical services provided by nonprofit agencies, medics working for these nonprofit services unfortunately are not eligible for this help under the PSOB program.

Nonprofit public safety officers provide identical services to governmental officers and do so daily in the same dangerous environments. With a renewed appreciation for the vital and timely community service of first responders since the national tragedy of September 11, 2001, more people are answering the call to serve their communities. At the same time, more rescue workers are falling through the cracks of the PSOB program.

The Dale Long Emergency Medical Service Provider Protection Act will correct this inequality by extending the PSOB program to cover nonprofit EMS officers who provide emergency medical and ground or air ambulance service. These emergency professionals protect and promote the public good of the communities they serve, and we should not unfairly penalize them and their families simply because they work or volunteer for a nonprofit organization.

The modest cost of this remedy also is fully offset and will not add to the federal deficit.

This is a carefully crafted, common-sense remedy to a clear discrepancy in the law. I am pleased with the widespread support this bill has earned. Momentum continues to build for this solution, and I will keep at this effort until the Dale Long Emergency Medical Service Provider Protection Act becomes the law of the land.

I thank several first responder organizations—including the American Ambulance Association, the National Association of EMTs, the International

Association of Fire Fighters, the International Association of Fire Chiefs, and the Fraternal Order of Police—for their support of this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dale Long Emergency Medical Service Providers Protection Act”.

SEC. 2. ELIGIBILITY.

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a pre-hospital emergency medical response agency;”;

and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking “as a chaplain” and all that follows through the semicolon, and inserting “or as a chaplain;”;

(B) in subparagraph (B)(ii), by striking “or” after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(D) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”.

SEC. 3. OFFSET.

Of the unobligated balances available under the Department of Justice Assets Forfeiture Fund, \$12,000,000 are permanently cancelled.

SEC. 4. EFFECTIVE DATE.

The amendments made by section 2 shall apply only to injuries sustained on or after June 1, 2009.

By Mr. DURBIN (for himself, Mr. REED, and Mr. BROWN of Ohio):

S. 386. A bill to provide assistance to certain employers and States in 2011 and 2012, to improve the long-term solvency of the Unemployment Compensation program, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, employers in several States, including Illinois, are facing an automatic tax increase if Congress doesn’t do something. That is right. Businesses that are struggling in this recession face a Federal tax coming their way if we don’t act.

I am introducing a bill today that will prevent that. This is a time when we need to help businesses—small busi-

nesses in particular—to spend every dime they have on hiring people looking for work.

Here is why I am introducing the bill.

Current law requires States that have overdrawn their unemployment insurance trust funds to raise taxes on employers to fill that deficit. The recession put tens of millions of Americans out of work, and the number of people who have been unable to find new work for more than 6 months is unprecedented in recent history. Unemployment insurance has helped these families through a difficult time, and it has been a good investment. It is money that has been given to the unemployed that is quickly put back into the economy, creating demands for goods and services.

The Congressional Budget Office ranks unemployment benefit payments as one of the most stimulative things we can do to turn this economy around. So we know it is good economics. That spending is going to help drive up demand for what private companies sell, which encourages them to hire more workers. But the ferocity of the economic downturn has strained the unemployment insurance trust fund in many States.

Let me be clear. This problem has nothing to do with the operating deficits many States are facing. That is a bigger but unrelated problem. The UI trust funds can only be used by States to pay unemployment insurance, and it is these trust funds that we need to return to solvency. That is what the Unemployment Insurance Solvency Act, which I have introduced, would do.

Here is what it specifically sets out to accomplish:

First, it would waive the requirement that States immediately charge local employers higher taxes for the next 2 years. This would save companies located in my State of Illinois, for example, over \$300 billion over the next 2 years and save businesses nationwide between \$8 billion and \$11 billion between now and the end of 2013.

Second, it would waive the interest payments that States would otherwise be required to pay for the next 2 years. That is going to save Illinois \$200 million in interest payments over the next 2 years.

Finally, it gives States—Governors, State legislatures, and local employers working together—greater flexibility in figuring out how to replenish their unemployment trust fund starting in 2014.

It would give States three options to explore: First, to restructure their UI tax base and rates to fill any hole in the trust fund; second, seek forgiveness from the Federal Government for a portion of the debts the State might owe to its trust fund in return for entering into a long-term solvency plan with the Department of Labor to protect the interests of the jobless who

need unemployment insurance; third, maintain existing solvency that a State has already achieved, earning higher Federal UI interest payments and lower Federal UI taxes for its employers.

The President included a version of this proposal in his budget he submitted to Congress on Monday. I commend him for it.

With 13.9 million people out of work and \$14 trillion in Federal debt, we need to find creative solutions to solve problems facing workers and employers. This bill I have introduced, cosponsored by Senator JACK REED of Rhode Island and Senator SHERROD BROWN of Ohio, is one that I think addresses this issue in a proper manner. It removes this new burden on small businesses, a tax burden which can only hold them back from hiring the people they need and reducing unemployment, and it gives to States that are hard-pressed because of other financial problems at least 2 years where they don’t need to pay the interest they owe on the money for unemployment insurance. It is a stopgap emergency measure supported by the Obama administration which I am happy to introduce.

This bill will prevent immediate tax increases on employers. It ensures unemployment insurance will be there when workers need it. And it does not raise the Federal debt. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Unemployment Insurance Solvency Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Extension of assistance for States with advances.
- Sec. 3. Reduction in the rate of employer taxes.
- Sec. 4. Modifications of employer credit reductions.
- Sec. 5. Increase in the taxable wage base.
- Sec. 6. Voluntary State agreements to abate principal on Federal loans.
- Sec. 7. Rewards and incentives for solvent States and employers in those States.

SEC. 2. EXTENSION OF ASSISTANCE FOR STATES WITH ADVANCES.

(a) IN GENERAL.—Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking “2010” and inserting “2012” in the matter preceding clause (i).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 2004 of the Assistance for Unemployed Workers and Struggling Families Act (Public Law 111-5; 123 Stat. 443).

SEC. 3. REDUCTION IN THE RATE OF EMPLOYER TAXES.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking “2010 and the first 6 months of calendar year 2011” and inserting “2013”; and

(2) in paragraph (2), by striking “6.0 percent in the case of the remainder of calendar year 2011” and inserting “5.78 percent in the case of calendar year 2014”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date of the enactment of this Act; or

(2) July 1, 2011.

SEC. 4. MODIFICATIONS OF EMPLOYER CREDIT REDUCTIONS.

(a) LIMIT ON TOTAL CREDITS.—Section 3302(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking “90 percent of the tax against which such credits are allowable” and inserting “an amount equal to 5.4 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c))”; and

(2) in paragraph (2)—

(A) by striking subparagraphs (B) and (C) and the flush matter following subparagraph (C);

(B) by striking “(2) If” and inserting “(2)(A) If”;

(C) by striking “(A)(i) in” and inserting “(i) in”;

(D) in clause (i) of subparagraph (A), as redesignated by subparagraph (C), by striking “5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State” and inserting “an amount equal to 0.3 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c))”;

(E) in clause (ii) of subparagraph (A)—

(i) by moving such clause 2 ems to the left;

(ii) by striking “5 percent, for each such succeeding taxable year, of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State;” and inserting “an amount equal to 0.3 percent of the total wages (as defined in section 3306(b)) paid by such taxpayer during the calendar year with respect to employment (as defined in section 3306(c)), for each succeeding taxable year;”;

(iii) by striking the semicolon at the end and inserting a period; and

(F) by adding at the end the following new subparagraph:

“(B) The provisions of subparagraph (A) shall be applied with respect to the taxable year beginning January 1, 2011, or any succeeding taxable year by deeming January 1, 2013 to be the first January 1 occurring after January 1, 2010. For purposes of subparagraph (A), consecutive taxable years in the period commencing January 1, 2013, shall be determined as if the taxable year which begins on January 1, 2013, were the taxable year immediately succeeding the taxable year which began on January 1, 2010. No taxpayer shall be subject to credit reductions under this paragraph for taxable years beginning January 1, 2011 and January 1, 2012.”.

(b) DEFINITIONS AND SPECIAL RULES.—Section 3302(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraphs (1), (4), (5), (6), and (7); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on January 1, 2011.

SEC. 5. INCREASE IN THE TAXABLE WAGE BASE.

(a) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (b), by striking “\$7,000” both places it appears and inserting “the applicable wage base amount (as defined in subsection (v)(1))”; and

(2) by adding at the end the following new subsection:

“(v) APPLICABLE WAGE BASE AMOUNT.—

“(1) IN GENERAL.—For purposes of subsection (b)(1), the term ‘applicable wage base amount’ means—

“(A) for a calendar year before calendar year 2014, \$7,000;

“(B) for calendar year 2014, \$15,000; and

“(C) for calendar years beginning on or after January 1, 2015, the amount determined under paragraph (2).

“(2) AMOUNT FOR CALENDAR YEAR 2015 AND THEREAFTER.—

“(A) AMOUNT.—

“(i) IN GENERAL.—For purposes of paragraph (1)(C), the amount determined under this paragraph for a calendar year is an amount equal to the product of—

“(I) the amount of average wage growth for the year (as determined in accordance with subparagraph (B)); and

“(II) the applicable wage base amount for the preceding calendar year.

“(ii) ROUNDING.—If the amount determined under clause (i) is not a multiple of \$100, such amount shall be rounded to the next higher multiple of \$100.

“(B) AVERAGE WAGE GROWTH.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the amount of annual wage growth for a calendar year shall be determined by dividing the average annual wage in the United States for the 12-month period ending on the June 30 of the preceding calendar year by the average annual wage in the United States for the 12-month period ending on the second prior June 30, and rounding such ratio to the fifth decimal place.

“(ii) AVERAGE ANNUAL WAGE.—For purposes of clause (i), using data from the Quarterly Census of Employment and Wages (or a successor program), the average annual wage for a 12-month period shall be determined by dividing the total covered wages subject to contributions under all State unemployment compensation laws for such period by the average covered employment subject to contributions under all State unemployment compensation laws for such period, and rounding the result to the nearest whole dollar.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. VOLUNTARY STATE AGREEMENTS TO ABATE PRINCIPAL ON FEDERAL LOANS.

(a) IN GENERAL.—Section 1203 of the Social Security Act (42 U.S.C. 1323) is amended—

(1) by inserting “(a) ADVANCES.—” after “1203”; and

(2) by adding at the end the following new subsection:

“(b) VOLUNTARY ABATEMENT AGREEMENTS.—

“(1) IN GENERAL.—The governor of any State that has outstanding repayable advances from the Federal unemployment account pursuant to subsection (a) may apply to the Secretary of Labor to enter into a voluntary principal abatement agreement.

“(2) CONTENTS OF APPLICATION.—An application described in paragraph (1) shall include a plan that, based upon reasonable economic projections, describes how the State will, within a reasonable period of time—

“(A) repay the outstanding principal on its remaining advance to the Federal unemployment account, less the amount of the principal abatement pursuant to paragraph (4); and

“(B) restore the solvency of the State’s account in the Unemployment Trust Fund to an average high cost multiple of 1.0, as calculated and defined by the United States Department of Labor.

“(3) REQUIREMENT FOR PLAN.—A plan described in paragraph (2) shall be premised on the existing unemployment compensation law of the State and may take into consideration the enactment of any changes in law scheduled to become effective during the life of the plan.

“(4) AGREEMENT.—Upon review of the application and satisfaction that the State’s plan will meet the repayment and solvency goals described in paragraph (2), the Secretary of Labor may enter into a principal abatement agreement with the State. Such an agreement shall be for a period of no more than 7 years.

“(5) CALCULATION.—Under any voluntary abatement agreement under this subsection, the amount of principal abatement shall be calculated as follows:

“(A) The State’s repayable advances as of the date of the enactment of this subsection or December 31, 2011, whichever is earlier, shall be multiplied by a loan forgiveness multiplier.

“(B) The State’s loan forgiveness multiplier shall be calculated on the same basis as the temporary increase of Medicaid FMAP under section 5001(c)(2)(A) of division B of the American Recovery and Reinvestment Act of 2009, using the State’s additional FMAP tier as of December 31, 2010. In the case of a State that meets the criteria described in—

“(i) clause (i) of such section 5001(c)(2)(A), the loan multiplier shall be 0.2.

“(ii) clause (ii) of such section 5001(c)(2)(A), the loan multiplier shall be 0.4.

“(iii) clause (iii) of such section 5001(c)(2)(A), the loan multiplier shall be 0.6.

“(C) The annual amount of principal abatement shall equal one-seventh of the total amount of principal abatement.

“(6) CERTIFICATION.—Under any voluntary abatement agreement under this subsection, the State shall certify that during the period of the agreement—

“(A) the method governing the computation of regular unemployment compensation under the State law of the State will not be modified in a manner such that the average weekly benefit amount of regular unemployment compensation which will be payable during the period of the agreement will be less than the average weekly benefit amount of regular unemployment compensation which would have otherwise been payable under the State law as in effect on the date of the enactment of this subsection;

“(B) State law will not be modified in a manner such that any unemployed individual who would be eligible for regular unemployment compensation under the State law in effect on such date of enactment would be ineligible for regular unemployment compensation during the period of the agreement or would be subject to any disqualification during the period of the agreement that the individual would not have been subject to under the State law in effect on such date of enactment;

“(C) State law will not be modified in a manner such that the maximum amount of regular unemployment compensation that any unemployed individual would be eligible to receive in a benefit year during the period of the agreement will be less than the maximum amount of regular unemployment compensation that the individual would have been eligible to receive during a benefit year under the State law in effect on such date of enactment; and

“(D) upon a determination by the Secretary of Labor that the State has modified State law in a manner inconsistent with the certification described in the preceding provisions of this paragraph or has failed to comply with any certifications required by this paragraph, the State shall be liable for any principal previously abated under the agreement.

“(7) TRANSFER.—Under a voluntary abatement agreement under this subsection, a transfer of the annual amount of the principal abatement shall be made to the State's account in the Unemployment Trust Fund on December 31st of the year in which the agreement is executed so long as the State has complied with the terms of the agreement. For each subsequent year that the Secretary of Labor certifies that the State is in compliance with the terms of the agreement, the annual amount of the State's principal abatement will be credited to its outstanding loan balance. If the loan balance reaches zero while the State still has a remaining principal abatement amount, the remaining amount shall be made as a positive balance transfer to the State's account in the Unemployment Trust Fund.

“(8) REGULATIONS.—The Secretary of Labor shall promulgate such regulations as are necessary to implement this subsection. Such regulations shall include—

“(A) standards prescribing a reasonable period of time for a State plan to reach a solvency level equal to an average high cost multiple of 1.0, taking into account the economic conditions and level of insolvency of the State; and

“(B) guidelines for insuring progress toward solvency for States with agreements that include plans that require more than 7 years to reach an average high cost multiple of 1.0.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 7. REWARDS AND INCENTIVES FOR SOLVENT STATES AND EMPLOYERS IN THOSE STATES.

(a) INCREASED INTEREST FOR SOLVENT STATES.—

(1) IN GENERAL.—Section 904(e) of the Social Security Act (42 U.S.C. 1104(e)) is amended by adding at the end the following new flush sentences:

“The separate book account for each State agency shall be augmented by 0.5 percent over the rate of interest provided in subsection (b) when the State maintains reserves in the account that equal or exceed an average high cost multiple of 1.0 as defined by the Secretary of Labor as of December 31st of the preceding year. The State may apply the additional funds to support State administration pursuant to the requirements in section 903(c).”

(b) LOWER RATE OF TAX FOR SOLVENT STATES.—

(1) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986, as amended by section 3, is amended by adding at the end the following new sentence: “For the second 6-month period of 2011 or for each calendar

year thereafter, in the case of a State that maintains reserves in the State's separate book account that equal or exceed an average high cost multiple of 1.0 as of December 31st of the year preceding the period or year involved, paragraph (1) shall be applied for such period or year in the State by substituting ‘6.0 percent’ for ‘6.2 percent’ or, as the case may be, paragraph (2) shall be applied for such period or year in the State by substituting ‘5.68 percent’ for ‘5.78 percent’.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of the enactment of this Act; or

(B) July 1, 2011.

By Mrs. BOXER (for herself, Mr. CASEY, Mr. TESTER, Mr. MANCHIN, Mr. WARNER, Mr. WYDEN, Mr. BENNETT, and Mr. NELSON of Nebraska):

S. 388. A bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, I send a bill to the desk on behalf of myself and Senators CASEY, TESTER, MANCHIN, WARNER, and WYDEN.

I want to explain it. I hope we will see action on this bill in the near future because we are on very delicate ground right now as we try to resolve the budget issues before us.

We have two sides to the legislative branch—the House and the Senate. I think we have very different approaches to this deficit problem which is quite real. Both sides should be respectful of each other. But the messages I am getting via the media in terms of the language being used on the other side is: We don't really much care what the Senate thinks. It is kind of “our way or the highway” type of rhetoric.

The problem with this is that the type of cuts that are coming from the House side, from our Republican friends over there, a columnist tells us will cost 800,000 jobs to this Nation. Mr. President, 800,000 jobs will be lost if we do not make some changes to what they have done.

As someone from a State that has a very tough economic climate and trying to climb out of this recession, that is just extreme. It is just extreme.

Are we willing to make cuts? Yes. It is my belief both sides have to sit down and work this out. We believe there are cuts to be made. They have come out with cuts. We need to work together. But here is what troubles me, and this is why I introduce this legislation. What troubles me is there seems to be more and more threats of a government shutdown. In the early days of the new House leadership we did not hear that. Now we are hearing it.

In Politico, one of the headlines recently said: “McConnell won't take shutdown off the table.” That refers to our Republican leader.

In Reuters, Republican majority leader ERIC CANTOR “refused . . . to rule out the possibility of a government shutdown.”

Republican Senator MIKE LEE said: “The 1995 government shutdown was just an inconvenience.”

I have to tell you, it is a lot more than an inconvenience when senior citizens cannot get help getting their Social Security or veterans on disability cannot get their help. Hospitals close down. Projects shut down. These are real people out there. A lot of contractors in the private sector rely on the government operating, such as road projects, bridges being repaired, and the rest. It is radical to say that a government shutdown is an inconvenience. It is a failure. A government shutdown is a failure of those of us who are here to act like adults and resolve our differences.

CNN said:

Top Republican on the Senate Budget Committee said he's not ruling out the possibility of a government shutdown.

The way Speaker BOEHNER spoke today had, to me, kind of a “take it or leave it” tone to it.

I have to tell you, that budget over there not only threatens 800,000 jobs, but they legislated on appropriations. They legislated on an appropriations bill. They decided that women should not have access to a full range of reproductive health care. They are bringing in the issue of abortion on a budget bill. I think the issue of a woman's right to choose and her reproductive health care and getting Pap screenings and cancer screenings is important, and we should debate that. If people want to repeal Roe v. Wade, let's debate that here.

What they have done with the Clean Air Act—and I know my friend sitting in the chair cares so much about this issue. The Clean Air Act was brought to us by Richard Nixon. It had bipartisan support.

What they do is prohibit the Environmental Protection Agency from enforcing the Clean Air Act as it relates to carbon pollution—pollution that is dangerous for our families, that endangers the lives and health of our families. That is what the Bush administration said when they were in charge, let alone the Obama administration.

Rather than bringing to the floor a bill to repeal the Clean Air Act—I would welcome that debate, and I know my friend would as well—they do this through the back door and tell the Environmental Protection Agency they cannot protect us from pollution.

That is not what the American people expect to be in a simple budget document. We have to cut some programs. Let's cut some programs. Let's not change abortion law on it. Let's not bring up how to repeal the Clean Air Act on it. Let's not eviscerate law settlements. They have done a range of

things which require debate. I would love to put these questions to the American people. I can tell you that people in my home State think government has no business in the issue of a woman's health. Stay away. That is what they say. We will make up our own minds. Some of us are pro-choice, some of us are not, but don't tell us what to believe. That is the thought of the majority of the people in my State. They do not want Big Brother and the government telling people what to do. Yet they put it on a budget bill. That doesn't make any sense.

Let me tell you, the people in my State want clean air. In all the years I have been in office—and the President and I have been around a while and holding different offices—not one of my constituents has ever come up to me and said: BARBARA, we need dirty air. The air is too clean. The water is too pure. The lakes are too pristine. The beaches are gorgeous. No. They want us to make sure we protect them from pollution so their kids can breathe the air and not get asthma. So our friends on the other side have these gargantuan cuts, and in addition to these cuts—which will cost us, according to Senator INOUE, 800,000 jobs—800,000 jobs—they have legislated issues that are contentious and don't belong on a budget bill.

Here is the deal. I am worried they might say to us: It is our way or the highway. I am worried about that. That is what I am starting to hear. They may lead us into a government shutdown if we fail to act like adults and resolve this and keep the contentious issues off the budget and cut reasonably and sensibly so we don't cause more unemployment. If we can figure that out and meet each other halfway and everything else you do when you compromise, we will be fine. But if that isn't the case, I wish to be sure Members of Congress suffer just as much as any Federal employee. So I have written this bill, with my colleagues, to say that in the event of a government shutdown or a failure to lift the debt ceiling and we start defaulting on our commitments, Members of Congress will not get paid because Members of Congress don't deserve to be paid if we can't act like adults and negotiate this.

I am so tired of the hypocrisy I have seen. I know it is a strong word, and I am not leveling it at any particular individual, but I have to tell you, there are Members of the House who said ObamaCare is terrible, but then they took it for themselves. So what price are they paying? They vote no on health care for everybody else, but they keep government health care. It is wrong. A lot of them are sleeping in their offices. Tell me one other person who is allowed to sleep in the office of their corporation they work for. As far as I know, there is nobody. They do not

pay any rent. They sleep in their offices.

So they do all these things: They do not help the housing crisis. They sleep in their offices. They would not vote for health care, but they take government health care. Now they might shut down the government. Yet while Federal employees will not get paid, they will get paid—no way, wrong, not fair. They have to pay a price for all their extremism.

So I hope we will pass this bill and send it over to the House and the House can decide if they think this is right. This is what I would like to take to the American people. Because if they shut down the government or they fail to raise the debt ceiling and we start to default and they pay no price, it is not fair. We cannot stamp our feet and say: It is the way I want it or I am taking my marbles and I am going home—or my teddy bear or my blanket or whatever. You can't do that.

This is the greatest country in the world. As my friend, Senator SANDERS, who is in the chair, so beautifully said last night on a news show—and it was so well done—the middle class is hurting. Real income is going down. As we look at these budget cuts, we have to think about that. I am thinking a lot about it, and I am seeing hundreds of thousands of jobs being lost by the middle class, not by the wealthy few. They are not going to be touched by this.

So this is a very simple bill. I will read what it says:

Members of Congress and the President shall not receive basic pay for any period in which there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or a continuing resolution, or if the Federal Government is unable to make payments or meet obligations because the debt limit has been reached.

So simple. So I am calling on my colleagues on the other side of the aisle to take the option of a government shutdown off the table. I hope this legislation will nudge them in that direction. Let them think about what it is like not to get paid. Because if they shut down the Federal Government, a whole lot of folks would not get paid. A lot of people in the private sector would not get paid and a lot of people on pensions would not get paid. The only people who would be exempted, pretty much, are Members of Congress, and we have to put an end to that dichotomy.

I thank the Chair for all his leadership on behalf of the middle class and the working poor and I think the hypocrisy has to end. I feel we have to come to this floor and start telling the American people the truth. The truth is: The cuts over there on the other side are going to hurt the middle class. They are extreme. They have added language that doesn't belong on a budget bill. Even though they said they

were about jobs, jobs, jobs, and maybe they were—how to lose another 800,000 jobs, maybe that is what they meant—nobody thought the first thing they would do is come in and attach abortion language and family planning language and eviscerate the EPA's ability to clean up carbon pollution on a budget bill. So we have to start letting the American people know because they are busy and they do not get to read all the ins and outs of what happens here. We have to put it in straightforward language.

Today is a very good day in the Senate. We have been brought together, and a lot of that credit goes to Senator ROCKEFELLER and Senator HUTCHISON. I am proud to serve on their committee. We are doing a good job and working together. We have worked out our problems. We had problems with new flights out of National, and no one thought we could resolve it. But we were happy to work together—Republicans, Democrats, people from the East and the West and the Midwest—and we showed we can do something here today. As a result, we are about to pass a very good bill.

My own bill of rights is in this bill, and I am thrilled about that. It was a Boxer-Snowe bill. It has been incorporated in here. It says if you get stuck on an airline, you should be able to expect that you will have water and nourishment and that the toilets will not be overflowing and that if the plane is stuck for 3 hours, you should be able to have the option to get off that flight.

So listen, there are good things we can do. We have proven it here today. But I am getting increasingly nervous about the threats of a government shutdown. I think if Members know it isn't just pain that is going to be inflicted on someone else but they will have pain inflicted on themselves and their families as well, maybe they will take that option off the table.

By Mr. REED (for himself, Mr. GRASSLEY, Mr. BEGICH, Mr. BLUMENTHAL, Ms. COLLINS, Mr. KERRY, Mr. LAUTENBERG, Mr. SANDERS, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 393. A bill to aid and support pediatric involvement in reading and education; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce with my colleague, Senator GRASSLEY, the Prescribe a Book Act. I thank Senators BEGICH, BLUMENTHAL, COLLINS, KERRY, LAUTENBERG, SANDERS, STABENOW, and WHITEHOUSE for joining us as original cosponsors of this bipartisan bill.

Our legislation would create a federal pediatric early literacy grant initiative based on the long-standing, successful Reach Out and Read program. The program would award grants on a competitive basis to high-quality non-profit

entities to train doctors and nurses in advising parents about the importance of reading aloud and to give books to children at pediatric check-ups from 6 months to 5 years of age, with a priority for children from low-income families. It builds on the relationship between parents and medical providers and helps families and communities encourage early literacy skills so children enter school prepared for success in reading.

Since fiscal year 2000, Federal funding for Reach Out and Read through the Department of Education has been an essential piece of a successful public-private partnership that has been matched by tens of millions of dollars from the private sector and State governments. This funding has supported the training of nearly 50,000 health care providers in literacy promotion, and the operation of programs in more than 4,100 clinics and hospitals nationwide, including the 40 sites that operate in Rhode Island. The Prescribe a Book Act would establish a formal authorization for this successful partnership activity.

The Reach Out and Read model has consistently demonstrated effectiveness in increasing parent involvement and boosting children's reading proficiency. Research published in peer-reviewed, scientific journals has found that parents who have participated in the program are significantly more likely to read to their children and include more children's books in their home, and that children served by the program show an increase of 4–8 points on vocabulary tests. I have seen up close the positive impact of this program on children and their families when visiting a number of Rhode Island's Reach Out and Read sites.

I urge my colleagues to cosponsor the Prescribe a Book Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescribe a Book Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **ELIGIBLE ENTITY.**—The term "eligible entity" means a nonprofit organization that has, as determined by the Secretary, demonstrated effectiveness in the following areas:

(A) Providing peer-to-peer training to healthcare providers in research-based methods of literacy promotion as part of routine pediatric health supervision visits.

(B) Delivering a training curriculum through a variety of medical education settings, including residency training, continuing medical education, and national pediatric conferences.

(C) Providing technical assistance to local healthcare facilities to effectively implement a high-quality Pediatric Early Literacy Program.

(D) Offering opportunities for local healthcare facilities to obtain books at significant discounts, as described in section 7.

(E) Integrating the latest developmental and educational research into the training curriculum for healthcare providers described in subparagraph (B).

(2) **PEDIATRIC EARLY LITERACY PROGRAM.**—The term "Pediatric Early Literacy Program" means a program that—

(A) creates and implements a 3-part model through which—

(i) healthcare providers, doctors, and nurses, trained in research-based methods of early language and literacy promotion, encourage parents to read aloud to their young children, and offer developmentally appropriate recommendations and strategies to parents for the purpose of reading aloud to their children;

(ii) healthcare providers, at health supervision visits, provide each child between the ages of 6 months and 5 years a new, developmentally appropriate children's book to take home and keep; and

(iii) volunteers in waiting areas of healthcare facilities read aloud to children, modeling for parents the techniques and pleasures of sharing books together;

(B) demonstrates, through research published in peer-reviewed journals, effectiveness in positively altering parent behavior regarding reading aloud to children, and improving expressive and receptive language in young children; and

(C) receives the endorsement of nationally recognized medical associations and academies.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

SEC. 3. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to eligible entities to enable the eligible entities to implement Pediatric Early Literacy Programs.

SEC. 4. APPLICATIONS.

An eligible entity that desires to receive a grant under section 3 shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

SEC. 5. MATCHING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the grant received by the eligible entity under section 3. Such matching funds may be in cash or in-kind.

SEC. 6. USE OF GRANT FUNDS.

(a) **IN GENERAL.**—An eligible entity receiving a grant under section 3 shall—

(1) enter into contracts with private nonprofit organizations, or with public agencies, selected based on the criteria described in subsection (b), under which each contractor will agree to establish and operate a Pediatric Early Literacy Program;

(2) provide such training and technical assistance to each contractor of the eligible entity as may be necessary to carry out this Act; and

(3) include such other terms and conditions in an agreement with a contractor as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

(b) **CONTRACTOR CRITERIA.**—Each contractor shall be selected under subsection (a)(1) on the basis of the extent to which the

contractor gives priority to serving a substantial number or percentage of at-risk children, including—

(1) children from families with an income below 200 percent of the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved, particularly such children in high-poverty areas;

(2) children without adequate medical insurance;

(3) children enrolled in a State Medicaid program, established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or in the State Children's Health Insurance Program established under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) children living in rural areas;

(5) migrant children; and

(6) children with limited access to libraries.

SEC. 7. RESTRICTION ON PAYMENTS.

The Secretary shall make no payment to an eligible entity under this Act unless the Secretary determines that the eligible entity or a contractor of the eligible entity, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts that are at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

SEC. 8. REPORTING REQUIREMENT.

An eligible entity receiving a grant under section 3 shall report annually to the Secretary on the effectiveness of the program implemented by the eligible entity and the programs instituted by each contractor of the eligible entity, and shall include in the report a description of each program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$15,000,000 for fiscal year 2012 and such sums as may be necessary for each of the succeeding 4 fiscal years.

By Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. DURBIN, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the No Oil Producing and Exporting Cartels Act, NOPEC. This legislation will authorize our government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. government to fight back against efforts to fix the price of oil and hold OPEC accountable when it acts illegally. Our legislation will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels

from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate in the 110th Congress by a vote of 70–23 in June 2007 as an amendment to the 2007 Energy Bill before being stripped from that bill in the conference committee. The identical House version of NOPEC also passed the other body as stand alone legislation in the 110th Congress in 2007 by an overwhelming 345–72 vote. It is now time for us to at last pass this legislation into law and give our nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Since January 2009 the cost of crude oil has more than doubled, reaching today's level of \$96 per barrel. Likewise, throughout 2009 and 2010, gasoline prices have marched steadily upward, soaring to over \$3 a gallon in January 2011, a price that has nearly doubled in little over two years. And recently, OPEC ministers indicated that they may decide against an increase in output in 2011, saying in the final days of 2010 that the world economy can tolerate a \$100 per barrel price. So it is clear that the global oil cartel remains a major force conspiring to raise oil prices to the detriment of American consumers.

The actions of the OPEC cartel in recent years demonstrate the dangers it presents. A good example occurred at the end of 2008. On October 24, 2008, OPEC agreed to cut production by 1.5 million barrels a day, and less than two months later, on December 17, 2008, OPEC agreed to a further 2.2 million barrels a day production cut. OPEC made no secret of its motivation for these production cuts. OPEC President Chakib Khelil put it very simply in an interview published December 23, 2008, "Without these cuts, I don't think we'd be seeing \$43 [per barrel] today, we'd have seen in the \$20's. . . . [H]opefully by the third quarter [of 2009] we will see prices rising." In another interview in December, Khelil was quoted as saying "The stronger the decision [to cut production], the faster prices will pick up." Sure enough, oil prices resumed their march upwards in 2009, and now is more than \$90 per barrel.

Since cutting its output in this manner at the end of 2008, OPEC has not officially changed its output policy for more than two years. Oil prices have surged nearly \$30 since last summer, and OPEC's Secretary General Abdalla Salem El-Badri confirmed there would not be an increase in output, claiming in January 2011 that, "At the moment there is more than enough oil on the market."

When the price of crude oil rises as a result of these actions by OPEC, there is no doubt that millions of American consumers feel the pinch every time they visit the gas pump. The Federal Trade Commission has estimated that 85 percent of the variability in the cost

of gasoline is the result of changes in the cost of crude oil.

Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged such an international price fixing conspiracy, there would no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in government has yet tried to take any action. This NOPEC legislation will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law.

It is also important to point out that this legislation will not authorize private lawsuits. It only authorizes the Attorney General to file suit under the antitrust laws for redress. It will always be in the discretion of the Justice Department and the President as to whether to take action to enforce NOPEC. Our legislation will not require the government to bring a legal action against OPEC member nations, and no private party will have the ability to bring such an action. This decision will entirely remain in the discretion of the executive branch. Our NOPEC legislation will give our law enforcement agencies a tool to employ against the oil cartel but the decision on whether to use this tool will entirely be up to the Justice Department and, ultimately, the President. They can use this tool as they see fit—to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations warrant it.

NOPEC will also make plain that the nations of OPEC cannot hide behind the doctrines of "sovereign immunity" or "act of state" to escape the reach of American justice. In so doing, our amendment will overrule one 28 year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations

that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. Government has ever had to deter OPEC from its seemingly endless cycle of supply cutbacks designed to raise price. It will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct. It will also deter additional nations who may today be considering joining OPEC.

I urge my colleagues to support our NOPEC legislation so that our nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Oil Producing and Exporting Cartels Act of 2011" or "NOPEC".

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—

"(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

"(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section."

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 398. A bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to join with Senator MURKOWSKI, the Ranking Member of the Committee on Energy and Natural Resources, in introducing the Implementation of National Consensus Appliance Agreements Act of 2011, INCAAA. This bill is an updated version of the appliance energy efficiency standards legislation, S. 3925, that apparently came within a single Senate vote of passage by unanimous consent last December, as the 111th Congress drew to a close.

As with the six appliance energy efficiency laws that have been enacted since 1986, this bill enjoys consensus support among appliance manufacturers, energy efficiency advocates, and consumer groups. Such broad support is to be expected, given the bill's many benefits. It would reduce the regulatory burden on appliance manufacturers, increasing their profitability and their ability to protect and create jobs; reduce national energy and water demand, slowing the need for new energy and water supplies, freeing capital for other investments and making our economy more competitive overall; save consumers money on their monthly energy and water bills, freeing household income for spending in other areas; and reduce power plant emissions and other environmental costs of energy production.

At the core of this bill are the appliance efficiency provisions that were reported with bipartisan support from the Committee on Energy and Natural Resources in 2009 as a part of the comprehensive energy legislation, the American Clean Energy Leadership Act, ACELA, S. 1462. INCAAA also includes the amendments reported from the Committee in May 2010 to enhance ACELA. Finally, INCAAA includes several more-recent agreements and revisions on appliance efficiency that have been reached by industry, energy advocacy, and consumer stakeholders.

I note that there are continuing discussions among stakeholders on Section 2(a) regarding the definition of “energy conservation standard” and whether this term should allow an efficiency standard to have more than one

metric. For example, that a standard could require a specified energy efficiency and also, say, specific water efficiency or smart grid capability, or some other additional performance measures. Stakeholders have agreed to allow inclusion of this provision in the bill for the purposes of introduction while discussions continue. Also under continuing discussion are provisions regarding reflector lamps. The Department of Energy is scheduled to complete its current rulemaking for these products this August and stakeholders continue to negotiate what guidance could be given the Department for future rulemakings. I am committed to working with all stakeholders to resolve these issues as the legislative process moves forward.

From a business point-of-view, INCAAA's greatest value is as a regulatory-reform bill. 25 years ago, the national appliance market was in danger of become unmanageably Balkanized because certain States were beginning to enact appliance efficiency standards in response to their power supply problems. Faced with a growing patchwork of state standards, industry joined with energy efficiency and consumer groups to support Federal authority to preempt state standards and thereby assure a single national market for appliances.

INCAAA, as with the five appliance standards laws enacted since 1986, would go a step further than simple Federal pre-emption of state standards by enacting consensus standards that are negotiated among the stakeholders as the Federal standards. By directly enacting consensus standards as Federal standards, these laws have the added benefit of saving the time, cost, and uncertainty associated with a formal Federal rulemaking.

INCAAA would enact standards agreed to by the manufacturers of the covered products and by the Nation's leading energy efficiency groups, the Alliance to Save Energy, the American Council for an Energy Efficient Economy, and the Natural Resources Defense Council. These include new efficiency standards for certain outdoor lighting, as supported by the National Electrical Manufacturers Association and major lighting manufacturers such as General Electric, Osram Sylvania, and Philips; increased efficiency standards for furnaces, heat pumps and central air conditioners, as supported by the Air-Conditioning, Heating and Refrigeration Institute and its dozens of member companies including Carrier, Johnson Controls, Rheem, Lennox, Nordyne, Goodman and Trane. The furnace provisions are also supported by the American Gas Association; and Increased energy and water efficiency standards for refrigerators and freezers, clothes washers and dryers, dishwashers, and room air-conditioners, as supported by the Association of Home

Appliance Manufacturers and its many member companies including Electrolux, General Electric, Sub-Zero, and Whirlpool.

INCAAA also includes consensus standards that were earlier reported by the Energy Committee on smaller classes of products such as drinking water dispensers, hot food holding cabinets, electric spas, pool heaters, and consensus standards that were negotiated more recently for service-over-the-counter refrigerators.

The American Council for an Energy-Efficient Economy estimates that INCAAA would save the Nation nearly 850 Trillion Btus of energy each year by 2030—enough energy to meet the needs of 4.6 million typical American households. For comparison, the states of Utah and Connecticut each used just over 800 Trillion Btus of energy in 2008. Result in net economic savings, benefits minus costs, to consumers of more than \$43 billion annually by 2030. Save nearly 5 trillion gallons of water annually by 2030, roughly the amount needed to meet the current needs of every customer in Los Angeles for 25 years. Improve the environment by reducing annual carbon dioxide emissions by about 47 million metric tons in 2030.

The Department of Energy's appliance standards program has been one of the nation's most powerful and successful tools for promoting energy and economic efficiency. ACEEE estimates that by 2010 appliance efficiency standards had reduced national non-transportation energy use to 7 percent below what it would otherwise be. For comparison, 7 percent of energy consumption in the U.S. is more than the annual energy consumption of Florida or New York. Standards not only defer the construction of power plants, but also all of their associated costs for planning, siting, operating, fueling, maintaining, and the environmental costs of their emissions, and the costs associated with the distribution of that energy.

Finally, INCAAA contains no authorizations. Based on the CBO analysis conducted last year on ACELA, it is clear that this bill would not incur any new spending.

This legislation represents government at its best, as a catalyst, bringing together stakeholders on consensus solutions to complex problems. I urge my colleagues to join us in supporting enactment of INCAAA and reaching the goal that was so narrowly missed last December.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Implementation of National Consensus Appliance Agreements Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Energy conservation standards.
- Sec. 3. Energy conservation standards for heat pump pool heaters.
- Sec. 4. GU-24 base lamps.
- Sec. 5. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.
- Sec. 6. Test procedure petition process.
- Sec. 7. Amendments to home appliance test methods.
- Sec. 8. Credit for Energy Star smart appliances.
- Sec. 9. Video game console energy efficiency study.
- Sec. 10. Refrigerator and freezer standards.
- Sec. 11. Room air conditioner standards.
- Sec. 12. Uniform efficiency descriptor for covered water heaters.
- Sec. 13. Clothes dryers.
- Sec. 14. Standards for clothes washers.
- Sec. 15. Dishwashers.
- Sec. 16. Petition for amended standards.
- Sec. 17. Prohibited acts.
- Sec. 18. Outdoor lighting.
- Sec. 19. Standards for commercial furnaces.
- Sec. 20. Service over the counter, self-contained, medium temperature commercial refrigerators.
- Sec. 21. Motor market assessment and commercial awareness program.
- Sec. 22. Study of compliance with energy standards for appliances.
- Sec. 23. Study of direct current electricity supply in certain buildings.
- Sec. 24. Technical corrections.

SEC. 2. ENERGY CONSERVATION STANDARDS.

(a) **DEFINITION OF ENERGY CONSERVATION STANDARD.**—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) by striking paragraph (6) and inserting the following:

“(6) **ENERGY CONSERVATION STANDARD.**—

“(A) **IN GENERAL.**—The term ‘energy conservation standard’ means 1 or more performance standards that—

“(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

“(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

“(iii) for clothes washers and dishwashers—

“(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

“(II) include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

“(B) **INCLUSIONS.**—The term ‘energy conservation standard’ includes—

“(i) 1 or more design requirements, if the requirements were established—

“(I) on or before the date of enactment of this subclause;

“(II) as part of a direct final rule under section 325(p)(4); or

“(III) as part of a final rule published on or after January 1, 2012; and

“(ii) any other requirements that the Secretary may prescribe under section 325(r).

“(C) **EXCLUSION.**—The term ‘energy conservation standard’ does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.”; and

(2) by adding at the end the following:

“(67) **EER.**—The term ‘EER’ means energy efficiency ratio.

“(68) **HSPF.**—The term ‘HSPF’ means heating seasonal performance factor.”.

(b) **EER AND HSPF TEST PROCEDURES.**—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

“(19) **EER AND HSPF TEST PROCEDURES.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), for purposes of residential central air conditioner and heat pump standards that take effect on or before January 1, 2015—

“(i) the EER shall be tested at an outdoor test temperature of 95 degrees Fahrenheit; and

“(ii) the HSPF shall be calculated based on Region IV conditions.

“(B) **REVISIONS.**—The Secretary may revise the EER outdoor test temperature and the conditions for HSPF calculations as part of any rulemaking to revise the central air conditioner and heat pump test method.”.

(c) **CENTRAL AIR CONDITIONERS AND HEAT PUMPS.**—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

“(4) **CENTRAL AIR CONDITIONERS AND HEAT PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR AFTER JANUARY 1, 2015.**—

“(A) **BASE NATIONAL STANDARDS.**—

“(i) **SEASONAL ENERGY EFFICIENCY RATIO.**—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

“(I) **Split Systems:** 13 for central air conditioners and 14 for heat pumps.

“(II) **Single Package Systems:** 14.

“(ii) **HEATING SEASONAL PERFORMANCE FACTOR.**—The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

“(I) **Split Systems:** 8.2.

“(II) **Single Package Systems:** 8.0.

“(B) **REGIONAL STANDARDS.**—

“(i) **SEASONAL ENERGY EFFICIENCY RATIO.**—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, and installed in States having historical average annual, population weighted, heating degree days less than 5,000 (specifically the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia) or in the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States shall not be less than the following:

“(I) **Split Systems:** 14 for central air conditioners and 14 for heat pumps.

“(II) **Single Package Systems:** 14.

“(ii) **ENERGY EFFICIENCY RATIO.**—The energy efficiency ratio of central air condi-

tioners (not including heat pumps) manufactured on or after January 1, 2015, and installed in the State of Arizona, California, New Mexico, or Nevada shall be not less than the following:

“(I) **Split Systems:** 12.2 for split systems having a rated cooling capacity less than 45,000 BTU per hour and 11.7 for products having a rated cooling capacity equal to or greater than 45,000 BTU per hour.

“(II) **Single Package Systems:** 11.0.

“(iii) **APPLICATION OF SUBSECTION (o)(6).**—Subsection (o)(6) shall apply to the regional standards set forth in this subparagraph.

“(C) **AMENDMENT OF STANDARDS.**—

“(i) **IN GENERAL.**—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended.

“(ii) **APPLICATION.**—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

“(D) **CONSIDERATION OF ADDITIONAL PERFORMANCE STANDARDS OR EFFICIENCY CRITERIA.**—

“(i) **FORUM.**—Not later than 4 years in advance of the expected publication date of a final rule for central air conditioners and heat pumps under subparagraph (C), the Secretary shall convene and facilitate a forum for interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the covered product, States, and efficiency advocates), as determined by the Secretary, to consider adding additional performance standards or efficiency criteria in the forthcoming rule.

“(ii) **RECOMMENDATION.**—If, within 1 year of the initial convening of such a forum, the Secretary receives a recommendation submitted jointly by such representative interested persons to add 1 or more performance standards or efficiency criteria, the Secretary shall incorporate the performance standards or efficiency criteria in the rulemaking process, and, if justified under the criteria established in this section, incorporate such performance standards or efficiency criteria in the revised standard.

“(iii) **NO RECOMMENDATION.**—If no such joint recommendation is made within 1 year of the initial convening of such a forum, the Secretary may add additional performance standards or efficiency criteria if the Secretary finds that the benefits substantially exceed the burdens of the action.

“(E) **NEW CONSTRUCTION LEVELS.**—

“(i) **IN GENERAL.**—As part of any final rule concerning central air conditioner and heat pump standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

“(ii) **EFFECTIVE DATE.**—Any amended levels shall not take effect before January 1, 2018.

“(iii) **AMENDED LEVELS.**—The final rule shall contain the amended levels, if any.”.

(d) **THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.**—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) (as amended by subsection (c)) is amended by adding at the end the following:

“(5) **STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.**—

“(A) DEFINITIONS.—In this paragraph:

“(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term ‘small duct, high velocity system’ means a heating and cooling product that contains a blower and indoor coil combination that—

“(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

“(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

“(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms ‘through-the-wall central air conditioner’ and ‘through-the-wall central air conditioning heat pump’ mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

“(I) is not weatherized;

“(II) is clearly and permanently marked for installation only through an exterior wall;

“(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

“(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

“(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

“(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

“(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than 11.00 for products manufactured on or after January 23, 2006.

“(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than 6.8 for products manufactured on or after January 23, 2006.

“(C) RULEMAKING.—

“(i) IN GENERAL.—Not later than June 30, 2011, the Secretary shall publish a final rule to determine whether standards for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps and small duct, high velocity systems should be amended.

“(ii) APPLICATION.—The rule shall provide that any new or amended standard shall apply to products manufactured on or after June 30, 2016.”.

(e) FURNACES.—Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended by adding at the end the following:

“(5) NON-WEATHERIZED FURNACES (INCLUDING MOBILE HOME FURNACES, BUT NOT INCLUDING BOILERS) MANUFACTURED ON OR AFTER MAY 1, 2013, AND WEATHERIZED FURNACES MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

“(A) BASE NATIONAL STANDARDS.—

“(i) NON-WEATHERIZED FURNACES.—The annual fuel utilization efficiency of non-weatherized furnaces manufactured on or after May 1, 2013, shall be not less than the following:

“(I) Gas furnaces, a level determined by the Secretary in a final rule published not later than June 30, 2011.

“(II) Oil furnaces, 83 percent.

“(ii) WEATHERIZED FURNACES.—The annual fuel utilization efficiency of weatherized gas

furnaces manufactured on or after January 1, 2015, shall be not less than 81 percent.

“(B) REGIONAL STANDARD.—

“(i) ANNUAL FUEL UTILIZATION EFFICIENCY.—Not later than June 30, 2011, the Secretary shall—

“(I) publish a final rule determining whether to establish a standard for the annual fuel utilization efficiency of non-weatherized gas furnaces manufactured on or after May 1, 2013, and installed in States having historical average annual, population weighted, heating degree days equal to or greater than 5,000 (specifically the States of Alaska, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming); and

“(II) include in the final rule described in subclause (I) any regional standard established under this subparagraph.

“(ii) APPLICATION OF SUBSECTION (o)(6).—Subsection (o)(6) shall apply to any regional standard established under this subparagraph.

“(C) AMENDMENT OF STANDARDS.—

“(i) NON-WEATHERIZED FURNACES.—

“(I) IN GENERAL.—Not later than January 1, 2014, the Secretary shall publish a final rule to determine whether the standards in effect for non-weatherized furnaces should be amended.

“(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2019.

“(ii) WEATHERIZED FURNACES.—

“(I) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standard in effect for weatherized furnaces should be amended.

“(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

“(D) NEW CONSTRUCTION LEVELS.—

“(i) IN GENERAL.—

“(I) FINAL RULE PUBLISHED AFTER JANUARY 1, 2011.—As part of any final rule concerning furnace standards published after January 1, 2011, the Secretary shall establish the building code levels referred to in subclauses (I)(aa), (II)(aa), and (III)(aa) of section 327(f)(3)(C)(i) subject to meeting the criteria of subsection (o) when applied specifically to new construction.

“(II) FINAL RULE PUBLISHED AFTER JUNE 1, 2013.—As part of any final rule concerning furnace standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in or pursuant to section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

“(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

“(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.”.

(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—Section 327(f) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)) is amended—

(1) in paragraph (3), by striking subparagraphs (B) through (F) and inserting the following:

“(B) The code does not contain a mandatory requirement that, under all code compliance paths, requires that the covered

product have an energy efficiency exceeding 1 of the following levels:

“(i) The applicable energy conservation standard established in or prescribed under section 325.

“(ii) The level required by a regulation of the State for which the Secretary has issued a rule granting a waiver under subsection (d).

“(C) If the energy consumption or conservation objective in the code is determined using covered products, including any baseline building designs against which all submitted building designs are to be evaluated, the objective is based on the use of covered products having efficiencies not exceeding—

“(i) for residential furnaces, central air conditioners, and heat pumps, effective not earlier than January 1, 2013, and until such time as a level takes effect for the product under clause (ii)—

“(I) for the States described in section 325(f)(5)(B)(i)—

“(aa) for gas furnaces, an AFUE level determined by the Secretary; and

“(bb) 14 SEER for central air conditioners (not including heat pumps);

“(II) for the States and other localities described in section 325(d)(4)(B)(i) (except for the States of Arizona, California, Nevada, and New Mexico)—

“(aa) for gas furnaces, an AFUE level determined by the Secretary; and

“(bb) 15 SEER for central air conditioners;

“(III) for the States of Arizona, California, Nevada, and New Mexico—

“(aa) for gas furnaces, an AFUE level determined by the Secretary;

“(bb) 15 SEER for central air conditioners;

“(cc) an EER of 12.5 for air conditioners (not including heat pumps) with cooling capacity less than 45,000 Btu per hour; and

“(dd) an EER of 12.0 for air conditioners (not including heat pumps) with cooling capacity of 45,000 Btu per hour or more; and

“(IV) for all States—

“(aa) 85 percent AFUE for oil furnaces; and

“(bb) 15 SEER and 8.5 HSPF for heat pumps;

“(ii) the building code levels established pursuant to section 325; or

“(iii) the applicable standards or levels specified in subparagraph (B).

“(D) The credit to the energy consumption or conservation objective allowed by the code for installing a covered product having an energy efficiency exceeding the applicable standard or level specified in subparagraph (C) is on a 1-for-1 equivalent energy use or equivalent energy cost basis, which may take into account the typical lifetimes of the products and building features, using lifetimes for covered products based on information published by the Department of Energy or the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

“(E) If the code sets forth 1 or more combinations of items that meet the energy consumption or conservation objective, and if 1 or more combinations specify an efficiency level for a covered product that exceeds the applicable standards and levels specified in subparagraph (B)—

“(i) there is at least 1 combination that includes such covered products having efficiencies not exceeding 1 of the standards or levels specified in subparagraph (B); and

“(ii) if 1 or more combinations of items specify an efficiency level for a furnace, central air conditioner, or heat pump that exceeds the applicable standards and levels specified in subparagraph (B), there is at least 1 combination that the State has found to be reasonably achievable using commercially available technologies that includes

such products having efficiencies at the applicable levels specified in subparagraph (C), except that no combination need include a product having an efficiency less than the level specified in subparagraph (B)(ii).

“(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be specified in units of energy or its equivalent cost).”;

(2) in paragraph (4)(B)—

(A) by inserting after “building code” the first place it appears the following: “contains a mandatory requirement that, under all code compliance paths,”; and

(B) by striking “unless the” and all that follows through “subsection (d)”;

(3) by adding at the end the following:

“(5) REPLACEMENT OF COVERED PRODUCT.—Paragraph (3) shall not apply to the replacement of a covered product serving an existing building unless the replacement results in an increase in capacity greater than—

“(A) 12,000 Btu per hour for residential air conditioners and heat pumps; or

“(B) 20 percent for other covered products.”.

SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT PUMP POOL HEATERS.

(a) DEFINITIONS.—

(1) EFFICIENCY DESCRIPTOR.—Section 321(22) of the Energy Policy and Conservation Act (42 U.S.C. 6291(22)) is amended—

(A) in subparagraph (E), by inserting “gas-fired” before “pool heaters”; and

(B) by adding at the end the following:

“(F) For heat pump pool heaters, coefficient of performance of heat pump pool heaters.”.

(2) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after paragraph (25) the following:

“(25A) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—The term ‘coefficient of performance of heat pump pool heaters’ means the ratio of the capacity to power input value obtained at the following rating conditions: 50.0 °F db/44.2 °F wb outdoor air and 80.0 °F entering water temperatures, according to AHRI Standard 1160.”.

(3) THERMAL EFFICIENCY OF GAS-FIRED POOL HEATERS.—Section 321(26) of the Energy Policy and Conservation Act (42 U.S.C. 6291(26)) is amended by inserting “gas-fired” before “pool heaters”.

(b) STANDARDS FOR POOL HEATERS.—Section 325(e)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)(2)) is amended—

(1) by striking “(2) The thermal efficiency of pool heaters” and inserting the following:

“(2) POOL HEATERS.—

“(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters”; and

(2) by adding at the end the following:

“(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of performance of 4.0.”.

SEC. 4. GU-24 BASE LAMPS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 2(a)(2)) is amended by adding at the end the following:

“(69) GU-24.—The term ‘GU-24’ means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

“(A) ‘G’ indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

“(B) ‘U’ distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

“(C) 24 indicates the distance in millimeters between the electrical contact posts.

“(70) GU-24 ADAPTOR.—

“(A) IN GENERAL.—The term ‘GU-24 Adaptor’ means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

“(i) connects to a GU-24 socket on 1 end and provides a different type of socket or connection on the other end; and

“(ii) does not alter the voltage.

“(B) EXCLUSION.—The term ‘GU-24 Adaptor’ does not include a fluorescent ballast with a GU-24 base.

“(71) GU-24 BASE LAMP.—‘GU-24 base lamp’ means a light bulb designed to fit in a GU-24 socket.”.

(b) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsection (ii) as subsection (jj); and

(2) by inserting after subsection (hh) the following:

“(ii) GU-24 BASE LAMPS.—

“(1) IN GENERAL.—A GU-24 base lamp shall not be an incandescent lamp as defined by ANSI.

“(2) GU-24 ADAPTORS.—GU-24 adaptors shall not adapt a GU-24 socket to any other line voltage socket.”.

SEC. 5. EFFICIENCY STANDARDS FOR BOTTLE-TYPE WATER DISPENSERS, COMMERCIAL HOT FOOD HOLDING CABINETS, AND PORTABLE ELECTRIC SPAS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 4(a)) is amended by adding at the end the following:

“(72) BOTTLE-TYPE WATER DISPENSER.—The term ‘bottle-type water dispenser’ means a drinking water dispenser that is—

“(A) designed for dispensing hot and cold water; and

“(B) uses a removable bottle or container as the source of potable water.

“(73) COMMERCIAL HOT FOOD HOLDING CABINET.—

“(A) IN GENERAL.—The term ‘commercial hot food holding cabinet’ means a heated, fully-enclosed compartment that—

“(i) is designed to maintain the temperature of hot food that has been cooked in a separate appliance;

“(ii) has 1 or more solid or glass doors; and

“(iii) has an interior volume of 8 cubic feet or more.

“(B) EXCLUSIONS.—The term ‘commercial hot food holding cabinet’ does not include—

“(i) a heated glass merchandising cabinet;

“(ii) a drawer warmer;

“(iii) a cook-and-hold appliance; or

“(iv) a mobile serving cart with both hot and cold compartments.

“(74) COMPARTMENT BOTTLE-TYPE WATER DISPENSER.—The term ‘compartment bottle-type water dispenser’ means a drinking water dispenser that—

“(A) is designed for dispensing hot and cold water;

“(B) uses a removable bottle or container as the source of potable water; and

“(C) includes a refrigerated compartment with or without provisions for making ice.

“(75) PORTABLE ELECTRIC SPA.—

“(A) IN GENERAL.—The term ‘portable electric spa’ means a factory-built electric spa or hot tub that—

“(i) is intended for the immersion of persons in heated water circulated in a closed system; and

“(ii) is not intended to be drained and filled with each use.

“(B) INCLUSIONS.—The term ‘portable electric spa’ includes—

“(i) a filter;

“(ii) a heater (including an electric, solar, or gas heater);

“(iii) a pump;

“(iv) a control; and

“(v) other equipment, such as a light, a blower, and water sanitizing equipment.

“(C) EXCLUSIONS.—The term ‘portable electric spa’ does not include—

“(i) a permanently installed spa that, once installed, cannot be moved; or

“(ii) a spa that is specifically designed and exclusively marketed for medical treatment or physical therapy purposes.

“(76) WATER DISPENSER.—The term ‘water dispenser’ means a factory-made assembly that—

“(A) mechanically cools and heats potable water; and

“(B) dispenses the cooled or heated water by integral or remote means.”.

(b) COVERAGE.—

(1) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(A) by redesignating paragraph (20) as paragraph (23); and

(B) by inserting after paragraph (19) the following:

“(20) Bottle-type water dispensers and compartment bottle-type water dispensers.

“(21) Commercial hot food holding cabinets.

“(22) Portable electric spas.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking “(19)” each place it appears in subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting “(23)”.

(B) Section 325(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)) is amended by striking “paragraph (19)” each place it appears in paragraphs (1) and (2) and inserting “paragraph (23)”.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 2(b)) is amended by adding at the end the following:

“(20) BOTTLE-TYPE WATER DISPENSERS.—

“(A) IN GENERAL.—Test procedures for bottle-type water dispensers and compartment bottle-type water dispensers shall be based on the document ‘Energy Star Program Requirements for Bottled Water Coolers version 1.1’ published by the Environmental Protection Agency.

“(B) INTEGRAL, AUTOMATIC TIMERS.—A unit with an integral, automatic timer shall not be tested under this paragraph using section 4D of the test criteria (relating to Timer Usage).

“(21) COMMERCIAL HOT FOOD HOLDING CABINETS.—

“(A) IN GENERAL.—Test procedures for commercial hot food holding cabinets shall be based on the test procedures described in ANSI/ASTM F2140-01 (Test for idle energy rate-dry test).

“(B) INTERIOR VOLUME.—Interior volume shall be based under this paragraph on the method demonstrated in the document ‘Energy Star Program Requirements for Commercial Hot Food Holding Cabinets’ of the Environmental Protection Agency, as in effect on August 15, 2003.

“(22) PORTABLE ELECTRIC SPAS.—

“(A) IN GENERAL.—Test procedures for portable electric spas shall be based on the test method for portable electric spas described in section 1604 of title 20, California Code of Regulations, as amended on December 3, 2008.

“(B) NORMALIZED CONSUMPTION.—Consumption shall be normalized under this paragraph for a water temperature difference of 37 degrees Fahrenheit.

“(C) ANSI TEST PROCEDURE.—If the American National Standards Institute publishes a test procedure for portable electric spas, the Secretary shall revise the procedure established under this paragraph, as determined appropriate by the Secretary.”.

(d) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 4(b)) is amended—

(1) by redesignating subsection (ii) as subsection (mm); and

(2) by inserting after subsection (hh) the following:

“(ii) BOTTLE-TYPE WATER DISPENSERS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011—

“(1) a bottle-type water dispenser shall not have standby energy consumption that is greater than 1.2 kilowatt-hours per day; and

“(2) a compartment bottle-type water dispenser shall not have standby energy consumption that is greater than 1.3 kilowatt-hours per day.

“(jj) COMMERCIAL HOT FOOD HOLDING CABINETS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, a commercial hot food holding cabinet shall have a maximum idle energy rate of 40 watts per cubic foot of interior volume.

“(kk) PORTABLE ELECTRIC SPAS.—Effective beginning on the date that is 1 year after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, a portable electric spa shall not have a normalized standby power rate of greater than 5 ($V^{2/3}$) Watts (in which ‘V’ equals the fill volume (in gallons)).

“(ll) REVISIONS.—

“(1) IN GENERAL.—Not later than the date that is 3 years after the date of enactment of the Implementation of National Consensus Appliance Agreements Act of 2011, the Secretary shall—

“(A) consider in accordance with subsection (o) revisions to the standards established under subsections (ii), (jj), and (kk); and

“(B)(i) publish a final rule establishing the revised standards; or

“(ii) make a finding that no revisions are technically feasible and economically justified.

“(2) EFFECTIVE DATE.—Any revised standards under this subsection shall take effect not earlier than the date that is 3 years after the date of the publication of the final rule.”.

(e) PREEMPTION.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking “or” after the semicolon at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(8) is a regulation that—

“(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial

hot food holding cabinets, or portable electric spas; and

“(B) is in effect on or before the date of enactment of this paragraph.”; and

(2) in subsection (c)—

(A) in paragraph (8)(B), by striking “and” after the semicolon at the end;

(B) in paragraph (9)—

(i) by striking “except that—” and all that follows through “if the Secretary” and inserting “except that if the Secretary”;;

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and indenting appropriately; and

(iii) in subparagraph (B) (as so redesignated), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(10) is a regulation that—

“(A) establishes efficiency standards for bottle-type water dispensers, compartment bottle-type water dispensers, commercial hot food holding cabinets, or portable electric spas; and

“(B) is adopted by the California Energy Commission on or before January 1, 2013.”.

SEC. 6. TEST PROCEDURE PETITION PROCESS.

(a) CONSUMER PRODUCTS OTHER THAN AUTOMOBILES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

(1) in subparagraph (A)(i), by striking “amend” and inserting “publish in the Federal Register amended”; and

(2) by adding at the end the following:

“(B) PETITIONS.—

“(i) IN GENERAL.—In the case of any covered product, any person may petition the Secretary to conduct a rulemaking—

“(I) to prescribe a test procedure for the covered product; or

“(II) to amend the test procedures applicable to the covered product to more accurately or fully comply with paragraph (3).

“(ii) DETERMINATION.—The Secretary shall—

“(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

“(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

“(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test procedure would more accurately or fully comply with paragraph (3).

“(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this subparagraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraph (3).

“(v) RULEMAKING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test procedure or a determination not to amend the test procedure.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).

“(C) TEST PROCEDURES.—The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

“(D) NEW OR AMENDED TEST PROCEDURES.—The Secretary shall direct the National Institute of Standards and Technology to assist in developing new or amended test procedures.”.

(b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6314) is amended—

(1) in subsection (a), by striking paragraphs (1) and inserting the following:

“(1) AMENDMENT AND PETITION PROCESS.—

“(A) IN GENERAL.—At least once every 7 years, the Secretary shall review test procedures for all covered equipment and—

“(i) publish in the Federal Register amended test procedures with respect to any covered equipment, if the Secretary determines that amended test procedures would more accurately or fully comply with paragraphs (2) and (3); or

“(ii) publish notice in the Federal Register of any determination not to amend a test procedure.

“(B) PETITIONS.—

“(i) IN GENERAL.—In the case of any class or category of covered equipment, any person may petition the Secretary to conduct a rulemaking—

“(I) to prescribe a test procedure for the covered equipment; or

“(II) to amend the test procedures applicable to the covered equipment to more accurately or fully comply with paragraphs (2) and (3).

“(ii) DETERMINATION.—The Secretary shall—

“(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

“(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

“(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately promote energy or water use efficiency.

“(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this paragraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraphs (2) and (3).

“(v) RULEMAKING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p).”;

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 7. AMENDMENTS TO HOME APPLIANCE TEST METHODS.

Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 5(c)) is amended by adding at the end the following:

“(23) REFRIGERATOR AND FREEZER TEST PROCEDURE.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary publishes the final standard rule that was proposed on September 27, 2010, the Secretary

shall finalize the interim final test procedure rule proposed on December 16, 2010, with such subsequent modifications to the test procedure or standards as the Secretary determines to be appropriate and consistent with this part.

“(B) RULEMAKING.—

“(i) INITIATION.—Not later than January 1, 2012, the Secretary shall initiate a rulemaking to amend the test procedure described in subparagraph (A) only to incorporate measured automatic icemaker energy use.

“(ii) FINAL RULE.—Not later than December 31, 2012, the Secretary shall publish a final rule regarding the matter described in clause (i).

“(24) ADDITIONAL HOME APPLIANCE TEST PROCEDURES.—

“(A) AMENDED TEST PROCEDURE FOR CLOTHES WASHERS.—Not later than October 1, 2011, the Secretary shall publish a final rule amending the residential clothes washer test procedure.

“(B) AMENDED TEST PROCEDURE FOR CLOTHES DRYERS.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish an amended test procedure for clothes dryers.

“(ii) REQUIREMENT.—The amendments to the test procedure shall be limited to modifications requiring that tested dryers are run until the cycle (including cool down) is ended by automatic termination controls, if equipped with those controls.”.

SEC. 8. CREDIT FOR ENERGY STAR SMART APPLIANCES.

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:

“(e) CREDIT FOR SMART APPLIANCES.—Not later than 180 days after the date of enactment of this subsection, after soliciting comments pursuant to subsection (c)(5), the Administrator of the Environmental Protection Agency, in cooperation with the Secretary, shall determine whether to update the Energy Star criteria for residential refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, clothes dryers, and room air conditioners to incorporate smart grid and demand response features.”.

SEC. 9. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.

(a) IN GENERAL.—Part B of title III of the Energy Policy and Conservation Act is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

“SEC. 324B. VIDEO GAME CONSOLE ENERGY EFFICIENCY STUDY.

“(a) INITIAL STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall conduct a study of—

“(A) video game console energy use; and

“(B) opportunities for energy savings regarding that energy use.

“(2) INCLUSIONS.—The study under paragraph (1) shall include an assessment of all power-consuming modes and media playback modes of video game consoles.

“(b) ACTION ON COMPLETION.—On completion of the initial study under subsection (a), the Secretary shall determine, by regulation, using the criteria and procedures described in section 325(n)(2), whether to initiate a process for establishing minimum energy efficiency standards for video game console energy use.

“(c) FOLLOW-UP STUDY.—If the Secretary determines under subsection (b) that standards should not be established, the Secretary shall conduct a follow-up study in accord-

ance with subsection (a) by not later than 3 years after the date of the determination.”.

(b) APPLICATION DATE.—Subsection (nn)(1) of section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as redesignated by section 5(d)(1)) is amended by inserting “or section 324B” after “subsection (l), (u), or (v)” each place it appears.

SEC. 10. REFRIGERATOR AND FREEZER STANDARDS.

Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by striking paragraph (4) and inserting the following:

“(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED AS OF JANUARY 1, 2014.—

“(A) DEFINITION OF BUILT-IN PRODUCT CLASS.—In this paragraph, the term ‘built-in product class’ means a refrigerator, freezer, or refrigerator with a freezer unit that—

“(i) is 7.75 cubic feet or greater in total volume and 24 inches or less in cabinet depth (not including doors, handles, and custom front panels);

“(ii) is designed to be totally encased by cabinetry or panels attached during installation;

“(iii) is designed to accept a custom front panel or to be equipped with an integral factory-finished face;

“(iv) is designed to be securely fastened to adjacent cabinetry, walls, or floors; and

“(v) has 2 or more sides that are not—

“(I) fully finished; and

“(II) intended to be visible after installation.

“(B) MAXIMUM ENERGY USE.—

“(i) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, the maximum energy use allowed in kilowatt hours per year for each product described in the table contained in clause (ii) (other than refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet and freezers with total refrigerated volume exceeding 30 cubic feet) that is manufactured on or after January 1, 2014, is specified in the table contained in that clause.

“(ii) STANDARDS EQUATIONS.—The allowed maximum energy use referred to in clause (i) is as follows:

“Standards Equations	
Product Description	
Automatic Defrost Refrigerator-Freezers	
Top Freezer w/o TTD ice	7.35 AV+ 207.0
Top Freezer w/ TTD ice	7.65 AV+ 267.0
Side Freezer w/o TTD ice	3.68 AV+ 380.6
Side Freezer w/ TTD ice	7.58 AV+304.5
Bottom Freezer w/o TTD ice	3.68 AV+ 367.2
Bottom Freezer w/ TTD ice	4.0 AV+ 431.2
Manual & Partial Automatic Refrigerator-Freezers	
Manual Defrost	7.06 AV+ 198.7
Partial Automatic	7.06 AV+198.7
All Refrigerators	
Manual Defrost	7.06AV+198.7

Automatic Defrost	7.35 AV+ 207.0
All Freezers	
Upright with manual defrost	5.66 AV+ 193.7
Upright with automatic defrost	8.70 AV+ 228.3
Chest with manual defrost	7.41 AV+ 107.8
Chest with automatic defrost	10.33 AV+ 148.1
Automatic Defrost Refrigerator-Freezers—Compact Size	
Top Freezer and Bottom Freezer	10.80 AV+ 301.8
Side Freezer	6.08 AV+ 400.8
Manual & Partial Automatic Refrigerator-Freezers—Compact Size	
Manual Defrost	8.03 AV+ 224.3
Partial Automatic	5.25 AV+ 298.5
All Refrigerators—Compact Size	
Manual defrost	8.03 AV+ 224.3
Automatic defrost	9.53 AV+ 266.3
All Freezers—Compact Size	
Upright with manual defrost	8.80 AV+ 225.7
Upright with automatic defrost	10.26 AV+ 351.9
Chest	9.41AV+ 136.8
Automatic Defrost Refrigerator-Freezers—Built-ins	
Top Freezer w/o TTD ice	7.84 AV+ 220.8
Side Freezer w/o TTD ice	3.93 AV+ 406.0
Side Freezer w/ TTD ice	8.08 AV+ 324.8
Bottom Freezer w/o TTD ice	3.91 AV+ 390.2
Bottom Freezer w/ TTD ice	4.25 AV+ 458.2
All Refrigerators—Built-ins	
Automatic Defrost	7.84 AV+ 220.8
All Freezers—Built-ins	
Upright with automatic defrost	9.32 AV+ 244.6.

“(iii) FINAL RULES.—

“(I) IN GENERAL.—Except as provided in subclause (II), after the date of publication of each test procedure change made pursuant to section 323(b)(23), in accordance with the procedures described in section 323(e)(2), the Secretary shall publish final rules to amend the standards specified in the table contained in clause (ii).

“(II) EXCEPTION.—The standards amendment made pursuant to the test procedure change required under section 323(b)(23)(B) shall be based on the difference between—

“(aa) the average measured automatic ice maker energy use of a representative sample for each product class; and

“(bb) the value assumed by the Department of Energy for ice maker energy use in the test procedure published pursuant to section 323(b)(23)(A).

“(III) APPLICABILITY.—Section 323(e)(3) shall not apply to the rules described in this clause.

“(iv) FINAL RULE.—The Secretary shall publish any final rule required by clause (iii) by not later than the later of the date that is 180 days after—

“(I) the date of enactment of this clause; or

“(II) the date of publication of a final rule to amend the test procedure described in section 323(b)(23).

“(v) NEW PRODUCT CLASSES.—The Secretary may establish 1 or more new product classes as part of the final amended standard adopted pursuant to the test procedure change required under section 323(b)(23)(B) if the 1 or more new product classes are needed to distinguish among products with automatic icemakers.

“(vi) EFFECTIVE DATES OF STANDARDS.—

“(I) STANDARDS AMENDMENT FOR FIRST REVISED TEST PROCEDURE.—A standards amendment adopted pursuant to a test procedure change required under section 323(b)(23)(A) shall apply to any product manufactured as of January 1, 2014.

“(II) STANDARDS AMENDMENT AFTER REVISED TEST PROCEDURE FOR ICEMAKER ENERGY.—An amendment adopted pursuant to a test procedure change required under section 323(b)(23)(B) shall apply to any product manufactured as of the date that is 3 years after the date of publication of the final rule amending the standards.

“(vii) SLOPE AND INTERCEPT ADJUSTMENTS.—

“(I) IN GENERAL.—With respect to refrigerators, freezers, and refrigerator-freezers, the Secretary may, by rule, adjust the slope and intercept of the equations specified in the table contained in clause (ii)—

“(aa) based on the energy use of typical products of various sizes in a product class; and

“(bb) if the average energy use for each of the classes is the same under the new equations as under the equations specified in the table contained in clause (ii).

“(II) DEADLINE.—If the Secretary adjusts the slope and intercept of an equation described in subclause (I), the Secretary shall publish the final rule containing the adjustment by not later than July 1, 2011.

“(viii) EFFECT.—A final rule published under clause (iii) pursuant to the test procedure change required under section 323(b)(23)(B) or pursuant to clause (iv) shall not be considered to be an amendment to the standard for purposes of section 325(m).”.

SEC. 11. ROOM AIR CONDITIONER STANDARDS.

Section 325(c) of the Energy Policy and Conservation Act (42 U.S.C. 6295(c)) is amended by adding at the end the following:

“(3) MINIMUM ENERGY EFFICIENCY RATIO OF ROOM AIR CONDITIONERS MANUFACTURED ON OR AFTER JUNE 1, 2014.—

“(A) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, the minimum energy efficiency ratios of room air conditioners manufactured on or after June 1, 2014, shall not be less than that specified in the table contained in subparagraph (B).

“(B) MINIMUM ENERGY EFFICIENCY RATIOS.—The minimum energy efficiency ratios referred to in subparagraph (A) are as follows:

Without Reverse Cycle w/Louvers	
<6,000 Btu/h	11.2
6,000 to 7,999 Btu/h	11.2
8,000-13,999 Btu/h	11.0
14,000 to 19,999 Btu/h	10.8
20,000-27,999 Btu/h	9.4
≥28,000 Btu/h	9.0
Without Reverse Cycle w/o Louvers	
<6,000 Btu/h	10.2
6,000 to 7,999 Btu/h	10.2
8,000-10,999 Btu/h	9.7
11,000-13,999 Btu/h	9.6
14,000 to 19,999 Btu/h	9.4
≥20,000 Btu/h	9.4
With Reverse Cycle	
<20,000 w/Louvers Btu/h	9.9
≥ 20,000 w/Louvers Btu/h	9.4
<14,000 w/o Louvers Btu/h	9.4
≥14,000 w/o Louvers Btu/h	8.8
Casement	
Casement Only	9.6
Casement-Slider	10.5.

“(C) FINAL RULE.—

“(i) IN GENERAL.—Not later than July 1, 2011, pursuant to the test procedure adopted by the Secretary on January 6, 2011, the Secretary shall amend the standards specified in the table contained in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

“(ii) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

“(I) IN GENERAL.—The Secretary shall integrate standby and off mode energy consumption into the amended energy efficiency ratios standards required under clause (i).

“(II) REQUIREMENTS.—The amended standards described in subclause (I) shall reflect the levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

“(iii) APPLICABILITY.—

“(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

“(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after June 1, 2014.”.

SEC. 12. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

“(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) COVERED WATER HEATER.—The term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

“(ii) FINAL RULE.—The term ‘final rule’ means the final rule published under this paragraph.

“(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

“(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for water heaters established under this subsection; and

“(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) EFFECT OF FINAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) CONVERSION FACTOR.—

“(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

“(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) PERIOD.—Subclause (E) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and

“(II) ending on April 16, 2015.

“(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (on the date of enactment of this paragraph) to the category under section 342(a)(5).

“(G) OPTIONS.—The descriptor set by the final rule may be—

“(i) a revised version of the energy factor descriptor in use on the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use on that date;

“(iii) a revised version of the thermal efficiency and standby loss descriptors;

“(iv) a hybrid of descriptors; or
“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use on the date of enactment of this paragraph and to future water heating technologies.

“(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”.

SEC. 13. CLOTHES DRYERS.

Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

“(D) MINIMUM ENERGY FACTORS FOR CLOTHES DRYERS.—

“(i) IN GENERAL.—Based on the test procedure in effect as of July 9, 2010, clothes dryers manufactured on or after January 1, 2015, shall comply with the minimum energy factors specified in the table contained in clause (ii).

“(ii) NEW STANDARDS.—The minimum energy factors referred to in clause (i) are as follows:

Vented Electric Standard	3.17
Vented Electric Compact 120V	3.29
Vented Electric Compact 240V	3.05
Vented Gas	2.81
Vent-Less Electric Compact 240V	2.37
Vent-Less Electric Combination Washer/Dryer	1.95

“(iii) FINAL RULE.—

“(I) REQUIREMENTS.—

“(aa) IN GENERAL.—The final rule to amend the clothes dryer test procedure adopted pursuant to section 323(b)(24)(B) shall amend the energy factors standards specified in the table contained in clause (ii) in accordance with the procedures described in section 323(e)(2).

“(bb) REPRESENTATIVE SAMPLE.—To establish a representative sample of compliant products, the Secretary shall select a sample of minimally compliant dryers that automatically terminate the drying cycle at not less than 4 percent remaining moisture content.

“(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

“(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended standards required under subclause (I).

“(bb) REQUIREMENTS.—The amended standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

“(III) APPLICABILITY.—

“(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

“(bb) AMENDED STANDARDS.—The amended standards required by this clause shall apply to products manufactured on or after January 1, 2015.

“(iv) OTHER STANDARDS.—Any dryer energy conservation standard that takes effect after the date of enactment of this subparagraph but before the amended standard required by this subparagraph shall not apply.”.

SEC. 14. STANDARDS FOR CLOTHES WASHERS.

Section 325(g)(9) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(9)) is amended by striking subparagraph (B) and inserting the following:

“(B) AMENDMENT OF STANDARDS.—

“(i) PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

“(I) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, clothes washers manufactured on or after January 1, 2015, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

“(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

	“MEF”	WF
Top Loading—Standard	1.72	8.0
Top Loading—Compact	1.26	14.0
Front Loading—Standard	2.2	4.5
Front Loading—Compact (less than 1.6 cu. ft. capacity)	1.72	8.0.

“(ii) PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—

“(I) IN GENERAL.—Based on the test procedure in effect on July 9, 2010, top-loading clothes washers manufactured on or after January 1, 2018, shall comply with the minimum modified energy factors and maximum water factors specified in the table contained in subclause (II).

“(II) STANDARDS.—The minimum modified energy factors and maximum water factors referred to in subclause (I) are as follows:

	“MEF”	WF
Top Loading—Standard	2.0	6.0
Top Loading—Compact	1.81	11.6.

“(iii) FINAL RULE.—

“(I) IN GENERAL.—The final rule to amend the clothes washer test procedure adopted pursuant to section 323(b)(24)(A) shall amend the standards described in clauses (i) and (ii) in accordance with the procedures described in section 323(e)(2).

“(II) STANDBY AND OFF MODE ENERGY CONSUMPTION.—

“(aa) INTEGRATION.—The Secretary shall integrate standby and off mode energy consumption into the amended modified energy factor standards required under subclause (I).

“(bb) REQUIREMENTS.—The amended modified energy factor standards described in item (aa) shall reflect levels of standby and off mode energy consumption that meet the criteria described in section 325(o).

“(III) APPLICABILITY.—

“(aa) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in subclause (I).

“(bb) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Amended standards required by this clause that are based on clause (i) shall apply to products manufactured on or after January 1, 2015.

“(cc) AMENDED STANDARDS FOR PRODUCTS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Amended standards required by this clause that are based on clause (ii) shall apply to products manufactured on or after January 1, 2018.”.

SEC. 15. DISHWASHERS.

Section 325(g)(10) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(10)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting before subparagraph (D) (as redesignated by paragraph (2)) the following:

“(A) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 1, 2010, shall—

“(i) for a standard size dishwasher, not exceed 355 kilowatt hours per year and 6.5 gallons per cycle; and

“(ii) for a compact size dishwasher, not exceed 260 kilowatt hours per year and 4.5 gallons per cycle.

“(B) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2013.—A dishwasher manufactured on or after January 1, 2013, shall—

“(i) for a standard size dishwasher, not exceed 307 kilowatt hours per year and 5.0 gallons per cycle; and

“(ii) for a compact size dishwasher, not exceed 222 kilowatt hours per year and 3.5 gallons per cycle.

“(C) REQUIREMENTS OF FINAL RULES.—

“(i) IN GENERAL.—Any final rule to amend the dishwasher test procedure after July 9, 2010, and before January 1, 2013, shall amend the standards described in subparagraph (B) in accordance with the procedures described in section 323(e)(2).

“(ii) APPLICABILITY.—

“(I) AMENDMENT OF STANDARD.—Section 323(e)(3) shall not apply to the amended standards described in clause (i).

“(II) AMENDED STANDARDS.—The amended standards required by this subparagraph shall apply to products manufactured on or after January 1, 2013.”.

SEC. 16. PETITION FOR AMENDED STANDARDS.

Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

“(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting

a petition for new or amended standards, the Secretary shall publish in the Federal Register—

“(A) a final rule that contains the new or amended standards; or

“(B) a determination that no new or amended standards are necessary.”.

SEC. 17. PROHIBITED ACTS.

Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (1), by striking “for any manufacturer or private labeler to distribute” and inserting “for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute”;

(2) by striking paragraph (5) and inserting the following:

“(5) for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler—

“(A) to offer for sale or distribute in commerce any new covered product that is not in conformity with an applicable energy conservation standard established in or prescribed under this part; or

“(B) if the standard is a regional standard that is more stringent than the base national standard, to offer for sale or distribute in commerce any new covered product having knowledge (consistent with the definition of ‘knowingly’ in section 333(b)) that the product will be installed at a location covered by a regional standard established in or prescribed under this part and will not be in conformity with the standard;”;

(3) in paragraph (6) (as added by section 306(b)(2) of Public Law 110-140 (121 Stat. 1559)), by striking the period at the end and inserting a semicolon;

(4) by redesignating paragraph (6) (as added by section 321(e)(3) of Public Law 110-140 (121 Stat. 1586)) as paragraph (7);

(5) in paragraph (7) (as so redesignated)—

(A) by striking “for any manufacturer, distributor, retailer, or private labeler to distribute” and inserting “for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute”; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by inserting after paragraph (7) (as so redesignated) the following:

“(8) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly certified in accordance with the requirements established in or prescribed under this part;

“(9) for any manufacturer or private labeler to distribute in commerce any new covered product that has not been properly tested in accordance with the requirements established in or prescribed under this part; and

“(10) for any manufacturer or private labeler to violate any regulation lawfully promulgated to implement any provision of this part.”.

SEC. 18. OUTDOOR LIGHTING.

(a) DEFINITIONS.—

(1) COVERED EQUIPMENT.—Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended—

(A) by redesignating subparagraph (L) as subparagraph (O); and

(B) by inserting after subparagraph (K) the following:

“(L) High light output double-ended quartz halogen lamps.

“(M) General purpose mercury vapor lamps.”.

(2) INDUSTRIAL EQUIPMENT.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) by striking “and” before “unfired hot water”; and

(B) by inserting after “tanks” the following: “, high light output double-ended quartz halogen lamps, and general purpose mercury vapor lamps”.

(3) NEW DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(A) by redesignating paragraphs (22) and (23) (as amended by sections 312(a)(2) and 314(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1564, 1569)) as paragraphs (23) and (24), respectively; and

(B) by adding at the end the following:

“(25) GENERAL PURPOSE MERCURY VAPOR LAMP.—The term ‘general purpose mercury vapor lamp’ means a mercury vapor lamp (as defined in section 321) that—

“(A) has a screw base;

“(B) is designed for use in general lighting applications (as defined in section 321);

“(C) is not a specialty application mercury vapor lamp; and

“(D) is designed to operate on a mercury vapor lamp ballast (as defined in section 321) or is a self-ballasted lamp.

“(26) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMP.—The term ‘high light output double-ended quartz halogen lamp’ means a lamp that—

“(A) is designed for general outdoor lighting purposes;

“(B) contains a tungsten filament;

“(C) has a rated initial lumen value of greater than 6,000 and less than 40,000 lumens;

“(D) has at each end a recessed single contact, R7s base;

“(E) has a maximum overall length (MOL) between 4 and 11 inches;

“(F) has a nominal diameter less than ¾ inch (T6);

“(G) is designed to be operated at a voltage not less than 110 volts and not greater than 200 volts or is designed to be operated at a voltage between 235 volts and 300 volts;

“(H) is not a tubular quartz infrared heat lamp; and

“(I) is not a lamp marked and marketed as a Stage and Studio lamp with a rated life of 500 hours or less.

“(27) SPECIALTY APPLICATION MERCURY VAPOR LAMP.—The term ‘specialty application mercury vapor lamp’ means a mercury vapor lamp (as defined in section 321) that is—

“(A) designed only to operate on a specialty application mercury vapor lamp ballast (as defined in section 321); and

“(B) is marked and marketed for specialty applications only.

“(28) TUBULAR QUARTZ INFRARED HEAT LAMP.—The term ‘tubular quartz infrared heat lamp’ means a double-ended quartz halogen lamp that—

“(A) is marked and marketed as an infrared heat lamp; and

“(B) radiates predominately in the infrared radiation range and in which the visible radiation is not of principle interest.”.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

“(g) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—A high light output double-ended quartz halogen lamp manufactured on or after January 1, 2016, shall have a minimum efficiency of—

“(1) 27 LPW for lamps with a minimum rated initial lumen value greater than 6,000

and a maximum initial lumen value of 15,000; and

“(2) 34 LPW for lamps with a rated initial lumen value greater than 15,000 and less than 40,000.

“(h) GENERAL PURPOSE MERCURY VAPOR LAMPS.—A general purpose mercury vapor lamp shall not be manufactured on or after January 1, 2016.”.

(c) PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) in the first sentence of subsection (a), by striking “The” and inserting “Except as otherwise provided in this section, the”; and

(2) by adding at the end the following:

“(i) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), section 327 shall apply to high light output double-ended quartz halogen lamps to the same extent and in the same manner as described in section 325(nn)(1).

“(2) STATE ENERGY CONSERVATION STANDARDS.—Any State energy conservation standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standard for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.”.

SEC. 19. STANDARDS FOR COMMERCIAL FURNACES.

Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by adding at the end the following:

“(11) Warm air furnaces with an input rating of 225,000 Btu per hour or more and manufactured on or after the date that is 1 year after the date of enactment of this paragraph shall meet the following standard levels:

“(A) Gas-fired units shall—

“(i) have a minimum combustion efficiency of 80 percent;

“(ii) include an interrupted or intermittent ignition device;

“(iii) have jacket losses not exceeding 0.75 percent of the input rating; and

“(iv) have power venting or a flue damper.

“(B) Oil-fired units shall have—

“(i) a minimum thermal efficiency of 81 percent;

“(ii) jacket losses not exceeding 0.75 percent of the input rating; and

“(iii) power venting or a flue damper.”.

SEC. 20. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

“(C) The term ‘service over the counter, self-contained, medium temperature commercial refrigerator’ or ‘(SOC-SC-M)’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

“(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

“(D) The term ‘TDA’ means the total display area (ft²) of the refrigerated case, as defined in AHRI Standard 1200.”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) Each SOC-SC-M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than $0.6 \times \text{TDA} + 1.0$.”

SEC. 21. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) INTERESTED PARTIES.—The term “interested parties” includes—

(A) trade associations;

(B) motor manufacturers;

(C) motor end users;

(D) electric utilities; and

(E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

(A) the stock of motors and motor-driven equipment;

(B) efficiency categories of the motor population; and

(C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

(A) expanded use of drives, servos, and other control technologies;

(B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and

(C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

(A) recommendations to update the detailed motor profile on a periodic basis;

(B) methods to estimate the energy savings and market penetration that is attributable to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

SEC. 22. STUDY OF COMPLIANCE WITH ENERGY STANDARDS FOR APPLIANCES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study of the degree of compliance with energy standards for appliances, including an investigation of compliance rates and options for improving compliance, including enforcement.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 23. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY IN CERTAIN BUILDINGS.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study—

(1) of the costs and benefits (including significant energy efficiency, power quality, and other power grid, safety, and environmental benefits) of requiring high-quality, direct current electricity supply in buildings; and

(2) to determine, if the requirement described in paragraph (1) is imposed, what the policy and role of the Federal Government should be in realizing those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 24. TECHNICAL CORRECTIONS.

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking “supplies is” and inserting “supply is”.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking “6313(a)” and inserting “6314(a)”.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking “If the Secretary” and inserting the following:

“(i) IN GENERAL.—If the Secretary”;

(ii) by striking “clause (ii)(II)” and inserting “subparagraph (A)(ii)(II)”;

(iii) by striking “clause (i)” and inserting “subparagraph (A)(i)”;

(iv) by adding at the end the following:

“(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

“(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

“(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

“(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

“(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

“(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

“(VI) the need for national energy conservation; and

“(VII) other factors the Secretary considers relevant.

“(iii) ADMINISTRATION.—

“(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

“(II) UNAVAILABILITY.—

“(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

“(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.”; and

(B) in subparagraph (C)(iv), by striking “An amendment prescribed under this subsection” and inserting “Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph”.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking “subparagraphs (B) through (G)” each place it appears and inserting

“subparagraphs (B), (C), (D), (I), (J), and (K)”;

(B) by striking “part A” each place it appears and inserting “part B”; and

(C) in subsection (a)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.”; and

(D) in subsection (h)(3), by striking “section 342(f)(3)” and inserting “section 342(f)(4)”.

(6) Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) (as amended by section 313(a) of the Energy Independence and Security Act of 2007 (121 Stat. 1568)) is amended—

(A) by striking subparagraphs (A) and (B) and inserting the following:

“(A) IN GENERAL.—The term ‘electric motor’ means any of the following:

“(i) A motor that is a general purpose T-frame, single-speed, foot-mounting, poly-phase squirrel-cage induction motor of the National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1-1987.

“(ii) A motor incorporating the design elements described in clause (i), but is configured to incorporate 1 or more of the following variations:

“(I) U-frame motor.

“(II) NEMA Design C motor.

“(III) Close-coupled pump motor.

“(IV) Footless motor.

“(V) Vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

“(VI) 8-pole motor.

“(VII) Poly-phase motor with a voltage rating of not more than 600 volts (other than 230 volts or 460 volts, or both, or can be operated on 230 volts or 460 volts, or both).”; and

(B) by redesignating subparagraphs (C) through (I) as subparagraphs (B) through (H), respectively.

(7)(A) Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(i) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4);

(iii) by inserting after paragraph (1) the following:

“(2) STANDARDS EFFECTIVE BEGINNING DECEMBER 19, 2010.—

“(A) IN GENERAL.—Except for definite purpose motors, special purpose motors, and those motors exempted by the Secretary under paragraph (3) and except as provided for in subparagraphs (B), (C), and (D), each electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-12.

“(B) FIRE PUMP ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each fire pump electric motor manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency that is not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

“(C) NEMA DESIGN B ELECTRIC MOTORS.—Except for those motors exempted by the Secretary under paragraph (3), each NEMA Design B electric motor with power ratings of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.

“(D) MOTORS INCORPORATING CERTAIN DESIGN ELEMENTS.—Except for those motors exempted by the Secretary under paragraph (3), each electric motor described in section 340(13)(A)(ii) manufactured with power ratings from 1 to 200 horsepower (alone or as a component of another piece of equipment) on or after December 19, 2010, shall have a nominal full load efficiency of not less than the

nominal full load efficiency described in NEMA MG-1 (2006) Table 12-11.”; and

(iv) in paragraph (3) (as redesignated by clause (ii)), by striking “paragraph (1)” each place it appears in subparagraphs (A) and (D) and inserting “paragraphs (1) and (2)”.

(B) Section 313 of the Energy Independence and Security Act of 2007 (121 Stat. 1568) is repealed.

(C) The amendments made by—

(i) subparagraph (A) take effect on December 19, 2010; and

(ii) subparagraph (B) take effect on December 19, 2007.

(8) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: “or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens”.

(9) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after “household appliance” and inserting “and”; and

(ii) by striking “and is sold at retail.”; and

(B) in clause (ii), by inserting “when sold at retail,” before “is designated”.

(10) Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)) (as amended by sections 321(a)(3)(A) and 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1577, 1588)) is amended by striking the subsection designation and all that follows through the end of paragraph (8) and inserting the following:

“(i) GENERAL SERVICE FLUORESCENT LAMPS, GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS, AND INCANDESCENT REFLECTOR LAMPS.—

“(1) ENERGY EFFICIENCY STANDARDS.—

“(A) IN GENERAL.—Each of the following general service fluorescent lamps, general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps, and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this subparagraph shall meet or exceed the standards established in the following tables:

“FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
.....	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
.....	≤35 W	45	64.0	36
8-foot slimline	>65 W	69	80.0	18
.....	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
.....	≤100 W	45	80.0	18

“INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36

"INCANDESCENT REFLECTOR LAMPS—Continued

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

"GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
1490–2600	72	1,000 hrs	1/1/2012
1050–1489	53	1,000 hrs	1/1/2013
750–1049	43	1,000 hrs	1/1/2014
310–749	29	1,000 hrs	1/1/2014

"MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Life-time	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014

"(B) APPLICATION.—

"(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

"(I) is intended for a general service or general illumination application (whether incandescent or not);

"(II) has a medium screw base or any other screw base not defined in ANSI C81.61-2006;

"(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

"(IV) is manufactured or imported after December 31, 2011.

"(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

"(I) 80 for nonmodified spectrum lamps; or

"(II) 75 for modified spectrum lamps.

"(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

"(i) CANDELABRA BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, a candelabra base incandescent lamp shall not exceed 60 rated watts.

"(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—Effective beginning January 1, 2012, an intermediate base incandescent lamp shall not exceed 40 rated watts.

"(D) EXEMPTIONS.—

"(i) STATUTORY EXEMPTIONS.—The standards specified in subparagraph (A) shall not apply to the following types of incandescent reflector lamps:

"(I) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

"(II) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

"(III) R20 incandescent reflector lamps rated 45 watts or less.

"(ii) ADMINISTRATIVE EXEMPTIONS.—

"(I) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

"(II) CRITERIA.—The Secretary may grant an exemption under subclause (I) only to the extent that the Secretary finds, after a hearing and opportunity for public comment,

that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

"(III) ADDITIONAL CRITERION.—To grant an exemption for a product under this clause, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

"(E) EXTENSION OF COVERAGE.—

"(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

"(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

"(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

"(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

"(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based in part on sales data provided to the Secretary from manufacturers and importers.

"(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

"(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

"(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

"(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

"(F) EFFECTIVE DATES.—

"(i) IN GENERAL.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A) or in clause (ii), the term 'effective date' means the last day of the period of months specified in the table after October 24, 1992.

"(ii) SPECIAL EFFECTIVE DATES.—

"(I) ER, BR, AND BPAP LAMPS.—The standards specified in subparagraph (A) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAP incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

"(II) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (A) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.

"(2) COMPLIANCE WITH EXISTING LAW.—Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp that is in compliance with the law at the time the lamp was manufactured.

"(3) RULEMAKING BEFORE OCTOBER 24, 1995.—

"(A) IN GENERAL.—Not later than 36 months after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on October 24, 1992, to determine whether the standards established under paragraph (1) should be amended.

"(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that

the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

“(4) RULEMAKING BEFORE OCTOBER 24, 2000.—

“(A) IN GENERAL.—Not later than 8 years after October 24, 1992, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than 9 years and 6 months after October 24, 1992, to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended.

“(B) ADMINISTRATION.—The rule shall contain the amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date on which the final rule is published.

“(5) RULEMAKING FOR ADDITIONAL GENERAL SERVICE FLUORESCENT LAMPS.—

“(A) IN GENERAL.—Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall—

“(i) initiate a rulemaking procedure to determine whether the standards in effect for fluorescent lamps and incandescent lamps should be amended so that the standards would be applicable to additional general service fluorescent lamps; and

“(ii) publish, not later than 18 months after initiating the rulemaking, a final rule including the amended standards, if any.

“(B) ADMINISTRATION.—The rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date on which the rule is published.

“(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

“(A) RULEMAKING BEFORE JANUARY 1, 2014.—

“(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

“(I) standards in effect for general service lamps should be amended; and

“(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales collected by the Secretary from manufacturers.

“(ii) SCOPE.—The rulemaking—

“(I) shall not be limited to incandescent lamp technologies; and

“(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

“(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

“(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

“(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

“(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

“(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens

per watt, effective beginning January 1, 2020, the Secretary shall prohibit the manufacture of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

“(vi) STATE PREEMPTION.—Neither section 327 nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

“(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

“(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

“(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect on the date of enactment of the Energy Independence and Security Act of 2007.

“(B) RULEMAKING BEFORE JANUARY 1, 2020.—

“(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

“(I) standards in effect for general service lamps should be amended; and

“(II) the exclusions for certain incandescent lamps should be maintained or discontinued based, in part, on excluded lamp sales data collected by the Secretary from manufacturers.

“(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

“(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

“(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

“(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

“(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

“(7) FEDERAL ACTIONS.—

“(A) COMMENTS OF SECRETARY.—

“(i) IN GENERAL.—With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions that would adversely impact the energy consumption or energy efficiency of the lamp of the energy conservation consequences of the action.

“(ii) CONSIDERATION.—The Federal entity shall carefully consider the comments of the Secretary.

“(B) AMENDMENT OF STANDARDS.—Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if the action is warranted as a result of other Federal action (including restrictions on materials or processes) that would have the effect of either increasing the energy use or decreasing the energy efficiency of the product.

“(8) COMPLIANCE.—

“(A) IN GENERAL.—Not later than the date on which standards established pursuant to this subsection become effective, or, with re-

spect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to that section, each manufacturer of a product to which the standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type.

“(B) CONTENTS.—The report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period.

“(C) OTHER LAMP TYPES.—With respect to lamp types that are not manufactured during the 12-month period preceding the date on which the standards become effective, the report shall—

“(i) be filed with the Secretary not later than the date that is 12 months after the date on which manufacturing is commenced; and

“(ii) include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during the 12-month period.”

(11) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking “only”.

(12) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” and inserting a period; and

(C) by striking clause (iii).

(13) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after “40 watts or higher”.

(14) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking “6995(i)” and inserting “6295(i)”.

(15) Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) (as amended by sections 324(f) of the Energy Independence and Security Act of 2007 (121 Stat. 1594) and section 6(e)(2)) is amended—

(A) in paragraph (6), by striking “or” after the semicolon at the end;

(B) in paragraph (9)(B), by striking “or” at the end;

(C) in paragraph (10), by striking the period at the end and inserting a semicolon;

(D) by adding at the end the following:

“(11) is a regulation for general service lamps that conforms with Federal standards and effective dates; or

“(12) is an energy efficiency standard for general service lamps enacted into law by the State of Nevada prior to December 19, 2007, if the State has not adopted the Federal standards and effective dates pursuant to subsection (b)(1)(B)(ii).”

(16) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking “6924(c)” and inserting “6294(c)”.

(17) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking “20°F” and inserting “–20°F”.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

(C) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following: “(xiii) other motors.”.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking “Air-Conditioning and Refrigeration Institute” each place it appears in paragraphs (4)(A) and (7) and inserting “Air-Conditioning, Heating, and Refrigeration Institute”.

SECTION-BY-SECTION SUMMARY OF THE IMPLEMENTATION OF NATIONAL CONSENSUS APPLIANCE AGREEMENTS ACT OF 2011 (INCAAA)

Purpose: DOE’s “Appliance Standards Program” (Title III, Part B of the Energy Policy and Conservation Act (EPCA) (42 USC 6291)) establishes energy efficiency standards for dozens of appliances and types of commercial equipment. These standards have been extraordinarily effective for improving the nation’s economic and energy security, by 2010 reducing national non-transportation energy use by about 7 percent below what it otherwise would be. Appliance manufacturers have supported standards because of their significant national benefits and because they typically replace a patchwork of state regulations. This bill would amend EPCA to enact consensus energy-efficiency standards for a range of products that were agreed to among industry, energy advocate and consumer stakeholders. More specifically, . . .

Sec. 1. Short title; table of contents.

Sec. 2. Energy conservation standards: clarifies that ‘energy conservation standard’ means one or more performance or design requirements such as energy and water efficiency. Adds definitions, effective dates, and standards for: central air conditioners and heat pumps, through-the-wall central air conditioners; through-the-wall central air conditioning heat pumps; small-duct, high-velocity systems; and non-weatherized furnaces, as agreed to between manufacturers and efficiency advocacy groups. Finally, it provides that building codes may allow for appliance standards to exceed the federal standard in certain cases.

Sec. 3. Energy conservation standards for heat pump pool heaters: adds definitions, standards and effective dates for heat pump pool heaters, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 4. GU-24 base lamps: adds definitions, standards and effective dates for the next-generation, GU-24 lamps, lamp sockets, and adaptors, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 5. Efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas: adds definitions, exclusions, test procedures, standards and effective dates for bottle-type

water dispensers, commercial hot food holding cabinets, and portable electric spas, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 6. Test procedure petition process: (a) provides that any person may petition DOE to prescribe or amend test procedures and establishes deadlines for DOE to respond to such petitions; and (b) for certain industrial equipment, clarifies that DOE periodically review test procedures, and provides that any person may petition DOE to prescribe or amend test procedures for such equipment and establishes deadlines for DOE to respond to such petitions. It also provides that DOE may use the Direct Final Rule procedure currently available to prescribe consensus standards, to prescribe consensus test procedures.

Sec. 7. Amendments to Home Appliance Test Methods: sets deadlines regarding refrigerator and freezer, clothes washer, and clothes dryer test methods.

Sec. 8. Credit for Energy Star Smart Appliances: directs federal officials to determine whether to update Energy Star criteria for certain products to incorporate smart grid and demand response features.

Sec. 9. Video game console energy efficiency study: directs DOE to conduct a study of video game console energy use and opportunities for energy savings, and upon completion to determine whether to establish an efficiency standard. If standards are not established, then DOE shall conduct a follow-up study.

Sec. 10. Refrigerator and freezer standards: updates definitions, exceptions, standards and effective dates for new standards for refrigerators and freezers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 11. Room air conditioner standards: establishes new standards and effective dates for room air-conditioners, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 12. Uniform efficiency descriptor for covered water heaters: directs DOE to publish a final rule that establishes a uniform efficiency descriptor and test methods for covered water heaters. The section also sets forth other provisions necessary to transition from the current two descriptors for two types of water heaters, to having a single descriptor for all covered water heaters.

Sec. 13. Clothes dryers: establishes new standards and effective dates for clothes dryers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 14. Standards for clothes washers: establishes new standards and effective dates for clothes washers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 15. Dishwashers: establishes new standards and effective dates for dishwashers, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 16. Petition for amended standards: requires DOE to publish an explanation of DOE’s decision to grant or deny a petition for a new or amended standard (filed under current law) within 180 days, and to publish the new rule within 3 year in those cases where the petition is granted.

Sec. 17. Prohibited acts: updates certain enforcement provisions to clarify that prohibitions under the law apply to distributors, retailers, and private labelers as well as manufacturers, and clarifies that prohibitions must be “knowingly” violated in the case of regional standards.

Sec. 18. Outdoor lighting: establishes definitions, test methods, standards, and effective dates for certain types of outdoor lighting, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 19. Standards for commercial furnaces: establishes a new standard and effective date for commercial furnaces, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 20. Service over the counter, self-contained, medium temperature commercial Refrigerators: establishes new definitions and a standard and effective date for certain service over the counter refrigerators, as agreed to between manufacturers and efficiency and consumer advocacy groups.

Sec. 21. Motor market assessment and commercial awareness program: directs DOE to assess the U.S. electric motor market and develop recommendations on ways to improve the efficiency of motor systems. It also requires DOE to periodically update this information; estimate the savings attributable to the Save Energy Now Program; make recommendations to the Census Bureau on surveys to support DOE’s motor activities; and prepare an update to the Motor Master+ program of DOE. Finally, based on the assessment and recommendations, the section would direct DOE to establish a program to: increase awareness of the savings opportunities of using higher efficiency motors, improve motor system procurement practices, and establish criteria for making decisions regarding electric motor systems.

Sec. 22. Study of Compliance with Energy Standards for Appliances: directs DOE to conduct, and submit to Congress with any recommendations, a study on the degree of compliance with energy standards for appliances including an investigation of compliance rates and options for improving compliance.

Sec. 23. Study of direct current electricity supply in certain buildings: directs DOE to conduct, and submit to Congress with any recommendations, a study of the costs and benefits of requiring high-quality, direct current electricity supply in certain buildings and to determine, if this requirement is imposed, what the policy and role of the Federal Government should be.

Sec. 24. Technical corrections: makes technical corrections to the Energy Independence and Security Act of 2007 (EISA), the Energy Policy Act of 2005, and the Energy Policy and Conservation Act regarding the appliance efficiency standards program.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 399. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Indian Affairs.

Mr. BAUCUS. Mr. President, today I rise to introduce the Blackfeet Water Rights Settlement Act of 2011. The Blackfeet Reservation is located in northwest Montana with Canada to the north and Glacier Park to the west. The Blackfeet Reservation consists of approximately 1.5 million acres with farming and tribal and federal government as the primary source of economic activity. About 10,100 people live

on the reservation and approximately 25,800 live off reservation. The Blackfeet Tribe is ably assisted by the Blackfeet Tribal Business Council of which Willie Sharp is Chairman.

The Blackfeet Reservation was established under the Fort Laramie Treaty of 1851. Later, part of the reservation was sold to the U.S. Government, and the Sweetgrass Hills Treaty was ratified by Congress in 1888. The sale of these lands by treaty established the reservations for the Fort Peck and Fort Belknap Tribes.

Over 100 years ago the U.S. Supreme Court ruled that such treaties imply a commitment to reserve sufficient water to satisfy both present and future needs of a tribe. Today we are moving forward on the journey to fulfill that commitment with the introduction of the Blackfeet Water Rights Settlement Act of 2011.

The Blackfeet Water Rights Settlement Act of 2011 will resolve over a century of conflict over waters in Montana. The Act ratifies the water rights compact with the Blackfeet Nation. It is the product of more than 10 years of negotiations between diverse groups of users in the area, which ended in 2007. The Compact was approved by the Montana Legislature in April 2009, and the state of Montana has already appropriated \$19 million in support of its work to implement the Compact. This legislation will bring clean water to reservation families and support tribal agriculture and provide long-range economic development.

The Blackfeet People call the mountains of their homeland the "backbone of the world." When you visit their land, you can feel a shiver in your own backbone at its beauty and spiritual significance. These mountains are also the wellspring of the reservation's water. Their cirques and flanks, frozen for much of the year, store the crucial resource that makes the Great Plains inhabitable. The drainages and storage systems that define how the snow melts and the water flows are the principal subject of this legislation. This water is necessary for irrigation, livestock, fisheries, wildlife, homes, and other uses.

By ratifying this compact, Congress will both establish the federal reserved water rights of the Tribe and authorize funds to construct the infrastructure necessary to make the water available for use. Last year, Senator TESTER and I introduced this bill on April 29, 2010. The Senate Indian Affairs Committee held a hearing on July 22, 2011. I look forward to working with my colleagues here in the Senate, in the House, and in the Administration to quickly moving forward on the Blackfeet Water Compact.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 401. A bill to help Federal prosecutors and investigators combat public

corruption by strengthening and clarifying the law; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join with Senator CORNYN once again to introduce the Public Corruption Prosecution Improvements Act of 2011, a bill that will strengthen and clarify key aspects of Federal criminal law and provide new tools to help investigators and prosecutors attack public corruption nationwide.

As we have seen in recent years, public corruption can erode the trust the American people have in those who are given the privilege of public service, and, too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. Make no mistake: The stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy. Rooting out the kinds of public corruption that have resulted in convictions of members of Congress, judges, governors, and many others, requires us to give prosecutors the tools they need to investigate and prosecute criminal public corruption offenses.

The bill Senator CORNYN and I introduce today will increase sentences for serious corruption offenses and will provide investigators and prosecutors more time to pursue public corruption cases. The bill raises the statutory maximum penalties for several laws dealing with official misconduct, including bribery and theft of government property, to ensure that those who violate the public trust are held accountable. These increases reflect the serious and corrosive nature of these crimes, and would harmonize the punishment for these crimes with other similar statutes.

The bill extends the statute of limitations from 5 to 6 years for the most serious public corruption offenses. Bank fraud, arson, and passport fraud, among other offenses, all have 10-year statutes of limitations. We recently increased the statute of limitations for securities fraud to 6 years. Public corruption offenses cut to the heart of our democracy and are among the most difficult and time-consuming cases to investigate. This modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

This bill also amends several key statutes to broaden their application in corruption contexts and to prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities. It includes a fix to the gratuities statute that makes clear that public officials may not accept anything of value, other than what is permitted by existing rules and regulations, given to them because of their official position. This important provision contains appropriate safeguards to ensure that

only corrupt conduct is prosecuted, but it will help to ensure that the work of public officials cannot be bought, and it will put teeth behind key ethics reforms enacted by Congress in 2007.

The bill also appropriately clarifies the definition of what it means for a public official to perform an "official act" for the purposes of the bribery statute and closes several other gaps in current law. It adds two corruption-related crimes as predicates for the Federal wiretap and racketeering statutes, lowers the transactional amount required for Federal prosecution of bribery involving federally-funded state programs, and expands the venue for perjury and obstruction of justice prosecutions.

Senator CORNYN and I have added two new modest fixes into this year's bill. The first allows information sharing that will make it easier for law enforcement to investigate possible criminal activity by Federal judges. The second further clarifies and strengthens the federal program bribery statute.

I remain committed to ensuring sufficient funding for public corruption enforcement. Since September 11, 2001, Federal Bureau of Investigation resources have been shifted away from the pursuit of white collar crime to counterterrorism. Director Mueller has consistently affirmed that public corruption is among the FBI's top investigative priorities, but reports in the past decade indicated that this shift in resources sometimes meant a reduction in the number of public corruption investigations and at times made pursuing key corruption cases more difficult. The Justice Department and the FBI have been working to reverse this trend, but we must make sure that law enforcement has all the tools and the resources it needs to strongly confront these serious and corrosive crimes.

In recognition of the difficult budget situation in which we find ourselves and in an effort to maintain maximum bipartisan support for this important legislation, I have agreed to remove from this year's bill a modest authorization for anti-corruption investigators and prosecutors that we included in past versions. Nonetheless, given the vital importance of this work, I hope that Senator CORNYN and others will join me in calling on appropriators and the Justice Department and FBI to ensure that significant resources are allocated to investigating and prosecuting public corruption.

Since we last introduced this bill, our country has unfortunately taken a step backward in its efforts to fight fraud and corruption. Last year, in the case of *Skilling v. United States*, the Supreme Court sided with a former executive from Enron, whose collapse had such devastating effects on the economy early in the last decade, and greatly narrowed the honest services

fraud statute, a law that plays an important role in combating public corruption, corporate fraud, and self-dealing.

The Court's decision leaves corrupt and fraudulent conduct which prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court's decision excluded undisclosed "self-dealing" by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in private sector cases, their shareholders and employees.

I introduced legislation in the last Congress, the Honest Services Restoration Act, to close this crucial gap and restore the government's ability to prosecute key categories of corruption cases. I have heard from Democrats and Republicans in the Senate and the House who are eager to fix this problem. I hope to continue working with Senator CORNYN and others to find a bipartisan solution to fixing honest services fraud and perhaps to incorporate a fix into this comprehensive anti-corruption bill at some point in the future.

If we are serious about addressing the kinds of egregious misconduct that we have witnessed in recent years in high-profile public corruption cases, Congress should enact meaningful legislation to give investigators and prosecutors the tools they need to enforce our laws. It is time to strengthen the criminal law to bring those who undermine the public trust to justice. I hope that all Senators will support this bipartisan bill and take firm action to stamp out intolerable corruption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 401

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Corruption Prosecution Improvements Act".

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3299A. Corruption offenses

"Unless an indictment is returned or the information is filed against a person within 6 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

"(1) section 201 or 666;

"(2) section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

"(3) section 1951, if the offense involves extortion under color of official right;

"(4) section 1952, to the extent that the unlawful activity involves bribery; or

"(5) section 1962, to the extent that the racketeering activity involves bribery chargeable under State law, involves a violation of section 201 or 666, section 1341 or 1343, when charged in conjunction with section 1346 and where the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official, or section 1951, if the offense involves extortion under color of official right."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"3299A. Corruption offenses."

(c) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to any offense committed before the date of enactment of this Act.

SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES TO LICENCES AND OTHER INTANGIBLE RIGHTS.

Sections 1341 and 1343 of title 18, United States Code, are each amended by striking "money or property" and inserting "money, property, or any other thing of value".

SEC. 4. VENUE FOR FEDERAL OFFENSES.

(a) IN GENERAL.—The second undesignated paragraph of section 3237(a) of title 18, United States Code, is amended by adding before the period at the end the following: "or in any district in which an act in furtherance of the offense is committed".

(b) SECTION HEADING.—The heading for section 3237 of title 18, United States Code, is amended to read as follows:

"§ 3237. Offense taking place in more than one district".

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 211 of title 18, United States Code, is amended so that the item relating to section 3237 reads as follows:

"3237. Offense taking place in more than one district."

SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 666 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by—

(i) striking "anything of value" and inserting "any thing or things of value"; and

(ii) striking "of \$5,000 or more" and inserting "of \$1,000 or more";

(B) by amending paragraph (2) to read as follows:

"(2) corruptly gives, offers, or agrees to give any thing or things of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$1,000 or more"; and

(C) in the matter following paragraph (2), by striking "ten years" and inserting "15 years"; and

(2) in subsection (c)—

(A) by striking "This section does not apply to"; and

(B) by inserting before "bona fide salary" the following: "The term 'anything of value' that is corruptly solicited, demanded, accepted or agreed to be accepted in subsection (a)(1)(B) or corruptly given, offered, or agreed to be given in subsection (a)(2) shall not include".

SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.

Section 641 of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.

Section 201(b) of title 18, United States Code, is amended by striking "fifteen years" and inserting "20 years".

SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN PUBLIC CORRUPTION RELATED OFFENSES.

(a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—Section 602(a) of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(b) PROMISE OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 600 of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL ACTIVITY.—Section 601(a) of title 18, United States Code, is amended by striking "one year" and inserting "10 years".

(d) INTIMIDATION TO SECURE POLITICAL CONTRIBUTIONS.—Section 606 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

(e) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18, United States Code, is amended by striking "3 years" and inserting "10 years".

(f) COERCION OF POLITICAL ACTIVITY BY FEDERAL EMPLOYEES.—Section 610 of title 18, United States Code, is amended by striking "three years" and inserting "10 years".

SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF PUBLIC MONEY OFFENSE.

Section 641 of title 18, United States Code, is amended by inserting "the District of Columbia or" before "the United States" each place that term appears.

SEC. 10. ADDITIONAL RICO PREDICATES.

(a) IN GENERAL.—Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 641 (relating to embezzlement or theft of public money, property, or records)," after "473 (relating to counterfeiting)," and

(2) by inserting "section 666 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 664 (relating to embezzlement from pension and welfare funds)."

(b) CONFORMING AMENDMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking "section 641 (relating to public money, property, or records)," and

(2) by striking "section 666 (relating to theft or bribery concerning programs receiving Federal funds)."

SEC. 11. ADDITIONAL WIRETAP PREDICATES.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 641 (relating to embezzlement or theft of public money, property, or records), section 666 (relating to theft or bribery concerning programs receiving Federal funds)," after "section 224 (bribery in sporting contests)."

SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATUITIES.

(a) DEFINITION.—Section 201(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by inserting at the end the following:

"(4) the term 'rule or regulation' means a federal regulation or a rule of the House of Representatives and the Senate, including those rules and regulations governing the acceptance of campaign contributions."

(b) CLARIFICATION.—Section 201(c)(1) of title 18, United States Code, is amended—

(1) by striking the matter before subparagraph (A) and inserting “otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation—”;

(2) in subparagraph (A), by inserting after “, or person selected to be a public official,” the following: “for or because of the official’s or person’s official position, or for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official”; and

(3) in subparagraph (B)—

(A) by striking “otherwise than as provided by law for the proper discharge of official duty,”; and

(B) by striking all after “anything of value personally” and inserting “for or because of the official’s or person’s official position, or for or because of any official act performed or to be performed by such official or person.”.

SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.

Section 201(a)(3) of title 18, United States Code, is amended to read as follows:

“(3) the term ‘official act’ means any action within the range of official duty, and any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official’s official capacity or in such official’s place of trust or profit. An official act can be a single act, more than one act, or a course of conduct.”.

SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIBERY.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “anything of value” each place it appears and inserting “any thing or things of value”; and

(2) in subsection (c), by striking “anything of value” each place it appears and inserting “any thing or things of value”.

SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUCTION OF JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 1512(i) of title 18, United States Code, is amended to read as follows:

“(i) A prosecution under section 1503, 1504, 1505, 1508, 1509, 1510, or this section may be brought in the district in which the conduct constituting the alleged offense occurred or in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected.”.

(b) PERJURY.—

(1) IN GENERAL.—Chapter 79 of title 18, United States Code, is amended by adding at the end the following:

“§ 1624. Venue

“A prosecution under section 1621(1), 1622 (in regard to subornation of perjury under 1621(1)), or 1623 of this title may be brought in the district in which the oath, declaration, certificate, verification, or statement under penalty of perjury is made or in which a proceeding takes place in connection with the oath, declaration, certificate, verification, or statement.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of title 18, United States Code, is amended by adding at the end the following: “1624. Venue.”.

SEC. 16. AMENDMENT OF THE SENTENCING GUIDELINES RELATING TO CERTAIN CRIMES.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section

994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and its policy statements applicable to persons convicted of an offense under sections 201, 641, and 666 of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect Congress’ intent that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a), the incidence of such offenses, and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for—

(A) the potential and actual harm to the public and the amount of any loss resulting from the offense;

(B) the level of sophistication and planning involved in the offense;

(C) whether the offense was committed for purposes of commercial advantage or private financial benefit;

(D) whether the defendant acted with intent to cause either physical or property harm in committing the offense;

(E) the extent to which the offense represented an abuse of trust by the offender and was committed in a manner that undermined public confidence in the Federal, State, or local government; and

(F) whether the violation was intended to or had the effect of creating a threat to public health or safety, injury to any person or even death;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

SEC. 17. PERMITTING THE DISCLOSURE OF INFORMATION REGARDING POTENTIAL CRIMINAL ACTIVITY TO APPROPRIATE LAW ENFORCEMENT AUTHORITIES.

Section 360(a) of title 28, United States Code, is amended—

(1) in paragraph (2), by striking “or” after the semicolon;

(2) in paragraph (3), by striking the period and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) disclosure of information regarding a potential criminal offense may be made to the United States Department of Justice, a Federal, State, or local grand jury, or Federal, State, or local law enforcement agents.”.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 403. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System,

and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am introducing a bill to designate segments of Oregon’s Molalla River as Wild and Scenic. I am pleased to be joined in the Senate in introducing this legislation with my colleague from Oregon, Senator MERKLEY. This legislation is also being introduced today by Representative SCHRADER in the House of Representatives. He has been a champion for protecting the river. My colleagues previously joined me in the effort to protect this Oregon gem by introducing this bill in the last Congress. The Molalla River Wild and Scenic Rivers Act will amend the Wild and Scenic Rivers Act and designate an approximately 15.1 mile segment of the Molalla River and an approximately 6.2 mile segment of Table Rock Fork Molalla River as a recreational river under the Wild and Scenic Rivers Act.

The Molalla River Wild and Scenic Rivers Act would protect a popular Oregon destination that provides abundant recreational activities that help fuel the recreation economy that is so important to the communities along the river. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. My bill would not only preserve this area as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout, along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pileated woodpecker, golden and bald eagles, deer, elk, the pacific giant salamander, and many others.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby, Oregon. Protecting the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water, and will provide all the people of the Pacific Northwest and beyond the knowledge that this important natural resource will be preserved for continued enjoyment for years to come.

I would like to reiterate my continued appreciation for the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel and have set out to protect it. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. These are the kind of collaborative home grown solutions that Oregonians are best at. I

look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill's supporters to advance this legislation to the President's desk.

By Mr. NELSON of Florida:

S. 405. A bill to amend the Outer Continental Shelf Lands Act to provide a requirement for certain lessees, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, for years, I have fought to keep oil rigs off the coast of Florida—both in federal waters and Cuban waters. As we've seen, an oil spill even hundreds of miles away from Florida can send the black stuff onto our beaches and close our fishing grounds. Risky exploration close to our shores endangers Florida's marine environment and tourism as well as our national security.

Yet we know that drilling just a mere 45 miles off Florida's coast is possible and is coming from the behest of Cuba's communist regime. For years the Castros have been eager to develop undiscovered offshore oil resources, and have already started leasing off different plots of land. Later this year, the Spanish oil company Repsol, in a consortium with oil companies from Norway, India, Italy and others, is expected to drill a deepwater exploratory well roughly 20 miles northeast of Havana—right in the midst of currents that run up the eastern seaboard. The U.S. Geological Survey estimates that the North Cuba Basin could contain over four and a half billion barrels of recoverable crude oil.

We now find ourselves in a grim situation. Over the past several years, I have asked both Republican and Democratic administrations to withdraw the diplomatic letters that we exchange with Cuba every 2 years. This exchange of letters is the only thing enforcing the 1977 Maritime Boundary Agreement, which has never been ratified by the U.S. Senate. Though I have consistently advocated against this boundary agreement, our presidents have disagreed. It seems that oil exploration in waters that are essentially our backyard is imminent.

So today I'm introducing the Gulf Stream Protection Act of 2011, which will protect the economy and environment of Florida. This legislation will require federal agencies to safeguard our shores by preparing for another devastating spill like the Deepwater Horizon that occurred less than a year ago—but this time in Cuban waters. If a company that's drilling in Cuba wants to lease drilling rights in the United States, this bill will require them to first prove that they have a sufficient oil spill response plan and the resources to address a spill in both Cuban and U.S. waters. Additionally this bill directs the Department of Interior—in consultation with the De-

partment of State—to provide recommendations to Congress on a multinational agreement for spill response, not unlike what was suggested by the Spill Commission chaired by Senator Bob Graham and Bill Reilly.

We have seen what oil spills have done in other parts of the country and around the world. If oil spilled from a well in the North Cuba Basin, it would coat popular South Atlantic beaches like Miami and West Palm. I am not prepared to take chances with Florida's coral reefs and other marine life, nor with the livelihoods of millions of Floridians who depend on tourism for their economic well-being.

That is why I believe that in addition to my responsibility to deter exploration and drilling off Florida's coastline, I also have a responsibility to ensure that we are prepared for the worst-case scenario: an oil spill from a foreign rig in Cuban waters. I hope my colleagues will join me in supporting this commonsense legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Stream Protection Act of 2011".

SEC. 2. REQUIREMENT FOR CERTAIN DUAL LESSEES.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

"(9) REQUIREMENT FOR CERTAIN LESSEES.—If a bidder for an oil or gas lease under this subsection is conducting oil and gas operations off the coast of Cuba, the Secretary shall not grant an oil or gas lease to the bidder unless the bidder submits to the Secretary—

"(A) a Cuban oil spill response plan, which shall include 1 or more worst-case-scenario oil discharge plans; and

"(B) evidence that the bidder has sufficient financial resources and other resources necessary for a cleanup effort, as determined by the Secretary, to respond to a worst case scenario oil discharge in Cuba that occurs in, or would impact, the waters of the United States."

SEC. 3. NONDOMESTIC GULF OIL SPILL RESPONSE PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the "Secretary") shall carry out an oil spill risk analysis and planning process for the development and implementation of oil spill response plans for nondomestic oil spills in the Gulf of Mexico.

(b) REQUIREMENTS.—In developing plans under subsection (a), the Secretary shall—

(1) consult with the heads of other Federal agencies with relevant scientific and operational expertise to verify that holders of oil and gas leases can conduct any response and containment operations provided for in the plans;

(2) ensure that all critical information and spill scenarios are included in the plans, including oil spill containment and control methods to ensure that holders of oil and gas leases can conduct the operations provided for in the plans;

(3) ensure that the plans include shared international standards for natural resource extraction activities;

(4) in consultation with the Secretary of State, to the maximum extent practicable, include recommendations for Congress on a joint contingency plan with the countries of Mexico, Cuba, and the Bahamas to ensure an adequate response to oil spills located in the eastern Gulf of Mexico; and

(5) to the maximum extent practicable, ensure that the contingency plan described in paragraph (4) contains a description of the organization and logistics of a response team for each country described in that paragraph (including each applicable Federal and State agency).

(c) MODELING OF CUBAN WATERS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall conduct modeling of the Cuban waters.

(2) USE OF MODELING.—For purposes of developing the plans required under subsection (a), the Secretary shall take into account any modeling data collected under paragraph (1).

(d) VERIFICATION PROCESS.—The Secretary may conduct a verification process to ensure that any companies operating in the United States that are conducting drilling operations off the coast of Cuba are subject to standards that are as stringent as the standards under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

By Mr. ROCKEFELLER:

S. 408. A bill to provide for the temporary retention of sole community hospital status for a hospital under the Medicare program; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Community Hospital Jobs Act of 2011, legislation that gives Fairmont General Hospital, a small community hospital in West Virginia, the chance to make an important transition.

Many of Marion County's residents were born at Fairmont General Hospital—founded in 1939. And many of the hospital's 700 employees are from the surrounding area. That is why, when Fairmont's leaders told me the hospital was going to lose a large portion of its Medicare payments because it was going to lose its status as a Sole Community Hospital, I knew it was important to make sure Fairmont General maintained its role as a vibrant health care leader in our community—and I began looking for ways to help.

Over the last couple of years, I have worked extensively with Fairmont officials and with other members of the West Virginia delegation to identify possible solutions to Fairmont's problem, which the hospital did nothing to cause. First we looked for a regulatory solution. However, after speaking extensively with federal and hospital officials, scrutinizing every regulation, we

determined that without intervention from Congress, Fairmont would lose its status as the sole community hospital—and with it, additional federal payments that are helping the hospital stay afloat and maintain jobs, as many as 70 of which may be at stake.

Once it became clear that legislation was necessary, I got to work again on behalf of Fairmont. Last fall, I started to work on a legislative solution to allow Fairmont to retain its sole community hospital status. And, when the Senate began consideration of an end-of-the-year health care bill, I pushed for the inclusion of legislative language to allow Fairmont to keep its sole community hospital status for a three-year transition period. Unfortunately, this language was not ultimately included in the final Medicare and Medicaid Extenders Act of 2010—but I am not going to give up.

Fairmont General does not give up on its patients, and I am not giving up on Fairmont. That is why I am introducing this important legislation today.

I urge my colleagues to support the Community Hospital Jobs Act.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. GRAHAM, Mr. CORNYN, Mr. DURBIN, and Ms. KLOBUCHAR):

S. 410. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today, I reintroduce the Sunshine in the Courtroom Act, a bipartisan bill which will allow judges at all federal court levels to open their courtrooms to television cameras and radio broadcasts.

Openness in our courts improves the public's understanding of what goes on there. Our judicial system is a secret to many people across the country. Letting the sun shine in on federal courtrooms will give Americans an opportunity to better understand the judicial process. Courts are the bedrock of the American justice system. Allowing greater access to our courts will inspire faith in and restore appreciation for our judges who pledge equal and impartial justice for all.

For decades, states such as my home state of Iowa have allowed cameras in their courtrooms with great results. As a matter of fact, only the District of Columbia prohibits trial and appellate court coverage entirely. Nineteen States allow news coverage in most courts; 16 allow coverage with slight restrictions; and the remaining 15 allow coverage with stricter rules.

The bill I am introducing today, along with Senator SCHUMER and five other cosponsors from both sides of the aisle, including Judiciary Chairman LEAHY, will greatly improve public access to Federal courts. It lets Federal judges open their courtrooms to tele-

vision cameras and other electronic media.

The Sunshine in the Courtroom Act is full of provisions that ensure that the introduction of cameras and other broadcasting devices into the courtrooms goes as smoothly as it has at the state level. First, the presence of the cameras in Federal trial and appellate courts is at the sole discretion of the judges—it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a 3 year sunset provision. The bill also protects the privacy and safety of non-party witnesses by giving them the right to have their faces and voices obscured. Finally, it includes a provision to protect the due process rights of any party, and prohibits the televising of jurors.

We need to open the doors and let the light shine in on the Federal Judiciary. This bill improves public access to and therefore understanding of our federal courts. It has safety provisions to ensure that the cameras won't interfere with the proceedings or with the safety or due process of anyone involved in the cases. Our states have allowed news coverage of their courtrooms for decades. It is time we join them.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sunshine in the Courtroom Act of 2011".

SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the

photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph—

(I) if that judge determines the action would constitute a violation of the due process rights of any party; and

(II) until the Judicial Conference of the United States promulgates mandatory guidelines under paragraph (5).

(B) NO MEDIA COVERAGE OF JURORS.—The presiding judge shall not permit the photographing, electronic recording, broadcasting, or televising of any juror in a trial proceeding, or of the jury selection process.

(C) DISCRETION OF THE JUDGE.—The presiding judge shall have the discretion to obscure the face and voice of an individual, if good cause is shown that the photographing, electronic recording, broadcasting, or televising of the individual would threaten—

(i) the safety of the individual;

(ii) the security of the court;

(iii) the integrity of future or ongoing law enforcement operations; or

(iv) the interest of justice.

(D) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under this paragraph shall terminate 3 years after the date of the enactment of this Act.

(3) INTERLOCUTORY APPEALS BARRED.—The decision of the presiding judge under this subsection of whether or not to permit, deny, or terminate the photographing, electronic recording, broadcasting, or televising of a court proceeding may not be challenged through an interlocutory appeal.

(4) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of

photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(5) **MANDATORY GUIDELINES.**—Not later than 6 months after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate mandatory guidelines which a presiding judge is required to follow for obscuring of certain vulnerable witnesses, including crime victims, minor victims, families of victims, cooperating witnesses, undercover law enforcement officers or agents, witnesses subject to section 3521 of title 18, United States Code, relating to witness relocation and protection, or minors under the age of 18 years. The guidelines shall include procedures for determining, at the earliest practicable time in any investigation or case, which witnesses should be considered vulnerable under this section.

(6) **PROCEDURES.**—In the interests of justice and fairness, the presiding judge of the court in which media use is desired has discretion to promulgate rules and disciplinary measures for the courtroom use of any form of media or media equipment and the acquisition or distribution of any of the images or sounds obtained in the courtroom. The presiding judge shall also have discretion to require written acknowledgment of the rules by anyone individually or on behalf of any entity before being allowed to acquire any images or sounds from the courtroom.

(7) **NO BROADCAST OF CONFERENCES BETWEEN ATTORNEYS AND CLIENTS.**—There shall be no audio pickup or broadcast of conferences which occur in a court proceeding between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge, if the conferences are not part of the official record of the proceedings.

(8) **EXPENSES.**—A court may require that any accommodations to effectuate this Act be made without public expense.

(9) **INHERENT AUTHORITY.**—Nothing in this Act shall limit the inherent authority of a court to protect witnesses or clear the courtroom to preserve the decorum and integrity of the legal process or protect the safety of an individual.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Mr. VITTER, Ms. LANDRIEU, Mr. SHELBY, Ms. STABENOW, Mrs. BOXER, Ms. KLOBUCHAR, Mr. WYDEN, Mr. FRANKEN, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mrs. GILLIBRAND, and Mr. CORNYN):

S. 412. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, in 1986, the Congress wisely established the Harbor Maintenance Trust Fund to pay for operation and maintenance of our Nation's harbors. This fund, which is fed by a tax based on the value of goods passing through our ports, today has a balance of more than \$5.7 billion—a significant sum of money to address our Nation's need for clear and navigable harbors connecting our Nation's farmers and manufacturers to the web of international commerce.

But that \$5.7 billion is not being used that way, or at least, not to the extent it should be. Despite that significant

balance, our harbors are struggling because of unmet maintenance needs. In the Great Lakes region alone, more than 18 million cubic yards of material need to be dredged from harbors to ensure safe navigation. Dredging these harbors would be a \$200 million job. And on the coasts, similar backlogs threaten the safe and efficient movement of commerce that creates jobs and helps the American economy grow. The Army Corps of Engineers estimates that the nation's 59 busiest ports are available less than 35 percent of the time because they are inadequately maintained. Unless we act, the failure to address these maintenance needs could slow the flow of goods, reduce economic growth, cost jobs, and create hazards to navigation that could lead to accidents and environmental damage.

We need to address that maintenance backlog. The Harbor Maintenance Trust Fund can provide the funding to do so. But Congress must take action to ensure we address these needs. That is why today, Senator HUTCHISON and I, joined by 12 of our colleagues, have introduced the Harbor Maintenance Act of 2011.

Simply put, our legislation would connect our spending on harbor maintenance to the revenue collected in the Harbor Maintenance Trust Fund. As commerce continues to grow and shipping becomes an ever-more-important driver of economic growth, proper maintenance is vital.

A wise car owner does not ignore the need to change the oil. A smart homeowner makes sure the roof is in good shape. They do so because a small investment in maintenance today can prevent much bigger costs tomorrow. We should follow the same philosophy when it comes to our harbors. We should ensure that we make smart investments today that will pay off for years to come.

I thank Senator HUTCHISON and our co-sponsors for their work on behalf of this important legislation, and I urge my colleagues to help us ensure its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harbor Maintenance Act of 2011".

SEC. 2. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) **HARBOR MAINTENANCE TRUST FUND GUARANTEE.**—

(1) **IN GENERAL.**—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal

Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.

(2) **GUARANTEE.**—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

(b) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **TOTAL BUDGET RESOURCES.**—The term "total budget resources" means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) **LEVEL OF RECEIPTS PLUS INTEREST.**—The term "level of receipts plus interest" means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) **ENFORCEMENT OF GUARANTEES.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 413. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to join Senator LIEBERMAN and Senator CARPER in introducing the Cyber Security and Internet Freedom Act of 2011. This vital legislation would fortify the government's efforts to safeguard America's cyber networks from attack and ensure that access to the Internet is protected and its availability preserved for every American.

The Internet is vital to almost every facet of Americans' daily lives—from the water we drink to the power we use to the ways we communicate. It is essential to the free flow of ideas and information. The Internet is a manifestation of the ideals that underlie the First Amendment of our Constitution and the core freedoms that all Americans hold dear. It is essential that the Internet and our access to it be protected to ensure both reliability of the critical services that rely upon it and the availability of the information that travels over it. While the United States must ensure the security of our nation and its critical infrastructure, it must

do so in a manner that does not deprive Americans of the ability to lawfully read or express their views. Neither the President nor any other Federal official should have the authority to “shut down” the Internet.

In June 2010, Senator LIEBERMAN, Senator CARPER, and I introduced legislation to strengthen the government’s efforts to safeguard America’s cyber networks from attack; build a public/private partnership to promote national cyber security priorities; and bolster the government’s ability to set, monitor compliance with, and enforce standards and policies for securing Federal civilian systems and the sensitive information they contain. In late June, that bill was unanimously approved by the Senate Homeland Security and Governmental Affairs Committee.

Today we are introducing for the 112th Congress the bill unanimously approved by our committee, but with explicit provisions preventing the President from shutting down the Internet and providing an opportunity for judicial review of designations of our most sensitive systems and assets as “covered critical infrastructure.”

President Mubarak’s actions in January to shut down Internet communications in Egypt were, and are, totally inappropriate. Freedom of speech is a fundamental right that must be protected, and his ban was clearly designed to limit criticisms of his government. Our cyber security legislation is intended to protect the United States from external cyber attacks. Yet, some have suggested that the legislation the Committee reported during the last Congress would empower the President to deny U.S. citizens access to the Internet. Nothing could be further from the truth.

I would never sign on to legislation that authorized the President, or anyone else, to shut down the Internet. Emergency or no, the exercise of such broad authority would be an affront to our Constitution.

But our outmoded current laws do give us reason to be concerned. Most important, under current law, in the event of a cyber attack, the President’s authorities are broad and ambiguous—a recipe for encroachments on privacy and civil liberties.

For example, in the event of a war or threat of war, the Communications Act of 1934 authorizes the President to take over or shut down wire and radio communications providers. This law is a crude sledgehammer built for another time and technology. Our bill contains a number of protections to make sure that broad authority cannot be used to shut down the Internet.

First, section 2 of the bill states explicitly:

Notwithstanding any other provision of this Act, an amendment made by this Act, or section 706 of the Communications Act of

1934, neither the President, the Director of the National Center for Cybersecurity and Communications, or any officer or employee of the United States Government shall have the authority to shut down the Internet.

Second, the emergency measures in our bill apply in a precise and targeted way only to our most critical infrastructure—vital components of the electric power grid, telecommunications networks, financial systems or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted. This definition would not cover the entire Internet, the Internet backbone, or even entire companies.

In defining covered critical infrastructure, our bill directs the Secretary to consider the consequences of a disruption of a particular system or asset. To constitute a “national or regional catastrophe,” the disruption would need to cause a mass casualty event which includes an extraordinary number of fatalities; severe economic consequences; mass evacuations with a prolonged absence; or severe degradation of national security capabilities, including intelligence and defense functions.

When the Committee reported this bill last year, the report clarified what these four factors mean, specifically referencing the current DHS interpretation of “national or severe economic consequences; mass evacuations with a prolonged absence; or regional catastrophe.” Under DHS’s interpretation, a “national or regional catastrophe” includes a combination of the following factors: more than 2,500 prompt fatalities; greater than \$25 billion in first-year economic consequences; mass evacuations with a prolonged absence of greater than one month; or severe degradation of the nation’s security capabilities.

As our Committee’s report noted, we expect the Department to apply this standard in determining which particular systems or assets constitute covered critical infrastructure.

Third, our legislation restricts the President’s ability to declare a national cyber emergency to those circumstances in which an “actual or imminent” cyber attack would disrupt covered critical infrastructure that would cause these catastrophic consequences.

Fourth, any measures ordered by the President must be “the least disruptive means feasible.”

Fifth, the authority our bill would grant is time limited. The President could only declare a cyber emergency for 30-day period and only for up to 120 days. After that, Congress would be required to specifically authorize further measures. Any declaration would be subject to congressional oversight, as our bill requires the President to notify Congress regarding the specific threat to our nation’s infrastructure,

why existing protections are not sufficient, and what specific emergency measures are required to respond to the specific threat.

Sixth, the legislation expressly forbids the designation of any system or asset as covered critical infrastructure “based solely on activities protected by the first amendment to the United States Constitution.”

Seventh, the bill provides for a robust administrative process for an owner or operator to challenge the designation of a system or asset as covered critical infrastructure and expressly permits challenges of a final agency determination in federal court.

Our bill contains protections to prevent the President from denying Americans access to the Internet—even as it provides clear and unambiguous direction to ensure that those most critical systems and assets that rely on the Internet are protected. And, even though experts question whether anyone can technically “shut down” the Internet in the United States, we included explicit language prohibiting the President from doing what President Mubarak did.

I would like to stress that the need for Congress to pass a comprehensive cyber security bill is more urgent than ever.

Cyber-based threats to U.S. information infrastructure are increasing, constantly evolving, and growing more dangerous.

In March 2010 the Senate’s Sergeant at Arms reported that the computer systems of Congress and the Executive Branch agencies are now under cyber attack an average of 1.8 billion times per month. The annual cost of cyber crime worldwide has climbed to more than \$1 trillion.

Coordinated cyber attacks have crippled Estonia, Georgia, and Kyrgyzstan and compromised critical infrastructure in countries around the world.

Devastating cyber attacks could disrupt, damage, or even destroy some of our nation’s critical infrastructure, such as the electric power grid, oil and gas pipelines, dams, or communications networks. These cyber threats could cause catastrophic damage in the physical world.

Based on media reports, China and Russia already have penetrated the computer systems of America’s electric power grid, leaving behind malicious hidden software that could be activated later to disrupt the grid during a war or other national crisis.

In June 2010, cyber security experts discovered Stuxnet, one of the most sophisticated viruses ever found. Stuxnet was programmed specifically to infiltrate certain industrial control systems, allowing the virus to potentially overwrite commands and to sabotage infected systems. It had the potential to change instructions, commands, or alarm thresholds, which, in turn, could

damage, disable, or disrupt equipment supporting the most critical infrastructure.

The private sector is also under attack. In January 2010, Google announced that attacks originating in China had targeted its systems as well as the networks of more than 30 other companies. The attacks on Google sought to access the email accounts of Chinese human rights activists. For other companies, lucrative information such as critical corporate data and software source codes were targeted.

According to a report released last week, coordinated and covert attacks hit more than five major oil, energy, and petrochemical companies. The focus of the intrusions was oil and gas field production systems, as well as financial documents related to field exploration and bidding for new oil and gas leases. The companies also lost information related to their industrial control systems.

In the cyber domain, the advantage lies with our adversaries, for whom success could be achieved by exploiting a single vulnerability that could produce disruptive effects at network speed. Effectively preventing or containing major cyber attacks requires that response plans be in place and roles and authorities of Federal government agencies and entities be clearly delineated in advance.

For too long, our approach to cyber security has been disjointed and uncoordinated. This cannot continue. The United States requires a comprehensive cyber security strategy backed by effective implementation of innovative security measures. There must be strong coordination among law enforcement, intelligence agencies, the military, and the private sector owners and operators of critical infrastructure.

This bill would establish the essential point of coordination across the Executive branch. The Office of Cyberspace Policy in the Executive Office of the President would be run by a Senate-confirmed Director who would advise the President on all cyber security matters. The Director would lead and harmonize Federal efforts to secure cyberspace and would develop a strategy that incorporates all elements of cyber security policy. The Director would oversee all Federal activities related to the strategy to ensure efficiency and coordination. The Director would report regularly to Congress to ensure transparency and oversight.

To be clear, the White House official would not be another unaccountable czar. The Cyber Director would be a Senate-confirmed position and thus would testify before Congress. The important responsibilities given to the Director of the Office of Cyberspace Policy related to cyber security are similar to the responsibilities of the current Director of the Office of Science and Technology Policy.

The Cyber Director would advise the President and coordinate efforts across the Executive branch to protect and improve our cyber security posture and communications networks. And, by working with a strong operational and tactical partner at the Department of Homeland Security, the Director would help improve the security of Federal and private sector networks.

This strong DHS partner would be the National Center for Cybersecurity and Communications, or Cyber Center. It would be located within the Department of Homeland Security to elevate and strengthen the Department's cyber security capabilities and authorities. This Center also would be led by a Senate-confirmed Director.

The Cyber Center, anchored at DHS, will close the coordination gaps that currently exist in our disjointed federal cyber security efforts. For day-to-day operations, the Center would use the resources of DHS, and the Center Director would report directly to the Secretary of Homeland Security. On inter-agency matters related to the security of Federal networks, the Director would regularly advise the President—a relationship similar to the Director of the NCTC on counterterrorism matters or the Chairman of the Joint Chiefs of Staff on military issues. These dual relationships would give the Center Director sufficient rank and stature to interact effectively with the heads of other departments and agencies, and with the private sector.

Congress has dealt with complex challenges involving the need for inter-agency coordination in the past with a similar construct. We have established strong leaders with supporting organizational structures to coordinate and implement action across agencies, while recognizing and respecting disparate agency missions.

The establishment of the National Counterterrorism Center within the Office of the Director of National Intelligence is a prime example of a successful reorganization that fused the missions of multiple agencies. The Director of NCTC is responsible for the strategic planning of joint counterterrorism operations, and in this role reports to the President. When implementing the information analysis, integration, and sharing mission of the Center, the Director reports to the Director of National Intelligence. These dual roles provide access to the President on strategic, interagency matters, yet provide NCTC with the structural support and resources of the office of the DNI to complete the day-to-day work of the NCTC. The DHS Cyber Center would replicate this successful model for cyber security.

This bill would establish a public/private partnership to improve cyber security. Working collaboratively with the private sector, the Center would produce and share useful warning,

analysis, and threat information with the private sector, other Federal agencies, international partners, and state and local governments. By developing and promoting best practices and providing voluntary technical assistance to the private sector, the Center would improve cyber security across the nation. Best practices developed by the Center would be based on collaboration and information sharing with the private sector. Information shared with the Center by the private sector would be protected.

With respect to the owners and operators of our most critical systems and assets, the bill would mandate compliance with certain risk-based performance metrics to close security gaps. These metrics would apply to vital components of the electric grid, telecommunications networks, financial systems, or other critical infrastructure systems that could cause a national or regional catastrophe if disrupted.

This approach would be similar to the current model that DHS employs with the chemical industry. Rather than setting specific standards, DHS would employ a risk-based approach to evaluating cyber risk, and the owners and operators of covered critical infrastructure would develop a plan for protecting against those risks and mitigating the consequences of an attack.

These owners and operators would be able to choose which security measures to implement to meet applicable risk-based performance metrics. The bill does not authorize any new surveillance authorities or permit the government to “take over” private networks. This model would allow for continued innovation and dynamism that are fundamental to the success of the IT sector.

The bill would protect the owners and operators of covered critical infrastructure from punitive damages when they comply with the new risk-based performance measures. Covered critical infrastructure also would be required to report certain significant breaches affecting vital system functions to the Center. Collaboration with the private sector would help develop mitigations for these cyber risks.

The Center also would share information, including threat analysis, with owners and operators of critical infrastructure regarding risks affecting the security of their sectors. The Center would work with sector-specific agencies and other Federal agencies with existing regulatory authority to avoid duplication of requirements, to use existing expertise, and to ensure government resources are employed in the most efficient and effective manner.

With regard to Federal networks, the Federal Information Security Management Act—known as FISMA—gives the Office of Management and Budget

broad authority to oversee agency information security measures. In practice, however, FISMA is frequently criticized as a “paperwork exercise” that offers little real security and leads to a disjointed cyber security regime in which each Federal agency haphazardly implements its own security measures.

The bill we introduce today would transform FISMA from paper based to real-time responses. It would codify and strengthen DHS authorities to establish complete situational awareness for Federal networks and develop tools to improve resilience of Federal Government systems and networks.

The legislation also would ensure that Federal civilian agencies consider cyber risks in IT procurements instead of relying on the ad hoc approach that dominates civilian government cyber efforts. The bill would charge the Secretary of Homeland Security, working with the private sector and the heads of other affected departments and agencies, with developing a supply chain risk management strategy applicable to Federal procurements. This strategy would emphasize the security of information systems from development to acquisition and throughout their operational life cycle. The strategy would be based, to the maximum extent practicable, on standards developed by the private sector and would direct agencies to use commercial-off-the-shelf solutions to the maximum extent consistent with agency needs.

While the Cyber Center should not be responsible for micromanaging individual procurements or directing investments, we have seen far too often that security is not a primary concern when agencies procure their IT systems. Recommending security investments to OMB and providing strategic guidance on security enhancements early in the development and acquisition process will help “bake in” security. Cyber security can no longer be an afterthought in our government agencies.

These improvements in Federal acquisition policy should have beneficial ripple effects in the larger commercial market. As a large customer, the Federal Government can contract with companies to innovate and improve the security of their IT services and products. These innovations can establish new security baselines for services and products offered to the private sector and the general public without mandating specific market outcomes.

Finally, the legislation would direct the Office of Personnel Management to reform the way cyber security personnel are recruited, hired, and trained to ensure that the Federal Government and the private sector have the talent necessary to lead this national effort and protect its own networks. The bill would also provide DHS with temporary hiring and pay flexibilities to

assist in the establishment of the Center.

We cannot afford to wait for a “cyber 9/11” before our government finally realizes the importance of protecting our digital resources, limiting our vulnerabilities, and mitigating the consequences of penetrations to our networks.

We must be ready. It is vitally important that we build a strong public-private partnership to protect cyberspace. It is a vital engine of our economy, our government, our country and our future.

I urge Congress to support this vitally important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 59—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 59

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2011 through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011 through September 30, 2011 under this resolution shall not exceed \$4,749,869, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended; and

(2) not to exceed \$30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011 through September 30, 2012, expenses of the committee under this resolution shall not exceed \$8,142,634, of which amount—

(1) not to exceed \$80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended; and

(2) not to exceed \$30,000 may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012 through February 28, 2013, expenses of the committee under this resolution shall not exceed \$3,392,765 of which amount—

(1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed \$30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for “Expenses of Inquiries and Investigations.”

SENATE RESOLUTION 60—RECOGNIZING THE 50TH ANNIVERSARY OF THE DATE OF ENACTMENT OF THE LAW THAT CREATED REAL ESTATE INVESTMENT TRUSTS (REITS) AND GAVE MILLIONS OF AMERICANS NEW INVESTMENT OPPORTUNITIES THAT HELPED THEM BUILD A SOLID FOUNDATION FOR RETIREMENT AND HAS CONTRIBUTED TO THE OVERALL STRENGTH OF THE ECONOMY OF THE UNITED STATES

Mr. ISAKSON (for himself, Ms. MIKULSKI, Mr. LUGAR, Ms. COLLINS, Mr. BURR, Mr. BENNET, Mr. BLUNT, Mr. CHAMBLISS, Mr. CORKER, Mr. PRYOR, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 60

Whereas, on September 14, 1960, President Dwight D. Eisenhower signed into law Public Law 86-779 (74 Stat. 998), which enabled the

establishment of real estate investment trusts (referred to in this preamble as "REITs") throughout the United States under regulations set by the Federal Government;

Whereas the enactment of this law enabled REITs to provide all investors with the same opportunity to invest in large-scale commercial real estate that previously was open only to large financial institutions and wealthy individuals through direct investment in that real estate;

Whereas REITs have placed within the reach of the average American investor large-scale commercial real estate investment through publicly traded, regulated securities, which provide investors with transparency and liquidity;

Whereas REITs, by expanding the opportunity to invest in commercial real estate, a separate and distinct asset class important to the creation of balanced investment portfolios, have enabled millions of Americans to gain the benefits of dividend-based income, portfolio diversification, and improved overall investment performance;

Whereas REITs have helped millions of Americans successfully invest for their retirements throughout the 50 years preceding the date of agreement to this resolution; and

Whereas September 14, 2010, marked the 50th anniversary of the date of enactment of the law that created the REIT investment opportunity: Now, therefore, be it

Resolved, That the Senate recognizes the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and the enhanced opportunities for investment and retirement security that have been afforded to Americans from all walks of life as a result of this landmark law.

SENATE RESOLUTION 61—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 61

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period of March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$6,684,239, of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative

Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$11,458,695, of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$4,774,457, of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011, October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 62—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JOHNSON of South Dakota submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 62

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2011 through September 30, 2011; October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$4,304,188 of which amount (1) not to exceed \$11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$7,378,606 of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$1,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$3,074,419 of which amount (1) not to exceed \$8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying

equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 63—DESIGNATING THE FIRST WEEK OF APRIL 2011 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. ISAKSON, Mr. TESTER, Mr. DURBIN, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. REID of Nevada) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 63

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 820 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a "National Asbestos Awareness Week" will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2011 as "National Asbestos Awareness Week";

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

SENATE RESOLUTION 64—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 64

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee for the period from March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$4,636,433, of which amount (1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the Committee under this resolution shall not exceed \$7,948,171, of which amount (1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$3,311,738, of which amount (1) not to exceed \$50,000 may be expended for the procurement

of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2012, and February 28, 2013, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 65—EXPRESSING THE SENSE OF THE SENATE THAT THE CONVICTION BY THE GOVERNMENT OF RUSSIA OF BUSINESSMEN MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV CONSTITUTES A POLITICALLY MOTIVATED CASE OF SELECTIVE ARREST AND PROSECUTION THAT FLAGRANTLY UNDERMINES THE RULE OF LAW AND INDEPENDENCE OF THE JUDICIAL SYSTEM OF RUSSIA

Mr. WICKER (for himself, Mr. CARDIN, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 65

Whereas it has been the long-held position of the United States to support the development of democracy, rule of law, judicial independence, freedom, and respect for human rights in the Russian Federation;

Whereas, on April 1, 2009, President Barack Obama and President of Russia Dmitry Medvedev issued a joint statement affirming that "[i]n our relations with each other, we also seek to be guided by the rule of law, respect for fundamental freedoms and human rights, and tolerance for different views";

Whereas President Medvedev publicly stated that "Russia is a country of legal nihilism" and that "no European country can

boast such a universal disregard for the rule of law" and declared his "main objective is to achieve independence for the judicial system" through "significant, maybe even radical changes";

Whereas two prominent cases of "universal disregard for the rule of law" in Russia involve the president of the Yukos Oil Company, Mikhail Khodorkovsky, and his partner, Platon Lebedev, who were first convicted and sentenced in May 2005 to serve nine years in a remote penal camp for charges of tax evasion;

Whereas it is believed that Mr. Khodorkovsky was selectively targeted for prosecution because he supported and financed opposition political parties, among other reasons;

Whereas authorities in Russia subsequently expropriated Yukos assets and assigned ownership to a state company that is chaired by an official in the Kremlin;

Whereas courts around the world have described the Yukos proceedings as impartial and have rejected motions from prosecutors in Russia seeking extradition of Yukos officials or materials;

Whereas, on February 5, 2007, prosecutors in Russia suspiciously brought new charges against Mr. Khodorkovsky and Mr. Lebedev on the eve of their eligibility for parole, accusing them of embezzling the entire Yukos oil production for 6 years (1998 through 2003);

Whereas, on December 16, 2010, and just days before judge Viktor Danilkin's verdict, Prime Minister Vladimir Putin publicly called Mr. Khodorkovsky a "thief" who must "sit in jail," and stated that "we should presume that Mr. Khodorkovsky's crimes have been proven in court";

Whereas, on December 27, 2010, Mikhail Khodorkovsky and Platon Lebedev were convicted of embezzlement charges and sentenced to six additional years in prison;

Whereas the United States Department of State's 2009 Country Report on Human Rights Practices in Russia reported that "the arrest, conviction, and subsequent treatment of Khodorkovsky raised concerns about due process and the rule of law, including the independence of courts" and that Khodorkovsky was "selectively targeted for prosecution because of his political activities and as a warning to other oligarchs against involvement in political or civil society issues";

Whereas, following the 2010 conviction, the editorial boards of the New York Times, Washington Post, and Wall Street Journal stated respectively that the "latest prosecution suggests that Russia's judiciary is still under Mr. Putin's thumb and Mr. Medvedev's talk of reform is just talk," "Russia remains the country of Mr. Putin," and "the Kremlin again chose to flout the rule of law, the political opposition and human rights";

Whereas the Senate has consistently voiced concern about the impartial treatment of Mr. Khodorkovsky and Mr. Lebedev at the hands of the Government of Russia;

Whereas, on December 9, 2003, the Senate unanimously passed S. Res. 258 (108th Congress), calling on the authorities in Russia to "dispel international concerns that the cases against Mikhail B. Khodorkovsky and other business leaders and politically motivated"; and

Whereas, on November 18, 2005, the Senate unanimously passed S. Res. 322 (109th Congress), expressing the sense that "the criminal justice system in Russia has not accorded Mikhail Khodorkovsky and Platon Lebedev fair, transparent, and impartial treatment under the laws of the Russian Federation": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in cases dealing with perceived threats to authorities, the judiciary of Russia is frequently used as an instrument of the Kremlin and is not truly independent or fair;

(2) Mikhail Khodorkovsky and Platon Lebedev are political prisoners who have been denied basic due process rights under international law;

(3) in light of the record of selective prosecution, politicization, and abuse of process involved in their cases, and as a demonstration of Russia's commitment to the rule of law, democracy, and human rights, the 2010 conviction issued by authorities in Russia against Mr. Khodorkovsky and Mr. Lebedev should be overturned; and

(4) the Government of Russia is encouraged to take these actions to uphold the rule of law, democratic principles, and human rights to further a more positive relationship between the Governments and people of the United States and Russia in a new era of mutual cooperation.

SENATE RESOLUTION 66—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 66

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expense of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$1,732,860, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$2,970,617, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$1,237,755, of which amount—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011, October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 67—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Ms. STABENOW submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 67

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012, and October 1,

2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$2,800,079 of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$4,800,136 of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$2,000,057 of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2012 and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through

September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 68—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 68

Resolved, That, in carrying out its powers, duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$1,482,609.00, of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$2,541,614.00, of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$1,059,007.00, of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contin-

gent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 69—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 69

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$5,333,808, of which amount (1) not to exceed \$17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$9,143,671, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$10,000 may be expended for the training

of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$3,809,862 of which amount (1) not to exceed \$12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011 through September 30, 2012; and October 1, 2012 through February 28, 2013, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 70—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was referred to the Committee on Rules and Administration:

S. RES. 70

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and, Oct. 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$1,840,717, of which amount—

(1) not to exceed \$43,750 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed \$7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$3,155,515, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed \$12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$1,314,798, of which amount—

(1) not to exceed \$31,250 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through

September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for “Expenses of Inquiries and Investigations”.

SENATE RESOLUTION 71—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS’ AFFAIRS

Mrs. MURRAY submitted the following resolution; from the Committee on Veterans’ Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 71

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans’ Affairs is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012 and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$1,602,238 of which amount (1) not to exceed \$59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$2,746,693 of which amount (1) not to exceed \$100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$1,144,455, of which amount (1) not to exceed \$42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$8,334 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for

legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2012, and February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 72—RECOGNIZING THE ARTISTIC AND CULTURAL CONTRIBUTIONS OF THE ALVIN AILEY AMERICAN DANCE THEATER AND THE 50TH ANNIVERSARY OF THE FIRST PERFORMANCE OF ALVIN AILEY'S MASTERWORK, "REVELATIONS"

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas Alvin Ailey American Dance Theater is recognized as one of the world's great dance companies;

Whereas Congress has recognized the Alvin Ailey American Dance Theater as one of our Nation's most important cultural ambassadors;

Whereas at the age of 29, founder Alvin Ailey first premiered the dance work, *Revelations*, on January 31, 1960, at the famed 92nd Street Y in New York City;

Whereas *Revelations* is set to spirituals and draws inspiration from Ailey's memories as a child growing up in Texas, and from the work of African-American writers such as James Baldwin and Langston Hughes;

Whereas since its premiere, *Revelations* has been seen by more than 23 million theatergoers, in 71 countries, and on 6 continents, making it the most widely seen works of modern dance;

Whereas *Revelations* was performed in front of a worldwide audience as part of the opening ceremonies of the 1968 Olympic Games in Mexico City;

Whereas *Revelations* has been performed for 5 U.S. Presidents, including at the inaugurations of President Carter in 1977 and President Clinton in 1993;

Whereas *Revelations* captures the faith and perseverance of the African-American people, and has influenced, and was influ-

enced by, African-American cultural heritage and the social fabric of the United States; and

Whereas *Revelations* is beloved by people around the world, and its universal themes illustrate the strength and humanity within all of us: Now, therefore, be it

Resolved, That the Senate honors the Alvin Ailey American Dance Theater as it celebrates the 50th anniversary of the dance work *Revelations*.

SENATE RESOLUTION 73—SUPPORTING DEMOCRACY, UNIVERSAL RIGHTS AND THE IRANIAN PEOPLE IN THEIR PEACEFUL CALL FOR A REPRESENTATIVE AND RESPONSIVE DEMOCRATIC GOVERNMENT

Mr. KIRK (for himself, Mr. LEVIN, Mr. KYL, Mr. CASEY, Mr. NELSON of Florida, Mr. GRAHAM, and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 73

Whereas, on February 5, 2011, Mir Hossein Moussavi and Mehdi Karroubi requested permission from the Government of Iran to hold a peaceful demonstration on February 14, 2011;

Whereas Moussavi and Karroubi wrote, "In order to declare support for the popular movements in the region, particularly with those of the freedom seeking movements of the people of Egypt and Tunisia against dictatorships, we request a permit to invite the people for a rally.;"

Whereas the Government of Iran denied this request and, on February 9, 2011, Revolutionary Guard Commander Hossein Hamedani said, "We definitely see them as enemies of the revolution and spies, and we will confront them with force.;"

Whereas, before the planned protest on February 14, 2011, the Government of Iran placed Mehdi Karroubi and Mir Hossein Moussavi under house arrest and interrupted Internet, text message, satellite, and cell phone service inside Iran;

Whereas, on February 14, 2011, the people of Iran held demonstrations protesting the Iranian regime in Tehran, Rasht, Isfahan, Mashhad, Shiraz, Kermanshah, and Ahwaz;

Whereas, on February 15, 2011, members of the parliament of Iran called for the execution of opposition leaders Mir Hossein Moussavi, Mehdi Karroubi, and Mohammad Khatami;

Whereas, on the same day, speaker of the Parliament in Iran Ali Larijani said, "The parliament condemns the Zionist, American, anti-revolutionary and anti-national actions of the misled seditionists.;"

Whereas, on February 14, 2011, Secretary of State Hillary Clinton said, "What you see happening in Iran today is a testament to the courage of the Iranian people and an indictment of the hypocrisy of the Iranian regime, a regime which over the last three weeks has constantly hailed what went on in Egypt. And now when given the opportunity to afford their people the same rights as they called for on behalf of the Egyptian people, once again, illustrate their true nature.;"

Whereas, on February 15, 2011, President Barack Obama saluted the "courage" of the Iranian people and said, "We are going to continue to see the people of Iran have the courage to be able to express their yearning for greater freedoms and a more representative government.;"

Whereas, on February 15, 2011, European Union High Representative Catherine Ashton called "on the Iranian authorities to fully respect and protect the rights of their citizens, including freedom of expression and the right to assemble peacefully";

Whereas, on February 3, 2011, the Senate passed Senate Resolution 44, 112th Congress, reaffirming the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expressed strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights; and

Whereas the people of Iran also deserve support from the United States in their peaceful struggle for a representative and responsive democratic government that respects their universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones;

(2) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet;

(3) expresses strong support for the people of Iran in their peaceful calls for a representative and responsive democratic government that respects these rights;

(4) calls on the Government of Iran to release all Iranians detained or imprisoned solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief;

(5) calls on the United Nations Human Rights Council to establish an independent human rights monitor for Iran; and

(6) affirms the universality of individual rights and the importance of democratic and fair elections.

Mr. LEVIN. Mr. President, I come to speak in support of the resolution submitted today by Senator KIRK, cosponsored by myself, Senator KYL, Senator BILL NELSON, and Senator CASEY.

Our resolution would add our voice to the many voices who are calling for the Iranian Government to respect the undeniable and universal rights of its people. It would condemn continuing violent repression on the part of the Iranian Government; reaffirm our Nation's commitment to universal freedoms; express our support for the Iranian people in their peaceful calls for reform; call on the Iranian Government to release those detained solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief; call on the United Nations to establish an independent human rights monitor for Iran; and reaffirm the universality of individual rights and the importance of democratic elections. It would amplify and strengthen the message that 24 of us sent this week in letter to Secretary Clinton urging her to work with the

United Nations Human Rights Commission to establish a human rights monitor for Iran.

Recent events in Iran have continued a pattern of abuse, repression, and violation of civil and human rights that is all too familiar.

The people of Iran have rightly seen recent events in the Muslim world, including the removal of dictators in Tunisia and Egypt, as confirmation of the power of nonviolent protest. Just as they did in the aftermath of flawed elections in 2009, the people of Iran have sought to speak out against the corruption and repression in their government.

If justice is to be done, the Government of Iran would allow these protests, hear the grievances of the people, reform a government whose autocratic substance is in no way concealed by the facade of representative democracy that the regime has constructed. Instead, the Iranian Government has quashed protest, cut off access to the Internet and other means of communication, and placed opposition leaders under house arrest. Members of the ruling regime have called for the execution of opposition leaders and for violent repression of dissent.

We have seen in just a few short weeks the dramatic power of nonviolent protest. We have seen that ultimately, dictatorship will lose its iron grip. I believe we are all confident that the march of time and progress will restore to the people of Iran the rights their government denies them.

But today, as the Iranian people bear the brunt of autocracy and as dissenters face the threat of violent repression, it is important for all those who believe in universal rights to speak out against that repression and violence, to let the people of Iran know that they do not face these threats alone, and to declare that we are in support of their attempts to determine the course of their nation. I strongly support this resolution and call for its immediate passage.

SENATE RESOLUTION 74—DESIGNATES FEBRUARY 28, 2011, AS “RARE DISEASE DAY”

Mr. BROWN of Ohio (for himself and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 74

Whereas rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States;

Whereas as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 Americans and their families;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious, life-threatening, and lack an effective treatment;

Whereas rare diseases and conditions include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with rare diseases experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding physicians or treatment centers with expertise in their disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2049) and amendments made by that Act;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event occurring annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is anticipated to be observed globally in years to come, providing hope and information for rare disease patients around the world; Now, therefore, be it

Resolved, That the Senate—

(1) designates February 28, 2011, as “Rare Disease Day”;

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to, and developing new treatments, diagnostics, and cures for, rare diseases and disorders.

SENATE RESOLUTION 75—DESIGNATING MARCH 25, 2011, AS “NATIONAL CEREBRAL PALSY AWARENESS DAY”

Mr. ISAKSON (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 75

Whereas the term “cerebral palsy” refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual dis-

ability, autism, visual impairment, and blindness;

Whereas the Centers for Disease Control and Prevention has released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2011, as “National Cerebral Palsy Awareness Day”;

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

SENATE RESOLUTION 76—RECOGNIZING THE SOLDIERS OF THE 14TH QUARTERMASTER DETACHMENT OF THE UNITED STATES ARMY RESERVE WHO WERE KILLED OR WOUNDED DURING OPERATION DESERT SHIELD AND OPERATION DESERT STORM

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve, stationed in Greensburg, Pennsylvania, were killed, and 43 wounded, in Dhahran, Saudi Arabia, while supporting operations to liberate the people of Kuwait and defend the Kingdom of Saudi Arabia;

Whereas Specialist Steven E. Atherton, 14th Quartermaster Detachment, of Nurmine, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist John A. Boliver, Jr., 14th Quartermaster Detachment, of Monongahela, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Joseph P. Bongiorno III, 14th Quartermaster Detachment, of Hickory, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant John T. Boxler, 14th Quartermaster Detachment, of Johnstown, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Beverly S. Clark, 14th Quartermaster Detachment, of Armagh, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Sergeant Allen B. Craver, 14th Quartermaster Detachment, of Penn Hills,

Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Frank S. Keough, 14th Quartermaster Detachment, of North Huntingdon, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Anthony E. Madison, 14th Quartermaster Detachment, of Monessen, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Christine L. Mayes, 14th Quartermaster Detachment, of Rochester Mills, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Specialist Steven J. Siko, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Thomas G. Stone, 14th Quartermaster Detachment, of Falconer, New York, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Frank J. Walls, 14th Quartermaster Detachment, of Hawthorne, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Richard V. Wolverton, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm; and

Whereas this year marks the twentieth anniversary of the meritorious service of these Pennsylvanians, and others in Pennsylvania-based units, which contributed to the liberation of the people of Kuwait and the defense of the Kingdom of Saudi Arabia: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the service and sacrifice of Pennsylvanians during Operation Desert Shield and Operation Desert Storm;

(2) honors the 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed in action on February 25, 1991, in Dhahran, Saudi Arabia;

(3) pledges its gratitude and support to the families of these soldiers; and

(4) encourages the people of the United States to commemorate and honor the role and contribution of Pennsylvanians and Pennsylvania-based units of the Army National Guard, Army Reserve, Marine Corps Reserve, Naval Reserve, Air National Guard, and Air Force Reserve who supported Operation Desert Shield and Operation Desert Storm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 104. Mr. REID of Nevada submitted an amendment intended to be proposed to amendment SA 54 proposed by Mr. REID of Nevada to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 105. Mr. BROWN of Ohio (for himself, Mr. PORTMAN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr.

ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, *supra*.

SA 106. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, *supra*; which was ordered to lie on the table.

SA 107. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, *supra*; which was ordered to lie on the table.

SA 108. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, *supra*; which was ordered to lie on the table.

SA 109. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, *supra*; which was ordered to lie on the table.

SA 110. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, *supra*; which was ordered to lie on the table.

SA 111. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 104. Mr. REID of Nevada submitted an amendment intended to be proposed to amendment SA 54 proposed by Mr. REID of Nevada to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 21 and 22, of the amendment, strike “ongoing airport operational and”.

SA 105. Mr. BROWN of Ohio (for himself, Mr. PORTMAN, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

Beginning on page 1, line 3, of the amendment, strike “(3) establishes” and all that follows through page 3, line 10, and insert the following:

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration’s NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) SELECTION OF TEST SITES.—

(1) INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) TEST SITE CRITERIA.—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) CERTIFICATION PROCESS.—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) REPORT ON SYSTEMS AND DETECTION TECHNIQUES.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

SA 106. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 7 and all that follows through line 15 and insert the following:

(1) The County shall agree that in conveying any interest in the land that the

United States conveyed to the County by the deed described in subsection (a), the County shall receive an amount for the interest that is equal to or greater than the fair market value.

(2) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

SEC. —. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) IN GENERAL.—Section 44901 is amended by adding at the end the following:

“(1) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

“(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(2) IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

“(3) DEFINITIONS.—In this subsection:

“(A) ADVANCED IMAGING TECHNOLOGY.—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

“(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(B) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term ‘automatic target recognition software’ means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

“(C) PRIMARY SCREENING.—The term ‘primary screening’ means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(1) of title 49, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) SECURITY CLASSIFICATION.—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an un-

classified format, with a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SA 107. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word “sec” and insert the following:

— . RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—

“(A) DISTRIBUTION.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

“(C) USE.—Only a limited incumbent air carrier or new entrant air carrier may use an

additional exemption granted under this subsection to provide service between Ronald Reagan Washington National Airport and an airport located within the perimeter described in section 49109.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority and Thurgood Marshall-Baltimore Washington International Airport;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably

be expected to have a negative effect on any of those airports.

“(D) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(E) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(F) ADDITIONAL EXEMPTIONS NOT PERMITTED.—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”.

SA 108. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 32 proposed by Mr. ENSIGN (for himself, Mr. CONRAD, and Mr. HOEVEN) to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(3) establishes a process to develop—

(A) air traffic requirements or all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot projects created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) CERTIFICATION PROCESS.—The Administrator shall expedite the approval process for Certificate of Authorization (COA) requests at test sites referred to in subsection (a)(1).

(d) SYSTEMS AND DETECTION TECHNIQUES.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and validate sensor integration and operation of unmanned aerial systems

(e) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at relevant test sites referred to in subsection (a)(1).

(f) CENTERS OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate a coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems. When establishing a new Center of Excellence for Unmanned Aerial Systems, the Administrator shall consult with the Secretary of Defense to ensure the Center of Excellence enhances existing efforts of Department of Defense Centers of Excellence regarding unmanned aerial systems.

(g) MODIFICATION OF REQUIREMENTS ON PILOT PROJECT.—Notwithstanding subsection (a)(1) the number of test sites for the pilot project under that subsection shall be 6 test sites, and such pilot project shall be created by not later than December 31, 2012.

SA 109. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the

air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(e) CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at relevant test sites referred to in subsection (a)(1).

(f) CENTERS OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate a coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems. When establishing a new Center of Excellence for Unmanned Aerial Systems, the Administrator shall consult with the Secretary of Defense to ensure the Center of Excellence enhances existing efforts of Department of Defense Centers of Excellence regarding unmanned aerial systems.

SA 110. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 24, of the amendment, insert “or the Baltimore/Washington Thurgood Marshall International Airport” after “Authority”.

SA 111. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 95 submitted by Mr. BROWN of Ohio (for himself and Mr. PORTMAN) and intended to be proposed to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(e) CENTER OF EXCELLENCE FOR UNMANNED AERIAL SYSTEMS.—Within 6 months after the date of enactment of this Act, the Administrator shall designate an institution or coalition of institutions to assist with integration matters described in subsection (a) as a Center of Excellence for Unmanned Aerial Systems.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 17, 2011, at 2:30 p.m. in room SR-328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 17, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 17, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 17, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 17, 2011, in the President's Room, S-216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate of February 17, 2011, at 2:30 p.m. to conduct a hearing entitled "The Homeland Security Department's Budget Submission for Fiscal Year 2012."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 17, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on February 17, 2011, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 17, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 17, 2011 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS SUBCOMMITTEE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 17, 2011, at 2 p.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, "U.S. Policy toward Latin America."

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE CREATION OF REAL ESTATE INVESTMENT TRUSTS

Mr. ISAKSON. Mr. President, in just a moment, I will ask the body for unanimous consent to adopt S. Res. 60. Before I do, I wish to talk about the significance of this agreement we have come to on this important resolution.

Fifty years ago last September, President Eisenhower signed into law legislation that established real estate investment trusts, or REITs, as an investment opportunity for all investors. Prior to 1960, access to the highly desirable investment returns of commercial real estate assets was limited to institutions and wealthy individuals that had the financial wealth to make direct real estate investments. By creating REITs, Congress recognized that small investors should be afforded the same opportunity to invest in portfolios of large-scale commercial properties and achieve the same investment benefits—diversification, liquidity, performance, transparency—as those able to make direct investments in real estate.

Some of my colleagues may not be familiar with each REIT property in their States, but they should be aware that these properties are making a significant contribution to the economic vitality of their State and our Nation. REITs are companies dedicated to the ownership and development of income producing real estate, such as apartments, regional malls, shopping centers, office buildings, self storage facilities and industrial warehouses.

They operate under an intricate set of tax rules that require them to, among other things, meet specific tests regarding the composition of their gross income and assets, in order to stay in business. For example, Federal tax law requires that 95 percent of a REIT's annual gross income must be from specified sources such as dividends, interests and rents, and 75 percent of the gross income must be from real estate related sources. Similarly, at the end of each calendar quarter, 75 percent of a REIT's assets must consist of specified "real estate" assets. Consequently, REITs must derive a majority of their gross income from commercial real estate. And, the REIT rules require that at least 90 percent of a REIT's total income must be returned to the company's shareholders in the form of dividends.

While REITs have played a major role in the U.S. economy since 1960, their mark in the investing world has primarily been achieved since passage of the Tax Reform Act of 1986, a time period many refer to as the "Modern REIT Era." This law removed most of the tax-sheltering capability of real estate and emphasized income producing transactions, allowing REITs to operate and manage real estate as well as own it. I am pleased that over the years, Congress has adopted legislation to perfect the REIT method of investing in real estate. Among many proposals, these include the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act passed in 2008.

REIT executives are hard-working business men and women who are singularly focused on bringing increased value to their shareholders. According to the National Association of Real Estate Investment Trusts, NAREIT, which is also celebrating its golden anniversary, these executives have proven to be successful in this objective, especially in the past two years in the wake of the financial downturn. Indeed, the vision of Congress has come to fruition: the equity market capitalization of REITs at the end of 2010 was \$389 billion, up from only \$1.5 billion at the end of 1971, and listed REITs distributed \$13.5 billion to shareholders in 2009.

I am pleased to be joined by my colleague, Senator MIKULSKI, who is a co-sponsor of this legislation, and I am pleased that my home state of Georgia is headquarters to several REIT companies that are engaged in the daily business of creating wealth and employment for many investors across the country and my constituents. These companies include Cousins Properties Incorporated, Gables Residential Trust, Piedmont Office Realty Trust, Incorporated, Post Properties, Incorporated, and Wells Real Estate Investment

Trust. In total, there are more than 1400 REIT properties located in Georgia, with an estimated historical cost in the billions of dollars.

Commercial real estate represents more than 6 percent of this country's gross domestic product and is a key generator of jobs and other economic activities. Today, because of the foresight that Congress had 5 decades ago, anyone can purchase shares of real estate operating companies, and do so in a manner that meets their investments needs by focusing on a particular sector in the commercial real estate world and a specific region of the country. That is the beauty of the REIT method of investing, whose influence has now spread abroad to more than 2 dozen countries that have adopted a similar model encouraging real estate investment.

I again congratulate the REIT industry on this momentous occasion of their 50 years of leadership in the real estate investing market. REITs have fulfilled Congress' vision by making investments in large scale, capital intensive commercial real estate available to all investors. I thank my colleagues for supporting this resolution, and I look forward to continuing to work with them on issues of importance to REIT investors.

With that, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 60, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 60) recognizing the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement and has contributed to the overall strength of the economy of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ISAKSON. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas, on September 14, 1960, President Dwight D. Eisenhower signed into law Public Law 86-779 (74 Stat. 998), which enabled the establishment of real estate investment trusts (referred to in this preamble as "REITs") throughout the United States under regulations set by the Federal Government;

Whereas the enactment of this law enabled REITs to provide all investors with the same opportunity to invest in large-scale commercial real estate that previously was open

only to large financial institutions and wealthy individuals through direct investment in that real estate;

Whereas REITs have placed within the reach of the average American investor large-scale commercial real estate investment through publicly traded, regulated securities, which provide investors with transparency and liquidity;

Whereas REITs, by expanding the opportunity to invest in commercial real estate, a separate and distinct asset class important to the creation of balanced investment portfolios, have enabled millions of Americans to gain the benefits of dividend-based income, portfolio diversification, and improved overall investment performance;

Whereas REITs have helped millions of Americans successfully invest for their retirements throughout the 50 years preceding the date of agreement to this resolution; and

Whereas September 14, 2010, marked the 50th anniversary of the date of enactment of the law that created the REIT investment opportunity: Now, therefore, be it

Resolved, That the Senate recognizes the 50th anniversary of the date of enactment of the law that created real estate investment trusts (REITs) and the enhanced opportunities for investment and retirement security that have been afforded to Americans from all walks of life as a result of this landmark law.

The PRESIDING OFFICER. The Senator from West Virginia.

MAKING A TECHNICAL AMENDMENT TO THE EDUCATION SCIENCES REFORM ACT OF 2002

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 12, S. 365.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 365) to make a technical amendment to the Education Sciences Reform Act of 2002.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 365) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT TO EDUCATION SCIENCES REFORM ACT OF 2002.

Section 174(e)(1)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564(e)(1)(A)) is amended by inserting " , subject to 1 extension of not more than 12 months, at the Secretary's discretion, for any contract in effect on, or entered into after, January 1, 2011" after "period".

W. CRAIG BROADWATER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 307 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 307) to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 307) was ordered to a third reading, was read the third time, and passed, as follows:

S. 307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, shall be known and designated as the "W. Craig Broadwater Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "W. Craig Broadwater Federal Building and United States Courthouse".

SAM D. HAMILTON NOXUBEE WILDLIFE REFUGE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 266 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 266) to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 266) was ordered to a third reading, was read the third time, and passed, as follows:

S. 266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF THE NOXUBEE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—The Noxubee National Wildlife Refuge, located in the State of Mississippi, is redesignated as the “Sam D. Hamilton Noxubee National Wildlife Refuge”.

(b) BOUNDARY REVISION.—Nothing in this Act prevents the Secretary of the Interior from making adjustments to the boundaries of the Sam D. Hamilton Noxubee National Wildlife Refuge (referred to in this section as the “Refuge”), as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(c) ADDITION OF LAND.—Nothing in this Act prevents the Secretary of the Interior from adding to the Refuge new land or parcels of the National Wildlife Refuge System, as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(d) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, paper, or other document of the United States to the Noxubee National Wildlife Refuge is deemed to refer to the Sam D. Hamilton Noxubee National Wildlife Refuge.

RESOLUTIONS SUBMITTED TODAY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 72, S. Res. 73, S. Res. 74, S. Res. 75, and S. Res. 76.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 72

Recognizing the artistic and cultural contributions of the Alvin Ailey American Dance Theater and the 50th Anniversary of the first performance of Alvin Ailey's masterwork, “Revelations”

Whereas Alvin Ailey American Dance Theater is recognized as one of the world's great dance companies;

Whereas Congress has recognized the Alvin Ailey American Dance Theater as one of our Nation's most important cultural ambassadors;

Whereas at the age of 29, founder Alvin Ailey first premiered the dance work, *Revelations*, on January 31, 1960, at the famed 92nd Street Y in New York City;

Whereas *Revelations* is set to spirituals and draws inspiration from Ailey's memories as a child growing up in Texas, and from the work of African-American writers such as James Baldwin and Langston Hughes;

Whereas since its premiere, *Revelations* has been seen by more than 23 million theatergoers, in 71 countries, and on 6 continents, making it the most widely seen works of modern dance;

Whereas *Revelations* was performed in front of a worldwide audience as part of the opening ceremonies of the 1968 Olympic Games in Mexico City;

Whereas *Revelations* has been performed for 5 U.S. Presidents, including at the inaugurations of President Carter in 1977 and President Clinton in 1993;

Whereas *Revelations* captures the faith and perseverance of the African-American people, and has influenced, and was influenced by, African-American cultural heritage and the social fabric of the United States; and

Whereas *Revelations* is beloved by people around the world, and its universal themes illustrate the strength and humanity within all of us: Now, therefore, be it

Resolved, That the Senate honors the Alvin Ailey American Dance Theater as it celebrates the 50th anniversary of the dance work *Revelations*.

S. RES. 73

Supporting democracy, universal rights, and the Iranian people in their keep peaceful call for a representative and responsive democratic government

Whereas, on February 5, 2011, Mir Hossein Moussavi and Mehdi Karroubi requested permission from the Government of Iran to hold a peaceful demonstration on February 14, 2011;

Whereas Moussavi and Karroubi wrote, “In order to declare support for the popular movements in the region, particularly with those of the freedom seeking movements of the people of Egypt and Tunisia against dictatorships, we request a permit to invite the people for a rally.”;

Whereas the Government of Iran denied this request and, on February 9, 2011, Revolutionary Guard Commander Hossein Hamedani said, “We definitely see them as enemies of the revolution and spies, and we will confront them with force.”;

Whereas, before the planned protest on February 14, 2011, the Government of Iran placed Mehdi Karroubi and Mir Hossein Moussavi under house arrest and interrupted Internet, text message, satellite, and cell phone service inside Iran;

Whereas, on February 14, 2011, the people of Iran held demonstrations protesting the Iranian regime in Tehran, Rasht, Isfahan, Mashhad, Shiraz, Kermanshah, and Ahwaz;

Whereas, on February 15, 2011, members of the parliament of Iran called for the execu-

tion of opposition leaders Mir Hossein Moussavi, Mehdi Karroubi, and Mohammad Khatami;

Whereas, on the same day, speaker of the Parliament in Iran Ali Larijani said, “The parliament condemns the Zionist, American, anti-revolutionary and anti-national actions of the misled seditionists.”;

Whereas, on February 14, 2011, Secretary of State Hillary Clinton said, “What you see happening in Iran today is a testament to the courage of the Iranian people and an indictment of the hypocrisy of the Iranian regime, a regime which over the last three weeks has constantly hailed what went on in Egypt. And now when given the opportunity to afford their people the same rights as they called for on behalf of the Egyptian people, once again, illustrate their true nature.”;

Whereas, on February 15, 2011, President Barack Obama saluted the “courage” of the Iranian people and said, “We are going to continue to see the people of Iran have the courage to be able to express their yearning for greater freedoms and a more representative government.”;

Whereas, on February 15, 2011, European Union High Representative Catherine Ashton called “on the Iranian authorities to fully respect and protect the rights of their citizens, including freedom of expression and the right to assemble peacefully”;

Whereas, on February 13, 2011, the Senate passed Senate Resolution 44, 112th Congress, reaffirming the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of access to information, including the Internet, and expressed strong support for the people of Egypt in their peaceful calls for a representative and responsive democratic government that respects these rights; and

Whereas the people of Iran also deserve support from the United States in their peaceful struggle for a representative and responsive democratic government that respects their universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones;

(2) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet;

(3) expresses strong support for the people of Iran in their peaceful calls for a representative and responsive democratic government that respects these rights;

(4) calls on the Government of Iran to release all Iranians detained or imprisoned solely on the basis of their religion, faith, ethnicity, race, gender, sexual orientation, or political belief;

(5) calls on the United Nations Human Rights Council to establish an independent human rights monitor for Iran; and

(6) affirms the universality of individual rights and the importance of democratic and fair elections.

S. RES. 74

Designates February 28, 2011, as “Rare Disease Day”

Whereas rare diseases and disorders are those which affect small patient populations,

typically populations smaller than 200,000 individuals in the United States;

Whereas as of the date of approval of this resolution, nearly 7,000 rare diseases affect 30,000,000 Americans and their families;

Whereas children with rare genetic diseases account for more than half of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious, life-threatening, and lack an effective treatment;

Whereas rare diseases and conditions include epidermolysis bullosa, progeria, sickle cell anemia, Tay-Sachs, cystic fibrosis, many childhood cancers, and fibrodysplasia ossificans progressiva;

Whereas people with rare diseases experience challenges that include difficulty in obtaining an accurate diagnosis, limited treatment options, and difficulty finding physicians or treatment centers with expertise in their disease;

Whereas great strides have been made in research and treatment for rare diseases as a result of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2049) and amendments made by that Act;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders, an organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, was a primary force behind the enactment of the Orphan Drug Act and remains a critical public voice for people with rare diseases;

Whereas the National Organization for Rare Disorders sponsors Rare Disease Day in the United States to increase public awareness of rare diseases;

Whereas Rare Disease Day has become a global event occurring annually on the last day of February;

Whereas Rare Disease Day was observed in the United States for the first time on February 28, 2009; and

Whereas Rare Disease Day is anticipated to be observed globally in years to come, providing hope and information for rare disease patients around the world; Now, therefore, be it

Resolved, That the Senate—

(1) designates February 28, 2011, as “Rare Disease Day”;

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to, and developing new treatments, diagnostics, and cures for, rare diseases and disorders.

S. RES. 75

Designating March 25, 2011, as “National Cerebral Palsy Awareness Day”

Whereas the term “cerebral palsy” refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairment, and blindness;

Whereas the Centers for Disease Control and Prevention has released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2011, as “National Cerebral Palsy Awareness Day”;

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

S. RES. 76

Recognizing the soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed or wounded during Operation Desert Shield and Operation Desert Storm

Whereas 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve, stationed in Greensburg, Pennsylvania, were killed, and 43 wounded, in Dhahran, Saudi Arabia, while supporting operations to liberate the people of Kuwait and defend the Kingdom of Saudi Arabia;

Whereas Specialist Steven E. Atherton, 14th Quartermaster Detachment, of Nurmine, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist John A. Boliver, Jr., 14th Quartermaster Detachment, of Monongahela, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Joseph P. Bongiorno III, 14th Quartermaster Detachment, of Hickory, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant John T. Boxler, 14th Quartermaster Detachment, of Johnstown, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Beverly S. Clark, 14th Quartermaster Detachment, of Armagh, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Sergeant Allen B. Craver, 14th Quartermaster Detachment, of Penn Hills, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Frank S. Keough, 14th Quartermaster Detachment, of North Huntingdon, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Anthony E. Madison, 14th Quartermaster Detachment, of Monessen, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Christine L. Mayes, 14th Quartermaster Detachment, of Rochester Mills, Pennsylvania, was killed on February 25, 1991, while loyally serving her country during Operation Desert Storm;

Whereas Specialist Steven J. Siko, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Thomas G. Stone, 14th Quartermaster Detachment, of Falconer, New York, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Sergeant Frank J. Walls, 14th Quartermaster Detachment, of Hawthorne, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm;

Whereas Specialist Richard V. Wolverton, 14th Quartermaster Detachment, of Latrobe, Pennsylvania, was killed on February 25, 1991, while loyally serving his country during Operation Desert Storm; and

Whereas this year marks the twentieth anniversary of the meritorious service of these Pennsylvanians, and others in Pennsylvania-based units, which contributed to the liberation of the people of Kuwait and the defense of the Kingdom of Saudi Arabia: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the service and sacrifice of Pennsylvanians during Operation Desert Shield and Operation Desert Storm;

(2) honors the 13 soldiers of the 14th Quartermaster Detachment of the United States Army Reserve who were killed in action on February 25, 1991, in Dhahran, Saudi Arabia;

(3) pledges its gratitude and support to the families of these soldiers; and

(4) encourages the people of the United States to commemorate and honor the role and contribution of Pennsylvanians and Pennsylvania-based units of the Army National Guard, Army Reserve, Marine Corps Reserve, Naval Reserve, Air National Guard, and Air Force Reserve who supported Operation Desert Shield and Operation Desert Storm.

ADJOURNMENT AND/OR RECESS OF THE HOUSE AND SENATE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 17, the adjournment resolution, which was received from the House and is at the desk; that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 17) was agreed to, as follows:

H. CON. RES. 17

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 17, 2011, Friday, February 18, 2011, or Saturday, February 19, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee,

it stand adjourned until 2 p.m. on Monday, February 28, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, February 17, 2011, through Friday, February 25, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 28, 2011, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROCKEFELLER. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 12; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Stephanie O'Sullivan, of Virginia, to be Principal Deputy Director of National Intelligence.

Mrs. FEINSTEIN. Mr. President, I rise to support the nomination of Ms. Stephanie O'Sullivan to be the Principal Deputy Director of National Intelligence or PDDNI.

The Senate Intelligence Committee has carefully considered her nomination and stands strongly in favor of her nomination.

As is the case with many deputies to principals, the Principal Deputy DNI is an extremely important position that has two main responsibilities: To assist the DNI, and to act on behalf of the DNI in his absence or due to a vacancy in the position.

In broader terms, the role of the Principal Deputy DNI is a key one to the functioning of the Office of the DNI and in the effective and efficient operation of the Intelligence Community.

If confirmed, Ms. O'Sullivan will be the fourth Principal Deputy DNI since Congress created the position in 2004.

Like the past Directors of National Intelligence before him, DNI Clapper has made clear the need to have this position filled. The tasks of managing the Intelligence Community, running the Office of the DNI, and serving as the primary intelligence advisor to the President is more than any one official can fulfill. It is, at minimum, two full time jobs—hence the need to confirm a deputy.

Furthermore, it is a significant and welcome development that Director Clapper recommended and that the President nominated Ms. O'Sullivan to serve in this role. As the current Associate Deputy Director of the CIA and long-serving CIA official, Ms. O'Sullivan's confirmation to the Principal Deputy DNI position should help end the disputes between the Office of the DNI and the CIA that we have seen in the past.

Ms. O'Sullivan was nominated to be the Principal Deputy DNI on January 5, 2011. Ms. O'Sullivan completed the committee's standard questionnaire and responded to a large number of prehearing questions. She appeared before the committee on February 3 and answered all questions put to her. On February 15, 2011, the Intelligence Committee voted unanimously to recommend Ms. O'Sullivan's confirmation to the Senate.

It is clear from her background that Ms. O'Sullivan has the experience necessary to be an effective Principal Deputy DNI. She has been the Associate Deputy Director of the CIA since December 2009. Prior to that position, Ms. O'Sullivan headed CIA's Directorate of Science and Technology for 4 years. In that role, she managed CIA's technological innovation and support to case officer operations. In all, Ms. O'Sullivan spent over 14 years combined in the Directorate of Science and Technology. Before the CIA, she worked in the Office of Naval Intelligence, and at TRW, which is now part of Northrop Grumman.

Her current role in the CIA is akin to that of chief operating officer—similar to her position if confirmed to be Principal Deputy DNI. She has acquitted herself well in her current capacity and I am confident she will do so in the position to which she has been nominated.

In sum, Ms. O'Sullivan will be a great asset to the Office of the Director of National Intelligence and the intelligence community as a whole because of her experience in the community and the management skills she developed in her leadership roles at the CIA.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 23

Mr. ROCKEFELLER. I ask unanimous consent that on Monday, February 28, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 6, S. 23, the Patent Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that on Monday, February 28, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 2 and Calendar No. 9; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, Calendar No. 2 be confirmed and the Senate proceed to vote, without intervening action or debate, on Calendar No. 9, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, Senator ROCKEFELLER, and Senator WEBB be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 28, 2011

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn under the provisions of H. Con. Res. 17 until 2 p.m. on Monday, February 28; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and Senator ISAKSON then deliver Washington's Farewell Address to the Senate; that following the address, there be a period of morning business until 3:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; further, at 3:30, the Senate proceed to the consideration of Calendar No. 6, S. 23, the Patent Reform Act of 2011; and, finally, I ask that at 4:30 p.m., the Senate proceed to executive session to debate the nominations of Amy Totenberg and Steve Jones, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROCKEFELLER. Mr. President, Senators should expect rollcall votes at approximately 5:30 on Monday, February 28 on confirmation of Executive Calendar No. 9, the nomination of Steve Jones, of Georgia, to be U.S. District Judge for the Northern District of Georgia; the nomination of Amy Totenberg of Georgia, to be U.S. District Judge for the Northern District of

Georgia, which will be confirmed by a voice vote.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 28, 2011

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:19 p.m., adjourned until Monday, February 28, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARI CARMEN APONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

THOMAS M. COUNTRYMAN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON—PROLIFERATION), VICE JOHN C. ROOD.

MICHELLE D. GAVIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARA E. RUDMAN, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SEAN R. MULVANEY.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

RYAN C. CROCKER, OF WASHINGTON, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012, VICE PENNE PERCY KORTH, TERM EXPIRED.

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012, VICE JOHN E. OSBORN, TERM EXPIRED.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012. (RE-APPOINTMENT)

ANNE TERMAN WEDNER, OF ILLINOIS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2013, VICE JAY T. SNYDER, TERM EXPIRED.

DEPARTMENT OF JUSTICE

THOMAS M. HARRIGAN, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT, VICE MICHELE M. LEONHART.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS L. CONANT

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, February 17, 2011:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

STEPHANIE O'SULLIVAN, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Thursday, February 17, 2011

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

Pastor Mark Williamson, Federal Intercessors, Houston, Texas, offered the following prayer:

Father God, in a spirit of worship, I pray, ask, and speak forth the fullness of Your blessings for this House of Representatives, its staffers, and all family members, that You bless them to do the work of God in our civil government, reminding them that "Righteousness exalts a nation, but sin is a disgrace to any people."

Bless them with personal wisdom and the governmental order of God. Bless them to realize the answers they all seek are found only in the Bible, and obedience to it.

Bless this House to become a "House of prayer," to always seek Your instructions.

Bless this House with the truth and mercy of God—that "drives out iniquity" and deception.

Bless this House with Your presence.

May the goodness of God protect, unite, inspire, and make provision for each Member. May Your will be done in this House and these United States, as it is in Heaven.

In the Name of the Father, Jesus Your Son, and the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. CARNAHAN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARNAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side of the aisle.

HONORING TWO AMERICAN PATRIOTS, ICE SPECIAL AGENTS JAIME J. ZAPATA AND VICTOR AVILA

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. Mr. Speaker, I rise this morning to express my deepest sorrow about the tragic attack on American law enforcement that happened earlier this week in Mexico.

Tuesday afternoon, two agents from the Immigration and Customs Enforcement were attacked while driving between Mexico City and Monterrey. Today, I honor the sacrifice of Special Agent Jaime J. Zapata, who lost his life in service to our country.

Special Agent Zapata, from Brownsville, Texas, joined ICE in 2006. His brother also serves with ICE.

A second agent, Victor Avila, was injured in the attack and remains in stable condition.

My thoughts and prayers are with both agents and their families.

These two brave men took dangerous assignments, and Agent Zapata made the ultimate sacrifice. They were two of the hundreds of ICE personnel throughout the world, fighting the war on drugs—money laundering, smuggling, and human trafficking.

I have been in contact with law enforcement, and they are working to ensure that the perpetrators of this horrible attack are brought to justice.

I offer my deepest condolences to the family of Special Agent Zapata. He died for a just cause, and will be remembered as a man of courage and honor.

HONORING THE LIFE OF MAJOR LEAGUE BASEBALL PLAYER AND MANAGER CHUCK TANNER

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, I rise today to recognize the life of Major League Baseball player and manager Chuck Tanner, who died in his hometown of New Castle, in my district, on February 11 at the age of 82.

After hitting a home run in his first Major League at-bat in 1955, Tanner played eight seasons and later rose through the ranks to manage four Major League teams, including the Pittsburgh Pirates, who acquired him in a 1977 trade. It's in Pittsburgh where he reached the pinnacle of his baseball

career, in 1979, when he managed the Pirates to a World Series championship.

Following his retirement from baseball, Tanner returned to New Castle with his late wife, Babs, of 56 years. Chuck became a fixture at the New Castle restaurant that bears his name and where he ate nearly all his meals. Nearby, the Shenango High School baseball field is also named in his honor.

Chuck Tanner spent a lifetime in baseball, and made friends and fans the world over; but it is in New Castle where he will be most fondly remembered and most sorely missed.

HOMELAND SECURITY: "THE BORDER IS SECURE" NOT SO FAST

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, according to the Secretary of Homeland Security, our southern border is secure.

Well, not so fast with that pronouncement.

According to the General Accounting Office—those are the people that we pay to actually give us the true facts on such matters—half of the southern border is not under the operational control of the Border Patrol. Forty-four percent is secure; the rest is not. So who operates the other 56 percent? And, further, a mere 15 percent of the border is considered airtight.

Texas is the least secure border of all the Southern States. Our Border Patrol does a fine job but they need some help. The border sheriffs are superior lawmen, but they are overwhelmed with cross-border crime. With 37 percent of the people in Texas border jails being foreign nationals, those sheriffs, like the Border Patrol, are outmanned, out-gunned, and out-financed.

There is a border war going on, and it's time to send the National Guard to the southern border to protect the homeland.

Homeland Security should deal in reality, not myth and propaganda, and realize that over half of the border is the wide open spaces and that it remains porous to the drug bandits.

And that's just the way it is.

THE REPUBLICAN SPENDING PLAN

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, right now Congress' top priority should be creating jobs and lowering the deficit with intelligent spending cuts.

The President's proposed budget is a good starting point, putting us on track to lower the deficit by \$1.1 trillion over 10 years.

But instead of focusing on a bipartisan approach, the Republican spending bill includes cuts that will destroy jobs—and I say destroy jobs—and kick hundreds of thousands of children to the curb; 55,000 fewer teachers in the classroom; 1,300 fewer police officers on our streets; 200,000 kids kicked out of Head Start—while many Republicans live in their Capitol offices.

If the Republicans are serious about cutting the deficit, then why were they so happy to support the tax cuts for the wealthiest few Americans?

Today's debate is about the haves and the have-nots. Unfortunately, the have-nots, once again, are getting the short end of the stick.

Let us put aside this misguided bill and work together on a reasonable budget to put America's families first.

HONORING THE MEMORY OF AGENT ZAPATA, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SPECIAL AGENT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, I rise to express our deepest sorrow about a terrible attack against two agents from the U.S. Immigration and Customs Enforcement while they were driving between Mexico City and Monterrey, Mexico.

Special Agent Jaime Zapata tragically lost his life in his service to our country. Special Agent Zapata joined ICE in 2006, and he was most recently detailed to ICE's attach office in Mexico City.

We also send our thoughts and prayers to the second agent, Victor Avila, who was injured in the attack and who remains in stable condition. We pray for him to have a speedy recovery.

Honorable agents like these two men have our Nation at the forefront of their minds each and every day. They work day in and day out on our borders, protecting our Nation's citizens, and we take pride in the dedication that they have.

We are blessed to have brave men and women who work in the service of our Nation every day. Their work can never be underestimated. Our deepest condolences go out to the families of these brave men, of these great American patriots.

□ 0910

AMERICANS WANT JOBS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise this morning in strong opposition to the Republican spending plan that would hurt Missouri families that I represent and make it harder for police to keep our neighborhoods safe.

In St. Louis, we learned yesterday that a \$4.6 million budget shortfall for our city's police department might not be covered, which would cost the city 65 active duty officers. Now, some in Congress are talking about slashing critical programs like the COPS program and pulling over 1,300 police officers off the streets.

I'm in favor of a vigorous debate here on cutting red tape and finding commonsense solutions to our Nation's challenges, but eliminating the essential police officers from our streets would put families at risk. Americans still want this Congress to take up a jobs agenda. Instead, we're debating what's been called ideologically driven cuts that kill jobs.

We live in an era of divided government and shared responsibility for America's future. I look forward to working with members of both parties to make tough choices before us and to finally be able to take up the jobs agenda that our constituents need.

THE DE FACTO DRILLING MORATORIUM IS DESTROYING OUR ECONOMY

(Mr. PALAZZO asked and was given permission to address the House for 1 minute.)

Mr. PALAZZO. Mr. Speaker, last week written across America's newspapers were headlines of how Egyptians stood up to what they viewed as a restrictive and arbitrary government.

Perhaps those protests should serve as a wake-up call for us all, if for no other reason than for where they took place. You see, just east of Cairo is the Suez Canal and SuMed pipeline, which combined carry nearly 5 million barrels of oil a day to countries around the world. Egypt's future remains uncertain, and because of the restrictive and arbitrary anti-drilling policies imposed by President Obama, so does the future for thousands of families in south Mississippi. By refusing to issue new drilling permits this administration continues to impose a de facto moratorium on U.S.-based companies, which is having a devastating effect on gulf coast families.

Having worked on an offshore platform, I know firsthand the impact those jobs have on a local economy. Without drilling in the gulf, many small businesses will suffer as more

jobs are lost and the effect of those lost wages trickle throughout the economy.

Mr. Speaker, you don't ground the entire airline industry when there's an airplane crash. Now is the time for this administration to do what's right for the American people by allowing further offshore exploration and reducing our reliance on foreign sources of oil.

OPPOSING REPUBLICAN CR SPENDING CUTS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise today to speak out against the Republicans' dangerous spending cuts. Our commitment to reducing our deficit must not come at the expense of our Nation's future and the security of our communities. The Republican spending bill is irresponsible and reckless, and the proposal would eliminate jobs at a time when we need to create them the most.

It would have cut funding for 1,300 police officers through the COPS hiring program, and it will eliminate 2,400 jobs for firefighters through the SAFER program. By cutting transportation funding, this bill eliminates 3,427 jobs in New Jersey alone. It rescinds \$2.5 billion for high-speed rail and makes deep cuts to the Land and Water Conservation Fund, which protects outdoor recreational spaces. Additionally, this bill cuts millions from housing programs that help families pay their rent.

We have had 101 votes in this House, and not one Republican proposal has created one single job. Now this spending measure threatens to make matters worse.

I urge my colleagues to oppose these shortsighted cuts.

ARMY DENTAL CORPS ANNIVERSARY

(Mr. GOSAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSAR. Mr. Speaker, I rise today to congratulate the Army Dental Corps as they celebrate their 100th year of service to our Nation. On March 3, 1911, the Congress of the United States recognized dentistry as a distinct profession by establishing a dental corps with commissioned officers.

As a long practicing dentist, I know that dental health is a critical component of overall health and military readiness. Therefore, I commend the Army Dental Corps' work to improve oral health for soldiers and their families.

I have the utmost respect for the thousands of dentists who have served in the dental corps throughout the century, providing excellent care to thousands, and I commend the Army Dental

Corps' efforts to keep our troops healthy and our fighting force in the best possible shape throughout the world.

I WILL FIGHT FOR THE PEOPLE OF PUERTO RICO

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, I am compelled to respond to remarks delivered yesterday on this floor by my colleague, the gentleman from Illinois, in which he harshly criticized the duly elected government of Puerto Rico and the island's chief Federal judge. The speech was inappropriate and insulting to the people of Puerto Rico. I hope such action will not be repeated, but if it is, make no mistake: I will return to the floor of this House again to defend my constituents and the government they chose in free elections from all unwarranted attacks. I will rise then in the same capacity that I rise now, as Puerto Rico's only elected Representative in Congress and the only Member of this Chamber who can make any claim to speak on behalf of the island's nearly 4 million American citizens. I will fight for my people because it is my privilege, my honor, and my duty to do so.

EXTENDING COUNTERTERRORISM AUTHORITIES

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 93, I call up the bill (H.R. 514) to extend expiring provisions of the U.S.A. PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "FISA Sunsets Extension Act of 2011".

SEC. 2. EXTENSION OF SUNSETS OF PROVISIONS RELATING TO ACCESS TO BUSINESS RECORDS, INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS, AND ROVING WIRETAPS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "February 28, 2011" and inserting "May 27, 2011".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking "February 28, 2011" and inserting "May 27, 2011".

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Smith of Texas moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 93, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include other materials on H.R. 514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, the Senate amendment to H.R. 514 extends the three expiring provisions of the Patriot Act for only 90 days. I am disappointed that the Senate refused to agree to the 10-month extension approved by the House earlier this week. Repeated short-term extensions of these authorities create uncertainty for our intelligence agencies. They don't know if the tools they rely on to keep America safe today will be available to them tomorrow. That is why the House sought a 10-month extension, to allow sufficient time to reauthorize the law while providing greater certainty to the intelligence community.

With adoption of this amendment, the House and Senate will now have to move expeditiously to approve a Patriot reauthorization bill so we can avoid the need for another short-term extension. It is important that the House approves this 90-day extension today to keep the expiring intelligence-gathering provisions in place.

In a recent letter to Congress, Director of National Intelligence Admiral Clapper and Attorney General Holder said that "it is essential that these intelligence tools be reauthorized before

they expire" and they "have been used in numerous highly sensitive intelligence collection operations."

Last week, Homeland Security Secretary Janet Napolitano warned that "the terrorist threat . . . is at its most heightened state since the 9/11 terrorist attacks."

Just this week, the FBI announced that the probability that the U.S. will be attacked with a weapon of mass destruction at some point is 100 percent. The head of the FBI's WMD Directorate said that the type of attack that keeps him awake at night is an attack by a so-called "lone wolf."

With the likelihood of a weapons of mass destruction attack at 100 percent, we cannot afford to leave our intelligence officials without the tools they need to keep America safe. The war on terror is not over, but the terrorist threat is constantly evolving. We must fully arm our intelligence community with the resources they need to prevent another devastating and deadly terrorist attack.

Mr. Speaker, I urge my colleagues to support the Senate amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to the motion to concur in the Senate amendment, which will have the effect of passing the extension of the expiring provisions of the U.S.A. PATRIOT Act and Intelligence Reform and Terrorism Prevention Act.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman from Virginia for giving me the chance to go early. I particularly want to speak now because when we voted the second time on the Patriot Act, the first time I did vote against the extension, but the second time I missed the vote—my fault—but I want to make clear my opposition not to an extension of the basis of self-defense that we have here but of passing it unchanged and of failure of the legislative process.

□ 0920

We knew this date was coming. To extend this now—and the gentleman from Texas laments the fact that we were unable to do it indefinitely without a chance to amend it. When the bill came up twice before, there was in neither case a chance to offer amendments. There isn't today; twice on suspension, once in a closed rule. To be presented with either/or on this is a bad idea. There are things that could be improved. There are areas where there are excesses.

We have gone through a lot of symbolic activity in the legislative process this year—the vote to repeal the health care bill, a vote reaffirming that we would do oversight, which we have been doing and which is our duty—time

that could have been spent in committee, working on a process, offering people a chance to amend so we could—would not, for the third time, be confronted by the majority with up-or-down, an unchanged Patriot Act.

Of course we are supportive of continuing our ability to defend ourselves but not without some refinement, not without some look and say, yes, there are ways we could do this that are more respectful of the liberties of the average American but would not endanger in any way our national security. For the third time, we are being denied a chance to do this; and I, therefore, will join my colleagues in opposing this, not because we don't want to see any extension at all but because we want a chance to work on it so we can do an extension of much of this act but with some improvements.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Although the Senate has rejected the House version of the bill with a 1-year extension and has amended the bill to provide only a 90-day extension, which will provide us a more accelerated opportunity to actually deal with the issues involved, the reservations that I have previously stated on the floor remain the same. I still oppose any extension.

I cannot support this extension when the House has done nothing to consider these provisions of possible reform, even to hold a hearing or markup. While in the past, Members have had the opportunity to receive classified briefings, we have dozens of new Members, many on the Judiciary Committee, who have received no such briefings. The three sections scheduled to sunset are deeply troubling, and I hope that we will have the opportunity to review them carefully before they come before the House again.

Section 215 authorizes the government to obtain "any tangible thing" so long as the government provided a "statement of facts showing that there are reasonable grounds to believe that the tangible things are relevant to a foreign intelligence, international terrorism, or espionage investigation." That would include business records, library records, tax records, educational records, medical records, or anything else. Before the enactment of section 215, only specific types of records were subject to FISA orders, and the government had to show "specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or an agent of a foreign power."

This dragnet approach allows the government to review personal records even if there is no reason to believe that the individual involved had anything to do with terrorism. This poses

a threat to individual rights in the most sensitive areas of our lives with little restraint on government. Congress should either ensure that the things collected with this power have a meaningful connection to suspected terrorism activity or allow the provision to expire.

Section 206 provides for roving wiretaps which permit the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Without the necessity to specify the person and the facility to be tapped, you have a situation where the tap could be on a particular phone. And without specifically designating the person to be listened into, that means anybody using that pay phone, for example, can be listened into, or a roving wiretap on a person could result in any phone that that person might use being tapped, even if others use that phone, too.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called "lone wolf provision," permits secret intelligence of non-U.S. persons who are known to be not affiliated with any foreign government or organization. It provides the government with the ability to use secret courts or other investigatory tools that are acceptable in a domestic criminal investigation as long as we are dealing with a foreign government or an entity. According to government testimony, the lone wolf provision has never been used. Given the risk of this provision being used to circumvent existing protections against government intrusion, the government should explain why it should remain on the books. Surveillance of an individual who is not working with a foreign government or foreign organization is not what we usually understand as foreign intelligence. There may be good reason for government to keep tabs on such people, but that is no reason to suspend all our laws under the pretext that it is a foreign intelligence operation.

While some have argued that these authorities remain necessary tools to fight against terrorism and that they must be extended without modification, others have counseled careful review and modification. Some have even urged that we allow some of those provisions to sunset; and if they are needed, they can be reinstated. I believe that we should not miss the opportunity to review the act in its entirety and examine how it is working, where it has been successful, where it has failed, where it has gone too far, or where it may need improvement. That's the purpose of sunsets; and to extend it without review undermines that purpose.

There are other authorities that deserve careful review. The gentleman from New York (Mr. NADLER) has introduced the National Security Letters Reform Act which would make vital

improvements to the current law to better protect civil liberties while ensuring that those letters remain a useful tool in national security investigations. I hope we can work to strike that balance in a responsible and effective manner, but the record of the abuse of the authority in those letters is too great for the Congress to ignore.

It is encouraging that there was significant bipartisan opposition last week to the extension of the Patriot Act. It shows a healthy skepticism of unrestrained government power to spy on people in the United States. We need to restore our traditional respect for the right of every individual to be secure from unchecked government intrusion, and I hope that we will be able, after this vote, to carefully examine the ways these provisions have been used or abused and to look at ways to reform the law in light of that experience. That's the purpose of sunsets, and I hope we can take advantage of that opportunity.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we are prepared to close; so I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I want to thank the Senate for recognizing that we do have a problem, and they recognized it by extending the time frame only for 60 days and not for 1 year. With that in mind, however, it's important to note that we are still with the same initiative that has not been subjected to the opportunity for Members of this Congress to, in fact, review closely the idea of the infringement of some of these aspects or some of these provisions as it relates to the infringement that they may have on the constitutional rights of our citizens.

Yesterday in a markup, I offered an amendment to affirm that the legislation that we were marking up dealing with tort reform has at least a confirmation that we wanted to respect the Constitution and adhere to the due process rights. And I am glad that the Democratic Members who were there and present voted "yes," and all the Republicans voted "no." I think adhering to the Constitution and ensuring that constitutional provisions are respected is an important concept. In this instance, we have not had the chance for a full hearing. And I am very glad to note, Mr. Speaker, that in the 111th Congress, we did; but unfortunately, even the amendments that were passed in that Congress, bipartisan amendments, were not in this initiative that was passed by the House.

I offered amendments to ensure that any surveillance under section 215,

where library records could be in question, if you read certain books. And librarians across America were appalled at that intrusion. I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our Constitution.

As we voted on bipartisan amendments last year in the 111th Congress, as I indicated, they were not included in this rendition of the bill. In those hearings, multiple concerns were raised about the breadth of the Patriot Act and the leeway it gives to infringe upon an individual's privacy and civil liberties. As a member of the Homeland Security Committee, I, as well, am very, very convinced that we do need to secure our homeland; but human intelligence is a very large part of that. Intruding into the rights of Americans should be done with the care that it deserves.

□ 0930

In the markup I also personally introduced amendments that would allow for greater transparency in the Patriot Act and enhanced protection against violation of individuals' civil liberties. None of those amendments as introduced by any of my colleagues at that time have been included in this legislation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentlewoman an additional minute.

Ms. JACKSON LEE of Texas. None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I'm deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people without so much as a hearing. Therefore, I would argue that this is an improvement in terms of how fast we'll have to move, but it still has the same faults. And I simply say that the Fourth Amendment does say that it is the right of people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures.

Mr. Speaker, I ask my colleagues to vote against this and begin our work as quickly as we can. But even with this provision passing, as I expect it will, we need to move quickly to protect the American people, both in terms of homeland security and their constitutional right of privacy.

I rise today to express my opposition to the H.R. 514, "To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Re-

form and Terrorism Prevention Act of 2004 relating to access to business records, and individual terrorists as agents."

This bill would extend provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, and the Intelligence Reform and Terrorism Prevention Act of 2004 through December 8, 2011. It extends a provision that allows a roving electronic surveillance authority, and a provision revising the definition of an "agent of a foreign power" to include any non-U.S. person who engages in international terrorism or preparatory activities, also known as the "lone wolf provision." It also grants government access to business records relating to a terrorist investigation.

While the PATRIOT Act is intended to improve our ability to protect our nation, it needs to be revised and amended to reflect the democratic principles that make this country the crown jewel of democracy. The bill before us today, however, does not do that. In fact, even the manner by which are even considering this bill, only days after introduction without any oversight hearings of mark-ups, circumvents the process we have in place to allow for improvements and amendments to be made.

The three expiring provisions of the PATRIOT Act that H.R. 514 would extend overstep the bounds of the government investigative power set forth in the Constitution.

The first provision authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the "thing" pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs a foul of the traditional notions of search and seizure, which require the government to show "reasonable suspicion" or "probable cause" before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity. If we do not take steps to improve this provision, then it should be allowed to expire.

The second provision, known commonly as the "roving John Doe wiretap," allows the government to obtain intelligence surveillance orders that identify neither the person nor the facility to be tapped. Like the first provision, this, too, was addressed in the Judiciary Committee during the last Congress, and is also contrary to traditional notions of search and seizure, which require government to state "with particularity" what it seeks to search or seize. If this provision were given the opportunity to be amended and improved, it should be done so to mirror similar and longstanding criminal laws that permit roving wiretaps, but require the naming of a specific target.

The third provision that H.R. 514 would extend is the "lone wolf" provision, which permits secret intelligence surveillance of non-US persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States. Moreover, according to government testimony, this provision has never been

used. Because of the potential for abuse created by this provision, and the lack of need for its existence, it, too, should be allowed to expire.

Another problem with H.R. 514 is that it fails to amend other portions of the Patriot Act in dire need of reform, specifically, those issues relating to the issuance and use of national security letters (NSLs). NSLs permit the government to obtain the communication, financial and credit records of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. I repeat, even if that person is NOT suspected of unlawful behavior.

The three provisions I have just mentioned, as well as the issues surrounding NSLs, have all been examined and amended in the past Congresses, because they were in dire need of improvements to protect the rights of Americans. I was against these provisions, as written, in the past, and without amendments, I am still against them today.

Issues surrounding these particular provisions are not a stranger to us, for we have been dealing with them since 2001 when the PATRIOT Act was introduced. In 2005, the Patriot was examined in the Judiciary Committee. I, along with other Members of the Judiciary Committee like Mr. CONYERS and Mr. NADLER, offered multiple amendments that not only addressed the three provisions in H.R. 514, but also National Security Letters and the lax standards of intent.

Again, these same issues came before us in 2007. On August 3, 2007, I stood before you on the House floor discussing the Foreign Intelligence Surveillance Act (FISA), another piece of law used in conjunction with the PATRIOT Act and essential to combating the war on terror, but one that was in need of improvements to protect Americans' Constitutionally enshrined civil liberties. On that day, I said that, "we must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans," and I stand firmly behind that notion today.

When we were considering FISA, there were Fourth Amendment concerns around secret surveillance and secret searches, which were kept permanently secret from the Americans whose homes and conversations were targeted. There were also concerns such secret searches intended for non-U.S. citizens, could be used to target Americans.

I offered amendments to ensure that any surveillance of an American is done through established legal procedures pursuant to FISA and the FISA court authority, and to ensure that the Foreign Intelligence Surveillance Court is indispensable and would play a meaningful role in ensuring compliance with our constitution. I stand here today urging my colleagues to consider allowing similar amendments to the PATRIOT Act that better protect Americans' right to privacy before moving this legislation out of the House of Representatives and onto the other legislative body.

Furthermore, this very bill was considered last year in the 111th Congress, and went through oversight hearings and two days of mark-up in the Judiciary Committee. Yet, none of those voted-on, bipartisan amendments that resulted from those hearings are included in

this bill. In those hearings, multiple concerns were raised about the breadth of the PATRIOT Act and the leeway it gives to infringe upon an individual's privacy and civil liberties.

In the mark-up, I personally introduced amendments that would allow for greater transparency in the PATRIOT Act and enhanced protection against violation of individuals' civil liberties. None of my amendments, or those introduced by any of my colleagues who were on the Judiciary Committee at that time, are included in this legislation.

None of the privacy concerns or civil liberty infringement issues that were raised in those hearings have even been addressed. I am deeply concerned that my colleagues on the other side of the aisle are considering overlooking the very valid concerns of the American people, without so much as a hearing.

As a member of the Homeland Security Committee, I understand and appreciate the importance of national security, and the challenges we face as we strive to protect our nation from foreign threats. However, as an American citizen, I am deeply concerned when our Constitutional rights run the risk of being infringed upon in the name of national security.

To win the war on terror, the United States must remain true to the founding architects of this democracy who created a Constitution which enshrined an inalienable set of rights. These Bills Of Rights guarantee certain fundamental freedoms that cannot be limited by the government. One of these freedoms, the Fourth Amendment, is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient.

As an American citizen, the security and safety of my constituency is pinnacle, but I will never stand for legislation that infringes on the basic rights afforded in our Constitution. When our founding fathers drafted the constitution, after living under an oppressive regime in Britain, they ensured that the American people would never experience such subjugation. Where are the protective measures for our citizens in the PATRIOT Act? Why are the measures addressed in the last Congress not included in the bill?

Instead of reauthorizing these provisions, Congress should conduct robust, public oversight of all surveillance tools and craft reforms that will better protect private communications from overbroad government surveillance.

There is nothing more important than providing the United States of America, especially our military and national security personnel, the right tools to protect our citizens and prevail in the global war on terror. Holding true to our fundamental constitutional principles is the only way to prove to the world that it is indeed possible to secure America while preserving our way of life.

Because of the negative privacy implications of extending all of these provisions, I ask my colleagues to please join me in opposing H.R. 514, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to

access to business records, and individual terrorists as agents.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 90-day extension in this bill is significantly more appropriate than the 10-month extension that the House has previously passed. If the bill is passed, I look forward to working with the leadership on the Judiciary Committee. The Judiciary Committee in the past has been able to work constructively on this issue. In fact, when the Patriot Act was originally reported out of the Judiciary Committee, it was reported on a unanimous vote. That is very unusual. The Judiciary Committee is usually one of the more contentious committees in the entire Congress. But we can work together, and I look forward to working with the leadership of the committee as we deal with the possible extension of many of these provisions.

I hope we will oppose the extension.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of the Crime and Terrorism Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I will be brief today. I will just make several points but not extensively because this is the fifth debate we've had on this subject in 10 days and I think everything has been said.

First of all, I have pledged in the past and I will pledge again today on this House floor that there will be hearings on a reauthorization of the expiring provisions of the Patriot Act, as well as an oversight hearing on the Patriot Act as a whole.

The three provisions that are up for reauthorization are important provisions to keep America safe, and I want to dispel some of the misinformation that has again been placed in the RECORD on the floor of the House today.

First of all, section 215, which is the business records provision, has more strict standards for the issuance of a FISA warrant than the issuance of a Grand Jury subpoena in a criminal record. And only business records can be obtained. That means that it is not subject to the Fourth Amendment because it's not a search and seizure under the Fourth Amendment.

The reauthorization in 2005, which I authored, provided procedures for recipients of section 215 warrants to seek judicial review of those orders compelling the production of business records. So people can have their day in court to have the warrant quashed.

With respect to roving wiretaps, they're nothing new. We have had roving wiretaps for decades over criminal investigations such as racketeering and drug pushing.

A roving wiretap order can only be issued by a judge. The law enforcement agency must minimize roving wiretaps, which means that if the target isn't on the phone at the time or they're not talking about something under investigation, then the wiretap has got to be turned off. And that provides for protections, and that has never been challenged for its constitutionality since it was put in the Patriot Act in 2001.

Finally, the lone wolf definition is very important because in order to trigger Patriot Act surveillance or applications for Patriot Act surveillance without the lone wolf, there has to be a demonstration that the target is a member of a group like al Qaeda. And the way al Qaeda has kind of sprung out or people who said that they're al Qaeda when they really might not be al Qaeda, lone wolf becomes absolutely vital.

It's important to note that the lone wolf authority cannot be used against a U.S. citizen or a legal permanent resident. It could be used against an alien who is present in the United States on a nonpermanent basis, meaning either a visa or as a visa overstay.

All of this has gone through constitutional scrutiny. It has passed muster. I will give everybody a chance to speak their peace on the Patriot Act. Believe me, these commitments have been made both myself and by the committee chairman, the gentleman from Texas (Mr. SMITH). We're going to do it. We're going to get it done. But we need to have the extra time that was given to us by the Senate. So the motion that has been made by the gentleman from Texas (Mr. SMITH) is a good motion, an essential motion, and it should be favored.

Mr. ROGERS of Michigan. Mr. Speaker, I rise in support of the Senate amendment, and I yield myself such time as I may consume.

We've already had a lengthy debate on this legislation. There is bipartisan consensus that these important tools for our Intelligence Community cannot be allowed to lapse. The Senate amendment, which was also supported by a wide bipartisan margin in the other body, will keep these three needed priorities in place for the next 90 days, till May 27.

While I have strong concerns about the short-term extension and how that will compress the time needed to have a full and complete debate over the longer-term reauthorization, I will support the Senate amendment in order to make sure that these tools remain available.

As I said earlier this week in this debate, it makes very little sense to me why we would not have the tools like roving wiretap authority and authority to obtain business records in terrorism and spy cases when the same tools are readily available in criminal cases, often with fewer protections for civil liberties.

Mr. Speaker, I have said before I think this is one of the most misrepresented and misunderstood pieces of legislation I think I've ever seen. The things that exist in the ability for an FBI agent to conduct in criminal activities, including business records, including roving wiretaps, are just being extended to the FISA court, or the Foreign Intelligence Surveillance Act court, to go against terrorism and espionage. That's the only difference here. It has been an important tool to keep America safe the last 10 years.

I look forward to a thoughtful debate outside of the political rhetoric about what people believe this act to do and what it really does do to keep Americans safe. And if you believe that an FBI agent should be able to get a subpoena for business records to solve a crime, then clearly you believe that the same FBI agent should go to a FISA court to get a court order, which is a higher standard, for business records to prevent a terrorist attack. That's the only difference in these two, I think, misunderstood provisions.

Mr. Speaker, I reserve the balance of my time.

□ 0940

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I rise to address the Senate amendment to H.R. 514, which would reauthorize three expiring provisions of the Patriot Act for an additional 90 days.

Mr. Speaker, my position today remains the same as it was 3 days ago when we passed H.R. 514. As I said then, I would like to see a 3-year extension of these authorities until 2013, similar to S. 289, which is currently pending in the Senate.

The President supports a 3-year extension, too, believing, as I do, that a 3-year term would give our Nation's intelligence and law enforcement agencies predictability and certainty in the conduct of their critical work.

Setting a 3-year sunset would also take this debate out of the political realm of an election season, which I think is the best way to approach things. This should be a matter of what is best for America, without regard to electoral politics.

I know that there are varying opinions on my side of the aisle, and principled members feel strongly in both directions. That is why I support reauthorization with a sunset, so we can take a second look at the authorities in 3 years to make sure they are being used properly and individual civil liberties are being protected—a critical consideration as we move forward.

I believe including a sunset in the legislation provides the proper checks and balances necessary to ensure we are doing all we can to protect Americans while also protecting Americans' constitutional rights.

I don't think anyone in this Chamber is happy with the position we are in now. Some of us wanted a 3-year reauthorization, some wanted a 10-month reauthorization, and some wanted no reauthorization. And now, here we are with 90 days, which ensures we will be back here having this debate soon.

I hope that we can use the next 90 days to hear from all sides on how we can improve the Patriot Act, and I hope that we can all decide to set the sunsets in the future in such a way to minimize the impact of politics so we can focus on getting the policy right.

I yield back the balance of my time. Mr. ROGERS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 93, the previous question is ordered.

The question is on the motion by the gentleman from Texas (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 143, not voting 11, as follows:

[Roll No. 66]

YEAS—279

Ackerman	Castor (FL)	Gingrey (GA)
Adams	Chabot	Gohmert
Aderholt	Chaffetz	Gonzalez
Akin	Chandler	Goodlatte
Alexander	Coble	Gosar
Altire	Coffman (CO)	Gowdy
Andrews	Cole	Granger
Austria	Conaway	Graves (MO)
Baca	Connolly (VA)	Griffin (AR)
Bachmann	Cooper	Griffith (VA)
Bachus	Courtney	Grimm
Barletta	Cravaack	Guinta
Barrow	Crawford	Guthrie
Barton (TX)	Crenshaw	Hall
Bass (NH)	Critz	Harman
Benishak	Cuellar	Harper
Berg	Culberson	Harris
Berkley	Cummings	Hartzler
Biggert	Davis (CA)	Hastings (FL)
Bilbray	Davis (KY)	Hastings (WA)
Bilirakis	Denham	Hayworth
Bishop (GA)	Dent	Heck
Bishop (NY)	DesJarlais	Heinrich
Black	Deutch	Hensarling
Blackburn	Diaz-Balart	Henger
Bonner	Dicks	Herrera Beutler
Bono Mack	Dold	Higgins
Boren	Donnelly (IN)	Holden
Boswell	Dreier	Hoyer
Boustany	Duffy	Huelskamp
Brady (TX)	Duncan (SC)	Huizenga (MI)
Brooks	Ellmers	Hunter
Brown (FL)	Emerson	Hurt
Buchanan	Farenthold	Inslee
Bucshon	Fincher	Israel
Buerkle	Flake	Issa
Burgess	Fleischmann	Jenkins
Burton (IN)	Fleming	Johnson (OH)
Butterfield	Flores	Johnson, Sam
Calvert	Forbes	Jordan
Camp	Fortenberry	Keating
Canseco	Fox	Kelly
Cantor	Franks (AZ)	Kind
Capito	Frelinghuysen	King (IA)
Cardoza	Gallegly	King (NY)
Carnahan	Gardner	Kinzinger (IL)
Carney	Garrett	Kissell
Carter	Gerlach	Kline
Cassidy	Gibbs	Lamborn

Lance
Landry
Lankford
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel
E.
Lynch
Manzullo
Marino
McCarthy (CA)
McCarthy (NY)
McCauley
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee

Olson
Palazzo
Pascarell
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schiff
Schmidt
Schock

Schwartz
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Yarmuth
Yoder
Young (FL)
Young (IN)

NAYS—143

Amash	Green, Gene	Owens
Baldwin	Grijalva	Pallone
Bartlett	Gutierrez	Pastor (AZ)
Bass (CA)	Hanabusa	Paul
Becerra	Hanna	Payne
Berman	Heller	Pelosi
Bishop (UT)	Himes	Pingree (ME)
Blumenauer	Hinchey	Polis
Brady (PA)	Holt	Price (NC)
Braley (IA)	Hultgren	Rangel
Brown (GA)	Jackson (IL)	Rehberg
Campbell	Jackson Lee	Richardson
Capps	(TX)	Richmond
Capuano	Johnson (GA)	Roe (TN)
Carson (IN)	Johnson (IL)	Rohrabacher
Chu	Johnson, E. B.	Roybal-Allard
Cicilline	Jones	Rush
Clarke (MI)	Kaptur	Ryan (OH)
Clarke (NY)	Kildee	Sánchez, Linda
Cleaver	Kingston	T.
Clyburn	Kucinich	Sanchez, Loretta
Cohen	Labrador	Sarbanes
Conyers	Larsen (WA)	Schakowsky
Costello	Larson (CT)	Schilling
Crowley	Lee (CA)	Schrader
Davis (IL)	Lewis (GA)	Schweikert
DeFazio	Loeback	Scott (VA)
DeGette	Lofgren, Zoe	Scott, David
DeLauro	Lujan	Serrano
Dingell	Mack	Sherman
Doggett	Maloney	Slaughter
Doyle	Marchant	Speier
Duncan (TN)	Markey	Stark
Edwards	Matsui	Sutton
Ellison	McClintock	Thompson (CA)
Engel	McCollum	Thompson (MS)
Eshoo	McDermott	Tierney
Farr	McGovern	Tonko
Fattah	Meeks	Towns
Filner	Michaud	Velázquez
Fitzpatrick	Miller, George	Vislosky
Frank (MA)	Moore	Walz (MN)
Fudge	Moran	Waters
Garamendi	Nadler	Watt
Gibson	Napolitano	Waxman
Graves (GA)	Neal	
Green, Al	Oliver	

Weiner
Welch

Wilson (FL)
Woodall

Woolsey
Wu

NOT VOTING—11

Clay
Costa
Giffords
Hinojosa

Hirono
Honda
Langevin
Lummis

Matheson
Wittman
Young (AK)

□ 1010

Messrs. HOLT, HULTGREN, and GUTIERREZ changed their vote from “yea” to “nay.”

Messrs. ALEXANDER, CARNEY, HARPER, RYAN of Wisconsin, WHITFIELD, and Mrs. BACHMANN changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. LUMMIS. Mr. Speaker, on rollcall No. 66, I was at a constituent meeting. Had I been present, I would have voted “aye.”

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 66, had I been present, I would have voted “yes.”

Mr. COSTA. Mr. Speaker, on rollcall No. 66, had I been present, I would have voted “aye.”

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint committee on Taxation:

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

The Senator from North Dakota (Mr. CONRAD).

The Senator from Utah (Mr. HATCH).

The Senator from Iowa (Mr. GRASSLEY).

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 1010

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. BASS of New Hampshire (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 68 printed in the CONGRESSIONAL RECORD offered by the gentleman from Colorado (Mr. POLIS) had been disposed of and the bill had been read through page 359, line 22.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 85 by Mr. POMPEO of Kansas.

Amendment No. 196 by Mr. WALBERG of Michigan.

Amendment No. 249 by Mr. CANSECO of Texas.

Amendment No. 381 by Mr. REED of New York.

Amendment No. 565 by Mr. BASS of New Hampshire.

Amendment No. 457 by Mr. FLAKE of Arizona.

Amendment No. 276 by Mrs. McMORRIS RODGERS of Washington.

Amendment No. 532 by Mr. YOUNG of Alaska.

Amendment No. 410 by Mr. PRICE of Georgia.

Amendment No. 100 by Mr. WEINER of New York.

Amendment No. 248 by Mr. CANSECO of Texas.

Amendment No. 29 by Mr. HELLER of Nevada.

Amendment No. 43 by Mr. SESSIONS of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 85 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 256, not voting 6, as follows:

[Roll No. 67]

AYES—171

Adams	Goodlatte	Mulvaney
Akin	Gosar	Murphy (PA)
Amash	Gowdy	Myrick
Austria	Granger	Neugebauer
Bachmann	Graves (GA)	Noem
Bachus	Graves (MO)	Nugent
Bartlett	Griffin (AR)	Nunes
Benishek	Griffith (VA)	Olson
Berg	Guinta	Paul
Billray	Guthrie	Paulsen
Bishop (UT)	Hall	Pearce
Blackburn	Harris	Pence
Boustany	Hartzler	Peters
Brady (TX)	Hastings (WA)	Petri
Brooks	Hayworth	Pitts
Broun (GA)	Heck	Poe (TX)
Buchanan	Heller	Pompeo
Bucshon	Hensarling	Posey
Buerkle	Herger	Price (GA)
Burgess	Herrera Beutler	Quayle
Burton (IN)	Huelskamp	Rehberg
Camp	Huizenga (MI)	Renacci
Campbell	Hunter	Ribble
Canseco	Hurt	Rivera
Cantor	Issa	Roe (TN)
Carter	Jenkins	Rogers (MI)
Chabot	Johnson (IL)	Rohrabacher
Chaffetz	Johnson (OH)	Rokita
Coble	Johnson, Sam	Ros-Lehtinen
Coffman (CO)	Jordan	Roskam
Conaway	King (IA)	Ross (FL)
Costello	King (NY)	Royce
Cuellar	Kingston	Runyan
Culberson	Labrador	Ryan (WI)
Denham	Lamborn	Scalise
Dent	Lance	Schock
DesJarlais	Landry	Schweikert
Dreier	Lankford	Scott (SC)
Duffy	Latta	Scott, Austin
Duncan (SC)	LoBiondo	Sensenbrenner
Duncan (TN)	Long	Sessions
Ellmers	Luetkemeyer	Shuster
Fincher	Lummis	Smith (NE)
Fitzpatrick	Mack	Stearns
Flake	Manzullo	Terry
Fleischmann	Marchant	Thornberry
Fleming	McCarthy (CA)	Tiberi
Flores	McCaul	Upton
Forbes	McClintock	Walberg
Fox	McCotter	Walsh (IL)
Franks (AZ)	McHenry	Webster
Frelinghuysen	McMorris	Westmoreland
Gardner	Rodgers	Wilson (SC)
Garrett	Meehan	Woodall
Gibbs	Mica	Yoder
Gibson	Miller (FL)	Young (IN)
Gingrey (GA)	Miller (MI)	
Gohmert	Miller, Gary	

NOES—256

Ackerman	Capuano	DeLauro
Aderholt	Cardoza	Deutch
Alexander	Carnahan	Diaz-Balart
Altmire	Carney	Dicks
Andrews	Carson (IN)	Dingell
Baca	Cassidy	Doggett
Baldwin	Castor (FL)	Dold
Barletta	Chandler	Donnelly (IN)
Barrow	Chu	Doyle
Barton (TX)	Ciulline	Edwards
Bass (CA)	Clarke (MI)	Ellison
Bass (NH)	Clarke (NY)	Emerson
Becerra	Clay	Engel
Berkley	Cleaver	Eshoo
Berman	Clyburn	Farenthold
Biggart	Cohen	Farr
Billakis	Cole	Fattah
Bishop (GA)	Connolly (VA)	Filner
Bishop (NY)	Conyers	Fortenberry
Black	Cooper	Frank (MA)
Blumenauer	Courtney	Fudge
Bonner	Cravaack	Galleghy
Bono Mack	Crawford	Garamendi
Boren	Crenshaw	Gerlach
Boswell	Critz	Gonzalez
Brady (PA)	Crowley	Green, Al
Braley (IA)	Cummings	Green, Gene
Brown (FL)	Davis (CA)	Grijalva
Butterfield	Davis (IL)	Grimm
Calvert	Davis (KY)	Gutierrez
Capito	DeFazio	Hanabusa
Capps	DeGette	Hanna

Harman	McGovern	Schilling
Harper	McIntyre	Schmidt
Hastings (FL)	McKeon	Schrader
Heinrich	McKinley	Schwartz
Higgins	McNerney	Scott (VA)
Himes	Meeks	Scott, David
Hinojosa	Michaud	Serrano
Hirono	Miller (NC)	Sewell
Holden	Miller, George	Sherman
Holt	Moore	Shimkus
Honda	Moran	Shuler
Hoyer	Murphy (CT)	Simpson
Hultgren	Nadler	Sires
Inslee	Napolitano	Slaughter
Israel	Neal	Smith (NJ)
Jackson (IL)	Nunnelee	Smith (TX)
Jackson Lee	Oliver	Smith (WA)
(TX)	Owens	Southerland
Johnson (GA)	Palazzo	Speier
Johnson, E. B.	Pallone	Stark
Jones	Pascarell	Stivers
Kaptur	Pastor (AZ)	Stutzman
Keating	Payne	Sullivan
Kelly	Pelosi	Sutton
Kildee	Perlmutter	Thompson (CA)
Kind	Peterson	Thompson (MS)
Kinzinger (IL)	Pingree (ME)	Thompson (PA)
Kissell	Platts	Tierney
Kline	Polis	Tipton
Kucinich	Price (NC)	Tonko
Langevin	Quigley	Towns
Larsen (WA)	Rahall	Tsongas
Larson (CT)	Rangel	Turner
Latham	Reed	Van Hollen
LaTourette	Reichert	Velázquez
Lee (CA)	Reyes	Visclosky
Levin	Richardson	Walden
Lewis (CA)	Richmond	Walz (MN)
Lewis (GA)	Rigell	Wasserman
Lipinski	Roby	Schultz
Loeb sack	Rogers (AL)	Waters
Lofgren, Zoe	Rogers (KY)	Watt
Lowey	Rooney	Waxman
Lucas	Ross (AR)	Weiner
Luján	Rothman (NJ)	Welch
Lungren, Daniel	Roybal-Allard	West
E.	Ruppersberger	Whitfield
Lynch	Rush	Wilson (FL)
Maloney	Ryan (OH)	Wolf
Marino	Sánchez, Linda	Womack
Markey	T.	Woolsey
Matsui	Sanchez, Loretta	Wu
McCarthy (NY)	Sarbanes	Yarmuth
McCollum	Schakowsky	Young (FL)
McDermott	Schiff	

NOT VOTING—6

Costa	Hinchey	Wittman
Giffords	Matheson	Young (AK)

□ 1030

Mr. DOLD changed his vote from “aye” to “no.”

Mrs. LUMMIS changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The Acting CHAIR (Mr. SAM JOHNSON of Texas). We are one nation under God.

The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the Committee now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and all over the world, and their families, and all who serve in our Armed Forces and their families.

Haven't we got a great military.

(By unanimous consent, Mr. BOEHNER was allowed to speak out of order.)

SALUTING THE HON. SAM JOHNSON OF TEXAS

Mr. BOEHNER. Mr. Chairman, my colleagues, you should know that 38 years ago today, SAM JOHNSON stepped off a plane in Texas after being held as a prisoner of war for 7 years in Vietnam.

He's a great American.

AMENDMENT NO. 196 OFFERED BY MR. WALBERG

The Acting CHAIR (Mr. BASS of New Hampshire). Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. WALBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 209, not voting 7, as follows:

[Roll No. 68]

AYES—217

Adams	Davis (KY)	Huizenga (MI)
Aderholt	Denham	Hultgren
Akin	DesJarlais	Hunter
Alexander	Dreier	Hurt
Amash	Duffy	Issa
Austria	Duncan (SC)	Jenkins
Bachmann	Duncan (TN)	Johnson (IL)
Bachus	Ellmers	Johnson (OH)
Barletta	Emerson	Johnson, Sam
Bartlett	Farenthold	Jones
Barton (TX)	Fincher	Jordan
Benishke	Fitzpatrick	Kelly
Berg	Flake	King (IA)
Bilbray	Fleischmann	King (NY)
Bilirakis	Fleming	Kingston
Bishop (UT)	Flores	Kinzing (IL)
Black	Forbes	Kline
Blackburn	Fortenberry	Labrador
Bonner	Fox	Lamborn
Bono Mack	Franks (AZ)	Landry
Boren	Frelinghuysen	Lankford
Boustany	Gallegly	Latham
Brady (TX)	Gardner	Latta
Brooks	Garrett	Lewis (CA)
Broun (GA)	Gibbs	LoBiondo
Bucshon	Gingrey (GA)	Long
Buerkle	Gohmert	Lucas
Burgess	Goodlatte	Luetkemeyer
Burton (IN)	Gosar	Lummis
Calvert	Gowdy	Lungren, Daniel
Camp	Granger	E.
Campbell	Graves (GA)	Mack
Canseco	Graves (MO)	Manzullo
Cantor	Griffin (AR)	Marchant
Capito	Griffith (VA)	Marino
Cardoza	Guinta	McCarthy (CA)
Carter	Guthrie	McCaull
Cassidy	Hall	McClintock
Chabot	Harper	McCotter
Chaffetz	Harris	McHenry
Coble	Hartzer	McKeon
Coffman (CO)	Hastings (WA)	McMorris
Cole	Hayworth	Rodgers
Conaway	Heck	Mica
Costa	Heller	Miller (FL)
Cravaack	Hensarling	Miller (MI)
Crawford	Herger	Miller, Gary
Crenshaw	Herrera Beutler	Mulvaney
Culberson	Huelskamp	Murphy (PA)

Myrick	Rivera	Smith (NE)
Neugebauer	Roby	Smith (NJ)
Noem	Roe (TN)	Smith (TX)
Nugent	Rogers (AL)	Southerland
Nunes	Rogers (KY)	Stearns
Nunnelee	Rogers (MI)	Stutzman
Olson	Rohrabacher	Terry
Palazzo	Rokita	Thompson (PA)
Paul	Rooney	Thornberry
Paulsen	Ros-Lehtinen	Tipton
Pearce	Roskam	Upton
Pence	Ross (FL)	Walberg
Petri	Royce	Walsh (IL)
Pitts	Runyan	Webster
Poe (TX)	Ryan (WI)	West
Pompeo	Scalise	Westmoreland
Posey	Schilling	Whitfield
Price (GA)	Schmidt	Wilson (SC)
Quayle	Schweikert	Wolf
Reed	Scott (SC)	Womack
Rehberg	Scott, Austin	Woodall
Renacci	Sensenbrenner	Yoder
Ribble	Sessions	Young (FL)
Rigell	Shuster	Young (IN)

NOES—209

Ackerman	Gibson	Owens
Altire	Gonzalez	Pallone
Andrews	Green, Al	Pascarell
Baca	Grijalva	Pastor (AZ)
Baldwin	Grimm	Payne
Barrow	Gutierrez	Pelosi
Bass (CA)	Hanabusa	Perlmutter
Bass (NH)	Hanna	Peters
Becerra	Harman	Peterson
Berkley	Hastings (FL)	Pingree (ME)
Berman	Heinrich	Platts
Biggart	Higgins	Polis
Bishop (GA)	Himes	Price (NC)
Bishop (NY)	Hinchey	Quigley
Blumenauer	Hinojosa	Rahall
Boswell	Hirono	Rangel
Brady (PA)	Holden	Reichert
Braley (IA)	Holt	Reyes
Brown (FL)	Honda	Richardson
Buchanan	Hoyer	Richmond
Butterfield	Inslee	Ross (AR)
Capps	Israel	Rothman (NJ)
Capuano	Jackson (IL)	Roybal-Allard
Carnahan	Jackson Lee	Ruppersberger
Carney	(TX)	Rush
Carson (IN)	Johnson (GA)	Ryan (OH)
Castor (FL)	Johnson, E. B.	Sánchez, Linda
Chandler	Kaptur	T.
Chu	Keating	Sanchez, Loretta
Cicilline	Kildee	Sarbanes
Clarke (MI)	Kind	Schakowsky
Clarke (NY)	Kissell	Schiff
Clay	Kucinich	Schock
Cleaver	Lance	Schrader
Clyburn	Langevin	Schwartz
Cohen	Larsen (WA)	Scott (VA)
Connolly (VA)	Larson (CT)	Scott, David
Conyers	LaTourette	Serrano
Cooper	Lee (CA)	Sewell
Costello	Levin	Sherman
Courtney	Lewis (GA)	Shimkus
Critz	Lipinski	Shuler
Crowley	Loeb sack	Simpson
Cuellar	Lofgren, Zoe	Sires
Cummings	Lowey	Slaughter
Davis (CA)	Luján	Smith (WA)
Davis (IL)	Lynch	Speier
DeFazio	Maloney	Stark
DeGette	Markey	Stivers
DeLauro	Matsui	Sutton
Dent	McCarthy (NY)	Thompson (CA)
Deutch	McCollum	Thompson (MS)
Dicks	McDermott	Tiberi
Dingell	McGovern	Tierney
Doggett	McIntyre	Tonko
Dold	McKinley	Towns
Donnelly (IN)	McNerney	Tsongas
Doyle	Meehan	Turner
Edwards	Meeks	Van Hollen
Ellison	Michaud	Velázquez
Engel	Miller (NC)	Visclosky
Eshoo	Miller, George	Walden
Farr	Moore	Walz (MN)
Fattah	Moran	Wasserman
Filner	Murphy (CT)	Schultz
Frank (MA)	Nadler	Napolitano
Fudge	Napoliitano	Neal
Garamendi	Neal	Oliver
Gerlach	Oliver	

Weiner Wilson (FL) Wu
Welch Woolsey Yarmuth

NOT VOTING—7

Diaz-Balart Matheson Young (AK)
Giffords Sullivan
Green, Gene Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining to vote.

□ 1037

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated against:

Mr. GENE GREEN of Texas. Mr. Chair, on
rollcall No. 68, had I been present, I would
have voted “no.”

AMENDMENT NO. 249 OFFERED BY MR. CANSECO

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Texas (Mr. CANSECO)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 248, noes 177,
not voting 8, as follows:

[Roll No. 69]

AYES—248

Adams	Chaffetz	Gingrey (GA)
Aderholt	Chandler	Goodlatte
Akin	Coble	Gosar
Alexander	Cole	Gowdy
Altmire	Conaway	Granger
Amash	Connolly (VA)	Graves (GA)
Austria	Costa	Graves (MO)
Bachmann	Costello	Green, Gene
Bachus	Cravaack	Griffin (AR)
Barrow	Crawford	Griffith (VA)
Bartlett	Crenshaw	Grimm
Barton (TX)	Cuellar	Guinta
Bass (NH)	Culberson	Guthrie
Benishek	Davis (KY)	Hall
Berg	DeFazio	Hanna
Bilbray	Denham	Harper
Bilirakis	Dent	Harris
Bishop (UT)	DesJarlais	Hartzler
Black	Dold	Hastings (WA)
Blackburn	Donnelly (IN)	Hayworth
Bonner	Dreier	Heck
Bono Mack	Duffy	Heinrich
Boren	Duncan (SC)	Heller
Boustany	Duncan (TN)	Hensarling
Brady (TX)	Ellmers	Herger
Brooks	Emerson	Herrera Beutler
Broun (GA)	Farenthold	Himes
Buchanan	Fincher	Holden
Bucshon	Fitzpatrick	Huelskamp
Buerkle	Flake	Huizenga (MI)
Burgess	Fleischmann	Hultgren
Burton (IN)	Fleming	Hunter
Calvert	Flores	Hurt
Camp	Forbes	Inslee
Campbell	Fortenberry	Issa
Canseco	Fox	Jenkins
Cantor	Franks (AZ)	Johnson (IL)
Capito	Galleghy	Johnson (OH)
Cardoza	Gardner	Johnson, Sam
Carter	Garrett	Jones
Cassidy	Gibbs	Jordan
Chabot	Gibson	Kelly

King (IA)	Myrick	Runyan
King (NY)	Neugebauer	Ryan (WI)
Kingston	Noem	Scalise
Kinzinger (IL)	Nugent	Schilling
Kissell	Nunes	Schmidt
Kline	Nunnelee	Schock
Labrador	Olson	Schweikert
Lamborn	Owens	Scott (SC)
Lance	Palazzo	Scott, Austin
Landry	Paul	Sensenbrenner
Lankford	Paulsen	Sessions
Larsen (WA)	Pearce	Shimkus
Latham	Pence	Shuler
Latta	Peters	Shuster
Lipinski	Peterson	Smith (NE)
LoBiondo	Petri	Smith (TX)
Long	Pitts	Southerland
Lucas	Platts	Stearns
Luetkemeyer	Poe (TX)	Stivers
Lummis	Pompeo	Stutzman
Lungren, Daniel	Posey	Sullivan
E.	Price (GA)	Terry
Mack	Quayle	Thompson (PA)
Manzullo	Reed	Thornberry
Marchant	Rehberg	Tiberi
Marino	Reichert	Tipton
McCarthy (CA)	Renacci	Walberg
McCarthy (NY)	Ribble	Walden
McCaul	Rigell	Walsh (IL)
McClintock	Rivera	Webster
McCotter	Roby	West
McHenry	Roe (TN)	Westmoreland
McKeon	Rogers (AL)	Wilson (SC)
McKinley	Rogers (MI)	Womack
McMorris	Rohrabacher	Woodall
Rodgers	Rokita	Yoder
Mica	Rooney	Young (AK)
Miller (FL)	Ros-Lehtinen	Young (FL)
Miller (MI)	Roskam	Young (IN)
Miller, Gary	Ross (AR)	
Mulvaney	Ross (FL)	
Murphy (PA)	Royce	

NOES—177

Ackerman	Farr	Meehan
Andrews	Fattah	Meeks
Baca	Filner	Michaud
Baldwin	Frank (MA)	Miller (NC)
Barletta	Frelinghuysen	Miller, George
Bass (CA)	Fudge	Moore
Becerra	Garamendi	Moran
Berkley	Gerlach	Murphy (CT)
Berman	Gonzalez	Nadler
Bishop (GA)	Green, Al	Napolitano
Bishop (NY)	Grijalva	Neal
Blumenauer	Gutierrez	Oliver
Boswell	Hanabusa	Pallone
Brady (PA)	Harman	Pascarell
Braley (IA)	Hastings (FL)	Pastor (AZ)
Brown (FL)	Higgins	Payne
Butterfield	Hinchee	Pelosi
Capps	Hinojosa	Perlmutter
Capuano	Hirono	Pingree (ME)
Carnahan	Holt	Polis
Carney	Honda	Price (NC)
Carson (IN)	Hoyer	Quigley
Castor (FL)	Israel	Rahall
Chu	Jackson (IL)	Rangel
Ciilline	Jackson Lee	Reyes
Clarke (MI)	(TX)	Richardson
Clarke (NY)	Johnson (GA)	Richmond
Clay	Johnson, E. B.	Rogers (KY)
Cleaver	Kaptur	Rothman (NJ)
Clyburn	Kildee	Roybal-Allard
Cohen	Kind	Ruppersberger
Conyers	Kucinich	Rush
Cooper	Langevin	Ryan (OH)
Courtney	Larson (CT)	Sánchez, Linda
Critz	LaTourette	T.
Crowley	Lee (CA)	Sanchez, Loretta
Cummings	Levin	Sarbanes
Davis (CA)	Lewis (CA)	Schakowsky
Davis (IL)	Lewis (GA)	Schiff
DeGette	Loebach	Schrader
DeLauro	Lofgren, Zoe	Schwartz
Deutch	Lowe	Scott (VA)
Diaz-Balart	Luján	Scott, David
Dicks	Lynch	Serrano
Dingell	Maloney	Sewell
Doggett	Markey	Sherman
Doyle	Matsui	Simpson
Edwards	McCollum	Sires
Ellison	McDermott	Slaughter
Engel	McGovern	Smith (NJ)
Eshoo	McNerney	Smith (WA)

Speier	Turner	Waxman
Stark	Van Hollen	Weiner
Sutton	Velázquez	Welch
Thompson (CA)	Vislosky	Whitfield
Thompson (MS)	Walz (MN)	Wilson (FL)
Tierney	Wasserman	Wolf
Tonko	Schultz	Woolsey
Towns	Waters	Wu
Tsongas	Watt	Yarmuth

NOT VOTING—8

Biggert	Gohmert	McIntyre
Coffman (CO)	Keating	Wittman
Giffords	Matheson	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this
vote.

□ 1041

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated for:

Mr. COFFMAN of Colorado. Mr. Chair, on
rollcall No. 69, I was unavoidably detained.
Had I been present, I would have voted “yes.”

AMENDMENT NO. 381 OFFERED BY MR. REED

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New York (Mr. REED)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 239, noes 186,
not voting 8, as follows:

[Roll No. 70]

AYES—239

Adams	Canseco	Fincher
Akin	Cantor	Fitzpatrick
Alexander	Capito	Flake
Altmire	Cardoza	Fleischmann
Amash	Carter	Fleming
Austria	Cassidy	Flores
Bachmann	Chabot	Forbes
Barletta	Chaffetz	Fortenberry
Barrow	Chandler	Fox
Bartlett	Coble	Franks (AZ)
Barton (TX)	Coffman (CO)	Galleghy
Bass (NH)	Cole	Gardner
Benishek	Conaway	Garrett
Berg	Cooper	Gibbs
Bilbray	Costa	Gibson
Bilirakis	Cravaack	Gingrey (GA)
Black	Crawford	Gohmert
Blackburn	Crenshaw	Goodlatte
Bonner	Culberson	Gosar
Bono Mack	Davis (KY)	Gowdy
Boren	Denham	Granger
Boustany	Dent	Graves (GA)
Brady (TX)	DesJarlais	Graves (MO)
Brooks	Diaz-Balart	Griffin (AR)
Broun (GA)	Dold	Griffith (VA)
Buchanan	Donnelly (IN)	Grimm
Bucshon	Dreier	Guinta
Buerkle	Duffy	Guthrie
Burgess	Duncan (SC)	Hall
Burton (IN)	Duncan (TN)	Hanna
Calvert	Ellmers	Harper
Camp	Emerson	Harris
Campbell	Farenthold	Hartzler

Hastings (WA) McIntyre
Hayworth McKeon
Heck McKinley
Heller McMorris
Hensarling Rodgers
Herger Meehan
Herrera Beutler Mica
Huelskamp Michaud
Huizenga (MI) Miller (FL)
Hultgren Miller (MI)
Hunter Miller, Gary
Hurt Mulvaney
Issa Murphy (PA)
Jenkins Myrick
Johnson (IL) Neugebauer
Johnson (OH) Noem
Johnson, Sam Nugent
Jones Nunes
Jordan Nunnelee
Kelly Olson
King (IA) Owens
King (NY) Palazzo
Kingston Paul
Kissell Paulsen
Kline Pearce
Lamborn Pence
Lance Peterson
Landry Petri
Lankford Pitts
Latham Platts
LaTourette Poe (TX)
Latta Pompeo
Lewis (CA) Posey
LoBiondo Price (GA)
Long Quayle
Lucas Reed
Luetkemeyer Rehberg
Lummis Renacci
Lungren, Daniel Ribble
E. Rigell
Mack Rivera
Manzullo Roby
Marino Roe (TN)
McCarthy (CA) Rogers (AL)
McCaul Rogers (KY)
McClintock Rogers (MI)
McCotter Rohrabacher
McHenry Rokita

NOES—186

Ackerman DeLauro
Andrews Deutch
Baca Dicks
Bachus Dingell
Baldwin Doggett
Bass (CA) Doyle
Becerra Edwards
Berkley Ellison
Berman Engel
Biggert Eshoo
Bishop (GA) Farr
Bishop (NY) Fattah
Bishop (UT) Filner
Blumenauer Frank (MA)
Boswell Frelinghuysen
Brady (PA) Fudge
Braley (IA) Garamendi
Brown (FL) Gerlach
Butterfield Gonzalez
Capps Green, Al
Capuano Green, Gene
Carnahan Grijalva
Carney Gutierrez
Carson (IN) Hanabusa
Castor (FL) Harman
Chu Hastings (FL)
Cicilline Heinrich
Clarke (MI) Higgins
Clarke (NY) Himes
Clay Hinchey
Cleaver Hinojosa
Clyburn Hirono
Cohen Holden
Connolly (VA) Holt
Conyers Honda
Costello Hoyer
Courtney Inslee
Critz Israel
Crowley Jackson (IL)
Cuellar Jackson Lee
Cummings (TX)
Davis (CA) Johnson (GA)
Davis (IL) Johnson, E. B.
DeFazio Kaptur
DeGette Keating

Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Mica
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko

NOT VOTING—8

Aderholt Matheson
Giffords Scott, Austin
Marchant Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1044

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 565 OFFERED BY MR. BASS OF
NEW HAMPSHIRE

The Acting CHAIR (Mr. PRICE of Georgia). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. BASS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 104, noes 322, answered “present” 2, not voting 5, as follows:

[Roll No. 71]

AYES—104

Aderholt
Austria
Flores
Barletta
Bartlett
Bass (NH)
Benishak
Broun (GA)
Bucshon
Buerkle
Camp
Coble
Coffman (CO)
Courtney
Cravaack
Crenshaw
Critz
Davis (KY)
Denham
Hunter
Dold
Donnelly (IN)
Duffy
Ellmers
Emerson
Fincher
Fitzpatrick
Fleischmann
King (NY)
Kinzinger (IL)
Kline
Lamborn
Lance
Langevin
Larson (CT)
Latham
Luetkemeyer
Lummis
Marino
McKinley
Michaud
Miller (MI)
Murphy (CT)
Murphy (PA)
Noem
Paul
Pearce
Pence
Peters
Petri
Pitts
Poe (TX)
Pompeo
Quigley

Reed
Reichert
Renacci
Ribble
Rogers (AL)
Rogers (KY)
Runyan
Ryan (WI)
Schock
Schwartz
Scott (SC)
Scott, Austin
Slaughter
Smith (NE)
Smith (NJ)
Southerland
Stutzman
Thompson (PA)

NOES—322

Ackerman
Adams
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baldwin
Barrow
Barton (TX)
Bass (CA)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crawford
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foxy
Frank (MA)
Fudge
Gallegly
Garamendi
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Griffin (AR)
Griffith (VA)
Grijalva
Guthrie
Gutierrez
Hanabusa
Harman
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Honda
Holt
Honda
Hultgren
Hurt
Inslee
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kildee
Kind
King (IA)
Kingston
Kissell
Kucinich
Labrador
Landry
Lankford
Larsen (WA)
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Oliver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Platts
Polis
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Rehberg
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita

Rooney	Serrano	Upton	Fleming	Landry	Quayle	McNerney	Richardson	Smith (WA)
Ros-Lehtinen	Sessions	Van Hollen	Fox	Lankford	Renacci	Meehan	Richmond	Southerland
Roskam	Sewell	Velázquez	Franks (AZ)	Long	Ribble	Meeks	Rigell	Speier
Ross (AR)	Sherman	Visclosky	Garrett	Lucas	Roby	Michaud	Rivera	Stark
Ross (FL)	Shimkus	Walden	Gingrey (GA)	Lummis	Rohrabacher	Miller (MI)	Roe (TN)	Stearns
Rothman (NJ)	Shuler	Walz (MN)	Gowdy	Lungren, Daniel	Rokita	Miller (NC)	Rogers (AL)	Stivers
Roybal-Allard	Simpson	Wasserman	Graves (GA)	E.	Roskam	Miller, George	Rogers (KY)	Sutton
Royce	Sires	Schultz	Graves (MO)	Mack	Royce	Moore	Rogers (MI)	Terry
Ruppersberger	Smith (TX)	Waters	Griffith (VA)	Manzullo	Ryan (WI)	Moran	Rooney	Thompson (CA)
Rush	Smith (WA)	Watt	Harris	Marchant	Scalise	Murphy (CT)	Ros-Lehtinen	Thompson (MS)
Ryan (OH)	Speier	Waxman	Hartzler	McCarthy (CA)	Schmidt	Murphy (PA)	Ross (AR)	Thompson (PA)
Sánchez, Linda	Stark	Webster	Hayworth	McClintock	Schwartz	Nadler	Ross (FL)	Thornberry
T.	Stearns	Welch	Heller	McHenry	Scott (SC)	Napolitano	Rothman (NJ)	Tiberi
Sanchez, Loretta	Stivers	Westmoreland	Hensarling	Mica	Scott, Austin	Neal	Roybal-Allard	Tierney
Sarbanes	Sullivan	Wilson (FL)	Herger	Miller (FL)	Sensenbrenner	Noem	Runyan	Tipton
Scalise	Sutton	Wilson (SC)	Huelskamp	Miller, Gary	Sessions	Nunnelee	Ruppersberger	Tonko
Schakowsky	Terry	Wolf	Huizenga (MI)	Mulvaney	Smith (NE)	Olson	Rush	Towns
Schiff	Thompson (CA)	Woodall	Hunter	Myrick	Scott (SC)	Olver	Ryan (OH)	Tsongas
Schilling	Thompson (MS)	Woolsey	Hurt	Neugebauer	Stutzman	Owens	Sánchez, Linda	Turner
Schmidt	Thornberry	Wu	Issa	Nugent	Sullivan	Pallone	T.	Upton
Schrader	Tiberi	Yarmuth	Jenkins	Nunes	Walsh (IL)	Pascarell	Sanchez,	Van Hollen
Schweikert	Tierney	Yoder	Johnson (IL)	Palazzo	Webster	Pastor (AZ)	Loretta	Velázquez
Scott (VA)	Tonko	Young (AK)	Johnson, Sam	Paul	Westmoreland	Paulsen	Sarbanes	Visclosky
Scott, David	Towns	Young (FL)	Jordan	Pence	Wilson (SC)	Payne	Schakowsky	Walberg
Sensenbrenner	Turner	Young (IN)	King (IA)	Petri	Woodall	Pearce	Schiff	Walden
			Kingston	Pompeo	Yoder	Pelosi	Schilling	Walz (MN)
			Lamborn	Posey	Young (AK)	Perlmutter	Schock	Wasserman
			Lance	Price (GA)	Young (IN)	Peters	Schrader	Schultz
						Peterson	Schwartz	Waters
						Pingree (ME)	Scott (VA)	Watt
						Pitts	Scott, David	Waxman
						Platts	Serrano	Weiner
						Poe (TX)	Sewell	Welch
						Polis	Sherman	West
						Price (NC)	Shimkus	Whitfield
						Quigley	Shuler	Wilson (FL)
						Rahall	Shuster	Wolf
						Rangel	Simpson	Womack
						Reed	Sires	Woolsey
						Rehberg	Slaughter	Wu
						Reichert	Smith (NJ)	Yarmuth
						Reyes	Smith (TX)	Young (FL)

ANSWERED "PRESENT"—2

Amash Cicilline

NOT VOTING—5

Gardner Green, Gene Wittman
Giffords Shuster

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1047

Messrs. GARAMENDI and VAN HOLLEN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GENE GREEN of Texas. Mr. Chair, on rollcall No. 71, had I been present, I would have voted "yes."

AMENDMENT NO. 457 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 316, not voting 2, as follows:

[Roll No. 72]

AYES—115

Adams	Brady (TX)	Culberson
Akin	Broun (GA)	Denham
Amash	Burton (IN)	DesJarlais
Bachmann	Campbell	Dreier
Bartlett	Cantor	Duffy
Benishke	Capito	Duncan (SC)
Bilbray	Chabot	Duncan (TN)
Bishop (UT)	Chaffetz	Ellmers
Black	Coble	Fincher
Blackburn	Coffman (CO)	Flake
Bono Mack	Cole	Fleischmann

NOES—316

Ackerman	Crawford	Herrera Beutler
Aderholt	Crenshaw	Higgins
Alexander	Critz	Himes
Altmire	Crowley	Hinchey
Andrews	Cuellar	Hinojosa
Austria	Cummings	Hirono
Baca	Davis (CA)	Holden
Bachus	Davis (IL)	Holt
Baldwin	Davis (KY)	Honda
Barletta	DeFazio	Hoyer
Barrow	DeGette	Hultgren
Barton (TX)	DeLauro	Inslee
Bass (CA)	Dent	Israel
Bass (NH)	Deutch	Jackson (IL)
Becerra	Diaz-Balart	Jackson Lee
Berg	Dicks	(TX)
Berkley	Dingell	Johnson (GA)
Berman	Doggett	Johnson (OH)
Biggart	Dold	Johnson, E. B.
Bilirakis	Donnelly (IN)	Jones
Bishop (GA)	Doyle	Kaptur
Bishop (NY)	Edwards	Keating
Blumenauer	Ellison	Kelly
Bonner	Emerson	Kildee
Boren	Engel	Kind
Boswell	Eshoo	King (NY)
Boustany	Farenthold	Kinzinger (IL)
Brady (PA)	Farr	Kissell
Braley (IA)	Fattah	Kline
Brooks	Filner	Kucinich
Brown (FL)	Fitzpatrick	Labrador
Buchanan	Flores	Langevin
Bucshon	Forbes	Larsen (WA)
Buerkle	Fortenberry	Larson (CT)
Burgess	Frank (MA)	Latham
Butterfield	Frelinghuysen	LaTourette
Calvert	Fudge	Latta
Camp	Gallegly	Lee (CA)
Canseco	Garamendi	Levin
Capps	Gardner	Lewis (CA)
Capuano	Gerlach	Lewis (GA)
Cardoza	Gibbs	Lipinski
Carnahan	Gibson	LoBiondo
Carney	Gohmert	Loeback
Carson (IN)	Gonzalez	Lofgren, Zoe
Carter	Goodlatte	Lowey
Cassidy	Gosar	Luetkemeyer
Castor (FL)	Granger	Lujan
Chandler	Green, Al	Lynch
Chu	Green, Gene	Maloney
Cicilline	Griffin (AR)	Marino
Clarke (MI)	Grijalva	Markey
Clarke (NY)	Grimm	Matheson
Clay	Guinta	Matsui
Cleaver	Guthrie	McCarthy (NY)
Cleburn	Gutierrez	McCauley
Cohen	Hall	McCollum
Conaway	Hanabusa	McCotter
Connolly (VA)	Hanna	McDermott
Conyers	Harman	McGovern
Cooper	Harper	McIntyre
Costa	Hastings (FL)	McKeon
Costello	Hastings (WA)	McKinley
Courtney	Heck	McMorris
Cravack	Heinrich	Rodgers

NOT VOTING—2

Giffords Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1050

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 276 OFFERED BY MRS.

McMORRIS RODGERS

The Acting CHAIR (Mr. BASS of New Hampshire). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mrs. McMORRIS RODGERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 179, not voting 5, as follows:

[Roll No. 73]

AYES—249

Adams	Austria	Bartlett
Aderholt	Bachmann	Barton (TX)
Akin	Bachus	Bass (NH)
Alexander	Barletta	Benishke
Amash	Barrow	Berg

Biggert	Guthrie	Paulsen	Davis (IL)	Kissell	Richmond	[Roll No. 74]	
Bilbray	Hanna	Payne	DeGette	Kucinich	Ross (AR)	AYES—313	
Bilirakis	Harper	Pearce	DeLauro	Langevin	Rothman (NJ)		
Bishop (UT)	Harris	Pence	Deutch	Larsen (WA)	Roybal-Allard	Ackerman	Eshoo
Black	Hartzler	Peters	Dicks	Larsen (CT)	Ruppersberger	Adams	Fattah
Blackburn	Hastings (WA)	Peterson	Dingell	Lee (CA)	Rush	Aderholt	Filner
Bonner	Hayworth	Petri	Doggett	Levin	Ryan (OH)	Akin	Fincher
Bono Mack	Heck	Pitts	Donnelly (IN)	Lewis (GA)	Sánchez, Linda T.	Alexander	Fleischmann
Boren	Heller	Platts	Doyle	Lofgren, Zoe	T.	Altmire	Fleming
Boswell	Hensarling	Pompeo	Edwards	Lowey	Sanchez, Loretta	Andrews	Flores
Boustany	Herger	Posey	Ellison	Lujan	Sarbanes	Austria	Forbes
Brady (TX)	Herrera Beutler	Price (GA)	Engel	Lynch	Schakowsky	Baca	Fortenberry
Brooks	Himes	Quayle	Eshoo	Maloney	Schiff	Bachus	Frank (MA)
Brown (GA)	Huelskamp	Reed	Farenthold	Markey	Schrader	Baldwin	Frelinghuysen
Bucshon	Huizenga (MI)	Rehberg	Farr	Matsui	Schwartz	Bartlett	Fudge
Buerkle	Hultgren	Reichert	Fattah	McCarthy (NY)	Scott (VA)	Barton (TX)	Gallely
Burgess	Hunter	Renacci	Filner	McCollum	Scott, David	Bass (CA)	Garamendi
Burton (IN)	Hurt	Ribble	Fudge	McDermott	Serrano	Bass (NH)	Gerlach
Calvert	Issa	Rigell	Garamendi	McGovern	Sewell	Becerra	Gohmert
Camp	Jenkins	Rivera	Gonzalez	McIntyre	Sherman	Berg	Gonzalez
Campbell	Johnson (IL)	Roby	Green, Al	McNerney	Shuster	Berkley	Gosar
Canseco	Johnson (OH)	Roe (TN)	Griffith (VA)	Meeks	Sires	Berman	Granger
Cantor	Johnson, Sam	Rogers (AL)	Grijalva	Michaud	Slaughter	Bilbray	Green, Al
Capito	Jones	Rogers (KY)	Gutierrez	Miller (NC)	Smith (WA)	Bishop (GA)	Green, Gene
Carter	Jordan	Rogers (MI)	Hanabusa	Miller, George	Stark	Bishop (UT)	Griffin (AR)
Cassidy	Kelly	Rohrabacher	Harman	Moore	Sutton	Black	Griffith (VA)
Chabot	King (IA)	Rokita	Hastings (FL)	Moran	Thompson (CA)	Blackburn	Grijalva
Chaffetz	King (NY)	Rooney	Heinrich	Murphy (CT)	Thompson (MS)	Blumenauer	Grimm
Chandler	Kingston	Ros-Lehtinen	Higgins	Nadler	Thierney	Bonner	Guinta
Coble	Kinzie (IL)	Roskam	Hinchee	Napolitano	Tonko	Bono Mack	Guthrie
Coffman (CO)	Kline	Hinojosa	Ross (FL)	Neal	Towns	Boren	Gutierrez
Cole	Labrador	Hirono	Royce	Oliver	Tsongas	Boswell	Hanabusa
Conaway	Lamborn	Holden	Runyan	Owens	Van Hollen	Boustany	Harman
Cooper	Lance	Holt	Ryan (WI)	Pallone	Velázquez	Brady (PA)	Harris
Cravaack	Landry	Honda	Scalise	Pascrell	Visclosky	Braley (IA)	Hartzer
Crawford	Lankford	Hoyer	Schilling	Pelosi	Walz (MN)	Brown (FL)	Hastings (FL)
Crenshaw	Latham	Inslee	Schmidt	Perlmutter	Wasserman	Buchanan	Hastings (WA)
Davis (KY)	LaTourette	Israel	Schock	Pingree (ME)	Schultz	Burgess	Heck
DeFazio	Latta	Jackson (IL)	Schweikert	Poe (TX)	Waters	Burton (IN)	Heinrich
Denham	Lewis (CA)	Jackson Lee	Scott (SC)	Polis	Watt	Butterfield	Herger
Dent	Lipinski	Johnson (GA)	Scott, Austin	Price (NC)	Waxman	Calvert	Herrera Beutler
DesJarlais	LoBiondo	Johnson, E. B.	Sensenbrenner	Quigley	Weiner	Camp	Higgins
Diaz-Balart	Loebach	Kaptur	Sessions	Rahall	Welch	Capito	Hinchee
Dold	Long	Keating	Shimkus	Rangel	Wilson (FL)	Capps	Hinojosa
Dreier	Lucas	Shuler	Shimkus	Reyes	Woolsey	Capuano	Hirono
Duffy	Luetkemeyer	Simpson	Shuler	Richardson	Yarmuth	Cardoza	Holt
Duncan (SC)	Lummis	Smith (NE)	Smith (TX)	NOT VOTING—5		Carnahan	Holt
Duncan (TN)	Lungren, Daniel E.	Smith (NJ)	Southerland	Green, Gene	Wittman	Carney	Honda
Ellmers	Mack	Smith (TX)	Speier	Hall		Carson (IN)	Hoyer
Emerson	Manzullo	Stearns	Stivers	ANNOUNCEMENT BY THE ACTING CHAIR		Carter	Huelskamp
Fincher	Marchant	Stutzman	Sullivan	The Acting CHAIR (during the vote).		Cassidy	Hurt
Fitzpatrick	Marino	Terry	Tabor	There is 1 minute remaining in this vote.		Castor (FL)	Inslee
Flake	Matheson	Thompson (PA)	Thornberry	□ 1054		Chaffetz	Issa
Fleischmann	McCarthy (CA)	Tiberi	Tipton	So the amendment was agreed to.		Chandler	Jackson (IL)
Fleming	McCauley	Tipton	Turner	The result of the vote was announced as above recorded.		Chu	Jackson Lee
Flores	McClintock	Upton	Walberg	Stated against:		Cicilline	Jenkins
Forbes	McCotter	Walsh (IL)	Webster	Mr. GENE GREEN of Texas. Mr. Chair, on rollcall No. 73, had I been present, I would have voted “no.”		Clarke (MI)	Johnson (GA)
Fortenberry	Miller (FL)	West	Whitfield	AMENDMENT NO. 532 OFFERED BY MR. YOUNG OF ALASKA		Clarke (NY)	Johnson (IL)
Fox	Miller (MI)	Westmoreland	Wilson (SC)	The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alaska (Mr. Young) on which further proceedings were postponed and on which the ayes prevailed by voice vote.		Clay	Johnson (OH)
Frank (MA)	Miller (MI)	Wolf	Womack	The Clerk will redesignate the amendment.		Cleaver	Johnson, E. B.
Frank (AZ)	Miller (MI)	Woodall	Woodall	The Clerk redesignated the amendment.		Clyburn	Johnson, Sam
Frelinghuysen	Miller (MI)	Wu	Wu	RECORDED VOTE		Coble	Jones
Gallely	Mulvaney	Yoder	Yoder	The Acting CHAIR. A recorded vote has been demanded.		Cohen	Kaptur
Gardner	Murphy (PA)	Young (AK)	Young (FL)	A recorded vote was ordered.		Cole	Keating
Garrett	Myrick	Young (IN)		The Acting CHAIR. This will be a 2-minute vote.		Conaway	Kelly
Gerlach	Neugebauer			The vote was taken by electronic device, and there were—ayes 313, noes 117, not voting 3, as follows:		Conyers	Kildee
Gibbs	Noem					Costello	King (IA)
Gibson	Nugent					Courtney	Kingston
Gingrey (GA)	Nunes					Crawford	Kissell
Gohmert	Nunnelee					Crenshaw	Kline
Goodlatte	Olson					Critz	Kucinich
Gosar	Palazzo					Crowley	Labrador
Gowdy	Paul					Cuellar	Lance
Granger						Culberson	Landry
Graves (GA)						Cummings	Langevin
Graves (MO)						Davis (CA)	Larsen (WA)
Griffin (AR)						Davis (IL)	Larsen (CT)
Guinta						DeFazio	Latham
						DeGette	LaTourette
						DeLauro	Latta
						Denham	Levin
						Dent	Lewis (CA)
						DesJarlais	Lewis (GA)
						Deutch	Lipinski
						Diaz-Balart	LoBiondo
						Dicks	Loebach
						Dingell	Lofgren, Zoe
						Dold	Lowey
						Donnelly (IN)	Lucas
						Doyle	Lujan
						Dreier	Lungren, Daniel E.
						Duncan (TN)	Lynch
						Edwards	Mack
						Ellison	Maloney
						Engel	

Southerland
Speier
Stark
Stearns
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tipton
Tonko

Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster

Weiner
Welch
West
Whitfield
Wilson (FL)
Wolf
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)

NOES—117

Amash
Bachmann
Barletta
Barrow
Benishek
Biggart
Bilirakis
Bishop (NY)
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Campbell
Canseco
Cantor
Chabot
Coffman (CO)
Connolly (VA)
Cooper
Cravaack
Davis (KY)
Doggett
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Farr
Fitzpatrick
Flake
Foxy
Franks (AZ)
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Goodlatte

Gowdy
Graves (GA)
Graves (MO)
Hall
Hanna
Harper
Hayworth
Heller
Hensarling
Holden
Huizenga (MI)
Hultgren
Hunter
Israel
Kind
King (NY)
Kinzinger (IL)
Lamborn
Lankford
Lee (CA)
Long
Luetkemeyer
Lummis
Marchant
Marino
Matheson
McCarthy (NY)
McCaul
McClintock
McHenry
McIntyre
Meehan
Miller (FL)
Mulvaney
Myrick
Nunnelee
Olson
Olver
Owens

Palazzo
Pence
Peters
Poe (TX)
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Renacci
Ribble
Rohy
Rokita
Rooney
Roskam
Royce
Ryan (OH)
Ryan (WI)
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (WA)
Stutzman
Sullivan
Thompson (PA)
Thornberry
Turner
Upton
Walberg
Walsh (IL)
Westmoreland
Wilson (SC)
Womack
Young (IN)

NOT VOTING—3

Giffords
Jordan
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1057

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTYRE. Mr. Chair, during rollcall vote No. 74 on H.R. 1, I mistakenly recorded my vote as “no” when I should have voted “yes.”

AMENDMENT NO. 410 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 250, not voting 7, as follows:

[Roll No. 75]

AYES—176

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heller
Hensarling
Herger
Huelskamp
Buchanan
Hunter
Hurt
Issa
Jenkins
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Lamborn
Landry
Lankford
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Davis (KY)
Denham
DesJarlais
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner

Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heller
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Lamborn
Landry
Lankford
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Terry
Thompson (PA)
Thornberry
Tipton
Upton
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Rigell
Rohy
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Scalise
Schmidt
Scott (SC)
Scott, Austin
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southernland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tipton
Upton
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—250

Ackerman
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon

Butterfield
Camp
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper

Costa
Costello
Courtney
Cravaack
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy

Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Graves (MO)
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kildeer
Kind
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Langevin
Larsen (WA)
Larson (CT)

Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Loifgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Rogers (MI)
Ros-Lehtinen

Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schraeder
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Petri
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Crowley
Giffords
Harman

Schweikert
Shuster
Sullivan

Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1100

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 100 OFFERED BY MR. WEINER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 163, not voting 2, as follows:

[Roll No. 76]

AYES—268

Adams	Frelinghuysen	McKinley
Aderholt	Gallegly	McMorris
Akin	Gardner	Rodgers
Alexander	Garrett	Meehan
Altmire	Gerlach	Mica
Amash	Gibbs	Miller (FL)
Andrews	Gibson	Miller (MI)
Austria	Gingrey (GA)	Miller, Gary
Baca	Gohmert	Mulvaney
Bachmann	Goodlatte	Murphy (PA)
Bachus	Gosar	Myrick
Barletta	Gowdy	Neugebauer
Barrow	Graves (GA)	Noem
Bartlett	Graves (MO)	Nugent
Barton (TX)	Green, Gene	Nunes
Bass (NH)	Griffin (AR)	Nunnelee
Benishek	Griffith (VA)	Olson
Berg	Grimm	Owens
Biggert	Guinta	Palazzo
Bilbray	Guthrie	Pascarell
Bilirakis	Hanna	Paul
Bishop (NY)	Harper	Paulsen
Bishop (UT)	Harris	Pearce
Black	Hartzler	Pence
Blackburn	Hastings (WA)	Peters
Bonner	Hayworth	Peterson
Bono Mack	Heck	Petri
Boren	Heller	Pitts
Boustany	Hensarling	Platts
Brady (TX)	Herger	Poe (TX)
Brooks	Herrera Beutler	Pompeo
Broun (GA)	Himes	Posey
Buchanan	Holden	Price (GA)
Bucshon	Huelskamp	Quayle
Buerkle	Huizenga (MI)	Rahall
Burgess	Hultgren	Reed
Burton (IN)	Hunter	Rehberg
Calvert	Hurt	Reichert
Camp	Israel	Renacci
Campbell	Issa	Ribble
Canseco	Jenkins	Rigell
Cantor	Johnson (IL)	Rivera
Capito	Johnson (OH)	Roby
Cardoza	Johnson, Sam	Roe (TN)
Carney	Jones	Rogers (AL)
Carter	Jordan	Rogers (KY)
Cassidy	Kelly	Rogers (MI)
Chabot	Kind	Rohrabacher
Chaffetz	King (IA)	Rokita
Chandler	King (NY)	Rooney
Coble	Kinzingler (IL)	Ros-Lehtinen
Coffman (CO)	Kissell	Roskam
Conaway	Kline	Ross (AR)
Cooper	Labrador	Ross (FL)
Costa	Lamborn	Rothman (NJ)
Costello	Lance	Royce
Cravaack	Landry	Runyan
Crawford	Lankford	Ryan (WI)
Crenshaw	Larsen (WA)	Sanchez, Loretta
Cuellar	Latham	Scalise
Culberson	Latta	Schilling
Denham	Lipinski	Schmidt
Dent	LoBiondo	Schock
DesJarlais	Long	Schrader
Dingell	Luetkemeyer	Schwartz
Dold	Lummis	Schweikert
Dreier	Lungren, Daniel	Scott (SC)
Duffy	E.	Scott, Austin
Duncan (SC)	Mack	Sensenbrenner
Duncan (TN)	Manzullo	Sessions
Ellmers	Marchant	Sewell
Emerson	Marino	Shimkus
Fincher	Matheson	Shuler
Fitzpatrick	McCarthy (CA)	Shuster
Flake	McCarthy (NY)	Simpson
Fleischmann	McCaul	Smith (NE)
Fleming	McClintock	Smith (NJ)
Flores	McCotter	Smith (TX)
Forbes	McHenry	Southerland
Fox	McIntyre	Stearns
Franks (AZ)	McKeon	Stivers

Stutzman	Walden	Wilson (SC)
Sullivan	Walsh (IL)	Womack
Terry	Walz (MN)	Woodall
Thompson (PA)	Wasserman	Yarmuth
Tiberi	Schultz	Yoder
Tipton	Webster	Young (AK)
Turner	Weiner	Young (FL)
Upton	West	Young (IN)
Visclosky	Westmoreland	
Walberg	Whitfield	

NOES—163

Ackerman	Fudge	Moran
Baldwin	Garamendi	Murphy (CT)
Bass (CA)	Gonzalez	Nadler
Becerra	Granger	Napolitano
Berkley	Green, Al	Neal
Berman	Grijalva	Olver
Bishop (GA)	Gutierrez	Pallone
Blumenauer	Hall	Pastor (AZ)
Boswell	Hanabusa	Payne
Brady (PA)	Harman	Pelosi
Braley (IA)	Hastings (FL)	Perlmutter
Brown (FL)	Heinrich	Pingree (ME)
Butterfield	Higgins	Polis
Capps	Hinche	Price (NC)
Capuano	Hinojosa	Quigley
Carnahan	Hirono	Rangel
Carson (IN)	Holt	Reyes
Castor (FL)	Honda	Richardson
Chu	Hoyer	Richmond
Cicilline	Inslee	Roybal-Allard
Clarke (MI)	Jackson (IL)	Ruppersberger
Clarke (NY)	Jackson Lee	Rush
Clay	(TX)	Ryan (OH)
Cleaver	Johnson (GA)	Sánchez, Linda
Clyburn	Johnson, E. B.	T.
Cohen	Kaptur	Sarbanes
Cole	Keating	Schakowsky
Connolly (VA)	Kildee	Schiff
Conyers	Kingston	Scott (VA)
Courtney	Kucinich	Scott, David
Critz	Langevin	Serrano
Crowley	Larson (CT)	Sherman
Cummings	LaTourette	Sires
Davis (CA)	Lee (CA)	Slaughter
Davis (IL)	Levin	Smith (WA)
Davis (KY)	Lewis (CA)	Speier
DeFazio	Lewis (GA)	Stark
DeGette	Loeb sack	Sutton
DeLauro	Lofgren, Zoe	Thompson (CA)
Deutsch	Lowey	Thompson (MS)
Diaz-Balart	Lucas	Thornberry
Dicks	Luján	Tierney
Doggett	Lynch	Tonko
Donnelly (IN)	Maloney	Towns
Doyle	Markey	Tsongas
Edwards	Matsui	Van Hollen
Ellison	McCollum	Velázquez
Engel	McDermott	Waters
Eshoo	McGovern	Watt
Farenthold	McNerney	Waxman
Farr	Meeks	Welch
Fattah	Michaud	Wilson (FL)
Finler	Miller (NC)	Wolf
Fortenberry	Miller, George	Woolsey
Frank (MA)	Moore	Wu

NOT VOTING—2

Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1104

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 248 OFFERED BY MR. CANSECO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CANSECO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 274, noes 155, not voting 4, as follows:

[Roll No. 77]

AYES—274

Adams	Fincher	Lucas
Aderholt	Fitzpatrick	Luetkemeyer
Akin	Flake	Lummis
Alexander	Fleischmann	Lungren, Daniel
Altmire	Fleming	E.
Amash	Flores	Mack
Austria	Forbes	Manzullo
Bachmann	Fortenberry	Marchant
Bachus	Fox	Marino
Barletta	Franks (AZ)	Matheson
Barrow	Frelinghuysen	McCarthy (CA)
Bartlett	Gallegly	McCarthy (NY)
Barton (TX)	Garamendi	McCaul
Bass (NH)	Gardner	McClintock
Benishek	Garrett	McCotter
Berg	Gerlach	McHenry
Biggert	Gibbs	McIntyre
Bilbray	Gibson	McKeon
Bilirakis	Gingrey (GA)	McKinley
Bishop (NY)	Gohmert	McMorris
Black	Goodlatte	Rodgers
Blackburn	Gosar	Mica
Bonner	Gowdy	Miller (FL)
Bono Mack	Granger	Miller (MI)
Boren	Graves (GA)	Miller, Gary
Boswell	Graves (MO)	Mulvaney
Boustany	Griffin (AR)	Murphy (PA)
Brady (TX)	Griffith (VA)	Myrick
Brooks	Grimm	Neugebauer
Broun (GA)	Guinta	Noem
Buchanan	Guthrie	Nugent
Bucshon	Hall	Nunes
Buerkle	Hanna	Nunnelee
Burgess	Harper	Olson
Burton (IN)	Harris	Owens
Calvert	Hartzler	Palazzo
Camp	Hastings (WA)	Pascarell
Campbell	Hayworth	Paul
Canseco	Heck	Pearce
Cantor	Heller	Pence
Capito	Hensarling	Peters
Cardoza	Herrera Beutler	Peterson
Carney	Himes	Petri
Carter	Holden	Pitts
Cassidy	Huelskamp	Platts
Chabot	Huizenga (MI)	Poe (TX)
Chaffetz	Hultgren	Pompeo
Chandler	Hunter	Posey
Coble	Hurt	Price (GA)
Coffman (CO)	Inslee	Quayle
Cole	Israel	Rahall
Conaway	Issa	Reed
Connolly (VA)	Jenkins	Rehberg
Cooper	Johnson (IL)	Renacci
Costa	Johnson (OH)	Ribble
Costello	Johnson, Sam	Rigell
Cravaack	Jones	Rivera
Crawford	Jordan	Roby
Crenshaw	Keating	Roe (TN)
Cuellar	Kelly	Rogers (AL)
Culberson	Kind	Rogers (KY)
Davis (KY)	King (IA)	Rogers (MI)
DeFazio	King (NY)	Rohrabacher
Denham	Kingston	Rokita
Dent	Kissell	Rooney
DesJarlais	Kline	Ros-Lehtinen
Diaz-Balart	Labrador	Roskam
Dingell	Lamborn	Ross (AR)
Dold	Lance	Ross (FL)
Donnelly (IN)	Landry	Royce
Dreier	Lankford	Runyan
Duffy	Latham	Ryan (WI)
Duncan (SC)	LaTourette	Scalise
Duncan (TN)	Latta	Schilling
Ellmers	Lewis (CA)	Schmidt
Emerson	Lipinski	Schock
Fincher	LoBiondo	Schrader
Fitzpatrick	Long	Schwartz

Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Speier
Stearns
Stivers

NOES—155

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (UT)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva

NOT VOTING—4

Giffords
Heger

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1107

Mr. DIAZ-BALART changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. HELLER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. HELLER) on which further proceedings were

Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yarmuth
Young (AK)
Young (IN)

Paulsen
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yoder
Young (FL)

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 241, not voting 2, as follows:

[Roll No. 78]

AYES—190

Adams
Aderholt
Akin
Amash
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Benishak
Bibray
Bilirakis
Bishop (UT)
Black
Blackburn
Boswell
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costello
Culberson
DeFazio
DeFazio
LoBiondo
Long
Luetkemeyer
Lynch
Mack
Manzullo
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo

NOES—241

Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman

Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Guthrie
Gutierrez
Hanabusa

NOT VOTING—2

Giffords
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1111

Mrs. ROBY and Mr. NUNNELEE changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 43 OFFERED BY MR. SESSIONS

The Acting CHAIR. The unfinished business is the demand for a recorded

Harman
Harper
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kline
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel
E.
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Oliver
Owens
Pallone
Pascarell

Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Renacci
Reyes
Richardson
Richmond
Rogers (AL)
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
West
Whitfield
Wilson (FL)
Wolf
Womack
Woolsey
Wu
Yarmuth

vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 250, not voting 7, as follows:

[Roll No. 79]

AYES—176

Adams	Gibbs	Nugent
Aderholt	Gingrey (GA)	Nunes
Akin	Goodlatte	Nunnelee
Alexander	Gosar	Olson
Amash	Gowdy	Paul
Austria	Granger	Paulsen
Bachmann	Graves (GA)	Pearce
Bartlett	Graves (MO)	Pence
Barton (TX)	Griffin (AR)	Petri
Benishek	Griffith (VA)	Pitts
Bilbray	Guinta	Poe (TX)
Bilirakis	Guthrie	Pompeo
Bishop (UT)	Harper	Posey
Black	Harris	Price (GA)
Blackburn	Hastings (WA)	Quayle
Bonner	Hayworth	Reichert
Bono Mack	Heck	Renacci
Boustany	Heller	Ribble
Brady (TX)	Hensarling	Rivera
Brooks	Herrera Beutler	Roby
Brown (GA)	Huelskamp	Roe (TN)
Buchanan	Huizenga (MI)	Rogers (AL)
Bucshon	Hultgren	Rogers (KY)
Buerkle	Hunter	Rohrabacher
Burgess	Hurt	Rokita
Burton (IN)	Issa	Rooney
Calvert	Jenkins	Ros-Lehtinen
Campbell	Johnson (OH)	Roskam
Canseco	Johnson, Sam	Ross (FL)
Cantor	Jones	Royce
Carter	Jordan	Ryan (WI)
Cassidy	King (IA)	Scalise
Chabot	Kingston	Schmidt
Chaffetz	Kline	Schweikert
Coffman (CO)	Labrador	Scott (SC)
Conaway	Lamborn	Scott, Austin
Cravaack	Landry	Sensenbrenner
Crawford	Lankford	Sessions
Crenshaw	Latta	Simpson
Culberson	Long	Smith (NE)
Davis (KY)	Luetkemeyer	Smith (TX)
Denham	Lummis	Southerland
DesJarlais	Lungren, Daniel	Stearns
Dreier	E.	Stutzman
Duffy	Mack	Terry
Duncan (SC)	Marino	Thompson (PA)
Duncan (TN)	McCarthy (CA)	Thornberry
Ellmers	McCaul	Tipton
Emerson	McClintock	Walden
Farenthold	McHenry	Walsh (IL)
Fincher	McKeon	Webster
Flake	McMorris	West
Fleischmann	Rodgers	Westmoreland
Fleming	Mica	Wilson (SC)
Flores	Miller (FL)	Womack
Foxx	Miller, Gary	Woodall
Franks (AZ)	Mulvaney	Yoder
Gallegly	Myrick	Young (IN)
Gardner	Neugebauer	
Garrett	Noem	

NOES—250

Ackerman	Barrow	Biggert
Altmire	Bass (CA)	Bishop (GA)
Andrews	Bass (NH)	Bishop (NY)
Baca	Becerra	Blumenauer
Bachus	Berg	Boren
Baldwin	Berkley	Boswell
Barletta	Berman	Brady (PA)

Braley (IA)	Hinojosa	Pingree (ME)
Brown (FL)	Hirono	Platts
Butterfield	Holden	Polis
Camp	Holt	Price (NC)
Capito	Honda	Quigley
Capps	Hoyer	Rahall
Capuano	Inslee	Rangel
Cardoza	Israel	Reed
Carnahan	Jackson (IL)	Rehberg
Carney	Jackson Lee	Reyes
Carson (IN)	(TX)	Richardson
Castor (FL)	Johnson (GA)	Richmond
Chandler	Johnson (IL)	Rigell
Chu	Johnson, E. B.	Rogers (MI)
Cicilline	Kaptur	Ross (AR)
Clarke (MI)	Keating	Rothman (NJ)
Clarke (NY)	Kelly	Roybal-Allard
Clay	Kildee	Runyan
Cleaver	Kind	Ruppersberger
Clyburn	King (NY)	Rush
Coble	Kinzingler (IL)	Ryan (OH)
Cohen	Kissell	Sánchez, Linda
Cole	Kucinich	T.
Connolly (VA)	Lance	Sanchez, Loretta
Conyers	Langevin	Sarbanes
Cooper	Larsen (WA)	Schakowsky
Costa	Larson (CT)	Schiff
Costello	Latham	Schilling
Courtney	LaTourette	Schock
Critz	Lee (CA)	Schrader
Crowley	Levin	Schwartz
Cuellar	Lewis (GA)	Scott (VA)
Cummings	Lipinski	Scott, David
Davis (CA)	LoBiondo	Sewell
Davis (IL)	Loeb sack	Sherman
DeFazio	Lofgren, Zoe	Shimkus
DeGette	Lowe y	Shuler
Dent	Lucas	Shuster
Deutch	Luján	Sires
Diaz-Balart	Lynch	Slaughter
Dicks	Maloney	Smith (NJ)
Dingell	Manzullo	Smith (WA)
Doggett	Marchant	Speier
Dold	Markey	Stark
Donnelly (IN)	Matheson	Stivers
Doyle	Matsui	Sullivan
Edwards	McCarthy (NY)	Sutton
Ellison	McCollum	Thompson (CA)
Engel	McCotter	Thompson (MS)
Eshoo	McDermott	Tiberi
Farr	McGovern	Tierney
Fattah	McIntyre	Tonko
Filner	McKinley	Towns
Fitzpatrick	McNerney	Tsongas
Forbes	Meehan	Turner
Fortenberry	Meeks	Upton
Frank (MA)	Michaud	Van Hollen
Frelinghuysen	Miller (MI)	Velázquez
Fudge	Miller (NC)	Visclosky
Garamendi	Miller, George	Walberg
Gerlach	Moore	Walz (MN)
Gibson	Moran	Wasserman
Gohmert	Murphy (CT)	Schultz
Gonzalez	Murphy (PA)	Waters
Green, Al	Nader	Watt
Green, Gene	Napolitano	Waxman
Grijalva	Neal	Weiner
Grimm	Oliver	Welch
Gutierrez	Owens	Whitfield
Hanabusa	Palazzo	Wilson (FL)
Hanna	Pallone	Wolf
Harman	Pascrell	Woolsey
Hartzler	Pastor (AZ)	Wu
Hastings (FL)	Payne	Yarmuth
Heinrich	Pelosi	Young (AK)
Higgins	Perlmutter	Young (FL)
Himes	Peters	
Hinche y	Peterson	

NOT VOTING—7

DeLauro	Herger	Wittman
Giffords	Lewis (CA)	
Hall	Serrano	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1114

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. For the purpose of entering into a colloquy, I yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Thank you, Mr. Chairman.

Mr. Chairman, the goal of this colloquy is to clarify language associated with funds provided for the Expeditionary Fighting Vehicle, or EFV, in the Research, Development, Test and Evaluation, Navy section of the bill. It is my understanding that the accompanying table states that \$145 million of the funds provided for the EFV termination liability may be released only for use in system development and demonstration activities upon certification by the Secretary.

Mr. Chairman, is that the language included in the report accompanying this bill?

Mr. YOUNG of Florida. Mr. Chairman, the gentleman is correct. The language which is included in the explanatory tables provides \$145 million for termination liability, or for continued system development and demonstration if certified by the Secretary.

Mr. AKIN. Mr. Chairman, my concern is that the Department of Defense may interpret this language as direction from Congress to terminate EFV in this year, regardless of any recommendations made by Congress during debate on the fiscal year 2012 budget.

No matter how this issue is resolved by Congress in fiscal year 2012, orderly conclusion of the fiscal year 2011 SDD activities that are already under contract and well underway is essential for the Nation to get a usable product for its \$3 billion investment. My reading of this language is that it provides sufficient flexibility for the Department to continue through SDD, and we encourage the Department to do just that.

Mr. Chairman, is it the intent of the committee to provide sufficient flexibility for the Department to continue SDD activities related to the EFV?

Mr. YOUNG of Florida. I would say to the gentleman, Mr. Chairman, that it is the intent of the committee to provide that flexibility. In fact, it is my hope that the Department exercises this flexibility to finish SDD activities and get something usable for the \$3 billion investment that we have already made.

Here is a unique opportunity for a win-win situation. The Marines want to cancel the program, and they would normally pay a \$145 million termination fee. Here is an opportunity, and we believe the contractor is agreeable, to forego the payment of the \$145 million to them, but use that money to continue the program so that we at least get something for the \$3 billion that we have already appropriated.

If I might expand on the colloquy, one of the problems that we have in our defense budgeting is that we too often start a program, spend a lot of money on it, and then decide to terminate it and get little or nothing for what we already did. So I believe it is important for the Department to have this flexibility as they negotiate the remaining activities for the fiscal year.

It is my hope the Department would be able to reach an agreement which would provide for an orderly conclusion of the fiscal year 2011 SDD activities and ensure the Marine Corps is able to harvest the advances in technology and beneficial equipment from the program, should the program not be continued.

Mr. AKIN. Chairman YOUNG, I would appreciate a commitment from you to work together on the issue, the Appropriations Committee and the Armed Services Committee, as we consider the fiscal 2012 defense budget. The Congress must ensure that marines have the equipment they need to successfully accomplish the missions they are asked to perform, and that includes amphibious assault.

□ 1120

I appreciate your willingness to work on this. I think that what we're doing is we've got \$3 billion already invested. As you say, it doesn't make sense to waste that investment, especially when you're talking about a very small amount of money to finish up. It leaves the flexibility to take a really good look at how do we accomplish that critical mission of moving marines from the ocean to the shore.

So I appreciate your working on this colloquy and agreeing to where we're going.

Mr. YOUNG of Florida. The gentleman knows that he and I are on the same page on this issue. We want to get something for the money we've already spent, and we think this is a way out.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, as I understand it, if we can add \$34 million to the funding, we can get all the testing completed and not have to pay termination costs under the contract. So it seems to me you can make a case that this is the most cost-effective thing to do. That's at least what I understood.

Is that the gentleman's understanding, or should we get the Marine Corps up here to try to explain this, or somebody?

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. YOUNG of Florida. My understanding is the \$34 million would be to complete the research and the develop-

ment of the program and to develop the new innovations to this particular vehicle.

Mr. DICKS. I think that's a wise course. I look forward to working with the gentleman on this.

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. REICHERT. Mr. Chairman, I want to engage in a colloquy with my colleague from Florida, the chairman of the House Defense Appropriations Committee. I stand today to support wounded warrior rehabilitation programs that support our brave military men and women who have sacrificed parts of their body for our freedom; men and women who have sacrificed so much that today we can stand here on this floor and offer our remarks. These programs provide life-saving, life-changing rehabilitation services to thousands of injured servicemen and -women.

We must keep our promise to our troops and veterans, consistent with the Pledge to America, which allows exceptions related to government funding so that we can honor our commitment to those who have served. We all know in this Chamber that we can never repay what our military men and women have sacrificed for us and for our freedom, witnessed today by Mr. JOHNSON's presence at the chair and our recognition of the troops who have served. These programs are a small way to support those who have sacrificed so much to keep us safe and free.

Mr. Chairman and Ranking Member DICKS, as you begin the difficult task of reviewing the fiscal year 2012 budget, I ask that you consider the needs and the well-being of our injured servicemen and -women. I hope that we can work together to ensure that these types of rehabilitation programs for wounded warriors are given fair consideration during that process.

Mr. Chairman, I now yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I would also like to highlight the success of the wounded warrior rehabilitation program, specifically those which use community-based partnerships to provide injured U.S. military personnel with the opportunity to engage in sports activities as part of their rehabilitation at DOD medical centers in their home communities. These programs illustrate the power of sports activities to help wounded warriors return to a healthy and active lifestyle. Today, thousands of injured servicemembers from the Iraq and Afghanistan conflicts have benefited from these programs, and some even participated in the Depart-

ment's first Wounded Warrior Games competition held last May.

Wounded warrior rehabilitation programs are located at major DOD medical treatment facilities, military installations, veterans facilities, and the communities around the country where our injured servicemembers live. Wounded warriors, as we all know, ladies and gentlemen, are heroes for serving our country and important role models to so many people in our communities. We greatly appreciate their service, their sacrifice, and their leadership.

Mr. REICHERT. Mr. Chairman, I now yield to the ranking member of the Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate the opportunity to speak on this issue. Wounded warrior rehabilitation programs that have worked with national and community organizations have provided substantial support for injured members of our Armed Forces to participate in physical activity as an important aspect of their rehabilitation. Research shows that daily physical activity enhances wounded warriors' confidence, achievements, and quality of life. These programs are essential, and I would like to work with my colleague in the upcoming year to ensure that those programs will continue.

Mr. REICHERT. Mr. Chairman, I now yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I want to congratulate and thank the gentleman from Washington for bringing this matter before the House today. It is something that Mr. DICKS and I have worked with ever since these wars began—something that we cannot overlook, something that is extremely, extremely serious—a major debt that we owe to the men and women who serve our country as warfighters. And so I would say again to the gentleman from Washington (Mr. REICHERT), thank you very much for bringing this matter before the House today.

Mr. REICHERT. Thank you, Mr. Chairman, and I thank the ranking member. I look forward to working with you and Mr. LANGEVIN in making sure that our wounded veterans returning home are rehabilitated, are counseled, and receive the medical care and encouragement they need to lead a fruitful life.

Mr. DICKS. Will the gentleman yield?

Mr. REICHERT. I yield to the gentleman from Washington.

Mr. DICKS. I really think we've got to solve this problem. This is very unfair, this one program. This is a national program in every sense of the word, and we have either got to get it authorized or do whatever we have to do to make this possible. I look forward to working with you to achieve that.

Mr. REICHERT. Reclaiming my time, I thank the gentleman, and I look forward to working with you. I really appreciate your enthusiasm and passion. I know all of us in this body would support this issue once we can get it solved.

I yield back the balance of my time.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, I wish to enter into a colloquy with the gentleman from Georgia.

Mr. BROWN of Georgia. Mr. Chairman, I rise today to enter into a colloquy with my friend and distinguished chairwoman of the Appropriations Subcommittee on Financial Services and General Government. I would like to thank you, Madam Chairman, as well as Chairman ROGERS and your respective staffs, for all your hard work. I appreciate your willingness to work with me and my staff on this issue.

I planned on offering my amendment, No. 264, that would have prevented any funding in this act to be used for vacant Federal properties. However it's drafted, this language would have had serious unintended consequences. We see those sorts of things happen around here a lot.

I would like to take this opportunity to clarify the intent behind my amendment and how it highlights an increasingly larger problem. According to a Senate report on questionable spending, roughly \$25 billion is spent annually to maintain vacant or unused Federal properties. My goal is to close off that spigot of Federal waste. Unfortunately, my amendment as drafted would have inadvertently prevented basic security or the ability to respond to an emergency situation such as a broken pipe or others.

That being said, even with the current funds, we have numerous vacant Federal buildings crumbling all across our Nation. The Veterans Administration alone spends \$170 million a year, often on buildings that they would rather sell, were Congress not standing in the way. In fact, a good example is those at the Charlie Norwood VA Center in Augusta, Georgia, that I represent.

If we intend to tackle other difficult problems, we cannot continue to punt on the simple ones. It is outrageous that hundreds of billions of dollars have been wasted on unused buildings sitting for over a decade waiting for renovation funding. We need to sell what isn't absolutely necessary and in the meantime stop burning dollars on the maintenance of buildings going to waste.

□ 1130

The problem with these buildings is symbolic of the Federal Government as

a whole; so large and bloated that some are lost in limbo, decaying and sapping valuable resources. We have redundant agencies and regulations lost in the bloat, just like these buildings. Again, if we hope to make headway on the critical budget issues that we face as a Nation, we must begin with these smaller commonsense changes.

I hope that my colleagues will allow me to work on this issue with them during this process and the upcoming 2012 appropriations cycle. And I just request from the chairman, I hope that you will work with me. We've got many vacant unused Federal properties all over this country that we need to stop funding. We need to sell these and reduce the debt by the funds that we do.

So I'd like to ask the chairman of the subcommittee if she'll be eager to work with me on this issue.

Mrs. EMERSON. The gentleman raises an absolutely critical issue that there are examples of all over the country. We are more than willing to work with you on a continuing basis.

You may be happy to note that we have cut \$1.7 billion from the public buildings fund in this continuing resolution. But we've got a lot more work to do. And as we prepare the FY 2012 spending bill, I think that we'll find more examples. It's very critical to save every penny we can.

I just want to thank you so much for your dedication to finding all the waste that we have in the Federal budget.

Mr. BROWN of Georgia. Thank you, chairman. I appreciate your willingness to work with me.

AMENDMENT NO. 189 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used to research, develop, test, evaluate, or procure any of the following:

- (1) Expeditionary Fighting Vehicle.
- (2) V-22 Osprey aircraft.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentlelady's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, this amendment would eliminate the V-22 Osprey aircraft and the expeditionary fighting vehicle. For years, the Pentagon has been throwing billions at weapons systems that don't work and don't keep us safe; weapons systems that are obsolete in the post-Cold War era; weapons systems that are not giving us bang for the buck.

The V-22 Osprey is essentially a lemon. It makes defense contractors

rich but doesn't make our military strong. It has a notoriously bad safety record, having killed 30 of our own people in training exercises, and a deadly V-22 crash in Afghanistan last year was claimed as a victory by the Taliban. Billions over budget for a weapons system that's killing our own people—not a good deal for the taxpayer, to say the least.

The GAO has noted that this plane has trouble flying over 8,000 feet or in extreme heat. It also has problems carrying troops, transporting cargo, and operating in high-threat environments.

A combat plane that can't operate in high-threat environments? Is there anything the Osprey can do? Actually, can it deliver mail? The President's deficit commission recently recommended we stop writing blank checks for the Osprey. So did another top official who more than 20 years ago said: "Given the risk we face from a military standpoint, the V-22 is at the bottom of the list, and for that reason, I decided to terminate it."

That's not a prominent Democrat speaking, Mr. Chairman; that's a former Secretary of Defense named Dick Cheney.

The Marine Corps' expeditionary fighting vehicle would provide almost as much savings, between \$8 and \$9 billion over the next decade. The President's proposed budget pulls the plug on this system, which is more than 14 years behind schedule and has also experienced major cost overruns.

According to the Task Force on a Unified Security Budget, the EFV breaks down on average every 8 hours and has trouble steering in water. Shouldn't we be worried about an amphibious vehicle that doesn't steer well in water? Would you spend billions of dollars on a family car that breaks down every 8 hours and doesn't steer well?

And besides, even if the EFV ran like a dream, when was the last time we needed to launch an attack by sea? Once again, we're developing weapons for enemies that no longer exist.

With spending cut fever having hit Capitol Hill, you would think these wasteful systems would be among the very first on the chopping block. But naturally my colleagues on the other side of the aisle would rather scale back the very things keeping people safe and strong—police on the streets, investments in innovation and infrastructure, NIH research, education assistance from Head Start to Pell Grants, and much, much more.

I say we go in a different direction. If we're serious about restoring fiscal discipline, both the V-22 Osprey and the EFV must go.

I yield back the balance of my time. Mr. ROGERS of Kentucky. Mr. Chairman, I withdraw the reservation on the point of order.

The Acting CHAIR. The reservation is withdrawn.

Mr. DICKS. I move to strike the requisite number of words.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. We have already had a straight up-or-down vote on the Osprey and resoundingly supported it here in the committee.

On the expeditionary fighting vehicle, there's a decision been made by the Secretary of the Navy to end this program. What we're trying to do is to do it in a way that finishes the research with an additional \$34 million and avoids termination liability.

I urge a "no" on this amendment.

I yield to the gentleman from Florida, the chairman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment. We just had a very good colloquy on the issue of the EFV and we think we have a solution here that is good for the taxpayer, is good for the Marine Corps, and is good for the Marines. Here's an opportunity to get something for the \$3 billion that we've already spent on this program. So I must be opposed to that.

On the V-22, we've already voted on that once during the earlier procedures on this bill. The V-22 did have some developmental problems years ago. The V-22 is a most effective weapon being used in Afghanistan. Because of the high mountains, because of the high altitudes, because of the weather, the V-22 is the vehicle of choice to move our war fighters from where they are to where they have to be.

I would hope that the vote would be the same on this amendment as it was earlier on the V-22, and that's to defeat it. Here is an airplane—the Marines use this V-22 in Afghanistan on a regular basis because it has the capability that the CH-46 does not have. It has the ability for altitude, it has the ability for speed, and it is an outstanding aircraft today.

Mr. VAN HOLLEN. Mr. Chair, although I support Secretary Gates' call to terminate the Expeditionary Force Vehicle (EFV), I must unfortunately oppose the Woolsey amendment because it also seeks to cancel the Osprey program, whose termination I do not support.

The EFV is clearly not a wise use of American tax dollars. It is 14 years behind schedule and estimated to cost 168 percent more than originally estimated. Because of these realities, along with the evolving nature of naval warfare, Secretary Gates, the Secretary of the Navy and the Commandant of the Marine Corps have all recommended that it be terminated—and it was not included in President Obama's FY 12 Budget. By contrast, after overcoming a number of operational and cost concerns, the Osprey has become a top priority for the Marine Corps and does enjoy command support.

If I could split this amendment into two separate votes, I would do so. Since I cannot, I will oppose it and continue to pursue a delib-

erate, program by program approach to finding needed savings in our defense budget.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I would like to turn to my colleague, Chairman MICA of the Transportation Committee, with an amendment that he has.

Mr. MICA. Mr. Chairman and Mr. ADERHOLT, first of all, I want to thank you for recognizing me and also giving me this opportunity to speak on my amendment which in consultation with you, Mr. Chairman, I will withdraw and not offer.

That is amendment, I believe it's numbered 543 as printed. Mr. ADERHOLT, first I want to thank you for your pledge to continue to work with your subcommittee and our full committee in your rigorous oversight of how the Transportation Security Administration is spending our scarce resources.

□ 1140

Unfortunately, the TSA bureaucracy has mushroomed since 9/11 from a workforce of 16,500 to 62,000 employees today.

The purpose of my amendment is my concern about the growth and administrative overhead—a huge number of personnel. TSA has more employees than the Department of State, the Department of Education and Labor, and the Department of Housing and Urban Development combined.

Now listen to this: TSA headquarters, which is within a few miles of where we're standing, has 3,776—latest count—administrative bureaucrats employed, and 27 percent are supervisors of them. The average pay of these 3,700-plus bureaucrats here is \$105,000.

Having helped create TSA in the aftermath of 9/11, I can tell you we never intended to support this kind of bureaucracy.

Now listen to this: if you think the bureaucracy in Washington is bad, there are 9,233 non-screener employees at the airports across the country. There are only 400 airports in the program. That's 20 bureaucrats per airport on average. This agency is totally out of control. In addition, in the 2012 budget, they have asked for 3,300 more positions.

In its nearly 10 years since creation, Mr. Chairman, TSA still lacks the institutional capacity to become a performance-driven organization.

On January 28, TSA shut down the most successful screening program we had. We set up two models, both with Federal supervision and one using private contractors. Every positive initiative we have ever gotten from TSA came from those programs, and they shut it down. In addition, one week later, they granted collective bargaining rights to TSA workers.

It is time that we dramatically reform TSA and cut its massive administrative bureaucracy. I will work with you. My cuts are not as surgical as maybe they need to be, but we will work with you to improve its mission. My goal is for less bureaucracy and to redirect TSA to its important security mission.

Finally, the failure of TSA puts this Nation at risk—read the GAO reports—with the total failure of the SPOT program, the behavior recognition program. Get the classified briefings on the failure of the advanced technology. They went out and bought \$500 million worth of equipment, and spent another \$500 million to install it. The failure is dramatic. You can read that as Members of Congress.

The failure of the pat-down program. Everyone is getting patted down. Do you think that's helpful? I implore Members to get a classified briefing and see, again, the results of that failure.

The failure to have even a pilot identification. Six years ago, I asked for a pilot identification that's durable, not something that looks like it came out of a crackerjack box, with the pilot's photograph on it and a biometric measure. After spending millions of dollars, TSA gave a card, but the only pilots on it were Wilbur and Orville Wright. The biometric measure that they put in is a total failure. Any credit card you have in your wallet has a better capability than what they have produced.

It is failure after failure, and they put us at risk. I thank you for offering to work with me to make the necessary changes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. I yield to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Thank you, Mr. Chairman.

Let me say, Mr. MICA, that I completely understand your interest in pushing TSA to meet its mission in a most cost-effective manner.

Because of these concerns, we have placed a number of provisions within the CR, provisions which constrain

TSA spending to include a firm cap on the number of airport screeners TSA may hire in FY11. Additionally, we have included a strong oversight provision requiring them to report on their efforts to incorporate more advanced integrated technology into the checkpoints.

Let me add that our subcommittee fully intends to review all of TSA's security and management practices as we prepare for the FY12 Homeland bill. I plan to carry forward and expand within the FY12 bill the oversight that we began with the CR. I would like to work closely with you and your committee in an effort, as we move forward, to try to address these concerns that you shared with us this morning.

Let me just say that we certainly in this country want to strike a balance between having security in this Nation and making sure that we have appropriate oversight.

I appreciate you calling attention to these issues that you mentioned this morning. I can assure you our committee will work with you in trying to work toward doing a better job in oversight for TSA and in making sure we do have the security we need for this country.

Mr. ROGERS of Kentucky. Reclaiming my time, when we first stood up TSA, I chaired that subcommittee. We put a limit on the number of employees that TSA could have.

They first wanted, I think it was, 30,000 people. We said no. Then they went up to 35,000; then they went to 40,000; then they went to 43,000. I said time out. So we put a limit of 44,000 on the number of TSA employees that were allowed. That cap stayed in place until 2006, which is when the other party gained control of this body. The cap came off.

Mr. MICA, I don't know the total number. I think it's in the 60s.

Mr. MICA. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Florida.

Mr. MICA. The number is 62,000, of which we have 3,770 administrative personnel in Washington, DC, and another over 9,000 administrative personnel in non-screening positions across the country.

Mr. ROGERS of Kentucky. We've heard your statement. We're up to 62,000 now and it's way too much.

Let me ask the chairman: Is there a cap now reinstated in this bill for TSA employees?

I yield to the gentleman from Alabama.

Mr. ADERHOLT. We have a cap of 46,000 in this bill.

Mr. ROGERS of Kentucky. They can't go above 46,000?

Mr. ADERHOLT. That is correct.

Mr. ROGERS of Kentucky. There are 62,000.

So there will be some reductions; am I correct?

Mr. ADERHOLT. We are looking at absolutely doing that, yes, sir.

Mr. ROGERS of Kentucky. All right. Thank you.

Mr. Chairman, I want to congratulate Chairman MICA and Chairman ADERHOLT, who are working together to rein in this organization, which has almost gone beyond belief, so that we can get some discipline and some savings in this organization.

I don't know about you, but at the airports I go through, there are way too many TSA employees just standing around, making conversation with each other. That's okay, but we are overstaffed at TSA. This bill gets us back to being within some degree of reason.

Mr. ADERHOLT. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Let me just clarify that the number of screeners is capped at 46,000 right now.

Let me assure you that we will continue to monitor that to make sure that your concerns from when you were chairman of this subcommittee—and of course the chairman of the Transportation Committee's concerns—will be addressed. I appreciate both of your input this morning, and we look forward to working with you both.

Mr. ROGERS of Kentucky. Thank you.

I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BURTON of Indiana. Really quickly, I support everything my colleagues just said, but I want to deviate a little bit and talk about something real quickly that needs to be discussed.

Mr. Chairman, we have sent two or three letters to the President—Congressman POE, Congressman ROYCE and I and others—regarding our southern border. We just had two ICE agents attacked. One was killed. Seventy, eighty miles into Arizona, there are signs telling the American people: Don't go south of here because of the danger.

□ 1150

This is in America. We have drug dealers sitting in spy sites in the United States monitoring the border from the U.S. side to make sure that they can bring their drugs across and bring people across in their vans and other ways. It is a real problem.

Now, we sent 17,000 people down to the gulf when the oil spill took place. We haven't sent over 1,400 National Guard people down and not even near the border in many cases, and we've got a terrible problem. Farmers and people are scared to death to go along the 1,980-mile border between us and Mexico, and the President has ignored letter after letter after letter that would deal with this problem.

And I would just say to the administration, if they were listening, let's get on with protecting that southern border. It's a war zone, and people are afraid, scared to death down there, and they're being killed and bullets are coming across the border. So I'd just like to say that I'd like to take this opportunity to encourage the administration to really get on with protecting our southern border.

Mr. DICKS. Will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Washington.

Mr. DICKS. I agree with the gentleman. I've been down there on that southern border. I would just point out, though, that yesterday we killed the National Drug Intelligence Center, which is used by the Justice Department to try and target the people coming across, I mean, this was a Justice Department program, but your side killed it.

Mr. BURTON of Indiana. Reclaiming my time, sending National Guard troops down there en masse to protect that border until it's completely secure, along with the border patrol agents, will do the job. The cut yesterday would not affect this kind of an approach to solving the problem.

Mr. LOBIONDO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. Mr. Chairman, I rise to engage the chairman of the subcommittee, Mr. LATHAM, in a colloquy.

As the gentleman knows, I believe the implementation of the next generation of air traffic control is a very necessary and critical step in bringing our aviation system into the 21st century. The Nation's aviation transportation network is currently based on an outdated, outmoded, decades-old, land-based radar system. Our cell phones have better capability than our air traffic control system. The next generation of air traffic control reflects an approach to move forward while making our aviation system much safer, much more efficient, and much more cost-effective by moving it to a satellite-based system that will benefit all Americans.

Once fully implemented, the next generation system will reduce flight delays, saving Americans billions of dollars in lost productivity. Aircraft will be able to operate more efficiently, resulting in less fuel consumption. Congestion at some of our Nation's busiest airports will be significantly reduced, freeing up much needed airspace to accommodate growth in the aviation sector.

And I'm particularly proud that most of the work that is being done to validate the FAA's next generation of air

traffic control is being done at the Federal Aviation Administration's Technical Center in my district in New Jersey that will help develop this and implement it.

That is why I rise today, and while I strongly support the House's effort to reduce wasteful government spending, I am also very concerned about programs that could be affected unintentionally, and this measure includes a slight reduction in the FAA's facilities and equipment account, an account which could provide some of the funding for the work associated with NextGen. Can the gentleman assure me that this reduction will not negatively impact the critical work that is taking place on the next generation of air traffic control.

Mr. LATHAM. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Iowa.

Mr. LATHAM. I appreciate the gentleman yielding.

I, too, share his commitment to NextGen, and I believe that this program is essential to achieving the much-needed improvements in our aviation system. The committee has consulted with the FAA. We believe that these modest savings will be beneficial to the taxpayers while providing the FAA with the funds necessary to continue to do the important work in bringing NextGen to fruition.

Mr. LOBIONDO. Thank you, Mr. LATHAM, for sharing that information and for your commitment to the next generation of air traffic control, and I look forward to continuing to work with you and the committee and this body to see that accomplished.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I had an amendment, which has now been ruled out of order, to create an Afghanistan-Pakistan study group. The war in Afghanistan has been going on for 10 years. The first person killed in Afghanistan was from my congressional district, Michael Spann. I was the author of the Iraq Study Group, where we got Baker and Hamilton in a bipartisan way to come together to look at the war. I have asked the administration to do something, and quite frankly, when I read Woodward's book, "Obama's War," it was depressing because it almost looks like they're approaching this on basically political ways, political means.

The war has now been going on for 10 years, and quite frankly, I think not only has the administration failed, but Congress has failed. So what I hope to do is to, at an appropriate time, offer an amendment to create an Afghanistan-Pakistan study group, modeled after the Iraq Study Group, and put on

people like Sam Nunn; former chairman of the House Armed Services Committee DUNCAN HUNTER; Ryan Crocker, who was our former ambassador to Iraq and who supports the concept; General Jack Keane, who was author of the surge; General Charles Krulak, who was the Commandant of the Marine Corps; General Zinni, who was Commandant of the Marine Corps; and Ike Skelton, former chairman of the House Armed Services Committee, to see are we fighting this war the right way, are we doing the right thing.

And I believe we need fresh eyes on the target, and when you look at and read "Obama's War" by Woodward, you can see there are no fresh eyes on the target, and we owe it, we owe it to the men and women that are fighting in Afghanistan and dealing with this issue to make sure that we are doing everything possible—and I don't know what the answer is—everything possible to make sure that we're doing what we should do as a Nation.

And with that, I hope when there's an opportunity I can offer this amendment—because I don't think the administration is going to do this by Executive order—that we can adopt because we owe it to our fighting men.

Mrs. HARTZLER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. HARTZLER. I rise to enter into a colloquy with the gentleman from Florida.

I stand today to support our brave military men and women and their families who sacrifice in the service of freedom. Mr. Chairman, can you assure me that this bill will not in any way harm or put to risk our troops?

Mr. YOUNG of Florida. Will the gentlelady yield?

Mrs. HARTZLER. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentlelady for raising the question. It's something we should discuss more and more, and in fact, we have an obligation to our troops and our warfighters and our veterans.

I would say that Mr. DICKS and I worked long and hard to come up with the savings that we were instructed to come up with, and I can guarantee the gentlelady, we did not create anything that would have an adverse effect on our warfighters. It would not have an adverse effect on our Nation's readiness, would not have an adverse effect on their training and their preparation for war.

So I say to the gentlelady, I share her very strong commitment, and I thank her for her strong commitment, and our subcommittee has the same strong commitment. So I can assure her.

Mrs. HARTZLER. Thank you, Mr. Chairman. As you know, in our Con-

stitution one of the few things that we're supposed to do here is to provide for the common defense, and I know I'm committed to doing that, and I know you're committed to doing that, and yet we have this continuing resolution, and so that certainly makes me feel more confident that in our efforts that our troops are being watched out for and their families.

So I thank you for that commitment, and will you continue to promise to work with me through this coming year to move forward to ensure that our troops and their families are supplied with all that they need?

Mr. YOUNG of Florida. I can, and I would like to say that we look forward to working with you during this Congress as we do what it is that you want us to do.

Mrs. HARTZLER. Thank you very much for your commitment. I look forward to it.

□ 1200

Mr. CULBERSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chair, in an effort to help my constituents understand, the country understand, and even almost understand the scale of the problem we face, it's important I think to think of the expenses, the obligations of the Federal Government in terms of our own budget, that if we in our own lives take our income, you've got to calculate your income and your expenses. And the things you have got to pay first are the mortgage; you have got to pay the light bill. You have to make sure that, above all, the expenses of your home are paid first. And in the same way, the Federal Government must pay the expenses of the mandatory programs, like Medicare, Medicaid, Social Security, the interest on the national debt, our obligation to our veterans. Those programs must be paid first.

We bring in about \$2.2 trillion in revenue every year from all sources. When you take into account what the Federal Government must pay to our veterans, to the mandatory spending programs, those programs cost about \$2.3 trillion. Therefore, the way to think about the scale of the problem we face is to analyze it in terms of, when do we, as a Nation, run out of cash and have to start borrowing? When is national credit card day? And in analyzing that, I discovered that we actually don't have a national credit card day.

At the stroke of midnight on the first day of the fiscal year, the United States Government has already borrowed \$105 million. Now, tax freedom day occurs in May, far too late in the year when we begin to work for ourselves and no longer are working to pay taxes. But as a Nation, we begin to

borrow money. We have already borrowed \$105 million at the stroke of midnight that must be paid off by our kids. And the scale of the problem, therefore, is far larger than the appropriations bill we face here today.

We, in this new majority, were elected by the Nation to begin to deal with the terrible burden of the debt, the terrible burden of these unfunded liabilities that our children and our grandchildren are going to pay. For the first time in history, our predecessors in this Congress, our predecessors in the White House, and this President have loaded our children up with an unparalleled, unprecedented level of debt that we today in this debate on this appropriations bill are beginning to deal with. The \$100 billion cuts that we are making here today will allow us to stop borrowing for about 5 days. We'll get out to, say, Friday before we have to start borrowing money.

The scale of the problem is so huge that if we think of it in terms of when, as a Nation, we have to start borrowing money, when is national credit card moment, then we, I think, can help explain to the public the urgency of getting spending under control, of cutting back everywhere we can, of focusing the Nation on its core functions under the Constitution.

We, in this new majority, are committed to restoring the constitutional limits on our Federal Government, restoring the 10th Amendment, restoring individual liberty wherever we can. And in so doing, as Thomas Jefferson liked to say, if you apply the Constitution, the knot will untie itself. No matter what the problem is, Mr. Jefferson liked to point out, that if we simply apply the Constitution, the knot will untie itself.

What lies ahead of us if we do not deal with this problem, not only of the spending year to year, but we've got to really dramatically deal with the fraud, the waste, and the abuse in our social welfare problems to begin to deal with them realistically—both parties, Republicans and Democrats—and controlling the explosive growth of the entitlement programs.

In looking at the history of the Roman Empire, Mr. Chair, we see that at the end of the Roman Empire one writer of the period went so far as to suggest that those who lived off the Treasury in the Roman Empire were more numerous than those paying into it. At the end of the empire, under Diocletian and Constantine, when it really began to decline, the Roman Empire taxed its citizens more heavily, conscripted their labor, and regulated their lives and their occupations in every detail. The Roman Empire became a coercive, omnipresent, all-powerful organization that subdued individual interests and levied all resources towards one overarching goal, the survival of the state.

We, as a Nation, have got to deal with the scale of the spending, the debt, these unfunded liabilities that are being passed on to our kids or, if we're not careful, the United States will follow the Roman Empire in devaluing our currency, in the level of debt at a scale that can't be repaid. And you saw it towards the end of the Roman Empire where taxation became so heavy that it consumed all the resources of the state.

In conclusion, Mr. Chair, I would point out that at the end of the Roman Empire, the one writer of the period pointed out that it was actually very common for Romans who were taxed so heavily, who were crushed and so overwhelmed with bureaucracy, that they actually welcomed the invaders who were taking over the Roman Empire.

It's a decisive moment in American history, Mr. Chair. We in the new majority, this constitutional conservative majority, are bringing these amendments. I thank Mr. ROGERS for bringing this bill to the floor, the largest cuts we've ever seen in annual spending. We as a nation are at a turning point, and I am convinced that we finally are beginning to deal with this problem and we'll get spending under control.

I yield back the balance of my time.

AMENDMENT NO. 208 OFFERED BY MR. COLE

Mr. COLE. Mr. Chairman, I offer an amendment.

The Acting CHAIR (Mr. FORTENBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to carry out chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. COLE. Mr. Chairman, this is a simple amendment, and it's on an issue we voted on as recently as 3 weeks ago. Very simply put, my amendment prohibits the use of funds under this act to administer or carry out any of the activities for the Presidential Election Campaign Fund or to transfer public dollars to political conventions under chapter 96 of the Internal Revenue Code.

Just 3 weeks ago, this House passed H.R. 359, which eliminated taxpayer financing for Presidential election campaigns and political party conventions. This bill passed by a vote of 239-160 under a modified open rule. If signed into law, it will save \$617 million over 10 years.

Mr. Chairman, today's amendment is a down payment on that goal. CBO scored this amendment as saving \$38 million in budgetary authority and \$40 million in outlays for fiscal year 2011. We all know on this floor we need to

cut spending. Mr. Chairman, we can start today by canceling political welfare for politicians and political party conventions. This is an easy amendment that I urge all Members to support.

I yield back the balance of my time. Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I rise in opposition to this amendment.

It's interesting that the gentleman calls it political welfare for elected officials. We should remember why this was created and when it was created. This was created after Watergate, and it was created as an understanding that we needed to move more and more to a situation where folks with a lot of money would not go around controlling our elections. The gentleman calls it political welfare for Presidential candidates, but, in fact, without this, it is totally in the hands of people making donations; whereas, here, it is the average American citizen who gets a chance to donate to this campaign.

We know that a lot of the amendments that will come up today are directed not necessarily at issues but, I believe, and many of us believe, are directed at who is the resident of the White House right now. We have an election coming up in 2012, and I think some would rather have an open-ended private contribution situation where a lot of very wealthy people in this country control the giving to elections. I really think that this is an amendment that sounds like a savings, but it isn't. It is part of many amendments we will see today to strike at this particular President and at the White House and at the expenses that have to do with the President of the United States.

So I would hope that folks understand first of all why this was created, why it's been important, why Presidential candidates accept this kind of funding, but, most importantly, why it allows the American taxpayer the ability—the ability—to decide if he or she wants to participate in having something to do with how the election gets funded.

□ 1210

No one is forced to do this. This is just an opportunity for the average American to participate. So I really hope that, in a bipartisan fashion, people turn this down and reject this amendment.

I yield back the balance of my time. Mrs. EMERSON. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I rise in support of the Cole amendment because I think political candidates should rely on private donations rather than tax dollars for their political campaigns.

And I might mention to my very dear friend, Mr. SERRANO, that I think that the President of the United States today showed the best example of people all around the country of every financial means contributing to his campaign. Friends of my children did \$5 a month or offered \$10. I mean, that was the most incredible show of involvement that I've seen in my life. And so to say that it would be against this precedent, I think, is just not fair.

I also think that this amendment adds to the good work done by Mr. COLE and our leader's office, with the YouCut bill, H.R. 359. And according to the CBO, this amendment will actually save \$38 million. And \$38 million is \$38 million. And quite frankly, we're looking to save as many tax dollars as possible.

So, Mr. Chair, I would strongly support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SERRANO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT NO. 514 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act; and

(5) section 34(c)(4)(A) of such Act.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, as Members are aware, H.R. 1 provided no funding in 2011 for firefighter hiring grants, also known as SAFER grants, a reduction of \$420 million. Fortunately, yesterday the House resoundingly overturned that ill-advised move and adopted an amendment by Mr. PASCRELL to restore the funding.

But my colleagues should be aware that funding is only part of the problem with this bill when it comes to the SAFER program. The underlying bill also neglects to maintain provisions enacted in fiscal years 2009 and 2010 that allowed fire departments to use

these grants to rehire laid-off firefighters and to prevent others from being laid off in the first place.

The law traditionally permits SAFER grants only to hire new staff. That provision makes sense when our economy is booming and local governments are in a position to hire new workers. But when the recovery is still fragile and local budgets are actually contracting and workers are being laid off, FEMA needs the flexibility to use these grants to keep firefighters from being cut off in the first place.

After all, the purpose of the SAFER program is to help maintain a safe level of fire staffing across the country. According to the firefighter organizations, over 5,000 firefighter jobs have been lost since 2008, and another 5,200 are currently at risk. Right now, the safety of our communities is being jeopardized by potential and actual layoffs of public safety personnel, not mainly because of a reluctance to hire new personnel.

This amendment also continues provisions from 2009 and 2010 that waived certain budgetary requirements local fire departments have to fulfill in order to receive a grant. These include not allowing our fire department's overall budget to drop below a certain level, not reducing staff over a number of years, even if budgets continue to suffer, and providing local matching funds. Again, these provisions are fine when local coffers are healthy, but we all know how strapped our cities and counties are right now, and these requirements, quite simply, are impossible for many of them to meet.

So, Mr. Chairman, if we don't pass this amendment and waive these provisions, the fire organizations tell me that very few departments will be able to apply for funds. The burden of these requirements is simply too much right now. The result will be more firefighter layoffs, fewer rehires, and a less prepared country.

Mr. Chairman, in weighing this amendment I encourage colleagues to consider the intent of the SAFER program: ensuring we have a safe level of staffing of our Nation's preeminent first responders, firefighters, and ensuring that our communities have workable options for keeping their firefighting staffs at full strength.

We've already overwhelmingly supported funding for firefighter jobs by adding funding back to the SAFER program. If we really support these jobs, we should vote to allow these funds to be used flexibly, in the best way possible to keep the firefighters on staff.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Yesterday, the House of Representatives voted to add

\$510 million to assistance to firefighter grants by devastating the Department of Homeland Security's developing science and technology programs.

It's only prudent that we use this money in a very responsible manner, by forcing the local communities to comply with the original intent of the SAFER programs, by sharing in the cost of hiring their personnel, by creating new jobs, and by committing to retain newly hired firefighters.

In today's lean economy, we cannot use precious taxpayer money to subsidize a local responsibility.

At this time I would like to yield to the past chairman of this subcommittee on Homeland Security and the new chairman of the Committee on Appropriations, Chairman ROGERS.

Mr. ROGERS of Kentucky. I thank the chairman for yielding, and thank him for the great work he's doing chairing this subcommittee in the House.

As Chairman ALDERHOLT has said, SAFER was originally authorized for the purpose of increasing the number of new firefighters in local communities, a hand up, not a handout.

SAFER was not intended to rehire or retain firefighters, and certainly was not intended to serve as an operating subsidy for what is unquestionably a municipal local responsibility.

The Federal Fire Prevention and Control Act contains very specific requirements that local communities have to meet in order to obtain funds. However, the Democrats waived many of these requirements in fiscal 2009 and then again in 2010.

When initially proposed by the Democrats in 2009, then Chairman PRICE, my friend, acknowledged that these waivers were just a short-term, temporary effort that would expire at the end of fiscal 2010. Yet, here we are today, debating the continuation of a subsidy that our country simply cannot afford.

Under these costly waivers, there are no controls, no salary limits, no local commitments. These proposed waivers totally undermine the original purpose and intent of the SAFER program by forcing the taxpayers to subsidize the everyday operating expenses of local first responders, taking over, in essence, the funding of the local firemen.

Given our Nation's dire fiscal situation, we must take a stand that it is not the Federal Government's job to bail out every municipal budget or to serve as the fire marshal for every city and town across the country.

I want to thank the subcommittee chairman for yielding. And I strongly urge my colleagues to support fiscal discipline and vote "no" on this amendment.

Mr. ADERHOLT. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

□ 1220

AMENDMENT NO. 404 OFFERED BY MR. WALDEN

Mr. WALDEN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement the Report and Order of the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices (FCC 10-201, adopted by the Commission on December 21, 2010).

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. Mr. Chairman, I am offering this amendment on behalf of my Energy and Commerce Committee colleague, Mr. STEARNS, as well as Mr. TERRY and Chairman UPTON, and my appropriations colleagues, Mrs. EMERSON, Mr. DIAZ-BALART, and Mr. GRAVES of Georgia.

We all want an open and thriving Internet, and that Internet exists today. Consumers can access anything they want with the click of a mouse, thanks to our historical hands-off approach. Changing direction now will only harm innovation and the economy.

I am bringing up this funds limitation today to prevent the Federal Communications Commission from spending funds to implement its network neutrality rules regarding the Internet. It is a stopgap measure while we work toward passing a more permanent solution, a Resolution of Disapproval, H.J. Res. 37, which would nullify the rules themselves. And I would encourage everyone who cares about keeping the government out of the business of running the Internet to cosponsor that resolution.

Before we even get into the harm the network neutrality rules would cause, it is important to realize the FCC's underlying theory of authority would allow the Commission to regulate any interstate communication service on barely more than a whim and without any additional input from the Congress. In essence, the FCC argues it can regulate anything if, in its opinion, doing so would encourage broadband deployment.

I am relieved, however, that the FCC declined under its newfound authority

to regulate coffee shops and bookstores, airlines, and other entities. Now, this of course means that the FCC believes that if it had not so declined, it would have subjected WiFi and coffee shops and bookstores to government management.

If left unchallenged, this claim of authority would allow the FCC to regulate any matter it discussed in the national broadband plan. Recall that the FCC concluded that consumers' concerns over privacy are deterring broadband. So does that mean the FCC can regulate Internet privacy?

The national broadband plan also addresses health IT and distance learning, smart grids, smart homes, smart transportation. Can the FCC regulate all these matters, too, in the name of promoting broadband? Under the FCC's rationale, its authority is only bounded by its imagination.

The Internet started as a Defense agency project to connect computers at research facilities. It did not become the explosive driver of communications and economic growth it is today until it was opened up to free enterprise to participate in. And the American entrepreneurs and innovators did what they did best: They grew jobs and they created new technology.

As early as the 1970s, the FCC took a hands-off approach to data services. FCC Chairman William Kennard reaffirmed this approach during the Clinton administration. In rebuffing requests to regulate cable Internet access service, Chairman Kennard explained in a 1990 speech, and I quote, "The fertile fields of innovation across the communications sector and around the country are blooming because, from the get-go, we have taken a deregulatory competitive approach to our communications structure, especially the Internet."

There is no crisis warranting departure from this approach. Most everything that the order discusses is either an unsubstantiated allegation or speculation of future harm. The FCC even confesses in its order that it has done no market analysis. It only selectively applied the rules to broadband providers, shielding Web companies.

If the mere threat of Internet discrimination is such a concern, and if the FCC has done no analysis to demonstrate why one company has more market power than another, why would discrimination by companies like Google or Skype be any more acceptable than discrimination by companies like AT&T or Comcast?

Instead of promoting competition, such picking of winners and losers will stifle the investment needed to perpetuate the Internet's phenomenal growth, hurting the economy.

Section 230 of the Communications Act makes it the policy of the United States to "preserve the vibrant and competitive free market that presently

exists for the Internet and other interactive computer services, unfettered by Federal or State regulation."

Statutory statements of policy are not grants of regulatory authority, but they can help delineate the contours of that authority. In light of Congress' statutory pronouncement that Internet regulation is disfavored, the FCC's theory of regulation by "bank shot" stretches too far.

At bottom, this is little more than an end run around the D.C. circuit court's April 2010 ruling in the Comcast case that the FCC failed to show it had ancillary authority to regulate network management. Therefore, I urge your support of this amendment, as well as your support of H.J. Res. 37, our resolution of disapproval.

I yield back the balance of my time.

Mr. SERRANO. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I rise in opposition to this amendment.

It shouldn't surprise me by now, but it's amazing how folks will continue to get up during the day, during the year, during the next 2 years in support of the big guys against the little guy. And so the FCC ruled, and ruled in a way that protects and keeps the Internet open for all of us, and we should remember that.

It issued an order providing for a version of net neutrality that allows the FCC to regulate how Internet service providers manage access to content, requires certain transparency from the providers about their policies, and requires reasonable management of traffic on their networks. Now, all of a sudden there is such a reaction to simply setting some rules.

While we all use the Internet, there are still many parts of this new service behavior that have not been looked at and where it allows some folks to just overrun other people. And if there was ever a decision made by the FCC that's in favor of the consumer, this is one of them. So, of course, we will try to scale it back.

But there are other issues here. I am a member of the Appropriations Committee, and, as such, I think it's the greatest committee and the most important committee in the history of man- and womankind. But I know that there are times that even we should not take up an issue that belongs to people who are much more qualified and have the time to sit down and look at it carefully. And when I say "qualified," I know that scares a lot of people. We're all qualified, but there are some people who pay a lot of attention to this issue on a daily basis. And we have the folks from the Commerce and Energy Committee who have done a lot of work, and my first feeling here is that this should be left to the authorizing committees to continue to work

on. In fact, they have been holding hearings and doing that kind of work.

One of the great virtues of the Internet: its openness. The ability of so many people to connect with so many other people without interference from companies providing the service. The FCC has been the guardian of that openness and needs authority to continue to do so.

The Internet has become more and more important in our lives, and we need to allow the FCC to play an appropriate role in making sure that it continues to remain accessible to everyone as a level playing field.

The FCC's ability to address other Internet policy concerns such as privacy and accommodation for people with disabilities is also at stake.

Now, for Members who are on the floor who may be new to Congress, let me just alert you to something. You are going to see amendments today and during this Congress telling the FCC not to get involved. Then you are going to see some issues come back that haven't been around for a few years about certain personalities on radio and TV, and you are going to see the same folks who are telling the FCC to stay out of it telling them to get into it and control what those folks say on radio and TV. And that's going to create a big debate once again. So we have to be careful what we wish for. Do we want less involvement? More involvement? We should be consistent.

Lastly, I really believe that this should be left to the authorizers to continue to work on, a ruling by the FCC to be respected at this point, and I urge a "no" vote on this amendment.

□ 1230

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I rise in support of this amendment. As the chair of the subcommittee that has oversight over FCC from the appropriations standpoint, I feel very strongly that in spite of what my friend on the other side of the aisle said with regard to the authorizers doing their work because they are doing a good job, but the fact of the matter is, as usual, the regulators have swept in again and without authority, or at least moving well past authority that Congress provides to agencies, and particularly to this agency, they have run in with a sweeping regulation that if we don't do something today about it, they will put small businesses like Boycom in my district, which is a family-owned business, husband and wife who own a small company, who will be devastated by this regulation.

The fact is that it is our responsibility to legislate, and the regulators should follow the legislation that we

write and we pass and get signed into law, not create it on their own. Certainly this is very, very important for us as appropriators. As a result of the FCC overstepping its bounds, we have to get involved. So I would urge a "yes" vote on this amendment.

I yield back.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. STEARNS. The gentleman from New York has indicated that this is the big guys against the little guys. Actually, he has it wrong. But if the government steps in and regulates the Internet, then really the little guy, the upstart company, won't have a chance. So anytime the government comes in and stipulates through regulation, it really hurts the little guys. The big guys can handle the litigation. They can handle all the legal forms and filling them out and handle the politics of it, but the little guy has no chance. So this really is trying to help the little guy.

The other point is, I think as the gentlelady pointed out from the Appropriations Committee, the FCC really doesn't have the jurisdiction. This belongs in Congress. So really this amendment in a larger sense is trying to prevent the FCC from regulating the Internet.

I think all of us agree that one of the bright spots of this economy has been the technology sector; yet for some reason the FCC has decided to step in and overstep its bounds and apply perhaps 19th-century regulation.

They would really like to put this into title II, which is the old rotary telephone service, instead of keeping it in title I, which is information service. So they tried to compromise and put something into title I. But they still have a process in place to put Internet regulation into title II. They have created a chill in the broadband economy because a lot of the manufacturers and a lot of the Internet providers and people who are putting down broadband see this open process and are concerned. So it creates a chill because they see the FCC still going about considering regulating the Internet under title II instead of the information services so again there is uncertainty created in the broadband marketplace.

I think this amendment is simple. In a sense it says the FCC does not have the jurisdiction, and in a larger sense says we don't need the government to step in with new and cumbersome regulation.

At this point let me yield time to the chairman of the Energy and Commerce Committee.

Mr. UPTON. Thank you, Mr. STEARNS.

I rise in strong support of this amendment offered by my friends Mr.

WALDEN, Mr. STEARNS and others on both the authorizing as well as the Appropriations Committee.

There is an old adage, if it ain't broke, don't fix it. The Internet is not broken. It is working. It is creating jobs. Look at all the devices out there, whether it be iPods, iPhones, Black-Berrys, cell phones. Look at all the things that are working. We don't need regulations on the Internet.

I think it was George Will that said that most Americans think the government doesn't work so well and the Internet does. Why are we allowing the FCC then to regulate the Internet? It makes no sense.

This amendment denies funds to the FCC to implement this order. It is a good amendment. I would like to think it would be bipartisan. I support the authors that are offering this.

Mr. STEARNS. I would just close by saying it is not appropriate for the unelected FCC to regulate interstate communication services on barely more than a whim and without any additional input from the United States Congress. If left unchallenged, this claim of authority would allow the FCC to do anything, anything it could allege to promote broadband under their jurisdiction, which they don't have.

So Congress must stop the FCC. This amendment will do that just by preventing any money from being spent to implement these rules. I urge its adoption.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I thank you very much for recognizing me.

Mr. Chairman, I rise in opposition to the proposal.

This amendment is bad policy. It would overturn a decision by the FCC enacted last December that would protect the Internet from those who might interfere with the ability of consumers to access whatever they want.

Mr. UPTON simply said a minute ago a lot of jobs are created by the Internet. Well, that is why we shouldn't stop the FCC. The most vibrant sector of our economy today is our Internet economy. U.S. companies like Google, Facebook, Amazon and E-Bay are leading the world in innovation; and they all urge the FCC to protect and open the Internet because commonsense baseline rules are critical to ensuring that the Internet remains a key engine of economic growth, innovation and global competitiveness. In fact, these high-tech and high-growth companies urged the FCC to adopt even stronger rules than it did.

Contrary to the hyperventilated rhetoric from the majority, the FCC rules do not regulate the Internet.

They do not grant the government the power to turn off the Internet. They do not determine what content is appropriate for users to access. Their goal is just the opposite. They prevent Internet gatekeepers, like Verizon, from deciding what content their subscribers can access.

But the FCC rules were a very light touch regulation, and it is notable that AT&T, Comcast and Time Warner, three of the Nation's largest network operators, support these rules. As AT&T's CEO stated, "We didn't get everything we wanted. I wanted no regulation. But we ended at a place where we have a line of sight and we know we can commit to investments."

Major Wall Street investment analysts have concluded that the FCC's open Internet order removed any regulatory overhang for telecom and cable companies and reflected a light touch version of regulation that will not hinder innovation or growth.

Now, what is at stake here is those who are offering this amendment to stop the FCC from doing what it has ordered want the people who carry the Internet able to restrict the access for consumers and creators who have used the Internet for such great success. That would be a serious mistake.

We had a broad, diverse coalition of more than 120 organizations, including public interest groups, religious leaders, technology associations, labor unions, Internet companies and small businesses who wrote to us strongly opposing the Republican efforts to block the open Internet regulations. They argue that overturning the regulations would eliminate the FCC's ability to protect innovation, speech and commerce on broadband platforms.

If we stop the FCC from regulating, well, then we leave the status quo, which means that those who deliver the Internet into our home can start regulating it themselves. The American people, I think, would be against this. They want us to stop this re-litigation of FCC's sensible open Internet rules. We should be working together on a bipartisan solution to expand broadband access and create tomorrow's economic opportunities.

The FCC took landmark action to preserve the open Internet. Let us not roll back the clock and stop those regulations by the FCC to preserve the open Internet from being put into place.

I urge opposition to this effort. And I want to say that this does not save any money. This proposal will not cut costs. This is only about policy, and the high-tech high-growth companies have urged the FCC to adopt these rules. We shouldn't use the appropriations process to make this effort to stop the FCC from doing its job.

I yield back my time.

□ 1240

Mr. GRAVES of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRAVES of Georgia. Mr. Chairman, I'm here today in support of this amendment, and I want to thank those who have been working in this effort—Mrs. EMERSON, Mr. WALDEN, Mr. UPTON, and Mr. DIAZ-BALART. I appreciate them letting me join in this debate.

As we've heard a lot of the conversation, it gets complicated sometimes when you have elected officials get up and start talking about broadband and Internet and FCC. Well, let's make it simple. Government control means uniformity, regulations, fees, inspections, and yes, compliance. Just think if those words had existed since the 1990s with the Internet. We wouldn't know one thing about "broadband," let alone a "tweet." The Internet's marketplace is defined by fierce competition, and that competition has transformed this world with innovation, investment, and what we need most of all right now—jobs. It's possible that the most intelligent and bipartisan policy that Washington has had thus far has been to leave the Internet virtually untouched by the Federal Government and regulators. And the result? Internet-based industries have flourished and employed a generation of Americans. So let's be clear today: there is no net neutrality crisis.

The speed and depth of the Internet as we know it today came from consumer choice and competition. Consumers have successfully picked those winners and losers, not government, and they've done it without the FCC's help. Imagine that. Consider the choices in rate plans, the various points of access, and demand for openness and accessibility. A service provider that restricts access would do so at their own peril and to the prosperity of their competitors.

So after all the life-changing innovation, the accidental billionaires, President Obama's revolutionary e-campaign, after all the groundbreaking technology that has defined this age of the Internet, we must ask that question, Why? Why would unelected bureaucrats at the FCC want to take over and feel good about this Internet takeover right now with their new rules and policies, keeping things neutral being their claim. Well, three words come to mind to me today, and that is: Trojan Horse virus.

So, Mr. Chairman, let's pass this amendment today and let's install some antivirus protection for Americans on the Internet.

I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. DIAZ-BALART. Thank you, Mr. Chairman.

I want to really just echo what the gentleman from Georgia just did here on the floor of the House. He actually brought some common sense to this debate. Everybody has their talking points and their little notes and they're reading them and they're trying to confuse the issue. Let's take a step back, if we might, Mr. Chairman. Let's just ask a very simple question, a very simple question. Can somebody name an area in this country or in this world that has had more innovation, that has blossomed more, that has opened up communications and connected people more in our country or anywhere in the world in the last decade than the Internet? Can anybody name it? Anything. No. It's impossible.

Think about what's happened. The Internet was even recently credited for helping bring down the government of Egypt. It's allowed the people to see the atrocities in Iran. It's allowed things like Facebook and Twitter and iPhones to blossom. It's given access to millions of people, and it has created millions of jobs.

So what is the answer then for that incredible blossoming of something that has revolutionized the way we communicate, that the world communicates? What is now the answer of the Federal Government? We keep talking about letters. It's the Federal Government. What is the answer of the Federal Government to deal with that unprecedented blossoming, of innovation, imagination, of job creation? Oh, Mr. Chairman, the Federal Government now has to regulate. Why? Because it's too much innovation. The prices have dropped too much. It's too much imagination. It's too positive. And, therefore, the Federal Government must step in because the Federal Government can do it so much better. The Federal Government has all the answers.

Mr. Chairman, a little bit of common sense. I'm talking to my colleagues here but also to the American people. If you believe—and think about 10 years ago—if you believe that the Federal Government, if it's in charge, if it would have been in charge, would have done a better job in blossoming this innovation, this job creation, then you have to be with our friends on the other side of the aisle. You then should support Federal Government intervening, taking care of, regulating the Internet. But if you believe that that miracle of innovation took place because of individuals, people with imagination, and because the government got out of its way, you would support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I think a little bit of telecommunications history would be appropriate at this juncture. First of all, just let me explain that AT&T and the regional Bell companies had nothing to do with the invention of the Internet. In fact, they were asked by the Federal Government in 1966 if they wanted the contract to build the packet switch network that would operate simultaneously with the Long Lines Network across the country, and AT&T and Bell South and Verizon all said, No, we don't want to build the packet switch network. Give it to someone else. And so they did. They gave it to a tiny company, Bolt, Baranek and Newman up in Massachusetts, which built the Internet across the country, designed it, without any of the Bell operating companies.

Back in the 1960s and the 1970s, when people said to AT&T and said to Verizon and said to Pac Bell, How about allowing people to be able to go out and buy another phone other than a black rotary dial phone? Well, here's what AT&T and Bell South said. They said, If you allow someone to buy another phone other than a black rotary dial phone, it could destroy the entire phone system of our country.

Back in the 1970s and early 1980s there were new companies called MCI and Sprint that wanted to provide competing long distance service. Remember, up until the mid-1980s, whenever grandma called from California, people would run to the phone saying, Run, it's long distance. It costs a dollar a minute. That was AT&T, that was the Bell system across our country. No competition, no incentive to introduce innovation, no incentive to lower prices, no incentive to make the consumer the king.

And then along comes the 1990s and 2000s. We here on the floor of Congress said we must introduce competition. This system—this AT&T, this Bell South, Verizon, Pac Bell system—it does not innovate. Not one home in America had broadband in February of 1996 when we passed the Telecom Act here. We had to order it. There were no broadband users in America in any home as we passed the bill.

So what we tried to do is to induce Darwinian, paranoia-inducing competition. What do the broadband barons seek to accomplish? They, as the private sector, want to quash competition. They don't ever and they never will invent a Hulu, an Amazon, an eBay. They will never invent any of these thousands of smaller companies which are the engine of economic growth in our country, which leads to our ability to export these products.

Verizon is not going to invent anything to do. What they want to do is squeeze the competitors. Price them out of the market so that they can maintain a monopoly or an oligopoly across the country. That's what this

debate is all about. That's what the FCC rules are saying. They're saying that the new Steve Jobs, the new Bill Gates, the new Sergey Brin or Larry Page in the garage somewhere—and there are thousands of them across the country—must be able to get into the marketplace to create these new jobs without having to be tipped upside down and having every last cent poured out of their pocket to pay these large companies. That's what this debate is all about. It's about whether or not we want vigorous competition in the marketplace. Those who are opposed to the open network, those who are opposed to giving every competitor equal access with the biggest broadband behemoth, that is what this debate is about.

□ 1250

They're covering it as though the government is really trying to control the Internet. Not so. They are siding with the broadband barons against those thousands of companies who are out there, who have reinvented telecommunications and information delivery in our country and across the planet just 14 years after the Bell system had 100 years to do so and had invented every single technology. They had invented them all, but they had no incentive to deploy those new technologies because they had a monopoly.

That's what the debate is about. If you vote for this amendment to give control by the broadband barons over the Internet once again, then you will see an inexorable, inevitable decline in innovation, in investment, in the private sector in these new products, these new technologies, these new applications, these new devices which are basically invented by hundreds and thousands of smaller companies in our country. That's the choice you have. Vote "no" on this amendment that shuts down the Internet.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, this is such a fascinating debate that's taking place here on the floor today. I think that anyone that considers themselves connected in the country—and I'm not talking about being connected to wealth but connectivity in terms of communications—I hope you're tuned in, because this is a consideration about preserving the open Internet and broadband industry practices.

Now I don't know how many of you have spoken to your kids, but I have to tell you, if you've had a conversation with any young person in your family, and I don't remember what the average age is of Congress, but talk to young people in your district. And I want to tell you, they will say, over and over and over and over again, the way they spoke to the FCC, over 2 million people

contacting the FCC, over 90 percent of them saying, Leave the Internet alone. Leave it alone. Leave it open. Leave it accessible to everyone.

In just over 5 years, \$250 billion has been invested by the venture capital community, which makes its home in my congressional district. And I have to tell you, I think if you took this amendment to Silicon Valley, when you go out there—and I know you travel out there—the next time, go there for an Internet 101 series, not for fundraising, but go listen to people there. That's where the innovators are. And I have the privilege of representing them. They want an open, free, accessible Internet.

I think that your disdain for government is spilling over onto the Internet, and I would caution you to pull up the emergency brake on it, because if in fact corporations get their way instead of consumers, and there is any blockage of content or where consumers have to pay more because corporations are in control instead of consumers, there's going to be a revolution in the country. I would not fool around with an open, accessible Internet. You are barking up the wrong tree. You really are. This is a big mistake.

So you want to hate the government. You want to try and hurt agencies that carry out what the Congress does. That's where your party is. That's where your disdain lies. But I think this is a march to folly. I don't know if you really fully appreciated the Internet and what it represents and what it has done, not only for the people of our country but for people around the world. You wouldn't go near this.

If you suggested to anyone in Tahrir Square in Cairo that you were doing this, I think they'd laugh a lot of people off the floor of the House of Representatives. This is so wrongheaded. And it says to me that you don't get it; that you simply don't get it. Without some clear rules of the road—and believe me, what the FCC did is so light. I thought that they could have done, and should have done, more. Large corporations carve up the Internet into fast and slow lanes charging a toll for content and blocking innovators from entering the information superhighway. You know what? I want to be at your town hall meeting when you have to explain that to your constituents. They will have your heads for that. They will. This will supersede any other issue.

So, my friends, anyone that considers themselves in the know in the beginning of the second decade of the 21st century, let's not turn the hands of the clock back. Let's be on the side of innovators, who weighed in at the FCC, and I as the ranking member placed all of those letters of support representing hundreds of organizations in our country, all the way from the Catholic Conference of Bishops in our country to TechNet.

The Acting CHAIR. The time of the gentleman has expired.

Ms. ESHOO. Vote against this. This is a bad, ill-informed amendment.

Mr. Chair, I rise in opposition to the amendments before us today that would prevent the FCC from moving forward in its efforts to preserve a free and open Internet. Over the past 15 years, the open Internet ecosystem has resulted in more than 3 million new U.S. jobs.

In just over 5 years, \$250 billion has been invested by the venture capital community in industries reliant on an open Internet. During this time, we've seen innovative companies like Netflix, Skype, Amazon and eBay flourish. These Internet companies have created tens of thousands of jobs and new competition in areas like phone service, video and online shopping, not just in my District, but across the nation.

Without some clear rules of the road, large corporations can carve up the Internet into fast and slow lanes, charging a toll for content, and blocking innovators from entering the information superhighway.

I believe consumers, not corporations, should be in the driver's seat to pick the content they view, listen and watch over the Internet.

The FCC's actions to preserve an open Internet would ensure consumer choice, certainty and greater clarity in a debate that has gone on for almost a decade. The FCC's rules are important for Internet service providers as well as edge and content providers, so they may focus on investment, innovation, and job creation.

We must ensure the Internet remains a vital resource to improve the lives of Americans and everyone around the world for generations to come.

I stand united with my Democratic colleagues on the Energy and Commerce Committee, that these amendments represent bad process, they reflect bad policy for our nation and should therefore be rejected.

I urge my colleagues to oppose these amendments and protect a free and open Internet for generations to come.

Mr. DOYLE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DOYLE. I rise in opposition to the Walden amendment.

Mr. Chairman, the FCC's Open Internet Order brings certainty and clarity to a debate that has raged on for almost a decade, allowing Internet service providers as well as edge and content providers to fully focus on broadband investment, innovation, and other pressing business matters. In fact, broadband providers like AT&T, Time Warner and Comcast have all expressed support for the rules and have indicated that the FCC has achieved a balanced result. Wall Street investment analysts have also concluded that the FCC's Open Internet Order removed any regulatory overhang for telecom and cable companies and reflected a "light touch" version of regulation that will not hinder growth and innovation.

At the end of the day, the FCC's rules simply maintain the status quo principles that most broadband providers have already embraced. The rules preserve a number of existing business models for broadband providers to pursue as well as paving the way for new innovative offerings. Contrary to the claims by opponents of the FCC, these high level "rules of the road" do not allow the agency to micromanage broadband providers. They balance clarity with flexibility. And they don't require broadband providers to seek permission from the commission before deploying a network management practice. In fact, the rules specifically recognize the unique network management challenges across different platforms and afford broadband providers the latitude they need to manage their networks effectively.

Some opponents of the FCC argue that we don't need any rules in this area because antitrust laws are sufficient. But antitrust remedies occur after harm occurs. These rules, in contrast, allow companies and innovators regulatory certainty, a key component that allows businesses to thrive.

Mr. Chairman, the FCC's open Internet rules are just these three simple promises:

One to consumers—that we can visit any Web site we want, using any service we want, on any device we want.

Two for innovators—that they can create new tools without getting permission from the government or the company that the consumers use to get online.

Three—that we provide a cop on the beat to make sure that both sides are doing what they're supposed to and to be a neutral arbitrator. That's all this does.

□ 1300

I urge my colleagues to vote "no" on this amendment. It represents bad process and bad policy, and it should be rejected.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. As a general matter, the Chair must remind Members that remarks must be addressed to the Chair and not to others in the second person.

The Chair is not referring to the remarks of the gentleman from Pennsylvania.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Mr. Chairman, I rise in favor of this amendment because I believe in a free and open Internet.

It was December 21, less than 2 months ago, that the Internet lost its freedom when the FCC, on its own, initiated an order, a rule, to start regulating the Internet.

Now, who believes that by regulating it you are creating freedom?

When the system was unregulated and when the FCC couldn't micromanage the Internet was during the time when innovation and investment occurred on the Internet and in the cyberworld. That's when we got the eBays, the Hulus, the Apple TVs, and all of the great applications that we use today. So, when I go back to my district and look my constituents in the eye, I can honestly say I am the one fighting to keep the Internet free and open.

There are three points that we need to discuss here today: First of all, the regulation of the Internet by the FCC is not a congressional initiative. It was three votes on the FCC while Congress was away. Now they think they've got the power, but that's under dispute. There is already a lawsuit telling them they don't have that authority. I don't believe they have the authority. It was an incredible stretch by the FCC to take a sentence out of section 706 of the Telecom Act of 1996 that actually used a phrase about data and that the FCC can't put up barriers. Somehow they assume, now that they have power from that phrase, they can start implementing and putting in barriers.

I worry that these new rules and regulations controlling the Internet will stifle investment in innovation in the long run. Let's look at what this order does that will affect investment.

On the investment side, the power that the FCC has sought to regulate says that, in the cyberworld, there can't be discrimination. Who wants discrimination unless you find out that it's maybe a business model? For example, as a typical business model, you pay for what you use. If you're at 1 megabit, that may be \$14; 7 megabits of speed is a higher price; 20 or 30 megabits is going to even be a higher price. The issue is that some people now say that that is unreasonable discrimination.

In fact, I have an email newsletter from a friend of mine who runs a software company that can stop viruses. I am a client—or soon won't be. But listen to this. This is their interpretation of the FCC's net neutrality, "What Net Neutrality Means for You."

Here is what it says: "Deregulation," which is what we are being accused of doing, which is regulating the Internet, "could mean higher Internet access prices as ISPs institute tiered models that offer speedier downloads to higher-paying customers."

That is the current business model. You will pay for what you use. If the business model is struck down by the FCC, you won't have the investment. You won't have an expansion of the Internet.

I think it will stifle innovation. Frankly, the creator, the Godfather, the grandfather of the Internet, Dr.

David Farber, agrees with this position. He has co-written an article that basically says, if you put regulators in charge of the Internet instead of engineers, it will reduce innovation. It makes sense, because now, if you're a big enough company—like a Google or an eBay—you just hire lawyers and lobbyists to go and lobby the FCC instead of hiring engineers to innovate.

[From the Trend Micro Consumer Newsletter, February 2011]

WHAT NET NEUTRALITY MEANS FOR YOU

Net neutrality has been in the news for some years now, but the Federal Communications Commission (FCC) just released some important new rules on the topic. "Net neutrality" refers to the principle that Internet service providers and the government shouldn't restrict content or service levels for different users. In other words, supporters of net neutrality think that ISPs shouldn't favor one user over another when it comes to Internet access.

Net neutrality opponents argue that intentional content blocking and performance degradation is more of a theoretical problem than a real one. They also argue that less regulation, not more, is what's required to create greater competition among ISPs and better service levels for everyone.

For consumers, deregulation of the Internet could mean higher Internet access prices as ISPs institute tiered models that offer speedier downloads to higher-paying customers. Some people also worry that allowing businesses to choose what content or sites they'll offer to whom will result in the commoditization of a formerly free and open environment, akin to the evolution of television from an essentially free service to a highly fragmented and fairly expensive one.

The FCC's new rules appear to favor net neutrality proponents. They require ISPs to be more transparent about network performance and management; they prevent fixed (as opposed to wireless) service providers from blocking content (for example, sites owned by their competition), and they don't allow ISPs to discriminate against specific applications (such as Netflix, BitTorrent, or Hulu). In other words, you can expect things to pretty much remain as they have been—for now, anyway.

The Acting CHAIR (Mr. MACK). The time of the gentleman has expired.

Mr. DICKS. Mr. Chairman, I move to strike the number of requisite words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The gentleman from Nebraska has spoken twice on this issue. Was that by unanimous consent?

Mr. TERRY. Will the gentleman yield?

Mr. DICKS. I want an answer to my question first.

Mr. TERRY. If you yield, it will solve the question.

The Acting CHAIR. The Chair believes that the gentleman from Nebraska spoke only once.

Mr. TERRY. Yield to me, please. Give me a little bit of respect.

Mr. DICKS. I yield to the gentleman.

Mr. TERRY. I spoke one time, which is right now. I don't know who you're confusing me with or why you're standing up right now.

Mr. DICKS. You're such a handsome guy, I thought you spoke twice. I'm sorry.

I yield back the balance of my time, Mr. Chairman.

Mr. SCALISE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, I rise in strong support of this amendment because, I think, if you look all across the country—and of course we had a watershed election in November—and if you listen to the voters all throughout this country, as so many of us do who hold town hall meetings—people are tired of all of these government regulations that are killing jobs and stifling innovation. In fact, most people will tell you they are scared to death about the concept of the Federal Government regulating the Internet.

So there was this net neutrality ruling that came up by the FCC in a 3-2 decision where all the Democrats voted for net neutrality, for this regulation, and where all the Republicans voted against. The FCC rarely ever has any kind of major ruling like this on a divided vote.

I think it shows you that there is already controversy. The courts have already said that they don't necessarily have the authority to do this. That's why, as my colleague from Nebraska just pointed out, there is already litigation that is going on because we think the FCC overstepped its boundaries.

You had a bipartisan group in Congress that came together and said, We don't want this kind of action going forward. This is something that should be done and solved in the halls of Congress.

Of course, our colleagues on the other side, Mr. Chairman, haven't even identified a problem. If you actually want to look at it and if you look throughout our economy and at all of the troubles we have with it, one of the few segments that is growing is the technology segment of our economy because of the innovation that has been allowed to thrive, primarily due to the lack of government regulation.

I think that goes to the heart of the real difference between our side and their side. They are the party of regulation, which stifles job growth, which stifles innovation. We are the party that says, let's allow a college student at Harvard University the opportunity to come up with an idea—and he dropped out of Harvard and is now a billionaire. In fact, maybe the largest percentage of billionaires in this country is that of Harvard dropouts, those who actually went out and came up with ideas to innovate, using the Internet, who are now billionaires who are creating thousands and millions of jobs—good, high-paying jobs. These are

American jobs. Yet, through this net neutrality ruling, they want to stifle that innovation.

So the first thing, I guess, we would have to ask is: Was net neutrality the reason that we were able to have that innovation that led to Facebook? Was net neutrality the reason that we were able to have such a proliferation of broadband that now over 95 percent of people in this country have access to broadband? By the way, they like it. They're not calling, saying, We want the government to come regulate the Internet now because there's a problem. In fact, they say just the opposite. They say look at this innovation that is happening.

We had a hearing with the FCC yesterday about this issue. One of the FCC commissioners pointed out that, over the last 10 years, Mr. Chairman, over \$500 billion—billion with a "b"—of private investment has been made to develop broadband throughout the country. This is without any kind of taxpayer money.

□ 1310

This is private sector money being put into the marketplace to go and create jobs, to go and create the kinds of technologies that allow you to view and use all the kinds of apps that are available on these kinds of devices. That was done without net neutrality. They would tell you that they need net neutrality in order to have this innovation. Of course, they fail to point out that net neutrality was not in place when all this innovation happened. In fact, most people will tell you that net neutrality is one of the things that's in the way of this kind of innovation, and we're already starting to see a stifling of the growth, a stifling of the private investment because of these threats of new regulations coming in from the FCC.

And that's why it's so important that this amendment actually addresses this problem and says, Federal Government, get your hands off the Internet, allow the innovation to continue, because it happened and it's continuing to happen without that kind of government intervention that they so strongly want through net neutrality.

And so when you look and they talk about these companies that have said that this is a great thing, net neutrality is a great thing. Some of the companies they listed, they failed to mention in that same letter the company said, well, maybe we can live with it but they also have some concerns about it. I didn't hear them mentioning that when they're talking about these companies.

And you look at all of the innovation that has happened, and we're talking about massive job growth. You know, here at a time when our main focus needs to be on jobs, you've got the government coming in with yet another

threat of regulation that will stifle innovation and run more jobs out of this country to countries where they don't tell you how to operate your network, they don't tell you what to do with the billions of dollars that you are investing to build broadband.

Maybe our friends on the other side want the Federal Government to be running the Internet because they only want the government to be the one that can tell you what you can and can't do. And, in fact, in our hearing yesterday with the FCC chairman, we pointed out that in this net neutrality ruling, it allows the Federal Government to pick winners and losers. That's not what we should be about. We should be about innovation. We should be about passing this amendment to allow that innovation to grow and get rid of net neutrality.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, I think it is important that we look at what this process of net neutrality is. I rise in support of the resolution that we're bringing to block this funding at the FCC from being used to implement it.

Bear in mind—and I think it's important that we realize this and remember it—after we adjourned from the last Congress and all headed home at Christmas, the FCC convened and the FCC decided that they were going to go where they had no authority to go. They were going to go in and implement net neutrality rules. Now, bear in mind that this body has stood in a bipartisan manner against the FCC taking this action. We have had over 300 Members stand and move forward with letters stating that they didn't think the FCC should move forward. This is an issue that should come back to Congress.

But Christmas week they moved forward and the gentleman from Louisiana is exactly right in his comments. We heard from the FCC yesterday, and we heard about how they plan to move forward in this. Bear in mind, they have not done any analysis that would indicate that there has been a market failure. Indeed, by the actions taken in this body in 1996 in the Telecom Act, adopting a hands-off approach to the Internet and broadband, what we were able to do is see this country go from 8 million to over 200 million users; 95 percent of the country has access. Get this, according to the FCC, over 90 percent of those that have Internet access are satisfied with what they have. That has been done because we left it alone.

Government created the environment. They made the spectrum available, companies came in, bid on that spectrum, secured that spectrum. They

spend 60 billion private sector job-creating dollars every single year to build and maintain that spectrum.

When we talk about the creative economy, when we talk about 21st-century jobs growth, much of it is based off of technologies that are going to be attached to, developed, or applied to broadband, the Internet, and Web sites.

It is in support of this resolution that we should all stand. We should vote "yes." We should rein in some of these Federal Government agencies. We should stop the FCC from enacting the fairness doctrine for the Internet.

Ms. MATSUI. Mr. Chair, I rise to express strong opposition to Amendment 404, offered by Mr. WALDEN, and urge my colleagues to vote against it.

The FCC's Open Internet Order brings certainty and clarity to a debate that has raged for almost a decade, allowing Internet service providers as well as edge and content providers to fully focus on broadband investment, innovation, and other pressing business matters. In fact, many broadband providers have expressed support of the rules and have indicated the FCC's achieved a balanced result.

At the end of the day, the FCC's rules simply maintain the status quo principles that most broadband providers have already embraced. The rules preserve a number of existing business models for broadband providers to pursue, as well as pave the way for new, innovative offerings.

Contrary to claims by opponents of the FCC, these high-level "rules of the road" do not allow the agency to micro-manage broadband providers. They balance clarity with flexibility. And they do not require broadband providers to seek permission from the Commission before deploying a network management practice.

In fact, the rules specifically recognize the unique network management challenges across different platforms, and afford broadband providers the latitude they need to manage their networks effectively.

Some opponents of the FCC argue that we don't need any rules in this area because antitrust law is sufficient. But antitrust remedies occur after harm occurs. Prophylactic rules, in contrast, allow companies and innovators regulatory certainty—a key component to allow businesses to thrive.

I urge my colleagues to vote no on Amendment 404. It represents both bad process and bad policy, and should be rejected.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. WALDEN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WALDEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 334 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act for Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs may be used to provide grants under the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) to more than 25 high-risk urban areas.

Mr. ADERHOLT. We are prepared to accept the gentlelady's amendment, Mr. Chairman.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I thank the gentleman.

Mr. Chair, while I have serious misgivings about the funding levels for FEMA first responder grants in the CR, my amendment ensures that one program, the Urban Area Security Initiative, is restored to its intended purpose.

By limiting UASI recipients to the 25 highest-risk cities, we will restore its original purpose—addressing the unique planning, equipment and training needs of high-threat, high-density urban areas in order to prevent, protect against, respond to, and recover from, acts of terrorism.

Originally distributed to seven metropolitan areas, UASI has ballooned to 64 regions, many of which are neither high-threat, nor high-density.

Rather than provide the highest possible funding to our most at-risk targets, FEMA made UASI a virtual earmark account. FEMA wastes resources, disregards Congressional prerogatives, and dilutes resources available to truly high-risk areas. For instance, despite a \$50 million increase for UASI since Fiscal Year 2008, the New York City area receives less funding despite the grave and growing threats it faces.

We need look no further to Faisal Shazad's failed plot to detonate a car bomb in Times Square in May 2010 or the 2009 arrest of Najibullah Zazi for his role in an attempted bombing of the New York City subway system to understand the disproportionate threat New Yorkers face.

Just last week in fact, Secretary Napolitano testified before the Homeland Security Committee that we are at our most "heightened state" of terrorist threat since September 11th.

Now is the time to provide the most targeted cities with the resources they need and deserve. If the CR is adopted and the same number of UASI recipients remains, the New York City region would stand to LOSE nearly \$15 million in Fiscal Year 2011 alone—this is totally unacceptable.

To my new colleagues who came to Congress pledging to make government more efficient, this is your chance. Don't let the CR pass with the same number of UASI recipients, shortchanging the top terror target in the country by a \$15 million decrease in funds.

While the horrific World Trade Center attacks in 1993 and 2001 were in New York, they were aimed at the United States and all Americans. We all have a responsibility to ensure our most targeted regions are adequately prepared.

I urge my colleagues to support the amendment.

Mr. ISRAEL. Mr. Chair, I rise today in support of the amendment which would provide more funding to New York under the Urban Areas Security Initiative. I am proud to co-sponsor this amendment with my colleague from New York.

The Republican's funding bill that we are debating today is, in many ways, putting the future of our Nation at risk. But the cuts made to Homeland Security grants are literally putting our communities at risk and in harms way.

Under current funding levels, the Urban Area Security Initiative provides grants to 64 metropolitan areas, including New York City. As we are all keenly aware, New York City is at the top of the target list for terrorists wanting to strike our country. It is clear that we must do what we can to rein in spending by the federal government, and this requires making difficult choices, but New Yorkers and the American people rely on homeland security measures to keep them safe on their way to work, home or while touring New York City.

I believe that we have to make smart choices, and cutting \$12 million that could help New York City prevent the next terrorist attack on this country is not a smart choice. But there is a way to protect our Nation's most-vulnerable targets without adding to the deficit and the amendment I have offered today with my good friend and colleague from New York accomplishes both goals.

Our amendment limits the number of metropolitan areas that are eligible to receive Urban Area Security Initiative funds, increasing the share each eligible city receives. Currently, this Continuing Resolution that my colleagues on the other side of aisle have brought to the floor cuts funding for these critical grants by \$87 million. New York City officials estimate this cut will result in a loss of \$12 million for the city. That means \$12 million less for important technology investments; \$12 million less for critical personnel; \$12 million less for training for police and firefighters; \$12 million less for ongoing counter terrorism operations and overall emergency preparedness.

Mr. Chair, less than ten months ago, Faisal Shahzad attempted to set off a car bomb in Times Square, putting at risk the lives of thousands of New Yorkers, along with visitors from across the country and around the world. The risk to New York City is real and we must remain vigilant.

I urge my colleagues to join me in supporting this amendment and ensuring that the funds we are spending on the Urban Area Security Initiative are going to the cities that are the most at risk.

Mrs. LOWEY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The amendment was agreed to.

AMENDMENT NO. 413 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used in Department of Defense overseas contingency operations budget for military operations in Afghanistan until the President seeks to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, amendment 413 states that none of the funds made available by this act may be used in Department of Defense overseas contingency operations budget for military operations in Afghanistan until the President seeks to negotiate and enter into a bilateral status of forces agreement with Afghanistan.

Mr. Chairman, we've had troops deployed in Afghanistan for nearly a decade now, making this the longest war in our Nation's history, costing more than \$378 billion, with no real end in sight. Close to 1,500 brave Americans have been killed, and they've been killed in the line of duty there. Roughly 10,000 have been wounded, and yet the United States does not have a status of forces agreement, or SOFA, with Afghanistan.

The SOFA is a very basic tool which spells out the terms of U.S. military operations in a given country. The United States is party to more than 100 such agreements, for engagements great and engagements small, including Mali, Montenegro, and Micronesia.

□ 1320

We have a SOFA with Iraq, signed in the year 2008, which sets out a deadline for complete withdrawal of troops by the end of the year.

SOFA agreements determine how the laws of the foreign jurisdiction should be applied to U.S. personnel while in that country. They lay the foundation in a number of areas, including economic, cultural, and law enforcement matters.

So it's beyond irresponsible, Mr. Chairman, that in Afghanistan, the country where we are currently waging our longest and most expensive war, we have no such agreement. There is no formal structure to provide rules governing the presence of hundreds of thousands of Americans in that sovereign nation. This must end. It's both morally and fiscally irresponsible. And that's why I have submitted this amendment. It requires the President to negotiate and enter into a bilateral SOFA with the Government of Afghanistan.

A SOFA would establish that the temporary presence of U.S. troops in Afghanistan is at the request and invi-

tation of the host government. It would prohibit permanent military bases in Afghanistan, and it would provide a date no later than 1 year after the signing of the agreement for complete, safe, and orderly redeployment. That includes Armed Forces, civilian DOD employees, and military contractors.

Without a SOFA with Afghanistan, Mr. Chairman, our leaders can continue to extend our occupation indefinitely while the cost surges, our deficit rises, and our economy falters. That is poor military strategy and poor fiscal planning.

A SOFA provides certainty and clarity about what we're doing in Afghanistan and how much longer we need to be there. It would provide the framework and momentum for redeployment consistent with the terms of the Iraq SOFA.

My amendment would move us a critical step closer to an end to this disastrous war, the safe return of our troops back home, and taxpayers' dollars invested in domestic needs right here in the United States.

With that, I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order and I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? The Chair will rule.

The amendment contains a legislative condition on the availability of funds in the bill. As such, the amendment violates clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT NO. 516 OFFERED BY MR. CAMP

Mr. CAMP. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____ . None of the funds made available by this Act may be used for the opening of the locks at the Thomas J. O'Brien Lock and Dam or the Chicago River Controlling Works.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CAMP. Today I offer an amendment that is long overdue. Last June, a live bighead Asian carp was discovered 6 miles from Lake Michigan, north of the locks and well past the electric

barrier. This discovery shows that Asian carp, one of the world's most rampant invasive species, are at the doorstep of the Great Lakes.

Weighing up to 100 pounds, spanning over 6 feet, and eating half their body weight daily, Asian carp have the ability to decimate fish populations indigenous to the Great Lakes. These giant bottom feeders would destroy the region's \$7.5 billion fishing industry as well as the 800,000 jobs that are supported by it. To prevent this catastrophe, ecological experts have said that closing the locks that separate the Illinois River from Lake Michigan is the single most important step we can take to prevent these species from entering the Great Lakes.

In 2009, the Michigan attorney general filed a petition in Federal court to direct the U.S. Army Corps of Engineers to immediately close the locks. This petition was supported by Wisconsin, Minnesota, Ohio, Indiana, New York, and Pennsylvania. Unfortunately, the court denied the petition. But after the court's decision, I introduced the Carp Act, along with Senator STABENOW of Michigan, that would immediately close the locks. And since then, despite the imminent threat of Asian carp, the administration has refused to close the locks and all we have received is promises of studies that will take years to complete.

You will surely hear arguments from those opposed to closing the locks that doing so will disrupt the movement of cargo and cause serious economic harm to the region. Economists who have examined those claims have found them to be grossly exaggerated.

An economic study conducted in 2010, found on the Michigan attorney general's website at: <http://www.michigan.gov/documents/ag/1-Appendix>

Renewed Motion 310133 7.pdf, found that if cargo passing through the locks had to be transported by land, it would increase truck traffic in the surrounding area by only one-tenth of 1 percent, or the equivalent of adding two additional freight trains to the over 500 leaving the region each day. Any supposed economic impact of closing the locks would pale in comparison to the multibillion dollar industries that would be wiped out by Asian carp.

The State of Michigan's response to the administration's Asian carp framework pointed out, "The Framework's statement that the Chicago lock is the Nation's second busiest ignores the fact that, in 2008, only 39 loaded barges carrying approximately 100,000 tons of cargo, mainly sand and gravel, moved through that lock. Moreover, according to the Corps' own data, the 2008 vessel traffic consisted of 34,000—not 50,000—vessels, mainly recreational watercraft." The canal is now only 9 feet deep in some areas.

You will also hear critics claim that this amendment will tie the hands of

the Corps in assisting flood emergencies. Again, those claims are not accurate. The Corps has sufficient authority to protect human life and property in the event of flooding and other disasters under the authority granted to it by the Flood Control and Coastal Emergencies Act and other Corps regulations. Those authorities allow district commanders to issue a declaration of emergency and use Corps resources to help State and local authorities respond. Opening the locks to deal with flooding is the exact type of scenario this authority is intended for.

Mr. Chairman, every day of inaction puts the Great Lakes ecosystem, the largest body of freshwater in the world, and the 800,000 jobs sustained at risk. Inaction is unacceptable, and I urge all Members to vote "yes" on this amendment.

I yield back the balance of my time. Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition and stand to oppose the gentleman's amendment, first of all, to make the observation, representing the northwest corner of the State of Indiana, that I believe the gentleman is mistaken in suggesting that the State of Indiana supports the closure of the locks. It is my understanding that the State of Indiana opposes the closing of the locks.

I would agree with the gentleman's assertion that we face a very serious problem as far as the carp, and I and others have certainly joined in that concern. As a member of the Energy and Water Subcommittee for over a decade, we have been working acidulously on this particular problem, not only with the Army Corps of Engineers, but with an assortment of State and Federal regulatory bodies, because no one wants carp in the Great Lakes. But I would emphasize to this body that it is a work in progress. And at this point, the closure of the locks is uncalled for.

The second point—and the gentleman talks about the economy, there is an economic issue. Speaking for the State of Indiana, I would point out, if those locks were closed, the impact as far as the loss to economic activity in the State of Indiana is \$1.9 billion, and 17,655 jobs in Indiana would be affected.

□ 1330

We're trying to create jobs in this economy, not strike them from beneath us.

And, finally, this issue is not without controversy. It has ended up in the courts. The gentleman's absolutely correct about that. Twice the United States Supreme Court has rejected arguments by the Michigan Attorney General that closing the locks is eminently needed at this point in time.

Last year the State of Michigan brought the question of lock closure before the U.S. District Court for the Northern District of Illinois. On December 2, Judge Robert Dow ruled against the State of Michigan on their request for a preliminary injunction, explaining that the lock closure could inflict certain harm on the economy, and that the State of Michigan had failed to demonstrate that the Asian carp presented an ecological threat to the Great Lakes that was imminent.

So again, I would urge all of my colleagues to oppose the gentleman's amendment.

Mr. CAMP. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Michigan.

Mr. CAMP. I appreciate the gentleman's comments, particularly at the opening of your remarks when you spoke of your involvement in this issue for more than a decade. And the problem we have is we've run out of time. Really, since 2009 when EDNA was found north of the locks, and now we found live Asian carp north of the locks—

Mr. VISCLOSKY. If I could reclaim my time, I understand the finding of DNA. That is not carp. And again, everyone is working on keeping the carps out of the lake. The locks are not impermeable either. And we have court intervention and court rulings on this matter. And again, would ask my colleagues to oppose the gentleman's amendment.

I yield back my time.

Mrs. BIGGERT. I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Chairman, this is an issue that has grown and grown and grown. But let me say that I would agree with the gentleman from Michigan, that we do not want the Asian carp to be able to get into the Great Lakes and into Lake Michigan first.

We have been working on this issue for 12 years and it really makes me upset to think that they seem to say, well, nothing has happened, and now it's an emergency, that the Asian carp are going to get into Lake Michigan. Let me tell you that we have set up two electronic dispersal barriers that are in my district to stop the Asian carp from getting through. This is the only path from the Gulf of Mexico to the Great Lakes and these two barriers are there.

The Asian carp are 42 miles from the city of Chicago, and this is an emergency and they have 42 miles to go. They have moved very slowly. Most of the population of the Asian carp are in the Illinois River around Channahon and right now, Channahon, they have a contract with China to send the Asian carp over to be used as food in China.

The Army Corps of Engineers has been doing everything, and this is for

the last 12 years, and the Congress has funded this, to make sure that those Asian carp never reach the Great Lakes. And if they do, it would be devastating. So things that have happened, the two dispersal barriers, the bubble barriers, electro-fishing, oxygenation, rotenone used to kill the fish, the bypass screening barriers to combat the Asian carp.

The problem is, and it's not just that the carp will get in there—and the gentleman from Michigan raised the question of whether this was the only way that the Army Corps has said to stop the carp. It is not. And, in fact, the Army Corps has said that even if the locks are closed, the Asian carp will be able to get through those locks. So this is not the answer. The answer is to find all of these ways to combat that.

Invasive species are legally hard to deal with, but I think what Army Corps and all of the other agencies have been doing is something that we will be able to contain them and eventually—I've been on fish kills before. There were 22,000 fish that were killed to make sure that these Asian carp had not gotten beyond the barriers. Not one of these fish was an Asian carp.

But the problems that we're really facing are economic, devastating to the State of Illinois, devastating to the States below Illinois, down to the Gulf of Mexico, devastating to anyone that is using the locks to send goods back and forth.

And, in fact, we are facing 800,000 jobs lost with the barge traffic. People don't realize how much this is used because of the barge. You're not stopped by a barge when the gates go down. You're not stopped having a barge on the streets.

What has been determined is that if we were to shut down the barge traffic, it would take—oh, well, we just put them on the rail and we put them on trucks. If we were to put these on trucks, if you were to take and line up the trucks from the east coast to the west coast, line them all up across the country and then put them all back going back to the east coast, that's how many trucks would be to be able to move the asphalt, the salt, the coal, all of these big, big items that are used and used in the economic thing of things. As well as the food and everything else that goes up and down.

So I think that the Corps has testified that all the things are working. There is another study out that is going to be finished by 2015. We have got to get this right and they worked. But having worked for 12 years on this, it really upsets me when the gentleman states a study from Wayne State saying that it would only cost \$4.5 million in damages for economic. Oh, no. The barge people, all the people estimate it's at least \$29 billion.

This bill was to make sure that we can get the economy back, that we can create the jobs. This will destroy jobs.

And I'm also talking about flooding. It will flood the city of Chicago, and it will flood 124 suburbs. I urge a negative vote on this.

Mr. KINZINGER of Illinois. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KINZINGER of Illinois. Mr. Chairman, my friend from Michigan, I appreciate his interest in this issue. I have to strongly stand up and oppose it, though.

The 11th in Illinois, which is my district, is very, very focused and very reliant upon the ability to move commerce, the ability to have transportation, the ability for free flow of goods back and forth. That's a major, major industry in my district. A lot of jobs rely on that.

One of the great assets we have is the ability to float goods. That's a great thing. The fact of the matter is, when we talk about closing the locks and dams, we talk about the entire Chicago region's water and sewer infrastructure system is built on the idea that water flows out of Lake Michigan via the lock system; and cutting those off would completely devastate the area.

Possibly closing the locks permanently is totally not a solution to the problem. As most people have seen, the locks themselves are not even completely sealed. Even when closed, it still allows for some leakage.

At a time when we are addressing a continuing resolution, we should give the Army Corps of Engineers time to finish their study. Let's continue to be cautious. We're talking about \$30 billion in commerce that's going to be affected in my area because we want to quickly make a judgment on this. I understand the passion. I understand the concern, but let's be very cautious.

At a time when the Chicago area, when my district has an economic downturn and people are waking up every day wondering if they're going to be able to feed their family or if they're going to have a job the next day, or people are driving on the interstates wondering if they can even get to work on time because there's already enough trucks, and now we want to add more and more trucks if we close these. That is the absolute wrong answer to this.

And so I'm asking, let's defeat this in this continuing resolution. Let's give the Army Corps of Engineers the time they need.

I ask my fellow colleagues to stand up and oppose this. It's too quick. We have to be cautious. We have to wait. We have to see.

When we took the majority, one of the things we talked about is being cautious when we get involved in free market and commerce; and we've talked about that caution and what we want to do to create jobs and what we want to do to allow people to get back

to work and to solve this deficit not just by cutting spending, but by cutting the unemployment rate.

Well, I'm telling you, this would be terribly devastating for the people in Illinois, for the people in the 11th district and, frankly, for folks in the region.

□ 1340

Mr. CAMP. Will the gentleman yield? Mr. KINZINGER of Illinois. I yield to the gentleman from Michigan.

Mr. CAMP. I very much appreciate the gentleman yielding.

And I just want to comment, the gentlewoman from Illinois mentioned about her 12-year involvement in this issue. In fact, she and I worked very hard in 2006 to get the first funding for the electronic barrier, but that was 5 years ago. To wait for the study that I hear my colleagues call for is another 5 years. How much time is it going to take before we eliminate the threat to the entire Great Lakes ecosystem?

Again, I appreciate the gentleman yielding.

Mr. KINZINGER of Illinois. No problem.

I understand, this takes time. When we talk about affecting \$30 billion in economic commerce, I would expect that to take some time.

Now, again, I appreciate the concern. I appreciate everything we're dealing with. This is a very serious issue. But, my goodness, the people in my district are already waking up wondering if they are going to have a job tomorrow, begging the free market to work. And that's all we're asking.

If we want to take this up at a later time, fine. But is it really appropriate, when we're debating hundreds of amendments to a continuing resolution, for this to be the area where we do something that's, frankly, been working or has been in study for 5 years and has a lot more to go?

I yield back the balance of my time.

Mr. DOLD. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DOLD. Mr. Chairman, I rise today in opposition to this amendment. As a resident of the Chicagoland area and a lifelong resident of the State of Illinois, this amendment would have devastating implications for the economy. Right now we need jobs. Everybody on both sides of the aisle has been talking about how we need to jumpstart the economy and put people back to work.

I have a great amount of respect for the chairman and his work, but I think this is an amendment that is going to have devastating implications for people all across that region. It's going to look to cost approximately \$29 billion.

When we look at the amount of commerce that's going to be coming up

from the Gulf of Mexico, through the Mississippi River, into the Chicagoland area and, yes, through the Great Lakes and back and forth, this is something that we must, at this point in time, not rush to judgment.

I recognize that we have been studying this problem for a period of time. I recognize that there are actually even interim studies. In fact, there is an interim study that's even out. Interim study number 3 has been actually out allowing us to move forward and to try to address some of the problems.

I would ask my colleagues that we do not rush to judgment. This is a decision that will have an enormous effect on thousands of jobs and on commerce across the Great Lakes going actually down to the Mississippi River and into the gulf. Today when we're talking about jobs and the economy, we have to look at how many things we can promote.

I spent time in, actually, the locks. I have gone through the locks several times. I use them not only for recreational use, but I have also seen the barges come through. This is a very active lock, and it's one that we need to make sure is alive and well.

I do want to recognize that we have a problem with Asian carp. It's not one that we want to ignore, and certainly please hear that I am not saying that we should ignore it. I think that we need to continue the studies. We need to be looking at alternative ways to try to prevent it from invading the Great Lakes.

No one is going to be a greater proponent of the Great Lakes than I am, but this is an amendment that I ask my colleagues on both sides of the aisle to rise up and stand against.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I simply rise to concur with the last group of speakers who have indicated that they were in opposition to this amendment.

I have worked with individuals in the State of Illinois for the last several years. My congressional district runs right along Lake Michigan, and we have had a tremendous amount of effort to try and resolve this problem. It has not been resolved. And I would plead for more time, more study, more opportunity to come up with a resolution that works for all of the Great Lakes area, not just for some to the detriment of others. I strongly oppose this amendment.

I yield back the balance of my time.

Mr. PENCE. Mr. Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. PENCE. Mr. Chair, I do rise today in opposition to the amendment

offered by my friend and colleague, Mr. CAMP, from Michigan. And let me say, I think I take a second chair to no one in my respect for the gentleman from Michigan. I respect his passion and his leadership on the Ways and Means Committee and his passion for the ecosystem known as the Great Lakes. I know it's sincere and it's real. And this problem is real.

Anyone who has taken more than a passing glance at the issue of Asian carp recognizes that this is a serious but manageable threat to the Great Lakes region. It is one that deserves the continued attention of this Congress and this administration and the States within the Great Lakes region.

But that being said, I rise in opposition to the Camp amendment for the following reasons:

Principally, because I believe that this amendment would have a devastating effect on Hoosier jobs and the Ports of Indiana.

The Camp amendment would prohibit the Army Corps of Engineers from operating the navigation locks located in the city of Chicago.

It is the only waterway in the Great Lakes system with access to the Mississippi River Basin.

The separation of the Great Lakes from the Mississippi River will cost thousands of jobs and will cause great harm to many Hoosiers who manufacture and grow our products. According to a study by the Ports of Indiana, commerce through the Chicago locks is responsible for \$1.9 billion in economic activity and nearly 18,000 jobs in my home State.

In addition to the economic damage this action will inflict, I would submit respectfully that there is no evidence that actually closing the locks will definitely keep the Asian carp out of the Great Lakes. The U.S. Fish and Wildlife found a year ago that there is no "combination of lock operation scenarios that experts believe would lower the risk of Asian carp establishing self-sustaining populations in Lake Michigan."

In fact, according to the Asian Carp Working Group, there are dozens of alternative methods fully to be explored. And Indiana is fully participating in the Federal Government-led effort to stop the Asian carp migration. Electronic barriers have shown promise. We need to continue energetically to work in that area. The gentlewoman from Illinois also outlined different areas.

Let me say, while I urge my colleagues to oppose the Camp amendment, allow me to use this moment to say that we will continue to lock arms with the gentleman from Michigan, with our neighbors in Michigan, our neighbors in Illinois to deal with what is a very, very real threat to the ecosystem, to commerce in the area, and to the enjoyment of the waterways in the area.

Mr. CAMP. Will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Michigan.

Mr. CAMP. I appreciate the gentleman's words and also his commitment to try to work together to resolve this issue, and I appreciate the arguments he is making. But the concern on the economics argument is that the damage to the Great Lakes, if this problem is not addressed, is irreversible and cannot be calculated. I can cite the statistics on the jobs and economic impact, but the ecosystem, the damage to that cannot be remedied.

The concern I have is this has really been a problem since 2006, when we worked to get the electronic barrier, which has not worked. And here and now we are, in 2011, saying let's wait another 5 years for the Army Corps to complete their study, and the problem is more imminent than that. And I cannot seem to get the administration to move on the immediacy of the threat to the system.

I thank the gentleman for the time.

Mr. PENCE. I was pleased to yield to the gentleman.

Let me just say that the demonstration projects of the electronic fence began slightly before 2006. The fence and the studies are ongoing.

Let me say, on behalf of other Hoosiers in that delegation, we're not patient to wait 5 years for action. We will continue to work with the gentleman from Michigan to work, Mr. Chairman, on behalf of immediate action and continue to call on this administration. The economic impacts are devastating. The impact on the ecosystem broadly would be equally devastating, and so we join the gentleman from Michigan in calling for urgent action by this Congress and this administration.

I just respectfully offer that both with regard to its economic impact and with regard to its questionable effectiveness, that dealing with this from the standpoint of the locks and this continuing resolution is not the best approach. So I urge my colleagues to oppose the Camp amendment.

I yield back the balance of my time.

Mr. KILDEE. Mr. Chair, I rise today in strong support of this amendment to prevent federal funds from being used to open the Chicago area locks to protect the Great Lakes from the threat of Asian Carp.

The Great Lakes are among our nation's most precious natural resources. They provide recreation and enjoyment for countless families in our region, and support more than \$7 billion in fishing and approximately 800,000 jobs.

Mr. Chair, this important resource is currently under great threat. The dangerously invasive Asian Carp is moving quickly towards the Great Lakes. These ravenous fish can grow as large as 100 pounds, will eat nearly everything in their path and have no known natural predators. If these fish are not stopped, we are risking the destruction of the delicate ecosystem of the Great Lakes and the

countless industries and communities that rely upon them.

Mr. Chair, current efforts to stop the Asian Carp are not getting the job done. Indeed, last year a live Carp was found well beyond the electronic barriers and only 6 miles from Lake Michigan. Despite the imminent threat, the Supreme Court has refused to consider Michigan's request to close the Chicago locks. Congress must act now; there is no time to lose. The Chicago-area locks must be kept closed to protect our region from this grave danger.

I commend my colleague Congressman CAMP for introducing this important amendment to keep the Chicago area locks closed and protect our Great Lakes. I urge my colleagues to join us in protecting these great bodies of water. We cannot allow the Great Lakes to become a smorgasbord for the Asian Carp. We must act now so that our communities and industries can continue to rely on these great bodies for generations to come.

□ 1350

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CAMP).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CAMP. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 576 OFFERED BY MS. ESHOO

Ms. ESHOO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to enter into any contract with a corporation or other business entity that does not disclose its political contributions.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, one of the things I admire the most about our country is our commitment and our love for democracy. We were founded on the ideal that it is the people who choose their government. We believe in the principle of one person, one vote; not \$10,000 or \$100,000 a vote. We believe in the free exchange of ideas to be able to decide which candidates deserve our votes.

But money, and lots of money, heaps of money from undisclosed sources, are having a corrosive influence on our political campaigns. Money distorts the voice of a particular point of view, making that voice seem louder, mak-

ing it seem more influential, or making it seem more persuasive than it actually is.

We don't know who is saying what to whom. Is it Big Oil? Is it polluters? Is it the insurance industry? Is it the tobacco industry? All too often these distorted views come from corporate interests, and they try to undermine the public interest through campaign expenditures. These corporate interests can buy elections by throwing hundreds of thousands of dollars into a race for a particular candidate with attack ads against another.

Last year, sadly, the Supreme Court overturned landmark law and other centuries-old precedents aimed at limiting the influence of corporations in our elections. Now, today, we have stealth organizations formed for the sole purpose of running attack ads, and the American people don't have a clue who is footing the bills. The American people have a right to know who is trying to influence them, and if corporations want to try to persuade voters about their point of view, then they should stand behind their words.

Let voters judge the facts for themselves. Voters are smart. Let them make up their own minds on election day, as long as they have full and accurate information about the interests that are at stake.

So my amendment is a commonsense solution to a difficult political problem. It requires that any company that does business with the Federal Government disclose their political contributions. Period. It is simple, it is clear, it is fair, and it is called disclosure.

This amendment says if you are a Federal vendor receiving taxpayer dollars, you are required to disclose how much you spend to influence the political system. Why? Because with public funds come public responsibilities. My amendment honors the First Amendment and it places no limitation on political speech. It simply requires transparency.

I yield back my time.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Ms. PELOSI. Mr. Chairman, I rise today to support the amendment presented by Congresswoman ESHOO on behalf of the public's interest, the people's interest, free elections, and a healthy, transparent, and open public discourse.

More than one year ago, the Supreme Court opened the floodgates to unlimited corporate spending, secret unlimited corporate spending and influence over our campaigns and our public policy debates. In doing so in the Citizens United decision, they dealt a harsh blow to a fundamental principle of our democracy: That voters determine the outcome of elections, not moneyed special interests.

In response, with bipartisan support in this House of Representatives, the House passed the DISCLOSE Act to require corporations to stand by their ads, the same way candidates do, and to keep foreign-owned entities from playing any role in our elections. The measure included a provision to keep government contractors and TARP recipients, beneficiaries of taxpayer support, out of our elections, preventing them from using taxpayer dollars for their own agendas.

In the Senate, the Republicans blocked the DISCLOSE Act. Yet the value it represented, that sunlight is the best disinfectant, must remain a call to action for both parties in both Houses.

Many of the new Members who are here campaigned on the principle that special interests play too big a role in our democracy. The American people have constantly called upon Congress to act in the people's interest, not the special interest.

Today, we have another opportunity, thanks to Congresswoman ESHOO, to answer the public's call to action for transparency, for openness, for true Democratic elections. Thanks to Congresswoman ESHOO, we are highlighting this critical challenge to our democracy through an amendment to ensure that taxpayer dollars are not directed to Federal contractors who refuse to disclose their political expenditures.

No dollars in this act can be used to enter into a contract with any corporation or company which refuses to disclose its political expenditures. They could be using taxpayer dollars to weigh in in a secret unlimited way in campaigns.

I know that some of you may not want to receive this message, but it is a message that the American people have delivered to us over and over again—that they do not want special interests with their secret unlimited expenditures dominating our elections, and therefore dominating public policy in this Congress.

So I am grateful to Congresswoman ESHOO for highlighting this critical challenge to our democracy, again through an amendment to ensure that taxpayer dollars are not directed to Federal contractors who refuse to disclose their political expenditures. With this measure, we could take one step forward in the fight to restore fairness to our political process and preserve the integrity of our elections by disclosing the unlimited, secret, endless flow of corporate dollars into campaigns.

This Republican majority, many of you voted for the DISCLOSE Act as presented by Mr. VAN HOLLEN in the last session. I hope that you will choose again between putting the corporate interest ahead, or choosing the public interest. It should not be a hard

choice, but we will find out soon enough where you stand.

I urge all of my colleagues to join Congresswoman ESHOO in continuing the fight for meaningful reform and to advance the cause of accountability in our campaigns. We owe it to the American people, we owe it to our Founders who invested so heavily in this democracy, and we owe it to the future.

With that, I yield back the balance of my time.

□ 1400

Mr. ISRAEL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. ISRAEL. Mr. Chairman, I rise in support of this amendment by my distinguished colleague from California.

This isn't that complicated. It all gets down to the lesson that we all learned in grammar school: Honesty is the best policy. Not more complicated or not more complex than that. Honesty is the best policy.

There is not a Member of this Chamber, Mr. Chairman, who doesn't believe in the First Amendment. I believe in the First Amendment. I believe that in a democracy you can say almost anything you want about almost anybody. You have the right to say what you want. But people have the right to know who is funding your message.

When people turn on their television sets and they see a political commercial making outlandish claims, they deserve to know whether that commercial is being funded by a foreign-owned corporation. They deserve to know whether that commercial is being supported by a special interest group. They deserve to know when they're watching a commercial about how evil a candidate is whether it is being funded by a special interest that is trying to defeat that particular candidate because that particular candidate supports the Environmental Protection Agency, supports clean air, supports clean water, and whether a special interest is trying to defeat that candidate because they want to dismantle the EPA. They have the right to know when one of those commercials permeates our airwaves whether those commercials are being funded by a special interest, for example, that wants to dismantle Federal inspections of meat because those Federal meat inspections are impinging on the bottom line of that particular special interest.

And so this is simply about the right to know. This is simply about upholding our right to say what we want when we want about whom we want but making sure that the American people, no matter what side of the aisle you're on, understand who is behind that message. This says that the American people and the American taxpayers shouldn't be unwittingly subsidizing

dirty campaigns and secret donations. And that is why this amendment is so important, because the American people and taxpayers have the right to know and because honesty is the best policy.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order.

The Acting CHAIR. A point of order is reserved.

Mr. ANDREWS. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, the issue raised by this amendment is to whom does this Congress belong; in whose interests are the Members of Congress working.

Now, Mr. Chairman, every one of our constituents will draw a conclusion about that question based upon how we vote, what we do, and what we say. And every one of us will face the consequences of that conclusion in the next election. One of the facts that I think every voter has a right to know is who is funding and supporting the campaigns of any one of us who seeks the honor of serving here.

Whether you belong to the most progressive group on the Democratic side, the most libertarian group on the conservative side, whether you're a member of the tea party, whether you're a member of a union or the Chamber of Commerce, I think every voter deserves and believes that they deserve the right to know who is funding the campaigns that bring people here. This is a basic matter of transparency and full disclosure.

Frankly, Mr. Chairman, I think if we're honest among ourselves, we know how much the American people despise the political ads that vandalize their television screens every fall. A lot of people I know turn the television off or turn the sound down because they're so exhausted of hearing ridiculous personal dirty attacks by one side against the other. I would hope that some day the level of civility could rise to where we all stop that, but I think until we get to that day, people, at the very least, have the right to know who's paying for it, from where is this money coming.

Ms. ESHOO's amendment is very simple, very plain, and should be supported by people of all ideological stripes. It says the public has a right to know where the money is coming from. And if you think a special interest group that promotes traditional energy supplies—oil and gas—is a good thing, then you'll be happy that they're paying for commercials. And if you think like someone who's running on a platform promoting the woman's right to choose, then you'll be happy knowing

that some of their money may have come from people who sympathize with that point of view. So irrespective of where you come out on substance, shouldn't we all come out to a place to say the public has a right to know who's funding these campaigns.

So to whom does this Congress belong? Well, if we look at the legislation before us today, it certainly looks like it doesn't belong to oncological nurses, because money for cancer research is being cut in this bill. It certainly doesn't look like it belongs to police officers working the beats of America's towns, because upwards of 15,000 police officers will be laid off as a result of this bill. It certainly doesn't belong to America's schoolteachers and guidance counselors, because under this bill upwards of 10,000 reading tutors and math coaches will lose their job under this bill. Seven thousand special education teachers under one version of this bill would lose their jobs.

So if this Congress doesn't belong to nurses, police officers, teachers, to whom does it belong? One of the answers to that question would certainly come from answering the question: Who paid the bills to get the Members here? Who wrote the checks and who made the contributions?

I hope that our friends would join us in supporting this amendment. I think it's clear and simple. But if they don't, maybe one of the reasons they don't want to join us in supporting this amendment or even hearing this amendment is they don't want the public to know who wrote the checks, who paid the bills, and who paid the freight.

Everyone should have the right to know who funded the campaigns that brought people here. It's as simple as full disclosure. It makes great sense. And I urge a "yes" vote on Ms. ESHOO's amendment.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to this amendment.

This is a continuation of the effort by the other side to undo the evenhanded approach that was utilized by the U.S. Supreme Court in their decision in *Citizens United*. In that case, the Supreme Court decided that the Fifth Amendment protections that you have for free speech are not in any way diminished by virtue of the fact that you say it not with a single voice but you join with others.

Every response that we've heard from the other side has said, Well, we don't like what the court did, so what we're going to do is put certain requirements on those who are corporations but not the same requirements on those who are unions representing those who are

employees of the Federal Government. And there is as much a conflict of interest in that regard as there is on those corporations that have contracts with the Federal Government.

So, once again, they're trying to talk about how this action by the Supreme Court was unfair, it somehow requires that there is an unfairness involved, that our elections were taken over by corporations. Every study has shown that there were far more expressions of political thought in paid advertising by those on the left than those on the right in the last election, but we don't hear about that.

If they would bring forward something that would have equal treatment, maybe then we could take a look at it. But the fact of the matter is we have seen effort after effort. We can recall last year when they brought it to the floor, one of the things they wanted to do is not only have uneven treatment with respect to corporations and unions, but they were engaged in an auctioning off of First Amendment rights according to whether you were a favored or disfavored group.

We saw organizations that were given special exemptions. The National Rifle Association was one of them. And there were those on the left. And if you had enough political sway, you got exempted from the disclosure requirements. And that really is the definition of "Capitol cronyism," where the government decides who is favored and who is disfavored, and that the essence of the decision by the Supreme Court was the acknowledgment that the First Amendment has its most essential protection in speech, which is political speech.

□ 1410

And if that be the case, we should tread very lightly where we require disparate treatment between different groups, those favored and those which are disfavored. If there's one thing the First Amendment stands for, it is that we treat everybody the same. And this again is in keeping with what we saw last year. Some people are more favored than the others, and when you're talking about First Amendment rights and expressions of political thought, we should be very wary of it. And, by the way, nothing with the Supreme Court decision changed the prohibition against direct contributions to campaigns by corporations. That has been, that continues to be, and will be a felony. And if people on the other side have evidence of that happening, they ought to give that information to the Justice Department and have people prosecuted.

So let's at least talk about what the facts are and let's remember the history of this effort on the other side of the aisle.

Mr. VAN HOLLEN. I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

We've heard a lot about the Supreme Court decision, *Citizens United*, and we may agree with that decision or disagree with that decision. But the fact of the matter is that's the law of the land. This amendment does not try to overturn that decision. This amendment is perfectly consistent with that decision. It simply says that when you are spending the money, expending the money, you have to disclose to voters that you're trying to influence their vote. It's the right to know.

Now because we are dealing with an appropriations bill, a government spending bill, we can't address all of the entities out there in the country that may be trying to spend money to influence elections.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. VAN HOLLEN. Not at this moment. I've got my 5 minutes and I'm going to use them, but I thank you.

What we're saying in this bill is that if we're really trying to save the taxpayers some money, which we should all be trying to do, we should try to curb the influence of the special interests who spend a lot of money hiring lobbyists to influence us and spend money in campaigns trying to influence the outcome of elections.

Now just in the last couple of days, we've had a lot of votes on some issues that could affect Federal Government contractors in a very big way. Just yesterday, we had a vote on something dealing with a big military contract. So here's my question. That contractor, the contractor that got taxpayer money or the one that didn't, could say, Look, I want to reward the folks that supported me. I'm going to run a bunch of TV ads in their campaign supporting them; say thank you, I want to get you reelected. Or they may say to the folks who voted against that Federal Government contract, hey, I want to make sure that person doesn't come back here because they may vote against my contract again, they may want to save the taxpayer some money, but we're going to spend some of our money—a Federal contractor, contractor getting taxpayer dollars—we're going to spend some of our money to try and unelect that person who voted against our contract.

This amendment is really simple and it would have a direct impact on all the conversations we're having. If you're a Federal Government contractor, if you're getting taxpayer money and you decide to run political advertisement in people's campaign to try and reward those who supported you or punish those that didn't, you at least have to disclose that information to the voters. You at least have to say who you are

and how much you're going to be spending. And it seems to me if we're genuinely interested in saving taxpayers' dollars, which we all should be, we should give the taxpayer, whose dollars are going to those contractors, the right to know whether those contractors are turning around and spending money in these elections.

So if we're ever going to really work to try and curb those interests, those special interests that work so hard to try and get special benefits out of the Federal Government, we should at the very least say, "Come clean with the taxpayers." This is not an infringement in any way on free speech. They can still run an ad in anyone's district and they can say whatever they want to the voters; no restrictions whatsoever. All we're saying is when you do that, let the taxpayers know. After all, the taxpayers have helped provide the funds for your contract. At the very least, you should tell the taxpayer, the voter, who you are that's spending money to try and influence the outcome of an election. It seems to me that that's the very least we can do to try and provide more accountability and more transparency. We keep hearing from everybody, that's what we want—more transparency. Okay, let's let the voters know. Why wouldn't you want to let the voters know?

Mr. Chairman, let me just conclude by saying, this is a very simple amendment. If you're a Federal Government contractor, you're getting taxpayer dollars, you decide to get engaged in the political process as is your right; and after the *Citizens United*, you can get directly involved expending money in those campaigns. You can do that and say what you want. Just tell the taxpayer who you are and what you're spending to try and influence their vote. I hope that we will adopt this amendment, and I thank the gentleman from California (Ms. ESHOO) for offering it.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Does the gentleman continue to reserve the point of order?

Mr. FRELINGHUYSEN. Yes, I do.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

I would just say this: At the core of the Supreme Court decision was a protection of the First Amendment right of political speech, and that it would not be lost because you joined with others. As a corollary of that, the court in the majority opinion written by Justice Kennedy talked about the fact that one of the real fears of the Founding Fathers was the government acting

in disparate ways; that is, treating different groups differently for a political reason.

And so I just say, in the scenario by the gentleman from Maryland, one would force an obligation of disclosure on one group and not another. So that the defense contractors, he said, would if he funded a statement on television, but the union members who work for the defense contractor would not; or those who are Federal employees represented by unions would not.

I guess what we're saying here is we know that corporations influence elections, but it is absurd to assume that unions do. And if you believe that, then support this amendment.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I thank the gentleman for reserving his point of order so that we can speak to this amendment offered by the gentleman from California.

I really believe that this is about transparency. I'm for widening that circle of transparency as much as we possibly can. This amendment speaks to a very important part of trying to gain transparency for the American people. You know, it's a rather remarkable process how we all get here. We engage in some form of politics that is straight out of the first Congress of the United States. It's out of the first people who ran for office here. We go to our neighbors and we go to our friends and we go to town councils and we talk to people and we ask them to support us. We go into their organizations and we ask them to support us. We tell them what we're going to do, we tell them what we think, we tell them what we like and don't like, maybe what we like about them and don't like about them. But it's a process of interchange. It's a transparency of ideas. You're held accountable for those ideas. And you raise money because you want to publicize your message further. You go to your friends, you go to organizations that support you, organizations you support, and you raise money to do this. And right now that's essentially all disclosed.

But what we've seen now in the last few years, and especially after this Supreme Court decision, is there's two campaigns that are being run—you run one, the best you can under the rules we have; campaign contributions are all reported, and then an independent group comes in and they run a campaign either for you or against you in your district. Your constituents may never know what even hit them. They may never know where it came from. It may only be about an issue that's linked to you. It has nothing to do with disclosure.

□ 1420

That's their right now under the Supreme Court decision, but the question really should be: Should those expenditures be disclosed? Because very often we all know that one of the unpleasant things that happens to you in this business, I guess unless you fund your campaign out of your own pocket, is that you'll cast a vote, and the newspaper will immediately go and say Congresswoman "so and so" got a contribution from this entity on this side or from this person on this side of the argument or a contribution from this person on the other side of the argument. It happens all the time. That's disclosure. That's the price you pay—except for these expenditures. They may come from the very same side of that argument and will be completely invisible to the press, to your neighbors, to your constituents, and that should not be allowed. The disclosure should be full and complete on people who spend money on behalf of these campaigns.

You can't have a situation where people move through the night, move with secret money—undisclosed money—and seek to influence the outcome of the elections in this country. This isn't Egypt where secret societies move through and create a party for the purpose of diverting votes from this party over here. This isn't Russia where the oligarchs and the billionaires move around and create parties to defer one another and where people never see where the expenditures are coming from or if they're speculated about.

In this country, in a long, hard struggle, one campaign has full disclosure—be you a working person or be you a corporate chief. Whatever the source of money is in your campaign it is disclosed. But now we have a shadow campaign, and the shadow campaign threatens to dwarf what is taking place in the other campaigns.

How many Members on both sides of the aisle know that they had a campaign run? We've all listened to our friends on both sides about the independent expenditures, about the undisclosed money that came into the campaign. Think how that turns the stomachs and the hearts and the minds of our constituents when they think that this was going on—an election where they in good faith maybe stood in line to vote and made sure they got in their absentee votes, and they might have asked the rest of the members of their families to vote. All of that was taken away by a tsunami of \$6 million, \$3 million, \$9 million, \$12 million that just showed up on the doorstep of your district, all of it undisclosed, now gathering the forces once again to get ready for the next cycle—people bragging about how much money they will have, people bragging about their involvement, their success ratios—all of that to intimidate Members of Congress, to

make people think about the vote; but they will never be held accountable for those actions.

That's what transparency is truly about. Transparency is as much for us as it is for our constituents, and it is important to our constituents because they do make judgments about us; they do make judgments about issues; they have expectations of us; they have hopes of us. It is only that information and that transparency that will let them act in a rational way on behalf of their votes—to protect their votes, the votes they just cast and the votes they anticipate casting in the future.

We have an amendment here to rip away the \$3 checkoff, which is a modest effort by constituents to say, I want to make sure the elections are clean and transparent. Now we see that the undisclosed far exceeds anything that they can possibly do.

I thank the gentleman again for reserving the point of order.

I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. It is, indeed, interesting to listen to the arguments that are coming on this particular amendment, Mr. Chairman, as I have been on the receiving end for a third cycle in a row of about \$1.5 million in ads that have been run against me by a group that is protected, by a group whose secrecy is protected under the DISCLOSE Act that was passed under the last Congress. So the people who are here, proclaiming that transparency is the ultimate aim of this legislation, themselves are protected through this legislation of the last Congress, certain organizations if they fall within their parameters, which these groups do.

So I do find it amazing that we are sitting here talking about the transparency of some of the people who will enter into discussions of campaigns, but not all of them. We want some of those entire lists over there prohibited from disclosure. I find it refreshing to hear the comments about transparency and about the American system coming from the floor of the House, which decided it did not want that transparency for certain groups. I suspect those certain groups are still allowed to be fully clothed in secrecy even under the guise of this particular amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. Does the gentleman from New Jersey continue to reserve his point of order?

Mr. FRELINGHUYSEN. I do, Mr. Chairman.

Ms. EDWARDS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, I rise today in support of this very modest amendment by Congresswoman ESHOO.

In the words of the young people, "This is a no-brainer." This should be an easy call for Members on both sides of the aisle—people who believe in fairness and democracy and transparency. It should be an easy call for us to say, You know what? We know that there may be Federal contractors out there who are getting billions of dollars in benefits from Federal contracts, but they should disclose the money that they are spending on campaigns. The American people expect that.

I wasn't a supporter of the decision in *Citizens United v. Federal Election Commission*, but that's not what this is about, Mr. Chairman. This is not about a protected First Amendment right.

I read the decision in *Citizens United*. What I took away from it is that, in fact, the one area in which the Congress does have some authority is in regulating the disclosure of expenditures in campaigns. The Court was very explicit about that. I know there have been a number of statements here on the floor that suggest otherwise, that suggest that this very fine and modest amendment would, in fact, impede our constitutional rights, but that's not what the Court said at all.

What the Court said is that it's important and that Congress has the authority to regulate the disclosure of corporate expenditures on campaigns. This amendment does exactly that. It says, You know what? To play by the rules, these are the rules that we set. If you spend money on campaigns, the public has a right and interest in knowing what your interest is.

So I am a strong supporter of this amendment. It is simple. Who funds campaigns? What is your special interest, Mr. Chairman?

At a minimum, government contractors who really stand to gain billions of dollars should disclose their interests in our campaigns. This is a simple question of democracy. Members can declare here today that either they are on the side of the public interest and will support this amendment or that they are on the side of secrecy and collusion and will oppose the amendment.

It is imperative that we really prevent secret donations in our elections. We have eliminated the Presidential Election Campaign Fund, so much more unfettered spending will take place in Presidential campaigns. We can't afford to continue to obstruct commonsense reforms that diminish the voices of the American people. I am not alone. Across this country, fully 80 percent of the American public actually believes that the *Citizens United* decision was decided wrongly, but that's not why we are here today. We will take that up at another time.

We are here today, Mr. Chairman, to declare once and for all that there will

be some of us—and I hope a majority of us—who will stand in support of the Eshoo amendment, which is on the side of fairness, on the side of democracy, on the side of transparency: on the side of the American people. We will declare here today with our vote that we stand for the public interest, and some will so shamefully declare that they stand for special interests.

With that, I urge us to stand on the side of public interest and in support of the Eshoo amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language requiring a new determination of whether certain political contributions were disclosed, a determination not required by existing law.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

□ 1430

AMENDMENT NO. 195 OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used for the payment of fees and other expenses under section 504 of title 5, United States Code, or section 2412(d) of title 28, United States Code.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Chairman, I want to thank the staff of this House of Representatives. We adjourned this morning at 3:48 a.m. with a staff that diligently stayed and worked these amendments, the staff outside that provides security. It is an amazing effort by the people who serve this country as the staff members of the U.S. House of Representatives, and I want to take this opportunity to thank them for their outstanding service.

Mr. Chairman, I'm here to propose an amendment and tell a story about

laws, and it is ironic that these two proposals came up simultaneously.

In 1980, a law was passed called the Equal Access to Justice Act, and it allows Americans who are being challenged by the Federal Government to recover their legal fees if they successfully sue the Federal Government when the Federal Government has wronged them. It is a very fair law.

The problem is, in 1995, the Federal Government quit keeping records on who is receiving payouts and how much under the Equal Access to Justice Act. Consequently, this law has been hijacked by certain groups who use it to sue and recover judgments. For example, there are 14 environmental groups that have recovered \$37 million by filing 1,200 lawsuits for which they've recovered judgments and even legal fees under settlements with the Federal Government, thereby fueling the fire of suing the Federal Government over sometimes procedural issues.

There's a group at Virginia Tech University who, through the FOIA law, the Freedom of Information Act, has uncovered how many abuses there are of this law and how many unintended consequences there are of the use of this law by certain groups, and we need to have a 6-month moratorium on expenditures and payouts under EAJA so we can get information about who's receiving this money, what the lawyers are being paid per hour, and who it's going to, how many environmental groups are actually paying for their organization by routinely suing the Federal Government to stop certain activities on Federal lands.

This is taxpayer money that's being used for this purpose; and in light of my colleagues on the Democratic side of the aisle's enthusiasm for sunshine, for full disclosure, for knowing where taxpayer dollars are going, I strongly encourage you to support my amendment.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, equal access to our Nation's courts for all Americans is a hallmark of our democracy and our system of justice. Providing attorneys' fees to successful plaintiffs, which is what the Equal Access to Justice Act does, ensures that the government is held accountable when it overreaches its power. These fees are only available when a party prevails on the merits of a lawsuit and only then after careful consideration by the presiding judge as to how deserving each plaintiff is.

Attorneys' fees are available to individual citizens, local communities, small business, tribal entities, nonprofits, all regardless of where they stand on any particular issue. Providing attorneys' fees ensures that

powerless, less wealthy individuals who wouldn't otherwise have a voice as a result of their not being wealthy or representing a corporate interest can nevertheless be heard by our government, by our court system; otherwise, they wouldn't have the means.

We already suffer under a system where too often big money, as was discussed in the last amendment, crowds average people out of our political system, squeezing them out of this political process here on Capitol Hill. Now you want a system where big money squeezes average people out of the courthouse as well, out of our justice system?

Awarding attorneys' fees makes it possible for environmental groups—I acknowledge that—to bring court actions to protect our environment. I happen to think that's a good thing, but it also allows small business owners, farmers, ranchers, timber workers to ensure that their rights are protected as well when they believe that the Federal Government is in the wrong. It works both ways.

This Republican zeal to target every program that protects natural resources is just difficult to comprehend. You're proposing an amendment that would slam the courthouse doors closed for any average citizen plaintiff, no matter where they fall on the political spectrum.

Instead of finding practical solutions that protect the environment and create jobs, this amendment would do nothing more than financially punish citizens who want and need, and deserve to have their voices heard.

That's why this amendment should be defeated.

Mr. SIMPSON. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman and members of the Committee, I rise in strong support of this legislation offered by my good friend from Wyoming.

It would be one thing if what the gentleman from Virginia says were the case in reality. It's not the case in reality. I think that's the reason that this law was passed, so that those people, the powerless, less wealthy individuals that the gentleman referred to, would have access to the courts. And the last thing we want to do is deny citizens their right to have a say in how, in this case, our public lands are managed.

But it has become, frankly, a cottage industry: suing the Federal Government, which is suing the people, and then asking the people to pay for your legal fees to do so. The Equal Access to Justice will allow those suing the Federal Government to be reimbursed for their legal costs even if they don't prevail on a majority of the counts. The implication that the gentleman just

gave is that you have to win. They can be reimbursed even if they don't prevail on a majority of the counts.

The law has been abused by several interest groups who have turned this into, as I said, a cottage industry and now sue the government on a regular basis. They fund their organization through this and that's a problem. If somehow we could get it back to what the gentleman said it was, that would be one thing. So far we haven't been able to do that. And, in fact, we had language in our last appropriations bill that didn't make it to the floor, along with the other appropriations bill, that would have at least said why don't we find out who's getting this money. If I'm a farmer out there and I get payments under the farm program, every citizen in this country has the right and ability to look it up and see who's getting those farm payments. You know what, that doesn't happen with who's getting these fees, who's being reimbursed by the Federal Government.

They're supposed to keep track of that, but they don't do that; but, in fact, when we asked the Secretary, does this come out of your budget or does it come out of the justice fund, who pays for this? Nobody really knew.

□ 1440

And if it doesn't come out of their own budget, what's their incentive to do things the right way?

Quite frankly, many of these lawsuits prevent the management of Federal lands for the benefit of the people. For example, holding up important forest-thinning projects and wildfire prevention projects. This, as I said, has become a cottage industry and needs to be reformed. This would prevent these fees from being paid during the term of this CR the next 7 months or however long it takes.

Mr. MORAN. Will the gentleman yield?

Mr. SIMPSON. I yield to my friend from Virginia.

Mr. MORAN. I thank my very good friend from Idaho.

Is it not the case that you only get fees on that part of the suit that you brought where you actually win? That you do have to prevail in order to get something in order to get reimbursed. And it's only on where you prevail that you get any fee reimbursement.

Mr. SIMPSON. That's accurate. But you don't have to prevail in the overall case. You could actually lose the case for what you are trying to do. It is the problem that good intentions have gone awry. And I will tell you that there are groups all across this country who have seen this as a way to fund their organizations, and we need to put a halt to it. Because what we're doing is asking the people of this country to fund people to sue them. I don't know who else does that. But on the other

hand, I agree with the gentleman that we want those people that don't have the ability or the resources to have a say in how public lands are managed, to have a say in that. But it has gone awry, and we need to put an end to it, and we need to reform the process.

I yield back the balance of my time.

Mr. MARKEY. I move to strike the last word.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. This amendment is overbroad, to use a euphemistic term, in order to describe what its impact will be upon those who are the least powerful, and most agreed in terms of the impact in which the Federal Government has upon their lives as individual citizens.

Let me give you an idea of how broad the impact of this amendment is. If this amendment had been in place, would the citizens who had been unwittingly turned into nuclear guinea pigs in the 1940s and 1950s during Federal Government-sponsored radiation experiments using thousands of American citizens without their permission have been able to bring their lawsuits decades later in order to reclaim some small compensation for their families? Would they have been able to bring their suits against the Federal Government? Who do you want to empower, the people who were the guinea pigs or the Federal Government?

Would a widow who sued the Social Security Administration for refusing to provide the survivor's benefits that she was still due, would she be able to sue? Or are the legal fees just so great that the widow just has to live without the benefits? Would those who live downwind from a nuclear test and suffered cancer or other health effects, would they be able to sue? They've only found out years later what the impact is on them. How can they possibly afford the legal fees to take on the Federal Government?

Would the atomic veteran deployed at the test site during the atmospheric nuclear testing of the 1950s ever have been able to afford to bring their case to court? Would those people all across Nevada, Arizona, Utah, those States out West where these poor victims only found out later, how could they have ever afforded to have brought a lawsuit if they are not going to know that their legal fees would be covered when they win?

Would government whistleblowers be able to bring a case in response to retaliation by their supervisors? How can they sue the government? It's this lone individual against the Federal Government. We should be empowering these individuals against the Federal Government when it acts in an imperious, arbitrary, capricious way that ruins people's lives. Would citizens harmed by a contamination at a Superfund site

at a military base in their neighborhood be able to sue the Federal Government because of the harm that has now gone into their neighborhoods? Or should we just say, Sorry, you are out of luck. The Federal Government did it to you. They did it to you in your neighborhood. You don't have the capacity because you are just some poor citizen living accidentally near a military base.

What would the black farmers who were discriminated against for decades by the Agriculture Department have been able to do in terms of bringing a lawsuit? They couldn't have done it. Those poor black farmers took a generation. Who funds that? How do they take on the Federal Government which had a policy of discrimination for 200 years against black farmers? How do they do it? You are defunding all of those lawsuits with this one amendment. What would have been the impact on Native Americans who trusted the government to protect their interests and natural resources and instead were ripped off? How do those Native Americans bring their case?

All of these things are now basically undermined by the amendment that we are now considering. That is this impact that is being visited upon all of these victims and all future victims, all actions by the Federal Government of the United States of America. This is where you get to show what your attitude is towards the Federal Government when they are acting in a way which does direct harm to the health, the well-being, and the safety of ordinary Americans in our country.

I will read the amendment. "None of the funds made available by this Act may be used for the payment of fees and other expenses under section 504 of title 5" of the U.S. Code. So this covers every suit that could be brought by any citizen against any Federal agency of the United States Government. I don't know how you can side with the Federal Government against ordinary citizens and their right to sue, especially those who have been harmed the most seriously.

So I urge a very strong "no" by every Member of Congress who really does believe that the Federal Government has to be put in its place when they harm ordinary citizens.

Mr. GEORGE MILLER of California. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, I think Mr. MARKEY has it about right. You have to kind of decide where you're going to stand. Lawsuits are brought every day that infuriate us in one way or another, depending upon where you stand and what you think about that issue or what you know about that issue. But the idea that we would take this right away from the

American people to go up against the government when the government every day makes a series of decisions—not all of them are perfect. Many of them are wrong-headed. Many of them had repercussions that they hadn't thought through when they made the decision. Those are the challenges that go on every day, whether it's in OSHA or the EPA or the Department of Labor, the Department of Interior. And many decisions that are made upstream have a lot of ramifications downstream.

Let's not pretend that every Forest Service sale is perfectly configured and thought about the externalities, the impacts on grazers, the impacts on farmers downstream, the impacts on the streams, the sedimentation, the impact on the fisheries. We live with that in California all the time. The salmon don't have a lawyer. But the harm to the fisheries, the harm to the small fishermen, to the small boat owners, the people who go out and brave their lives in the Pacific Ocean. When the Federal Government makes decisions about water flows and the Federal Government makes decisions about timber sales and when the Federal Government makes decisions about construction on the dam, they have a right to be heard. But this isn't true if they were Taxpayers For Justice who argue about whether or not the royalties are fair and returned to the taxpayers, whether or not the Federal Government issued the permits in the right way. You think it's a right that somebody else has that maybe you don't like until you think you might want to exercise it.

This is a magnificent tool. I have no problem with the gentleman from Idaho who talked in terms of disclosure and accounting and transparency. That should all be there. I don't know why the Department stopped listing this, but they should have never done it. And I would assume in other agencies, they should disclose what the payouts are because it's a measure of the management, to some extent. This isn't just funding your organization to keep going to court; it's also a measure of the management. You know, it's like a business. If you keep paying out a lot, your insurance company says, Maybe we ought to change the operations. Maybe we ought to change the way you are thinking here. Something's wrong when you have these payouts.

You can argue that this is one of the metrics of performance of a governmental agency. If they keep losing the lawsuits, you might want to think that you've got to have somebody else running the show.

□ 1450

So I would hope that we would reject this amendment and understand that it's a much broader dissipation of citizens' rights to confront the govern-

ment when the government may very well be wrong. And again, the pay-out comes only when you—you have to prevail on those measures. And on those measures where the court found that the government was wrong, you're entitled to recover your costs and your expenditures.

So I think this is very fair. It's worked for many, many years; and it's protected a lot of citizens of this country against arbitrary and capricious actions by the Federal Government.

I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Now, we have heard a lot about this particular fund and the difficulty it has and some exaggerations as to where it actually goes, what it actually does.

The problem is severalfold, one of which is that since 1994 there has been no clearinghouse of information. We do not know what has been funded. We do not know what has been used. We do not know what has been abused. And repeated requests to try and find that information have fallen on deaf ears.

In this CR, which is for a limited time, this particular provision would, once again, as I heard other people saying yesterday, raise attention to this issue and give someone a reason to actually give that information.

It is estimated in the last 15 years there have been around 1,100 lawsuits, and that doesn't even include administratively brought actions that go before Interior Land Boards, and within the Forest Service. So all of those are part of the situation.

I heard some great speeches about how this would hurt poor people. And he's actually right, except you're not looking at who are the poor people who are hurt with the current situation.

Under the way this is administered correctly, any nonprofit, regardless of the amount of money they have, is eligible for these funds. But a for-profit individual, these poor farmers you're talking about, if they have over \$7 million in net worth, which means a farmer, a rancher who is land rich and cash poor, have several options. They can just sit out and hope something happens for them, or they can put money out of their own pocket to try and force their way into this particular situation.

Let me tell you how this has been abused. I'll go with one case that took place in Federal courts in Idaho in which there was a settlement. No one was right. No one was wrong. They came to an agreement. And yet, even though that settlement which represented no admission of fault on behalf of the government or what it did, the environmental special interest lawyers were given \$43,000 in attorney fees under this proposal, under this program. And we don't know if that's just

the top, or the tip, of the iceberg or how far it particularly goes.

This is simply an element that we have. We have an unfair balance of who is available to get these funds. We have an unfair balance of what happens if someone prevails, and we have an unfair balance if certain groups get paid with taxpayer money, even though they didn't win the case, even though the government did nothing wrong.

This system is broken; and this is a good amendment to say, all right, for the rest of the termination of the CR, we're not going to spend any more funds in a system that does not work, and we're going to demand some transparency so we can make some changes. This halts spending only for a short period of time till we can find out who was given what and what was spent from whom and to whom. And that's the point of the amendment. I urge everyone to support it.

I yield back.

Mr. REHBERG. I move to strike the last word.

The Acting CHAIR. The gentleman from Montana is recognized for 5 minutes.

Mr. REHBERG. Mr. Chairman, I just want to real briefly say I was here when it was created. I was a congressional staffer. And talk about the law of unintended consequences. I might point out the people from the other side of the aisle fought us on the creation of the Equal Access to Justice law. It was never intended to be used for the purposes it is currently being used for.

So I guess I'd better apologize to the people of America for having been a supporter of Equal Access to Justice. And, in fact, as a staffer, I helped talk my Congressman that I worked for into it. I was his small business aide; his name was Congressman Ron Marlenee of Montana. I helped talk him into it because it made sense. It was supposed to give an opportunity for small business to be able to counter the lawsuits that were going to occur against them by the government coming in oftentimes with frivolous regulations.

The other side has figured how to turn it into a jobs bill for trial lawyers. They very effectively, in the Endangered Species Act and some of the other environmental acts, figured out how to use it to stop development within the United States.

So, unfortunately, in about the early 90s, we, as small business advocates, were the ones that helped push this through. The only group at that time that was exempt was the IRS. We wanted everybody to be under this law, giving the small businesses an opportunity to protect themselves.

It has been twisted. They have done everything they possibly can to turn an industry into suing on behalf of people and then making money off it. It never was intended for this purpose.

We need to get back to its original purpose. It would be fun to go back and find out how some of the people that are talking about what a great law it is now, whether they were supporters at the time because, if I remember correctly as a young congressional staffer, a lot of the people that are supporting it today were our biggest opponents back in the early 80s when we wanted to create this on behalf of small business.

So I hope you will support the Congresswoman's amendment.

I yield back the balance of my time. Ms. MCCOLLUM. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. I yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I rise just to make this very simple point so you all know what you're doing. The law that this amendment wants to prevent funding for was a Ronald Reagan law. This is a law Ronald Reagan signed and put on the books, just so you understand. And of course the reason he put it on the books was that he sided with the little guy against the Federal Government. This is a way to make the Federal Government accountable. And recovery of attorneys' fees and legal expenses is needed to ensure that the people can keep their own government accountable when they, the smallest of the small, are having the Federal Government intrude itself into their lives and bringing tremendous harm to the health and well-being of the families in any particular community in our country.

As of 2009, by the way, Social Security and veterans cases make up the majority of Equal Access to Justice awards. So you're going to be disempowering, for the most part, Social Security and veterans cases that otherwise would not be able to be brought against the Federal Government. And I just think that this is not well thought out.

This is an across-the-board blunderbuss attack upon the rights of citizens all across the country who otherwise are just going to sit there in their home wondering what's going on in Washington. If ever there was a tea party amendment that has to be made to counter what you're doing, this is it. You guys are here representing Big Government against the essence, the heart, the soul of the tea party movement, wondering how the Federal Government can get away with intruding themselves. And all we're really providing here is minimal financial assistance if they win. If they lose it's a frivolous case. If they lose, the jury decided against them. This is only if they win, if they put up their life savings to try to take on the Federal Government

and they win because the Federal Government had compromised the rights of their family.

So, I just want to let you all know, environmental cases amount to a very, very, very tiny fraction of all the cases that we're talking about. We're talking about, for the most part, ordinary families. And I understand why some people might not want to give these people the right to sue, but you're making a big mistake. It's at the heart, it seems to me, of what the tea party movement was about, and voting for this will be a very difficult thing to explain.

The Acting CHAIR (Mr. TERRY). The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wyoming will be postponed.

□ 1500

AMENDMENT NO. 222 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) None of the funds made available by division A of this Act may be used for any account of the Department of Defense (other than accounts excluded by subsection (b)) in excess of the amount made available for such account for fiscal year 2010, unless the financial statements of the Department for fiscal year 2010 are validated as ready for audit within 180 days after the date of the enactment of this Act.

(b) The following accounts are excluded from the prohibition in subsection (a):

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

(c) In this section, the term "validation", with respect to the auditability of financial statements, means a determination following an examination engagement that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Mr. Chairman, this is unbelievable. But I rise today in support of my amendment.

It really does hit at the heart of the issue of fiscal responsibility, discussed with such passion on the floor over the past few days. And for the life of me, I

can't figure out why a point of order would be called on this amendment. It's short and to the point.

If enacted, all it would do is freeze the Department of Defense programs at the fiscal 2010 level, unless the financial statements of the Department of Defense for fiscal year 2010 are validated as ready for audit within 6 months of enactment of this act.

This amendment would exempt military personnel, Reserve personnel, and National Guard personnel accounts, as well as the defense health program account from this potential funding freeze.

Let me take a moment and clarify what is expected of the Department of Defense in this amendment.

My amendment would simply require a determination that the Department's financial statements comply with generally accepted accounting principles, applicable laws, regulations, and that they reflect reliable internal controls. These are just basics if you are managing a budget.

Sadly, the Department of Defense Inspector General and the GAO have documented time and time again the Department's inability to answer this basic question: Where are our defense dollars going?

I would like to summarize just a few highlights from a 2009 Pentagon Inspector General's report on the subject of DOD audit activities and financial controls.

The Department of Defense "acknowledged that it does not meet accounting standards for the financial reporting of public accounts payable because it lacks standard procedures for recording, reporting, and reconciling the amounts of the financial accounting and reporting systems."

We're talking about a \$700 billion budget. No standard procedures for recording, reporting, and reconciling these amounts.

The Department of Defense "continues to enter material amounts of unsupported accounting entries." In other words, they are balancing the books with figures not tied to specific programs or expenditures.

The Department of Defense audit trails "for estimated environmental liabilities are insufficient, and there is uncertainty regarding the accounting estimates used to calculate the reported environmental liability."

And, lastly, "despite efforts and limited progress towards auditable financial statements, DOD still struggles with material control weaknesses that make the financial data unreliable."

Until these and any other weaknesses in this \$700 billion budget are resolved, DOD will not be able to meet its goal of an unqualified audit.

I anticipate that some of my colleagues may make the argument that DOD is making progress on this issue in response to congressional engage-

ment. They might reference language in recent Defense authorization bills requiring the DOD to develop and implement plans to achieve auditability by September 2017.

That is kind of hard to believe. We're talking about taxpayer dollars; we're talking about a huge deficit, a recession. We can't even audit the Department of Defense until 2017. It doesn't make any sense.

It's unacceptable that we are still developing plans. Do you hear me? Developing plans for the Department of Defense? This is almost laughable. Developing plans for the Department of Defense to have its fiscal house in order until 6 years from now, 2017. It makes no sense.

The problem is not newly discovered, and further delay is unacceptable given the enormous and increasing proportion of Federal dollars going toward the defense budget. Even if we do freeze base Defense Department appropriations at fiscal year 2010 levels, if we wait until 2017, Congress will watch more than \$3 trillion—you hear me again?—three trillion taxpayer dollars will be allowed, once again, to go to a black hole at the Pentagon, with no oversight, no accountability, and no consequences.

In the 1990s, Congress was promised these financial deficiencies would be solved by 1997. The timeline was delayed to 2007. That was in the early 2000s. Is there any expectation that the 2017 timeline will not be delayed without Congress demonstrating a willingness to hold the Defense Department accountable? Come on.

I think that this should be a bipartisan vote. We should look at this amendment. It should not be subject to a point of order. We have to have some fiscal responsibility in our defense fund.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and it violates clause 2 of rule XXI.

The rule states, in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law.

The amendment imposes additional duties. I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Ms. LEE. Mr. Chairman, on the point of order, when you talk about fiscal responsibility with the Defense Department, taxpayers' dollars, trillions and trillions of dollars that are un-auditable, there should not be a point of order.

These are our dollars, our constituents' dollars. They deserve a vote to see who wants to make sure that there is some fiscal responsibility at the Department of Defense.

The Acting CHAIR. The Chair is prepared to rule.

The amendment contains a legislative condition on the availability of funds in the bill. As such, the amendment violates clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT NO. 211 OFFERED BY MS.

WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ For "Department of Justice, Office of Justice Programs, Justice Assistance" for an additional amount to amounts otherwise made available by this Act for carrying out title I of the PROTECT Our Children Act of 2008, as authorized by section 107 of such Act (Public Law 110-401), there is hereby appropriated, and the amount made available by this Act for "Department of Justice, Office of Justice Programs, Justice Assistance" is hereby reduced by, \$30,000,000.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise to ask for my colleagues' support of an amendment to protect our most vulnerable constituents, our children.

This bipartisan amendment is a simple one. It says that child victims of sexual predators should not be forced to fight for funding scraps if deep cuts to the Department of Justice occur.

This amendment fences off \$30 million within the Department of Justice's Justice Assistance Account for child exploitation prevention and interdiction. It ensures that, even in this time of painful budget cuts, that we will protect the most precious and vulnerable among us.

Over the last decade, child pornography trafficking has exploded into a multi-billion-dollar global industry. The majority of both demand and supply is based in the United States and, sadly, most often involves parents or adults that the victim knows and trusts.

Tragically, the demand for images of young children being sexually exploited, raped, and even tortured can only be supplied through the continued sexual abuse of more children. Literally, every image of child pornography is a crime-scene photo.

Several years ago, law enforcement informed Congress that it could identify hundreds of thousands of individuals perpetrating child exploitation offenses online, but admitted it was investigating fewer than 2 percent of these known individuals due to a lack of resources that left them outnumbered and overwhelmed.

The vast majority of these identifiable sexual predators remained at

large, and their young victims beyond rescue.

Congress and the President responded by passing and signing into law the PROTECT Our Children Act, which provides desperately needed resources for the vital Internet Crimes Against Children task forces.

These task forces are teams of local, State, and Federal law enforcement agencies and prosecutors that lift the digital fingerprints, rescue the children, and hold perpetrators accountable.

The ICAC task forces rescue child victims in real time, victims like Alicia Kozakiewicz, who was sexually assaulted at age 13 by a man who befriended her online and abducted her from her Pittsburgh home. She was rescued by the FBI and the Virginia ICAC task force.

Now is not the time to pull the funding rug out from under these ICAC task forces. Congress is already funding this effort at only half of its authorization. Yet the law is making a difference. The Department of Justice recently released its "National Strategy" to combat child exploitation, but it is only first getting up and running. Now is not the time to impose draconian funding cuts on the Department of Justice that could thwart this progress.

I want to thank Congressman SHULER, Congressman LAMAR SMITH, and Congressman DAN LUNGREN for supporting me in this bipartisan effort. This important amendment will give State, local, and Federal law enforcement the resources they need to protect our most vulnerable.

I yield back the balance of my time.

□ 1510

Mr. FRELINGHUYSEN. Mr. Chairman, we are pleased to accept the amendment.

Mr. DICKS. We accept the amendment on our side.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

AMENDMENT NO. 165 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants" published by the Environmental Protection Agency on September 9, 2010 (75 Fed. Reg. 54970 et seq.).

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, the U.S. cement industry is among the most regulated in the world and has long served not only as a responsible steward of the environment, but as a provider of high-wage family jobs in communities throughout this country. It competes against imported Asian cement, which has the advantage of low wages and nonexistent environmental regulations. Yet the EPA has plans to drop a bomb of job-killing, ineffective regulations on this industry which, by the EPA's own admission, could result in an increase in global mercury pollution as production moves to those countries with no air quality standards. Specifically, in September of 2010, EPA finalized the Portland Cement National Emissions Standards for Hazardous Air Pollutants, NESHAP, a rule based on questionable science.

The U.S. cement industry provides more than 15,000 high-wage jobs with an average compensation of \$75,000 per year, and, along with allied industries, accounts for nearly \$27.5 billion of the gross domestic product. Due to the recession, the cement industry has already lost over 4,000 jobs. This bad rule threatens to close another 18 of the 97 cement plants nationwide and throw another 1,800 Americans out of good-paying private sector jobs.

Mr. Chairman, as bitter as this would be in the middle of a horrible recession, if it were to guarantee that it would reduce mercury pollution, at least this high human cost might be justified. But when the cement production from these plants is shifted to China and India with no air quality standards, we could face increased mercury pollution worldwide and in this country.

Today, 75 percent of our annual mercury deposits are already coming to the United States from outside this country. That is indicated by this map prepared by the Electric Power Research Institute.

If you look at this map very briefly, here is the regulation chart. Red is somewhere between a little under 80 percent and 100 percent of the mercury. If you look west of the Mississippi, in fact it actually crosses the Mississippi, all this area of red, that means the Asian pollution, Asian pollution, pollutes the mercury in this part of the United States in a percentage between 80 and 100 percent.

Now, as you move across into the Midwest and the South, it is only between 60 and 78 percent that is provided by the winds bringing pollutants from Asian pollution. Of course, Florida is down here. It is in the red, so it is between 80 and 100 percent.

It is only on the east coast that you get down in this range here, which is 20 to a little over 55 percent, and the blue is below that, which is just a few dots over here on the east coast.

So right now our mercury problem is not our problem; it is from outside the

United States right now. And we are going to implement rules and regulations dropped on this industry by the EPA, which is going to drive at least 18 of these plants and possibly the vast majority of these plants offshore. Where are they going to go offshore? They are going to go to Asia.

Right now we have ways to measure this and protect ourselves in our plants already in place, and most of the things that EPA is asking for are in place. But they changed the rules in the middle of the game. Therefore, we are asking that we do the right thing and force the EPA to sit back down at the table and draft a rule that actually reduces mercury pollution and saves U.S. jobs.

This is important. This is a bad rule, and it is going to be bad for our environment. And the best thing we can do is say time out on this by basically saying no funds will be spent on the enforcement of this. And we would hope that EPA would go back to the table, sit down with industry, and come up with a real solution for what they are trying to do.

This is the purpose of my amendment, and this is what this is all about.

Mr. DICKS. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Washington.

Mr. DICKS. Is this for 1 year, or what is the timeframe?

Mr. CARTER. Basically, I don't have a timeframe in here.

Mr. DICKS. So it is permanent law?

Mr. CARTER. It is basically permanent.

But what we are saying is the real issue is the mercury issue and the hydrochloric acid issue, and those things have not even been discussed.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. This amendment would attempt to put to an end a rule that, first of all, would increase revenues in the industry sectors that design, manufacture and install pollution control equipment by as much as \$2.2 billion and increase employment in the cement industry by as much as 1,300 jobs. So, in effect, the amendment could be considered a job-killer amendment.

But what it does is to prohibit EPA from implementing, administering or enforcing final rules to control air toxins from the Portland cement industry.

The standards for Portland cement kilns have already been promulgated. The amendment would not relieve the industry of the obligation to meet these standards. Even though the agency would be precluded from spending funds to enforce the standards, citizens or States could bring enforcement actions against these sources of pollution that didn't comply with the standards.

This amendment would also prevent EPA from providing technical assistance to such sources of pollution to assist them in understanding and complying with the rule or to the States to assist the States in enforcing the rule.

The compliance date is 2013, so the regulated industry sources are now in the process of evaluating control equipment needs and preparing to order large amounts of equipment in order to be in compliance. Lack of EPA assistance and oversight at this critical time may ultimately result in a number of facilities not being prepared to comply on the compliance date. This in turn could result in numerous enforcement actions and citizen lawsuits, all of which would ultimately result in significant costs that would have to be borne by the States and regulated sources which this amendment would make avoidable.

These funding limitations to stop EPA rules really have unintended consequences. They don't stop the legal requirements to regulate polluters. They really do, though, contribute to the pockets of lawyers that would litigate these issues out in the courtrooms.

It seems to me that we should defeat what is really an unnecessarily costly amendment and an ill-advised and ill-timed one. So I would urge defeat of this amendment, Mr. Chairman.

I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Chairman, in advance of last fall, the election last fall, the Republican Conference presented a governing document called the Pledge to America, which put forward our ideas on how we intended to deal with the unsustainable level of deficit spending that has created a crippling debt being forced upon our children, our grandchildren and future generations.

The American people agreed with us and entrusted the Republican Party with a new majority here in the House in order to carry out what we put forward. In that pledge we promised that we would cut \$100 billion from the fiscal year 2011 budget, and with the passage of this legislation, the underlying legislation, which I support, we will have kept that promise.

Unfortunately, President Obama did not seem to get that message, as he has threatened to veto this legislation.

□ 1520

The President remains committed to an agenda that calls for ever-higher spending, higher taxes, trillion-dollar deficits, huge debt, and a government that is out of control. The President presented his budget to the Congress this past Monday and patted himself on the back by saying that his budget, Mr.

Chairman, reduces the deficit over the next 10 years by about a trillion dollars. But he said little of the fact that, according to his own math, more than \$7 trillion would be added to our national debt. Today, our national debt is in excess of \$14 trillion. At the end of the President's 10-year budget window, it will be nearly \$23 trillion. It's clear that the President's budget was not a governing document like the Pledge to America was. It was a political document in which he refused to take on the tough challenges that we face in our Nation.

In the Illinois State Senate, President Obama, then-State Senator Obama, voted "present" 130 times, refusing to take a position on the various issues facing his State. In his irresponsible budget on Monday, President Obama once again voted "present."

Mr. Chairman, President Obama needs to know with the many challenges facing our Nation, now is not the time to vote "present." Now is the time to provide leadership.

You don't have to believe me that the President's budget doesn't provide the serious leadership that our Nation needs now. Just read *The Washington Post*. One of the President's strongest supporters in the media said this about the Obama budget: "The President punted. Having been given the chance, the cover, and the push by the fiscal commission that he created to take the bold steps to raise revenue and curb entitlement spending, President Obama in his fiscal 2012 budget proposal chose instead to duck. To duck and to mask some of the ducking with the sort of budgetary gimmicks that he once derided."

Well, Mr. Chairman, punting in football is the equivalent of voting "present" in politics. By once again voting "present," the President refused the mantle of leadership at a time of fiscal crisis in our Nation.

Mr. Chairman, we in the Republican Party will take that mantle and continue to put forward an agenda for America that gets our fiscal house in order and empowers the private sector to create new jobs. We listened to the American people, and they concede today our seriousness in dealing with the out-of-control spending problem that we have. In our budget we will show once again that we are serious about reducing these unsustainable deficits.

We understand, Mr. Chairman, that out-of-control government spending, borrowing, and debt limits the opportunities available to our children and to our grandchildren to help them achieve the American Dream. We will continue to tackle these tough issues head on. If President Obama believes that his political supporters simply will attack all of our efforts to return this Nation to fiscal sanity, if he believes that by voting "present" and by taking a pass

on the tough decisions that somehow he will gain political advantage, Mr. Chairman, I believe that the President has seriously underestimated the political will of the American people and seriously misread the message from the last election.

The American people, Mr. Chairman, understand that the status quo is not sustainable. They understand that we cannot build our economy on top of a mountain of debt. And the American people understand that it is simply unacceptable for the leader of our Nation at this time in our history to be voting "present."

This week, the Members of the House are making the difficult choices on this continuing resolution which we have been debating this week. The Republican majority will be presenting our budget in the near future—and we will not be voting "present."

I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Mr. Chairman, first, I want to say I rise in strong support of Judge CARTER's amendment. It's absolutely necessary. Let me give you a few reasons why.

First, I'm cochair of the Cement Caucus along with Congressman MIKE ROSS of Arkansas. My district is one, if not the top, cement-producing district in America. This is a critical industry to our infrastructure and certainly to the people of our country.

Nationally, the cement industry employs about 17,000 Americans. We've lost more than 4,000 jobs in this industry since 2008. I am deeply concerned that EPA has failed to properly address the economic impact of this NESHAP rule. I'm extremely concerned about this for a variety of reasons. It seems to me in many respects this industry seems to be specifically under attack by the EPA. This rule is critically flawed. It cobbles together a range of different performance characteristics for different pollutants without determining if it is possible for any single cement plant to comply with all the standards simultaneously.

Nobody has determined if anyone can comply with this rule. This means a lot to the people of my district. This rule is going to restrict our ability to remain competitive with foreign cement producers. Foreign imports currently make up about 20 percent of total U.S. cement sales. Most foreign operators basically are producers. They operate without anything close to the level of environmental standards currently in place in America. While the EPA is trying to limit cement production with this ill-advised, job-destroying regulation, the Obama administration stimulus is providing financing to build a cement importation terminal in New

York City. Stimulus dollars are being used to fund a cement importation terminal in New York City. The cement that's produced in my region supplies the New York market. It's the equivalent of one full plant. Why are we subsidizing foreign producers of cement with our stimulus dollars? It makes no sense.

So the Federal Government on the one hand is enabling foreign producers and on the other hand it's using the EPA to further cripple the domestic industry, which was flat on its back in 2010 and this year in 2011 is going to be even worse. We need a viable infrastructure, we need a viable cement in America. This amendment I think in an effective manner addresses this problem.

Somebody at EPA is going to have to answer for this because I know my constituents were enormously offended that the Federal Government would be doing so much to undermine this industry on the one hand through a stimulus and then on the other hand using EPA to further limit their ability to operate.

Again, this rule could force, we estimate, as many as 18 to 90 cement plants to end operations. Others will be forced to dramatically reduce those operations. So, again, I urge everybody in this Chamber, everybody who's listening, paying attention, please support Judge CARTER's amendment. It's important for American jobs and American infrastructure.

Mr. CARTER. Will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding.

I would like to address for a moment some of the things that were said by my friends on the other side of the aisle. It's true that there may be 1,300 new jobs, as he quoted. But 1,300 new inspectors are not jobs in the cement industry. The cost of doing the conversion, according to the industry spokesman, is about \$3.5 billion industrywide, and even then they're not sure they're meeting all standards that are being required by EPA.

One for-instance in this requirement of EPA is, hydrochloric acid has never been considered a problem by EPA, and all of a sudden there's a regulation on hydrochloric acid. This is an almost \$4 billion cost to an industry whose total net worth is approximately \$10 billion. That is a tremendous, tremendous burden to place on this industry.

Quite honestly, what we're trying to accomplish by this before this regulation is actually implemented is to say, Time out. We're not funding this until you get back to the table and start working out a reasonable way to save American jobs and not encourage foreign jobs to take jobs away from America. That's what this does. And obvi-

ously with this thing that's going on in the port in New York, that's even more horrendous, that we are actually attacking American jobs by our own efforts.

Mr. DENT. Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman, I wanted to be recognized in opposition to this Carter amendment. This has nothing to do with saving costs. This has nothing to do with lowering the deficit. What this amendment would do is to stop EPA from going ahead and enforcing a rule that they put into place dealing with mercury toxic emissions.

It took them 10 years to get that rule in place. And why did they finally adopt a rule? Because mercury is a powerful neurotoxin that causes learning disabilities and developmental damage, especially in young children.

□ 1530

Every year an estimated 60,000 American newborn babies are threatened with a diminished ability to think and learn due to exposure to mercury pollution.

Now we have to balance things out. We want to protect the cement manufacturers. We want them to be profitable. But if we're going to let them continue with that mercury pollution, we're going to have 60,000 kids that are going to be born with neurological problems. Are we a Congress that cares about life? Well, I think we want both—the industry to prosper and to stop the poisoning of our kids.

So we asked the Environmental Protection Agency to adopt a rule. They met with the industry people. They put out a proposed rule. They got comments to their rule. They finally put it into place. And now we would be asked under this amendment to stop it. As the gentleman from Texas suggests, go back and renegotiate. Well, there's nothing to renegotiate. There's no rule in place. The National Association of Clean Air Agencies wrote a letter, which I'm going to make part of the record at the appropriate time, and they said, Please oppose this amendment. They said, While there will be costs associated with the implementation of the rules, the benefits will far outweigh them. EPA estimates that the regulations will yield \$7 billion to \$18 billion annually in benefits, which is enormous when compared to the estimated \$350 million to \$950 million in annual costs that EPA has calculated.

If you want to do it by dollars and cents, this is a real good deal for the American people. But if you want to do it for something even more important—life of babies and children. We're

talking about keeping them from being poisoned.

These standards that are being put in place will limit toxic mercury pollution from cement kilns, the third largest source of mercury pollution in America. These standards will reduce mercury pollution from cement kilns by 92 percent. They also reduce other hazardous air pollutants, such as lead, arsenic, dioxins and benzene which are known to cause cancer, birth defects and other catastrophic health consequences. Reducing these toxic chemicals also reduces the fine particulate pollution, or soot, which interferes with heart and lung function and triggers strokes, heart attacks and lung disease.

The Carter amendment would stop all of these efforts to protect the public health. And the only reason we've heard is that they fear there's going to be a cost to the cement industry. Yes, there will be. But that cost can be handled. And we've always heard throughout the debate on environmental laws that the costs are going to outweigh the benefits. A rigorous economic analysis was conducted and the economic analysis shows that the benefits of this regulation far outweighed the costs to the industry. Let's not put corporate profits ahead of our children. I urge my colleagues not to agree to this amendment. They're common sense, they'll save money, they'll create jobs, and they'll save lives.

Let me just tell you further what EPA estimated what these standards will prevent.

Up to 2,500 premature deaths; 1,000 emergency room visits; 1,500 heart attacks; 17,000 cases of aggravated asthma; 32,000 cases of upper and lower respiratory symptoms. We're talking about reducing health costs that could amount to \$18 billion every year and I think that's a great savings for the American people. I urge opposition to the Carter amendment.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I yield to the gentleman from Pennsylvania.

Mr. DENT. Thank you.

I just wanted to address a couple of issues about the EPA. I've tried to point out, very thoughtfully, that the EPA has failed really to properly address the economic impact of this proposed rule. It is critically flawed.

Let me restate once again why this rule is so flawed. Because it does bring together, cobbles together, a range of different performance characteristics for different pollutants without determining if it is possible for any single cement plant to comply with these standards simultaneously. That is the problem. My distinguished colleague from California is making a point that

there will be less emissions. That is true. Because there will be fewer plants. They will not be emitting anything. We expect 18 plants that may be shuttered out of the 90 in this country; tremendous capital investment for an industry critical to our basic infrastructure.

These are high-paying jobs that we're talking about. We can't afford to lose that many more. That industry has become much more efficient over the years. These plants today produce far more than numerous plants would have produced years ago. I just can't emphasize enough that as we are having this great debate about the nature of the economy and jobs, that we would be willfully using regulatory agencies that we know are going to cost thousands of jobs in America, high-paying jobs. When is enough enough? I won't get into the New York plant again, about how we're using stimulus dollars to bring cement from Peru to New York to serve the market. They're going to kill more jobs than they're going to create with this importation terminal.

I just can't get over this. They're bringing this cement here because they would prefer to have fewer cement trucks from Pennsylvania, and even upstate New York and Maryland supplying New York, they would rather have fewer cement trucks on their roads. They would prefer to have huge ships coming in from Peru with cement rather than deal with the inconvenience of those cement trucks.

My region takes a lot of garbage—trash, waste—from New York. We get garbage trucks every day in my district, with New York garbage. We landfill it. We're required to under the U.S. Constitution, under the interstate commerce clause. It's been to the Supreme Court. We do that. We're not shutting down our State line to them and that industry.

The point is, it's about cement. It's about a basic industry. It's about American jobs. Judge CARTER's amendment is the right thing. It's the right thing to do.

Mr. CARTER. Will the gentlelady yield?

Mrs. EMERSON. I yield to the gentleman from Texas.

Mr. CARTER. I thank you for yielding.

I just want to point out what my friend from California was pointing out. Under the plan that's before us from the EPA, we're pretty well sure that 18 of our 90 plants are going to move offshore. So we get to add 18 plants to the people who are polluting this area of the United States at an almost hundred percent pollutant, and good scientific evidence already tells us that 75 percent of the mercury pollution, which is the argument the gentleman made, is coming from outside the United States. Now we're adding 18

new plants to the 75 polluters and we're taking 18 plants away from the 25 percent side. To me, I wonder how that balances out to make good sense for those poor sick kids that he was talking about. We're adding more pollution to the unregulated, full-scale polluters, and we're harming and taking American jobs, the fathers and mothers of those very children he was talking about. They're no longer going to have a job and somebody in China or India is going to have that job. And I think the American people are pretty fed up with us trying to constantly ship good American jobs overseas.

I hear my friends talk about, we are outsourcing. This is a form of outsourcing by regulating us out of business and sending those jobs over to where they open with open arms and no regulations and lower wages, come on in, make your cement, we'll ship it back to the United States and use that New York terminal to bring it into the United States.

I think we need to rethink this. All we're asking is an implementation that doesn't drive us out of the country. It's that simple. It's not that tough.

Mr. WAXMAN. Will the gentlelady yield?

Mrs. EMERSON. I yield to the gentleman from California.

Mr. WAXMAN. If some of the pollution is coming from offshore, from China, which is true, that's no excuse for us to allow more pollution to come from the sources here in the United States. And simply asking businesses to lower their emission levels does not mean we push them to do business overseas. American businesses have thrived even with environmental regulation.

□ 1540

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. MARKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. What we are hearing this afternoon, Mr. Chairman, is a whole bunch of phony baloney numbers about how this is going to affect the cement industry, about how this is going to affect the concrete industry, when, in fact, industry after industry in the United States has been able to comply with rules which protect the public health and safety.

First, let's just define what we're talking about and why American families are concerned about what the Portland cement industry is doing:

It is airborne mercury which settles in lakes and rivers. It accumulates in fish and shellfish. In its most dangerous form, it is a neurotoxin that can lead to birth defects and stunted brain development.

Since we are at the top of the food chain and doctors and dieticians across

the country are urging families to eat more fish, we are simultaneously urging them, especially those with small children or who are women who may be pregnant, to consume these fish that have the neurotoxins in them that we know lead directly to brain damage, that lead to harm in children in our country.

So this is a concrete example of what the Republican majority is now trying to do. This is kind of a regulatory earmark for a single industry, aimed at giving it the right to pollute, to send mercury into our atmosphere, and ultimately into the bodies of the children of our country when we know that thousands of them are going to die from the consumption of that mercury and that thousands more will have an aggravation of asthma, which they already have. The same thing will be true for senior citizens. Yet they're over here and are almost ignoring the health care impacts on families in our country.

We have people all across the country who are now going through food stores, looking to find what the mercury count is in the food which they're purchasing for their families. Instead, what the majority wants to do here today is to put a pair of Portland cement shoes on the EPA and then throw it into the river. And if the EPA doesn't die from drowning, the mercury is going to kill it. That's ultimately what the impact is going to be of this amendment.

So I understand, if I were a trade association, that I would be arguing, You can't impose any kind of restrictions upon us to protect the children of our country. It's just too expensive. It's too hard for us to do. The Chinese will take advantage of our protecting children from having mercury put into their brains, into their systems.

But do you want to know what? That's not a good enough excuse for our country. Our country is supposed to be the leader in ensuring that the public health of our citizens is protected. What has been constructed here is a very careful balance which ensures that the industry can survive and thrive at the same time that it is protecting the health and safety of the children in our country.

There are, by the way, many other people in the cement manufacturing industry who have contacted me, including companies in my own district, who do not support this position. They say that it is actually quite within their power to be able to comply with these rules in terms of ensuring that mercury is reduced in the production of cement, of concrete in our country.

So this is for the narrow number of small companies which are seeking to be exempted from having to participate in something that the vast majority of the industry can comply with. I do not believe that our country is going to

sink to a level where the health and safety of the children in our country are going to be allowed to be compromised by amendments on this House floor on behalf of a single small industry, without any scientific justification except the bleatings that come from those who do not want to comply, and knowing that the consequences will be the loss of thousands of lives and brain damage done to thousands of more who are children right now but who will be affected by the vote that we cast here today.

I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. I want to very quickly rise in strong support of Congressman CARTER's amendment.

I have three cement plants in my district in Midlothian, Texas. It is the cement capital of Texas.

Mr. Chairman, Republicans are not for no regulation of mercury. We think this particular mercury rule is flawed. My good friend, the former chairman Mr. WAXMAN of California, talked about the rigorous analysis that was done. His definition of "rigorous" and my definition of "rigorous" are not one and the same. We think that analysis was fairly flawed.

I would point out that most pollutants—and we do agree that mercury is a pollutant—are measured in tons. Mercury emissions from these plants are measured in pounds per year, so mercury is a trace element of these pollutants. We think that we should go back and actually do a real economic analysis and also a health analysis.

My good friend from Massachusetts was talking about the dangers of health. Those are real dangers. But again, given that the trace amounts of mercury that are emitted per year are in pounds, it is a very tenuous connection to say that the mercury from a cement plant has a direct correlation with some of the potential side effects that the gentleman from Massachusetts was talking about.

So I think this is a good amendment, and I want to support it.

I now yield to my good friend Mr. AKIN. I believe he has an amendment to the amendment.

Mr. AKIN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Is the gentleman offering a secondary amendment?

Mr. AKIN. I was intending to offer amendment No. 181, Mr. Chairman, but I decided to withdraw the amendment, and was going to simply speak on the subject.

The Acting CHAIR. The Carter amendment is pending, and the gentleman from Texas has yielded his time.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to reclaim my time.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. I yield to my good friend from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Just very briefly, look. Come on. Let's get real.

Mr. Chairman, everybody supports protecting the environment. Every American supports protecting the environment. We also support protecting the jobs of the people who live within that environment. Yet some of us don't support arbitrary decisions that are made that are going to cost thousands of jobs and that are going to close plants.

So, again, while there is a consensus in this body on protecting the environment, there does not seem to be, Mr. Chairman, a consensus on protecting the jobs of the American people, of those who are desperate for jobs. But without this amendment, we are going to lose more jobs. Let's have some common sense. Let's protect the environment and protect American jobs.

Mr. CARTER. Will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. CARTER. Having raised four children and being a person who cares about children, I was a little offended that I was being accused of wanting to harm children, which is not the purpose of this.

In fact, I would argue that between 75 and 100 percent of the mercury pollutants on two-thirds of the American continent, of the country of America, is coming from foreign sources. Of those who cannot meet these onerous requirements, the only solution they have in order to stay in business is to move to foreign countries, where they do not regulate air quality. I would argue, with this amendment, we are taking it away from the polluters and are saying, Wait a minute. Let's look at this and talk it out.

□ 1550

That's really what we are trying to do, and so I would argue that I'm trying to save the lives of American children because the foreigners are polluting our air, and 75 percent of those pollutants were created by foreign companies where the only choice for these people to stay in business is to move there.

Mr. BARTON of Texas. I yield back my time.

Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank you for yielding.

I just am astounded by some of the things that are said in the House, that there has not been a careful analysis of this proposal and the harm that comes with these mercury pollutants, because the National Association of Clean Air Agencies, the people in your State that enforce the clean air laws, talked about regulation yielding \$7 billion to \$18 billion annually in benefits, which is enormous when compared to the estimated \$350 million and \$950 million in annual costs.

Cement plants employ workers who also can get sick from all of this, but the American cement industry did us a report of their own on this; and in November of last year, analysis by the Portland Cement Association predicts that domestic cement production will increase more than 25 percent from today's levels by 2013 when these rules go into effect and more than 50 percent by 2015. So they don't think they're going to be losing jobs under this proposal.

My friend from Texas (Mr. BARTON) says, well, these are trace amounts. This is a very intense toxic substance. And he said there hasn't been a vigorous analysis. Well, we've got numbers with the analysis that we've had. I don't know what analysis the cement caucus has for us, but I think that Mr. MARKEY was correct when he stated this is an industry in certain areas that wants to avoid spending money to stop the pollution from their plants, and it is just not a good excuse to me to say that because some of the mercury comes from overseas and other places we should allow the mercury to continue right here in the United States.

NATIONAL ASSOCIATION OF
CLEAN AIR AGENCIES,

Washington, DC, February 17, 2011.

DEAR REPRESENTATIVE: On behalf of the National Association of Clean Air Agencies (NACAA), we are writing to express our opposition to Amendment No. 165 to H.R. 1 (introduced by Rep. John Carter and expected to be considered on February 17, 2011), which would prohibit FY 2011 funds from being used to implement, administer or enforce the "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants." The standards affected by this amendment were published on September 9, 2010 and are designed to reduce emissions of air pollutants from Portland Cement Manufacturing facilities. NACAA is the association of air pollution control agencies in 51 states and territories and over 165 major metropolitan areas across the United States.

The rules EPA adopted are not only consistent with the provisions of the Clean Air Act, but are necessary to protect public health. Portland Cement manufacturing facilities emit mercury, hydrochloric acid, hydrocarbons, dioxins, sulfur dioxide, particulate matter, and other harmful pollutants, which are known or suspected to cause a host of significant health problems, including cancer, and even death. These facilities are the third largest source in the United States of air emissions of mercury, which is a persistent, bioaccumulative and toxic air pollutant. Even very low emissions of this

potent neurotoxicant can result in unacceptable impacts to the nation's water bodies. To date, all 50 states have issued health advisories for fish consumption due to mercury contamination, with the primary loadings being from atmospheric deposition.

NACAA believes the controls contained in the regulations are essential and should be implemented. The rules will result in significant and much-needed reductions in emissions from cement kilns, including decreases of 92 percent in mercury, 83 percent in total hydrocarbons, 92 percent in particulate matter, 97 percent reduction in acid gases (e.g., hydrochloric acid), 78 percent in sulfur dioxide and 5 percent in nitrogen oxides, according to EPA data. The agency also estimates that the cement kiln rules will prevent up to 2,500 premature deaths each year and will avert a host of health problems, including cases of aggravated asthma, heart attacks, chronic bronchitis, and upper and lower respiratory symptoms. The reduced emissions from the rules will also result in fewer emergency room visits, hospital admissions, lost work days and lost productivity.

While there will be costs associated with the implementation of the rules, the benefits will far outweigh them. EPA estimates that the regulations will yield \$7 billion to \$18 billion annually in benefits, which is enormous when compared to the estimated \$350 million to \$950 million in annual costs that EPA has calculated.

If the amendment is adopted, EPA will be unable to proceed with the implementation of this rule during this fiscal year. As it is, the rules for this source category are already several years overdue, during which time public health has suffered as a result of exposure to unnecessarily high emissions. Further delaying the public health protection from these rules would be detrimental to our nation's residents.

NACAA urges you to allow the NESHAPs and NSPS for Portland Cement plants to proceed as adopted and to provide the public with the cleaner and more healthful air it deserves. Please do not support Amendment No. 165 to H.R. 1.

Thank you for your consideration.

Sincerely,

G. VINSON HELLWIG,
Michigan Chair,
NACAA Air Toxics Committee.

Mr. BARTON of Texas. Will the gentleman yield for a question?

Mr. SERRANO. I yield to the gentleman.

Mr. BARTON of Texas. I thank my friend Congressman SERRANO.

Would Mr. WAXMAN agree with me that, if you get one of these new squiggly mercury bulbs and break it, you're going to be exposed to more mercury than the amount of mercury you're exposed to from a cement plant?

Mr. WAXMAN. Absolutely not. I don't agree with that.

Mr. BARTON of Texas. I think that's a factually correct statement.

Mr. WAXMAN. I don't know enough to answer that question.

Mr. BARTON of Texas. Well, you might check it out because some of the benefits and some of the costs you talk about are not borne out in the real world when you do a real analysis.

Mr. WAXMAN. I should trust your analysis more than the Environmental Protection Agency, OMB, the people in the air pollution control business?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise to oppose the Carter-Ross Amendment (#165) to H.R. 1, the Continuing Resolution. This amendment would stop the Environmental Protection Agency from implementing and enforcing long-overdue safeguards that will protect our children from toxic air pollution generated by cement kilns.

Cement kilns are the third-largest source of mercury pollution in America. Mercury is a dangerous chemical that impairs a child's ability to learn, write, walk, talk and read. Mercury especially is a concern for women of child-bearing age, unborn babies and young children because studies have found that high levels of exposure damage the developing nervous system. Cement kilns also pump lead, arsenic and dioxins into the air, which can cause cancer, birth defects and other catastrophic health impacts.

Last year, EPA finalized standards that will limit this toxic pollution from cement plants. These standards will prevent 2,500 premature deaths, 1,000 emergency room visits, 1,500 heart attacks and 17,000 cases of aggravated asthma every year. We'll achieve these health benefits while improving the economy because reduced pollution will allow people to do their jobs and go to work on 130,000 days they would have otherwise missed. We'll reduce health care costs by up to \$18 billion every year. The benefits of reducing this dangerous pollution are between seven and nineteen times greater than the costs.

In fact, despite hyperbolic claims of economic collapse, EPA estimates that as many as 1,300 net new jobs could be created as a result of these new protections. That is because cement plants will employ American workers in building, installing, operating and maintaining the equipment that will keep these dangerous toxins out of our children's fragile bodies.

The Carter amendment would overturn affordable, commonsense protections that provide tremendous benefits at a reasonable cost. As a nurse, mother and grandmother, I urge my colleagues oppose this amendment and protect our children.

Mr. SERRANO. Reclaiming my time, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. AKIN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. AKIN. Mr. Chairman, the amendment that I was thinking I was going to offer, and actually we can't, is on the Energy Independence and Security Act of 2007. It's an interesting topic because we're going back again once

more to the subject of mercury; but, really, we're going to a more basic subject than mercury, and that is the subject of freedom because this Energy Independence and Security Act of 2007 is a de facto ban on the plain old lightbulb that Americans have known a long time. It's the incandescent bulb.

And this de facto ban essentially says that all the new lightbulbs have to be these mercury vapor fluorescent lightbulbs. And so the question that comes to my mind is, aside from the benefits of one type of lightbulb over another—and you could argue the benefits, the mercury vapor lightbulb is a little more expensive but it saves energy, but the incandescent lightbulb burns more energy. But it doesn't have any mercury you're bringing into your living room.

But the point, though, is don't we trust our constituents to pick the kind of lightbulb that they want? I'm just wondering if there's anybody in this Chamber who wants to stand up and vote and say, I'm going to tell my constituents what kind of lightbulb they ought to buy. I mean, lightbulbs are used in a lot of different contexts, a lot of different situations; and if people want one of those mercury vapor bulbs that's got good efficiency, fine, let them buy one. But don't tell them they can't buy another kind of bulb that may meet their circumstances.

And I think that's the kind of arrogance that the public is really fed up with out of Congress is when we have this arrogant attitude that we're going to tell people even what kind of lightbulb to buy. And so what my amendment was going to do was, of course, to strike this piece of legislation. Technically, we can't do that on this appropriations bill so we have to wait for a different venue in order to do it.

But I would conclude with the observation that for decade after decade in America the symbol of innovation and bright ideas was always the lightbulb, and unfortunately this bill is a bulb that just seems to barely get dim.

AMENDMENT NO. 204 OFFERED BY MR. SCALISE

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions and their offices:

- (1) Director, White House Office of Health Reform.
- (2) Assistant to the President for Energy and Climate Change.
- (3) Special Envoy for Climate Change.
- (4) Special Advisor for Green Jobs, Enterprise and Innovation, Council on Environmental Quality.
- (5) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task

Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(6) White House Director of Urban Affairs.

(7) Special Envoy to oversee the closure of the Detention Center at Guantanamo Bay.

(8) Special Master for TARP Executive Compensation, Department of the Treasury.

(9) Associate General Counsel and Chief Diversity Officer, Federal Communications Commission.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, we've seen over the last 2 years under President Obama a very disturbing proliferation of czars, these unappointed, unaccountable people who are literally running a shadow government, heading up these little fiefdoms that nobody can really seem to identify where they are, what they are doing.

But we do know that they're wielding vast amounts of power, many of them making six-figure salaries, and yet you can't find out exactly what they're doing. Yet you have got the separate Cabinet that's actually appointed, goes through the scrutiny of Senate confirmation, which is the process that is supposed to be followed for the people who make these kinds of high-level decisions.

In fact, I support the ability of the President to organize his administration; and, of course, if you look at article II, section 2 of the Constitution, it lays out the process for having these types of appointments, and it requires Senate confirmation. Yet you've got this shadow government that literally, completely avoided the transparency and the accountability of that Senate scrutiny.

What we do in this amendment, which actually sacks these czars, we actually go through, and I'll start with the ObamaCare czar. Of course, we had a vote here on the House floor to repeal ObamaCare, which I'm proud to have supported, hope we continue to see move through the Senate. But in the meantime, we just had a hearing the other day, over 900 companies have already gotten exemptions, went and I guess lined up at the White House and must have known somebody right over there and were able to get exempted from this law that the President says is so important, so great, going to solve all these problems, and yet 900 companies have already been able to get secret exemptions.

How have they done this? Who didn't get an exemption? Of course, our local businesses on Main Street would love to get that exemption. They didn't get that opportunity. We can't even find out who got these exemptions.

□ 1600

So we are getting rid of the ObamaCare czar.

Let's go to the climate czar. Of course you've got a person in there right now that supposedly is going to

be leaving. This is a person who's continued to do things behind closed doors. In fact, when the moratorium on drilling came out, it was found out that it was the climate czar that actually doctored the President's own scientific study to try to say that the scientists that the President appointed recommended a moratorium on drilling. It turned out the scientist didn't say that at all. The White House actually had to apologize for the actions of the climate czar, for what they did. Again, behind closed doors, nobody can find out exactly what they are doing. So she's leaving. Let her leave, and take the funding, too.

The global warming czar. There's actually a czar out there trying to still impose the cap-and-trade regime. Of course Congress has rejected cap-and-trade. We've seen study after study. In fact, Spain came up with a study that showed what happened when they tried to implement a cap-and-trade regime. What they found out was that for every green job that they created, they lost over 20 full-time jobs in the private sector. And they detail that out very well in their study about what that policy does. The National Association of Manufacturers said cap-and-trade would run over 3 million jobs out of this country. Yet we have got a global warming czar that's running around out there with taxpayer money, promoting a policy that would destroy jobs that this Congress doesn't even support.

Again, you have got the green job czar. The green job czar, they haven't even filled the job of the green job czar since the last one resigned in disgrace. The last green job czar we had left in disgrace because he expressed comments embracing communism and actually tried to blame the American Government for the September 11 attacks. So of course that person left in disgrace. The job is still vacant. Let's get rid of it.

The Guantanamo closure czar we get rid of in this amendment. Guantanamo Bay—in fact, if you look at it, it's estimated that we have to spend over \$200 million to build another facility to hold them. Nobody wants them. New York said, We surely don't want to try these terrorists on American soil right down the street from where the World Trade Center was attacked. And yet you've got a Guantanamo Bay closure czar when the President, himself, now has even backed off of closing Guantanamo Bay. I support him in that. We shouldn't be closing Guantanamo Bay, but we surely shouldn't have a czar that's running around out there doing who knows what for closing down Guantanamo Bay.

There is a fairness doctrine czar that we get rid of. A fairness doctrine czar that is trying to undermine the First Amendment right of talk radio hosts. You know, there may be some people

on the other side that don't like some things said on talk radio. That's their prerogative. The beauty is you have got a First Amendment that dictates that, and you have a marketplace.

So the bottom line is it's time that we reestablish our responsibility as a legislative branch. Let's get back to those constitutional principles, and let's get rid of these czars. We shouldn't have the government running car companies. We shouldn't have the government running the shadow government, and we shouldn't have all these czars.

I urge my colleagues to support this amendment.

I yield back the balance of my time. Mr. SERRANO. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I rise in strong opposition to this amendment.

The so-called czars in the Obama administration are basically exercising a traditional function of the White House staff, which is advising the President, coordinating policy on complex issues that cut across Cabinet departments and Federal agencies.

Let's take a look at one example. One target of criticism has been the climate change czar. But what Cabinet Secretary or other agency head would otherwise have to lead on climate change issues? The administrator of EPA? The Secretary of Energy? The Secretary of the Interior? The Secretary of State, because climate change is fundamentally an international issue?

The fact is that all of these officials, and many more, have a role, and that's why the President has designated a senior White House staff member to coordinate activity and policymaking on climate changes. They do not have legal authority to take action. Rather, that final decisionmaking authority can only be exercised by heads of agencies or other officials properly appointed and, in most cases, confirmed by the Senate. In modern times, there's nothing unusual about the White House and its staff playing a leading role in policymaking, especially on issues important to the President.

But let me touch on a subject now that some people may not want to touch on. Look, let's be honest. This is not about czars. This is about the person that lives in the White House. Today we're going to see amendments that say we should not have repairs on the White House structure. Tonight we're going to see an amendment that says—listen to this—that the President should not have, paid for by the taxpayers, a teleprompter. Can you believe this? This may be the 6 o'clock national news. There's an amendment up there about the teleprompter.

So I'm going to give some folks on the other side, with all due respect and

love and affection, some advice. When you look at the White House, think of it as the monument it is. Think of it as the structure where the President of any party lives. Don't get hung up on the fact that he lives there. Notice I didn't mention the name because I don't want to upset you. Don't get upset at who uses the teleprompter. Don't get upset at whose plumbing needs repair in the White House for 50 years. Make believe it's the last President. Please repair the White House. Please allow him to have staff. Please allow him to be President. But don't get hung up on the fact that "he" is the President, because I know that upsets you. You can't accept the fact that "he" is the President. So don't let that bother you. Just concentrate on the issue.

Mr. Chair, I think we should concentrate on the fact that the White House structure itself is a building we should keep in good shape. It falls under my subcommittee's jurisdiction and Mrs. EMERSON's chairmanship. We have a President who may at times use a teleprompter. Let him use it because if we get into that, then our staff may not be able to write notes for us in the future, because it's the same thing.

So, yeah, sometimes it may not be this President. It may be another. I wish I could mention his name right now, but I know it upsets the heck out of many people on that side. So don't go after him, just do what needs to be done.

This is a terrible amendment, and it should be defeated.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, I would love to allow my very close friend and colleague from New York to continue. However, I will say that I do agree with him—and we will discuss this later this evening—that, in fact, the White House is the White House, and it's a historic building, and it should be cared for. But the issue at hand is the number of people not subject to Senate confirmation who work there.

I want to rise in support of our colleague from Louisiana's amendment to address the issue of czars in this administration, and I will admit that there were too many in several of the past administrations as well. And I also hope that the Oversight and Government Reform Committee will actually mark up the Scalise bill so that we can address this issue once and for all.

I do know for a fact that, in spite of what my good friend from New York said, the health care czar who is no longer in that position—and that is why we have actually eliminated that position as well as the climate change position in the continuing resolution—

I believe that several colleagues had set many, many meetings with the health care czar in the White House when that position was filled and that she was actually coordinating all of the work done on the current health care law. So the statement that these folks don't have any power is absolutely not true, based on personal experience with the person who actually held that position.

I love the idea of getting rid of more of these czars. It will save us a lot of money. We have excellent people, even if we don't agree with them, who are the heads of agencies and departments in the government. They should be allowed to do their jobs themselves instead of having interference from even more people.

So with that, I support the amendment from Mr. SCALISE.

I yield back the balance of my time. Mr. FRANK of Massachusetts. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, being of an optimistic nature, I look for silver linings. So I welcome the fact that my colleagues on the other side have decided to adopt gender-neutral language, because a lot of the czars would have been called czarinas in the old days.

□ 1610

So I appreciate the fact that we've gotten beyond sex stereotyping of people.

Also, I guess they were in a little bit of a hurry. The gentlewoman from Missouri has spoken, the gentleman from Louisiana, and they listed the czars they didn't like. They overlooked one. Maybe it was hard to read. Here's one of the ones they want to eliminate. By the way, you notice that many of the ones they want to eliminate have already been eliminated. They're not there. So they are denying funding for nonexistent positions—climate change, healthcare.

Mrs. EMERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. But the money and the funds still exist; so we're trying to save some money here.

Mr. FRANK of Massachusetts. Then rather than deal with it this way, I would have thought in the CR, you're telling me that the Republican Appropriations Committee majority funded some nonexistent positions.

I would have some advice, Mr. Chairman, for the gentlewoman. Next time, don't do that and we won't have this problem.

But there are some positions that they did fund that they would defund that still exist. And I understand they were in a hurry; so they forgot to men-

tion all of them. They talked about climate change and they talked about healthcare.

Here's the one they forgot to mention: The special master for TARP Executive Compensation, Department of the Treasury, that is the special master, Ms. Geoghegan, whose job it is to monitor excessive compensation of those TARP recipients who got special assistance and still owe the Federal Government money.

So what they want to do is knock out the person whose job it is to monitor compensation at AIG and at General Motors and at Chrysler and at Ally.

Mrs. EMERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. I'm pleased to tell my good friend that that position is removed from this legislation as well.

Mr. FRANK of Massachusetts. I have an amendment which says special master for TARP Executive Compensation, Department of the Treasury. So the amendment I have defunds and says you can't pay—I want to make it clear. This is the amendment offered by the gentleman from Louisiana. The one I got says, lines 18 and 19, Special Master for TARP Executive Compensation, Department of the Treasury.

Is the gentlewoman telling me I was given a defective copy?

I yield to the gentlewoman.

Mrs. EMERSON. Yes. I must tell you, my good friend, that you must have received a copy that perhaps missed a page. Do you have the diversity czar or the pay czar?

Mr. FRANK of Massachusetts. I reclaim my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. I have a parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. What's the text of the amendment? This is the one we were given. Could I get a reading of the text of the amendment, or could I get a copy of the amendment?

The Acting CHAIR. The gentleman may ask unanimous consent for that.

Mr. CARTER. Will the gentleman yield for a moment?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Excuse me. Does this have anything to do with cement? If you mention cement, I'm not yielding.

Mr. CARTER. I promise not to mention cement.

Mr. FRANK of Massachusetts. Then I yield. Because where I come from, cement was not good news for the people who were put into it.

I yield to the gentleman.

Mr. CARTER. I'm a little confused on your question and I may be able to clarify.

If you're asking the question are we attempting to defund that czar, we are.

Mr. FRANK of Massachusetts. Well, then reclaiming my time, and I ask unanimous consent that special debate time be allotted so the gentleman from Texas can debate the gentlewoman from Missouri because they seem to be undecided between them about it.

So the question I have is, this amendment, as it was presented, says you can't pay the person whose job it is to stop excessive compensation at TARP recipients. Now, the gentlewoman from Missouri says it's not in there, that I've got a bad copy.

Okay, so it is in here.

So this amendment would say to AIG and General Motors and Chrysler and Ally, the financial company, no one will now be supervising what you do. And even though you haven't yet paid back the Federal Government, there will be no enforcement of restrictions on your bonuses, no enforcement of restrictions on your compensation.

I should note, by the way, in the condemnation of these czar positions, one of the ones that's now vacant that they'd bravely get rid of is the senior advisor on the auto industry. That's one of the great successes of the Bush-Obama administration and transition.

I would tell the gentlewoman that she should work it out with the gentleman from Texas and then come up with a joint answer. But I want to make my other point.

One of the czars they are complaining about presided over a Bush-Obama transition policy that kept General Motors and Chrysler alive. We have auto industries flourishing in America and suppliers today. That was partly because of this position that's now vacant that they want to get rid of retroactively.

Please explain to me what it means when you say you were going to deny the funds for the special master for TARP. I will yield to whoever wants me to yield. The gentleman from Kentucky. The gentlewoman from Missouri.

Mrs. EMERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. I would just like to tell my friend that the Office of Financial Stability in the Department of the Treasury, which does oversee all of this, still remains and it is mandatory funding.

Mr. FRANK of Massachusetts. Reclaiming my time, so now the third answer I get is, yes, they do get rid of the special master. There's an office there with nobody heading it.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I would ask for an additional 2 minutes, having yielded so much of my time.

Mr. ROGERS of Kentucky. Reserving the right to object, we have tons and tons of amendments to go, ladies and

gentlemen. I hope we can expeditiously move.

Mr. FRANK of Massachusetts. Well, I just asked for 2 minutes, having yielded so much of my time.

Mr. ROGERS of Kentucky. I withdraw my reservation, Mr. Chairman.

The Acting CHAIR. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 2 additional minutes.

Mr. FRANK of Massachusetts. I appreciate that.

Mr. ROGERS of Kentucky. Will the gentleman yield briefly?

Mr. FRANK of Massachusetts. I yield to the gentleman.

Mr. ROGERS of Kentucky. To the czars, I say, "Nyet."

Mr. FRANK of Massachusetts. Well, I will leave to the gentleman to work out his Lenin fantasy, but I want to reiterate what this amendment now does.

There is a special master, a high visibility individual whose job it is to prevent excessive compensation from those TARP recipients that are still out there: AIG, General Motors and Chrysler and Ally. This amendment strikes it. This amendment leaves us without a person of great responsibility, and I think that—and, by the way, it's only the top hundred employees, and there are two levels, 25 and 75.

I cannot understand why Members would want to send this signal, because many of these positions are already vacant, that one of the positions that is not vacant is our effort to put limits on compensation bonuses and other excessive compensation for those entities that still owe the Federal Government money. And why our colleagues decide that that position should be abolished and a high-level individual charged with that responsibility should not be there is baffling to me. I cannot believe that that's what people think the American people want; namely, a restriction on the restriction, a relaxation on the restriction of bonuses and other compensation paid to large recipients who have not yet paid back their TARP money.

And I thank the gentleman from Kentucky for his consideration.

Mr. HUELSKAMP. I move to strike the last word.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. HUELSKAMP. Mr. Chairman, I appreciate the opportunity to speak on this amendment very similar to one I was going to offer as well. This amendment, as we know, would strike the climate change czar, the global warming czar, also known as the cement czar, as well.

Mr. Chairman, all kidding aside, my question I would have is: What is the President afraid of? This is not an issue of what is covered here. The issue is

that the President has overstepped his constitutional authority in naming these czars and disregards the separation of powers and refuses to resubmit these names for confirmation. And it's, of course, my opinion, one of many examples of executive excess from this administration. Czars are unaccountable, unelected, and they're given considerable authority, which undermines the rule of law.

Again, why is the President afraid of submitting these names for consideration? I would argue, probably because they might not be confirmed. More than 30 czars have been appointed by the President. Not all of those are directed at in this amendment, but this amendment seeks to defund approximately nine of these czars, including the czars to oversee global warming policy as well as the closure of Gitmo.

Mr. Chairman, I would like to note that just yesterday the administration indicated that if they did catch Osama Bin Laden, they would send him to Gitmo. At the same time, they have a czar that continues to close Gitmo.

Certainly, the President has the authority to appoint staff as necessary. But, at the same time, his advisers are not there to make laws, Mr. Chairman. That is our job. That is the job of the Senate. This is an issue of whether the legislative branch is going to write the laws, Mr. Chairman.

Supporters of this type of style of government suggest in the past other Presidents have appointed czars. And, Mr. Chairman, czars might not have started with the Obama administration, but they should end with this budget.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

□ 1620

Ms. JACKSON LEE of Texas. Let me do as my good friend from New York did, Mr. SERRANO, and not mention any President's name. And I just ask my colleagues, how do you—again, I explain to all of us and hopefully those who are listening, this CR stops work in the middle of its tracks. This is a cutoff of functioning work as we speak, and there is functioning work.

Just as we have a prototype of a special master who is attempting to refund to the damaged, the worn and the torn of the BP oil spill, czars, or names that you would call them, are working.

And I am reminded of the fact that czars also are an exploratory term that Presidents use to get tasks done that ultimately may be valuable enough that are actually placed in a position that responds to a particular agency.

Now, we still call the drug czar the "drug czar." And I am reminded of a number of drug czars who were enormously effective. And the reason for

the czar term for the President is to emphasize how important the issue was or is to the American people.

Why would my friends desire to tie the hands globally, if you will, in a broad-based amendment that eliminates funding for individuals who are in the course of their work impacting for the American people, whether it's the TARP, whether it's the BP oil spill? They are in fact helping get through a difficult problem. The very nature of the term, a difficult problem.

So I would say to my friends, as I will be saying later about an amendment that has been offered, but I'm disturbed about denying funding to the Transportation Security Administration. What I would say in cutting their office not recognizing the value of their work, I would likewise say that it is crucial that we allow the Presidents, plural, to establish difficult tasks and to be able to select individuals to complete those tasks. I rise to oppose the amendment.

I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, I rise in support of the Scalise amendment. I actually also have an amendment which I filed which I am withdrawing to de-fund 24 czarships, instead of czar and czarina-ships to suit the other side. But I decided that comity would be better if I joined Mr. SCALISE.

I think he has a good amendment here. My chairman has asked that we move forward, and I agree.

I yield back the balance of my time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. Mr. Chairman, I rise to speak on this amendment that's being offered by the gentleman from Louisiana (Mr. SCALISE), and I just want to say at the outset that I don't think any of this is a joke.

First of all, czars and czarinas are from Russia. This is the United States of America. And I think that throwing this kind of terminology around is really not befitting of the House and what we do. If we disagree with policy, and we do, we debate that.

If in fact there are people that work in the government that are policy advisers and have no legal weight to their position, so be it. Most frankly, every single one of us has them in our offices. Your chiefs of staff, your policy advisers on legislation, they don't carry any legal weight, but they are policy advisers to us.

This particular target is to one individual. One individual. This is very unusual where you go after one individual in the middle of a bureaucracy who is the chief diversity officer at the FCC,

the Federal Communications Commission. This individual is in charge of expanding opportunities for women, minorities, and small businesses to participate in the communications marketplace.

Now, I think one of the things that absolutely goes to the core of democracy is how many voices speak to the many, whether there is media consolidation in this country or not.

There's some right-wing radio people that seem to dislike this person. I don't really agree with these right-wing radio talk show hosts, nor do I care to jump into what they dislike about this individual. But to bring something like this to the floor of the House, where an individual is working to expand opportunities for women, minorities, and small businesses, an appropriate role, participating in the communications marketplace, I think, is an amendment that is not worthy of the support of Members.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

I want to stress again, I have not heard a defense of the proposal that we remove from the Federal Government the highest profile individual charged with controlling compensation excesses at four companies which continue to be the recipients of special assistance. I do not understand this desire to free AIG from restrictions and General Motors and Chrysler. They have been successful, and I'm glad, but they owe the Federal Government money. Ally, the financial company, owes the Federal Government money.

I do not understand, you can go one by one and I haven't heard a defense of it. Why would we say that the individual most responsible for limiting excessive compensation to TARP recipients should no longer be able to work for the Federal Government and no one should be able to fill that position?

I thank the gentlewoman.

Ms. ESHOO. Reclaiming my time, I think that we need to start rethinking some of this. I can't help but think that campaign ads should just be played on the floor, get it out of everybody's system on this czar issue, and move on. But these are individuals that are carrying out their duties in the executive branch.

If you want to vote against expanding opportunities for women and minorities in the media, then do an amendment on that. Why saw this guy's head off? Because some talk show host says so?

So I think that this is poorly devised, poorly thought out, and does no grace to the House of Representatives.

Mr. DICKS. Will the gentlewoman yield?

Mr. ESHOO. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate it, and I associate myself with your remarks.

Did you mention that the associate general counsel and chief diversity officer of the Federal Communications is cut out of this as well?

Ms. ESHOO. Yes.

Mr. DICKS. That's rather shocking.

Ms. ESHOO. That's what's in the amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. BOUSTANY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. BOUSTANY. Thank you, Mr. Chairman.

I rise in very strong support of the Scalise amendment, and let me explain why. One word: accountability.

Americans across this country are tired of the lack of accountability. They want to know what is going on with their government, and they are tired of empty platitudes.

We have seen this when we brought Cabinet Secretaries and others who are in official positions in front of our committees, and we can't get answers to simple questions on energy policy, tax policy, healthcare policy. No, we get empty platitudes, because the policy is being formulated in the White House with these so-called advisers, these czars, whatever you want to call them.

I just want to point out something. When we had this situation with the oil spill in the Gulf of Mexico and a panel of experts, engineers, scientists, came forth and looked at this and gave their initial report, there was no recommendation for an industry-wide moratorium on drilling. They issued a formal report. And what happened? This formal report was altered after the fact by somebody within the White House, the so-called Special Assistant to the President for Energy and Climate Change.

□ 1630

Now, this is not the kind of open and transparent policymaking that the American people deserve and demand. I think in the last election they spoke out because they did not like what was happening, the lack of oversight. And if this Congress is going to do oversight, we have to have access to those who make the policy and get answers. When we get railroaded and the runaround and just empty platitudes time and time again, whether it is on health care policy or energy policy or tax policy, trade policy, whatever it is, that is not what the American people want, and if this Congress is going to be able to legislate and do right by the American people, we have to be able to get the information from this White House.

That is why I stand here with the American people and say it is time to

put an end to this opaque atmosphere in Washington. Let's be open with the American people. Those who are making policy should come before our committees and testify so we know what the policy is the White House is advocating and we can legislate in a responsible way.

So for those of you who didn't understand the Russian word "no," which is "nyet," I want to say it is "no" to the czars.

I yield back.

Mr. POLIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. I think that this amendment is typical of many of the proposals from the other side of the aisle that paint with a broad brush the entire Federal Government.

This is a complex world. A President needs an ability to govern. The President relies on many of these executive positions to effectively govern this country. It is not a Democratic or Republican thing. It is about having an effective executive and effective administrative branch.

That doesn't mean that there is not common ground; and while I certainly oppose this amendment, I would love to work with the gentleman and others to look at these positions one by one. We have discussed a proposal to eliminate the drug czar, for instance. The drug czar's office spends \$21 million a year, and yet drug use has gone up since its inception, illegal drug use.

There are ways that we can work together, but a blatant removal of the ability of a President to effectively govern the country is not a wise measure, and one that I rise in opposition to. I encourage a more thoughtful discussion that could in fact lead to the elimination of some of these so-called czar positions.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 458 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the

amount made available for the "Department of the Treasury, Internal Revenue Service, Enforcement", by reducing the amount made available for the "Department of the Treasury, Internal Revenue Service, Operations Support", by reducing the amount made available for the "General Services Administration, Real Property Activities, Federal Building Fund", by reducing the amount made available for the "General Services Administration, General Activities, Government-Wide Policy", and by increasing the amount made available for the "Independent Agencies, Securities and Exchange Commission, Salaries and Expenses", by \$77,000,000, \$46,000,000, \$7,000,000, \$1,000,000, and \$131,000,000, respectively.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, this is a deficit-neutral amendment. It provides more money for the Securities and Exchange Commission than the resolution. It takes it from other agencies.

I should say that I regret some of the choices I had to make here. Particularly I have spoken with the ranking member of the subcommittee. I was not happy to have to ask that the General Services Administration be diminished, although by small amounts; and I would hope that this could be amended later in the Senate when there was more flexibility.

But the key issue here is therefore not a deficit issue, but a policy issue: Should the Securities and Exchange Commission, which was given increased responsibilities in the financial reform bill, be given less money in this fiscal year than it had in the previous one?

The current budget of the Securities and Exchange Commission is \$1.118 billion, or the last year's budget. Under the CR, that would be reduced by nearly \$50 billion—\$50 million. I shouldn't say "billion." This is a relatively small agency. The Republican resolution would reduce the amount given to the SEC for this fiscal year by \$48 million from the last fiscal year.

Now, one of the things we did in the financial reform bill was tell the SEC that we want hedge funds to register. We want them to begin to regulate derivatives, not by putting margins on end users as they just made clear they are not planning to do, but by requiring that the price be made public.

There has been a lot of talk about the shadow banking system. Well, in the financial reform bill, with regard to a variety of these entities not regulated now by the bank regulators, we are asking them to show some information. Hedge funds aren't being told what to do; they are being asked to register. We have tried to, frankly, bring some light to the shadow banking system; but as a result of the CR, the shadows will remain unpierced.

The SEC is given new responsibilities for investor protection. We have asked the SEC to enforce a new fiduciary responsibility for people who are telling other people how to invest their money

in various ways. They won't be able to carry it out. Technologically, they are not yet up to the point where they can deal with things like the flash crash.

Now, people will point to mistakes by the SEC in the past. Of course there were. They were partly ideological by people who didn't believe in regulation, but they were partly a matter of competence; but it was also partly inadequate resources.

What we do in this amendment, frankly, is not even reach the proposal that the administration wanted. I would have liked to have done that, but there were constraints here because we had to take money from the IRS and the General Services Administration and from the Treasury Department. So what we have done is to give them part of what was asked. We do give them an increase over fiscal 2010. We do not reach the amount the administration says they need to carry out the new responsibilities given.

So let's be very clear: this is not about the deficit. This is deficit neutral. The question is, Do you want to fund increased responsibilities for the SEC, or do you not? Do you want them to be able to hire the kind of people they need? Do you want them to improve their technology?

The issue here is that in fiscal 2010 this agency spent \$1.118 billion. The administration asked for \$1.258 billion. We would get them to \$1.2 billion. We would undo the reduction and get them part of the way there. We don't get them all the way there because we are under constraints; but the notion that you should give the SEC less in the current fiscal year than they had last year and ask them to monitor hedge funds, to ask them to improve investor protection, to ask them to look at derivatives, makes no sense.

Now, if you don't believe we should increase transparency of hedge funds and derivatives, then don't vote for this amendment. If you think we are at a perfect solution here, don't vote for this. But it is hard for me to believe that people think the SEC is adequately funded.

By the way, what the CR will do is to make the SEC not so much a regulator as a profit center, because the SEC brings in more money than this budget will give them. They bring in money with transaction fees, and then they distribute money to investors.

So here we have, and I know there were many on the other side that didn't like the bill we passed, but I thought there were some parts they liked more than others. I didn't know we had a view that derivatives should remain totally unregulated.

By the way, when I talk about derivative regulation at the SEC, we are not talking about imposing margin requirements. We are talking about making things transparent.

So I hope the amendment is agreed to and we begin to get the SEC back into

the position of being a responsible regulator.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Since 2001, in the wake of the Enron scandal, this committee has more than doubled the SEC's budget. In fact, the SEC's budget has increased 163 percent since 2001. I would like to remind my colleagues that in 2001 the SEC was funded specifically at \$423 million; and last year, with the fiscal year 2010 act, this committee provided the SEC with an appropriation of \$1.1 billion.

Yet even with all of the money that we have given them and the opportunity they have had to begin upgrading their computers so, yes, they could deal with flash crashes and the like and hire more people and tougher enforcers, in spite of that they missed two major Ponzi schemes. They have had difficulty every single year since 2004 submitting clean budget statements for audit. They have had consistent trouble in their leasing practices, which has led to millions of taxpayer dollars wasted. And just even more specific to the Ponzi schemes, regarding them, the SEC has had multiple complaints filed against both entities over a decade before either individual was even charged.

□ 1640

So how is it also that the agency that's in charge, as my good friend said, and needs to be in charge of regulating our financial market, can't even produce an accurate financial statement of their own since 2004, in spite of the fact that since 2001 we've increased their budget.

In addition, the SEC's own inspector general has cited the agency for poor leasing practices, which has led to millions of taxpayer dollars being wasted on unused leased space. I'm sure my colleagues have read in the newspapers about the hundreds of thousands of square feet of leased space that they leased in anticipation of the work they might do on Dodd-Frank, but they leased it before the bill was even passed and money appropriated.

So when my colleagues argue that the SEC doesn't have enough funding, I've got to argue perhaps they do but they're not using the funding in the appropriate ways. All of us have had to tighten our belts. And I understand the need for us to have strong regulation. I am not opposed to strong regulation of the financial industry—of banks and nonbanks and hedge funds and the like. But at a time when we're all trying to do more with less, I think that it's important for all of the agencies of the government to do more with less, too. And so even with the cuts in this bill, the SEC is still going to be funded at over a billion dollars.

I believe very, very strongly that we must make this agency understand that they've got to try to revamp the systems they've got within and to use the moneys that we've given them, in addition to all the fees they've collected, more appropriately. And they need to try to do that. If they can't, then we can discuss this again. But we need to continue saving money.

Plus, my colleague has taken too much money from the GSA in addition to the \$1.7 billion we've taken. So you're cutting them or you're cutting the IRS by over \$600 million. We are cutting the IRS. We are cutting the IRS by over \$600 million. You want to cut on top of the 600 that we're already cutting it. What you want to add to what we want to add perhaps cuts the legs out from them.

So, consequently, we have to vote against my friend's amendment.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Mrs. EMERSON. I will yield to the gentleman.

Mr. FRANK of Massachusetts. In the first place, our additional cuts are a small percentage of your cuts to the IRS and the GSA, and I hope they are restored when we get a broader set of things. But the basic point is, yes, there were problems with 2004 and before. I believe we have a better-run SEC now, better people who care about it. And to punish the investors, to punish the American public because of past mistakes by the SEC by reducing from one year to the next is a very grave error.

The Acting CHAIR. The time of the gentlewoman from Missouri has expired.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I rise in support of the Frank amendment.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

First of all, she wants to punish the American public and the American economy because some people were not up to it in the past. As to Madoff, we have a new set of commissioners. It broke in the end of 2008. We have a new Director of Enforcement.

Yes, I want the SEC to get better, but the notion that they can take on complex new responsibilities regarding derivatives and hedge funds with less money this year than they had last year is laughable.

For the gentlewoman's sake, she's for regulation, but she voted against the bill. It was her right to do that. And if we're going to relitigate that bill, let's do it.

By the way, many in the financial industry do not want to see these cuts

because, while some of them didn't want to see the rules, for them the worst situation is to have the rules and no capacity to have them promulgated and enforced.

Yes, the SEC has made mistakes.

By the way, if the standard was that if you'd wasted money in the past you would lose the budget, we would be saving hundreds of billions in the Pentagon budget. That logic never appears to apply to the Defense Department.

Mr. DICKS. Reclaiming my time, I, again, support the gentleman's amendment.

Mr. Chair, since 2008 we have faced the most serious financial crisis since the Great Depression, and we are just not emerging from this difficult period. As we have debated the Continuing Resolution in the House this week, I have urged my colleagues to consider the impact that our near term actions will have on unemployment and on our nation's economy, which remains fragile. In this regard I have deep concerns about the magnitude of the cuts contained in the version of the Continuing Resolution that has been drafted by the majority leadership, with little input from the minority.

At this time I am particularly concerned about the impact of this bill on the Securities and Exchange Commission, which this bill would cut by \$189 million from President Obama for Fiscal Year 2011. This level of spending will preclude the implementation of the Dodd-Frank Act, meaning that hedge funds, credit rating agencies, and broker-dealers will continue to operate without regulation, therefore increasing the risk of another fiscal meltdown. It also takes a big step backwards toward the enforcement situation we had before the crisis, leaving the agency with fewer staff to investigate potential misconduct and police securities markets to prevent another financial crisis.

Why is this important? Look at the history: In response to what was clearly an economic crisis in our country in 2007–2009, Congress established a bipartisan Commission on the Causes of the Financial and Economic Crisis in the United States. In its final report that was issued in January, the Commission concluded that the financial crisis was entirely avoidable. It wrote:

The crisis was a result of human action and inaction . . . the captains of finance and the public stewards of our financial system ignored warnings and failed to question, understand, and manage evolving risks within a system essential to the well-being of the American public . . . Widespread failures in financial regulation and supervision proved devastating to the stability of the nation's financial markets. The sentries were not at their posts, in no small part due to the widely-accepted faith in the self-correcting nature of the markets and the ability of financial institutions to effectively police themselves.

So what did we do about this "combination of excessive borrowing, risky investments, and a lack of transparency" that the Commission said put our financial system on a collision course with crisis? We passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was intended to enable federal regulators to better understand and manage

evolving risks; providing transparency in the financial and derivatives markets; and, maybe most importantly, putting the sentries back on duty and giving them the tools to do their jobs.

This Dodd-Frank legislation charged the Securities and Exchange Commission and the Commodity Futures Trading Commission with new responsibility to oversee the financial industry and provide for regulation of the massive derivatives industry.

Now I understand that some members of the Republican caucus who may have opposed Dodd-Frank did not believe that a failure on the part of Federal regulators to enforce the law played a significant role in the financial crisis. It seems that this misguided conclusion has led the new Majority to attempt—through the appropriations process—what it could not accomplish through the regular legislative process: to scale back federal regulation to the pre-crisis level. I cannot imagine a more risky thing to do at this time.

Thus I support the amendment that the gentleman from Massachusetts, the Ranking Member of the Financial Services Committee, has offered, restoring \$131 million of the funding that will go to the SEC in this fiscal year to implement the oversight functions mandated by Dodd-Frank. I believe this amount would allow the agency to carry out its basic functions and start the process implementation so that we will not be risking another calamity like the situation we faced in 2008.

Like many of the amendments proposed to this Continuing Resolution during this debate under such unusual rules, the funding offset is problematic. The Internal Revenue Service's Enforcement division is already taking a massive and unwise cut in this bill and I regret that this amendment would add to that cut. It is difficult to talk seriously about deficit reduction while at the same time ignoring the tens of billions of dollars in taxes that go unpaid every year because of a lack of enforcement. So I believe we have some work to do, as we move forward, to ensure adequate funding for tax enforcement while at the same time we proceed to putting in place the important oversight functions of Dodd-Frank.

I urge my colleagues to support the Frank amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I rise in strong support of the amendment by the gentleman from Massachusetts.

The majority's continuing resolution cuts funding to the SEC by \$188 billion. Such a cut would leave our financial markets, including the derivatives market, unpoliced and effectively unregulated. In effect, the continuing resolution would take the Wall Street cop—its only cop—off the beat.

The Dodd-Frank Wall Street Reform and Consumer Protection Act will prevent another financial crisis like the one that crippled credit markets in 2008 by authorizing the SEC to regulate derivatives, provide oversight of invest-

ment advisers and broker-dealers, and rein in credit rating agencies. In order to do this, the SEC needs additional funding.

I am a little bit surprised that the gentlelady from Missouri talks about punishing the agency and making them understand. No, this is about accepting responsibility and helping to protect the average investor. We have people who lost all of their savings in their 401(k)s with the meltdown, and now we're talking about not funding the very agency that has the responsibility for protecting the investors? I don't think so.

Unfortunately, House Republicans don't want the SEC to staff up or to even maintain their current staffing levels. If this cut becomes law, the SEC would have to lay off hundreds of staff and cut its information technology budget down to \$86 million, it's lowest level of information technology spending since 2003. At this level, the SEC would not be able to implement the new system it needs to protect the Nation's security markets.

From 2005 to 2007, during the period up to the crisis that imploded in 2008, the SEC lost 10 percent of its staff. In addition, from 2005 to 2009, the SEC's investments in information technology declined 50 percent. During this time period, trading volume doubled. The number of investment advisers has increased by 50 percent and the funds they manage have increased 55 percent to \$33 trillion.

Let's put these numbers into perspective. The SEC's 3,800 employees currently oversee approximately 35,000 entities, including 11,450 investment advisers, 7,600 mutual funds, 5,000 broker-dealers, and more than 10,000 public companies. Furthermore, these staff police companies that trade, on average, 8.5 billion shares in the listed equity markets alone every day.

What does this mean for the average investor? Without adequate funding, the SEC won't be able to do its job, as simple as that, of protecting the average investor. As financial markets and investors become more and more complex, the average investor has confidence in making an investment because he or she knows that there is a system in place to protect them. This continuing resolution will undermine that system.

We've all heard of Bernie Madoff and the massive multiyear fraud he perpetrated on thousands of investors. Bernie Madoff was just one man. Imagine a world in which there are hundreds of Bernie Madoffs who prey unchecked on investors. That's the world we will be in if the majority's cut for the SEC becomes law.

So, Mr. Chairman and Members, if we want to create jobs and spur investment in our economy, we must fully fund the SEC. I don't see how anyone can make a rational argument that the

SEC should be level funded or underfunded when we know that that's the only police on the beat to protect our investors and ensure that people who have invested in their retirement won't have to go back to work at 65 and 70 and 75 years old. That's what happened when we had this meltdown.

□ 1650

And so now we know what happened. We have good management over there. We have people who understand what they need. They have come to people who have been elected and sent to Congress to do a job. That job is to look out for the average person, the average American. All of our constituents are not interested in punishing the SEC. They want to make it work. And I submit to you that this amendment is important to help make it work. Do not follow the lead of the people on the opposite side of the aisle who would endanger all of us and all of our investors.

Mr. GARRETT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. I thank the Chair and I thank the gentlelady from California on her opening comment with regard to accepting responsibility. I think that's all that this side of the aisle has ever been asking for when it comes to the SEC, to accept the responsibility of their past poor performance in so many different ways.

Mr. DICKS. Will the gentleman yield? Is the way to make them better by cutting money, for the SEC?

Mr. GARRETT. I did not yield, but I appreciate the gentleman's comment.

In any other realm of life, personal life, business life or whatever, when you have a failed business, what have you, when you have failed portions of that company and they fail in their performance, is the response, well, the solution to that problem is more people, more authority and more money? That seems to be only the case here in Washington, D.C., in our Nation's capital when you can have a failed entity like the SEC where they failed in so many areas; where they failed, as we've already discussed, with regard to Ponzi schemes like the Madoff situation, the Stanford Ponzi scheme; where they failed in the area of operating a failed investment bank supervising program as well; where there was a lack of supervision over in the money market fund which led to for the first time, I guess, in history the breaking of the buck with the reserve primary money market fund account. They failed in all of these areas. And what is Washington's response or at least what is the response from the other side of the aisle? Let's give them more money.

The irony here is that the gentleman from Massachusetts comes to the floor

today to enhance their funding, but, if I remember correctly, the Democrats controlled this House from 2007 through 2010. They had all that time to go in and do a complete audit of these agencies. They had all those 4 years to look at them to see where they were making mistakes, how to fix them, improve them, and then increase their resources. But they failed to do that during the last 4 years. And now in this CR they say this is the time to do so.

The gentlelady talked about punishing the agencies. Well, they are punishing people. They're punishing the enforcement folks over at the GSA. They're punishing the folks in enforcement over at the IRS. And I would question the gentleman from Massachusetts before he put in this language, did you contact any one of those agencies to see what the implications would be on those agencies for cutting to the extent that you are here?

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Thank you.

Yes, I think it is unfortunate. Of course our cuts are much smaller by multiples than the cuts inflicted by the subcommittee majority.

Mr. GARRETT. Did you contact those agencies, was my question?

Mr. FRANK of Massachusetts. I spoke to the people at the subcommittee who worked at them and I think the cuts are too deep.

Mr. GARRETT. I would like to reclaim my time.

Mr. FRANK of Massachusetts. I apologize. I thought the gentleman wanted an answer.

Mr. GARRETT. It is a simple question to ask, that when you come to the floor with an amendment to say that we're going to take money and yank money out of one agency that has a primary responsibility to the members of the public of this country, to first go to those agencies and ask, well, what impact will they have? It's not a matter whether other amendments are coming down that will have a larger or more de minimis impact. It's incumbent upon the gentleman from Massachusetts to do his research before he comes to the floor with his amendment. I'm sorry to see that he did not.

Finally, as well, he comes to the floor with this amendment saying, well, we need to do this action now. Don't look back at their past poor performance. Let's take this action now. I remind the gentleman as the author of the Dodd-Frank reform legislation that his very own legislation mandated a study, it was in section 967, to reform the operation of the SEC and asked to do a study in that to see how their reform has occurred.

Why don't we wait for the studies to come out, for the information to come

out, to see whether or not the SEC has changed its performance. Even after they've lost their majority, we see the conduct of the SEC and it still continues to fail. Even now we see that they are under investigation by the Inspector General. Why? For allegedly leasing more space before receiving funds to do so. So they've had a poor track record in the past. Unfortunately in some areas today, I'm sorry to say, they still have a poor track record right now with regard to their finances. And who knows where they will be in the future.

Now is not the time to say, let's just throw out more money to them. And when we talk about throwing out more money, I just harken back to a comment that the gentleman from Massachusetts made just earlier this week. We were looking at the actions of the SEC and we were looking at the actions of the CFTC in a hearing just the other day. And whereas our side of the aisle, Republicans, were looking at this issue and saying, what can we do to honestly reform and make the rule-making process and the rules that come out more consistent and proper and be able to perform better in the regulatory climate. Their side of the aisle was doing the same thing this week as they are on the floor right now, saying the answer to everything is, what? More money. He said it in committee. He's saying it on the floor right now. The answer to every single problem, I must tell the Chair—and the American people know as well—is not paying more money for programs. It's making sure that those agencies perform correctly, and that's what this side of the aisle is all about.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. During the campaign season, there was a meeting with the Wall Street barons by the leaders of the other side. They promised them exactly this: that they were going to essentially go back to an unregulated system. It almost bankrupted the entire country.

I want to yield the remainder of my time to the gentleman from Massachusetts. And the American public should not be fooled again by people on the other side saying that somehow they're doing this to protect their interests on Wall Street.

Mr. FRANK of Massachusetts. I thank the gentleman.

The gentleman from New Jersey asked me a question. I foolishly thought he wanted an answer, and I apologize for my false assumption. The answer is that I know that the proposals we have made to reduce at the GSA and the IRS go too far. I will point out again that they are a small

percentage of the very deep reductions made by the subcommittee.

The problem we had is under the very restrictive rules, we had to choose among certain agencies. My hope is that the House will demonstrate its support for increased funding for the SEC and when it gets to the Senate, they will have more flexibility and can take it from elsewhere. And we will see fiscal discipline imposed in some other places.

I did not call those agencies because I knew what their answer was. I knew it from the ranking member of the subcommittee, that the chairwoman in my judgment of the subcommittee had already cut them too deeply. We had no options. What we are doing here is simply trying to make the point that the SEC should be funded.

I want to now respond to the notion that we always think it's more money. No. We have talked also about reforms. And, by the way, they talked about 2004. They talked about 2008. A prior administration. I believe that there has been a real change in this administration in the seriousness of the appointments to the SEC, in the understanding of what they should do. There is a new SEC director of enforcement, Mr. Khuzami. By the way, disciplinary proceedings, the new chair, Mary Schapiro, has announced are now under way over the people who didn't do what they should have done in the Madoff, which of course is from prior years.

So, yes, the SEC has been less than perfect, but it has a very new set of responsibilities. And the notion that they can deal with that new set of responsibilities with less money than they had last year comes only from people who are not in favor of the new responsibility. I understand that. But becoming more efficient doesn't allow you to get into monitoring all the hedge funds that have to register and to monitoring derivatives.

What we have here is an ideological opposition to reform of the financial system, a preference for keeping the shadow banking system in the shadows, masking as a fiscal argument. Because we can do this in a deficit neutral way and the SEC will continue to be a profit center.

So this notion that we think the answer is always more money, no, we don't. And if the majority has some improvements to make to the SEC, let's see them. I don't remember any being offered by them as amendments when we were doing the financial reform bill. We have worked with Mary Schapiro. We do believe she's making significant improvements in a lot of ways. But the notion that you can give them significant new responsibilities and give them less money than they had in the year before when they're supposed to now be looking into derivatives and hedge funds makes no sense.

□ 1700

The gentlewoman from Missouri acknowledged she had misspoken when she said we had cut it by \$600 million. She cut it by \$600 million. I wish she hadn't done that. I wish they hadn't done other things.

Within those constraints, what we are trying to do is to send a message that we believe the SEC should get some of the funding, not all that it asked for and not all that the administration asked for. What we have here is a test about whether or not people want to support the re-deregulation of the financial system, whether they want to keep the shadow banking system in the shadows. I believe the answer is that we shouldn't.

I thank the gentleman from Pennsylvania.

Mr. FATTAH. I yield back the balance of my time.

Mrs. MALONEY. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. I rise in strong support of accountability and oversight, and I rise in strong support of the Frank amendment, which would help give tools to the SEC so that they could better enforce the laws of this country.

Madam Chair, our Republican colleagues have proposed that the SEC's budget should be cut back to roughly 2008 levels; but I can hardly imagine that anyone in this body on either side of the aisle is pleased at the level of oversight that was performed by the SEC in 2008, the year the economy cratered under the Bush administration.

According to the SEC Inspector General, the Republican proposal would force the agency to let go 600 staff right when we need more activity by the SEC in oversight. Just as our colleagues across the aisle are calling for more accountability, they would cripple one of the key agencies that holds people in a key sector accountable.

The SEC's budget for all of 2010 is equal to just a small fraction of the bonus pool for just one major investment bank or hedge fund in the financial sector that they are charged with overseeing. It is a small fraction of what they are charged to oversee.

The total loss of household wealth as a result of this Great Recession has been estimated at approximately \$14 trillion. It was a financial disaster that did not have to happen. A lack of adequate oversight and regulation were major contributing factors. We heard that from the Angelides committee report yesterday. So the Republicans' new proposal to cut the badly needed oversight of our financial system brings to mind one of the oldest sayings in our country: "They are being penny wise—and pound foolish."

The majority party is basically resisting any increase in the funding for the cops, the major cops on the financial beat. They apparently can look back on the carnage of the past years, look at the way the middle class has been brutalized, look at how people have had their dreams stolen in this recession, look at how their hopes were crushed, and declare that the status quo is "just fine, thank you." We're not even going to fund it at the status quo at the time that we had the great debacle and crash of our financial system. They want to de-fund it even more.

I really do not agree. I feel strongly about it. This is a huge mistake. They would deny the needed relatively modest funding that is required to begin supervising over-the-counter derivatives trading. Let's take a look at some of the numbers.

The over-the-counter derivatives market is valued at about \$600 trillion. In 2010, the GDP of the entire world was just over \$74 trillion. The infamous "flash crash" on May 6 temporarily wiped out of our economy \$1 trillion. In 2010, the budget for the entire CFTC was just \$169 million.

So the number of new staffers that the SEC is saying it would like to hire will understand this new type of trading—the algorithmic trading, the kind of high-frequency trading that tends to dominate today's marketplace. It is trying to hire five new oversight professionals; but the number of such specialists the opposing party seems willing to fund is absolutely zero so that there will be no one looking over this new type of trading. Zero is the level of effort that the Republicans seem willing to make to see to it that we don't suffer through another great recession and to make sure that a Bernie Madoff doesn't happen again.

This is not the way to proceed. We should fund the SEC appropriately so that it can oversee the new Dodd-Frank bill, which requires many new studies and new rules, and so that it can give this country the protection it needs from risky trading. How can we know that the capital markets and the leverage rules that we are putting in place are enforced? We can't do that unless the SEC is properly funded.

This is an important amendment. I think it is one of the most important before this Congress. I urge my colleagues on both sides of the aisle to support the Frank amendment so that we can oversee the financial markets, so that we can make sure that the rules are enforced, and so that we can make sure that the American investor, the American public, is protected.

I yield back the balance of my time.

Mr. LUETKEMEYER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. LUETKEMEYER. I just wanted to put a few comments on the record with regard to the impassioned speech of the last speaker, the gentlewoman from New York.

Madam Chair, I serve on the same committee as the gentlewoman, and I heard the same testimony yesterday. It is interesting that she is talking about trying to continue to fund an agency that was totally absent with regard to the crash back in 2008.

Yesterday, we asked the question of the SEC representative as to whether there was anybody who had been put in jail, as to whether anybody had been fired, as to whether there had been any changes to the personnel who were there. The answer was "no." There were some ongoing investigations; but at this point, nothing had been done. So we are going to try and give some more dollars to the group that was mismanaging the thing to begin with without its having any more accountability. I think that's the wrong way to go.

With that, I yield to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. I thank the gentleman from Missouri for yielding.

Madam Chair, I just want to point out a couple of things that I believe need some clarification.

Number one, yes, we had the Inspector General in our committee earlier in the week. I want to say, when he was talking about the loss of 600 jobs, that would be if we were to go back to funding at 2008 levels, which we have not done in this continuing resolution.

Number two, this agency has probably received more money than any other government agency in the last decade, and it has hired over 1,000 employees during that time period. Certainly, with that complement of excellent staff, they should have been able to see all of the problems with regard to Madoff, Stanford Financial, and other things.

At the end of the day, they've got to prove their own ability to manage money. They have to do their financial reports correctly. They have to, perhaps, take the structure they have and make it work in order to comply with Dodd-Frank. In the new bureaus, there is a lot of overlap that Dodd-Frank asks them to do, but they've got offices that do those functions already, so they can use what they have and perhaps fix it by moving employees around within that office.

At the end of the day, they still have to prove that they can do the job. They have not. They already receive too much money as far as I'm concerned; and if they can better manage personnel and do that job, then I'm more than happy to look at funding them at the levels that my colleague suggests, but not until they can prove they can manage what they have got already.

Mr. LUETKEMEYER. I yield back the balance of my time.

Mr. SERRANO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Let me first clarify something.

Madam Chair, the gentleman from Massachusetts (Mr. FRANK) came to me and told me where he wanted to take the cuts to pay for this. We were both unhappy about it, but we felt that it was so important to do this that we would take it from where we had to and then deal with it later. But let's understand something.

□ 1710

There are some new Members here who are either watching in their offices or here on the floor who need to know something. I've been in public office 36 years—this is my 37th year—in the State Assembly in New York and in Congress. I've never seen, except for once, a commissioner or a Secretary or a director of an agency come before me as chairman of a committee, and when I ask them, Do you want, do you need more money, they said to me, No, we don't want, we don't need any money. You know who that was? You guessed it. The SEC a few years ago told us that they didn't want any more money, they didn't need any more money. Why? Because that was during that era when there was the word out throughout an administration not to enforce, not to regulate, not to practice oversight, let it go, the water will clean itself, the air will clean itself, Wall Street can monitor itself. That was the attitude.

Now, we're seeing another pattern, and I look at folks on the other side that—you know, we always say this but they know I mean it—who I have tremendous respect and admiration for, but we know, I'm not fooled what the game is. The game is we pass a health care bill some insurance companies don't like, so we're not going to fund it. We pass regulations on Wall Street that could go a long way to stopping the criminals from doing it again, we're not going to fund it. That's what this is all about. This is not about whether the SEC did a good job or will do a good job. It's simply about a law that now will make it very difficult to commit the crimes that were committed on Wall Street which tumbled down the whole economy, and now we're saying that we're not going to fund it.

So as we move forward this year, this weekend, the next 2 years, and we propose not funding certain things, every so often at least let's do it and kind of wink at each other, because we know the truth. This is not about cutting a budget. This is about not enforcing some rules.

And so we will open it up again and the same folks, because they're pretty

smart, who pull all those crimes on this society will do it again, and my God, interestingly enough, the movement that brought you into the majority, those folks that I saw on TV at those town hall meetings did have one thing in common with the folks over here. They agreed that something had to be done to the folks on Wall Street; that they couldn't run amok and go crazy again. That was the one thing we agreed on. So it could be that this time you're running counter to your own base—not that I should advise you on that—but running counter to your own base because they want Wall Street police.

So the SEC needs to enforce this bill, and if you really want to undo Dodd-Frank, then try what you're doing with health care, which is to change the law, but not to fund it is simply to find a very funny way of accomplishing the same thing.

Mr. PERLMUTTER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. Madam Chair, just so we don't forget where we were, Colorado in August of 2008 had about a 4, 4½ percent unemployment rate. We had a crash the likes of which we haven't seen in decades in September, October, November of 2008 on the financial markets centered on Wall Street. Colorado then went to 8 percent unemployment. Thousands of people in Colorado lost their jobs because of the recklessness that we saw on Wall Street. There were no police on the beat, or if they were on the beat, they were told to look elsewhere.

Since Barack Obama took office at the beginning of 2009, when we were losing 800,000 jobs a month, the stock market in the fall of 2008, under the last months of the Bush administration, lost thousands of points. Since March of 2009, the stock market has doubled, because people understand that there is some restraint and enforcement of the financial markets now. People are starting to get back to work. The middle class is realizing they have pensions that are growing again. We have to have confidence. We have to have certainty in the financial markets. And to underfund and take away the police that are trying to deal with these unbelievably complicated types of financial transactions is wrong for Middle America. Middle America got hit hard. It's just getting back on its feet, and my friends on the Republican side of the aisle just want to pull that rug out from underneath them again and let the bums start pillaging Wall Street again.

No, we had Ponzi schemes. I look to my friend from Missouri because I was listening to her. Two of the biggest Ponzi schemes ever in the history of the United States, \$65 billion with Mr.

Madoff and I can't remember how much Mr. Stanford was, or the Stanford Investments, but billions of dollars, millions of transactions. We had testimony in our committee that the SEC during the period from about 2001 to 2007 was notified 21 times during that period about Mr. Madoff and they did nothing.

So now we finally have certainty back in the marketplace. The market has doubled, and now we want to take those police back off the beat when Middle America is strengthening itself again?

Mrs. EMERSON. Will the gentleman yield?

Mr. PERLMUTTER. I yield to the gentleman from Missouri.

Mrs. EMERSON. I just want to add or perhaps comment to my good friend from Colorado that the IG said to our subcommittee that it wasn't for lack of resources—since we have increased that budget 163 percent over the last 10 years—it wasn't for lack of resources but, rather, the staff working within the SEC did not perform their duties properly.

Mr. PERLMUTTER. Reclaiming my time, I would say resources have now been added, and they're performing their duties, and the stock market has doubled so that the people in Colorado, the moms and pops of Middle America, finally see their pensions growing again.

So much wealth was lost because of what happened on Wall Street, whether it was out-and-out fraud like in Madoff or just recklessness. We can't have that anymore. That almost brought this country to its knees, and this cut to the SEC is just very misplaced. We can't forget what happened 2 years ago.

Mr. AL GREEN of Texas. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. AL GREEN of Texas. Madam Chair, I think I now understand what Dr. King meant when he said that the truest measure of the person is not where the person stands in times of comfort and convenience, but rather, where do you stand in times of great challenge and controversy.

This is a time of challenge and controversy that will measure our truest measure as people of goodwill. I ask anyone to show me the empirical evidence connoting that we should reduce funds to get better service, to get better scrutiny, to get better cops on the beat with the SEC.

Every police department in this country has some problem or has had some problem. No one would say let's eliminate the police department because it has not performed up to a standard of 100 percent. The SEC is not perfect but what it does is this: It oversees 38,000 entities, 11,450 investment advisers, and these investment advisers are managing \$33 trillion. Some things

bear repeating. These investment advisers, 11,450 of them, are managing \$33 trillion. Do we really want to take the cops off the beat? Would we ever make such an announcement as it relates to any police department in this country?

Let us stop for just a moment and take a deep breath and understand what is about to take place here. We are about to send a signal to those who would perform dastardly deeds that we are going to allow you to do this with impunity, not because we want you to do so, ostensibly, but because there will not be the deterrent in place that we know should exist to prevent them from doing these dastardly deeds.

□ 1720

So I'm going to ask all of my friends on both sides to stop, take a deep breath, and let us ask ourselves: In this time of challenging controversy, will we prevent the SEC from overseeing the 7,600 mutual funds as they properly should, from overseeing the 5,000 broker-dealers as they properly should, from overseeing more than 10,000 companies as they properly should, 35,000 entities as they properly should?

This is a time of challenge and controversy, and I am proud to say that I am going to stand for making sure that those who invest are properly protected. This is our time. This is a moment to stand up and be counted. And I hope that every investor out there will look to see who stood for making sure that investments are properly protected and that the integrity of the system is properly in place. I stand for doing the right thing, and the right thing is to make sure that this SEC has the right amount of capital in place to protect our investors and our investments.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. DICKS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 506 OFFERED BY MR. HOLT

Mr. HOLT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise made available by this Act are revised by reducing the amount made available for "Department of the Treasury, Internal Revenue Service, Enforcement", and increasing the amounts provided in section 1517(a) for transfer from

the Federal Reserve to the Bureau of Consumer Financial Protection for activities authorized to be carried out by such Bureau under title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act and amounts made available in section 1517(b) for obligation by such Bureau during fiscal year 2011, by \$63,000,000, respectively.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chair, the continuing resolution bill before us handcuffs the Consumer Financial Protection Bureau by setting a maximum level that the Federal Reserve can fund the CFPB for the fiscal year that we are in.

This amendment would allow the CFPB to function as intended. As a result of an open process last year that included a rare House-Senate conference, the House passed historic reforms to the Nation's financial system. It included such things as providing for disassembly of large, failing financial institutions so taxpayers wouldn't be saddled with the bailout. And it did a number of other things. But I would argue that probably the most important thing it did was to create a Consumer Financial Protection Bureau.

Members of the House and the Senate, after much deliberation, concluded that in order for the CFPB to protect effectively American consumers, it must be independent. The Dodd-Frank legislation, which is the law of the land, is clear on this point. This new financial watchdog which would serve consumers in every kind of financial transaction where they had had no aid, no protection, no help before would be an independent organization, insulated from partisan fights on Capitol Hill, deriving its operating budget from the Federal Reserve. Section 1017 2(c) was very explicit on this.

Some of the appropriators, being the appropriation animals that they are, may not like the fact that this is to be kept independent of appropriations, but it was to give this commission independence so that they could offer protection for the consumer.

Now, I suppose we should applaud the ingenuity of the authors of this continuing resolution to get around the law of the land. Maybe we should applaud their sheer nerve in trying to defund this board.

Less than 2 months into the 112th Congress, the majority, through this continuing resolution bill, is attempting to sneak through a provision in direct conflict with the spirit of the law, the intention of the law, and in direct contradiction to this intent to protect the consumer. It handcuffs the CFPB in order to preserve the status quo that benefits big banks at the expense of American consumers.

If we've learned any lesson from the financial crisis of the last several years, it should be this: by protecting consumers, we can protect the rest of

the financial system. This amendment simply would correct section 1517 by inserting the appropriate amount of money that the CFPB estimates that it will need to get the work done for the sake of American consumers. This amendment would ensure that the recently created Consumer Financial Protection Bureau, when it assumes consumer protection authority this summer, will have the independence and will have the resources that it needs to begin its critical work of protecting consumers and, by extension, protecting the entire financial system of this country. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mrs. EMERSON. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Madam Chair, I rise in opposition to the amendment.

The continuing resolution already cuts the IRS by over \$600 million compared to FY10 and over \$1 billion compared to the FY11 request; and I believe that the further cuts to the IRS enforcement division will ensure that the tax cheats win because there are going to be fewer audits, fewer investigations, fewer prosecutions, fewer convictions.

The Consumer Financial Protection Bureau was created by Dodd-Frank to promote fairness and transparency, but the bureau itself seems to be anything but transparent. The general powers, organization, and goals of the bureau are laid out very well in the law, but the specifics of how the bureau will use its powers and achieve its goals are not known. Moreover, the Dodd-Frank law provides \$500 million a year from the Federal Reserve to the bureau without any input from the Congress at all.

And without a doubt, I am not disagreeing that there is a strong need for consumer protection. I'm a mom. I believe in that very strongly. But just as commerce shouldn't run wild, neither should consumer protection. So the limitation in the bill, I believe, represents an adequate level. It represents the level of resources that are currently expended by regulatory agencies on consumer protection activities, for example the Office of the Comptroller of the Currency, which we all know parts of it will move into the Consumer Financial Protection Bureau.

I believe that we should look at this a little later because, as the bureau-specific activities become known and the cost of those activities become known, then we're going to have an opportunity to revisit the limitation. Providing \$500 million a year without any congressional oversight to the bureau is, I believe, a very irresponsible abdication of a constitutional check and balance and I would ask colleagues to vote "no" on the amendment and

oppose unchecked and unbalanced bureaucracy.

I yield back the balance of my time.

Mr. MILLER of North Carolina. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Madam Chair, I want to congratulate the gentlelady from Missouri for an acrobatic defense of the continuing resolution's treatment of the Consumer Financial Protection Bureau. This is not about whether government should be big or small. It's about which side government should be on.

□ 1730

The CR, the continuing resolution, does not save a penny from the deficit because the money for the CFPB, the Consumer Financial Protection Bureau, comes from a separate source of funding. This is really about hobbling the Consumer Financial Protection Bureau to keep it from getting up and running and doing its job.

The CFPB is to put government on the side of Americans who are trying to make an honest living so they don't have to worry every time they sign a financial contract that they're going to get gouged, they're going to get cheated out of their income and their life savings by some trick or trap, some dishonest little clause hidden in the fine print of the legalese written by the banks' lawyers.

The CFPB will set rules to make sure those contracts are honest, and it will enforce those rules. And it has not started yet, so it's a little early to criticize them for not getting the job done.

The CR, by cutting funding by half, or a little more than half, is really about putting government or continuing to have government, as it has been for most of the last decade, on the side of the financial predators who are not trying to make an honest living but who are trying to make a killing and succeeding in making a killing by cheating ordinary Americans with the fine print. And they cheated them on mortgages, on credit cards, on overdraft fees, and on and on, and every American knows it because just about every American has experienced it.

Now, in talking about the FCC earlier, Ms. WATERS and Mr. GREEN both used the term "cop on Wall Street." They didn't attribute that phrase, but it's from Will Rogers.

Back in the Great Depression, even after we learned of all the corruption and the fraud that had led to the collapse, the stock market crash, when Congress was considering legislation, a bill, a law that would have set rules for Wall Street and given the Securities and Exchange Commission the power to enforce it, the securities industry fought it fiercely because, as Will Rogers said, the boys on Wall Street don't

want a cop on their block. Of course they don't want a cop on their block. They will make less money. They don't want a cop on their block now either. They don't want a CFPB now either, because if their contracts have to be honest, they will make less money.

Vote to put government on the side of the Americans trying to make an honest living. Vote to put a cop on the Wall Street block. Vote for this amendment.

Mrs. EMERSON. Will the gentleman yield?

Mr. MILLER of North Carolina. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. I just want to point out one thing. The text of the bill scores our limitation at \$30 million for FY 2011.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. MILLER of North Carolina. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. And when we saw that CBO did that, we decided to offset that, so we did, as the gentlewoman indicated, go to the IRS. And I do want to say the gentlewoman is, I guess, is being very responsible, the chair of the subcommittee, she is defending the Internal Revenue Service against the Consumer Bureau and the SEC. And the gentlewoman is entitled to due credit for her staunch support of the IRS as we try to divert funds to protect consumers and police Wall Street. And I am sure there are many in the Tea Party who will be very grateful for her staunch support for the IRS funding.

Mr. MILLER of North Carolina. I yield back.

Mr. LUETKEMEYER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. LUETKEMEYER. Madam Chairman, I rise this afternoon to oppose this amendment. Let me start my discussion by talking about two things: Number one, about the usefulness of the committee, and then about the funding of the committee as a whole.

Number one, I have some grave, grave concerns with regards to the usefulness of the committee to begin with. As a former bank regulator in one of my previous careers, it's kind of astounding to me that, with all of the laws that are in place, we had all the problems that we did. We don't need more laws; we need to enforce the ones that are in place.

And in testimony yesterday in our committee, in Financial Services, that was the general consensus of many, many of the folks that were there. And so what we're doing is trying to continue to over-regulate and again put in place another entity to confound and to promote some more regulation, ex-

actly what we don't need in the private marketplace.

But again, why are we having another committee to do more regulation when we could have the existing people do the job the right way?

It's kind of like, to me, having a police department that doesn't do its job, and instead of firing everybody at the police department and starting over and finding some good folks who could do the job, you create another police department, so now we have two police departments to fund. And I think that's what's going on here. And this is why I'm very concerned about this model, this committee, this board.

And from the standpoint of being a former examiner, this is exactly the wrong thing to do with regards to the mission of this committee. We are now putting consumer protections over the safety and soundness of our institutions, and that's wrong. That is absolutely the wrong model. We are flipping completely upside down. We are re-prioritizing the way our markets should work and regulatory systems should work. In my view, we're going in the wrong direction.

But, with regards to the funding mechanism that's in place, this group, at this point, has a line of credit basically from us, and this CR cuts that off to a limited amount, which the chairman a minute ago addressed as \$80 million, and we think that's adequate funding at this point. They are only going to use at the annual rate of about \$65 million, and this amendment intends to put \$63 million back into it. I think that's unnecessary. It's wasteful. At a time like this when we need to be consolidating and finding ways to cut our dollars, we don't need to empower an agency that we don't need, number one, with powers that are not defined at this point. We don't need to be doing it. From the standpoint we don't even have a director in place yet, we need to be confining this thing so we can provide oversight over it, rather than giving it a blank check and unlimited powers.

Madam Chairman, I yield back.

Ms. WATERS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chairman and Members, I have long been an advocate of consumer protections and consumer rights. And I'm proud of the work we accomplished in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to create a Consumer Financial Protection Bureau.

Madam Chairman, and Members, I didn't get elected to the Congress of the United States of America to protect big banks, banks too big to fail, or to protect their shoddy products, criminal schemes that are designed to rip off innocent citizens who go to

work every day. I don't know how anybody can come to this floor and represent that the consumers, the workers, the people of this country, don't need any protection.

The Consumer Financial Protection Bureau is needed because it is very clear that our current regulatory framework inadequately protects consumers. Just look at the wrongful foreclosures on our veterans which was exposed by reporters last month and was the subject of a Veterans Affairs hearing last week. You go tell those veterans that they didn't need that protection, that they shouldn't be protected.

The proliferation of harmful financial products and practices went unchecked because our banking regulators were tasked with both consumer protection and bank safety and soundness responsibilities. And we've seen that the pro-bank, anti-consumer stance won every time. That's why we created the Consumer Financial Protection Bureau, to make sure that the consumer voices aren't shouted down by the industries, and that an independent agency is beholden to the consumers and not the CEOs of the big financial institutions.

Opponents of the Consumer Financial Protection Bureau claim we don't need this agency, they say, because the other banking regulators are already charged with consumer protection. This argument doesn't hold water because there are several types of consumer financial products which, because they were offered by nonbanks, fall into what may be classified as the shadow banking industry. These products and institutions escape Federal regulation, yet often lead to Federal problems such as our current economic foreclosure crisis. The Consumer Financial Protection Bureau would bring nonbanks that offer financial services to and interact with consumers into our regulatory system.

Another reason the CFPB is needed is to protect consumers from complicated products and hidden predatory fees. According to Elizabeth Warren, who is a special adviser to the Treasury on the Consumer Financial Protection Bureau, the average credit card offer now comes bundled with more than 100 pages of fine print. Buried within this fine print are provisions about restrictions, teaser rates, and penalties. This fine print makes it nearly impossible for consumers to make informed decisions and pick the credit card or other lending product which is right for them. This leads some borrowers to be trapped in credit cards or loan products with hidden and abusive fees.

□ 1740

The CFPB would resolve this problem by working with the industry to reduce the fine print and hidden fees. We also need CFPB to provide stability to our

financial markets, which is supported by consumer lending.

Our current crisis began when collateralized debt obligations and mortgage-backed securities were packed with exotic products, which are known as no doc loans and liar loans. It was exacerbated as consumers were continually squeezed with excessive penalties and fees from bank products, reducing purchasing power, and leading families everywhere to make tough decisions.

A strong regulator, one which focused solely on consumer safety and championed simpler disclosure and product, could have prevented all of this. We need CFPB. This kind of crisis should never occur again.

Amendments to defund CFPB or to prevent it from doing its work will only hurt American consumers and, in turn, our economy. So I urge a "no" vote on these amendments.

Madam Chair and Members, I don't know how any elected any official could go home and talk to their constituents and tell them they want to limit the funding to the SEC, the cop on the Wall Street block to protect investors, and then add to it, "and I don't want you to have any consumer protection."

We don't like what has been done. We're against these kinds of regulations. It is baffling. It is not to be understood, and I believe that in the final analysis this body will do the right thing.

Mr. NEUGEBAUER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Madam Chair, I rise in opposition to the Holt amendment.

In listening to the banter that we've been hearing back and forth, you would think that we were trying to eliminate the Consumer Financial Protection Bureau, but, in fact, what we're trying to do is limit it.

One of the things, if you look at the history of this entity, is that it's the typical answer in Washington. When we have other regulators that aren't doing their job, the solution always is let's throw more regulation, more regulators, and more money at the problem.

And so what did we do with this new bureau? Well, we said—guess what?—we're going to throw \$700 million at this new agency. We're going to take \$500 million out of the Fed and we're going to give them the ability to come and ask for another \$200 million.

Now, what is going on right now is that we don't even have a Director at the Consumer Financial Protection Bureau, yet they are standing up a new organization. So basically what we have from this administration is another czar. I don't know how many czars that they have over there, what

the latest count is. But here we are, an agency that has the authority to spend millions of dollars, yet we can't even get one of the most egregious parts of this right.

And it was very clever by the other side. They realized in the last days of the 111th Congress that there was possibly going to be a change in November. They tucked this entity over into the Fed, trying to be able to limit Congress' ability to have oversight over this organization. So I want to applaud the Appropriations Committee for figuring out a way to bring some accountability to this organization.

Now, what is at play right now is that this entity in August received \$18.4 million. In December they received \$14.37 million. And if you annualize that rate, they are going to need less than \$65 million, and yet what we're saying is Republicans want to limit that to \$80 million. The Holt amendment wants to increase that another \$63 million.

Madam Chair, what is exactly wrong and the reason we've been having these hours and hours and hours of debate is the American people spoke very clearly last November. They are tired of Big Government. They are tired of government trying to make all of their decisions. And what this new entity is going to do is it is going to hurt consumers in that it is going to drive the cost of consumer credit up for many Americans. Some of the financial services that they have been able to enjoy, this new czar will have the ability to say that those new products cannot be offered anymore.

So bringing this kind of accountability into this process is a very positive thing. It was a mistake to put this entity into the Fed to begin with. It's a mistake to let this administration continue to stand up this organization without going through the appropriate constitutional requirement that this person be confirmed by the United States Senate. It's an egregious use of the Executive power. And one of the things that we hope that the President will do very quickly is nominate someone to oversee this organization.

Basically, we have people that haven't been nominated or confirmed by the Senate making very big decisions, spending millions of dollars over here, standing up an entity, quite honestly, that will not, in fact, do what a lot of the folks in this building think this entity is going to do, and that's provide consumer protection. What this entity is going to do is provide more cost to consumers.

With that, I urge defeat of this amendment.

Mr. CARTER. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Madam Chair, I would like to inform the Chair and the balance of the people here that it is our

intent to finish this amendment and Ms. MCCOLLUM's amendment, and then we'll be going to a vote. I thought, for information purposes, I would let everybody know our intent and what we would like to do.

Mr. ELLISON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Madam Chair, after 4 million foreclosures—and perhaps we're going to reach 7 million foreclosures—\$70 million in loss of home value, after massive unemployment, after an enormous financial bailout bill that we had to do to save this economy, it's impossible for me to understand how it is anybody would not want to have a strong consumer protection provision in our law.

How in the world, after the massive recession that we went through, after all the damage that has gone through to hit this economy, which started in the consumer sector, Madam Chair, which started because consumers were taken advantage of with no doc, low doc loans packaged into securities and then hedged by these credit default swaps which Warren Buffet said caused millions in financial destruction, how would we want to undermine consumer protection?

The fact is consumer protection helps to make sure that we have a strong, sound, and safe system. And if it would have been in place, we would not be in this situation now. We are in this situation now for one reason and one reason only. It is the laissez-faire attitude that pervades the opposition to this fair amendment, and it should be passed. The Holt amendment is right.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

I would just like to make this point: My colleague from Texas said, well, because the old regulation wasn't working, we wanted just an additional regulator. That's simply untrue.

What we said was this: Consumer regulation, before the passage of the financial reform bill, was entrusted to the bank regulators, and their primary mission and their primary focus was on bank protection.

We do not create new powers so much here as take the powers that were vested in the Federal Reserve. Great defense of the Federal Reserve. I am struck by my Republican colleagues trying to defend the integrity of the Federal Reserve and the IRS. That's a new Republican Party. But we took it from the control of the currency, from the FDIC, and put them in a new agency whose only responsibility is consumers. It is not additional money and it's not any new regulation.

Now, we do add a set of previously unregulated entities: payday lenders

and check cashers and others in the shadow banking system. So there is some increase in consumer protection. But, fundamentally, we didn't say we want one additional regulator. We have taken regulatory authority from the pro-bank regulators who haven't exercised it well and put it in the new agency.

□ 1750

Mr. ELLISON. I yield back the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Chair, let's be clear about what is going on here. I think it is crystal clear, frankly.

This side tends to believe in more government. This side tends to believe in less government.

This side tends to believe in more control. This side tends to believe in less control.

This side tends to believe in more spending. This side tends to believe in less spending.

This side tends to believe in more regulation and more oppression. This side tends to believe in less regulation and less oppression.

This side believes in Big Government solutions. We believe in people.

It is pretty simple. And if you believe in Big Government solutions, you have to ask the question, how is it going? And the fact of the matter is, it is not going real well. Another 410,000 new individuals applying for unemployment today.

This is a chart here that shows, Madam Chair, back before the Big Government folks got involved the amount of spending at the Federal level, down here in 2006, about \$2.6 trillion. Here is where we are now, Madam Chair, way over on the other side. That is what Big Government does for you. It spends money that you don't have. Deficits, annual deficits, \$1.4 trillion, \$1.4 trillion, and \$1.6 trillion in the last three fiscal years. So it is Big Government, the government picking winners and losers, and that is where we are right now.

Well, how is it going? The free market, frankly, can't function when the government is picking winners and losers, and that is exactly what the American people have gotten over the last 2 years and 4 years, and certainly last year what it got last year when Congress passed the new Dodd-Frank bill and formalized their new political economy.

Now, the administration's Bureau of Consumer Financial Protection, what we are talking about right here right now, charges bureaucrats to produce more red tape, regulations, none of which, none of which truly helps the consumer. They make for bigger gov-

ernment, that is right. But much like the new health care plan which prevents the American people from picking a health care plan that works for them, the Bureau of Consumer Financial Protection would simply tell American families which financial product is right for them, which credit card is right for them, which bank account is right for them, which mortgage is right for them, directing people in very, very specific ways.

Now, there are real challenges within our financial system. There is no doubt about it. Absolutely not. But the failure of the regulators to do their job, as my friend from Texas said, doesn't mean that you need more regulators. You need the regulators to do their job, and that is not what the CFPB does. The CFPB has been given the authority to write the rules, to enforce the rules, to conduct examinations, to approve disclosures, and on and on and on and on. Is there anything that this Federal agency is not allowed to do?

Now, the underlying bill appropriately limits the use of the funds to carry out and implement the CFPB. This amendment, the amendment that we are discussing right now, expands the mandates, expands regulation, expands the economic tinkering that has been handed down from this administration and from Democrats in Congress. So if you like this track, if you like Big Government and you like more spending, if you like a government that borrows more and spends more and taxes more and destroys jobs, then side with the folks who are specialists in that area.

If, however, you believe that we ought to spend less at the Federal level, that we ought to spend within our means, that we ought to work as diligently as we can to create jobs and that we ought to allow more freedom for more Americans, more choices for more Americans, then I would suggest and recommend that you vote down this amendment and support the underlying bill.

I yield back.

Mr. WATT. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Madam Chair, let me just first be clear that we are not expanding anything in this amendment. The statute says exactly what the Consumer Financial Protection Bureau is supposed to do. This amendment just allows the funding to enable them to do it. This is an appropriations bill. We are not supposed to be expanding or contracting anything in appropriations bill. That is what I thought. The Appropriations Committee is about money, not about authority, not about expanding or contracting authority. So I don't know what my colleague was

talking about when he said we are expanding something if we pass this amendment.

Second, there is some debate from some of my colleagues, and I could understand the first-term Member who got up and says I don't know why we have a Consumer Financial Protection Bureau. What I can't understand is why the subsequent colleague who serves on Financial Services got up and said the same thing, because he was on the Financial Services Committee and served with me when we created the Consumer Financial Protection Bureau. So let me just give a little history here about why we have it.

We had theoretically consumer protection as one of the objectives of the Federal Reserve and other Federal regulators. We had in that same Federal Reserve the responsibility for the safety and soundness of our financial institutions. Those two things obviously were in conflict with each other because the Federal Reserve, instead of looking out for the interests of consumers and protecting consumers, allowed consumers to get into mortgages and financial transactions that ended up destroying our financial system; and they did it saying, well, you know, this is going to add to the safety and soundness of financial institutions because our definition of safety and soundness is a financial institution which can make more and more and more money.

So what is the solution to that? You don't do away with safety and soundness. We didn't do away with safety and soundness. It is important to protect the safety and soundness of our financial institutions. We continued to give that responsibility to the Federal Reserve and the regulators.

But if you are going to protect consumers, you don't give the authority to the same entity that has disregarded the interests of consumers and led us to a financial services meltdown. So we took those consumer protection responsibilities and put them into a separate entity called the Consumer Financial Protection Bureau.

Now, the gentleman who was a freshman here, I don't expect that he would have been around to understand that. You know, he just got here. But for my colleagues who served on the Financial Services Committee to get up and say, well, I don't know why we have a separate Consumer Financial Protection Bureau, they must not have been paying attention.

Now, to go further over the objections of some of us, we didn't want to necessarily put this in the Federal Reserve; but to get it funded appropriately, the Federal Reserve set some fees and charged the industry for this agency, not the taxpayer. This is not taxpayer money, at least not tax dollar money. I guess at some point everything is taxpayer money. But this is

not appropriated money. So this would come out of the Federal Reserve's budget, which I thought my colleagues, they don't like the Federal Reserve anyway, at least that is what they have been telling us all this time. They want to do away with the Federal Reserve. You would think they would want to take some of their money and put it into the Consumer Financial Protection Bureau.

All this amendment does is try to restore the funding to a level so that the Consumer Financial Protection Bureau can do what it is charged with doing.

□ 1800

Let's not understate or overstate that. This is an important amendment. Let's support the amendment and pass it.

Mr. HIMES. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. HIMES. Madam Chair, I rise in support of the Holt amendment.

I was moved to come to the floor because I was stunned that in their de-regulatory zeal, in their ideologically driven desire to shrink the size of government, the Republican majority would choose to leave the American consumer unprotected.

I represent a lot of American consumers and I know that they don't really understand derivatives. I know that they don't really understand the concept of systemic risk, of credit-default swaps, many of the difficult things that we sought to regulate in Dodd-Frank. But they sure do understand what it means to open up that credit card bill at the end of the month and see hundreds of dollars of charges that they didn't anticipate.

Millions of Americans now understand what it is to have a mortgage blow up on them, a mortgage that if we were all honest with each other we would recognize none of us really understands our own mortgages. Millions of Americans now know what it is to see interest rates hop up on a mortgage and to lose their homes. Of all the things that the Republican majority could choose to gut, that they would choose to leave the American consumer to be prey to predatory practices is unconscionable.

Madam Chair, we don't allow toasters that will burn your house down. We don't allow cars that will blow up. But evidently the Republican majority would allow mortgages that would blow up your house or other financial products that would bring an American family to its knees.

I've heard the counterarguments. I heard the gentleman from Georgia stand down there and say that this is an expansion of government spending. What the gentleman from Georgia didn't say is that probably the most

politically unpopular bit of spending we've seen in the last several years was hundreds of billions of dollars requested by a Republican President and a Republican Secretary of the Treasury to bail out the financial industry. I'll say it again. Republicans requested the bailout. That was a terribly expensive thing to do. The Consumer Financial Protection Bureau will help prevent that in the future. It's a good investment.

I've heard arguments about czars. I must say, I've talked to tens of thousands of my constituents and nobody is saying that czars are a problem in the United States of America today. I'm hearing a slightly better argument, but one that I don't accept as a former banker, that we are separating consumer protection from safety and soundness. As a former banker, I will say that those are not separate concepts, that when you have bank customers defaulting on their mortgages, when you have bank customers running up credit card debt and being subject to fees that they can't possibly repay, you stick a knife into the safety and soundness of that bank or whatever institution that we are talking about.

Mr. GARRETT. Will the gentleman yield?

Mr. HIMES. I will yield to the gentleman from New Jersey.

Mr. GARRETT. So you see the importance of having both of those issues and how there's not a hard dividing line between the two is what you're saying?

Mr. HIMES. That is correct.

Mr. GARRETT. Under the current statute, Dodd-Frank, is the CFPB charged with looking at something other than consumer protection? Are they charged with looking at safety and soundness?

Mr. HIMES. Reclaiming my time, this country has long had a history of the examination of the safety and soundness of our banks. And what we are saying now is that we will assist and support the safety and soundness of our banks by keeping the customers of those banks from defaulting through good consumer protection.

So I support the Holt amendment and think this is terribly, terribly important to American families and the safety and soundness of the system.

I yield back the balance of my time.

Mr. DICKS. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Madam Chairman, I rise in support of the amendment.

I yield to the gentleman from North Carolina.

Mr. MILLER of North Carolina. Madam Chairman, I have heard Mr. PRICE's arguments before. So I've talked to a lot of people about whether

they really valued the freedom to be cheated on credit cards, to be cheated on mortgages, to be cheated on overdraft fees, and I found that that was not really a freedom that they valued; and, in fact, they didn't really believe that was the reason the financial industry was opposing consumer protection legislation. They thought that the reason the financial industry was opposing the legislation was so they could make more money and keep up by cheating people, which was not something they wanted any more than Americans a hundred years ago really valued the right to buy rancid beef, as the meatpackers argued a century ago. They were opposing pure food legislation so they could protect the right of people to buy rancid beef. Americans don't believe it.

I asked the president of the American Bankers Association in committee if he could give me the names of some of the people who qualified for prime mortgages but got a subprime mortgage, or someone who really wanted to have a credit card contract that required them to continue to pay interest on a balance even after they had paid off the balance. He said that was a rhetorical question and he didn't have to answer it; it was just a rhetorical question.

But I mean it. If somebody can tell me someone who qualified for a prime mortgage and instead asked for, wanted, chose a subprime mortgage, introduce them to me. If there's someone who actually wanted a credit card contract that required them to pay interest on the balance even after they paid off the balance, introduce them to me. I want to understand that consumer choice, because I have been assuming all along the reason they entered those contracts that were so hideous to them is they got cheated.

Mr. DICKS. Reclaiming my time, I yield to the gentlelady from New York.

Mrs. MALONEY. Madam Chairman, I, too, rise in support of the Holt amendment and will place in the RECORD an eight-page document from the Americans for Financial Reform. This has eight pages of State, local, and city organizations in support of an independent Consumer Financial Protection Bureau.

I must say that the Republicans are chipping away at the independence of this very important bureau. We put it in the Fed to have financial independence for regulation. They're putting it back under the appropriations system and cutting it dramatically.

Dodd-Frank did a lot of good things, and one of them was to try to level the playing field for the consumer with the creation of the Consumer Financial Protection Bureau. For far too long in our financial system and its products, any concerns about consumer protection came in a distant second, a third, or not at all. Now, any American who

opens a checking or savings account, anyone who takes out a student loan or a mortgage, anyone who opens a credit card or takes out a payday loan will have a Federal agency on their side to protect them. For the first time, consumer protection authority will be housed in one place, and the Democrats funded it. The Republicans are taking away that funding and that independence.

This is a critically important amendment for the financial independence, security, and well-being of the consumer in our country and for the financial system. We are suffering through the Great Recession because there was no oversight. The Democrats have put in oversight, accountability. And the Republicans lose the vote on the floor, we pass it, but they're trying to win by cutting away the funding so they can't function, so they can't do their job, taking away their independence. It is outrageous. It is wrong. It is an insult to the American people.

And my friends on both sides of the aisle should join Congressman HOLT in support of his important amendment. It is important to the financial independence and security of the American public, and I urge everyone to support it.

HOUSE GOP TARGETS CONSUMER PROTECTION BUREAU WITH CR (By Tim Fernholz)

When Democrats in Congress crafted last year's Dodd-Frank financial regulatory overhaul, they went out of their way to protect the fledgling Consumer Financial Protection Bureau from the financial sector and Republicans who opposed it. They did so by crafting a dedicated funding stream from the Federal Reserve to protect the agency's independence from the whims of appropriators—or so they thought.

A provision in the continuing resolution being debated on the House floor this week would limit the CFPB's funding, which could be as much as \$700 million a year, to only \$80 million for the rest of this fiscal year.

"They found a way around it," said Financial Services Committee ranking member Barney Frank, D-Mass., the law's namesake who managed its progress in the House. The measure created several regulatory agencies and strengthened existing ones while proposing restrictions on bank borrowing and pernicious business practices.

House Republicans had promised to use the appropriations process to limit funding for the agencies implementing the new law, which they believe imposes burdensome costs on consumers and the private sector while failing to prevent future crises.

The CR includes no money for the Securities and Exchange Commission or the Commodity Futures Trading Commission to implement key provisions in the law; similar restrictions are already in the bill being debated on the floor.

With the bulk of the funding for the CFPB under the Fed's discretion—the agency can request a further \$200 million from Congress if the director so chooses—Democrats thought the CFPB would be safe from the whims of appropriators, but language in the CR would amend the Dodd-Frank law itself.

"We don't normally tinker around with the Federal Reserve; however, the Dodd-Frank

bill did, and it opened the door," a GOP aide said. Frank doesn't disagree: "In fairness to [Republicans], the Fed didn't independently decide to fund the CFPB; we told them to."

Frank was skeptical about the provision's chances in the Senate or in negotiations with the White House, which has made the agency a priority, but worried that the issue might get lost in the complex funding battle.

"I don't think the tea party's victory was a mandate for the re-deregulation of the American financial system," Frank said, arguing that voters are behind restrictions on the financial sector. "On all those issues, as they become public, we win."

Among the amendments that have been proposed to the CR, one would eliminate the salary of the CFPB's interim head, Elizabeth Warren, and another would defund the agency entirely. Warren pushed back at the agency's critics in a speech on Tuesday.

"Politicizing the funding of bank supervision would be a dangerous precedent, and it would deprive the CFPB of the predictable funding it will need to examine large and powerful banks consistently and to provide a level playing field with their nonbank competitors," she said, pointing out that IndyMac, a bank that failed during the 2008 crisis, cost the government nearly 20 times the maximum yearly funding of the CFPB.

AMERICANS FOR FINANCIAL REFORM, February 16th, 2011.

Re Opposition to proposed cuts to CFPB funding under the proposed CR; the Consumer Financial Protection Bureau is a very good value.

DEAR MEMBER OF CONGRESS: On behalf of Americans for Financial Reform, a coalition of more than 250 national, state and local organizations and its other undersigned member organizations, we write in strong opposition to the funding cuts for the new Consumer Financial Protection Bureau (CFPB), as proposed in a controversial provision (Section 1517) in the Continuing Resolution to be considered on the House floor today. If amendments are offered to restore funding to the CFPB we urge you to support them. Also, oppose any amendments, such as #528 (Carter) or #577 (Price), that would further weaken the CFPB.

The controversial provision included in the CR would effectively cut the new CFPB's budget by 40 percent—from \$143 million to \$80 million—before it even takes over its job of protecting American consumers from unfair financial practices.

These proposed cuts would not subtract a dime from the deficit. They would take money designated to protect American consumers from financial fraud and leave it instead with the already well-funded Federal Reserve system.

That's because the CFPB's budget is a transfer from the Federal Reserve Board, not an appropriation. The attempt at cuts to the non-appropriated budget of a bank supervisory agency is unacceptable; no other federal bank regulators have their budgets manipulated in this way. In fact, while the CFPB's proposed Federal Reserve transfer this year of \$143 million is well under its proposed cap of approximately \$500 million to be needed once it is fully staffed, it remains the only bank supervisor with a capped budget. Not only is the CFPB the first federal agency with only one job, protecting consumers in the financial marketplace, its funding status as enacted in the Wall Street Reform and Consumer Protection Act of 2010 is a very good value and already a compromise since it is capped.

Cutting its budget would prevent it from examining the biggest banks for further violations of overdraft, credit card and mortgage rules that they have become known for. This would harm consumers. Cutting its budget would make it harder for consumers who have been slammed by these same unfair practices from participating in the economic recovery. Cutting its budget would also harm small businesses, who have not been served well by those big banks that would benefit most from a CFPB budget cut.

And finally, cutting the CFPB's budget means a return to the system of inadequate financial supervision that failed taxpayers, depositors, investors, homeowners and other consumers. Allowing continued predatory lending to consumers will inject greater risk into the financial system. That will raise the threat of a repeat of the Wall Street-caused financial crisis that cost Americans millions of lost jobs, billions of dollars in taxpayer-funded bailouts and trillions of dollars in lost home values and retirement savings.

It is absolutely essential that the House of Representatives reject the politicization of bank supervision as proposed in the CR. We encourage you to support any amendments that may be offered on the House floor to restore funding to the CFPB. With the economy still fragile, this is no time to further undercut consumer confidence by defunding a federal agency consumers will need to rely on to ensure that their interests are protected. After the worst economic crisis since the Great Crash of 1929, consumers need a full-sized cop on the beat.

Sincerely,

Americans for Financial Reform, Center for Digital Democracy, Consumer Action, Consumers Union, Greenlining Institute, National Consumer Law Center (on behalf of its low-income clients), National Council of La Raza, National Fair Housing Alliance, National People's Action, Neighborhood Economic Development Advocacy Project, Public Citizen, The Leadership Conference on Civil and Human Rights, U.S. PIRG.

Following are the partners of Americans for Financial Reform.

All the organizations support the overall principles of AFR and are working for an accountable, fair and secure financial system. Not all of these organizations work on all of the issues covered by the coalition or have signed on to every statement.

NATIONAL ORGANIZATIONS

A New Way Forward, AARP, Accountable America, Adler and Colvin, AFL-CIO, AFSCME, Alliance For Justice, American Family Voices, American Income Life Insurance, Americans for Democratic Action, Inc.

Americans for Fairness in Lending, American Sustainable Business Council, Americans United for Change, Business for Shared Prosperity, Calvert Asset Management Company, Inc., Campaign for America's Future, Campaign Money, Center for Digital Democracy, Center for Economic and Policy Research, Center for Economic Progress.

Center for Media and Democracy, Center for Responsible Lending, Center for Justice and Democracy, Center of Concern, Change to Win, Clean Yield Asset Management, Coastal Enterprises Inc., Color of Change, Common Cause, Communications Workers of America.

Community Development Transportation Lending Services, Community Law Center, Consumer Action, Consumer Association Council, Consumers for Auto Safety and Reliability, Consumer Federation of America, Consumer Watchdog, Consumers Union, Corporation for Enterprise Development, CREDO.

CTW Investment Group, Demos, Economic Policy Institute, Essential Action, Green America, Greenlining Institute, Good Business International, Help Is On the Way, Inc., HNMA Funding, Home Actions.

Housing Counseling Services, Information Press, Institute for Global Communications, Institute for Policy Studies: Global Economy Project, International Brotherhood of Teamsters, Institute of Women's Policy Research, Keystone Research Center, Krull & Company, Laborers' International Union of North America, Lake Research Partners, Lawyers' Committee for Civil Rights Under Law.

The Leadership Conference on Civil and Human Rights, MoveOn.org Political Action, NAACP, NASCAT, National Association of Consumer Advocates, National Association of Investment Professionals, National Association of Neighborhoods, National Coalition for Asian Pacific American Community Development, National Community Reinvestment Coalition, National Consumer Law Center (on behalf of its low-income clients).

National Consumers League, National Council of La Raza, National Fair Housing Alliance, National Federation of Community Development Credit Unions, National Housing Institute, National Housing Trust, National Housing Trust Community Development Fund, National NeighborWorks Association, National People's Action, National Council of Womens Organizations.

National Workright Institute, Next Step, OMB Watch, Opportunity Finance Network, Partners for the Common Good, PICO, Progress Now Action, Progressive States Network, Poverty and Race Research Action Council, Public Citizen.

Responsible Endowments Coalition, Sargent Shriver Center on Poverty Law, Scam Victims United, SEIU, Sojourners, State Voices, Taxpayer's for Common Sense, The Association for Housing and Neighborhood Development, The Carrots and Sticks Project.

The Fuel Savers Club, The Seminal, UNET, Union Plus, United for a Fair Economy, U.S. PIRG, Unitarian Universalist for a Just Economic Community, United Food and Commercial Workers, United States Student Association, USAction.

Veris Wealth Partners, Veterans Chamber of Commerce, We The People Now, Western States Center, Woodstock Institute, Working America, World Business Academy, World Privacy Forum.

STATE ORGANIZATIONS

207 CCAG, 9 to 5, the National Association of Working Women (CO), AARP Rhode Island, Alaska PIRG, Arizona PIRG, Arizona Advocacy Network, Arizonans for Responsible Lending, Arkansas Community Organizations, Arkansas Public Policy Panel, Association for Neighborhood and Housing Development (NY).

Audubon Partnership for Economic Development LDC (New York, NY), Aurora NAACP, BAC Funding Consortium Inc. (Miami, FL), Beech Capital Venture Corporation (Philadelphia, PA), Bell Policy Center (CO), California PIRG, California Reinvestment Coalition, Center for Media and Democracy, Center for NYC Neighborhoods, Century Housing Corporation (Culver City, CA).

Changer (NY), Chautauqua Home Rehabilitation and Improvement Corporation (NY), Chicago Community Loan Fund (Chicago, IL), Chicago Community Ventures (Chicago, IL), Chicago Consumer Coalition, Citizen Potawatomi CDC (Shawnee, OK), Club Change of Martin County (Florida), Coal-

tion on Homeless Housing in Ohio, Coffee Party of Pensacola, Florida, Coffee Party of Union Square, New York City.

Colorado AFL-CIO, Colorado Center on Law and Policy, Colorado Immigrants Rights Coalition, Colorado PIRG, Colorado Spring NAACP, Community Action of Nebraska, Community Capital Development, Community Capital Fund (Bridgeport, CT), Community Capital of Maryland (Baltimore, MD), Community Development Financial Institution of the Tohono O'odham Nation (Sells, AZ).

Community Redevelopment Loan and Investment Fund, (Atlanta, GA), Community Reinvestment Association of North Carolina, Community Resource Group (Fayetteville, AR), Connecticut Association for Human Services, Connecticut Citizen Action Group, Connecticut PIRG, Consumer Assistance Council, Cooper Square Committee (New York, NY), Cooperative Fund of New England (Wilmington, NC), Corporacion de Desarrollo Economico de Ceiba (Ceiba, PR).

CWA 7777 (CO), Delta Foundation, Inc. (Greenville, MS), Economic Opportunity Fund (EOF) (Philadelphia, PA), Empire Justice Center (NY), Enterprises, Inc., Berea KY, Fair Housing Contact Service OH, Federation of Appalachian Housing Enterprises, Inc. (Berea, KY), Fitness and Praise Youth Development, Inc. (Baton Rouge, LA), Florida Consumer Action Network.

Florida PIRG, Forward Community Investments (Madison, WI), Funding Partners for Housing Solutions (Ft. Collins, CO), Georgia PIRG, Grow Iowa Foundation (Greenfield, IA), Homewise, Inc. (Santa Fe, NM), Humanitas Community Development Corporation, Idaho Chapter, National Association of Social Workers, Idaho Community Action Network, Idaho Nevada CDFI (Pocatello, ID).

Illinois PIRG, Impact Capital (Seattle, WA), Indiana PIRG, Indiana University PIRG, Information Press (CA), Iowa PIRG, Iowa Citizens for Community Improvement, JobStart Chautauqua, Inc. (Mayville, NY), Keystone Research Center, La Casa Federal Credit Union (Newark, NJ).

Low Income Investment Fund (San Francisco, CA), Long Island Housing Services NY, MaineStream Finance (Bangor, ME), Maryland PIRG, Massachusetts Consumers' Coalition, Massachusetts Fair Housing Center, MASSPIRG, Michigan PIRG, Midland Community Development Corporation (Midland, TX).

Midwest Minnesota Community Development Corporation (Detroit Lakes, MN), Mile High Community Loan Fund (Denver, CO), Missouri PIRG, Montana Community Development Corporation (Missoula, MT), Montana PIRG, Mortgage Recovery Service Center of L.A., Neighborhood Economic Development Advocacy Project, New Hampshire PIRG, New Jersey Community Capital (Trenton, NJ), New Jersey Citizen Action.

New Jersey PIRG, New Mexico PIRG, New York PIRG, New York City AIDS Housing Network, Next Step (MN), NOAA Community Development Fund, Inc. (Boston, MA), Non-profit Finance Fund (New York, NY), Nonprofits Assistance Fund (Minneapolis, MN), North Carolina Association of Community Development Corporations, North Carolina PIRG.

Northern Community Investment Corporation (St. Johnsbury, VT), Northside Community Development Fund (Pittsburgh, PA), Ohio Capital Corporation for Housing (Columbus, OH), Ohio PIRG, Oregon State PIRG, Our Oregon, PennPIRG, Piedmont Housing Alliance (Charlottesville, VA).

Rhode Island PIRG, Rights for All People, The Rocky Mountain Peace and Justice Center, Rural Community Assistance Corporation (West Sacramento, CA), Rural Organizing Project OR, San Francisco Metropolitan Transportation Authority, Seattle Economic Development Fund dba Community Capital Development, SEIU Local 105 (Colorado), SEIU Rhode Island, Siouxlend Economic Development Corporation (Sioux City, IA).

Southern Bancorp (Arkadelphia, AR), TexPIRG, The Association for Housing and Neighborhood Development, The Fair Housing Council of Central New York, The Help Network, The Loan Fund (Albuquerque, NM), Third Reconstruction Institute (NC), V-Family, Inc., Vermont PIRG, Village Capital Corporation (Cleveland, OH).

Virginia Citizens Consumer Council, Virginia Poverty Law Center, War on Poverty—Florida, Washington Community Action Network, WashPIRG, Westchester Residential Opportunities Inc. NY, Wigamig Owners Loan Fund, Inc. (Lac du Flambeau, WI), WISPIRG.

BUSINESSES

Blu, Bowden-Gill Environmental, Community MedPAC, Diversified Env. Planning, Hayden & Craig, PLLC, The Holographic Repatterning Institute at Austin, Mid City Animal Hospital (Phoenix, AZ), UNET.

□ 1810

Mr. DICKS. Again, I strongly rise in support of the Holt amendment. If you look at history, in the years around 2003 to 2005, this budget was cut.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Vote for the Holt amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which proceedings were postponed, in the following order:

Amendment No. 189 by Ms. WOOLSEY of California.

Amendment No. 208 by Mr. COLE of Oklahoma.

Amendment No. 514 by Mr. PRICE of North Carolina.

Amendment No. 404 by Mr. WALDEN of Oregon.

Amendment No. 516 by Mr. CAMP of Michigan.

Amendment No. 195 by Mrs. LUMMIS of Wyoming.

Amendment No. 165 by Mr. CARTER of Texas.

Amendment No. 204 by Mr. SCALISE of Louisiana.

Amendment No. 458 by Mr. FRANK of Massachusetts.

Amendment No. 506 by Mr. HOLT of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 189 OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 91, noes 339, not voting 3, as follows:

[Roll No. 80]

AYES—91

Amash	Honda	Quigley
Baldwin	Jackson (IL)	Rahall
Bass (CA)	Johnson, E. B.	Rangel
Becerra	Keating	Rohrabacher
Berkley	Kind	Roybal-Allard
Berman	Kucinich	Royce
Blumenauer	Lee (CA)	Sánchez, Linda
Boswell	Lewis (GA)	T.
Braley (IA)	Loftgren, Zoe	Sanchez, Loretta
Capuano	Lynch	Sarbanes
Castor (FL)	Maloney	Schakowsky
Chu	Markey	Schrader
Clay	Matsui	Serrano
Cohen	McCarthy (NY)	Speier
Cooper	McCollum	Stark
Davis (IL)	McDermott	Thompson (CA)
DeFazio	McGovern	Tierney
DeGette	Meeke	Tonko
Doggett	Michaud	Towns
Duncan (TN)	Miller, George	Tsongas
Edwards	Moore	Turner
Ellison	Neal	Velazquez
Eshoo	Oliver	Waters
Farr	Pallone	Watt
Frank (MA)	Pastor (AZ)	Waxman
Garamendi	Paul	Weiner
Grijalva	Payne	Welch
Gutierrez	Pinigree (ME)	Woolsey
Hinojosa	Polis	Wu
Hirono	Price (NC)	Yarmuth
Holt		

NOES—339

Ackerman	Blackburn	Carney
Adams	Bonner	Carson (IN)
Aderholt	Bono Mack	Carter
Akin	Boren	Cassidy
Alexander	Boustany	Chabot
Altmire	Brady (PA)	Chaffetz
Andrews	Brady (TX)	Chandler
Austria	Brooks	Cicilline
Baca	Broun (GA)	Clarke (MI)
Bachmann	Brown (FL)	Clarke (NY)
Bachus	Buchanan	Cleaver
Barletta	Bucshon	Clyburn
Barrow	Buerkle	Coble
Bartlett	Burgess	Coffman (CO)
Barton (TX)	Burton (IN)	Cole
Bass (NH)	Butterfield	Conaway
Benishak	Calvert	Connolly (VA)
Berg	Camp	Conyers
Biggert	Campbell	Costello
Bilbray	Canseco	Courtney
Bilirakis	Cantor	Cravaack
Bishop (GA)	Capito	Crawford
Bishop (NY)	Capps	Crenshaw
Bishop (UT)	Cardoza	Critz
Black	Carnahan	Cuellar

Culberson	Johnson (GA)	Quayle
Cummings	Johnson (IL)	Reed
Davis (CA)	Johnson (OH)	Rehberg
Davis (KY)	Johnson, Sam	Reichert
DeLauro	Jones	Renacci
Denham	Jordan	Reyes
Dent	Kaptur	Ribble
DesJarlais	Kelly	Richardson
Deutch	Kildee	Richmond
Diaz-Balart	King (IA)	Rigell
Dicks	King (NY)	Rivera
Dingell	Kingston	Roby
Dold	Kinzing (IL)	Roe (TN)
Donnelly (IN)	Kissell	Rogers (AL)
Doyle	Kline	Rogers (KY)
Dreier	Labrador	Rogers (MI)
Duffy	Lamborn	Rokita
Duncan (SC)	Lance	Rooney
Ellmers	Landry	Ros-Lehtinen
Emerson	Langevin	Roskam
Engel	Lankford	Ross (AR)
Farenthold	Larsen (WA)	Ross (FL)
Fattah	Larson (CT)	Rothman (NJ)
Filner	Latham	Runyan
Fincher	LaTourette	Ruppersberger
Fitzpatrick	Latta	Rush
Flake	Levin	Ryan (OH)
Fleischmann	Lewis (CA)	Ryan (WI)
Fleming	Lipinski	Scalise
Flores	LoBiondo	Schiff
Forbes	Loeback	Schilling
Fortenberry	Long	Schmidt
Fox	Lowey	Schock
Franks (AZ)	Lucas	Schwartz
Frelinghuysen	Luetkemeyer	Schweikert
Fudge	Lujan	Scott (SC)
Gallegly	Lummis	Scott (VA)
Gardner	Lungren, Daniel	Scott, Austin
Garrett	E.	Scott, David
Gerlach	Mack	Sensenbrenner
Gibbs	Manzullo	Sessions
Gibson	Marchant	Sewell
Gingrey (GA)	Marino	Sherman
Gohmert	Matheson	Shimkus
Gonzalez	McCarthy (CA)	Shuler
Goodlatte	McCaul	Shuster
Gosar	McClintock	Simpson
Gowdy	McCotter	Sires
Granger	McHenry	Slaughter
Serrano	McIntyre	Smith (NE)
Graves (MO)	McKeon	Smith (NJ)
Green, Al	McKinley	Smith (TX)
Green, Gene	McMorris	Smith (WA)
Griffin (AR)	Rodgers	Southerland
Griffith (VA)	McNerney	Stearns
Grimm	Meehan	Stivers
Guinta	Mica	Stutzman
Guthrie	Miller (FL)	Sullivan
Hall	Miller (MI)	Sutton
Hanabusa	Miller (NC)	Terry
Hanna	Miller, Gary	Thompson (MS)
Harman	Moran	Thompson (PA)
Harper	Mulvaney	Thornberry
Harris	Murphy (CT)	Tiberi
Hartzer	Murphy (PA)	Tipton
Hastings (FL)	Myrick	Upton
Hastings (WA)	Napolitano	Van Hollen
Hayworth	Neugebauer	Visclosky
Heck	Noem	Walberg
Heinrich	Nugent	Walden
Heller	Nunes	Walsh (IL)
Hensarling	Nunnelee	Walz (MN)
Herger	Olson	Wasserman
Herrera Beutler	Owens	Schultz
Higgins	Palazzo	Webster
Himes	Pascarell	West
Hinchey	Paulsen	Westmoreland
Holden	Pearce	Whitfield
Hoyer	Pelosi	Wilson (FL)
Huelskamp	Pence	Wilson (SC)
Huizenga (MI)	Perlmutter	Wittman
Hultgren	Peters	Wolf
Hunter	Peterson	Womack
Hurt	Petri	Woodall
Inlee	Pitts	Yoder
Israel	Platts	Young (AK)
Issa	Poe (TX)	Young (FL)
Jackson Lee	Pompeo	Young (IN)
(TX)	Posey	
Jenkins	Price (GA)	

NOT VOTING—3

Costa	Crowley	Giffords
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□ 1835

Mr. LUJÁN, Ms. HAYWORTH, Messrs. OWENS, MULVANEY, WALZ of Minnesota, Ms. GRANGER, Messrs. QUAYLE, COFFMAN of Colorado, and SCALISE changed their vote from “aye” to “no.”

Messrs. FARR, HONDA, Ms. BERKLEY, Mr. GUTIERREZ, and Ms. CHU changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TURNER. Madam Chair, on rollcall vote No. 80 I inadvertently voted “aye” when I intended to vote “nay.”

AMENDMENT NO. 208 OFFERED BY MR. COLE OF OKLAHOMA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COLE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 11, as follows:

[Roll No. 81]

AYES—247

Adams	Chabot	Gerlach
Aderholt	Chaffetz	Gibbs
Akin	Chandler	Gibson
Alexander	Coble	Gingrey (GA)
Altmire	Cole	Gohmert
Amash	Conaway	Goodlatte
Austria	Costa	Gosar
Bachmann	Costello	Gowdy
Bachus	Cravaack	Granger
Barletta	Cravford	Graves (GA)
Bartlett	Crenshaw	Griffin (AR)
Barton (TX)	Cuellar	Griffith (VA)
Bass (NH)	Culberson	Grimm
Benishkek	Davis (KY)	Guinta
Berg	DeFazio	Guthrie
Biggert	Denham	Hall
Bilbray	Dent	Hanna
Bilirakis	DesJarlais	Harper
Bishop (UT)	Diaz-Balart	Harris
Black	Donnelly (IN)	Hartzler
Blackburn	Dreier	Hastings (WA)
Bonner	Duffy	Hayworth
Bono Mack	Duncan (SC)	Heck
Boren	Duncan (TN)	Heller
Boustany	Ellmers	Hensarling
Brady (TX)	Emerson	Herger
Brooks	Farenthold	Herrera Beutler
Broun (GA)	Fincher	Huelskamp
Buchanan	Fitzpatrick	Huizenga (MI)
Bueshon	Flake	Hultgren
Buerkle	Fleischmann	Hunter
Burgess	Fleming	Hurt
Burton (IN)	Flores	Issa
Calvert	Forbes	Jenkins
Camp	Fortenberry	Johnson (IL)
Campbell	Fox	Johnson (OH)
Canseco	Franks (AZ)	Johnson, Sam
Cantor	Frelinghuysen	Jordan
Capito	Gallegly	Kelly
Carter	Gardner	King (IA)
Cassidy	Garrett	King (NY)

Kingston	Noem	Schiff
Kinzinger (IL)	Nugent	Schilling
Kline	Nunes	Schmidt
Labrador	Nunnelee	Schock
Lamborn	Olson	Schweikert
Lance	Palazzo	Scott (SC)
Landry	Paul	Scott, Austin
Lankford	Paulsen	Sensenbrenner
Latham	Pearce	Sessions
LaTourette	Pence	Shimkus
Latta	Petri	Shuler
Lewis (CA)	Pitts	Shuster
LoBiondo	Platts	Simpson
Long	Poe (TX)	Smith (NE)
Lucas	Pompeo	Smith (NJ)
Luetkemeyer	Posey	Smith (TX)
Lummis	Price (GA)	Southerland
Lungren, Daniel	Quayle	Stearns
E.	Rahall	Stivers
Mack	Reed	Stutzman
Manzullo	Rehberg	Terry
Marchant	Reichert	Thompson (PA)
Marino	Renacci	Thornberry
Matheson	Ribble	Tiberi
McCarthy (CA)	Rigell	Tipton
McCaul	Rivera	Upton
McClintock	Roby	Walberg
McCotter	Roe (TN)	Walden
McHenry	Rogers (AL)	Walsh (IL)
McKeon	Rogers (KY)	Webster
McKinley	Rogers (MI)	West
McMorris	Rohrabacher	Westmoreland
Rodgers	Rokita	Whitfield
Meehan	Rooney	Wilson (SC)
Mica	Ros-Lehtinen	Wittman
Miller (FL)	Roskam	Wolf
Miller (MI)	Ross (AR)	Womack
Miller, Gary	Ross (FL)	Woodall
Mulvaney	Royce	Yoder
Murphy (PA)	Runyan	Young (AK)
Myrick	Ryan (WI)	Young (FL)
Neugebauer	Scalise	Young (IN)

NOES—175

Ackerman	Filner	McCollum
Andrews	Frank (MA)	McDermott
Baca	Fudge	McGovern
Baldwin	Garamendi	McIntyre
Barrow	Gonzalez	McNerney
Bass (CA)	Green, Al	Meeks
Berkley	Green, Gene	Michaud
Berman	Grijalva	Miller (NC)
Bishop (NY)	Gutierrez	Moore
Blumenauer	Hanabusa	Moran
Boswell	Harman	Murphy (CT)
Brady (PA)	Hastings (FL)	Nadler
Braley (IA)	Heinrich	Napolitano
Brown (FL)	Himes	Neal
Butterfield	Hinchee	Olver
Capps	Hinojosa	Owens
Capuano	Hirono	Pallone
Cardoza	Holden	Pascarell
Carnahan	Holt	Pastor (AZ)
Carney	Honda	Payne
Carson (IN)	Hoyer	Pelosi
Castor (FL)	Inslee	Perlmutter
Chu	Israel	Peters
Cicilline	Jackson (IL)	Peterson
Clarke (MI)	Jackson Lee	Pingree (ME)
Clarke (NY)	(TX)	Polis
Clay	Johnson (GA)	Price (NC)
Cleaver	Johnson, E. B.	Quigley
Clyburn	Jones	Rangel
Cohen	Kaptur	Reyes
Connolly (VA)	Keating	Richardson
Conyers	Kildee	Richmond
Cooper	Kind	Rothman (NJ)
Courtney	Kissell	Roybal-Allard
Critz	Kucinich	Ruppersberger
Cummings	Langevin	Rush
Davis (CA)	Larsen (WA)	Ryan (OH)
Davis (IL)	Larson (CT)	Sánchez, Linda
DeGette	Lee (CA)	T.
DeLauro	Levin	Sanchez, Loretta
Deutch	Lewis (GA)	Sarbanes
Dicks	Lipinski	Schakowsky
Dingell	Loebach	Schrader
Doggett	Loftgren, Zoe	Schwartz
Doyle	Lowey	Scott (VA)
Edwards	Luján	Scott, David
Ellison	Lynch	Serrano
Engel	Maloney	Sewell
Eshoo	Markey	Sherman
Farr	Matsui	Sires
Fattah	McCarthy (NY)	Slaughter

Smith (WA)	Tsongas	Waxman
Speier	Van Hollen	Weiner
Stark	Velázquez	Weicher
Sutton	Visclosky	Wilson (FL)
Thompson (CA)	Walz (MN)	Woolsey
Thompson (MS)	Wasserman	Wu
Tierney	Schultz	Yarmuth
Tonko	Waters	
Towns	Watt	

NOT VOTING—11

Becerra	Dold	Miller, George
Bishop (GA)	Giffords	Sullivan
Coffman (CO)	Graves (MO)	Turner
Crowley	Higgins	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1838

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. COFFMAN of Colorado. Madam Chair, on rollcall No. 81, had I been present, I would have voted “yes.”

Mr. TURNER. Madam Chair, on rollcall No. 81, I was unavoidably detained. Had I been present, I would have voted “yes.”

Mr. DOLD. Madam Chair, on rollcall No. 81, I was unavoidably detained. Had I been present, I would have voted “yes.”

AMENDMENT NO. 514 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 159, answered “present” 1, not voting 6, as follows:

[Roll No. 82]

AYES—267

Ackerman	Brady (PA)	Cleaver
Altmire	Braley (IA)	Clyburn
Andrews	Brooks	Coble
Austria	Brown (FL)	Coffman (CO)
Baca	Burgess	Cohen
Baldwin	Burton (IN)	Connolly (VA)
Barletta	Butterfield	Conyers
Barrow	Camp	Cooper
Bartlett	Capito	Costa
Bass (CA)	Capps	Costello
Bass (NH)	Capuano	Courtney
Becerra	Cardoza	Critz
Berkley	Carnahan	Cuellar
Berman	Carney	Cummings
Bilirakis	Carson (IN)	Davis (CA)
Bishop (GA)	Chabot	Davis (IL)
Bishop (NY)	Chandler	DeFazio
Bishop (UT)	Chu	DeGette
Blumenauer	Cicilline	DeLauro
Bono Mack	Clarke (MI)	Dent
Boren	Clarke (NY)	Deutch
Boswell	Clay	Diaz-Balart

Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Forbes
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gohmert
Gonzalez
Gosar
Green, Al
Green, Gene
Grijalva
Grimm
Guinta
Gutierrez
Hanabusa
Hanna
Harman
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich

Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsock
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Olson
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes

Ribble
Richardson
Richmond
Rigell
Rivera
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schradler
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Vislosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Landry
Lankford
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McKeon
McMorris
Rodgers
Miller (FL)

Rush
Ryan (WI)
Schmidt
Schock
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tipton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wittman
Wolf
Womack
Woodall
Yoder
Young (IN)

Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts

Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

ANSWERED "PRESENT"—1

Amash

NOT VOTING—6

LaTourette
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1842

Messrs. DICKS and PALLONE
changed their vote from "no" to "aye."
So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 404 OFFERED BY MR. WALDEN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Oregon (Mr. WALDEN)
on which further proceedings were
postponed and on which the ayes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 244, noes 181,
not voting 8, as follows:

[Roll No. 83]

AYES—244

Adams
Aderholt
Akin
Alexander
Bachmann
Bachus
Barton (TX)
Benishek
Berg
Biggart
Bilbray
Black
Blackburn
Bonner
Boustany
Brady (TX)
Broun (GA)
Buchanan
Bucshon
Buertke
Calvert
Campbell
Canseco
Cantor
Carter

NOES—159

Cassidy
Castor (FL)
Chaffetz
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duncan (SC)
Ellmers
Farenthold
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxy
Frank (AZ)
Gallegly
Gardner

Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Hirono
Huelskamp
Hurt
Issa

Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brooks
Broun (GA)

Buchanan
Bucshon
Buertke
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Ciilline

NOES—181

Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle

Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda

Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lipinski
Loeback
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)

NOT VOTING—8

Brady (TX) Giffords
Braley (IA) Kaptur
Crowley Lewis (GA)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1845

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated for:

Mr. LEWIS of California. Madam Chair, during voting on Walden Amendment No. 404 to H.R. 1, I intended to vote “yes” in support of the amendment, but accidentally voted “no” due to the confusion of two-minute voting increments on a long series of amendments.

AMENDMENT NO. 516 OFFERED BY MR. CAMP

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CAMP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 292, answered “present” 1, not voting 3, as follows:

Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rigell
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

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Lewis (GA)

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Sires

Lewis (GA)

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Lewis (GA)

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Lewis (GA)

Pearce

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Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuler
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Campbell
Cantor
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

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Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

Pearce

Sires

Lewis (GA)

[Roll No. 84]

AYES—137

Garrett
Gerlach
Gohmert
Granger
Harris
Hayworth
Heinrich
Heller
Herger
Higgins
Huizenga (MI)
Jenkins
Johnson (OH)
Jordan
Kaptur
Kelly
Kildee
Buchanan
King (IA)
Kissell
Kline
Kucinich
Schmidt
LaTourette
Latta
Levin
Lofgren, Zoe
Lucas
Lungren, Daniel
E.
Maloney
Marchant
Matsui
Sullivan
Sutton
Terry
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walberg
Walden
Weiner
West
Woodall
Wu
Young (AK)
Young (FL)

NOES—292

Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Crawford
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Eshoo
Fattah
Filner
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry

Paul
Paulsen
Payne
Pearce
Pelosi
Peters
Petri
Reichert
Rivera
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sarbanes
Schakowsky
Schmidt
Scott (VA)
Scott, David
Sensenbrenner
Sessions
Shuster
Simpson
Slaughter
Smith (TX)
Sullivan
Sutton
Terry
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walberg
Walden
Weiner
West
Woodall
Wu
Young (AK)
Young (FL)

Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallely
Gardner
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harman
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Hensarling
Herrera Beutler
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer

Huelskamp
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Keating
Kind
King (NY)
Kingston
Kinzinger (IL)
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Long
Lowey
Luetkemeyer
Lujan
Lummis
Lynch
Mack
Manzullo
Marino
Markey
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McGovern
McHenry
McKeon
McKinley
McNerney
Meehan

Meeks
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunnelee
Owens
Pastor (AZ)
Pence
Perlmutter
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Renacci
Reyes
Ribble
Richardson
Richmond
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Ruppersberger
Rush
Sanchez, Linda
T.
Sanchez, Loretta

ANSWERED “PRESENT”—1

Rigell

NOT VOTING—3

Crowley Farenthold Giffords

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1851

Mr. LYNCH changed his vote from
“aye” to “no.”

Mr. WU, Ms. MATSUI, and Mr.
BUCHANAN changed their vote from
“no” to “aye.”

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 195 OFFERED BY MRS. LUMMIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 197, not voting 4, as follows:

[Roll No. 85]

AYES—232

Adams	Gohmert	Nugent
Aderholt	Goodlatte	Nunes
Akin	Gosar	Nunnelee
Alexander	Gowdy	Olson
Amash	Granger	Palazzo
Austria	Graves (GA)	Paul
Bachmann	Graves (MO)	Paulsen
Bachus	Griffin (AR)	Pearce
Barletta	Griffith (VA)	Pence
Bartlett	Grimm	Peterson
Barton (TX)	Guinta	Petri
Bass (NH)	Guthrie	Pitts
Benishek	Hall	Platts
Berg	Hanna	Poe (TX)
Biggart	Harper	Pompeo
Billray	Harris	Posey
Bilirakis	Hartzler	Price (GA)
Bishop (UT)	Hastings (WA)	Quayle
Black	Hayworth	Reed
Blackburn	Heck	Rehberg
Bonner	Heller	Reichert
Bono Mack	Hensarling	Renacci
Boustany	Herger	Ribble
Brady (TX)	Herrera Beutler	Rigell
Brooks	Huelskamp	Roby
Broun (GA)	Huizenga (MI)	Roe (TN)
Buchanan	Hultgren	Rogers (AL)
Bucshon	Hunter	Rogers (KY)
Buerkle	Hurt	Rogers (MI)
Burgess	Issa	Rohrabacher
Burton (IN)	Jenkins	Rokita
Calvert	Johnson (OH)	Rooney
Camp	Johnson, Sam	Roskam
Campbell	Jones	Ross (FL)
Canseco	Jordan	Royce
Cantor	Kelly	Runyan
Cardoza	King (IA)	Ryan (WI)
Carter	King (NY)	Scalise
Cassidy	Kingston	Schilling
Chabot	Kinzing (IL)	Schmidt
Chaffetz	Kline	Schock
Coble	Labrador	Schweikert
Coffman (CO)	Lamborn	Scott (SC)
Cole	Lance	Scott, Austin
Conaway	Landry	Sensenbrenner
Costa	Lankford	Sessions
Cravaack	Latham	Shimkus
Crawford	LaTourette	Shuler
Crenshaw	Latta	Shuster
Culberson	Lewis (CA)	Simpson
Davis (KY)	LoBiondo	Smith (NE)
Denham	Long	Smith (TX)
Dent	Lucas	Southerland
DesJarlais	Luetkemeyer	Stearns
Dold	Lummis	Stivers
Donnelly (IN)	Lungren, Daniel	Stutzman
Dreier	E.	Sullivan
Duffy	Mack	Thompson (PA)
Duncan (SC)	Marchant	Thornberry
Duncan (TN)	Marino	Tiberi
Ellmers	McCarthy (CA)	Tipton
Emerson	McCaul	Upton
Fincher	McClintock	Walberg
Flake	McCotter	Walden
Fleischmann	McHenry	Walsh (IL)
Fleming	McKeon	Webster
Flores	McKinley	West
Forbes	McMorris	Westmoreland
Fortenberry	Rodgers	Whitefield
Fox	Mica	Wilson (SC)
Franks (AZ)	Miller (FL)	Wittman
Frelinghuysen	Miller (MI)	Wolf
Gallegly	Miller, Gary	Womack
Gardner	Mulvaney	Woodall
Garrett	Murphy (PA)	Yoder
Gibbs	Myrick	Young (AK)
Gibson	Neugebauer	Young (FL)
Gingrey (GA)	Noem	Young (IN)

NOES—197

Ackerman	Green, Al	Pallone
Altmire	Green, Gene	Pascarell
Andrews	Grijalva	Pastor (AZ)
Baca	Gutierrez	Payne
Baldwin	Hanabusa	Pelosi
Barrow	Harman	Perlmutter
Bass (CA)	Hastings (FL)	Peters
Becerra	Heinrich	Pingree (ME)
Berkley	Higgins	Polis
Berman	Himes	Price (NC)
Bishop (GA)	Hinchey	Quigley
Bishop (NY)	Hinojosa	Rahall
Blumenauer	Hirono	Rangel
Boren	Holden	Reyes
Boswell	Holt	Richardson
Brady (PA)	Honda	Richmond
Braley (IA)	Hoyer	Rivera
Brown (FL)	Inslee	Ros-Lehtinen
Butterfield	Israel	Ross (AR)
Capito	Jackson (IL)	Rothman (NJ)
Capps	Jackson Lee	Roybal-Allard
Capuano	(TX)	Ruppersberger
Carnahan	Johnson (GA)	Rush
Carney	Johnson (IL)	Ryan (OH)
Carson (IN)	Johnson, E. B.	Sanchez, Linda
Castor (FL)	Kaptur	T.
Chandler	Keating	Sanchez, Loretta
Chu	Kildee	Sarbanes
Ciavarella	Kind	Schakowsky
Clarke (MI)	Kissell	Schiff
Clarke (NY)	Kucinich	Schrader
Clay	Langevin	Schwartz
Cleaver	Larsen (WA)	Scott (VA)
Clyburn	Larson (CT)	Scott, David
Cohen	Lee (CA)	Serrano
Connolly (VA)	Levin	Sewell
Conyers	Lewis (GA)	Sherman
Cooper	Lipinski	Sires
Costello	Loeb	Slaughter
Courtney	Loeb	Smith (NJ)
Critz	Loeb	Smith (WA)
Cuellar	Lowey	Speier
Cummings	Lujan	Stark
Davis (CA)	Lynch	Sutton
Davis (IL)	Maloney	Terry
DeFazio	Manzullo	Thompson (CA)
DeGette	Mark	Thompson (MS)
DeLauro	Matheson	Tierney
Deutsch	Matsui	Tonko
Diaz-Balart	McCarthy (NY)	Towns
Dicks	McCollum	Tsongas
Dingell	McDermott	Turner
Doggett	McGovern	Van Hollen
Doyle	McIntyre	Velázquez
Edwards	McNerney	Visclosky
Ellison	Meehan	Wasserman
Engel	Meehan	Schultz
Eshoo	Miller (NC)	Waters
Farr	Miller, George	Watt
Fattah	Moore	Waxman
Filner	Moran	Weiner
Fitzpatrick	Murphy (CT)	Welch
Frank (MA)	Nadler	Wilson (FL)
Fudge	Napolitano	Woolsey
Garamendi	Neal	Wu
Gerlach	Oliver	Yarmuth
Gonzalez	Owens	

NOT VOTING—4

Crowley Giffords
Farenthold Walz (MN)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1854

So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT NO. 165 OFFERED BY MR. CARTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CARTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 177, not voting 6, as follows:

[Roll No. 86]

AYES—250

Adams	Flores	Marchant
Aderholt	Forbes	Marino
Akin	Fortenberry	McCarthy (CA)
Alexander	Fox	McCaul
Altmire	Franks (AZ)	McClintock
Amash	Frelinghuysen	McCotter
Austria	Gallegly	McHenry
Bachmann	Gardner	McKeon
Bachus	Garrett	McKinley
Barletta	Gerlach	McMorris
Barrow	Gibbs	Rodgers
Bartlett	Gibson	Meehan
Barton (TX)	Gingrey (GA)	Mica
Benishek	Gohmert	Miller (FL)
Berg	Goodlatte	Miller (MI)
Berkley	Gosar	Miller, Gary
Biggart	Gowdy	Mulvaney
Billray	Granger	Murphy (PA)
Bilirakis	Graves (GA)	Myrick
Bishop (UT)	Graves (MO)	Neugebauer
Black	Green, Gene	Noem
Blackburn	Griffin (AR)	Nugent
Bonner	Griffith (VA)	Nunes
Bono Mack	Grimm	Nunnelee
Boren	Guinta	Olson
Boustany	Guthrie	Palazzo
Brady (TX)	Hall	Paul
Brooks	Hanna	Paulsen
Broun (GA)	Harper	Pearce
Buchanan	Harris	Pence
Bucshon	Hartzler	Peterson
Buerkle	Hastings (WA)	Petri
Burgess	Hayworth	Pitts
Burton (IN)	Heck	Platts
Calvert	Heller	Poe (TX)
Camp	Hensarling	Pompeo
Canseco	Herger	Posey
Cantor	Herrera Beutler	Price (GA)
Cardoza	Holden	Quayle
Carter	Huelskamp	Rahall
Cassidy	Huizenga (MI)	Reed
Chabot	Hultgren	Rehberg
Chaffetz	Hunter	Reichert
Coble	Hurt	Renacci
Coffman (CO)	Issa	Ribble
Cole	Jenkins	Rigell
Conaway	Johnson (OH)	Rivera
Costa	Johnson, Sam	Roby
Costello	Jones	Roe (TN)
Cravaack	Jordan	Rogers (AL)
Crawford	Kelly	Rogers (KY)
Crenshaw	Kind	Rogers (MI)
Critz	King (IA)	Rohrabacher
Cuellar	King (NY)	Rokita
Culberson	Kingston	Rooney
Davis (KY)	Kinzing (IL)	Ros-Lehtinen
Denham	Kissell	Roskam
Dent	Kline	Ross (AR)
DesJarlais	Labrador	Ross (FL)
Dold	Lamborn	Royce
Donnelly (IN)	Landry	Runyan
Dreier	Lankford	Ryan (WI)
Duffy	Latham	Scalise
Duncan (SC)	LaTourette	Schilling
Duncan (TN)	Latta	Schmidt
Ellmers	Lewis (CA)	Schrader
Emerson	Lipinski	Schweikert
Fincher	Long	Scott (SC)
Flake	Lucas	Scott, Austin
Fleischmann	Luetkemeyer	Sensenbrenner
Fleming	Lummis	Sessions
Flores	Lungren, Daniel	Shimkus
Forbes	E.	Shuster
Fortenberry	Mack	Simpson
Fox	Manzullo	Smith (NE)

Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry

Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West

Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IN)

AMENDMENT NO. 204 OFFERED BY MR. SCALISE
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. SCALISE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 179, answered “present” 1, not voting 4, as follows:

[Roll No. 87]

AYES—249

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez

Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Keating
Kildee
Kucinich
Lance
Langevin
Larsen (WA)
Lee (CA)
Levin
Lujan
Lowe
Lynch
Maloney
Markay
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascarell
Pastor (AZ)

Adams
Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers

Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzer
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador

Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera

Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert

Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi

Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez

Green, Al
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone

Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

ANSWERED “PRESENT”—1

Amash

NOT VOTING—4

Crowley
Farenthold
Giffords
Mulvaney

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

NOES—177

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez

Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

Adams
Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers

Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzer
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador

Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez

Green, Al
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowe
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone

Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velazquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Crowley
Farenthold
Giffords
Larson (CT)
McIntyre
Schock

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1857

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MCINTYRE. During rollcall vote number 86 on February 17, 2011, I was unavoidably detained. Had I been present, I would have voted “no.”

□ 1901

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 458 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 270, not voting 3, as follows:

[Roll No. 88]

AYES—160

Ackerman	Grijalva	Perlmutter
Altmire	Gutierrez	Peters
Andrews	Hanabusa	Peterson
Baldwin	Hastings (FL)	Pingree (ME)
Barrow	Heinrich	Polis
Bass (CA)	Higgins	Price (NC)
Berkley	Himes	Renacci
Berman	Hinchey	Richardson
Bishop (GA)	Hinojosa	Richmond
Bishop (NY)	Hirono	Rothman (NJ)
Boren	Holt	Roybal-Allard
Boswell	Honda	Ruppersberger
Brady (PA)	Hoyer	Rush
Braley (IA)	Jackson (IL)	Ryan (OH)
Brown (FL)	Jackson Lee	Sánchez, Linda
Butterfield	(TX)	T.
Capps	Johnson (GA)	Sanchez, Loretta
Capuano	Johnson, E. B.	Sarbanes
Carney	Jones	Schakowsky
Carson (IN)	Kaptur	Schiff
Castor (FL)	Keating	Schrader
Chandler	Kind	Schwartz
Chu	Kissell	Scott (VA)
Cicilline	Kucinich	Scott, David
Clarke (MI)	Langevin	Serrano
Clarke (NY)	Larsen (WA)	Sewell
Clay	Lee (CA)	Sherman
Cleaver	Loeback	Sires
Cohen	Lofgren, Zoe	Slaughter
Conyers	Lowey	Smith (WA)
Cooper	Luján	Speier
Costello	Lynch	Stark
Courtney	Maloney	Stearns
Cummings	Markey	Sutton
Davis (CA)	Matheson	Thompson (MS)
Davis (IL)	Matsui	Tonko
DeFazio	McCarthy (NY)	Towns
DeGette	McClintock	Tsongas
DeLauro	McCollum	Van Hollen
Deutch	McGovern	Velázquez
Dicks	McIntyre	Visclosky
Donnelly (IN)	McNerney	Walz (MN)
Doyle	Meeks	Wasserman
Edwards	Michaud	Schultz
Ellison	Miller (NC)	Waters
Engel	Miller, George	Watt
Eshoo	Moore	Waxman
Farr	Murphy (CT)	Weiner
Fattah	Nadler	Welch
Fitzpatrick	Napolitano	Wilson (FL)
Frank (MA)	Oliver	Woolsey
Fudge	Pallone	Wu
Garamendi	Pastor (AZ)	Yarmuth
Gerlach	Payne	
Green, Al	Pelosi	

NOES—270

Adams	Gonzalez	Noem
Aderholt	Goodlatte	Nugent
Akin	Gosar	Nunes
Alexander	Gowdy	Nunnelee
Amash	Granger	Olson
Austria	Graves (GA)	Owens
Baca	Graves (MO)	Palazzo
Bachmann	Green, Gene	Pascarell
Bachus	Griffin (AR)	Paul
Barletta	Griffith (VA)	Paulsen
Bartlett	Grimm	Pearce
Barton (TX)	Guinta	Pence
Bass (NH)	Guthrie	Petri
Becerra	Hall	Pitts
Benishek	Hanna	Platts
Berg	Harman	Poe (TX)
Biggert	Harper	Pompeo
Bilbray	Harris	Posey
Bilirakis	Hartzler	Price (GA)
Bishop (UT)	Hastings (WA)	Quayle
Black	Hayworth	Quigley
Blackburn	Heck	Rahall
Blumenauer	Heller	Rangel
Bonner	Hensarling	Reed
Bono Mack	Herger	Rehberg
Boustany	Herrera Beutler	Reichert
Brady (TX)	Holden	Reyes
Brooks	Huelskamp	Ribble
Broun (GA)	Huizenga (MI)	Rigell
Buchanan	Hultgren	Rivera
Bucshon	Hunter	Roby
Buerkle	Hurt	Roe (TN)
Burgess	Inslee	Rogers (AL)
Burton (IN)	Israel	Rogers (KY)
Calvert	Issa	Rogers (MI)
Camp	Jenkins	Rohrabacher
Campbell	Johnson (IL)	Rokita
Canseco	Johnson (OH)	Rooney
Cantor	Johnson, Sam	Ros-Lehtinen
Capito	Jordan	Roskam
Cardoza	Kelly	Ross (AR)
Carnahan	Kildee	Ross (FL)
Carter	King (IA)	Royce
Cassidy	King (NY)	Runyan
Chabot	Kingston	Ryan (WI)
Chaffetz	Kinzinger (IL)	Scalise
Clyburn	Kline	Schilling
Coble	Labrador	Schmidt
Coffman (CO)	Lamborn	Schock
Cole	Lance	Schweikert
Conaway	Landry	Scott (SC)
Connolly (VA)	Lankford	Scott, Austin
Costa	Larson (CT)	Sensenbrenner
Cravaack	Latham	Sessions
Crawford	LaTourette	Shimkus
Crenshaw	Latta	Shuler
Critz	Levin	Shuster
Cuellar	Lewis (CA)	Simpson
Culberson	Lewis (GA)	Smith (NE)
Davis (KY)	Lipinski	Smith (NJ)
Denham	LoBiondo	Smith (TX)
Dent	Long	Southerland
DesJarlais	Lucas	Stivers
Diaz-Balart	Luetkemeyer	Stutzman
Dingell	Lummis	Sullivan
Doggett	Lungren, Daniel	Terry
E.	Dold	Thompson (CA)
Dreier	Mack	Thompson (PA)
Duffy	Manzullo	Thornberry
Duncan (SC)	Marchant	Tiberi
Duncan (TN)	Marino	Tierney
Ellmers	McCarthy (CA)	Tipton
Emerson	McCaul	Turner
Finer	McCotter	Upton
Fincher	McDermott	Walberg
Flake	McHenry	Walden
Fleischmann	McKeon	Walsh (IL)
Fleming	McKinley	Webster
Flores	McMorris	West
Forbes	Rodgers	Westmoreland
Fortenberry	Meehan	Whitfield
Fox	Mica	Wilson (SC)
Franks (AZ)	Miller (FL)	Wittman
Frelinghuysen	Miller (MI)	Wolf
Galleghy	Miller, Gary	Womack
Gardner	Moran	Woodall
Garrett	Mulvaney	Yoder
Gibbs	Murphy (PA)	Young (AK)
Gibson	Myrick	Young (FL)
Gingrey (GA)	Neal	Young (IN)
Gohmert	Neugebauer	

NOT VOTING—3

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1904

Mr. PALLONE changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 506 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 265, not voting 5, as follows:

[Roll No. 89]

AYES—163

Ackerman	Filner	Meeks
Altmire	Frank (MA)	Miller (NC)
Andrews	Fudge	Miller, George
Baca	Garamendi	Moore
Baldwin	Gonzalez	Moran
Barrow	Green, Al	Murphy (CT)
Bass (CA)	Green, Gene	Nadler
Berkley	Grijalva	Napolitano
Berman	Gutierrez	Oliver
Bishop (GA)	Hanabusa	Pallone
Bishop (NY)	Harman	Pascarell
Boswell	Hastings (FL)	Payne
Brady (PA)	Heinrich	Pelosi
Braley (IA)	Higgins	Perlmutter
Brown (FL)	Himes	Peters
Butterfield	Hinchey	Pingree (ME)
Capps	Hirono	Polis
Capuano	Holden	Price (NC)
Carnahan	Holt	Rangel
Carney	Honda	Reyes
Carson (IN)	Hoyer	Richardson
Castor (FL)	Inslee	Richmond
Chu	Israel	Rothman (NJ)
Cicilline	Jackson (IL)	Roybal-Allard
Clarke (MI)	Jackson Lee	Ruppersberger
Clarke (NY)	(TX)	Rush
Clay	Johnson (GA)	Ryan (OH)
Cleaver	Johnson, E. B.	Sánchez, Linda
Clyburn	Jones	T.
Cohen	Kaptur	Sanchez, Loretta
Conyers	Keating	Sarbanes
Costello	Kildee	Schakowsky
Courtney	Kissell	Schiff
Critz	Langevin	Schwartz
Cummings	Larsen (WA)	Scott (VA)
Davis (CA)	Lee (CA)	Scott, David
Davis (IL)	Lipinski	Serrano
DeFazio	Loeback	Sewell
DeGette	Lofgren, Zoe	Sherman
DeLauro	Lowey	Sires
Deutch	Luján	Slaughter
Dicks	Lynch	Smith (WA)
Doggett	Maloney	Speier
Donnelly (IN)	Markey	Stark
Doyle	Matsui	Sutton
Edwards	McCarthy (NY)	Thompson (MS)
Ellison	McClintock	Tierney
Engel	McCollum	Tonko
Eshoo	McGovern	Towns
Farr	McIntyre	Tsongas
Fattah	McNerney	Van Hollen

Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz

Waters
Watt
Waxman
Weiner
Wilson (FL)

Woolsey
Wu
Yarmuth

Womack
Woodall

Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—5

Crowley
Duffy
Farenthold
Gallegly
Giffords

NOES—265

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McCotter
McDermott
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neal
Neugebauer
Noem

Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahaley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1907

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated against:
Mr. GALLEGLY. Madam Chair, on rollcall No. 89, I was inadvertently detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 50 OFFERED BY MS. MCCOLLUM
Ms. MCCOLLUM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used by the Department of Defense for sponsorship of NASCAR race cars.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. Mr. Chairman, first I would like to thank the staff, the committee staff on both the Republican and the Democratic side, and I would like to thank the floor staff for their patience, their hard work, their dedication and their help to me this evening.

Mr. Chairman, my amendment ends tens of millions of taxpayer dollars being wasted on sponsorship for NASCAR race cars by the Department of Defense.

□ 1920

With trillion-dollar deficits, this amendment is where the rubber meets the road for my Republican tea party colleagues who want to cut wasteful spending.

Defense Department waste is nothing new. Many Americans remember in the 1980s the Pentagon was spending \$400 for a hammer and \$600 for a toilet seat. Now we have the Army spending \$7 million for a decal on a racing car. Talk about taxpayer sticker shock.

For \$7 million the Army buys a decal on a race car and a few driver appearances. But it's not only the Army spending millions of dollars. The Air Force sponsors a NASCAR race car for millions. So does the National Guard. Incredibly, over the past decade hundreds of millions of taxpayer dollars have subsidized race car owners and millionaire drivers in the name of military recruitment.

Now here's the \$7 million question: Does slapping a sticker on a race car

convince a young man or a young woman to volunteer to serve our country in the Armed Forces? Not according to the Marine Corps.

Fact. In 2006, the Marine Corps dropped its sponsorship of NASCAR. A Marine Corps spokesman said, We don't have a tracking mechanism to track how many people contracted because of seeing an advertisement on the hood of a car.

Fact. The same year, the Coast Guard dropped a \$5 million NASCAR deal.

Fact. In 2008, the Navy dropped NASCAR sponsorship, saying, “it's not always easy to measure a return on investment.”

Unbelievably, that year the Navy also paid one driver, Dale Earnhardt, Jr., the outrageous sum of \$800,000 in taxpayer funds—twice the salary of the President of the United States—just to make public appearances.

For all the tough budget cutters in Congress, you should know that the Citizens Against Government Waste has endorsed this amendment. So I would urge my Republican colleagues who are cutting homeless veterans, cutting law enforcement officers, cutting firefighters, why not cut some real waste and at the same time free NASCAR from its dependency on the American taxpayer?

This amendment gives Members a clear choice: a vote to end wasteful spending or a vote to keep wasting the American people's money. I urge a “yes” vote to end the funding to NASCAR.

I want to stress again, many parts of the military were using NASCAR sponsorship as part of their driver recruitment. They found that they could not track the success of this program, so they ended it, using their resources towards something that they knew that they could track, knew that they had something that was successful.

So, Members, I urge you to end the taxpayer funding to NASCAR. Let's put the dollars to work in the Department of Defense for something they know is trackable and accountable.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, we support the gentlewoman's efforts to ensure that every taxpayer dollar is spent wisely and effectively. Our committee has always been focused on that.

Effective recruiting is critical to the military's ability to attract new qualified military men and women and maintain our all-volunteer force. The Department of Defense uses its sponsorship of NASCAR and other sporting events to create awareness of the different military services and the unique

advantages and programs that come with serving our Nation.

Quite frankly, Mr. Chairman, it's a great public-private partnership. NASCAR sponsorship has proven to be a very cost-effective recruiting tool, with some estimates stating that for every dollar the military puts in NASCAR sponsorship, it gets \$4 in advertising through television, merchandise, and other outlets. We believe the dollars are well spent. Thus I oppose the amendment.

I yield to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I want to thank my colleague from New Jersey for yielding.

Let's be clear: This amendment will not save one single dime. My colleague from Minnesota simply is misinformed. Every dime spent in this sponsorship program is measurable. You can measure the number of media impressions you have, which the U.S. Army's participation in NASCAR sponsorship netted it 484 million media impressions, 34 million of which were offered specific Army recruiting messages.

So let's be very clear. This sponsorship is about recruiting. This amendment is about politics in certain districts for certain groups of people. But the vast majority of NASCAR fans—one out of five—have served or are currently serving in the U.S. military. It's a target-rich environment for Army's recruiting message and a target-rich environment for military and the military message.

So I would just urge my colleagues to vote against this irresponsible amendment that is certainly politically charged, but at the end of the day will not save the taxpayers one single dime.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Ms. MCCOLLUM).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Minnesota will be postponed.

AMENDMENT NO. 232 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Not more than \$10,000,000,000 of the funds made available by this Act may be used for United States military operations in Afghanistan.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I'm pleased to offer this amendment along with the gentlewoman from California (Ms. LEE) and the gentleman from California (Mr. STARK).

The continuing resolution provides approximately \$100 billion for Department of Defense operations in Afghanistan. This amendment states that not more than \$10 billion of the funds made available by the bill may be used for military operations in Afghanistan. The intent is clear: It is time to bring U.S. involvement in the war in Afghanistan to an end and to bring our troops home. The war effort in Afghanistan is no longer serving its purpose of enhancing the security of the United States, which should be our goal.

We were attacked on 9/11 by al Qaeda. Al Qaeda had bases in Afghanistan. It made sense to go in and destroy those bases. And we did. We have every right, we have every duty to destroy bases which are being used to plot attacks against the United States. But the CIA tells us that there are now fewer than 100 al Qaeda personnel in all of the country of Afghanistan. Congress and the American people helped greatly reduce U.S. involvement in Iraq. Through the elections in 2006 and 2008 we forced a new direction in Iraq and helped bring thousands of troops home. We must now do the same in Afghanistan.

The intent of this amendment is to reduce the funding for Afghanistan sufficiently to leave enough funds to provide for the safe and orderly withdrawal of our troops but not funding for ongoing combat operations.

The gentleman from Virginia (Mr. WOLF) earlier today said he would propose an amendment to establish a blue ribbon commission to examine our war effort and to ask the question of how best to fight the war. With all due respect, that is the wrong question. The right question, the first question is: Why do we need to fight this war at all?

□ 1930

It is past time to admit that our legitimate purpose in Afghanistan—to destroy al Qaeda bases—has long since been accomplished. But it is a fool's errand to try to remake a country that nobody since Genghis Khan has managed to conquer. What makes us think, what arrogance gives us the right to assume that we can succeed where the Mongols, the British, the Soviets failed? No government in Afghanistan, no government in Kabul, has ever been able to make its writ run in the entire country.

Why have we undertaken to invent a government that is not supported by the majority of the people, a government that is corrupt, and try to impose it on this country? Afghanistan is in

the middle of what is at this point a 35-year civil war. We have no business intervening in that civil war, we have no ability to win it for one side or the other, and we have no necessity to win it for one side or the other. This whole idea of counterinsurgency, that we are going to persuade the people who are left alive after our firepower is applied to love the government that we like is absurd. It will take tens of years, hundreds and hundreds of billions of dollars, tens of thousands of American lives, if it can be done at all, and we don't need to do it. It's their country. If they want to have a civil war, we can't stop them. We can't choose the rulers that they have, we don't have to like the rulers that they have, and we don't have to like their choices. It's not up to us.

At this point we must recognize that rebuilding Afghanistan is both beyond our ability and beyond our mandate to prevent terrorists from attacking the United States. And if it be said that there are terrorists operating in Afghanistan, that may be, but it is also true of Yemen, Somalia and many other countries. We do not need to invade and conquer and occupy all those countries, and Afghanistan provides no greater necessity or justification for military operations.

We are debating on this floor hundreds of budget cuts—cuts that will grievously hurt millions of Americans—in order to reduce our expenditures by about \$60 billion. Yet we are throwing \$100 billion a year—plus countless lives—down a drainpipe, for no useful purpose at all—and with very little discussion of our purposes and of whether our policy matches our purposes.

To continue so bad a policy at so high a cost is simply unconscionable. It is unjustifiable to sacrifice more money and more lives this way. I urge my colleagues to join me and Ms. LEE and Mr. STARK in voting to bring the U.S. involvement in the war in Afghanistan to a close. Vote for this amendment. Let's bring our troops home. Let's stop wasting our lives and our money and our treasure and our forces. Let's bring our troops home. Let's devote our resources to something that helps the people of this country.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I rise in opposition to the gentleman's amendment.

Mr. Chairman, I'm not going to debate the issue of the war in Afghanistan. The fact is we're there, our soldiers are getting hurt every day, and too many of them are dying. So we're not going to debate that particular part of the war. What we're going to debate is this amendment. I've said in the last 3 days, a number of times, we're not going to do anything in this

defense appropriations bill in the savings that would have an adverse effect on the war fighter. This amendment would affect the war fighter, especially those in Afghanistan.

This \$10 billion that the gentleman would leave in the fund to finance the operations in Afghanistan, that's already been spent. In the first quarter of this fiscal year, the Afghanistan operation cost \$16 billion, and he would only leave 10, which means we're already in deficit of \$6 billion during the first quarter of the year. What kind of confusion would there be in Afghanistan immediately? What would our troops be thinking? Where would they have to go? What would they have to do? What would the rules of engagement be? You can't do this to our soldiers, our war fighters who are in Afghanistan. Don't look at this amendment because of the political tone relative to feeling that we should be in Afghanistan or we shouldn't be in Afghanistan. The fact is we're there. Our soldiers are fighting. They're getting hurt. They're dying. The fact is we can't let them hang out there without proper funding.

Now if you want to bring the troops home from Afghanistan, the truth is \$10 billion won't even accomplish that. It will take more to bring everybody out of Afghanistan that we have deployed there, with the equipment, with the infrastructure, with the headquarters, would cost them much more than the \$10 billion the gentleman would leave just to redeploy them back to the United States of America.

This amendment does affect the war fighter. I will not support any part of an appropriations bill or an authorizing bill that has an adverse effect on those who stand to fight for America.

I yield back the balance of my time.

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE of California. Mr. Chairman, first of all, let me just thank Congressman NADLER for his ongoing support, consistent support for efforts to end the war and for offering this amendment, which is really very straightforward.

Mr. NADLER. Will the gentlelady yield?

Ms. LEE of California. I yield to the gentleman from New York.

Mr. NADLER. Thank you.

The remarks of the gentleman from Florida were incorrect. This amendment limits \$10 billion from this CR, enough to bring the troops home during the pendency of this CR. Funds that were already spent were appropriated from the previous CRs. So it hasn't already been spent.

Ms. LEE of California. Reclaiming my time, let me just be clear up front, that our service men and women have

performed with incredible courage and commitment in Afghanistan. They have done everything asked of them. But the truth is that they have been put in an impossible situation. In fact, this concern of "war without end" is why I opposed the resolution. I know we disagreed with that, but many of us agree now that we should not have this war without end continued. But I opposed the resolution authorizing military force on September 14 because it was a blank check, I believed then, and it remains one now.

There are a few things we know with certainty regarding the situation in Afghanistan. We know corruption persists unabated, and in many cases has been fueled by the U.S. occupation and influx of foreign cash. President Karzai has proven himself time and time again unwilling, or at least unable, to meaningfully root out corruption within his own administration. We know that the United States troop presence has increased from somewhere around 5,000 troops in 2002 to more than 100,000 troops in 2011. At the same time, military and civilian casualties have increased at record rates. 2010, unfortunately, was the deadliest year in Afghanistan.

We also know that al Qaeda's presence in Afghanistan has been all but eliminated. The administration has been consistent in its assessment that there are maybe between 50 and 100 members of al Qaeda remaining in Afghanistan. The fact is the modern threat of terrorism can emanate from the tribal regions of Yemen or, yes, a hotel room in Germany. It's not feasible or in our national security interest to address this threat through a military-first, boots on the ground strategy. And we know, as military and foreign policy experts from across the political spectrum have told us repeatedly, that the situation in Afghanistan will not be resolved by a military solution. The United States has squandered more than \$1.1 trillion on the wars in Iraq and Afghanistan. Economists estimate the total direct and indirect costs of these two wars by their end may be a total of \$6 trillion.

No one can deny that the increasing costs of the war in Afghanistan are constraining our efforts to invest in job creation and jump-start the economy. At the same time we are fighting here in Congress to protect investments in education, health care, public health and safety, transportation, the war in Afghanistan will cost more than \$100 billion in 2011.

Regardless of the situation in Afghanistan, the Pentagon will come back to us and ask for more time, more troops and more resources. If we're not doing so well there, they'll ask for more time, more troops, more resources. If we're doing well there, they will say we want more time, more resources and more troops.

It's time to say enough is enough. It's time to begin the safe and orderly withdrawal of U.S. troops and military contractors from Afghanistan. We should do so today. I speak today as a daughter of a lieutenant colonel who fought in several wars, one who knows the trauma and the devastation of wars on families.

I want to just thank Congressman NADLER for his leadership and I hope that we all will support my legislation that I introduced today, the Responsible End to the War in Afghanistan Act.

□ 1940

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. I rise to support the Nadler-Lee-Stark amendment.

I would like to thank them for bringing this amendment to the floor. I would like to thank all of them and the other Progressives in this House for the work that has been done in an attempt to make sense out of the wars in both Iraq and Afghanistan, and for all of the traveling, the speeches, and the organizing that has been done around this war issue.

Mr. Chairman, we continue to fight to bring our troops home. I know that there are those who would think that perhaps because they have not heard a lot from us that somehow we had removed ourselves from the struggle, but that is certainly not true. We have been respectful. We have allowed this administration to make some commitments. The American people decided to give the administration the opportunity to work to bring our troops home, and we are still committed to that.

This CR would provide \$100 billion for military operations in Afghanistan. That doesn't sound as if we are trying to wind down. That doesn't sound as if we are ready to recognize that it is time to get out of Afghanistan. Why are we there?

Unfortunately, this war has been very traumatic on our soldiers, on their families, and on the American public. Yes, as has been said over and over again, we salute our soldiers. We appreciate the sacrifices that they have made—and have they made sacrifices. There have been more suicides in this war and in the Iraq war than we have had in all of the wars of the United States of America. It breaks my heart to hear about the brain injuries and the loss of limbs that these soldiers have suffered.

Why is this happening? What are we doing?

Leon Panetta, the head of the CIA, says there are fewer than 100 al Qaeda

operatives in Afghanistan. That is more than \$1 billion per al Qaeda operative. Again, let me reiterate: the CIA tells us there are fewer than 100 al Qaeda operatives in Afghanistan. At the rate that we're going with the CR providing \$100 billion for military operations, that is more than \$1 billion per al Qaeda operative.

Our amendment would limit the funds for military operations in Afghanistan to \$10 billion to provide for the safe and orderly withdrawal of forces.

As we stand here debating this \$100 billion allocation in the CR, I cannot help but contrast that with the fact that our domestic agenda is being cut and cut and cut, not only by this CR but by the budgets, both from the opposite side of the aisle and from the White House. The homelessness is shameful in America. We have people who are wondering how they're going to keep their homes warm. We are cutting heating oil in America. The environment is taking a licking in this CR.

At the same time that we talk about innovation and creating jobs, I don't see anything in this CR that will create any jobs. What I see are unwise expenditures such as we are witnessing with the \$100 billion. What I see on the opposite side of the aisle is a dedicated commitment to getting rid of regulations that can save us money and create jobs.

So, led by the Progressives, we stand strong in our commitment that this war must end. We must bring our soldiers home. It is time for us to concentrate on the domestic agenda. There are those who would tell us we are training the military in Afghanistan, that we are going to have Afghanistan soldiers who will be ready to take over. I don't see that happening.

What is "win"? What is "success"? How do you define it? I haven't found anybody on the opposite side of the aisle who can define that.

I would say it is time for us to have the courage to do what must be done. Let's support the Nadler-Lee-Stark amendment.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members that the rules provide that Members are not to walk between the Chair and the Member under recognition.

Mr. POLIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, the ongoing war in Afghanistan is, quite simply, the wrong war in the wrong time and in the wrong place. Intelligence experts agree that a terrorist threat to our Nation does not emanate from within the borders of the nation of Afghanistan.

There is a very real terrorist threat to the people of this country; but by its very nature, it is a stateless menace. It is a menace that is likely to use as its base of operation wherever anarchy prevails and wherever the rule of law is lacking. We cannot effectively combat this threat by occupying one country after another after another.

It is true that, when we occupy a country, al Qaeda and other terrorist operations will likely flee for other areas; but there are unfortunately, Mr. Chairman, plenty of areas of the world that provide hospitable footholds for al Qaeda, which is why a more effective strategy this Nation is currently also engaged in—but which to a certain extent is not complementary to the heavy-handed occupation strategy—is that of more light targeted operations and intelligence gathering and operations against terrorist operatives wherever they are. To be bogged down in one particular nation state, one that is host to a negligible number of al Qaeda operatives—it has been estimated that there are only 50 to 100 al Qaeda operatives—is simply counterproductive to the goal of keeping the American people safe.

Beyond being counterproductive, Mr. Chairman, this is money that we can't afford. This amendment, which I strongly support, will cut \$90 billion from the occupation of Afghanistan, allowing \$10 billion to be used to safely bring the conflict to an end and to maintain a lighter footprint of military operations to ensure that al Qaeda does not regain a stronghold within the borders of Afghanistan.

It is clear, Mr. Chairman, that the current strategy is not working. The expenditures in Afghanistan currently are \$100 billion. That is more than \$1 billion per al Qaeda operative within the borders of Afghanistan. Most of al Qaeda's operations have moved across the border to Pakistan, and they have gained a foothold in Yemen. Meanwhile, we remain bogged down in a costly war without any clear end game that can be articulated by the people on the ground.

When we enter a military scenario, it is critical to define what success looks like. The nation-building operation undertaken with regard to the occupation of Afghanistan does not have a clear outcome that is reachable. The situation there will not be better in 6 months or in a year or in 2 years or in 3 years.

It is time to stop sending American taxpayer money that we don't have to a war that does not further the security interests of the American people. That is why I am a strong supporter of the Nadler-Lee-Stark amendment, and I encourage my colleagues to vote "yes."

I yield to the gentleman from New York (Mr. NADLER).

□ 1950

Mr. NADLER. I thank the gentleman for his remarks and for yielding.

I just want to make one comment on what was said a moment ago by the gentleman from Florida. This amendment reduces funding in this CR to \$10 billion. It should be enough to withdraw the troops. But the argument was made that to reduce the funding is not to support our troops, to rob them of the implements of doing their job. But the fact is that the only power that Congress has to effectuate the war-making power, to control whether we should be at war somewhere or another, is the power of the purse.

We are not saying, by adopting this amendment, we would not be saying that we want our troops there with no weapons and so forth. We would be saying use the funds to bring the troops home. It is more supportive of the troops to bring them home from a war that they should not be fighting, that is not vital to our national security, it is more supportive to bring them home than it is to give them weapons to fight an unnecessary war in which some of them, unfortunately, will lose their lives.

So I say support our troops. Bring them home. Support the country. Stop fighting where it doesn't make sense, and spend our military resources where it helps the national security of the United States, which is not in Afghanistan right now.

Mr. POLIS. I would simply like to conclude that with the passage of the Nadler-Lee-Stark amendment as part of an underlying continuing resolution will allow America to focus on the real stateless terrorist threats to our Nation by preventing us from being bogged down in one particular occupation in a country that has no significant al Qaeda presence.

I yield back.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I thank the authors of this amendment which I rise to support, the Nadler and Stark and Lee amendment. I believe it is a starting point, for those of us who have consistently raised questions about where we are and making sure we follow and adhere to long-standing commitments to our troops and to their families that have served boldly and ably both in Iraq and now in Afghanistan, how we can orderly bring them home.

Mr. Chairman, a couple of years ago as we continued to feel frustration in Iraq, I raised the question and filed legislation called the Day of Honor in which we would bring our troops home from Iraq and then, subsequently, Afghanistan and honor them throughout the Nation.

In fact, I remember arguing with the Bush administration and raising the issue as to why our fallen soldiers, when they came in to Dover Air Force Base, did not have the honor of public view if agreed to by their families. I believe our troops are owed a debt of gratitude, respect and honor. Those who are fighting now deserve that respect and honor.

This legislation in no way diminishes or dismisses their service or the blood that they have shed. But what it says is that we are now in the midst of a major budget crisis. And as we have seen over the last 24 hours, we are willing to cut children and substance abuse and mental health and teachers and environmental protection, if you will, oversight, literally gut the running of the government. These soldiers want to come home to jobs. We have done nothing about creating jobs.

I frankly believe this is a starting point of astute analysis as to what we are doing going forward. We already know that we are looking forward to bringing troops home and to downsizing, redeploying. We begin redeploying by redeploying money.

And let me give you an example. On the floor just a few hours ago, there was an amendment discussed by the Transportation Committee to almost gut the Transportation Security Administration. Now, I chaired that subcommittee in the last Congress, and I serve as the ranking member in this Congress.

If we had done that, it would have had a double detriment to the security of the homeland. Mr. Chairman, 900 positions would have been lost, impacting 450 airports, governing some 445,000 TSA officers. Maybe some of those officer positions could go to returning soldiers who are looking for work. In addition, it would impact the intelligence gathering and disseminating. It would also impact covert testing that goes on at passenger checkpoints, and also cargo where we have seen that we are still in the eye of the storm. There is no doubt that aviation travel is in the eye of the storm for homeland security and protecting the homeland.

So while we have \$100 billion set aside for a war of which we have already been given the direction as downsizing, redeploying, bringing troops home, and yet we have \$100 billion.

So I would simply say this is a time when we should come together and determine that we are moving to bring our troops home; that we are going to use smart money and work on diplomacy, getting Afghanistan to invest the moneys it has and building democracy and educating its children. We support that.

I recall one of my early visits to Afghanistan, taking books to schoolchildren and the excitement of the schools way beyond Kabul where they

were excited to receive these books, and the students were excited to receive and to be able to be educated. Of course, in leaving Afghanistan and going to Iraq, we have lost a certain momentum that had gathered. School girls can't even go to school. That comes through diplomacy and buying into a sovereign nation that believes in some dignity for all people.

So I applaud the troops that are on the ground, and I applaud their leadership. But if we have amendments that would gut the Transportation Security Administration and keep us from protecting the homeland, then we know that we are going in the wrong direction. Support an amendment that reduces the amount of money to be spent for Afghanistan, to invest in the homeland and the security of that homeland, and promote agencies like the Transportation Security Administration agency that is fighting every day to secure the American people.

I ask my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chair, I yield to the gentleman from Virginia (Mr. GOODLATTE) for a colloquy.

Mr. GOODLATTE. Mr. Chairman, I rise to enter into a colloquy with the chairwoman.

Without consulting with my office in any way, the General Services Administration took advantage of the lack of specific congressional direction in the stimulus bill and initiated renovation work on the Richard H. Poff Federal Building, a Federal building in my district, in Roanoke, Virginia. This renovation was funded at \$51 million. However, the total cost for the renovations are now in excess of \$65 million when you factor in the relocation costs for the agencies that were located in the Poff building.

I have repeatedly demanded a comprehensive cost-benefit analysis from the GSA showing that this project is financially worthwhile, as is required by law. To date, I have not received such an analysis.

It is completely unacceptable for GSA to move forward any further with this project until such an analysis is produced.

I would like to request that you and the committee commit to working with me to demand that the GSA provide a comprehensive cost-benefit analysis that shows these renovations are worthwhile before any further funds are appropriated to renovate this Federal building.

Mrs. EMERSON. I thank the gentleman from Virginia, and please know that not only am I very happy to work with the gentleman on trying to conduct better oversight of the GSA and ensure that it does cost-benefit analyses, but I have also had quite a similar experience in my hometown in Missouri of cost overruns and no type of real cost-benefit analysis or explanation for those cost overruns other than perhaps inattention to detail.

So I am thrilled to be able to work with you and look forward to doing that.

Mr. GOODLATTE. I thank the gentlewoman.

Mrs. EMERSON. Mr. Chairman, I have another colloquy with the gentleman.

I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I rise to enter into a colloquy with the chairwoman.

I intended to offer an amendment that would have prevented funds from being used in this bill to subsidize wireless phone service in the underlying legislation. As you know, the Universal Service Fund provides Federal money to subsidize landline and cell phone service for low-income individuals.

I can understand the need to ensure that low-income individuals have a basic telecommunications link of some sort for emergency calls. However, the State and local governments are the appropriate levels of government to provide this service.

□ 2000

Especially in a time of fiscal distress like we are currently facing, I do not believe it is the role of the Federal Government to be subsidizing cell phone service.

Would the chairwoman commit to work with me on report language in the fiscal year 2012 appropriations bill addressing this issue?

Mrs. EMERSON. I thank the gentleman from Virginia for bringing this to our attention and commend you for doing so. And we'll be happy to work with you to try to address this issue, particularly in report language in the FY 2012 bill.

Mr. GOODLATTE. I thank the chairwoman.

Mrs. EMERSON. I yield back the balance of my time, Mr. Chair.

AMENDMENT NO. 214 OFFERED BY MR. KLINE

Mr. KLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to—

(1) implement, administer, or enforce the final regulations on “Program Integrity: Gainful Employment—New Programs” published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66665 et seq.);

(2) issue a final rule or otherwise implement the proposed rule on “Program Integrity: Gainful Employment” published by the Department of Education on July 26, 2010 (75 Fed. Reg. 43616 et seq.);

(3) implement, administer, or enforce section 668.6 of title 34, Code of Federal Regulations, (relating to gainful employment), as amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.); or

(4) promulgate or enforce any new regulation or rule with respect to the definition or application of the term “gainful employment” under the Higher Education Act of 1965 on or after the date of enactment of this Act.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, in an op-ed published in *The Wall Street Journal*, President Obama laid out his plan to conduct a comprehensive regulatory review to “remove outdated regulations that stifle job creation and make our economy less competitive.” I have pledged to be a partner in that effort. Job creation and American competitiveness are our top priorities. That’s why I am offering an amendment to deny funds from being used to implement and enforce a job-destroying Department of Education regulation.

More than 3 million students attend proprietary schools. These schools, also known as for-profit schools or career colleges, provide students with skills that can be applied immediately to specific jobs in the workforce. With more than 6 million workers unemployed for more than 26 weeks, proprietary schools address a critical need in today’s economy. These schools also help address the needs of local communities. Proprietary institutions are nimble and easily adapt to the demands of an ever-changing local economy. If a community lacks trained nurses or qualified auto mechanics, proprietary school can quickly develop programs to fill those needs.

For years, proprietary schools have served young adults, single parents, first-generation college students, and low-income individuals. They have opened doors to bright futures and strengthened our economy. That’s why recent efforts by this administration have been so troubling.

Last year, the Department of Education put forward regulations that will deny students access to many of these institutions. The regulation includes a number of provisions, includ-

ing unprecedented reporting requirements placed solely on the backs of these proprietary schools. The regulation also requires schools to seek preapproval from the Department of Education before creating any new program, tying down in bureaucratic red-tape the flexibility that has benefited communities and workers.

The public outcry to the regulation has been resounding. More than 90,000 public comments were sent in to the Department during the rulemaking process. A strong bipartisan coalition of Members of Congress has voiced their concerns to the administration, but those concerns seem to be ignored. In 2008, Congress had an opportunity to define “gainful employment,” yet it chose not to. It recognized such a definition would limit student choice and stifle employment. Instead, the administration is barreling ahead with bad policy.

We all support transparency and accountability. We should empower students with good information about all institutions so they can make the most informed choice about their education. We should do our part to root out bad actors. We can do that while opposing an outright attack on the private sector. That’s what this is: an attack on the private sector of education. Colleges that planned to expand their campuses have put those plans on hold.

This effort will force schools to turn away students and close their doors. Some have already laid off workers. Capella, based in my home State of Minnesota, announced just yesterday they will lay off 125 staff members. The regulation is destroying jobs today and will continue to do so.

Make no mistake, this isn’t just another regulation that will destroy jobs. This is an assault on students’ ability to find an institution that best meets their needs.

The President has laid out a goal to lead the world in college graduates in less than 10 years. This goal represents the reality that far too often our workers are unprepared to succeed in a highly competitive global economy. But we cannot lead the world if we follow the path this regulation would force us to take.

Let’s support our students. Let’s support their right to choose a college that meets their needs. Let’s support a strong and competitive workforce. I ask my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in opposition to the Kline amendment, which would prevent the Department of Education from moving forward on a rule that

would deny Federal financial aid to career education programs that leave students in too much debt and without gainful employment.

The new gainful employment rule will hold career education employment programs responsible through a simple proposition: A career education program should only receive Federal financial assistance if, upon graduation, students can earn enough money to pay off the debt that they accrue. In short, a program is worth the Federal investment only if the price of the education is justified by its outcome. Isn’t this exactly what responsible budgeting is all about?

This rule would apply to both for-profit and nonprofit colleges, but the for-profit sector has mounted an aggressive lobbying campaign in opposition. Why? The average tuition in a for-profit college is several times greater than at a community college. For-profit college students account for only 10 to 12 percent of college students, but they receive 23 percent of all Federal student loans and grants. Graduation rates at for-profit colleges are at or below 50 percent while their profit margins are as high as 30 percent. Twenty-five percent of for-profit school students default on their loans after 3 years.

If we are going to build the workforce of the future, we need to increase the number of Americans with college degrees. But students should not have to mortgage their futures to pay for college, and they should be secure in knowing that when they graduate, they will have a degree or a credential that will help them to secure a job and to repay their student loans. Leaving college without a credential or with one that is of little value in the job market can leave students unable to climb out of debt. And that is what happens to far too many students who have been taken in by the aggressive marketing tactics of for-profit colleges.

Why would any college contest the idea that an education should be worth its price tag? Colleges are in a business to educate students, not simply to take their money.

This rule will protect both students and taxpayers. I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. REHBERG. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Montana is recognized for 5 minutes.

Mr. REHBERG. As chairman of the Committee on Appropriations Subcommittee on Education, we have no objections to this amendment.

I have often said—jokingly, of course—that the reason the Internet is so successful in America is that the government hasn’t figured out how to screw it up yet. Well, they are doing everything they can to screw up education. We can finally get an institution or a structure that is able to move

very quickly to meet the needs of students, and this government is trying to create a bureaucracy to keep them from being successful, and it's inappropriate.

The Department of Education is attempting to define, through a new regulation, what it means for someone graduating from a proprietary school to be gainfully employed. Wouldn't that be nice if we applied that same standard to our public school system around the country, that our students had to be gainfully employed before they received any money? This is a prime example of Federal overreach.

Fear of this regulation is having a real economic impact now even before it goes into effect. Schools are already scaling back program offerings because of the threat of this "gainful employment" regulation. And if it goes final, approximately 5.4 million students could be shut out of higher education by 2020.

Portions of the regulation are set to go into effect July 1, 2011, so it is necessary to include this language in the continuing resolution. Waiting for the fiscal year 2012 appropriations process will be too late for these schools. Business groups ranging from the National Restaurant Association and the U.S. Chamber of Commerce support this as well as various State Chamber of Commercies. They all support the amendment and oppose the regulation. I hope you do the same.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I move to strike the last word in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, in my district, after it invented the Internet, it turned it over to the private sector to grow it.

Mr. Chairman, Members of the House, this amendment should not be adopted. It should not be adopted because this amendment is designed to disrupt the regulatory process to determine whether or not students who are enrolled in some—and I say "some"; I say this as a supporter of proprietary colleges and career colleges—some classes that only leave them in debt, don't leave them better prepared for the workforce, don't leave them better prepared for the career. There is substantial evidence that that's the case. High default rates, students not completing, students ending up in a lot of debt. They are doing this with almost 90 percent of taxpayer dollars.

I think we have an obligation to the students and to the taxpayers. That's what the administration is trying to do with this regulation.

It's been mentioned that there were 90,000 comments. 89,000 of them were a form letter. You would have thought that they could have varied them a little bit for the money they were paying

to get it out, but they didn't. But the point is this: The administration ought to be allowed to complete this process because this really is about the future of these students.

□ 2010

Students from these schools in many instances graduate with much higher debt. Some of these schools, they default. In excess of 40, 45 percent of them end up in default, and, as you know, that is not debt that you can discharge in a bankruptcy. So these students start out in big trouble if these schools are not providing the kind of educational atmosphere and, hopefully, the success ratio that they should. That should be a concern to every Member of this Congress. That should be a concern to the taxpayers, and it is a concern to this administration.

If this regulation doesn't turn out, the Congress can tell them they can't do it. That's our power. That's the way it works. But to come in in the middle of the game when it's this serious with this money on the table, with these kinds of default rates, and some of these institutions and some of these classes, we're making a big mistake by putting our thumb on one side of the scale at this point in the process.

As I've said from the time I have been on this committee as these schools started to grow and become more a part of our higher education, I have supported them. I continue to support them. Somebody just said, if you're going to meet the goal of college graduation, it's hard to believe how you're going to do it without these schools. But as we all know, you put 90 cents out of every dollar coming from the taxpayer on the street, there's always a few people who show up to pick it up without providing the services.

We went through this in the HMOs back in the nineties. There were people who said they were becoming health care HMOs. No, they were really real estate companies who were trying to get a lot of people to enroll and hopefully they could sell them to somebody else. In this one, it's a question of whether or not you're offering a curriculum that truly benefits the students, gives them the opportunity.

But, you know, when we see the kinds of scandals that have erupted in the past at some of these institutions—again, not all of them—you have to ask the questions: What's going on? People have paid tens of millions of dollars in fines because of how they have attracted students. When you have a business plan that's based upon attracting homeless people, you better make sure that there is some opportunity for that homeless person to thrive in that educational class other than just end up in debt and still homeless. That was a business plan.

So I'm just asking for caution. I know you want to run to justice. I

know the power of these institutions and I know the pressure that you're saying you have to stop this, you have to stop this. We're talking about a few classes within all of these institutions where there is a history, there may very well be a history that all the student got out of it was debt. This isn't about what you end up doing in your career over time, but it's about whether or not you got what you paid for and they delivered services that they promised.

I hope that Congress will reject this amendment. Let the Department continue to work on the regulation, and again, if it doesn't work, if it doesn't make sense and is threatening schools, I suspect that we will all join in making sure that the regulation doesn't go into effect.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Chairman, I rise in support of this amendment.

Over the past year, a number of us have met with Education Secretary Duncan to express our serious concerns with any proposal that evaluates education programs based on the level of debt students are accumulating. Despite improvements that have been made to the rule, I remain concerned about the direction this rule is taking our education system.

I understand and agree with those who are concerned about the high cost of education, but shouldn't we let students and their family evaluate for themselves whether the risk of carrying a high debt load is one they want to take on? It seems to me to be a far better use of our resources to be encouraging informed decisions by putting out accurate information to students about graduation rates, placement rates, and even average student debt burdens.

The fact is career colleges are meeting a community need by educating and training people in specific professions like nursing. In six short years, we are a million nurses short in this country. If there are problems with a specific program, and there are many—in fact, there may be bad programs in this country. Let's come up with a criteria that actually evaluates the programs' effectiveness.

Either way, I think it makes sense to put a halt to this rule and use the additional time to urge the Department to go back and put out a rule that will ensure students continue to have access to educational choice.

I urge adoption of the rule.

I yield back the balance of my time.

Mr. POLIS. I move to strike the last word in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, I rise to oppose the amendment, which is a broad, sweeping measure, not only against important protections for students, which I'll elaborate on, but it also leads to potential exposure for taxpayers and taxpayer money.

This amendment would not only eliminate the ability to have the critical gainful employment regulation, some element of quality control to make sure that after receiving sometimes very expensive education somebody's actually more employable, but it would also undo existing transparency that's already approved and published, to disallow basic information on student outcomes, including graduation rates as well as loan default and payment rates.

Now, the reason this is such an important matter to Congress is that this is a critical matter for taxpayers. Taxpayers have been paying the cost for excessive loan default rates of poorly performing for-profit colleges. Specifically, for-profit higher education institutions received \$24 billion in title IV loans and Pell Grants in 2009, accounting for about a quarter of the Federal college loan dollars, despite them comprising only about 10 percent of the higher education institutions.

Meanwhile, students from the for-profit colleges have loan default rates after 3 years about twice the rate of all college defaults and rising to 25 percent. Now, these are averages. That doesn't matter. What matters is: Does it work? Does it work for kids? Are they getting their money's worth? Are taxpayers getting their money's worth by helping people attend these institutions, or are we graduating students with a mountain full of debt, no more employable than the day they walked into that door.

To make the matter even worse, in 2009, the average tuition of the for-profit institution is \$14,000 per year, compared to \$7,000 per year for average 4-year universities and \$2,500 for community colleges.

Now, again, what I would look at would be the return on investment. Are they providing twice the value of a 4-year or community college? The data says no. Are they providing six times the value of community colleges and making somebody employable in the future? The answer, by and large, again is no. That's why the Higher Education Act authorized the Education Department regulations that this amendment would block.

I strongly support the process that the administration has gone through, including the process on the rule on gainful employment.

The administration has not turned a deaf ear to the industry, to the legitimate concerns of quality operators. The first rule that they put out there was—I think they've acknowledged had some room for improvement. They've

been working daily in conjunction with the responsible players in the for-profit education industry to establish a real playing field to ensure that we are not doing these students and taxpayers a disservice through this program. GAO has detailed the issues in its report last summer, and the Leadership Conference on Civil and Human Rights wrote to the U.S. Education Department a couple of weeks ago that the rule will benefit minority students, as they disproportionately enroll at for-profit schools, overpaying for poorer quality education, as compared to the public counterparts.

The proposed rule is a reasonable way to ensure gainful employment for students, and I applaud the administration for taking on this difficult battle for minority students, to ensure basic transparency and to protect taxpayer funds.

I urge a "no" vote on the amendment.

I yield back the balance of my time.

Mrs. BIGGERT. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Chairman, I rise in support of the Kline amendment. It is imperative that Congress put the brakes on what has become this administration's culture of runaway regulation.

Specifically, the amendment under consideration will prohibit the use of funds in the underlying bill for the implementation of a misguided regulation commonly referred to as the gainful employment rule, which has already led to job loss and uncertainty in the proprietary college sector. Moving forward, I'm concerned that that rule will jeopardize access to many educational and training programs that provide students with skills to meet the demands of an ever-changing labor market.

In function, this rule would prohibit college programs from receiving Federal student loans unless new complicated loan repayment criteria are met. As such, the rule incentivizes institutions to pursue only those repayment plans which satisfy arbitrary government goals rather than the plans that best fit students' needs. This may be loan repayment; also ignoring measures of seemingly equal importance such as on-time graduation rates and clear placement.

Equally troubling, under the rule, proprietary institutions would, sadly, be forced to navigate an additional restrictive layer of Federal bureaucracy, requiring Federal approval in order to offer any new programs. Unfortunately, this provision fails to realize what is the agile nature of these proprietary institutions that uniquely position them to help unite a properly equipped workforce with employers in

today's uncertain job market. By unlawfully restricting the flexibility, we risk failure to capitalize on emergency economic opportunities.

□ 2020

Moreover the gainful employment rule applies almost exclusively to one sector of higher education, the proprietary schools which tend to teach job-specific skills, often to at-risk populations such as low-income, minorities, single parents, high school dropouts with GEDs, and first-generation college students who do not have financial help from parents. Somehow there is the notion that the bad actors of the Federal higher education loans world is exclusively within the proprietary college sector. This is preposterous, but the fact is that the administration has chosen to discriminate against these schools. The fact remains, a student can graduate from any institution of higher education with inadequate income to repay their debts, and students should not suffer simply because the school that best suits their needs operates under a for-profit model.

I have repeatedly asked the Department of Education to refrain from implementing this rule until we have clear data on the state of our Nation's overall higher education system. If the administration were serious about addressing unscrupulous recruiting practices at the college level, this data would be compiled and made available, and particularly to Members of Congress. As it stands, we have little more than this singular, last-minute vote to slow down the administration's race to squeeze the for-profit college sector out of existence.

I yield back the balance of my time.

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chair, I would like to point out a few important facts about the for-profit educational sector, and that is that the low-income students make up about half of the enrollment for for-profit colleges and minorities comprise about 37 percent. So this really is a matter of low-income and minority students facing what are high-cost loans for students, and often 90 percent of the money comes from the Federal Government.

Now, as I listen to my friends in the Republican caucus, I would think that they would want the best value for the public dollar. This rule means that some money spent will result in the outcome that is sought in the beginning, which is gainful employment.

Too many of the students who go to these schools are coming out with nothing other than big debt, and no education, no gainful employment at all. And this is a problem. And I'm surprised that we would not say that,

look, we are going to make sure that when the Federal dollar is put forward, there will be value coming back for it.

Now, I am no opponent of for-profit colleges. I think ones that are performing well are certainly welcomed in the market and serve a valuable role. But there are bad actors. And I think it's important to point out we have seen this movie before, Mr. Chairman. We have seen it when people said, Look, poor people, low-income people of color need to get mortgages. And, well, you know what? Well, they can get subprime mortgages. Now, not all subprime mortgages were predatory mortgages, but some were. And enough were to be able to take advantage of people on a very severe scale.

This rule, if it goes into effect, if allowed to proceed forward, would make sure that these students and the government get good value for their money, and no for-profit college that is not relying on a business model that bilks the consumer, the student, should object. No college, no for-profit college that relies on a business model that actually is designed to help the students they propose to help should object to saying, Look, we're going to deliver what we say we're going to deliver, which is gainful employment.

This is no friendly thing for the poor and low-income students of color. This is an abuse. Not all for-profit colleges, but some. And the Federal Government has a responsibility to make sure that these students are not taken advantage of.

By the logic of some of the proponents of this amendment, we should say that, look, any loan shark, pawn shop, payday lender, we ought to just thank them because, you know what, they serve the poor. Well, they had better serve the poor in a fair, scrupulous way and not take advantage of people in a circumstance where they are at a disadvantage.

So I urge members to vote this amendment down and to allow the proper rulemaking procedure to go forward.

I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I rise to support this amendment. This so-called "gainful employment" regulation is another example of this big Federal Government run amok.

Today, Hoosiers in Indiana, and all Americans, are free to choose from accredited colleges and pick the one that they believe fits their needs. These are accredited colleges. No one has accused them of unfairly serving the poor—no one rightfully has—or anyone else. They are accredited. They are licensed.

The Federal Government gets involved in student loans and grants al-

ready, more so, I would say, than I and others would like it to. But at least, Mr. Chairman, we still let individuals make their own decisions on where to go to school.

The new rule makes a mockery of our American tradition of free choice, replacing it with a bizarre program where the Federal Government decides what job you should seek and what school you can attend. Let me walk you through it.

Under this rule, the Obama administration has proposed a plan that, number one, creates a matrix that examines the student loan debt to future income of a prospective student; then, it compares that ratio to the student loan repayment rates of graduates of the same program; and, number three, and finally, it decides if the student can have access to the loans they would need to attend the school or program of their choice.

So for those of us listening, watching at home, what this means is, if you are contemplating going to school so that you can economically better yourself, or because you otherwise want to enrich your life, you just can't go to the college or school of your choosing if you need a government loan.

Instead, a nameless, faceless bureaucracy using some bizarre arbitrary formula gets to decide whether or not you have chosen a field of study that will pay enough to justify the investment, in the mind of that particular bureaucrat. Unbelievable.

The government and the Obama administration are now micromanaging this part of our lives, too. Talk about central planning, Mr. Chairman.

To make matters worse, this new program will disproportionately hurt Hoosiers and other Americans who are least able to do anything about it: Working Americans who need new training and new skills to move forward in the workforce. This was what this Congress should be about.

If this regulation becomes reality, it will immediately prevent 400,000 people from developing new skills to benefit the workforce. By 2020, nearly 5.4 million students will be denied the higher education program of their choice.

In a global economy, we cannot compete without an educated and flexible workforce. This amendment will allow Americans the choice they deserve and the educational flexibility our Nation needs. I urge a "yes" vote.

I yield back the balance of my time.

□ 2030

Ms. WATERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chairman, I rise today in strong opposition to the Kline-Foxx-Hastings-McCarthy amendment that would stop the Department

of Education's proposed gainful employment regulation. Proprietary colleges account for only 7 percent of the higher education student population; yet last year 44 percent of student loan borrowers who defaulted within 2 years of beginning their repayment were students who had attended for-profit schools.

Mr. Chairman, I know something about these private postsecondary schools. One could make the argument, and you will hear, oh, not all of the schools. Of course, not 100 percent of the schools are ripoff schools, but a huge majority of them are. I have experienced some of this firsthand.

While I was working with poor students in South Los Angeles, we were trying to get them into GED classes. The recruiters would come along and tell them that they could get them into their schools, they could help them to get Pell Grants, and they could help them get a career, and, lo and behold, they would sign up. You would see them a few days later, some were going to be dental assistants and they had a little green jacket on and they had a little box that they carried to make it look as if they were carrying dental tools. But it was just a matter of months later when you would find sometimes the school was out of business. They had been going to school, there were no teachers, there was no equipment.

They were ripoff schools. And I want to tell you, they make a lot of money. Take a look at this one school, Capella. They earned \$335 million in profits; 78 percent of that was government money.

Now, my friends on the opposite side of the aisle will have you believe they want to save the government money. They want to make sure that they do everything to protect the government from spending the taxpayers' money unwisely. Something is wrong with this picture when they take the floor and argue for the continued ripoff of our students and our taxpayer money to these schools.

Let me tell you who some of them are. Corinthian, bad reputation; Everest, ITT, Westwood. And, guess what? Kaplan University. Guess who owns Kaplan? The Washington Post. Do you think The Washington Post makes most of its money from the newspaper? You got another thought coming. Their profits and their revenue for the most part is coming from Kaplan University, which has been found to have done all kinds of things to get these students in, charging them higher prices for these classes. They are not getting jobs, they don't get a career, and they end up not only owing the government money, but they are prevented from having a decent quality of life because now they can't get a section 8, they can't get another Pell Grant, and, you know what? In many States they are

going after Social Security money and retirement money.

This is the next big scandal in America. You think that the meltdown that we just had and the foreclosures that we are experiencing across this country are bad. You wait until the investigations are done and the truth is told and the amount of money is counted from the ripoffs.

Now, I know that this is a powerful lobby that I am working against. I understand that. They roam these Halls, and they have plenty of resources, and they put out plenty of materials. They buy full-page ads. They are up on television, the Joe Blow School of Computer Learning that has no school. I want to tell you, I understand how tough this is.

But what I don't understand is how they could be joined by people who claim to care about the taxpayers' money and claim that they are fighting to reduce government, when in fact they are supporting the ripoff schools that are increasing the amount of Pell Grants that we give to schools, who will not get any jobs or create any careers.

This is not right. We should not have to suffer this kind of misrepresentation. Members of this House should be in support of students who want to learn. The worst thing that can happen to students who drop out of school, to students who haven't made it, to all of a sudden think that somehow they are going to get a job and get into one of these ripoff schools and get disappointed time and time again.

I know what populations they are targeting. I see them. They are targeting the welfare mothers. They are targeting gang-bangers. They are targeting all kinds of people that they know are going to have a difficult time succeeding.

So you keep doing this, it is going to catch up with you. I ask that this amendment not be supported.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, the President has promoted a policy to have 5 million new college graduates by 2020, and I commend the President for that goal. However, I have to stop and wonder, how are we going to achieve that mission if the Department of Education is going to put up roadblocks such as the proposed rules for gainful employment?

In reality, career college also serves many purposes for many different people from all walks of life. This is not an issue of black or white, rural or urban, young or old, or Republican or Democrat. This is an issue of access to opportunity.

I represent a very rural district in Pennsylvania. Many of my constitu-

ents don't have access to a community college, and they live a significant distance from any university. Many proprietary schools have sprung up out of necessity. Many students in Pennsylvania choose these schools because of their convenience. They realize that career colleges offer course work of all types and work to accommodate the busy schedules that we all have. They realize that life does not just stop for 4 years so that you can go to a school. And they realize these institutions will give them the skills they need to enter the workforce and earn a decent living.

Mr. Chairman, I have concerns that the Department of Education has stepped way beyond its authority and begun determination of an arbitrary ruling on gainful employment. I ask my colleagues to support this bipartisan amendment.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Chairman, I rise in support of this amendment that will prohibit the use of funds by the Department of Education for its misguided gainful employment rule.

Perhaps it would be helpful for the body and the public to know what this gainful employment is that we are talking about. Under the Higher Education Act, proprietary colleges and universities and career training programs are required to offer programs that lead to gainful employment in a legally recognized occupation in order to participate in the Federal student aid programs.

The term "gainful employment" has been in the statute for over 40 years; and during the most recent reauthorization of the Higher Education Act, there was absolutely no debate or discussion on a need to further define the term.

Now, when this originated, several of our colleagues on both sides of the aisle, and I am deeply appreciative of the chairman and my colleagues, in a bipartisan fashion we went about our business trying to understand just what kind of proposed rule it is that the Department is talking about and just how it is that it will impact the overall public.

What this amendment would do is prohibit the use of funds for implementation of the draft regulation that the Department issued on October 29, 2010, and will prohibit the Department from promulgating or enforcing new regulations regarding gainful employment.

Let me put a face on these schools, as my colleagues that are opposed have done.

Perhaps some of them have never eaten at a restaurant where the person that prepared the food went to a proprietary institution. I have.

Perhaps none of them have had physical therapy where the person administering it graduated from a proprietary school. I have.

And, most importantly, I want this body to understand that of the eight people that had the last hands-on experiences with my mother for 2 years, all were nurses in two different hospitals and at home, and all graduated from proprietary schools.

□ 2040

We all agree that both taxpayer funds and students' best interests should be protected in higher education. But I can tell you this: rushing into a blanket approach that will limit student access to higher education and fail to adequately address problem institutions is not the way to go.

You know what we did here in this institution? What we did here for the people that work with us, young people that graduate from Ivy League schools, historically black schools, all over this place, we created a program that will allow them to help pay off their student loans. Some of us hire people at what I would not call gainful employment that may have graduated from institutions that I attended or that the President attended.

I don't understand why the Department refuses to recognize job placement, professional certification, passing rates, employer verification, or anything else related in determining an institution's effectiveness. If it's unreasonable amounts of student debt that they're trying to address, I agree that that is a concern. Let's have a frank discussion on student debt. But it is not only the institutions that are responsible. Students, lenders, policymakers, as well as institutions must be part of this process and must be held accountable.

This proposed rule is very broad and its implementation so burdensome that many schools will undoubtedly close. And I don't buy into that fallacious argument that 50 percent of these people don't graduate or don't go on to do this, that, or the other. In this economy in the United States of America, a whole lot of students are graduating from a whole lot of schools and are not getting jobs today. And many of these schools that we're attacking, unreasonably, are places where I know, at least in the congressional district that I'm privileged to serve, that many of these people have received jobs—and many of them leave the institutions, like the last two nurses that worked with my mom that had a job when they left the institution.

This may please some of my friends in this body, and the Department of Education, but what will happen to the single mother looking to change careers who needs the flexibility of a private sector college? What about the first-generation college student who needs the added support.

Mr. Chairman, I urge that we support this amendment.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, I rise in support of the amendment. If the Department wants to issue a rule, do a rule that actually targets the abuses rather than takes on a segment of the industry that may or may not be complicit in the kind of allegations that are there. This is overly broad. Let's have them go back to the drawing board and actually target abuses that occur, not a segment of the industry that's actually providing services.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to the Kline amendment. Although I know that career colleges play an important role in higher education, I cannot support this amendment because the scope of the prohibition is too broad and the timing of this amendment prior to the release of any final regulation preempts the traditional regulatory process.

Together, the amendment's comprehensive ban on the Department's ability to "implement, administer, or enforce" any current, pending, or future regulation of gainful employment inappropriately and prematurely restricts the responsibility of the administration to regulate institutions of higher education.

In the many meetings I've had with career college stakeholders, each one of them has admitted that there are bad actors. Despite this uniform recognition, this amendment would tie the hands of the Department of Education from any effort to encourage these schools to improve their practices and protect their students.

I support career colleges, yet I am resolute in my belief that the Federal Government has the responsibility to protect students and hold institutions of higher education accountable—especially those that access public dollars. I stand with over 50 civil rights groups, Historically Black Colleges and Universities, and student groups who support strong gainful employment protections for students, including key civil rights groups such as the NAACP, the Leadership Conference on Civil and Human Rights, and the Children's Defense Fund; the three HBCU advocacy groups—NAFEO, the United Negro College Fund, and the Thurgood Marshall; and key education groups such as the American Federation of Teachers, the NEA, and the Council for Opportunity in Education.

Let's be clear and make no mistake. The Kline-Foxx amendment is not

about protecting low-income minority students. If that was the case, then those concerns would have been expressed by not cutting Pell Grants for over a million students by approximately \$845 per student. If the goal was truly to support low-income minority students, the CR would not have cut \$200 million in institutional aid from nonprofit HBCUs, predominantly black colleges and universities, and Hispanic-Serving Institutions. If the goal was truly to help low-income minority students, the CR would not have cut \$44 million from GEAR UP and TRIO—programs that are designed to help first-generation students prepare and succeed in college.

The reality is that this amendment completely stops the Department of Education from any form of oversight of career colleges that educate 10 percent of higher education students, receive approximately 24 percent of Federal grants and loans, and account for 48 percent of loan defaults.

I say let's slow down the process. Let's stop now. Let's give the Department of Education an opportunity to review its work and come back to us with some regulations that take care of the needs of students and not protect just the institutions.

I yield back the balance of my time.

Mr. TOWNS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TOWNS. Mr. Chairman, I strongly support the Kline-Foxx-McCarthy-Hastings amendment, which would prohibit the use of funds by the Department of Education for the implementation of the Gainful Employment Act. I am concerned that if this rule is implemented, it will apply an unnecessary broad-brush approach to a complicated situation. This rule, if implemented in its proposed form, will effectively close high-quality programs while leaving programs of questionable value open. So this is not the way to deal with this issue.

We all know that a college education, whenever possible, is one of the best paths a student can take to secure employment in a time when our Nation's unemployment rate is just under 10 percent. In some communities, it's double that. Let's not close off any meaningful job training programs. The Department should not forget that these programs serve 2.8 million, and many of them are economically disadvantaged minority students who will lose access to the educational opportunities that they cannot get elsewhere. These students are nontraditional and need the extra assistance offered by these flexible programs.

Supporting this amendment is supporting access and choice. Supporting this amendment is supporting educational opportunities for minorities.

A "yes" vote is a vote for economically disadvantaged students. Many of them are the first in their families to attend college. These students wish to have the opportunity to attend a flexible program that trains them to be the best they can be.

□ 2050

I urge my colleagues to understand how important this is to be able to provide an opportunity for these young people in many instances. One incident; you cannot draw national conclusions because you know one student that did not finish. You can pick the finest university and the most prestigious university in this country and you can find examples. Let us be serious. We need to provide opportunities for people to be able to have a better quality of life.

On that note, I encourage my colleagues to vote "yes" on this amendment.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I join a strong coalition of Democrats and Republicans in urging a "yes" vote on the Kline-Hastings amendment. I do so because I believe that every student should be guaranteed the right of knowing that he or she is going to get a high quality education for every tuition dollar they spend and because every taxpayer should be guaranteed that not one dime of Pell Grant or student money goes to any school under any ownership or management that does not properly spend the public's money. This is a goal that I believe is shared universally by each speaker on each side who has spoken here tonight. Our difference is not over whether we should guarantee students and taxpayers high quality and gainful employment. Our difference is over how to accomplish that.

Here is my concern about the rule that has been proposed thus far. It is both under-inclusive and over-inclusive. To understand that, consider two schools. The first school successfully places 50 percent of its graduates in the job for which it's training people. So let's say it's a job in medical records technology and 50 percent of the students from that school are placed successfully. That school has a tuition that generates a rate so that 7 percent of the graduate's income goes to pay back their student loan. The second school successfully places 90 percent of its graduates in the medical records technology field, but its tuition generates a repayment rate of 10 percent. So again the first school only places half of its graduates in the job for which it's training people and the second school places 90 percent of its jobs

for which it's training people. Under this rule, the first school survives and the second school is thrown out of the program. Let me say this again. The school with the 50 percent placement rate continues to get taxpayer dollars, but the school with the 90 percent placement rate doesn't. This doesn't make any sense and it is the basis for our bipartisan objection.

What should we do? If we're going to measure gainful employment, let's come up with a proposal that measures gainful employment. Let's ask the question that when students graduate from a school, whether it's for-profit, nonprofit or public, whether those students in fact gain employment and whether that employment raises their income and, therefore, is gainful. Let's measure what the law actually says.

Finally, I think there is the issue of whom should make this decision. As Chairman KLINE pointed out, as Mr. HASTINGS pointed out, as others have, the statutory phrase "gainful employment" has been with us for a very long time. But this Congress has never chosen to define it. So the issue here is a separation of powers issue. Who should determine what gainful employment means? Should it be an administrative agency or should it be the duly elected representatives of the people? I think it should clearly be the duly elected representatives of the people.

So I would urge my friends, both Democrat and Republican, to vote yes for a procedure that will correct this rule, let us join together, Republicans and Democrats, and do a bill, work on legislation that will give us the kind of outcome that we should really have here.

Now why are we doing this? We're doing it so the person with three jobs gets fair treatment here. You all know her. She's the person who works 35 or 40 hours a week on her feet, and that's a full-time job; she's raising children, and that's a full-time job; and she's going to school, and that's a full-time job. Let's not put the additional burden of taking away or jeopardizing the quality school that she has chosen for herself. Everyone in this Chamber, I believe, supports high quality career education. Instead of a rule that subverts that principle, let's write a bill that advances that principle. Let's vote "yes" for the Kline-Hastings amendment.

Mr. HONDA. Mr. Chair, I rise against this amendment and to express my strong support for the Department of Education's proposed federal student aid funding rules for postsecondary education programs that prepare students for gainful employment in a recognized occupation.

The program includes a loan repayment rate measure to assess how effectively program attendees repay the student loans they borrow; debt to earnings measures that assess the relationship between the student loan debt of program completers and their earnings; and

a stringent performance threshold for each of the three measures.

I strongly support these "Gainful Employment Rules" because they protect students from fraud, which has adversely impacted the minority student population.

These rules were a response to the Department of Education's recent investigation findings that some for-profit institutions were promising students job placement upon completion of their programs and not following through on their commitment. Consequently, students who enrolled in these schools were unable to pay off student loans because they were never placed in the jobs they were promised and could not find employment. According to the Institute for College Access and Success, the student default rate at for-profit colleges is the highest at 25 percent in comparison to private non-profit schools at 7.6 percent, and public schools at 10.8 percent respectively.

Not surprisingly, nearly one in five students who attend for-profits default on their loans within 3 years. Students seeking an education are completely unaware of the dire long term implications of loan default including the inability to receive credit to rent an apartment; buy a car or home; or receive future loans for postsecondary education. Moreover, evidence has shown that some programs tend to overcharge students for an education that can be acquired at a much lower cost at a private non-profit or public institution.

Despite this increased federal assistance, tuition at for-profit institutions continues to far outpace other schools. Attendance at a two-year for-profit institution costs more than five times as much as a community college, forcing students to take out more loans, including risky private loans. The percent of bachelor's degree recipients from for-profit institutions who carry debt in excess of \$30,000 is more than four times that of their peers at public institutions.

I am especially troubled by the fact that low-income and minority students are increasingly concentrated in for-profit institutions. Approximately one out of every four African-American, Latino, and low-income students start their post-secondary education at a for-profit institution. According to a study by the Education Trust, for-profit institutions represent about 9 percent of all student enrollments, but 16 percent of black students and 24 percent of Pell Grant recipients attend these schools. Four-year, for-profit institutions have an average graduation rate of 22 percent, while public institutions have a rate of 55 percent and private institutions 65 percent. For black and Hispanic students, the graduation rates are similarly low at for-profits—16 percent and 28 percent, respectively—far below the rates for such students at public and non-profit colleges.

In the 2008–2009 school year, the federal government invested \$4.31 billion in grant aid at for-profit institutions, quadruple what it had invested just a decade earlier. With this level of public investment, the Department of Education has a fiduciary responsibility to make sure that its investment is being administered correctly and that the for-profits are delivering on the commitment they make to their students. The Department's "Gainful Employment Rules" will accomplish these goals, and I support their adoption.

Mr. ENGEL. Mr. Chair, I rise today in strong support of the amendment to H.R. 1 that would prohibit the U.S. Department of Education from implementing its misguided Gainful Employment rule.

Since the Department of Education issued this rule, I have written numerous times, and have spoken directly with Secretary Duncan to express my strong opposition to this rule. Career colleges serve millions of non-traditional students across the country—including a significant number of minorities and single parents.

In my own district, many well-respected career colleges are helping my constituents realize the dream of better careers and higher salaries. Yet, the Department's rule will disproportionately harm these non-traditional and lower-income students who rely on these institutions for quality education to improve their prospects for better careers.

I oppose this rule and I support this amendment because I do not believe that we should use the actions of a few institutions to paint the entire career college industry with one negative brush. I urge my colleagues to vote yes on this amendment, which is a vote for opportunity for millions of Americans across this country.

Mr. GRIJALVA. Mr. Chair, a strong definition for gainful employment is vital to protect vulnerable borrowers from unmanageable debts incurred from heavily overpriced programs. The failure of the regulatory agency to define gainful employment up to this point has left open an avenue by which bad actors have taken advantage of the lack of regulation and created a number of overpriced programs of dubious academic quality targeted at underserved communities, people of color, and low-income students who have not been adequately prepared for a form of employment that will make it possible for those students to pay their loans back.

This amendment stops this process in its tracks. A student who borrows large amounts of money to pay for a higher education should have a reasonable expectation that the degree or certificate she is working for will qualify her for employment at a job that will allow her to repay those loans at a manageable rate.

The vast majority of programs around the country subject to this definition, whether public or private, for-profit or not-for-profit, are doing a good job of providing quality education and training at a reasonable price. Those schools and programs that are doing an effective job have every reason to distance themselves from the ones taking advantage of a lack of oversight, who make the entire industry look bad.

This definition will not impede access to federal aid for any of these programs. In fact, if the rule were to be implemented in its current form, it would affect very few programs and many bad actors who are not concerned about the debts their students will be saddled with will continue to qualify.

It's incredible to me that this amendment is being sold as a move to protect minority students. I, myself, cannot fathom how low-income people of color are protected by being tied to unmanageable and unforgivable debts from federal loans that don't require a shred of evidence that the program will lead to any form of gainful employment for the borrower.

Mr. McKEON. Mr. Chair, I rise today in strong support of the Kline/Foxx/Hastings/McCarthy/Payne amendment which will block the administration from using any funds to implement the gainful employment regulations.

The overbearing regulations the Department of Education promulgated deny students a choice in their educational program and would require the federal government to approve new educational programs being offered at proprietary schools. This is another attack by an administration that is more intent on exerting more government control than expanding job creation in America.

For-profit schools perform a crucial role in higher education; they fill a void in providing college education that traditional universities cannot meet. Traditional public universities are tightening their belts both financially and in terms of the number of students entering their programs. For-profit schools are capable of being flexible enough to meet the demands of students and businesses looking for qualified candidates. This regulation stands to destroy that relationship between the needs of the market and the dreams of students.

After hearing the arguments put forward by the Department of Education several times, I remain completely unconvinced. After receiving over 90,000 comments in the public comment period on the proposed rule, the Department has largely ignored the chorus of opposition to the rule. The process is flawed, the logic at the department is flawed, and the administration's approach on higher education is flawed. Therefore, I strongly support this amendment to ensure that the Department of Education cannot move forward on the gainful employment regulation.

Mr. PAYNE. Mr. Chair, under the Higher Education Act, proprietary colleges and universities and career training programs are required to offer programs that lead to gainful employment in a legally recognized occupation in order to participate in the federal student aid programs. In July 2010, the Department of Education published a proposed rule to enforce this statutory requirement. While I share the Department's desire to ensure that federal financial aid dollars are spent wisely and that students are not taken advantage of, my concern is that the proposed rule does not accurately address this purpose and the consequences have not been fully considered.

Rather than using actual measures of educational quality such as job placement and graduation rates, the Department is promulgating a regulation that defines "gainful employment" through a complex matrix that examines the student loan debt-to-income ratio of graduates to the student loan repayment rate of graduates in the programs. The proposed rule would also require the US Department of Education to approve every new program created at a proprietary institution prior to the start of the program. This proposed rule needs to be further developed and possible unintended consequences considered.

In the midst of our economic crisis and high national unemployment rate, there remains a group of employers who struggle to find workers with skill sets required for today's changing job market. These employers have, in some cases, partnered with community and career colleges to build a 21st century work-

force. Today, more than 6 million non-traditional students—including single parents, displaced workers, and low income individuals—are enrolled in community colleges and another 2.8 million in career colleges to develop the skills necessary to advance in the 21st century workplace.

Yes, there are "bad apples" among career preparation programs, who are taking advantage of vulnerable populations. In fact, before coming to Congress, I was at the forefront of an effort to close a beauty school in New Jersey which had done a disservice to students in the area. For this reason, again, I share the concern of many regarding the abuse of Title IV funds as well as any institutional action which would cause a student academic failure or financial harm. However, I also know that many good career colleges and community college programs exist that remain strong partners in the effort to meet the President's goal of leading the world in the percentage of college graduates by 2020.

My concern is that the Department's rule, while addressing poor quality programs, will have a negative impact on high quality programs as well. Therefore, I urge my colleagues to vote in favor of this amendment to provide for the reevaluation of the proposed metric system and full consideration of its impact.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to the Kline amendment, which seeks to short circuit the Department of Education's ongoing rulemaking process regarding the Higher Education Act's "gainful employment" requirement for postsecondary programs.

Private sector colleges and universities serve 2.8 million students and receive \$32.5 billion in federal student aid. Even more students are enrolled in career training programs at non-profit colleges. These training programs are an important part of our education system and provide a valuable service, particularly to non-traditional students.

Unfortunately, a number of investigations have recently cast light on bad actors in the for-profit sector that have been using deceptive recruiting tactics and inflated job placement and completion rates. All stakeholders in this process—from students seeking a quality education, to citizens insisting their tax dollars are spent responsibly, to the many legitimate programs—have an interest in seeing these abuses stopped.

The Department of Education began a process to define "gainful employment" in 2009 and released a proposed rule in July 2010. The plan has sparked intense debate, with more than 90,000 comments, and I urge the Department to continue to engage with all stakeholders and address legitimate concerns as they refine the rule.

However, this amendment would stop the process altogether, ending the dialogue for the rest of the fiscal year. I am also concerned that this amendment would bar enforcement of new rules that require for-profit schools and non-degree programs to disclose basic program information, like graduation rates, program costs, and median loan debt for graduates, to prospective applicants.

Mr. Chair, if the final rule from the Department of Education does not meet the goal of rooting out bad actors while preserving access

to high quality postsecondary education, this body should—and I believe will—step in and make changes. But the Department is attempting to address an important issue: stopping taxpayer funding to sub-par programs that leave students nowhere but deeper in debt. Congress should not cut off that process midway through.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KLINE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be made available for any purpose to Planned Parenthood Federation of America, Inc. or any of the following affiliates of Planned Parenthood Federation of America, Inc.:

(1) Planned Parenthood Southeast in Atlanta, Georgia.

(2) Planned Parenthood of the Great Northwest in Seattle, Washington.

(3) Planned Parenthood Arizona in Phoenix, Arizona.

(4) Planned Parenthood of Arkansas and Eastern Oklahoma in Tulsa, Oklahoma.

(5) Planned Parenthood of Greater Memphis Region in Memphis, Tennessee.

(6) Planned Parenthood Affiliates of California in Sacramento, California.

(7) Planned Parenthood Los Angeles in Los Angeles, California.

(8) Planned Parenthood Mar Monte in San Jose, California.

(9) Planned Parenthood of Orange & San Bernardino Counties, Inc. in Orange, California.

(10) Planned Parenthood Pasadena and San Gabriel Valley, Inc. in Pasadena, California.

(11) Planned Parenthood of the Pacific Southwest in San Diego, California.

(12) Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties in Santa Barbara, California.

(13) Planned Parenthood: Shasta-Diablo in Concord, California.

(14) Six Rivers Planned Parenthood in Eureka, California.

(15) Planned Parenthood of the Rocky Mountains in Denver, Colorado.

(16) Planned Parenthood of Southern New England, Inc. in New Haven, Connecticut.

(17) Planned Parenthood of Delaware in Wilmington, Delaware.

(18) Planned Parenthood of Metropolitan Washington, D.C., Inc. in Washington, District of Columbia.

(19) Florida Association of Planned Parenthood Affiliates in Sarasota, Florida.

(20) Planned Parenthood of Collier County in Naples, Florida.

(21) Planned Parenthood of Greater Orlando, Inc. in Orlando, Florida.

(22) Planned Parenthood of North Florida in Jacksonville, Florida.

(23) Planned Parenthood of South Florida and the Treasure Coast, Inc. in West Palm Beach, Florida.

(24) Planned Parenthood of Southwest and Central Florida, Inc. in Sarasota, Florida.

(25) Planned Parenthood of Hawaii in Honolulu, Hawaii.

(26) Planned Parenthood of Greater Washington and North Idaho in Yakima, Washington.

(27) Planned Parenthood of Illinois in Chicago, Illinois.

(28) Planned Parenthood of the St. Louis Region in St. Louis, Missouri.

(29) Planned Parenthood of Indiana, Inc. in Indianapolis, Indiana.

(30) Iowa Planned Parenthood Affiliate League in Des Moines, Iowa.

(31) Planned Parenthood of East Central Iowa in Cedar Rapids, Iowa.

(32) Planned Parenthood of the Heartland in Des Moines, Iowa.

(33) Planned Parenthood of Southeast Iowa in Burlington, Iowa.

(34) Planned Parenthood of Kansas and Mid-Missouri in Overland Park, Kansas.

(35) Planned Parenthood of Kentucky, Inc. in Louisville, Kentucky.

(36) Planned Parenthood Southwest Ohio Region in Cincinnati, Ohio.

(37) Planned Parenthood Gulf Coast, Inc. in Houston, Texas.

(38) Planned Parenthood of Northern New England in Williston, Vermont.

(39) Planned Parenthood of Maryland, Inc. in Baltimore, Maryland.

(40) Planned Parenthood League of Massachusetts in Boston, Massachusetts.

(41) Planned Parenthood Affiliates of Michigan in Lansing, Michigan.

(42) Planned Parenthood of West and Northern Michigan in Grand Rapids, Michigan.

(43) Planned Parenthood Mid and South Michigan in Ann Arbor, Michigan.

(44) Planned Parenthood of South Central Michigan in Kalamazoo, Michigan.

(45) Planned Parenthood of Minnesota, North Dakota, South Dakota in St. Paul, Minnesota.

(46) Planned Parenthood of Southwest Missouri in St. Louis, Missouri.

(47) Tri-Rivers Planned Parenthood in Rolla, Missouri.

(48) Planned Parenthood of Montana, Inc. in Billings, Montana.

(49) Planned Parenthood of the Heartland in Omaha, Nebraska.

(50) Planned Parenthood Affiliates of New Jersey in Trenton, New Jersey.

(51) Planned Parenthood Association of the Mercer Area in Trenton, New Jersey.

(52) Planned Parenthood of Central New Jersey in Shrewsbury, New Jersey.

(53) Planned Parenthood of Greater Northern New Jersey, Inc. in Morristown, New Jersey.

(54) Planned Parenthood of Metropolitan New Jersey in Newark, New Jersey.

(55) Planned Parenthood of Southern New Jersey in Camden, New Jersey.

(56) Planned Parenthood of New Mexico, Inc. in Albuquerque, New Mexico.

(57) Family Planning Advocates of New York State in Albany, New York.

(58) Planned Parenthood Hudson Peconic, Inc. in Hawthorne, New York.

(59) Planned Parenthood Mohawk Hudson in Utica, New York.

(60) Planned Parenthood of Mid-Hudson Valley, Inc. in Poughkeepsie, New York.

(61) Planned Parenthood of Nassau County, Inc. in Hempstead, New York.

(62) Planned Parenthood of New York City, Inc. in New York, New York.

(63) Planned Parenthood of the North Country New York, Inc. in Watertown, New York.

(64) Planned Parenthood of South Central New York, Inc. in Oneonta, New York.

(65) Planned Parenthood of the Rochester/Syracuse Region in Rochester, New York.

(66) Planned Parenthood of the Southern Finger Lakes in Ithaca, New York.

(67) Planned Parenthood of Western New York, Inc. in Buffalo, New York.

(68) Upper Hudson Planned Parenthood, Inc. in Albany, New York.

(69) Planned Parenthood Health Systems, Inc. in Raleigh, North Carolina.

(70) Planned Parenthood of Central North Carolina in Chapel Hill, North Carolina.

(71) Planned Parenthood Affiliates of Ohio in Columbus, Ohio.

(72) Planned Parenthood of Central Ohio, Inc. in Columbus, Ohio.

(73) Planned Parenthood of Northeast Ohio in Akron, Ohio.

(74) Planned Parenthood of Northwest Ohio in Toledo, Ohio.

(75) Planned Parenthood of Southeast Ohio in Athens, Ohio.

(76) Planned Parenthood of Central Oklahoma, Inc. in Oklahoma City, Oklahoma.

(77) Planned Parenthood Advocates of Oregon in Eugene, Oregon.

(78) Planned Parenthood of Southwestern Oregon in Eugene, Oregon.

(79) Planned Parenthood Columbia Willamette in Portland, Oregon.

(80) Planned Parenthood Pennsylvania Advocates in Harrisburg, Pennsylvania.

(81) Planned Parenthood Association of Bucks County in Warminster, Pennsylvania.

(82) Planned Parenthood of Central Pennsylvania, Inc. in York, Pennsylvania.

(83) Planned Parenthood of Northeast and Mid-Penn in Trexlertown, Pennsylvania.

(84) Planned Parenthood of Western Pennsylvania in Pittsburgh, Pennsylvania.

(85) Planned Parenthood Southeastern Pennsylvania in Philadelphia, Pennsylvania.

(86) Planned Parenthood of Middle and East Tennessee, Inc. in Nashville, Tennessee.

(87) Texas Association of Planned Parenthood Affiliates in Austin, Texas.

(88) Planned Parenthood Association of Cameron & Willacy Counties, Inc. in Brownsville, Texas.

(89) Planned Parenthood Association of Hidalgo County, Inc. in McAllen, Texas.

(90) Planned Parenthood Association of Lubbock, Inc. in Lubbock, Texas.

(91) Planned Parenthood of Central Texas, Inc. in Waco, Texas.

(92) Planned Parenthood of North Texas, Inc. in Dallas, Texas.

(93) Planned Parenthood of the Texas Capital Region in Austin, Texas.

(94) Planned Parenthood of West Texas, Inc. in Odessa, Texas.

(95) Planned Parenthood Trust of San Antonio and South Central Texas in San Antonio, Texas.

(96) Planned Parenthood Association of Utah in Salt Lake City, Utah.

(97) Planned Parenthood Advocates of Virginia in Charlottesville, Virginia.

(98) Planned Parenthood of Southeastern Virginia, Inc. in Hampton, Virginia.

(99) Virginia League for Planned Parenthood in Richmond, Virginia.

(100) Planned Parenthood Public Policy Network of Washington in Seattle, Washington.

(101) Mt. Baker Planned Parenthood in Bellingham, Washington.

(102) Planned Parenthood of Wisconsin, Inc. in Milwaukee, Wisconsin.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. PENCE. Mr. Chairman, I believe that ending an innocent human life is morally wrong. But I rise tonight because I also believe it's morally wrong to take the taxpayer dollars of millions of pro-life Americans and use it to fund organizations that provide and promote abortion—like Planned Parenthood of America. The American people deserve to know that Planned Parenthood is not only the largest abortion provider in America, Planned Parenthood is also the largest recipient of taxpayer funding under title X.

According to their latest annual report, Planned Parenthood received more than \$363 million in taxpayer money while boasting of having performed an unprecedented 324,008 abortions during the same period.

The amendment that I bring to the floor tonight would deny any and all funding to Planned Parenthood Federation of America and its affiliates for the rest of the fiscal year. But let me be clear. This amendment would not cut funding for health services. It would simply block those funds already in the bill from subsidizing America's largest abortion provider.

Now I am aware that title X family planning funds are eliminated in this bill. But eliminating title X funding has never been my goal. I support the important work of title X clinics across the country. The reality is that Planned Parenthood receives hundreds of millions of taxpayer dollars from Federal funding sources other than title X, and our effort tonight is specifically to focus on denying any and all Federal funding to the largest abortion provider in America.

The reasons for doing so are many. The case for defunding Planned Parenthood has made headlines for years. In 2002, Planned Parenthood was found civilly liable in Arizona for failure to report statutory rape. Since that time, Planned Parenthood affiliates have been found violating reporting laws in Indiana and California, and found to have violated statutory reporting laws in places like Ohio. Recently in California, Washington, New Jersey and New York, Planned Parenthood clinics have been accused of fraudulent accounting over billing practices. And, of course, last week as the Nation watched in horror, new undercover videos were released that showed Planned Parenthood employees in multiple States apparently willing to aid human sex traffickers by coaching them on how to falsify documents to secure secret abortions for underage prostitutes. As the father of two teenage daughters, there are not words strong enough to portray my contempt for this pattern of fraud and abuse against young

women by Planned Parenthood, and that's what brings us here today.

Now I know that some consider this amendment to be something of a war on Planned Parenthood. But this is not about Planned Parenthood's right to be in the abortion business. Sadly, abortion on demand is legal in America. This is about who pays for it. Nobody is saying that Planned Parenthood can't be the leading advocate of abortion on demand in America, but why do I have to pay for it? Nobody is saying that Planned Parenthood can't continue to be the largest abortion provider in America. But why do tens of millions of pro-life American taxpayers have to pay for it?

□ 2100

Let me be clear as I come to the floor.

I long for the day that *Roe v. Wade* is sent to the ash heap of history, when we move past the broken hearts and the broken lives of the past 38 years. But as this debate rages on, I call on my colleagues in both parties:

Let's at least respect what has been the historic and overwhelming consensus of the American people: that we ought not use their taxpayer dollars to provide or promote abortion at home and abroad. Let's end taxpayer support for abortion providers, specifically Planned Parenthood, once and for all.

I urge my colleagues to take a stand for taxpayers and to take a stand for life, to take a stand against a pattern of corruption, and to take a stand for young women in crisis pregnancies, who deserve access to unbiased and compassionate health care services.

Let's end the taxpayer support of Planned Parenthood. The Pence amendment's purpose is to do simply that and, in so doing, to stand with the American people, to stand with the American taxpayer, and to stand without apology for the sanctity of human life.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. We were told by our Republican colleagues that they were here to create jobs, to turn the economy around, and to reduce the deficit, but here they go again—spending time on an extreme, divisive social agenda.

Mr. Chairman, in a breathtaking and radical step, the Republican majority has already proposed to eliminate title X funding, which has connected millions of American women to health care since 1970. Now this amendment by the Congressman from Indiana continues the same pattern of contempt for women's health and basic rights. With this amendment, my colleague is trying to specifically exclude one provider of legal health services, Planned

Parenthood, from Federal funds. This amendment has nothing to do with the deficit. It is an attack by one Congressman on one organization, and it needlessly puts the lives of American women in danger.

Planned Parenthood carries out millions of preventative and primary care services every year. This includes immunizations and routine gynecological exams. This includes nearly 1 million screenings for cervical cancer, identifying more than 90,000 women who are at risk for cervical cancer. Every year, cervical cancer kills 4,000 women. If you can identify the risk early on, then you can save a woman's life. Planned Parenthood cares for more than 3 million American men and women every year.

In my State of Connecticut, more than 62,000 men and women benefit from health care at Planned Parenthood clinics. Over 70 percent of those patients have a family income of less than \$16,245 a year. In other words, this is the only way they can afford care. In fact, 6 of every 10 women who seek care at a title X-funded center like Planned Parenthood consider it their main source of medical care.

The vital preventative care and family planning services supported by title X save money and save lives. For every dollar invested in title X, taxpayers save just under \$4. But under the guise of budget cutting, the new majority is launching an assault on title X and endangering women's health. Understand their purpose. Understand it clearly: to impose their traditional view of a woman's role.

This legislation is not about the Federal funding of abortion. Federal funds, including title X, are already banned from going towards abortion services under the Hyde amendment. Rather, much like the repeal of health care reform, this is part of a Republican agenda to force women back into traditional roles with limited opportunities.

This amendment will cause more than 3 million people to lose access to basic primary and preventative health care. I am a cancer survivor. I am a cancer survivor who is only here because my cancer was found at stage 1. I can tell you that losing access to screening will cost lives and will kill women in this country.

It comes down to this: The proposals to eliminate title X and to defund Planned Parenthood are bad policies that hurt women and do nothing for our economy. In fact, it costs money.

This Republican Congress is trying to turn back the clock on women's health and to turn back the clock on women's basic rights. They are taking us back to a day when family planning was not a given opportunity for women. Instead of making it harder for women to get health care, we should be standing up for these vital services. I encourage and urge my colleagues to defeat this amendment.

I yield back the balance of my time. Mrs. SCHMIDT. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. CAPITO). The gentlewoman from Ohio is recognized for 5 minutes.

Mrs. SCHMIDT. Every day, Americans sit at their kitchen tables, and they do a number of things, including trying to figure out how to stretch that dollar and how to stop unnecessary spending. And they are asking us in Congress to do the same. I look at this room as our kitchen table.

Over the last week, we have debated that issue: How do we stretch the American tax-paying dollar?

Tonight, Madam Chair, I rise in support of the Pence amendment because it ensures that our precious tax dollars will no longer go to a group whose main purpose is to provide abortions.

Make no mistake: Planned Parenthood is our Nation's largest abortion provider. It receives one-third of its \$1.1 billion from tax-paying Americans. For the sake of abortion, Planned Parenthood holds itself above the law, ignoring mandatory reporting requirements, skirting parental consent, and aiding and abetting child sex-trafficking.

Madam Chair, this hurts young girls in the process.

Four years of investigations show 17 Planned Parenthood clinics in 10 different States facilitating the sexual exploitation of women. In 2008, the Mona Lisa Project showed 10 Planned Parenthood clinics in California, Indiana, Arizona, Tennessee, Alabama, and Wisconsin ignoring mandatory reporting laws and finding ways to skirt parental consent laws, covering up sexual abuse so girls can get secret abortions.

I only wish this weren't true, but in my own hometown of Cincinnati, Ohio, twice Cincinnati Planned Parenthood did just that. In one case, it was a father who brought his daughter to the abortion clinic. When she was taken into the room, she told the abortion provider it was he who raped her.

They did nothing. He is now in jail.

We have an ongoing case right now of a coach who took a young girl to the clinic, and said, I'm her guardian. When later the parents took her to the doctor and the doctor asked—When did she have this abortion?—the parents were shocked.

He is now on trial.

So this isn't something that is out there of "a wish come maybe." This is something that actually happened in my own city.

In 2011, seven Planned Parenthood clinics in New Jersey, Virginia, New York, and Washington, D.C., aided and abetted the sexual trafficking of children, helping actors posing as a pimp and a prostitute to "manage" an underage sex ring to get secret abortions, contraceptives, and STD testing to keep their commercial child rape business "safe."

Planned Parenthood called the behavior of a Richmond counselor, who coached the pimp and the prostitute on how to use judicial bypass to get secret abortions for their underage sex slaves, “professional.”

Like former Planned Parenthood director Abby Johnson says, “It’s not a training problem; it’s an ideology problem.”

Now, Planned Parenthood will tell you they are trying to prevent abortions, but last year alone, they performed 324,008 abortions and prevented 283,000. One in 10 Planned Parenthood clients receives an abortion. They are the largest provider of abortions in America.

America’s taxpayers are asking us to be wise with their dollars. When you ask the question—should we be paying for abortions?—American taxpayers say “no.”

Should we be providing America’s largest abortion provider taxpayer funding to help keep its lights on so that on one side it can provide family planning services and on the other side provide abortions?

I believe the folks at the kitchen table in America are saying “no.”

□ 2110

Tonight in this Chamber, at America’s kitchen table, I am asking our Members to say no to this practice and support the Pence amendment.

I yield back the balance of my time.

Mrs. LOWEY. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Madam Chairwoman, I rise in strong opposition to the amendment. Our constituents sent us here to create jobs. Instead, the majority is pushing an extreme right-wing agenda to limit women’s health.

In the course of considering the underlying bill that eliminates the Federal family planning program, a Member of the majority—in fact, another gentleman from Indiana—proposed providing birth control to horses. And now we are considering an amendment attacking Planned Parenthood, which has provided health services to one in five American women. So it seems to me that Republicans believe that horses should have family planning, but women should not.

I strongly urge those who support this affront to women’s health to clearly explain to their constituents that they want to make it harder to access pap tests, breast exams, routine gynecological examinations, flu vaccinations, smoking cessation services, cholesterol screening, contraceptives, and all of the other services that Planned Parenthood provides.

My friends, this is not about abortion. Federal law prohibits Federal dol-

lars from being spent on abortion. This amendment is about denying women access to basic health services. I oppose this amendment because we should be focusing on creating jobs and protecting women’s health.

I yield back the balance of my time. Mrs. BACHMANN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Madam Chair, I thank the gentleman from Indiana (Mr. PENCE) for bringing forth this tremendous amendment this evening for us to consider. I am grateful for his willingness to bring this forward because this is a concerning issue for so many Americans, concerning on so many issues, and concerning for people as well who are concerned about the use of tax funds.

There is an article that appeared in The Wall Street Journal in 2008 that was a fairly deep expose of Planned Parenthood and what Planned Parenthood was doing with their money. I would like to quote from that article:

Flush with cash, Planned Parenthood affiliates nationwide are aggressively expanding their reach, seeking to woo more affluent patients with a network of suburban clinics and huge new health centers that project a decidedly upscale image.

Executives say they are rebranding their clinics to appeal to women of means, a move that opens new avenues for boosting revenue, and they hope new political clout. Two elegant new health centers have been built, and at least five more are on the way; the Planned Parenthood facility in Denver, Colorado, is 52,000 square feet. They feature touches such as muted lighting, hardwood floors, and airy waiting rooms in colors selected by marketing experts.

Planned Parenthood has also opened more than two dozen quick-service “express centers,” many in suburban shopping malls, including my home State of Minnesota. Some Planned Parenthoods sell jewelry. Some sell candles, books, and T-shirts right next to the contraception. It is “a new branding,” says the president, Leslie Durgin, senior vice president at Planned Parenthood of the Rocky Mountains.

Planned Parenthood is the Nation’s largest abortion provider. They reported a record \$1 billion in annual revenues. One-third of that comes from the Federal and State grants that we are discussing this evening.

And the nonprofit ended their year with a surplus of \$115 million, or a third of the grants that they received from government, and with net assets of nearly \$1 billion. In 2008, Planned Parenthood had 882 clinics nationwide. One of their competitors—and they do have independent, for-profit competitors—said Planned Parenthood is “not

unlike other big national chains. They put local, independent businesses in a tough situation.”

Even as the total number of abortions in the United States has dropped, the number performed by Planned Parenthood has grown to nearly 290,000 a year. In 2005, Planned Parenthood accounted for one in every five abortions, and they are pushing to increase their market share.

The president of Planned Parenthood of the Rocky Mountains also said she has encouraged more Planned Parenthood clinics to offer abortions. Sarah Stoesz, who heads the Planned Parenthood operation in my State of Minnesota, said she recently opened “three express centers in wealthy Minnesota suburbs, in shopping centers and malls, places where women are already doing their grocery shopping, picking up their Starbucks, living their daily lives.”

And stopping off for an abortion.

“I like to think of it as the LensCrafters of family planning,” Steve Trombley, the top executive in Illinois, said as he toured an express center a few doors down from a hair salon and a Japanese restaurant in the well-to-do suburb of Schaumburg, Illinois.

The strategy draws new patients and money. In Illinois, Planned Parenthood officials say they take a loss of nearly \$1 a packet on birth-control pills that go to poor women under Title X. However, they make nearly \$22 on each month of pills sold to an adult who can afford to pay full price out of pocket. And the majority of woman who stop by the new Planned Parenthood in Schaumburg are in that group of affluent women.

In 2008, Planned Parenthood’s political action arm planned to raise \$10 million to influence the fall campaigns. Under Federal tax law, the health care wing of Planned Parenthood can’t support political candidates, but they can mobilize voters and they can advocate on issues like abortion rights and sex education in schools, all paid with Federal grants.

To encourage the new wave of patients to join the cause, an express center in Parker, Illinois, sells political buttons next to the condoms and sets out invitations for political activism by the magazine rack. The center opening in Denver in 2008 uses 20 percent of their space for health care; 40 percent of their space they use for meetings, including political work.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. KINGSTON. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I yield to my friend in the well, the gentlewoman from Minnesota.

Mrs. BACHMANN. I thank the gentleman.

In Portland, Oregon, a planned 40,000-square-foot headquarters will include space for candidate forums and phone banks, as well as a clinic. Again, all paid for with an additional subsidy from the Federal and State taxpayer. Mr. Greenberg said donors were initially skeptical about the size and the \$16.5 million cost, but eventually they came around because the building becomes "a symbol for our outreach and a symbol for our community activism."

Madam Chair, it is clear after extensive study and review by this Wall Street Journal what we are seeing today is that Planned Parenthood is focused on political activity, and they are focused on becoming big business. When you have the executive director of Planned Parenthood in Illinois saying they want to become the LensCrafters of big abortion, I think we should listen to them. If they want to become the LensCrafters, then let them become the LensCrafters.

As my colleague, Mr. PENCE, said, abortion is legal today in the United States, but the taxpayers shouldn't have to support it. And if they want to become the LensCrafters, Planned Parenthood, a billion-dollar organization, should lose the \$300 million they receive in Federal grants, and they should also have their tax-exempt status seriously studied by the Internal Revenue Service. If they are competing with for-profit businesses and putting them out of business, then Planned Parenthood has no business holding a nonprofit status that benefits that organization.

On any number of levels, Madam Chair, this year, more than any other year, we need to completely defund Planned Parenthood and begin a process to end the tax-exempt status of this now profit-seeking, political-seeking organization.

Mr. KINGSTON. I yield back the balance of my time.

□ 2120

Ms. LEE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. I rise in opposition to the Pence amendment and the war on women throughout this bill. And to the gentleman from Indiana, just take a look at what is being proposed and why I call it a war on women.

First, the elimination of funding for lifesaving family planning programs funded by title X which help provide a range of critical services, including testing for sexually transmitted infections, contraceptives, and annual health exams which, by the way, do not include abortions services, though I wish that law was overturned.

This war on women totally eliminates the President's teen pregnancy prevention initiative which supports evidence-based sex education and are specifically designed to reduce abortion. It imposes a funding restriction on how the District of Columbia can use its own funds to pay for health care and abortion services. It includes an amendment to restrict State Medicaid funding for family planning, which are predominantly women of color in many communities.

This is really a shame and a disgrace. This includes an amendment to reinstate the Federal refusal rule issued in the waning days of the Bush administration which would dramatically expand the current ability of health providers to refuse to provide health care services that they oppose ideologically while jeopardizing the ability of patients to get health care. And that's just on the domestic front.

The bill eliminates funding for the United Nations Population Fund, which provides critical reproductive health care, including family planning services to the world's poorest women and which does not provide abortion services, though they are much needed. This bill would also reinstate the global gag rule and prevent family planning organizations that provide abortions with their own private money from receiving Federal funds. This bill cuts \$100 million from USAID's family planning programs.

But that's not enough for some people, as an amendment was filed to completely, mind you, completely eliminate these programs which help prevent more than 7.8 million unintended pregnancies around the world.

These decisions by the Republican majority will endanger women's health, severely restrict women's rights, insert the government into the private medical decisions of women and their families, and are nothing short of an all-out war against women.

And we are fighting back. Instead of working together to get our economy moving again, to help the unemployed, and to create jobs, the Republicans are seeking to impose an ideological agenda on the country. And now we have the Pence amendment, an amendment that would restrict title X funding from going to Planned Parenthood, one of the oldest, most important, most trusted, most utilized public health organizations in the country.

Let's be clear, this is not about abortion. Existing restrictions prevent Federal funding for abortion. This is about a direct attack on an organization that provides critical health services aimed largely at women in underserved communities throughout the country.

With over 85 local affiliates and more than 800 health centers across the country, the services provided by Planned Parenthood are invaluable. Every year, Planned Parenthood affil-

ates see nearly 3 million patients and provide contraception to nearly 2.5 million patients and over 1.1 million pregnancy tests. They provide nearly 1 million Pap tests, identifying about 93,000 women at risk of cervical cancer. They provide 830,000 breast exams, nearly 4 million tests for sexually transmitted infections, including HIV. They provide health education for nearly 1.2 million people.

How are any of these activities objectionable? Are you against women getting breast exams? Do you object to women and girls getting tested for HIV? Are you opposed to women controlling their own bodies and determining if and when they want to get pregnant? Let's be clear, government funding does not make up the whole sum of Planned Parenthood's finances, but government funding does provide invaluable support to help local health centers provide services for women to avoid cancer, to protect their health, and to lead healthy and fulfilling lives.

So let's stop this attack on a trusted health provider, and let's stop this war on women. That's not what the American people want. They want jobs. They want a chance to work hard and take care of their families. They don't want to argue with their insurance provider or with their employer or their government or their elected officials about abortion. We should be working together to unite our country and to tackle the challenges that Americans face each and every day, not pursuing divisive, ideologically driven agendas.

So I urge a "no" vote on this CR and on all these amendments that wage war on women.

I yield back the balance of my time.

Mr. PITTS. I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PITTS. Madam Chair, we have seen in just the past couple of weeks incidents that remind us of the horrors associated with the abortion industry. We have seen in a women's health clinic in west Philadelphia women and children brutally killed in late-term abortions. We have seen a series of videos that have given us a behind-the-scenes look at the standard operating procedures at Planned Parenthood clinics across the countries. The videos depict investigative journalists receiving advice on how to run their prostitution business and how to obtain illegal abortions.

Some people have said, Character is who you are when no one is watching. Or to put it another way, It is what you do when you think no one is watching. Planned Parenthood, the number one abortion provider in the country, has revealed its true character in these videos. Unfortunately, Planned Parenthood staff exposed their true colors, and they neglected to act

with integrity when faced with a situation dealing with sex trafficking. It was more important to them to promote abortion than to help rescue underage girls enslaved in prostitution.

In this country, 95 percent of abortions occur in clinics, not hospitals. These clinics don't need Federal tax dollars to support their unethical practices. Planned Parenthood recently reported providing 332,278 abortions in the year 2009. That's the last reported year. Planned Parenthood, itself, has recently made plain the centrality of abortion to its mission, mandating that every Planned Parenthood affiliate have at least one clinic performing abortions within the next 2 years.

Despite being a billion-dollar-a-year corporation, Planned Parenthood receives \$363.2 million, 33 percent of its income, from government grants and contracts, that is, from taxpayer dollars. Unfortunately, Planned Parenthood actively ignores statutory rape reporting laws and campaigns against efforts to enforce or strengthen them, as illustrated in the recent videos.

Planned Parenthood in Kansas claims to be "a trusted source of health care and education for thousands of women, men and children," yet was charged with 107 criminal counts, including failure to report sexual abuse and falsifying documents in order to perform illegal late-term abortions. Planned Parenthood in California has privately admitted to overcharging the State and Federal Governments by at least \$180 million for birth control pills, despite internal and external warnings that its billing practices were improper. Planned Parenthood in Indiana has been accused of endangering the safety and well-being of minor girls by intentionally circumventing State parental involvement laws and breaking State law by refusing to report statutory rape.

There are many other sources of family planning money to other organizations and to State and local governments. Unfortunately, Planned Parenthood is exploiting women and children. They have shown themselves to be an extreme organization with unethical practices. Our daughters and granddaughters deserve better.

I urge support of the Pence amendment.

I yield back the balance of my time.

□ 2130

Ms. SCHAKOWSKY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Chairman, House Republicans have made their agenda really clear. What's obvious is that it's really not about creating jobs. It's not about addressing the economy, but rather the extreme agenda is to undermine women's access

to reproductive health care and attack women's health providers that women rely on in their communities.

We've seen an all-out assault on Planned Parenthood. Instead of attacking unemployment, Republicans are waging a war against women. This is not about Federal funding of abortion, and it is not about quality of care. This is about cutting off women's access to affordable care in an effort to score political points. This amendment does nothing to improve the economy. It will result in lost jobs, and it will take away the only source of primary and preventive care from millions of American women.

Planned Parenthood, a trusted organization by women, plays a critical role in our Nation's health care system, and the Pence amendment would have a devastating impact on communities across the country. Planned Parenthood serves over 3 million Americans every year. More than 90 percent of the care Planned Parenthood health centers offer is preventive care. Planned Parenthood provides life-saving cancer screenings, routine gynecological examinations, contraceptive services, immunizations and testing and treatment for sexually transmitted infections.

Planned Parenthood saves money. So this is not about saving Federal dollars. It saves money. For every dollar spent on the services I mentioned, and others, \$3 are saved.

One in five American women has received care from a Planned Parenthood health center at some point in her life, making it one of the largest women's health care providers in the country. And now is not the time to constrict women's access to and funding for Planned Parenthood. And American women will suffer if the extreme Republican agenda becomes law. Six in 10 women who access care from women's health centers like Planned Parenthood's health centers consider it to be their main source of health care. This amendment intends to literally wipe Planned Parenthood off the map.

Planned Parenthood is an invaluable community-based provider, and it is critical to achieving the goal of improving quality health care in this country, including efforts to improve women's health, lowering the rate of unintended pregnancies, and decreasing infant mortality.

I find it ironic, very disturbing, that the very same people that want to take away family planning funding and access to safe and legal abortions, which are not funded by public dollars, have also proposed a nearly \$750 million cut to the Women, Infant and Children program to pregnant women and newborn children. This, like the repeal of health care reform, is part of the Republicans' divisive social agenda that goes too far.

Now is the time to be working on the issues that are most important to

Americans, creating jobs and improving the economy, rather than legislation that takes health care away from women.

I yield back the balance of my time.

Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Madam Chairman, I want to thank the gentleman from Indiana for bringing this amendment forward. It was said earlier in this discussion that this is a war being waged by one Congressman on one organization. I don't think that that's accurate. I think that this is an effort by many Members of Congress, each of whom represents some 650,000 individuals, who do not want to see their tax dollars used to fund abortion. I think it's as simple as that. And when you see the videos that have been referenced earlier today about what went on in these clinics, and the misrepresentation that was there, and the out and out illegal behavior that was encouraged, that warrants some kind of action. And I think that's what this effort is about.

So I think it behooves us to tone down the rhetoric and to actually decide what is this effort about. And it's about ensuring that individuals who do not want their tax dollars used to fund abortions may have that right to say so here in the House of Representatives on the floor here, and to vote to have their Members of Congress, their Representatives here vote in the way that they feel they should vote. That's what this effort's about. I commend the gentleman for bringing it forward.

I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Madam Chair, sadly, our colleagues on the other side of the aisle have no idea how to create jobs or turn the economy around, so their true colors have come to the surface. And Speaker BOEHNER made that clear when asked about the potential job losses that will result from horrendous budget cuts that we have been debating for the last couple of days, when he responded, so be it.

So I rise today to urge my colleagues to vote "no" on this amendment. This is a dangerously ideologically motivated stunt that will imperil the lives and well-being of millions of women and their families. This amendment is not just a war on Planned Parenthood, as the gentleman from Indiana said. It's a war on women.

Planned Parenthood clinics are a crucial part of our national health care fabric. Through Federal funds, including Medicaid reimbursements and title

X funding on an annual basis, Planned Parenthood health centers are able to offer nearly one million lifesaving screenings for cervical cancer, 830,000 breast examination, contraception to nearly 2.5 million patients, nearly 4 million tests and treatments for sexually transmitted infections, including HIV, and education programs for 1.2 million individuals. These are much needed services that we could not afford to lose.

In addition to completely de-funding Planned Parenthood, this amendment would also strike all Federal funding for title X programs. This would be a colossal mistake and truly a matter of life and death to millions of women nationwide.

Since 1970, the title X family planning program has been a key component of our Nation's health care infrastructure and an essential element in the winning strategy to reduce unintended pregnancies.

Today title X serves over 5 million low-income individuals every year. In every State, women and men rely on title X for basic primary and preventative health care including annual exams, lifesaving cancer screenings, contraception and testing and treatment for sexually transmitted diseases. In fact, in 2009 alone title X providers performed 2.2 million Pap tests, 2.3 million breast exams, and over 6 million tests for sexually transmitted diseases, including nearly a million HIV tests.

As a breast cancer survivor whose cancer was caught at the earliest stage, like my friend from Connecticut, I know how critical these screenings are in saving women's lives. And preventative care isn't limited to cancer screenings and education on how to avoid STDs.

Supporters of this bill mistakenly argue that this cut is necessary to prevent Federal funding for abortions. Let me be clear: Federal funding for abortions is already prohibited by law. This has been the case for decades. Yet this amendment attempts to take funding prohibitions to an unconscionable new level and, if passed, will result in millions of women not being able to obtain necessary preventive care like birth control and cancer screenings.

If Republicans truly want to reduce abortions in this country, they would vote against this amendment. Indeed, title X actually reduces the number of abortions. Title X services help to prevent nearly 1 million unintended pregnancies each year, almost half of which would otherwise end in abortion. Current statistics from the Guttmacher Institute indicate that nearly half of pregnancies in the United States are unintended. We should be providing women and their families with the resources they need, not striking them.

Indeed, Planned Parenthood and the title X program provide vital family planning services which help improve

the life of the mother and the child. It's a simple fact. Family planning keeps women and children healthy. When women plan their pregnancies, they are more likely to seek prenatal care, improving their own health and the health of their children. In fact, access to family planning is directly linked to the declines in maternal and infant mortality rates. There should be no shadow of a doubt that this amendment is anti-woman and anti-family.

While my colleague from Indiana may frame this amendment in the context of fiscal responsibility, that is once again a mistaken premise. This amendment would not cut the deficit. In fact, title X actually saves taxpayer dollars. Since many of the patients served by title X are on Medicaid, preventative care like cancer screenings and contraceptive counseling actually means fewer costs to the taxpayer in the long run. Indeed, for every public dollar invested in family planning, \$3.74 is saved in Medicaid-related costs. That's savings to both Federal and State governments.

And one of the most detrimental and dangerous things we could do to women and their families right now is to defund the leading title X provider nationwide, Planned Parenthood. Every year, Planned Parenthood works tirelessly to improve the health of communities across this country. Six in 10 women who access care from centers like Planned Parenthood say it is their main source of health care. We cannot cut these women off from the health services that should be available to all of them.

Efforts to undermine the title X program and this essential health care provider are not only reckless; they are also anti-woman, anti-child, and anti-taxpayer.

□ 2140

Madam Chair, this is a horrendous amendment that would devastate access to health care for millions of American women and should be defeated.

Mrs. HARTZLER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. HARTZLER. I rise in support of this amendment.

Planned Parenthood has funded abortion from the taxpayer for too long. It has been said that this is a threat to women's health. Well, Planned Parenthood isn't about health. It's about profit.

They have a record of preferring abortion over the truth. I have seen firsthand their view of truth.

Several years ago I was a teacher, and I taught child development. I had a student who came to me who just found out that she was pregnant. The night before, she had visited a Planned

Parenthood clinic to discuss her options. She was 4 weeks along.

She asked a simple question, What does it look like? The answer? Oh, don't worry about it. It's just a blob of tissue. They encouraged her to have an abortion; but, thankfully, she wanted more information.

She and a friend came to me for information. They wanted to know if I had pictures of what a fetus looked like at 4 weeks old, since I taught child development. I did. She looked at the pictures of the baby with its developing fingers and eyes and a beating heart. Her response? She was shocked.

That's not a blob of tissue. That's a baby. And then she asked this question: Why would they tell me that, Mrs. HARTZLER? Sadly, I didn't have an answer. They didn't care about the truth. They didn't care about the young woman before them. They cared about a profit.

This pattern continues with recent revelations that they were willing to cover up child sexual trafficking and child sexual abuse and aid and abet prostitution. Where was Planned Parenthood when they had a chance to protect young women? They turned a blind eye. I'd call it a war against young women.

And yet this organization received \$363 million of revenue a year from you and me, the taxpayer.

Hardworking men and women in this country should not have to write a check on April 15 to fund these abominable practices. At a time when we are borrowing 40 cents out of every dollar we spend and running a huge deficit, we need to look for savings to the taxpayer wherever we can. Certainly, saving \$363 million from this abortion provider is a smart and a right thing to do, so that all Americans, born and unborn, will have the opportunity to enjoy the blessings and the rights of life, liberty, and the pursuit of happiness.

So as a woman and a mother and a former teacher, I am proud to support the Pence amendment, and I ask all my colleagues to stand on the side of truth, life, and the young women of this country.

Madam Chair, I yield back the balance of my time.

Mrs. CAPPS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. I rise this evening to speak in strong opposition to the Pence amendment. The Pence amendment is an attack on women's health. This much is clear.

What isn't clear is what these women who today are cared for by Planned Parenthood doctors and nurses would do for care if the Pence amendment should pass.

Planned Parenthood serves 3 million Americans every year. These are Americans who rely upon Planned Parenthood to receive their annual wellness exams; Americans who rely upon Planned Parenthood to receive contraceptive services to prevent unplanned pregnancies; Americans who get tested and treated for sexually transmitted infections, improving their health and protecting the health of their community; Americans who rely on Planned Parenthood for their cancer screenings, tests that can detect cervical cancer or breast cancer early, when it is easier and less expensive to treat, saving our entire health care infrastructure millions of health care dollars.

And these Americans cannot just go somewhere else, somewhere that my colleague on the other side of the aisle would find more palatable. Sixty percent of those who use Planned Parenthood services consider it to be their main source of health care, their medical home.

A vote to strip Planned Parenthood of its funding is a vote to cut these Americans off from their health care system. Surely we can't want that.

In my own congressional district, Planned Parenthood of Santa Barbara, Ventura, and San Luis Obispo Counties serve over 31,000 patients every year. I must ask the supporters of this mean-spirited amendment, where should these 31,000 people go, especially now when this reckless Republican omnibus spending package cuts community health centers by \$1 billion?

And what about your constituents? In the amendment's author's own State of Indiana, 18,000 citizens rely upon Planned Parenthood services each year, 18,000 Hoosiers whose elected Representatives are voting to shut down their doctors' office.

Finally, Madam Chair, I know that the supporters of this amendment are trying to characterize this as a vote about abortion. It's not about abortion. It's a vote about whether or not you believe in providing women and Americans comprehensive health care. Because, despite all the misinformation being thrown around here, 95 percent of Planned Parenthood services have nothing to do with abortion. And as has been strongly and firmly stated, there are no Federal dollars used for those receiving abortion services.

The last time I checked, 97 percent is an A-plus, which calls into real question the motivation behind this amendment. Combined with the mean-spirited bills moving through the Energy and Commerce and Judiciary Committees, attacking women's health service access, with the zeroing out of title X family planning funds in this bill, with a reinstatement of the global gag rule, with a 50 percent slash in international family planning money, and a completely devastating slash to the Women, Infants and Children's nutri-

tion program, along with other cuts I have mentioned, it adds up to only one conclusion: House Republican leadership is starting an all-out war on women's health care. The targets? Women's insurance coverage, their providers, their health care choices.

For more than 90 years, Planned Parenthood's doctors, nurses, and other health professionals have been providing health care to millions of women, and one in four American women voters has received care from a Planned Parenthood health center at some point in her life.

So let's take a stand against this attack on women's health care. I urge a "no" vote on the Pence amendment.

I yield back the balance of my time.

Mr. DOLD. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DOLD. Madam Chair, I rise today in opposition to the amendment. The elimination of family planning dollars would deny access to preventative care for millions of women each year.

From the numerous conversations I've had with doctors, including my own sister who is an OB/GYN, I believe in the importance of encouraging access to basic preventative care.

Since 1970, the title X family planning program has been a component of our Nation's health care infrastructure and has been an essential element in providing contraception and education to millions of Americans.

Today, title X family planning services over 5 million low-income individuals each and every year. Through a recent study, we learned that for every dollar invested in family planning approximately \$3.74 is saved in Medicaid-related costs.

Title X funding provides critical preventative health care, including annual exams, cancer screenings, HIV testing, and family planning.

□ 2150

While we must always ensure that funds are applied properly, completely prohibiting any funds from going to the main provider of title X family planning services I believe would be shortsighted and would negatively impact the lives of women who depend on these health care services.

I yield back the balance of my time.

Mr. NADLER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chairman, I am not going to repeat all of what has been said about the Republican war on women, about the fact that the Republican majority was elected pledging jobs and all we see is a war on various social services and women and nothing about jobs, but I am going to say this:

I have been listening very carefully to the supporters of this amendment, to Mr. PENCE and others, and what do I hear? I hear that we must punish Planned Parenthood by defunding them because they have committed a number of sins.

Sin Number 1, they perform abortions. They are a very large abortion provider, and even though none of those abortions are paid for with Federal funds, that is prohibited under the Hyde amendment however you read it, we don't like Planned Parenthood because they are a large abortion provider.

Number two, we don't like Planned Parenthood because they have committed allegedly various terrible things. Some provocateurs went into their offices and said that they were representing sex workers and they were offered services, and any organization that is willing to do this should not get Federal funds.

We are going to punish Planned Parenthood, number one, because they are a large abortion provider and we don't like abortion providers; and, number two, because they do other things, which if in fact they do, which I don't think they do, but if in fact they do, they are bad things.

There is a major problem with this. There is a major problem with this rhetoric and with this reasoning. And, by the way, the CR to which this is an amendment eliminates title X family planning funding anyway, so it will eliminate most of the funds that go to Planned Parenthood. But whatever funds that are available, they can go to other people to provide those services, not Planned Parenthood, because we don't like Planned Parenthood for various reasons.

A bill that punishes someone, some person or organization who is named or is identifiable, by legislative action is called a bill of attainder. That is the definition of a bill of attainder: A legislative punishment, penalty, a legislative penalty, a legislative-enacted penalty—in this case, no funding—directed at some identifiable person or organization to punish them for something.

Article I, Section 9 says, "No bill of attainder or ex post facto law shall be passed"; a fundamental foundation of constitutional law.

If Planned Parenthood or anybody else is doing terrible things and ought to be punished, that is up to the courts. If, indeed, Planned Parenthood is trafficking with sex traffickers, let them be prosecuted. If, indeed, Planned Parenthood is doing anything illegal, let them be prosecuted. Let the organization be prosecuted. Let the individual employees who are doing these things be prosecuted at law. That is our system. But you don't punish an organization because they are doing something of which you don't approve.

Now, if you want to say we don't think that there ought to be any contraceptive services in the United States and therefore we are going to have no title X funding, the CR does say that. I don't agree with it, but it is constitutional. But to say that if we have title X funding, if we have maternal services funding, none of it can go to Planned Parenthood, it can go to somebody else, but not Planned Parenthood, that is a legislatively enacted punishment because Planned Parenthood is or is allegedly doing things of which you don't approve.

Now, I heard a lot at the beginning of this Congress about we have to make sure that we adhere to the Constitution. This is a bill of attainder, because it is a legislatively enacted punishment of a named organization because that organization is doing things or is allegedly doing things of which we don't approve.

So I submit that in addition to all the other reasons why this shouldn't be done that have been enacted here, this is flatly unconstitutional, and I challenge anyone to say how this is not a bill of attainder. Again, the black letter definition of a bill of attainder is a legislatively enacted penalty aimed at some person or organization that is identifiable, named right here, for some reason, that they have done various things, provided abortions, done illegal things or otherwise.

So in addition to all the other problems, this amendment is unconstitutional and will be struck down by the courts if it should pass.

I yield back the balance of my time.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. BROWN of Georgia) assumed the chair.

MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 17. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 514. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The SPEAKER pro tempore. The Committee will resume its sitting.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The Committee resumed its sitting.

Mr. BUCSHON. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BUCSHON. Madam Chairman, I rise today in support of the Pence amendment that prohibits any funds from the underlying bill going to Planned Parenthood of America. I want to start with a personal story as a physician.

I performed lifesaving surgery on infants as young as 22 weeks' gestation at birth. Madam Chairman, I have held these lives in my own hands. They are viable human lives at birth and, unfortunately, Planned Parenthood uses taxpayer funds to cut these lives short; tragically, sometimes within weeks of medically proven viability outside the womb. Again, I have held these lives in my hands.

Abortion, of course, for any reason is wrong, but this situation I have personal experience with is particularly distressing for me because I am a physician and also I am a father of four.

I want to reiterate that Planned Parenthood has received \$363.2 million in taxpayer funding as of its 2009 annual report, one-third of their \$1 billion income. During that same time period, Planned Parenthood-supported clinics performed over 324,000 abortions, and this is by their own accounting. Federal taxpayers should not be asked to subsidize these actions.

In addition, Madam Chairman, currently in Planned Parenthood there are 11 clinics under investigation in Arizona, Ohio, Connecticut, California and Tennessee, among other States, including my own State of Indiana, where in 2008 a video showed a Planned Parenthood clinic covering up a rape of a 13-year-old girl. Can everyone see a pattern here? In total, Planned Parenthood is facing 107 criminal charges, including 23 felony charges. What they are doing is not only morally wrong, but appears to be criminally negligent.

Press reports have recently said that Planned Parenthood is now mandating by 2013 that all of its regional affiliates must provide abortions. It is important to note that the amendment does not affect title X services such as breast cancer screening, HIV prevention, STD testing and other valuable health care services to women.

This amendment is about abortion, in contrast to what has been said here on the House floor earlier tonight. Title X supports 4,500 community clinics throughout America that provide critical services, which I support, and I am proud of these facilities for the quality of care that they provide.

Again, this amendment is about abortion. I strongly support it. I urge all my colleagues to vote "yes," and I

would like to thank the gentleman from Indiana (Mr. PENCE) for his strong leadership on this amendment.

I yield back the balance of my time.

□ 2200

Mr. WELCH. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Madam Speaker, I am pro-choice. But that is a question of deep conscience, religious conviction, and of personal importance to every individual and every family.

One of the great conservatives who has served in this institution was Henry Hyde. The Hyde amendment, which has been the law of the land since it was passed by Mr. Hyde, says that there shall not be public funds that are used to pay for abortions. That is true now. It has been true for decades since that law was passed. It reflects a certain mutual respect that we can have differences of opinion, even on matters of profound religious conviction, moral conviction, and moral belief.

This is not about abortion. The Hyde amendment is the law of the land. Federal funds cannot be used under this provision to provide abortions. What this is about is whether primary and preventive care is going to be extended, oftentimes to poor people, but also to vulnerable middle class people by Planned Parenthood clinics throughout this country, including 10 in Vermont that are doing a tremendous job for people who really need this care.

Is this Congress big enough, generous enough that it can allow those with different points of view on this question of choice to coexist as long as we have the separation with the Hyde amendment? It has not been abolished. It is intact. So the question I ask is if we pass this bill, what happens to the 19,000 Vermonters who get services for HIV testing, who get services for breast cancer screening, who get services for cervical cancer, who find out when it's timely to find out so they can be healthy and have a full life? What do we say to them when we pull the plug on them having the access to the care that they need and they deserve? This is not necessary.

This is not about abortion. The real-world implication of this legislation will be to say to 19,000 women in the State of Vermont, from one end of the State to the other, No, you cannot have access to cervical cancer screening, you can't have breast cancer screening, you can't get evidence-based sex education. We are a better Nation than that. We are a better Congress than that.

The Hyde amendment acknowledges that we have profound differences of opinion on this question of abortion, but we can share a common goal that

young, vulnerable Americans in every one of our districts can have access to the care that they need.

I yield back the balance of my time.

Ms. FOXX. Madam Chairwoman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Thank you, Madam Chair. I came tonight to support the Pence amendment.

I just came from my office where I was reading and answering my mail. My tax-paying constituents emphatically do not want their hard-earned money being used to kill innocent life.

Planned Parenthood currently has 87 regional affiliates with 817 health clinics in the U.S., with 173 performing surgical abortions, and many others—at least 131 and as many as 300—offering chemical abortions. Planned Parenthood itself has recently made plain the centrality of abortion to its mission, mandating that every Planned Parenthood affiliate have at least one clinic performing abortions within the next 2 years.

Planned Parenthood reports that it's a not-for-profit organization and receives over \$336 million in combined Federal, State, and local grants and contracts and had an excess of revenue over expenses of almost \$112 million in 2006, \$85 million in 2007, and \$106 million in 2008. Planned Parenthood in California has privately admitted to overcharging the State and Federal Governments by at least \$180 million for birth control pills, despite internal and external warnings that its billing practices were improper.

My colleague from Indiana gave also a lot of statistics about what the problems are with Planned Parenthood. Despite it being a billion-dollar-a-year corporation, Planned Parenthood received \$363.2 million reported in its 2008–2009 annual report, 33 percent of that income from government grants and contracts, that is, from taxpayer dollars. Of that, \$53 million is from title X. So from these other government sources they're getting \$310 million.

We are not going to be stopping Planned Parenthood from giving true health care to women and children. We know that the vast majority of Americans oppose abortion. Over 60 percent oppose any money coming from taxpayer receipts for abortions.

My colleague from New York talked about this being a bill of attainder and said that this is a punishment. Well, ladies and gentlemen, I'm less concerned about the potential that this is a punishment for Planned Parenthood, but I am very concerned about the punishment inflicted on millions of innocent lives when they are violently deprived of their lives through abortion in Planned Parenthood clinics.

I yield back the balance of my time.

Ms. SLAUGHTER. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Chair, I rise in strong opposition to this amendment that attacks Planned Parenthood. By targeting Planned Parenthood, the Pence amendment will risk the lives and safety of millions of American women. These proposed cuts to family planning represent the opening salvo in an all-out war on women's health. I have been a soldier on the other side of that war for several decades. I have served now in three legislatures. In two of them this was one of the issues that came up continuously, is what we would do. In most cases, men in either blue or gray suits felt compelled and competent to tell women what they could do with their lives.

It has been a serious problem to try to get women's health in the first place. It was up to the 1990s before women were even considered subject for research at the NIH. It has been an absolute awful time for most of us who are such strong believers in the rights of women and women's health and that women should have the ability to make decisions themselves and not have men have to make them for them. It has been a dreadful time for us to see ending tonight in trying to do away with one of the most important agencies in the United States, Planned Parenthood.

I stand here tonight in lieu of hundreds of women in the State of New York, most of them Republican women, who financed, who spoke for, who founded the agency of Planned Parenthood. New York was being filled with an influx of new citizens to America and Planned Parenthood allowed them to space their children so that there would be healthier children and healthier mothers. And we have all benefited from that.

But why are we attacking proven medical care? Why aren't we trying to create jobs, which is the only thing we've heard about for the last 6 months? This amendment will do absolutely nothing to move our country forward, but indeed backward.

In my own State of New York, the cuts to Planned Parenthood would affect 209,410 patients. Don't tell me that what you're doing here tonight is to allow Planned Parenthood to keep on with the cancer screenings, to keep on making sure that cervical cancer is not something about to take the life of a woman. Don't tell me that you are only trying to cut abortion. You know, we know, everybody knows that Planned Parenthood abortion money is not public tax money. As my other colleagues have said, that has been true for a very long time.

The cuts were proposed under the guise of being fiscally responsible, but nothing could be further from the truth. For every dollar—and I want to say this maybe twice, it's so important, because nobody seems to have gotten this except my new friend from Illinois—for every dollar invested in family planning services, taxpayers save \$4. So if you think you're going to save yourself some money, go back to your planning board for that. But cutting family planning is not fiscally responsible and will not reduce the United States' bottom line.

Furthermore, as we've said over and over again, it has nothing in the world to do with cutting Federal money for abortions. That is simply a smoke-screen. We want to empower women to be able to prevent unintended pregnancies, and that's what we would like to do here tonight with the help of Planned Parenthood and other agencies and doctors and medical professionals in the country—make sure that women have education and access to contraception. That is precisely what family planning is and what it does.

I yield back the balance of my time.

□ 2210

Mr. ROKITA. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Thank you, Madam Chair.

I rise in support of the Pence amendment. The time has come to end Federal funding of abortion. This is one of the worst misappropriations of funds in our Federal budget and it is unacceptable to most of the people—Republican, Democrat, liberal or conservative—in this country. Many taxpayers, including me, are sickened that their hard-earned tax dollars are put toward funding the nearly 1.3 million abortions in America every year. The minority party's demagoguery and demagoging language about some kind of war on women is nothing but laughable.

Plenty of family planning services outside of Planned Parenthood exist to help families seeking direction, care and counsel. Those ethically sound places and services deserve a portion of funds to continue their much needed and well-respected services.

But our nation's largest provider of abortions isn't one of them. Under title X, Federal funds go directly to Planned Parenthood where the money ultimately funds abortion and this is one of the worst stipulations in current law. Again and again, Planned Parenthood has proven itself corrupt and misleading. No American who is against abortion should be required to help pay for it. And no American can seriously argue that the Federal Government isn't paying for abortion right now, when Planned Parenthood receives at

least \$360 million from the taxpayers each year while simultaneously performing more than 324,000 abortions.

Regarding the gentleman from New York's charge that we should be using a bill of attainder and challenging us to say otherwise, I take that challenge, as a person licensed to practice law in Indiana and licensed to practice before the United States Supreme Court. I would say that the bill of attainder, this amendment is not that.

The people of the Fourth District of the State of Indiana and their Representative have the right to produce an amendment to stop taxpayer funding of abortions, and we are doing that here tonight.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. A number of our colleagues on the other side of the aisle, the Republican side of the aisle, have said they don't want abortion to be funded and, therefore, they're going to vote for the Pence amendment. But they believe that people ought to be able to get the clinical and preventive services that a group like Planned Parenthood would otherwise make available to them.

Well, look. Planned Parenthood does not pay for anybody's abortion using taxpayers' dollars. That is clearly in the law. It's covered by the Hyde amendment. If Planned Parenthood has abortion services, it is completely separate. It is not only separate from family planning services and others for which they get government funding, they have to keep separate records. It's a completely different operation.

So the Pence amendment is trying to strike the funds under the health and human services programs for the services that Planned Parenthood as an organization would provide for them. Now it's not just family planning funds. It's all Federal programs, including Medicaid and the community health centers program. This organization serves 15 percent of all women in need of contraceptive services in the U.S., and for millions of women, it is their primary health care provider, the place they go to not only for planning services but basic preventive health services such as cancer screenings.

Take that money away from them, they're not going to be able to serve the women who need those services. So where will those people go? Are they going to go to the community health centers? Well, this particular funding bill takes out a billion dollars from the community health centers. Where else can they go? Are they going to look to the Medicaid program? One of the entitlements that the Republicans most want to savage is Medicaid. Then where can they go? Are they going to

go to the exchange in a couple of years that will be available under the Affordable Care Act? Of course not. The Republicans are trying to repeal that law.

What will be the consequences? The consequences will not diminish the number of abortions. The consequences will be to deny women, and men, who may go to a clinic or to Planned Parenthood in order to get basic medical services. I think this is a serious mistake. If you're against abortion, be against abortion. But don't take it out on Planned Parenthood because they serve abortion clients in a separate operation. That's like saying I never want to pay for any services provided by a doctor, even though it's not abortion services. I don't want that doctor getting any money for contraceptive services. I don't want that doctor to be paid if he's providing screening for venereal disease. I don't want that doctor to be paid for any other service because he might also, without your funds being used, provide abortion services.

When you look at this carefully, this is trying to punish Planned Parenthood. But the ones who get punished are the people who won't be able to get the family planning services and the preventive screening services that Planned Parenthood regularly provides, and they won't be the only provider for many of these women because they have nowhere else to go if they can't afford to go see a private doctor and pay for it.

I thought it was amazing to hear an argument that was made on the House floor that one Member didn't like money to go to Planned Parenthood because they're competing with for-profit abortion services. I just was stunned by that argument. I didn't know what it meant, except perhaps they'd like to have the private, for-profit abortion services be able to provide the services instead of Planned Parenthood.

Whatever happens there is another issue, because Federal dollars, taxpayers' money, will not be used for it. But taxpayers' dollars should be used for title X family planning, for Medicaid, for community health centers, for health screening, for preventive health services, and that's why the Pence amendment should be defeated.

I yield back the balance of my time.

Mr. OLSON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. OLSON. Madam Chair, I rise today to support the Pence amendment, which would prohibit any Federal funding from going to Planned Parenthood. I want to thank my friend from Indiana who continues to fight tirelessly to ensure that organizations that promote and perform abortions do not receive Federal funding from hard-working taxpayers in this country, the majority of whom do not want their money going to such causes.

In June, I received a report I requested from the Government Accountability Office which revealed that just six organizations connected to the abortion agenda received over \$1 billion in Federal funds over the past 8 years. One billion dollars. The most significant portion of that money was for Planned Parenthood and their affiliates, the largest abortion provider in the United States.

A recent Planned Parenthood reporting shows that in 2007 alone, 305,000 abortions were performed at their facilities. Planned Parenthood recently opened a new facility in Houston, right in the middle of Houston's largest minority neighborhoods. At seven stories high and 78,000 square feet, this center is their largest center in the United States. An entire floor is going to be completely devoted to abortions.

If we keep sending Federal funds to abortion providers, we are supporting abortion advocates everywhere with our taxpayer dollars, allowing them to build more mega-centers such as the one in my hometown.

□ 2220

It is time to renew this call and to bring light to this issue. The transfer of taxpayer funds that supports such organizations must stop. I am proud to have once again introduced the Taxpayer Conscience Protection Act, a bill that requires each State to report annually to the HHS Secretary the amount of funding which is sent to organizations like Planned Parenthood.

Before I conclude my remarks, I have to point out to my colleagues on the other side of the aisle that the Pence amendment does not—does not—cut any funding for health services. It simply blocks those funds from Planned Parenthood, the largest abortion provider in the country. There are many health clinics, hospitals, faith-based organizations, and many more that also provide health services for women. We must shine a bright light on the exorbitant amounts of money that taxpayers provide each year for abortions.

I ask my colleagues to stand beside our colleague from Indiana in this fight by voting a resounding "yes" on his amendment.

I yield back the balance of my time.

Mr. DEUTCH. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. DEUTCH. Madam Chair, I do not believe that the government should interfere with the reproductive rights of a woman, but that is not what is being debated here.

No matter how many times our friends on the other side of the aisle say that this is an amendment meant to prevent Federal dollars from going to fund abortions, it will not make it true; it will not make it so. That's not

what this is about. We have heard all of the statistics. We know what this is about.

I would like to spend a moment talking about how this whole debate is viewed around the country. I would like to spend a minute talking about what the country ought to look like for my daughters and for my son.

In this amendment, we can envision a Nation where there might be a place for sex education to be taught in a scientific and comprehensive way, which might actually reduce the number of unwanted pregnancies, which might actually reduce teen pregnancies, and which will keep our American children and young women healthy.

We might actually envision a country where we have testing for sexually transmitted diseases and where, if caught, we can help make the Nation healthier.

Madam Chair, we also have an opportunity here tonight to think about a Nation where women have the opportunity to seek the health care they need and deserve—poor women oftentimes who might have no place else to go but who can have an opportunity to get the health care they need and to get the cancer screenings they need, screenings that can save their lives.

We can envision all of these things in this amendment.

Ladies and gentlemen, we know what Planned Parenthood provides in these clinics: 95 percent of what they provide is health care that does exactly what we want done in this country; 95 percent of what Planned Parenthood does helps keep Americans healthy. It helps take care of women, and it helps make sure that they are better mothers. It helps make sure that their families can be taken care of, and it helps identify cancer before it's too late so that kids can grow up with their mothers.

We understand what this amendment is about. This is not an amendment about abortion. This is an amendment about clamping down on a clinic that provides medical services whose politics those on the other side simply do not agree with. This is about the opportunity to move forward with something that can provide those health care services: with clinics that can help save lives.

We can do all of that right here in this House.

Members, I ask, as we go forward today, that we think about the opportunity we have here to cast a vote that supports women, to cast a vote that supports families, and to take what will be the most pro-family vote we will have an opportunity to cast in this CR debate: that is a vote against this amendment.

I urge my colleagues to do so.

I yield back the balance of my time.

Mr. HUELSKAMP. I move to strike the last word, Madam Chair.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. HUELSKAMP. Madam Chair, I rise in support of the Pence amendment for a number of reasons.

As was indicated, I do come from the State of Kansas; and in listening to the debate this evening, it is rather interesting to find very little support for actually the institution of Planned Parenthood and for a full discussion of what they have been involved in.

Two days ago in the State of Kansas, another hearing was conducted. Charges are moving forward—107 criminal charges against Planned Parenthood. It is very interesting. It is an entity under criminal indictment for covering up more than 100 crimes: failures to report; helping to cover up incest, rape. The list goes on and on. It has happened in multiple States, a young lady by the name of Lila Rose has indicated.

If you don't believe me, take a look at the tapes, Madam Chair. Take a look at the tapes of how Planned Parenthood is helping sexual predators continue their activities.

I would also like to point out one thing that we cannot forget. I must admit I am certainly disappointed that our Supreme Court claims that there is somehow a right to abortion. We do know there is no right to the Public Treasury; there is no right to the taxpayer dollar; there is no right to demand that Americans front this organization with their taxpayer money.

That is the question of this amendment, Madam Chair.

There is another question to face here, and we need to be very clear. My wife and I have four adopted children, and they're watching tonight. They're adopted children, and they come from a group of children the history of Planned Parenthood has targeted: minorities. My children are adopted. They're the very type of children this organization targets, and there is evidence it still continues today. Undercover work has shown again and again how this organization locates in minority neighborhoods.

Madam Chair, it is not only fiscally irresponsible to send our taxpayer dollars to this type of entity and organization; I think it is morally reprehensible that we would send \$300 million of our hard-earned money to an entity that targets minorities, that helps sexual predators, that continues to cover up rape and incest and sex slavery. There is no excuse for that.

Everyone in this body should be standing on their feet and recognizing that, no matter your position on the issue of abortion, we should all agree: Our taxpayer dollars are undeserving of the efforts of Planned Parenthood. The history is clear. The present is clear. It is time to defund this entity. They are unworthy of our dollars.

With that, Madam Chair, I yield back the balance of my time.

□ 2230

Mr. LYNCH. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. I would be remiss if I did not thank the Speaker, Speaker BOEHNER, for the open rule that we have been working under for the past several days. Even though we have not agreed on much, probably not anything, I do appreciate the fact that we have been able to have a fair and open debate on some of the most profound issues of our time.

I am hoping earnestly this is not the last open rule we have. I know that it has turned 3 days of debate into 6 or 7 days of debate. There has been a lot of hot air in this Chamber. I think if this Chamber were a hot air balloon, we could probably make Europe. But I do think there is credit due to the Speaker for allowing this debate to occur.

I do want to remind the Members, in spite of some of the pronouncements of the previous speaker, that there is fixed law that prevents Federal funding from being used for abortion. That is really not what this is about. This is about the ability of Planned Parenthood to conduct women's health care, to offer services that are deeply needed in many communities where no other source of health care is available.

Planned Parenthood last year carried out 1 million screenings for cervical cancer and 830,000 breast exams and offered nearly 4 million tests and treatments for STDs, including HIV. Those are the services they provide. They are prohibited by law by the Hyde amendment from using Federal funds for abortions. That is a fact. You can be entitled to your own opinion, but that is a fact.

I am a pro-life Democrat. I am a pro-life Democrat, and my faith informs my position on this issue. There used to be, I think, a general agreement, as divisive as this debate is and has been in this country for years, there has been a level of agreement that we have reached where I think we agreed at one point in this country that the best way to reduce abortion in this country is to prevent unwanted pregnancies. We used to agree on that. This bill, this amendment, will increase the number of abortions in this country.

The heart of what Planned Parenthood does is in the area of contraceptives and medical screenings for cervical cancer and breast cancer. But contraception is a big part of what they do in trying to reduce the number of unwanted pregnancies in this country.

If we take the funding away from them, and it says all funding—all funding. It doesn't distinguish. All funding out of title X is prohibited from Planned Parenthood. So let's not play a game about what you are against and

what you are for. This is for all funding. That is what the bill says.

And if you prevent Planned Parenthood from providing advice and services on contraception, we know for a certainty, especially in the communities that they provide services to, we are going to have an increase in the number of abortions in this country. That is the natural consequence of what is on the table here in this amendment. You are going to reduce funding for contraception; you are going to have more unwanted pregnancies, and you are going to have more abortions.

Is that is what this debate is about? Is that what we are trying to do here?

I used to think it was different. I thought we had some level of agreement on this, that the goal was to reduce the number of unwanted pregnancies and that is how we were going to reduce abortions in this country.

I am disheartened by this amendment. I wish that the gentleman would withdraw this amendment because I think it is counterproductive to the goal of reducing the number of abortions in this country.

And as a family who has been affected by cervical cancer and breast cancer, I think that is very important work that they do. And I support that.

I don't have many friends in the Planned Parenthood community. They don't support me. I am pro-life. But I respect the good work that they do.

I yield back the balance of my time.

Mr. GOHMERT. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. GOHMERT. I rise in support of the Pence amendment, and I am aware of some very helpful work that Planned Parenthood has done to help some women with some difficult medical issues. But we have heard discussion here about a bill of attainder. And Article I, Section 9, paragraph 3 says: No bill of attainder or ex post facto law will be passed. That is the Constitution.

A bill of attainder, according to William Rehnquist, is: a legislative act that singled out one or more persons and imposed punishment on them, without benefit of trial.

No one is being found guilty of a crime here. I know about those things. I have found people guilty of crimes after a trial. That is not what is happening here any more than it was what was happening when people decided to defund Guantanamo Bay or defund ACORN because they were complicit in encouraging prostitution.

To come in here and say that when this body finds that one entity does not deserve to be receiving more money that was pried out of taxpayers' hands is somehow a bill of attainder, then it means we can never withdraw money from someone to whom it was given

previously. That is not a bill of attainder. In fact, to take it away, one would first have to assume that this money was the property of this entity before they ever received it.

Now, that would be like saying that the taxpayers that earned the money and the taxpayers that had to give it up because we stole it, but we legalized the theft because we can do that, we can say, You earned it. It is yours, but we have the power to legalize taking it away from you against your will. We have done that. We have taken it away. But we have a responsibility to be frugal and to be wise.

No, I will not yield. I didn't ask to be yielded to when I was being upset by the explanation inappropriately of a bill of attainder. But I know the gentleman is one of the smartest people I know, but this is not a bill of attainder.

The F-35, we voted on a second engine. Well, there had been money appropriated, supposedly, before. They could come in and say it is a bill of attainder to take it away. It is not. It is not their money.

This body has an obligation to investigate and to look carefully as to where we should most appropriately spend the taxpayers' money that we have taken, or the 42 cents out of the dollar now we are borrowing from China, or whoever will give us the money.

But it was never the intention of the founders that we could not be responsible as a body and say this shouldn't go to this place; it would be better served going somewhere else. That is our job, and we have an obligation.

One other thing, and to those who say, and I know well meaning, because I know the people who are saying it and I know their hearts and I know they really believed what they were saying. But I have got Part 1 of the act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, which is ObamaCare, because the Senate stripped out every word of the bill, including the title, and substituted, therefore, ObamaCare. This is the first half of the bill. And if you turn over, if you turn over to page 119, (B) subsection; says it: Abortions for which public funding is prohibited. But if you go to subsection (ii), it has this title: Abortions for which public funding is allowed.

That's not all. Legal clinics are financed and are required to be financed under this bill, and there is no prohibition either by the Hyde amendment or any provision in this bill or the Executive order that legally prevents Federal funding for allowing abortions in some of those medical clinics that are established and will happen.

Also, if you flip over here—and you wouldn't find this in a word search for

“abortion” because it was too cleverly put back. But if you look at 122, it is required to have insurance plans, and there will be Federal funding involved to make this happen, that there be “at least one such plan that provides coverage of services described in clauses (i) and (ii) of subsection (B).”

That is abortion, folks. There is money for it here.

□ 2240

Mrs. MALONEY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. I rise in strong opposition to the Pence amendment, which will eliminate all funding for the many services provided by Planned Parenthood. That's the amendment that is before us, not the other items that other people are talking about.

This amendment is not merely anti-choice. It is also anti-health, anti-woman, and anti-poor, and is a thinly veiled attack on birth control. This amendment will not do anything to grow our economy or create any new jobs to help us out of this great recession. It will only turn this Nation backwards.

Planned Parenthood is the Nation's largest provider of family planning services; and for roughly 60 percent of their patients, they serve as the primary care physicians, as 90 percent of the health care they provide every day is primary and preventive.

This is not about abortion. The Hyde amendment is alive and well, and it prevents and restricts any use of Federal funds for abortion. This is about primary and preventive health care. This anti-woman amendment will restrict millions of women from access to family planning, HIV testing and counseling, and breast and cervical cancer screening, leaving them with nowhere else to turn.

The other side's vision of smaller government would expand the government's power over women's choices. It is wrong, it is shortsighted, and it is unjust. Instead of getting between a woman and her doctor, instead of allowing women to have control over their own health care, instead of forcing personal beliefs on half the population, let's turn to the business of creating jobs and economic opportunity and away from the business of ruling other people's lives.

I urge a “no” vote on the Pence amendment.

I yield back the balance of my time.

Mrs. ROBY. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Alabama is recognized for 5 minutes.

Mrs. ROBY. I rise in support of the amendment.

I oppose funding to Planned Parenthood. We should not be giving Federal

funds to groups like Planned Parenthood that used the money for abortions. Planned Parenthood has recently made plain the centrality of abortion to its mission, mandating that every affiliate have at least one clinic performing abortions within the next 2 years.

Additionally, it is beyond shocking that Planned Parenthood employees were recently found on video aiding and abetting in the alleged sex trafficking of minors. This is not the first time that Planned Parenthood has shown such shocking behavior. It happened in my home State of Alabama back in 2009. A Planned Parenthood counselor was caught on hidden camera telling an alleged 14-year-old statutory rape victim that the clinic does sometimes bend the rules a bit rather than report sexual abuse to State authorities. Two years later, we are still seeing this outrageous behavior by Planned Parenthood employees.

It is time to stop funding such an organization with taxpayer dollars. Planned Parenthood ignores statutory rape law reporting, pushes abortion procedures, and opposes any effort to elevate the legal status of a fetus at any stage of development. It is not a proud day that citizens learned that these activities have been continually funded by the Federal Government. It is even a worse day when we are told that our government has funded Planned Parenthood with more than \$363 million in government grants and contracts. The continual action by Planned Parenthood and its employees is demeaning for women and a black eye for our society.

Planned Parenthood in Kansas claims to be a trusted source of health care and education for thousands of women, men and children; yet it was charged with 107 criminal counts, including failure to report sexual abuse and falsifying documents in order to perform illegal late-term abortions. Planned Parenthood in California has privately admitted to overcharging the State and Federal Government by at least \$180 million for birth control pills despite internal and external warnings that its billing practices were improper.

Planned Parenthood in Indiana has been accused of endangering the safety and well-being of minor girls by intentionally circumventing State parental involvement laws and breaking State laws by refusing to report statutory rape. Funding must be stopped. Planned Parenthood must not be granted any more taxpayer dollars to push their agenda to take away the rights of the unborn. I urge my colleagues to vote "yes" on the Pence amendment and stop the funding of Planned Parenthood.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Chairman, I don't doubt that the gentleman from Indiana is sincere. We all know him, and we know the long-standing commitment that he has had to this issue. But having served on the Judiciary Committee with the late Chairman Henry Hyde, I know how sincere he was in the work that he did to ensure that no Federal funds could be used for abortion. That is the law of the land.

I also know how committed our colleague from Massachusetts is to his values of pro-life; but he eloquently stood on the floor of the House and gave us a moral compass. This is not about abortion. This is about saving lives. And the Planned Parenthood effort, albeit with ills that any large organization may have—corrected ills, has a valuable and worthy purpose in saving lives. My fear is with the Pence amendment having the potential of passing, that we set the stage for going back 10, 20, 30, 40 years when women had no place to seek counseling. They know well that the adherence to the law that the Planned Parenthood organization must have is that they cannot use Federal funds for abortion.

But this is not about abortion. This is about family planning and counseling services that have long been part of the Planned Parenthood family. And all we'll do by cutting these resources will be, in fact, going back to the dark ages when young women had no place to go. So Planned Parenthood does not equate to abortion. Family planning does not equate to abortion. Title X funds do not equate to abortion because the law of the land is clear. But what we will have are young women who will have no place to go to be able to ask questions.

Yes, the Planned Parenthood facility is in the 18th Congressional District in Houston, Texas, a heavily diverse but heavily minority district; and I would argue that its efforts are positive in health education, the work it does, in Pap tests for cervical cancer, in STD testing, in menopause and hormone treatment, in urinary tract treatment, in breast exams, and in outreach to the Latino community, all services that would not be there if it was not for these committed workers and the committed Office of Planned Parenthood.

Community health clinics, to be gutted. And as was indicated, all the work that we're doing on the floor of the House, the question has to be, one, are we going forward in helping the American people create jobs? Or even in this amendment, causing thousands of Americans to lose their jobs in a worthy cause of helping those who many times cannot help themselves? What about those who have suffered a violent act of sexual assault? Where do they go? What do we say about a Planned

Parenthood who, throughout its existence over the last couple of decades, has received violent threats, bomb threats? I am reminded of the police support that this local chapter had to have because of the constant threats upon their staff.

So this is not all peaches and roses. We are simply standing here and saying, allow them to do their work, which is assisting a young woman by the name of Karen, 28 years old, who was between jobs, newly married, and did not have any health care. She saw the results of a pregnancy test that she got from the drugstore and couldn't believe what it said.

□ 2250

She didn't know where else to go. She was frightened, 28 years old. But she went to Planned Parenthood. And what she said, without any pressure, she had the test and discovered that she was pregnant. And the nurse didn't ask her any indicting question; simply said, what do you want to do? And she thought about it, and she decided to say she wanted to have the baby.

Don't let those stories go untold where women are counseled and they go forth with their plans with the idea that they have someone to help them along, even provide them with services to be able to carry that baby to term.

So I simply want to say, they have suffered enough violence for Planned Parenthood. Let's not have more violence on the floor of the House, and let's vote down this particular amendment to continue them serving the women that need to be served.

I yield back the balance of my time.

Mr. CULBERSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, I rise in strong support of the Pence amendment. It's important to note that the Hyde amendment has been in place for decades. There's overwhelming support among the American people that we don't want our tax dollars used to subsidize or support abortion in any way. And people listening to the debate tonight, those on the floor, pro-life Democrats, no matter who you are, shouldn't be distracted by the discussion of the family, the health care services provided by the organization Planned Parenthood. Planned Parenthood could solve this public policy problem they've got by simply refusing to perform abortions. If they stop performing abortions this is not an issue. If Planned Parenthood would stop turning a blind eye or, at best, stop being indifferent to the criminal conduct that's been exposed at their facilities and lead the charge to see that criminal complaints are sworn out against people associated with Planned Parenthood or their employees engaged in criminal conduct, a lot of this problem would go away. All Planned Parenthood has to do is say they're going

to stop performing abortions. And yet they won't do it.

This is not about the health care services that they provide in other areas. This is about the fact that the overwhelming majority of Americans do not want our tax dollars used to subsidize or pay for abortions. This is a very straightforward vote tonight for all of the Members of the House, whether or not you will vote to permit your constituents' tax dollars to be used to fund or subsidize abortion. That's the question before the House tonight. It's not complicated. And Planned Parenthood is not entitled to these dollars, these tax dollars. There's no punishment being given here. Planned Parenthood, we, as a Congress will make the public policy decision here tonight in this debate, in this vote, whether or not Planned Parenthood should continue to receive tax dollars. That's been decided for decades. No tax dollars should be used to subsidize or fund abortion. That's been the position of the Congress through the Hyde amendment for many, many decades, and we're continuing that tradition tonight by ensuring that no tax dollars flow through Obamacare, which, by the way, does allow our tax dollars to be used for abortion because what is not excluded is included, and the Obamacare bill allows for our tax dollars to be used for abortion by subsidizing exchange plans that provide coverage for abortion. Therefore, this vote is truly very simple. Will we, the Congress of the United States, permit our tax dollars to be used to subsidize or fund abortion? It's an up-or-down vote.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. Make no mistake about it. This is about abortion.

Just prior to coming to the floor tonight, before this debate ever began, I was answering an email I got from a friend of mine in Atlanta. And he said, stop public funding of abortion. I was talking to him on the phone when I saw Mr. PENCE come down here and start this debate. And he was telling me about his sister-in-law that had an abortion about 30 years ago. She has nightmares. She has visions of these two babies that she aborted.

I'm a medical doctor. I've performed all these health services that my Democratic colleagues keep talking about, and I have for years. I like women. I'm married to one. I have two daughters. I have thousands of patients that I've seen over the years, and I've done pap smears and breast examinations and sexually transmitted disease tests and all those health care services that my Democrat colleagues keep talking about. This is not about that.

We keep hearing about the Hyde amendment. And certainly the Hyde amendment is in place. But make no mistake about this. What Planned Par-

enthooed does is the proverbial shell game, shifting funds so taxpayer dollars still go to an organization that provides abortion, and the more we pour money to this organization, the more abortions they're going to try to promote and provide. And, in fact, Planned Parenthood was established on the philosophy of eugenics. And they're still carrying out that philosophy. There are more black babies killed through abortion today proportionally than there are white babies or any other colored babies.

And we've also seen tapes where Planned Parenthood operatives have even promoted that type thing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BROUN of Georgia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. So this is all about preventing abortion. I know my Democrat colleagues are well-meaning. They all say the same talking points, and I believe in the depths of my heart that you all really believe what the Democratic colleagues say. And I know they're well-meaning.

But the American people demand better. My patients demand better. The taxpayers, your taxpayers, Democratic colleagues, demand better.

This is about abortion. Planned Parenthood is not going to shut down if the Pence amendment is passed and this continuing resolution is signed into law. Planned Parenthood won't go away. They can continue to supply the services that they get from other financial sources. They can continue to provide abortions. So it's not going to even stop that.

I believe very firmly in my heart that we must stop abortions because these are babies. I introduced H.R. 212, which is the Sanctity of Human Life Act that defines life beginning at fertilization, and I know, as a medical doctor, that's when my life began, that's when all of our lives began.

Those babies deserve the right of personhood. They deserve the right to live. So this debate is about life. It's about giving children the right to grow up and become functioning citizens in our society. And it's about taxpayers' funds continuing to support an organization, the largest provider of abortions in the world, to continue that process of killing babies. So we must take the taxpayer funds away.

It's not going to stop Planned Parenthood from doing Pap smears, breast examinations, STD exams, all those things that my Democrat colleagues keep talking about. It's not going to stop that.

What it will do is just take taxpayers dollars out of the equation. Planned Parenthood can no longer do the cost shifting, use taxpayer dollars for other purposes besides the stated purpose of

abortion. And hopefully, they won't continue to provide abortions with taxpayer dollars. It's not fair to taxpayers. It's not fair to women. It's not fair to my patients. It's not fair to even the Planned Parenthood patients that are not seeking abortions.

□ 2300

I encourage my colleagues, let's have some sanity here. Let's have some civility here. Let's think about what really this is all about. It's about abortion, not providing health services to underprivileged women. I have provided those services. I have given away hundreds of thousands of dollars of my services over an almost four-decade career practicing family medicine.

I care for my patients. I want them to have the services that they need. I have provided those services. But this is about abortion. Let's stop the funding of Planned Parenthood by taxpayer dollars. Let them do their business until we outlaw abortion. Hopefully, we can, because it's killing babies.

You see, I don't believe that God can continue to bless America while we're killing 4,000 babies every day. They are babies. They are human beings. We treat green turtle eggs better than we treat human being babies in the womb. We've got to stop it.

That's the reason I support the Pence amendment. That's the reason I hope all my colleagues and the American public will demand a stopping of the public funding of abortions through Planned Parenthood by supporting the Pence amendment.

I yield back the balance of my time.

Ms. MOORE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. I would plead with my colleagues to reject the Pence amendment and not to defund Planned Parenthood. And I mean that as a double entendre; to not defund the ability of women to plan parenthood. I know of what the previous speaker, the gentleman, referred.

To all those well-meaning people who want to speak about the value of life and not funding contraception and not wanting to make an abortion, which is the law of the land, available if people would choose that. I am really touched by the passion of the opposite to want to save black babies.

I can tell you, I know a lot about having black babies. I've had three of them. And I had my first one when I was 18 years old, at the ripe old age of 18. An unplanned pregnancy. And let me tell you, I went into labor, unfortunately, on New Year's Eve, had not even one dime. Phone calls cost a dime at that time. I didn't have a phone in my home and didn't have a dime to go to the phone booth to call an ambulance, an ambulance which is a waste

of money using Medicaid dollars, but I didn't have a car and didn't have cab fare.

I just want to tell you a little bit about what it's like to not have Planned Parenthood. You have to add water to the formula to make it stretch. You have to give your kids Ramen noodles at the end of the month to fill up their little bellies so they won't cry. You have to give them mayonnaise sandwiches. They get very few fresh fruits and vegetables because they are expensive.

It subjects children to low educational attainment because of the ravages of poverty. You know, one of the biggest problems that school districts have in educating some of these poor black children who are unplanned is that they are mobile; they are constantly moving because they can't pay the rent.

And, yes, I heard many of you talk about sexual predators. It subjects them to sexual predators, as when you try to go out and do a little work you have to leave your kids with just anybody because you don't have \$800 to \$1,200 a month for child care.

And let me tell you, you know, the public policy has treated poor children and women who have not had the benefit of Planned Parenthood with utter contempt. These same children, it has been very difficult to get them health insurance through CHIP.

When you go to the grocery store to buy them a little birthday cake with your food stamps, everyone stares at you in contempt.

And, yes, on a bipartisan basis, Democrats and Republicans ended the entitlement to Aid for Families With Dependent Children; so that when we have a recession like we have now, women, who are alone typically, poor, of color, with these poor black children, have no money, go months and months and months with little or nothing to sustain themselves.

And you know, I recall that the first item on the YouCut Web site was to cut temporary assistance to needy families. And let me tell you what it does to women who cannot plan their parenthood. It derails their ability to complete education and training so they can get a job.

The TANF law is very harsh. It won't even let women complete high school diplomas. It sends them into work fair programs and very low wage service industries, often jobs with no unemployment benefits. And of course, they are treated with contempt and disdain when they apply for any aid. They are humiliated.

And so I would beg my colleagues, I would beg them to not defund Planned Parenthood. Planned Parenthood is healthy for women, it's healthy for children, and it's healthy for our society.

I yield back the balance of my time.

Mrs. BLACK. Mr. Chair, I move to strike the last word.

The Acting CHAIR (Mr. GINGREY of Georgia). The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACK. Planned Parenthood, the largest abortion provider in the United States, receives millions of dollars in government aid, yet they are still classified as a nonprofit organization.

From 2008 to 2009, Planned Parenthood received \$363 million, which is one-third of their \$1 billion income, from grants and contracts from Federal and State governments. And during that time, the number of abortions that they performed increased to a record number of 324,000. That's almost 25,000 from 2006 to 2007. And each fiscal year since 2000, the government has increased its funding an average of \$22 million per year while the number of abortions they perform steadily increased. This occurred while the overall abortion rate in the United States declined.

And despite all of this, we continue to give this organization money—millions—despite reports that Planned Parenthood clinics have failed to comply with State statutory rape reporting laws, often ignoring parental consent laws. And, most recently, a few have refused to report instances of sex trafficking of minors.

Simple fact: Funding Planned Parenthood and its affiliates does not decrease abortions. It increases it.

When I think of Planned Parenthood, I am immediately reminded of a night 20 years ago when I was working in the emergency room at Hendersonville Hospital.

A 22-year-old girl presented after receiving an incomplete abortion from the Planned Parenthood clinic. She had no followup number, and she didn't know where to go to receive the care that she needed. Unfortunately, she waited at home, bleeding for hours before coming to the emergency room. But it was too late. And due to the excessive bleeding loss, her body responded by an uncontrollable clotting condition known as DIC, and at this point there was nothing we could do. We watched this young girl die. This young girl, with her whole life ahead of her, died that night.

Stories like these are the everyday tragedies that go untold. That is why I stand here this hour to show my support for this amendment and for all of the continuing efforts to defund Planned Parenthood. I thank the gentleman from Indiana for introducing this vital amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. COHEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Mr. Chairman, this has been an interesting debate as we look at the 150 years back in history and we look at the Civil War. And as we look back at the Civil War, some people reenacting it as if it was a good event, we look at kind of a retreat in history here tonight.

□ 2310

It was 1965 when *Griswold v. Connecticut*, the 7-2 Supreme Court decision, said Planned Parenthood could not be prohibited by the government from giving contraceptive advice to married people, and we have come a long ways since then in terms of liberty. And I am kind of surprised as we get here in 2011 and we look at this House, and part of this House which claims to be so concerned about liberty and individual freedoms and individual rights is more hung up on the Tenth Amendment and something to do with States and Federals, rather than the Ninth Amendment and the penumbra right that gives women and individuals the right to make certain decisions.

We have got a group over there really concerned about earmarks, yet what this is I would submit is not a bill of attainder; it is a reverse earmark, because you are saying who we can't give money to. And the logic I have heard from my friend from Georgia was that because even though we have the Hyde amendment which says Planned Parenthood can't use Federal funds for abortion because they do other Planned Parenthood activities, helping with HIV-AIDS screening, helping with cervical and breast cancer exams and treatments and other birth control-type activities other than abortion, because they do abortion too, this helps contribute in the milieu of their overall funding. With that logic, we wouldn't fund any hospital, any health clinic or any doctor that any part of their practice or any part of their operation has anything to do with abortion because the funds get commingled and it helps contribute to their ability to provide abortion.

So the bottom line is this isn't about Planned Parenthood. It is not the reverse earmarks that it is, that it picks out only Planned Parenthood, including Planned Parenthood in Memphis, Tennessee, that provides health care to over 5,000 women a year, low-income women a year who need information about how to plan their families other than just abstinence, that we know from Alaska to Florida has failed. This is an effort to take away from people an individual choice and to require and make the government, this government, this Congress, Big Government, the decider of individuals' lives rather than giving them some choice.

I yield to the gentleman from New Jersey.

Mr. PALLONE. I thank the gentleman.

I am just amazed by the extortion that I heard on the other side of the aisle tonight. Basically what the Republicans said is that if Planned Parenthood agreed not to perform abortions, then they could continue to perform their other functions. But if they insist on performing abortions, then we are going to starve them for money and they won't be able to provide contraceptives and family planning and all the other health care services for women that are so important here.

To me, that is just an incredible statement, because essentially what you are saying is we will extort this. We don't really care about all these other services that they are providing. What we really care about is abortion. And if you sign on the dotted line, then you can continue to perform the other health care services, as long as you don't perform the service that is allowed under the law of the land.

Now, I cannot believe that that was actually stated here this evening, because I know and we all know that all these other services, reproductive services and health care services, are so important for women, so important for families. For me to hear a Member on the other side suggest that somehow they are going to extort that and threaten that and hold that over everyone in order to accomplish this goal of saying you can't perform abortions I think is outrageous.

I now understand what the purpose of this amendment is. It is to close down Planned Parenthood and all the good things that many of you admit they are actually doing just in order to accomplish this ideological goal related to abortion. I just think that is incredible. To me, frankly, for the first time I understand what it is all about.

But let's not be hypocrites about this. If that is what you are about, then admit it. And one person did. The rest of you are going on and on about all of the terrible things that Planned Parenthood has done. Frankly, most of the men and women who perform the services at Planned Parenthood are very well-meaning people, and they shouldn't be attacked because of a few that haven't done the right thing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FLEMING. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. FLEMING. Mr. Chairman, I have been a practicing physician for over 35 years. I have delivered hundreds of babies. You know, our President once said when asked when does life begin, he said, that is above my pay grade. Well, I can tell you, Mr. Chairman, it is not above my pay grade, and I can tell you as a scientist and as a physician that life begins at conception, and that is often forgotten in this Chamber right here.

Abortion violates the very tenets, the simple tenets of our culture, and that is the killing of innocent life. But here is something else you don't hear much in this Chamber here today. How is it that human beings, how is it that Americans can decide to kill an innocent human life? The way we do it is through dehumanization; that is, we think of that unborn baby to be something inanimate or just a part of the body. I have seen people get more upset about a dying pet than they have in giving up their pregnancy through abortion.

So I say to you, Mr. Chairman, here today that I rise in support of the Pence amendment. Yes, of course, money is fungible. Money goes in one end and then into another account and then on elsewhere. So anything that taxpayers do in terms of giving money to Planned Parenthood is subsidizing abortions. And we know that the American people by a small margin and a growing margin oppose abortion in general, but a wide margin of Americans oppose taxpayer funding of abortion.

With that, I yield to the gentleman from Iowa.

Mr. KING of Iowa. I would like to thank the gentleman from Louisiana for addressing the House and for yielding to me, and all of those who have spoken on this issue.

I recall back here on this floor in the early part of the session in 2007 when the Mexico City vote came up, and I remember that debate here on this floor. I remember watching the vote go up on the board, the language that would compel American taxpayers to fund abortion in foreign lands. For the first time in years, the Democrats lost the debate but won the vote. And I saw Members over on this side of the floor jumping up and down, hugging themselves, cheering, cheering because of what? Because you had taken a step to compel Americans who are conscientiously objecting taxpayers to fund abortions in foreign lands.

How could anyone cheer something like that? What was the moral standard that brought about such elation? It is a complete confusion to me to think that we can't even describe what this is.

I brought some posters to the floor of the House Judiciary Committee last week that showed what dilation and evacuation is. It is dismemberment. Abortion. I don't know if there anybody in this Chamber that could actually witness a real abortion and stand there, let alone lend their hand to such a thing.

But I remember buying the movie "Silent Scream" for my children when they were about 9, 10 and 11 years old and sitting on the floor in the living room and watching 8 minutes of parts of babies being put in a stainless steel pan and having an inventory done of a

little foot, a little arm, a little leg, a little torso, a little crushed skull, until all the things added up, and then they sucked out the pieces that were missed.

That is what is going on. And we are asking Americans to fund this through Planned Parenthood, or any other organization?

Here is where I would agree with Mr. COHEN. I would go further than this. And he made the point—I know he wouldn't agree. I would say no funds should go to any entity that should perform such a ghastly, ghoulish and gruesome procedure, and this House cannot compel American taxpayers to do so. And we will stand tonight and we will put an end to the Federal funding of Planned Parenthood, and we will move on and we will shut off all of the funding to those entities that do that to our unborn children in this country.

Mr. FLEMING. Mr. Chairman, I would like to say in conclusion to my remarks, and I thank the gentleman from Iowa, that tonight we are all getting tired. We have debated for 3 days and 3 nights. But in that same period of time, think about the number of babies who have been killed through abortion, through a sterile area where a doctor goes in and we have the usual instruments and so forth and the fetus sucked out of the womb and then the mom on with her life.

□ 2320

But we also know that statistics tell us that these mothers just don't go on with their lives, as has been suggested by the other side. The rate of depression, the rate of suicide, the rate of problems with future pregnancies increase dramatically after abortion.

So tonight should be the beginning of the ending of this horrible practice.

With that, I yield back the balance of my time.

Ms. CASTOR of Florida. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Thank you, Mr. Chair.

We were hired by our neighbors in our hometowns to come up to Washington and fight for jobs and help get the country back on the road to recovery. But instead, this Republican Congress is taking an extreme right turn right back into the dark ages because they are targeting a very important initiative that has provided fundamental health services to women since 1970 to say no more will women that depend on family planning in the United States of America have that lifeline any longer—that lifeline for breast cancer screenings, cervical cancer screenings, the annual Pap smear, for contraceptives. We can't go back to the dark ages—and we're not going to let you.

As often as it has been misstated on this floor tonight, none of the money

for family planning goes to pay for abortions. This is their false battle cry. In effect, what they're doing is they want to cut off the lifeline for mothers and daughters, aunts, your friends, your neighbors who sometimes don't have a place to go to afford that important doctor's visit. There seems to be little if any empathy for these women from the Republican side of the aisle, as they propose no alternative for providing this care, and they don't seem to realize or, frankly, care that unintended pregnancies will rise if this program is abolished.

Cutting off these funds and eliminating this care for women will not stop abortion, which is their claim. Only family planning will stop abortion. The major consequence of wiping out title X, which really means that all-important trip to the doctor's office for a woman who doesn't have any place else to go for their breast cancer screening, their annual exam, the only consequence, major consequence, will be eliminating health care for millions of women while also increasing the bill to taxpayers. For every public dollar invested in family planning, taxpayers save \$4.

So attacking reproductive health care for women may make for very interesting politics, but it doesn't prevent unintended pregnancy. It doesn't create jobs. It doesn't improve the economic situations of our hometowns. And that's what we should be debating for hours and hours tonight.

I yield back the balance of my time. Mr. LAMBORN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, I rise in support of the amendment to remove taxpayer dollars from Planned Parenthood. In my State of Colorado, the voters passed a State constitutional amendment by initiative about 30 years ago. It said no taxpayer dollars will go to abortion, whether directly or indirectly. We decided in Colorado that because money is fungible, giving taxpayer dollars to an organization that provides abortion, even if they say it doesn't go directly to abortion, does indeed ultimately fund it. This is because that taxpayer money frees up that organization's resources to be moved around on its books. Money is fungible.

Taxpayer dollars enable Planned Parenthood to perform abortions, and the sentiment in Colorado is the same as in the rest of America: Americans don't want to use taxpayer dollars for abortions. Until the day comes that Planned Parenthood stops performing abortions, it should not get another penny of taxpayer money.

I urge my colleagues to support the Pence amendment.

Mr. Chairman, I now yield to the distinguished gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Chairman, it's time Americans, especially policymakers, health officials, the media, and law enforcement, took a second and critical look at Planned Parenthood. Not only does Planned Parenthood vigorously lobby and litigate against parental notification and parental consent laws, thus enabling secret abortions for very, very young girls to be procured in their clinics, but now we've learned from recent undercover taped investigations at several of its clinics that Planned Parenthood employees were found to be more than eager to assist people posing as sex traffickers to procure abortions for underaged girls.

As a prime sponsor of the Trafficking Victims Protection Act of 2000, I found it appalling to watch Planned Parenthood personnel again and again and again offer to provide and facilitate abortions for hypothetical sex trafficking victims as young as 13. In light of a recent comprehensive study suggesting that 100,000 American girls, mostly runaways, are forced into prostitution each year, average age 13, the videotapes of Live Action, the NGO headed by a courageous young woman, Lila Rose, that did the undercover work, is an engraved invitation for serious investigation by the Attorney General of the United States and law enforcement everywhere. It further begs the question: Why are taxpayers giving hundreds of millions of dollars each and every year to Planned Parenthood?

Despite the best and slickest market branding money can buy, the stubborn fact remains that Planned Parenthood clinics are among the most dangerous places on Earth for a child. Planned Parenthood's own personnel are now taking a second look—many of them—and, thanks to ultrasound, are clearly seeing what is being done to millions of children in the womb, like the 332,278 babies exterminated in Planned Parenthood's abortion clinics in 2009.

One of those abortion providers who took a second look and walked away is Abby Johnson, a former Planned Parenthood abortion clinic director. In her book "Unplanned," Abby Johnson exposes the duplicity and cruelty of what really goes on behind closed doors at a Planned Parenthood clinic. In it she writes how she witnessed and assisted in an abortion of a 13-week-old baby by holding the ultrasound probe, and as she pointed out in the book, it was the first ultrasound-guided abortion at that facility.

She writes in the book: "The details startled me. At 13 weeks you could clearly see the profile of the head, both arms, legs, and even tiny fingers and toes. With my eyes glued to the image of this perfectly formed baby, I watched as a new image emerged on the video screen. The cannula, a straw-

shaped instrument attached to the end of the suction tube, had been inserted into the uterus and was nearing the baby's side. It looked like an invader on the screen: out of place, wrong. It just looked wrong."

She goes on to write: "My heart sped up; time slowed. I didn't want to look, but I didn't want to stop looking either. At first, the baby didn't seem aware of the cannula. It gently probed the baby's side, and for a quick second I felt relief. But I couldn't shake an inner disquiet that was quickly mounting to horror as I watched the screen." Remember, this is an abortion clinic director saying this.

"The next movement was a sudden jerk of a tiny foot of the baby as he started kicking, as if trying to move away from the probing invader."

The Acting CHAIR. The gentleman from Colorado's time has expired.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. SMITH of New Jersey. "As the cannula pressed in, the baby began struggling to turn and twist away. It seemed clear to me that the fetus could feel the cannula, and it did not like the feeling. And then the doctor's voice broke through, startling me: 'Beam me up, Scotty,' the abortionist said lightheartedly to the nurse. He was telling her to turn on the suction, in an abortion the suction isn't turned on until the doctor feels he has the cannula in exactly the right place."

This abortion clinic director went on to write: "I had a sudden urge to yell, Stop; to shake the woman and say, Look at what's happening to your baby. Wake up; hurry. Stop them. But even as I was thinking those words, I thought of my own hand and saw my own hand holding the probe. I was one of them performing this act" of abortion.

□ 2330

"My eyes shot back to the screen. The cannula was already being rotated by the doctor and now I could see the tiny body violently twisting with it. For the briefest moment it looked as if the baby was being wrung like a dishcloth, twirled and squeezed. And then the little body crumpled and began disappearing into the cannula before my eyes. The last thing I saw was the tiny perfectly formed backbone sucked into the tube. And then everything was gone. The image of that tiny dead baby mangled and sucked away kept replaying in my mind. What was in this woman's womb just a moment ago was alive. It wasn't tissue. It wasn't cells. This was a human baby, fighting for life. A battle was lost in the blink of an eye.

"What I have told people for years"—8 years as a clinic director at a Planned

Parenthood clinic—"what I have told people for years," Abby Johnson continues, "What I believed and taught and defended is a lie."

I ask Members to read this book, "Unplanned," and realize the scandal of the killing of these unborn children and calling it choice.

Mr. Chairman, there is nothing whatsoever benign or caring or generous or just or compassionate or nurturing about abortion. Earlier one of our colleagues called abortion healthy for the child. Abortion dismembers children piece by piece. Planned Parenthood's own fact sheet talks about D&E abortions done during the second trimester period. Have you ever seen what a D&E is? The doctor goes in with forceps and this device and literally hacks that baby to death. Planned Parenthood itself says it takes 10 to 20 minutes to literally dismember that child.

Then there's the shots in the heart. There's a doctor right here in this area, that on perfectly healthy babies gives them cardiac sticks with either feticide poison or a burst of air which kills the unborn child.

So it is not healthy for children and we know for a fact it is not healthy for women, either.

Mr. Chairman, the Pence amendment simply seeks to end U.S. taxpayer complicity with this massive violence against children. Who we back, who we subsidize does matter. Not just what but who.

Planned Parenthood does more than 300,000 abortions each and every year. They are the largest provider; about a fourth of all the abortions in the United States. It is child abuse. It is time to take a second look at Child Abuse, Incorporated.

Support the Pence amendment.

I yield back the balance of my time.

Ms. SPEIER. I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Mr. Chairman, I had really planned to speak about something else, but the gentleman from New Jersey has just put my stomach in knots, because I'm one of those women he spoke about just now.

I had a procedure at 17 weeks, pregnant with a child that had moved from the vagina into the cervix, and that procedure that you just talked about was a procedure that I endured. I lost the baby. But for you to stand on this floor and to suggest as you have that somehow this is a procedure that is either welcomed or done cavalierly or done without any thought is preposterous. To think that we are here tonight debating this issue, when the American people if they are listening are scratching their heads and wondering: What does this have to do with me getting a job? What does this have to do with reducing the deficit? And the answer is: Nothing at all.

There is a vendetta against Planned Parenthood and it was played out in this room tonight. Planned Parenthood has a right to operate. Planned Parenthood has a right to provide services for family planning. Planned Parenthood has a right to offer abortions. The last time I checked, abortions were legal in this country.

Now, you may not like Planned Parenthood. So be it. There are many on our side of the aisle that don't like Halliburton, and Halliburton is responsible for extortion, for bribery, for 10 cases of misconduct in the Federal database for a \$7 billion sole source contract. But do you see us over here filing amendments to wipe out funding for Halliburton? No. Because, frankly, that would be irresponsible.

I would suggest to you that it would serve us all very well if we moved on with this process and started focusing on creating jobs for the Americans who desperately want them.

I yield back the balance of my time.

Mr. CANTOR. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Mr. Chairman, Planned Parenthood receives a third of its \$1.1 billion budget from taxpayer dollars. The opposition to this amendment continues to say that this is not about Federal funding of abortion, which the Hyde amendment prohibits. We all know, however, that money is fungible. Taxpayer dollars are going to keep the lights on and the doors open and to pay for things which frees up money for abortions. Recently, Planned Parenthood has been caught red-handed in several different clinics, including one in my hometown of Richmond, aiding and abetting sex trafficking and prostitution of minors.

Now the other side continues to say that Planned Parenthood has a right to operate. They don't have a right to do that. You cannot argue that an organization that engages in patterns of conduct such as those revealed in the videos seen in clinics such as that in my hometown, you cannot argue that an organization like that cares about the rights of women and girls it purports to serve.

So, Mr. Chairman, I ask you: Why on Earth are we giving \$363 million in taxpayer funds every year to Planned Parenthood? It is time to say no more. The time has come to respect the wishes of a vast majority of Americans who adamantly oppose giving taxpayer dollars for abortion. That is why I support this amendment, Mr. Chairman, and that is why I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. CICILLINE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CICILLINE. Mr. Chairman, I'm new to this body but I was just elected to the Congress of the United States and what I heard during the course of my campaign is the urgency to get people back to work, to strengthen the middle class, to create jobs and to deal with the deficit. We've just spent the last 3 hours under the cloak of deficit reduction. My friends on the other side of the aisle have pushed this very extreme amendment, which is targeting women's health care and women's health care providers. This ideological attack comes at the expense of our Nation's women. It's an attack on health centers and will put the lives of millions of women at risk—millions of women who seek and receive health care at Planned Parenthood centers all around this country.

Every year, Planned Parenthood doctors and nurses carry out nearly 1 million lifesaving screenings for cervical cancer and 830,000 breast exams. Its health centers provide contraception to nearly 2.5 million patients, and nearly 4 million patients are treated for sexually transmitted infections, including HIV.

□ 2340

Planned Parenthood provides preventative health care, and that represents 90 percent of its work. We already have a Federal prohibition of using Federal funds for abortion. Not a single penny intended or targeted by this amendment is used to terminate a pregnancy.

What we should be talking about is getting the American people back to work: creating jobs, responsibly dealing with our deficit, and doing everything we can to strengthen the middle class. That's what we were sent here to do. That's what we should be doing.

I urge my colleagues to reject this amendment so that we can get back to the important business of putting Americans back to work.

I yield to the gentlewoman from California.

Mrs. DAVIS of California. Mr. Chairman, I'll bet the American people are really surprised tonight because we are debating a continuing resolution when they are facing tremendous challenges. We should be thinking about them and about the challenges they face. We should be talking, as my colleague has said, about how to save money and about how to create jobs. Instead, we are debating an amendment that will do neither. It will undermine women's health.

This amendment denies women access to reproductive care, and it attacks the health providers that they rely on in their communities. These are health providers that are serving the underserved, and we are spending the evening attacking them.

Planned Parenthood plays a critical role in our Nation's health care system. We know that. These clinics help

over 3 million Americans every year. More than 90 percent of the care they provide is preventative.

“Preventative.” What does that mean? We have many physicians here. What does that mean, “preventative care”? “Preventative care” means that men and women do not have to go through more costly procedures and even that their lives can be saved.

One in five American women has been to a Planned Parenthood health center for services like breast cancer screenings and cervical cancer screenings. We talked about all of that this evening.

I cannot let San Diego families lose these valuable services. I will not let that happen, because I know that, when women have better access to these services, it leads to healthier outcomes for both the women and their children. But this amendment proposes to cut these services under the guise somehow of being fiscally responsible. That's not true. What I know about my State of California is that title X-supported centers saved \$581,890,000 in public funds in 2008 alone.

So let's talk about saving money. Let's talk about creating jobs. Let's not talk about constricting women's access to health care. Vote “no” on the Pence amendment.

Mr. CICILLINE. I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. This has been a good debate this evening. Mr. Chairman, I want to thank you for the time you have allowed this body to stand and have this debate. There has been a lot said. A couple of things, I think, do need to be corrected.

Mr. Chair, we are thinking about the American taxpayer, and we are thinking about our responsibility to the taxpayer. This is not a debate about a vendetta; this is not a debate about Planned Parenthood; this is not a debate about something that is extreme. What this is tonight is a debate about our stewardship and our responsibility to the American people.

Our discussion tonight—and I thank Mr. PENCE for his leadership on this—is how we fund this government in a responsible manner and how we get this government back on track. The taxpayers are weighing in. They're reminding us that we, the Members of the House, are the keepers of the purse of this great Nation, and that it is important that we have these discussions. They want us to do it respectfully; they want us to do it responsibly; and they want us to make wise decisions.

Quite frankly, Mr. Chairman, to give \$363 million in taxpayer funds to an organization that has not conducted itself in a manner that suggests it de-

serves those funds is not respectful of the taxpayer.

I want to go back to what Mr. PENCE said at the beginning of the debate, that this is a debate about who pays. No one is saying that Planned Parenthood has to stop operating or has to stop being an advocate for abortion. What we are saying is that the American taxpayer should not have to foot the bill, especially for an organization that is facing criminal charges, that has admitted wrongdoing, and that is accused of endangering the safety of Americans. The American taxpayers should not have to spend millions of taxpayer dollars on this.

I encourage my colleagues to stand for appropriate stewardship of the taxpayer dollars and to support and vote “yes” on the Pence amendment.

I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. I had not intended to get into this particular debate.

Mr. ROGERS of Kentucky. Reserving the right to object, we had an agreement. I thought that this would end the debate, and I would hope that that agreement could be agreed to.

Mr. GARAMENDI. I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chair, I rise today to express my opposition to the Pence amendment and efforts to eliminate the Title X family planning program.

Title X funding has connected millions of American women with essential health care since it was created forty years ago.

Given that federal funds, including those provided through Title X funding, are already banned from being used for abortion service, the real impact of this proposal is that over 5 million Americans will lose access to health care services—including important preventive care, such as cancer screenings, annual exams, and contraception.

This is a time when we should be focused on creating jobs, helping middle-class families, and encouraging innovation, not restricting access to health care for millions of Americans.

Thank you Mr. Chair, I urge my colleagues to oppose these efforts to eliminate Title X funding.

Mr. LANDRY. Mr. Chair, I rise today in support of the Pence amendment to prevent funds going to Planned Parenthood.

I've heard from many of my colleagues that this amendment defunds many necessary women's health services.

Let me be clear we must expand access to care for women in this country; however, abortion is not health care.

The Planned Parenthood website states, “Our primary goal is prevention—reducing the number of unintended pregnancies, especially the alarmingly high number of teenage pregnancies, in the United States.” Abortion is not a method of preventing unintended pregnancies; abortion takes lives that have already begun.

We must not continue to support institutions that take unnecessary risks with the lives of young women and institutions that have been proven to be irresponsible with taxpayer dollars, have failed to report statutory rape, and have been caught aiding and abetting sex trafficking.

The thousands of taxpayers who do not condone the slaughter of innocent lives, many of my constituents on the coast of Louisiana, know that they deserve better than to support corrupt organizations.

I urge my colleagues to support this amendment without hesitation.

Ms. MATSUI. Mr. Chair, I rise today in opposition to the C.R. put forward by the Republican majority, and specifically to the defunding of Title X family planning programs, authorized under the Public Health Service Act. Started in 1970 by President Nixon, Title X funding provides for voluntary family planning projects, and is essential to protecting women's health services.

Currently, Title X is our nation's only program dedicated to providing low-income Americans with family planning and reproductive health services. My colleagues on the other side of the aisle are attempting to misconstrue Title X as federal subsidizing of abortion.

However, Title X does not provide for abortion services. But it does cover essential health care for millions of families and women.

From birth control to cancer screenings, approximately 5 million Americans rely upon Title X programs every year. In my hometown of Sacramento, I hear from women who tell me that if community health centers—like Planned Parenthood—close they would have nowhere else to go.

I also hear from health care providers, who tell me that if the local Planned Parenthood closes, they would not be able to absorb their patients.

For women who are unemployed or underemployed, often times they lack quality health coverage. That means that preventive health measures like cervical cancer screenings are financially unfeasible, so they turn to community health centers that receive Title X funding.

It means that care for pregnant women, who should deserve the best possible pre-natal care for their babies feel like they cannot afford to go to the doctor as often as they need to. So they turn to community health centers that receive Title X funding.

It means that young women, who are scared to talk to their parents about their sexual health, who want to seek out birth control and contraceptive measures, often before they become sexually active, but feel like they can't see their family doctor, turn to community health centers that receive Title X funding.

For all of these women, community health centers are their sole source of medical care. We simply cannot afford to cut the lifesaving and preventive care services for those who would not otherwise have access to such care, especially in our current economic climate.

Study after study shows that preventive care makes a healthier person. Preventive care creates healthier outcomes throughout one's life. And preventive care helps reduce health care costs, and will result in a healthier nation—both fiscally and physically.

Recently, I heard from one of my constituents, a woman named Cathy, who has been a health educator for the past 13 years. She started her teaching career at Planned Parenthood under Title X funded grants. Cathy said, "Without knowledge and preventative services, we are bound to accrue more expenses in reactive versus pro-active measures . . ." The House version of the FY11 Continuing Resolution would cut millions of American women off from birth control, cancer screenings, HIV tests, and other lifesaving care.

This outrageous attack would have a devastating impact on the women, men, and teens in our community. For the thousands of women in Sacramento, who depend on the services that community health centers that Title X supports, I urge my colleagues to vote against this harmful amendment. The defending of these vital health programs contained in the C.R. will devastate women's health for generations to come. Increased costs, unintended pregnancies, and spikes in sexually transmitted diseases, would all be consequences of stripping this critical funding.

Millions of young women, all around this country are looking to their leaders in Congress for leadership. It is my hope that this body acts in their interests, and the interests of their families. We must not cut off their only access to medical care.

I once again urge my colleagues to vote against this irresponsible amendment. As a mother and a grandmother, I find it offensive, and shameful.

Ms. HIRONO. Mr. Chair, I rise today in strong opposition to the amendment offered by Congressman PENCE.

Congressman PENCE's amendment is a threat to women's health. It would prohibit Planned Parenthood from receiving any federal funds. As a result, Planned Parenthood would be disqualified from receiving Title X family-planning grants and other health related program funds.

Much of the cuts in H.R. 1 target the most vulnerable among us—the poor, children, young adults, and now women. We are a diverse country with good people on all sides of an issue, including abortion. I know this amendment strikes at a favorite target of the anti-choice group. Sadly, in pushing their anti-choice agenda, tens of thousands of women in our country will be denied health care services that have nothing to do with abortion.

The vast majority of Planned Parenthood's medical services are related to contraception, testing and treatment for sexually transmitted infections, cancer screening, and other services like pregnancy tests and infertility treatment. Abortion services comprise only 3 percent of the medical care Planned Parenthood provides. Federal law already prohibits Title X funds from being used for abortion services. It is important to point out that there are no known violations of this law. Despite any claims to the contrary, the Pence amendment is clearly a direct attack on women's preventive health care.

Congressman PENCE goes out of his way to name specific Planned Parenthood entities in his amendment that should not be funded, including Planned Parenthood Hawaii. I would like to share with the Congressman and this body my views on how Planned Parenthood Hawaii has helped women and their families.

In Hawaii, there are three Planned Parenthood centers, one in Honolulu on the island of Oahu, one in Kahului on the island of Maui, and one in Kailua-Kona on the island of Hawaii. Together, those three centers:

Served 7,835 patients.

Provided 2,582 cervical cancer screenings that detected 321 abnormal results that required further diagnosis and treatment.

Provided 2,705 breast exams.

Conducted 3,346 tests for chlamydia—the leading cause of preventable infertility—that resulted in 172 positive results and follow-up treatment.

By eliminating funding for the Title X Family Planning Program, the Planned Parenthood Clinic in Kailua-Kona may have to close its doors. That center is one of the only dedicated sexual and reproductive health clinics on the island. The centers on Maui and Oahu would be forced to reduce their clinic hours.

The Pence amendment eliminates a safety net program that provides family planning services and lifesaving preventive care to 3 million Americans every year. I urge my colleagues to join me in opposition to this amendment.

Mahalo nui loa (thank you very much).

Ms. BERKLEY. Mr. Chair, I rise in strong opposition to the Pence Amendment.

Rep. PENCE's amendment would prohibit Planned Parenthood from receiving any federal funds, including Medicaid reimbursement for family planning services, funding for HIV testing and counseling, funding for programs to prevent infertility, breast and cervical cancer screening funds, and funding to provide evidenced-based sex education, including information about abstinence. This amendment would have a devastating impact on communities like Las Vegas.

In my district, Planned Parenthood's Flamingo Health Center is an essential community provider and one of only three Title X facilities in Clark County. In FY 2010, 27 percent of their clients were at or below 100 percent of Federal Poverty Level (FPL) and an additional 39 percent were between 100 percent and 250 percent of FPL. Planned Parenthood provides access for many low-income women to basic and preventive healthcare, often serving as a primary care provider. In FY2010, Planned Parenthood provided basic healthcare services to more than 18,000 Nevadans.

Rep. PENCE's amendment will result in 1.4 million Medicaid patients—predominately women—losing access to their health care provider. This attack on Medicaid patients' access to their local provider occurs at the same time that the Medicaid program desperately needs more doctors and nurses to participate in the program. Existing access issues will only become exacerbated as a result of the Medicaid expansion to 133 percent of the Federal Poverty Level under the Patient Protection and Affordable Care Act (ACA).

Federal law already requires health care providers to demonstrate that federal funds are not used for abortion care, so this amendment is a clear attempt to cut funding for cancer screenings and contraception for low-income women at Planned Parenthood health centers. Rep. PENCE's amendment has one goal—to undermine women's access to basic, preventive healthcare and the women's health

providers they rely on in their communities. I oppose this amendment and efforts to deprive women access to essential healthcare services.

Mr. CONYERS. Mr. Chair, today I rise to oppose the reckless Republican proposal to eliminate funding for the Title X Family Planning Program. This cut is a legislative assault on women's health and a failure of House Republicans to strengthen American families. Instead of focusing on issues Americans are most concerned about, like creating jobs, House Republicans have decided to target women's health programs and women's health providers under the guise of deficit reduction.

Since 1970, Title X Family Planning Program has been a critical component of our nation's health care infrastructure and an essential vehicle in preventing unintended pregnancies and providing basic primary and preventive health care, including annual exams lifesaving screenings for illnesses like breast cancer, cervical cancer and HIV. If these cuts are allowed to become law, 5 million Americans will lose these services and women's access to health care will be severely restricted.

House Republicans are using this legislation to mislead the American people by suggesting that federal funds are being used to pay for abortions. This is flatly untrue, since federal law has already banned Title X funds from being used for abortion services. Moreover, in 2008 Title X supported services prevented 973,000 unintended pregnancies which resulted in thousands of fewer abortions. However, if Title X Family Planning Programs are eliminated more women will experience unintended pregnancies and face potentially life-threatening cancer and other diseases that could have been prevented.

Preventing women's health centers from receiving this critical funding stream is not the answer and the majority of Americans do not support this proposal. According to a January 2011 CBS/New York Times survey found that by a margin of 67 percent to 27 percent, Americans oppose cuts for health care and education as a means of reducing the deficit. Instead, the American people want Congress to work together to address their top priority, which is creating jobs and strengthening middle class families, not imposing new restrictions to legal health services and screenings and eliminating critical programs. Eliminating Title X funding does not create jobs or help our economy. In fact, family planning programs like Title X save money because every \$1 spent on family planning results in a \$4 savings to Medicaid. House Republicans proposal to eliminate Title X Family Planning goes too far and is bad policy, bad politics, and is flat out immoral. I ask that my colleagues join me in opposing cuts to Title X Family Planning Program.

Mr. HOLT. Mr. Chair, I rise today to oppose the amendment offered by my colleague from Indiana, Mr. PENCE to H.R. 1, the Full-Year Continuing Appropriations Act.

Mr. PENCE's amendment would deny any federal funding to Planned Parenthood health facilities throughout the country. As a supporter of Planned Parenthood and the services that it offers to my constituents in my central New Jersey district, I firmly oppose this purely political amendment.

This should not be a pro-life or pro-choice debate about one of the many services that Planned Parenthood provides. In fact, under current law no federal funds can be used for abortion services. Less than three percent of the services provided by Planned Parenthood are abortion related. The Pence amendment is in fact a fundamental attack on our nation's oldest and most respected reproductive healthcare provider, the over 5 million men and women that visit Planned Parenthood annually, and the one in five American women who will visit a Planned Parenthood center in their lifetime.

Disqualifying Planned Parenthood from receiving federal funds would disproportionately affect health-care services that prevent unintended pregnancy and reduce the need for abortion. The vast majority of Planned Parenthood's medical services are related to contraception, testing and treatment for sexually transmitted infections; cancer screening, and other services like pregnancy tests and infertility treatment. Despite any claims to the contrary, the Pence amendment is clearly a direct attack on prevention services, and would increase the number of unwanted pregnancies.

More than 90 percent of the care that Planned Parenthood health centers provide every day is primary and preventive, including wellness exams, cancer screenings, immunizations, contraception and STD testing and treatment. For many women, the only doctor or nurse they see is one they visit at a women's health center. In fact, more than 6 in 10 patients who receive care at a women's health center like Planned Parenthood consider it their primary source of health care.

The 28 Planned Parenthood health centers in New Jersey serve over 90,000 patients per year for a wide range of primary and reproductive health services. In 2009 alone, these centers performed almost 45 thousand cervical screening tests that detected over 2 thousand abnormal results and 27 thousand breast exams that detected over 800 abnormal results. Taking away funds from Planned Parenthood would deny women life saving medical testing, increase unwanted pregnancies, and deny primary care services to millions of women throughout the country.

I urge my colleagues to oppose the Pence amendment.

Ms. RICHARDSON. Mr. Chair, I move to strike the last word.

I rise today in strong opposition to the Pence Amendment to the Republican Continuing Resolution which would eliminate all federal funding to Planned Parenthood facilities across the country.

Planned Parenthood has been a vital healthcare provider for low and moderate income women since its formation in 1916. It is one of the largest providers of basic healthcare in the country offering a variety of services including cancer screenings, HIV/AIDS testing, blood pressure examinations and general reproductive care for more than 3 million patients annually.

If passed, this amendment would have a detrimental impact on women's access to basic healthcare services and would severely limit a woman's right to control her own reproductive health.

Over 90% of the services Planned Parenthood administers are preventative care serv-

ices that keep low and moderate income women healthy. Planned Parenthood also gives women access to contraception and important family planning services.

6 in 10 women who receive healthcare from women's health centers such as Planned Parenthood consider these facilities to be their primary source of basic, preventative care. Taking away these options for millions of women is not acceptable.

Research has shown that every dollar invested in family planning programs saves American taxpayers \$4. Clearly, the goal of this amendment is not to reduce the deficit but to restrict women's access to basic healthcare services.

In the long-term, the preventative care services that Planned Parenthood offers will certainly save millions of dollars for the American taxpayer who would otherwise be forced to foot the medical bills of patients who had been denied access to preventative care services as a result of this amendment.

The Republicans claim that this Continuing Resolution is about cutting the deficit. However, this amendment is inconsistent with that objective. Instead of focusing on creating jobs, an issue that is at the center of the American people's mind, the Republicans are focusing on eliminating funding to health centers that actually save the American taxpayers money.

In these tough economic times, women who rely on health centers such as Planned Parenthood for basic care may not have any other options for seeking treatment if funding for these facilities were to disappear.

This amendment does not reduce the deficit, it does not create jobs and it severely hinders women's right to affordable, basic healthcare.

Thank you.

Mr. HEINRICH. Mr. Chair, I rise today to object to the amendment submitted by Mr. PENCE, which would deny Planned Parenthood health centers federal funding for family planning services, HIV testing and counseling, programs to prevent infertility, and breast and cervical cancer screenings.

The Pence amendment would cut off millions of American women from their only source of primary care. One in five American women has accessed health care at a Planned Parenthood health center. In 2010, Planned Parenthood of New Mexico provided 1,995 Pap smear tests and 281 breast exams. Services such as these save lives.

Instead of focusing on the issues Americans are most concerned about, House Republicans are targeting women's health care programs and women's health providers under the guise of deficit reduction. These proposals do nothing to improve the economy, they will result in job losses, and they will cut off millions of American women from their only source of primary and preventive care. At a time when more and more women and families are facing difficulties in accessing health care due to increasing costs and a struggling economy, members of Congress should be doing everything they can to ensure that women have access to the health care they need and the trusted providers in their community.

I urge my colleagues to vote against this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WESTMORELAND) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

□ 2350

LEGISLATIVE PROGRAM

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Mr. Speaker, we have had I think a very elevated week of debate about the entire government. This is one of those very rare occasions when the Congress, for a single span of time, debates practically every element in the Federal budget. That is a very, very rare occurrence, and I think we have had a very elevated debate on both sides of the aisle. I want to commend all of the Members, Republicans and Democrats, for a good debate on a whole host of issues.

We are making progress, but we have a ways yet to go. I want to thank Mr. DICKS, the ranking member of this committee, for being very, very, very helpful in moving this process along.

And I have to pause, Mr. Speaker, and remind us all of how important staff is to what we do. This staff has been fantastic. We have been working with Mr. DICKS and leadership on both sides to try to find a way to make the debate concise and reasonable in time. We have reached an agreement that we want to propound to the body now which we think is fair and will give everyone an opportunity to make their presentations in due course of time.

MAKING IN ORDER FURTHER CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1 in the Committee of the Whole pursuant to House Resolution 92, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations for the purpose of debate; amendments 8, 13, 19, 23, 38, 42, 46, 47, 48, 49, 51, 54, 55, 79, 80, 83, 88, 89, 94, 99, 101, 109, 117, 120, 126, 127, 137, 141, 144, 145, 146, 149, 151, 154, 159, 164, 166, 172, 174, 177, 185, 199, 200, 207, 216, 217, 233, 241, 246, 251, 255, 261, 263, 266, 267, 268, 274, 280, 281, 296, 323, 329, 330, 331, 333, 336, 342, 344, 345, 348, 367, 369, 377, 392, 396, 400, 401, 405, 408, 409, 414, 424, 429, 430, 439, 445, 448, 463, 464, 465, 467, 471, 480, 482, 483, 495, 496, 497, 498, 504, 507, 515, 519, 524, 525, 526, 533, 534, 536, 543, 548, 552, 560, 563, 566, 567, 569, 570, 577, 578, and 583; amendments 27, 278, 466, and 545, each of which shall be debatable for 20 minutes; amendments 104 and 540, each of which shall be debatable for 30 minutes; amendment 273, which shall be debatable for 40 minutes; and amendment 575, which shall be debatable for 60 minutes; and that each such printed amendment: (1) may be offered only by the Member who caused it to be printed in the RECORD, or a designee; (2) shall not be subject to amendment, except that the chair and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and (3) shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and that except as otherwise specified in this order, each printed amendment shall be debatable for 10 minutes, and all specified periods of debate shall be equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. DICKS. Reserving the right to object, I just want to also join the chairman in congratulating the staff. This is the hardest-working staff I have ever seen in my career. The effort that is put in on a bipartisan basis, this is the cohesive and professional staff that I have seen, and I have been up here on the Hill for over 40 years. I just want to say that Jennifer Miller and David Pomerantz worked very hard to put this agreement together. We asked for some additional time. Our Members wanted a chance to express themselves on some of these very important and sensitive issues that are in this legislation.

But it is my judgment that we should not object; we should accept this agree-

ment and proceed forward and finish this legislation.

I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, I guess I am a dissenter in this orgy of self-congratulation, and I want to explain why. And I may not object if I have a chance to explain why, but if I can't explain, I have to object. So that is the choice. I either explain or object.

I object not to the UC at this point, but to the self-congratulation that the majority is engaging in because they said they had such an "open process." In fact, the refutation of that was best stated by the gentleman from Kentucky. He just said we have debated the whole government. Yes, we have—and very inappropriately.

To debate the whole government and to debate fundamental policy issues under the guise of a budget, under the constraints of a budget debate and not three, not a whole week, 2½ days so far. Maybe we will get a third day. We have dealt with the most fundamental questions. In the jurisdiction of the committee on which I serve, issues came up under great constraint. The reform bill of last year has been damaged by what was done here. Fortunately, it will never become law. And we were constrained because we had to choose between the SEC and the IRS. That is not the way to legislate.

This was not an open process. Yes, you could offer amendments. You could offer amendments in a very narrow compass. You could offer amendments according to the jurisdiction of subcommittees. The jurisdiction of subcommittees is somewhat accidental. It doesn't determine public policy.

And, yes, we are talking about it now. We are boasting about debating the whole government. Did my colleagues listen to the UC? You will get to debate whole aspects of the government tomorrow for 10 minutes. We are the model of democracy. The next thing you know, they will be rioting in parts of the world so they can have 10 minutes per issue to debate fundamental issues.

This is a travesty. I very much objected to this procedure. My leadership, for which I have great respect, had asked me if they could go forward. I am prepared to allow that because of some conditions. One is that I am confident that this awful, distorted, ill-thought-out process has produced a bill that will never see the light of day. And by the way, no one should be surprised. We are now going to recess after we finish with all of these other parts of the government in 10 minutes per issue, or up to an hour for a couple of important ones, 20 minutes for some only moderately important ones.

The Senate will then get this with 4 days left before it expires. No one real-

istically thinks this is going to happen. So perhaps some of the constituencies were mollified by this show; but I want to stress again, this has been awful procedure.

The gentleman from Kentucky is right: we have debated the whole government, fundamental issues that go far beyond budgetary issues in 3½ days. We will have debated fundamental issues in 10 minutes. This is openness? This is a travesty of the democratic process.

So, Mr. Speaker, because I have been given a chance to explain why I think this is a terrible process, why I am going to say now I don't expect the Senate to accept this. We will have to come back and do it again. There will have to be, I assume, a short-term extension.

I want to give notice now to all parties, I will object strenuously at every procedural opportunity to any effort to repeat this travesty.

□ 0000

So with respect to the ranking member and to the minority whip and the minority leader and to others and to people who have worked so hard and to the poor long-suffering staff, yes, I will remove my reservation, and I will not object. Having made it clear, once the Senate gives this awful product an appropriate burial, I will not be a party to its resuscitation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. GOHMERT. Mr. Speaker, I reserve the right to object because just to sit here and listen, after having spent the last 4 years dealing with the most closed Congress—the last Congress, in fact, had more closed rules than any Congress in American history—and then to be lectured about what is a travesty is itself a travesty. That's the real travesty. That many closed rules, and you come down here and want to tell us what is awful? Try standing here for the last 4 years and dealing with closed rule, closed rule, closed rule, no amendments. We're not going to let you represent your people because we're going to cram everything down. That's a travesty.

Let's get on with the democratic process because that's what it is when you get to hear from both sides. We heard from one side. We heard "travesty" several times, and now we'll get back to the democratic process.

And with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Now that we do have the UC in place, we intend to take up five amendments this evening, or this morning. There will not be recorded votes this evening. So Members that wish to would be able to leave, but we will debate five of the amendments under the UC and roll the votes until tomorrow.

Mr. Speaker, I also want to add briefly my thanks especially, along with Mr. DICKS, our thanks to Jennifer Miller on our side and David Pomerantz on the other side who are the ones who crafted this UC very diligently and very accurately, and we want to thank them especially for their work.

FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 0004

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. GINGREY of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 11 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Indiana (Mr. PENCE), had been postponed, and the bill had been read through page 359, line 22.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order which is at the desk.

AMENDMENT NO. 533 OFFERED BY MR. YOUNG OF
ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, we must explore for and develop the Arctic resources in an environmentally safe and sustainable manner, and we must allow that exploration work to proceed without bureaucratic impediments. This amendment accomplishes both.

This amendment would limit funds in the bill from being used by the Environmental Appeals Board, EAB, to invalidate any permit issued by the Environmental Protection Agency, EPA, for activities on the Arctic Outer Continental Shelf, OCS.

The EAB is an extension of the EPA that hears administrative appeals pertaining to permit decisions and civil penalty decisions of the agency. Very frankly, EAB is populated by environmental appeals judges who are lawyers associated with EPA or the Justice Department. This amendment does not circumvent the EPA's authority. Instead, it continues to give permitting decisions to the professionals in the regional office.

What this amendment will do is remove the ability for lawyers to overrule EPA permit writers. Over \$4 billion has been invested in trying to drill exploratory wells, and to date not a single well has been drilled because of one EPA air permit.

Mr. Chairman, I must say, this is an example of how an aid agency is trying to issue the permits correctly, but they have a board that can listen to someone who objects to it that rules against them. And we have, in fact, had a little over 680 leases in the Arctic Ocean, oil that we need being held up by bureaucrats. We will do this safely. The air will be clean. They're 80 miles from any human, other than those who work on these ships. And if you believe it's right to buy this oil from overseas, shame on you.

Again, we are spending close to \$40 billion this year or more buying foreign oil; 72 percent of our oil is coming from overseas. The right thing to do is allow us to take and explore and find out if that oil is there; and if it is, to develop it.

Remember, we're not the only ones in the Arctic anymore. Iceland, Greenland, China, Russia are all drilling. We're the only ones not involved; yet we have the best equipment, the best environmental wreckers in the Arctic. We have the proper equipment to do it safely. It's being held up by bureaucrats who don't want to issue the permits. EPA has said it's all right, but the review board says, no, it's not, within the agency itself. All it says, if they have the permit issued, then it

should go forth, and let's get on to serving this country as we should for the benefit of this Nation, for the benefit of those so we don't have to go to war over in the Middle East over oil. So if you don't like what's going on over there, let's support this amendment. I believe it's the correct thing.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, the gentleman's amendment stops funding for—and I will quote—the Environmental Appeals Board to consider review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic coast.

□ 0010

Now, the gentleman has shared with us a specific situation, but his amendment goes considerably beyond that. The appeals board is the final decision-maker on administrative appeals under all major environmental statutes that the Environmental Protection Agency administers. It's an impartial body, independent of all agency components outside the immediate office of the administrator. To support this amendment is to take away people's right to petition their government. This is an impartial board that looks out for the regular citizen. In fact, they just took great care and ruled on the side of Alaskans and courageously ruled against EPA's issuance of a permit to Shell Oil.

I thought the gentleman and his side of the aisle would take sincere joy in any decision ruling against EPA. But that's not the case, apparently. I guess EPA is okay as long as it doesn't use any Federal funds and rules exactly the way that you want them to. And, in fact, EPA did rule the way that the gentleman wants, it's just that we have an appeals board. That appeals board is there for good reason, has been for some time.

I don't have to tell the gentleman, but I think the other Members of this body should know that the Environmental Appeals Board found that EPA's analysis of the effect on Alaskan Native communities of nitrogen dioxide emissions from the drilling ships was too limited, ordered the agency to redo the work. It doesn't mean that they can't drill. The analysis is incomplete. We should let that legal process work and stop interfering in long-standing regulatory and administrative processes. The amendment will be seen as an assault on the environment and an affront to the Alaskans who engaged in this case.

I'm disappointed that the gentleman's position would appear to favor

Big Oil over the small Alaskan villages that are being protected in this reconsideration. It doesn't mean that there won't be drilling; it simply means that the analysis to enable that drilling needs to be full and complete.

I urge defeat of the amendment and reserve the balance of my time, Mr. Chairman.

Mr. YOUNG of Alaska. Mr. Chairman, I want to suggest one thing. The native communities in Alaska support this. They support drilling. I've had them in my office. And to say that, I represent that State, not Alexandria, Virginia. And they've come to me and said we need it.

I yield to the gentleman from Idaho, the chairman of the appropriations committee, Mr. SIMPSON.

Mr. SIMPSON. Beginning in 2005, the Shell Oil Company purchased leases in the Beaufort and the Chukchi Seas located within the Arctic Outer Continental Shelf. The company paid over \$2.1 billion for these lease rights, a reflection of the potentially vast reserves off of Alaska's coast.

Shell applied for air permits from the EPA for its Beaufort leases in 2006 and for the Chukchi in 2008. The company went through a lengthy and burdensome administrative process. Shell's permits were initially approved, but subsequently overturned by the EPA's Environmental Appeals Board. Last year, the Appropriations Committee addressed the problem by including language in the FY 2010 conference report specifically directing the agency to allocate sufficient funds and personnel to process the OCS permits in a timely manner. This simply did not happen. The company is effectively at square one after spending millions of dollars and thousands of man-hours.

Shell announced just this month that it had cancelled plans for drilling in the Arctic in the 2011 drilling season, which is a very short drilling season. They have spent millions on this and done everything by the book. And the appeals board has decided that because they should have foreseen that the rules were going to change, that they shouldn't have issued these air permits.

I think it's an overreach by the EPA and by the appeals board, and I support this amendment and would encourage my colleagues to vote for it.

Mr. MORAN. Mr. Chairman, I would underscore some points previously made.

Number one, we are not taking a position on the merits of this case. It may very well be, I would not be surprised, in fact, personally, that ultimately the drilling off the Arctic coast would be approved. But this is like taking a case to the district court. The district court agrees with you, and then the plaintiff appeals, goes to the appeals court. The appeals court disagrees or says that there needs to be

more information. That's exactly what this appeals board did. Now, presumably, that information is being gathered. It will be presented. And when it is, I don't know why the appeals board would not agree with the EPA decision.

The problem with this amendment is we're setting a precedent to say, if we don't like the appeals board, we like the district court decision, which is in this case EPA's decision, then we accept EPA's decision, ignore that appeals process. That's what we're opposed to. It seems to me we ought not be legislating that kind of judicial decision that affects many people's lives and incomes, clearly, and the environment without a full hearing.

What's going to happen if this legislation were passed is that the decision-making process that allows this drilling will be suspect and a permit will not be able to be fully issued without reservation. So for that reason, I would suggest that the right thing to do is to defeat this amendment, Mr. Chairman.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

AMENDMENT NO. 524 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I rise as designee of the gentleman from Michigan (Mr. CONYERS) and I am pleased to offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I now yield myself such time as I may consume.

Mr. Chairman, this is a bipartisan amendment sponsored by Mr. CONYERS, Mr. PAUL, myself and Mr. JONES. The amendment would prohibit the use of any funds made available in this act to make an application for what's commonly known as a section 215 order requiring the production of library cir-

ulation records, library patron lists, book sale records or book customer lists. The amendment is very narrowly drawn to protect the privacy of all Americans from unwarranted governmental investigation in an area directly related to their beliefs and private thoughts.

What we read, where we read, what we listen to, our interests, the type of information we seek, our private tastes in art and music all tell a great deal about us. The right to be free from the prying eyes of government in these areas is absolutely necessary to protect our rights of free speech, religious liberty, liberty of conscience, freedom of association and political freedom. This amendment will not prevent the government from obtaining this type of information provided it obtains the constitutionally required warrant. What it will stop is the use of 215 orders which are issued by the secret Foreign Intelligence Surveillance Court under standards so loose it is almost impossible for the government to get turned down, instead of the normal warrant. In fact, the secret court has become a virtual rubber stamp for the government.

The amendment also will not stop the use of section 215 orders in other investigations such as surveillance of computer communications, even if conducted in libraries. Section 215 authorizes the government to obtain "any tangible thing" so long as the government provides a "statement of facts showing that there are reasonable grounds to believe that the tangible things are relevant to a foreign intelligence or an international terrorism or espionage investigation."

□ 0020

This would include business records, library records, tax records, educational records, or medical records. Before the enactment of section 215, only specific types of records were subject to the orders issued by the secret court, and the government had to show "specific and articulable facts giving reason to believe that the person to whom the record pertains is a foreign power or an agent of a foreign power." In other words, specific reason to believe that the person you were talking about is either a foreign agent or a terrorist.

This dragnet approach of section 215, which does not need those specific facts, allows the government to review personal records even if there is no reason to believe that the individual involved has anything to do with terrorism. This poses a threat to individual rights in the most sensitive area of our lives with little restraint on the Congress.

While Congress has decided to extend the life of section 215 that does all these things for the next few months, during which I hope we can take a closer look at it and, if not reform it, then

do away with it, I think it entirely inappropriate for us to provide some reasonable protection for these very limited and sensitive areas and in effect cutting out library records from the section 215 extension that we just voted.

Do not believe the scare tactics that this amendment might impede investigations and might make us vulnerable to terrorism. The government has many tools with which to investigate terrorism and other types of wrongdoing. In fact, section 215 is rarely used. Search warrants and other investigative tools would still be available to the government. But in any event, most of section 215 is unaffected by this amendment and will continue. This amendment pertains only to library records.

When we last considered this amendment a number of years ago, it passed this House overwhelmingly with bipartisan support. Today, Representative CONYERS and I offer it with two Republican colleagues, the gentleman from Texas (Mr. PAUL) and the gentleman from North Carolina (Mr. JONES). I urge my colleagues to support this amendment dealing only with the library records aspect of section 215.

I reserve the balance of my time.

Mr. WOLF. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. As the gentleman from New York knows, Congress is considering temporary extension of the same Patriot Act authorities that are targeted in this amendment.

The reauthorization process, not in this CR, is the proper venue to consider any changes to existing intelligence-gathering laws. Applications for FISA orders seeking library circulation records and book sales records may only be approved by the Director of the Federal Bureau of Investigation, the Deputy Bureau of the Federal Bureau of Investigation, or the Executive Assistant Director for National Security. This authority cannot be further delegated.

There is absolutely no evidence that this authority has been abused or misused to unlawfully acquire library or business records.

This prohibition could create a safe haven for terrorists to utilize America's libraries and bookstores to conduct research or communicate with each other. I urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman from New York has 1 minute remaining.

Mr. NADLER. I will yield the 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentleman from New York, and I thank the chairman of the subcommittee.

As the ranking member on the Subcommittee on Commerce and Justice, I rise in support of this amendment. I think that the prohibition is an appropriate one. It's a specific carve-out for library records related to American citizens.

These records still would be available under a warrant properly petitioned for and received through the secret court that handles these matters. But this would take away this administrative procedure which has been rarely used. And I agree with the gentleman from Virginia, there's no reason to believe that it would be abused in any way.

The real point here is that we as Americans find that our right to privacy, and particularly as relates to the library and our reading habits—that we do not have a circumstance that we have a fishing expedition by law enforcement.

So I support the prohibition amendment. And it did pass before by bipartisan vote; it's offered on a bipartisan basis, and I hope that the House favorably considers it.

Mr. WOLF. Mr. Chair, I urge a "no" vote.

Mrs. MALONEY. Mr. Chair, this bipartisan amendment places a reasonable limit on the Government's ability to spy on American citizens using Patriot Act powers, by narrowly targeting the Patriot Act provision which allows the Government to seize library or bookstore records to determine what Americans are reading and thinking. Protection against this type of intrusion into our thoughts and minds is at the heart of our most fundamental freedoms and what it means to be an American. For these reasons, I vote in favor of the Nadler/Conyers amendment.

Mr. WOLF. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 424 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____ . None of the funds made available by this Act may be used to provide any of the following types of assistance to Chad: international military education and train-

ing (IMET), foreign military financing (FMF), provision of excess defense articles, foreign military forces capacity assistance (section 1206 of the National Defense Authorization Act for Fiscal Year 2006), and direct commercial sales of military equipment.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, in 2008, this body passed the Child Soldiers Prevention Act. It was part of the William Wilberforce Human Trafficking Victims Protection Act. The bill declared that the United States would not provide military assistance to countries found guilty of child conscription.

With broad bipartisan support, we declared that this is an affront to human dignity and an affront to civilization itself. We made it known that all children, no matter where they are, should be on playgrounds and not battle-grounds.

Mr. Chairman, it is very difficult for us to envision that a child would be put in military fatigues, a gun in their hand, and then forced to fight. But it does happen, and it does happen in the world today.

The government of Chad, to which we provide military assistance, was found guilty of using child soldiers in the 2010 State Department Trafficking-in-Persons Report. As the law we passed provided, Chad was granted a national security interest waiver in the hopes that Chad would take serious and aggressive strides toward ending this serious human rights violation and be a valuable military partner with the United States. But we have to ask, where is the progress?

With the withdrawal of the U.N. mission in Chad at the end of last year, children as young as 13 years old are now being preyed upon as child soldiers. In this past week, the United Nations and a respected international human rights organization both issued reports warning of Chad's continued flouting of our law. The Washington Post, along with other international media outlets, has given attention to this issue as well in recent days.

Mr. Chairman, to use child soldiers is wrong. This is why we passed the law in the first place. Yes, we want a good military relationship with Chad. Chad is a valuable military partner. But to strengthen that partnership, the horrific abuse of children must end.

So I offer this amendment as a challenge to our Government. We are operating inconsistently. We passed a law saying one thing, but we continue military assistance with no apparent attentiveness to stopping the pernicious use of child soldiers.

Mr. Chairman, several years ago I was in the country of Liberia. I had the

opportunity to visit the interior part of that country as well. Liberia had gone through a devastating civil war, and this particular area we were in had been caught in a very bad crossfire between rebel groups, and I was invited to visit a missionary school there run by a British Catholic priest.

As we entered the compound, the beautiful children came out and sang us a song and greeted us. And this priest told us that during the worst part of the war, he himself had been abducted, his children had been left unattended, and many had died of starvation. He showed me the mass grave.

□ 0030

But he also asked me to spend a few more minutes with him. We went to a classroom and he discretely pulled two young boys out of that classroom. He told me they had been child soldiers. One had been shot in the hip. The other had had his father killed while he was standing next to him. Both of the boys were withdrawn. They wouldn't look me in the eye. Clearly they were deeply wounded. But this priest wanted to thank me and to thank the American people for providing a little bit of assistance to him to help integrate these children back to some degree of normalcy.

So which way are we going to have it? We need to be consistent. On one side of the hallway we have a very good program to help heal those who have been victimized by child soldiers, but on the other side we are aiding a government that is not stopping this pernicious practice.

William Wilberforce, the British statesman and unyielding abolitionist, for whom our antihuman trafficking law is named, said this: "You may choose to look the other way, but you can never say again that you did not know."

Mr. Chairman, we must make it clear to the government of Chad that we now know, and we cannot look the other way.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to commend the gentleman for his outstanding work on this important issue. We want the gentleman to know that we are prepared on our side to accept his amendment.

Mr. FORTENBERRY. I appreciate that. Thank you for the kind words.

Mr. CARTER. If the gentleman will yield, we also will accept the amendment.

Mr. FORTENBERRY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HASTINGS
OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", by reducing the amount made available for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training", by reducing the amount made available for "Department of Health and Human Services, National Institutes of Health", and by increasing the amount made available for "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", by \$14,000,000, by \$14,000,000, by an additional \$14,000,000, and by \$42,000,000, respectively.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the full year continuing appropriations act which would help people living with HIV/AIDS who cannot afford their treatment by reallocating additional funding to our Nation's AIDS Drug Assistance Program.

It is unconscionable that, in 2011, we often have the resources to save lives but wait until a crisis before taking action. Just this month, thousands of Floridians living with HIV/AIDS were on the verge of losing access to their life-saving drugs as Florida's ADAP ran out of money.

Current funding levels for ADAP are unsustainable.

Due to state budget cuts and an increase in the number of individuals who rely on ADAP for HIV/AIDS-related drugs and services, 10 states, including Florida, have had to create ADAP waiting lists and cut services.

As of February 3, my home state of Florida has accounted for over half of the 6,001 individuals on ADAP waiting lists nationwide (3,085 individuals). In fact, Florida has the third-highest HIV/AIDS population in the country and the highest rate of new infections.

Ensuring access to treatment remains key to combating HIV/AIDS. Antiretroviral drugs can increase the life expectancy of a person living with HIV/AIDS by at least 24 years.

When incorporated into comprehensive strategies, antiretroviral drugs can also help reduce the spread of HIV by up to 92 percent.

Currently, the lifetime cost of living with HIV/AIDS is \$618,900. If we do not take action now, the future costs of HIV/AIDS will amount to \$12.1 billion per year, with drugs making up 70 percent of the cost. We cannot afford to turn a blind eye to this crisis; the costs are simply too high.

My amendment reallocates \$14 million from each of the Fiscal Year (FY) 2011 administra-

tive budgets of the Centers for Disease Control and Prevention (CDC), Health Resources and Services Administration (HRSA), and National Institutes of Health (NIH) in order to provide \$42 million to ADAP.

According to the Congressional Budget Office, if enacted, my amendment would save \$1 million in new FY 2011 expenditures. Furthermore, it would have no net budget authority effect for FY 2011.

Mr. Chairman, we can and must do better. I urge my colleagues to support increased funding for our nation's ADAP by voting in favor of my amendment.

By reallocating desperately-needed funds to ADAP, we are helping states like Florida ensure that low-income individuals living with HIV/AIDS have access to the medications and services they need to stay alive while stemming the tide of new infections and saving our nation money in the long-term.

Mr. Chairman, I am pleased at this time to yield 1½ minutes to my distinguished colleague and very good friend and colleague from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

I rise today in support of Amendment 23 offered by Mr. HASTINGS, my good friend from Florida, which would help people living with HIV/AIDS afford treatment through the vital AIDS Drug Assistance Program. This program, known as ADAP, provides HIV-related prescription drugs to low-income people with HIV/AIDS who have limited or no prescription drug coverage.

This essential national program is undeniably in the midst of a devastating funding crisis. The combination of an economic recession, State budget cuts, and increased testing and diagnosis of HIV have created the perfect storm against ADAP's fiscal situation—more patients are requiring ADAP treatment as the program has been emptied out. This has resulted in drastic cuts in services provided and thousands in 10 different States have ended up on waiting lists to receive these necessary lifesaving drugs.

In my own State of Florida, with the largest of all such waiting lists, 3,276 individuals languish without access to affordable lifesaving treatment. Our State has lowered financial eligibility down to 300 percent of the Federal poverty level, while at the same time reducing the formulary for the patients who still qualify.

This is an enormous problem for a State with the third highest HIV/AIDS population and the highest rate of new infections in the country. You may be shocked to know that the new infection rate in south Florida is higher than in Africa. We cannot let this happen in our own backyard to our neighbors and our constituents.

Though our administration has demonstrated that funding ADAP is a priority, we just keep hitting the wall. Current funding levels for this program

are unsustainable and we must do more to help. This amendment would help give the ADAP program a much-needed boost and help thousands of patients access the treatment they so desperately need.

In this budgetary climate, we must make smart and sensible decisions. Where we can afford to make an administrative haircut, if the tradeoff is saving lives, it is our moral imperative to do so. By reallocating these greatly needed funds to save ADAP, we ensure that people living with HIV/AIDS in our communities can access the treatment they need to stay alive while we stem the tide of new infections and save our Nation money in the long term.

I strongly urge you to support the efforts of this responsible and compassionate amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I understand what Mr. HASTINGS is doing here and I, too, support the work of the AIDS Drug Assistance Program and what it does across the country, assuring that more than 500,000 Americans that cannot otherwise afford it receive the drugs that they need for the HIV virus. This is one of the critical services that is offered to many who cannot afford it. It helps to improve their health and to maintain the public's health in general.

Just last year, the Department of Health and Human Services had to reallocate \$25 million to help States that had a lengthy waiting list, people hanging in limbo without access to the medication that we know will help them. And in these difficult economic times, more and more people find themselves also unable to afford treatment. More than 700 Americans were put on that waiting list in 1 month in 2010.

Improving access to care is a priority for me and my colleagues, but this amendment is one that attempts to correct a piece of legislation that is not fixable. We simply cannot rob Peter to pay Paul.

This amendment will pull important resources from two accounts that the Republicans have already decimated that are critical to the public health of our country: the CDC, Centers for Disease Control, and the National Institutes of Health. I therefore encourage my colleague from Florida to work with me to defeat this reckless continuing resolution rather than amend a bill that is beyond repair.

Mr. CARTER. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. CARTER. We have no objection to this amendment and are prepared to accept the amendment.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 483 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for or in sterilization campaigns.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, recently a woman came to my children's school to talk about the healing power of forgiveness. She was a survivor of the 1994 Rwandan genocide when nearly 1 million people were mercilessly hunted, hacked and killed.

Now let's fast forward to the year 2007. In an ironic twist, Rwanda's President Kagame expressed his interest in reducing the number of births of children in that country by 50 percent. In recent weeks, confusing reports have surfaced as to whether the Rwandan Government had launched a campaign setting a target for hundreds of thousands of male sterilizations. While the reports which implied possible complicity of U.S.-funded organizations were subsequently dismissed, the concerns they raised are very real. Let's note China's one-child policy, or Fujimori's Peru.

Mr. Chairman, the United States should be a champion for human dignity, and yet, sadly, we have our own sorted past with sterilization campaigns. In 1924, the State of Virginia passed what was called the Racial Integrity Act, which remained intact well into my own lifetime, until it was overturned by the Supreme Court.

□ 0040

I think the title "The Racial Integrity Act" speaks for itself; legislation so outrageous that then-Governor WARNER, now Senator WARNER, issued a statement of apology in 2002 saying, "We must remember the Common-

wealth's past mistakes in order to prevent them from recurring."

Mr. Chairman, this is a proscriptive amendment, which I believe is consistent with current law, that seeks to prevent human rights abuse, that just says, No, we will not return to this shameful past, nor will we impose it on other people in other places with America's tax dollars.

This amendment, I believe, is a reasonable application and extension of the current law. It is important because sterilization campaigns involving a subtle element of real or perceived moral suasion directed at vulnerable individuals can easily blur the distinction between what is voluntary and involuntary. The question here is whether to take hard-earned taxpayer dollars and apply them in these campaigns—aggressive outreach efforts—to sterilize persons.

Mr. Chairman, while I recognize that this amendment has been ruled out of order, I do believe it is a reasonable application and extension of current law. However, I will accept the judgment of the Chair and withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 466 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources that is issued or becomes applicable or effective after January 1, 2011.

(b) In this section, the term "stationary source" has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. POE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Thank you, Mr. Chair.

I'd like to thank my fellow Texans, Mr. BARTON and Mr. CARTER, for cosponsoring and introducing amendment No. 466 in their commitment to block funding for new EPA greenhouse gas mandates.

This amendment will eliminate funding for the EPA to be used to implement, administer, or enforce any statutory or regulatory requirement pertaining to the emissions of greenhouse

gases from stationary sources. This amendment will put an end to any backdoor attempt made by the EPA to regulate greenhouse gases to go around Congress and circumvent the will of the people. Americans have rejected this policy. Despite being rejected by Congress, the administration has ignored the will of the people and the law to further some political agenda.

It's absolutely necessary that Congress take immediate action to ensure that the EPA does not continue to destroy industry across the board in our country. We're in the midst of a massive economic downturn, and the last thing we need to do is to shoot ourselves in the foot with unnecessary, expensive new regulations that are on business and industry, not to mention Americans will be left holding the bag.

Past attempts to regulate greenhouse gases would cost American taxpayers up to \$200 billion a year, the equivalent of hiking personal income taxes up about 15 percent, or cost each American household an extra \$1,700.

This amendment, section 1746 of the CR, says that none of the funds made available to the EPA are to be used to enforce or promulgate any regulation relating to State implementation plans or permits. Further, amendment No. 466 takes the CR a step further, prohibiting the EPA from enforcing national regulation of greenhouse gases similar to the cap-and-trade regulation.

This amendment basically prohibits the EPA from overregulating not only the State of Texas but the rest of the States regarding greenhouse gases. Probably no Member of Congress represents more refineries than I do in southeast Texas; and the regulatory process, the overregulation of the EPA coming in and trying to now regulate the State of Texas regarding greenhouse gases is a detriment to the industry. The State of Texas regulates greenhouse gases. The State of Texas regulates the industry. It has done a good job. This is overreaching on the part of the EPA. And it's time for the EPA not to put industry out of business and put the refinery industry out of business.

This amendment will rein them in and prohibit them from implementing the so-called cap-and-trade philosophy on States such as Texas and other States.

[From the Wall Street Journal, Jan. 4, 2011]

THE EPA'S WAR ON TEXAS

The Environmental Protection Agency's carbon regulation putsch continues, but apparently abusing the clean-air laws of the 1970s to achieve goals Congress rejected isn't enough. Late last week, the EPA made an unprecedented move to punish Texas for being the one state with the temerity to challenge its methods.

To wit, the EPA violated every tenet of administrative procedure to strip Texas of its authority to issue the air permits that are necessary for large power and industrial projects. This is the first time in the history

of the Clean Air Act that the EPA has abrogated state control, and the decision will create gale-force headwinds for growth in a state that is the U.S. energy capital. Anyone who claims that carbon regulation is no big deal and that the EPA is merely following the law will need to defend this takeover.

Since December 2009, the EPA has issued four major greenhouse gas rule-makings, and 13 states have tried to resist the rush. The Clean Air Act stipulates that pollution control is "the primary responsibility of states and local government," and while the national office sets overall priorities, states have considerable leeway in their "implementation plans." When EPA's instructions change, states typically have three years to revise these plans before sending them to Washington for approval.

This summer, the 13 states requested the full three years for the costly and time-consuming revision process, until the EPA threatened economic retaliation with a de facto construction moratorium. If these states didn't immediately submit new implementation plans to specification, the agency warned, starting in 2011 projects "will be unable to receive a federally approved permit authorizing construction or modification." All states but Texas stood down, even as Texas continued to file lawsuits challenging the carbon power grab.

Two weeks ago, EPA air regulation chief Gina McCarthy sent the Texas environmental department a letter asserting that the agency had "no choice" but to seize control of permitting. She noted "statements in the media" by Texas officials and their "legal challenges to EPA's greenhouse gas rules," but she cited no legal basis.

And no wonder. The best the EPA could offer up as a legal excuse for voiding Texas's permitting authority last Thursday was that EPA had erred in originally approving the state's implementation plan—in 1992, or three Presidents ago.

The error that escaped EPA's notice for 18 years was that the Texas plan did not address "all pollutants newly subject to regulation . . . among them GHGs [greenhouse gases]." In other words, back then Texas hadn't complied with regulations that didn't exist and wouldn't be promulgated for another 18 years.

The takeover was sufficiently egregious that the D.C. circuit court of appeals issued an emergency stay on Thursday suspending the rules pending judicial review. One particular item in need of legal scrutiny is that the permitting takeover is an "interim final rule" that is not open to the normal—and Clean Air Act-mandated—process of public notice and comment. So much for transparency in government.

The EPA claims its takeover is a matter of great urgency, but Texas is being preemptively punished for not obeying rules that don't exist today because the EPA hasn't finalized them. "Now, at this early stage, there's no specifics to tell you about the rules in terms of what we're announcing today, other than they will be done and we'll move—take steps moving forward in 2011," Mrs. McCarthy told reporters on a conference call last week about the agency's "performance standards" for oil refineries, power plants, cement manufacturers and other such CO₂-heavy facilities.

"It's way too early in the game right now to be talking about what we think the standards are going to look like," she added helpfully. "Today's announcement is just the fact we're going to move to those standards."

This and other permitting uncertainties have brought major projects in the U.S. to a standstill. The Texas takeover in particular is pure political revenge and an effort to intimidate other states from joining the Texan lawsuits. The reason states are supposed to run the clean-air process is that local regulators have the staff, capacity and expertise that Washington lacks. When the carbon rules eventually are issued, that means the takeover will extend the current moratorium even longer in Texas.

The EPA concedes that some 167 current projects will be affected, and many more in the future. Our guess is that all of them will be delayed for years and many will simply die. This is precisely the goal of a politically driven bureaucracy that wants to impose by illegal diktat the anticarbon, anti-fossil fuel agenda that the Obama Administration has been unable to pass by democratic consent.

With that, I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 10 minutes.

Mr. MORAN. Thank you, Mr. Chairman.

Mr. Chairman, this entire bill, this CR, is replete with amendment after amendment targeting the public's health and the environment. This is one of the worst, at least in its intent. As a practical matter, it's not clear why this amendment is being offered, really, as it appears to duplicate section 1746 of the underlying bill. But both section 1746 and this amendment are truly radical attempts to stop the Environmental Protection Agency from doing its job of protecting the health and welfare of every American.

This particular amendment would bar EPA from addressing carbon pollution, period—pollution which seriously endangers public health and the environment. It not only guts the Clean Air Act, but it also imposes a job-destroying construction ban in many States. According to the National Academy of Sciences and the premier scientific organizations of all the world major economies, man-made carbon pollution is changing the climate and is endangering the public's health and the environment.

The American Lung Association, the American Public Health Association, and thousands of doctors, nurses, and other public health professionals support EPA's action on this public health threat; but this amendment bars EPA from acting, from carrying out its legal responsibility. Under the Clean Air Act, companies building large new facilities like power plants and refineries need to make sure that they have taken reasonable steps to reduce their carbon pollution because it's easier to control pollution from the beginning, the point where a facility is being built, rather than waiting and trying to retrofit it after it has been constructed.

All EPA is asking is that these large new facilities be energy efficient. They

can meet the standard if they simply meet energy efficiency standards. The Poe amendment, though, would prevent EPA from implementing this commonsense requirement to protect the public health from the largest and most dangerous sources of carbon pollution.

EPA has also indicated it plans to set minimum Federal standards for the two largest sources of carbon pollution, which are power plants and oil refineries. This amendment would prevent EPA from even proposing these standards. Those standards are really a limitation on what they could and I think should be doing in terms of regulating pollution throughout the country. But they're going to stick to the two largest sources.

Ironically, given all of the rhetoric we've heard about environmental regulations hurting the economy, this Poe amendment is a job-destroyer. Under the Clean Air Act, a company wanting to build or expand a power plant or other facility has to get a permit for that facility's carbon pollution before beginning construction. The Poe amendment does nothing to change that. What it does do is take away EPA's authority to issue those permits. So that basically amounts to a construction ban.

□ 0050

This is more than a paperwork problem. In essence the Poe amendment will impose that de facto construction ban on jobs in all or parts of at least 13 States. And without the needed permits, construction cannot proceed. So a vote for the Poe amendment would be a vote not only against the Clean Air Act, it is a vote for a de facto construction ban. Thousands of jobs lost in States across this country. That's why we very strongly oppose the Poe amendment. We do support EPA's authority to cut carbon pollution and allow the construction of energy-efficient power plants, refineries and other facilities to proceed as planned.

I reserve the balance of my time.

Mr. POE of Texas. Contrary to what the gentleman says, in the State of Texas, the power plants, the refineries are already being regulated. They're being regulated by the State of Texas. And unless this amendment passes, the refineries, those that I represent probably more than any person in the United States—this new added burden by the EPA coming in will make those at the refineries lose their jobs. The administration has already done a good job of trying to close down the oil industry in the Gulf of Mexico by not lifting the permitting process. Now the administration with this requirement, contrary to the law of Congress, since Congress has not passed a cap-and-trade philosophy, will put those refineries and workers at harm, and they will lose their jobs because of the new

EPA regulatory process that is not necessary.

With that, I yield as much time as he wishes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

I rise in support of this amendment. I disagree with my friend across the aisle. I don't believe this amendment will be a job killer. I believe it will be a job protector. But more so, it's a faith protector in the opportunity to have a job.

When we were debating in Congress this very issue of cap and trade, back home where I live and all across the State of Texas and in other parts of the country where I was privileged to travel, people were asking, Please, are they really going to impose this crazy legislation upon us at the cost of our jobs and jack up the cost of our energy?

A lot of small businesses said, I don't know what to do, because this thing is looming out there. If it becomes law, I have the feeling it's going to put me out of business because I'm not going to be able to afford the disastrous cost it's going to take to keep me in operation. These are just small business owners.

Meanwhile, those in the refining and power industries looked at this thing and said, Good Lord, what is this going to do to us? How many people are we going to be able to keep on? And who are we going to have to lay off so we can meet these onerous requirements?

And the people of the United States and this Congress basically said no to the President and no to the Democratic majority of the last few years. So the result was a sigh of relief, not only in my hometown but in hometowns across America; a sigh of relief, because they looked at this thing and said, This doesn't make sense. They're trying to regulate the air we breathe. It just shocks people as to what it might do to their cost.

Now I just came tonight to ask one question, a very simple question, the question everybody in my district has been asking me. What is it about the word no that these folks don't understand? Because they have been told no, and I think it should remain no.

We should support this amendment.

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, may I inquire as to the remaining time on each side?

The Acting CHAIR. The gentleman from Virginia has 6 minutes remaining, and the gentleman from Texas has 3½ minutes remaining.

Mr. MORAN. Mr. Chairman, at this point I would yield 4 minutes to the distinguished gentleman from Washington, Mr. JAY INSLEE, one of the House's premier experts on the issue of air pollution.

Mr. INSLEE. Mr. Chair, anyone who has ever seen a child gasping for breath

due to a persistent asthma problem, which are most of us in America, should be adamantly opposed to this amendment, because it would strip the legal right and obligation of Uncle Sam to protect our children's right to breathe.

Now I just heard something incredible from one of my Republican colleagues. They said they were astounded at the precept that Uncle Sam has that responsibility. Well, you know we've had that responsibility for 40 years. Under the guidance of the idea of Teddy Roosevelt and Republican Richard Nixon, we adopted the Clean Air Act 40 years ago, through a bipartisan effort. And that Clean Air Act has prevented 18 million cases of respiratory problems in our kids, 840,000 severe asthma hospitalizations and 200,000 deaths.

And as a result of that success, do you know what the Republican Party wants to do tonight? They want to effectively repeal the Clean Air Act when it comes to these gases. And these are not benign gases. Carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, sulfur hexafluoride, perfluorocarbons. They want to hide and say we're not repealing the Clean Air Act, we're just making it illegal to enforce it. It won't do to say we're going to make it illegal for the FBI to arrest terrorists.

Look, Americans are opposed to repealing the Clean Air Act, and they are opposed to the Republicans making it impossible for the EPA to do their job, by a 2-to-1 margin, and they're opposed to it for several reasons.

Number one, Republicans and Democrats both believe we have a legal obligation to protect our kids from asthma. It's that simple. And Republicans and Democrats share one common precept. We both like to breathe. And that breathing is now in question for our kids. It's incredible to me to think the Republicans are going to leave our kids breathless on occasion. That is breathless in itself.

Number two, this really is an attack on science, because the science is very clear on this. You quote from all the scientific research. Dr. Jacobson—and this I just want to quote—showed by cause and effect that carbon dioxide emitted regionally around the globe increases ozone, particle and carcinogen air pollution health problems in the United States. The science shows this is a problem. And we ought to embrace science as Republicans and Democrats instead of listening to the polluting industries, which want to give license to put untold, indefinite, infinite amounts of these carcinogens into our atmosphere. That is just plumb wrong.

The third reason Americans know this Republican effort to gut the Clean Air Act is wrong. They are not attempting to revise a rule or modify a rule, or come to us with some commonsense effort to make it work. They are

eliminating the ability of the Federal Government to protect the air we breathe in total—a one hundred percent elimination of the ability of EPA legally to follow this rule.

The Supreme Court ruled last year that this is a legal obligation. Some of my Republican colleagues said, yeah, that was only a 5-4 decision, so I guess we can ignore it. Well, that 5-4 decision seemed to have been good enough in *Bush v. Gore* for them. It ought to be good enough to follow the law of the land, which is to enforce this clean air law for the benefit of our children.

The fourth reason Americans are opposed to this Republican effort to stop EPA from doing its job. Americans know today we are in a race for job creation, and that race is with China.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MORAN. I yield the gentleman an additional 1 minute.

Mr. INSLEE. The fact of the matter is Americans know we are in a race today for job creation, and that is a race with China to find out who is going to sell the products and who is going to have the jobs in electric cars, in solar panels, in wind turbines, in efficiency, in electric charging stations, in new efficiencies to make our homes and businesses run more efficiently. And tonight the Chinese are laughing at us, that the Republicans would come here and take the pedal off the metal, which is the EPA, to try to drive investment to these new clean energy sources.

These are the jobs of the future. If we're going to have these jobs of the future, we have to start moving off of this pollution and stop accepting this pollution. We have to get in this global game. And if we get in this global game, we're going to win. The reason we're going to win is we're the country that went to the Moon, and we are the country with the innovative talent and the creative spirit and the business people that can grow these nonpolluting industries. But not if the Republicans get their way and just let pollution continue.

Let's reject this flawed attempt to gut the Clean Air Act.

□ 0100

Mr. MORAN. Mr. Chair, I reserve the balance of my time.

Mr. POE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), who knows as much about the Clean Air Act as anybody.

Mr. BARTON of Texas. So much to say, so little time.

Mr. Chairman, first, let me point out that CO₂, the greenhouse gas that is most under discussion, is not a pollutant under the classical definition of the Clean Air Act. I am creating CO₂ as I speak. The gentleman from Washington, who was just speaking, as he

spoke, was creating CO₂. If you have a carbonated beverage, the reason it bubbles and it is called "carbonated" is because of CO₂. Greenhouse gases are necessary to human life. They're what keep the planet warm. They're what trap heat so we have an atmosphere that we can exist in.

There is not a definition of a health exposure to CO₂. The theory that CO₂ is harmful is based on a theory that the amount of greenhouse gases, specifically CO₂, in the upper atmosphere, as it increases, so many parts per billion somehow affect the ability of the Earth to accumulate or disperse heat. It is a theory. There is nobody in this country or anywhere in the world who has been harmed because of manmade CO₂. You cannot point to cases of CO₂ poisoning.

So, when my friends who oppose this amendment talk about carbon pollution, they're using a definition that is very loose and very nebulous.

The second point is that there is no question that the Clean Air Act, as passed and as amended in 1990, did not include CO₂ as a criterion pollutant. Because of a case, *Massachusetts vs. EPA*, the Supreme Court ruled—and my friend from Washington was correct—5-4 that the EPA could make a decision to regulate CO₂. Could—not should, not must—but could.

The Bush administration began a process to analyze that decision. The Obama administration came in, and within the first 90 days, issued an endangerment finding, not based on independent analysis, but based more on press releases as far as I can say. They said, yes, by golly, that CO₂ was a pollutant and that, yes, they could regulate it. They have since been trying to shoehorn CO₂ regulation into the tenets of the original Clean Air Act.

The amendment before us this evening that Mr. POE, Mr. CARTER, and I have promulgated simply says: Let's take a timeout on CO₂ regulation for the next 7 months. Let's actually define what the greenhouse gases are that we want to look at, and let's restrict the analysis to stationary sources on the regulations that are implemented after January 2011.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman an additional 20 seconds.

Mr. BARTON of Texas. There is no question that if you regulate CO₂ under the Clean Air Act you are going to destroy millions of jobs, which will cost hundreds of billions of dollars, without any real economic analysis to show that it is a harm.

So I support the Poe-Carter-Barton amendment, and I hope that the whole House will.

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, there are actually a couple of points that I would share with the gentleman who had been

the ranking member and who is now the senior member of the Energy and Commerce Committee.

The committee could pass legislation if they chose. I don't think this is the correct vehicle, a continuing resolution on funding activities, to be making law with regard to the Clean Air Act.

Secondly, as Mr. INSLEE informs me, the 5-4 decision of the Supreme Court said if you can show that there is an adverse health effect, then EPA is required by law to address that. That's what EPA is trying to do. That's what this amendment would prevent EPA from doing.

Now, it is not theory. Climate change is fact. It is real. Future generations will look back upon this generation and will wonder, how could our parents and grandparents have been so unmindful of the health effects that our families are experiencing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to extend for 30 seconds the remaining time on both sides.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MORAN. That is certainly fair. I thank the gentleman.

Mr. Chairman, there is an ongoing discussion as to theory and fact. We are convinced that the facts are there. They are science-driven facts. In fact, the melting of the polar ice cap has had a direct effect upon the concentration of moisture in the atmosphere, which is then causing the volatility: the extreme nature of the snowstorms, the flooding, even the droughts that we have been experiencing. There is no question but that in the last decade we have had the warmest years on record.

These are facts, but this is not the vehicle in which they should be debated and at 1 a.m. in the morning, I just simply would urge that we defeat this amendment. It is the wrong amendment and the wrong vehicle.

The Acting CHAIR. The time of the gentleman has again expired.

The gentleman from Texas has 45 seconds remaining.

Mr. POE of Texas. It is my understanding that the committee is going to move a standalone bill in the next few months on the very issue of CO₂.

Mr. Chairman, this amendment is very simple. It prohibits the EPA from overreaching and from expanding its authority that Congress, in my opinion, has not given it to do. CO₂. We all breathe CO₂. Climate changes, but there is no evidence at all that it is manmade CO₂ that causes the climate to change. The climate has been changing, well, for thousands and thousands of years.

I urge my fellow Members of this House to support this amendment to

rein in the oppressiveness of the EPA. States like Texas already regulate the air through their State regulatory processes, so I ask that all Members support amendment No. 466.

I yield back the balance of my time.

Ms. HIRONO. Mr. Chair, I rise in opposition to this amendment introduced by Congressman TED POE. This amendment would prevent the Environmental Protection Agency from enforcing common-sense protections against carbon dioxide pollution and other greenhouse gases from big polluters.

The underlying legislation, H.R. 1, is replete with provisions like this. Instead of eliminating tax breaks for the oil and gas industries and choosing to adhere to the scientific evidence that carbon pollution is changing the climate and endangering our health and the environment, the Republican majority's continuing resolution slashes EPA's funding by almost a third and prohibits EPA from enforcing existing greenhouse gas monitoring and reporting requirements. The bill attacks the Clean Air Act directly so that EPA will be prevented from protecting public health and fighting climate change.

The Clean Air Act has a proven 40-year track record of cutting dangerous pollution to protect human health in a cost-effective manner that spurs innovation. According to EPA, the Clean Air Act prevented an estimated 843,000 asthma attacks, 18 million cases of respiratory illness among children, 672,000 cases of chronic bronchitis, 21,000 cases of heart disease, and 200,000 premature deaths.

The Clean Air Act continues to reduce air pollution and improve the health of children, seniors, and adults: the Clean Air Act has decreased lead emissions from cars by 95 percent, decreasing by 86 percent the number of children whose development is affected by lead exposure; by requiring all new diesel engines to be more than 90 percent cleaner, EPA will prevent more than 21,000 premature deaths and \$160 billion in health costs every year by 2030; by phasing out the most dangerous ozone-depleting chemicals, EPA will cut the American incidences of non-melanoma skin cancer by 295 million by 2075; by launching the acid rain program, EPA has dramatically reduced soot and smog by levels that will reduce premature deaths by between 20,000 and 50,000 per year in 2010.

Since its enactment in 1970, the health benefits of the Clean Air Act have far outweighed industry's compliance costs, reducing toxic and health-threatening air pollutants by 60 percent while at the same time the economy grew by over 200 percent.

Now this legislation attempts to gut the Clean Air Act's pollution standards and repeal EPA's authority to limit health-threatening pollution in order to protect the profits of the big polluters.

It also prevents EPA from continuing to improve our health by updating its pollution standards and improving safeguards for public health. In addition, it repeals important Clean Air Act safeguards that are needed to create American clean energy jobs, reduce energy costs, reduce our dependence on foreign oil, and increase our economic competitiveness.

It's time for us to stand up for clean air and the health of the American people rather than

work for the polluters who want to interfere with EPA's efforts to reduce life-threatening pollution and turn back the clock on air quality.

I urge my colleagues to oppose this amendment and oppose the continuing resolution.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. CARTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

□ 0110

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. ROSS, Arkansas
Mr. CHANDLER, Kentucky
Mr. DAVID SCOTT, Georgia
Ms. SCHWARTZ, Pennsylvania

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida
Ms. SLAUGHTER, New York
Mr. MCINTYRE, North Carolina
Mr. COHEN, Tennessee

PUBLICATION OF COMMITTEE RULES

RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 112TH CONGRESS
FEBRUARY 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Clause 2 of Rule XI of the Rules of the House, I am submitting the Rules of the Permanent Select Committee on Intelligence for printing in the Congressional Record. On February 9, 2011, the Committee adopted these rules by recorded vote with a quorum present.

Sincerely,

MIKE ROGERS,
Chairman.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES HOUSE OF REPRESENTATIVES, 112TH CONGRESS

1. MEETING DAY

Regular Meeting Day for the Full Committee. The regular meeting day of the Committee for the transaction of Committee business shall be the first Thursday of each month, unless otherwise directed by the Chair.

2. NOTICE FOR MEETINGS

(a) Generally. In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every member of the Committee. Such notice shall provide the time, place, and subject matter of the meeting, and shall be made consistent with the provisions of clause 2(g)(3) of House Rule XI.

(b) Hearings. Except as provided in subsection (d), a Committee hearing may not commence earlier than one week after such notice.

(c) Business Meetings. Except as provided in subsection (d), a Committee business meeting may not commence earlier than the third day on which Members have notice thereof.

(d) Exception. A hearing or business meeting may begin sooner than otherwise specified in either of the following circumstances (in which case the Chair shall provide the notice at the earliest possible time):

(1) the Chair, with the concurrence of the Ranking Minority Member, determines there is good cause; or

(2) the Committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business.

(e) Definition. For purposes of this rule, "notice" means:

(1) Written notification; or

(2) Notification delivered by facsimile transmission, regular mail, or electronic mail.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally. Designated Committee Staff, as directed by the Chair, shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) Assist Committee members in preparation for such meeting; and

(2) Determine which matters members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The Staff Director shall also recommend to the Chair any testimony, papers,

or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) Generally. Pursuant to House Rule XI, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) Meetings. Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if the Committee determines by record vote in open session, with a majority of the Committee present, that disclosure of the matters to be discussed may:

- (1) Endanger national security;
- (2) Compromise sensitive law enforcement information;
- (3) Tend to defame, degrade, or incriminate any person; or
- (4) Otherwise violate any law or Rule of the House.

(c) Hearings. The Committee may vote to close a Committee hearing pursuant to clause 11(d)(2) of House Rule X, regardless of whether a majority is present, so long as at least two members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) Briefings. Committee briefings shall be closed to the public.

5. QUORUM

(a) Hearings. For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee members, at least one of whom is a member of the Majority.

(b) Other Committee Proceedings. For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of a majority of members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) Amendments. When a bill or resolution is being considered by the Committee, members shall provide the Chief Clerk in a timely manner with a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee.

(b) Reporting Record Votes. Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

(c) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(d) Availability of Record Votes on Committee Website. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a motion to close a Committee hearing, briefing, or meeting, avail-

able on the Committee's website not later than 2 business days after such vote is taken. Such record shall include an unclassified description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting in opposition to, such amendment, motion, order, or proposition, and the names of those members of the Committee present but not voting.

7. SUBCOMMITTEES

(a) Generally.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

(4) For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) Establishment of Subcommittees. The Committee establishes the following subcommittees:

(1) Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence;

(2) Subcommittee on Technical and Tactical Intelligence; and,

(3) Subcommittee on Oversight and Investigations.

(c) Subcommittee Membership.

(1) Generally. Each member of the Committee may be assigned to at least one of the subcommittees.

(2) *Ex Officio* Membership. In the event that the Chair and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an *ex officio* member of the subcommittees and participate in the work of the subcommittees. When sitting *ex officio*, however, they:

(A) Shall not have a vote in the subcommittee; and

(B) Shall not be counted for purposes of determining a quorum.

(d) Regular Meeting Day for Subcommittees. There is no regular meeting day for subcommittees.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice. Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation. The Chair may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation. Upon the determination that a witness shall testify under oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(d) Questioning of Witnesses.

(1) Generally. Questioning of witnesses before the Committee shall be conducted by members of the Committee.

(2) Exceptions.

(A) The Chair, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chair and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chair may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the members of the Committee may vote to overturn the decision of the Chair to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) Shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) May submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) May suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statement shall not exceed five minutes in length, unless otherwise determined by the Chair.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceeding shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee and shall be submitted in written and electronic format.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chair, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chair may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) May review the transcript only if he or she has the appropriate security clearances necessary to review any classified aspect of the transcript; and

(B) Should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical corrections.

(B) Corrections may not be made to change the substance of the Testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witnesses.

(D) Any questions arising with respect to such corrections shall be decided by the Chair.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is: subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) A request to appear personally before the Committee;

(B) A sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) Proposed questions for the cross-examination of other witnesses.

(3) Committee Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House only if:

(1) Reasonable notice is provided to all members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) The Committee has met and considered the contempt allegations;

(3) The subject of the allegations was afforded an opportunity to state either in writing or in person, why he or she should not be held in contempt; and

(4) The Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chair may authorize the release to

the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations. The Committee shall conduct investigations only if approved by the Chair, in consultation with the Ranking Minority Member.

(b) Conducting Investigations. An authorized investigation may be conducted by members of the Committee or Committee Staff designated by the Chair, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chair of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chair of the full Committee, or the Committee, may compel:

(1) The attendance of witnesses and testimony before the Committee; or

(2) The production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoena. A subpoena authorized by the Chair of the full Committee, or the Committee, may be signed by the Chair, or by any member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chair of the full Committee, or the Committee, may be served by any person designated to do so by the Chair.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition. For the purpose of these rules, "Committee Staff" or "Staff of the Committee" means:

(1) Employees of the Committee;

(2) Consultants to the Committee;

(3) Employees of other Government agencies detailed to the Committee; or

(4) Any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff and Security Requirements.

(1) Chair's Authority. Except as provided in paragraph (2), the Committee Staff shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Staff Assistance to Minority Membership. Except as provided in paragraphs (3) and (4), and except as otherwise provided by Committee Rules, the Committee Staff provided to the Minority Party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee, and shall work under the general supervision and direction of such member.

(3) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) The results of a background investigation; and

(B) A determination by the Chair that requirements for the appropriate security clearances have been met.

(4) Security Requirements. Notwithstanding paragraph (2), the Chair shall supervise and direct the Committee Staff with respect to the security and nondisclosure of classified information. Committee Staff shall comply with requirements necessary to ensure the security and nondisclosure of classified information as determined by the Chair in consultation with the Ranking Minority Member.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, members of the Committee and Committee Staff shall not at any time, either during that person's tenure as a member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:

(A) The classified substance of the work of the Committee;

(B) Any information received by the Committee in executive session;

(C) Any classified information received by the Committee from any source; or

(D) The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with:

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chair of that committee;

(ii) The chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and,

(iii) The chair and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chair of that subcommittee, or Members of that subcommittee designated by the Chair pursuant to clause (g)(1) of Committee Rule 12.

(B) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees as designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss with and disclose to the chair and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Intelligence Program (NIP), and staff of that subcommittee as designated by the chair of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill

within which is included an appropriation for an agency or program within the NIP.

(D) The Chair may, in consultation with the Ranking Minority Member, upon the written request to the Chair from the Inspector General of an element of the Intelligence Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chair may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(4) Records of Closed Proceedings. Any records or notes taken by any person memorializing material otherwise prohibited from disclosure by members of the Committee and Committee staff under these rules, including information received in executive session and the substance of any hearing or briefing that was closed to the public, shall remain Committee material subject to these rules and may not be publicly discussed, disclosed, or caused to be publicly discussed or disclosed, unless authorized by the Committee consistent with these rules.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee Staff, agree in writing, as a condition of employment, not to divulge or cause to be divulged any classified information which comes into such person's possession while a member of the Committee Staff, to any person not a member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, members and Committee Staff must follow any determination by the House of Representatives with respect to the protection of classified information received while a member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to

the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(c) Exception for Non-Exclusive Materials.

(1) Non-Exclusive Materials. Any materials provided to the Committee by the executive branch, if provided in whole or in part for the purpose of review by members who are not members of the Committee, shall be received or held by the Committee on a non-exclusive basis. Classified information provided to the Committee shall be considered to have been provided on an exclusive basis unless the executive branch provides a specific, written statement to the contrary.

(2) Access for Non-Committee Members. In the case of materials received on a non-exclusive basis, the Chair, in consultation with the Ranking Minority Member, may grant non-Committee members access to such materials in accordance with the requirements of Rule 14(0)(4), notwithstanding paragraphs (1), (2), and (3) of Rule 14.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the Staff Director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a member of the Committee or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to Classified Information by Members. All members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided

to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the Staff Director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

"I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives."

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) Provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) Lists by number all such documents.

(2) Designation by the Staff Director. The Staff Director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, members who are not members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required. Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing. Such notification shall state with specificity the justification for the request and the need for access.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee members at the earliest practicable opportunity. The Committee shall determine, by record vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) The likelihood of its being directly or indirectly disclosed;

(C) The jurisdictional interest of the member making the request; and

(D) Such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the member's request, the Committee may take any action it deems appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or part;

(B) Denying the request;
 (C) Providing the requested information or material in a different form than that sought by the member; or

(D) Making the requested information or material available to all members of the House.

(4) Requirements for Access by Non-Committee Members. Prior to a non-Committee member being given access to classified information pursuant to this subsection, the requesting member shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the member, pursuant to this subsection, to any person not a member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(5) Consultation Authorized. When considering a member's request, the Committee may consult the Director of National Intelligence and such other officials it considers necessary.

(6) Finality of Committee Decision.

(A) Should the member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Admission of Designated Members of the Subcommittee on Defense of the Committee on Appropriations. Notwithstanding the provisions of subsection (f), the Chair may admit no more than three designated Members of the Subcommittee on Defense of the Committee on Appropriations to classified hearings and briefings of the Committee involving discussions of classified material. Such Members may also be granted access to classified transcripts, records, data, charts or files of the Committee incident to such attendance.

(1) Designation. The Chair may designate three Members of the Subcommittee to be eligible for admission in consultation with the Ranking Minority Member, of whom not more than two may be from the same political party. Such designation shall be effective for the entire Congress.

(2) Admission. The Chair may determine whether to admit designated Members at each hearing or briefing of the Committee involving discussions of classified material. If the Chair admits any of the designated Members to a particular hearing or briefing, all three of the designated Members shall be admitted to that hearing or briefing. Designated Members shall not be counted for quorum purposes and shall not have a vote in any meeting.

(3) Requirements for Access. Prior to being given access to classified information pursuant to this subsection, a designated Member shall:

(A) Provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or a designated Member or authorized Staff of the Subcommittee on Defense of the Committee on Appropriations, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(h) Advising the House or Other Committees. Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) Whether the matter in question involves sensitive intelligence sources and methods;

(C) Whether the matter in question otherwise raises questions affecting the national interest; and

(D) Whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(i) Reasonable Opportunity to Examine Materials. Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(j) Notification to the House. The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(k) Method of Disclosure to the House.

(1) Should the Committee decide by record vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) To request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) To publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(l) Requirement to Protect Sources and Methods. In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(m) Availability of Information to Other Committees. The Committee, having deter-

mined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chair and ranking minority member of such other committee.

(n) Provision of Materials. The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or non-Committee member.

(o) Ensuring Clearances and Secure Storage. The Director of Security and Registry shall ensure that such other committee or non-Committee member receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(p) Log. The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or non-Committee member, the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or non-Committee member receiving such document or material.

(q) Miscellaneous Requirements.

(1) Staff Director's Additional Authority. The Staff Director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or non-Committee member.

(2) Notice to Originating Agency. In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a non-Committee member or to another committee, the Chair may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) Generally. The Chief Clerk, under the direction of the Staff Director, shall maintain a printed calendar that lists:

(1) The legislative measures introduced and referred to the Committee;

(2) The status of such measures; and

(3) Such other matters that the Committee may require.

(b) Revisions to the Calendar. The calendar shall be revised from time to time to show pertinent changes.

(c) Availability. A copy of each such revision shall be furnished to each member, upon request.

(d) Consultation with Appropriate Government Entities. Unless otherwise directed by the Committee, legislative measures referred to the Committee may be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. COMMITTEE WEBSITE

The Chair shall maintain an official Committee web site for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House.

17. MOTIONS TO GO TO CONFERENCE

In accordance with clause 2(a) of House Rule XI, the Chair is authorized and directed

to offer a privileged motion to go to conference under clause 1 of House Rule XXII whenever the Chair considers it appropriate.

18. COMMITTEE TRAVEL

(a) Authority. The Chair may authorize members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chair.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the Staff Director and the Chair.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a member.

(2) Content. All members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) Available for review by any member or appropriately cleared Committee Staff; and

(B) Considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chair is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chair may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule.

(A) At the specific request of a member of the Committee; or

(B) In the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions. For purposes of this rule the term "reasonable period of time" means:

(1) No later than 60 days after returning from a foreign trip; and

(2) No later than 30 days after returning from a domestic trip.

19. DISCIPLINARY ACTIONS

(a) Generally. The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

(b) Exception. In the event the House of Representatives is:

(1) In a recess period in excess of 3 days; or

(2) Has adjourned sine die; the Chair of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions. Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chair pursuant to subsection (b).

(e) Reconsideration of Chair's Actions. A majority of the members of the full Com-

mittee may vote to overturn the decision of the Chair to take disciplinary action pursuant to subsection (b).

20. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

21. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of Withholding. The Chair shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any member of the Committee.

22. CHANGES IN RULES

(a) Generally. These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes. A notice, in writing, of the proposed change shall be given to each member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate from the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary, to the Committee on the Judiciary.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes a.m.), the House adjourned until today, Friday, February 18, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

538. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule — Subpart A — Repowering Assistance Payments to Eligible Biorefineries (RIN: 0570-AA74) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

539. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's

final rule — Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0980; FRL-8861-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

540. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2008-0125; FRL-8860-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2010-0596; FRL-9249-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard; Withdrawal of Direct Final Rule [EPA-R05-OAR-2010-0850; FRL-9258-7] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

543. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identifying and Listing Hazardous Waste Exclusion [EPA-R05-RCRA-2010-0843; SW-FRL-9259-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

544. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Nashville, Tennessee Area [EPA-R04-OAR-2010-0663-201061; FRL-9259-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

545. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Alabama [EPA-R04-OAR-2010-0697-201102; FRL-9259-8] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

546. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Removal of Limitation of Approval of Prevention of Significant Deterioration Provision Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Mississippi [EPA-R04-OAR-2010-0811-201101; FRL-9259-7] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

547. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Antelope Valley Air Quality Management District, Ventura County Air Pollution Control District

and Placer County Air Pollution Control District [EPA-R09-OAR-2010-0860; FRL-9249-5] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals; Second Group of Chemicals; Technical Correction [EPA-HQ-OPPT-2007-0531; FRL-8862-6] (RIN: 2070-AD16) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

549. A letter from the Attorney Advisor, Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Wireless E911 Location Accuracy Requirements [PS Docket No.: 07-114] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

550. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — New Agency Logos [NARA-10-0006] (RIN: 3095-AB70) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

551. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Richardson Ash Scattering by Fireworks, San Francisco, CA [Docket No.: USCG-2010-0902] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA [Docket No.: USCG-2008-0747] (RIN: 1625-AA11) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Protection for Whistleblowers in the Coast Guard [USCG-2009-0239] (RIN: 1625-AB33) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL; Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2010-1054] (RIN: 1625-AA11, 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Security Zones; San Francisco Bay, Delta Ports, Monterey Bay and Humboldt Bay, CA [Docket No.: USCG-2010-0721] (RIN: 1625-AA87) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento New Year's Eve, Fireworks Display, Sacramento, CA [Docket No.:

USCG-2010-1079] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

557. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anorage Regulations; Long Island Sound [Docket No.: USCG-2008-0171] (RIN: 1625-AA01) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. NAPOLITANO (for herself, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mrs. CAPPS, Mr. CICILLINE, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. CUELLAR, Ms. HIRONO, Mr. FRANK of Massachusetts, Mr. GONZÁLEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Mr. HOLT, Mr. POLIS, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. KILDEE, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. MATSUI, Ms. NORTON, Mr. PASTOR of Arizona, Mr. LUJÁN, Mr. SERRANO, Mr. RANGEL, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. RAHALL, Mr. SIREs, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Mr. THOMPSON of California, Mr. STARK, Mr. TONKO, Mr. HINOJOSA, and Ms. SLAUGHTER):

H.R. 751. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Energy and Commerce.

By Mr. SCHRADER (for himself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 752. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. LATHAM:

H.R. 753. A bill to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa; to the Committee on Agriculture.

By Mr. ROGERS of Michigan:

H.R. 754. A bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. STARK (for himself, Mr. JACKSON of Illinois, Ms. LEE of California, and Mr. FILNER):

H.R. 755. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on currency transactions; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 756. A bill to direct the Secretary of Transportation to prescribe standards for

the maximum number of hours that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GARRETT (for himself, Mr. KING of New York, and Ms. ROSELEHTINEN):

H.R. 757. A bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes; to the Committee on Financial Services.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. MCKEON, Mr. BISHOP of Utah, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. LAMBORN, Mr. CAMPBELL, Mr. GALLEGLY, Mr. REHBERG, Mrs. McMORRIS RODGERS, Mr. COLE, Mr. BROWN of Georgia, Mr. CHAFFETZ, Mr. WALDEN, Mr. HUNTER, Mr. TIPTON, Mr. CALVERT, Mr. HERGER, Mr. LABRADOR, and Mr. SAM JOHNSON of Texas):

H.R. 758. A bill to amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. KLINE, Mr. MCKEON, Mrs. McMORRIS RODGERS, Mr. HUNTER, Mr. CHAFFETZ, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. WALDEN, Mr. HERGER, Mr. LAMBORN, Mr. CRAVAACK, and Mr. CANSECO):

H.R. 759. A bill to require the Director of National Drug Control Policy to develop a Federal Lands Counterdrug Strategy, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 760. A bill to authorize the Secretary of Agriculture to designate certain parts of California's San Joaquin Valley as a rural area for purposes of programs under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, and Mr. DENHAM):

H.R. 761. A bill to allow certain Federal funding provided to the State of California to be used for a project or activity to improve or maintain California State Route 99, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Ms. VELÁZQUEZ):

H.R. 762. A bill to transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program to train public housing residents to provide home-based health services; to the Committee on Financial Services.

By Mr. MICHAUD (for himself and Mrs. SCHMIDT):

H.R. 763. A bill to amend title 23, United States Code, with respect to vehicle weight

limitations applicable to the Interstate System, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER:

H.R. 764. A bill to ensure fair treatment of existing levees and flood control structures under the national flood insurance program; to the Committee on Financial Services.

By Mr. BISHOP of Utah (for himself and Ms. DEGETTE):

H.R. 765. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONNER:

H.R. 766. A bill to extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFazio:

H.R. 767. A bill to permit individuals to choose to opt out of the requirement to maintain health insurance minimum essential coverage if such individuals also opt out of specified insurance reform protections; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Mr. BOUSTANY):

H.R. 768. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. COHEN (for himself, Ms. RICHARDSON, Mr. RANGEL, Mr. MCDERMOTT, Ms. NORTON, and Ms. TSONGAS):

H.R. 769. A bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes; to the Committee on Financial Services.

By Mr. CUELLAR:

H.R. 770. A bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUELLAR:

H.R. 771. A bill to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office"; to the Com-

mittee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. HINCHEY, Mr. COHEN, Mr. FILNER, Ms. NORTON, Mr. CONYERS, Ms. BROWN of Florida, Mr. JACKSON of Illinois, Mr. HONDA, and Ms. FUDGE):

H.R. 772. A bill to amend the Internal Revenue Code of 1986 to restore the credit lost by individuals resulting from the replacement of the Making Work Pay Credit with the employee payroll tax cut for 2011; to the Committee on Ways and Means.

By Mr. DEUTCH:

H.R. 773. A bill to establish a separate office within the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 774. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of Tennessee (for himself, Mr. BURTON of Indiana, and Mr. JONES):

H.R. 775. A bill to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ENGEL:

H.R. 776. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 777. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits produced by small producers; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. FATTAH, Ms. HIRONO, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. POLIS, Mr. REYES, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. ANDREWS, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. SIREN, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. WU, Mr. MEEKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. BACA, Mr. GONZÁLEZ, Ms. CHU, and Mr. GENE GREEN of Texas):

H.R. 778. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school mod-

els for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KINZINGER of Illinois (for himself, Mr. SHIMKUS, Mr. DOLD, Mr. SCHOCK, Mr. HULTGREN, and Mr. JOHNSON of Illinois):

H.R. 779. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. PAUL, Mr. SERRANO, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. CAPUANO, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. HONDA, Ms. SPEIER, Mr. WELCH, Mrs. MALONEY, Mr. GRIJALVA, Mr. KUCINICH, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. BASS of California, Mr. BLUMENAUER, Ms. CHU, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Ms. DEGETTE, Ms. EDWARDS, Mr. ELLISON, Mr. FARR, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Ms. HANABUSA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JONES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. MOORE, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Ms. PINGREE of Maine, Ms. LINDA T. SANCHEZ of California, and Ms. LORETTA SANCHEZ of California):

H.R. 780. A bill to provide that funds for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 781. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for hiring veterans; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mr. TIPTON, Mr. GUTHRIE, Mr. TIBERI, Mr. PAUL, Mr. FLAKE, Mr. MILLER of Florida, Mr. LONG, Mr. YOUNG of Alaska, Mr. KINZINGER of Illinois, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. POSEY, Mr. PENCE, Mr. SULLIVAN, Mr. ROONEY, Mr. YODER, Mr. BILBRAY, and Mr. LAMBORN):

H.R. 782. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN:

H.R. 783. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

By Mr. NADLER (for himself, Mr. MEEKS, and Mr. RANGEL):

H.R. 784. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE (for himself, Mr. HEINRICH, and Mr. LUJÁN):

H.R. 785. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Natural Resources.

By Mr. ROHRABACHER (for himself, Mr. JONES, Mr. MCCOTTER, and Mr. MCKINLEY):

H.R. 786. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. BARTLETT, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BOREN, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Mr. DUNCAN of Tennessee, Mr. FORBES, Mr. GARRETT, Mr. HELLER, Mr. HUNTER, Ms. JENKINS, Mr. JONES, Mr. KINGSTON, Mr. LATTI, Mr. LAMBORN, Mr. MCHENRY, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. POE of Texas, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROYCE, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SIMPSON, and Mr. SULLIVAN):

H.R. 787. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. ROTHMAN of New Jersey:

H.R. 788. A bill to help keep students safe on school-run, overnight, off-premises field trips; to the Committee on Education and the Workforce.

By Mr. ROTHMAN of New Jersey:

H.R. 789. A bill to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office"; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Ohio (for himself, Mr. HIGGINS, Mr. CAPUANO, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. TURNER, and Ms. MOORE):

H.R. 790. A bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other

purposes; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. FOXX, and Mrs. MCMORRIS RODGERS):

H.R. 791. A bill to amend title 37, United States Code, to provide flexible spending arrangements for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. WEINER:

H.R. 792. A bill to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WOOLSEY (for herself, Mr. BACA, Ms. BASS of California, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mrs. CAPPES, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, and Mr. WAXMAN):

H.R. 793. A bill to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the "Specialist Jake Robert Velloza Post Office"; to the Committee on Oversight and Government Reform.

By Mr. DEFAZIO:

H.J. Res. 41. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. BACA, Ms. MATSUI, Ms. BORDALLO, Mr. THOMPSON of Mississippi, Mr. MEEKS, Mr. HASTINGS of Florida, Mr. ROSS of Arkansas, Mr. MCGOVERN, Mr. SCOTT of Virginia, Ms. BROWN of Florida, Ms. HIRONO, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. CUMMINGS, Ms. SEWELL, Ms. LEE of California, Mr. FILNER, Ms. MOORE, Mr. SERRANO, Mr. RANGEL, Mrs. NAPOLITANO, Mr. HONDA, Mr. GONZÁLEZ, Mr. COHEN, Mr. LEWIS of Georgia, Mr. DAVID SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. WATT, Ms. WILSON of Florida, Ms. LINDA T. SÁNCHEZ of California, Ms. FUDGE, Mr. RICHMOND, Mr. HOLT, Mr. CLAY, Ms. WOOLSEY, Ms. RICHARDSON, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Ms. WATERS, and Ms. CHU):

H. Con. Res. 19. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary; to the Committee on the Judiciary.

By Mr. HALL (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 97. A resolution providing amounts for the expenses of the Committee on Science, Space, and Technology in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. FINCHER (for himself, Mr. MCINTYRE, Mrs. BLACKBURN, and Mr. COBLE):

H. Res. 98. A resolution expressing the Sense of the House of Representatives that the Commissioner of the Food and Drug Administration should give the greatest weight in making critical policy decisions to readily available hard science data, including evidence from the natural sciences, physical sciences, and computing sciences; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Ms. BORDALLO, Mr. AL GREEN of Texas, Ms. HANABUSA, Ms. HIRONO, Mr. HONDA, Ms. MATSUI, and Mr. WU):

H. Res. 99. A resolution recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. CICILLINE, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. POLIS, and Mr. PAYNE):

H. Res. 100. A resolution honoring the life of David Kato and all who are victims of violence in Uganda because of their sexual orientation or gender identity; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, and Mr. POLIS):

H. Res. 101. A resolution expressing support for the Republic of India to gain a permanent seat on the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Ms. WILSON of Florida, Mr. DIAZ-BALART, Mr. BUCHANAN, Mr. ROSS of Florida, Mr. POSEY, and Mr. WEST):

H. Res. 102. A resolution commemorating the city of Fort Lauderdale, Florida, on its 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself and Mr. MORAN):

H. Res. 103. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a bilateral free trade agreement with Turkey; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAXMAN introduced a bill (H.R. 794) for the relief of Allan Bolor Kelley; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers

granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. NAPOLITANO:

H.R. 751.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

By Mr. SCHRADER:

H.R. 752.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 and Article IV, Section 3 of the United States Constitution.

By Mr. LATHAM:

H.R. 753.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2 of the U.S. Constitution relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. ROGERS of Michigan:

H.R. 754.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; ". . . to raise and support armies . . ."; "To provide and maintain a Navy"; "To make Rules for the Government and Regulation of the land and naval Forces"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. STARK:

H.R. 755.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. DEFAZIO:

H.R. 756.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. GARRETT:

H.R. 757.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4: "To establish . . . uniform laws on the subject of bankruptcies throughout the United States."

By Mr. NUNES:

H.R. 758.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. NUNES:

H.R. 759.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. NUNES:

H.R. 760.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Section 8 of Article I of the Constitution of the United States.

By Mr. NUNES:

H.R. 761.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.

By Ms. WATERS:

H.R. 762.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution of the United States.

By Mr. MICHAUD:

H.R. 763.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution, specifically Clause 1, Clause 3 and Clause 18.

By Mr. ALEXANDER:

H.R. 764.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. BISHOP of Utah:

H.R. 765.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BONNER:

H.R. 766.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes, as enumerated in Article I, Section 8, Clause 3 of the United States Constitution.

This bill is also enacted pursuant to no State shall enter into any Treaty Alliance, or Confederation, as enumerated in Article 1, Section 10, Clause 1 of the United States Constitution.

By Mr. DEFAZIO:

H.R. 767.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, Clause 3, the Commerce Clause.

By Mr. BOREN:

H.R. 768.

Congress has the power to enact this legislation pursuant to the following:

(1) Clause 4 of Section 8 of Article I of the Constitution; (2) Clause 14 of Section 8 of Article I of the Constitution; and (3) Clause 18 of Section 8 of Article I of the Constitution.

By Mr. COHEN:

H.R. 769.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 (relating to the power to regulate foreign and interstate commerce) of the United States Constitution.

By Mr. CUELLAR:

H.R. 770.

Congress has the power to enact this legislation pursuant to the following:

The Constitution including Article I, Section 8.

By Mr. CUELLAR:

H.R. 771.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8: Powers of Congress, Clause 18: The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Ms. DeLAURO:

H.R. 772.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DEUTCH:

H.R. 773.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DEUTCH:

H.R. 774.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DUNCAN of Tennessee:

H.R. 775.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. ENGEL:

H.R. 776.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1.

By Mr. HINCHEY:

H.R. 777.

Congress has the power to enact this legislation pursuant to the following:

Article 1—The Legislative Branch, Section 8—Powers of Congress: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. HINOJOSA:

H.R. 778.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clauses 1, 3, and 18 of Section 8 of Article 1 of the United States Constitution.

By Mr. KINZINGER of Illinois:

H.R. 779.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution, under which Congress has the power to lay and collect taxes, duties, imposts and excises, and to pay the debts and provide for the common defense and general welfare.

By Ms. LEE of California:

H.R. 780.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. McCOTTER:

H.R. 781.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Sixteenth Amendment: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. McCOTTER:

H.R. 782.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Further, this legislation would enable the States to exercise the rights granted to them by the Tenth Amendment to the Constitution.

Amendment X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

By Mr. MORAN:

H.R. 783.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8 of the United States Constitution, which provides Congress with the power to regulate commerce and relations between the United States and Indian Tribes, and to pass all laws necessary and proper for carrying into execution the foregoing powers, as well as all other Powers vested by the Constitution.

By Mr. NADLER:

H.R. 784.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1, 17, and 18.

By Mr. PEARCE:

H.R. 785.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. ROHRBACHER:

H.R. 786.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution. The authority to enact this legislation is also derived from Amendment XVI of the United States Constitution.

By Mr. ROHRBACHER:

H.R. 787.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ROTHMAN of New Jersey:

H.R. 788.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to provide for the general welfare of the United States. . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof; as enumerated in Article I, Section 8.

By Mr. ROTHMAN of New Jersey:

H.R. 789.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. RYAN of Ohio:

H.R. 790.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the United States Constitution: Congress shall have power. . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. LORETTA SANCHEZ of California:

H.R. 791.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WEINER:

H.R. 792.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. WOOLSEY:

H.R. 793.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

Mr. WAXMAN:

H.R. 794.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution provides that Congress shall have power to "establish a uniform Rule of Naturalization". The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. As the Court found in *Galvan v. Press*, 347 U.S. 522, 531 (1954), "that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government." And, as the Court found in *Kleindienst v. Mandel*, 408 U.S. 753, 766 (1972) (quoting *Boutillier v. INS*, 387 U.S. 118, 123 (1967)), "[t]he Court without exception has sustained Congress' plenary power to make rules for the admission of

aliens and to exclude those who possess those characteristics which Congress has forbidden."

By Mr. DEFAZIO:

H.J. Res. 41.

Congress has the power to enact this legislation pursuant to the following:

Article V: The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intent and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. CANSECO.
H.R. 23: Mr. DOYLE.
H.R. 38: Mr. TIPTON and Mr. GOODLATTE.
H.R. 97: Mr. PLATTS.
H.R. 100: Mr. HUNTER.
H.R. 104: Mr. POE of Texas.
H.R. 122: Mr. BROOKS.
H.R. 125: Mr. McCOTTER.
H.R. 140: Mr. HARPER and Mr. ALEXANDER.
H.R. 178: Mr. ROE of Tennessee, Mr. WEST, Mr. SCHIFF, Mr. PASTOR of Arizona, Mr. BILIRAKIS, Mr. WOLF, Mr. BROOKS, and Ms. CASTOR of Florida.
H.R. 181: Mr. KINZINGER of Illinois and Mr. WALZ of Minnesota.
H.R. 186: Mrs. BACHMANN.
H.R. 199: Mr. GENE GREEN of Texas.
H.R. 234: Mr. CANSECO.
H.R. 272: Mr. BARTLETT and Mr. RIBBLE.
H.R. 303: Mr. BROOKS and Mr. LOEBSACK.
H.R. 308: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CAPPS, Ms. RICHARDSON, and Mr. CUMMINGS.
H.R. 327: Mr. OWENS and Ms. SUTTON.
H.R. 332: Mr. MARKEY.
H.R. 333: Mr. PEARCE.
H.R. 337: Mr. WOMACK.
H.R. 360: Mr. ROSS of Florida, Mr. LATTA, Mr. GINGREY of Georgia, Ms. FOXX, Mr. CRAVAACK, Mr. COFFMAN of Colorado, Mr. PEARCE, Mr. KINZINGER of Illinois, Mr. DESJARLAIS, Mr. THOMPSON of Pennsylvania, and Mr. BARLETTA.
H.R. 361: Mr. WOODALL, Mr. COFFMAN of Colorado, Mr. CANSECO, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. HUNTER, Mr. AUSTRIA, Mr. POMPEO, and Mrs. BLACK.
H.R. 365: Mr. COOPER and Mr. LOBIONDO.
H.R. 412: Mrs. BACHMANN.
H.R. 420: Mr. MATHESON, Mr. BOREN, Mr. ROSS of Arkansas, and Mr. ALTMIRE.
H.R. 421: Mr. LANKFORD, Mr. GIBBS, Mr. GUINTA, and Mr. BARTON of Texas.
H.R. 428: Mr. RIVERA, Mr. ROSS of Florida, and Mr. CANSECO.
H.R. 437: Mr. YODER.
H.R. 440: Mr. MARINO and Mr. SENSENBRENNER.
H.R. 456: Mr. FRANK of Massachusetts.
H.R. 459: Mr. WALSH of Illinois.
H.R. 470: Mr. SHERMAN and Ms. CHU.
H.R. 492: Mr. ROTHMAN of New Jersey.
H.R. 497: Mr. PETRI and Mr. KINZINGER of Illinois.
H.R. 498: Mr. WEST.
H.R. 501: Mr. ROTHMAN of New Jersey and Mr. FRANK of Massachusetts.

- H.R. 529: Mr. WITTMAN.
H.R. 535: Mr. HIMES.
H.R. 539: Ms. ROYBAL-ALLARD and Mr. GEORGE MILLER of California.
H.R. 548: Mr. NEUGEBAUER.
H.R. 567: Mr. CANSECO.
H.R. 570: Mr. WEINER, Mr. GENE GREEN of Texas, and Mr. MCKINLEY.
H.R. 584: Mr. KIND.
H.R. 589: Mr. DOYLE.
H.R. 605: Mr. HUNTER and Mr. GRIFFIN of Arkansas.
H.R. 607: Mr. ELLISON and Mr. LANGEVIN.
H.R. 614: Mr. CICILLINE.
H.R. 673: Mr. SESSIONS, Mr. KINZINGER of Illinois, and Mr. WESTMORELAND.
- H.R. 692: Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. GARRETT, Mr. MILLER of Florida, and Mr. WESTMORELAND.
H.R. 700: Mr. PETRI.
H.R. 711: Mr. COSTA.
H.R. 718: Mr. BILBRAY.
H.R. 721: Mr. COSTA.
H.R. 735: Mr. ROSS of Florida, Mr. HARRIS, and Ms. FOXX.
H.R. 738: Mrs. CAPPS and Ms. WASSERMAN SCHULTZ.
H.R. 743: Mr. GUTHRIE.
H.J. Res. 1: Mr. BENISHEK.
H.J. Res. 2: Mr. ALTMIRE, Mr. GUTHRIE, Mr. BENISHEK, Mrs. BLACK, Mr. CANSECO, Mr. DEFazio, Ms. JENKINS, and Mr. LATOURETTE.
H. Con. Res. 12: Mr. WAXMAN, Mr. SHERMAN, Mr. PETERS, Mr. COHEN, Mr. HASTINGS of Florida, Mrs. CAPPS, Mrs. LOWEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. KEATING, Mr. ROTHMAN of New Jersey, Mr. PLATTS, and Mr. KING of New York.
- H. Con. Res. 13: Mr. POMPEO.
H. Res. 60: Mr. FALCONE, Mr. COSTA, and Mr. PETERSON.
H. Res. 61: Mr. LATTA and Mr. DAVIS of Illinois.
H. Res. 83: Mr. OLVER and Ms. WILSON of Florida.
H. Res. 95: Mr. GRAVES of Missouri.
H. Res. 96: Mr. FITZPATRICK, Mr. MEEHAN, Mr. BARLETTA, Mr. GERLACH, Mr. PITTS, Mr. SHUSTER, Mr. DENT, and Mr. THOMPSON of Pennsylvania.

EXTENSIONS OF REMARKS

HONORING DR. USHA VARANASI
ON THE OCCASION OF HER RE-
TIREMENT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. McDERMOTT. Mr. Speaker, today I rise to offer special recognition to my constituent, Doctor Usha Varanasi, on the occasion of her retirement as the Science and Research Director of the National Oceanic and Atmospheric Administration's Northwest Fisheries Science Center, a position Dr. Varanasi has held since 1994, when she became the first woman to lead a National Marine Fisheries Service Science Center.

During Dr. Varanasi's 35 years of federal service as a research chemist and marine scientist, the Northwest Fisheries Science Center has made potent advances in the fields of ecotoxicology, molecular biology, genetics, and microbiology. Dr. Varanasi's multidisciplinary approach has produced innovative research and established the Center as a high-performing and internationally-renowned research institution. Throughout her remarkable career, Dr. Varanasi has furthered science and technology essential to wise fisheries management and marine resource preservation.

Dr. Varanasi began her career at NOAA pursuing breakthrough research on the effects of chemical contamination on marine organisms. Dr. Varanasi's research revolutionized the field. Her work led to the development of techniques to assess the impacts of oil-related pollution on fisheries resources. As a result, Dr. Varanasi and her team provided invaluable seafood safety evaluation during the Exxon Valdez oil spill, Hurricane Katrina, and the Deepwater Horizon oil spill.

Dr. Varanasi's research is recognized nationally and internationally. She has authored more than 150 peer-reviewed articles in journals including *Nature* and *Science*. She has edited two acclaimed books and her seafood safety editorial, *The Seafood "Dilemma"*—A Way Forward, has influenced policymakers broadly.

Dr. Varanasi's ongoing efforts have ensured that the Center's science is of the highest quality, providing the scientific underpinning for complex decisions that guide management of the Nation's marine resources. From careful monitoring of the West Coast ground fishery, to salmon recovery, to protection of the endangered Southern Resident Killer Whales, and, finally, to crucial regional ocean governance structures, Dr. Varanasi has led the way. Her foresight and dedication have made possible new collaborations and effective partnerships that changed the way we approach fisheries management and marine resources preservation.

A generous colleague and mentor, Dr. Varanasi has served for many years on the faculties of Seattle University and the University of Washington. She has been instrumental in helping countless students to understand that the wisest policies come from the best science.

Mr. Speaker, Dr. Varanasi's remarkable career has advanced substantially our understanding of marine life and its vital connections to our own existence. Her legacy of leadership and breakthrough research will inspire students, scientists, researchers, and policymakers for decades. I extend to Dr. Varanasi my congratulations on her outstanding achievements, my appreciation for her many years of exceptional public service, and my best wishes for her future endeavors.

IN HONOR OF IMMACULATA UNI-
VERSITY WOMEN'S BASKETBALL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GERLACH. Mr. Speaker, I rise today, along with my colleague Rep. PATRICK MEEHAN (PA-7), to congratulate the Immaculata University women's basketball team on its record of outstanding accomplishment.

Immaculata University, located in Chester County, Pennsylvania, is considered to be the birthplace of modern college women's basketball. Known as the Mighty Macs, the Immaculata women's basketball team won three consecutive national college women's basketball championships in 1972, 1973 and 1974. These championships were the first college women's basketball championships played in the United States. The Mighty Macs also have the distinction of playing in the first nationally televised college women's basketball game as well as being the first college women's basketball team to compete outside the United States.

The Immaculata women's basketball team produced four All-Americans, Marianne Crawford Stanley, Rene Muth Portland, Mary Scharff and Theresa Shank Grentz. All members of the team are trailblazers and true American heroes who set the highest standards both academically and athletically, for not only women's basketball, but for women's and men's sports alike.

Mr. Speaker, I ask, along with Rep. PATRICK MEEHAN (PA-7), that my colleagues join me today in recognizing the Immaculata women's basketball team and, for bringing both tremendous pride to the citizens of Pennsylvania and inspirational change to American intercollegiate sport, ask that March 29, 2011 be known as Immaculata University Mighty Macs Day.

HONORING THE RETIREMENT OF
JOSEPHINE "JOSIE" AVILES

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the retirement of a dedicated civil servant, Ms. Josephine "Josie" Aviles. Josie has been committed to Homestead Air Reserve Base since 1984, working relentlessly to support and maintain the mission of the 482d Fighter Wing.

Josie has demonstrated genuine dedication as a Protocol officer, providing extraordinary assistance to each Group, Squadron, and Tenant organization. She is well known and admired amongst her peers for her expertise, excellent work ethic and selfless attitude.

Throughout her unwavering leadership, Josie directed the command staff after Hurricane Andrew destroyed Homestead Air Force Base in 1992; served as Administrative Team Chief for the fighter wing's first Operational Readiness Exercise; and arranged events and conferences as the first Protocol officer. She has demonstrated a level of commitment to her country, community, and colleagues that deserves our sincere admiration and respect.

Mr. Speaker, I am truly honored to pay tribute to my friend Josie, a true leader who has dedicated her life to public service. As her colleagues, friends and family gather together to celebrate the next chapter of her life, I ask my colleagues to join me in saluting this outstanding civil servant on this very special occasion. I wish Josie continued success and happiness in all of her future endeavors.

IN RECOGNITION OF FREESE AND
NICHOLS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Freese and Nichols, an engineering, architecture, and environmental science firm, and the recipient of the prestigious 2010 Malcolm Baldrige National Quality Award in the small business category.

Overseen by the National Institute of Standards and Technology, NIST, the Baldrige Award is the highest level of national recognition granted to organizations for performance excellence. Since its establishment in 1987, 86 organizations have received this prestigious award.

Freese and Nichols, Inc., FNI, traces its historical roots in Texas back to 1894, and has always been dedicated to the spirit of innovation. FNI's emphasis on approaching projects

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with a fresh and unique perspective allows them to push the boundaries with avant-garde solutions and to stay at the forefront of their field. From designing the first ever LEED certified building to their restoration projects to being conscious of their impact on our environment and striving to make the world a better and cleaner place for future generations, their commitment to responsible and sustainable development is evident. Their community service efforts and partnership with nonprofit organizations speak loudly of their belief in giving back and being good stewards of our local community.

I commend Freese and Nichols for their dedication to innovation and performance excellence; they are truly deserving of this great honor. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Freese and Nichols.

HONORING THE LIFE OF CECIL L.
ANCHORS, SR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of Northwest Florida's beloved Cecil L. Anchors, Sr.

Mr. Anchors was a pivotal community leader in the Northwest Florida community for decades. He grew up in Niceville, Florida and graduated from Niceville High School in 1936. After high school Mr. Anchors attended the University of Florida. His passion for the Florida Gators' storied athletic program was unrivaled.

Mr. Anchors was also a devoted patriot. After graduating from college, he returned to Northwest Florida to work at the Air Proving Ground at Eglin Air Force Base. When the United States entered World War II, Mr. Anchors volunteered for Army service. He served his country with honor and distinction in the European Theater, including at the famous Battle of the Bulge.

In 1948, Mr. Anchors was elected Clerk of the Circuit Court of Okaloosa County, a position that he held until his retirement in 1976. Mr. Anchors was a leader in the community, and an innovator at the courthouse. He established the first computer system in Okaloosa County public offices and oversaw the construction of a new courthouse in Crestview, Florida.

A true local leader, Mr. Anchors was a charter member of the Choctawhatchee Rotary Club, the Rocky Bayou Country Club, and the Air Force Museum Board of Directors. He also served as the first elected Post Commander of the Niceville Chapter of the American Legion in 1945, as well as president of the Crestview Kiwanis Club.

Mr. Anchors played an active role in local, state, and national politics. He served as the Okaloosa County leader during President Kennedy's 1960 Presidential campaign; however, his fondest memories were of his time serving the people of Okaloosa County as the Clerk of the Circuit Court.

To some Cecil Anchors will be remembered as a patriot and a leader in the civic community. To others he will be remembered as a lifelong Florida Gator. To his friends and family, he will most fondly be remembered as a loving and devoted family man. His tireless work and immense contributions to Northwest Florida cannot be overstated.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of Cecil Anchors, Sr., and his living legacy.

HONORING HAROLD OSTROW

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DEUTCH. Mr. Speaker, I rise today to honor Harold Ostrow and his selfless dedication to his community for over a quarter of a century. Appropriately nicknamed "Mr. Civic," Harold has provided leadership, guidance, and true heart to the community through his volunteer work over the years.

Harold's involvements vary in interest from being the Chairman of the Health Care District where he oversaw the management of the trauma program, the school nursing program, and a program to provide health coverage to the working poor. In addition, as a member of the Judicial Nominating Commission, Harold held the responsibility of providing the Governor with names of candidates for judges.

Mr. Civic did not stop there, though. Harold has also held the position of Chairman of the nonpartisan Voter's Coalition and the citizen's Advisory Committee for the Solid Waste Authority, gaining him the respect of government officials on both sides of the aisle. Harold's activism continues today as a member of the advisory board for the Fire-Rescue Agency.

No matter what the needs of his community was, Harold has been there, lending his open hand without asking for anything in return. Of course, none of this would have been possible without the love and support of Harold's wife, Lenore, by his side. His dedication to participating in every area of community life, helping wherever he could, and mentoring members of the community, has made Harold Ostrow a beacon of volunteer involvement, and I am proud to have this opportunity to recognize him.

I would like to congratulate Harold and his family for this tremendous honor. It is truly an honor to have Harold as a part of the South Florida community and as a friend.

IN DEFENSE OF THE
GOVERNMENT OF PUERTO RICO

HON. PEDRO R. PIERLUISI

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. PIERLUISI. Mr. Speaker, I rise to address the chamber this morning with disappointment, sadness, and a deep resolve to set the record straight. I am compelled to respond to remarks delivered yesterday on this

floor by my colleague, the gentleman from Illinois, in which he harshly criticized the duly-elected government of Puerto Rico, the officers who serve honorably in its police force, and the chief judge of the U.S. district court for the District of Puerto Rico. The speech was inappropriate and insulting to the people of Puerto Rico. I hope such action will not be repeated. But if it is, make no mistake: I will return to this floor again to defend my constituents—and the government they chose in free and fair elections—from all unwarranted attacks. I will rise then in the same capacity that I rise now: as Puerto Rico's only elected representative in Congress and the only member of this chamber who can make any claim to speak on behalf of the Island's nearly four million American citizens. I will fight for my people because it is my privilege, my honor, and my duty to do so.

To compare Puerto Rico to an authoritarian country is beyond the pale. It demeans not merely my constituents, but also the millions of men and women around the world who suffer under real dictatorships, who are truly oppressed, and who lack the dignity that comes only with genuine freedom. Puerto Rico is a rich and vibrant democracy, with strong institutions, governed by the rule of law. Fundamental rights protected by the U.S. Constitution—including the right to free speech, free assembly and due process of law—apply fully in Puerto Rico. So does federal civil rights law. This is not to suggest that violations of individual liberties never take place in Puerto Rico. On occasion they may, just as they do in every jurisdiction. And I would be the first person to condemn such conduct if it occurs. But, in Puerto Rico, unlike in a dictatorship, there are legal remedies available to citizens who claim to have been deprived of their rights. Those who fail to grasp this basic distinction do not understand Puerto Rico or appreciate its strengths.

Moreover, I believe it is wrong for a member of this body to insult a federal judge simply because that judge ruled in a way the member finds objectionable. To use an enlarged photo of that judge as a prop is, in my view, particularly unfortunate. Such theatrics undermine, rather than strengthen, the argument being made. Judge Fusté, a man who has devoted over 25 years of his life to public service, does not deserve such treatment.

Yesterday, a great disservice was done to the good name and reputation of the people of Puerto Rico. I regret that it occurred. I hope—and expect—that it will not happen again.

IN SUPPORT OF AMERICAN COMMERCIAL SPACEFLIGHT INDUSTRY

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Ms. BERKLEY. Mr. Speaker, I rise today to speak in support of the American commercial spaceflight industry.

Investing in private industry is an effective way to cut federal spending while spurring meaningful job growth and innovation. This is

why I am a strong advocate for developing the commercial spaceflight program proposed by President Obama. The President's plan will help lower NASA launch costs by shifting this role to competitive private businesses, while fostering American economic competitiveness and leadership in cutting-edge research and technology. This plan will also end our reliance on Russia to transport NASA astronauts to the International Space Station by utilizing the technology and services of private companies on American soil.

Bigelow Aerospace has been a model of American entrepreneurship and innovation. This company has developed its own spacecraft and created hundreds of much-needed jobs in the Las Vegas Valley. If we follow President Obama's common-sense plan of winding down NASA's Constellation Program and transferring the launch program to private industry, Bigelow Aerospace and many other cutting-edge spaceflight companies will create countless more jobs in the vital science and engineering industry.

The American people have told us emphatically that our top priorities must be jobs and the economy, and leveraging commercial spaceflight capabilities addresses both of these goals. I encourage my colleagues to join me in supporting fiscally responsible, job-creating investments in the commercial spaceflight industry.

**CELEBRATING 25TH ANNIVERSARY
OF MORRIS HABITAT FOR HUMANITY,
MORRIS COUNTY, NEW JERSEY**

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Morris Habitat for Humanity, Morris County, New Jersey, celebrating its 25th Anniversary this year.

The Morris Habitat for Humanity was established in 1985 and its presence in Morris County has been growing ever since. However, attaining the permission from Habitat International to start a Habitat for Humanity in one of New Jersey's wealthiest counties was no easy accomplishment. With the help of many individuals, including Millard Fuller, the founder of Habitat for Humanity International, and former President Jimmy Carter, the Morris County Chapter of Habitat for Humanity was founded. This organization has worked alongside 190 families building over 45 homes and preserving 42 houses in Morris County. Habitat for Humanity's achievements have not only spanned across the great state of New Jersey but all around the world having built 103 houses to date in other countries.

I had the good fortune of working with the Morris Habitat on "The House that Congress Built" and experienced firsthand the dedication of the volunteers and staff. The advancement of this inspirational organization is credited in large part to its volunteers. Over 45,000 people have given their time to help others achieve home ownership. Habitat for Humanity provides a vast number of opportunities to its

volunteers. With the opening of the ReStore Outlet in Mine Hill, New Jersey, Morris Habitat has expanded its services by offering reusable and spare building materials to the public at discounted prices, making home improvements attainable for families.

The Morris Habitat for Humanity has continuously provided steadfast dedication to home ownership. The valuable support they have provided to those in need in Morris County and surrounding counties is remarkable.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Morris Habitat for Humanity as they celebrate 25 dedicated years of service.

**RECOGNIZING STEPHANIE THETFORD
AS THE 2011 OKALOOSA
COUNTY TEACHER OF THE YEAR**

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mrs. Stephanie Thetford as the 2011 Okaloosa County Teacher of the Year. For 17 years Mrs. Thetford has been an inspiration to her students, motivating them to realize their true potential and achieve excellence, and I am honored to recognize her achievements.

Mrs. Thetford is a proud product of the Okaloosa County, Florida, school system. She is a graduate of Crestview High School, and her passion for serving the students of Northwest Florida led her to pursue a teaching career in Okaloosa County.

Mrs. Thetford has spent the past 11 years teaching at Fort Walton Beach High School, where she has taught numerous math courses. She has had the opportunity to teach students at all levels, including Algebra IA, Algebra IB, Geometry, Math Analysis and Informal Geometry. For the past six years she has also had the opportunity to teach students at the highest levels, serving as the teacher for AP Calculus AB and BC. When she took over the class, there were 25 students enrolled in the AP Calculus curriculum. Today, through her hard work and dedication, there are 62 students enrolled in these courses.

Quantity, however, is hollow without quality results. Mrs. Thetford has delivered these results year after year. Last year, 66 of her students took the AP Calculus AB exam, with 60 of these students receiving a passing score. She also had 6 students take the AP Calculus BC exam; all of these students passed the test, and five out of six received the highest possible score.

Mrs. Thetford realizes that the key to achieving success is hard work and dedication. She offers daily tutoring before school, starting at 6 a.m., to ensure that students are prepared to achieve their goals. Mrs. Thetford takes every possible measure to identify any problems or confusion that students may have, and she is always available to her students to answer questions and help them work through their difficulties so that they are not left behind when a new concept is introduced.

Her dedication to the students of Okaloosa County does not end when school is on summer break. In the summer, she has conducted county-wide math in-service training for Pre-Algebra, Algebra, and Algebra II teachers, where she teaches methods to integrate technology to help students who are struggling with these mathematical concepts. This ensures that the primary level math classes help build the foundational skills necessary to succeed in upper-level courses. She serves as the Vertical Team Trainer for Okaloosa County and as an AP Calculus mentor for other Calculus teachers in the county, ensuring that other schools can replicate the success of her students in Advanced Placement courses.

Great teachers are an invaluable asset to our nation's students. To be honored as Teacher of the Year is an immense honor, and it is a reflection of her indefatigable dedication to the students of Okaloosa County. She has proven herself to be among the many exceptional teachers in our nation, and I am proud to have her as a constituent in Florida's First Congressional District.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Stephanie Thetford for her accomplishments and her continuing commitment to excellence at Fort Walton Beach High School and in the Okaloosa County School District. Her passion for her students is laudable, and her dedication to her profession is exemplary. My wife Vicki joins me in congratulating Mrs. Thetford, and we wish her all the best.

**HONORING THE HEROICS OF
DAVID BENKE**

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, I rise today to honor an American hero, Mr. David Benke, an ordinary man who through extraordinary courage saved the lives of an innumerable number of children. His valor, daring, and selflessness are a compelling reminder of the strength and virtue of the American spirit.

It was a chilly afternoon on February 23, 2010, when Mr. Benke's mettle was tested. He heard nearby gunshots on the grounds of the Littleton school where he teaches. 60 feet away a 32-year-old man was taking shots with a hunting rifle at a group of students. Heedless of the danger to himself, Mr. Benke tore towards the assailant and in an instant had wrestled him to the pavement and the rifle from his grasp. Two students had been wounded, but countless others were saved by his heroic efforts.

In recognition and in honor of this selfless act, the Carnegie Hero Fund Commission has awarded him the Carnegie Medal, a high honor "given to those who risk their lives to an extraordinary degree while saving or attempting to save the lives of others." Today, I too would like to recognize Mr. Benke's valor and selflessness and do honor to one of Colorado's most distinguished heroes. I am extremely proud to have David as a constituent

and know that his bravery and courage will shine as a beacon of magnanimity that others will aspire to.

RECOGNIZING THE ACCOMPLISHMENTS OF MARK DYER AND THE VOLUNTEERS OF SHELTERBOX USA

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. ROSKAM. Mr. Speaker, I rise today to recognize Mark Dyer, a resident of Elmhurst, Illinois. Mark was recently recognized along with other volunteers for their efforts in furthering disaster relief efforts through ShelterBox USA. ShelterBox USA is a worldwide relief organization that specializes in providing emergency shelter to those displaced by natural disasters.

As the horrific events unfolded in the wake of Haiti's devastating earthquake, many watched as news reports flashed images of human tragedy and suffering, but Mark Dyer was moved to action. Through Mr. Dyer's hard work to raise awareness and funds, ShelterBox was able to provide more than 28,000 ShelterBoxes full of cooking sets, tents, water purification supplies, and other essential items to the survivors in Haiti. Mark's determination is reflected in the fact that those 28,000 ShelterBoxes accounted for one-quarter of all the tented shelters in Haiti.

Mark is also a ShelterBox Response Team member who volunteers his time all over the world. In the past two years Mark has deployed to Somaliland, Niger, Columbia, and Haiti to deliver much needed assistance following disasters.

Few are willing to heed the call to service following devastating natural disasters, and even fewer are willing to commit to such a level, and with as much passion, as Mark Dyer. His efforts were recently recognized with The President's Volunteer Service Award, a special recognition presented on behalf of President Barack Obama for those who contribute a significant amount of time to volunteer activities. Mr. Speaker and Distinguished Colleagues, Mark Dyer deserves our recognition and commendation.

Please join me in recognizing the impressive work of Mark Dyer and the volunteers of ShelterBox USA while wishing them every success in their future endeavors.

HONORING THE VILLAGE OF PALMETTO BAY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DIAZ-BALART. Mr. Speaker, I rise today to recognize the Village of Palmetto Bay on the grand opening of the new Village Hall, the first "Platinum" LEED-Certified Municipal Center and Emergency Operations Center in the State of Florida. This state-of-the-art facility

will provide much needed services and support for the residents and Council members of Palmetto Bay. Located on E. Hibiscus Street, this new 26,005 square-foot Municipal Center is easily accessible and welcomes all residents.

The facility was internationally recognized as a green building by its "Platinum" LEED-Certification. The design and construction of the building aims at energy savings, water efficiency, improved indoor environmental quality, and carbon dioxide emissions reduction. The framework used reflects environmental awareness and economic responsibility.

The Municipal Center provides a center for government and serves as the emergency operating center for the Village designed to withstand category 5 hurricanes. I commend Mayor Shelley Stanczyk and her staff for finalizing the move and creating a smart and conservative community to engage the residents of Palmetto Village.

Mr. Speaker, I ask my colleagues to join me on this special occasion and commend those who have worked relentlessly to make the opening of the Municipal Center a reality.

A TRIBUTE TO DR. ELLIN LIEBERMAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to pay tribute to the extraordinary leadership of Dr. Ellin Lieberman. Through her unwavering commitment to service, she has transformed the lives of many and made profound contributions to our community and country.

Dr. Lieberman, born and raised in New York City, began her professional career of service after receiving her B.A. from Harvard University and her medical degree, specializing in Internal Medicine & Pediatrics with a subspecialty in Pediatric Nephrology, from Boston University School of Medicine. She joined the USC faculty in 1963, then headed the Division of Nephrology at Children's Hospital Los Angeles from 1967–1995. After retiring from an outstanding medical career in 1998, Ellin continued her work in medical education by advancing medicine around the world. In 2001, she was a Senior Visiting Scholar of the International Society of Nephrology in Russia, started a postgraduate pilot program in St. Petersburg, and later founded the Los Angeles-St. Petersburg Sister City Medical Committee.

After returning to her home in South Pasadena, California, Ellin, turned her energy to community activism, championing a plethora of local and national causes. Ellin and her husband Harry, both longtime supporters of the arts, host an annual arts benefit that has supported victims of Hurricane Katrina, the New Orleans National Kidney Foundation, and the Louisiana Children's Hospital. In addition to opening up their home for charitable functions, the Liebermans have also hosted educational forums on issues such as climate change, health care reform, sustainable/green living, as well as speaker sessions with Muslim community leader, Dr. Reza Asian, to fos-

ter community understanding of Muslim Americans.

Ellin has been a tireless advocate and a humble role model. Her exuberance and passion inspire us. And I ask all Members to join me in thanking Dr. Ellin Lieberman for her many years of selfless, dedicated service to the community.

HONORING DAVID GREENBAUM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. VAN HOLLEN. Mr. Speaker, I am honored to recognize my constituent David Greenbaum as he celebrates his 100th birthday.

Like many Jews who escaped Europe on the eve of the Holocaust, Mr. Greenbaum can attribute his survival to a combination of keen perception, perseverance, luck, and the compassion of strangers.

His extraordinary journey began in Starachowice, Poland in 1939 as Hitler invaded Poland. At the time, Mr. Greenbaum was 28 years old and living with his mother and three younger siblings. His father had passed away two years earlier. With German planes overhead bombing nearby towns, the Greenbaum family left their home and took refuge in the nearby countryside on a farm of a family friend. As German soldiers approached, Mr. Greenbaum left his family and headed north-east with a deserter from the Polish Army.

The two were shortly joined by others seeking to avoid German capture. The group walked without rest on unfamiliar roads to unknown destinations. Mr. Greenbaum walked for 1,100 miles, arriving in Vilnius, Lithuania. Granted shelter for the night by a local tailor, Mr. Greenbaum had a chance meeting with his brother Zack, who had joined the Polish Army. The two then parted, with David Greenbaum planning to continue on to Kaunas (then the capital of Lithuania) in order to ultimately join their sister, Diana, in Washington, D.C.

David Greenbaum may not have survived the Nazi invasion were it not for the assistance of the Jewish social service organization. While in Kaunas, Mr. Greenbaum was informed by the organization that all Jewish refugees were to be jailed. With its help, he obtained a visa to the U.S. Visa in hand, he begged in the streets for money in order to accumulate the \$225 he needed to travel by train to Moscow and then Vladivostok, Russia, a port on the Pacific Ocean. By feigning injury, Mr. Greenbaum evaded the scrutiny of undercover agents patrolling the train. Once he reached his destination, Mr. Greenbaum purchased a ticket to Japan with money again provided by a Jewish social service organization. On December 13, 1940, Mr. Greenbaum boarded The Cleveland, a ship sent to Japan by President Roosevelt, for a trans-Pacific journey to San Francisco.

One year after his journey began, Mr. Greenbaum arrived in Washington, D.C., where he quickly sought to integrate himself into his new surroundings. After completing English lessons, Mr. Greenbaum began work

at Berman's, a clothier located in the Pentagon. Mr. Greenbaum learned the trade and became known as an outstanding tailor. In fact, Mr. Greenbaum was chosen to be the personal tailor of Vice President Hubert Humphrey.

Mr. Greenbaum will be celebrating his 100th birthday on February 18, 2011. With Pearl, his wife of 63 years, he shares the joy of two children, six grandchildren and two great-grandchildren.

Mr. Speaker, I am honored to celebrate David Greenbaum's 100th birthday and wish him a year of health and happiness.

REMEMBERING AND HONORING
THE LIFE OF RAYMOND R. ELLIOTT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. COURTNEY. Mr. Speaker, I rise today to honor Raymond R. Elliott of Canterbury who passed away on February 5, 2011. Ray served his country honorably in the Vietnam War and continued to serve his community in various capacities throughout his life.

Ray was a past Commander at the Veterans of Foreign Wars Post #10004 in Jewett City. Whether it was volunteering to work in the kitchen before a dinner or recognizing other veterans for their service, Ray was al-

ways ready and willing to give back. He regularly volunteered to drive disabled veterans to their appointments within the Veterans Affairs system and even oversaw the program for some time. In 2007, I had the honor of meeting Ray and working with him to help coordinate the van driving program. I will always remember the compassion and good humor Ray brought to this basic yet essential task.

While deeply dedicated to helping his fellow veterans, the scope of Ray's service within the community was much broader. He volunteered as a mentor at the Windham Center School, coached Willimantic Little League baseball and softball, and was an avid fan of UCONN athletics.

As a beloved husband, father, grandfather, veteran, coach, and mentor, I ask my colleagues to join me in honoring Ray Elliott's life of service to his country and community.

HOUSE OF REPRESENTATIVES—*Friday, February 18, 2011*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Creator of storm winds and innocent children. In You and through You all is held together. Lead us with Your penetrating wisdom.

May this Congress in all its deliberations be rid of absolute icons and move together to propose a common response to the overall security of Your people.

Integrate the information of this age with the practical and ethical standards that have guided Your people always through the mysteries of nature and the multiple legitimate needs of the most vulnerable in our midst.

Enlighten the Nation with Your word and Your grace both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

GRUESOME ANNIVERSARY OF FAILED STIMULUS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday marked the gruesome second anniversary of the administration's misnamed stimulus plan. When this irresponsible plan of massive spending was introduced, liberals

promised unemployment would not exceed 8 percent. At that time, House Republicans, led by JOHN BOEHNER, explained that our Nation cannot borrow and spend our way to prosperity, and the failure of this stimulus plan is a sad reminder of this.

Now, 2 years later, taxpayers have more than \$817 billion added to the national debt. Unemployment is still above 9 percent and has been above 9 percent for 21 straight months. That means 14 million Americans are without jobs. Our debt is over \$14 trillion.

I have introduced legislation for an audit of the stimulus to show the American people where their tax dollars were spent. Where is the money? Where are the jobs?

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

REGARDING THE REPUBLICAN CONTINUING RESOLUTION

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, this week my Republican colleagues offered us a glimpse into their vision for America. It is a country where millions of women are turned away from basic health care, where the wealthy can buy access to our courts, and the poor are denied justice, where we abandon our obligation to pass on a cleaner, safer world to the next generation, where the voices of a thousand workers' cries for better treatment fall on a few pairs of deaf ears, where we deny children the arts education that has helped inspire the greatest culture on Earth.

This is not the America envisioned by the constituents I serve, among them thousands of America's Greatest Generation who fought during World War II and built an extraordinary Nation after the Great Depression. This continuing resolution is, quite simply, a disgrace to their vision and to their sacrifice. We can do better. We must do better.

PROTECT SERVICEMEMBERS FROM SEXUAL ASSAULT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, last year the military received over 3,000 reports of sexual assault involving other members in the service. This week, 17 veterans are saying that the military

ignored their cases of sexual assault while they were on active duty. These accusations have occurred in all branches of the military.

The most recent complaint came from a woman who says she was drugged and gang raped by two fellow members of the Navy. This ended her career. Another rape victim reported the crime to the Marines, and she was ordered not to tell anyone, and to respect the alleged rapist, who was of a higher rank.

The perpetrators of rape in the military must be held accountable for their misdeeds, and victims should be respected and validated by the military. The United States has the world's finest military personnel, and we must support all of them, including victims of crime.

And that's just the way it is.

PROTECT THE CLEAN AIR ACT

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I come to the floor to warn my colleagues and the American public of a nasty little amendment in this CR. An amendment will be offered by the Republicans today to eliminate the ability of the Environmental Protection Agency to enforce the clear mandates of the Clean Air Act.

The Supreme Court has ruled that the EPA owes the American public an obligation to reduce certain of these dangerous toxic gases. And yet, incredibly, the Republican Party wants to eliminate the ability to enforce that bill. Now, I think of this amendment as the dirty air act. And it is the dirty air act because if they pass it, that is what we'll get, dirty air.

Now, Americans, and I want to warn my colleagues, a poll distributed by the American Lung Association shows Americans are adamantly opposed to this amendment. They know we want clean air. They know we don't want more children's asthma. And we have got to defeat this amendment, defeat the dirty air act, keep the Clean Air Act as the law of this country.

LISTEN TO THE PEOPLE

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, listen to the people. Kindergarten

teachers, not a group easily riled, are amongst 30,000 of their neighbors in Wisconsin at the State Capitol. The audacity of their demand? The ability to negotiate a living wage, safe working conditions, and a dignified retirement.

These public servants make our society safe and functioning at an average wage of \$30,000 a year. They did not cause the financial catastrophe in this country. That was the speculators and robber barons who received billions in TARP funds and then off-sourced it to avoid paying taxes. The folks in Wisconsin who are rallying teach our children to read.

At a time of Astroturf rallies, I urge all my colleagues, listen to that sound coming like a warm spring breeze off the prairie. That's the sound of America's proud middle class that built this country, and they have found their voice. We would all be wise to listen to the people.

THE CR AND THE DIRECTION OF AMERICA

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I come to the floor today to talk about the CR in larger context. What's going on? The American people have been watching us debating this stuff for days now late into the night. What is it all about? What it's all about, Mr. Speaker, is which direction will America go in? Will we cut back and scale back vital programs that help Americans do better and move into the middle class? Will we cut back and scale back vitally needed regulations to help protect us, allow us to have clean air and clean water and important other rights?

Or, Mr. Speaker, will we have an America where we have labor rights, where we can organize, where we can have adequate regulations that give us the opportunity to a decent standard of life in America? It is a stark choice. A dim view where the vision is a small number of really wealthy people and a vast number of really desperate people, or a large, robust, strong middle class which powers America into the future? What we are fighting about is the soul of this country, the direction of this country. And the Democratic Caucus is standing firmly with the people as we have seen the people of Wisconsin stand up and snatch back their destiny from somebody who would take it from them.

So, Mr. Speaker, today focus your attention, the people are rising up around America, and the Democratic Caucus is standing strong right here.

CALIFORNIA SALMON INDUSTRY

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, our budget is a serious document and a statement of our values as a Union. Americans are depending on us to reduce the deficit in a responsible manner while growing our economy and putting people back to work. But as their "so be it, let them eat cake" approach to jobs and the economy shows, our Republican colleagues have chosen to abandon the responsibility for recklessness.

Now the Republicans are proposing to wipe out the California salmon industry and the thousands of jobs that depend on it. California's fishermen just made it through 3 years of unprecedented slowdown in the salmon industry. An estimated 23,000 jobs and \$2.8 billion have been lost in just the last 3 years. These latest proposals threaten water supplies for millions, including both fishermen and farmers.

Mr. Speaker, salmon means jobs. I have met the people who make their living with salmon, and they are proud of their jobs. According to recent studies, restoring the California bay-delta could provide 94,000 new jobs and \$5.7 billion in economic activity.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 0910

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. BISHOP of Utah (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on the legislative day of Thursday, February 17, 2011, a request for a recorded vote on amendment No. 466 printed in the CONGRESSIONAL RECORD offered by the gentleman from Texas (Mr. POE) had been postponed, and the bill had been read through page 359, line 22.

AMENDMENT NO. 575 OFFERED BY MR. REHBERG

Mr. REHBERG. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be paid to any employee, of-

ficer, contractor, or grantee of any department or agency funded by title VIII of division B of this Act to implement the provisions of Public Law 111-148 or title I or subtitle B of title II of Public Law 111-152.

POINT OF ORDER

Ms. DELAURO. Mr. Chairman, I rise to make a point of order on the amendment.

The Acting CHAIR. The gentlewoman will state her point of order.

Ms. DELAURO. Mr. Chairman, I make a point of order against the Rehberg amendment because it violates clause 3(j)(3) of House Resolution 5 by proposing a net increase in budget authority in the bill. According to a cost estimate received from the Congressional Budget Office, the Rehberg amendment would increase net budget authority in the bill by \$2 billion in fiscal year 2012 and a total of \$5.5 billion over 10 years. Let me repeat that. That is adding \$5.5 billion to the deficit. And I have, in my hand here, the CBO estimate of the budgetary effects of amendment 575 to H.R. 1, a CBO document.

The House rules package, adopted at the beginning of this Congress in House Resolution 5, includes the following rule in section 3(j)(3): "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill."

According to the CBO estimate, the Rehberg amendment does, in fact, produce a net increase in budget authority and is, therefore, not in order.

The majority have raised a point of order on all other amendments that violate this rule in section 3(j)(3) because they increase net budget authority; yet on this amendment by Mr. REHBERG, that is not the case. It would seem that on the question of health care, the majority is not abiding by its own rules to reduce the deficit.

I ask a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. REHBERG. Mr. Chair, I wish to be heard on the point of order.

The Acting CHAIR. The gentleman from Montana is recognized.

Mr. REHBERG. I have been advised by the chairman of the Committee on Budget that my amendment complies with all applicable rules of the House. The point of order that my amendment violates clause 10 of rule XXI, known as the cut-go rule, is inapplicable in this case. The cut-go rule does provide a point of order against amendments to appropriations bills that cause an increase in mandatory spending over the 5-year scoring window. However, that rule contains an important exception. The point of order applies only to provisions that are modifications to substantive law. My amendment does not constitute such a modification; rather, it is a temporary provision limiting the

use of funds in this act for the implementation of the law in a particular fiscal year.

As the chairman of the Committee on the Budget stated, my amendment does not make a modification to substantive law in a year after the year for which the bill makes appropriations. Accordingly, the prohibition contained in clause 10 of rule XXI does not apply to my amendment, and the point of order should be overruled.

And I respectfully ask the Chair for a ruling.

The Acting CHAIR. Does anyone else wish to be heard on the point of order?

Mr. ANDREWS. Mr. Chairman, I wish to be heard on the point of order.

The Acting CHAIR. The gentleman from New Jersey is recognized.

Mr. ANDREWS. The gentlelady from Connecticut's point of order should be sustained, and, frankly, the chairman's arguments are deficient in two respects:

First, he notes that the chairman of the Budget Committee's opinion is that the point of order should not be sustained. Although I realize that the chairman of the Budget Committee's opinion by custom is given some sort of special gravity on these kind of questions, with all due respect, the Chair is the Chair. The Chair is the authority here, and the Chair's responsibility is to follow the rules of the House which very clearly state that a piece of legislation that has a net increase in budget authority is out of order under these circumstances.

Secondly, the chairman makes the argument that this is not a change in substantive law. One first would wonder why it's then being offered. But secondly, it seems to me that if agents of the executive branch have a responsibility and that responsibility includes discretion as to how to carry out a certain law, prohibiting them from carrying out that responsibility and limiting their discretion is, in fact, a significant change in substantive law.

On those grounds, I would urge that the point of order be sustained.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. PALLONE. I rise to be heard on the point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized.

Mr. PALLONE. Mr. Chairman, I just find it incredible what I am hearing on the other side of the aisle here because we've gone through several weeks now where basically the rules have been changed so that the Budget Committee chairman basically does whatever he pleases and has the authority almost like equal to the rest of the House, the way the Republicans have given him this authority. It's sort of like a one-man dictatorship. So I'm not sure that I am particularly interested in his opinion on this one.

But beyond that—and I will follow up on my colleague from New Jersey—when you talk about substantive changes to the law, the whole purpose of this amendment is to basically gut the health care reform and make sure that it never takes place. And if it were to become law, if it were to be adopted, that is exactly what would happen. This has a major substantive impact.

And beyond that, what we're highlighting here is the fact that here we have the Republicans saying that they are trying to save money or cut spending when, in reality, what they are doing with this amendment is increasing the deficit and actually making it more difficult to create jobs.

I don't see how we could ever argue, frankly, that this amendment is in order. It clearly increases the deficit. It clearly increases the budget authority. It will kill the health care reform, and that's its purpose. So I would ask that the chairman rule that this is certainly out of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Ms. DeLAURO. Yes, Mr. Chairman, I would like to make a comment on the point of order.

The Acting CHAIR. The gentlewoman from Connecticut is recognized.

Ms. DeLAURO. The chairman has argued—with all due respect to the chairman—that the amendment does not violate clause 10 of rule XXI. But that is not the point of order that I raised. The point of order was section 3(j)(3) of H. Res. 5, and I will repeat what that says.

□ 0920

"It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill." This clearly, clearly proposes an increase. And we have the documentation from CBO.

So I am asking that this amendment be ruled out of order.

The Acting CHAIR. Is there anybody else who wishes to be heard on the point of order?

Mr. REHBERG. Mr. Chair, if I may respond.

The Acting CHAIR. The Chair recognizes the gentleman from Montana.

Mr. REHBERG. It doesn't matter which clause they want to draw from. The chairman said there is no impact.

My amendment scores at a savings of \$100 million in the current fiscal year. That is substantive savings, and I again ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The gentlewoman from Connecticut makes a point of order that the amendment offered by the gentleman from Montana violates section 3(j)(3) of House Resolution 5.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendment, which proposes a limitation on funding in the instant bill for the instant fiscal year, does not propose a net increase in budget authority in this bill.

The point of order is overruled.

Pursuant to the order of the House of February 17, 2011, the gentleman from Montana (Mr. REHBERG) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Montana.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple and straightforward. This amendment denies any funding provided by this bill to be used by the department or agency funded through the Labor-HHS title of the bill to support ObamaCare. It will create a firewall so that funds from this bill cannot be used for that purpose.

ObamaCare included mandatory funding for several provisions normally funded through the discretionary appropriations; for example, a \$1 billion implementation fund. So, unfortunately, resources will be available to Health and Human Services. This amendment can slow but not completely stop the process.

I have tried everything within my power to write an amendment that would completely defund implementation yet withstand a point of order. This is the best I can do today. I liken the situation with this bill to trying to drive a car to the moon. A car is the wrong vehicle for that purpose, but a car can take us on the first leg of the trip. It can get us to the launching pad. And I will continue to do everything I can to finish the journey.

My goal, and the goal of the majority of Americans, is to repeal the new health care law. Until then, my objective is to defund it entirely and stop its implementation.

It is impossible at this time to describe the many reasons that justify defunding and repeal. Let me begin with my belief that the law is unconstitutional. It runs contrary to our most fundamental concepts of limited government and individual liberty and responsibility. It's a law designed by those who wish to control every health care decision made by health care providers and patients, by every employer and employee, by every family and individual. It will control every aspect of one-sixth of our economy.

This unaffordable program will cost \$2.6 trillion in the first 10 years if fully implemented. Ninety percent of that cost is for Medicaid expansion and insurance subsidies. Roughly half of the

Federal Government's costs will be paid through new taxes, penalties, and fees on individuals and businesses. The other half is covered by cuts in Medicare benefits.

The tax increases and regulatory burdens will be a significant drag on economic growth and job creation, and other costs to States, businesses and individuals are not included in the \$2.6 trillion figure.

This is a job killer. How foolhardy to create a new entitlement program when we cannot pay for the ones we already have and cannot meet our current operating expenses without borrowing beyond our ability to repay. This is madness.

The structure of this bill was built on a foundation of multiple mandates, the individual mandate that requires people to purchase insurance whether they want to or not, mandates on States to create and operate insurance exchanges and to expand Medicaid dramatically, mandates on employers to provide insurance or be penalized, mandates regarding the precise terms of insurance policies that everyone ultimately must purchase, and on and on.

Our forefathers would be appalled to see the power over our health and lives that we are surrendering to government. They had firsthand experience with unfettered government control, and they carefully designed a Constitution to limit the government's power. We've learned nothing from them. Never has there been such a complete transfer of power to our government with such blind faith and hope that government will get it right when our experience in every other context is so totally to the contrary.

This is an experiment, a huge gamble imposed on us by those who did not read the legislation or fully understand its consequences. We are already catching glimpses of how government power will be exercised. Large corporations and unions have been granted waivers for mandates they cannot meet; large corporations with armies of lawyers and unions who hold a special place in the hearts, minds, and political campaigns of those who enacted this bill. Will Government be so accommodating to you?

There are problems with the existing health care system, but this law only makes matters worse. The law must be repealed so that it can be replaced with incremental, market-oriented, affordable measures to improve, rather than transform, our current health care system. In the meantime, implementation must be stopped.

There's a second reason to defund implementation. The law's individual mandate has been declared unconstitutional by two Federal judges. Judge Roger Vinson has written a powerful opinion that strikes down the entire law. The administration and Congress are on notice of the substantial risk

that the Supreme Court will uphold Vinson's decision. If that occurs after a year or more of litigation, billions of dollars spent by the Federal Government to implement the law and by States, businesses, individuals, and taxpayers to comply with the law will have been completely wasted, thrown away. In light of the crisis created by our ballooning debt and anemic economy, it is fiscally irresponsible to go forward with implementation until the court challenge is finally resolved.

For these reasons, I urge you to support my amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 30 minutes.

Ms. DELAURO. Mr. Chairman, I yield myself 5 minutes.

The American people want us to work together to address their top priorities—creating jobs, turning the economy around, and reducing the deficit. The Republican majority told the American people, Vote for me, that's what we are going to do. This is a classic case of bait and switch.

Their first order of business was to repeal health care reform, the results of which would add to unemployment, add to the deficit, and delay the economic recovery. And today, by denying funds for the implementation of health care, they are at it again.

This amendment would take away the consumer protections of the Affordable Care Act and put the insurance companies back in charge, a further demonstration of the majority's special interest priorities and an hypocrisy on job creation and deficit reduction.

Repealing health care will destroy jobs in the health professions. It will slow growth by 250,000 to 400,000 jobs a year. It will increase medical spending and add nearly \$2,000 to the average family insurance premium. And according to CBO, repeal would add \$230 billion to the deficit in the first 10 years and \$1 trillion in the second 10 years. And let me repeat that. This amendment adds billions and ultimately trillions of dollars to the deficit, and it starts next year with \$2.2 billion.

While my colleague will say that for the rest of this year that that isn't the case, one needs to just look at what the CBO says overall on the \$5.5 billion in deficits that this would create. This is not what they promised the American people.

This amendment will allow insurers to charge women 48 percent more than men for exactly the same coverage. It allows insurance companies to once again discriminate against Americans with preexisting conditions, even children with preexisting conditions. Women may again be denied coverage because they survived breast cancer or

because they were a victim of domestic violence or because they had a c-section. It will deny up to 4 million small businesses \$40 billion in tax credits.

This amendment will increase drug costs for seniors. It will take away the 50 percent discount on brand name drugs for those who have found themselves in the doughnut hole. It will increase, also, seniors' health care costs, making lifesaving preventive services like mammograms, colonoscopies, wellness visits, blood pressure screenings, and diabetes screenings more expensive. This amendment will cost money and it will cost lives.

In Connecticut 191,000 children with preexisting conditions benefit from the health care reform law. More than 540,000 seniors with Medicare coverage no longer have out-of-pocket expenses for recommended preventive services, and up to 15,400 small businesses in my district alone will benefit from these tax credits.

□ 0930

If this amendment passes, what will happen to children with preexisting conditions, to seniors in the doughnut hole, to small business owners trying to help their employees find quality health insurance?

I urge my colleagues to vote against this irresponsible amendment.

I reserve the balance of my time.

Mr. REHBERG. Mr. Chair, I am pleased to yield 5 minutes to my good friend from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

As was so eloquently put forward by Mr. REHBERG, the chairman of the Subcommittee on Health and Human Services Appropriations just a moment ago, this is a temporary limiting amendment on the appropriations for implementation of the Patient Protection and Affordable Care Act.

"Bait and switch," that term was used by the other side just a moment ago in their arguments. Bait and switch. Think back to where we were just a little over a year ago in this House of Representatives when the Democrats' version of a health care bill passed. Where is that bill today? Somewhere in the dustbin out in the halls outside the office the former Speaker now occupies.

Bait and switch. What happened on Christmas Eve of last year of 2009? The Senate passed a bill, a bill that was never intended to become law. It was a placeholder. It was a vehicle to simply get the Senators home for Christmas Eve ahead of a snowstorm so that then everyone can come back to the Capitol in January 2010 and work on the bill that would ultimately become President Obama's health care reform. But it didn't happen. The Democrats lost an election in Massachusetts for the Senate seat, and that changed the paradigm, that changed the narrative, that changed the debate.

And then what happened? The House took up the bill passed by the Senate, conveniently, a bill that had been passed by the House of Representatives the summer before as a housing bill, H.R. 3590. Look it up on Thomas at home if you doubt. 3590 passed the Senate.

Why would Senator REID—why would the other body take up a previously passed House bill and turn it into a health care bill? Because it wasn't a health care bill; it was a tax bill. It was a tax bill that, by constitutional authority, had to originate in the House of Representatives.

So then the other body had the perfect vehicle: Take this housing bill, strip out the housing language, put in the health care language, pass it on Christmas Eve, and then we'll all gather back after the New Year's Eve festivities and create a conference committee and pass the President's signature health care legislation. But it didn't happen that way.

And then the elimination of opponents on the Democratic side began in sequential form such that by March 23 of last year enough Democrats had changed their votes and would support the Senate-passed House bill. And the question, Will the House now agree to the Senate amendment on 3590? was answered affirmatively.

But was that the end of the story? No. This was extensively litigated in the political arena last fall. And what was the judgment of the American people after the litigation in the political arena? The answer was: We don't want it. We don't want any part of it. Fix it. Do something.

So Chairman REHBERG is doing exactly that today. Within the limits that he is constrained by in a continuing resolution, he is providing the vehicle, the floor by which the implementation of this very flawed process, this very flawed law can now be contained.

It was important before, but 3 weeks ago it became critical. It became critical because of Judge Vinson's ruling. And why is that? And I encourage my colleagues to go to Judge Vinson's ruling. It's available on the Internet. It's not hard to read. It's about 75 pages.

Judge Vinson's ruling, page 76 of 78: "Because the individual mandate is unconstitutional and not severable, the entire act must be declared void."

Pretty clear language.

Now, why is it necessary to approach the funding? Because earlier in his opinion Judge Vinson observed: There is a longstanding presumption that officials of the executive branch will adhere to the law as declared by the court. As a result, declaratory judgment is the functional equivalent of an injunction.

Well, that should be good enough for members of the executive branch. They had the Federal agencies. But appar-

ently that is not so, because what we see today in our committee hearings, in the headlines in the newspapers is that this administration is proceeding at light speed with implementation.

The previous health care czar is now the Deputy Chief of Staff in the White House. What does that tell you about their plans for implementation? In fact, the plans for implementation were going so fast that one of the chief architects of implementation was hired 1½ months before the bill was signed into law, and that's testimony that we heard in our committee in Energy and Commerce this past week.

I sent a letter to Secretary Sebelius this week asking her to provide for us what direction she was going to take in light of Judge Vinson's ruling.

In closing, I thank the gentleman for bringing this limiting amendment to the floor today. It is critically important that this Congress act to limit the implementation of this very flawed health care law. Let's get back to the work the American people asked us to do in the election.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2011.

Hon. KATHLEEN SEBELIUS,
Secretary of Health and Human Services,
Washington, DC.

DEAR SECRETARY SEBELIUS: I write to inquire of the Department of Health and Human Services your response to and specifically subsequent implementation decisions made by the Department in the wake of Judge Vinson's ruling in *The State of Florida v. United States Department of Health and Human Services*. As you are well aware, the plaintiff sought declaratory judgment that the Patient Protection and Affordable Care Act is unconstitutional as well as an injunction against its enforcement.

In his opinion, Judge Vinson relied on precedent in *Committee on Judiciary of U.S. House of Representatives v. Miers* to determine that when a court issues a declaratory judgment against federal officials, the "declaratory judgment is the functional equivalent of an injunction." He quoted a previous United States Court of Appeals decision which further addressed his point, "that officials of the Executive Branch will adhere to the law as declared by the court. As a result, the declaratory judgment is the functional equivalent of an injunction. . . . There is no reason to conclude that this presumption should not apply here. Thus, the award of declaratory relief is adequate and separate injunctive relief is not necessary."

I would like to request information on how, in light of the declaratory relief issued by Judge Vinson, the Department plans to proceed in its implementation of the Patient Protection and Affordable Care Act.

Thank you for your time and consideration on this issue and I look forward to your response. Should you have any questions, please contact me in my Washington office at (202)225-7772.

Sincerely,

MICHAEL C. BURGESS, M.D.,
Member of Congress.

Ms. DELAURO. I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time.

The author of this amendment said a few minutes ago that this was a very simple and straightforward amendment. And that's probably true for Members of Congress who have government-paid health insurance, have policies that are looked after by a PPO to make sure that we get benefits. But if you are a member of the American public, this is not a simple and straightforward amendment. If you are a member of the American public, this amendment changes your life. For millions of Americans and for millions of their children, for millions of their parents this amendment changes their life. This isn't straightforward.

So many of our new Republican colleagues have come to town and said, I'm just one of the folks back home. I'm not enamored with Washington. I'm just one of the folks back home.

Vote for this amendment, and you won't be like the folks back home. Vote for the amendment, and you will be very different than the folks back home, because you will have insurance and they won't. You will have coverage and they won't. You won't have lifetime caps and they will. You won't lose your insurance when you need it for you, your children, or your spouse, but your constituents will. You are not just like the folks back home. You are doing grave damage to the folks back home.

So you ought to think about this amendment before you vote for it. Not only does it add \$5 billion almost immediately to the deficit; it adds \$1 trillion to the deficit over 20 years, takes us in the wrong direction. But this punishes people back home. Talk to your constituents who now are the seniors who have that free physical checkup and have been given medicine, have been told about things that they are doing wrong with respect to their health and now can prevent additional doctors' visits and hospital care because of that checkup that they now get that this amendment would take away. Talk to the parents. And you really ought to talk to the grandparents of the children who now have coverage that didn't have it before. They are as concerned about the coverage of their grandchildren as they are about their Medicare coverage, which you will change with respect to the cost of pharmaceuticals.

No, this isn't simple and straightforward, and this isn't just like the folks back home. The folks back home are struggling every day to pay their insurance premiums. Pass this amendment, and once again the insurance companies can rip them off. Once again, they no longer have to dedicate 80 percent of your premiums to your health care. They can write themselves the bonuses, the advertising, the salaries, and forget the health care.

There won't be that kind of protection for people who struggle every month to achieve health care coverage, for the 9 million people who are in the middle of getting rebates now because of the change in the law to make sure that health insurance companies provide you health insurance instead of a funding stream for the executives.

No, this isn't simple and straightforward, and you are not just like the folks back home once you vote for this amendment. Is that clear?

Mr. REHBERG. Mr. Chairman, I am pleased to yield 2 minutes to a new member of the Appropriations Committee, a great addition, the gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. I thank the gentleman.

You know, just listening to what we just heard from our colleague across the aisle, he said, Go back and talk to your doctors, talk to parents, talk to seniors.

You are missing the point. It's time to listen. That's what we've been doing. We've been listening. And the American people in November said it's time not only to defund this but to repeal this measure. Again, the House has moved forward to do so. Maybe you should quit talking to and start listening to.

Mr. Chairman, I'm here in support of this amendment because, simply put, it defunds ObamaCare bureaucrats. If this amendment is adopted, government bureaucrats cannot be paid so much as to lift a finger, move a paperclip, send an email if it has anything to do with ObamaCare.

Ms. WASSERMAN SCHULTZ. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. Does the gentleman from Georgia yield for a parliamentary inquiry?

Mr. GRAVES of Georgia. Sir, I would rather just finish my comments here. They have plenty of time on their side.

The Acting CHAIR. The gentleman does not yield for that purpose and continues to be recognized.

Mr. GRAVES of Georgia. And since today we're here to talk about saving the taxpayer dollars, let's remember the cost of ObamaCare.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Georgia would need to yield for a parliamentary inquiry.

The gentleman from Georgia is recognized.

Mr. GRAVES of Georgia. So we are here today to talk about the taxpayers' money. Let's remember the cost of ObamaCare: \$2.6 trillion over the first 10 years once it's implemented, \$560 billion in new taxes on American families and businesses, unconstitutional mandates, higher premiums, and, yes, lost coverage.

The law is so damaging that the Obama administration themselves have

granted at least 915 waivers for health plans and organizations.

□ 0940

Now, think about that savings—2.5 million people from ObamaCare.

Mr. Chairman, let's save the rest of America here today and let's support the Rehberg amendment and move on and zero out the payments to those ObamaCare bureaucrats.

PARLIAMENTARY INQUIRY

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her inquiry.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, is it a violation of the House rules wherein Members are not permitted to make disparaging references to the President of the United States? In two previous gentlemen's statements on the amendment, both of them referred to the Affordable Care Act, which is the accurate title of the health care reform law, as ObamaCare. That is a disparaging reference to the President of the United States, it is meant as a disparaging reference to the President of the United States, and it is clearly in violation of the House rules against that.

The Acting CHAIR. The gentlewoman has stated a hypothetical. The Chair will not issue an advisory opinion, but will inform all Members that remarks in debate must avoid personalities, including personalities toward the President.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

To the prior gentleman, I would just say you didn't listen to the people of this country; you sold them a bill of goods. You told them you were going to create jobs, you were going to reduce the deficit, and you were going to turn the economy around. You have done none of this. You have been here 6 weeks, 8 weeks; and you have not done anything. And with this amendment you will, indeed, by the CBO numbers, increase the deficit as soon as next year by over \$2 billion.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. How many times are we going to hear about repealing the health care reform instead of having an initiative that actually creates jobs? I go out. The gentleman from Georgia said, Are you listening to your constituents? Yes, I listen to my constituents. They tell us we should address job creation and the economy and not constantly argue over and over again about repealing health care reform, which we know is going absolutely nowhere. So when I listen, that is what I hear: jobs, the economy, not this constant repetition of repeal.

Now, I have a lot of respect for the gentleman from Montana, I have to

say, but he talks about completely stopping and defending implementation. Well, the reason that the Republicans are saying that they want to defund implementation is because this health care reform is already working. Insurers now can't drop someone's coverage when they get sick; seniors are saving money on prescription drugs; young adults to age 26 are getting back on their parents' insurance; and small businesses are receiving billions of dollars in tax credits to provide health care coverage. This is moving along. This is working. That is why they want to stop the implementation, is because they know it is working.

Now, the defunding amendments will end all these benefits, putting health insurance companies back in charge of America's health care. The only person who benefits from defunding and repeal are the special interest health insurance companies that want to charge more and continue their discriminatory practices.

The gentleman from Montana talked about the cost. Well, the fact of the matter is that if we pass these defunding amendments offered in the guise of budget austerity, they are actually one step closer towards repealing the largest deficit cutter passed in the last decade, and that is the Affordable Care Act.

Health care reform helps tremendously in reducing the deficit. It will save \$230 billion over the next 10 years and over \$1 trillion in the 10 years after that. If we defund health care reform, there will be no prohibition on discrimination against over 100 million Americans with preexisting conditions, no prohibition on insurance companies canceling your coverage when you get sick, no prohibition on lifetime caps and annual limits, no required coverage for young adults on their parents' policies, no assistance for seniors struggling to afford the cost of drugs in the doughnut hole, no free annual checkups in Medicare, and no tax credits for families and small businesses to pay for health insurance.

Repeal, I stress, is a boon for the insurance companies, but an enormous setback for American families. If we pass this amendment, the insurance companies can raise their rates without review or transparency, they can deny coverage to millions of Americans with preexisting conditions, and they can cut off coverage when someone becomes sick.

I urge all Members to vote "no" on these defunding amendments. Health care reform is working. I go back home and people are pleased with it because already in many cases they are able to get insurance they weren't able to get before.

I am tired of hearing this over and over again. Concentrate on jobs and the economy, not this charade.

Mr. REHBERG. Mr. Chairman, I yield myself 1 minute.

I respectfully do refer to it as "ObamaCare." You would think that he would want his name attached to his signature legislation. But in four quick years, this Congress and this President have made what is a spending problem into a spending crisis. We wanted to create jobs. You wasted time on the health care reform that did not control the costs.

They call it affordable health care. Unfortunately, all it did was add people. It didn't control the costs of health care, and that is one of the reasons it needs to be repealed. We wanted to build an economy; they wanted to build government. So we call it what it is. It is ObamaCare. It is a travesty. It is Big Government. It is not controlling health care costs, and it needs to be repealed.

Today we are going to try to defund it, to the best of our ability; and if we are not successful this time, we are going to try again and again and again until we either have a Senate that is willing to pass it or a President that understands that we cannot do this to the American people.

At this time I yield 5 minutes to my good friend, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman of the Appropriations Subcommittee on HHS, Congressman REHBERG, for yielding.

I want to declare my support for this amendment, and I think he is happy if I refer to it as the Rehberg amendment. I also want to thank DENNY REHBERG for the work that he has done on this. America will never know, Mr. Chairman, how much work went into crafting this amendment to get this fix that does a little bit to take us down the road. And, boy, it is important to me to see \$100 million cut out of the resources that would be used to implement ObamaCare.

Mr. Chairman, I am also very confident in declaring it to be ObamaCare. I listened to President Obama address it as ObamaCare on February 25 of last year at the Blair House during the health care summit. I thought that was the source of the moniker ObamaCare, was the President himself, and if anyone thinks otherwise, I think they should look back and check the record.

ObamaCare is this: It's not \$1 trillion in deficit over 20 years if we don't go through with this atrocity; it's \$2.6 trillion in spending in the first full decade, according to the chairman of the Budget Committee, PAUL RYAN—\$2.6 trillion in spending.

We are here in this CR to cut spending. We know that we have to go into a national era of austerity because of the overspending that has taken place over the last 4 years in particular and the last 2 years in a hugely significant way.

□ 0950

We're looking at a budget now that has a deficit proposed by the President

of \$1.65 trillion. And if you roll back to the full Federal outlays in 1997, \$1.6 trillion. The on-budget items in 2002, \$1.6 trillion. And we have that much deficit proposed by the President. We want to shut off \$2.6 trillion worth of irresponsible spending. We want to preserve the liberty and the freedom of the American people and the best health care system in the world. That's why you see sheikhs' planes landing in places like Rochester, Minnesota to get health care that they can't get in other places in the world. If Michael Moore thinks Cuba has the best health care system, I suggest he swim there. This country, we need to preserve the system we have and expand it. The Rehberg amendment helps slow down this implementation that is going on in an aggressive fashion by the Obama administration.

I happen to have in my hand, Mr. Chairman, an excerpt from a CRS report that tells you how duplicitous this bill once one picked it up and read it, the 2,500 pages. And in here are multiple places, over 50 places where ObamaCare actually not just authorizes, but it also appropriates—not completely unprecedented, but it is the largest, most substantial effort to trigger automatic spending that goes on in perpetuity, Mr. Chairman.

The number here is not \$100 billion. The number on this CRS report is \$105.5 billion over the next 10 years. And in the balance of this fiscal year, it's \$4.95 billion that we're having trouble getting at. Thanks to DENNY REHBERG, we're getting at \$100 million. I believe this amendment will pass today and it will go on this CR and it will become a significant leverage point over in the United States Senate.

Other components of this that need to be ripped out that—oh, wait a minute, I forgot to remind you. Again, H.R. 2, full repeal of ObamaCare. I was pleased to see language that I had worked on and drafted for all those months went over to the Senate where every Republican voted to repeal ObamaCare. Here we had bipartisan support for the repeal of ObamaCare—three times the bipartisan support described by then-Speaker NANCY PELOSI. And we sit here now with Americans that have—two-thirds of them by the polling—rejected ObamaCare.

In this bill, another piece that reads deceptively is this: "The authority for the Secretary of Health and Human Services to do interdepartmental transfers in any amount greater than the 2008 budget bill," which means slush funds all through that Department to aggressively implement ObamaCare. The Rehberg amendment shuts off some of that—probably not all of that, but it gets at it and it lays the point out. And I hope that we can do better on some of the others into the future.

We also need to understand that when America has rejected a piece of

legislation that so upsets all of our lives and takes away so much of our liberty and freedom, takes away our ability to buy a health insurance policy that is high deductible, high copayment, and low premium, that we have many more good solutions that will unfold here.

This bill is unconstitutional in four places at least, two Federal courts have ruled, so we know that it will eventually get to the Supreme Court. And we can never say with certainty what the result will be, but we know the certainty of the two Federal courts, Mr. Chairman. We must have the Rehberg amendment so the American people are dealt with respect and honor of their opinion. H.R. 1 cuts the funding; H.R. 2 repeals.

Thank you, Mr. Chairman. I thank the gentleman from Montana.

Ms. DELAURO. Mr. Chairman, let me just reiterate again: This amendment would not create jobs; it would not do anything to reduce the deficit. In fact, by the CBO numbers, it would increase net budget authority in the bill by \$2 billion next year, a total of \$5.5 billion over the next several years. It increases the deficit. Let's keep hitting it on that point.

I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. If this amendment would become part of the CR, there will be no CR, and that will be your responsibility, your responsibility.

This is an effort to repeal by paralysis, paralyzing the provisions that have gone into effect—preexisting conditions for children being covered, children under 26 having the ability to get insurance. It would paralyze the efforts to begin to implement the 2014 benefits.

Instead of searching for common ground, this amendment intensifies warfare. Instead of collaboration, this amendment would mean chaos.

The Republicans have become a wrecking crew, led by PAUL RYAN and wrecking Medicare. This amendment is a deeply dangerous prescription for Americans' health. This prescription needs to be rejected.

Mr. REHBERG. Mr. Chairman, I yield myself 1 minute.

Does anybody honestly believe in America that by repealing ObamaCare it's actually going to cost the government money? It just doesn't pass the smell test. Yes, the way the CBO is scoring it based upon the questions that they are asked show it is. But nobody, honestly nobody in this country honestly believes that when you repeal a piece of legislation it's going to end up costing you money.

I now yield 5 minutes to one of the few people that clearly gets the entire picture, a doctor, one of our Members from the State of Georgia (Mr. PRICE), who understands that defensive medicine was entirely left out of this, but,

of course, we know why. And it's one of the issues driving the cost of health care.

Mr. PRICE of Georgia. I thank my friend, and I appreciate him for his remarkable leadership on this. Many of us tried to figure out how we could bring this issue to the floor under this bill, and you have done that.

Our friends on the other side of the aisle talk about jobs, that this won't create any jobs. Well, I'll tell you some jobs that this will save if we pass this amendment and that's the physicians in this land.

As a physician—and if folks in this body talk to their doctors back home, they will understand the remarkable challenges and the number of physicians who are throwing up their hands and saying, I can't handle the hassles anymore; I can't believe the intrusion of the Federal Government into my ability to take care of my patients in the way that I deem best.

And so what are they saying? They're saying, well, there isn't any way for me to uphold and live by the oath that I took, to do what was best for my patients, and therefore I'm left in a remarkable moral quandary. And for many of them it is to say, I'm sorry, I'm no longer able to practice under this oppressive government.

The deficit. That's right, we ought to be talking about the deficit. Here's the track right here of the folks who have been in charge for the last 4 years. In 2006, they came in, and this is what the Federal Government was spending down here, a little over \$2.6 trillion. The last year of their reign they're up in the \$3.7 trillion, \$3.8 trillion range. The deficit is about a third of that, this year coming up, \$1.6 trillion. So Mr. Chair, to have our friends on the other side of the aisle tell us about deficit is a bit curious.

I'm reminded by my friend from Texas, a fellow physician who gave a remarkable recitation of the history of the law that we have in place now, the non-health care reform law that was enacted, and I'm reminded of the jubilation on the other side of the aisle when they passed this piece of legislation last March. At the time I had some serious conversations with friends on the other side because we weren't allowed to have this kind of robust debate. That wasn't allowed, it wasn't allowed in committee, it wasn't allowed on the floor of the House. The decisions had been made beforehand and the bill was shoved down the throat of the House of Representatives and the American people.

But I remember talking with them and I remember saying, It's puzzling to me why you're so enthusiastic and excited about this. There's no way that this law can go forward because it is clearly unconstitutional. And in fact now we've seen a Federal court in Virginia and a Federal court in Florida

agree that the individual mandate—that the notion that the Federal Government can say to the American people, by virtue of being a citizen you must purchase this product and this is exactly what it must be. And that's what the law has done.

And so I believe that before we will hold another election in this country this law will be determined to be unconstitutional, which really is a shame because we will have missed a great opportunity.

My friend from Michigan who talked about bipartisan cooperation—of which there was none over the last 4 years in this arena—but we have missed a great opportunity, and hopefully we'll be able to enhance the opportunities that we have over the coming 2 years to be able to work together in a bipartisan way to address the challenges in health care. Because the status quo, as a physician and as a Member of Congress, the status quo is clearly unacceptable.

But when you look at the principles of health care—accessibility, making certain that people have accessibility to health care, which they don't right now and which this law actually harms; affordability, which is becoming more and more of a challenge to the American people and which this law actually harms—if you don't believe it, just ask the employees in businesses across this land who are having to pay higher premiums because of this law; the quality issues, all of the quality sorts of things that we all believe in so strongly and which this law actually harms because the only person who knows what's quality health care for you and your family is you and your family and your physician.

□ 1000

What this law does is remove this decisionmaking power from you and your family and your physician, and it replaces it with folks here in town who believe they know best what kind of health care you ought to receive. Then there is the responsiveness of the system and innovation in the system and choices, Mr. Chairman—choices that have been remarkably limited and will continue to be limited by this law.

So what Mr. REHBERG has done here is said that the only way that we can begin to dismantle this, which is what the American people desire in significant majority numbers, is to say you can't use resources that you have in your department to implement the law, itself. If the States and the Federal Government would listen to Judge Vinson in Florida, then they would realize that it, in fact, is their responsibility, that it is their responsibility not to implement this law.

So I urge adoption of the amendment, and I encourage my colleagues to get to work on the principles of health care, which this law absolutely ignored.

Ms. DELAURO. The Rehberg amendment would increase net budget authority in the bill by \$2 billion in fiscal year 2012—that's next year—for a total of \$5.5 billion over the next several years.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, all across the country this morning, millions of Americans got up for another day of searching the job search Web sites or looking at the want ads, enduring another day of courtesy interviews, pointless discussions with potential employers, and dreading the arrival of the letter carrier today because he is going to bring one more credit card bill or dunning letter for a bill that they can't pay.

Life has become a nightmare for 15 million unemployed Americans—and here we are in the House of Representatives. I don't think many of them got up this morning and said, I really hope that Congress for the second time in a month debates the repeal of the health care law. I think what our constituents said was, Why don't they get to work, working together to create jobs in this country?

Instead, the Tower of Babel that the House of Representatives has become this week has produced yet another meaningless debate on the repeal of the health care law, which followed on the heel of defunding Planned Parenthood last night.

Now, it's not bad enough what this bill doesn't do in having us work together to create jobs for the American people; it's bad in what it does do. It's very important that the Members understand the real-world consequences of the chairman's amendment.

If his amendment passes and if the parents of a child with juvenile diabetes wake up one day to discover that an insurance company won't sell their son or daughter insurance because that child has juvenile diabetes or that an insurance company will charge them four or five times the amount of the premium because the child has juvenile diabetes, the person at the Department of Health and Human Services who can step in and stop the insurance company from doing that won't be able to, because this amendment says, let's tie the hands of the people here to enforce the law.

If an insurance company says to a family who is grappling with a malignancy or a brainstem injury for their son or their daughter, "You've run out of coverage. You've hit your lifetime limit. Too bad, so be it," the person who would be in a position to do something, to require an insurance company to pay those hospital bills, won't be able to do that because this is happening.

With all due respect, we've had a debate about using names this morning. I

think we're using the wrong name for this amendment. This should be called the "insurance company bill of rights" because what it says is, anything any insurance must do at any time, so be it.

The American people deserve better than this. Members of the House should vote "no" on the Rehberg amendment and get back to the business of putting Americans back to work.

Mr. REHBERG. Mr. Chairman, may I inquire as to how much time remains on both sides?

The Acting CHAIR. The gentleman from Montana has 6½ minutes remaining. The gentlewoman from Connecticut has 15½ minutes remaining.

Mr. REHBERG. I reserve the balance of my time.

Ms. DELAURO. The Rehberg amendment increases net budget authority in the bill by \$2 billion next year, a total of \$5.5 billion over 10 years. It increases the deficit, and it puts the American people back in the hands of the insurance companies. Again, it's a classic bait and switch.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentlelady for yielding to me to participate in this debate.

It's really quite amazing, Mr. Chairman, the alternative reality that has been created on the Republican side. They never liked the health care bill—I think people know that already—but it is the law of the land. They tried to repeal it. They haven't been able to do it. But the health care bill passed.

Under the laws of the United States, people have certain rights under this legislation. For example, insurers cannot drop people's coverage when they get sick. Seniors are saving money on prescription drugs. Young adults to 26 are getting back on their parents' insurance, and small businesses are receiving billions of dollars in tax credits to provide health care coverage.

The Republicans said they like all of that. They like that. When they give us a bill, they're going to have all that in it. Meanwhile, they want to stop those things from happening under the existing law. Defunding amendments will end these benefits, putting health insurance companies back in charge of Americans' health care.

We should realize, when we have a law, it should be implemented in a reasonable, responsive and efficient manner. States want it. Insurers want it. Businesses want it. Health care providers want it. Trying to starve a program so we cannot implement it in a reasonable manner is irresponsible.

Defunding amendments offered in the guise of budget austerity is actually one step toward repealing the largest deficit cutter passed in the last decade, the Affordable Care Act. The Affordable Care Act, if this amendment

passes, will be stopped. There will be no prohibition against discrimination for over 100 million Americans with preexisting conditions; no prohibition on insurance companies canceling your coverage when you get sick; no prohibition on lifetime caps and annual limits; no required coverage for young adults on their parents' policies; no assistance to seniors struggling to afford the cost of drugs in the doughnut hole and no free annual checkups in Medicare; and no tax credits for families and small businesses to pay for health insurance.

The full impact of this legislation will happen in 2014, which will require the Department of Health and Human Services to put into place its implementation so that we can move on a clear, reasonable path to accomplishing these goals.

The repeal or even this defunding proposal is a boon for insurance companies, but it is an enormous setback for American families. That's why I urge all Members to vote "no" on this amendment.

Mr. REHBERG. My Democratic friends using the deficit argument is simply a diversion to draw attention from the real issue: the huge cost of this program.

At this time I yield 30 seconds to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Chairman, seeing the gentleman from California down on the floor reminds me:

When this bill passed, the Congressional Budget Office told us there would be \$142 billion in savings over 10 years; but less than 30 days later, the chief actuary at CMS, Dr. Foster, came forward and said the bill was going to cost \$318 billion additionally over that time.

□ 1010

That's a \$450 billion swing, and even in the United States Congress, we ought to be able to get a little closer than that.

I filed a resolution of inquiry with Chairman WAXMAN, who was then chairman of Energy and Commerce, who said let's sort this out. What did they know, when did they know it? Was Congress given inaccurate information before we voted on this very large bill?

I was never allowed to bring that forward. We could have solved that last year and settled that part of the debate last year.

Ms. DELAURO. CBO: Repeal of the health care bill would add \$230 billion to the deficit in the first 10 years. The Rehberg amendment would add \$2 billion in 2012, a total of \$5.5 billion over the next several years.

I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Another day on a bill that will not create one single job in the United

States of America; in fact, a bill that will cost thousands of Americans their jobs. The response just the other day from our Republican colleagues: So be it.

Now we have an amendment before us to strip away critical patient protections for consumers, for our constituents. This is an insurance industry dream amendment. We heard from our colleagues they wanted to listen to the American people. They have not had one hearing, not one, to listen to the people around this country who were already benefiting from this bill.

The provisions to ensure that kids with diabetes, leukemia, asthma, are not discriminated against by the insurance industry any more, not one mom was heard from.

Provisions to make sure that our constituents aren't denied their coverage when they need it the most. There are thousands of Americans out there already benefiting from that. Didn't listen to one of them.

And now under the guise of trying to save the taxpayer money, they are offering an amendment that, according to the independent, nonpartisan Congressional Budget Office, will increase the deficit over the next 10 years by \$230 billion. And when it's fully implemented, the bill, and you strip it away, it will add \$1.4 trillion to the deficit.

I just urge my colleagues to read the letter from January of this year from the head of the CBO to the Speaker of the House. It's right in there, plain and simple.

We had a hearing in the Budget Committee just the other day. I hope your colleagues on the Budget Committee may have talked to you about it because the head of CBO was before the committee and Members on the Republican side. Surely you must have arrived at this deficit number through double counting.

The head of CBO said very plainly there is no double counting. Read the lips of CBO. This adds \$230 billion to the deficit over 10 years, \$1.4 trillion over the next 20 years. So don't come to the floor here and pretend that by enacting this amendment it's part of an effort to save taxpayer dollars.

This will add more red ink to this Nation's credit card, the same kind of red ink that we saw being added over the years and years and years of the prior administration. We are trying to turn the corner on that.

But all this does is add more. The cost is not just in terms of higher deficits; the costs are to the people throughout this country who are going to lose the important protections that this bill has provided them.

Shame on this House for spending time doing this rather than focusing on jobs and getting this economy moving.

Mr. REHBERG. I reserve the balance of my time.

Ms. DELAURO. The Rehberg amendment increases the deficit by \$2 billion

in 2012, \$5.5 billion over the next several years, and does nothing to create a single job.

I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Chairman, I rise today to oppose the Republicans' latest cynical and callous attempts to derail health care reform, and I think it's quite interesting that the gentleman from Montana would be dismissive of the issue of deficit reduction and that somehow that's now labeled a distraction.

I think that adding \$5.5 billion to the deficit when we should be going in the opposite direction is far more than a distraction. It's a moral imperative that we not do that. In the past 6 weeks, we have seen the true face of the Republicans' legislative agenda. Rather than work to create jobs and improve our economy, they have focused on baseless attacks on American families.

With their repeal and replace bills, they have demonstrated that they don't mind if insurance companies drop patients as soon as they get sick, or that families wouldn't be able to save thousands of dollars by keeping young adult children on their family plan. And with this pernicious amendment, we now see their outrageous attempts to strip funding from the implementation of the health care law.

Let's be clear: Our colleagues across the aisle want to yank funding from a law that is already helping millions of Americans. This amendment would seize funding from the agencies and workers who have already been tasked with implementing the most essential tenets of the Affordable Care Act, provisions which are already making a world of difference in millions of lives.

If this amendment passes, seniors will be thrown back into the Medicare part D doughnut hole coverage gap and be forced to pay exorbitant costs for their prescription drugs. Women in desperate need of an annual mammogram or a colonoscopy will once again face prohibitive copays or perhaps face denial of coverage for the preexisting condition of simply having ovaries, and our Nation will once again return to the egregious practice of denying so many young children coverage for their health history that they cannot control.

Rather than roll back the hard-fought consumer protections and freedoms that unshackled Americans from the whims of private insurance companies, Republicans should be working with us to build on and improve the health care system. Instead, they wish to use this amendment process to reverse the progress that we have made with these vital health care reforms. I am glad the American people can see their hypocrisy right out in the open.

Mr. REHBERG. I continue to reserve. Mr. Chairman.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. What is the gentleman's parliamentary inquiry?

Mr. WEINER. Mr. Chairman, would it be appropriate under the rules in the UC that have been suggested that we divide the question so that Members of Congress can vote individually on whether to deny seniors coverage for the doughnut hole, to deny coverage for pre-existing conditions, to deny small businesses from getting the tax benefit in this bill, all the different things—would it be appropriate to divide the question that way so that all of the benefits that Americans get they can see individually where my Republican friends stand on them?

The Acting CHAIR. Under the order of the House of February 17, 2011, even if otherwise divisible, an amendment to this bill is not subject to a demand for a division of the question.

Ms. DeLAURO. The Rehberg amendment would increase the deficit by \$2 billion next year, a total of \$5.5 billion over the next several years, and that is the estimate of the nonpartisan Congressional Budget Office. It increases the deficit and does not create any jobs.

I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Thank you. I would like to say to the Republicans, be careful what you wish for. Your star is fading on this effort to repeal, to defund the Affordable Care Act. Only about 18 percent of Americans now are for full repeal of this bill.

And are you the ones that are going to go and tell the American people that insurance companies can drop you when you get sick? Children with pre-existing conditions? Well, they can be denied coverage.

You go and explain that insurance companies can impose devastating annual and lifetime caps, and that pregnant women and breast cancer survivors can be denied coverage, and that being a woman will continue to be a preexisting condition. That's your mission if you were to succeed.

In passing this legislation, the American people finally said, this Congress said, that health care is a right, that it should not impoverish individuals. Vote "no."

□ 1020

Mr. REHBERG. I am pleased to yield 2 minutes to my good friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I stand in strong support of the Rehberg amendment. I do so because of this very controversial health care bill which was passed through strong-arm tactics last year during a time period

when the American public was crying out against it. This was a product of the backroom deal-making in Washington, D.C. This is one reason why the Democrats lost control of the U.S. Congress. It wasn't so much the bill; it was the process.

But let's talk about the bill. An individual mandate that's already been ruled unconstitutional by two judges, a mandate which the Governor of Alaska is saying he is not even going to implement the rule. This is hardly a law that's bringing America together. This bill needs to be put on the back burner, and let us retool it and rework it. I believe that's what the Americans want us to do.

It destroys the doctor-patient relationship. One thing that's abundantly clear is people do not want the insurance companies telling the hospitals and the docs how to conduct medicine. But they sure as heck don't want government bureaucrats in Washington, D.C., and all of the hundreds of new agencies and the IRS agents coming in and telling the doctor how to conduct medicine. The cost of this—there is not one credible report that says this will bring down costs.

And I keep hearing this hollow cry from Democrats, suddenly with 15 million people unemployed, that they are concerned about jobs. I haven't met in the First District of Georgia or anywhere else I have traveled in the country one business person who says this is a great bill.

And I want to say this about 26-year-old children: As a father of four, and I have three kids under 26 years old, they are old enough to take care of themselves. They don't need the nanny state coming in. I have raised them to be responsible. At the age of 21, I expect them to go out and get their health care. You know, the average age in Vietnam I think was 19 years old. World War II, probably the same. And we have soldiers in harm's way all over the world who can take care of themselves. But we are saying but come home to mommy and daddy, we will take care of you until you are 26 years old.

The Acting CHAIR. The time of the gentleman has expired.

Mr. REHBERG. I yield the gentleman an additional 15 seconds.

Mr. KINGSTON. And let me say this, Mr. Chairman. If you talk to the Nation's Governors, Democrat and Republican, one of the biggest drains on their expenses right now, on their budget, is Medicaid. Yet this bill increases the Medicaid rolls by 16 million people without funding it. If we want to break our States, we need to keep this bill. If we want to help them, we need to repeal it.

Ms. DeLAURO. I remind the gentleman from Georgia that the taxpayers pay for Congress' health insurance as well. And any children that we

have are covered under our health insurance. We are in a rarified air in that regard. We have health insurance, as Mr. MILLER pointed out. We go to the head of the line if there is anything wrong with us. That is not the case for millions of people in this Nation. And that's what the other side of the aisle would like to continue, that millions of people will not have the same kind of health care that we in the United States Congress have.

With that, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I strongly oppose this amendment because it is harmful to the American people. It adds significantly to the deficit. And I have listened to my constituents. And they tell me they are opposed to this defunding stunt. Why? If health care reform is defunded, who will ensure that seniors in the doughnut hole receive half-price medications this year? Who will process the small business tax credits that employers across the country are entitled to this year under the reform law? Who will keep insurance companies honest, protecting Americans from coverage denials and limits on care?

The Affordable Care Act is law. It's endorsed by the American Medical Association. And attempts by my colleagues on the other side of the aisle to repeal it have failed. Instead of fighting this same battle over and over again and living in the past, Congress must turn its focus now to what the American people really care about: creating jobs and strengthening our economy.

Mr. REHBERG. Mr. Chairman, at this time I am pleased to yield 2 minutes to another physician who clearly understands the cost of health care, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I rise wholeheartedly in support of his amendment to repeal the funding of ObamaCare. ObamaCare, in not just my opinion, but many others have expressed this, is possibly the worst piece of legislation passed in the history of this Congress. In fact, it would probably be better called "patient pain and non-affordable care act" because it has accomplished none of the goals that President Obama set out to accomplish, especially not lowering the cost of health insurance.

So we in this body, the Republican majority, in our initial week in the 112th Congress, we passed a repeal of ObamaCare. Unfortunately, our colleagues in the Senate, the Democratic majority, stopped that. It is our obligation to the American people to defund this wrongful piece of legislation. It is costing jobs all across this country.

Talk about things like who is going to solve the problem of the doughnut

hole, as the gentlelady from California just said. Well, I will tell you who solved it, Big Pharma solved it when the President and the Democratic majority in the last Congress broke their arm and made them agree to cut their prices in half for their brand name drugs. So there are other ways to solve the doughnut hole problem than having the Federal Government take it over lock, stock, and barrel.

In regard to having children remain on the health insurance policy of their parents until age 26, why are they going to have to do that? Because they have no jobs. And why do they not have any jobs? Because of the job-killing bills like ObamaCare, and stimulus, and bailout, and I could go on and on and on. We have an obligation to defund this and to replace it with the right kind of legislation that will accomplish the goals of lowering health costs so that many more Americans can have health insurance and have good health insurance.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, it's often said that the facts are lost in the fog of war. The facts are lost in the fog of this debate. We should step back for just a few moments and see what this total picture is all about. This is nothing about a class war assault on the working men and women and the poor in this country, and literally around the world.

Take a look at all of the provisions and add them all up. The decimation of clinics that provide care to the poor and the unemployed. The decimation and the significant reduction of Medicaid, providing care to those who do not have high incomes, including the elderly and the disabled. The decimation now in this of the health care proposals, turning over to the insurance companies once again the opportunity to go after working men and women and deny them the coverage that they need.

Taken in total, and include the tax provisions for the great wealthy who will ultimately have their tax breaks paid for by the working men and women, put it all together, and this is class warfare by the Republicans against the working men and women of this Nation.

Mr. REHBERG. I reserve the balance of my time.

Ms. DELAURO. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady.

Eight hundred seniors gathered just a year or two ago, expressing their horrific opposition to the idea of being overwhelmed by this doughnut hole. My colleagues today are telling seniors all over America we now will close the door on you again. We will ensure that

you will not have the money to pay for your rent or food because you will be paying these ridiculously high costs for your prescription drugs. That's what this amendment will do. It will close down potentially the Affordable Care Act that is providing a lifeline for our seniors.

And then if you are laying on the sick bed in your hospital room and you need more care and more care to restore yourself, you have a doctor or an administrator come in and say, your insurance company called and they're pulling the plug. Not the plug that the doctors are pulling, but they are pulling the plug. You have no more money, get out and try to do the best you can.

Two hundred and thirty billion dollars this amendment will cost us. But more importantly, this bill is not, the Affordable Care Act, unconstitutional. Only two courts have rendered that. And frankly, the Supreme Court will speak. Don't do this to the American people.

□ 1030

Mr. REHBERG. I continue to reserve the balance of my time.

Ms. DELAURO. I yield myself 30 seconds.

Let me just repeat, to be absolutely clear, about what this amendment does.

It does not create jobs. It adds to the deficit \$2 billion next year, \$5.5 billion over the next several years. It does nothing to bring the deficit down. It increases the deficit, and it puts the American people back in the hands of insurance companies.

I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I am not the Speaker of the House. I am not the majority leader. But you know what I do? I represent more people in the United States Congress than anybody sitting in this body, consistently. After every census, I have the most population. I probably have more town hall meetings as well. I probably have more hospitals, more highways, more of everything in my congressional district. And I have had more town hall meetings, probably, than anyone, 75. And in those 75, they all tell me the same thing: They do need health care reform. They need to control the cost of health care.

But they get it. They understand, this does not do it. You would not need waivers for unions and big businesses if it was working. You would not need legislation to fix the 1099 on the penalty for the \$600 purchases if it was working. You wouldn't have to cook the books, as they attempt to do, by counting a \$750 billion tax increase as a reason to suggest that if we repeal it, it's going to cost the government something. That's funny money. It's not true. Nobody in America believes it.

Get out. Listen at your town hall meetings. Travel around my State. Do

the 75 town hall meetings like I did. And you will find you cannot control the cost of health care if you leave defensive medicine out. We gave an opportunity for people to join the Federal system. It was turned down by the Democrats in committee. They voted it down on a party-line vote.

This is not the way to reform health care. It was done very quickly. In fact, the sponsor of the bill said I didn't need to read the bill. That's what I have staff for. It was so large, it was done so quickly, there was not enough input that the people of America know this is not the right thing to do. It's a job killer. It's going to bust our budget. In the end, it does, in fact, cost us \$2.6 trillion to implement in the first 10 years.

Please support this. Let's begin defunding ObamaCare.

The Acting CHAIR. The time of the gentleman from Montana has expired.

Ms. DELAURO. I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), Democratic leader of the House.

Ms. PELOSI. I thank the gentlelady for yielding. I commend her for her leadership on a very important issue, the health and well-being of the American people.

Mr. Chairman, I rise in opposition to the amendment that is on the floor today and also the underlying bill of which it is a part. The American people are desperate for jobs. They have sent us here to work together to create jobs; and in the 6 weeks of this new majority, not one piece of legislation has come forward to create one job.

Showing the lack of ideas to do so, the Republican majority has chosen, instead, to change the subject, taking up a bill of such consequence without hearings, without really an open process to make amendments to it, with the illusion of open debate. And now they come before us, again without hearings, in amendment form to this bill and say they want to have no funds go to enact provisions of the health care bill which was passed before.

Let's talk about the consequences of your action here today. What would it mean to people in our country if this amendment were to prevail? It may prevail on this floor, which is driving itself into irrelevance with the amendment process that is here, but that's another subject. Let's talk about the subject of this amendment. Let's talk about what this means to America's families. Let's talk about a family that came before a hearing that we had earlier in January.

We heard from Stacie Ritter. She has 12-year-old twins. When those adorable little girls were 4 years old, they were both diagnosed with cancer and faced years of treatment and recovery. Imagine if that happened in your family. Their mother said they were lucky that they did have health insurance,

but the additional cost of the care for these children drove their family into bankruptcy. The children got well, thank God, but they had a preexisting medical condition for the rest of their lives—until this bill came along. And now their mother was pleased to testify they are not to be the objects of discrimination because they have a preexisting medical condition. They will not face annual or lifetime caps on the benefits they receive. These healthy young girls now will be able to proceed in a healthy way, not discriminated against.

Or let's talk about Vernal Branch, a woman diagnosed with breast cancer 15 years ago. Ever since, she has struggled to find health insurance because even though she had cancer and for the moment is free of cancer and, God willing, will be forever free of cancer, she had a preexisting medical condition which meant that she would be discriminated against in terms of getting health insurance—until this came along. Vernal Branch told us that the Affordable Care Act represents protection from the uncertainty and fear that came from being diagnosed and being denied health insurance coverage because of a past disease. Passing this amendment would stop the reform and mean that 129 million Americans, like Vernal, 129 million Americans would lose coverage because of a preexisting medical condition.

Do you understand what that means in the lives of these people?

And to our seniors, the subject has been brought up over and over again about our seniors. Claudette Therriault and her husband, Richard, are seniors on Medicare. Richard is a diabetic, and his insulin alone costs nearly \$1,000 a month. When they fell into the doughnut hole, they were forced to choose between defaulting on the loan of their home or paying for Richard's health. As Claudette put it, Well, we chose my husband's health. But changes made, that we made in this bill, are starting to change the doughnut hole so families aren't forced to choose between paying their mortgage or paying for their medicine. Passing this amendment would mean that over 2.7 million Medicare beneficiaries would again fall into the doughnut hole, and Medicare would no longer be able to pay for the annual checkup for 44 million seniors in our country.

Mr. KINGSTON says that his children are old enough that they should be able to take care of themselves, even though they are under 26 years old. Bravo for you. But that's not the way it is for many young people across the country, even if they do have a job. You say they don't have insurance because they don't have a job. It may be news to you, but there are many, many, many working Americans who do not have health insurance. But they will under the Affordable Care Act.

If this amendment were to pass, if it were to become law, immediately all of those children who can now be on their parents' policy, if their parents are willing, would lose their health insurance.

□ 1040

With a job or without a job, these young people coming out of school are idealistic and ambitious. They want to follow their passions and their pursuits. That is what our Founders told them they could do—life, liberty and pursuit of happiness. These young people want a healthier life to pursue their happiness, to choose a job not based on the health benefits it may or may not provide, but to choose an occupation which addresses their aspirations—not ours, theirs.

So I just want to repeat back to our colleagues something I heard them say over and over again. They said, we didn't read the bill. Well, we did. But clearly, you did not. And I urge you to read the bill, because if you did, you would see that the bill puts medical decisions in the hands of patients and doctors, not your favorite insurance company. You would see that it brings down the cost of prescription drugs for seniors. You would see that it ends the days of discrimination based on preexisting conditions and lifetime caps on the care of children and families. You would see that under this bill, no longer would being a woman be a preexisting medical condition as it is now as women are discriminated against in terms of price and access to insurance.

You would see that it offers tax credits to millions of small businesses who choose to do right by their employees and offer insurance benefits.

It was for all of these Americans that we acted. It is for them that we stand here today to oppose this amendment.

And if you read the bill, you will see contrary—contrary to misrepresentations that were set forth by those who do the bidding of the health insurance industry in our country, you would see what the bill does. You would see that it is about innovation. It's about prevention. It's about a healthier America, not just health care in America. It's about using the technologies of the future. It's about bringing health care closer to people where they live to lower the cost, to improve the quality and to expand the access.

You would see that it is a bill about the future. Instead of the misrepresentations about this, that, and the other thing which I don't even want to repeat here, you would see that this is transformative for our country because it gives people the liberty, again, to pursue their lives.

So I would like to know how many of you read the bill? We read it over and over again, to each other, drilling down on different parts of it. So we know of what we speak when we come to this

floor. And maybe if you knew more about it, you wouldn't be so quick to say—we do not want to allow children to stay on their parents' policies. We do not want to end discrimination on the basis of preexisting conditions for our children. We do not want to begin to close the doughnut hole. We do not want to have preventive medicines without cost and copay for our seniors. And the list goes on and on. So that's what's happening here today.

This is again, yet again, another example of our friends standing up for the insurance companies at the expense of the American people, standing up for the insurance companies at the expense of the health and well-being of our country. It is again an example of Washington, D.C. holding on to the special interest status quo. It is again this Congress saying to the American people, we are here for the special interest, we are not here for the people's interest. To Stacie, we are not here for your two daughters. For Vernal, we are not here for women and having being a woman being a preexisting condition. To Claudette and Richard, to say to them, too bad about your mortgage. If you can't pay your mortgage because you have to pay your medical bills, so be it.

I urge my colleagues to vote against this amendment, which is another manifestation of the "so be it" attitude of some in Congress at the expense of many in our country.

Ms. FOXX. Mr. Chair, there are few policies passed in the past several decades that could do more harm to our country than last year's passage of the health care overhaul.

That is why I fully support the Rehberg amendment to defund Obamacare and the McMorris Rodgers amendment to bar the IRS from spending any taxpayer money on implementing the law. Not only will these amendments save billions and billions in taxpayer dollars, they will also halt the government takeover of health care dead in its tracks.

Mr. Chair, we cannot afford this misguided legislation that empowers bureaucrats and insurance companies rather than patients and their care providers. It creates constitutionally questionable mandates, raises hundreds of billions in new taxes, and penalizes job creators, families and businesses who do not comply with its draconian requirements.

In the middle of a nascent economic recovery, how can we allow this job-destroying bill to take root? We can't. This body has a responsibility to listen to the American people who are demanding that we uproot this legislation. These two amendments help us do just that and I am proud to support their inclusion in the continuing resolution.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Montana (Mr. REHBERG).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Montana will be postponed.

AMENDMENT NO. 266 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds made available in this Act or any previous Act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either such Public Law.

Ms. DELAURO. Mr. Chair, I reserve a point of order on this amendment.

The Acting CHAIR. The gentlewoman reserves a point of order.

Pursuant to the order of the House of February 17, 2011, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, amendment No. 266 is the amendment that has had a lot of discussion around the Chamber and around this country. And what it does is it recognizes the results of the CRS report, Mr. Chairman, this report dated just last Thursday, February 10, 2011. It took a long time to put all the numbers together in an official document that identified the money that is automatically appropriated in ObamaCare. In digging that out, there are dozens of locations that automatically trigger appropriations that go on in perpetuity. And the total in this report is \$105.5 billion. And here we are in this continuing resolution that the CRS reports at \$105.5 billion. I had been working on that for some months, and finally we came with a total.

But if we are not able to shut off all of the funding that is automatically appropriated in the ObamaCare legislation, both components of it, the reconciliation package and the bill itself, then forever this money goes forward, and the administration aggressively uses it to implement ObamaCare.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. Does the gentlewoman continue to reserve her point of order?

Ms. DELAURO. I do, yes.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Very briefly, I yield myself 30 seconds.

This amendment—this amendment—will add to the deficit in the next year—next year—\$3.5 billion, and over the next several years \$5.6 billion. It will not create a job and once again

would put the American people back in the hands of the insurance companies without the ability to be able to get the kind of health insurance that they require to deal with any illness that may befall them.

With that, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman and Members, I thank my colleague from Connecticut for yielding to me.

Let me first say that I have read the bill. I was on the subcommittee and the full committee and served on the Health Subcommittee for many years. And I had many people ask me that. And believe me, when you spend hours and hours literally in testimony and amending the bill, you have the chance to read it.

And I would hope my Republican colleagues, and all of us, would do the same thing, our appropriators, I would hope they would read the appropriations bill if they are accusing us on the Energy and Commerce Committee who drafted that bill.

What this amendment would do would take away the funding that the Department of Labor and Health and Human Services would be able to enforce that insurance can't drop someone from coverage when they become sick.

□ 1050

They would take away that funding. Seniors would be saving money. They should enforce it, saving money for seniors for prescription drugs. Young adults up to age 26 are getting back on insurance with their parents. That would stop the Department of Labor and Health and Human Services from enforcing that law. Small businesses are receiving billions of dollars in tax credits to provide health care coverage. This would stop it.

Defunding health care would end these benefits and put insurance companies back in charge. The whole goal of the health care bill, whether you call it ObamaCare—I wanted it to be called the Gene Green bill. But I admit, I'm only one of 435 is to cut these benefits. That's what this bill is about in this amendment. It will defund the great things in the health care law.

Let's go back and talk about the things that we all agree that need to be changed. But if you take away the money, we'll lose this for all the folks in our districts.

Mr. KING of Iowa. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank Mr. KING for yielding.

Make no mistake about it—the effort on the part of STEVE KING is to defund ObamaCare. This Chamber already passed a bill to repeal ObamaCare, which the American people have asked.

This is now an effort to defund ObamaCare. Because as we have seen from the Congressional Research Service, the ingenious nature of the ObamaCare bill was to already put the funding in place so that if the majority lost the gavel, which they did, the new majority would be unable to defund this bill.

Speaker PELOSI said it well last year when she said we had to pass the bill to know what is in it. We only found out recently that literally tens of billions of dollars have already been appropriated to fund ObamaCare. It was put in "mandatory spending," spending where this Chamber would not have access to be able to defund the bill.

If we are unable to defund the bill now, make no mistake, Mr. Chair, this Chamber and the American people will do everything they can to make sure they put into place a new President, a new Senate, and a House that will have the requisite courage to finally defund the government takeover of health care.

Ms. DELAURO. I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in opposition to this amendment and in opposition to the underlying bill.

I fail to see how Republican efforts to eliminate all funds for health reform will create jobs or help our fragile economy recover. Instead, defunding health reform would leave behind thousands of whom I represent in Wisconsin, thousands of Wisconsin families who have already begun to experience the benefits of health care reform.

Should the Republican efforts succeed, tens of thousands of young adults in Wisconsin would stand to lose their insurance coverage through their parents. Once again, children would be refused insurance, discriminated against because of preexisting conditions. And nearly 50,000 Wisconsin seniors would face higher prescription drug costs. What's more, the efforts to defund the health care reform law come on top of extreme cuts to community health care centers and family planning clinics.

While I agree with my Republican colleagues that we must reduce the deficit and bring the budget into balance, we must be smart about it. And this amendment is not smart about it. This unwise bill jeopardizes our Nation's health, our Nation's recovery, and our Nation's future. And it's particularly troublesome to me this week because it falls on top of efforts by Wisconsin's governor to cut health, education, and public safety services, and to take away the rights of public servants to provide them.

Mr. Chairman, today I stand in solidarity with my fellow Wisconsinites as I fight for a better future for all Wisconsinites and all Americans. I urge my colleagues to oppose Republican ef-

forts to defund the health care reform law and to oppose the underlying bill.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I stand in full support of the King amendment. I was at the well just a few minutes ago in support of the Rehberg amendment. But what this amendment does is eliminate and stop the funding, the hundred billion dollars' worth of funding that was automatically put in this bill to prevent, if we took over the majority of this House, Mr. Chairman, as we have done, or try to stop us from stopping the worst bill that's ever been passed in the history of the Congress. And we have to do this.

This is a pledge to the American people. We can do it. We can start over, we can make this bill right, we can enact health care reform that truly does bring down the cost for patients so they can get access, they have more control, and that we don't destroy the medical profession in the process of continuing this wrongheaded, bone-headed ObamaCare bill.

So I want to stand strongly with my colleague from Iowa in supporting this amendment.

Ms. DELAURO. I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate that.

My friends on the other side of the aisle talk about the need for listening to the American public. Well, I have been back home in my district meeting with providers, people in the insurance industry, hospitals, nurses, doctors and they are dealing with this plan moving forward. Many are excited about the opportunities to take advantage of it. The protections that are under way in the law right now are popular with the public because they are important to the public.

My friends talk about listening to the American citizens. The Associated Press pointed out in a poll last month that the overwhelming majority opposed the notion of trying to defund health care. In fact, in that same poll, 43 percent thought the protection should be expanded.

We are in a situation now where we can make a profound difference in improving the quality of health care in this country while we reduce deficits.

Putting sand in the health care gears, arguing, trying to create confusion is not moving us forward. Work with our hospitals, work with our doctors, work with our citizens. Make health reform work for America.

Mr. KING of Iowa. Mr. Chairman, this amendment No. 266, someone put the moniker on it "The Silver Bullet Amendment." And as much as we have

all worked here to try to find the right way to shut off all of the funding to freeze in place the implementation and enforcement of ObamaCare, many of us have worked in a number of different ways. This is the amendment that looks at the pattern that was set, that I understood, back in 1974, when there was a CR before the House of Representatives that shut off all funding that would go to the Vietnam War for offensive or defensive operations, in the air, over the land of, the seas adjacent to, or the countries adjacent to it. That language covered everything, and it stopped bullets on the dock from going into the hands of people to defend themselves.

I disagree with the policy. But the foundation is here in multiple places in the history of this Congress. This is the language that shuts off the funding of ObamaCare until such time as H.R. 2 becomes law. That's the repeal legislation that becomes law. This is H.R. 1. It's completely appropriate—and H.R. 2 and H.R. 1 are married together—that we shut off the funding for implementation of ObamaCare, all of it, the entire \$105.5 billion that was slipped into this report that we just got back last February 10.

So I urge the adoption of this amendment.

I yield back the balance of my time.

□ 1100

Ms. DELAURO. Mr. Chairman, I urge my colleagues to oppose this amendment. What we need to be doing is to focus on jobs to grow the economy and to reduce the deficit. This amendment does none of the above. Essentially what it does, it takes us back into the hands of insurance companies when they had free rein to raise rates, to reject claims and deny coverage to families and businesses who would have no recourse. It protects their CEO bonuses and their corporate profits.

We need to be about the business of creating jobs. This amendment does nothing to do that and increases the deficit. It should be absolutely clear to everyone here and everywhere else what this amendment does.

POINT OF ORDER

Mr. DELAURO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." It waives existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. The gentlewoman from Connecticut has stated a point of order against the amendment. Does any Member wish to be heard on the point of order?

Mr. KING of Iowa. Yes, Mr. Chairman.

The Acting CHAIR. The gentleman is recognized.

Mr. KING of Iowa. Mr. Chairman, this is a point of order that has been raised on my amendment that I referred to as the silver bullet amendment. I think it does not consider a duty that we have here in the House of Representatives, and that is we stand here and take an oath to uphold the Constitution of the United States, each one of us. I bring in my Bible to do that. And I take it very, very seriously when we take an oath to uphold the Constitution.

We don't take an oath to uphold a rule, but we take an oath to uphold the Constitution. And as I look into this Constitution and read through it, Article I, Section 5 reads in pertinent part: "Each House may determine the rules of its proceedings." And because each House can determine the rules of its proceedings here in this Constitution, you have in your hands the gavel, Mr. Chairman, and the power and the authority to determine those rules, at least to make a strong recommendation to this body.

I would urge that we understand that two Federal courts have found this bill, ObamaCare, to be unconstitutional, and it is immoral and unjust and irresponsible to waive any opportunity to shut off the billions of dollars that are automatically appropriated in a deceptive fashion and continue for the implementation of ObamaCare because we might think somehow that a rule would trump the very Constitution itself.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. WEINER. I do, Mr. Chairman.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. WEINER. Mr. Chair, I agree with the gentleman. His amendment is clearly in order. But I know this because if this were legislating on this bill, that would mean that they can legislate. They controlled the House and the Senate and the Presidency; they were unable to legislate. We've been here for 8 weeks; they're unable to legislate. It is impossible to believe he is legislating in this bill.

The point of order, if I may speak to it, suggests that the gentleman is legislating on an appropriations bill. I have watched those guys. They're incapable. There is no way this is legislating. So I believe the point of order should be struck down. It is impossible. After 8 weeks they haven't legislated. They had 8 years in the majority, and they didn't legislate. How can it possibly be, Mr. Chairman, that the point of order is correct?

The gentlelady from Connecticut is rarely incorrect, but if you think they're legislating, impossible, almost metaphysically impossible for the gentleman to legislate. He doesn't know

how. How can we possibly have the legislating in this bill?

I think the gentleman is absolutely correct. Let us have this debate because if it is that moment, if lightning is striking, if it is chilly in hell, then maybe this is the moment we have been waiting for—the Republican majority is going to start legislating. Please, praise God, maybe this is the moment.

So I think the gentleman is correct. He is not legislating in this bill because it is impossible for them to do so because they simply don't know how.

The Acting CHAIR. The Chair is prepared to rule.

The Chair finds that the amendment proposes explicitly to supercede existing law.

As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

AMENDMENT NO. 267 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either such Public Law.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this amendment No. 267 is an amendment that is narrowed in its scope in anticipation of the point of order that was raised by the gentlelady from Connecticut, and I can't help but reflect on what it must have been like before in this body before the invention of television. But my Amendment No. 267 says this in pertinent part: "No funds made available by this act may be used to carry out the provisions of ObamaCare."

So what this does is, for the appropriations that go on outside of the scope of this continuing resolution, we have lost that point of order. But this amendment goes to those funds that are appropriated within it, down the exact same path as the Rehberg amendment, except it goes to the outside of the particular Department of Health and Human Services as the narrower scope of the Rehberg amendment. So this goes broader than just HHS, but it does go directly to shutting off all funds within this CR that would be used to enforce or implement ObamaCare.

I have made my arguments, Mr. Chairman, on that.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Chair, poll after poll shows that Americans oppose repealing or defunding health care. The latest one says 62 percent of Americans oppose these efforts. Why? Because they have figured out that the nonsense coming from Republicans over the last several years about this being socialized medicine or a government takeover is just that—it is nonsense.

What they figured out is that this is helping millions of Americans all around this country, millions of Americans like a little 8-year-old boy named Kyle McCollough who had the courage to walk into my office yesterday and tell me about his battle with hemophilia. His family has to put out \$10,000 a month to pay for his medications, and repeal of this legislation means bankruptcy for his family and for him a lifetime of worrying as to whether he has a job that covers his illness or whether he has the medications to stay alive.

That is why 62 percent of Americans oppose what the Republicans are trying to do on this floor. And for anyone that votes for this, they have to have an answer to them and they have to answer to little Kyle McCollough.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1½ minutes to the doctor from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank the gentleman.

Mr. Chairman, one thing that is lost in this debate is this fact, and that is there is a difference between coverage and access to care. I have been a physician for 35 years. I can tell you that today, pre-ObamaCare, we have 85 percent coverage, but we have 100 percent access to care. Anyone who wishes can report to any emergency room in this country and receive care. Now, they may receive a bill, but if they pay that bill or not, they can still return for care.

Now let's move to Canada and the U.K. where they have supposedly 100 percent of coverage. Well, they often-times wait a year, maybe 2 years, for a CT scan or an MRI scan, and then once they get the results back, they may wait another year to get surgery.

□ 1110

It's not unusual to be told, hey, we could have helped you had we made the diagnosis in time.

It's perfectly acceptable in these countries to have a death rate from lack of treatment. Look at the death

rates from cancer, prostate, breast cancer in our country versus others; a horrific difference. Why? Because we diagnose it much earlier; we treat it much more aggressively.

But if we go forward with this ObamaCare, then what we will have is budgets coming up against the decision on what type of care our citizens can receive. We'll be taking it out of insurance companies; but, yes, we'll also be putting it in the hands of the government.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I come before you today after spending 27 years in the health care industry representing my local hospitals, and I can tell you that this bill was supported by them because it creates care in our communities, and it creates jobs in our communities.

If we're going to focus on how to improve care and reduce cost, the bill is replete with opportunity. We can support accountable care organizations, we can support medical home pilots, we can support community health centers, we can support electronic medical records, we can support telemedicine, and we can support the Center for Medicare and Medicaid Innovation. That is how we're going to improve care, reduce cost, and deliver benefit to our constituents.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Mr. Chairman, just earlier we heard the former Speaker come to the floor just moments ago and say that she has now read the bill. Uh-hmm. Of course we heard her famously saying before that we had to pass the legislation in order for her to find out what was in the bill.

We can tell you who has read the bill, and that is the courts of this great country. And the most recent Federal courts said they have read it, and they have found that the bill is unconstitutional. For this is the first time in the history of this country that the price of citizenship, this is the first time in the history of this country that the price of freedom, this is the first time in the history of this country that the price of being an American is that you have to buy a particular product that some unknown, faceless bureaucrat here in Washington ordains that you have to buy.

We have come to the time that liberty is being taken away from us, that the strong hand of a Big Brother is reaching out and telling us you have to do this and you have to do that as the price of freedom and the price of liberty.

Yes, to answer your questions. Yes, we will legislate; yes, we will address health care; yes, we will address the

American people's interests in this area. And I commend the gentleman from Iowa on this amendment.

Ms. DELAURO. I remind the gentleman that the courts are split two and two.

Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I thank the gentleman.

Mr. Chairman, I rise in opposition to King amendment No. 266.

It has been said that we are the sum total of our experiences, Mr. Chairman, and that is certainly true. My experience consists of growing up in a low-income minority community whose history dates back more than 150 years since slavery. I represent that district, the First District of North Carolina, the fourth poorest district in the country.

My constituents, Mr. Chairman, overwhelmingly support the Affordable Care Act. Why? My constituents know that their insurance costs are soaring, exceeding more than 18 percent per year in increased costs. For those constituents who don't have insurance, they know that they will be able to qualify for Medicaid if their income is less than 133 percent of the Federal poverty line.

My rural hospitals, Mr. Chairman, know that finally when patients walk into their emergency rooms, the hospitals will be paid for their care, and they will not continue to face bankruptcy.

Mr. Chairman, this assault on the Affordable Care Act is unfounded, it's unnecessary; and I ask my colleagues to defeat this amendment.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to the amount of time remaining for each side.

The Acting CHAIR. The gentleman from Iowa has 1¼ minutes remaining; the gentleman from Connecticut has 2¼ minutes remaining.

Mr. KING of Iowa. I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Republicans seem to be pretending that emergency room care is free. Every insured American is paying an extra 1,100 bucks this year—\$1,400 in Oregon—for those who are uninsured. We want to begin to address that problem, get them in earlier, get them treatment, less expensive, don't pass the costs on to other Americans. Personal responsibility.

We outlawed the worst abuses of the insurance industry—canceling your policy when you get sick even though you've been paying the premiums, preventing people from getting health care because of a pre-existing condition.

I heard from a dad whose young son with birth defects is finally getting

covered for those issues because of this law. And then the students I met at Lane Community College—21, 22, 23 years old, getting an education, wanting to get in the workforce—they thanked me for their health insurance. They need that health insurance.

The Republicans said they were going to repeal and replace. Well, they've been pretty darn silent on the replace side, maybe because it upsets their patrons in the insurance industry who are so generous at campaign time.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I really take issue with the gentleman that declared this to be nonsense. This is not nonsense. This is very, very serious business. This is the largest taking of American liberty in the history of this country. And the shenanigans that went on to put this bill in place, you could not have sent this bill out on the floor of the 111th Congress and had it pass if it were all packaged up together in one big stack. It was two pieces of bills. And we listened to Dr. BURGESS earlier about all of the things that took place to represent this bill in one place or another, to put it together, including a promise of an executive order that was designed to trump the very Congress itself.

And here we are, with the first opportunity to put the brakes on ObamaCare—yes, we've passed the repeal, H.R. 2. This is H.R. 1. It's here because it's more important to the Speaker than H.R. 2. And that means that we must shut off this funding to ObamaCare.

This CRS report, \$105 billion automatically appropriated over a 10-year period of time that goes on in perpetuity, sending the tentacles of this malignant tumor down. It is metastasizing as we speak, and American liberty is being strangled off by ObamaCare. This amendment is the amendment that shuts all of the funding within the CR. It must be passed by this Congress to keep faith with the American people.

I yield back the balance of my time.

Ms. DELAURO. May I inquire how much time I have remaining.

The Acting CHAIR. The gentleman has 1¼ minutes remaining.

Ms. DELAURO. I yield the balance of my time to the gentleman from Washington State (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, we've been here now the better part of 2 months, and we've seen political theater go on and on and on. Each day we bring out something that looks like it might have some usefulness, but it turns out it's just more political theater. We read the Constitution in here. Well, that took us a day. Then we spent 9 hours arguing about a bill that we knew wasn't going anywhere. Then we brought out the health care bill. Then we keep doing this. Meanwhile,

the American people are saying—and Bill Frist—now, I wouldn't say Dr. Frist was a good friend of mine, but he was the majority leader in the Senate, a Republican, a doctor who said don't repeal this law, fix it.

There have been no hearings in 2 months about how you would fix the bill, and yet the American people—the problems that my colleagues come out here talking about one after another are multiplied by the millions in this country. They know there's a problem, they don't want to repeal it. The numbers for repeal have been dropping as the people have seen more and more provisions of this law come into effect. They want you to fix it, not political theater. It doesn't help them in the emergency room or in the doctor's office.

The Acting CHAIR. The time of the gentleman has expired.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield to the gentleman from New Jersey.

Mr. ANDREWS. If I could just get the attention of the gentleman who is the author of the amendment, Mr. Chairman, I wanted to yield to the gentleman from Iowa.

The Acting CHAIR. The gentlewoman from Connecticut has the time.

Mr. ANDREWS. I would ask her, at the appropriate time, to yield for an answer.

Here is my question: Let's say we have a person who is on Medicare who has \$100 a week on drug costs and they hit the doughnut hole in August of the year.

□ 1120

The way the law works right now is they will get help to continue to pay for their prescription drugs in the form of either a cash rebate in the past or a discount in the future.

I wonder if the gentleman could explain to us what will happen to those Medicare recipients when they hit the doughnut hole if his amendment becomes law.

I would ask the gentlelady to yield to him for an answer.

Ms. DELAURO. I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady for yielding.

To the gentleman from New Jersey as to his question on the doughnut hole, I understand. Under the current circumstances of the doughnut hole, there are many people in the lowest incomes who are not affected by it.

Ms. DELAURO. Reclaiming my time, I think we want to try to answer the gentleman's question.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. The question was: What about someone who is in the

doughnut hole? What happens to him under your amendment?

Ms. DELAURO. I yield to the gentleman from Iowa.

Mr. KING of Iowa. To compress my response, I think it's a bit unclear because we don't know how the Secretary of Health and Human Services may respond when the funding is shut off.

Ms. DELAURO. Reclaiming my time, I yield to the gentleman from New Jersey.

Mr. ANDREWS. With all due respect, Mr. Chairman, it is not unclear at all.

What would happen under the gentleman's amendment is the prescription drug price of this senior would go up dramatically, and he would have to pay the entire cost of that prescription until he hit, I think, the \$5,100 limit. This is substantive legislation, the effect of which will dramatically raise prescription drug costs for America's neediest seniors.

I thank the gentlewoman for her time.

Ms. DELAURO. I thank the gentleman.

Mr. Chairman, I would like to now yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentlelady for yielding.

Mr. Chairman, when you take a look at what is happening here, the effort to repeal, to kill, to stop the Affordable Health Care Act is an assault on the American public, and it would give back to the insurance industry their opportunity to deny benefits, to deny coverage.

It is hard to understand how in this period of time when we should be talking about building jobs that our colleagues would put before us legislation that would, in fact, destroy over 800,000 jobs and destroy the opportunity for millions upon millions of Americans to have health care that they could afford. For small businesses to be able to provide the health care to their employees and to receive a reduction in the costs of that health care, it is hard to understand why they would be doing this when we need jobs, when we need health care.

When you look across the broad impact of H.R. 1, it is an assault on the working men and women of the poor in this country. When you take a look at the tax proposals put forward by the Republicans, it is to benefit the high and the mighty and the wealthy to the detriment of the working men and women and the poor of this country.

This is flat-out class warfare against the working men and women of this country. Plain and simple.

If you remove health care, you remove their ability to get health care, and you remove their ability to be healthy and to work. If you remove the clinics, you remove their opportunity to get health care. If you cut back on Medicare and Medicaid, you remove their ability to have health care.

It is an assault on the working men and women, on the elderly and the poor in this Nation. That's what it adds up to.

Ms. DELAURO. Mr. Chairman, I now yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I would just say to the gentleman from New Jersey that I was in almost all of the meetings in our caucus. This bill was read provision by provision, sentence by sentence, and we had the staffers there who wrote these provisions under the direction of our chairman at that time.

This was carefully considered, and any idea from the gentleman from New Jersey that it wasn't is just an outrageous statement on his part, and he ought to be ashamed of himself.

Ms. DELAURO. Reclaiming my time, Mr. Chairman, once again, as to what we are doing here, this amendment just mirrors the prior amendment of which we had a discussion. We keep saying it over and over again: Your inability to come here, as you promised, to create jobs for the American people, to lower the deficit for them, and to turn the economy around has failed.

Ms. WATERS. Mr. Chair, I rise to oppose the King amendment.

Repealing or de-funding health care reform is part of the Republicans' No Jobs Agenda. The Affordable Care Act will create jobs. One study says that repealing the law will put in jeopardy the 250,000 to 400,000 new jobs this law will create each year.

More importantly, de-funding the Affordable Care Act will jeopardize the many benefits this law provides to the American people.

1. The Affordable Care Act prohibits insurance companies from denying coverage to people with pre-existing conditions, like diabetes, heart disease, cancer, and HIV/AIDS.

2. Starting this year, the Affordable Care Act provides seniors in the "donut hole" a 50 percent discount on brand-name prescription drugs.

3. Also starting this year, small businesses may qualify for a tax credit that covers up to 35 percent of the cost of providing health insurance to their workers.

4. The Affordable Care Act provides \$11 billion for community health centers, which serve low-income and uninsured families in my district and throughout the country.

5. The Affordable Care Act provides \$15 billion for wellness and prevention activities, such as cancer screenings and child immunizations.

6. The Affordable Care Act provides funding to train additional primary care doctors and nurses, who will be able to serve patients in underserved parts of the country, like Los Angeles County.

7. Most importantly, the Affordable Care Act guarantees all Americans access to affordable health insurance that covers essential medical benefits and that cannot be taken away when they get sick and need it most.

De-funding the Affordable Care Act will impact all Americans, but especially harm the least of these—women, children, people of color, the poor, the homeless—people who

often lack a voice and whom I have championed during my four decades in public service. People of color are disproportionately impacted by a lack of access to health insurance. According to the Department of Health and Human Services' Office of Minority Health, 20 percent of African-Americans were uninsured in the United States in 2007, and 32 percent of the Hispanic population was uninsured.

Quality health care must be available for all Americans regardless of race, level of income, gender, or the existence of a pre-existing condition. That's why the Affordable Care Act specifically addresses health disparities and protects the rights of people with pre-existing conditions, and that's we must fully fund the Affordable Care Act.

I urge my colleagues to oppose this amendment.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 268 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of any Federal department or agency with respect to carrying out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either such Public Law.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. WEINER. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. The gentleman from New York reserves a point of order.

Mr. KING of Iowa. I yield myself 30 seconds.

Mr. Chairman, amendment No. 268 goes to the end of the bill. It simply says that none of the funds made available in this act may be used to pay the salary of any officer or employee of any Federal department or agency with respect to carrying out the provisions of ObamaCare. It is that simple.

It is one additional way to slow down the implementation and the enforce-

ment of ObamaCare until such time as we see that day that the full repeal is signed by, hopefully, the next President of the United States, unless the one we have today has a reconsideration.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield 1 minute to the gentleman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, this amendment and the underlying bill go in precisely the wrong direction.

We should be talking about strengthening the historic reform that we passed last year. We should not be tearing it apart, because we all know that its repeal will leave millions out in the cold, stripping them of access to affordable health care; and it will cost small businesses the incentives and the tax breaks that they would get. It all goes in the wrong direction.

The majority claims to believe in cutting government spending above all else; yet the CBO has concluded that, over a 10-year period, up to 2021, their bill would add \$230 billion to the national debt. Now, if you're really serious about reducing our debt, you should have a robust public option. That would save \$68 billion.

Mr. KING of Iowa. I am pleased to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

We keep hearing from the Democrats that we're here and that we're not doing a jobs bill.

Why are we doing this bill? Why are we doing this bill now? It's because you guys did not pass a budget. We are on FY11, as you know, because you did not take care of your business. We are reaching back, trying to finish up what you guys should have done by October 1 of last year.

By the way, this does create jobs, because the small businesses do not want government-mandated health care; and the folks back home don't want bureaucrats coming in between the doctor-patient relationship, which is what ObamaCare does. Now, we know the nanny state wants full control from cradle to grave, but folks back home don't want it. That's what November was about.

So what we're trying to do is finish up the unfinished business of the Pelosi House from last year so that we can move forward on the coming year, FY12. We will continue to have this debate, but we are trying to protect the doctor-patient relationship, not create a doctor-bureaucrat-patient relationship, which ObamaCare does.

□ 1130

Ms. DELAURO. I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentlelady.

When you consider how rhetoric doesn't square up with reality in this institution, the gentleman from Iowa started by saying this is the greatest threat to personal liberty in history. Well, we have some young people here today, and I guess he thinks that *Plessy vs. Ferguson* and *Dred Scott* and Lincoln's suspension of habeas corpus, that those didn't represent a threat to personal liberty.

Now, President Bush said that the best way to get health care, for those who were outside the mainstream, was very simple. You could go to an emergency room.

That is not health care. That treats the issue in front of the individual. It denies preventive care. It doesn't offer assistance to women who are in need of additional health care. This proposal that we passed was modest, and it was market driven. It kept the private sector alive and it put in place basic protections for the American consumer.

I wish that we could have a separate vote on the individual proposals that we included in that bill, and I guarantee you we wouldn't be talking about death panels; we would be talking about the idea of extending health care benefits to all members of the American family, including the 51 million who find themselves outside of the mainstream.

Just think of it today. This is more of a threat to liberty than *Plessy vs. Ferguson* and *Dred Scott* and Lincoln's suspension of habeas corpus.

Mr. Chair, I rise in opposition to the amendment offered today which would repeal the historic health care reform bill.

With passage of the new law last year, American families can take back the control of their health care.

The law bars insurance companies from discriminating coverage based upon pre-existing conditions, health status and gender.

The law caps the out-of-pocket health care expenses that have bankrupted many American families.

The law allows individuals and small businesses to purchase affordable insurance from competitive marketplaces.

And—the law contains the cost of health care while reducing the deficit by \$138 billion over the next 10 years.

We solved the dilemma so many Americans face on a child's 22nd birthday by extending dependent benefits until age 26.

I am an ardent supporter of Social Security and Medicare. The new law filled the Medicare prescription donut hole and provided new wellness and preventive benefits seniors.

We made history last year with this new law. And yet, today, this amendment seeks to undo all of this progress, all of these achievements, all of these new protections and benefits for Americans.

I have visited the world-class hospitals of Massachusetts and spoken with the administrators, doctors, nurses, and other health care

professionals. Massachusetts is way-ahead of the rest of the country in requiring health insurance coverage for almost all of our citizens. And I can tell you the state is better for it. The hospitals are better for it.

I urge opposition.

The Acting CHAIR. The time of the gentleman has expired.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1 minute to the judge and Congressman from east Texas, Mr. LOUIE GOHMERT.

Mr. GOHMERT. Mr. Chairman, we heard Minority Leader PELOSI saying earlier that we were here as Republicans siding with the insurance companies. Revisionist history is great, but if you go back and look at who was supporting the ObamaCare efforts, you had the insurance companies lined up all out there, supportive.

You had the big pharmaceutical companies all out there supportive. You saw the American Hospital Association out there supportive. You saw the AMA out there supportive. You saw AARP. They were seen out there encouraging all of the ObamaCare stuff. Naturally they stand to gain with UnitedHealth more than anybody. They are the biggest sellers of Medigap insurance.

So if you really want to look at history, who was it that was not supportive? Well, folks, we heard from them in November. It was the American people.

That's why we are here. We are with small business. They will create the jobs. We are with the American people. That's why we are doing this.

Ms. DELAURO. I yield 1 minute to the gentlelady from Florida (Ms. WILSON).

The Acting CHAIR (Mrs. MILLER of Michigan). The Chair would note that the point of order by the gentleman from New York continues to be reserved throughout.

Ms. WILSON of Florida. Good afternoon. Madam Chair, somewhere in America today a family is losing their home because they can't afford the health care premiums for a diabetic dad and a hypertensive mom. Somewhere in America tonight a child will die because they have been denied health care because of a preexisting condition.

Somewhere in America tomorrow a family will go bankrupt because they took care of a cancer-stricken family member.

Black, white, Hispanic, Asian, urban, rural Republican, Democrat, independent, tea party, it doesn't matter. At some time in our life we will all get sick. We need health care.

But you know what? We, as Members of Congress, are very fortunate. We all get health care. We get the very best.

But what about Jennifer and Lisa and James and grandma and grandpa and the Johnsons and baby Joshua? We represent them too. They deserve what we get.

My constituents sent me to Washington to preserve the affordable health care legislation. They are proud of the product that the 111th Congress and NANCY PELOSI and President Obama produced. Long live affordable health care legislation.

On behalf of the people of this Nation who depend on our leadership, I call upon you to defeat this amendment.

Mr. KING of Iowa. Madam Chair, I am pleased to yield 2 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Thank you to the gentleman from Iowa for offering this important amendment.

The liberal talking point in the debate thus far has gone something like this: We can't defund ObamaCare today because we have to focus on job creation.

Now, that is very interesting, coming from the liberals in this Chamber who spent literally trillions of dollars out of the public Treasury only to see 2 million jobs lost in the private sector because of their failed policies on job creation.

ObamaCare will likely create the largest government bureaucracy in the history of our country, filled with even more government jobs than any other agency. There is one thing that ObamaCare will likely do very, very well, and it's this: It will create the largest bureaucracy of government workers in the history of the Nation.

It isn't that we will necessarily get more doctors; it isn't that ObamaCare will necessarily give us more nurses or truly more health care.

What we will get from ObamaCare, according to the Congressional Budget Office, is increased costs in health care with a huge bureaucracy, all designed for the purpose likely of saying "no" to people when they need to have access to health care.

What a bargain, Madam Chairman. Pay more, get less. That's the reason why I believe the Rasmussen poll came out last week and said that 58 percent of the American people are begging this Congress to repeal ObamaCare. Repeal we will, and defund we must.

Ms. DELAURO. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Thank you very much to my dear friend.

This is a siege on the lives of innocent Americans. It is a siege by undocumented claims of unconstitutionality.

When Justice Scalia said the relevant inquiry is simply whether the means are chosen or reasonably adapted to the attainment of a legitimate end under the commerce clause. It is. This bill is constitutional.

What this gentleman wants to do is to literally shut down community health clinics that are now under the Affordable Care Act. He wants to make

sure that children are not getting immunized. He wants to make sure that HIV patients are not getting their medicine. He wants to make sure that seniors who can come to these clinics are not able to access them. He wants to make sure that families are getting no coverage. This is the end result of this very, very dangerous amendment.

In addition, we have to respond to someone who got up and actually said this is the worst bill that has ever been passed. What about the slave laws? What about the fugitive slave laws? How dare anyone suggest this is the worst bill when we give opportunity to all Americans.

This amendment should be denied. They should listen to Senator Frist, who said this bill is a good bill. There are Republicans who believe we should provide health care for America.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. KING of Iowa. Madam Chair, I yield myself the balance of my time.

Madam Chair, I recall back at the beginning of the Obama administration when President Obama said that we are in an economic calamity, an economic mess, and we couldn't fix our economic problems unless we first fixed health care. And so his solution for spending too much money was to spend a lot more money, \$2.6 trillion on health care.

So if we couldn't first fix the economy unless we first fix health care, let me take that philosophy and turn it this way. We can't fix health care unless we first repeal ObamaCare. That's where this country is today. We can't put the replacement in place, we can't put the fixes in place until we pull this thing out by the roots.

And the only way to do this today is to shut off the funding. The repeal is over there in the Senate. The House voted in a strong way to repeal ObamaCare. H.R. 1 is the unfunding of ObamaCare. It is the vehicle to do it. This amendment is one of the vehicles that contributes to that cause.

Again, I thank DENNY REHBERG and the people that did this work and all those people that worked on this cause. I urge adoption.

I yield back the balance of my time.

□ 1140

Ms. DELAURO. Madam Chairman, the American people want us to focus our time and attention on creating jobs. They want us to turn the economy around. They want us to reduce the deficit. The total of the two amendments that have just come before this body would increase the deficit, increase it, the first one by \$5.5 billion over the next several years, and this one at about \$5.3 billion over the next 5 years.

That's not what you told them you were going to do. You told them you were going to create jobs and roll back

the deficit. What you are doing here is putting the American people in the hands of the insurance companies again to make their decisions about health care. And we have health care in this body. Millions in this Nation do not.

I urge my colleagues to vote against this bill, which doesn't create jobs, doesn't turn the economy around, and adds to the deficit.

POINT OF ORDER

The Acting CHAIR. Does the gentleman from New York insist on his point of order?

Mr. WEINER. Yes, I do.

The Acting CHAIR. The gentleman will state.

Mr. WEINER. Madam Chair, I make a point of order that the gentleman's amendment is not in order because it results in a net reduction of revenues to the Treasury, in violation of the rules of the House and in violation of the rules stipulated in this bill. I explain that in the following way:

As the gentleman surely knows, if his amendment is successful, the checks that are going to small businesses today, the tax breaks that they are getting to provide health care to their workers and the fact that there are no burdens on those small businesses means that they are going to have less money to spend, therefore less people they will be able to hire, a reduction in the amount of jobs, a reduction in the amount of revenue coming into the government, an increased burden on government services.

In fact, the gentleman would say that anyone that would be writing the check to give back to citizens, they can't do it. Anyone taking that check, bringing it to them can't any longer do it. Anyone cashing that check would be in violation of the law. This amendment says that anyone getting a tax break under this bill would have to give it back. That would provide a net reduction in the amount of economic activity and job creation in this country, and therefore his amendment is out of order.

The Acting CHAIR. Is the gentleman making a point of order under section 3(j)(3) of House Resolution 5?

Mr. WEINER. I actually withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 83 OFFERED BY MRS. EMERSON

Mrs. EMERSON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement or enforce section 5000A of the Internal Revenue Code of 1986, section 6055 of such Code, section 1502(c) of the Patient Protection and Affordable Care Act, or any amendments made by section 1502(b) of such Act.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentlewoman from Missouri and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. EMERSON. Madam Chair, I yield myself 2 minutes.

Madam Chair, this amendment will prevent the appropriation of any funds in this act to implement or enforce the provisions within the health spending law that require the IRS to verify that individuals have health care coverage and impose penalties on those who don't comply.

The fate of this mandate in the courts is uncertain, but we know that it already has been ruled upon by the American people. They don't want and shouldn't suffer a mandate from government to engage in specific economic activity. As a matter of fact, my own State of Missouri passed a ballot initiative last August by a vote of 71 percent not to enforce the individual mandate.

This is the bright lights example of what's wrong with the health care law. It compels Americans to give up their freedoms, to render their choices, and part with their hard-earned money to support a system of health care designed by and run by the Federal Government through a maze of boards, committees, and bureaucrats.

No Americans should be forced to buy or purchase health insurance they neither want nor can afford, and the Federal Government has never based the purchase of a good or service as a condition of being a law-abiding citizen. The American people need some form of protection that the IRS will not begin to aggressively implement the individual mandate, and this measure ensures that it won't be implemented prior to the end of fiscal year 2011.

States, including my own, small businesses across the country, and individuals of their own volition deserve the chance to speak on this important matter in the courts before the law adds extraordinary new burdens to the fiscal responsibility of the State governments, forces small businesses to fire employees they value, and compels individuals to spend money they would rather save. For all these disconcerting reasons, I urge you to support this crucial amendment.

I reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I think before we go any further on this subject, we really have to understand what is happening here. The majority party would like to do away with the health care reform law, and the way to do that is exactly that way, to try to do away with the law. But they don't have the votes in both Houses to do that. So what they're trying to do is not fund provisions that have to go into place.

So at this moment what Mrs. EMERSON is trying to do is say that no funds can be used to impose this mandate. Now, this particular part is going to get played out in the courts. So let's be honest: the courts will have to decide why it's okay to mandate that you have car insurance but not this particular issue. And there are going to be a lot of other issues that are going to be done. But the issue here is that they would like to legislate on this bill the end of health care. And that's just not going to happen.

Lastly, what this amendment does is speak to the larger issue, which is that in this country now we have a law that provides access to quality health care to all residents regardless of who they are, where they live, or their income. The only people who are upset about this bill, about this law, and have done a good job of telling the American people that this is the end of the world, are the insurance companies who now have to step up to the plate and follow the law.

So we know what this is about. We know what you are trying to accomplish, but it's not going to work. It's not going to work this way, and it's not going to work in rescinding the law.

Lastly, you know that every so often I give advice to the Republican Party because I like you. If you keep calling it ObamaCare, you know what's going to happen? It's going to make it through the courts, and 20 years from now you are going to have Social Security, Medicare, and ObamaCare, and you would have cemented his legacy forever. So we thank you for that, and I am sure the President thanks you.

I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend for yielding, and I rise in opposition to this amendment. The reason I do is as a member of the Ways and Means Committee, we had Commissioner Shulman before us talking about the IRS role in the implementation of the Affordable Care Act. And he said virtually all of the additional funding that they will receive will be used for outreach efforts to inform small businesses of the tax

cuts that they are now eligible to receive with the implementation of this law.

That means 16,000 small businesses in my district alone in western Wisconsin are receiving tax credits under the Affordable Care Act, making it more affordable for them to provide health care coverage to their workers.

And if you look at the 50 million uninsured individuals in this country every year, the bulk of them are working Americans, typically in small businesses or family farms who have a hard time providing health care coverage. And yet the IRS is going to be doing outreach to them to let them know the benefits they are eligible for, along with other individuals throughout the country, of what they are eligible for in the Affordable Care Act to make sure they receive quality, affordable health care coverage. That in essence would be the IRS role. And I think for that reason we should vote against this amendment.

□ 1150

Mrs. EMERSON. I continue to reserve the balance of my time.

Mr. SERRANO. How much time do I have, Madam Chair?

The Acting CHAIR. The gentleman from New York has 2 minutes remaining. The gentleman from Missouri has 3 minutes remaining.

Mr. SERRANO. I would like to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Chair, I would just like to point out, again, the gentlewoman's amendment is just like the others we've heard before. It is going to completely eliminate implementation of the health care reform because the bottom line is that, if this amendment were to pass, then all of the positive things that have already gone into place in terms of eliminating discrimination against preexisting conditions or the other discriminatory practices, like lifetime or annual caps, or the requirement that young people up to the age of 26 be able to get insurance coverage on their parents' policies, all of these things essentially depend on the mandate, because without the mandate, what happens is that insurance companies go back, again, to discriminatory practices. This is nothing more but an effort essentially to eliminate the health care reform. Whether it's defunded, whether it's eliminating the mandate or the other amendments that we're going to see later today because this is a package. And we all know, it's absolutely clear, that without the mandate, it is going to be impossible to carry out the coverage and the implementation of these important provisions that eliminate discrimination.

Mrs. EMERSON. At this time, Madam Chair, I yield 1½ minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

The issue is, is this constitutional? It's not whether it's a great idea, whether an individual mandate is going to save us all. The issue is whether it's constitutional. Now I do not believe the Constitution gives the Federal Government the authority to force an American to buy anything, whether it's health care insurance, whether it's a car, or whether it's a box of doughnuts. And if we allow the Congress to go in and force Americans to buy a product or be punished by paying a fee which is a fine, and if you don't pay the fine, you could be prosecuted under the IRS code and go to prison, then where does it stop? Where does Congress then stop its nonsense of forcing Americans to buy products all in the name of saving us all?

This portion is unconstitutional. We should not force Americans to buy any product. And we should defund the individual mandate for the simple reason it's unconstitutional. Let's talk about that issue in this discussion and debate on the House floor.

Mr. SERRANO. I yield 30 seconds to the gentleman from the great State of California.

Mr. GARAMENDI. Madam Chair, the issue before us is whether the IRS should be able to enforce the laws, in this case the health care laws. During the first decade of the 2000 period, there was enormous Medicare fraud going on. In the health care bill, additional agents were added to the IRS and other agencies to enforce the Medicare laws against fraud. This provision would defund that and make it impossible to enforce the laws and prevent Medicare fraud. A very bad idea.

I urge a "no" vote on the amendment.

Mrs. EMERSON. I continue to reserve the balance of my time.

Mr. DICKS. I rise to ask a question of the Chair. Who has the right to close on this amendment?

The Acting CHAIR. The gentleman from New York has the right to close.

PARLIAMENTARY INQUIRY

Mrs. EMERSON. Madam Chair, parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her parliamentary inquiry.

Mrs. EMERSON. Is it not correct that I would have the right to close?

The Acting CHAIR. The manager in opposition would be entitled to close.

Mrs. EMERSON. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 2 minutes.

Mrs. EMERSON. Number one, my colleague tried to make a comparison between car insurance and health insurance. First of all, auto insurance, if you will, deals with liability and the harm that you may do to others. Health insurance has to do with a li-

ability to yourself. It's totally different. And I don't believe that any State actually requires comprehensive insurance. The bottom line is, we do not want the IRS implementing now regulations that may be overturned perhaps in the near future in the courts.

At the end of the day, we do not know what the courts are going to say about the constitutionality of an individual mandate. And as such, it seems irresponsible for the Internal Revenue Service, when it has so many demands on its time and on its employees, to implement something that we don't know whether or not it's actually going to become the law of the land. So with that, I believe very strongly that the IRS should not be spending those moneys in FY 2011, and we will deal with 2012 at the time when it comes up.

I yield back the balance of my time.

Mr. SERRANO. Let me just very quickly in closing say that I was very surprised and interested in hearing that the Republican Party is going to move next on undoing the mandate on car insurance throughout this country and other insurance. We know what this is. This is a way to try to kill the law of the land. This should not be done. And I oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SERRANO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Missouri will be postponed.

AMENDMENT NO. 552 OFFERED BY MR. SCHRADER

Mr. SCHRADER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) Notwithstanding any other provision of this Act (other than a provision relating to amounts required to be made available by a provision of law), divisions A and B of this Act appropriate for fiscal year 2011, for each agency for which amounts were made available (with respect to division A) in the Department of Defense Appropriations Act, 2010 (Public Law 111-118) or (with respect to division B) an appropriations Act referred to in section 1101(a), such amounts as may be necessary, under the authority and conditions provided in applicable appropriations Acts and at the level specified in section 1101(c), except that such level, with respect to the following appropriations Acts, shall be equal to the following percentages of the amounts made available for such agency in such Acts for fiscal year 2010 (other than amounts required to be made available by a

provision of law), including transfers and obligation limitations:

(1) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 (division B of Public Law 111-117), 89 percent.

(2) The Department of Defense Appropriations Act, 2010 (Public Law 111-118), 101 percent.

(3) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to \$42,517,000,000.

(4) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111-117), the percentage required to bring the aggregate amount appropriated in such Act for fiscal year 2010 (other than amounts required to be made available by a provision of law) to \$74,682,000,000.

(5) All other appropriations Acts referred to in section 1101(a), 96 percent.

(b) Notwithstanding any other provision of this Act, expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111-242), shall be charged to the applicable appropriation, fund, or authorization provided by division A in the same manner as provided by this Act with respect to division B.

(c) Amounts appropriated by subsection (a) may be allocated by the applicable agency head among agency accounts, programs, projects, and activities, notwithstanding any other provision of this Act.

Mr. ROGERS of Kentucky. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of February 17, 2011, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Madam Chair, colleagues, I have enjoyed seeing this open process in this body for the first time in a long time, as far as it goes. However, a real open process would allow for real alternatives representing meaningful compromises in scope as well as in the particulars. America needs and deserves a real bipartisan solution that is more than political theater and actually has a chance of being a viable compromise with the Senate and President.

I took two messages from the election last November: America wants jobs, and they want to see their Nation's fiscal health restored. To achieve these dual objectives, we need to have a careful balance between ensuring this fragile recovery and beginning the march to prudent fiscal reform. Expert economists and previous CBO directors agree that \$61 billion in reductions to the 2010 budget level, which we are currently debating, representing a 14 percent hit to our domestic spending on education, health care, public safety, and economic development, would be a crushing, crushing burden on job creation and our economic recovery.

Contrary to the lofty rhetoric surrounding the CR's role in correcting our budget deficits and national debt, this deals with less than 15 percent of our budget.

□ 1200

I'm afraid this is merely a political exercise. America is begging for more from its duly elected Representatives. The proposed CR does not even get to the mythical \$100 billion in reductions that were talked about during the political campaign. This proposal was not even considered by the Republican leadership as real. They opted for a more reasonable \$34 billion reduction target before being hijacked by politics again. Where are the open committee hearings? Where is the testimony from individuals, businesses or agencies? We are operating with virtually no deliberation at all; and oftentimes, Members have mere minutes to evaluate the amendments.

Members have literally been working day and night for a reasonable compromise. We need a CR that gets us through these tough times and sets the stage for real fiscal reform.

I have such a proposal before you here today. My alternative CR requires a 4.7 percent, across-the-board reduction in domestic spending for the remainder of 2011. The only exception is the Census Bureau. My proposal strikes more appropriate reductions in military spending while at the same time protecting our warriors in the field. As the Secretary of Defense has stated, we need to eliminate costly weapons systems, way over budget, out-of-control civilian contracting and achieve much needed efficiencies in the agency. So rather than a 2 percent increase, we talk about a 1 percent increase.

This proposal, which I hope is taken as a beginning for a bipartisan compromise on the continuing resolution, makes real cuts of about \$20 billion in our current level of spending, enough to be meaningful, with 7 months remaining in our calendar year, or our fiscal year, but not enough to undermine the recovery. It's simple, it's serious, and it's real.

I urge its adoption.

With that, I yield back the balance of my time.

POINT OF ORDER

Mr. ROGERS of Kentucky. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI, which states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing existing law. The amendment attempts to create a legislative formula for spending.

I ask for a ruling.

The Acting CHAIR. Does any Member wish to be recognized to speak to the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment seeks to establish a legislative formula for funding. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 89 OFFERED BY MR. KIND

Mr. KIND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to provide payments (or to pay the salaries and expenses of personnel to provide payments) to the Brazil Cotton Institute.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself such time as I might consume.

Madam Chair, my amendment is very simple and straightforward. It would save the American taxpayers \$150 million a year by ending a new American taxpayer subsidy that is going to Brazilian cotton agribusiness. If this program sounds crazy, it's because it is. But it's also the truth.

How did we get to this point? Well, Brazil had a successful WTO challenge against our own cotton subsidy program under our own farm bill. They prevailed; and you would think that the logical, reasonable response from us would be to reform our cotton subsidy program. But that's not what happened.

Instead, a new program has been created to the tune of \$150 million per year to buy off Brazil cotton agribusiness so they won't pursue economic sanctions against our country. It's foolish, it's wasteful, and it speaks to the need for us to get into serious farm bill reform, especially under the title I subsidy commodity programs. We need to eliminate this new subsidy and then get onto the tough lifting of comprehensive farm bill reform.

I ask my colleagues to support the amendment.

I reserve the balance of my time.

Mr. KINGSTON. I rise in opposition to the Kind amendment.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I yield myself such time as I may consume.

Madam Chairman, in 2004, the WTO, the World Trade Organization, found the United States guilty of illegal subsidies to American cotton farmers. It's been a long process, but Brazil is a very

important ally of ours. We get along fine. They are very important to us strategically in our own hemisphere, so we want to get along with Brazil. And because of that, we worked out this settlement which kept Brazil from putting retaliatory tariffs on us. That saved us money.

If we did not agree to this—which Mr. KIND has pointed out—\$147 million, we would have to pay \$829 million. This is less, and it only is in effect until the farm bill is passed. In the 2012 farm bill, we'll deal with that.

With that, I yield 1½ minutes to the chairman of the Agriculture Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I rise in opposition to this amendment.

This transfer of funds was established as part of an agreement negotiated between the U.S. and Brazilian Governments. As a result of this agreement negotiated by the USTR and USDA, Brazil agreed to suspend retaliation against U.S. exports. If this amendment passes and the funds are not transferred in compliance with the agreement, then the U.S. will be in violation of the agreement. Brazil would then have the right to immediately impose punitive tariffs on U.S. exports. What Mr. KIND's amendment does is invite a trade war.

The U.S.-Brazil agreement is in place only until the 2012 farm bill is completed. This provides an opportunity for the U.S. to determine what adjustments to current law are necessary as a part of the next farm bill to bring the U.S. cotton program into compliance with the WTO ruling. This amendment should not be on this bill. It is a policy change.

Please join me in defeating this amendment.

Mr. KIND. Madam Chair, I respect my colleagues' position. The answer is not to create a new \$150 American subsidy program going to Brazil. The answer is to reform our programs now in the United States.

And with that, I yield 1 minute to my good friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Chair, I think if we were to have a contest on your YouCut for the single stupidest thing the Federal Government could do, it would be to take \$120 million more of American tax dollars and send it to subsidize Brazilian cotton farmers so we can continue to subsidize American cotton farmers. That's what we're talking about.

I find it somewhat ironic that my friends who are the great believers in free enterprise and the free market think somehow there's an exception for agriculture. But whether you do or you don't, sending money to Brazilian cotton farmers at a time when we are making fundamental cuts here is problematic.

It also illustrates my problem with the structure of this bill. I was hard-pressed to find offsets so we could continue to fund enforcement of securities fraud or consumer protection. Where could we have gotten the money? Well, we could have gotten it from Brazil. Instead of sending it to Brazilian cotton farmers, we could have used it for our own law enforcement. But the bill is structured to protect this. At least we cannot waste it.

So let's be very clear. To protect our right to continue to subsidize American cotton farmers, we are going to subsidize Brazilian cotton farmers. Lunacy.

Mr. KINGSTON. I reserve the balance of my time.

Mr. KIND. Madam Chair, at this time, I would like to yield 1 minute to my friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I hope that nobody in this Chamber or watching here misses the irony of this, that we are spending money to subsidize Brazilian agriculture so that we can continue to subsidize agriculture here. That is just incredible when you think about it.

And what this amendment will do is to force us back to the table. It won't spark a trade war. It will simply say, all right, stop subsidizing your own agriculture in a way that violates your trade agreements. That's what we want to do is force the issue where we can actually get out of these subsidy programs. We cannot continue to send money to Brazil so that we can continue to subsidize agriculture here. It just makes no sense at all. This is a great amendment. I hope that my colleagues will support it.

Mr. KINGSTON. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Georgia has 3 minutes remaining. The gentleman from Wisconsin has 1¾ minutes remaining.

Mr. KINGSTON. Madam Chair, I yield myself 10 seconds. I just want to point out that I understand and hear what the folks are saying, but we are in a situation where we have an existing farm bill. If we do not do this, it is going to cost American taxpayers \$682 million. That was the WTO agreement.

With that, I yield 1 minute to the gentleman from California, the ranking member of the Ag Subcommittee on Appropriations, Mr. FARR.

□ 1210

Mr. FARR. I think that this is a problem. And I think Mr. KIND has a way of looking at trying to remove the money, but it's not going to make the problem go away.

I agree that this is a thing that needs to be addressed because there's going to be retaliatory implications if this money is just pulled, and those retaliatory implications are unknown to an

awful lot of other agriculture who may even support this amendment. So it is an idea that we need to address. This is not the place to address it.

I oppose the amendment.

Mr. KIND. Again, the answer is not to invite a trade war. The answer is to fix our problem here in America by reforming the long overdue cotton subsidy program.

With that, I yield 1 minute to my friend from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. We've got everything but murder going on here.

We're being blackmailed by the Government of Brazil, and so we are giving precious U.S. taxpayer dollars, \$147 million, to Brazil for their cotton farmers while I have got small farmers going broke. Now, come on.

And now we hear from the gentleman from Georgia, well, that's what the law says. Hey, you just repealed health care. You can change the farm bill. We can do away with these obscene subsidies, \$3.4 billion bilked from U.S. taxpayers going to subsidize cotton farmers, who use subsidized water on top of that, whose total crop value was \$4 billion. So \$3.4 billion of it is our taxpayer subsidy. This is indefensible.

Take this step now, and then next week you can repeal the farm bill and replace that.

Mr. KINGSTON. I would remind the gentleman from Oregon we are going to reauthorize the farm bill next year, which is what this is all about.

I yield 1½ minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chair, I rise in opposition to this amendment.

While far from perfect, this agreement was arranged by the Obama administration and the country of Brazil. This will incite a retaliatory trade war against the United States' intellectual properties. It won't have anything to do with tariffs on U.S. agriculture, but it will hurt other segments of our economies.

The 2008 farm bill was a contract with American farmers. They have put business processes in place based on that 5-year contract. We will renew and renegotiate that contract in 2012. It makes no sense to unwind this on a piecemeal basis right now.

This is a smokescreen by the other side who wants to go after the farm bill. Madam Chairman, they have gone after it time and time again. But the contract with American farmers, which allows Americans to enjoy the cheapest, most affordable, most abundant and safest food and fiber supply in the world, is on the backs of this farm bill. Reopening it now on an ad hoc piecemeal basis is the wrong policy for this country. Voting for this is a vote to institute a trade war with Brazil, no matter what the rhetoric is from the other side.

Oppose this amendment.

Mr. KIND. Madam Chair, what is really ironic in this debate is that cotton prices are at an all-time high in

the marketplace, and yet it shows the built-up resistance in this institution to get to the hard work of reforming these farm subsidy programs, which is long overdue. They claim they are going to do it in the next farm bill, but there is no assurance when that is going to come up. It could be 3 years from now. That could be an additional half billion dollars from the American taxpayer for subsidies flowing to Brazil. The answer is to do it now rather than waiting next year or 3 years from now, or maybe never at all.

I have been around here long enough to know the powerful special interests that resist farm reform. We should do it and save taxpayer dollars at the same time.

I yield back the balance of my time.

Mr. KINGSTON. Madam Chair, I yield the balance of my time to the gentleman from Texas (Mr. BRADY), the chairman of the Trade Subcommittee, who will explain why this saves \$682 million and complies with WTO laws.

Mr. BRADY of Texas. Madam Chair, I am sympathetic to this amendment. The United States should live up to its WTO obligations, particularly if we expect other countries to do the same.

Paying Brazil about \$12 million a month rather than complying with the WTO decision regarding cotton subsidies isn't the best way to resolve this dispute. I acknowledge that. But this settlement is necessary to prevent Brazil from imposing almost \$1 billion in retaliation against American goods and services, as it's entitled to do.

This retaliation could take many dangerous and costly forms, including high tariffs on our American sales abroad and allowing Brazil to no longer protect American intellectual property rights. Such retaliation would be devastating. It would cost U.S. jobs and harm thousands of innocent workers who have nothing to do with this case.

As a result, I must oppose this amendment and urge its defeat.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KIND. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 88 OFFERED BY MR. KIND

Mr. KIND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used to re-

search, develop, test, evaluate, or procure any of the following:

- (1) Expeditionary Fighting Vehicle.
- (2) Surface-Launched Advanced Medium-Range Air-to-Air Missile program.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself such time as I may consume.

Madam Chair, my amendment is pretty straightforward and simple. It would eliminate two weapons programs that the Defense Department, Secretary of Defense, the Joint Chiefs of Staff, the bipartisan fiscal commissions all say are not necessary, they are not needed, they don't go to improve military readiness, and they are redundant. It's the Expeditionary Fighting Vehicle as well as the Surface Launch Medium Range Air-to-Air Missile System, the SLAMRAAM for short.

Now, I am not going to get into the details as to why these weapons programs should be defunded. Those serving on the committee have heard these arguments for years. But what I want to make is a larger point here today; that if we're going to be serious about true deficit reduction, the defense aspect of the Federal budget also has to be on the table. And what better place to start than by listening to our own military leaders who continually tell this Congress: Stop appropriating money for weapons systems we don't want, that we don't want to use, that aren't necessary, they don't enhance military readiness, and they are not going to support our troops in the field. And these two programs fit that bill.

Now, we had a previous amendment from Ms. WOOLSEY in regards to the EFV program. She laid out the reasons behind that, that I don't have to get into. But the fact is defense spending is the second largest spending category in the entire Federal budget after health care costs. And if that is taken off the table, which I hear too often from too many of my colleagues, it's going to make restoring the fiscal health of our Nation that much more difficult.

And with just the elimination of the Expeditionary Fighting Vehicle, Secretary Gates estimates it could save the American taxpayer over \$12 billion. And then for the SLAMRAAM program, General Chiarelli estimated that would save an additional \$1 billion. When the budget is going to be tight and there's inevitably going to be an increasing squeeze on our military and military readiness, what better place to start than these weapon programs that the military is not even asking for and instructing Congress to stop the insanity?

But I was also proud in the last session of Congress that the Democratic

majority moved forward on another important area of defense reform, and that's the weapons procurement program. A recent General Accounting Office report indicates that current weapons programs in the pipeline today are over \$300 billion over budget.

So this blank check that defense contractors expect from the American taxpayers has got to end, or we will spend ourselves into oblivion and we won't get a good bang for the taxpayer dollars and we won't be doing right for the American fighting soldier.

So the point of my amendment is simple. It's going to be tough making the type of budget decisions that we have to make in a bipartisan fashion to get these structural deficits under control. The defense budget should also be fair game for scrutiny and transparency and cost savings. And what better place to start than where our own military leaders are instructing us to go: weapons programs they don't need, will save money, reduce the redundancy, and help deal with the budget deficits that we're facing.

I reserve the balance of my time.

□ 1220

Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. YOUNG of Florida. Madam Chairman, we had a long discussion on the EFV program, and this legislation provides for an agreement that we are just about to reach where it is a win-win situation. It is a win for the taxpayer. The taxpayer is not going to have to pay \$145 million in termination costs. The same money can be used to complete the program as it stands.

The Marine Corps is satisfied with this. I have been discussing this with Secretary Gates for quite a long time now. Too often the military starts a program, a great idea, spends a lot of money in the conceptual design, research and development, only to cancel the program, get nothing for it and lose the money. Here is a case where we win. Three billion dollars has already been spent. We get to take advantage of completing that program with the money that we would pay to terminate the program anyway.

SLAMRAAM is basically a similar program, much smaller than the EFV program, but SLAMRAAM is similar. They are just about to complete the development stage and have SLAMRAAM on the shelf in the event they need to go to procurement immediately for an immediate need.

So I am opposed to this amendment. It doesn't do good for the taxpayer or the military.

I want to compliment Mr. KIND, because we have had several opportunities to work together with his constituents, wounded constituents and

their families, and he has been very, very helpful. I want to thank him for having worked on those issues.

I am happy to yield 2 minutes to the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the Appropriations Committee and the Defense Appropriations Subcommittee.

Mr. DICKS. I rise in reluctant opposition to this amendment for the same very reason. The Expeditionary Fighting Vehicle is coming to an end. I agree with the chairman. It makes me cringe that they have spent \$3 billion on this, but for an additional \$34 million, we can finish the R&D phase of this program. That is what the chairman was talking about. Then we don't have to pay \$145 million, as I understand it, in termination costs. I think it is just wise to get the final research done. So I would reluctantly have to oppose this amendment because it would take away our opportunity to get this better agreement that the chairman is talking about.

SLAMRAAM is an AIM-9 missile that is ground-based, and this program is coming to an end. It is being terminated as well, and we support that.

Again, I think we should reject the gentleman's amendment, but the outcome of what he is talking about will be achieved in the very near future.

Mr. KIND. Madam Chairman, I am just going to conclude my statement with this. I have great respect and admiration for the two gentlemen who have been serving on the Defense Appropriations Committee for years and I am not going to stand here and pretend that I know more about the defense budget than these two gentlemen do. I don't. But I do tend to listen carefully to our own military leadership at the Pentagon.

Secretary of Defense Gates said about the Expeditionary Fighting Vehicle that over two decades the program is going to consume half of the Marine Corps procurement funds and nearly all of the ground vehicle budget, something they are trying to avoid. Even though the Marine Corps Commandant General James Amos has supported the EFV in the past, he has now recognized that this is "an onerous fiscal program."

So if we can't start here with these programs, where are we going to go in defense for cost savings?

I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. As I understand the arguments of the chairman and the ranking member, it is we are going to get rid of these eventually, but let's not do it too quickly because we might save money prematurely. I have never heard a weaker defense for continuing to spend money, that at some point we are going to stop. So why not stop now? So I think the gen-

tleman from Wisconsin ought to be supported.

Mr. YOUNG of Florida. Madam Chairman, I will conclude this debate.

This is probably a very well-intentioned amendment, but it just gets in the way of working out solutions that are a win for the taxpayer and a win for the military. We should take advantage of every opportunity that we have to save the money for the taxpayer and get them something for it. That is what this amendment would prevent from happening.

We had a lengthy discussion on the EFV earlier in the debate yesterday, and I am more convinced than ever, as well-intentioned as the amendment might be, it is just not a good idea and it is not in the best interests of the taxpayer or the military.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KIND. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 48 OFFERED BY MR. POLIS

Mr. POLIS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to enforce section 75.708 of title 34, Code of Federal Regulations, as it relates to section 5205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221d).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, this amendment would help increase the ability of the administration to leverage the resources they already have to support expansion and replication of charter schools that have shown to be effective.

Basically, this amendment will remove a regulation that prevents subgranting and doesn't allow charter school grants to be done through intermediaries, which are generally venture philanthropy organizations like New Schools Venture Fund and Charter School Growth Network. These organizations have proven that they can help guide charter schools and CMOs, organizations that manage one or two char-

ter schools and help build them into successful, multisite organizations that support student success.

These venture philanthropy organizations use the same model in the non-profit sense—I want to emphasize they are nonprofits—as venture capital does in the private sector and support excellence in the charter schools that are part of their portfolio. They encourage rigorous evaluations. They provide strategic guidance to board membership.

One of the issues we frequently have with charter schools is lack of quality governance. These intermediaries actually can help establish quality governance, which is such an important determinant of whether a charter school is successful or not. They can provide flexibility and provide specific interventions as needed. When something isn't working, they can help.

Finally, it will empower the administration to help be able to work through venture philanthropy organizations to better leverage Federal funds. If you have X dollars in Federal funds, they can combine that with two-X or three-X in private philanthropic capital they have raised to have a more meaningful impact on student achievement, to help expand and replicate what we know works with regard to charter schools.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California, ranking member of the Education Committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and thank him for this amendment. I would hope he would withdraw this amendment so we would have an opportunity to go through exactly what the thresholds would be for the Department to award this right to the grantors to make these subgrants.

Obviously, you have been a leader in the effort of improving the quality and number of charter schools, but this is a \$50 million pool of money that could rightfully be used for this purpose, but I think we want to make sure that we have some assurances as to accountability and the kinds of subgrants that would be made to expand the universe of high-quality, high-performing charter schools.

I know that Congressman KLINE is also supportive of this amendment, but I think it would be best if we had an opportunity to walk through it and then either approach the Department to rewrite the regulation or to have legislation from the committee.

Mr. POLIS. I thank the gentleman and look forward to working with the chair and the ranking member to ensure that the administration has all the tools they need to make sure that the limited resources they have for expansion or replication of models that we know work are used in the highest-leveraged way possible.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1230

AMENDMENT NO. 400 OFFERED BY MS. JACKSON
LEE OF TEXAS

Ms. JACKSON LEE of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Chair notes that the amendment proposes to amend portions of the bill already passed in the reading.

Does the gentlewoman from Texas seek unanimous consent to offer the amendment at this point in the reading?

Ms. JACKSON LEE of Texas. I do.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Texas?

Mr. ROGERS of Kentucky. I object.

The Acting CHAIR. Objection is heard.

Mr. DICKS. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I am very sorry that the gentlelady cannot offer her well-thought-out amendments on a technicality, but I will yield 3 minutes to her to explain what her amendments would have done if they had been in order.

Ms. JACKSON LEE of Texas. It's unfortunate that Republicans want to issue a point of order. We asked unanimous consent for amendments that have been placed timely into the RECORD against jobs. And that is what my amendment is about. It clearly is about restoring the \$5 billion that the Republicans want to take out and block American jobs.

You can clearly see how long we've been here, and there have been actually no jobs being created by Republicans. This amendment does simply one thing: It restores the \$5 billion in stimulus dollars that have created thousands upon thousands of jobs. It has created this housing for low-income housing. It has created this kind of map that shows that stimulus jobs have been all over America and created 585,653 jobs, 253,000 projects.

It is interesting that our friends can support President Obama on agricultural subsidies, but they can create no jobs, and they want to oppose restoring the \$5 billion in stimulus dollars—and I might call them reinvestment dollars.

In addition, our friends want to ignore the fact that by taking away \$5 billion they close what we call community health clinics. Yes, this is where Americans are now getting their good health care, in community clinics.

So I would argue that it is a shame that we have a situation where you cannot present this amendment. Jobs,

the idea of infrastructure investment, the idea of low-income housing that is being created, and as well, projects like housing for the elderly in Minnesota, Kawana Village Apartments that are in the Washington area, Father Murphy Phase III, 10 new rental duplexes in Shawnee, Oklahoma. Blackfeet housing, 223 homes, again, in Montana. Mount View Village Lodge, again in Alaska. And of course Pueblo Housing in El Paso, Texas. Can you tell me why you want to eliminate the idea and the ability for individuals to work by taking away the moneys that have been invested in America? That is what this has done.

In Houston alone, Center Point has been able to improve their grids to provide more energy for our community. We have gotten \$849 million that has put people to work and has provided health care, has improved the environment. I would ask my colleagues to take away the point of order, to not say I'm out of order.

You're putting a point of order on American jobs. And I think it is insane to not be able to allow a Member to stand and say that the moneys that you're taking away have proven themselves to be moneys that have been legitimate and have called upon the American people to rise up and to be employed.

There are people who are now at their 99th level of not being able to get employed and get unemployment insurance. They need these jobs. The \$5 billion that will be taken away will be impacting projects yet to come that will help rebuild America's infrastructure.

I thank the gentleman from Washington for allowing this explanation, but I hopefully will be heard at least by the colleagues and the people of the United States on this amendment, restoring simply \$5 billion.

There was a second amendment that was going to make the point that we don't want Americans to know how much great work the Recovery Act has done by taking money away for signs that have been put up. I'm willing to withdraw that amendment because \$5 billion is \$5 billion to put Americans to work. I am simply appalled at the fact that we don't have the opportunity to share with the American people their tax dollars to make sure that they have the opportunity to work, to have good health care, to have housing, and to have good energy relief to make sure that our environment is safe and that we expand our independence by having the kind of energy efficiency that seniors are in need of.

So to the gentleman from Washington, I do want to acknowledge that the Recovery Act moneys have been an effective tool for building jobs. And frankly, 1,000 jobs were created in Houston.

Mr. DICKS. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Washington.

Mr. DICKS. Many economists today say that if we had not had stimulus, unemployment would be at 13 percent. I hear so often over on the other side that it didn't work.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I hear so much talk on the other side that the stimulus program didn't—reputable economists say the unemployment rate would be at 12.5 to 13 percent if we hadn't had the stimulus package. And again, that's why we're so worried about the magnitude of the cuts here having a countercyclical effect. So I appreciate the gentlewoman's work on this.

Madam Chair, I yield back the balance of my time.

AMENDMENT NO. 104 OFFERED BY MRS.
BLACKBURN

Mrs. BLACKBURN. Madam Chair, as the designee of the gentleman from Ohio (Mr. JORDAN), I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) Each amount made available by the following provisions of division B of this Act (other than an amount required to be made available by a provision of law) is hereby reduced by the following percentage:

(1) Section 1101(a)(5) and title IX, 11 percent.

(2) All other provisions of such division (except as provided by subsection (b)), 5.5 percent.

(b) Subsection (a) shall not apply to amounts made available—

(1) by section 1101(a)(3) and title VI;

(2) by section 1101(a)(6) (with respect to division E of Public Law 111-117) and title X; and

(3) for Israel, by section 1101(a)(6) (with respect to division F of Public Law 111-117) and title XI.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Madam Chair, the American people spoke loud and clear in November, and they have continued to speak and hold us accountable. Their message is clear: They are overtaxed, this government is overspent, and they have had enough of Washington passing bills, regulations, rules and programs they can't afford and do not want. They have said stop the out-of-control spending.

Washington does not have a revenue problem; Washington has a very serious spending problem. They are ready

for us to change the way the system operates. They want the fiscal house in order, and there is a systematic way we can approach this.

In the past couple of years, 26 different States have used this method—indeed, even Tennessee, my State, used it during a time of fiscal crisis. They have replaced billions of dollars in deficit spending and projections with spending cuts, and now it is time for the Federal government to follow the States.

The Republican Study Committee amendment makes an 11-percent cut on our legislative branch spending and a 5½ percent cut in other non-Defense, non-Veteran, non-Homeland Security accounts. This amendment will save \$22.2 billion for the balance of this fiscal year and from this year's deficit. I know not everyone is a fan of across-the-board cuts, but many of us are and so are our constituents.

This is a concept that should be implemented at the Federal level. And indeed, it has been used before. President Roosevelt used it during World War II, and from 1942 to 1944 they cut 20 percent. President Truman, with the Korean War, they cut 28 percent in 1950. It is used. It works. It has a history of working. It is imperative that we get the spending cut. And across-the-board spending reductions are a very responsible way for us to do this.

Madam Chair, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 15 minutes.

Mr. DICKS. Let me remind my colleagues what the underlying CR does to existing programs even before we consider the additional across-the-board cut offered by Mr. JORDAN:

A cut of \$107 million from food safety inspections. This amendment by Mr. JORDAN would take an additional \$5.6 million. The CR also already cuts \$400 million to the Food and Drug Administration, and this amendment would take an additional \$22 million. Cuts to State law enforcement assistance of \$1.3 billion, 35 percent compared to the current rate; the Jordan amendment would cut an additional \$68 million. The original version also completely eliminated the Cops Hiring Program, but an amendment passed by the House this week from our side prevailed, reinstating some of that funding.

□ 1240

It cut \$661 million below the current rate from the Army Corps of Engineers, leaving hundreds of communities without critical flood control and navigation work. The Jordan amendment would cut an additional \$35 million.

The CR also completely eliminates weatherization in State energy programs.

It cuts \$648 million from the Nuclear Nonproliferation program, increasing the likelihood of bomb grade material entering the United States. The Jordan amendment would cut an additional \$37 million.

The CR cuts safe drinking water and clean water State funds by 56 percent, or \$1.7 billion. The Jordan amendment would cut an additional \$167.2 million.

The CR cuts the maximum Pell Grant amount by \$845. These grants help more than 8 million students afford college. The Jordan amendment exacerbates that reduction by taking an additional \$962 million from the program.

The CR cuts Head Start by more than \$1.1 billion, which is \$500 million below the 2008 level. The Jordan amendment would cut an additional \$338 million, meaning that individual students would lose their right to Head Start, that the teachers would be fired, and that people would be unemployed because of this amendment.

Then Transportation and HUD, which already saw a cut of nearly \$14 billion, would be cut by an additional \$3.7 billion, impacting critical funding for roads and bridges and infrastructure across this country.

This is a meat ax approach on top of a meat ax approach—it's a double meat ax approach. It is an amendment that we should defeat and defeat soundly.

I reserve the balance of my time.

Mrs. BLACKBURN. I yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. I rise today in support of amendment No. 104.

You know, we have spent the past few days talking about billions here, billions there—real programs, real people. But the American people have got to be shaking their heads.

We are broke. We are \$14 trillion in debt, and we know it's more than that. By 2014, in interest on the debt alone, we will spend more than we will on all non-discretionary spending except for defense. By 2014, every citizen in the United States will spend \$2,500 just to pay interest on the debt.

I appreciate the leadership the Republican leadership has provided in being as bold as they can be on necessary, important spending cuts; but my colleagues, we've got to have faith in the American people. They are ahead of us on this. They are ready. This is one of those rare moments when the American people are asking us to be bold, when they are asking us to go one step further.

I have a brother who has been in the financial services industry for 20 or 30 years. He sent me a text last night, which read: Keep the cuts coming, baby.

The lack of leadership the White House is providing on this issue is stunning. You have to lead. The American people are ahead of us. To get

back to real FY08 spending levels, to actually get \$100 billion in cuts, my colleagues, don't be afraid of that. That's what the American people want.

Mr. DICKS. I yield 1 minute to the distinguished chairman of the House Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding time.

I am in opposition to this amendment, Madam Chairman. The House Republican package that we have before us already represents the largest reduction in discretionary spending in the history of the Nation. It is a historic package with much needed spending cuts and reductions that meet and exceed the pledged goal of cutting \$100 billion.

In this package, there is \$106 billion in cut spending, including the termination of 150 programs. These reductions were tough, thoughtful, and were made by the people who know those programs best. They went through the budget line by line, cutting or eliminating programs that don't work or that we can no longer afford. The subcommittee chairs, the staff, and our Members worked around the clock to make it happen. They did the hard work of getting deep into the weeds, making the best possible choices of exactly where and how to make these cuts.

In contrast, rather than make careful decisions on specific programs, the Jordan amendment hits everything indiscriminately and in a heavy-handed way. We were elected to make choices, not run on automatic pilot.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. KLINE) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 266. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

S. 307. An act to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse".

S. 365. An act to make a technical amendment to the Education Sciences Reform Act of 2002.

The SPEAKER pro tempore. The Committee will resume its sitting.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The Committee resumed its sitting.

Mrs. BLACKBURN. Madam Chair, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding.

The gentleman before said, in the base bill, these represent the largest cuts we've ever made. That is true, but we are running the largest deficit we have ever run. We have had the largest debt we have ever had, and what the situation calls for are deeper cuts than are in the underlying bill.

If we are really going to get on the right track here, we have got to understand that we have to make unprecedented cuts and realize that what we are doing here is a rounding error compared to what we are going to have to do with entitlement spending, which is going to come. But to ensure that we can make those choices when we deal with entitlements, we've got to go deeper than we are going in this base bill.

Again, we are running a deficit of \$1.5 trillion this year on a debt of \$14 trillion. The \$100 billion in the base bill is 1/15th of the entire deficit that we are running—just 1/15th. That's not enough. We have to go further. I support the Jordan amendment. Let's make deeper cuts.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. BRADY), who has been the chair and ranking member of the House Administration Committee.

Mr. BRADY of Pennsylvania. Thank you for allowing me to speak on this.

Madam Chair, I am embarrassed to be here. I am embarrassed to be a Member of this House right now. I am embarrassed to have to stand up here and fight for the little people who can't fight for themselves.

I was here on 9/11. I was in my office, and the police officers came in to get me out of my office. I wanted to stay. They said, No, Congressman, we've got to get you out. As he's taking me out, he's going back in. He's putting his life in harm's way, and we're talking about taking money from him. It's totally ridiculous.

Madam Chair, we don't want to hurt our little guys and gals; we don't want to hurt our House staff members; we don't want to hurt our administrators, our Sergeant-at-Arms, our doorkeepers, the ladies in the cloakroom who take good care of us. All of these people and the administrators here don't make overtime. They put their time in like we do.

We're running 67 hours in this House today—67 hours. Do you know what it's costing us? \$2 million to put this CR on a bridge to nowhere. That's where it's going. It's a disgrace that we've got to hurt the little people, and I'm not going to let that happen.

You hear about yield back. Well, we yield back. We want them to yield back their money. We want them to yield it back to us. They do an excellent job.

Madam Chair, I don't want them to yield back. I'm not going to let them

yield back. I'm not even yielding back now. I'm just done.

Mrs. BLACKBURN. Madam Chair, how much time remains on each side?

The Acting CHAIR. The gentlewoman from Tennessee has 10½ minutes remaining. The gentleman from Washington has 11 minutes remaining.

Mrs. BLACKBURN. At this time, I yield 1 minute to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the gentlelady from Tennessee for yielding time.

Madam Chair, I am not embarrassed to be here as part of this institution. I am honored. I am honored to represent New Hampshire in its quest for fiscal discipline, fiscal responsibility, and fiscal restraint.

□ 1250

Ladies and gentlemen, we are at the precipice of our country in terms of spending. We simply offer an amendment that further reduces the necessary spending restraints our country is demanding. This is about listening to our country, listening to the people who just elected this Congress to restore discipline with respect to our spending recognitions in Washington.

Ladies and gentlemen, this amendment, which I am happy and honored to cosponsor, first cuts our own institution. In New Hampshire, I say to the people in New Hampshire, we are going to cut first ourselves before we make other tough cuts in this country.

This amendment further reduces our own expenditure. And, finally, it takes 5.5 percent across the board with a few exceptions in the eight non-security divisions of the CR.

I support this amendment. I think we have to get serious about spending in this Nation and send a strong message that we are listening to the American people.

Mr. DICKS. I yield 1 minute to the distinguished former chairman and ranking member of the THUD Subcommittee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Chairman, this is a thoughtless and destructive amendment. I strongly oppose the underlying bill and believe it profoundly limits the transportation options for Americans and will damage our economy through hundreds of thousands of lost jobs. But I do respect that Chairman LATHAM provided oversight and made tough decisions on priorities.

Unfortunately, the Jordan amendment, after all these days of individually considered amendments, does none of that. It reduces every account by 5.5 percent without any understanding or probably even concern for the impact. For example, it ensures a part-time air traffic control system by cutting more than half a billion from the operating expenses of the FAA. Does the gentleman really intend to close down the Columbus, Cincinnati

and Cleveland airports 1 day each month?

This amendment would result in the funding shortfall of nearly a billion dollars in the tenant-based section 8 program, resulting in the eviction of 120,000 people.

Mrs. BLACKBURN. I reserve the balance of my time.

Mr. DICKS. I yield 1 minute to the gentleman from Oklahoma (Mr. COLE), a valued member of the Interior Appropriations Subcommittee.

Mr. COLE. This has been a great week for fiscal conservatives. Under Chairman ROGERS and the Appropriations Committee and the entire Republican Conference, we have actually enacted or are on the verge of enacting historic cuts and passing them through this body. We have let others come and participate with their ideas and suggestions.

My concern is not the amount of money involved in the amendment; it's the method adopted to achieve the savings. Across-the-board cuts essentially mean you lose the ability to eliminate, to root out and to prioritize. In fact, you adopt the priorities of the people that wrote the original budget. And with all due respect to my friends on this side, that means we are adopting our friends' on this side's priorities when we cut in this manner.

So I think we should embrace the spirit behind this amendment—it's well motivated—but reject the method, and go back to the thoughtful, targeted and tough kinds of decisions that Chairman ROGERS, the Appropriations Committee and our entire conference and every Member has had the opportunity to participate in.

Mrs. BLACKBURN. Madam Chair, I yield 30 seconds to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. I thank the gentlelady for yielding.

I rise in support of this amendment. The American people have spoken.

They demand that Washington stop its out-of-control spending now, not sometime in the future. And despite what the administration tells you, every last dime in this bill will be borrowed. Every last dime of the \$1 trillion will be borrowed. The cost of this bill, this bill alone, will exceed \$500 for every single household in America, just for this bill.

We have to stop the spending now. We cannot afford it. The massive debt burden on our children, grandchildren and great-grandchildren cannot be afforded.

Mr. DICKS. I yield 1 minute to the gentleman from Alabama (Mr. BONNER), a distinguished member of the committee.

Mr. BONNER. I thank the gentleman for yielding.

I rise to add my voice in opposition to the amendment offered by my friend from Ohio.

I, too, am a member of the RSC. I think many of the good points that have been made on the House floor during the last few days can be attributed to the good work and the heartfelt convictions of the members of the Republican Study Committee and its longstanding commitment to freedom and liberty. But I believe this approach taken by this amendment is misguided.

Madam Chair, the Appropriations Committee has put before the House a CR that makes significant cuts to all areas of our Federal Government, but these cuts have been made with deliberate intent and after careful consideration. In other words, they have been done surgically, and I believe this amendment would take a more indiscriminate hatchet approach.

The Republican Pledge to America states, "we will roll back government spending to pre-stimulus, pre-bailout levels, saving us at least \$100 billion in the first year alone"; but it doesn't say we have to accomplish this task in the first spending bill before us, and it did not envision accomplishing it in the remaining 7 months.

I hope we can defeat this amendment.

Mrs. BLACKBURN. Madam Chair, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Chair, this Nation currently faces a \$1.65 trillion deficit, \$14 trillion national debt. And despite all the talk for the President's so-called fiscal discipline, this administration just proposed a budget that will add \$12 trillion to that mountain range of debt facing our children and grandchildren.

Fortunately, under the leadership of Chairman ROGERS, House Republicans are keeping our word to the American people. We said, if you gave us a second chance to lead this Congress, we would find at least \$100 billion in savings this year, and House Republicans will do that before we adjourn for this week.

But House conservatives believe we can do more. I truly believe that the Jordan amendment—which provides an across-the-board cut of 5.5 percent, more for the legislative branch, doesn't touch our most cherished ally, Israel—is one of those opportunities where you have a chance to underpromise and overperform.

We said to the American people that we would do at least \$100 billion. We have added hundreds of millions of dollars to that. Let's do more. Let's do \$22 billion more. Let's underpromise, overdeliver, and set this Nation back on a pathway towards fiscal responsibility and reform.

Mr. DICKS. I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO), who is the ranking member on the Labor-HHS subcommittee.

Ms. DELAURO. If the majority party really wanted to do something about the deficit, they could look to other

parts of the budget for significant cuts in savings instead of coming back over and over again with ever-deeper cuts to the programs that make investments in education, in health care, in job training and in scientific research.

Democrats are committed to reducing the deficit. We believe you ought to start by ending the tax subsidies and special interest waste. Let's look at it:

Forty billion dollars in oil subsidies, \$8 billion in farm subsidies, \$7.4 billion that could be saved by shutting down the practice of treaty shopping, \$3 billion a year that could be saved if we allowed cheaper generic drugs in the market.

This across-the-board amendment cut is an example of the majority's reckless rush to slash without regard to the impact on the economy, the businesses that create jobs, or middle class working people who are doing their best for their families and educating their kids for the future.

The majority is hitting families and children and the elderly, and they are not laying a glove on the special interest tax subsidies.

Mrs. BLACKBURN. Madam Chair, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I rise in strong support of the Jordan amendment. I am obviously not a freshman. I have been in the Congress for 26 years. I am very supportive of what Chairman ROGERS and all the appropriators have done.

I think it's an interesting point to have the ranking minority member yielding to the chairman of the committee, but that's Congress at its finest.

But I would point out that our budget deficit this year is \$1.6 trillion. I would point out that the Obama budget, the smallest deficit it reports over a 10-year period, is about \$750 billion.

□ 1300

The Republican Study Committee, under the leadership of Mr. JORDAN, is the point of the spear that is lancing the out-of-control, reckless Federal spending that is bankrupting this country. This amendment complements what Chairman ROGERS has done. We need to support it, to put them in the best position when we have the negotiations with our friends in the other body. Please vote for this necessary amendment.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Notre Dame and California (Mr. LUNGREN), the former Attorney General.

Mr. DANIEL E. LUNGREN of California. I stand before you as a conservative member of the Republican Study Committee, former chairman of the Republican Study Committee, in strong opposition to this proposal.

Across-the-board cuts are a lazy Member's way to achieve something.

This will cut 11 percent for the security of the Congress. Since the tragedy in Tucson, I have had innumerable Members come to me as the chairman of House Administration and asking me what more we can do for the security of this House, our Members, and our constituents. There is not a single Member of this House who has asked me to cut security. Quite the contrary. This would cut 250 officers. It would not allow me to do the things you have asked me to do in terms of securing your offices here or at home.

Secondly, the greatest obligation we have here, I believe, is oversight of the Federal Government. So what does this amendment do? It cuts us twice as much as those we are supposed to follow. It makes no sense whatsoever. If you want us to do our job and be secure in our job, I would humbly ask you to defeat this amendment.

Mrs. BLACKBURN. Madam Chair, I yield myself 15 seconds to respond to the gentleman's comments.

I would take issue with saying any Member of this House is lazy or that this is a lazy process. Indeed, it is not. As I said, 26 States have used across-the-board cuts to get their fiscal house in order. This government has overspent. We have to get it under control. Let's complement what has been done by the appropriators and make these across-the-board cuts.

I yield 30 seconds to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Madam Chair, I rise today in support of this amendment.

Folks, it's time to stop the spending insanity in this country. The American people know the government's too large, it spends too much money, and indebts future generations. We are \$14 trillion in debt and we are \$1.5 trillion in the red this year.

I am part of an 87-Member freshman class that said go back to the drawing board, get us a hundred billion; but don't stop there. Do not stop there. We have got hard decisions to make in this body. Everyone's got to row this boat if we are going to survive as an American government. We have got to stop. I support this amendment, and ask you to do so as well.

Mr. DICKS. I yield 1 minute to the distinguished ranking member of the Agriculture Subcommittee from California (Mr. FARR).

Mr. FARR. Thank you, Mr. Chairman.

I rise in opposition to this amendment. We have been on a 3-day marathon talking about how we are going to cut, squeeze, and trim the Federal Government. Frankly, we haven't even hit the big stuff. Seventy-five percent of the budget isn't even up for discussion here on the floor. What you are seeing with this amendment is you are taking a meat axe to essentially a bloody mess.

We know this bill is not going anywhere because it doesn't really get into trying to do structural reform. If we really wanted to deal with debt, you deal with a plan to get rid of debt, not just with a hacking and hacking away. Let's devise a plan that will really make this country deal with its debt just like you do with your mortgage, your long-term mortgage. It's a lot of money. People aren't scared, as long as they have a job, to how they are going to pay their mortgage because they have a plan. That's not what we are getting at. This amendment is a meat axe to a bloody mess that ought to be opposed.

Mrs. BLACKBURN. I reserve the balance of my time.

Mr. DICKS. I yield 1 minute to the distinguished chairman of the Agriculture Subcommittee, and a member of the Defense Subcommittee, Mr. KINGSTON of Georgia.

Mr. KINGSTON. I thank the gentleman for yielding and rise in opposition to this amendment. And I do so as a proud RSC member and somebody who fought hard to get us to \$100 billion in this cut, who has pledged to work for more cuts in fiscal year 2012. I support the Goodlatte balanced-budget amendment and the spending cap.

But I have got to say to my conservative friends, when you cut across the board, who do you think is going to be in charge of where these cuts come from? The EPA Director, who is putting in the clean air and all the greenhouse emissions stuff. Do you think she is going to cut that out of her budget? What about the Department of Justice? You think they are going to take this out of the lawsuit money to Arizona? What about the EPA that came up with a law that dairy farmers had to have an emergency response plan if they spilled milk because it was considered an oil? What about the immigration department? Do you think they are going to back off their priorities, or do you think they are going to implement RSC priorities?

You and I have some disagreements with the administration, so I don't see why it helps us to empower them to make the decisions on where this 5 percent will come from. Because I can say if I was them, I know what I would cut, and it would not be the priorities that you would have.

Mrs. BLACKBURN. Madam Chair, I yield 1 minute to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I thank the gentlewoman from Tennessee for yielding time.

I rise in support of the Jordan amendment. You know, many people here have taken notice that many of us are freshmen. Well, I am a freshman, and I am proud to be a freshman. I tell you this, one thing I am not a freshman at, I am not a freshman at trying to perpetuate my family's 55-year-old

business that's struggling under the taxation and the regulation of this Federal Government. I am not a freshman when it comes to that.

I am an expert, because that's what my dad did and that's what my granddad did. And God willing, if this body practices courage and does what is right, my children and my grandchildren down the line will be able to continue and perpetuate that line of tradition.

You know, I hear the words meat axe and draconian. What's draconian and meat axe is leaving every American in this country with \$43,000 of national debt, \$14 trillion of debt, which puts us at a very weak standing among the world, which owns now 50 percent of our debt. That is a security issue.

People stand here and they talk about security. Nothing is greater to our security than making sure that we own our debt rather than those countries around the world who mean us harm.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Melbourne, Florida, where my uncle was the former mayor, Mr. POSEY.

Mr. POSEY. I thank my friend across the aisle for the time. I thought the across-the-board cuts were not supposed to apply to national security. I thought we were going to make cuts like the folks back home make cuts. If a family back home gives an across-the-board 5 percent cut and they apply it, they are in deep trouble.

They might be able to cut back on their entertainment. They might be able to not go out to eat an extra night. They may be able to cut back on their water or their electric usage. But if they pay their mortgage company 5 percent less than is due for the security over their head, they are out on the street; and they end up in bigger problems than they started. So I think that's why we need to make these cuts surgically in our budget.

Let's take NASA, for example. The committee already cut over \$300 million from the NASA budget. The Weiner amendment cut \$300 million more almost. Why would anyone want to yield the ultimate military high ground, which is space, to countries who in the very best of times are not friendly to us? Space is the free world's Golan Heights. I implore my colleagues to help defeat this very, very well-intended, but misguided, amendment. Thank you very much.

Mrs. BLACKBURN. Madam Chair, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I thank the lady from Tennessee for yielding. You know, I came down here because I heard the opposition to this amendment decrying about the devastation that will occur to the country if this amendment were to pass, and I would like to make just two points.

One, discretionary spending in this country has increased 38 percent in the last 4 years, 38 percent. Has Americans' spending increased 38 percent? Has Americans' income increased 38 percent? No. All this amendment does is it asks the government to spend what it spent 2 years ago.

□ 1310

Most Americans would probably like to do that. Why is that such a devastation? But there's even a greater reason. We have a \$1.5 trillion going to \$1.6 trillion deficit. If we do not get this debt under control—and fast—we will be making cuts of 50 percent overnight because of the debt crisis that will hit when people stop buying our debt. Madam Chair, this does not threaten government services. It is actually a step toward saving them from the debt crisis that is ahead of us.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN) who is the chairman of the Energy and Water Appropriations Subcommittee and a valued senior member of the Defense Subcommittee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I would like to associate my remarks with those who rise to oppose the amendment, basically because it's across the board. Right now we are affecting the Army Corps of Engineers in a way that will affect most of our major navigation around the country. Mississippi, Missouri, Ohio River. We need to get these projects moving. They are important to commerce, billions of dollars of commerce, suppliers, producers. And lastly, there is a national security aspect. We need to maintain the reliability of our nuclear stockpile. That's under the Department. There is nothing more important than the nuclear stockpile. Protecting that stockpile, making sure it's reliable, and that we meet the requirements of cleanups across the Nation. Across the board cuts would impact that in a big way.

Mrs. BLACKBURN. I reserve the balance of my time.

Mr. DICKS. Madam Chair, how much time do we have on both sides?

The Acting CHAIR. The gentleman from Washington has 2 minutes remaining. The gentlewoman from Tennessee has 4¼ minutes remaining.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Virginia (Mr. WOLF), the chairman of the Commerce, Justice, and Science Subcommittee.

Mr. WOLF. I thank the gentleman.

I rise in opposition to the amendment. If we really want to deal with getting deficits under control, we have got to deal with entitlements. Medicare, Medicaid, and Social Security, that's where we have to go.

Secondly, this really will result in the layoffs of several hundred FBI

agents at the FBI. We met with Director Mueller on Friday. Can you see the message when Osama bin Laden in a cave in Pakistan hears that the FBI has had a layoff of FBI agents? Thirdly, it would require layoffs at the DEA.

Lastly, for anybody interested in NASA—and so many Members came up to say, Please, help NASA—this would result in a \$1 billion cut of NASA and the losses of thousands of jobs not only of NASA employees but also NASA contractors in Alabama, in Florida, in Texas, in California, and around the country. I urge defeat of the amendment.

Mrs. BLACKBURN. Madam Chair, I yield the balance of my time to the gentleman from Ohio (Mr. JORDAN), the author of this amendment.

Mr. JORDAN. I thank the gentlelady for yielding.

Madam Chair, let me start by thanking the Appropriations Committee. I do appreciate the work they have done. Look, this is unprecedented. Appropriators cutting tens of billions of dollars, getting to the \$100 billion that is so important and what we told the voters we were going to do. I appreciate that.

But I am still struck with this fact: One thing that the American people understand is that spending is out of control. There is no way around it. And several speakers have went through and listed this program that would be impacted, this agency that would be impacted. Look, I understand that. It's not pleasant to reduce spending. I get that. But I always bring it back to what the typical family has to do.

Think about the family out there who is making \$50,000 a year and spending \$85,000. There are some good things that that other \$35,000 is being spent on, probably some very good things. Maybe they are going out to dinner or they have an entertainment night, and they are doing good things, healthy things for their family. But the point is that they are spending more than they are taking in, and they have to cut back, even if some of those things are positive things.

And the Federal Government is even worse because we are taking in \$50,000 and spending \$85,000 year after year after year, and the President's budget highlights that. We run trillion-dollar deficits for the next decade. We pile up more debt on top of the \$14 trillion. This amendment builds on a good bill and simply says, Let's get to a full \$100 billion in savings outside of national defense and non-security savings. We think that's a good first step towards putting this country on a path that is actually sustainable, as the gentleman from Arizona pointed out, towards at least reducing our deficit by one-fifteenth. Imagine that, just one-fifteenth. This is what the American people sent us here to do. This is what the American people elected 87 freshmen Republicans to do, just this very thing, to reduce spending.

I just want to finish with this, because sometimes the people of this country say it a lot better than the politicians. In my time in public life, I have never seen the American people more receptive to the things that have to be done to fix this country. They get it. The central question is, Will the political class demonstrate the same commitment, the same courage that the American people have demonstrated over the last year? Let me read you this, and this just came to our office 2 days ago.

"Dear Representative JORDAN, my research center receives the majority of its funding from Federal Department of Education sources. If those funds are cut, we stand to lose our programs and, as a result, maybe our livelihoods. However, my greater concern is with the future of this Nation. Federal spending, if not dramatically cut, will inevitably lead to this Nation's ruin and will destroy all opportunities for our children. We must bring sanity back to the management of our Nation's fiscal resources. JIM, our forefathers pledged their lives, their fortune, and their sacred honor to create an exceptional Nation where our rights are endowed by our Creator. If I have to sacrifice my livelihood to maintain this great experiment called America, it's the very least I can do in service to this country. Please stand firm in your fight for fiscal responsibility to preserve this great Nation."

Colleagues, that's the standard of the American people. That's the commitment we have to meet. That's what this debate is all about. If we don't do this, the future for our kids and our grandkids is diminished. This is about making sure America remains the greatest country in history.

I urge a "yes" vote on the amendment.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Idaho, MIKE SIMPSON, who has been the ranking member on Interior and now the chairman of the Interior and Environmental Subcommittee.

Mr. SIMPSON. I thank the gentleman for yielding.

It's important to remember what we're doing here. We're dealing with a CR that funds the government for the last 7 months. This is not a full-year appropriation bill. We're dealing with a much shorter period of time. So the \$100 billion that we were asked to reduce in this budget, if you looked at it, by the time this probably gets done, would, in effect, be about \$200 billion if it were a full-year appropriations bill. The Appropriations Committee has done its job. It has done what our Conference asked us to do.

We had actually had amendments on the floor that would reduce some accounts to less than what they have in the appropriations process. So I guess they would be paying us, I don't know.

But some of the amendments have just gone too far. This one I think goes too far. And as some have said, across-the-board cuts don't give us the opportunity to decide what our priorities are. What we need to do is make sure that we get this amendment defeated, that we get this CR to fund the government for the last 7 months passed, and then get on with doing a budget for 2012, which was not done last year, and pass the appropriations bills so that we can fund the government for the next year at a level that I think many of the RSC members will be happy with when we get that done.

Mr. DICKS. Madam Chair, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield 1 minute to the distinguished lady from Texas, KAY GRANGER, who is the chairman of the State, Foreign Ops Appropriations Subcommittee.

The Acting CHAIR. The gentleman may yield but not blocks of time.

□ 1320

Ms. GRANGER. Madam Chairwoman, I rise in opposition to the Jordan amendment.

This amendment would cut an additional \$2.5 billion from the State, Foreign Operations title of the CR after the subcommittee has brought significant and thoughtful cuts to the table. This title is already \$10 billion below 2010, including supplementals. To achieve that, we put lower priority programs on pause, reduced and eliminated underperforming, wasteful and duplicative programs and zeroed out administrative priorities like climate change.

The programs that are funded in the State, Foreign Operations title of this bill protect our top national security priorities. The gentleman claims his amendment exempts national security, but it does not exempt the national security provisions in the State, Foreign Operations title. The Jordan amendment reduces U.S. operations in frontline states including Afghanistan and Iraq.

The subcommittee has tried to responsibly protect these funds from drastic reductions in the State, Foreign Operations title, given that we have men and women in harm's way in our civilian forces just as we do in our military forces.

Aside from cutting \$450 million from security assistance, the amendment would cut \$55 million from the Pakistan Counterinsurgency Capability Fund.

Israel is protected from this amendment's cuts, but Egypt, Jordan, Afghanistan, and Iraq are not. Given the fragile situation in these frontline states and in the Middle East, I believe cutting these funds would undermine our security.

Madam Chairman, for these reasons I must oppose the amendment.

Mr. DICKS. I yield to the chairman of the Transportation Appropriations Subcommittee, THUD, Mr. LATHAM from Iowa.

Mr. LATHAM. I thank the gentleman for yielding.

And I appreciate very much what's going on and the reduction of spending. I'm just very concerned that this is not really a thoughtful way of doing it, that if we're after waste, fraud and abuse in our budget, this is going to cripple us as far as finding out where those places are. It will continue to fund items, lines in the budget that have waste, fraud and abuse and will not eliminate those.

And also, when you look at just the transportation portion, I think the gentleman from Massachusetts (Mr. OLIVER) brought the point up too, but this would, in fact, stop air traffic control for a period of weeks. And I don't think many of us here would like to see our airports close down for several weeks because we don't have air traffic control. And that's exactly what would happen.

Mr. DICKS. Reclaiming my time, I yield to the gentlewoman from Missouri, the chairman of the Financial Services Appropriations Subcommittee.

Mrs. EMERSON. I want to echo the words of all of our colleagues in opposition to this bill.

Let me talk a little bit about two things that in my bill, the Financial Services bill, that would be drastically impacted.

Number one, an additional 5.5 percent cut totaling \$1.02 billion would actually reduce assistance to small businesses but would hurt agencies that protect American citizens from deceptive business practices and fraud.

In addition to that, it would result in dangerous cuts to the Treasury Department's Office of Terrorism and Financial Intelligence, funding for enforcement of Iran sanctions, judicial security and drug task forces.

I realize it's a well intentioned effort, but it goes too far. I urge a "no" vote.

Mr. DICKS. I yield to the distinguished gentleman from Virginia.

Mr. MORAN. Madam Chairwoman, the CR, I believe, is irresponsible, but this amendment would commit this country to an economic death spiral. It may sound like heresy, but the reality is you can't run the strongest government and the strongest economy in the world on less than 15 percent of GDP.

Look back to the Clinton years when we were at 20 percent. We had the strongest economy ever. People at the top tax rates brought home more after-tax income than any time in American history. We created 23 million more jobs and we had a surplus. And that surplus is what we should be aiming for.

Not only do we need to cut spending, sure, but we also need to raise revenue. We need to come to a balance. This is an imbalanced amendment. It is an irresponsible one, and our country and our people deserve better.

Mr. DICKS. In closing, let me point out that the amendment to impose an across-the-board cut would allow OMB to make the individual funding decisions. We have spent 4 days and nights thoughtfully considering programs and levels. This amendment is not thoughtful and should be defeated.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 199 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Department of Justice, or any other Agency, to litigate the continuation of the case *United States of America v. The State of Arizona and Janice K. Brewer* regarding Arizona law S.B. 1070.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

Mr. FATTAH. I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Madam Chairwoman, I understand a point of order is reserved by the other side.

This amendment to the CR is very simple. The State of Arizona has implemented laws in its State to protect the dignity and sovereignty of the State. The United States Federal Government, in all of its awesome power, has jumped in and sued the State of Arizona at taxpayers' expense, preventing them from enforcing the rule of law in their own State.

The Federal Government doesn't enforce the rule of law on the borders. Just recently, the GAO has reported that only 44 percent of the border is secure. That means somebody else controls the other 56 percent of the south-

ern border, and it is not the United States of America. Arizona is trying to protect its people. The Federal Government won't protect the border, but yet it sues the State of Arizona.

This legislation will prohibit the Federal Government from using its resources and any money to implement the lawsuit against the United States of America v. The State of Arizona and Janice Brewer, the Governor thereof.

It's a very simple amendment.

I yield such time as he may consume to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank my friend for yielding.

This law, and I understand that a point of order has been raised, but this is serious business we're talking about here. The sovereign State of Arizona is being overrun by dangerous people, that being murderers, up and down that border.

I've been to that Arizona border. I've seen the fence being built in Arizona, and I've seen the fence that it replaced, which wouldn't even hold in a pair of goats. And yet we have a flood flowing across this border.

And so what does the Governor of that State do? Steps forward and says that the Federal Government is not meeting its obligation. We are going to protect our citizens.

Now, one of the things that I have been very concerned about—I will yield to my friend in a moment.

One the things I have been very concerned about, as I've watched the judiciary and the legal system develop, is we've learned how to use our court system as a battering ram against our opponents, both our opponents in business and now our opponents in politics and in other places, just to batter them into position. The United States Government should not be battering the State of Arizona into a position that the State believes is contrary to the will of their people.

I now yield to my friend from Arizona.

Mr. PASTOR of Arizona. I want to thank my friend, Congressman CARTER, for yielding.

You see, the problem I have is that 2 hours ago, 3 hours ago, there was great debate about the States who took on the Federal Government over a question of the constitutionality of ObamaCare; and there was a decision that was rendered, and that's going to go to appeal, and everybody is happy because they agree with the decision.

In Arizona, Arizona decided to pass SB 1070. It went to Federal court. Judge Bolton decided that some sections were constitutional, some were unconstitutional, and we are now going through the process of the Ninth Circuit and probably to the Supreme Court.

So what's good for the goose is good for the gander. So I would tell you,

why don't you let the process occur, and that way we'll know whether or not Arizona has the power to deal with immigration and whether or not the States can deal with the constitutional issue of ObamaCare.

Mr. POE of Texas. This issue is an issue of public safety, which is the first obligation of the Federal Government, to protect the people, to protect the homeland. And that is why it's important the Federal Government get out of the way of the State of Arizona trying to protect the good citizens there in Arizona from the drug cartels that are coming into their State.

I yield back the balance of my time.

The Acting CHAIR. Does the gentleman continue to reserve his point of order?

Mr. FATTAH. I continue to reserve.

□ 1330

Mr. GRIJALVA. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. My strong opposition to this amendment is because it would bar the Department of Justice or any other Federal agency from challenging the constitutionality of this law in Arizona or any other law.

The precedent being set by the Poe amendment, if it were to be adopted, would establish a dangerous new standard. It opens the door to congressional restraints on active pending Department of Justice litigation in a potentially endless variety of cases through backdoor de-funding moves.

The precedent is being set here, and I appreciate the gentleman's point about Arizona working its will; but there are also people that believe in the Constitution, as we all do, who would want to know that the law in Arizona passes constitutional muster. This is what this lawsuit is about. This is why we have separation of powers. This is why we have a Constitution, to protect the interests of all people.

SB 1070, you can support it; I can oppose it. The point being that there is a third part of our government that will decide whether or not this law is constitutional. I believe all of us would like to uphold constitutional laws.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Chair, I rise in opposition to the Amendment, Amendment No. 199, to H.R. 1 "Full-Year Continuing Appropriations Act, 2011", offered by Mr. POE of Texas and provides that none of the funds made available by this Act may be used by the Department of Justice, or any other Agency to litigate the continuation of the case United States of America v. The State of Arizona and Janice K. Brewer regarding Arizona law S.B. 1070.

As a Senior Member of the Judiciary and Homeland Security Committees, I have vast experience in dealing with the issues of immigration and border security. And as a member

of these committees, I can unequivocally say that this amendment and talk of supporting state immigration laws is absolutely inappropriate. It is a clear violation of Article 1 of the U.S. Constitution and the long established tenets of federalism, which grant the United States government the exclusive, preemptive power to establish laws on Immigration and Naturalization.

It is necessary to oppose this amendment offered on the floor today. The Department of Justice has a federal mandate to pursue litigation in matters that constitute violations of federal law. This authority includes actions against states such as Arizona. The Arizona immigration statute appears to violate federal law and we must not strip the Department of Justice of the funding it needs to carry out its mission.

The laws of the United States do not allow state-by-state legislation of immigration policy. If we allow states to enact immigration statutes and regulate and enforce immigration policy, we would be granting permission for the separate states of our country to set up a severely disconnected patchwork of immigration laws and policies that will be extremely difficult to enforce, invite discrimination and make our country dangerously unstable and unsafe.

Our forefathers had the wisdom and insight to realize the importance of handling certain issues exclusively on a national level and saw fit to enshrine them in the Constitution. In this instance, we must not depart from the long established doctrine of exclusive federal control of immigration and naturalization. If we tread on the dangerous path of deconstruction of appropriate federal exclusivity in the area of immigration law, we will certainly force the federal courts to take corrective action and restore the exclusive role of the federal government in this area. Moreover, it would take a constitutional amendment and not the mere passage of federal or state statutes to overturn this long established legal principle.

The Department of Justice must be provided with the necessary funds to continue litigation of its case against the state of Arizona. To do otherwise would erode the constitutional protections of our Civil Rights and Civil Liberties. Therefore I urge my colleagues to join me in opposition to this amendment. Thank you Madam Chair.

POINT OF ORDER

Mr. FATTAH. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. FATTAH. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Mr. POE of Texas. Madam Chair, I wish to speak on the point of order.

The Acting CHAIR. The gentleman from Texas is recognized.

Mr. POE of Texas. Madam Chair, the law does not legislate. In fact, it pro-

hibits legislation. All it does is tell the Department of Justice they can't spend any money on this lawsuit.

I would accept the ruling of the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment requires new determinations of Federal officials. Specifically, the amendment would require discernment of what actions amount to continuation of litigation. By limiting funds for the "continuation" of a case, the amendment would occasion more than merely incidental decisions as to what tends to continue it.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 50 by Ms. MCCOLLUM of Minnesota.

Amendment No. 232 by Mr. NADLER of New York.

Amendment No. 214 by Mr. KLINE of Minnesota.

Amendment No. 11 by Mr. PENCE of Indiana.

Amendment No. 533 by Mr. YOUNG of Alaska.

Amendment No. 524 by Mr. NADLER of New York.

Amendment No. 466 by Mr. POE of Texas.

Amendment No. 575 by Mr. REHBERG of Montana.

Amendment No. 267 by Mr. KING of Iowa.

Amendment No. 268 by Mr. KING of Iowa.

Amendment No. 83 by Mrs. EMERSON of Missouri.

Amendment No. 89 by Mr. KIND of Wisconsin.

Amendment No. 88 by Mr. KIND of Wisconsin.

Amendment No. 104 by Mrs. BLACKBURN of Tennessee.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 50 OFFERED BY MS. MCCOLLUM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 281, not voting 4, as follows:

[Roll No. 90]

AYES—148

Andrews	Garamendi	Napolitano
Bachmann	Garrett	Noem
Baldwin	Gosar	Olver
Barrow	Griffith (VA)	Pallone
Barton (TX)	Gutierrez	Pascarell
Bass (CA)	Hanabusa	Paul
Becerra	Harman	Payne
Berman	Hastings (FL)	Pelosi
Bishop (NY)	Herrera Beutler	Perlmutter
Blumenauer	Higgins	Petri
Brady (PA)	Himes	Pingree (ME)
Braley (IA)	Hinojosa	Polis
Camp	Hirono	Quigley
Capps	Holt	Rangel
Capuano	Honda	Reichert
Carnahan	Huizenga (MI)	Richmond
Carney	Israel	Rokita
Castor (FL)	Johnson, E. B.	Rothman (NJ)
Chabot	Jones	Roybal-Allard
Chandler	Kaptur	Rush
Chu	Keating	Ryan (WI)
Ciциlline	Kildee	Sánchez, Linda
Clarke (MI)	Kind	T.
Clarke (NY)	Kingston	Sanchez, Loretta
Clay	Kucinich	Sarbanes
Cleaver	Langevin	Schakowsky
Coffman (CO)	Larsen (WA)	Schiff
Cohen	Larson (CT)	Schmidt
Conyers	Lee (CA)	Schrader
Costello	Levin	Schwartz
Courtney	Lewis (GA)	Scott (VA)
Crowley	Lofgren, Zoe	Sensenbrenner
Cuellar	Lowey	Sessions
Cummings	Lujan	Sherman
Davis (IL)	Lummis	Shimkus
DeFazio	Lungren, Daniel	Slaughter
DeGette	E.	Speier
DeLauro	Manzullo	Stark
Deutch	Markey	Stivers
Dingell	Matheson	Sutton
Doggett	McCarthy (NY)	Tiberi
Doyle	McClintock	Tierney
Dreier	McDermott	Tonko
Duncan (TN)	McGovern	Towns
Edwards	McNerney	Tsongas
Ellison	Meeks	Waters
Farr	Michaud	Waxman
Fattah	Miller, George	Weiner
Filner	Moore	Woolsey
Fudge	Moran	Wu

NOES—281

Ackerman	Burgess	Ellmers
Adams	Burton (IN)	Emerson
Aderholt	Butterfield	Engel
Akin	Calvert	Eshoo
Alexander	Campbell	Farenthold
Altmire	Canseco	Fincher
Amash	Cantor	Fitzpatrick
Austria	Capito	Flake
Baca	Carson (IN)	Fleischmann
Bachus	Carter	Fleming
Barletta	Cassidy	Flores
Bartlett	Chaffetz	Forbes
Bass (NH)	Clyburn	Fortenberry
Benishek	Coble	Fox
Berg	Cole	Frank (MA)
Berkley	Conaway	Franks (AZ)
Biggert	Connolly (VA)	Frelinghuysen
Bilbray	Cooper	Galleghy
Bilirakis	Costa	Gardner
Bishop (GA)	Cravaack	Gerlach
Bishop (UT)	Crawford	Gibbs
Black	Crenshaw	Gibson
Blackburn	Critz	Gingrey (GA)
Bonner	Culberson	Gohmert
Bono Mack	Davis (CA)	Gonzalez
Boren	Davis (KY)	Goodlatte
Boswell	Denham	Gowdy
Boustany	Dent	Granger
Brady (TX)	DesJarlais	Graves (GA)
Brooks	Diaz-Balart	Graves (MO)
Broun (GA)	Dicks	Green, Al
Brown (FL)	Dold	Green, Gene
Buchanan	Donnelly (IN)	Griffin (AR)
Bucshon	Duffy	Grijalva
Buerkle	Duncan (SC)	Grimm

Guinta	McCaul
Guthrie	McCotter
Hall	McHenry
Hanna	McIntyre
Harper	McKeon
Harris	McKinley
Hartzler	McMorris
Hastings (WA)	Rodgers
Hayworth	Meehan
Heck	Mica
Heinrich	Miller (FL)
Heller	Miller (MI)
Hensarling	Miller (NC)
Herger	Miller, Gary
Hincheey	Mulvaney
Holden	Murphy (CT)
Hoyer	Murphy (PA)
Huelskamp	Myrick
Hultgren	Nadler
Hunter	Neal
Hurt	Neugebauer
Inslee	Nugent
Issa	Nunes
Jackson (IL)	Nunnelee
Jackson Lee	Olson
(TX)	Owens
Jenkins	Palazzo
Johnson (GA)	Pastor (AZ)
Johnson (IL)	Paulsen
Johnson (OH)	Pearce
Johnson, Sam	Pence
Jordan	Peters
Kelly	Peterson
King (IA)	Pitts
King (NY)	Platts
Kinzinger (IL)	Poe (TX)
Kissell	Pompeo
Kline	Posey
Labrador	Price (GA)
Lamborn	Price (NC)
Lance	Rahall
Landry	Reed
Lankford	Rehberg
Latham	Renacci
LaTourette	Reyes
Latta	Ribble
Lewis (CA)	Richardson
Lipinski	Rigell
LoBiondo	Rivera
Loebsack	Roby
Long	Roe (TN)
Lucas	Rogers (AL)
Luetkemeyer	Rogers (KY)
Lynch	Rogers (MI)
Mack	Rohrabacher
Maloney	Rooney
Marchant	Ros-Lehtinen
Marino	Roskam
Matsui	Ross (AR)
McCarthy (CA)	Ross (FL)

NOT VOTING—4

Cardoza	McCollum
Giffords	Quayle

□ 1358

Messrs. PENCE, MACK, ALEXANDER, SCOTT of South Carolina, BOUSTANY, GRIFFIN of Arkansas, NUGENT, ROHRABACHER, CASSIDY, BACA, BUTTERFIELD, VISCLOSKEY, MARCHANT, THOMPSON of Mississippi, DAVID SCOTT of Georgia and Ms. RICHARDSON changed their vote from “aye” to “no.”

Messrs. GOSAR, LARSON of Connecticut, GARRETT, CLARKE of Michigan, JONES, MANZULLO, FILNER, DAVIS of Illinois, RUSH, GUTIERREZ, COURTNEY, HOLT, Ms. KAPTUR, Ms. CLARKE of New York, Mrs. CAPPS and Ms. PELOSI changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. CANTOR was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. CANTOR. Madam Chairman, I will be brief.

First of all, I want to thank Chairman ROGERS and Ranking Member DICKS and their incredible staff for the leadership and amazing endurance that they have displayed through this process.

Madam Chairman, they, along with the staff of the Parliamentarian's Office, the Clerk's office, the Congressional Budget Office, the Sergeant at Arms Office, many of the leadership offices, Members' offices, and of course the Capitol Police, have been working around the clock, literally, in order for us to facilitate this debate. So I thank all of the staff.

Madam Chairman, we've had an extraordinary debate, and I want to thank the Members for their patience, their enthusiasm, and their participation in this remarkable development of events in this debate.

I would say to Members that all of us want to finish and complete this bill today.

Madam Chairman, I would say, as Members know, we are operating under a unanimous consent agreement; and under that agreement, we still have 18 hours of debate and 103 amendments to go. Now, while none of us want to restrict anyone's ability to speak their piece and voice their opinions, certainly a lot has been said throughout the last 80-some hours of discussion on this bill, so I would ask Members to be mindful of the prudence of being concise and expeditious in their remarks. If we proceed in that vein, Madam Chairman, perhaps we could finish at a reasonable hour this evening.

Mr. LEWIS of California. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Leader, I understand your recognizing Mr. ROGERS and Mr. DICKS and others and our staffs for their fabulous work; but I think it would be a shame if we didn't recognize a specific person who has essentially been Mr. ROGERS' right hand during all of this discussion. He is leaving the House at the end of the month to go to the private sector. He is a fabulous, fabulous guy, who is respected on both sides of the aisle.

Let's give Jeff Shockey a hand.

AMENDMENT NO. 232 OFFERED BY MR. NADLER

The Acting CHAIR (Mrs. CAPITO). Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 331, not voting 4, as follows:

[Roll No. 91]

AYES—98

Baldwin	Hastings (FL)	Paul
Bass (CA)	Hinchey	Payne
Blumenauer	Hinojosa	Pingree (ME)
Braley (IA)	Hirono	Polis
Campbell	Holt	Quigley
Capuano	Honda	Rahall
Chu	Inslee	Rangel
Ciциlline	Jackson (IL)	Richardson
Clarke (MI)	Jackson Lee	Rohrabacher
Clarke (NY)	(TX)	Roybal-Allard
Clay	Johnson (IL)	Sánchez, Linda
Cleaver	Johnson, E. B.	T.
Coble	Jones	Sanchez, Loretta
Cohen	Kucinich	Schakowsky
Conyers	Larson (CT)	Serrano
Costello	Lee (CA)	Sires
Crowley	Lewis (GA)	Slaughter
Cummings	Lofgren, Zoe	Speier
Davis (IL)	Luján	Stark
DeFazio	Maloney	Thompson (CA)
DeGette	Markey	Tierney
DeLauro	Matsui	Tonko
Doggett	McDermott	Towns
Doyle	McGovern	Velázquez
Duncan (TN)	Meeks	Visclosky
Edwards	Michaud	Waters
Ellison	Miller, George	Watt
Eshoo	Moore	Waxman
Farr	Moran	Weiner
Filner	Nadler	Welch
Frank (MA)	Napolitano	Woolsey
Fudge	Neal	Yarmuth
Garamendi	Oliver	
Grijalva	Pallone	

NOES—331

Ackerman	Buerkle	Dingell
Adams	Burgess	Dold
Aderholt	Burton (IN)	Donnelly (IN)
Akin	Butterfield	Dreier
Alexander	Calvert	Duffy
Altmire	Camp	Duncan (SC)
Amash	Canseco	Ellmers
Andrews	Cantor	Emerson
Austria	Capito	Engel
Baca	Capps	Farenthold
Bachmann	Cardoza	Fattah
Bachus	Carnahan	Fincher
Bartlett	Carney	Fitzpatrick
Barrow	Carson (IN)	Flake
Bartlett	Carter	Fleischmann
Barton (TX)	Cassidy	Fleming
Bass (NH)	Castor (FL)	Flores
Becerra	Chabot	Forbes
Benishhek	Chaffetz	Fortenberry
Berg	Chandler	Fox
Berkley	Clyburn	Franks (AZ)
Berman	Coffman (CO)	Frelinghuysen
Bigert	Cole	Gallely
Bilbray	Conaway	Gardner
Bilirakis	Connolly (VA)	Garrett
Bishop (GA)	Cooper	Gerlach
Bishop (NY)	Costa	Gibbs
Bishop (UT)	Courtney	Gibson
Black	Cravaack	Gingrey (GA)
Blackburn	Crawford	Gohmert
Bonner	Crenshaw	Gonzalez
Bono Mack	Critz	Goodlatte
Boren	Cuellar	Gosar
Boswell	Culberson	Gowdy
Boustany	Davis (CA)	Granger
Brady (PA)	Davis (KY)	Graves (GA)
Brady (TX)	Denham	Graves (MO)
Brooks	Dent	Green, Al
Brown (GA)	DesJarlais	Green, Gene
Brown (FL)	Deutch	Griffin (AR)
Buchanan	Diaz-Balart	Griffith (VA)
Bucshon	Dicks	Grimm

Guinta	Marino	Royce
Guthrie	Matheson	Runyan
Hall	McCarthy (CA)	Ruppersberger
Hanabusa	McCarthy (NY)	Rush
Hanna	McCaul	Ryan (OH)
Harman	McClintock	Ryan (WI)
Harper	McCotter	Sarbanes
Harris	McHenry	Scalise
Hartzler	McIntyre	Schiff
Hastings (WA)	McKeon	Schilling
Hayworth	McKinley	Schmidt
Heck	McMorris	Schock
Heinrich	Rodgers	Schrader
Heller	McNerney	Schwartz
Hensarling	Meehan	Schweikert
Herger	Mica	Scott (SC)
Herrera Beutler	Miller (FL)	Scott (VA)
Higgins	Miller (MI)	Scott, Austin
Himes	Miller (NC)	Scott, David
Holden	Miller, Gary	Sensenbrenner
Hoyer	Mulvaney	Sessions
Huelskamp	Murphy (CT)	Sewell
Huizenga (MI)	Murphy (PA)	Sherman
Hultgren	Myrick	Shimkus
Hunter	Neugebauer	Shuler
Hurt	Noem	Shuster
Israel	Nugent	Simpson
Issa	Nunes	Smith (NE)
Jenkins	Nunnelee	Smith (NJ)
Johnson (GA)	Olson	Smith (TX)
Johnson (OH)	Owens	Smith (WA)
Johnson, Sam	Palazzo	Southerland
Jordan	Pascrell	Stearns
Kaptur	Pastor (AZ)	Stivers
Keating	Paulsen	Stutzman
Kelly	Pearce	Sullivan
Kildee	Pelosi	Sutton
Kind	Pence	Terry
King (IA)	Perlmutter	Thompson (MS)
King (NY)	Peters	Thompson (PA)
Kingston	Peterson	Thornberry
Kinzinger (IL)	Petri	Tiberi
Kissell	Pitts	Tipton
Kline	Platts	Tsongas
Labrador	Poe (TX)	Turner
Lamborn	Pompeo	Upton
Lance	Posey	Van Hollen
Landry	Price (GA)	Walberg
Langevin	Price (NC)	Walden
Lankford	Reed	Walsh (IL)
Larsen (WA)	Rehberg	Walz (MN)
Latham	Reichert	Wasserman
LaTourette	Renacci	Schultz
Latta	Reyes	Webster
Levin	Ribble	West
Lewis (CA)	Richmond	Westmoreland
Lipinski	Rigell	Whitfield
LoBiondo	Rivera	Wilson (FL)
Loeb sack	Roby	Wilson (SC)
Long	Roe (TN)	Wittman
Lowey	Rogers (AL)	Wolf
Lucas	Rogers (KY)	Womack
Luetkemeyer	Rogers (MI)	Woodall
Lummis	Rokita	Wu
Lungren, Daniel	Rooney	Yoder
E.	Ros-Lehtinen	Young (AK)
Lynch	Roskam	Young (FL)
Mack	Ross (AR)	Young (IN)
Manzullo	Ross (FL)	
Marchant	Rothman (NJ)	

NOT VOTING—4

Giffords	McCollum
Gutierrez	Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 214 OFFERED BY MR. KLINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KLINE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 289, noes 136, answered “present” 1, not voting 7, as follows:

[Roll No. 92]

AYES—289

Adams	Duffy	Lankford
Aderholt	Duncan (SC)	Latham
Akin	Duncan (TN)	LaTourette
Alexander	Ellmers	Latta
Altmire	Emerson	Lewis (CA)
Amash	Engel	Lipinski
Andrews	Farenthold	LoBiondo
Austria	Filner	Long
Baca	Fincher	Lowe
Bachmann	Fitzpatrick	Lucas
Bachus	Flake	Luetkemeyer
Barletta	Fleischmann	Lummis
Barrow	Fleming	Lungren, Daniel
Bartlett	Flores	E.
Barton (TX)	Forbes	Mack
Bass (NH)	Fortenberry	Maloney
Benishhek	Fox	Manzullo
Berg	Franks (AZ)	Marchant
Berkley	Frelinghuysen	Marino
Bigert	Gallely	Matheson
Bilbray	Gardner	McCarthy (CA)
Bilirakis	Garrett	McCarthy (NY)
Bishop (UT)	Gerlach	McClintock
Black	Gibbs	McCotter
Blackburn	Gibson	McHenry
Bonner	Goodlatte	McKeon
Bono Mack	Gosar	McKinley
Boren	Gowdy	McMorris
Boswell	Granger	Rodgers
Boustany	Graves (GA)	Meeks
Brady (PA)	Graves (MO)	Mica
Brady (TX)	Griffin (AR)	Miller (FL)
Brooks	Griffith (VA)	Miller (MI)
Brown (GA)	Guinta	Miller, Gary
Brown (FL)	Guthrie	Mulvaney
Buchanan	Hall	Murphy (PA)
Bucshon	Hanna	Myrick
	Harper	Neugebauer
	Harris	Noem
	Hartzler	Nugent
	Hastings (FL)	Nunes
	Hastings (WA)	Nunnelee
	Hayworth	Olson
	Heck	Owens
	Heinrich	Palazzo
	Heller	Pastor (AZ)
	Hensarling	Paul
	Herger	Paulsen
	Herrera Beutler	Payne
	Holden	Pearce
	Coble	Pelosi
	Coiffman (CO)	Pence
	Cole	Perlmutter
	Conaway	Peters
	Connolly (VA)	Peterson
	Costa	Petri
	Costello	Pitts
	Cravaack	Platts
	Crawford	Poe (TX)
	Crenshaw	Pompeo
	Critz	Posey
	Crowley	Price (GA)
	Cuellar	Reed
	Culberson	Rehberg
	Davis (KY)	Reichert
	Denham	Renacci
	Dent	Kingston
	DesJarlais	Kinzinger (IL)
	Deutch	Kissell
	Diaz-Balart	Kline
	Dold	Labrador
	Donnelly (IN)	Lamborn
	Doyle	Lance
	Dreier	Landry

Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano

Sessions
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Towns
Turner
Upton

Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

vertently detained. Had I been present, I would have voted “aye.”

Mr. MCCAUL. Madam Chair, on rollcall No. 92 I mistakenly voted “no.” Please let the RECORD reflect that I intended to vote “aye.”

AMENDMENT NO. 11 OFFERED BY MR. PENCE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 185, answered “present” 1, not voting 7, as follows:

[Roll No. 93]

AYES—240

Ackerman
Baldwin
Bass (CA)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al

Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Harman
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeback
Lofgren, Zoe
Lujan
Lynch
Markey
Matsui
McCaull
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore

Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarell
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson
Richmond
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Sanchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Sewell
Sherman
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tsongas
Van Hollen
Velázquez
Waters
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers

Adams
Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishak
Berg
Bilbray
Bilirakis
Borah
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers

Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston

Kinzingler (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaull
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)

Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)

Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan

Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—185

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr

Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hanabusa
Hanna
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeback
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano

Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

ANSWERED “PRESENT”—1

Amash

ANSWERED “PRESENT”—1

Clarke (NY)

NOT VOTING—7

Broun (GA)
Giffords
Gingrey (GA)

Gohmert
McCollum
Meehan

Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1410

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MEEHAN. Madam Chair, on rollcall No. 92, the Kline Amendment No. 214, I was inad-

NOT VOTING—7

Giffords Hinojosa Quayle
Gutierrez Keating
Harper McColium

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1413

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 533 OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Alaska (Mr. YOUNG) on
which further proceedings were post-
poned and on which the ayes prevailed
by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 243, noes 185,
not voting 5, as follows:

[Roll No. 94]

AYES—243

Adams	Cole	Griffin (AR)
Aderholt	Conaway	Griffith (VA)
Akin	Costa	Grimm
Alexander	Cravaack	Guinta
Altmire	Crawford	Guthrie
Austria	Crenshaw	Hall
Bachmann	Critz	Hanna
Bachus	Culberson	Harper
Barletta	Davis (KY)	Harris
Barrow	Denham	Hartzler
Bartlett	Dent	Hastings (WA)
Barton (TX)	DesJarlais	Heck
Bass (NH)	Diaz-Balart	Heller
Benishke	Dold	Hensarling
Berg	Donnelly (IN)	Herger
Biggert	Dreier	Herrera Beutler
Bilbray	Duffy	Holden
Bilirakis	Duncan (SC)	Huelskamp
Bishop (GA)	Duncan (TN)	Huizenga (MI)
Bishop (UT)	Ellmers	Hultgren
Black	Emerson	Hunter
Blackburn	Farenthold	Hurt
Bonner	Fincher	Issa
Bono Mack	Fitzpatrick	Jenkins
Boren	Flake	Johnson (OH)
Boustany	Fleischmann	Johnson, Sam
Brady (TX)	Fleming	Jones
Brooks	Flores	Jordan
Broun (GA)	Forbes	Kelly
Buchanan	Fortenberry	King (IA)
Bucshon	Fox	King (NY)
Buerkle	Franks (AZ)	Kingston
Burgess	Frelinghuysen	Kinzinger (IL)
Burton (IN)	Galleghy	Kline
Calvert	Gardner	Labrador
Camp	Garrett	Lamborn
Campbell	Gibbs	Landry
Canseco	Gibson	Lankford
Cantor	Gingrey (GA)	Latham
Capito	Gohmert	LaTourette
Cardoza	Goodlatte	Latta
Carter	Gosar	Lewis (CA)
Cassidy	Gowdy	Long
Chabot	Granger	Lucas
Chaffetz	Graves (GA)	Luetkemeyer
Coble	Graves (MO)	Lummis
Coffman (CO)	Green, Gene	

Lungren, Daniel	Peterson	Sensenbrenner
E.	Petri	Sessions
Mack	Pitts	Shimkus
Manzullo	Platts	Shuster
Marchant	Poe (TX)	Simpson
Marino	Pompeo	Smith (NE)
Matheson	Posey	Smith (TX)
McCarthy (CA)	Price (GA)	Southerland
McCaul	Reed	Stearns
McClintock	Rehberg	Stivers
McCotter	Renacci	Stutzman
McHenry	Ribble	Sullivan
McKeon	Rigell	Terry
McKinley	Rivera	Thompson (PA)
McMorris	Roby	Thornberry
Rodgers	Roe (TN)	Tiberi
Meehan	Rogers (AL)	Tipton
Mica	Rogers (KY)	Turner
Miller (FL)	Rogers (MI)	Upton
Miller (MI)	Rohrabacher	Walberg
Miller, Gary	Rokita	Walden
Mulvaney	Rooney	Walsh (IL)
Murphy (PA)	Ros-Lehtinen	Webster
Myrick	Roskam	West
Neugebauer	Ross (AR)	Westmoreland
Noem	Ross (FL)	Whitfield
Nugent	Royce	Wilson (SC)
Nunes	Ryan (WI)	Wittman
Nunnelee	Scalise	Wolf
Olson	Schilling	Womack
Palazzo	Schmidt	Woodall
Paul	Schock	Yoder
Paulsen	Schweikert	Young (AK)
Pearce	Scott (SC)	Young (FL)
Pence	Scott, Austin	Young (IN)

NOES—185

Ackerman	Garamendi	Moore
Amash	Gerlach	Moran
Andrews	Gonzalez	Murphy (CT)
Baca	Green, Al	Nadler
Baldwin	Grijalva	Napolitano
Bass (CA)	Gutierrez	Neal
Becerra	Hanabusa	Oliver
Berkley	Harman	Owens
Berman	Hastings (FL)	Pallone
Bishop (NY)	Hayworth	Pascarell
Blumenauer	Heinrich	Pastor (AZ)
Boswell	Higgins	Payne
Brady (PA)	Himes	Pelosi
Braley (IA)	Hinchey	Perlmutter
Brown (FL)	Hirono	Peters
Butterfield	Holt	Pingree (ME)
Capps	Honda	Polis
Capuano	Hoyer	Price (NC)
Carnahan	Inslee	Quigley
Carney	Israel	Rahall
Carson (IN)	Jackson (IL)	Rangel
Castor (FL)	Jackson Lee	Reichert
Chandler	(TX)	Reyes
Johnson (GA)	Johnson (IL)	Richardson
Johnson (IL)	Johnson, E. B.	Richmond
Kaptur	Kaptur	Rothman (NJ)
Keating	Keating	Roybal-Allard
Kildee	Kind	Runyan
Kind	Kissell	Ruppersberger
Kucinich	Kucinich	Rush
Lance	Lance	Ryan (OH)
Langevin	Langevin	Sánchez, Linda
Larsen (WA)	Larsen (CT)	T.
Lee (CA)	Lee (CA)	Sanchez, Loretta
Levin	Levin	Sarbanes
Lewis (GA)	Lewis (GA)	Schakowsky
Lipinski	Lipinski	Schiff
LoBiondo	LoBiondo	Schrader
Loebsack	Loebsack	Schwartz
Lofgren, Zoe	Lofgren, Zoe	Scott (VA)
Lowe	Lowe	Scott, David
Lujan	Lujan	Serrano
Lynch	Lynch	Sewell
Maloney	Maloney	Sherman
Markey	Markey	Shuler
Matsui	Matsui	Sires
McCarthy (NY)	McCarthy (NY)	Slaughter
McDermott	McDermott	Smith (NJ)
McGovern	McGovern	Smith (WA)
McIntyre	McIntyre	Speier
McNerney	McNerney	Stark
Meeks	Meeks	Sutton
Michaud	Michaud	Thompson (CA)
Miller (NC)	Miller (NC)	Thompson (MS)
Miller, George	Miller, George	Tierney
		Tonko
		Towns
		Tsongas

Van Hollen	Wasserman	Weiner
Velázquez	Schultz	Welch
Visclosky	Waters	Wilson (FL)
Walz (MN)	Watt	Wu
	Waxman	Yarmuth

NOT VOTING—5

Giffords	McColium	Woolsey
Hinojosa	Quayle	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1417

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 524 OFFERED BY MR. NADLER

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from New York (Mr. NAD-
LER) on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 196, noes 231,
not voting 6, as follows:

[Roll No. 95]

AYES—196

Ackerman	DeFazio	Jackson Lee
Adams	DeGette	(TX)
Amash	DeLauro	Johnson (GA)
Baldwin	Deutch	Johnson (IL)
Bartlett	Dicks	Johnson, E. B.
Bass (CA)	Dingell	Jones
Becerra	Doggett	Kaptur
Berkley	Doyle	Keating
Berman	Duncan (TN)	Kildee
Bishop (NY)	Edwards	Kind
Bishop (UT)	Ellison	Kucinich
Blumenauer	Engel	Labrador
Boswell	Eshoo	Landry
Brady (PA)	Farr	Larsen (WA)
Braley (IA)	Fattah	Larson (CT)
Brown (FL)	Filner	Lee (CA)
Butterfield	Fitzpatrick	Levin
Campbell	Fortenberry	Lewis (GA)
Capps	Frank (MA)	Lipinski
Capuano	Fudge	Loebsack
Carnahan	Garamendi	Lowe
Carney	Gibson	Lujan
Carson (IN)	Green, Al	Lynch
Castor (FL)	Green, Gene	Mack
Chaffetz	Griffith (VA)	Manzullo
Chu	Grijalva	Marchant
Ciilline	Hanabusa	Markey
Clarke (MI)	Harman	Matheson
Clarke (NY)	Harris	Matsui
Clay	Hastings (FL)	McClintock
Cleaver	Heinrich	McDermott
Clyburn	Heller	McGovern
Coffman (CO)	Herrera Beutler	McIntyre
Cohen	Higgins	McNerney
Connolly (VA)	Himes	Meeks
Conyers	Hinchey	Michaud
Costello	Hirono	Miller (NC)
Courtney	Holden	Miller, George
Critz	Holt	Moore
Crowley	Honda	Moran
Culberson	Hoyer	Murphy (CT)
Cummings	Inslee	Nadler
Davis (CA)	Israel	Napolitano
Davis (IL)	Jackson (IL)	Neal

Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pearce
Pelosi
Peters
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Richardson
Richmond
Rohrabacher
Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speler
Stark
Sutton
Thompson (CA)
Thompson (MS)

Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—231

Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chandler
Coble
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes

Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Maloney
Marino
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry

McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Perlmutter
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers

Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner

Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)

Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—6

Aderholt
Giffords

Gutierrez
Hinojosa

McCollum
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1420

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated for:

Mrs. MALONEY. Madam Chair, I inadvertently voted against Amendment No. 524 which would protect our libraries and booksellers from Patriot Act searches and seizures. I change my vote to a “yea,” as I did in 2005 when I voted in favor of this very amendment.

AMENDMENT NO. 466 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 177, not voting 7, as follows:

[Roll No. 96]

AYES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan

Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais

Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte

Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis

Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)

Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers

NOES—177

Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markley
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal

Olver	Ryan (OH)	Thompson (MS)	Conaway	Johnson, Sam	Rehberg	Honda	Miller (NC)	Schiff
Owens	Sánchez, Linda	Tierney	Crawford	Jones	Reichert	Hoyer	Miller, George	Schrader
Pallone	T.	Tonko	Crenshaw	Jordan	Renacci	Inlee	Moore	Schwartz
Pascarell	Sanchez, Loretta	Towns	Culberson	Kelly	Ribble	Israel	Moran	Scott (VA)
Pastor (AZ)	Sarbanes	Tsongas	Davis (KY)	King (IA)	Rigell	Jackson (IL)	Murphy (CT)	Scott, David
Payne	Schakowsky	Van Hollen	Denham	King (NY)	Rivera	Jackson Lee	Nadler	Serrano
Pelosi	Schiff	Velázquez	Dent	Kingston	Roby	(TX)	Napolitano	Sewell
Perlmutter	Schrader	Visclosky	DesJarlais	Kinzinger (IL)	Roe (TN)	Johnson (GA)	Neal	Sherman
Peters	Schwartz	Walz (MN)	Diaz-Balart	Kline	Johnson, E. B.	Johnson, E. B.	Olver	Shuler
Pingree (ME)	Scott (VA)	Wasserman	Dold	Labrador	Kaptur	Kaptur	Owens	Sires
Polis	Scott, David	Schultz	Dreier	Lamborn	Keating	Keating	Pallone	Slaughter
Price (NC)	Serrano	Waters	Duffy	Lance	Kildee	Kildee	Pascarell	Smith (WA)
Quigley	Sewell	Watt	Duncan (SC)	Landry	Kind	Kind	Pastor (AZ)	Speier
Rangel	Sherman	Waxman	Duncan (TN)	Lankford	Kissell	Kissell	Payne	Stark
Reichert	Shuler	Weiner	Ellmers	Latham	Kucinich	Kucinich	Pelosi	Sutton
Reyes	Sires	Welch	Emerson	LaTourette	Langevin	Langevin	Perlmutter	Thompson (CA)
Richardson	Slaughter	Wilson (FL)	Farenthold	Latta	Larsen (WA)	Larsen (WA)	Peters	Thompson (MS)
Richmond	Smith (WA)	Woolsey	Fincher	Lewis (CA)	Larson (CT)	Larson (CT)	Peterson	Tierney
Rothman (NJ)	Speier	Wu	Fitzpatrick	LoBiondo	Lee (CA)	Lee (CA)	Pingree (ME)	Tonko
Roybal-Allard	Stark	Yarmuth	Flake	Long	Levin	Levin	Polis	Towns
Ruppersberger	Sutton		Fleischmann	Lucas	Lewis (GA)	Lewis (GA)	Price (NC)	Tsongas
Rush	Thompson (CA)		Fleming	Luetkemeyer	Lipinski	Lipinski	Quigley	Van Hollen
			Flores	Lummis	Loebuck	Loebuck	Rahall	Velázquez
			Forbes	Lungren, Daniel	Schilling	Schilling	Rangel	Visclosky
			Fortenberry	E.	Schmidt	Schmidt	Reyes	Walz (MN)
			Fox	Mack	Schock	Schock	Richardson	Wasserman
			Franks (AZ)	Manzullo	Schweikert	Schweikert	Richmond	Schultz
			Frelinghuysen	Marchant	Scott (SC)	Scott (SC)	Rothman (NJ)	Waters
			Gallegly	Marino	Scott, Austin	Scott, Austin	Roybal-Allard	Watt
			Gardner	McCarthy (CA)	Sensenbrenner	Sensenbrenner	Ruppersberger	Weiner
			Garrett	McCaul	Sessions	Sessions	Rush	Welch
			Gelbach	McClintock	Shimkus	Shimkus	Sanchez, Linda	Wilson (FL)
			Gibbs	McCotter	Shuster	Shuster	T.	Woolsey
			Gingrey (GA)	McHenry	Simpson	Simpson	Sanchez, Loretta	Wu
			Gohmert	McIntyre	Smith (NE)	Smith (NE)	Sarbanes	Yarmuth
			Goodlatte	McKeon	Smith (NJ)	Smith (NJ)	Schakowsky	
			Gosar	McKinley	Smith (TX)	Smith (TX)		
			Gowdy	McMorris	Southerland	Southerland		
			Granger	Rodgers	Stearns	Stearns		
			Graves (GA)	Meehan	Stivers	Stivers		
			Graves (MO)	Mica	Stutzman	Stutzman		
			Griffin (AR)	Miller (FL)	Sullivan	Sullivan		
			Griffith (VA)	Miller (MI)				
			Grimm	Miller, Gary				
			Guinta	Mulvaney				
			Guthrie	Murphy (PA)				
			Hanna	Myrick				
			Harper	Neugebauer				
			Harris	Noem				
			Hartzler	Nugent				
			Hastings (WA)	Nunes				
			Hayworth	Nunnelee				
			Heck	Olson				
			Heller	Palazzo				
			Hensarling	Paul				
			Herger	Paulsen				
			Herrera Beutler	Pearce				
			Huelskamp	Pence				
			Huizenga (MI)	Petri				
			Hultgren	Pitts				
			Hunter	Platts				
			Hurt	Poe (TX)				
			Issa	Pompeo				
			Jenkins	Posey				
			Johnson (IL)	Price (GA)				
			Johnson (OH)	Reed				

NOT VOTING—7

Giffords	Hinojosa	Quayle
Green, Gene	Kaptur	
Grimm	McCollum	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1423

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GRIMM. Madam Chair, on rollcall No. 96, I was unavoidably detained. Had I been present, I would have voted "yes."

Stated against:

Mr. GENE GREEN of Texas. Madam Chair, on rollcall No. 96, had I been present, I would have voted "no."

AMENDMENT NO. 575 OFFERED BY MR. REHBERG

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Montana (Mr. REHBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 187, not voting 7, as follows:

[Roll No. 97]

AYES—239

Adams	Bilbray	Burgess
Aderholt	Bilirakis	Burton (IN)
Akin	Bishop (UT)	Calvert
Alexander	Black	Camp
Amash	Blackburn	Campbell
Austria	Bonner	Canseco
Bachmann	Bono Mack	Cantor
Bachus	Boren	Caputo
Barletta	Boustany	Carter
Bartlett	Brady (TX)	Cassidy
Barton (TX)	Brooks	Chabot
Bass (NH)	Broun (GA)	Chaffetz
Benishkek	Buchanan	Coble
Berg	Bucshon	Coffman (CO)
Biggert	Buerkle	Cole

Ackerman	Cicilline	Donnelly (IN)
Altmire	Clarke (MI)	Doyle
Andrews	Clarke (NY)	Edwards
Baca	Clay	Engel
Baldwin	Cleaver	Eshoo
Barrow	Clyburn	Farr
Bass (CA)	Cohen	Fattah
Becerra	Connolly (VA)	Filner
Berkley	Conyers	Frank (MA)
Berman	Cooper	Fudge
Bishop (GA)	Costa	Garamendi
Bishop (NY)	Costello	Gibson
Blumenauer	Courtney	Gonzalez
Boswell	Cravaack	Green, Al
Brady (PA)	Critz	Green, Gene
Braley (IA)	Crowley	Grijalva
Brown (FL)	Cuellar	Gutierrez
Butterfield	Cummings	Hanabusa
Capps	Davis (CA)	Harman
Capuano	Davis (IL)	Hastings (FL)
Cardoza	DeFazio	Heinrich
Carnahan	DeGette	Higgins
Carney	DeLauro	Himes
Carson (IN)	Deutch	Hinchey
Castor (FL)	Dicks	Hirono
Chandler	Dingell	Holden
Chu	Doggett	Holt

NOES—187

Donnelly (IN)
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt

NOT VOTING—7

Ellison	Hinojosa	Waxman
Giffords	McCollum	
Hall	Quayle	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1426

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. CRAVAACK. Madam Chair, on rollcall vote 97, I mistakenly voted "no." I intended to vote "yes."

Stated against:

Mr. ELLISON. Madam Chair, on February 18, 2011, I inadvertently missed rollcall No. 97. Had I been present, I would have voted "no."

AMENDMENT NO. 267 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 187, not voting 5, as follows:

[Roll No. 98]

AYES—241

Adams	Gohmert	Noem
Aderholt	Goodlatte	Nugent
Akin	Gosar	Nunes
Alexander	Gowdy	Nunnelee
Amash	Granger	Olson
Austria	Graves (GA)	Palazzo
Bachmann	Graves (MO)	Paul
Bachus	Griffin (AR)	Paulsen
Barletta	Griffith (VA)	Pearce
Bartlett	Grimm	Pence
Barton (TX)	Guinta	Petri
Bass (NH)	Guthrie	Pitts
Benishek	Hall	Platts
Berg	Hanna	Poe (TX)
Biggart	Harper	Pompeo
Bilbray	Harris	Posey
Bilirakis	Hartzler	Price (GA)
Bishop (UT)	Hastings (WA)	Reed
Black	Hayworth	Rehberg
Blackburn	Heck	Reichert
Bonner	Heller	Renacci
Bono Mack	Hensarling	Ribble
Boren	Herger	Rigell
Boustany	Herrera Beutler	Rivera
Brady (TX)	Huelskamp	Roby
Brooks	Huizenga (MI)	Roe (TN)
Broun (GA)	Hultgren	Rogers (AL)
Buchanan	Hunter	Rogers (KY)
Bucshon	Hurt	Rogers (MI)
Buerkle	Issa	Rohrabacher
Burgess	Jenkins	Rokita
Burton (IN)	Johnson (IL)	Rooney
Calvert	Johnson (OH)	Ros-Lehtinen
Camp	Johnson, Sam	Roskam
Campbell	Jones	Ross (AR)
Canseco	Jordan	Ross (FL)
Cantor	Kelly	Royce
Capito	King (IA)	Runyan
Carter	King (NY)	Ryan (WI)
Cassidy	Kingston	Scallise
Chabot	Kinzing (IL)	Schilling
Chaffetz	Kline	Schmidt
Coble	Labrador	Schweikert
Coffman (CO)	Lamborn	Scott (SC)
Cole	Lance	Scott, Austin
Conaway	Landry	Sensenbrenner
Cravaack	Lankford	Sessions
Crawford	Latham	Shimkus
Crenshaw	LaTourette	Shuster
Culberson	Latta	Simpson
Davis (KY)	Lewis (CA)	Smith (NE)
Denham	LoBiondo	Smith (NJ)
Dent	Long	Smith (TX)
DesJarlais	Lucas	Southerland
Diaz-Balart	Luetkemeyer	Stearns
Dold	Lummis	Stivers
Dreier	Lungren, Daniel	Stutzman
Duffy	E.	Sullivan
Duncan (SC)	Mack	Terry
Duncan (TN)	Manzullo	Thompson (PA)
Ellmers	Marchant	Thornberry
Emerson	Marino	Tiberi
Farenthold	McCarthy (CA)	Tipton
Fincher	McCaul	Turner
Fitzpatrick	McClintock	Upton
Flake	McCotter	Walberg
Fleischmann	McHenry	Walden
Fleming	McIntyre	Walsh (IL)
Flores	McKeon	Webster
Forbes	McKinley	West
Fortenberry	McMorris	Westmoreland
Fox	Rodgers	Whitfield
Franks (AZ)	Meehan	Wilson (SC)
Frelinghuysen	Mica	Wittman
Gallegly	Miller (FL)	Wolf
Gardner	Miller (MI)	Womack
Garrett	Miller, Gary	Woodall
Gerlach	Mulvaney	Yoder
Gibbs	Murphy (PA)	Young (AK)
Gibson	Myrick	Young (FL)
Gingrey (GA)	Neugebauer	Young (IN)

NOES—187

Ackerman	Berman	Capps
Altmire	Bishop (GA)	Capuano
Andrews	Bishop (NY)	Cardoza
Baca	Blumenauer	Carnahan
Baldwin	Boswell	Carney
Barrow	Brady (PA)	Carson (IN)
Bass (CA)	Braley (IA)	Castor (FL)
Becerra	Brown (FL)	Chandler
Berkley	Butterfield	Chu

Cicilline	Inslee	Price (NC)
Clarke (MI)	Israel	Quigley
Clarke (NY)	Jackson (IL)	Rahall
Clay	Jackson Lee	Rangel
Cleaver	(TX)	Reyes
Clyburn	Johnson (GA)	Richardson
Cohen	Johnson, E. B.	Richmond
Connolly (VA)	Kaptur	Rothman (NJ)
Conyers	Keating	Roybal-Allard
Cooper	Kildee	Ruppersberger
Costa	Kind	Rush
Costello	Kissell	Ryan (OH)
Courtney	Kucinich	Sanchez, Linda
Critz	Langevin	T.
Crowley	Larsen (WA)	Sanchez, Loretta
Cuellar	Larson (CT)	Sarbanes
Cummings	Lee (CA)	Schiff
Davis (CA)	Levin	Schakowsky
Davis (IL)	Lewis (GA)	Schiff
DeFazio	Lipinski	Schrader
DeGette	Loeb sack	Schwartz
DeLauro	Lofgren, Zoe	Scott (VA)
Deutch	Lowey	Scott, David
Dicks	Lujan	Serrano
Dingell	Lynch	Sewell
Doggett	Maloney	Sherman
Donnelly (IN)	Markey	Shuler
Doyle	Matheson	Sires
Edwards	Matsui	Slaughter
Ellison	McCarthy (NY)	Smith (WA)
Engel	McDermott	Speier
Eshoo	McGovern	Stark
Farr	McNerney	Sutton
Fattah	Meeks	Thompson (CA)
Filner	Michaud	Thompson (MS)
Frank (MA)	Miller (NC)	Tierney
Fudge	Miller, George	Tonko
Garamendi	Moore	Towns
Gonzalez	Moran	Tsongas
Green, Al	Murphy (CT)	Van Hollen
Green, Gene	Nadler	Velázquez
Grijalva	Napolitano	Visclosky
Gutierrez	Neal	Walz (MN)
Hanabusa	Oliver	Wasserman
Harman	Owens	Schultz
Hastings (FL)	Pallone	Waters
Heinrich	Pascarell	Watt
Higgins	Pastor (AZ)	Waxman
Himes	Payne	Weiner
Hinchey	Pelosi	Welch
Hirono	Perlmutter	Wilson (FL)
Holden	Peters	Woolsey
Holt	Peterson	Wu
Honda	Pingree (ME)	Yarmuth
Hoyer	Polis	

NOT VOTING—5

Giffords	McCollum	Schock
Hinojosa	Quayle	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1429

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 268 OFFERED BY MR. KING OF

IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 191, not voting 5, as follows:

[Roll No. 99]

AYES—237

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Akin	Gowdy	Palazzo
Amash	Granger	Paul
Austria	Graves (GA)	Paulsen
Bachmann	Graves (MO)	Pearce
Bachus	Griffin (AR)	Pence
Barletta	Griffith (VA)	Petri
Bartlett	Grimm	Pitts
Barton (TX)	Guinta	Platts
Bass (NH)	Guthrie	Poe (TX)
Benishek	Hall	Pompeo
Berg	Harper	Posey
Biggart	Harris	Price (GA)
Bilbray	Hartzler	Reed
Bilirakis	Hastings (WA)	Rehberg
Bishop (UT)	Hayworth	Reichert
Black	Heck	Renacci
Blackburn	Heller	Ribble
Bonner	Hensarling	Rigell
Bono Mack	Herger	Rivera
Boren	Herrera Beutler	Roby
Boustany	Huelskamp	Roe (TN)
Brady (TX)	Huizenga (MI)	Rogers (AL)
Brooks	Hultgren	Rogers (KY)
Broun (GA)	Hunter	Rogers (MI)
Buchanan	Hurt	Rohrabacher
Bucshon	Issa	Rokita
Buerkle	Jenkins	Rooney
Burgess	Johnson (IL)	Ros-Lehtinen
Burton (IN)	Johnson (OH)	Roskam
Calvert	Johnson, Sam	Ross (AR)
Camp	Jones	Ross (FL)
Canseco	Jordan	Royce
Cantor	Kelly	Runyan
Capito	King (IA)	Ryan (WI)
Carter	King (NY)	Scallise
Cassidy	Kingston	Schilling
Chabot	Kinzing (IL)	Schmidt
Chaffetz	Kline	Schock
Coble	Labrador	Schweikert
Coffman (CO)	Lamborn	Scott (SC)
Cole	Lance	Scott, Austin
Conaway	Landry	Sensenbrenner
Cravaack	Lankford	Sessions
Crawford	Latham	Shimkus
Crenshaw	LaTourette	Shuster
Culberson	Latta	Simpson
Davis (KY)	Lewis (CA)	Smith (NE)
Denham	LoBiondo	Smith (NJ)
Dent	Long	Smith (TX)
DesJarlais	Lucas	Southerland
Dold	Luetkemeyer	Stearns
Dreier	Lummis	Stivers
Duffy	Lungren, Daniel	Stutzman
Duncan (SC)	E.	Sullivan
Duncan (TN)	Mack	Terry
Ellmers	Manzullo	Thompson (PA)
Emerson	Marino	Thornberry
Farenthold	McCarthy (CA)	Tiberi
Fincher	McCaul	Tipton
Fitzpatrick	McClintock	Turner
Flake	McCotter	Upton
Fleischmann	McHenry	Walberg
Fleming	McIntyre	Walden
Flores	McKeon	Walsh (IL)
Forbes	McKinley	Webster
Fortenberry	McMorris	West
Fox	Rodgers	Westmoreland
Franks (AZ)	Meehan	Whitfield
Frelinghuysen	Mica	Wilson (SC)
Gallegly	Miller (FL)	Wittman
Gardner	Miller (MI)	Wolf
Garrett	Miller, Gary	Womack
Gerlach	Mulvaney	Woodall
Gibbs	Murphy (PA)	Yoder
Gibson	Myrick	Young (AK)
Gingrey (GA)	Neugebauer	Young (FL)
		Young (IN)

NOES—191

Bass (CA)	Blumenauer
Becerra	Boswell
Berkley	Brady (PA)
Berman	Braley (IA)
Bishop (GA)	Brown (FL)
Bishop (NY)	Butterfield

Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hanna
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi

NOT VOTING—5

Diaz-Balart
Giffords
Hinojosa
McCollum
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1432

Mr. MARCHANT changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HANNA. Madam Chair, on rollcall vote No. 99, I inadvertently voted “no.” I had intended to vote “aye.”

AMENDMENT NO. 83 OFFERED BY MRS. EMERSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 182, not voting 5, as follows:

[Roll No. 100]

AYES—246

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggett
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan

Walsh (IL)
Webster
West
Westmoreland
Whitfield

Wilson (SC)
Wittman
Wolf
Womack
Woodall

Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—182

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—5

Giffords
Hall
Hinojosa
McCollum
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1435

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 89 OFFERED BY MR. KIND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 246, not voting 4, as follows:

[Roll No. 101]

AYES—183

Adams	Green, Gene	Nugent
Amash	Griffith (VA)	Olver
Andrews	Grimm	Pallone
Baldwin	Guinta	Paul
Bass (CA)	Hall	Payne
Bass (NH)	Hanabusa	Pelosi
Benishek	Harman	Pence
Berkley	Hastings (FL)	Peters
Berman	Heck	Petri
Bilbray	Heinrich	Pingree (ME)
Bishop (NY)	Heller	Pitts
Bishop (UT)	Herrera Beutler	Polis
Blumenauer	Higgins	Price (GA)
Bono Mack	Himes	Quigley
Brady (PA)	Hinchey	Rigell
Buerkle	Holt	Rivera
Burton (IN)	Honda	Rogers (MI)
Campbell	Huizenga (MI)	Rohrabacher
Cantor	Hunter	Ros-Lehtinen
Capps	Inslee	Roybal-Allard
Capuano	Israel	Royce
Carnahan	Jackson (IL)	Ryan (OH)
Carney	Jackson Lee	Ryan (WI)
Castor (FL)	(TX)	Sánchez, Linda
Chabot	Johnson (GA)	T.
Chaffetz	Jordan	Sarbanes
Chandler	Kaptur	Schiff
Cicilline	Keating	Schrader
Clarke (MI)	Kildee	Schweikert
Cohen	Kind	Sensenbrenner
Connolly (VA)	Kucinich	Serrano
Cooper	Lance	Sherman
Costello	Landry	Shuler
Crowley	Langevin	Sires
Culberson	Larsen (WA)	Slaughter
Davis (CA)	Larson (CT)	Smith (WA)
DeFazio	Lee (CA)	Speier
DeGette	Lewis (CA)	Stark
DeLauro	Lipinski	Stearns
Dent	Luján	Sutton
Deutch	Lynch	Terry
Doggett	Mack	Tierney
Donnelly (IN)	Manzullo	Tonko
Doyle	Markey	Towns
Dreier	Matheson	Tsongas
Duffy	McCauley	Turner
Duncan (TN)	McClintock	Upton
Edwards	McCotter	Van Hollen
Ellison	McKinley	Visclosky
Eshoo	McNerney	Walberg
Fattah	Meehan	Wasserman
Fitzpatrick	Meeks	Schultz
Flake	Michaud	Weiner
Forbes	Miller (MI)	West
Fox	Miller, Gary	Whitfield
Frank (MA)	Miller, George	Whitman
Gallagher	Moran	Wolf
Garamendi	Mulvaney	Woolsey
Gingrey (GA)	Murphy (CT)	Wu
Graves (GA)	Nadler	Yarmuth
Graves (MO)	Napolitano	Young (AK)
Green, Al	Neal	Young (FL)

NOES—246

Ackerman	Bartlett	Boswell
Aderholt	Barton (TX)	Boustany
Akin	Becerra	Brady (TX)
Alexander	Berg	Braley (IA)
Altmire	Biggart	Brooks
Austria	Bilirakis	Brown (GA)
Baca	Bishop (GA)	Brown (FL)
Bachmann	Black	Buchanan
Bachus	Blackburn	Buchanan
Barletta	Bonner	Burgess
Barrow	Boren	Butterfield

Calvert	Hirono	Pompeo
Camp	Holden	Posey
Canseco	Hoyer	Price (NC)
Capito	Huelskamp	Rahall
Cardoza	Hultgren	Rangel
Carson (IN)	Hurt	Reed
Carter	Issa	Rehberg
Cassidy	Jenkins	Reichert
Chu	Johnson (IL)	Renacci
Clarke (NY)	Johnson (OH)	Reyes
Clay	Johnson, E. B.	Ribble
Cleaver	Johnson, Sam	Richardson
Clyburn	Jones	Richmond
Coble	Kelly	Roby
Coffman (CO)	King (IA)	Roe (TN)
Cole	King (NY)	Rogers (AL)
Conaway	Kingston	Rogers (KY)
Conyers	Kinzing (IL)	Rokita
Costa	Kissell	Rooney
Courtney	Kline	Roskam
Cravaack	Labrador	Ross (AR)
Crawford	Lamborn	Ross (FL)
Crenshaw	Lankford	Rothman (NJ)
Critz	Latham	Runyan
Cuellar	LaTourette	Ruppersberger
Cummings	Latta	Rush
Davis (IL)	Levin	Sánchez, Loretta
Davis (KY)	Lewis (GA)	Scalise
DeBenedictis	LoBiondo	Schakowsky
DeJarlais	Loebach	Schilling
Diaz-Balart	Lofgren, Zoe	Schmidt
Dicks	Long	Schock
Dingell	Lowey	Schwartz
Dold	Lucas	Scott (SC)
Duncan (SC)	Luetkemeyer	Scott (VA)
Ellmers	Lummis	Scott, Austin
Emerson	Lungren, Daniel	Scott, David
Engel	E.	Sessions
Farenthold	Maloney	Sewell
Farr	Marchant	Shimkus
Filner	Marino	Shuster
Fincher	Matsui	Simpson
Fleischmann	McCarthy (CA)	Smith (NE)
Fleming	McCarthy (NY)	Smith (NJ)
Flores	McDermott	Smith (TX)
Fortenberry	McGovern	Southerland
Franks (AZ)	McHenry	Stivers
Frelinghuysen	McIntyre	Stutzman
Fudge	McKeon	Sullivan
Gardner	McMorris	Thompson (CA)
Garrett	Rodgers	Thompson (MS)
Gerlach	Mica	Thompson (PA)
Gibbs	Miller (FL)	Thornberry
Gibson	Miller (NC)	Tiberi
Gohmert	Moore	Tipton
Gonzalez	Murphy (PA)	Velázquez
Goodlatte	Myrick	Walden
Gosar	Neugebauer	Walsh (IL)
Gowdy	Noem	Walz (MN)
Granger	Nunes	Walters
Griffin (AR)	Nunnelee	Watt
Grijalva	Olson	Waxman
Guthrie	Owens	Webster
Gutierrez	Palazzo	Welch
Hanna	Pascarella	Westmoreland
Harper	Pastor (AZ)	Wilson (FL)
Harris	Paulsen	Wilson (SC)
Hartzler	Pearce	Womack
Hastings (WA)	Perlmutter	Woodall
Hayworth	Peterson	Yoder
Hensarling	Platts	Young (IN)
Herger	Poe (TX)	

NOT VOTING—4

Giffords	McCollum
Hinojosa	Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1440

Messrs. WALBERG, AL GREEN of Texas, MORAN and Ms. WASSERMAN SCHULTZ changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FRANKS of Arizona. Madam Chair, on rollcall 101, I mistakenly voted “no”; however, I intended to vote “aye.”

AMENDMENT NO. 88 OFFERED BY MR. KIND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 306, not voting 4, as follows:

[Roll No. 102]

AYES—123

Amash	Garamendi	Pascarella
Baldwin	Goodlatte	Paul
Bass (CA)	Griffith (VA)	Payne
Becerra	Gutierrez	Pelosi
Berkley	Harman	Peterson
Berman	Hastings (FL)	Pingree (ME)
Bishop (NY)	Heinrich	Polis
Blumenauer	Higgins	Price (NC)
Boswell	Holt	Quigley
Brady (PA)	Honda	Rahall
Braley (IA)	Hoyer	Rangel
Camp	Hurt	Richardson
Campbell	Inslee	Roybal-Allard
Capps	Jackson (IL)	Rush
Cardoza	Jackson Lee	Sánchez, Linda
Carney	(TX)	T.
Carson (IN)	Johnson (GA)	Sánchez, Loretta
Chu	Keating	Sarbanes
Clarke (NY)	Kind	Schakowsky
Clay	Kucinich	Schiff
Cleaver	Lee (CA)	Schrader
Cohen	Lewis (GA)	Schwartz
Cooper	Lipinski	Scott (VA)
Costello	Lofgren, Zoe	Serrano
Crowley	Lowey	Sherman
Cummings	Luján	Slaughter
Davis (CA)	Lummis	Speier
Davis (IL)	Lynch	Stark
DeFazio	Maloney	Thompson (CA)
DeGette	Markey	Tierney
Doggett	Matheson	Tonko
Duncan (TN)	Matsui	Towns
Edwards	McDermott	Van Hollen
Ellison	McGovern	Velázquez
Engel	McNerney	Watt
Eshoo	Meeks	Waxman
Farr	Michaud	Weiner
Fattah	Miller, George	Woodall
Fitzpatrick	Nadler	Woolsey
Flake	Napolitano	Wu
Frank (MA)	Oliver	Yarmuth
Fudge	Pallone	

NOES—306

Ackerman	Berg	Bucshon
Adams	Biggart	Buerkle
Aderholt	Bilbray	Burgess
Akin	Bilirakis	Burton (IN)
Alexander	Bishop (GA)	Butterfield
Altmire	Bishop (UT)	Calvert
Andrews	Black	Canseco
Austria	Blackburn	Cantor
Baca	Bonner	Capito
Bachmann	Bono Mack	Capuano
Bachus	Boren	Carnahan
Barletta	Boustany	Carter
Barrow	Brady (TX)	Cassidy
Bartlett	Brooks	Castor (FL)
Barton (TX)	Brown (GA)	Chabot
Bass (NH)	Brown (FL)	Chaffetz
Benishek	Buchanan	Chandler

Cicilline
Clarke (MI)
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Filner
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hirono
Holden
Huelskamp
Huizenga (MI)
Hultgren

Hunter
Israel
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
LoBiondo
Loeb sack
Long
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Whitfield
Pearce
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—4

Giffords
Hinojosa

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1443

Mr. INSLEE changed his vote from
“no” to “aye.”

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 104 OFFERED BY MRS.
BLACKBURN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Tennessee (Mrs.
BLACKBURN) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 147, noes 281,
not voting 5, as follows:

[Roll No. 103]

AYES—147

Akin
Amash
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Benishek
Bilirakis
Bishop (UT)
Black
Harris
Hartzler
Hayworth
Heller
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Burgess
Burton (IN)
Campbell
Canseco
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Davis (KY)
DesJarlais
Duncan (SC)
Duncan (TN)
Latta
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marino
McCaul
McClintock
McCotter
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney

Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harris
Hartzler
Hayworth
Heller
Rehberg
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Smith (NE)
Smith (TX)
Southernland
Stearns
Stutzman
Thornberry
Tiberi
Turner
Walberg
Walsh (IL)
Walsh (IL)
Webster
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (IN)

Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gibson
Gingrey (GA)
Gonzalez
Granger
Green, Al
Green, Gene

Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Harman
Harper
Hastings (FL)
Hastings (WA)
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nunes
Nunnelee
Olson
Olver
Palazzo
Pallone
Pascrell
Pastor (AZ)

Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schradner
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
West
Westmoreland
Wilson (FL)
Wolf
Womack
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—281

Ackerman
Adams
Aderholt

Alexander
Altmire
Andrews

Baca
Baldwin
Barletta

NOT VOTING—5

Giffords McCollum Quayle
Hinojosa Owens

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1446

Mr. GINGREY of Georgia changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GERLACH. Madam Chair, on rollcall No. 103, I inadvertently voted “yea.” I intended to vote “nay.”

RECOGNIZING CONGRESSWOMAN HARMAN

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Today may well be the last day of a very distinguished career of Congresswoman JANE HARMAN from California. And I want to recognize JANE in the well, and you can say a few words, and then we will have some other people making brief comments.

JANE.

Ms. HARMAN. Thank you, NORM DICKS, my longest-standing, certainly not my oldest, friend in the House, and thank you, colleagues.

My congressional career will close on February 28 so that the constitutional required special election to replace me can coincide with a statewide referendum Governor Brown intends to hold in California later this year. This timing will save taxpayer money, a very good thing, ensure a higher turnout, and most quickly fill the vacancy created by my resignation.

The messages that have flooded my offices since I have announced my departure have touched me deeply. The extraordinary honor of a congratulatory statement by the President was completely unexpected and absolutely thrilling. But the message I may treasure most came from one of my four children. It said simply, “Brave Mama.”

For 17 years, I have worked my heart out for the people of California’s 36th Congressional District. I cast votes with which some strongly disagreed, but I have always tried my best to listen and lead.

The opportunity awaiting me at the Woodrow Wilson International Center for Scholars is enormous, following in the footsteps of our former Member, Lee Hamilton. It is truly a center of excellence and a place where I believe I can add real value to bipartisan scholarship and policymaking. But nothing—and I mean nothing—will ever replace the two-decade long journey I have just completed as I sought and won a seat in Congress, my first and only elected office.

I have worked closely with many of you in committees and caucuses, like the Blue Dogs and the New Democrats, and on legislation. With some here, I have visited garden spots, like North Korea, Libya, Syria, Afghanistan, Pakistan and Yemen, to assess the threats we face. And those threats, as you all know, are extremely serious. Such foreign travel is, I believe, a wonderful way to build personal bipartisan friendships, something dearly needed here.

As a lifelong, passionate, “bipartisan in my bones” Democrat, I have been criticized by both sides. But the center is where, in my view, most Americans are and where, in many cases, the best policy answers are. I will bring that perspective with me to my new post at the Wilson Center.

Let me make two final points.

First, over the years, I have worked hard to hire and train the best staff on the planet.

□ 1450

We call ourselves Team Harman. And at annual reunions, I marvel at how they and their families have grown. I truly love them and know how their extraordinary efforts are appreciated by my constituents and by other offices.

And second, I always say that I represent the smartest constituents on earth. This is not a joke. They have helped me enormously to do my job well. Sidney, my young Sidney and I, and our ever-growing family thank them for the milestones and the memories. I may be changing my day job, but not my residence or my heart.

So as I conclude my final statement on the floor of this House, I depart with great affection and gratitude to wonderful colleagues, to very long-standing friends, to a leadership with whom I have worked closely, to my sisters from California and throughout the United States, on both sides of the aisle, all of you have become valued, valued, valued, very valued friends. And I thank you, again, for the honor of serving with you.

Mr. DICKS. I yield to the Democratic leader.

Ms. PELOSI. To our valued, valued, valued friend, JANE HARMAN, to a proud Californian, to a great leader in our country, I know I speak for everyone in this Congress on this occasion when I say we have been proud to call you colleague and, again, for many of us, to value you as a friend.

JANE’s contribution to our country is one as a patriot. Not only for her great service in the Congress of the United States, but she and her family, her young Sidney, have been a source of strength to our country, whether it comes to security, our national security, the arts, or the education of the next generation.

We all know that our first responsibility is to keep the American people

safe. No one has done more in that regard than JANE HARMAN, and also in conveying the values of our great Nation throughout the world. The Woodrow Wilson Center is fortunate indeed to have her leadership. It will be a great combination.

And so I say, JANE, we all choke up when we hear you say it’s your last statement on the floor. We have all benefited from your wisdom. We congratulate you and send you off with great love, brave mama.

Mr. DICKS. I now yield to the Democratic Whip, the gentleman from Maryland.

Mr. HOYER. I thank the gentleman from Washington State for yielding, and I thank the leader for her remarks.

JANE HARMAN and I have known each other for almost half a century. We in fact grew up together in many ways, became involved in public service, and I have seen her grow into one of the great leaders in this country on issues of national security.

National security is one of the most bipartisan issues with which we deal. Everyone knows that we swear an oath to defend the Constitution and laws of this Nation, and that we have a responsibility to ensure the safety of our country and the safety of our people. Few among us have taken more to heart that responsibility than JANE HARMAN of California.

JANE, of course, as all of you know, served on the Intelligence Committee. She served on the Intelligence Committee as ranking member for a long period of time. And if you ask the people in the intelligence community or in the defense community—and of course she served on the staff of the Department of Defense as well in a number of administrations—they will tell you that JANE HARMAN is as knowledgeable, as incisive, as thoughtful, as analytical as anybody with whom they have dealt in the Congress of the United States. We will be a lesser Congress for her leaving us and have less of an expertise, although many experts we still have.

JANE has been a voice to the American people on the focus that we have needed to keep our country safe and to confront those terrorists who would put us at risk.

JANE, we owe you a debt of gratitude, your constituents owe you a debt of gratitude, and your country owes you a debt of gratitude.

The sadness of your leaving is leavened somewhat by the fact that you will continue to be involved and your expertise will continue to be available in your new position as the leader of the Woodrow Wilson Center, a distinguished center of thought and focus on issues of international security and policy.

We thank you for your service. We wish you the very best. And we are so glad to know that you are just a few

blocks down the road so that we will be able to call upon you to give your very thoughtful insights, analysis, and advice to the issues that confront this Nation and all of us, Democrats and Republicans, liberals and conservatives, which, as you rightly point out, is not an issue of ideology but of practical safety for our citizens and Nation.

Thank you, dear friend. Thank you, dear colleague. Thank you, dear American leader.

Mr. DICKS. I yield to the gentleman from California, our former chairman of the Appropriations Committee and Defense Subcommittee, Mr. LEWIS, our good friend.

Mr. LEWIS of California. I thank the gentleman.

As Arlene and I were sharing thoughts about you, dear JANE, she expressed some consternation that she had not been able to find a young Sid. But, nonetheless, she suggested she was going to put up with me anyway.

JANE, we have admired your work for all of my life in public affairs. Since I have been in the Congress you have become a wonderful friend as well as a policy partner. I can't tell you how much I have enjoyed our years together on the Intelligence Committee.

Our work on behalf of our national security together hand in hand has been very important to Arlene and myself. You are a wonderful person, a wonderful personality, and we love you and wish you well as you go forward, JANE.

Mr. DICKS. I have known JANE for 42 years. She was a staff assistant to Senator Tunney when I was a staff assistant to Senator Magnuson. We have worked together as colleagues ever since. We love Sidney. We are so excited that there still is a Woodrow Wilson Center for you to go to. We appreciate your great service to our country and thank you for everything that you have done.

Mr. DREIER. Will the gentleman yield?

Mr. DICKS. I yield to my friend from California.

Mr. DREIER. I thank my friend for yielding. I know we have lots of work to do here and we have gone through an extraordinary process over the last few days, but the moment I heard something was being said about my friend JANE HARMAN, I wanted to rush downstairs to say that when I think of JANE HARMAN, I think of the quintessential individual committed to bipartisanship.

She has always worked to reach across the aisle, whether it's dealing with national security and foreign policy issues or domestic issues or, for us, issues as we share the representation of Los Angeles area.

□ 1500

And I want to say that the Woodrow Wilson Center is going to be—we all re-

spected Lee Hamilton—but an even greater place now with JANE HARMAN there.

Mr. DICKS. JANE, we wish you well at the Woodrow Wilson Center. Lee Hamilton did a fantastic job. We know you will too.

AMENDMENT NO. 336 OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Not later than 90 after the date of enactment of this Act, the Director of the Congressional Budget Office and the Commissioner of the Bureau of Labor Statistics shall, jointly—

(1) study the effect that this Act will have on job levels; and

(2) report the findings of the study in the Employment Situation Report of the Bureau of Labor Statistics.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

Mr. ADERHOLT. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The point of order is reserved.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Thank you, Madam Chairman.

I yield myself 4½ minutes.

My amendment is very simple and very straightforward. It would simply append to the end of the bill a requirement that not later than 90 days after the enactment of H.R. 1, the Director of the Congressional Budget Office and the Commissioner of the Bureau of Labor Statistics shall jointly conduct a study that would illustrate the effect that this act will have on job levels and, second, that these effects will be reported on a monthly basis to the American people on the first Friday of each month.

We have competing visions of what the effect of H.R. 1 will be. We have the Economic Policy Institute, which has estimated that the implications of H.R. 1 will be a job loss of over 800,000. We have the Center for American Progress saying that the result of passing H.R. 1 will be a job loss of 650,000 jobs directly and 325,000 indirect jobs lost.

And then we have Speaker BOEHNER. Speaker BOEHNER says, and I'm quoting him exactly, he says that if we reduce spending, we'll create a better environment for job creation in America.

And so very simply put, what my amendment does is it finds out who's right. Is the Economic Policy Institute right? Is the Center for American Progress right? Or is Speaker BOEHNER

and others who believe that this will in fact create jobs?

And let me say why I am so focused on this.

H.R. 1 cuts funding for the Office of Science by 20 percent, \$1.1 billion; and it cuts funding by 40 percent for the energy efficiency and renewable energy program. These are the two programs that support a Department of Energy lab in my district. That is the second largest employer in my district.

And so I asked the administrators of the lab to tell me what the implications would be. So this is one set of cuts in one district on one facility. And what the implications will be would be a layoff of a third of the workforce and the shutdown of two very important analytical pieces of equipment that attract 3,300 scientists from all over the world.

So we would lay off a third of my constituents, and we would reduce the number of scientists who use this facility by 3,300. So that's 3,300 people not staying in our hotels, not renting our cars, not eating in our restaurants, not buying their coffee in our delis.

That's just one district, one facility, one decision.

Let us find out whether or not this bill, H.R. 1, will in fact be the engine of job creation that the majority has presented it to be, or will it destroy jobs as we believe it will and as the Center for Academic Progress believes that it will.

With that, I yield the balance of my time to the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman and rise to support his amendment.

We should have a quantifiable way of finding out the impact of this continuing resolution on job creation. What else could be more important than that?

There was an examination of the jobs that came out of the economic recovery program. If this continuing resolution would be enacted into law, will the unemployment rate decrease? Will wages go up for middle class families? Will this continuing resolution help to turn the economy around?

I would think that the majority would welcome the opportunity to verify their claim that the continuing resolution would create jobs. Let's prove us wrong. We believe that it will destroy jobs. Prove us wrong—unless you feel that if jobs are lost, so be it.

So why not have the Bureau of Labor Statistics work on these critical issues? And I ask my colleagues on the other side of the aisle, what are you afraid of?

POINT OF ORDER

Mr. ADERHOLT. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and

therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Mr. BISHOP of New York. Madam Chairman, I am prepared to accept your ruling on the point of order, but I would like to make this comment.

And the comment is, Why would you not want to have the information that this amendment would elicit? It's very important information. We all know that our actions have consequences. We all know that the Republican leadership promised us the most transparent Congress in history.

The Acting CHAIR. The Chair is prepared to rule. The gentleman is not addressing the point of order.

The Chair finds that this amendment imposes new duties. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. ROGERS of Kentucky. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WESTMORELAND) having assumed the chair, Mrs. CAPITO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER FURTHER CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1 in the Committee of the Whole pursuant to House Resolution 92 and the order of the House of February 17, 2011, it shall be in order for the chair or ranking minority member of the Committee on Appropriations to offer amendments en bloc consisting of amendments specified in the order of the House of February 17 not earlier disposed of, and that amendments so offered shall be debatable for 10 minutes equally divided and controlled by said chair and ranking minority member, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. DICKS. Reserving the right to object, and I do not intend to object. This is for the Members who want to voluntarily enter into this arrangement.

Is that correct?

Mr. ROGERS of Kentucky. The gentleman is correct.

Mr. DICKS. I withdraw my reservation, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1.

□ 1510

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mrs. CAPITO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 336 offered by the gentleman from New York (Mr. BISHOP), had been disposed of, and the bill had been read through page 359, line 22.

Pursuant to the order of the House of today, the chair or ranking minority member of the Committee on Appropriations may offer certain amendments en bloc, to be considered under the terms of that order.

AMENDMENT NO. 414 OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division B of this Act may be used for the National Bio and Agro-Defense Facility in Manhattan, Kansas.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chair, I yield myself 3 minutes.

My amendment is very straightforward. It would simply stipulate that none of the funds available in this act may be used to further the construction of the National Bio and Agro-Defense Facility in Manhattan, Kansas, commonly referred to as NBAF.

NBAF, in my view, is a government boondoggle that anyone concerned about fiscally responsible behavior should want to be stopped. Anyone who is concerned about fiscally responsible behavior should be supporting my amendment.

Here are the facts:

NBAF was originally estimated to cost \$451 million. Current estimates are that the cost will be in excess of \$915 million.

The Department of Homeland Security has consistently stated that the sale of Plum Island in my district would cover the cost of NBAF. This is not even remotely accurate. Any reasonable estimate of the cost of Plum Island will be no better than \$80 million.

Why should the American taxpayer invest \$1 billion in this project with hardly any offset for a project that is essentially redundant?

Now my friends from Kansas—and I certainly understand their interest—have criticized this amendment as constituting parochial politics. And I would say, with respect to my friends, that I don't see anything parochial about trying to shield the American taxpayer from an investment of \$1 billion in a facility that we do not need.

So I would urge my colleagues to support this amendment. I would urge my colleagues who are concerned about spending—and every one of us in this Chamber is concerned about spending—here's an opportunity to cut spending that we simply do not need.

Madam Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Chairman, I commend the gentleman from New York for raising this issue, and I thank him for the time.

As he knows, I've had a longstanding concern about the decision to relocate the National Bio and Agro-Defense Facility to the mainland without a comprehensive and validated strategy to prevent the release of harmful pathogens into the community.

When I was chairman of the subcommittee overseeing appropriations for the Department of Homeland Security, I championed a requirement that prohibited the use of funds in fiscal 2010 for NBAF construction until a site-specific risk assessment was completed and the results were validated by the National Academy of Sciences. This work was completed last November and the results were somewhat disconcerting with respect to the possible release of foot and mouth disease.

Now the Department of Homeland Security believes that this risk is exaggerated and does not take into account planned mitigation strategies. So I appreciate the language in the continuing resolution that requires a revised risk assessment once the facility is 50 percent designed and that this assessment be again reviewed by the National Academy of Sciences. This is good oversight, but this must be done before DHS can responsibly provide construction funding for NBAF.

I would prefer to condition funds on completion of this additional oversight; however, I also recognize that there are no funds in the underlying CR for NBAF in fiscal 2011, making such a conditioning of funds unnecessary. Therefore, I have no objection to my friend from New York's approach.

Mr. ADERHOLT. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chairman, there is broad consensus that construction and eventual operation of this facility is crucial to our national security. This language that we have included in the CR will help ensure that we get this project done while existing firm oversight and risk costs are being considered.

We have included rigorous oversight language in the CR requiring the Science and Technology to revise its risk analysis once it has completed 50 percent of the design planning of the facility, at which time it will have fully incorporated the Department's planned biosafety security measures. The CR also provides for the National Academy of Sciences to review the revised analysis.

Madam Chairman, I yield 2 minutes to the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

In 2009, after an exhaustive 3-year review, the Department of Homeland Security chose Manhattan, Kansas, as the site for the new National Bio and Agro-Defense Facility.

NBAF will be a cutting-edge research facility, and it will accelerate our Nation's ability to protect ourselves, our food supply, and our economy from biological threats. It will become the world's premiere animal health research facility and further solidify our Nation's place as the international leader in animal health research.

NBAF has the support of both the Bush and Obama administrations. In fact, this week, President Obama included \$150 million in his budget to begin its construction. This inclusion shows a commitment from the President and Secretary Napolitano to see that this cutting-edge facility moves forward as planned so we can safely conduct critical research to develop

vaccines and countermeasures in order to protect the public and our livestock from the threats of devastating disease.

Simply put, this debate should be about our national security, not parochial politics. In this age of uncertainty and global threats, conducting vital research to protect our Nation could not be more crucial, and the truth of the matter is we are dangerously underprotected from the threat of a biological attack against our people and food. In fact, the bipartisan Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism recently issued a report card that gave the Federal Government a failing grade for efforts to prevent a biological attack.

We need to protect our food and our families from danger. We need to stay on the cutting edge of this research field. Our security is at risk, and delaying this project further because the gentleman from New York would prefer to preserve a stunningly outdated lab that just happens to be in his district is not an option. We need to move forward and we need NBAF.

I urge my colleagues to vote against this destructive amendment.

□ 1520

Mr. ADERHOLT. Madam Chair, I yield 1 minute to the gentleman from Kansas (Mr. YODER).

Mr. YODER. I rise today in strong opposition to the Bishop amendment.

Madam Chair, reports indicate that the most imminent, critical threat to our Nation's homeland security is a biological attack that could result in a serious food crisis brought on by disease spread by terrorists hoping to infect cattle and other livestock in the agriculture production in this country. Simply put, the results could be devastating.

The National Bio and Agro Defense facility, a safe, secure agricultural and bio-containment lab, is the proper facility to research and protect American agriculture from the threats that exist, both foreign and abroad, from agriculture bioterrorism.

I ask my colleagues today to join me in an effort to oppose the Bishop amendment, which would turn back the clock in our efforts to combat biological terrorism and which would save the country no money in the name of stopping this very worthy project.

The facts on NBAF are clear.

The Weapons of Mass Destruction Commission's report, *The Clock Is Ticking*, indicates that the most imminent threat to our Nation's homeland security is a biological attack.

The same Commission gives our Nation a failing grade in our ability to recognize, respond to and recover from a biological attack.

Current and previous Administrations have affirmed these threats and the need to prepare and respond.

Currently, the Plum Island Animal Disease Center is where much of the Biosafety Level-

3 Agricultural research is performed. However, this facility was built in the 1950s, is nearing the end of its lifecycle, and does not contain the necessary biosafety level facilities to meet the NBAF research requirements.

A rigorous, three-year site selection process for the NBAF was conducted by civil servants and independent experts in the Departments of Homeland Security and Agriculture.

Nearly 30 potential locations were reviewed all around the country, including Plum Island. After thorough risk, environmental, and security assessments were completed, Manhattan, Kansas was unanimously selected as the best place on the merits to carry out the NBAF's essential research mission.

NBAF in Manhattan, Kansas will be a state-of-the-art biocontainment facility for the study of foreign animal, emerging and zoonotic (transmitted from animals to humans) diseases that threaten the U.S. animal agriculture and public health.

The selection process was affirmed by the DHS Inspector General, was conducted in accordance with Federal regulations and was fair.

The funding for the NBAF was included in the budget and was not an earmark. The funding will be matched by more than \$150 million from the State of Kansas and will also be offset by the sale of the antiquated Plum Island facility. The State of Kansas has already spent \$18 million to prepare for the NBAF site.

It is crucial that we do not turn this discussion on the spending reductions our government must take into a debate between states. Funding of NBAF is not a local issue, it is a national issue rooted in our national security.

Mr. ADERHOLT. Madam Chair, let me just say again that there is broad consensus that the construction and eventual operation of this facility are crucial to our national security.

This amendment reflects a well-crafted, stringent oversight requirement that was developed on a bipartisan basis with the ranking member of this subcommittee, so I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 519 OFFERED BY Mr. CAMPBELL

Mr. CAMPBELL. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) for

the Departments of Defense and Homeland Security is hereby reduced by 3.5 percent.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. I yield myself such time as I may consume.

Madam Chairwoman, Secretary Gates and Secretary Clinton have said that our debt is a national security issue. Indeed, it is. They are correct. When you look at our debt, it is a function of multiple deficits. The largest spending item we have in the Federal Government are the entitlements, but number two is defense.

We cannot reduce our deficit substantially and deal with our debt problem without reducing the costs of our number one and number two expenses. This amendment deals with number two, which are the Department of Defense and the Department of Homeland Security. In the bill before us, those Departments have a roughly 1 percent increase in spending. We are trying to reduce the deficit here, and we have increased Defense and Homeland Security.

What this amendment would do is turn that 1 percent increase into a roughly 2½ percent decrease in spending. Now, it is across the board, although it does not affect overseas contingency operations. The wars in Iraq and Afghanistan will be unaffected. However, the opposition will come up in a moment and decry how this is somehow going to devastate the country and make us unable to defend ourselves. I submit that that is not the case, and let me give you a few reasons.

First of all, this funding is 98 percent of last year's funding. Any organization, including the Departments of Defense and Homeland Security, ought to be able to complete their missions and serve their constituencies for 98 percent of last year's costs.

Second, there are 755,000 civilian employees in the Department of Defense. That is one civilian employee for every two uniformed personnel. Do we really need that many civilian employees in the Department of Defense?

Third, there are many weapons systems funded in the Defense Department which the Defense Department does not want. They are there because of influential Members of Congress who have put them in. Defense has always been the most earmarked section of the entire budget.

Fourth, there are many items in Defense that are unrelated to defense. Spenders in this House have figured out that if they put in unrelated spending—environmental spending, medical research, other things in the Department of Defense—it will be shielded from being reduced. That should not be the case.

Fifth, since 2006, defense spending has increased by 32 percent, in a period of almost no inflation, while the war in Iraq was winding down.

We must learn how to defend this country for less, and we can do that. There are plenty of things we can do. We need to defend our country against vulnerabilities; but our debt, which is now 47 percent held by foreigners—and that percentage is increasing—is a greater threat to the security of this country than any aircraft carrier. It is a greater threat than any military force out there. We have to deal with that, but we can't deal with this debt unless we include the large spending in the Departments of Defense and Homeland Security and defend this country for less.

I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. The CR that we are debating here, and have been for the last couple of days, strikes the right balance between sustaining programs that are crucial to our Nation's security and keeping our discretionary spending in check.

This CR doesn't make a choice between fiscal discipline and security. It supports both, and it does so in a responsible manner. In fact, the CR significantly reduces the funding available to the Department of Homeland Security by more than \$1 billion, and it fully pays for FEMA's \$1.6 billion disaster relief shortfall.

Madam Chair, this CR attempts to carefully cut the fat out of the Department of Homeland Security and does so in a way that does not harm vital security operations. The gentleman's amendment cuts everything across the Department, and that is both unnecessary and potentially harmful, especially at a time of heightened threats and terrorist activity.

At this point, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I rise in strong opposition to this amendment.

The Department of Defense was not spared from cuts. The bill already slashes \$15 billion from the President's request for FY11. This amendment would take it down another \$18 billion, or \$33 billion in total. I am concerned that the levels of cuts proposed by the gentleman from California go too far and will adversely affect many defense readiness programs. Just as I have said about cuts in other areas, this is not time to take a hatchet to these programs.

The amendment would cause DOD to terminate contracts, which will, in turn, force companies to lay off employees. Defense spending cannot, of course, be justified simply by jobs; but

at the same time, the prospect of adding to our unemployment just as we are emerging from the recession should be a consideration.

In total, the Office of Secretary of Defense has identified 124 major acquisition programs that would be significantly disrupted by approaching the FY10 funding levels. Dropping funding by an additional \$18 billion to reach the 3.5 percent reduction would seriously disrupt the readiness and safety of our forces.

This is a very bad amendment; and on a bipartisan basis, we should defeat it.

Mr. ADERHOLT. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I join with the ranking member in opposing this amendment. The current allocation for defense is already \$14.8 billion below the fiscal year 2011 request, an almost 3 percent reduction; and of course our committee wants to help to address the Federal deficit, too, as do other committees. Further, arbitrary reductions, especially of this magnitude of over \$23.5 billion, will basically bring the Department of Defense to a grinding halt, perhaps one beyond what is reasonable.

Specifically, the amendment would require reducing and canceling training for returning troops; canceling Navy training exercises; reducing Air Force flight training; delaying or canceling the maintenance of aircraft, ships or vehicles; delaying important safety and quality-of-life repairs to facilities and military barracks.

At a time of war, we should be showing support for our troops and not undercutting them, even though for good reasons, in order to lower the Federal deficit by making reductions of this amount.

Mr. ADERHOLT. Madam Chair, I yield 1 minute to the ranking member of the subcommittee on Homeland Security, the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman for yielding.

Madam Chair, I rise in strong opposition to this amendment, which reduces funding for the Department of Homeland Security by 3½ percent. Under the CR, funding for Homeland Security is already 3 percent below the 2010 enacted level.

□ 1530

The \$1.56 billion in supplemental disaster needs funded in this bill already cuts deep into Homeland Security programs. An additional 3.5 percent reduction would dangerously weaken our security. If this reduction were adopted, critical programs such as border security, disaster relief, immigration enforcement, and transportation security would no longer be shielded from ill-advised cuts.

The Department would be required to lay off critical staff we have hired over the past 2 years, including Border Patrol agents, CBP officers at the ports of entry, ICE investigators along the southwest border, and the Secret Service agents that respond to heightened threats against the President.

This reduction would mean the Department would need to abandon critical technology procurements that would better protect our aviation and transit system against possible attacks.

In short, Madam Chair, this amendment is ill advised in the extreme. I urge Members to vote "no."

Mr. ADERHOLT. I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining and the gentleman from Alabama has 1 minute remaining.

Mr. CAMPBELL. Madam Chair, I yield the balance of my time to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. I thank the gentleman from California for yielding me this time.

First I would like to commend Chairman ROGERS and his staff, because I am sure they have tried to do as much as they thought they possibly could in what would get through the Senate.

But I rise at this time to especially commend the gentleman from California (Mr. CAMPBELL) for making what I consider to be a very courageous amendment. He knows that this amendment is probably not going to get many votes, but I will tell you, this amendment makes a very important point and sends a very powerful message, and that is that nothing should be left off the table. There should be no sacred cows.

As he has pointed out, as the gentleman from California has pointed out, the Pentagon actually receives an increase under this bill. But we can no longer afford to have higher military spending than all the other nations of the world combined.

We are facing an astounding \$1.6 trillion deficit, a \$14 trillion debt, and there is no way we can come even anywhere close to doing what we should do if we leave any departments or agencies off or make them not look for savings.

The President's commission on the debt said that very thing. They said that the Pentagon was going to have to look for savings. And as far as Homeland Security, The Wall Street Journal had an editorial that they noticed that we were voting for almost anything and everything if it had the word "security" attached, and they said from now on we should give four times the weight and twice the scrutiny to any-

thing that had the word "security" in it.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ADERHOLT. Madam Chair, let me just reiterate again that the gentleman's proposed cuts just go too far. They would undoubtedly cut and harm border security, transportation security, maritime security, cargo security, cybersecurity, immigration enforcement, and disaster preparedness. The list of crucial programs that would be adversely impacted by this across-the-board amendment goes on and on.

I would urge my colleagues to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 246 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used for beach replenishment projects by the Army Corps of Engineers.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Madam Chairman, my amendment would prevent funding of the U.S. Army Corps' beach replenishment program and projects. Authorized at \$91 million for 2011, up almost a billion dollars over the next decade, the Army Corps plans to replenish sand at certain beaches to slow the course of erosion.

First and foremost, this is not a proper constitutional function for the Federal Government. Each beach community, along with their local government, should decide how they will best approach erosion. As the primary beneficiaries, they can best decide their needs and financial priorities.

The top-down system currently employed comes from a flawed mindset, a mindset that we must address if we hope to escape our spending crisis, a

mindset that the Federal Government does everything for everybody. This is simply Federal spending that we cannot afford and Federal control that we don't need.

I ask that my colleagues support my amendment to defund this now and work with me to strip this and other similar projects from future budgets as well.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR (Mr. MACK). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I share the gentleman's concern over responsible spending and the need to address the Nation's deficit problem. That's why our continuing resolution before us reduces spending by historic proportions.

Where I differ from my colleague is whether there is a Federal interest in beach replenishment projects. Beach replenishment projects aren't just about dumping sand on shores so people can have fun. These projects provide States with protection from coastal storms for individuals and businesses, and these projects must meet the same standards of economic justification and cost benefit ratios as other levee projects and navigation projects.

I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), former chairman of the committee.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

As much as I admire and respect the introducer of this amendment, I really have to oppose this amendment.

The beaches are an important and a valued asset to the United States of America. Economically, they are a huge economic factor. For protection of properties on land, it is a huge protection device, beaches against the hurricane, the storm surge.

You might get the idea that I represent a district that has a lot of beaches, and I would tell you that this is extremely important to our economy. When the BP oil spill was flowing through the Gulf of Mexico, we worried every day whether that was going to come to our beaches.

In my part of the State it did not, thank God. But we were concerned what that might do to destroy a major part of our economy.

Mr. FRELINGHUYSEN makes a strong argument, and I thank him for letting me support him in his opposition.

Mr. FRELINGHUYSEN. I yield 1 minute to the ranking member, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate the gentleman yielding.

I understand there is a school of thought that we should just let nature

take its way. But on the west coast of Washington State, we have from time to time had to come out and put in replenishment projects to save cities and save housing. We have done this with the Corps of Engineers very effectively using the best science.

In Mississippi, they have a big Army Corps center where they study how to do these things. And, it does cost a little bit of money, but we are saving assets, and billions and billions of dollars.

I just think that this is a very unfortunate amendment, and we should, in a bipartisan basis, defeat it and let the Corps do what it has to do to save cities and coastal areas across America.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), a fellow member of the committee.

Mr. KINGSTON. I thank the gentleman for yielding.

I want to say to my friend from Athens, Georgia, where you do not have beaches, you know that the local share, once the Corps of Engineers does a cost-benefit analysis, which it always does, there is a requirement the State and the local government kick in. The State gives a pretty good amount of money. But the reason why they may be more motivated from a economic basis is they directly benefit from the economic impact.

I do agree with you the Federal Government should not be worried about the economic impact, but where the Federal Government is most concerned is in flood control. As you and I know, the more sand you have in between you and the high tide when the hurricane comes, the more protected you are going to be.

And as long as we have FEMA that writes checks after disasters and a National Flood Insurance Program, there is a good reason that the Federal Government is involved with beach renourishment.

□ 1540

It has nothing to do with recreation, really less to do with economics, but a heck of a lot to do with flood protection. And that is why the Federal Government is involved in it. So to my friend from Athens, you are welcome to come down to Tybee Island anytime you want to despite this irresponsible amendment of yours. But I am going to oppose it, and welcome you to come. Bring your own suntan oil.

Mr. FRELINGHUYSEN. Mr. Chairman, can I inquire about time.

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. FRELINGHUYSEN. I yield the remaining minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in strong opposition to this amendment. Beach replenishment is an economic engine for shore towns and for

the tourism industry. It ultimately creates jobs. And also it's based on an Army Corps cost-benefit analysis that says for every dollar we spend on beach replenishment we save \$2 or \$3, depending on the cost-benefit analysis, that doesn't have to get paid by the Federal Government during a hurricane or northeaster or other disaster.

So beach replenishment actually saves the Federal Government money. It has to, otherwise the projects are not authorized by the Army Corps of Engineers. In addition to that, there is no way that local municipalities would be able to afford to do this. Many of them are very small; they have a few thousand people. I use my own State of New Jersey as an example. So you would be cutting off any kind of beach replenishment, any kind of protection in the event of a storm. And ultimately having to pay out those dollars in FEMA down the road makes no sense.

This is actually something that will cost the Federal Government money over the long run, and it is very ill-advised for that reason alone.

Mr. BROUN of Georgia. Mr. Chairman, I love beaches at Tybee Island, and my friend from Florida's beaches, as well as my friend from Washington's beaches, as well as my friend from Oregon's beaches. In these hard economic times, I think it's just absolutely incredible that we are spending this kind of money, almost a billion dollars over the next 10 years, just for beach replenishment.

I yield 1 minute to my friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this underappreciated subject. He is raising an issue that I think is sensitive and frankly deserves far more consideration than it has been given by Congress.

There is great debate, frankly, about the science of artificial beach construction. Part of the concern about the cycle of the Federal Government routinely bailing people out is, in fact some locational decisions in the first place. The cost allocation can be quite variable. There have been real questions about some of the projects that have been dictated. In fact, in one instance actually a Corps of Engineers item on artificial beach replacement embedded in a reauthorization was one of the biggest public works projects over the course of 50 years, and really didn't get appropriate scrutiny.

Now, whether you think extreme weather events are part of climate change caused by humans or whether it's part of a natural cycle of weather, the gentleman is spotlighting a very significant long-term area of Federal responsibility.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BROUN of Georgia. I yield the gentleman 1 additional minute.

Mr. BLUMENAUER. And if we're not careful, the taxpayer could be on the hook for a great deal more money. There are some cases that the beaches in question aren't even available to the public. And the concern about some of the artificial beach construction techniques, of fortification and putting additional sand, actually deflects the problems further up along the coast. This can create more problems in other places and make them more severe.

So I appreciate the gentleman putting the spotlight on this question. I think it is important that every Member of Congress look at the history of these projects, the long-term obligations, and look for ways that we might be able to do this in a way that's more fiscally responsible and environmentally sensitive. And I thank him for the time.

Mr. BROUN of Georgia. I thank the gentleman for weighing in on this. Certainly the science is questionable, as a lot of science is questionable on the policy that we generate; but it's also fiscally irresponsible I think to spend this kind of money. And so I hope that my colleagues will support this commonsense, fiscally responsible amendment and vote for my amendment.

I yield back the balance of my time.

Mr. MCINTYRE. Mr. Chair, I rise in strong opposition to the Broun amendment that would eliminate funding for U.S. Army Corps of Engineers coastal projects.

Simply put—this is a “penny wise/pound foolish” effort.

Representing a coastal district I can speak first hand to the importance of coastal projects.

Beaches are of incredible economic importance to the local, state, regional, and national economy contributing nearly \$35 billion in annual Federal revenues.

There are over 2 billion visits made to our nation's beaches each year, with the Federal Government collecting \$320 per beach tourists for every \$1 spent on beach renourishment!

And more people visit our nation's beaches each year than all of our national parks combined!

North Carolina beaches create about 50,000 jobs, \$1.6 billion in spending revenues, \$78 million in state revenue and beach-related tourism provides a total payroll of \$350 million!

But the coast is also something much more important than numbers—it is a place where our batteries can be recharged, where family memories are built, and where many choose to live out the sunset of their lives.

Let's reject this amendment and support the coastal communities which support and provide much-needed employment and enjoyment for our Nation!

Mr. RUNYAN. Mr. Chair, I rise in opposition to the Broun amendment No. 246. This amendment would prohibit the use of funds made available by this act to be used for beach replenishment projects by the Army Corps of Engineers.

In understand the need for shared sacrifice, and applaud my colleagues for looking to further reduce spending wherever possible, however funding for the Army Corps of Engineers

and the Flood Control and Coastal Emergencies Fund have already taken a huge hit in the underlying legislation.

New Jersey has 127 miles of coastline with a large portion of it lying within my Congressional District. This shore-line is the economic engine behind a multi-billion dollar coastal tourism industry. Tourism is New Jersey's second largest industry, and provides jobs for many of the 35 million people living within 100 miles of our beaches.

Within my district lies Long Beach Island. Over 2 million people use the beaches of Long Beach Island every year. The island is key part of New Jersey's economy with over \$15 billion in ratables.

Long Beach Island is a barrier island and acts as a natural levy protecting long stretches of New Jersey's coastline from flooding. The New Jersey coast is frequently the victim of powerful hurricanes, and Nor'easters. We need beach replenishment projects to help repair these natural levies after natural disasters.

These projects are vital to the homeowners Long Beach Island. Without beach replenishment projects they are in danger of losing their homeowners insurance, and seeing the value of their homes plummet. In an already deflated housing market we can't afford more foreclosures!

Mr. Chair, I look forward to supporting the underlying legislation, which cuts the Flood Control and Coastal Emergencies Fund by \$30 million. However, I cannot support this amendment at this time.

I urge my colleagues to oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 263 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to pay any dues to the United Nations.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, in the United Nations over and over again we see enemies of America, enemies of our freedom, voting against

us over and over again. We see an organization there that's just rife with fraud, corruption, with a tremendous amount of problems. We see the U.N. bring people over here who have diplomatic immunity who have been caught in the business of spying against America, want to harm us. We see in the U.N. an organization that in their Human Rights Commission is populated by countries that are basically run by terrorist organizations.

Mr. Chairman, it's time to take a solid stand against our supporting this kind of organization by giving our taxpayers' hard earned money and taxpayers' dollars to an organization that I believe is not in the best interests of America.

Mr. Chairman, I personally would like to see us get out of the U.N. and get the U.N. out of the U.S., but we cannot do that today. But what we can do is in this continuing resolution we can deny taxpayer dollars being wasted on this organization.

And so I have the amendment to stop the United States from paying dues to the United Nations. I think it's in our best interests to do so. I think it's in our best interests to the taxpayers of America to prevent wasting their hard-earned taxpayer dollars on funding the U.N. through our dues to the U.N. So I encourage my colleagues to support this amendment to defund the U.N.

I reserve the balance of my time.

Mrs. LOWEY. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, the Broun amendment would withhold U.S.-assessed contributions to the U.N., directly contravening U.S. treaty obligations and national security interests. It would isolate the U.S., cripple U.S. diplomatic efforts globally, weaken our leadership within the U.N. to advance crucial foreign policy priorities.

The U.N. is critical to advancing U.S. national security interests, and the Broun amendment would impede our ability to influence crucial counterterrorism actions at the U.N. Security Council, including concrete steps targeting al Qaeda and the Taliban, global action addressing the conduct of regimes such as North Korea and Iran, on which the Security Council has acted forcefully in recent years, imposing the most comprehensive sanctions ever on these regimes, U.N. missions in Afghanistan and Iraq, which play crucial and growing roles in both countries, supplementing U.S. efforts and reducing our burden.

□ 1550

U.N. peacekeeping operations, which are an indispensable tool, have saved untold lives, averted dozens of wars, and helped restore or establish demo-

cratic rule in more than a dozen countries.

The Broun amendment would put the U.S. on a dangerous path to isolationism. We learned on September 11, 2001, that we are not immune from events that take place halfway around the world. There are enormous challenges that we all must face together, and the United States cannot close its borders and think that we can protect our own security.

I urge my colleagues to vote "no" on this amendment to effectively withdraw from the U.N. because it would endanger our national security.

I reserve the balance of my time.

Mr. BROUN of Georgia. I continue to reserve the balance of my time.

Mrs. LOWEY. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I rise to oppose the amendment.

I want to thank the gentlewoman from New York (Mrs. LOWEY) for her outstanding stewardship of American dollars as it relates to our standing in the world.

I understand the gentleman's concern, but the United Nations is where you draw consensus. It is where we are able to sit at the table and ask individual countries to join with us for what democracy means.

As you watch the rising crisis in the Mideast, it is the United Nations that we can draw upon to be able to emphasize democracy. As you watched the conflict in Egypt, where we celebrated what happened, many of you are aware of the tragedy that happened to one of our American reporters, Ms. Logan. The United Nations is where we can call upon the Egyptian Government to explain themselves and to apologize and call upon the U.N. Ambassador from Egypt to apologize to Ms. Logan and apologize to the American people for the tragedy that happened to this woman who was doing her job, the vicious sexual assault that occurred to her. It is the United Nations that we can come and ask others to accept that kind of responsibility.

We need to be part of the world family. The world family is a place where we can get solutions.

I oppose the gentleman's amendment.

Mr. Chair, I rise in opposition to the Amendment (Amendment No. 263) to H.R. 1 "Full-Year Continuing Appropriations Act, 2011", offered by Mr. BROUN of Georgia providing that none of the funds made available by this Act be used to pay any dues to the United Nations.

I strongly oppose this amendment, because it is imperative that the United States pay its dues to the United Nations. The United States not only serves as the host country of the United Nations, it is also a Permanent Member of the United Nations and a Member of the U.N. Security Council. The United Nations serves the critical function of providing a forum where countries from the global community

can meet and form a consensus for resolving the most important international issues of our time.

We must remain steadfast in our support for the United Nations especially during these times of rapid political, environmental and economic change throughout the world. We have recently witnessed large scale global events that require a multinational response. The crisis in the Sudan, the Earthquake in Haiti, and the protests for political change in Egypt and countries of the Middle East are just a few recent examples. The magnitude of these events requires a unified international response. The United Nations is the appropriate vehicle for that coordinated response.

Our presence as one of the few Permanent Members and our position and voice on the U.N. Security Council provide the United States with a powerful platform to exercise the kind of leadership necessary to promote peace, security of nations, international trade stability, international monetary stability, international aid to struggling countries and peoples worldwide, responsible monitoring of nuclear weapons proliferation, international human rights observance and adherence to the fair administration of justice.

So, in closing Mr. Chair, during this time when we are debating the funding of our Federal Government, an act of paying dues, it is hypocrisy to even suggest that the United States not pay its dues to the United Nations.

Mrs. LOWEY. I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank the gentlelady.

This is the 21st century. We have to live with our neighbors. If the United Nations didn't exist, we would have to create it. The fact is that even the Government Accountability Office estimates that a U.N. peacekeeping force is eight times less expensive than funding a military force. We're going to have to move to more smart power in the 21st century. We can't do it all alone, whether it be establishing democracy, securing peace or promoting human rights.

We can't keep putting our own troops at risk, trying to put out the flames that erupt all over the world. The U.N. does that. They don't do it perfectly, but they are largely an international reflection of our American values.

We've got to find a way to secure peace in the world. And ever since Woodrow Wilson came up with the League of Nations, the United Nations continues to evolve, continues to reflect our values and promote our most fundamental foreign policy. This is not the time to be pulling the rug out from under such an important ally.

The U.N. represents every nation in the world. We don't agree with all of them, but we have more influence in the United Nations than does any other nation in the world.

This amendment is not in our national interest. It should be strongly rejected.

Mr. BROUN of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I'm sitting here hearing what a wonderful organization the U.N. is, and I can't help but wonder: Where in the heck were they during Rwanda? Where were they? I would love to yield the floor to anybody out there.

You know, that was the most miserable failure and genocide that the world has seen in modern times. Where was the U.N.? And we all know they were absolutely nowhere. There were 800,000 people killed, slaughtered, an absolute genocide; and it went from, I think, April until July 6, 800,000 people killed with machetes on the street, and the U.N. spent the whole 3, 4 months debating the definition of genocide.

The U.N. is not there when you need them. The U.N. spends lots of time condemning Israel, lots of time on anti-United States jabs. They aren't being helpful so far that I can see on Egypt, Tunisia, Yemen, or anywhere else in the Middle East where the pot seems to be boiling over. But I just remember so vividly genocide in Rwanda and the U.N. not being there.

I would suggest to people, you know, we all want to read books. Read the book "Hotel Rwanda." Read the book, "We Regret to Inform You, But Tonight They Are Coming for Our Children," about the genocide in Rwanda. There are lots of books, and it's well documented on how absolutely worthless the U.N. was.

Mrs. LOWEY. May I ask the Chair how much time we have remaining.

The Acting CHAIR. The gentlewoman from New York has 1 minute remaining, and the gentleman from Georgia has 1½ minutes.

Mrs. LOWEY. Mr. Chairman, I just want to make it very clear that none of us are making a statement that the U.N. can solve all the problems in the world. But I want to reiterate again a comment that my good friend Mr. MORAN made: If we are going to put a cocoon around our country and operate in isolation, we will be less successful in dealing with the extraordinary challenges that we are facing today.

And I would like to say to my good friend Mr. KINGSTON, I'm not quite sure that we would be more successful in dealing with slaughters and genocide without the U.N. We are working very hard with our colleagues and our friends around the world to try and find solutions.

And I yield such time as he may consume to my good friend from Virginia (Mr. MORAN).

Mr. MORAN. I would ask my friend from Georgia: What's the alternative? Should we have gone into Rwanda? The U.N. was an abysmal failure, but where was the United States? And if we didn't have the United Nations, the United States would be asked to carry that themselves. We can't be the world's policeman.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. BROUN of Georgia. Mr. Chairman, I am not an isolationist, but the U.N. has been an abysmal failure. We need to stop throwing our money down a rat hole. It's not dependent on us to keep the world safe. In fact, we, with our allies all across this globe, can do what's necessary far more efficiently without the wasting of American taxpayer dollars in trying to foster democracy, to foster human rights, to foster women's rights all across the world stage.

Continuing to pour money into the U.N. is not going to do anything except for keep a group of people who are in power there, who go against us as we try to stand firm for Israel, as we try to stand firm for world peace and democracy. Our efforts are thwarted through the U.N. And, in fact, they want to take the U.N. governance and apply it to every American citizen.

This is not in our best interest. It's a waste of taxpayers' dollars. It was totally ineffective, as my good friend from Georgia has said, in Rwanda and many other cases. It's time for us to stop funding this inefficient organization that is not in our best interest.

I encourage my colleagues to support this amendment.

Mr. PAYNE. Mr. Chair, I rise in opposition to this amendment. It would prevent the U.S. from paying its annual dues to the UN and UN agencies, and put our nation once again into arrears. Passage of it would also end ongoing peacekeeping operations in nations critical to America's national security interests, including Haiti and Sudan.

Today the United States is in good standing at the United Nations after years of failing to meet our treaty obligations, and as a result, the U.S. is better able to advance our interests. Great nations keep their word, and by working with other countries in the UN, we can be sure that our nation does not go it alone.

In making his argument for fiscal responsibility, Congressman BROUN has picked the wrong target. In 2006, a Government Accountability Office (GAO) study concluded that UN peacekeeping is eight times less expensive than funding a U.S. force. This point was backed up by former Secretary of State Condoleezza Rice who said that "[UN Peacekeeping] is much more cost effective than using American forces. And of course, America doesn't have the forces to do all of these peacekeeping missions, but somebody has to do them."

In the last ten years, the number of UN peacekeeping missions has grown—with each and every one of them enjoying the active support of both Democratic and Republican administrations. There are now over 100,000 peacekeepers—the second largest deployed military in the world—serving in 14 missions in some of the most dangerous corners of the world.

UN peacekeeping missions help end brutal conflicts, support stability, the transition to democratization, and bring relief for hundreds of millions of people. In 2005, The Human Security Report, a major international study on peace and war, judged that the global security

climate improved dramatically since the 1980's, with genocides plummeting by 80 percent. The study attributed that decline to the explosion in conflict prevention, peacemaking, and increases in the number and complexity of UN peacekeeping missions.

The UN force in Haiti has provided security and access for humanitarian aid since the devastating earthquake and before that, the UN kept the peace. In the 1990's, Florida faced wave after wave of illegal Haitians trying to escape from the failed state. Why would we abandon this why would we abandon this mission?

The UN force in Sudan was critical in supporting last month's referendum calling for independence and it continues to play a vital role in supporting South Sudan transition to a functional democracy. It's in our benefit to help South Sudan grant freedom to its people, and the UN is doing that. Right now the total cost to the international community for our peacekeeping and humanitarian efforts in Sudan is about \$4 billion a year. An article in Foreign Policy just last month noted that a return to war in Sudan could cost the wider international community \$30 billion. The UN is our main hope in preventing that from happening, so with passage of the amendment, we'd abandon the mission, possibly threatening stability in Sudan and potentially increasing our future costs.

In both the above cases, it is very likely that if the UN were not there, U.S. troops would have to be and they would be the ones in harm's way. Instead, by supporting UN peacekeeping, we lessen the burden on our own forces and reduce our own expenditures. U.S. Ambassador to the UN, Susan Rice said last week, "Those of us—Democrat and Republican alike—who support the UN owe it to American taxpayers to ensure that their dollars are well and cleanly spent. But, equally, those who push to curtail U.S. support to the UN owe it to U.S. soldiers to explain why they should perform missions now handled by UN peacekeepers."

I urge my colleagues to vote NO against the Broun amendment. It is not fiscally responsible—considering we are here today to vote on a bill to reduce costs, it makes little sense to vote for an amendment that would likely entail greater U.S. military expenditures.

Mr. BROUN of Georgia. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1600

AMENDMENT NO. 526 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement, administer, or enforce section 3(e) of the Natural Gas Act (15 U.S.C. 717b(e)).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Mr. Chairman, my amendment prevents funds under the continuing resolution from being used to provide the Federal Energy Regulatory Commission, or FERC, with exclusive authority to site, construct, expand, or operate an LNG terminal. Simply put, it ends overbearing federal regulation and gives local government and private property owners a say in LNG siting.

This is a States' rights issue. FERC's overbearing, overbroad Federal regulatory structure is preventing States and local communities from having any input, let alone decisionmaking authority, over use of local property.

In Oregon, where there are proposals for construction of LNG terminals, I have heard time and time again from my constituents that they are confused and frustrated by FERC's intrusive projects and unclear timelines. More importantly, their voices are not being heard on decisions that affect their livelihoods and property rights.

FERC has demonstrated in Oregon that it is unwilling to responsibly regulate LNG and is deaf to the needs and concerns of our citizens and communities. Defunding FERC's exclusive approval authority over LNG projects is a crucial first step towards reestablishing a local role in the LNG siting process and ensuring that future energy decisions better reflect local citizens' interests.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman's amendment attempts, using the appropriations bill before us, to enact significant legislative changes to a prior law. The law in question, enacted by Congress in the Energy Policy Act of 2005, establishes the Federal Energy Regulatory Commission as the issuer of licenses for liquefied natural gas terminals.

Notwithstanding the merits of the gentleman's concerns, and we can see the gentleman cares deeply about the issue and knows of the issue, this is not the appropriate place to modify such a law, as this amendment would attempt

to do. Frankly, such a broad authorizing issue warrants a suitably more broad discussion.

We would be happy to work with the gentleman to facilitate that wider discussion at the appropriate time, on the appropriate bill, and through the appropriate committees of jurisdiction.

In this regard, I yield to my ranking member, Mr. PASTOR of Arizona, for the time that he may wish to consume.

Mr. PASTOR of Arizona. I want to thank the chairman for recognizing and providing time.

This amendment would prevent FERC from carrying out its statutory authority. The term "enforce" would impact oversight of existing and operating liquefied natural gas facilities. This amendment appears to prohibit FERC from approving environmental or safety-related amendments to existing liquefied natural gas facilities. This amendment will impact both import and export proposals in addition to almost any new facilities at pre-existing plants.

While I understand the gentleman has concerns in his district, the language would impact a much broader constituency, and for that reason I oppose this amendment and urge my colleagues to join me.

Mr. WU. I yield to the gentleman from Massachusetts such time as he may consume.

Mr. MARKEY. I thank the gentleman.

On September 11, 2001, when Richard Clarke, George Bush's terrorism czar, was asked to sit in the control room to take over the response on 9/11, the first call he made was to the port of the city of Boston to shut down the port because of the LNG facility in Everett, Massachusetts, in my district. That was the first thought in his mind. And why was that so? Because the al Qaeda had actually come in from Algeria, jumping off those ships in Boston Harbor in Everett, Massachusetts, in my district.

Now we've had a tremendous amount of development of natural gas in the Marcellus shale formation and all across the country, an addition of 30 percent to the natural gas reserves of our country over the last 4 years.

Now if a city, if a State determines that the terrorism threat is so great that they do not want an LNG facility in the middle of their most densely populated area, it should not be the right of the Federal Energy Regulatory Commission to override the public safety decision made by the State and local police that it is too great of a danger. That is why the Wu amendment is correct.

We have a bonanza of natural gas domestically. If a State decides they can get it from our own people rather than overseas, it is not up to the FERC to

make that decision if they are going to override the national security, the safety consideration of that community, in making that decision.

I urge an "aye" vote on the Wu amendment.

Mr. MCGOVERN. Mr. Chair, I wish to express my strong support for allowing states to have a say in the siting of liquefied natural gas (LNG) facilities and Representative WU's amendment #526 to H.R. 1.

Mr. Chair, for years, there's been an ill-conceived proposal to permit an LNG facility in Fall River, Massachusetts. This is a densely populated urban area with more than 9,000 residents of southeastern Massachusetts and Rhode Island living within a one mile radius of the proposed site.

Siting an LNG facility here comes with enormous security risks as 900 foot long tankers would need to be brought up the Taunton River and pass under four bridges.

From day one, local residents have expressed their vehement opposition to this misguided and dangerous proposal.

Current and previous Massachusetts and Rhode Island governors, local leaders and public safety officials have also fought against this irresponsible project.

Unfortunately, the Republican energy bill of 2005 gave the Federal Energy Regulatory Commission (FERC) the exclusive authority to site LNG terminals, overriding the role of states and local communities in these critical public health and safety decisions.

In Fall River, FERC has ignored legitimate local concerns, despite Federal laws and regulations directing a preference for remote siting of LNG facilities away from heavily populated areas and directing the agency to consider local input.

Mr. Chair, my constituents in Somerset, Swansea and Fall River have made their opposition to this project loud and clear. Fall River is not the right place for an LNG facility.

Let me be clear—I am not opposed to LNG as an energy source but it should not be sited in an urban area. Off-shore siting is preferable. The Northeast is already in a good position for currently permitted LNG off-shore terminals.

And, I firmly believe that states and local residents should have a say in the decision to locate a dangerous energy facility in their backyards.

Furthermore, Mr. WU's amendment is important because the City of Fall River deserves the right to plan its future and not have its economic development held hostage to a FERC permitting process that does not take local concerns into account.

At a time when so many of my Republican colleagues are fond of saying that Washington has overreached its authority, Mr. WU's commonsense amendment would restore the public's role in the siting of LNG projects and ensure that future energy decisions reflect community interests.

I want to thank my colleagues Mr. WU, Mr. FRANK and Mr. MARKEY for their leadership on this issue.

I urge a "yes" vote on Mr. WU's amendment.

Mr. WU. Mr. Chairman, I urge an "aye" vote on this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I urge a "no" vote. This is a proposition that ought to be discussed by the authorizers. It should not be considered within the limits of this continuing resolution.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WU. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. I thank the Chair.

Mr. Chairman, we all agree that we have to do some serious work to reduce the deficit. But we need to start by first eliminating unnecessary taxpayer subsidies to big oil companies. I'm going to finish the rest of this opening statement in the well.

As a result of a poorly drafted law passed by the Republican Congress in 1995, oil companies are now drilling for free on public lands offshore in the Gulf of Mexico. The Government Accountability Office projects that the American people currently stand to lose as much as \$53 billion in royalty payments over the life of these leases. And according to a brand new study, that's as much as \$1.5 billion just this year. And with oil prices at \$90 a barrel, we do not have to be allowing them to drill on public lands for free and take all of the profit for themselves and giving nothing back to the American taxpayer.

□ 1610

This amendment is very simple. It says to these companies we will allow you to continue to drill and not even

pay any royalties, but we're not going to give you an opportunity to bid on any new leases on public lands in our country.

So if you renegotiate so that you are paying your fair share back to the American taxpayer, then fine, you can drill in the future. But we need that \$53 billion that they owe in royalties, in taxes to be put towards reducing the Federal deficit.

That's what this debate should be all about: Where do we go to find where the waste is in our Federal Government? The oil companies drilling for free, paying nothing to the taxpayers while reaping windfall profits is absolutely something that we should not tolerate.

This amendment passed in 2006 on the House floor. This amendment passed as part of the BP response bill last year. This amendment passes over and over again with significant Republican support, 60 votes just 5 years ago. In order to reclaim this money, I urge an "aye" vote.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 10 minutes.

Mr. SIMPSON. Mr. Chairman, contrary to what the gentleman from Massachusetts just said, while this happened in 1995, it was not the Republican Congress. It was the Clinton administration and a result of the oil leases that were made under the Department of the Interior at the time and the Clinton administration.

If this amendment passed, companies with existing Deepwater Royalty Relief Act leases would be required to renegotiate lease terms with DOI to include price thresholds before getting new leases. Companies with Deepwater Royalty Relief Act leases have been successful multiple times in court challenging Interior's authority to include price thresholds in the lease agreements. DOI has lost at the district court, the appellate court, and the Supreme Court. The Secretary does not have the authority to include price thresholds on these leases.

The problem stems from language included in the Deepwater Royalty Relief Act itself and the regulations promulgated to implement the act that did not address or require Interior to include price thresholds in the Deepwater Royalty Relief Act leases.

In addition, forcing companies to renegotiate the leases would be a violation of contract law and would be challenged in court. This would only cost us millions of dollars more. This would hinder our leasing ability, reducing revenues to the Federal Government, not increasing revenues to the government, as it limits the pool of potential leases.

I reserve the balance of my time.

Mr. MARKEY. I yield 1½ minutes to the ranking member of the Interior Appropriations Subcommittee, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, well, we voted to subsidize the cotton industry, NASCAR, agribusiness. You name it, we vote to subsidize it. But now we have an opportunity to correct the most egregious abuse of the Federal taxpayer. \$53 billion of oil that belongs to all American taxpayers is basically being given away. It's their oil. It's being drilled offshore. We own it, but we're not charging royalties to the largest American corporations, and that's the real rub of it.

These are the most profitable corporations in America. BP is the biggest beneficiary. Exxon, Shell, Conoco, you name it. Chevron. They're all at the trough. Exxon, for example, last year \$383 billion in revenue, and yet we're told they didn't pay any American corporate taxes. They paid it to other countries, but not to the United States.

You know, at a time when we cut \$1 billion out of Head Start and then we're going to give \$53 billion to the wealthiest corporations of America, take American taxpayer-owned oil? This is insane.

Now, it may have made some sense when oil was at \$20 a barrel. But when oil is over \$80 a barrel and the American consumer is having to pay \$3.50 a gallon for gas, is this really the time that we should be giving away \$53 billion in oil? No.

Let's stop this egregious abuse. We say we're in favor of eliminating waste, fraud, and abuse? This is the worst abuse. Let's stop it. Support the gentleman's amendment.

Mr. SIMPSON. I am tempted to ask the gentleman: What part of the contract that was signed by the Clinton administration don't you understand? But I would like to yield 2 minutes to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Mr. Chairman, I rise to strongly oppose the gentleman from Massachusetts' amendment. I wish he would understand that we are not drilling right now. That is the problem.

Many on the other side of the aisle have been thrilled with the administration's moratorium and praises the Department of the Interior and BOEMRE's work or, in true reality, the lack thereof in the deepwater drilling permit process since the BP oil spill.

This amendment is insane, Mr. Chairman. The gentleman from Massachusetts must be confiding with the likes of George Soros, who happily watched and encouraged the most advanced deepwater drilling rigs leave the Gulf of Mexico and travel to Brazil and Africa. If they are not picking up and leaving the Gulf of Mexico for good, they are filing for bankruptcy, like Seahawk Drilling in my district. This week, Seahawk Drilling blamed its de-

mise on an unprecedented decline in the issuance of offshore drilling permits following the Macondo blowout.

The chief executive, Randy Stilley, said in a statement, "The decision by regulators to arbitrarily construct unnecessary barriers to obtaining permits they had traditionally authorized has had an adverse impact not only on Seahawk, but on the sector as a whole."

Seahawk's clients were waiting on 11 projects that were in various stages of the permitting process, none of which had been approved. This just proves this administration and Interior are not serious when they say they have lifted the deepwater drilling moratorium.

The minority is claiming this spending bill is a job-killing piece of legislation, but they are just fine with increasing taxes on an industry that is in limbo and employs hundreds of thousands in my district.

Louisianans are very hardworking, tough folks. They rarely ask for much. Mr. Chairman, they have been yelling loudly and beating down my door to tell me they are fed up and ready to go back to work.

I guarantee you, Americans across the Nation will begin to yell as well when they are paying more at the gas pump when prices should be falling.

Mr. MARKEY. I yield 1½ minutes to the gentleman from New York, the author of this amendment in 2006, Mr. HINCHEY.

Mr. HINCHEY. At a time when our country is facing record deficits and the oil industry can't count their money fast enough, oil drillers in the Gulf of Mexico are getting away with highway robbery because of mistakes that were made many years ago.

Oil and gas companies are extracting resources from public property without paying royalties, regardless of the price of oil and gas. It's time to fix the problem. The GAO has estimated that not doing so will continue to cost American taxpayers up to \$53 billion.

These hugely profitable companies are tapping oil and gas reserves that belong to the American people, selling it back to us, and then reaping a massive profit on the backs of the middle class. But they are not paying one red cent to the public for the oil and gas they have extracted. They get it for free, and we pay the price.

I don't know a single person who would allow an oil or gas company to drill on their private property and not expect to be compensated for the oil extracted from that land. So why should the Federal Government continue to be taken advantage of by the most profitable industry in United States history?

Congress has a chance to correct this injustice.

Last year, oil companies earned over \$70 billion in profits when oil prices

were significantly lower than they are today. With the cost of oil once again approaching \$100 a barrel and prices at the pump also rising, the idea that this industry is still getting royalty relief is downright criminal.

If we're serious about reining in our deficits, then we should adopt this amendment. It's an important amendment; it makes perfect sense, and it is in the best interests of all of the people of this country.

Mr. SIMPSON. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman for yielding.

I rise in strong opposition to this amendment. And what is not being pointed out here is, while the gentleman from Massachusetts is talking about companies and royalties, he fails to mention, first of all, that the second largest source of Federal revenue next to income taxes is royalties that are paid by oil companies. They are paying billions of dollars in royalties. They are hiring tens of thousands and, in some cases, probably in the millions of Americans to work in the energy industry. But that, right now, is at jeopardy by this administration's policies. In fact, as my other colleague from Louisiana just pointed out, just last week another company filed for bankruptcy because of this administration's policies shutting off the ability to issue permits and allow people to go back to work.

And so what does this amendment do? Well, my colleague talks about royalties. Let's actually read what his amendment does as opposed to what he says about his amendment.

The amendment by Mr. MARKEY says: None of the funds made available by this act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act.

This is about closing off more domestic sources of energy production at a time when the Middle East has never been more volatile. You might as well just call this the OPEC protection amendment, because it ensures that more of these companies, as they are already doing, will be going out of the country.

And by the way, oh, is this hypothetical? Of course it's not. I have got a list here of some of the rigs by some of the very companies my colleague talks about that are already leaving. And one of the countries that they have already left to bring their assets to to drill because they can't do business in America is Egypt. Two of these billion-dollar assets have actually said it's better to do business in Egypt and drill for energy there than to drill in America because of these radical policies.

So I guess my colleague is okay with shutting off more domestic energy, allowing more American companies to go

bankrupt. The White House has acknowledged 12,000 Americans have already lost their jobs because of these policies, and then my colleague wants to bring this amendment to shut even more areas of the Outer Continental Shelf off.

OPEC might love this amendment, but I think Americans who are going to be paying \$4 and \$5 a gallon for gas at the pump this summer don't agree.

I oppose this amendment.

□ 1620

Mr. MARKEY. I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman from Massachusetts.

This is really important. The country needs this money. The country owns this land. The country deserves these royalties. And whether we have not collected these royalties because of a mistake or because of a cozy relationship with the oil companies and the other party, for whatever reason these weren't collected, they should be collected.

Royalty relief? No, it's not relief. This is what is supposed to be paid. And I think about all of the things that it should be going for.

Portions of the royalties are owed to the Land and Water Conservation Fund. This is what we spoke about yesterday, our Nation's most successful open space preservation program that is supposed to take money from the depletion of resources—these oil resources—and apply it to preservation of parks, recreation, and open space. That's just one of the things that should be done with this money that is owed to the American taxpayers.

Mr. SIMPSON. I would just remind the gentleman from New Jersey that it was the Clinton administration that let these leases.

I would like to now yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you, Mr. Chairman.

We hear about a cozy relationship, and that's interesting because when you go back and look at the worst oil spill in American history from British Petroleum, BP, and why it took this administration so long to come down on them, we find out that BP was the one oil company that was willing to support and endorse the administration's crap and trade bill. They were ready to come out and make a big deal out of it.

And that's why—you talk about cozy relationships. Oh, yeah. That's not enough. This administration hired to help oversee these leases the person who was responsible under the Clinton administration for costing this country billions by taking out language that would have gotten us the royalties we should have had.

But one of the problems we should never lose sight of, no matter how cozy the relationship was with the Clinton administration and BP and this administration and BP and the 800 hazardous safety violations they overlooked, was that this country's history has been one of integrity.

You go back to the War of 1812. Banks in England had loaned this country's businesses money. And we had the War of 1812. It went on for a couple of years. After that war, we were struggling, but people that owed banks in England paid them anyway. The world took notice and said this is a country that can be trusted. When they give you their word, it means something.

Now this administration and this provision would say, Hey, if we make a contract with you and maybe because of this administration's cozy relationship is too good for you, we'll just come back, cancel the deal, punish you because we were able to lure you into a deal.

There's been more damage done to the gulf States by this President's moratorium. You want to help with jobs. Give them their jobs back. Open up the provisions. Get alternative energy by using the proceeds from the drilling that this group has cut off.

Mr. MARKEY. I yield 1 minute to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

I rise in strong support of this straightforward amendment to reduce the deficit and protect taxpayers. It says the Nation's biggest oil companies won't be able to buy new leases from the Federal Government if they want to keep drilling on the public's land for free. That's all.

Now, there's a consensus in this Congress that we need to address the Federal deficit. With this amendment, we can.

GAO says we're giving \$53 billion to the oil companies over the next 25 years if we do not fix the royalty relief law.

So let's fix it. Let's make the oil companies simply pay their fair share. Let's stop pouring billions of dollars into their already stuffed oil industry coffers. Isn't it time we give our constituents a break instead of the oil companies?

This is about the people we represent. They're taking their savings and they're putting it into their gas tanks and into heating their homes. Big Oil doesn't need this profit.

Let's end the handouts, reduce the deficit, protect the taxpayer. Support the Markey amendment.

Mr. SIMPSON. Could the Chair inform me as to how much time is remaining on each side.

The Acting CHAIR. The gentleman from Idaho has 2½ minutes and the

gentleman from Massachusetts has 2½ minutes.

Mr. SIMPSON. I reserve the balance of my time.

Mr. MARKEY. I yield myself the remainder of the time.

This amendment encapsulates this entire week. This week's debate is all about priorities: Will we stand with Big Oil or with Big Bird? With the big corporations or with the little guy?

Shell Oil isn't curing our addiction to oil, but the millions of Americans afflicted with Alzheimer's and Parkinson's need a cure for those diseases; and they need these revenues from the oil companies.

Executives from BP won't be shivering in the cold any time soon, but our Nation's poorest families and senior citizens will be.

ConocoPhillips doesn't need help feeding their profits; but millions of America's poorest women, infants, and children who don't have enough to eat need help staying fed.

Chevron doesn't need special treatment, but special education programs for our neediest students are on the chopping block.

ExxonMobil doesn't need a head start on success, but our kids do need the Head Start program to send them on the right educational path.

My amendment focuses on just the kind of special interest loophole that should be closed before we open attacks on programs for the poorest Americans most in need of help.

One of the several dozen companies receiving this windfall is BP. Imagine that. BP spilled oil freely into the Gulf of Mexico for nearly 90 days, and yet they are now drilling for free in some of those same waters at the expense of the American taxpayers.

Just last week the former president of Shell Oil, John Hofmeister, was quoted in the National Journal as saying, "In the face of sustained high oil prices, it was not an issue for large companies of needing the subsidies to entice them to looking for and producing more oil."

Well, I agree with Mr. Hofmeister. At nearly \$90 a barrel, subsidizing oil companies to drill is like subsidizing a bird to fly or a fish to swim. You do not have to do it.

Unless this amendment is adopted, ExxonMobil, BP, Shell, ConocoPhillips, and Chevron will continue to hold leases that let them drill on public land without paying taxpayers a single dime. These companies are already getting 100-year-old tax breaks to sell \$100-a-barrel oil to make \$100 billion a year in profits. They don't need a \$53 billion windfall courtesy of the American taxpayer and our national debt.

Vote "aye" on the Markey amendment. Cease paying big oil companies' windfall profits for the American people.

Mr. SIMPSON. I would yield the remaining time to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Thank you, Mr. Chairman.

You remember Paul Harvey's "The Rest of the Story"? You want to hear what's really behind this debate?

In the mid-1990s, worried about how much oil we're importing from the Middle East, the government encouraged companies to go out deeper into the gulf to create American-made energy here in the United States. So for 4 years they signed lease agreements. And companies here in America, they paid millions of dollars for these leases with no knowledge of whether there was oil there or not, or gas.

□ 1630

They spent billions of dollars to drill in depths they hadn't before—again, not knowing if they would hit anything or not. They used American companies to do it on American platforms with American workers. And guess what? It worked. They created American-made oil and natural gas, and they kept it here for us. This outraged the Democrats: How could this happen? And by the way, these companies paid billions of dollars of royalty not on the price, but on how much they bring out of the ground. It was a win-win situation—taxpayers win, our jobs win, we get American-made energy.

Outraged, they took it to court. Four times the court said—they wanted the American Government to break its own contract—the court, four times, including the Supreme Court, said no. Now they've tried to extort U.S. companies in saying, you must break your contract, or we will deny you any chance to do business in the Gulf of Mexico. That's what this amendment is about. It's extortion. They want businesses to break the contract with America that America can't break itself.

If the government has power to force you to break the agreement they made with you, how much power will they have over you, over your family, over your business? And by the way, what's wrong with creating good old-fashioned American energy here in this country with our workers, with our companies, with the revenues coming to us and to the local communities, giving us affordable energy? Isn't that what America is also about?

Our energy jobs aren't expendable. Stop sending our oil and gas workers to the unemployment line. Let them explore right here in America. Does Hugo Chavez really need a bigger incentive to sell more oil in the United States of America?

This amendment needs to go down on this House floor.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today in opposition to Amendment No. 27 by Rep. MARKEY to H.R. 1, the Fiscal Year Continuing Appropriations Act for FY2011. This amendment attempts to retroactively reverse the express intent of Congress in passing the Royalty Relief Act. In the case of Kerr

McGee Oil & Gas v. Allred, the Fifth Circuit Court specifically held that the Department of the Interior does not have authority to impose royalty relief price thresholds on deep water leases issued from 1996–2000. In reaching this decision, the Fifth Circuit held that Congress was unambiguous in guaranteeing royalty relief, without price thresholds, to holders of these leases up to the volumes specified in the statute. The Outer Continental Shelf Lands Act and other regulations allow our government to preclude a lessee from obtaining new leases if it has failed to act with due diligence with respect to its existing leases. This amendment would add a new requirement that imposes that same penalty but for an entirely different and unrelated reason. For these reasons, I strongly oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 409 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by division B may be used by the Department of Health and Human Services to implement or enforce section 2718 of the Public Health Service Act, as added by section 1001(5) and replaced by section 10101(f) of the Patient Protection and Affordable Care Act (Public Law 111–148).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I think that we've made some significant progress in the area of improving health care in this country, the laws related to health care in this country today in this Chamber. This is another portion of an amendment that would address the issue of health care.

As a physician and dad, I care greatly about the issue of health care and came to Congress, frankly, as one of the major reasons was to try to fix the health care system and to make it more patient-centered.

Over the last 2 years, we've seen a significant affront to our health care system with costs increasing, destroying jobs, violating principles to a significant degree as it relates to health care.

Last year, this Congress made a lot of decisions that gave Washington control over our health care system. And a perfect example of that control is that ObamaCare mandates to the companies that provide the health coverage for individuals, helping individuals, how to run their business. Essentially, the Federal Government is in the business of dictating to private companies what they should do to run their business, what kind of coverage they can provide, what kind of prices they can charge, what kind of definition of quality care, and what meets the definition of essential services for individuals. It really is central planning at its finest, and it is certainly not the government's role in a free market system.

The government has already proven that it's not well qualified for mandating and defining what will be counted as quality improvement activity for the purposes of calculating, in this instance, the medical loss ratio. For instance, many of the fraud provisions that are required are excluded from being included in the medical loss ratio. The coding system that is required for health insurers to utilize is not able to be included in the medical loss ratio.

So what it does is compromise the opportunity for brokers to provide the best advice to citizens. It makes it so that these folks who are actually—they're actually the exchanges, Mr. Chairman, if you think about it, but these folks are going to be pinched and pushed out of their jobs, the ones that are actually helping our citizens to weave their way through the morass of health coverage in this country.

The President said famously during this whole debate, "If you like what you have, you can keep it." The fact of the matter is, as you know, Mr. Chairman, and so many others know, that that simply is not true. These medical loss ratio requirements will in fact break that promise to a further degree.

So the amendment is very simple. It makes it so that no moneys in this bill can be utilized for the provision of enforcing the medical loss ratio, destructive provisions in the area of health care. I urge my colleagues to back the amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentlelady.

Mr. Chairman, I oppose this amendment for some very good reasons on that.

Let me explain what the medical loss ratio is. That is what the people in these private insurance companies call

providing health care for the premium dollar you provide. For every time they give you a health service for your premium dollar, they think of it as a medical loss. The medical loss ratio is the amount of your dollar that they actually spend on health care versus CEO salaries, bonuses, stock dividends that are out of control, lobbyist costs that they might incur, advertisements, and so on down the line. The purpose of the medical loss ratio provision is in fact to make sure that they spend a higher percentage of your premium dollar on actual health care.

In 1993, the average used to be about 95 cents of every dollar would be spent by private health insurance companies on health services. Now, however, recent studies indicate that some of these private insurance companies are spending as little as 60 cents of every health care dollar on actual health services and the rest on lobbyists—probably some of whom are down here arguing to kill this provision—on high CEO salaries and bonuses and advertisements, and so on down the line.

The MLR, the medical loss ratio provision in this bill, says an insurance company for individuals or small company plans has to spend at least 80 cents of every premium dollar on health care. And if you're in a large company plan, it's 85 cents. What a novel idea; you get some bang for your buck and the government would actually do something for you for a change, protecting consumer rights and making sure that companies do what they should be doing.

This isn't about profits. The companies are extremely profitable, and this is not going to cramp their style. In fact, this is about greed. The profits for the 10 largest for-profit insurance companies in this country show a whopping \$9.3 billion in profits for the first three quarters of 2010. That's \$2.1 billion more than the first 9 months of 2009. So it's gone up 41 percent from 2009. What this is about is them avoiding having to pay premium dollars for health care.

Another provision that I like in this is they're going to have to tell the American public, they're going to have to be transparent in identifying what it is they term as "health services," so people would know if they're trying to put lobbyists fees under health services or excessive bonuses or CEO salaries or advertisements, things of that nature. And I don't think they have any will at all to make sure that people understand where their health care premium dollars are going.

If you don't have a provision like this, we're going to return to what we were; you take the power away from the consumer and you put it with the insurance company. So how do they do it? They raise the premiums or they cut your health care. They take away health care for people that want to get on their parents' plan up to the age of

26 if they're working at a company that doesn't have coverage, or they don't have coverage otherwise. They put on caps annually or lifetime caps so you can't get coverage. They rescind your policy exactly when you're in the middle of your cancer or diabetes care. Or they make sure some other way that you don't get the coverage you ought to have.

Wendell Potter, who was a whistleblower, used to be with CIGNA, one of the larger insurance companies, made it real clear when he was testifying before committees that in fact this is what companies want to do, they want to keep that medical loss ratio in place where they benefit and the consumer loses.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to how much time remains on each side?

The Acting CHAIR. The gentleman from Georgia has 2½ minutes and the gentlewoman from Connecticut has 2 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 2 minutes to an excellent member of our conference, a new Member, a member of the healing profession, a nurse from North Carolina, RENEE ELLMERS.

Mrs. ELLMERS. Mr. Chairman, let's be reminded why we are here today. We are here because the leadership of the 111th Congress couldn't even pass a budget. However, my colleagues across the aisle did manage to pass this monstrosity with a closed rule and no debate.

□ 1640

This, my friends, is ObamaCare.

No one had time to read it, much less understand how it would actually affect small businesses. As a nurse and small business owner, I can tell you that this bill is devastating to health care and the economy. Calling a government takeover of one-sixth of the economy "reform" over and over and over again does not make it so.

Not only should we pass this amendment; we should pass this CR so we can save the American taxpayers from funding this outrageously bad bill. Then we can get to work providing real health care reforms that give the decision-making back to the doctors, nurses and patients, not to Washington bureaucrats.

Ms. DELAURO. I would just like to remind the gentlelady that I understand she was not here, but we did debate health care in this body for approximately 18 months, so there was a very healthy and robust discussion about health care.

This amendment is a further demonstration of the majority's special interest priorities as they have to do with insurance companies. It really demonstrates the hypocrisy on job creation and deficit reduction as well.

Mr. Chair, may I inquire as to the time remaining.

The Acting CHAIR. The gentlelady from Connecticut has 1½ minutes remaining.

Ms. DELAURO. I yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to follow up on what the gentlewoman from Connecticut said.

This is about Whose side are you on?

If you're with the gentleman from Georgia, you are on the side of the big insurance companies, and you'll want to make sure that they make bigger profits, that they get bigger bonuses, that they pass out bigger dividends and more money to their CEOs; or if you're against this amendment and you want to go with the health care reform bill that we have, you're with the little guy—with the consumer, with the average American.

Right now, the law says that consumers have to receive more value for their premium dollars. Insurance companies are required to spend 80 to 85 percent of premium dollars on medical care and health care quality improvements rather than on the bonuses and the salaries and the dividends for the CEOs and the stockholders.

That's what this is all about. You're going to hand back to the insurance companies control over what happens with the money that you paid in your premium so they can do whatever they want with it and make whatever profit they want. I think it's wrong.

One of the major issues that we face this year is affordability and what consumers are getting for their buck, so to speak. With health care reform, we made health insurance more affordable, and it will become more so as this kicks in further. At the same time, we wanted to make sure that when you spend your premium you get something back: you get good value, and you get good benefits. That's what we're doing with health care reform. We're not worried about the insurance companies and whether they get enough profit. They make enough profit. I'm going to give you some examples.

Let's use Aetna. Between 2009 and 2010, their profits went up 40 percent. I can use that for every one of the insurance companies.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PRICE of Georgia. How much time remains, Mr. Chairman?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. PRICE of Georgia. I yield myself the remaining time.

We've heard this is about "whose side are you on?" and that it's about greed. It really is about who decides, Mr. Chairman. In health care, who decides?

The folks on the other side of the aisle want the government to decide. They want the government to decide what qualifies as health care and what kind of health care you can get for

yourself and for your family and for everybody across this land. On this side of the aisle, we want patients to decide, patients and families and doctors.

That's what this amendment is all about. Support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 296 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement the Klamath Dam Removal and Sedimentation Study.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from California (Mr. MCCLINTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCLINTOCK. I yield myself 1½ minutes.

Mr. Chairman, on Tuesday, the appropriations committee leadership supported my amendment No. 297 to cancel \$2 million that would be used to consider destroying four perfectly good hydroelectric dams on the Klamath River that are generating 155 megawatts of the cleanest, cheapest, and most reliable electricity on the planet—enough to power over 150,000 homes.

Amendment No. 296 is the companion measure. It forbids the Bureau to redirect its remaining funds for this purpose.

Let me emphasize: Congress never authorized this study. Congress never authorized the Klamath settlement. The Bureau of Reclamation is moving forward with it anyway. At a time when skyrocketing electricity prices threaten our economy and when acute capacity shortages threaten the reliability of our grid, destroying 155 megawatts of clean, cheap, and reliable hydroelectricity is simply insane.

We're told this is to save the salmon, but the proposal also includes destroying the Iron Gate Fish Hatchery, which is producing 5 million salmon smolt each year, 17,000 of which return to the Klamath as fully grown adults in order to spawn.

The Bureau is conducting this study without congressional authorization, and the language in this amendment is essential in order to implement the reduction that the House approved on Tuesday.

I thank the appropriations leadership for their support on Tuesday and ask that the House adopt the implementing language.

I now yield 1½ minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, as a staunch supporter of dams, I understand my colleague's position on this issue, and I support this amendment.

The constituents I represent overwhelmingly oppose removing functioning hydropower and its associated benefits. I fully share that concern and the disturbing precedent it sets. I think it represents a monumental failure that current Federal laws and regulations provide no alternative that will allow these dams to be operated as cost effectively as they were during the previous licensed term or that will allow the Federal Government to fully meet the obligations it made to the Klamath Basin agriculture with the development of the Klamath Reclamation Project.

As such, this amendment by itself will, unfortunately, not address the underlying issue, which is the environmental extortion that impacts property owners across the West and that impacts the hardworking people who depend on the land for their livelihoods.

Our laws are grossly out of balance, so I look forward to working with Chairman HASTINGS and Chairman MCCLINTOCK on the necessary reforms to prevent this continued abuse and to bring greater certainty to the Klamath Basin's agricultural community.

Mr. PASTOR of Arizona. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. I just want to make a point.

The gentleman from California is correct. We did accept his amendment several days ago, an amendment which dealt with the reduction of funds—I think it was \$1.9 million—but it was not specific to this dam; it was specific to the account. So this is a very different amendment, and that's why we rise in opposition.

Mr. Chairman, I now yield 2½ minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

What we're hearing on this amendment and as to the amendment itself is certainly a switch from what we've been hearing over the past couple of days. I say that because this amendment is a Washington, D.C., solution to a very, very local issue.

□ 1650

This amendment would stop a comprehensive local solution to a major and very costly problem in the Klamath River Basin.

This effort at the local level, supported by farmers and ranchers, fishermen, conservation groups, the privately owned power company in question, tribes, as well as the States of California and Oregon, it has a very bipartisan root. It was negotiated under both the Bush administration and the Obama administration.

It's a study. It does not, nor is it an agreement to, remove any dams.

All the local communities in the Klamath Basin, even those who were opposed to dam removal, support the completion of the study and they are at the table working on this specific issue.

Even the California Farm Bureau is in support of completing this study. It needs to be noted that only Congress can authorize dam removal.

This amendment is not wanted by any of the stakeholders: agriculture, conservation, local government, the dam owners, sportsmen and -women, nor the tribes. It will exacerbate the already serious problems we face in the Klamath Basin watershed.

I ask my colleagues to please join me in voting against this bad amendment.

Mr. MCCLINTOCK. Mr. Chairman, I yield 90 seconds to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Chairman, nearly a decade ago the farmers and families in the Klamath Basin suffered irreparable harm when two government agencies with conflicting demands and questionable data shut off water for irrigated agriculture, threatening a way of life and the economy of the region. Fertile farmlands turned to dust under the summer sun. A wildlife refuge nearly dried up. Some farmers whose families had tilled the soil and grown crops for generations lost everything and filed for bankruptcy. The stress was too much for some. One died of a heart attack and another took his own life.

Out of that aftermath, the House Resources Committee, then chaired by Jim Hansen of Utah and Richard Pombo of California, went to work with me trying to find short-term solutions and work on the long term. Principals in the basin, as you have heard, found common ground where they had been apart, and they reached agreement that they have brought forth to KBRA and the KHSA.

However, it's clear to me that the agreements as written do not have those in charge of the Resources Committee today. The gentleman from California (Mr. MCCLINTOCK) and the gentleman from Washington (Mr. HASTINGS) have made that clear. There is little point, then, in spending more of the taxpayers' money, especially during these dire fiscal times, on an effort

that is unlikely to move forward in its present form.

Given that reality, I will support the gentleman from California (Mr. MCCLINTOCK). The House's decision today, however, will not lessen the threat to irrigated agriculture in the Klamath Basin. It does not add to water storage. It does not provide protection to the ratepayers. It does not resolve the water rights disputes.

It does mean, however, the burden of finding a timely and effective solution to conflicts in the Klamath Basin now resides in the Resources Committee and those who rejected these plans, because there is no escaping the fact that the problems remain, the conflicts grow and the courts call all the shots absent legislative action.

Nearly a decade ago, the farmers and families in the Klamath Basin suffered irreparable harm when two government agencies, with conflicting demands and questionable data shut off the water for irrigated agriculture, threatening a way of life and the economy of the region. Fertile farmlands turned to dust under the summer sun. A wildlife refuge nearly dried up. Some farmers whose families had tilled the soil and grown crops for generations lost everything and filed for bankruptcy. The stress was too much for some . . . one farmer died of a heart attack and another took his own life.

Meanwhile, the nation's attention turned to the plight of the Klamath Basin farm families and more than 15,000 members of the community turned out in a symbolic bucket brigade that stretched from one end of town to the other.

I was a member of the House Resources Committee then, and our chairmen, first Jim Hansen of Utah and later Richard Pombo of California, responded to my calls for help with hearings and legislation. And the Bush Administration weighed in, too. We were committed to finding lasting solutions to prevent another water cut off. We put in place historic conservation efforts to improve water management. We got funds to screen the A canal and to remove Chiloquin dam. We created water banks and added to storage—although not by enough.

And then the principals in the Basin who often were on opposing sides, spent years trying to find common ground. They worked in good faith, tirelessly in search of a long-term plan to prevent another water cutoff. They should be commended for their work. And it is the culmination of that effort—with all of the controversy that surrounds it—that brings us here today.

It is clear to me, that the agreements as written do not have the support of those in charge at the Resources Committee. The gentleman from California Mr. MCCLINTOCK and the gentleman from Washington, Mr. HASTINGS, have made it abundantly clear that they will not move forward on the KBRA or the KHS.

There is little point in spending more of the taxpayers' money—especially during these dire fiscal times—on an effort that is unlikely to move forward in its present form. Given that reality, I will join them today in voting for this limiting amendment.

The House's decision today will not lessen the threat to irrigated agriculture in the Klamath Basin. It does not add to water storage. It does not provide protection to ratepayers. It does not resolve water rights disputes.

It does mean, however, that the burden of finding a timely and effective solution to the conflicts in the Klamath Basin now resides with the Resources Committee and those who rejected this plan, because there is no escaping the fact that the problems remain. The conflicts grow. And the courts call the shots, absent legislative action.

I pray that we never have to see a repeat of the disaster of 2001. I look forward to working with the Chairman Mr. HASTINGS and the Subcommittee Chairman Mr. MCCLINTOCK on whatever plan they have in mind to bring about a comprehensive, Basin-wide solution. And I know they must understand, especially in this water year, how critical prompt action is.

Doing nothing is not an option.

[From Klamath Falls Herald and News, May 27, 2010]

COMMENTARY: HUKILL, SWITZER: AGAINST DAM REMOVAL, BUT FOR KBRA

(By Al Switzer and Cheryl Hukill)

There seems to be some confusion on where we, Commissioners Al Switzer and Cheryl Hukill, stand on dam removal and the Klamath Basin Restoration Agreement.

From the very beginning of this process we have publicly stated that we are against dam removal and lobbied for fish ladders or trucking of fish instead. We are for jobs, jobs, jobs, and a strong economy. That message has never changed and will not change. State Rep. Bill Garrard has stated publicly that his position is against dam removal but for the KBRA, and this is the same position that we have taken and continue to take.

We are not willing that outside entities make the decisions for this Basin when it comes to the water and agricultural issues that face us.

We know that whether we signed the agreement or not, the dams are destined to come out. That was a private company making a private business decision. Government has no business interfering with private industry.

But the destiny of our farmers and ranchers is our priority, and we must be participants of the committees that will be formed as a result of the KBRA.

The agricultural community brings in over \$600 million, using a multiplier of 2. It has also created over 4,000 jobs.

Businesses with livable wage jobs will quit looking at Klamath County as a viable place to relocate if we do not have a stable economy, of which agricultural is a huge part.

Status quo is no longer an option. We must never forget what happened in 2001. Every business was affected by the government shutting our water off. At least with the KBRA, a committee of stakeholders will help set the course for our water issues.

If the KBRA had been in effect in 2008, we would have had enough carryover to have 330,000 acre-feet of water instead of the 150,000 acre feet. Why? Because the biological opinion would have allowed the flow of water going down the Klamath River between October and February to be far less than it was this year.

Again, we stand against dam removal, but stand for jobs and a strong economy.

The authors

Al Switzer and Cheryl Hukill are Klamath County commissioners.

Mr. PASTOR of Arizona. I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. Mr. Chairman, I would like to associate myself with the remarks of the gentlemen from California and Arizona.

This has been a hard-fought battle in my State. In a prior lifetime, I was a legislator in charge of the appropriations process for my home State of Oregon; and for the 10, 12 years I was in the State legislature, this area, this internecine warfare in the Klamath Basin over the use of the water resources was a really hot topic.

As a result, our State and the Federal Government were spending millions of dollars in lawsuits. This agreement, this agreement to have a study to bury that hatchet and come to an agreement is absolutely critical. We have tribes, ranchers, farmers, local officials who have all come together to say let's solve this problem at the regional level.

We in Washington, D.C., should not be getting involved. This is a long-fought battle that finally has come to some accord. We should let it happen and stay out of Oregon and California's business.

Mr. MCCLINTOCK. Mr. Chairman, in closing, the gentleman from Arizona is disingenuous when he says that we didn't know this was about the Klamath when we adopted the funding reduction on Tuesday. That was the entire context of the debate. I mentioned it over and over again. It's not true that this is somehow a surprise if the gentleman was listening.

As to the claim that this is an agreement that has been agreed to by all of the political insiders in the area, let me assure the gentleman from California that it is opposed by the overwhelming majority of voters as tested in several local elections, including the formal opposition to the dam removal by the Siskiyou border supervisors elected by the people of the region.

Mr. PASTOR of Arizona. Mr. Chairman, I was listening; I did understand. Because even though I heard the words, the understanding I had with the chairman of the subcommittee and the reason we supported it was that the reduction of funds was to the account, not these specific projects. So I did listen; I did understand.

But today we are talking about prohibiting money for the study. And I have to tell you that this agreement is to study the potential removal of four privately owned dams, not the agreement to remove dams. It is designed to bring about significant improvements to both environmental conditions and water supplies, certainly, which need to be confirmed through the study.

The studies are scientific. They deal with engineering and economic and environmental-based analysis to determine whether the promise of the agreement will occur. And for that reason, we oppose this amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I just want to say to the gentleman, the Oregon Public Utility Commission has ruled that, from the standpoint of the rate-paying public, the settlement agreement is preferable to relicensing under the Federal Energy Regulatory Commission, known as FERC, as the agreement caps ratepayer cost at \$200 million; whereas, fish passage costs, because these dams are old, could exceed \$500 million, plus an additional \$200 million for O&M. The amendment would force these costs on the rate-paying public without the benefit of accurate benefits and costs.

Being from the Northwest, I want you to know that sometimes, and they are just studying this dam removal, but sometimes by taking out dams you can restore the original habitat and help the salmon recovery, as we are doing on the Elwha Dam project up in Washington State.

The reason we did it: Because it was going to cost so much to fix up the dam, that it was actually cheaper to take them out and restore, and this became a major restoration project. So I wouldn't just assume that this is not a positive thing.

I yield to the gentleman from Oregon.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. He is absolutely correct.

What is being dealt with in the Klamath Basin is an unraveling of a serious problem all because the Federal Government has promised more than Mother Nature can deliver. And part of what is being considered—is being supported broadly by Native Americans and business interests. We have been working with utilities—

Mr. DICKS. By the local community.

Mr. BLUMENAUER. A broad range of people in the community. This is something that needs to be seriously studied and done right.

There is a very strong likelihood that if it isn't done properly, there may well be something that happens in the Klamath River Basin where circumstances move ahead and it's not done in the way that I think most people would like.

So I appreciate—

Mr. DICKS. And being from Oregon, you realize that it would do a lot potentially for salmon restoration.

Mr. BLUMENAUER. It is a tremendous opportunity for the Klamath River Basin. It's a tremendous oppor-

tunity for the Native Americans, for agriculture, for sportspeople and to avoid the litigation and the political squirrel cage that we are in.

If you go down there and visit the Klamath Basin, you would find, as I know my good friend from California has, it's a tremendous opportunity. This amendment really would be a mistake.

□ 1700

Mr. DICKS. I thank my friend.

Reclaiming my time, I yield to the gentleman from California.

Mr. THOMPSON of California. I thank the gentleman, and I want to agree with you, Mr. DICKS, on the salmon implications of this, and also Mr. WALDEN, who talked about the agricultural implications of not having a solution. This has been an absolute mess for decades, and we've seen the fruits of that disaster bear out in the salmon industry crashing and agricultural problems that we have.

And for the first time in decades, first time ever, we have had all the stakeholders come together. These are people who you couldn't get in the same town with before who are sitting around the same table. They are working out solutions. They have come to some agreements. And this study has to be made, and, Mr. DICKS, you are absolutely right.

Mr. DICKS. And you would think that the gentleman from California would be interested in letting the local community come to a decision on this rather than imposing it from Washington, D.C., and overturning what this local group of people have been working on for years. I mean, this is really a bit much.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. MCCLINTOCK. Mr. Chairman, I don't need anywhere close to 5 minutes. I simply want to emphasize that the gentleman is correct, that the local people should decide that issue, and they have.

In one local election after another, when this has been the deciding question, the voters themselves have said it is insanity, at a time when we can't guarantee enough electricity to keep their air conditioners running or the refrigerators running, to tear down the generating capacity equivalent to enough for 150,000 residents and 155 megawatts of electricity.

The Siskiyou Board of Supervisors, elected by the people of the region, has taken a very strong stand in opposition to the removal of the dams.

And to the gentleman from California, I too am concerned about the salmon. That's why the Iron Gate Fish

Hatchery, which is producing 5 million salmon smolt a year, 17,000 of which return as fully grown salmon to spawn, is so critical. And why they would want to tear that out, along with the dams, is absolutely beyond me and beyond the people of the region who have voted repeatedly on this issue.

Mr. THOMPSON of California. Will the gentleman yield?

Mr. FRELINGHUYSEN. I think the idea is we wanted to wrap this up without too much debate. I just felt in fairness that the gentleman deserved some extra time. I don't think we need to prolong this.

Mr. THOMPSON of California. I would just like to clarify one fact.

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. THOMPSON of California. I just want to clarify one issue, and that's the cost of energy as a result of this. If this isn't solved, the dam owners, the private owners that are supporting this study will have to make repairs to the dam that far exceed other costs and will drive the ratepayers' utility rates up through the roof. That's why the statement was made about those costs of utilities and the costs to the ratepayers.

Mr. DICKS. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Washington.

Mr. DICKS. That's the point. It would cost more to fix these dams up. That's the problem we faced on the Elwha. Even though the dams were there, the cost was so high to fix them up that it was better to take them out.

Now, this study will just look at this and the local people will wind up getting hurt if you force them to have to do this. So let the local people decide this and let this study go forward. It is a very inexpensive thing, and this community has worked hard and deserves a chance to look at this.

Mr. FRELINGHUYSEN. I yield the balance of my time to the gentleman from California.

Mr. MCCLINTOCK. I thank the gentleman.

And I would simply say in response that the gentleman in opposition forgets two important points. Number one, the additional costs are being forced on those private dam operators by the government. It is about time that we recognize that it is the government imposing these regulations that's driving up these costs.

And I would remind him he also forgets the enormous replacement costs. The power coming off those dams is the cheapest and cleanest on the planet. To replace that power is going to cost many, many times the costs currently borne by the ratepayers for the cheap hydroelectricity those dams produce.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. McCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 99 OFFERED BY MR.
MC DERMOTT

Mr. McDERMOTT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to plan for, begin, continue, finish, process, or approve the relocation of the National Oceanic and Atmospheric Administration's Marine Operations Center-Pacific from Seattle, Washington, to Newport, Oregon.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Washington (Mr. McDERMOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Mr. Chairman, I am a big fan of NOAA. The scientists and analysts at NOAA do extraordinary work for this country. Unfortunately, NOAA's process for choosing a location for the Marine Operations Center jeopardizes the operation of the Pacific Center and is wasting tens of millions of dollars of taxpayer money.

My amendment would save at least \$5 million immediately, and beyond that, probably \$10 to \$20 million in long-term costs. It would defund the move of the Marine Operations Center from Seattle to Newport, Oregon, for the rest of the year so that there is time for the broken process to be looked into.

Now, this is not a case of sour grapes. If it was what was best for the country, I wouldn't fight tooth and nail against some jobs moving from one place to another. But the Commerce Department's inspector general and the Government Accountability Office have written scathing reports about this move and the decision process. They found it is among the worst run, least transparent, and least competitive bidding processes they have ever investigated. If you want to compare it to the Bridge to Nowhere, this is exactly what it is.

I came from Chicago, and when we looked at something like this, we would always say the fix was in. Spending tens of millions of taxpayer dollars to dislocate hundreds of families to a site that's frequently unavailable for navigation because of dangerous conditions, is not near shipyards or maritime suppliers, is more than 120 miles from the nearest airport, and will be hugely expensive to run every year

makes no common sense. And the reports of the inspector general report that very clearly.

Now, Newport is an environmentally sensitive area, and NOAA's own, their own private consultants say the site is the least qualified destination for the move. Despite all these issues, NOAA has charged ahead and been completely unaccountable. NOAA officials are not willing to admit their huge mistake and fix it. And this is just plain wrong. Taking a breather for the next 7 months while we get a truly transparent process is the right thing to do.

NOAA and Newport are saying that any delay, any examination, any looking at this will have catastrophic consequences. That simply is not true. We have studies from the CRS and others it won't put contracts at risk, it will not increase costs.

So I rise today to stop the process for the remainder of the year, to give NOAA and the Commerce Department time to get their ducks in a row, hit the restart button, and stop wasting taxpayer money.

U.S. DEPARTMENT OF COMMERCE,
THE INSPECTOR GENERAL,
Washington, DC, May 26, 2010.

Memorandum for: Jane Lubchenco, Ph.D.,
Under Secretary of Commerce for Oceans
and Atmosphere
From: Todd J. Zinser
Subject: NOAA's Acquisition of Facilities to
House the Marine Operations Center—
Pacific

By letter dated March 5, 2010, Chairwoman Maria Cantwell and Ranking Member Olympia Snowe of the Senate Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, Committee on Commerce, Science, and Transportation, requested that the Office of Inspector General review NOAA's decision to award a lease to the Port of Newport, Oregon, to house NOAA's Marine Operations Center-Pacific (MOC-P). Their letter raised several specific questions regarding the decision-making process that resulted in this lease.

NOAA began the lease acquisition process as early as September 2007, when it initiated a market analysis. It published a Solicitation for Offers for a new lease on November 24, 2008. Four bidders submitted offers, and NOAA awarded a lease to the Port of Newport on August 4, 2009. One of the unsuccessful bidders, the Port of Bellingham, Washington, filed a protest with the Government Accountability Office (GAO) on August 27, 2009—10 days after it received a post-award debriefing from NOAA. On December 2, 2009, GAO sustained Bellingham's protest against NOAA's lease award and recommended that NOAA conduct an analysis of practicable alternatives to the Newport offer. In its January 29, 2010, response to GAO, NOAA stated that it expected to complete all corrective actions relating to the successful bid protest by May 28, 2010.

Although the lease acquisition process began in 2007, the decision-making process related to the acquisition can be traced back approximately 10 years. Together, these processes involved several separate offices within NOAA, the Department, and other federal agencies. In addition, they involved many statutory provisions, regulations, NOAA and Department policies, other ad-

ministrative directives, and changes in personnel. Given the scope and complexity of these processes, we continue to gather and evaluate information, and in order to gain the best understanding of the facts and circumstances surrounding NOAA's process, we will need to continue our work beyond the time by which NOAA intends to finalize its assessment of practicable alternatives.

Although our review is ongoing, we have identified one issue that warrants higher-level review by NOAA before it finalizes its examination of practicable alternatives. Specifically, based on our review, we believe that NOAA should examine whether it sufficiently complied with the requirement to consider existing federal facilities before pursuing a new lease acquisition. Such an examination will help to ensure that the ultimate decision—whether it be to affirm the original choice or select an alternative approach—is grounded in a more thorough, well-substantiated, and well-documented analysis.

According to 41 C.F.R. 102-73.10, before acquiring real estate by lease, purchase, or construction, federal agencies should first use space in government-owned and government-leased facilities. Similarly, Department of Commerce policy generally disapproves of long-term lease solutions (Department of Commerce, Real Property Management Manual, 5.4.1(d) (2003)). These issues are separate, but both relate to how NOAA assessed its options for MOC-P. We address each issue separately here, detailing factors that may potentially impact NOAA's own assessment of how well it followed these directives.

While there is a lack of detailed criteria against which to measure NOAA's efforts to consider other federal facilities, the Department's Real Property Management Manual does require the Department to make "every reasonable effort to utilize Government-controlled space" before leasing space. Our review uncovered some evidence that NOAA considered other federal facilities; however, NOAA was not able to provide evidence that other federal facilities were systematically inventoried, analyzed, and rejected before initiating efforts to acquire a follow-on lease from other sources for MOC-P, nor was the decision to reject other federal facilities well-documented.

For example, we were told by NOAA officials that NOAA had considered collocating with select Coast Guard and Navy facilities, but its consideration was not documented. In preparation for the lease acquisition, NOAA received proposals in mid-2007 for an alternative site analysis to (1) investigate the most functional, efficient, and cost-effective options for reconsolidating MOC-P and (2) provide an indication of how each site might perform during the subsequent lease solicitation process. That study, conducted under contract, was completed in September 2008. Of the 32 ports, cities, and economic development councils contacted, 11 responded, offering a total of 22 potential site options for further analysis. The 22 were further narrowed to a total of 15, only 3 of which were federally-owned: GSA's Federal Center South, the Department of Labor's Tongue Point, and NOAA's Western Regional Center. In November 2008, in an apparent rejection of those federal sites, NOAA issued the Solicitation for Offers.

NOAA also considered and declined GSA's May 2008 offer to fulfill the MOC-P requirements at the GSA-owned Federal Center South (FCS) facility. NOAA's Western Regional Center (WRC) was also rejected as a

long-term solution because of what NOAA characterizes as litigation risks in that area. Having ultimately rejected the use of other federal facilities, it is also unclear whether NOAA adequately considered other required alternatives. Office of Management and Budget (OMB) Circular A-94, which requires cost-benefit analyses of decisions on whether to lease or purchase, is an example of other potentially applicable requirements that may apply to NOAA's decision-making.

Our review has thus far uncovered three key issues regarding NOAA's consideration of other federal facilities.

First, at some time between 2000 and 2007, as detailed below, NOAA may have changed from considering a dispersed model for fulfilling the MOC-P requirement, which could have affected the analysis of available federal facilities.

Although NOAA's 2008 Solicitation for Offers was limited to the lease of a consolidated facility (which would collocate all ships and staff), it commissioned a June 2000 Homeport Alternatives Analysis, conducted by SRI International, in which it contemplated operating from dispersed facilities as a cost-saving measure. This study was commissioned to explore alternative homeports, given the possibility of the Lake Union lease not being extended beyond 2003.

The 2000 study indicated that NOAA was seeking to reduce costs by moving MOC-P staff to the WRC. Noting that NOAA was evaluating split homeporting, the study also explored homeporting two of four MOC-P vessels in Alaska to reduce ship travel time.

To date, NOAA has not provided an explanation of what factors led to the apparent shift from the 2000 study to the current preference for a consolidated, leased solution. This apparent change in the vision for meeting the MOC-P requirement may have had a significant impact on how NOAA approached its available alternatives.

Notably, since the July 2006 fire that destroyed the MOC-P piers at Lake Union, MOC-P has operated under a dispersed model, using piers at NOAA's WRC and GSA's FCS. Also, NOAA's Marine Operations Center-Atlantic operates in dispersed facilities. This suggests that a dispersed model may be feasible and should have been assessed as part of NOAA's requirements-planning process.

Second, NOAA's analysis of how well it considered other federal facilities should include an examination of how thoroughly it analyzed and weighed its potential long-term options at the WRC and FCS, where it currently operates.

NOAA should consider whether it would have been feasible to maintain its current dispersed configuration while relocating staff to the WRC or other leased offices.

Specifically, we found that the WRC was dredged in the 1970s in anticipation of developing four long piers to accommodate many more vessels, and utilities may already be in place for two additional planned buildings that were not developed.

Although NOAA has cited neighborhood opposition to expanded use of the WRC and litigation against NOAA in that area in the 1970s, MOC-P has been homeported there since 2006. We have reviewed recent letters from some surrounding neighborhood groups that support locating MOC-P at the WRC. The potential cost savings of using these existing facilities may outweigh the litigation risks.

Third, GSA's pre-solicitation offer to serve the MOC-P requirements at FCS may have presented a viable federal facility for

NOAA's consideration. This is particularly relevant because of the changed circumstances at this site.

GSA's May 2008 offer arrived well before NOAA issued its Solicitation for Offers in November 2008. NOAA declined this offer one month later, citing the narrowness of the waterway adjacent to the existing FCS pier, the fact that the waterway was a Superfund site, and NOAA's established goal of being operational in a new lease by July 1, 2011.

Since then, GSA has obtained American Recovery and Reinvestment Act funds to redevelop three FCS buildings and plans to relocate a large tenant, leaving an existing building potentially available for NOAA, with some modification.

We have been advised that NOAA currently has access to a pier that is sufficiently equipped and sizable to accommodate three of its vessels.

Although NOAA has cited concerns regarding underwater property lines, it has not provided an indication that this situation has been a problem during its use of the pier since 2006.

Regarding FCS being a Superfund site, according to a senior official at GSA with whom we spoke, this would be an issue for GSA, not NOAA. While the potential issue exists and an environmental impact statement would be required, Superfund liability would lie with GSA or another FCS tenant.

NOAA cited its June 30, 2011, deadline for vacating the Lake Union site in its June 2008 letter declining GSA's offer. However, this deadline was driven by the expiration of the Lake Union lease, and suitable workarounds—such as short-term office leases through GSA—may potentially have been available.

Pursuing such workarounds may have enabled NOAA to garner the necessary time and funding to develop the WRC and FCS individually or together for the MOC-P requirement.

In our view, NOAA's examination of these issues related to its consideration of other federal facilities will ensure that the final decision regarding practicable alternatives to Newport is thorough and well-documented.

We noted above that Department policy generally disapproves of long-term lease solutions, and it states that leased facilities should not be considered a permanent solution. Yet although the Newport lease award will commit NOAA to a leased solution for another 20 years, our review of how NOAA approached government-owned solutions found little documented analysis. NOAA has told us that leasing was preferred because acquiring funding for such an acquisition would have required considerable lead time and because funding of facilities has historically received lower priority than other funding requirements.

NOAA officials also cited the fact that MOC-P has historically used leased sites.

The relevant documents show that on at least two occasions, NOAA briefly considered acquiring the Lake Union site, which housed all MOC-P operations prior to the fire, but documentation of those efforts was limited to what can be characterized as passing comments. We have not been provided with evidence of systematic efforts to assess the feasibility of purchasing or constructing facilities elsewhere.

We understand that NOAA's consideration of the practicable alternatives to the Newport site is in progress and scheduled to be completed by May 28, 2010. Although NOAA had the authority to define the scope of the

practicable alternatives as it saw fit, it limited its assessment to the four offers that it received under the solicitation. However, considering the range of options that were available to NOAA in government-owned and government-leased space, a broader examination may be warranted as part of this analysis.

According to NOAA, it is standard GSA practice for lease-to-build leases not to include a termination clause in the lease, and such a clause was not included in the Port of Newport award. We understand that NOAA obtained a preliminary estimate of potential lease termination costs from the Department of Commerce Office of General Counsel. However, as part of its decision-making process, NOAA should conduct a rigorous analysis of the potential termination costs and document the specific components of this estimate. As it continues to evaluate its practicable alternatives, it would be prudent for NOAA to minimize these potential costs to the extent possible.

Whatever conclusion NOAA reaches, it should carefully examine and document all pertinent factors, including those that we have highlighted. In order for both of our offices to be responsive to the Subcommittee, it is important to examine these issues regarding NOAA's consideration of other federal facilities. As we finalize our response to the Chairwoman and Ranking Member, we will follow up with your office to determine what additional information NOAA may have identified.

If you have any questions, please do not hesitate to contact me.

GAO DOCUMENT ON PORT OF BELLINGHAM DECISION

Matter of: Port of Bellingham.

File: B-401837.

Date: December 2, 2009.

Lee P. Curtis, Esq., Troy E. Hughes, Esq., and Maggie L. Croteau, Esq., Perkins Coie LLP, for the protester.

James H. Roberts, III, Esq., Van Scoyoc Kelly PLLC, for Port of Newport, an intervenor.

Mark Langstein, Esq., Lynn W. Flanagan, Esq., and Diane M. Canzano, Esq., Department of Commerce, for the agency.

Glenn G. Wolcott, Esq., and Ralph O. White, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Agency had no reasonable basis to determine that awardee's proposed pier was located outside a designated floodplain area and therefore complied with the solicitation's limitations regarding lease of property located within a base floodplain.

2. Where awardee's proposed pier construction was within a designated floodplain area, agency failed to properly consider whether there was any practicable alternative to selecting awardee's proposal, as was required by the terms of the solicitation.

DECISION

Port of Bellingham, of Bellingham, Washington, protests the award of a lease by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), to Port of Newport, of Newport, Oregon, pursuant to solicitation for offers (SFO) No. 09WSA0200C to provide office, warehouse, and related space for NOAA's Marine Operations Center-Pacific (MOC-P).

We sustain the protest.

BACKGROUND

The SFO at issue here was published in November 2008, and contemplated the award of

a long-term operating lease to support the activities of NOAA's MOC-P.¹ Among other things, the solicitation sought offers to provide 31,000 square feet of office, warehouse and related space, 1,960 linear feet of pier space, and 20,000 square feet of equipment laydown space. Agency Report (AR), Tab 7, SFO, at 5. The solicitation provided that the lease award would be based on the offer determined to be most advantageous to the government based on application of the following evaluation factors: location of site; site configuration and management; quality of building and pier, availability; past performance and project financing; quality of life; and price. AR, Tab 7, SFO amend. 3, at 2. The solicitation also provided that: "An award of contract will not be made for a property located within a base flood plain or wetland unless the Government has determined that there is no practicable alternative." SFO at 7.

In February 2009, five offers were submitted by four offerors, including Newport and Bellingham.² Upon review and evaluation of the offers, the agency determined that four of the five offers were in the competitive range.³ By letters dated April 20, 2009, the agency advised each of the offerors of their inclusion in the competitive range and identified various issues for discussions.

Concurrent with its ongoing evaluation of proposals, the agency contracted with an engineering firm to perform an environmental assessment (EA) of the various offers, as required by the National Environmental Policy Act of 1969 (NEPA).⁴ In June 2009, the agency published a draft EA that provided in-depth environmental analysis regarding each of the four offered sites; the final EA was published in July with no substantive changes. Among other things, both the draft and final EA stated, under the heading "Floodplains," as follows:

[Newport's] proposed dock would be within the 100-year [base] flood plain^[5] (Zone A2),^[6] and is therefore likely to be impacted by flooding, particularly if the finished level of the dock is below an elevation of nine feet NGVD [National Geodetic Vertical Datum].^[7] Additionally, there is some potential for the structure to affect the characteristics of flooding in the area, by trapping debris against the piles of the dock and/or altering the way in which floodwaters circulate/flow within the bay.^[8]

AR, Tab 20, Final EA, at 5-96.

During discussions with Newport, the agency brought the floodplain matter to Newport's attention, stating:

It appears that the offered site and pier are in the 100 year flood plain.^[9] This would be all parts of the site lower than 9 feet National Geodetic Vertical Datum (NGVD) . . . are within the 100-year floodplain (Zone A2 on the FEMA map, base flood elevation of 9 feet NGVD). Please confirm in your Final Revised Proposals (FRP's) that the finished site level and structures will be above the 100 year flood plain (see SFO Section 1.7).

AR, Tab 15, Letter from Contracting Officer to Newport, May 14, 2009, at 1.

In response, Newport did not alter the location of its proposed pier, nor did it provide any meaningful explanation as to why the pier should be considered to be outside of the floodplain area.¹⁰ Nonetheless, Newport concluded its response to the agency by stating: "all proposed facilities and structures will be designed above the BFE." AR, Tab 15, Engineer's Memorandum, May 22, 2009, at 3.

Following submission of final proposals, the agency's source evaluation board (SEB)

evaluated the competing offers and concluded: "As all four offerors met the requirements of the solicitation each offer was analyzed on both its technical and financial merits to determine the awardee of this procurement." AR, Tab 22, SEB Final Revised Proposal Summary Report, at 54. With regard to evaluation under the non-price evaluation factors, the SEB concluded that "Port of Newport's technical proposal was determined to be the most technically sound" and that "Port of Bellingham's technical proposal received the second highest ranking." *Id.* at 55. With regard to total evaluated price, the agency determined that Bellingham offered an annual lease price that was significantly higher than Newport's annual lease price of \$2,533,439. *Id.* at 65. Based on this evaluation, the agency concluded that "Port of Newport has met all requirements outlined in the solicitation, has been evaluated as the most technically proficient offer, and offers the Government the lowest price." *Id.* at 58-59.

Newport's proposal was selected for award on August 4. This protest followed.

DISCUSSION

Bellingham protests that the agency failed to comply with the SFO provision that stated: "An award of contract will not be made for a property located within a base flood plain or wetland unless the Government has determined that there is no practicable alternative." See SFO at 7. More specifically, Bellingham protests that Newport's proposed pier was clearly within a designated floodplain area; that the agency had no reasonable basis to conclude otherwise; and that the agency was, therefore, required to make a determination as to whether there was a practicable alternative to Newport's offer.

The agency responds that it "properly concluded that Newport's offered property is not located within the base floodplain," and that, having so concluded, that the agency "was not required to and properly did not conduct a practicable alternative analysis." AR, Tab 2, at 15. In maintaining that Newport did not propose property within the designated floodplain area, the agency refers to the fact that the "finished level" of Newport's proposed pier is projected to be higher than 9 feet NGVD (the applicable BFE) asserting: "[I]f the finished level of the pier were built below 9 NGVD it would be located within the base floodplain and likely impacted by flooding; if it were built above 9 NGVD it would not be in the base floodplain." Agency Response to Protester's Comments, Oct. 16, 2009, at 2. The agency also references Newport's conclusory representation, provided in response to the agency's discussion question, quoted above, that "all proposed facilities and structures will be designed above the BFE."¹¹ On this basis, the agency maintains that it reasonably concluded that Newport's proposed pier was outside the designated floodplain area and, accordingly, maintains the agency had no obligation to—and did not—consider whether there was any practicable alternative.

Our Office has previously considered whether, in leasing real property, an agency has properly considered the particular floodplain requirements that are at issue here. See, e.g., *Ronald Brown*, B-292646, Sept. 20, 2003, 2003 CPD ¶170; *Vito J. Gautieri*, B-261707, Sept. 12, 1995, 95-2 CPD ¶131; *Alnasco, Inc.*, B-249863, Dec. 22, 1992, 92-2 CPD ¶1430; *Wise Inv., Inc.*, B-247497, B-247497.2, 92-1 CPD 480; *Oak Street Distribution Ctr., Inc.*, B-243197, July 2, 1991, 91-2 CPD ¶14; *Western Div. Inv.; Columbia Inv. Group*, B-213882, B-213882.2, Sept. 5, 1984, 84-2 CPD ¶258. In this regard, we have noted

that the floodplain requirements flow from Executive Order (EO) No. 11988, 42 Fed. Reg. 26,951 (1977), which precludes a federal agency from providing direct or indirect support of flood plain development when there is a practicable alternative. We have further noted that the purpose of EO No. 11988 is to minimize the impact of floods on human health and safety, as well as to minimize the impact on the environment.¹² See *Vito J. Gautieri*, *supra.*, at 2-3. In considering compliance with these floodplain requirements, we have held that an agency must, at a minimum, consider whether a proposed structure will be located within a designated floodplain area. See, e.g., *Ronald W. Brown*, *supra.*, at 1-2 (agency reasonably concluded that floodplain provisions did not bar award of lease where proposed building was not located within the floodplain area, even though the periphery of the site was within the floodplain); see also *Oak Street Distribution Ctr., supra.*, at 3-4 (agency properly awarded lease where proposed building was not within floodplain); cf. *Wise Inv., Inc., supra.*, at 2-4 (award of lease not prohibited where ground level of site had been elevated by filling).

Here, based on the record discussed above, there can be no reasonable doubt that Newport's offer proposed to build its pier structure within the designated floodplain area. Further, as noted above, Newport's construction of the pier was a significant aspect of its offer in that the solicitation required offerors to provide a minimum of 1,950 linear feet of pier space.¹³ AR, Tab 7, at 7. Finally, it is clear that the pier structure may have an environmental impact on the floodplain area within which it is to be located.¹⁴

As discussed above, Newport's proposed pier construction within the designated floodplain area was expressly presented to the agency by the very engineering firm the agency retained to, among other things, inform the agency on floodplain matters.¹⁵ Consistent with that notification, in conducting discussions with Newport, the agency requested that Newport address the floodplain issue in the context of the location of its proposed pier, yet, Newport did not.¹⁶ Finally, the fact that the "finished level" of the pier may be above the BFE has no bearing on the clearly apparent fact that the pier structure itself is to be constructed within the designated floodplain area, which will, among other things, require Newport to drive hundreds of concrete piles "approximately 15 feet below the mudline."¹⁷ See AR, Tab 20 at 4-18. In this regard, neither Newport's proposal nor the agency's contemporaneous evaluation documents, address the specific environmental issues identified in the EA report, including the potential for debris to be trapped against the concrete pier piles or the pier's alteration of the way floodwaters circulate and flow within the bay.

On this record, there was no reasonable basis for the agency to conclude that Newport's proposal did not fall within the scope of either the solicitation's express floodplain limitations or EO No. 11988's limitations regarding potential environmental impacts. Accordingly, the agency was required to consider the environmental impact of Newport's proposed pier structure and to determine whether there was a practicable alternative to Newport's offer, the record is clear it did not.

The protest is sustained.¹⁸

RECOMMENDATION

Since the contract award to Newport failed to comply with the solicitation requirements

regarding lease of property within a base floodplain, we recommend that the agency comply with those requirements. Specifically, the agency should consider, and document, whether there was a practicable alternative to Newport's offer. In the event the agency's analysis identifies a practicable alternative, as contemplated by the solicitation, we recommend that the agency implement such alternative, if otherwise feasible. In the event the agency's analysis concludes there is no practicable alternative, it should comply with the procedural requirements established in EO No. 11988, as set out above. Further, the agency should provide a copy of its documentation regarding this matter to the parties. Finally, we recommend that the protester be reimbursed its costs of filing and pursuing this protest, including reasonable attorneys' fees. The protester should submit its certified claim for costs, detailing the time expended and costs incurred, directly to the contracting agency within 60 days after the receipt of this decision. 4 C.F.R. § 21.8(f)(1) (2009).

LYNN H. GIBSON,
Acting General Counsel.

¹The MOC-P, which has been located in Seattle, Washington, for more than 60 years, provides centralized management for 10 NOAA ships and is the permanent homeport for 4 of those ships. In July 2006, a fire destroyed a significant portion of MOC-P's facilities, forcing NOAA to reduce the scope of its current lease and distribute some of its ships to alternative locations; what remains of the ongoing lease expires in June 2011.

²Bellingham submitted two proposals.

³Bellingham's second proposal was excluded from the competitive range.

⁴The agency states that the EA "was performed by personnel from various technical disciplines including, but not limited to, those with background in port engineering, environmental planning, water resources, wetlands, geology, and marine species and habitats." AR, Tab 2, at 15.

⁵The agency explains that a "base floodplain" is an area that is likely to be flooded once every 100 years or, described in the alternative, an area that has a 1 percent chance of flooding during a given year. AR, Tab 2, at 16.

⁶The agency further notes that base floodplains are designated by the Federal Emergency Management Agency (FEMA) as "Zone A2" where FEMA has established a "base flood elevation" (BFE)—that is, the level of water surface elevation resulting from a 100-year flood. Id.

⁷There is no dispute that the BFE applicable to Newport's proposed site is 9 feet NGVD.

⁸In addition to identifying the location of Newport's proposed pier as being within the designated floodplain area, the EA describes various aspects of Newport's proposed pier structure, stating:

A new pier for NOAA use is to be constructed to the west of where the existing piers are currently situated. . . .

Preliminary conceptual design undertaken by the offeror . . . estimated that the new pier would require the following piles:

70 vertical pier piles (60 edge, 10 middle), which are 18 inch diameter, 0.375 inch ASTM 500, filled with concrete to approximately 15 feet below the mudline.

210 batter pier piles (60 edge, 150 middle), of same construction as the vertical pier piles.

240 fender piles, which are 12.75 inch diameter, 0.5 inch wall

22 vertical small boat mooring piles 16 or 18 inches in diameter, 0.375 inch ASTM 500.

It is anticipated that vibratory methods would be used to drive the new piles, although jetting could used, if allowed by the relevant agencies. . . .

It is anticipated that approximately 42,000 cubic yards would need to be dredged from the proposed pier site. . . .

AR, Tab 20, at 4-18 to 4-19.

⁹In addition to Newport's proposed pier, the EA noted some potential that Newport's proposed buildings containing office and warehouse space might be constructed below the BFE.

¹⁰In contrast to Newport's failure to provide any meaningful information regarding the apparent location of Newport's proposed pier within the designated floodplain area, Newport's response did address the other structures on its proposed site.

¹¹Despite the agency's purported reliance on Newport's conclusory representation, the contracting officer expressly acknowledges that Newport's response provided no meaningful information regarding the location of its pier, summarizing Newport's response as follows:

The Port of Newport provided a response [to the floodplain discussion question] with its FRP that included a statement an[d] analysis dated May 22, 2009, by a professional engineer with KPFF Engineering, that except for the pier, Newport's proposed site was not in a 100-year or base floodplain. [Bold added.]

AR, Tab 1, Contracting Officer's Statement, at 10.

¹²Specifically, EO No. 11988 states:

[I]n order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development whenever there is a practicable alternative, it is hereby ordered as follows:

(1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain. . . .

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requiring siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

Protesters Comments on Agency Report, exh. 1, at 1-2.

¹³In this regard, in defending against this protest, the contracting officer has stated: "Pier structures are essential to meet the operational requirements of the Marine Operations Center-Pacific." AR, Tab 1, at 11.

¹⁴As noted above, in addition to concluding that the pier would "likely be impacted by flooding," the EA stated that the pier could potentially affect the area "by trapping debris against the piles of the dock and/or altering the way in which floodwaters circulate/flow within the bay." AR, Tab 20, at 5-96.

¹⁵As the agency points out, there can be no question as to the qualifications of the personnel that prepared the EA. Specifically, as described by the agency, the EA "was per-

formed by personnel from various technical disciplines including, but not limited to, those with background in port, engineering, environmental planning, water resources, wetlands, geology, and marine species and habitats." AR, Tab 2, at 15.

¹⁶Indeed, as summarized by the contracting officer, Newport's response to the agency's discussion question regarding the floodplain matter addressed all of Newport's proposed site "except for the pier." AR, Tab 1, at 9.

¹⁷Although not specifically addressed by the parties, we note that FEMA has discussed this issue in connection with the National Flood Insurance Program (NFIP). In a booklet titled "Answer to Questions About the NFIP," FEMA has stated:

75. Does elevating a structure on posts or pilings remove a building from the Special Flood Hazard Area (SFHA)?

Elevating a structure on posts or pilings does not remove a building from the SFHA. If the ground supporting posts or pilings is within a floodplain, the building is still at risk. The structure is considered to be within the floodplain, and flood insurance will be required as a condition of receipt of Federal or Federally related financing for the structure. The reason for this, even in cases where the flood velocity is minimal, is that the hydrostatic effects of flooding can lead to the failure of the structure's posts or pilings foundation. The effects of ground saturation can lead to decreased load bearing capacity of the soil supporting the posts or pilings, which can lead to partial or full collapse of the structure. Even small areas of ponding will be subject to the hydrodynamic effects of flooding; no pond or lake is completely free of water movement or wave action. This movement of water can erode the ground around the posts or pilings and may eventually cause collapse of the structure.

FEMA Internet Website at wwwv.fema.gov/business/nfip/fidmanre.shtm.

¹⁸In defending against this matter, the agency has requested that we dismiss Bellingham's protest for various reasons, including the agency's assertions that it was legally precluded from awarding the lease to Bellingham due to Bellingham's price and/or that Bellingham's proposal should be similarly viewed as offering a structure within a designated floodplain area. We have declined to dismiss the protest based on the agency's post-protest assertions, since it is not clear that, during the acquisition process, the agency considered either of these matters as a mandate for rejecting Bellingham's proposal. While these matters may be proper considerations by the agency in determining if there are practicable alternatives, in the context of the agency's dismissal requests we view the agency's post-protest assertions as being made "in the heat of litigation," and we will not rely on them as bases for dismissing the protest. See *Boeing Sikorsky Aircraft Support*, B-277263.2, B-277263.3, Sept. 29, 1997, 97-2 ¶ 91 at 15.

□ 1710

Mr. SCHRADER. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. SCHRADER. Frankly, I am not sure exactly where my friend from Washington has gotten his facts. Let's be clear up front, if this amendment was enacted, NOAA would face termination liabilities well in excess of the

\$5 million or \$10 million that my good colleague refers to that would be in excess of \$50 million, and their ability to conduct the mission critical activities in the Pacific would be in serious jeopardy.

NOAA would have neither the authority nor resources to contract for alternate arrangements, putting in jeopardy the support of this fleet of ships which gather critical data to produce navigational charts of U.S. waters, survey fishery stocks, and maintain instruments which support tsunami warnings, weather forecasts, and climate research. Let me say again for the record very clearly here, after NOAA's current lease is up in June, if this amendment were to pass, NOAA would have no authority—zero, legal or otherwise—to mobilize its Pacific fleet. It would be dead in the water.

There has been a lot of talk about process; but, frankly, this process has been comprehensive, transparent, and legitimate. My friends in Washington State have made sure that's the case. After a rigorous competitive lease acquisition process that followed GAO guidelines, NOAA was awarded a 20-year lease to Newport for the relocation of its Pacific fleet in August of 2009, and it subsequently complied with the IG report that was referred to and met the guidelines.

The facts are clear. NOAA made this decision based on merits, not politics. Let's not have politics undo a good decision. Newport was a superior choice for the taxpayers and the agency's mission in the Pacific. It was the number one choice in cost, and it was the number one choice in technical merit. In fact, the annual lease of the Newport facilities will cost the Federal Government 50 percent less than the three competing sites located in Washington State.

In fact, in 2006, the pier at NOAA's Lake Union, Seattle, facility was destroyed by fire and was never even reconstructed by the host city. On the other hand, the State of Oregon and the local community have spent millions of dollars of their own dollars with no Federal support to construct new facilities in Newport. Newport is actually ahead of schedule and will be ready to hand over the keys to NOAA on May 1 when NOAA's 20-year lease is set to commence. NOAA is contractually obligated, Mr. Chair, to commence the 20-year lease in May of this year.

The new facility in Newport brings costs, offsets, and advantages that my good friend and colleague from Washington conveniently omits. The closer proximity and transit time from the port to the ocean is dramatic. Instead of 8 hours from Lake Union, they get to the ocean in 20 minutes. The new facility is right next to the Hatfield Center, Oregon State University, for great research compatibility. And impor-

tantly, the relocation of NOAA's Pacific fleet represents a huge boost to a small rural Oregon coastal community with a great fishing legend and tradition that will bring much-needed jobs and translate into significant economic benefits. This is a David versus Goliath opportunity.

Over the last 4 days, we've engaged in rigorous debate about the fiscal health of our country. For my colleagues that are serious about saving taxpayer dollars and reducing our deficit, you should join me in opposing the McDermott amendment.

I yield the balance of my time to the good Representative from Oregon (Mr. BLUMENAUER).

The Acting CHAIR. The gentleman from Oregon is recognized for 1½ minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate his leadership. Because this is a process that he has been stewarding, being a key congressional partner. I appreciate his referencing what has happened here, dating back to August 2009.

This has been scrutinized. We are friendly rivals in the Pacific Northwest. And it's a rare, rare, rare occasion that any Federal activity ever leaves the Evergreen State and ends up in Oregon, as my good friend, the ranking member of the Appropriations Committee, can attest because working with Senator Magnuson, he helped vacuum functions into the State of Oregon.

So you can bet that this was flyspecked to the extreme, but the advantages are overwhelming. The proximity, the technical effort, the local investment has been amazing. So we've been pilloried on this. It's been under a microscope, and we've reached the point now that it's really past the point of no return. If this ill-advised—but I'm sure well-intended—amendment would be adopted by my friend from Washington, the Federal Government would be on the hook for more money; it would be disruptive for NOAA; and, frankly, it would be a disservice to the people who played fair, who went all along the way playing by the rules, making the case.

I strongly urge rejection of this amendment.

Mr. McDERMOTT. Mr. Chair, I have good friends, and I know they have to defend their hometown as adequately as they want.

But let me read from the IG's report: "In our view, the more fundamental problems pertaining to NOAA's process prior to the competitive lease process, a primary cause of these problems is grounded in the fact that NOAA did not subject the MOC-P project to a rigorous capital investment planning and oversight process. While the Department has clear property policy, NOAA did not follow it. NOAA thus proceeded with requirements for its desired op-

tion of consolidated facility based on justification and consideration of alternatives that, on the face and without additional documentation, are significantly lacking. NOAA's financial analysis of the four offers submitted in response to the solicitation did not assess the total cost to the government, and NOAA provided no evidence that it had thoroughly considered the operational and logistical implications of the relocation."

Now that's not two rivals from one State and another. This is the Inspector General of the Commerce Department going down and looking at the process. And the fact is that the CRS report, dated 30 September 2010, which I will submit for the RECORD, says that the Federal Government is able to terminate its contracts for convenience. The governmental interest is always higher than the commercial interest. So the Federal Government can get out of this. They save \$50 million. It's not going to be \$50 million because they still have the pier. They can do whatever they want with it, but they do not have a contract with the Federal Government for the next 20 years in a place that is very far away.

NOAA has been in Seattle for 40 years. That's true. Whence it was created, it was put there for a very good reason. I don't care if it goes to Bellingham or it goes to Oregon or where it goes, but there ought to be a transparent process.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. McDERMOTT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. McDERMOTT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 177 OFFERED BY MR. HERGER

Mr. HERGER. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Secretary of Agriculture to implement or enforce Subpart B of the Travel Management Rule (subpart B of part 212 of title 36, Code of Federal Regulations), relating to the designation of roads, trails, and areas for motor vehicle use, in any administrative unit of the National Forest System.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from California (Mr. HERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 1720

Mr. HERGER. Mr. Chairman, I'm offering this amendment after much frustration and a lack of responsiveness from the Forest Service to locally elected officials and the recreation community in northern California and across the Nation. For a couple of years now, I and northern California constituents I represent have tried many times to work with the Forest Service on the 2005 Travel Management Rule. Yet we have been completely ignored as the Forest Service presses ahead with route designations that in some cases will eliminate more than 90 percent of the previous access.

Locally elected officials are now at the point of considering litigation against the Forest Service to keep these federal lands open to recreation. It is disgraceful that local counties would have to spend valuable public funding to preserve access to our own national forests. Not only are our counties forced to defend themselves against well funded environmental activists trying to turn every acre of federal land into some kind of sanctuary, but now also against the very agency that is supposed to serve the public.

For these reasons, I believe it is necessary to impose a 7-month timeout on designating these routes.

Chairman SIMPSON, ultimately, we want a workable solution, and I hope to work with you and Chairman HASTINGS to ensure a more balanced implementation of the Travel Management Rule.

I hope that my colleagues can support this amendment.

I reserve the remainder of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, this amendment would stop a very careful planning process that determines what routes off-road vehicles can use through our national forests. Now over the past few decades, we know that the availability and capability of off-road vehicles has increased tremendously. That means more Americans are enjoying access to, and recreational opportunities in, their national forests, but the resulting proliferation of random routes results in severe impacts, particularly on the quality of our water supply and the physical safety of national forest visitors.

The national forests are spectacular lands. There are 193 million national forest acres all over this Nation. Oftentimes, we take them for granted and fail to realize that the national forests are the headwaters for much of our Nation's surface waters. The clean, pure water produced on a national forest is a national treasure and the economic resource that supports industry and agriculture nationwide. In fact, half of

the American West gets their drinking water from national forests, while in many rural communities, it is 100 percent.

The proliferation, though, of random trails created by off road vehicles, increases erosion and pollution into water sources with no possibility for mitigation by culverts or other measures that would be available to land managers on designated routes.

This amendment is poorly considered. The amendment would stop a reasonable, locally oriented planning process that has been going on for 6 years to allow recreational access to our forests, but to do so in a way that also protects the sustainable production of water, timber, wildlife, and other natural resources.

The Forest Service has been called upon to designate which motorized routes are appropriate in the eyes of inclusive groups of local community leaders, with particular consideration to visitor safety and the ability of the Forest Service to comply with its other mandates. It is practically impossible to maintain trail conditions without designated routes or to avoid accidents to hikers, damaged equipment, or even visitors getting lost in the back country.

Route designation enables land managers to guide motorized users away from sensitive wildlife habitats at appropriate times of the year, helping to maintain quality herds.

In summary, the planning process that this amendment would repeal is local, driven by longstanding productive partnerships among local, State, and federal agencies; Indian tribes; and a diverse array of commercial and non-commercial interests. Halting this planning process would squander those investments and rebuke the sincere commitment it reflects on the part of so many citizens to protect their public lands. All who love and use our national forests should oppose this amendment.

I reserve the balance of my time, Mr. Chairman.

Mr. HERGER. I have to comment that really all we're doing is asking for a 7-month timeout so that we—our local officials, our local communities have not been counseled with, they have not been brought into the process, and to have 90 percent in many areas declared off-bounds is not reasonable.

I would like to yield 90 seconds to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman.

The gentleman from California is absolutely right. These Travel Management Rules are highly exclusionary. They severely limit the public's access to the public's own land with devastating consequences for the local economies of every mountain town that's affected.

As Butte County Supervisor Bill Connelly writes, "the roads within the National Forests are used by thousands of residents and visitors for transportation and recreation. These activities generate revenue for our rural communities which are critical for their survival."

This is not a small matter. The Forest Service now controls 193 million acres within our Nation, a land area the size of Texas. In recent years, the Forest Service has utterly reversed the vision of its founder, Gifford Pinchot, "to provide the greatest amount of good for the greatest amount of people in the long run." Instead, we confront an increasingly elitist and exclusionary attitude that is vividly illustrated by the draconian restrictions in the forest travel management plan. It bears far more resemblance to the public's exclusion from the royal forests under King John than to an agency that is supposed to encourage, welcome, facilitate, and maximize the people's use of our national forests.

These amendments restore the inclusionary vision of Gifford Pinchot by restoring the public's access to the public's land.

Mr. MORAN. Mr. Chairman, could I inquire how much time remains?

The Acting CHAIR. The gentleman from Virginia has 2 minutes remaining.

Mr. MORAN. I would yield those 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman. And I rise in opposition to the Herger amendment.

In 2001, the Forest Service finally admitted the obvious—the road system through our national forests is far larger than it should be. Though the Forest Service can't tell us for sure, the best estimate is that the national forests are crisscrossed by more than 308,000 miles of roads. That is eight times the length of the entire United States interstate system. Forest roads could wrap around the Earth 15 times.

From 1975 to 1985, the Forest road system doubled. And that is just the authorized roads. It is estimated that there are an additional 60,000 miles of user-created, illegal roads through the forests, cut through sensitive areas just because it looked like fun.

The massive tangle of roads fragments the forest, destroying habitat, increasing erosion, and decreasing water quality. And the problems get worse each year as the Forest Service road maintenance budget falls further and further behind. Real maintenance needs for this massive road system just don't happen. The current backlog is estimated to be \$10 billion.

And do you want to know how we know it's really so bad? Because it was the Bush administration that finally announced in 2001 that a planning process for inventory of the road system to

figure out how many miles of roads it really needed, closing illegal roads, and starting to work on a more efficient system, were needed.

The Herger amendment stops the Bush administration planning in its tracks just as it is about to be completed. And I just believe that the Members really should not take it upon themselves to end this 7-year process that is going to finally bring some order to the Forest Service. I urge a "no" vote on the Herger amendment.

Mr. HERGER. Again, we're not saying we shouldn't look at this, we shouldn't examine it, we shouldn't have regulations. We should. Those of us who live in these areas, we care about the environment more than anyone does. That's not the question.

The question that is being presented and what we're asking for is, since the Forest Service has not been consulting with local government, they have not been consulting with the local communities, we are asking for a 7-month timeout so that they can consult with us and then we can continue to come up with a plan where we work together and not have, again, an all-powerful government in Washington dictating and preventing those that are local from being able to enjoy our own recreation in our national forest.

□ 1730

I urge an "aye" vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HERGER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HERGER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 323 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. BASS of New Hampshire). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide benefits described in section 1001D(b)(1)(C) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(C)) to a person or legal entity in excess of \$250,000.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, no serious effort to reduce the Federal Government is complete without addressing agricultural subsidies. Even in time of record high farm prices and profits, we still gave \$16 billion in subsidies last year.

There are no meaningful limits. They are easily evaded, doubled if you are married. They don't cover loan deficiency payments or marketing loans. This amendment would establish a hard limit of \$250,000 per entity.

In 2009, almost 1,500 entities got \$250,000 or more. Something called Fidelity National Insurance Titles, probably not a family farm, raked in more than \$4 million in 2009. For the past 15 years, Riceland Foods in Arkansas has collected a half-billion dollars from the taxpayers.

I strongly urge that you join with me, Taxpayers for Common Sense, the Environmental Working Group, Humane USA, a wide variety of groups and organizations, to establish this limit, save \$100 million this year and more in the future, and start us on a path of reform that we can realize in the upcoming farm bill.

I reserve the balance of my time.

Mr. KINGSTON. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I yield myself 1 minute.

Mr. Chairman, what I wanted to say about this and to my friend from Oregon is, I believe we should put farm subsidies on the table. And that's why in this bill we have included cuts to very popular agriculture red state, if you will, programs, rural development, the Farm Service Agencies, and the NRCS. All kinds of conservation programs are cut in this. However, there are a number of traditional farm programs that we are going to let the agriculture committee deal with, because that's where they need to be dealt with.

So I want to say this. While I oppose the gentleman's amendment, I don't oppose you seeking a reduction to the subsidies. But we believe that this has to be dealt with in the farm bill. And I look forward to working with you and the chairman of the Agriculture Committee on that when it comes.

I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute to the ranking agriculture appropriations member, a champion of agriculture reform and of agriculture, Congressman FARR.

Mr. FARR. I thank the gentleman for yielding.

I rise reluctantly because Mr. KINGSTON and myself, I think, have a great deal of respect for how we ought to be managing the future of payments, and

I concur with his remarks. But I am rising in favor of the amendment because I think we have to push the attention to how vital it is that we reform this program, and I don't think you get that attention without bringing this amendment to the floor and passing it.

It's going to be hard to implement in the next remaining months, as so many of the amendments that we've adopted here in the last 3 days, but I do think that it is worth the debate of how we focus on the rest of the year. Because, frankly, we ought not to be just paying entities in this country hundreds and hundreds of thousands of dollars because they didn't get the price they wanted at the market.

I represent the biggest growing area, and we don't get any of these payments. Not a single farmer. These are just a few entities, and it's wrong. So we ought to adopt the amendment.

Mr. KINGSTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I rise in opposition to the amendment. It is wrongheaded at this point in time, as my colleague from Georgia has said.

The farm safety net is an integral series of compromises and changes from 2002 to 2008 that the folks went through in order to come to that agreement. To pull out one segment of that safety net, and in an ad hoc manner without any testimony, without any references to what it might do to the overall program, in my view, is wrongheaded. Next year is the time to do this.

We will go through a rigorous debate across the section. The conservation folks will be able to weigh in. All segments of the farm safety net will be represented at the table during the farm bill debate next year under the leadership of Chairman LUCAS. That is the time in order to do this.

We will have opportunities to do this work thoughtfully. There will be trades and compromises that will have to be made because, in all likelihood, we will have less money under the farm bill next year than we had in 2008.

As an aside, if we could go back to 2008 levels, I'm sure most of our agriculture guys would love to do that, since that is the mantra of the Republican House this week, to go back to 2008 levels. We'll take that. Throw us into the briar patch. But to do this today on an ad hoc, pulling this element out and changing it in this manner, is wrongheaded and I oppose it.

Mr. BLUMENAUER. Mr. Chairman, I yield 1½ minutes to my friend and colleague, Congressman KIND, who has been a tireless champion of agricultural reform, coming as he does from farm country in the upper Midwest.

Mr. KIND. Mr. Chairman, and to my good friend from Texas, I hear what you are saying. But I have been around here long enough to realize that next

year never comes. The next farm bill that addresses comprehensive reform never happens.

I commend the gentleman from Oregon for offering this amendment and trying to begin the process now, because I know how difficult it is.

In fact, earlier today I offered an amendment, a very straightforward amendment, that would end a new American taxpayer subsidy program to the tune of \$150 million a year that is now going to Brazilian cotton agribusinesses, and it was defeated on the floor. That just shows you what we have gotten into with these outdated farm programs and the institutional interests and the special interests that maintain the status quo.

These large taxpayer subsidies going to a few very large agribusinesses have got to end. They are not fiscally responsible, they are not responsible to the American taxpayer, they are not helping family farmers throughout the country, they are driving up land prices, leading to greater consolidation of production in agriculture making it very difficult for new beginning farmers to enter the occupation. From the State of Wisconsin, where the average farmer's age today is 58 years old, that's a pretty serious topic for the new generation of farmers taking over these farm operations.

This is difficult, I understand. There are built-in special interests fighting reform and maintaining the status quo. But this also has to be on the table when it comes to serious budget deficit reduction. It is distorting the marketplace, and it's distorting trade policy. And there will be more successful WTO challenges against our farm programs unless we have the institutional will to change them.

I encourage support for my friend's amendment.

Mr. KINGSTON. Mr. Chairman, I yield myself 30 seconds. I want to make three points real quickly.

Number one, we have shown in this bill that we understand our mandate is to reduce spending. We are going to take on ag subsidies.

Number two, we have already shown that in this bill with cuts to rural development, Farm Service Agency, the Natural Resources Conservation Service.

And, finally, we talk about next year? This is last year we are debating. We are debating the year in which planting decisions have already made.

□ 1740

This is last year's budget we're still working on. That's why we can't do this in the midseason.

I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, who has the right to close on this amendment?

The Acting CHAIR. The gentleman from Georgia has the right to close.

Mr. KINGSTON. If the gentleman will yield, I have one more speaker, and we will close with him.

The Acting CHAIR. The gentleman from Georgia has 2 minutes remaining.

Mr. BLUMENAUER. Well, I have listened to the language about damaging the farm safety net. There is a massive farm safety net in place. We're just reducing the safety net to a mere quarter million dollars a year.

My friend, Mr. KIND, is absolutely right. Tomorrow never comes here. I've been on the floor of the House when the House instructed the conferees to accept this exact limit. We were rolled by the Ag Committee and ignored.

This is an opportunity for us to not deal with the savings that you're taking away from nutrition and from the environmental titles. Talk about the safety net. What about your cuts to WIC?

For heaven's sakes. A hundred million dollars savings to the taxpayer. Get started on reform now and join in a bipartisan effort. I've been pleased to work with Congressman FLAKE, Congressman KIND, Congressman RYAN. Year after year we have brought these issues to the floor and been rolled. Now is the time to start by adopting it and changing the system.

Mr. KINGSTON. I just want to say that the ag section of this bill cuts \$5.2 billion. Three to four of those billions comes straight from production agriculture, not from school nutrition and other socially sensitive programs.

I yield the balance of my time to the chairman of the Agriculture Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Chairman, I rise in opposition to this amendment.

Why are we making policy decisions in an appropriations bill? This amendment changes current law. This is a decision that needs to be made in the context of the next new farm bill. We'll consider the farm bill next year in an open and transparent manner. We have a committee process that can review the merits of any proposal and all proposals. And they'll be debated and they'll be considered and allowed for the Members to offer their opinions and cast their votes.

In fact, if you look at the 2008 farm bill under Chairman PETERSON's leadership, we made significant reforms. Yes, cuts in the areas, lowering the overall payment caps significantly. But I guess the opponents of farm programs will not be satisfied with that until every last marketing tool has been eliminated.

I know it is a popular parlor game in some circles to see how far you can jerk farmers around, but making these changes midstream in a 5-year farm bill is disruptive to market decisions that producers have made in some cases years ago. All farmers and ranchers want certainty. They plan to work under current law.

Plain and simple, the author of this amendment wants to change agricultural policy, and this debate does not belong in this bill.

And I would remind my friends, we today, this week, are a part of a bold, new, open legislative process. Maybe that's not how you did it in the past, but when we do this farm bill, it will be done in committee and on the floor in the same open way we're doing this.

Let the process run its course. Let us work our way through this open process when it should be done in the next farm bill next year. Is that so much to ask?

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 408 OFFERED BY MR. CLYBURN

Mr. CLYBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ (a) Of the funds made available by this Act for each of the following accounts or activities, 10 percent shall be allocated for assistance in persistent poverty counties:

(1) "Department of Agriculture, Rural Development Programs".

(2) "Department of Commerce, Economic Development Administration, Economic Development Assistance Programs".

(3) "Department of Commerce, National Institute of Standards and Technology, Construction".

(4) "Department of Education, Fund for the Improvement of Education".

(5) "Department of Education, Fund for the Improvement of Postsecondary Education".

(6) "Department of Labor, Employment and Training Administration, Training and Employment Services".

(7) "Department of Health and Human Services, Health Resources and Services Administration".

(8) "Department of Housing and Urban Development, Economic Development Initiative".

(9) "Department of Justice, Office of Justice Programs".

(10) "Environmental Protection Agency, State and Tribal Assistance Grants, Water and Wastewater".

(11) "Department of Transportation, Federal Highway Administration, Transportation Community and System Preservation".

(12) "Department of the Treasury, Community Development Financial Institutions".

(b) For purposes of this section, the term "persistent poverty counties" means any

county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses.

(c) Not later than six months after the date of the enactment of this Act, each department or agency listed in subsection (a) shall submit to Congress a progress report on the implementation of this section.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from South Carolina (Mr. CLYBURN) and a Member opposed each will control 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey reserves a point of order.

The Chair recognizes the gentleman from South Carolina.

Mr. CLYBURN. Mr. Chairman, this is a very important amendment, and I have called it the 10-20-30 amendment. It deals with what we call "persistent poverty counties"—those places in America that have experienced a poverty rate of at least 20 percent for the last 30 years.

My amendment requires that at least 10 percent of the funds in certain accounts be directed to counties where 20 percent or more of their citizens have languished below the Federal poverty level for the last 30 years; hence, the 10-20-30 approach.

Mr. Chairman, approximately 15 percent of all counties in America qualify as persistent poverty counties. These counties are diverse and spread across the country, including Appalachian communities in Kentucky and West Virginia, Native American communities in South Dakota and Alaska, Latino communities in Arizona and New Mexico, African American communities in North and South Carolina. They are urban communities in Philadelphia, New York, Baltimore, and St. Louis.

Democrats represent 149 of these counties, with a total population of 8.7 million. Republicans represent 311 of these counties, with a total population of 8.3 million. Fourteen of these counties, with a total population of 5.3 million, are split between Democrats and Republicans. A total of 43 Democrats and 84 Republicans represent all or a part of these counties, and 35 of our 50 States have at least one persistent poverty county. Fifteen of South Carolina's 46 counties qualify for this ignoble recognition, and I happen to represent seven of those counties.

This is not a red State or a blue State issue. That's why on this map beside me the persistent poverty counties are colored in purple. There is no political affiliation for poverty. Poverty has never been limited to race, region, or creed.

These counties do not have the resources to hire sophisticated, high-powered grant writers and lobbyists to

help compete for the finite amount of dollars that should be available to them.

In today's New York Times, there is a front-page story which I would ask everybody to read. It is entitled, "For Much of Rural America, Broadband is a Dividing Line."

Mr. Chairman, I was particularly struck by the words of Mrs. Sharon Jones, a small logging company owner in Coffeetown, Alabama. Listen to her words. "We are trying to pull ourselves into the 21st century." Mrs. Jones says, "I don't think the rest of the world understands there is a piece of the world here that is really challenged."

Her business, her customers, and her neighbors are the reasons we included the 10-20-30 amendment in the Recovery Act in the Rural Development section of the Agriculture title, and it is working well.

The formula allowed many persistent poverty counties to benefit from the Recovery Act, and they do not otherwise receive funds. Projects like these are crucial to meeting the basic needs of the community and laying the groundwork for future success.

□ 1750

This amendment builds on that success, and I hope to work with my Republican colleagues to have it included in the final version of H.R. 1.

Mr. Chairman, I yield back the balance of my time.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, I wanted to make one comment. I wanted to thank Mr. CLYBURN for raising this issue, and I wanted to thank Mr. REHBERG for agreeing to work with him.

Out of the 28 counties that I represent in southern Missouri, 14 of those 28 are persistent poverty counties. And the gentleman is absolutely correct when he says that for a lot of those communities it is very, very difficult to find the means by which you can get people to help write grants for you, for example, and other things. So I think this is an important issue on which we can all work together. I am so pleased Mr. CLYBURN raised it, and I really just wanted to thank Mr. REHBERG for his generosity in working with us.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore it violates clause 2 of rule XXI.

The rules states, in pertinent part: "An amendment to a general appropriation bill shall not be in order if

changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 566 OFFERED BY MR. BOREN

Mr. BOREN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. BOREN. Mr. Chairman, I rise today to offer this bipartisan amendment with Congressman REHBERG of Montana, my colleague and a fellow member of the House Second Amendment Task Force.

I am proud to report that two important groups have endorsed this amendment, the National Rifle Association and the National Shooting Sports Foundation. Our amendment would prohibit the ATF from using any funds in this act to collect information from federally licensed firearms retailers about multiple rifle sales.

Last December, ATF published an emergency request in the Federal Register. It asked the Office of Management and Budget for the power to collect information from firearms retailers on all sales of two or more semi-automatic rifles within five consecutive business days. This would include many of today's most popular rifles used by millions of Americans for self-defense, hunting, and other lawful purposes.

ATF officials have said this information collection would apply only to licensed firearms retailers in certain States—Texas, New Mexico, Arizona and California. However, ATF's request published in the Federal Register does not mention a geographic limitation. This means we have to take the ATF at its word. I have heard numerous concerns about this ATF request from fellow Oklahomans, including sportsmen, gun owners, and responsible firearms retailers alike.

Mr. Chairman, I strongly oppose granting ATF this information-collecting authority for three reasons:

first, it would subject responsible firearms sellers who are often small business owners to burdensome reporting requirements. Second, ATF would catalog records on Americans who purchase rifles, thereby compromising their privacy. And, finally, ATF lacks legal authority to collect this information. The Gun Control Act of 1968 requires Federal firearms dealers to report multiple sales of handguns.

What I'd like to do at this time is yield to my colleague and friend from Montana (Mr. REHBERG) for any comments he might have.

Mr. REHBERG. Thank you, Mr. BOREN. And I thank the chairman for allowing this opportunity.

It's one of those situations where you'd like to believe the administration is not trying to creep into an area that is not necessarily something they would try and slip by anyone. But when you talk about gun control, we get very serious about the Constitution and the creeping of various rules and regulations in areas that Congress has specifically stayed out of, didn't want us to be involved in. And so there is always that lingering thought in the back of your mind like, what's going on here?

Now I don't tend to believe that I would be a scary individual, but if I were living in one of those four States, I would be in this category of having purchased two long rifles because I happened to buy a hunting rifle for myself and my son, who was of age. For Christmas I went out and bought two, and it throws me into that category. I would like to think I'm not considered a gun runner for a Mexican cartel or something like that, but that's the effect of a regulation like this. And so I hope that we will seriously consider this not necessary.

We took the action that created regulation on handguns, we understand that. But when it comes to a long rifle—we're talking hunting rifles, we're talking about other types of rifles that are out there—this doesn't really make sense. So I really thank Mr. BOREN for taking the lead on this amendment. It's really important to those of us who are active firearm users.

Mr. BOREN. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIR. The gentleman from Oklahoma has 1½ minutes.

Mr. BOREN. Mr. Chairman, I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. I thank the gentleman from Oklahoma and his colleague and my colleague from Montana.

Let me say first and foremost that this was a request having to do with

the four States on the southwest border. It would not have involved our great friend from Montana in his purchase of rifles. This was limited to long guns that would have detachable clips. Multiple purchases would have been required to be notified. So if someone went to buy 1,000 AK-47 assault weapons and semi-automatic clips that were detachable, they would have to be reported.

Now, this reporting requirement already exists for pistols or for handguns. There was a request made, OMB denied it, wanted to get a series of public comments. So there was no rush on the administration's behalf to rush this through under the cover of some emergency order. It's been out for public comment. And I think that is a reasonable thing to think about whether or not we would want to have a notification to our government if someone was buying large quantities of assault weapons, especially along the border, which many, many of our colleagues have told us about being a place of significant danger related to organized crime to the south of our sovereign Nation.

So this is a request that's been made. It's been met, however, with this amendment. And I think we all know the result of what might happen here in the House regarding this. I hope that we're prepared to live with the consequences of whatever votes we might cast in this matter.

This has nothing whatsoever to do with hunting rifles or guns used in sporting activity. This has to do with long guns with detachable clips used for only one purpose, and that is, shooting large numbers of rounds and killing large numbers of people. So we should be clear about it; it's a request that's been made. It's been noticed on the public record for comment by the administration. It relates only to these four States. It is modeled after a regulation that already exists now for handguns. So I know that some may get paranoid about these issues, but I think we should have at least some paranoia about what this could portend if we don't take reasonable action in the protection of the citizens that we've been elected to protect.

I yield 1 minute to the gentlewoman from California (Ms. CHU).

□ 1800

The Acting CHAIR. The Chair would remind Members that the gentleman from Pennsylvania has the right to close.

Ms. CHU. Thirty thousand.

That's how many people were violently slaughtered by the Mexican drug cartels in just 4 short years. One of them was Bobby Salcedo, an American citizen and rising star from my district. He was kidnapped and murdered last year with a semiautomatic rifle.

I oppose this amendment because it makes it harder to stop these types of

violent acts. This amendment will prevent the tracing of bulk sales of the military-style rifles, popular with cartels, that have resulted in tragic murders like Bobby's. Last year, the U.S. military announced that, if the drug war continues, it could cause the Mexican Government to collapse, and the cartel war could spread over the border into the U.S. This amendment makes the drug war worse.

Every day, people are dying from this war, even American citizens. We must stop it, and we can by opposing this amendment.

Mr. FATTAH. Mr. Chairman, may I inquire as to how much time remains.

The Acting CHAIR. The gentleman from Pennsylvania has 1½ minutes remaining, and the gentleman from Oklahoma has 1¼ minutes remaining.

Mr. FATTAH. I yield 30 seconds to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I don't know if anybody has noticed what has gone on in Mexico recently. The previous speaker just spoke of the drug wars that are going on. It's a known fact that much of the equipment that's used to carry on those wars comes from the United States and is smuggled into Mexico.

This is a very sane and necessary attempt to slow down the availability of high-caliber, high-capacity automatic weapons that are smuggled into Mexico. It makes no sense not to know what's going on, because this is dramatically affecting the border States and American citizens who happen to be in Mexico.

Mr. BOREN. Mr. Chairman, in conclusion, this amendment is very simple. It prevents the ATF from imposing burdensome reporting requirements on responsible firearms retailers; it protects the privacy and Second Amendment rights of law-abiding citizens; and it ensures that the ATF will not circumvent the will of Congress.

Again, I remind my colleagues that this amendment carries the full support of the National Rifle Association and the National Shooting Sports Foundation.

I urge adoption.

I yield back the balance of my time.

Mr. FATTAH. Mr. Chairman, 48 hours ago, two officials of the United States Government, ICE agents, were attacked. They were in an armed vehicle which was traveling south of the border. One of those agents died. The assault weapons used in this incident, like tens of thousands of them that have found their way into Mexico, have crossed the border through these legal purchases.

This is about notification to the Department of Justice. It doesn't stop the sale. It notifies the DOJ that large amounts of these guns have been purchased. I think it's a reasonable thing. I leave it to my colleagues to make a

reasonable judgment about this amendment.

Mr. QUIGLEY. Mr. Chair, I rise in opposition to this amendment.

This amendment serves no legitimate purpose and would only compromise our national security and put more Americans in harm's way.

By barring the use of Federal funds to mandate Federal firearms dealers to report the sale of multiple long guns such as semiautomatic assault rifles, this amendment would undermine the Obama Administration's efforts to combat cross-border illegal gun trafficking.

We must do everything we can to secure the border, strengthen our anti-gun-trafficking efforts, and help the Mexican Government fight the drug cartels.

The Mexican drug cartels are killing people at a staggering rate—more than 30,000 since 2006. And long guns are widely known as the cartels' weapon of choice.

Some may shrug their shoulders and conclude this is just another problem beyond our reach. That would be a mistake.

The drug cartels are getting their guns from the United States.

Since 2006, the ATF has seized more than 10,000 firearms and nearly one million rounds of ammunition destined for Mexico, where the public is not allowed to purchase or possess guns.

Authorities in Mexico say most of the guns used in police assassinations and cartel bloodshed originate in the United States and have pressed the U.S. to reduce the flow of weapons south.

And this isn't just a border state problem. The impact of this trafficking is felt in my hometown of Chicago.

According to the National Drug Intelligence Center, Mexican drug trafficking organizations have infiltrated small and large cities in 48 U.S. States, affecting our national security.

For example, Mexican drug cartels have a significant presence in Chicago, which Federal officials say is a key transfer point for drugs heading to Minnesota and points north and east.

Last year, eleven alleged drug traffickers with connections to the Sinaloa Cartel were indicted by U.S. Attorney Patrick Fitzgerald in Chicago as part of "Project Deliverance,"—a multi-state and agency effort to disrupt the flow of drugs and guns across the border.

The drug cartel's violent war for control, which is fueled by illegal trafficking from the U.S. to Mexico, seriously impacts our public safety.

The ATF's proposal to compel federal firearms dealers to report the sale of multiple long guns is not about gun control or compiling a registry of long gun owners.

This is a law enforcement response to the evidence from successful tracings of weapons recovered in Mexico.

Recent tracings show that a large number of these weapons were first sold by a licensed gun dealer in California, Arizona, New Mexico, or Texas.

This amendment would undermine law enforcement's capacity to combat illegal gun trafficking and put Americans at even greater risk of gun violence.

I strongly urge my colleagues to oppose it.

Mr. FATTAH. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT NO. 145 OFFERED BY MR. FORBES

Mr. FORBES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to take any action to effect or implement the disestablishment, closure, or realignment of the United States Joint Forces Command.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Virginia (Mr. FORBES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. I yield myself such time as I may consume.

Mr. Chairman, let me start off by saying that this is an amendment that the Congressional Budget Office has said is cost neutral, so we are not talking about revenue coming in or going out. The second thing about this amendment is that it is not dispositive—it doesn't ultimately make a decision. The third thing is that this is an amendment that is supported, not only by the chairman of the House Armed Services Committee, but by every single subcommittee chairman of the House Armed Services Committee.

So what does it do?

It simply states that, before we turn out the lights on the men and women who, without question, have the most expertise and experience and who have had the legal authority to assemble the teams to fight our wars and to respond to our national emergencies, we are going to know who will replace them.

Any time this Nation faces a crisis, there are two observations that always emerge. First, we realize how ineffective our government agencies are in assembling cross-agency teams to respond to that crisis. Second, we realize how good our military is at putting those teams together.

One of the reasons for our military's success is that, for over a decade, whether we go to war or defend our homeland, the military does it as a team. They can bring together a Coast Guard cutter, Army Special Ops units,

a marine expeditionary unit, an Air Force squadron, a Navy carrier group, Reserve units, and when needed, even allied partners in a combined response that we call "jointness."

It is a competitive advantage for which no nation in the world can rival us; yet, as hard as it is to believe, it is an advantage we did not have just 20 years ago.

One of the reasons we have that advantage is that, for over a decade, a single group has had the legal authority to bring those teams together, and that was the Joint Forces Command. They have assembled the majority of our forces in Iraq, a majority in Afghanistan; they've had control of over 80 percent of our continental U.S.-based combat-ready conventional forces; and they've assembled our military teams for our national disasters.

On August 9, 2010, the Secretary of Defense announced he was closing that command allegedly to save money; but the next day, when the Pentagon briefers came, they were asked by the House Armed Services staff one question: How much money will you save?

Their answer was, "Not a clue." We don't have a clue.

For days, weeks, months, Members have been asking how much this is going to save and who is going to be able to put teams together when this command is gone. The Pentagon's response has been deafeningly silent. It is not because they are bad people; it's just because they don't know the answer.

Mr. Chairman, this amendment simply says the answers to those questions are too important for us not to wait until September 30, which is all this amendment does, to give our committees and this body the chance to get the answers and to make sure we do not go back 20 years.

If there is any Member in this room who can answer even the most basic core question presented by this closure, which is who will ultimately have the legal authority and expertise to put together the teams we need to fight our wars and respond to our crises, then you can vote with good conscience against this amendment; but you cannot, because nobody at the Pentagon can answer that question either.

Mr. Chairman, this Nation deserves a better answer than "we don't have a clue," and this amendment gives them a chance to find that answer.

I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The amendment would prohibit the use of funds to take any action to dis-establish the Joint Forces Command. In FY 2010, Secretary of Defense Gates recommended dis-establishing the Joint Forces Command, and

included this as part of his efficiencies initiatives in the fiscal year 2012 budget request.

On January 6, 2011, President Obama issued an official memorandum accepting the recommendations of Secretary Gates and of chairman of the Joint Chiefs of Staff Mike Mullen, and approved dis-establishment of Joint Forces Command.

The Department of Defense expects to save at least \$240 million annually by dis-establishing the command. The chairman of the Joint Chiefs of Staff retains responsibility for promoting joint operations and essential functions. The resources needed to perform these functions will be assigned to other organizations in Hampton Roads and the Navy support activity in Norfolk, Virginia. All told, DOD estimates that about 50 percent of the current level of effort will remain in the Norfolk, Virginia area.

We've been through so many rounds of BRAC. I can sympathize with the gentleman from Virginia, and I understand his concerns about this.

□ 1810

But, you know, your side is taking the position that we have to reduce spending on some of the most sensitive programs that we have in our government.

I happen to have chaired the Defense Appropriations Subcommittee just for a brief time but was a member of the committee for 32 years, and I am now the ranking Democratic member. We went through this budget very, very carefully this year, Mr. YOUNG and I did, and we came up with \$15 billion of cuts.

We have to give some respect to the Secretary of Defense, who, in fact, was a Republican and serving in this administration. Some of these things I know are painful and it affects your community. I have had that problem over the years myself. But just like the alternate engine, sometimes we have to make these hard decisions.

The Secretary of Defense, I think in this case, deserves the benefit of the doubt. I think the Virginia delegation is totally correct in asking for substantiation for what they are doing and why they are doing it.

But, you know, Joint Forces Command is—I have been there and visited there. The responsibility is to assign forces to various contingencies.

You know, we only have so many forces, so we do look at all the plans there are. There is going to be this fleet or this division or this going here, there and everywhere, depending on what the scenario is. So I think the Chairman, Mike Mullen, and the Joint Chiefs can do that just as well as having a separate command.

And, again, I say we have to make some hard decisions. We are cutting the heart out of the domestic programs

of this country and defense has to give something up here. If you look at the various commands, this one makes as much sense. And the Secretary of Defense has made the decision. It is supported by the top members of the joint staff and, for that reason, I regretfully have to object and oppose the amendment.

Mr. FORBES. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Virginia.

Mr. FORBES. I would ask the gentleman if all this amendment does is give us until September 30 to answer those questions. All the leases are in effect. They can't be changed until that period of time, so we are not talking about cost. But this is the question I would ask the gentleman:

You mentioned that the Joint Chiefs of Staff had the authority to be that joint provider and to allocate those troops. But I would ask the gentlemen if, in fact, they do have that authority, because Goldwater-Nichols and the reauthorization act expressly prohibited them from being able to do that. And so I would ask the gentleman if it doesn't make sense, at least before we cut out the lights, regardless of the ultimate decision you make, to make absolutely sure we know who is going to be able to have that authority before we make that final decision.

Mr. DICKS. I appreciate the gentleman's point.

As I have been told, there has been an effort to try and keep 50 percent of the people and the activities in your area in Virginia, and that's one of the most important defense areas the country has.

So I think you guys are working hard, and I think that the Department is responding as best they can, but, again, I think we should reject the amendment and let this thing work out as the Department has recommended.

I yield back the balance of my time.

Mr. FORBES. May I inquire how much time I have left, Mr. Chairman?

The Acting CHAIR. The gentleman from Virginia has 1½ minutes remaining.

Mr. FORBES. I yield 45 seconds to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I rise in support of the amendment offered by my colleague from Virginia.

This amendment would give Congress time to conduct oversight over the decision to close Joint Forces Command pure and simple, and specifically it would allow us to determine how the closure could impact national security.

In August, it was announced by the Pentagon that JFCOM would be dis-established, but there was no transparency in that decision. Congress was not informed, and Congress asked multiple times for the analysis that was done that led to the decision to close

JFCOM without getting that information.

This leads me to believe that a thorough and detailed analysis into the JFCOM decision was never conducted. It leads me also to believe that in 5 years the Pentagon will be asking Congress to set up a mechanism to ensure jointness among our services.

Capabilities exist under JFCOM that are vital to our national security and paramount to our success in the current wars the military is fighting. Without that analysis, we cannot know whether we are casting away years of joint experience that will be crucial to the future defense of this Nation.

Mr. FORBES. Mr. Chairman, I yield the balance of my time to the Congressman from the Second District of Virginia (Mr. RIGELL).

Mr. RIGELL. I thank my good friend for yielding.

Mr. Chairman, I rise in strong support of the Forbes Joint Forces Command Amendment. The establishment of a combatant command requires a literal act of Congress. It follows, then, that the closure of a combatant command should involve thoughtful analysis that is shared with this body for comment. The closure of Joint Forces Command fails on that important count. Either no such analysis has been conducted or it is being withheld.

Mr. Chairman, the absence of data that supports the closure of a combatant command is simply unacceptable. Accordingly, this cost neutral amendment delays its closure.

Mr. Chairman, I ask my colleagues to join me in voting in favor of the Forbes Joint Forces Command amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. FORBES).

The amendment was agreed to.

AMENDMENT NO. 146 OFFERED BY MR. FORBES

Mr. FORBES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act for Department of Defense, Operation and Maintenance, Defense-wide may be used for official representation purposes, as defined by Department of Defense Instruction 7250.13, dated June 30, 2009.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Virginia (Mr. FORBES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. Mr. Chairman, since 2006 the taxpayers have entrusted the Department of Defense with over \$2.5 trillion, and the law has required that the Department of Defense make sure

that they allow the taxpayers to know where that money is being spent by providing audited financial statements. Yet in testimony before the House Armed Services Committee, it was established recently that no such audited financial statements were filed in 2007, 2008, 2009 or 2010, and that none would be filed this year.

Mr. Chairman, the Secretary of Defense testified that compliance with the law was, in fact, a priority and that they had had a plan at the Department of Defense. But when you put up the Web site just 2 days ago from the Department of Defense, it showed very clearly that the plan that they had 2007, 2008, 2009, and 2010 said that they would have completely filed clean audited statements by 2010.

They were only 100 percent off, because according to the testimony right now, the records at the Department of Defense are so bad that less than 5 percent of all of the monies given to the Department of Defense are in an audit-ready position.

So, Mr. Chairman, we have heard some draconian efforts to try to get them into compliance. This is no such effort.

What this simply does is to recognize that we give \$2 million in the funds set forth in this amendment that are basically party funds. They are funds for dinners. They are funds for entertainment. They are funds that have no impact directly on our warfighter. And what this amendment simply does is to take away those funds, Mr. Chairman.

And our thought is that if we take away those funds until we have compliance with those audited financial statements that the taxpayers deserve, we will give a strong incentive to make sure that we get that compliance and we are not 100 percent off.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. This amendment would prohibit the Department of Defense from spending any funds—any—for official representation due to a lack of auditable financial statements.

Now, I completely agree with the gentleman on the point that we need to get them to do this. I just think this approach is not the way to do it.

If authorizers could set a timeframe in statute—and that's the way to do it—without cutting out these funds when they are entertaining people from other countries around the world. I just think it's one of those things that sounds good, but it's going to have unintended consequences.

□ 1820

Auditable financial statements have long been a goal of the Department of

Defense. The committee has long pressed DOD to improve the quality of its financial management, and will continue that effort in the coming year. However, eliminating official representation funds is not connected to that goal. And limiting these funds would have damaging consequences.

The amendment would preclude activities associated with hosting military to military contacts, both domestically and overseas. The activity extends official courtesies to guests of the United States and the Department of Defense, and upholds the prestige and standing of the United States. The amendment would also harm the military services' ability to conduct community relations activities.

The amendment hurts DOD's ability to represent itself to foreign Nations and to the communities in which DOD activities are located. And it does so with very little payback. The bill before the House cuts over \$15 billion on a bipartisan basis from the Defense Department budget on careful analysis of DOD programs. The approach in this bill yields both a higher payback and does not have the drawback of unintended consequences.

Therefore, I urge rejection of the amendment.

I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I rise in support of the amendment. I rise in support of efforts to highlight the need for the Department of Defense to become audit ready.

Mr. Chairman, the Department of Defense was instructed by Congress to provide taxpayers with audited financial statements for the first time in the 1990s. Now it's 2011, more than 20 years later, and we are still talking about the same issue while our country faces a grave economic downturn.

As a CPA, I understand the painfully difficult process that will go into auditing the largest enterprise on the face of the Earth. But as General Petraeus told us last year, hard is not impossible. The American people made a very clear statement last November that they're ready for their government to get its fiscal house in order. The Department of Defense cannot continue to get a pass on this issue. We cannot allow the status quo practices to hinder our ability to provide for the finest military the world has ever known.

This challenging goal will require buy-in from the top down, and it begins with the Office of the Secretary of Defense. We call on him for sound leadership to exercise fiscal responsibility. I will continue to press Defense officials across the river to get their fiscal house in order. We must not be having this conversation two decades from now. Support this amendment.

Mr. DICKS. I yield back the balance of my time.

Mr. FORBES. Mr. Chairman, my good friend mentioned that we need to put something in regulations or statutes to make the Department of Defense comply. We have done that. They have had it in statute. The law requires that they do it, and we have had it in there, and they have just failed to do it 2007, 2008, 2009, 2010, and they won't do it this year. And they admit that they are not a bit closer.

The second thing is, we mentioned unintended consequences. There are no unintended consequences with this amendment. We intend the consequences. You got to stop the partying until you do what the taxpayers are entitled to have required by the law, and that is just account for where the money is going. We can't determine how much we're going to spend on defense if we don't know where those dollars are going.

I hope we will adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. FORBES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 333 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amount otherwise made available by this Act for the Payment in Lieu of Taxes program is hereby reduced by 75 percent.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chair, I just want to begin with a map of Arizona, showing all of the colored areas of Arizona that are actually Federal property, over half of the State. My amendment deals with PILT and Federal payments to places like Arizona, which is on a continuing welfare system of government spending and has been for many, many decades.

Let me now show you the State of Ohio, where there are proposals that the Community Development Block Grant funds in the base bill are being

cut. This is Ohio. We don't have much Federal property. We hardly have anything at all related to federal government. Ohioans have to make it in the free market. And yet what's happening in the bill is that more money is going to pay out for PILT than for places like I represent in the Midwest, where unemployment is so high. The bill actually cuts Community Development Block Grant dollars for cities and towns across this country to the tune of \$2.95 billion. And yet, the base bill continues these PILT payments, which are really welfare payments to the West.

If this Congress is serious about cutting spending, we need to address some of the fundamental challenges contained in what I call megamarks. These aren't earmarks; these are big megamarks that benefit certain regions of the country at the expense of others.

Just to give you a sense of this, these subsidies have existed for generations. It's time that the West stood on its own two feet. These subsidies cannot be afforded by the other parts of the country that don't have that kind of Federal largesse. If we're going to have sacrifice in this legislation, then it needs to be shared. We need to reduce the payments in lieu of taxes called PILT by 75 percent. That's just the administrative costs that we're reducing. What's good for the cities of Toledo and Detroit, Boise, Dallas, Charlotte, Salt Lake City, and Reno is really good for the Western subsidized communities as well.

PILT is mandatory spending just like farm subsidies, and outside our annual appropriation bill's spending recommendations. My amendment targets the administration of those funds. Let me just put a couple figures on the record, and then I would like to yield 1½ minutes to my dear friend, the ranking member, Mr. MORAN.

For the PILT subsidy, the West has received over the last 10 years. Let's look at Arizona. Arizona has gotten an increase from \$10.3 million in 1999 to \$31.6 million in fiscal year 2009. Idaho has gone up three times, from \$8.3 million to \$26.4 million. Montana from \$9.8 million to over \$28 million. Nevada from \$7.1 million to in excess of \$23 million. New Mexico more than tripled from \$11 million to over \$37 million. And Texas has leapt from \$1.3 million to \$4.3 million. Utah from \$9.7 million to over \$33 million. And Wyoming, which has fewer people than the District of Columbia, which is going to lose funds under the Community Development Block Grant program, 10 years ago received \$8 million annually, and now Wyoming will receive over \$25 million. Come now. For empty property where the Federal resource is already located there and can serve as an economic engine?

To begin with, you can pivot so much development off of that federal pres-

ence. You can do economic development off of tourism. You can use those lands to attract investors who like to drill on those lands, and improve those lands. You can attract economic development around what I would call Federal encampments. My goodness, it's really amazing what can be accomplished with some creativity and vision.

You know how much my district gets for our thousands of acres of Federal wildlife refuges? Are you ready? \$180. Yes. One hundred and eighty dollars compared to billions and billions and billions going out in these permanent PILT subsidies.

And you know what? PILT doesn't even begin to account for what the West gets for oil and gas leasing subsidies, livestock grazing, timber harvesting. I think one of the reasons our Midwestern taxpayers are feeling the tax load so heavily is some other parts of the country are really being lifted up by the federal government, and they don't even appreciate what they have.

For my colleagues, if you want to send the American people a message that you are serious about cutting spending, the place to begin is by cutting the administrative fees of PILT.

TOTAL STATE PAYMENT RESULTS

State	FY 2009 payment	FY 2010 payment	FY 2011 payment
Alabama	\$685,234	\$605,410	\$0
Alaska	25,674,111	24,905,298	0
Arizona	31,662,123	27,823,593	0
Arkansas	3,917,683	4,463,032	0
California	34,397,858	36,766,468	0
Colorado	28,660,622	24,267,593	0
Connecticut	28,131	28,773	0
Delaware	17,354	17,750	0
District of Columbia	24,631	25,087	0
Florida	4,600,719	4,525,156	0
Georgia	2,397,205	1,938,517	0
Guam	2,185	2,235	0
Hawaii	323,801	326,064	0
Idaho	26,438,157	25,281,777	0
Illinois	1,058,185	1,099,777	0
Indiana	641,040	412,560	0
Iowa	434,023	450,820	0
Kansas	1,074,017	1,099,185	0
Kentucky	2,245,050	1,480,359	0
Louisiana	528,877	546,772	0
Maine	326,618	295,510	0
Maryland	99,913	103,643	0
Massachusetts	99,809	100,986	0
Michigan	4,335,151	3,830,742	0
Minnesota	2,736,684	2,538,098	0
Mississippi	1,469,166	1,488,198	0
Missouri	2,760,923	2,695,274	0
Montana	28,060,662	23,513,338	0
Nebraska	1,106,017	980,520	0
Nevada	23,269,350	22,753,204	0
New Hampshire	1,686,757	1,726,820	0
New Jersey	94,439	96,597	0
New Mexico	37,013,334	32,205,935	0
New York	138,000	122,706	0
North Carolina	4,047,121	3,858,283	0
North Dakota	1,392,092	1,357,945	0
Ohio	730,179	485,605	0
Oklahoma	2,533,173	2,582,013	0
Oregon	14,963,789	12,651,531	0
Pennsylvania	514,117	527,493	0
Puerto Rico	20,893	9,983	0
Rhode Island	0	0	0
South Carolina	382,647	388,740	0
South Dakota	4,263,660	4,778,507	0
Tennessee	2,405,445	1,615,385	0
Texas	4,348,915	4,501,553	0
Utah	33,063,034	34,265,151	0
Vermont	873,257	898,432	0
Virgin Islands	37,575	33,171	0
Virginia	3,807,111	2,509,009	0
Washington	10,771,272	12,821,358	0
West Virginia	2,551,988	2,799,356	0
Wisconsin	1,353,170	741,498	0
Wyoming	25,561,575	22,705,431	0
Total	381,647,942	358,078,641	0

I yield the balance of my time to the gentleman from Virginia (Mr. MORAN).

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. MORAN. Mr. Chairman, this is a message amendment. We love our colleagues who represent the Western States, but many of them, particularly on the other side, don't seem to show much love for the Federal Government they represent. The payment in lieu of taxes program was created to compensate counties for lost taxes, since Federal lands don't pay taxes. That's fair. Western States with lots of Federal lands get most of the payments. That's fair.

□ 1830

But while the counties don't get any taxes from Federal lands, they don't have to provide services on those lands either. In fact the opposite occurs. The national parks, wildlife refuges, national forests and BLM lands and the staffs of all these provide very valuable services and substantial revenue and jobs to the western counties, and the public lands provide ecosystems that are worth billions.

Without clean water and open space, imagine. You wouldn't have the communities, the agriculture, that we seem to take for granted. In fact, the States get fully half the mineral receipts that come from the coal, oil and gas that is owned by the Federal taxpayer. The gentlelady makes a very important point that is worthy of consideration.

Mr. SIMPSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, this is such a bad amendment. It's one of the few amendments I've ever seen that actually leaves me speechless, so I'm going to yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the map you see in front of you is not the coverage area for Verizon. Everything that is red on this map is land that is owned by the Federal Government. One in every 3 acres in America is owned by the Federal Government and as you can clearly see it is disproportionate here in the West.

This of course is the gentlewoman from Ohio's region. This is my district. And until such time as my district resembles her district, in the ability of us to control our future and our resources, payment in lieu of taxes is not welfare to the West, it is simply rent on the land that you control; until such time as the Secretary of the Interior's decision—which the Inspector General said was capricious and arbitrary—does not destroy 3,000 jobs in a county with only 31,000 inhabitants; until such time as \$1.9 billion in investment leaves the West to go to the East where there are fewer regulations;

until such time as somebody from the East who comes to frolic in the public lands of the West and consumes the entire county's search and rescue budget in 1 day, until that is changed, PILT is not welfare, it is rent on the land you control.

I want you to look carefully at this map. See where the red is. Then I also want you to look at this particular map. States in red are the States that have the hardest time funding their education system. That is the slowest growth in education. I hope you realize there is a similarity between the two particular maps. Because the bottom line is, individuals in the West pay more in State and Federal taxes than in the East. There are more kids in the West. We have larger class sizes in the West. Our education system has a harder time to fund itself in the West because this map prohibits us from developing our property taxes, developing our energy royalties, developing high-paying jobs with income taxes, so kids are hurt in the West. This map and this situation means that kids are underfunded.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SIMPSON. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of Utah. Kids in the West, their education is underfunded, their teacher salaries are depressed, and my retirement is threatened because of this particular situation. When this changes, there will be no more need for PILT. But until that time comes, this is not welfare; this is rent on the land you control. To be honest, we'd rather have the land back, but until that time, pay for what you control.

Mr. SIMPSON. Is the gentlewoman's time expired?

The Acting CHAIR. The time of the gentlewoman from Ohio has expired.

Mr. SIMPSON. I would be happy to yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, the gentlelady from Ohio may actually have stumbled upon something, and if she's ready to actually help us, so a State like Arizona, we can actually own our land, great. But until that time, you've got to understand, only 18 percent of our State is privately owned. Tribal lands, Federal lands, BLM lands, other government lands. Are we ready to start paying the full property tax load? I was the county treasurer in Maricopa County and huge portions of our county, we can't even touch. If you want a sense of fairness, then we step up and we give the land back to the State. Until that time, this borders on silly.

Mr. SIMPSON. Mr. Chairman, I yield 30 seconds to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman.

I rise in opposition to the amendment. There are over 20 million acres

of Federal land in Colorado. I want to be clear with, of course, great respect to my colleague from Ohio. This is not in any way, shape or form a giveaway to our counties. This is land we cannot tax, we cannot develop, we cannot benefit from. In fact, PILT payments are insufficient. They're too low to compensate for the burden of having all this land that's not part of our local tax base. It is a burden. In fact many of our counties have to actually spend money maintaining this land because some of the Federal infrastructure isn't sufficient as well. There is nobody who's making out like a bandit from this and it's all we can do to justify the fact that the Federal Government owns a lot of land.

Mr. SIMPSON. I would be happy to yield—I think I just have 30 seconds left; is that correct?

The Acting CHAIR. The gentleman from Idaho has 1 minute left.

Mr. SIMPSON. I would be happy to yield 30 seconds to the gentleman from Arizona.

Mr. PASTOR of Arizona. I want to thank the chairman for yielding.

I have to remind my good friend from Ohio that as the West was settled, it was people from Ohio and Virginia and the Midwest that were making these laws that created most of the western States to be 80 percent, 70 percent, 90 percent Federal lands.

In order for us to be able to have somewhat of a tax base because of the limited private property we have, we need to ask the Federal Government to pay its share. You cannot in many cases develop economically these lands because people from the East prohibit us from developing these public lands. I just want to throw that out as a reminder.

The Acting CHAIR. The gentleman from Idaho has 30 seconds remaining.

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Washington.

Mr. DICKS. I just want to rise in very strong opposition. Being a westerner, I have counties in my district that receive these payments. I think it's justified. I appreciate the fact that the new majority has tried to protect these payments. It's very important in the West.

Mr. SIMPSON. Let me just conclude by saying I have one county that's 96 percent Federally owned. Ninety-six percent. That means 4 percent of the property is taxable in order to provide the services for all of you that come out and enjoy the beauty in the county.

Do you think PILT payments are appropriate? I think they are and I would hope that we overwhelmingly reject this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio will be postponed.

AMENDMENT NO. 46 OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in Europe in excess of 35,000 members and end strength levels for active duty members of the Army, Navy, and Air Force of 565,275, 328,250, and 329,275, respectively, and the amounts otherwise provided by this Act for "Military Personnel, Army", "Military Personnel, Navy" and "Military Personnel, Air Force" in title I of division A are hereby reduced by \$155,914,688, \$18,047,700, and \$118,488,825, respectively.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, we all share the goal of reducing the deficit. If we are serious about deficit reduction, we need to look at defense as one of the line items. My amendment would save hundreds of millions of dollars by reducing our troop count in Europe. Instead of having over 80,000 troops in Europe where they are no longer needed, we would reduce the amount of troops in Europe to 35,000. This would allow the Department of Defense to save money by closing bases in Europe that don't have any strategic rationale. Deploying our troops out of Europe and closing these bases is an excellent way to help reduce expenditures and save money.

My amendment would only cut 7,500 troops which would save \$278 million. An additional 35,000 troops would be available for deployment to actual theaters where we have a strategic interest. So it would enhance our preparedness at the same time as saving money.

□ 1840

This step would save \$278 million and improve our national security.

Reducing our troop levels would save money, personnel costs, housing expenses and the cost of stationing troops abroad. On top of these savings, my amendment will allow us to close bases across Europe that, quite frankly, Mr. Chairman, are relics of a bygone era. Rather than fighting the demons of the past, we need to focus on

the very real threats of the present and the future. We are no longer in a battle with the Nazis. We are no longer in a battle with the Soviets. The need for these bases was understandable in a different geopolitical context.

But what is their justification now? The U.S. taxpayer did not sign up to defend wealthy European democracies from imaginary threats forever. These bases cost U.S. taxpayers millions and millions of dollars. I fail to understand why we're wasting money to maintain bases where they aren't needed. Our European Allies are some of the richest countries in the world. Why are we subsidizing their defense spending? Our European allies have enjoyed a free ride on the American dime for years now. Today, they spend on average only 2 percent of GDP on defense, while we spend between 4 and 5 percent.

There's no reason for us to subsidize European defense while every other aspect of our government we are looking at for cuts.

I understand that many of the troops stationed in Europe have in the past been deployed to Iraq and Afghanistan. My amendment is consistent with that. Currently 13,000 troops stationed in Germany and Iraq are deployed in our theaters of operation. My amendment would allow for that to continue. It allows for 35,000 troops, well within the number that are currently deployed in actual theaters where we have a strategic interest.

Nor does my amendment signal any kind of weakening of our commitment to NATO. With modern technology, we can move troops and weapons quickly across the globe when needed. My amendment would still allow for 35,000 troops to remain in Europe so they can do joint exercises with NATO. It is time for us to rethink our defense spending. We are not under threat in Europe. Maintaining a network of bases in Europe is not a rational or effective response to the terrorist threat, nor is it fiscally responsible.

These cuts are not my idea. They are based on recommendations from the Sustainable Defense Task Force, a bipartisan project organized by Congressman FRANK, Congressman PAUL, Congressman JONES, and Senator WYDEN and backed by a number of credible organizations, CATO Institute, Taxpayers for Common Sense, Center for American Progress, Center for Defense Information, National Security Network and others.

Even Donald Rumsfeld believes it is time to change our policy. This is his quote from his recent book: "Of the quarter million troops deployed abroad in 2011, more than 100,000 were in Europe, the vast majority stationed in Germany to fend off an invasion by a Soviet Union that no longer existed. I believed our troops had to do more than serve as security blankets for wealthy allied nations."

When even Donald Rumsfeld admits that this policy doesn't make sense and isn't cost justified, we must seriously reconsider our policy maintaining bases in regions that are clearly peaceful and pose no threat.

Let's get serious about balancing the budget and find savings in every agency, including DOD. Reducing our military presence in Europe is low-hanging fruit. This will save money. The time is now. The time was last year. The time was 3 years ago. After the fall of the Soviet Union, there fails to be a strategic rationale to maintain our current troop levels or expenditure levels in the European theater.

My amendment will save taxpayer money and improve military preparedness for conflicts in zones where America has a strategic imperative to fight the global war on terrorism. I urge a "yes" vote on the amendment.

I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER. The gentleman from Colorado says that there is no strategic rationale for these troops; but, in fact, there is no strategic rationale for this amendment. This amendment is completely arbitrary in the cuts that are proposed, and there is no basis for these levels of cuts that are proposed.

In fact, the strategic rationale is for the support of our troops that are currently serving in Europe. Secretary Gates just Wednesday appeared before the Armed Services Committee; and while he was there, he testified that it is the presence of our military on the ground in Europe and other places that assures our allies and provides a deterrent effect to would-be aggressors.

These troops are not just staring down a past Soviet Union. They are, in fact, providing wartime support currently. They are also providing an effective deterrent both for our allies and for the United States.

This amendment would reduce the Army by more than 5,000, the Navy by more than 500 and the Air Force by more than 5,000 from programmed end-strength levels for fiscal year 2011. These are planned troop deployments and presence. This is not something that was done 10 years ago.

The limits on this end strength would damage wartime operational capability. To reduce manpower halfway through the fiscal year would likely require the abrupt involuntary separation of many servicemembers, sending the message, thank you for your service, but now please leave. These troops are actively providing protection both to our allies and to the United States and play a vital role in what is wartime operational capability.

Mr. DICKS. Will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

I rise in opposition to this amendment. Secretary Gates has worked out a reduction in the troop force that will occur later in the FYDP. I think under the circumstances with the troops in Afghanistan, we are bringing in troops out of Iraq. And one of the things that is very important about our European bases is we train with the Europeans. We work with the Europeans. When the flights come out of Iraq or Afghanistan with wounded troops, they come back to Landstuhl in Germany where the troops are taken care of in the hospital. There is a long-term relationship with NATO that is very critically important.

And just to do this off the back of the hand, I understand the gentleman has some other advisers on this amendment; I wouldn't exactly be touting Donald Rumsfeld myself. But anyway, I hope that we can defeat this amendment and let the Secretary of Defense and the joint chiefs make the decision in bringing down our troop forces. And I really do believe Europe is still important to the United States.

I appreciate the gentleman yielding.

Mr. TURNER. Thank you. Although the gentleman from Colorado referenced I think what is an accurate quote to Donald Rumsfeld, I think that he, too, would have serious concerns about this amendment and its immediate effects.

I reserve the balance of my time.

Mr. POLIS. The gentleman from Ohio mentioned that the troops are an effective deterrent. I would simply ask, who are we deterring from attacking Germany and Italy?

Might I inquire as to how much time remains on either side.

The Acting CHAIR. The gentleman from Colorado has 30 seconds remaining. The gentleman from Ohio has 2 minutes remaining.

Mr. POLIS. Since he didn't want to answer on my time, I will be happy to yield my 20 seconds to the gentleman from Ohio, and again, who are we deterring from attacking Italy and Germany?

Mr. TURNER. I think it's important for us to understand who might attack us. And this is not an issue of these troops being a relic.

Mr. POLIS. Reclaiming my time, again, the gentleman cited that they would be a deterrent, so I was just trying to clarify who we were attempting to deter.

With that, I yield back the balance of my time.

Mr. TURNER. I think it's important for us to continue to honor our obligations to our allies and also to protect our country. Secretary Gates just as recently as this week on Wednesday reaffirmed the need for these troops so that we can continue to support our allies and the United States.

I yield back the balance of my time.
The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 498 OFFERED BY MR. JOHNSON
OF OHIO

Mr. JOHNSON of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Ohio (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JOHNSON of Ohio. Mr. Chairman, my amendment would stop the Department of the Interior's Office of Surface Mining and Reclamation and Enforcement from going forward with a proposed revision to the stream buffer rule that could, according to the Obama administration's own analysis, eliminate up to 29,000 coal industry and industry-related jobs, cut coal mining production by 50 percent, and increase the cost of electricity for families and businesses.

In December 2008, OSM issued a clarification of the stream buffer zone rules after a 5-year process that included 40,000 public comments, two proposed rules, and 5,000 pages of environmental analysis from five different agencies.

The final rule clarified and codified coal surface mining practices that had been in effect for over 30 years, but an entry in the Federal Registry from June 2009 shows that early in the first days of the Obama administration, the decision was made to reopen the carefully crafted and properly vetted stream buffer zone rule. The proposed sweeping regulatory action would radically alter the definition of a stream as well as how the agency measures material damage outside of the permit area. To date, the agency has provided no studies, no data or support to justify these radical changes.

□ 1850

Given the complete lack of justification, analysis, or rationale for these

proposed changes, it can be said that this is a political decision and not one based on science or fact, and this flies in the face of the administration's pledge to base rulemaking decisions on science and not on political factors.

Furthermore, several States have expressed serious concerns about the need and justification for the proposal. Mr. Chairman, the unemployment rate in my home State of Ohio is 9.6 percent. In parts of eastern and southeastern Ohio that I represent, we have double-digit unemployment. The average unemployment in the 12 counties I represent is 10.9 percent. There are entire communities that depend largely on the coal industry, both for direct and indirect jobs, and these jobs would be threatened by this proposed rules change.

To be clear, my amendment does not stop the issuance of permits nor does it prevent OSM, the Army Corps of Engineers, and the EPA from their regulatory responsibilities. My amendment would simply prohibit any funding to be spent on developing, carrying out, or implementing this ill-conceived proposed job-killing rule.

I strongly urge my colleagues to support my amendment to stop the Obama administration from going forward with a regulation that will result in thousands of hardworking Americans losing their jobs.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, this amendment stops the Interior Department from protecting nearby streams and rivers from the toxic disposal of coal mine waste. So let me give you the top seven reasons why this amendment should be defeated.

One, it will allow for the continued destruction of America's forests and native vegetation contrary to the statutory requirement to protect that vegetation.

Two, it will interfere with the new requirement for the Clean Water Act and Surface Mining Act, preventing the updating of regulations based upon the best science available.

Three, it will perpetuate the uncertainties that citizens and industry and State regulators are currently experiencing under outdated regulations.

Four, it will continue to allow the worst of the coal mine operators to destroy and pollute America's streams and, by doing so, gain a competitive advantage over the responsible operators.

Five, it will deny the State regulatory officials the ability to issue permits that would withstand legal challenge.

Six, it will prevent the gathering of information needed to predict adverse impacts to land and water resources.

And seven, it will prevent the completion of the National Environmental Policy Act process which provides valuable information to enable an informed decision to be made as to the best alternatives to protect society and the environment while helping to meet America's energy needs.

So that's why I would oppose the Johnson amendment.

I reserve the balance of my time.

Mr. JOHNSON of Ohio. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Thank you for yielding, and I appreciate the gentleman offering this much-needed amendment.

Almost immediately after taking office, Mr. Chairman, the administration put a bull's-eye on Appalachian coal from every angle, including from the OSM. As a representative of Appalachian Kentucky, like Ohio where the gentleman is from, we're losing thousands of jobs because of these policies. And now, by its own admission, the OSM and the U.S. Department of the Interior are placing 7,000 mining jobs across the country on the chopping block, representing 9 percent of the industry, by reopening the long-settled stream protection rule.

And so I congratulate the gentleman for bringing this to our attention with this amendment. A report that was leaked by OSM indicates amending this rule will cause coal production to drop drastically or remain stagnant in 22 States. So it comes as no surprise to me that officials from Kentucky, West Virginia, Utah, Wisconsin, Texas, and others have blasted this proposal as nonsensical and difficult to follow.

Mr. JOHNSON has the right idea with this amendment, which would prohibit OSM from moving forward with this rule during this fiscal year. I thank the gentleman.

Mr. JOHNSON of Ohio. Thank you, Mr. Chairman.

I just want to take this opportunity to remind, the rule was reclarified in a 5-year process that ended back in 2008, and now the current administration wants to reopen that rule and redo it completely in just a matter of months, with no science, no data to support it and no justification. And I would remind my colleague that the only reason, the number one reason for passing this amendment is for the up to 29,000 jobs that it is potentially going to save.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MORAN. Mr. Chairman, may I inquire how much time I have remaining.

The Acting CHAIR. The gentleman from Virginia has 3 minutes remaining.

Mr. MORAN. I yield 1 minute to the gentleman from California (Mr. GARAMENDI) who worked in the Interior

Department on this very issue and is quite expert on it.

Mr. GARAMENDI. Mr. Chairman, I'm from California so forgive me, but I also was the Deputy Secretary at the Department of the Interior in the mid-nineties, and we set up a program called the Appalachia Clean Streams Program to deal precisely with the issues that have risen over the years from the pollution and contamination from the various coal mines, including mountaintop removal. This effort underway by the Department is to deal with the ongoing problem. The continuing problem, mountaintop removal in mining, does contaminate and does destroy streams.

I could not believe the clarity of the water in the streams when I visited West Virginia. They would make the swimming pools in Los Angeles envious. Nothing was alive, nothing at all, because of the contamination from the mines. I just ask for the opportunity to go ahead.

Mr. MORAN. I very much appreciate the insight from the gentleman from California.

At this point, I yield the remaining 2 minutes to Mr. YARMUTH of Kentucky.

Mr. YARMUTH. I appreciate the gentleman yielding.

Mr. Chairman, this amendment would essentially destroy efforts to put an end to the damage that is wrought by mountaintop removal.

Now, many of my colleagues who are not familiar with mountaintop removal, what happens is you take mountains that look like this, and then you turn them into this. This is what happens. And the consequence of doing that, you blow off the top of these beautiful mountains. You push all of the stuff that you've blown up into the valleys that surround it, poisoning streams, poisoning the people who live nearby, poisoning the water supply that feeds much of Appalachia. This is damage that is irreversible. It will never be like this again because nothing grows here.

Now, I know a lot of people try to justify mountaintop removal by saying this is an economic boon for the region. In fact, since mountaintop removal became a prevalent practice, mining jobs have actually declined by more than 50 percent. This is not good for the people of Kentucky and Appalachia. It's not good for the economy, and it's certainly not good for the environment.

Ladies and gentlemen, we have numerous efforts now in Federal Government finally trying to put an end to this destructive, immoral practice. Many in my State gathered in Frankfort just last week to protest what's happening here, to our State, to our children, and to our economy. We can do much better. The last thing we need to do right now is to say to our country and to the people of Appalachia, we're not going to try to preserve these beau-

tiful mountains that God gave us. This is a tipping point in our history.

□ 1900

Generations from now our grandchildren will ask if we don't stop this practice now, if we don't give the government the resources, they will say: How could you let this become this?

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 583 OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to change any rate of salary or basic pay pursuant to section 1113 of Public Law 111-32.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. REED. Mr. Chairman, I have an amendment at the desk that addresses pay for foreign service officers. It will ensure that the expected 24 percent pay raise does not go into effect in fiscal year 2011.

It is my understanding that we have an agreement between the majority and minority on this issue.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The amendment was agreed to.

AMENDMENT NO. 38 OFFERED BY MR. MATHESON

Mr. MATHESON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds appropriated by this Act may be used for the Community Connect broadband grant program administered by the Rural Utilities Service of the Department of Agriculture.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Thank you, Mr. Chairman.

My amendment would eliminate funding for the community connect broadband grant program which is administered by the Department of Agriculture's Rural Utilities Service.

Now, eliminating this program would save over \$13.4 million. This is endorsed by Citizens Against Government Waste.

Look. We're all for broadband development, and we're all for rural broadband development. It turns out there are a lot of different Federal programs that try to do this. This is one in particular that does not have a good history. In fact, in 2005 and in 2009, Inspector General reports have raised questions about this specific grant program. And that is why I have raised this issue today.

As I said, I think as a supporter of rural broadband development, I want to see programs that work and are effective. This one has some serious questions about it. And that is the substance of my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

AMENDMENT NO. 496 OFFERED BY MR. MATHESON

Mr. MATHESON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The total amount of appropriations made available by this Act (other than for the Departments of Defense and Homeland Security) is hereby reduced by \$600,000,000.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Thank you, Mr. Chairman.

My amendment addresses issues of nonessential travel by Federal employees that are not involved in the Department of Defense or Homeland Security.

Simply stated, the amendment says that appropriations made available by this act are hereby reduced by \$600 million for all departments except for the Department of Homeland Security and Department of Defense.

I originally was going to do an amendment that specifically talked about reducing nonessential travel. I was concerned about a point of order. So this amendment does not specifically mention nonessential travel. However, based on advice of the fiscal

commission, the travel cuts could be proposed. And both Democrats and Republicans on the fiscal commission thought that this was a productive area to look for savings.

I decided to structure this amendment in a way that would not be subject to a point of order. But its intent is to reduce nonessential travel by Federal employees in departments outside of the Department of Defense and the Department of Homeland Security.

That is a description of my amendment.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, we in this bill made it a point of being very careful about the cuts to the DOD and Homeland Security. We think it's the reasonable approach that's in the base bill. We do not need this type of a heavy, deep cut in the defense of the country here and abroad.

So I oppose the amendment.

Mr. MATHESON. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Utah.

Mr. MATHESON. My amendment affects departments other than Defense and Homeland Security. It's only for nonessential employees in other Federal departments outside of those two.

Mr. ROGERS of Kentucky. Is this an across-the-board cut of the other agencies?

Mr. MATHESON. It's a goal across all of the other departments, all of the other appropriations areas, except Defense and Homeland Security are excluded.

Mr. ROGERS of Kentucky. But it's across the board?

Mr. MATHESON. That is correct.

Mr. ROGERS of Kentucky. I'm in strong opposition to across-the-board cuts. We were elected to make choices. And on this bill we've made our choices, and we think we've done a fairly decent job of spreading the pain across the board.

But to have an across-the-board cut would mean putting our decision-making on automatic pilot, refusing to make decisions. And that's what we were elected to do.

So I oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. MATHESON. I don't want to prolong this debate. I just want to point out, absent concerns of a point of order I would have prescriptively said this is specific to do with nonessential travel of Federal employees.

Due to concerns about a point of order, we structured this amendment where it says this is a cut of \$600 million. However, the intent and hopefully the report language when folks in these agencies look at the debate that's tak-

ing place right here on the House floor is that it's addressing nonessential travel.

With that, I yield back the balance of my time.

Mr. ROGERS of Kentucky. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was rejected.

AMENDMENT NO. 274 OFFERED BY MRS.

MC MORRIS RODGERS

Mrs. McMORRIS RODGERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay any employee, contractor, or grantee of the Internal Revenue Service to implement or enforce the provisions of, or amendments made by, Public Laws 111-148 and 111-152.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentlewoman from Washington (Mrs. McMORRIS RODGERS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIR. The gentleman from New York reserves a point of order.

The Chair recognizes the gentlewoman from Washington.

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Mrs. McMORRIS RODGERS. Mr. Chairman, my amendment is simple and complements the amendments offered earlier by my friends, Congressman REHBERG and Congresswoman EMERSON. This amendment prevents the IRS from using any funds in fiscal year 2011 to pay any employee, contractor, or grantee to enforce the individual mandate, employer mandate, or any other part of the Health Care Reform Act, including tax increases.

It didn't take long for the IRS to move in after passage of the Health Care Reform Act to enforce all of these new tax provisions. Indoor tanning services saw taxes rise by 10 percent within 5 months of the bill's enactment. This year, brand name drug manufacturers will see their taxes go up. Next year, it's medical devices. And the list goes on. Yet, 2 weeks ago there was a glimmer of hope. Federal District Judge Roger Vinson became the second Federal judge to declare the health care law unconstitutional. But we know these rulings are not enough to keep the administration from moving forward with its takeover of our health care system. In fact, the headlines the day after Judge Vinson's decision read: "White House: We won't

compromise on the individual mandates."

Just this week, the administration proposed to increase the IRS budget by 9 percent and expects to hire more than 5,100 employees to get the job done. In making its request, the IRS explained that the "tax changes associated with the health care reform are huge. Implementation of the Affordable Care Act of 2010 presents a major challenge to the IRS. ACA (The Health Care Reform Act) represents the largest set of tax law changes in more than 20 years, with more than 40 provisions that amend the tax laws."

Mr. Chairman, we've been forced to enter into a new era in our health care system, and it's one that is driven by the IRS. The Congressional Budget Office predicted last year that the IRS will need to hire 15,000 new employees and will need at least \$10 billion in order to meet its responsibilities under the act. This is not what Americans expect or deserve. The only way to keep the IRS from intruding into our health care system is to take away its funding. This amendment is a step by prohibiting any funds from being used to hire anyone to enact this bill as we move forward.

I urge my colleagues to support individuals and families and our Nation's small businesses by supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, the amendment proposes a net increase in the budget authority in the bill. The amendment is not in order under section 3(j)(3) of House Resolution 5 of the 112th Congress which states, "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI. The amendment proposes a net increase in budget authority in the bill in violation of such section.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Mrs. McMORRIS RODGERS. Mr. Chairman, I wish to be heard.

The Acting CHAIR. The Chair recognizes the gentlewoman from Washington.

Mrs. McMORRIS RODGERS. Mr. Chairman, my colleague alleges that my amendment would create a net increase in budget authority in the bill, thus giving rise to the point of order. I respectfully disagree for the following reasons:

Number one, the challenged provision in this point of order relates to the IRS's ability to ensure small business owners do not take advantage of the

limited tax credit that currently exists. This tax credit is already in place. The IRS is already supposedly enforcing this provision. So I do not agree with the conclusion that this amendment, which simply limits the IRS from hiring more employees, would allow abuse of the tax credit.

Number two, I would remind my colleagues that last session, during our consideration of YouCut, CBO indicated that over the next 10 years the IRS will require between—

Mr. DICKS. Mr. Chairman, I object. I don't think the gentlelady is addressing the point of order. She is reiterating the argument.

The Acting CHAIR. The Chair would like to hear further remarks from the gentlewoman from Washington on this point of order.

Mrs. McMORRIS RODGERS. Thank you, Mr. Chairman.

Number two, CBO has indicated that over the next 10 years the IRS will require between \$5 and \$10 billion in funding to implement this law.

Number three, just last week the IRS said it will need at least 1,054 new employees and new facilities at a cost of more than \$359 million in fiscal year 2012. Eighty-one workers will be responsible for ensuring that tanning salons pay a new 10 percent excise tax that went into effect in 2010 and is enforceable in 2011; total cost, \$11.5 million.

Mr. Chairman, with the points raised above and the established savings, it is clear that the offsets are not needed and my amendment is in order.

The Acting CHAIR. The gentleman from New York makes a point of order that the amendment offered by the gentlewoman from Washington violates section 3(j) (3) of House Resolution 5. Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the Chair of the Committee on Budget that the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 467 OFFERED BY MR.
GOODLATTE

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011,

the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

For the past 2 years, we've seen the administration and the Environmental Protection Agency take overzealous action in the Chesapeake Bay Watershed, with the potential to dramatically affect jobs, the economy, and local government budgets throughout the six-State region.

The EPA has proposed arbitrary limits on the amounts of nutrients that can enter the Chesapeake Bay and how these nutrients enter the bay. At the same time, the EPA is seeking to expand their regulatory authority by seizing authority granted to the States and converting the bay's cleanup effort into a process that is a top-down approach with mandatory regulations.

These overzealous regulations will affect everyone who lives, works, and farms in the Chesapeake Bay Watershed, and the cost of complying with these requirements will be devastating during our current economic downturn, resulting in many billions of dollars in economic losses to States, cities, towns, farms and other businesses, large and small.

The EPA's approach is far from the best approach to restore the Chesapeake Bay. I believe that each individual State and the localities in each State know better how to manage the State's water quality goals than the bureaucrats at the EPA.

I'm sure that there are some who wonder why what is happening in the Chesapeake Bay Watershed is important to their district. While EPA's unprecedented actions are starting in the Chesapeake Bay, they are coming to a watershed in your region of the country in your State. The EPA has stated in the document "A Coming Together for Clean Water: EPA's Strategy for Achieving Clean Water" that "The EPA will use the Chesapeake Bay as a demonstration for strengthening total maximum daily load pollution-reduction plans. The Chesapeake Bay Watershed will be a model for watershed protection in other parts of the country."

It is important that we in Congress tell the EPA to slow down. The EPA does not have the authority to micro-manage States' water quality goals, and we must stop their power gap.

I want to be clear, we all agree more must be done to restore the bay, and this is not meant to cut off the good work that is happening in the bay watershed. We have made substantial investments to clean up the bay. This amendment will not stop work that is going on in the States or the voluntary programs managed by Federal agencies that work with those on the ground to

restore water quality. What this amendment will do is stop the EPA's regulatory power grab. It will stop the EPA from taking over responsibilities that have traditionally been left to the States.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I want to thank the gentleman for bringing this amendment forward. I think it's very worthwhile and I support him, and I appreciate him bringing the amendment forward.

Mr. GOODLATTE. I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, 6 weeks ago, the Environmental Protection Agency, six States, including Mr. GOODLATTE's own State of Virginia and the District of Columbia, ended years of stalling and released detailed plans to reduce Chesapeake Bay pollution to meet minimal water quality standards over the next 15 years. Meeting those science-based and legally required goals is going to require a significant and sometimes costly effort from all the citizens, towns, cities and States that are part of the Chesapeake Bay Watershed.

This year's Chesapeake Bay Foundation State of the Bay Report suggests that recent pollution-cutting measures are in fact beginning to show results.

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We've seen increased crab and oyster populations and an increase in underwater grasses. The bay is coming back to life. The agreed-upon, negotiated, detailed, multistate plans have the potential to finally restore the Chesapeake Bay if everyone does his part.

The amendment, though, would block any Federal agency's ability to work with the States in meeting pollution reduction targets for the entire Chesapeake Bay watershed. If we don't meet this obligation, the farmers, municipalities, and businesses in all the States will be economically harmed.

If this amendment were to pass, it would not relieve the farms, businesses, and municipalities from their requirements in the court ordered settlement, but it would turn the pollution limits into an unfunded mandate since it would also block any Federal agency from providing technical and Federal assistance to bring farms, businesses, and municipalities into compliance with pollution reduction goals.

Clearly, this amendment is designed to and will unravel the current effort to finally put a limit on nutrient and

sediment pollution in the Chesapeake Bay. Agriculture accounts for 42 percent of today's nitrogen, 46 percent of today's phosphorus, and 72 percent of the sediment entering the Chesapeake Bay.

This amendment would break up the existing Federal, State, local, and private partnership by prohibiting any Federal financial assistance to farmers, municipalities, and businesses that are working to improve the Chesapeake Bay watershed. It would set aside the tremendous progress this Congress has made in restoring the bay.

The pollution of the Chesapeake Bay is also a jobs killer for the citizens in its watershed. If this amendment passes, it will ultimately result in a loss of thousands of fishing, crabbing and tourism jobs.

The fact is, Mr. Chairman, now is not the time to retreat on our commitment to restore this great estuary nor to kill the thousands of jobs that their survival depends upon. So I urge my colleagues to reject this amendment.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 1 minute to the chairman of the Conservation Subcommittee, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank the gentleman from Virginia for yielding.

Mr. Chairman, I rise in strong support of the gentleman from Virginia's amendment.

The Total Maximum Daily Load is a mandatory diet to restrict nutrient and sediment runoff from point and nonpoint sources in the Chesapeake Bay watershed. EPA's proposed regulations will have a devastating economic impact on my constituents and throughout Pennsylvania. Unquestionably, the bay is in need and is truly worthy of our support, but this is just one more example of how EPA is trying to bypass congressional authority through backdoor regulations and unfunded mandates.

EPA has based the Chesapeake Bay TMDLs on its own model even though it is inconsistent with the models prepared by the Department of Agriculture. The head of USDA's Natural Resources Conservation Service has recently gone so far as to say EPA's data on conservation practice is erroneous. Agriculture is not receiving the credit it deserves towards reducing nutrient and sediment runoff; yet EPA is forcing the bay States to move forward on unreasonable mandates, using the agency's flawed bay model. EPA will not even perform an economic analysis of the TMDL when the proposed unquestionability will have severe economic impacts on our Nation's farmers and rural communities.

I urge my colleagues to support this amendment and to vote in its favor.

Mr. MORAN. Mr. Chairman, may I inquire as to how much time remains on both sides?

The Acting CHAIR. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining, and the gentleman from Virginia (Mr. GOODLATTE) has 1½ minutes remaining.

Mr. MORAN. At this time, Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT) for a unanimous consent request.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Chair, I rise in opposition to the amendment offered by my colleague that would prohibit the use of funds made available by this bill to "develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed." In essence, the amendment would prohibit the EPA from spending any funds on the Chesapeake Bay total maximum daily load initiative in order to monitor and oversee pollution reduction into the Bay. It would result in rolling back the progress we have made on pollution reduction and restoring the Chesapeake over the decade. It would negatively impact not only the physical landscape of the Bay, but also the economic import and success of the Bay. And it would unfairly place the financial burden of reducing pollution squarely on the Chesapeake Bay states.

The Chesapeake Bay is North America's largest and most productive estuary, with thousands of tributaries and 64,000 square miles of watershed that includes six states and the District of Columbia. The Bay supports more than 3,600 species of plants, fish and animals, is home to 29 species of waterfowl, and is a major resting ground along the Atlantic Migratory Bird Flyway. In addition, the Chesapeake is a commercial and recreational resource for the more than 15 million people who live in its basin, as well as visitors and tourists. Taking care of the Chesapeake Bay is vital to the environment and the economy, for recreation and natural resources, and for wildlife and the way of life in the Bay area. We use the Bay for recreation, agriculture, industry and navigation.

Just to give you a sense of the economic importance of the Bay, the 2008 Fisheries Economics of the U.S. report by the National Oceanic and Atmospheric Administration indicated that commercial seafood industry in Maryland and Virginia contributed \$2 billion in sales, \$1 billion in income, and more than 41,000 jobs to the local economy. The economic benefits of saltwater recreational fishing contributed \$1.6 billion in sales which in turn contributed to more than \$800 million of additional economic activity and roughly 13,000 jobs. The majority of this is from the Chesapeake Bay.

When we don't expend efforts to care for the Bay, that also has an economic impact. For example, in the area of commercial and recreational fisheries, the blue crab population continues to be threatened by poor water quality. When the broader impact on restaurants, crab processors, wholesalers, grocers, and watermen is added up, the decline of crabs in the Bay meant a cumulative loss to Maryland and Virginia of about \$640 million between 1998 and 2006. Similarly, Oyster populations are threatened due to a combina-

tion of overharvesting, disease, and poor water quality. The decline of the Bay oyster over the last 30 years has meant a loss of more than \$4 billion for Maryland and Virginia. In the area of public health, one study estimated the cost associated with exposure to polluted recreational marine waters to be \$37 per gastrointestinal illness, \$38 per ear ailment, and \$27 per eye ailment due to lost wages and medical care. And with regard to clean water specifically, an EPA study indicated that clean water can increase the value of single family homes up to 4,000 feet from the water's edge by up to 25%. Perhaps most important, an EPA study of drinking water source protection efforts concluded that for every \$1 spent on source water protection, an average of \$27 is saved in water treatment costs.

Unfortunately, deterioration of the Bay and how to best address the problem has been a concern for more than two decades. When I served in the Virginia House of Delegates, I was part of a joint Virginia-Maryland legislative task force that first recommended the creation of a multi-state commission to address Bay issues. We filed a report in 1980 which recommended "the need for improved coordination of Bay-wide management to meet the long-term needs of the people of both Maryland and Virginia."

We have made great strides since then with the combined efforts of the federal government, state and local governments in the watershed, the Chesapeake Bay Commission, the Chesapeake Bay Foundation, EPA, and all of their private partners over the last two decades. But we are far from done.

One of the most significant challenges facing the Bay today is pollution from wastewater treatment plants, development, transportation, stormwater runoff and runoff from agricultural lands. Prohibiting this funding would have a major impact on the water quality throughout the Chesapeake Bay watershed states. It would significantly restrict efforts to reduce nutrient and sediment runoff as well as monitoring and oversight of these efforts, all necessary to help protect and restore the Chesapeake Bay.

The amendment is opposed by the Nature Conservancy, League of Conservation Voters, National Wildlife Federation, Chesapeake Bay Foundation, Environmental Defense Fund, Greenpeace, National Audubon Society, National Marine Sanctuary Foundation, National Wildlife Refuge Association, Natural Resources Defense Council, Ocean Conservancy, Sierra Club, Southern Environmental Law Center, Alaska Wilderness League, American Bird Conservancy, American Rivers, Center for Biological Diversity, Center for Native Ecosystems, Center for Plant Conservation, Clean Water Action, Conservation Lands Foundation, Conservation Northwest, Defenders of Wildlife, Earthjustice, Earthworks, Endangered Species Coalition, Environment America, Environmental Working Group, Geos Institute, Marine Conservation Biology Institute, Marine Fish Conservation Network, Oceana, Oregon Wild, Population Action International, Southwest Public Employees for Environmental Responsibility, The Wilderness Society, Trust for Public Land, Union of Concerned Scientists, World Wildlife Fund, and Xerces Society for Invertebrate Conservation.

For the foregoing reasons, I oppose the amendment and I urge my colleagues to do the same.

Mr. MORAN. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, the Chesapeake Bay is a natural and national treasure. It is the largest estuary in the United States of America.

The health of the Chesapeake Bay is under constant assault from all sources of pollution: urban runoff, farm runoff, storm water runoff. We have been working for years and years, in fact decades, to try and clean up the bay, and it has been like running in place because, every time we take action, more pollution flows into the bay.

That's why, under the Obama administration, they've taken important action to try and finally get ahead of the curve and restore the health of the bay. Will Baker, who is the President of the Chesapeake Bay Foundation, described the approach of the Obama administration as something that may well represent the bay's best and last chance for restoration. As Mr. MORAN pointed out, if we don't do that, the watermen, the sports fishermen, and the tourist industry will be badly hurt.

I'm not sure that the gentleman from Virginia, who introduced this amendment, recognizes the impact it might have on farmers, because none of the funds in this act, including from EPA and the Department of Agriculture, may be used for a number of purposes, including watershed implementation plans for the Chesapeake Bay watershed.

Now, we spoke to USDA's general counsel. Their office told us that this could well deprive farmers of some of their valuable agricultural conservation funds. The last I checked, Maryland received in fiscal year 2009 \$28 million. In the State of Virginia, the farmers received about \$16 million to help them with their conservation efforts because, as good stewards of the land, they have been part of the team effort to protect the Chesapeake Bay.

As Mr. MORAN said, if you take these funds away, you are denying them some of the tools they have effectively used. So this won't only hurt the watermen and the sports fishermen; it is also going to hurt the farmers; and collectively it is going to hurt the largest estuary in the United States.

Let's work to save the bay, not undermine its health.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time to make two points.

First of all, the gentleman from Virginia is quite correct. The Chesapeake Bay is getting healthier, and that's a very, very good thing, all of which is happening as a result of the voluntary, incentivized, State-controlled regulation of this process. None of it has oc-

curred under this TMDL provision that the gentleman from Maryland referred to, because of the fact that it is only now being imposed on farmers. They are very concerned about it, as are small cities and towns, as are home-builders and others. This will have a devastating economic impact on the entire bay region, small cities and large included.

The second point is that we checked with the Department of Agriculture, and we checked with counsel on the Agriculture Committee. They agree that this restricts only those purposes described in the legislation related to the implementation of this language related to what the EPA is trying to do with their TMDL.

I yield back the balance of my time.

Mr. MORAN. I yield myself the balance of my time.

This is very important. We talked to the general counsel at the Department of Agriculture. Mr. GOODLATTE is wrong on this.

He says—his amendment says none of the funds may be intended to fund EPA. But his amendment actually doesn't mention EPA. It says no Federal funds period. That means that the farmers, the agribusiness throughout the Chesapeake Bay watershed, would lose about \$100 million in conservation efforts if this amendment were to be approved.

The fact is, Mr. Chairman, that miles of the Chesapeake Bay have died, largely because of the fertilizer that washes into the bay. The vegetation at the bottom feeds on that nitrogen, and it grows like it's on steroids. When it decomposes, it sucks up all the oxygen in the water, and as a result, nothing can live in large areas of the Chesapeake Bay—no crabs, no oysters, no fish.

Nothing. It's dead, even the plant life can't survive when the oxygen has been so depleted in the process of decomposition.

This amendment needs to be defeated.

Mr. CUMMINGS. Mr. Chair, I rise in strong opposition to the amendment offered by Mr. GOODLATTE, which would prohibit the use of funds made available by this Act to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation of these TMDLs for the Chesapeake Bay Watershed.

As the Representative of Maryland's 7th Congressional District, I was proud to have worked closely with Maryland Senator BEN CARDIN during the last Congress to lead the effort to reauthorize the Chesapeake Bay Program and to instill innovative new approaches into the program that will finally lead to the true restoration of the Chesapeake Bay.

Unfortunately, we were unable to enact that legislation during the last Congress—but the effort to create a Chesapeake Bay program that supports effective clean-up of the Bay will continue.

Fortunately, a number of other processes are already underway that will expand and

strengthen the effort to clean up the Chesapeake Bay.

President Obama issued an executive order to guide a renewed and reinvigorated federal clean-up effort shortly after taking office.

And critically, on December 29, 2010, the long-awaited Total Maximum Daily Loads, TMDL, were issued for the Bay—and the watershed states are now developing their Watershed Implementation Plans, WIP.

The TMDLs established for the Chesapeake Bay are specifically required under the federal Clean Water Act. Their development is also consistent with consent decrees in Virginia and the District of Columbia from the late 1990s.

According to the Environmental Protection Agency, the TMDLs set Bay watershed limits of 185.9 million pounds of nitrogen, 12.5 million pounds of phosphorus and 6.45 billion pounds of sediment per year—limits that would achieve a 25 percent reduction in nitrogen, 24 percent reduction in phosphorus, and 20 percent reduction in sediment flowing into the Bay.

The TMDLs are tough—but they are realistic about the reductions in pollution we need throughout the 64,000-square-mile watershed to restore the Bay's health.

Over the past decades, the effort to restore the Chesapeake Bay has been largely based on voluntary agreements within and among the states.

Recent assessments of the Bay show us that the pledging of earnest promises, the utterance of heart-felt slogans, and the signing of agreements enforced only by good will have achieved water quality in the Bay that is still rated "very poor"—even though billions of dollars have been spent in support of these promises.

If we are serious about cleaning up the Bay, we must implement the TMDLs—and the EPA must be fair but insistent in applying these requirements.

It is therefore essential that the TMDL process get off to a fast, efficient, and effective start.

Eliminating funding for the enforcement of the TMDLs is tantamount to arguing that we should continue to allow the Chesapeake Bay to be a sewer—where pollutants running out of storm drains and waste treatment plants, from overly fertilized front yards, and off farm fields collect and create "dead zones" where life cannot be sustained.

The Virginia Institute of Marine Science has estimated that 40 percent of the jobs in Maryland and Virginia associated with crabbing were eliminated between 1998 and 2006—an outcome resulting from the decimation of the crab population due to the pollution accumulating in the Bay.

In the face of such losses, a vote against enforcement of the TMDL is a vote that says job losses are acceptable—and that though options are available to restore the Bay, a polluted Bay is good enough.

I urge my colleagues to reject this position by voting against this amendment and in favor of a robust effort to clean the Chesapeake Bay.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

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AMENDMENT NO. 497 OFFERED BY MR. MATHESON

Mr. MATHESON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

Sec. _____. The total amount of appropriations made available by this Act (other than for Department of Defense and the U.S. Postal Service) is hereby reduced by \$280,000,000.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, this amendment would cut funding in the CR, other than the Department of Defense and the U.S. Postal Service, other than those two, by \$280 million. Now, \$280 million is the amount of money that would be saved if Federal civilian agencies, except DOD and the Postal Service, were to reduce their vehicle fleet budgets by 20 percent.

If adopted, it is my intention that these Federal agencies determine where to cut their portion of the \$280 million in cuts specifically towards finding savings in their vehicle fleet budgets.

This is a bipartisan idea supported by the chairs of the National Commission on Fiscal Responsibility and Reform. I encourage my colleagues to support this amendment.

I yield to my colleague from California.

Mr. ROYCE. I appreciate the gentleman yielding.

The bipartisan deficit reduction commission has looked at the work of the GAO on this issue. The GAO has tried to get Federal agencies to look at reducing their vehicle fleet. They have put out studies, and one of the interesting examples was where the GAO found automobiles in a parking lot that had not even been used for 3 years that had been purchased.

Their point is this: With 650,000 vehicles that the government uses now, there is a way to put in place, if you followed the recommendations of the GAO, a way to reduce that fleet and save money. And the Government Accountability Office has said that the government agencies are badly managing their vehicles.

Now, we know that with one government agency, the Department of Energy, that decided to put in place these recommendations, they reduced their fleet. In their budget going forward, they can reduce their fleet by 35 percent.

What we are saying with this amendment is we are following the recommendation of the GAO. The Heritage Foundation endorses this. It certainly was supported by the bipartisan deficit reduction commission.

We have got a deficit of \$1.5 trillion and growing. This is a way to shut it down and a way that has been recommended to us by the GAO to move forward. We support this bipartisan amendment.

Mr. MATHESON. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, here the gentleman goes again. He is attempting to cut without specifying where the cuts come from.

There's no tough choices identified in the amendment. All it says is just to reduce the appropriations by \$280 million, exempting DOD and Postal Service. But across-the-board cuts is a way for us to escape responsibility for making choices that people elected us to do, and this amendment does not specify where the cuts come from or who is to make the cuts.

I guess he would leave it up to the bureaucrats to decide where to cut, but that's what we were elected to do, Mr. Chairman, and so I oppose the amendment. I sympathize with the desire to cut more spending, but I want it done in a judicious and specific way.

I reserve the balance of my time.

Mr. MATHESON. I appreciate the comments of my colleague from Kentucky about the challenges of across-the-board cuts. I feel like I was elected to come up with suggestions. If I could draft an amendment that would be ruled in order, I would specifically say it should be about the spending cuts, but I can't legislate on an appropriations bill.

So I would hope that as we look at this amendment, we understand that people read the record of this conversation, it was the intent of Congress when I looked at this amendment that agencies are supposed to reduce their vehicle purchases by 20 percent as the best that Mr. ROYCE and I can do under the rules of the House. We are trying to offer a specific opportunity to cut spending. We think we have identified it well during this discussion. I urge my colleagues to support it.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was rejected.

AMENDMENT NO. 79 OFFERED BY MR. GARDNER

Mr. GARDNER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Department of Health and Human Services who develops or promulgates regulations or guidance with regard to Exchanges under subtitle D of title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18021 et seq.).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Colorado (Mr. GARDNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. GARDNER. Mr. Chairman, this amendment simply prevents the Department of Health and Human Services from implementing the exchange as created under ObamaCare.

The exchange does not allow the American people to choose the benefits in their health plans. Instead, it will force the American people into a one-size-fits-all program where government bureaucrats limit their health insurance options. The government will control which plans are allowed to be offered in each State. It will control which companies will be allowed to sell health insurance plans in each State and will control the benefits contained in those health insurance plans.

Exchanges, as they are being designed, will only serve to further strain cash-strapped States by forcing them to use their employees or hire new employees to create and run them.

Recently, several Republican Governors sent a letter to Secretary Sebelius criticizing the exchange and asking her to provide States with complete flexibility in operating the exchange—most importantly, the freedom to decide which licensed insurers are permitted to offer their products.

I urge adoption of amendment No. 79.

FEBRUARY 7, 2011.

Hon. KATHLEEN SEBELIUS,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: Many of us believe the Patient Protection and Affordable Care Act (PPACA) should be repealed by Congress if the courts do not strike it down first. But, with no assurance of either outcome, we face the decision of whether to participate in the bill by operating state exchanges, or to let the federal government take on that task, if the bill remains in effect in 2014.

In addition to its constitutional infringements, we believe the system proposed by the PPACA is seriously flawed, favors dependency over personal responsibility, and will ultimately destroy the private insurance market. Because of this, we do not wish to be

the federal government's agents in this policy in its present form.

We wish states had been given more opportunity to provide input when the PPACA was being drafted. We believe in its current form the law will force our health care system down a path sure to lead to higher costs and the disruption or discontinuation of millions of Americans' insurance plans. Though we still have grave concerns with other provisions of the PPACA, we suggest the following improvements: provide states with complete flexibility on operating the exchange, most importantly the freedom to decide which licensed insurers are permitted to offer their products; waive the bill's costly mandates and grant states the authority to choose benefit rules that meet the specific needs of their citizens; waive the provisions that discriminate against consumer-driven health plans, such as health savings accounts (HSA's); provide blanket discretion to individual states if they chose to move non-disabled Medicaid beneficiaries into the exchanges for their insurance coverage without the need of further HHS approval; deliver a comprehensive plan for verifying incomes and subsidy amounts for exchange participants that is not an unfunded mandate but rather fully funded by the federal government and is certified as workable by an independent auditor; commission a new and objective assessment of how many people will end up in the exchanges and on Medicaid in every state as a result of the legislation (including those "offloaded" by employers), and at what potential cost to state governments. The study must be conducted by a neutral third-party research organization agreed to by the states represented in this letter.

We hope the Administration will accommodate our states' individual circumstances and needs, as we believe the PPACA in its current form threatens to destroy our budgets and perpetuate and magnify the most costly aspects of our health care system. While we hope for your endorsement, if you do not agree, we will move forward with our own efforts regardless and HHS should begin making plans to run exchanges under its own auspices.

Sincerely,

Governor Robert J. Bentley; Governor C.L. "Butch" Otter; Governor Nathan Deal; Governor Mitch Daniels; Governor Terry E. Branstad; Governor Bobby Jindal; Governor Haley Barbour; Governor Brian Sandoval; Governor John R. Kasich; Governor Tom Corbett; Governor Dennis Daugaard; Governor Sam Brownback; Governor Paul R. LePage; Governor David Heineman; Governor Susana Martinez; Governor Mary Fallin; Governor Nikki Haley; Governor Bill Haslam; Governor Rick Perry; Governor Scott Walker; Governor Gary R. Herbert.

I reserve the balance of my time.

Ms. DELAURO. I rise in opposition to the amendment.

The Acting CHAIR (Mr. GINGREY of Georgia). The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield myself 1½ minutes.

Defunding the health insurance exchanges that we created in the Affordable Care Act will hurt small businesses, which are the driving force of our economy. It destroys jobs, takes away consumer choice and increases the deficit.

By gaining access to the exchanges, small businesses will prosper from what large employers have enjoyed for years: large group rates, lower administrative costs and greater transparency. The exchanges also give small businesses and their employees access to a fuller range of plans. They give families across America access to the information that they need in order to be able to buy the best plan at a competitive price that suits their needs.

The exchange has created a competitive marketplace for health insurance so that small businesses and middle class families across America can benefit from lower prices and more choices.

This is basic free market principles at work. One would think the majority would support any attempt to bring competition to health care but, instead, they are carrying the water for big insurance companies who do not want competition. They want to preserve their monopoly. They want a captive market, forced to pay whatever exorbitant rates they feel like charging. That will not bring down health care costs or cut the deficit. The health insurance exchanges help slow the surging cost of health care by introducing competition into the marketplace.

I urge my colleagues to oppose this amendment which will threaten our economy, harm our small businesses and will destroy jobs.

I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I appreciate the gentleman from Colorado's leadership on this. If you notice the common theme, Mr. Chairman, it's that these folks want the government to be in charge of our health care, these folks over here want patients to be in charge of our health care, and it kind of runs throughout all of the issues as they relate to health care.

Now, the exchanges may seem like a great idea, but there's a big problem with the way that they are set up. They don't work. You don't have to believe us. Goodness gracious. Twenty-one Governors have sent a letter to Secretary Sebelius, and what did they say? They need complete flexibility on operating so that they have the freedom to decide which insurers offer the products in their State. If that weren't true, it would mean that the government, the Federal Government is offering it.

What they are asking for: waiving the costly mandates, which means, Mr. Chairman, that the mandates are crushing the States across this great land. They have asked for waiving the provisions that discriminate against all sorts of plans.

Remember, Mr. Chairman, that you won't be able to keep what you like. You won't be able to keep what you like.

So this is pretty simple. These folks want the government to be in charge of our health care. These folks want patients to be in charge of our health care. We come down on the side of patients.

Support the amendment.

Mr. GARDNER. Mr. Chairman, again, I would simply urge adoption of the amendment to defund the exchanges.

As a former State legislator, the legislators I have talked to in Colorado and around the country all urged the same thing that I have spoken to: Defund the exchanges; defund this bill.

Let's put real solutions in place that will actually decrease the cost of care, increase the quality of care, and we can begin that process tonight.

I reserve the balance of my time.

□ 1940

Ms. DELAURO. I yield 2 minutes to the gentleman from New Jersey (Mr. FALLONE).

Mr. FALLONE. Mr. Chairman, again, the question here is whose side are you on? The only people that I talk to who are against the exchanges are the big insurance companies and their representatives, because they are the only ones that stand to gain by keeping the status quo and not having the exchanges. The little guy, the consumer wants the exchange. Why? Because he can get affordable coverage, because he can get a good benefit package, because there is transparency, because he can find out what's being offered and how much it costs him. And the insurance companies don't want any of that because they want to continue with business as usual, keep raising rates.

Now, we all know how it works. The large employers, they can go out and get group coverage, but if you are an individual or you are a small business, it's very hard to do that. And that's why we set up the exchanges, because basically it's like a larger insurance pool. And now the small business, the individual can go on the exchange, they can find out what's going on, they can see what the rates are, and there's competition.

As the gentlewoman from Connecticut said, the Republicans always used to be for competition. This is the marketplace. This is capitalism. This is what we are providing here. It's a choice. More choices for the little guy. That's what this is all about. And I for the life of me do not understand again why the Republicans would not want to have the exchanges except for the same reason, they are siding with the big insurance companies. They are not worrying about the consumer and the average American.

It's also the fact that we're talking about portability. Right now, if you have a job and you're afraid to go to another job, and maybe a better job, or something that you'd like to do because you are afraid that you're going

to lose your health insurance, well, now you don't do that. You can change your jobs. You can do something better. You can improve your life. You can live the American Dream because now you don't have to worry about not being able to find a good, affordable insurance policy. This is another aspect of the exchanges that are really so important.

Really, the exchanges are the heart of what we're trying to do, which is cover all Americans, provide access to good insurance coverage for all Americans, and make it at a reasonable cost. That is not the case now, and it will only be the case if these exchanges, as part of the larger health care reform, become law and continue to become law.

Mr. GARDNER. I reserve the balance of my time.

Ms. DELAURO. How much time is left on each side?

The Acting CHAIR. The gentlewoman from Connecticut has 1½ minutes remaining. The gentleman from Colorado has 2½ minutes remaining.

Ms. DELAURO. I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

For 15 million Americans, this is another Friday night without a paycheck. And instead of working together to create jobs, here we are again relitigating the health care bill, the bill we talked about last year, last month, last week, yesterday, this morning. Here we are. We should be creating jobs, but here we are.

Now, the exchange does three things. It says that small businesses and families and individuals can get the same purchasing power that big corporations do when they buy their health insurance. It says you can choose among private competitors, insurance companies, and see who makes the best offer to you. And it says you make the choice that you want.

This should sound very familiar to the Members on the other side because it's exactly what they have as Members of Congress in the Federal health insurance program. So I would think that the Members on both sides would want their constituents to have the same health care opportunities that they do. If you believe that's the case, then the right vote on this amendment is "no."

Ms. DELAURO. Mr. Chairman, do I have any time left?

The Acting CHAIR. The gentlewoman from Connecticut has 13 seconds remaining.

Ms. DELAURO. In my 13 remaining seconds, to quote Mr. GARAMENDI here, What are the health insurance exchanges? It's called the Federal Employees Health Benefit Program. We in the Congress have the benefit of enjoying a health care exchange where we

can have our choice, pick the plan that suits our needs, get it at competitive rates. Why do we not want to extend this for the rest of the country? It should not just be the purview of those who serve in the United States Congress.

Mr. GARDNER. Mr. Chairman, I will remind my colleagues of testimony that was given before the House Budget Committee by Mr. Foster, the chief actuary of Medicare, who blew a hole in the two primary promises of ObamaCare. The first promise, that people get to keep the health care that they have if they liked it, he said that's not going to happen. The second promise, that it would lower the cost of health care, he said that's not going to happen. This is the chief actuary of Medicare.

I didn't have the opportunity to speak on this floor when this bill came through the House of Representatives, but I do now, because the people of Colorado spoke on November 2 when they said, enough is enough, let's get Congress doing the people's business, creating jobs, getting government out of the way.

Let's find real solutions for the health care bill, solutions that will actually bring commonsense reforms to lower the cost of health care, increase the quality of care, not result in 800,000 job losses, not result in promises made to the people that can't be kept. We have got to do something soon. And I hope it's voting. I urge the adoption of this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. GARDNER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENTS NO. 329, 330 AND 331 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chair, I ask unanimous consent that my amendments 329, 330 and 331 be considered en bloc.

The Acting CHAIR. Without objection, the amendments will be considered en bloc.

There was no objection.

The Acting CHAIR. The Clerk will designate the amendments.

The text of the amendments is as follows:

AMENDMENT NO. 329

At the end of the bill (before the short title), insert the following:

SEC. _____. The amount otherwise made available by this Act for "Department of Energy, Power Marketing Administrations, Operation and Maintenance, Southeastern Power Administration" is hereby reduced to \$0.

AMENDMENT NO. 330

At the end of the bill (before the short title), insert the following:

SEC. _____. The amount otherwise made available by this Act for "Department of Energy, Power Marketing Administrations, Operation and Maintenance, Southwestern Power Administration" is hereby reduced to \$0.

AMENDMENT NO. 331

At the end of the bill (before the short title), insert the following:

SEC. _____. The amount otherwise made available by this Act for "Department of Energy, Power Marketing Administrations, Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration" is hereby reduced to \$0.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendments.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of February 17, 2011, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chair, these amendments eliminate as no longer necessary the Federal administrative subsidy for the Southeastern Power Administration, the Southwestern Power Administration and the Western Area Power Administration. These massive energy subsidies amount to what I call unauthorized megamarks. These energy subsidies, that began three decades ago to develop only the West and South, now cost the rest of America billions of dollars.

In fact, the Northeast, Florida, the Midwest, the Great Lakes States are heavily subsidizing the power systems of the West and South. I have a map here that kind of shows the parts of America that have a Federal power umbrella and those that don't. And it's really shocking to look at what the utility rates are. In Idaho, with federal energy subsidies, it costs residential consumers \$7.98 per kilowatt hour. But guess what, in Ohio, that has no subsidy, it costs those residential consumers \$11.34. In Wyoming, with power subsidies, it costs \$8.39. But in Connecticut, with no subsidy, it costs those citizens \$19.35 a kilowatt hour.

To achieve real budget savings, we must address megamark spending, not just district-targeted earmarks, but massive megamarks. These regional Federal power subsidies illustrate the problem. In fact, those subsidies, over only some regions, are privileges that the other regions of our country can't afford anymore. These regions have outlived their welcome in terms of subsidy. Those regions need to compete in the free market just like the rest of our regions do. No more free rides, because America can't afford it anymore.

My part of America can't afford the largesse given to the energy power

marketing authorities in the other regions. The Southeastern Power Administration has never been operationally self-sufficient. It has cost the taxpayers \$545 million, over half a billion dollars, since created in 1950.

Similarly, the Southwestern Power Administration has never been operationally self-sufficient, costing the taxpayers over \$707 million since it was created in 1944. And WAPA, the Western Power Authority, has never been operationally self-sufficient. It has cost the taxpayers over \$7 billion since being created in 1978.

Twenty-seven years of continued appropriations to only some regions seems like plenty of time for those agencies to have business plans in place to yield self-sufficiency and compete in the real marketplace like the rest of us are expected to do.

□ 1950

In my region of the Nation, we have no Federal power subsidy. Ohioans pay 11.3 cents per kilowatt hour, but Utah only pays 8.7 cents. Arkansas only pays 8.8 cents. But New York pays 18.6 cents. New York has no Federal power marketing subsidy. Citizens where I live tax themselves separately and locally through local tax levies for economic development. The Federal Government has never helped us on our power costs. Our energy is provided through investor-owned utilities, and we have no Federal cushion to depend on. That's the reason recession causes tremendous hardships in free market regions like our own. How are Federal power subsidies to just some regions fair to all our taxpayers? After three decades, it's time to let three unauthorized power marketing administrations stand on their own two feet and compete in the free market, just like our region does. Balance our budget, cut the subsidies, cut the Mega-marks, cut regional favoritism that benefits the few at the expense of the many.

I ask to include in the RECORD a full State-by-State power cost analysis so all Americans can know who is being subsidized and who is eking it out and trying to compete in the real marketplace, the free marketplace. I ask Members here to support the Kaptur amendment to eliminate the Federal administrative subsidies for power marketing authorities.

Now let me point out that some of our power marketing authorities are doing it right, paying their own way. Take Bonneville, they did it right. There's a way to do it right and a way to do it wrong, and we shouldn't reward inefficiency. We should allow these subsidized institutions to compete in the free market and not make the other parts of America that are burdened by high unemployment and high power costs, to be giving favored treatment to other parts of the country that are not carrying their own load for-

ward. Again, take a look at the privileged parts of America and then ask yourself who's paying for it. It's pretty clear what's going on here.

The Southeastern Power Marketing Administration was budgeted to be zero funded in the President's FY11 budget. The amendment would allow this 2010 funding to go to zero. But under the continuing resolution, they will continue to be funded at their 2010 levels in spite of being eliminated in the budget. There is a lot of book-keeping going on here that doesn't treat all parts of America fairly. I ask my colleagues to do what we've had to do in our region, compete in the real marketplace. Support the Kaptur amendments.

AVERAGE RETAIL PRICE OF ELECTRICITY

(Cents per kWh)

Rank (residential)	State	Residential	Commercial	Industrial
1	HI	28	25.86	21.87
2	CT	19.35	16.49	14.41
3	NY	18.66	16.05	9.73
4	NJ	16.61	13.98	11.68
5	AK	16.44	14.12	13.99
6	NH	16.31	14.22	12.77
7	VT	15.96	13.42	9.46
8	RI	15.94	12.88	12.89
9	ME	15.73	12.41	8.72
10	CA	15.23	14.21	11.05
11	MA	15.18	15.28	13.19
12	MA	14.54	11.64	9.45
13	DE	13.84	11.38	9.61
14	PA	12.84	10.24	7.61
15	WI	12.57	9.96	6.81
16	MI	12.51	10.12	7.19
17	WV	12.42	9.94	7.5
18	TX	11.61	9.19	6.31
19	IL	11.6	8.84	6.72
20	FL	11.5	9.77	8.84
21	OH	11.34	9.78	6.32
22	CO	11.12	9.13	6.96
23	AZ	11.05	9.52	6.75
24	AL	10.87	10.28	6.04
25	NM	10.63	8.72	6.07
26	SC	10.56	8.88	5.67
27	VA	10.55	7.68	6.74
28	IA	10.46	7.91	5.38
29	MN	10.46	8.37	6.31
30	NC	10.28	8.19	6.15
31	GA	10.26	9.06	6.18
32	MS	9.98	9.33	6.36
33	TN	9.98	9.66	6.63
34	KS	9.97	8.15	6.15
35	IN	9.61	8.4	5.96
36	MO	9.22	7.54	5.56
37	MT	9.18	8.5	5.58
38	OK	9.17	7.42	5.2
39	NE	9.02	7.66	5.96
40	LA	8.97	8.53	5.9
41	SD	8.94	7.58	5.89
42	OR	8.86	7.66	5.47
43	AR	8.82	7.25	5.42
44	WY	8.79	7.48	4.98
45	WV	8.78	7.66	5.86
46	UT	8.77	7.23	4.99
47	KT	8.59	7.86	5.06
48	ND	8.15	7.19	5.67
49	ID	7.98	6.69	5.18
50	WA	7.97	7.31	3.96

States in italic are located in Power Marketing Administrations (PMA) States.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, the amendments propose a net increase in budget authority in the bill. The amendments are not in order under section 3(j)(3) of House Resolution 5, 112th Congress which states, "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease of such budget authority pursuant to clause 2(f) of rule XXI."

The amendments propose a net increase in budget authority in the bill in violation of such section. I ask for a ruling.

The Acting CHAIR. The gentleman from Kentucky makes a point of order that the amendments offered en bloc by the gentleman from Ohio violate section 3(j)(3) of House Resolution 5.

Does any Member wish to be heard on the point of order?

The gentleman from Ohio is recognized.

Ms. KAPTUR. Mr. Chairman, only in Washington would they say that if you ask organizations to compete in the free market, it costs more money to the Federal Government. Only in Washington would that kind of book-keeping exist. So I am troubled by the point of order, but I would just say that I thank the gentleman for expressing his point of view. This will not be the last time we hear about power marketing authorities and their inability to compete in the private marketplace this year.

The Acting CHAIR. The Chair is prepared to rule on the point of order.

Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

The Chair has been persuasively guided by an estimate from the chair of the Committee on the Budget that the amendments propose a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendments are not in order.

AMENDMENT NO. 126 OFFERED BY MR. WEINER

Mr. WEINER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to provide assistance to Saudi Arabia.

SEC. ____ None of the funds made available by this Act for "International Military Education and Training" may be used for assistance to Saudi Arabia.

SEC. ____ None of the funds made available by this Act for "Nonproliferation, Anti-terrorism, Demining and Related Programs" may be used for assistance to Saudi Arabia.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, to the great relief, I'm sure, of all those assembled, I don't intend to take the full 5 minutes.

The amendment I propose is one that I think that both sides of the aisle will rally around. It's very simple. It limits any aid in this bill going to the Kingdom of Saudi Arabia. Why we would be

providing any aid to Saudi Arabia at all has been an eternal mystery to me, given their propensity to exporting terrorists, given that they had exported 15 of the 19 homicide bombers on September 11, given that just in December when the WikiLeaks came out, it was learned in a quote from the Secretary of State, "It has been an ongoing challenge to persuade Saudi officials to treat terrorist funding as an important priority." Given that the Saudis have textbooks that say things like this in them. This is what they teach to their children:

"The Prophet said, The hour of judgment will not come until Muslims fight the Jews and kill them. O Muslim. O Servant of God. There is a Jew behind me. Come and kill him." They have textbooks that also lash out at Christians.

It is also important to note that in this House year after year, we've eliminated aid to the Saudis, only to have it come back. As you see on this chart, 2005—it was actually defeated that year—but every subsequent year, this House voted to ban aid to Saudi Arabia, and it comes rising back up like a Shakespearean specter. This language strikes the Presidential waiver, and says no more aid to Saudi Arabia.

I reserve the balance of my time

Ms. GRANGER. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from Texas is recognized for 5 minutes.

Ms. GRANGER. The underlying FY10 bill already prohibits assistance to Saudi Arabia, unless the Secretary of State determines that it is in our U.S. national interest. Maintaining a relationship with Saudi Arabia is critical to our national security, and I am concerned this amendment could jeopardize that relationship.

Our two countries enjoy robust counterterrorism intelligence sharing. Saudi-U.S. collaboration helped thwart the package bomb from Yemen. Saudi Arabia is a critical strategic ally with whom we share mutual enemies and mutual threats. I believe this amendment goes too far, and I urge a "no" vote.

I yield back the balance of my time.

Mr. WEINER. I simply say, with the greatest respect to Madam Chair, that we have spoken in this body repeatedly. The Saudis don't need our money. They've got plenty of their own money. It's the money that they use when they jack up gas prices and give us no help in trying to deal with them. It's the money that they use to export terrorism. They don't need any of our money.

I understand there is a Presidential waiver. This may come as a surprise that my friends now want to give the President that authority to override Congress. I think we should take it away and say no aid to Saudi Arabia.

I ask for a "yes" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

□ 2000

AMENDMENT NO. 101 OFFERED BY MR. WEINER

The Acting CHAIR. For what purpose does the gentleman from New York rise?

Mr. WEINER. The gentleman from New York is on a roll, so he'll ask for Weiner amendment 101.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____ . None of the funds made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide nonrecourse marketing assistance loans for mohair under section 1201 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Thank you.

Once again, I have no intention of taking the full measure of my time. This is an amendment that has been discussed on this floor many times. Unfortunately, it keeps coming back. We provide subsidies believe it or not—

Mr. KINGSTON. Will the gentleman yield?

When the gentleman is ready to yield, I want to say we support the amendment.

Mr. WEINER. Thank you. I appreciate it. I'm going to be very brief. Just let me explain. This is an amendment that—

Mr. DICKS. Will the gentleman yield? What are the names?

Mr. WEINER. Now I would say to the ranking member, I'm from Queens. I'm from New York City. So I thought mohair was a guy named Moe who had long hair. But I now know that it is a subsidy that dates back to World War I when our uniforms were made with mohair and there was a strategic imperative to make sure we had enough. We provide a subsidy. This has not been used in military uniforms now for about 55 years.

Congressman CHAFFETZ and I have been agitating to try to eliminate this subsidy. There's still \$1 million of funding going to about 12 farmers. No goats lost anything for the purpose of this picture. This is what a mohair looks like.

I would urge my colleagues to end this wasteful subsidy.

I yield to the chairman of the subcommittee.

Mr. KINGSTON. Well, I have to ask my friend from New York if sheep are

carnivorous. Do they bite human beings? That's my question. I understand that they can be carnivorous.

Mr. WEINER. Reclaiming my time, first of all, show some respect. They're goats. Second of all, and if you are referring to a press conference that went awry that I had where I perhaps might have been bitten by a goat, I will say this: I believe that there is nothing wrong with these animals. We want them to have as much hair as they need. And if you want to give them a haircut, you should do it with your own money. It shouldn't be on the taxpayers' dime.

So I urge a "yes" vote on the Wiener amendment.

Mr. KINGSTON. So there's not a feed subsidy for them. I just want to make sure, Mr. Chairman, because I understand there was an incident. We do support the amendment.

Mr. WEINER. Thank you.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was agreed to.

AMENDMENT NO. 151 OFFERED BY MR.

NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used for repair, alteration, or improvement of the Executive Residence at the White House.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, this discussion we have been having for the last 3 or 4 days is really about what the American people said on November 2. They said that these huge deficits are unacceptable. The fact is that we're going to run a \$1.6 trillion deficit this year and our debt is almost \$14.1 trillion. Projections are that if we continue on this pace, that will double in the next 10 years.

Mr. Chairman, the American people said this is unacceptable. And so what are the American people doing in their own lives at home? Well, they're addressing needs versus wants. And what they're saying is there are some things that they need, and then there's some things that they want. But what they understand in these tough economic times, where we have a number of our American citizens unemployed, is that a lot of people are having to prioritize how they spend. And maybe there's a fence in the backyard that needs replacing, or maybe the deck in the

backyard needs new boards, but they're postponing those.

And so basically this is a very simple amendment. Basically, the White House has two accounts: one for basically daily maintenance. That account has \$13 million, and this amendment does not address that account. But as they do in Washington, do you know what happens if you want to get more money? You add more accounts, and you just rename them. And there is another account called renovations and upgrades. And so what we're saying is that there's \$2 million worth of upgrades that the White House would like to do. It includes things like doing a plumbing survey and some things like computer system upgrades. We think that possibly those are items that can wait until our economy gets rolling again, until we quit having these record deficits.

And so it is a very simple amendment, Mr. Chairman. We just think that the White House can postpone those expenses, things that they would like but not necessarily need. This will still allow the White House to mow the yard, do the painting, do the maintenance at the White House; but it says these capital expenditures of over \$2 million should be postponed for another year or two until we get our deficit spending down.

With that, I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. I yield myself 1½ minutes.

I would like to say that there is an account in our financial services bill for repair and restoration at the White House, and the funding for that is \$495,000, or 20 percent less than the fiscal year 2010 levels. And these requested funds would provide for an alternate electric feed, which we understand is because the power there fails occasionally, computer system upgrades, a plumbing system survey to begin addressing their leaky plumbing.

However, the language of Mr. NEUGEBAUER's amendment doesn't just strike funding in this account. This amendment actually states that none of the funds made available by this act may be used for repair, alteration or improvement of the executive residence at the White House.

And this is really a sweeping prohibition because it prohibits all repairs at the White House. So what happens if a pipe bursts? What happens if there is a hole in the drywall or the plaster? What if there's an electrical fire or a broken window? What if a safety or security issue needs to be addressed? And I dare say that most people, most everybody, even if they were tightening their belts, they would still have to deal with those emergency issues.

And at the end of the day, the White House is the most visited residence in the country. It's an office, it's a museum, and it's a home. And regardless of who occupies the White House, the building needs to be maintained.

We have already reduced the account that pays for repairs and alterations by 20 percent. Do we really, really want to prohibit all repairs and all alterations at the White House, which is our house?

I reserve the balance of my time.

Mr. NEUGEBAUER. I yield myself such time as I may consume.

Well, I would say to the gentlewoman that there is ample money for maintenance involved in the White House. As I said, in section 1519, there is \$13 million available for electrical issues, for painting issues, for maintenance issues.

I think what we are saying, and I would be glad to work with the gentlewoman in the conference report if she wants to be more specific, but the three projects that this administration requested actually totaled \$2 million: \$1.5 million for an electrical system, computer system upgrades of \$255,000 and a plumbing system survey. This is a set of drawings for \$250,000.

I would submit to you that the American people are making some pretty tough choices and that certainly the White House is a treasure of this country; but, Mr. Chairman, so are our children and our grandchildren a treasure. And if we don't start making some tough choices here, then we are not going to have a future for our children, which should be one of our more treasured assets.

I would be glad to work with the gentlewoman in a conference report. But this amendment has merits because basically it says to the President—and I think the President would agree—you know what, if other American families are not making improvements to their house right now that aren't necessarily necessary this year, I don't think the President would want his either.

With that, I reserve the balance of my time.

□ 2010

Mrs. EMERSON. Mr. Chairman, if the gentleman from Texas has no other speakers, let me say one thing—that this amendment doesn't specify the account being reduced. It cuts all repairs and alterations.

I yield the balance of my time to the gentleman from New York (Mr. SERRANO), my brother.

Mr. SERRANO. I thank you for the time. I recognize that you do not support the amendment, but some folks still cannot help themselves.

This is not about the White House; it's about who lives in the White House. First, there was an amendment to cut his staff. Then there was an amendment that was taken away about

not allowing him a teleprompter, and now there's an amendment that says you can't fix the leaks in the White House. You know, we have a plumbing system at the White House that hasn't been repaired since Harry Truman. That's a long, long time.

So, yes, there are difficult times in this country, but when you have a house visited by many, many tourists throughout the year, you should be careful as to the wiring, about the kind of things that could happen with water, about the kind of things that could happen with safety. And after all, whether we like this President or not, this is the residential place and the office space for our President, for the next one, and the ones to follow.

I think this is a proper investment, and personally, I think it gets pretty petty when we don't even allow this President to have leaks fixed in the White House.

Mrs. EMERSON. Mr. Chairman, do I have any time remaining?

The Acting CHAIR. The gentlewoman from Missouri has 1½ minutes remaining. The gentleman from Texas has 1½ minutes remaining.

Mrs. EMERSON. I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank the gentlelady. I won't take but 30 seconds. Just to mention the fact, I've been around long enough to recall when money was requested for the Vice President's mansion when Dick Cheney was living there. That money was provided. This side didn't object when money was put into the White House when George Bush was the resident. This is kind of mean-spirited games. It's really beneath us. Let's not do this kind of stuff.

Mrs. EMERSON. I urge opposition to this amendment, as well-intentioned as it may be, and I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I kind of resent the insinuation that my amendment is addressed to this President. It's not addressed to this President. It's addressed to this country, and by the way, I was over at the White House during the White House Christmas party. The White House looked like it was in pretty good shape, and I can attest that the plumbing was actually working as well.

But what I would say, Mr. Chairman, is there's a lot of people that would want to come to this floor tonight and make excuses why we can't begin to cut spending in this country. You know what—the American people are tired of our excuses. This is a good amendment. There's been a lot of good amendments. Yes, these are difficult choices, but these are the kind of choices that we're going to have to make if we're going to ensure that our American families have a future, that we get this economy back going, that we create jobs,

and we do not leave a legacy of debt for our children and our grandchildren

With that, Mr. Chairman, I urge passage of it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. ROONEY

Mr. ROONEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled "Water Quality Standards for the State of Florida's Lakes and Flowing Waters" published in the Federal Register by the Environmental Protection Agency on December 6, 2010 (75 Fed. Reg. 75762 et seq.).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Florida (Mr. ROONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. ROONEY. Mr. Chairman, my amendment prohibits any funding in this bill to be used to implement, administer, or enforce the rule entitled Water Quality Standards for the State of Florida's lakes and flowing waters. Like all Floridians, I want clean and safe water, but this debate is not over whether we want clean water for Florida; it is over how we reach that goal and at what cost.

This EPA mandate, which singles out Florida, will drive up the cost of doing business, double water bills for all Floridian families, and destroy jobs. By some estimates, this will cost our States an estimated approximately \$2 billion. At a time when we should be attracting new companies in Florida, we cannot afford new regulations which will drive businesses out of our State and destroy jobs.

Our unemployment rate is over 12 percent and at 15 percent in some parts of my district. New, costly regulations are not going to improve those numbers. The EPA has repeatedly refused to allow third-party review of the science behind the proposed mandate, and they have failed to complete an economic analysis. This regulation is not grounded in science, and all Florida should not have to serve as the guinea pig in this radical experiment.

That's right, Mr. Chairman, Florida is the first State being required to comply with this Washington, D.C., mandate, and according to a recent New York Times article, an EPA official said they have no plans to implement the regulation in any other State. So I ask you, how is that fair?

But during the upcoming months I will be working with our agriculture commissioner, a former colleague here, Adam Putnam, who says that this will impact 14,000 jobs in Florida.

I'd also be willing to work with the Florida Department of Environmental Protection and other concerned State and Federal agencies to develop a plan that can be agreed upon by all parties. We cannot allow an unaccountable EPA to act dictatorial in this issue that affects every Floridian.

Until the EPA is willing to consider Florida's unique needs and economy, this regulation must not go into effect. A recent poll shows that 68 percent of Floridians do not want this Washington, D.C., mandate. Dozens of Florida job creators and associations, as well as 60 national companies, including the U.S. Chamber of Commerce and the American Farm Bureau, have sent letters to Congress to oppose this mandate.

Mr. Chairman, I urge my colleagues to support this amendment.

FLORIDA DEPARTMENT OF
AGRICULTURE AND CONSUMER SERVICES,
Tallahassee, FL, February 17, 2011.

Hon. THOMAS J. ROONEY,
House of Representatives, Longworth Building,
Washington, DC.

DEAR REPRESENTATIVE ROONEY: I am writing in strong support of your amendment to H.R. 1, the 2011 Full-Year Continuing Appropriations Act that will prevent the Environmental Protection Agency (EPA) from implementing, administering, or enforcing the proposed numeric nutrient criteria for Florida.

For several years now, Florida has been working to improve its water quality and, in many respects, our efforts have been a model for other states. Until 2009, Florida was working cooperatively with EPA to improve our water quality standards. In 2009, in an attempt to settle a lawsuit brought by environmental groups, EPA decided to abandon that cooperative approach, federally preempt our state water quality standards, and impose new criteria on the state. Many are concerned that these new criteria are not based on sound science, including EPA's own Science Advisory Board, which has expressed serious concerns about the science used by EPA to support the regulation.

This issue is particularly important given the economic impacts of the proposed regulation. The Florida Department of Environmental Protection estimates that this federal mandate may force municipal wastewater and stormwater utilities to spend as much as \$26 billion in capital improvements to upgrade their facilities. The Department of Agriculture and Consumer Services has estimated that the regulation will impact over 14,000 jobs. Given the reality of Florida's economic situation, these estimates are of great concern.

Given all of this, I was proud to join Florida's Attorney General Pam Bondi in filing a

lawsuit against EPA over these rules. EPA's flawed regulation must be set aside so that we can return to an effort to improve Florida's water quality that is cooperative, economically feasible, and based on sound science. I am deeply grateful for your leadership in offering this amendment and strongly encourage your colleagues to support it.

Sincerely,

ADAM H. PUTNAM,
Commissioner of Agriculture.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, this amendment is the equivalent of sticking your head in the sand—I use that analogy because we're talking about Florida—hoping that a growing problem somehow will miraculously go away.

Back in 2009, a consent decree was reached in Federal court between EPA and numerous Florida environmental groups to set numeric limits for nutrients in the State's lakes, rivers, and streams. Such numeric standards are the only way to make progress correcting ecological problems. The need for the standards contained in this consent decree was demonstrated repeatedly by Florida's Department of Environmental Protection. They pointed out that 1,000 miles of the State's rivers and streams, 350,000 acres of Florida's lakes, and 900 square miles of its estuaries were contaminated by nutrient pollution from sewage discharges and fertilizer or manure runoff.

But this amendment would block these standards from being used. I fail to understand how the supporters of this amendment think that it's okay for folks to dump manure, fertilizer, and sewage into lakes and rivers without regard to the health of these waters or to the health of the people who depend upon these waters.

This water quality rule was published last November, but the regulations don't go into effect until March of next year. The major activity by EPA that this amendment would prevent is an education effort to help the communities, businesses, and the public meet these new standards.

The amendment also would block EPA from improving the regulations to meet the legitimate concerns of the public. That's what EPA is trying to do, reach out, get their ideas. There's a good question as to how much longer tourists will keep flocking to Florida if its lakes, streams, and rivers are in a death spiral, flushed with the water quality of cesspools.

□ 2020

I reserve the balance of my time, Mr. Chairman.

Mr. ROONEY. Mr. Chairman, I continue to reserve.

Mr. MORAN. May I inquire how much time we have left?

The Acting CHAIR. The gentleman from Virginia has 3 minutes. The gentleman from Florida has 2½ minutes remaining.

Mr. DICKS. Mr. Chairman, who has the right to finish on this amendment? The Acting CHAIR. The gentleman from Virginia has the right to close.

Mr. MORAN. Mr. Chairman, at this time I would yield the remaining 3 minutes to the very distinguished lady from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise in opposition to amendment 13, which would defund Florida's new clean water rules. This amendment will harm Florida's economy and threaten the natural ecosystems on which we rely.

This past November, the U.S. Environmental Protection Agency approved a final regulation setting new water quality standards for Florida's lakes and streams. This clean water rule is desperately needed to address the nutrient pollution contaminating more than 1,000 miles of State rivers and streams, 350,000 acres of lakes, and 900 square miles of estuaries.

Potential tourists to Florida often envision images of pristine beaches, beautiful waterways, and vibrant coastal ecosystems with great fishing and recreational opportunities. That is why so many people flock to our State. Florida's waterways, beaches, and coastal ecosystems are critical parts of the economic engine that drive Florida's \$65 billion a year tourism industry.

But without the new clean water standards, this could all evaporate. Already algae outbreaks plague many of our lakes and rivers, depleting oxygen levels and suffocating living organisms. Nutrient pollution results in massive fish kills, waterways clogged with toxic green slime, beach closures, and reduced waterfront property values.

We need these new clean water standards because the current standards for determining when someone is polluting is vague, and therefore unenforceable. Waiting until the waterway is choked with sewage, fertilizer, or manure is simply no way to manage our water.

For over 10 years the State of Florida labored to produce a clean water rule but never quite got there. In the absence of State action, EPA had to act to protect Florida's waters. EPA produced a rule built on years of data collected by the State and based on the best science available.

The clean water rule is also the product of tens of thousands of public comments, numerous public meetings and workshops, and years of consultations between the State of Florida's Department of Environmental Protection and the U.S. Environmental Protection Agency.

While EPA took over finalizing new standards, they did not take a "my

way or highway" approach. They listened to Florida's citizens and regulated entities, made many adjustments, and included plenty of flexibility.

To begin with, the final nutrient standards are comparable to the State's own draft standards. In some areas they are more stringent, but in other areas, they are less stringent. The major difference between the State and Federal rule is that the EPA actually finalized it rather than continuing the foot-dragging.

And as a practical matter, all this amendment will really do is hurt the very stakeholders its proponents say they want to help.

EPA built in a 15-month delayed implementation to allow it to provide technical assistance to stakeholders and ensure compliance is achieved in the most efficient, cost-effective way possible. EPA is using this time to hold workshops, seminars, and other meetings of regulated entities to achieve this end. But with this amendment, that all goes away. These regulated entities will still have to comply with the law, but now they'll be on their own.

Perhaps even worse for the regulated entities, this amendment will prevent State water managers from utilizing the flexibilities of the rule. It would prevent the EPA from working with the State to develop and implement a process to review and approve site-specific alternative criteria proposed by regulated entities. This makes no sense.

This rule provides flexibility to regulated entities and to the State. If the amendment passes, it would be devastating to Florida's economy.

Mr. ROONEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. ROONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROONEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. STEARNS

Mr. STEARNS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011,

the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Thank you, Mr. Chairman, and I yield myself such time as I may consume.

My amendment, my colleagues, is simply to say that the United Nations is a very valuable building and the renovations that are occurring right now are necessary, but—

Now, the renovations that are occurring on the U.N. ultimately are necessary, but the cost that is occurring is not. There's a huge overrun.

I want to be clear that the opposition I have with this amendment is not to obstruct the U.N. from making a safe environment for the workers and the visitors that come there but to encourage reform and use best business practices considering that the taxpayers are funding about a quarter of the amount of money they're spending for renovations.

You know, we had a hearing here in Congress looking at what it would cost to build and renovate the United Nations. And they presented a figure. Well, Donald Trump, who's built a lot of hotels, a lot of apartment houses, came in and he said, "I could do the same thing for half the money." That was half the money back when he offered that. So he said using better business practices, he could do it for a lot less money.

So I believe my colleagues that the U.N. has had a history of wasting money.

Let me give you one example.

In 2003, in the Secretary General's bulletin, he banned all smoking in the U.N. Well, the U.N. spent \$130,000 on a ventilation system to accommodate smokers in the cafeteria. Well, I'm not clear why they did that.

The architect was starting to get into so many problems, they terminated him. By so doing, they paid him \$44 million after the termination.

So these are the kinds of things that I am worrying about, and I think the U.N. auditors have expressed the same concern that I have in the whole process of procurement and contract management on the U.N. renovations and building construction programs.

The GAO expressed their concern regarding the U.N.'s weakness in existing internal oversight and procurement.

So all I'm asking simply is in this time of a weak economy, we should hold off continuing to renovate the U.N. until we practice best business practices and we make sure that they're not continuing to have overruns.

I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I rise against the Stearns amendment because it would exacerbate security vulnerabilities at the United Nations headquarters in New York City.

The United Nations Capital Master Plan addresses a number of serious life safety and security concerns to staff, diplomats, and visitors. The U.N. receives approximately 5,000 accredited delegates annually from around the world and 300,000 tourists, about 40 percent of whom are Americans. Almost 4,300 people work at the U.N. headquarters complex, including 1,280 Americans.

The U.N. headquarters complex, the majority of which is 55 years old, is not compliant with New York City building and life safety codes or modern security requirements.

□ 2030

The major building systems are inefficient, beyond their useful life, increasingly difficult to maintain and repair. For example, the life safety systems are a great concern, including inadequate sprinkler and alarm systems and the lack of an automatic shutdown of ventilation systems in the event of a fire. Hazardous materials, such as asbestos, are still present in the facilities.

Providing the U.N. with safe and functional headquarter facilities will enable the organization to operate more effectively is what we all want.

Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Florida has 3 minutes remaining.

Mr. STEARNS. Let me just mention a little thing more about my amendment.

Basically, as I've told my colleagues, this is a cost overrun on renovations in the U.N., and more importantly, with this huge economic downturn that we've had, I think we need to go back and look at the procurement process at the U.N.

I want to say something that's different from the U.N. amendment. I had an amendment, 429, dealing with Fannie Mae and Freddie Mac. This amendment was ruled out of order, and it was because the amendment basically did not specify the individuals whose defense by the United States taxpayers has been supported, would be stopped payment by my amendment 429.

To put it into perspective, the amendment I had was saying that people like Franklin Raines, who was the CEO of Fannie Mae, and these other executives, while they were hiding huge amounts of debt, were collecting huge bonuses, including the board of directors of Fannie Mae and Freddie Mac; and at the same time, the inspector

general found that these people were hiding this debt, and now taxpayers have to pay for their defense and bail them out. But the ironic thing and the tragic thing is that taxpayers have to pay the lawyers to defend all these people that actually were hiding the debt and looting these companies.

So my amendment is basically saying that taxpayers should stop paying the legal fees for these executives that were hiding the debt and acted illegally. But understanding that this is out of order, I'm not going to offer this amendment. I will look for another opportunity to make my case.

My amendment would prohibit funds from the United States from being used for the design, renovation, or construction of any headquarters of the United Nations located in the United States.

The U.N. headquarters will undergo renovations, as planned, with an estimated cost of more than double the original amount expected. The renovations are necessary, but the cost to do so is not. I want to be clear that my opposition is not to obstruct the U.N. from making a safe environment for their workers and visitors, but to encourage reform through better business practices—considering taxpayers are responsible for 22% of the U.N.'s budget.

Time after time, we have asked American families to tighten their belts and exercise fiscal restraint. Why should they do with less and not the U.N.? It is time that this Congress lead by example. Our constituents deserve more than the perceived normal rhetoric of "Do as we say, not as we do."

Congress held a full-scale hearing to determine if the U.N. estimates in fact reflected the lowest cost option. According to Donald Trump's testimony at the U.S. Senate hearing, the costs associated with the renovations would be overwhelmingly more than the U.N.'s estimate. Trump who has experience in these matters, testified he could complete the project for \$700 million. That's nearly half the amount than the U.N. projected they needed. The U.N. has a proven history of wasting hard-earned taxpayer's dollars and I am certainly not surprised to expect anything less from the U.N. when discussing the expenditures spent for their headquarters. The architect, that was later terminated, was given \$44 million. To me, this does not reflect the lowest cost option. Furthermore, the U.N. spent \$130,000 on a ventilation system to accommodate smokers in the cafeteria. Why would you spend so much to ventilate smoke in a cafeteria despite a 2003 Secretary General's Bulletin banning smoking in the U.N.? What's even more alarming is that even the U.N.'s own auditors had concerns regarding the possible inaccuracy of the project's estimated calculations and weaknesses in procurement and contract management. Moreover, in 2006 the GAO expressed their concerns regarding the U.N.'s weaknesses in existing internal oversight and procurement. It seems to me that this issue deserves more attention than the hearing conducted 5 years ago.

Without proper planning and oversight, I fear that these funds would just be wasted. More hearings and further investigations need

to be conducted before irresponsibly spending funds from this bill. With my amendment, the U.N. will be prohibited from continuing this gross disregard of hard-earned taxpayer dollars. Due to these reasons, I urge my colleagues to support my amendment.

It is my understanding that the Appropriations Committee never intended for any of the funds included in the continuing resolution be used for legal expenses defending Fannie Mae and Freddie Mac's former senior executives. My amendment is a certainty in an uncertain world. An assurance to our constituents that this gross abuse of taxpayer funds ends today.

The amendment I offer would prohibit funds made available by this act to be used for the payment of attorneys' fees or other legal expenses of any former senior executive officer of the Federal National Mortgage Corporation or Federal Home Loan Mortgage Corporation.

In response to the greatest financial crisis since the Great Depression, America hastily engaged, with my strong opposition, in a strategy of multiple bailouts to avoid the complete collapse of our financial system. We now know, as I believed then, that this strategy was no cure to our financial crisis and would leave taxpayers exposed to vast financial risk.

When the Government took over Freddie Mac and Fannie Mae in September 2008, taxpayers unknowingly inherited \$160 million in defending the failed firms. Of the \$160 million in taxpayer dollars spent, \$24.2 million was spent in defense of Fannie Mae's top senior executives. According to an in-depth report from the Office of Federal Housing Enterprise Oversight, these Fannie Mae executives were accused of taking action to manipulate profits, generating \$115 million in improper bonuses. Two years before this report was published, Fannie was found to have overstated its preceding six years of past earnings by \$6.3 billion.

Currently, employment contracts protect executives when sued and the company pays for legal defense. Some believe there should be no government liability to these legal fees because of the executives' breach of responsibility to the company and its stockholders. I agree responsible Americans should not have to pay for the irresponsibility of others and that is why I offered this amendment.

As you may recall, the 1,900 page legislation placing these GSEs under conservatorship failed to address a resolution to these entities, allowing the Federal Housing and Finance Agency (FHFA) to continue paying the legal fees of their executives. Poor crafted legislation is the reason this injustice has been allowed to carry on. When asked why funding of legal defense has not been cut off, the acting director of the FHFA, said: "I understand the frustration regarding the advancement of certain legal fees associated with ongoing litigation involving Fannie Mae and certain former employees. It is my responsibility to follow applicable Federal and State law."

I am outraged that billions of dollars have gone to benefit an indiscriminate number of private financial institutions that utilized reckless investment strategies. American's deserve more than for us to just "understand" their frustration; our responsibility to the taxpayers is much more than that. We must be

diligent in ensuring the investigation of these issues are a top priority for the 112th Congress. The time has come to make sure that we are doing everything we can to minimize any further taxpayer exposure to the irresponsible behavior of these companies.

The nationalization of private assets was clearly un-American and, as free-enterprising Americans, we needed to let our markets determine the winners and the losers. Unfortunately, the winners were not the American taxpayers of this country and, after billions spent and much debate, we are left with unanswered questions and unpaid legal fees showing no sign of ending.

This financial crisis affects every hard-working, taxpaying American. We should not be paying for the legal defense of the people whose reckless actions forced this economic crisis on us. I hope that members of this 112th Congress recognize the dire importance of this issue and vote in favor for the American taxpayer.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 414 by Mr. BISHOP of New York.

Amendment No. 519 by Mr. CAMPBELL of California.

Amendment No. 246 by Mr. BROUN of Georgia.

Amendment No. 263 by Mr. BROUN of Georgia.

Amendment No. 526 by Mr. WU of Oregon.

Amendment No. 27 by Mr. MARKEY of Massachusetts.

Amendment No. 409 by Mr. PRICE of Georgia.

Amendment No. 296 by Mr. MCCLINTOCK of California.

Amendment No. 99 by Mr. McDERMOTT of Washington.

Amendment No. 177 by Mr. HERGER of California.

Amendment No. 323 by Mr. BLUMENAUER of Oregon.

Amendment No. 566 by Mr. BOREN of Oklahoma.

Amendment No. 146 by Mr. FORBES of Virginia.

Amendment No. 333 by Ms. KAPTUR of Ohio.

Amendment No. 46 by Mr. POLIS of Colorado.

Amendment No. 498 by Mr. JOHNSON of Ohio.

Amendment No. 467 by Mr. GOODLATTE of Virginia.

Amendment No. 79 by Mr. GARDNER of Colorado.

Amendment No. 151 by Mr. NEUGEBAUER of Texas.

Amendment No. 13 by Mr. ROONEY of Florida.

Amendment No. 8 by Mr. STEARNS of Florida.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 414 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 156, noes 269, not voting 8, as follows:

[Roll No. 104]

AYES—156

Ackerman
Andrews
Baca
Bass (CA)
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Canseco
Capps
Capuano
Castor (FL)
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Foxy
Frank (MA)

Franks (AZ)
Fudge
Garamendi
Gibson
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Higgins
Hinchee
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
King (NY)
Kingston
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markay
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)

Miller, George
Moore
Moran
Murphy (CT)
Myrick
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarelli
Pastor (AZ)
Payne
Pelosi
Pingree (ME)
Polis
Price (NC)
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (TX)
Smith (WA)
Speier
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas

Van Hollen
Velázquez
Visclosky
Wasserman
Schultz

Waters
Watt
Waxman
Weiner
Wilson (FL)

Wu
Yarmuth

NOES—269

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clarke (MI)
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellison
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frelinghuysen
Gallegly
Gardner

Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Himes
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
King (IA)
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loeb sack
Long
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary

Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quigley
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sarbanes
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shuster
Simpson
Smith (NE)
Smith (NJ)
Southernland
Stark
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

Wittman
Wolf
Womack

Woolsey
Yoder
Young (AK)
Young (FL)

McHenry
Miller (MI)
Miller (NC)
Miller, George
Mulvaney
Olver
Pearce
Pence
Peterson
Pitts
Rehberg
Rogers (MI)
Rokita
Scalise
Schweikert
Scott, Austin
Smith (NE)
Stutzman

Upton
Walsh (IL)
Woodall
Young (IN)

Bass (NH)
Becerra
Benishek
Berkley
Berman
Biggert
Blibray
Bilirakis

Bass (NH)
Becerra
Benishek
Berkley
Berman
Biggert
Bilbray
Bilirakis

Bishop (GA)	Green, Gene
Bishop (NY)	Griffin (AR)
Black	Griffith (VA)
Bonner	Grijalva
Boren	Grimm
Brady (PA)	Guinta
Brady (TX)	Guthrie
Braley (IA)	Gutierrez
Brooks	Hanabusa
Brown (FL)	Hanna
Buchanan	Harper
Bucshon	Harris
Buerkle	Hartzler
Butterfield	Hastings (FL)
Calvert	Hastings (WA)
Camp	Hayworth
Campbell	Heck
Cantor	Herrera Beutler
Capito	Higgins
Capps	Himes
Capuano	Hinchey
Cardoza	Hirono
Carney	Holden
Carson (IN)	Holt
Carter	Honda
Castor (FL)	Hoyer
Chaffetz	Huelskamp
Chandler	Huizenga (MI)
Chu	Hultgren
Cicilline	Hunter
Clarke (MI)	Hurt
Clarke (NY)	Israel
Clay	Issa
Cleaver	Jackson (IL)
Clyburn	Jackson Lee
Coble	(TX)
Coffman (CO)	Jenkins
Cole	Johnson (GA)
Conaway	Johnson, E. B.
Connolly (VA)	Johnson, Sam
Conyers	Jones
Costa	Kaptur
Costello	Keating
Cravaack	Kelly
Crawford	Kildee
Crenshaw	King (NY)
Critz	Kingston
Crowley	Kinzinger (IL)
Cuellar	Kissell
Culberson	Kline
Cummings	Kucinich
Davis (CA)	Lance
Davis (IL)	Landry
Davis (KY)	Langevin
DeGette	Lankford
DeLauro	Larsen (WA)
Denham	Larson (CT)
Dent	Latham
DesJarlais	LaTourette
Deutch	Latta
Diaz-Balart	Lee (CA)
Dicks	Levin
Dingell	Lewis (CA)
Dold	Lewis (GA)
Donnelly (IN)	Lipinski
Doyle	LoBiondo
Dreier	Loeback
Duffy	Lofgren, Zoe
Duncan (TN)	Lowey
Edwards	Lucas
Ellison	Lujan
Emerson	Lungren, Daniel
Engel	E.
Eshoo	Lynch
Farenthold	Mack
Farr	Maloney
Fattah	Marchant
Filner	Marino
Fitzpatrick	Markey
Fleischmann	Matheson
Fleming	Matsui
Flores	McCarthy (CA)
Forbes	McCarthy (NY)
Fortenberry	McCaul
Frank (MA)	McCotter
Frelinghuysen	McDermott
Fudge	McGovern
Gallegly	McIntyre
Garamendi	McKeon
Gerlach	McKinley
Gibbs	McMorris
Gibson	Rodgers
Gingrey (GA)	McNerney
Gonzalez	Meehan
Granger	Meeks
Green, Al	Mica

Michael
Miller (FL)
Miller, Gary
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Petri
Pingree (ME)
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns

Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Van Hollen

Courtney
Ellmers
Giffords
Graves (MO)

ANNOUNCEMENT

The Acting Clerk
There is 1
vote.

So the amendment
The result
as above recorded.
Stated for
Mrs. ELLMERS
106, in the full
missed the full
have voted "Aye."
AMENDMENT

The Acting Clerk
business is
vote on the
gentleman
on which
postponed
vailed by vote.
The Clerk
amendments
The Clerk
ment.

The Acting Clerk
has been de
A recorded
The Acting Clerk
minute vote
The vote
vice, and the
not voting

Adams
Aderholt
Akin
Amash
Bachmann
Bachus
Bartlett
Bartlett
Barton (TX)
Benishek
Berkley
Bishop (UT)
Black
Blackburn
Boren
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell

Velázquez
Viscosky
Walberg
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West

NOT VOTING
Harman
Hinojosa
McCollum
Paul

MENT BY THE
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□ 2103

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O. 263 OFFERED
GEORGE
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RECORDED V
g CHAIR.
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g CHAIR
was taken
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3, as follow

[Roll No. 1
AYES—1

Canseco
Carter
Chabot
Chaffetz
Coble
Conaway
Cravaack
Crawford
Critz
Culberson
Denham
DesJarlais
Diaz-Balart
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Franks (AZ)

Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)

—11

Peters
Quayle
Schock

ACTING CHAIR

during the vote
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s rejected.
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air, on rollcall M
votes, I mistake
present, I won

BY MR. BROWN C

The unfinished
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res 177, noes 2
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7]

Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heller
Herger
Huelskamp
Huizenga (MI)
Hultgren

Hunter
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kline
Labrador
Lamborn
Landry
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris
Rodgers

Ackerman
Alexander
Altmire
Andrews
Austria
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berman
Biggett
Billray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Butterfield
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Ciocline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Rehberg
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrbacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan

NOES—243

Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutsch
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Flake
Fortenberry
Fox
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gibson
Gonzalez
Gosar
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Hayworth
Heck
Heinrich
Hensarling
Herrera Beutler
Higgins
Himes
Hinchey
Holden
Holt
Honda
Hoyer
Inlee
Israel
Issa
Jackson (IL)

Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (AK)
Young (FL)

Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeback
Lofgren, Zoe
Lowey
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McDermott
McGovern
McKeon
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Nunnelee
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi

NOT VOTING—11

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining on this
vote.

□ 2103

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated for:
Mrs. ELLMERS. Mr. Chair, on rollcall No. 106, in the fury of 2-minute votes, I mistakenly missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 263 OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 243, not voting 13, as follows:

[Roll No. 107]

AYES—177

Adams
Aderholt
Akin
Amash
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berkley
Bishop (UT)
Black
Blackburn
Boren
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell

Canseco
Carter
Chabot
Chaffetz
Coble
Conaway
Cravaco
Crawford
Critz
Culberson
Denham
DesJarlais
Diaz-Balart
Duncan
Duncan
Ellmers
Emerson
Engel
Farenth
Fincher
Fleischman
Fleming
Flores
Forbes
Franks

Gall
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Arney
Arson (IN)
Assidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Glyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings

Granger
Green, Al
Green, Ger
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (C
Hayworth
Heck
Heinrich
Hensarling
Herrera Be
Higgins
Himes
Hinchey
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (I

McCauley
McCauley
McDermott
McGovern
McKee
McNulty
Meehan
Meeks
Michaud
Miller
Miller
Moore
Moran
Murphy
Nadler
Napoli
Neal
Noem
Nunne
Oliver
Owens
Pallom
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Pastor
Payne
Pelosi

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Pence
Perlmutter
Pingree (ME)
Polis
Pompeo
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Reyes
Richardson
Richmond
Roby
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stivers
Sutton
Thompson (CA)
Thompson (MS)

Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wolf
Womack
Woolsey
Wu
Yarmuth
Young (IN)

NOT VOTING—13

Bilirakis
Dicks
Giffords
Harman
Hinojosa

Hirono
Lewis (CA)
McCullum
Paul
Peters

Quayle
Rogers (KY)
Schock

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 2106

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BILIRAKIS. Mr. Chair, during the rollcall vote on the Broun Amendment No. 263 to H.R. 1, I was unavoidably detained. Had I been able to vote, I would have voted in favor of prohibiting funds in H.R. 1 from being used to pay dues to the United Nations.

AMENDMENT NO. 526 OFFERED BY MR. WU

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. Wu) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 338, not voting 8, as follows:

[Roll No. 108]

AYES—87

Ackerman
Becerra
Berkley
Bishop (NY)
Capps
Capuano
Carnahan
Carney
Cicilline
Clay
Courtney
Crowley

Cummings
DeFazio
DeLauro
Deutch
Doggett
Edwards
Ellison
Eshoo
Farr
Filner
Frank (MA)
Garamendi

Garrett
Gohmert
Hastings (FL)
Higgins
Himes
Hinchev
Hirono
Honda
Israel
Johnson (GA)
Jones
Kaptur

Keating
Kissell
Kucinich
Langevin
Lee (CA)
Levin
Lewis (GA)
Loftgren, Zoe
Lowey
Lynch
Markey
Matsui
McDermott
McGovern
McIntyre
Meeks
Miller, George
Moore

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Cravaack

NOES—338

Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler

Murphy (CT)
Nadler
Neal
Oliver
Pallone
Pascrell
Pelosi
Pingree (ME)
Polis
Quigley
Rangel
Roybal-Allard
Ruppersberger
Sánchez, Linda
T.
Sarbanes
Schrader
Scott, David

Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loeback
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Mack
Maloney
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (PA)

Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Payne
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)

Coble
Giffords
Harman

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining on this vote.

□ 2109

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 251, not voting 8, as follows:

[Roll No. 109]

AYES—174

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bilirakis

Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield

Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)

Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Jones

NOES—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot

Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Richardson

Richmond
Rogers (AL)
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (FL)

King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)

NOT VOTING—8
Giffords
Harman
Hinojosa
McCollum
Paul
Peters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in the vote.

□ 2113

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chair, on rollcall No. 109, I was unavoidably detained. I would have voted “no.”

AMENDMENT NO. 409 OFFERED BY MR. PRICE OF
GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 185, not voting 7, as follows:

[Roll No. 110]

AYES—241

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)

NOES—185

Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Caster (FL)
Chandler
Chu

Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley

Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleave
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer

Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Giffords
Harman
Hinojosa

McCollum
Paul
Peters

Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in the vote.

□ 2116

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 296 OFFERED BY MR.

MC CLINTOCK

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from California (Mr.
McCLINTOCK) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 215, noes 210,
not voting 8, as follows:

[Roll No. 111]

AYES—215

Adams
Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishak
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bono Mack
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Landry
Lankford
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzer
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Landry
Lankford
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney

Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Rivera
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woodall
Yoder
Young (AK)
Young (IN)

NOES—210

Ackerman
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)

Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Capps
Capuano
Cardoza

Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleave
Clyburn
Cohen

Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.

Kaptur
Keating
Kildee
Kind
King (NY)
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Nunnelee
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis

Richardson
Richmond
Rogers (AL)
Rogers (KY)
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
Wilson (FL)
Womack
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—8

Giffords
Harman
Hinojosa

McCollum
Oliver
Paul

Peters
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in the vote.

□ 2119

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 99 OFFERED BY MR.

MC DERMOTT

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Washington (Mr.
McDERMOTT) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 333, not voting 9, as follows:

[Roll No. 112]

AYES—91

Adams	Grijalva	Pastor (AZ)
Bachus	Hastings (FL)	Payne
Bass (CA)	Herrera Beutler	Petri
Bishop (UT)	Hinchey	Pitts
Blackburn	Hirono	Platts
Brady (PA)	Holden	Price (NC)
Burgess	Honda	Rahall
Butterfield	Inslee	Rangel
Carson (IN)	Issa	Reichert
Castor (FL)	Jackson (IL)	Rothman (NJ)
Chabot	Johnson (GA)	Roybal-Allard
Clay	Johnson, E. B.	Ruppersberger
Cleaver	Kaptur	Rush
Coble	Kucinich	Ryan (OH)
Coffman (CO)	Larson (CT)	Sanchez, Loretta
Cohen	Lee (CA)	Schakowsky
Conyers	Lummis	Sensenbrenner
Critz	Lynch	Serrano
Crowley	Maloney	Smith (WA)
Davis (IL)	Markey	Stark
DeLauro	McClintock	Velázquez
Dicks	McDermott	Waters
Doggett	McGovern	Watt
Doyle	McIntyre	Webster
Ellison	Meeks	Weiner
Ellmers	Miller, George	West
Filner	Moore	Woolsey
Fox	Nadler	Lujan
Frank (MA)	Oliver	Young (AK)
Franks (AZ)	Pallone	Young (IN)
Garrett	Pascarell	

NOES—333

Ackerman	Carnahan	Fleming
Aderholt	Carney	Flores
Akin	Carter	Forbes
Alexander	Cassidy	Fortenberry
Altmire	Chaffetz	Frelinghuysen
Amash	Chandler	Fudge
Andrews	Chu	Galleghy
Austria	Cicilline	Garamendi
Baca	Clarke (MI)	Gardner
Bachmann	Clarke (NY)	Gerlach
Baldwin	Clyburn	Gibbs
Barletta	Cole	Gibson
Barrow	Conaway	Gingrey (GA)
Bartlett	Connolly (VA)	Gohmert
Barton (TX)	Cooper	Gonzalez
Bass (NH)	Costa	Goodlatte
Becerra	Costello	Gosar
Benish	Courtney	Gowdy
Berg	Cravaack	Granger
Berkley	Crawford	Graves (GA)
Berman	Crenshaw	Graves (MO)
Biggert	Cuellar	Green, Al
Bilbray	Culberson	Green, Gene
Billirakis	Cummings	Griffin (AR)
Bishop (GA)	Davis (CA)	Griffith (VA)
Bishop (NY)	Davis (KY)	Grimm
Black	DeFazio	Guinta
Blumenauer	DeGette	Guthrie
Bonner	Denham	Gutierrez
Bono Mack	Dent	Hall
Boren	DesJarlais	Hanabusa
Boswell	Deutch	Hanna
Boustany	Diaz-Balart	Harper
Brady (TX)	Dingell	Harris
Braley (IA)	Dold	Hartzler
Brooks	Donnelly (IN)	Hastings (WA)
Broun (GA)	Dreier	Hayworth
Brown (FL)	Duffy	Heck
Buchanan	Duncan (SC)	Heinrich
Bueshon	Duncan (TN)	Heller
Buerkle	Edwards	Hensarling
Burton (IN)	Emerson	Herger
Calvert	Engel	Higgins
Camp	Eshoo	Himes
Campbell	Farenthold	Holt
Canseco	Farr	Hoyer
Cantor	Fattah	Huelskamp
Capito	Fincher	Hultgren (MI)
Capps	Fitzpatrick	Hultgren
Capuano	Flake	Hunter
Cardoza	Fleischmann	Hurt

Israel	Miller (FL)
Jackson Lee	Miller (MI)
(TX)	Miller (NC)
Jenkins	Miller, Gary
Johnson (IL)	Moran
Johnson (OH)	Mulvaney
Johnson, Sam	Murphy (CT)
Jones	Murphy (PA)
Jordan	Myrick
Keating	Napolitano
Kelly	Neal
Kildee	Neugebauer
Kind	Noem
King (IA)	Nugent
King (NY)	Nunes
Kingston	Nunnelee
Kinzing (IL)	Olson
Kissell	Owens
Kline	Palazzo
Labrador	Paulsen
Lamborn	Pearce
Lance	Pence
Landry	Perlmutter
Langevin	Peterson
Lankford	Pingree (ME)
Larsen (WA)	Poe (TX)
Latham	Polis
LaTourette	Pompeo
Latta	Posey
Levin	Price (GA)
Lewis (CA)	Quigley
Lewis (GA)	Reed
Lipinski	Rehberg
LoBiondo	Renacci
Loeb	Reyes
Lofgren, Zoe	Ribble
Long	Richmond
Lowey	Rigell
Lucas	Rivera
Luetkemeyer	Roby
Lujan	Roe (TN)
Lungren, Daniel	Rogers (AL)
E.	Rogers (KY)
Mack	Rogers (MI)
Manzullo	Rohrabacher
Marchant	Rokita
Marino	Rooney
Matheson	Ros-Lehtinen
Matsui	Roskam
McCarthy (CA)	Ross (AR)
McCarthy (NY)	Ross (FL)
McCaul	Royce
McCotter	Runyan
McHenry	Ryan (WI)
McKeon	Sanchez, Linda
McKinley	T.
McMorris	Sarbanes
Rodgers	Scalise
McNerney	Schiff
Meehan	Schilling
Mica	Schmidt
Michaud	Schock

NOT VOTING—9

Giffords	McCollum	Peters
Harman	Paul	Quayle
Hinojosa	Pelosi	Richardson

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
One minute remains on this vote.

□ 2122

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 177 OFFERED BY MR. HERGER
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HERGER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE
The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 197, not voting 9, as follows:

[Roll No. 113]

AYES—227

Adams	Gohmert	Nunnelee
Aderholt	Goodlatte	Olson
Akin	Gosar	Owens
Alexander	Gowdy	Palazzo
Altmire	Granger	Paulsen
Amash	Graves (GA)	Pearce
Austria	Graves (MO)	Pence
Bachmann	Griffin (AR)	Peterson
Barletta	Griffith (VA)	Petri
Bartlett	Grimm	Pitts
Barton (TX)	Guinta	Poe (TX)
Bass (NH)	Hall	Pompeo
Benish	Hanna	Posey
Berg	Harper	Price (GA)
Biggert	Harris	Reed
Bilbray	Hartzler	Rehberg
Billirakis	Hastings (WA)	Renacci
Bishop (UT)	Heck	Ribble
Black	Heller	Rigell
Blackburn	Hensarling	Rivera
Bonner	Herger	Roby
Boren	Herrera Beutler	Roe (TN)
Boustany	Huizenga (MI)	Rogers (AL)
Brady (TX)	Hultgren	Rogers (KY)
Broun (GA)	Hunter	Rogers (MI)
Buchanan	Hurt	Rohrabacher
Buchon	Issa	Rokita
Buerkle	Jenkins	Rooney
Burgess	Johnson (OH)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Calvert	Jones	Ross (AR)
Camp	Jordan	Ross (FL)
Campbell	Kelly	Royce
Canseco	King (IA)	Runyan
Cantor	King (NY)	Runyan (WI)
Capito	Kingston	Scalise
Cardoza	Kinzing (IL)	Schilling
Carter	Kline	Schock
Cassidy	Labrador	Schweikert
Chabot	Lamborn	Scott (SC)
Chaffetz	Lance	Scott, Austin
Coble	Landry	Sensenbrenner
Coffman (CO)	Lankford	Sessions
Cole	Latham	Shimkus
Conaway	LaTourette	Shuster
Costa	Latta	Simpson
Cravaack	Lewis (CA)	Smith (NE)
Crawford	Long	Smith (TX)
Crenshaw	Lucas	Southerland
Culberson	Luetkemeyer	Stearns
Davis (KY)	Lummis	Stutzman
Denham	Lungren, Daniel	Sullivan
Dent	E.	Terry
DesJarlais	Mack	Thompson (PA)
Diaz-Balart	Manzullo	Thornberry
Dold	Marchant	Tiberi
Dreier	Matheson	Tipton
Duffy	McCarthy (CA)	Turner
Duncan (SC)	McCaul	Upton
Duncan (TN)	McClintock	Walberg
Ellmers	McCotter	Walden
Emerson	McHenry	Walsh (IL)
Farenthold	McKeon	Webster
Fincher	McKinley	West
Flake	McMorris	Westmoreland
Fleischmann	Rodgers	Whitfield
Fleming	Meehan	Wilson (SC)
Flores	Mica	Wittman
Forbes	Miller (FL)	Womack
Fox	Miller (MI)	Woodall
Franks (AZ)	Miller, Gary	Yoder
Frelinghuysen	Mulvaney	Young (AK)
Galleghy	Murphy (PA)	Young (FL)
Gardner	Myrick	Young (IN)
Gibbs	Neugebauer	
Gibson	Nugent	
Gingrey (GA)	Nunes	

NOES—197

Ackerman	Barrow	Bishop (GA)
Andrews	Bass (CA)	Bishop (NY)
Baca	Becerra	Blumenauer
Bachus	Berkley	Bono Mack
Baldwin	Berman	Boswell

Ackerman	Bilbray	Butterfield
Adams	Bilirakis	Calvert
Aderholt	Bishop (GA)	Camp
Akin	Bishop (UT)	Canseco
Alexander	Black	Capito
Altmire	Blackburn	Cardoza
Austria	Bonner	Carney
Baca	Boren	Carson (IN)
Bachmann	Boswell	Carter
Bachus	Boustany	Cassidy
Barletta	Brady (TX)	Chaffetz
Barrow	Brooks	Clyburn
Bartlett	Bucshon	Coble
Barton (TX)	Buerkle	Cole
Becerra	Burgess	Conaway
Berg	Burton (IN)	Costa

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 277, noes 149, not voting 7, as follows:

[Roll No. 115]

AYES—277

Adams	Ellmers	LaTourette
Aderholt	Emerson	Latta
Akin	Farenthold	Lewis (CA)
Alexander	Fincher	LoBiondo
Altmire	Fitzpatrick	Long
Amash	Flake	Lucas
Austria	Fleischmann	Luetkemeyer
Baca	Fleming	Lujan
Bachmann	Flores	Lummis
Bachus	Forbes	Lungren, Daniel E.
Barletta	Fortenberry	
Barrow	Fox	Mack
Bartlett	Franks (AZ)	Manzullo
Barton (TX)	Frelinghuysen	Marchant
Bass (NH)	Galleghy	Marino
Benish	Gardner	Matheson
Berg	Garrett	McCarthy (CA)
Berkley	Gerlach	McCauley
Biggart	Gibbs	McClintock
Bilirakis	Gibson	McCotter
Bishop (GA)	Gingrey (GA)	McHenry
Bishop (UT)	Gohmert	McIntyre
Black	Goodlatte	McKeon
Blackburn	Gosar	McKinley
Bonner	Gowdy	McMorris
Bono Mack	Granger	Rodgers
Boren	Graves (GA)	Meehan
Boswell	Graves (MO)	Mica
Boustany	Green, Gene	Michaud
Brady (TX)	Griffin (AR)	Miller (FL)
Brooks	Griffith (VA)	Miller (MI)
Brown (GA)	Grimm	Miller, Gary
Buchanan	Guinta	Mulvaney
Bueshon	Guthrie	Murphy (PA)
Buerkle	Hall	Myrick
Burgess	Hanna	Neugebauer
Burton (IN)	Harper	Noem
Calvert	Harris	Nugent
Camp	Hartzler	Nunes
Campbell	Hastings (WA)	Nunnelee
Canseco	Hayworth	Olson
Cantor	Heck	Owens
Capito	Heinrich	Palazzo
Cardoza	Heller	Paulsen
Carter	Hensarling	Pearce
Cassidy	Herger	Pence
Chabot	Herrera Beutler	Perlmutter
Chaffetz	Higgins	Peterson
Chandler	Hinchey	Petri
Coble	Holden	Pitts
Coffman (CO)	Huelskamp	Platts
Cole	Huizenga (MI)	Poe (TX)
Conaway	Hultgren	Polis
Cooper	Hunter	Pompeo
Costa	Hurt	Posey
Costello	Issa	Price (GA)
Cravaack	Jenkins	Rahall
Crawford	Johnson (IL)	Reed
Crenshaw	Johnson (OH)	Rehberg
Critz	Johnson, Sam	Reichert
Cuellar	Jones	Renacci
Culberson	Jordan	Ribble
Davis (KY)	Kelly	Rigell
DeFazio	Kind	Rivera
Denham	King (IA)	Roby
Dent	Kingston	Roe (TN)
DesJarlais	Kinzing (IL)	Rogers (AL)
Diaz-Balart	Kissell	Rogers (KY)
Dingell	Kline	Rogers (MI)
Dold	Labrador	Rohrabacher
Donnelly (IN)	Lamborn	Rokita
Dreier	Lance	Rooney
Duffy	Landry	Ros-Lehtinen
Duncan (SC)	Lankford	Roskam
Duncan (TN)	Latham	Ross (AR)

Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Turner
Upton

Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 184, not voting 8, as follows:

[Roll No. 116]

AYES—241

Adams	Garrett	McIntyre
Aderholt	Gibbs	McKeon
Akin	Gibson	McKinley
Alexander	Gingrey (GA)	McMorris
Altmire	Gohmert	Rodgers
Amash	Goodlatte	Meehan
Austria	Gosar	Mica
Bachmann	Gowdy	Miller (FL)
Baldwin	Graves (GA)	Miller (MI)
Barletta	Graves (MO)	Moore
Bartlett	Griffin (AR)	Mulvaney
Bass (NH)	Griffith (VA)	Murphy (CT)
Berg	Grimm	Murphy (PA)
Berkley	Guinta	Myrick
Bilirakis	Guthrie	Neugebauer
Bishop (UT)	Hanna	Noem
Black	Harper	Nugent
Blackburn	Harris	Nunes
Bonner	Hartzler	Nunnelee
Bono Mack	Hastings (WA)	Olson
Boswell	Hayworth	Palazzo
Boustany	Heck	Pallone
Brady (TX)	Heinrich	Paulsen
Brooks	Heller	Payne
Brown (GA)	Brooks	Pearce
Buchanan	Broun (GA)	Pence
Bueshon	Buchanan	Herrera Beutler
Buerkle	Bushon	Himes
Burgess	Buerkle	Holden
Burton (IN)	Burgess	Huelskamp
Calvert	Camp	Huizenga (MI)
Camp	Campbell	Hultgren
Campbell	Canseco	Hunter
Canseco	Cantor	Hurt
Cantor	Capito	Inlee
Cardoza	Carnahan	Israel
Carter	Carney	Issa
Cassidy	Cassidy	Jenkins
Chabot	Chabot	Johnson (IL)
Chaffetz	Chaffetz	Johnson (OH)
Chandler	Chu	Johnson, Sam
Coble	Clay	Jones
Coffman (CO)	Coble	Jordan
Cole	Coffman (CO)	Keating
Conaway	Cole	Kelly
Cooper	Conaway	King (IA)
Costa	Connolly (VA)	Kingston
Costello	Cravaack	Kissell
Cravaack	Critz	Labrador
Crawford	Davis (KY)	Lamborn
Crenshaw	DeFazio	Lance
Critz	Denham	Landry
Cuellar	Dent	Lankford
Culberson	DesJarlais	Larsen (WA)
Davis (KY)	Doggett	Latham
DeFazio	Dreier	Latta
Denham	Duffy	Lee (CA)
Dent	Duncan (SC)	LoBiondo
DesJarlais	Duncan (TN)	Loebach
Diaz-Balart	Ellison	Long
Dingell	Ellmers	Lucas
Dold	Farenthold	Luetkemeyer
Donnelly (IN)	Fincher	Lungren, Daniel E.
Dreier	Fitzpatrick	
Duffy	Flake	Mack
Duncan (SC)	Fleischmann	Manzullo
Duncan (TN)	Fleming	Marino
Ellison	Flores	Matheson
Ellmers	Forbes	McCarthy (CA)
Farenthold	Fortenberry	McCauley
Fincher	Fox	McClintock
Fitzpatrick	Franks (AZ)	McCotter
Flake	Gardner	McHenry

NOES—149

Ackerman	Green, Al	Pascarella
Andrews	Grijalva	Pastor (AZ)
Baldwin	Gutierrez	Payne
Bass (CA)	Hanabusa	Pelosi
Becerra	Hastings (FL)	Pingree (ME)
Berman	Himes	Price (NC)
Bilbray	Hirono	Quigley
Bishop (NY)	Holt	Rangel
Blumenauer	Honda	Reyes
Brady (PA)	Hoyer	Richardson
Braley (IA)	Inlee	Richmond
Brown (FL)	Israel	Rothman (NJ)
Butterfield	Jackson (IL)	Roybal-Allard
Capps	Jackson Lee	Rush
Capuano	(TX)	Sánchez, Linda T.
Carnahan	Johnson (GA)	Sanchez, Loretta
Carney	Johnson, E. B.	Sarbanes
Carson (IN)	Kaptur	Schakowsky
Castor (FL)	Keating	Schiff
Chu	Kildee	Schwartz
Cielline	King (NY)	Scott (VA)
Clarke (MI)	Kucinich	Scott, David
Clarke (NY)	Langevin	Serrano
Clay	Larsen (WA)	Sewell
Cleaver	Larson (CT)	Sherman
Clyburn	Lee (CA)	Sires
Cohen	Levin	Slaughter
Connolly (VA)	Lewis (GA)	Speier
Conyers	Lipinski	Stark
Courtney	Loebach	Sutton
Crowley	Lofgren, Zoe	Thompson (CA)
Cummings	Lowey	Thompson (MS)
Davis (CA)	Lynch	Tierney
Davis (IL)	Maloney	Tonko
DeGette	Marky	Towns
DeLauro	Matsui	Tsongas
Deutch	McCarthy (NY)	Van Hollen
Dicks	McDermott	Velázquez
Doggett	McGovern	Visclosky
Doyle	McNerney	Wasserman
Edwards	Meeks	Schultz
Ellison	Miller (NC)	Waters
Engel	Miller, George	Watt
Eshoo	Moore	Waxman
Farr	Moran	Weiner
Fattah	Murphy (CT)	Wilson (FL)
Filner	Nadler	Woolsey
Frank (MA)	Napolitano	Wu
Fudge	Neal	Yarmuth
Garamendi	Oliver	
Gonzalez	Pallone	

NOT VOTING—7

Giffords	McCollum	Quayle
Harman	Paul	
Hinojosa	Peters	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2132

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 146 OFFERED BY MR. FORBES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. FORBES) on which further proceedings were

Sutton
Thompson (PA)
Tiberi
Tipton
Tonko
Turner
Upton
Van Hollen

Walberg
Walden
Walsh (IL)
Webster
Welch
West
Westmoreland
Wilson (SC)

Wittman
Wolf
Woodall
Woolsey
Wu
Yoder
Young (AK)
Young (IN)

NOES—184

Ackerman
Andrews
Baca
Bachus
Barrow
Barton (TX)
Bass (CA)
Becerra
Benishek
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Brady (PA)
Brown (FL)
Burton (IN)
Butterfield
Calvert
Capps
Capuano
Cardoza
Carson (IN)
Carter
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cumming
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Edwards
Emerson
Engel
Eshoo
Farr
Fattah
Filner

Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hirono
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Kind
King (NY)
Kinzinger (IL)
Kline
Kucinich
Langevin
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maloney
Marchant
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moran
Nadler
Napolitano
Neal
Oliver

Owens
Pascrell
Pastor (AZ)
Pelosi
Peterson
Platts
Poe (TX)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richmond
Rivera
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Stark
Stutzman
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Whitfield
Wilson (FL)
Womack
Yarmuth
Young (FL)

NOT VOTING—8

Giffords
Harman
Hinojosa

McCollum
Paul
Peters

Quayle
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining to vote.

□ 2135

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Stated for:

Mr. SULLIVAN. Mr. Chair, on rollcall No. 116, had I been present, I would have voted “aye.”

AMENDMENT NO. 333 OFFERED BY MS. KAPTUR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 32, noes 394, not voting 7, as follows:

[Roll No. 117]

AYES—32

Brady (PA)
Clay
Cleaver
Cooper
Critz
Davis (IL)
Dingell
Fattah
Fudge
Gutierrez
Himes

Hinchey
Jackson (IL)
Kaptur
Kucinich
Lewis (GA)
Lipinski
Long
McDermott
Moran
Mulvaney
Petri

Rush
Ryan (OH)
Ryan (WI)
Schakowsky
Schwartz
Sensenbrenner
Sutton
Tonko
Upton
Velázquez

NOES—394

Ackerman
Adams
Aderholt
Alkin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell

Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cumming
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle

Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna

Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)

McCaul
McClintock
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Pollis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)

Roybal-Allard
Royce
Runyan
Ruppersberger
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Giffords
Harman
Hinojosa

McCollum
Paul
Peters

Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 2138

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 46 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 74, noes 351, not voting 8, as follows:

[Roll No. 118]

AYES—74

Andrews	Hinchey	Pingree (ME)
Baldwin	Holt	Polis
Bass (CA)	Honda	Quigley
Becerra	Jackson (IL)	Richardson
Berman	Jackson Lee	Rohrabacher
Blumenauer	(TX)	Royce
Braley (IA)	Jones	Rush
Campbell	Keating	Sánchez, Linda
Chu	Kind	T.
Ciilline	Kucinich	Schakowsky
Clarke (MI)	Lee (CA)	Serrano
Clarke (NY)	Lewis (GA)	Slaughter
Clay	Lofgren, Zoe	Speier
Conyers	Lujan	Stark
Davis (IL)	Maloney	Tierney
DeFazio	Markey	Tonko
Deutch	McDermott	Towns
Doggett	McGovern	Velázquez
Duncan (TN)	Miller, George	Waters
Edwards	Moore	Waxman
Ellison	Moran	Weiner
Eshoo	Nadler	Welch
Filner	Napolitano	Woolsey
Frank (MA)	Oliver	Yarmuth
Grijalva	Pallone	
Gutierrez	Payne	

NOES—351

Ackerman	Brooks	Cooper
Adams	Brown (GA)	Costa
Aderholt	Brown (FL)	Costello
Akin	Buchanan	Courtney
Alexander	Bucshon	Cravaack
Altmire	Buerkle	Crawford
Amash	Burgess	Crenshaw
Austria	Burton (IN)	Critz
Baca	Butterfield	Crowley
Bachmann	Calvert	Cuellar
Bachus	Camp	Culberson
Barletta	Canseco	Cummings
Barrow	Cantor	Davis (CA)
Bartlett	Capito	Davis (KY)
Barton (TX)	Capps	DeGette
Bass (NH)	Capuano	DeLauro
Benishkek	Cardoza	Denham
Berg	Carnahan	Dent
Berkley	Carney	DesJarlais
Biggart	Carson (IN)	Diaz-Balart
Bilbray	Carter	Dicks
Bilirakis	Cassidy	Dingell
Bishop (GA)	Castor (FL)	Dold
Bishop (NY)	Chabot	Donnelly (IN)
Bishop (UT)	Chaffetz	Doyle
Black	Chandler	Dreier
Blackburn	Cleaver	Duffy
Bonner	Clyburn	Duncan (SC)
Bono Mack	Coble	Ellmers
Boren	Coffman (CO)	Emerson
Boswell	Cohen	Engel
Boustany	Cole	Farenthold
Brady (PA)	Conaway	Farr
Brady (TX)	Connolly (VA)	Fattah

Fincher	Larsen (WA)	Roby
Fitzpatrick	Larson (CT)	Roe (TN)
Flake	Latham	Rogers (AL)
Fleischmann	LaTourette	Rogers (KY)
Fleming	Latta	Rogers (MI)
Flores	Levin	Rokita
Forbes	Lewis (CA)	Rooney
Fortenberry	Lipinski	Ros-Lehtinen
Fox	LoBiondo	Roskam
Franks (AZ)	Loeb	Ross (AR)
Frelinghuysen	Loeb	Ross (FL)
Fudge	Lowey	Rothman (NJ)
Gallegly	Lucas	Roybal-Allard
Garamendi	Luetkemeyer	Runyan
Gardner	Lummis	Ruppersberger
Garrett	Lungren, Daniel	Ryan (OH)
Gerlach	E.	Ryan (WI)
Gibbs	Lynch	Sanchez, Loretta
Gibson	Mack	Sarbanes
Gingrey (GA)	Manzullo	Scalise
Gohmert	Marchant	Schiff
Gonzalez	Marino	Schilling
Goodlatte	Matheson	Schmidt
Gosar	Matsui	Schock
Gowdy	McCarthy (CA)	Schrader
Granger	McCarthy (NY)	Schwartz
Graves (GA)	McCaul	Schweikert
Graves (MO)	McClintock	Scott (SC)
Green, Al	McCotter	Scott (VA)
Green, Gene	McHenry	Scott, Austin
Griffin (AR)	McIntyre	Scott, David
Griffith (VA)	McKeon	Sensenbrenner
Grimm	McKinley	Sessions
Guinta	McMorris	Sewell
Guthrie	Rodgers	Sherman
Hall	McNerney	Shimkus
Hanabusa	Meehan	Shuler
Harper	Meeks	Shuster
Harris	Mica	Simpson
Hartzler	Michaud	Sires
Hastings (FL)	Miller (FL)	Smith (NE)
Hastings (WA)	Miller (NC)	Smith (NJ)
Hayworth	Miller (NC)	Smith (TX)
Heck	Miller, Gary	Smith (WA)
Heinrich	Mulvaney	Southerland
Heller	Murphy (CT)	Stearns
Hensarling	Murphy (PA)	Stivers
Herger	Myrick	Stutzman
Herrera Beutler	Neal	Sullivan
Higgins	Neugebauer	Sutton
Himes	Noem	Terry
Hirono	Nugent	Thompson (CA)
Holden	Nunes	Thompson (MS)
Hoyer	Nunnelee	Thompson (PA)
Huelskamp	Olson	Thornberry
Huizenga (MI)	Owens	Tiberi
Hultgren	Palazzo	Tipton
Hunter	Pascarell	Tsongas
Hurt	Pastor (AZ)	Turner
Inslee	Paulsen	Upton
Israel	Pearce	Van Hollen
Issa	Pelosi	Visclosky
Jenkins	Pence	Walberg
Johnson (GA)	Perlmutter	Walden
Johnson (IL)	Peterson	Walsh (IL)
Johnson (OH)	Petri	Walz (MN)
Johnson, E. B.	Pitts	Wasserman
Johnson, Sam	Platts	Schultz
Jordan	Poe (TX)	Watt
Kaptur	Pompeo	Webster
Kelly	Posey	West
Kildee	Price (GA)	Westmoreland
King (IA)	Price (NC)	Whitfield
King (NY)	Rahall	Wilson (FL)
Kingston	Rangel	Wilson (SC)
Kinzinger (IL)	Reed	Wittman
Kissell	Rehberg	Wolf
Kline	Reichert	Womack
Labrador	Renacci	Woodall
Lamborn	Reyes	Wu
Lance	Ribble	Yoder
Landry	Richmond	Young (AK)
Langevin	Rigell	Young (FL)
Lankford	Rivera	Young (IN)

NOT VOTING—8

Giffords	Hinojosa	Peters
Hanna	McCollum	Quayle
Harman	Paul	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 2141

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HANNA. Mr. Chair, on rollcall No. 118 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 498 OFFERED BY MR. JOHNSON OF OHIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 186, not voting 8, as follows:

[Roll No. 119]

AYES—239

Adams	Denham	Holden
Aderholt	Dent	Huelskamp
Akin	DesJarlais	Huizenga (MI)
Alexander	Diaz-Balart	Hultgren
Altmire	Dold	Hunter
Amash	Donnelly (IN)	Hurt
Austria	Dreier	Issa
Bachmann	Duffy	Jenkins
Bachus	Duncan (SC)	Johnson (OH)
Barletta	Duncan (TN)	Johnson, Sam
Bartlett	Ellmers	Jones
Barton (TX)	Emerson	Jordan
Benishkek	Farenthold	Kelly
Berg	Fincher	King (IA)
Biggart	Flake	King (NY)
Bilbray	Fleischmann	Kingston
Bilirakis	Fleming	Kinzinger (IL)
Bishop (UT)	Flores	Kline
Black	Forbes	Labrador
Blackburn	Fortenberry	Lamborn
Bonner	Fox	Landry
Bono Mack	Franks (AZ)	Lankford
Boren	Frelinghuysen	Latham
Boustany	Gallegly	Latta
Brady (TX)	Gardner	Lewis (CA)
Brooks	Garrett	LoBiondo
Brown (GA)	Gerlach	Long
Buchanan	Gibbs	Lucas
Bucshon	Gibson	Luetkemeyer
Buerkle	Gingrey (GA)	Lummis
Burgess	Gohmert	Lungren, Daniel
Burton (IN)	Goodlatte	E.
Calvert	Gosar	Mack
Camp	Gowdy	Manzullo
Canseco	Granger	Marchant
Cantor	Graves (GA)	Marino
Capito	Graves (MO)	Matheson
Capps	Griffin (AR)	McCarthy (CA)
Capuano	Griffith (VA)	McClintock
Cardoza	Grimm	McCotter
Carnahan	Guinta	McHenry
Carney	Guthrie	McIntyre
Carson (IN)	Hall	McKeon
Carter	Hanna	McKinley
Cassidy	Harper	McMorris
Castor (FL)	Harris	Rodgers
Chabot	Hartzler	Meehan
Chaffetz	Hastings (WA)	Mica
Chandler	Heck	Miller (FL)
Cleaver	Heller	Miller (MI)
Clyburn	Hensarling	Miller, Gary
Coble	Herger	Mulvaney
Coffman (CO)	Herrera Beutler	Murphy (PA)
Cohen		
Cole		
Conaway		
Connolly (VA)		

Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shinkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland

NOES—186

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCaul
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens

Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—8

Giffords
Harman
Hinojosa

LaTourette
McCollum
Paul

Peters
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 2144

So the amendment was agreed to.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 467 OFFERED BY MR.
GOODLATTE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Virginia (Mr. GOOD-
LATTE) on which further proceedings
were postponed and on which the ayes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 230, noes 195,
not voting 8, as follows:

[Roll No. 120]

AYES—230

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Barletta
Bartlett
Barton (TX)
Benishak
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Labrador
Burton (IN)
Calvert
Camp
Campbell
Cansaco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravack
Crawford
Crenshaw
Critz
Culberson

Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris

Hartzler
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul

McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey

Price (GA)
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shinkus
Shuster

Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—195

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Billirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran

Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Holt
Rangel
Reichert
Reyes
Richardson
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran

Wasserman	Webster	Woolsey
Schultz	Weiner	Wu
Waters	Welch	Yarmuth
Watt	Wilson (FL)	
Waxman	Wittman	

NOT VOTING—8

Bachus	Hinojosa	Peters
Giffords	McCollum	Quayle
Harman	Paul	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 2147

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 79 OFFERED BY MR. GARDNER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. GARDNER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 184, not voting 8, as follows:

[Roll No. 121]

AYES—241

Adams	Coffman (CO)	Griffin (AR)
Aderholt	Cole	Griffith (VA)
Akin	Conaway	Grimm
Alexander	Cravaack	Guinta
Amash	Crawford	Guthrie
Austria	Crenshaw	Hall
Bachmann	Culberson	Hanna
Bachus	Davis (KY)	Harper
Barletta	Denham	Harris
Bartlett	Dent	Hartzler
Barton (TX)	DeJarlais	Hastings (WA)
Bass (NH)	Diaz-Balart	Hayworth
Benishkek	Dold	Heck
Berg	Dreier	Heller
Biggert	Duffy	Hensarling
Billbray	Duncan (SC)	Herger
Bilirakis	Duncan (TN)	Herrera Beutler
Bishop (UT)	Ellmers	Holden
Black	Emerson	Huelskamp
Blackburn	Farenthold	Huizenga (MI)
Bonner	Fincher	Hultgren
Bono Mack	Fitzpatrick	Hunter
Boren	Flake	Hurt
Boustany	Fleischmann	Issa
Brady (TX)	Fleming	Jenkins
Brooks	Flores	Johnson (IL)
Brown (GA)	Forbes	Johnson (OH)
Buchanan	Fortenberry	Johnson, Sam
Bucshon	Fox	Jones
Buerkle	Frelinghuysen	Jordan
Burgess	Gallely	Kelly
Burton (IN)	Gardner	King (IA)
Calvert	Garrett	King (NY)
Camp	Gerlach	Kingston
Campbell	Gibbs	Kinzinger (IL)
Canseco	Gingrey (GA)	Kline
Cantor	Gohmert	Labrador
Capito	Goodlatte	Lamborn
Carter	Gosar	Lance
Cassidy	Gowdy	Landry
Chabot	Granger	Lankford
Chaffetz	Graves (GA)	Latham
Coble	Graves (MO)	LaTourette

Latta	Paulsen
Lewis (CA)	Pearce
LoBiondo	Pence
Long	Petri
Lucas	Pitts
Luetkemeyer	Platts
Lummis	Poe (TX)
Lungren, Daniel E.	Pompeo
Mack	Posey
Manzullo	Price (GA)
Marchant	Reed
Marino	Rehberg
McCarthy (CA)	Reichert
McCaul	Renacci
McClintock	Ribble
McCotter	Rigell
McHenry	Rivera
McIntyre	Roby
McKeon	Roe (TN)
McKinley	Rogers (AL)
McMorris	Rogers (KY)
Rodgers	Rogers (MI)
Meehan	Rohrabacher
Mica	Rokita
Miller (FL)	Rooney
Miller (MI)	Ros-Lehtinen
Miller, Gary	Roskam
Mulvaney	Ross (AR)
Murphy (PA)	Ross (FL)
Myrick	Royce
Neugebauer	Runyan
Noem	Ryan (WI)
Nugent	Scalise
Nunes	Schilling
Nunnelee	Schmidt
Olson	Schock
Palazzo	Schweikert
	Scott (SC)

NOES—184

Ackerman	Edwards
Altmire	Ellison
Andrews	Engel
Baca	Eshoo
Baldwin	Farr
Barrow	Fattah
Bass (CA)	Filner
Becerra	Frank (MA)
Berkley	Fudge
Berman	Garamendi
Bishop (GA)	Gibson
Bishop (NY)	Gonzalez
Blumenauer	Green, Al
Boswell	Green, Gene
Brady (PA)	Grijalva
Braley (IA)	Gutierrez
Brown (FL)	Hanabusa
Butterfield	Hastings (FL)
Capps	Heinrich
Capuano	Higgins
Cardoza	Himes
Carnahan	Hinchey
Carney	Hirono
Carson (IN)	Holt
Castor (FL)	Honda
Chandler	Hoyer
Chu	Inslee
Cicilline	Israel
Clarke (MI)	Clarke (IL)
Clarke (NY)	Jackson Lee
Clay	(TX)
Cleaver	Johnson (GA)
Clyburn	Johnson, E. B.
Cohen	Kaptur
Connolly (VA)	Keating
Conyers	Kildee
Cooper	Kind
Costa	Kissell
Costello	Kucinich
Courtney	Langevin
Critz	Larsen (WA)
Crowley	Larson (CT)
Cuellar	Lee (CA)
Cummings	Levin
Davis (CA)	Lewis (GA)
Davis (IL)	Lipinski
DeFazio	Loeb sack
DeGette	Lofgren, Zoe
DeLauro	Lowey
Deutch	Lujan
Dicks	Lynch
Dingell	Maloney
Doggett	Markey
Donnelly (IN)	Matheson
Doyle	Matsui

Scott, Austin	Sutton
Sensenbrenner	Thompson (CA)
Sessions	Thompson (MS)
Shimkus	Tierney
Shuler	Tonko
Shuster	Towns
Simpton	Tsongas
Smith (NE)	Van Hollen
Smith (NJ)	
Smith (TX)	
Southerland	
Stearns	
Stivers	
Stutzman	
Sullivan	
Terry	
Thompson (PA)	
Thornberry	
Tiberi	
Tipton	
Turner	
Upton	
Walberg	
Walden	
Walsh (IL)	
Webster	
West	
Westmoreland	
Whitfield	
Wilson (SC)	
Wittman	
Wolf	
Womack	
Woodall	
Yoder	
Young (AK)	
Young (FL)	
Young (IN)	

Velázquez	Weiner
Visclosky	Welch
Walz (MN)	Wilson (FL)
Wasserman	Woolsey
Schultz	Wu
Waters	Yarmuth
Watt	
Waxman	

NOT VOTING—8

Franks (AZ)	Hinojosa	Peters
Giffords	McCollum	Quayle
Harman	Paul	

□ 2150

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 151 OFFERED BY MR.

NEUGEBAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 63, noes 362, not voting 8, as follows:

[Roll No. 122]

AYES—63

Bartlett	Franks (AZ)	Marchant
Barton (TX)	Garrett	Marino
Bishop (UT)	Gibbs	McCaul
Black	Gingrey (GA)	McKinley
Blackburn	Gohmert	Mica
Brady (TX)	Granger	Miller (FL)
Brown (GA)	Hall	Myrick
Buerkle	Harris	Neugebauer
Burgess	Hastings (WA)	Olson
Burton (IN)	Herger	Pearce
Canseco	Huelskamp	Poe (TX)
Carter	Jenkins	Pompeo
Chabot	Johnson (OH)	Renacci
Chaffetz	Johnson, Sam	Sessions
Coble	Jordan	Smith (TX)
Conaway	Kelly	Thornberry
Culberson	Kingston	Walberg
Ellmers	Lamborn	Woodall
Farenthold	Landry	Yoder
Flores	Long	Young (AK)
Foxx	Luetkemeyer	Young (IN)

NOES—362

Ackerman	Berman	Cantor
Adams	Biggert	Capito
Aderholt	Billbray	Capps
Akin	Bilirakis	Capuano
Alexander	Bishop (GA)	Cardoza
Altmire	Bishop (NY)	Carnahan
Amash	Blumenauer	Carney
Andrews	Bonner	Carson (IN)
Austria	Bono Mack	Cassidy
Baca	Boren	Castor (FL)
Bachmann	Boswell	Chandler
Bachus	Boustany	Chu
Baldwin	Brady (PA)	Cicilline
Barletta	Braley (IA)	Clarke (MI)
Barrow	Brooks	Clarke (NY)
Bass (CA)	Brown (FL)	Clay
Bass (NH)	Buchanan	Cleaver
Becerra	Bucshon	Clyburn
Benishkek	Butterfield	Coffman (CO)
Berg	Calvert	Cohen
Berkley	Campbell	Cole

Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibson
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee

Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildoe
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neom
Nugent
Nunes
Nunnelee
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Peterson
Pingree (ME)
Pitts
Platts

Polis
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Sarbines
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman
Cartoza
Schultz
Waters
Watt

Waxman
Webster
Weiner
Welch
West
Westmoreland

Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack

Woolsey
Wu
Yarmuth
Young (FL)

Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer

Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southernland
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Camp
Giffords
Harman
Hinojosa
McCollum
Paul
Peters
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 2153

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. ROONEY
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Florida (Mr. ROONEY)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 237, noes 189,
not voting 7, as follows:

[Roll No. 123]

AYES—237

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishak
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Brown (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot

Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gibson

Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Campbell
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

NOES—189

Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kildoe
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre

McNerney
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Oliver
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Petri
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)

Speier
Stark
Stearns
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns

Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt

Waxman
Weiner
Welch
Wilson (FL)
Lankford
Wolf
Woolsey
Wu
Yarmuth

Kissell
Kline
Labrador
Lamborn
Lankford
Latham
Latta
Lewis (CA)
Lipinski
LoBiondo
Long

Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri

Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson

Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Turner
Van Hollen
Velázquez
Visclosky
Sutton
Thompson (CA)
Thompson (MS)

Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)

Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Giffords
Harman
Hinojosa

McCollum
Paul
Peters

Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining on this vote.

□ 2156

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. STEARNS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 191, not voting 11, as follows:

[Roll No. 124]

AYES—231

Adams
Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Benishke
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza

Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Denham
DesJarlais
Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett

Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston

Ackerman
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutsch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Eshoo

NOES—191

Farr
Fattah
Filner
Portenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Luján

Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Shock
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell

NOT VOTING—11

Castor (FL)
Cleaver
Giffords
Harman

Hinojosa
Landry
McCollum
Paul

Peters
Quayle
Roby

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 2159

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. ROBY. Mr. Chair, on rollcall No. 124, I was unavoidably detained. Had I been present, I would have voted “aye.”

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. I yield to my friend, the majority leader, to inform us of the planned schedule for the evening.

Mr. CANTOR. Mr. Chairman, I would say to the gentleman from Maryland, as he and I have discussed throughout the day, we have asked Members to continue to be judicious in their remarks if we want to get out of here at a reasonable hour, that we have been at this for at least 90 hours, and we continue to debate these amendments. We will anticipate votes again within 2 hours, and we will continue the votes throughout the evening.

Mr. HOYER. I thank the gentleman for that information. As I understand what the gentleman just said, we will probably have the next series of votes at approximately midnight.

Would the gentleman have in mind when the next series of votes would be after that?

Mr. CANTOR. I would say to the gentleman, again, it depends on how Members feel, on the other side of the aisle as well as ours, as to how expeditious they want their remarks to be. We've been at this, again, for 90 hours. We intend to have votes again probably within a couple of hours after midnight, and we will proceed along those lines.

Mr. HOYER. I thank the gentleman for the information.

I will tell him that I believe, on my side, we have three, perhaps, four amendments—one we think is subject to a point of order. So we have three amendments left on this side. I'm not sure how many you will have on your side.

Mr. CANTOR. I would say to the gentleman, the gentleman understands and knows that we have throughout

the day offered to reduce debate time; and the gentleman also knows that the majority of the amendments on his side have been debated. If the gentleman is prepared at this point to accept our offer to reduce the amount of time from 10 minutes per amendment down to 6 or 5, I think we could get that done as well.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I gather unanimous consent may be propounded to reduce debate time. I just want to stress we were told yesterday we were debating the whole government. We were then going to debate important public policy questions for 10 minutes. We're now going to get the privilege of debating important public policy questions for 6 minutes.

If this is open government, I think I'm going to have to look for something else because, I think it is, as I said yesterday, a travesty. I do think we ought to make clear what we are talking about. Important public policy questions being debated for 3 minutes on each side. That, as I said, is a travesty.

Mr. CANTOR. If the gentleman would yield.

Mr. HOYER. I don't hear objection on this side of the aisle.

Mr. CANTOR. Just for the record, Mr. Chairman, I think the gentleman from Massachusetts may have somewhat of a short memory given that, in December, we had a vote on a CR for 1 hour under a closed rule. So, with that, just a little reminder.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Well, I didn't know how long it was going to take my Republican friends to going from talking about their superior virtue to saying they were just like us. It took less time than I thought.

But I would also say that, in the bills that came out of the committee that I chaired, we always had debate, and we always had open rules. But if the gentleman is saying that he now understands why the people on our side did what we did—and I often disagreed, as I said—he got there more quickly than I thought he would, and that may be the only thing about the way they're running the House that has happened more quickly than we thought it would.

Mr. HOYER. Reclaiming my time, I will tell my friend, the majority leader, I still do not hear objection on our side.

Mr. CANTOR. I thank the gentleman.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Let me ask: Do we know how many amendments are left on your side, Mr. Chairman?

Mr. ROGERS of Kentucky. Less than 50, 18 of which, I think, are subject to a point of order.

Mr. DICKS. We understand that you have 50 amendments left, 18 of which are subject to a point of order. One of ours is. We have three and we have one colloquy. You asked us for a colloquy; we got you a colloquy, okay?

Now, just in the spirit of cooperation, I hope some of you might think about doing what a lot of our Members have done and decide not to offer your amendments so we can get the hell out of here.

Mr. ROGERS of Kentucky. Before the gentleman yields back, Mr. Chairman, I think all of us understand how important it is that we finish this bill tonight. Therefore, the shorter we can make our speeches, the better off we all are.

So we hope to ask each one of you, as you offer your amendments and the rebuttals, to be brief, understanding that the rest of us would like to leave here just as quickly as we can.

Mr. DICKS. I yield back the balance of my time.

□ 2210

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PITTS) having assumed the chair, Mr. HASTINGS of Washington, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER FURTHER CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1 in the Committee of the Whole pursuant to applicable previous orders of the House, each amendment otherwise debatable for 10 minutes instead be debatable for 6 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 2213

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. HASTINGS of Washington (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 8, printed in the CONGRESSIONAL RECORD, offered by the gentleman from Florida (Mr. STEARNS) had been disposed of and the bill had been read through page 359, line 22.

AMENDMENT NO. 377 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the construction of an ethanol blender pump or an ethanol storage facility.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the taxpayers have subsidized ethanol for far too long. This amendment will simply bring that slowly to a stop.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 3 minutes.

Mr. LATHAM. Mr. Chairman, this amendment clearly limits consumer choice, and is yet another attack on our Nation's progress to try and achieve energy security. The technology that he is trying to prohibit basically would allow individuals to have a choice as to whether, what percentage plan they would want, whether E-10, E-30, E-50 or E-85, whatever suits their best needs, their affordability and their performance and gas mileage.

It would actually make us much more dependent long term on foreign oil because you are going to limit the choices that are there. And without the blender pumps that he wants to prohibit, most Americans are left with just one option, and that's the E-10.

If we continue to limit the amount of U.S.-produced ethanol we can use in our vehicles, we will be continuing to be beholden to foreign sources of energy, and we will be importing more oil every year.

I urge my colleagues to vote against this.

I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, this is not a choice at all. It's a mandate. That's why we've got to end it. It's been a boondoggle for 30 years. It remains so. Let's vote for this amendment.

I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I will be very brief. This is limiting consumer choice; it's going to increase our dependence on foreign oil.

I would again ask my colleagues to vote against this ill-founded amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 367 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, No. 367.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to provide any benefit described in section 1001D(b)(1)(c) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(C)) to a person or legal entity if the average adjusted gross income of the person or legal entity exceeds \$250,000.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Arizona and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would be to save the taxpayers roughly \$30.5 million by preventing the funding of Radio and TV Marti.

I have decided to withdraw this amendment in the interest of time and also to work on it in committee with the gentleman from Florida. So we will enter into a colloquy for just 1 minute and go from there.

I happen to feel that we have spent hundreds of millions of dollars on Radio and TV Marti over the past 20, 25

years. TV Marti is seen by very few. The gentleman from Florida has a different view. We have agreed to scuttle the debate here and take it up in committee.

I yield to the gentleman from Florida.

Mr. DIAZ-BALART. I thank the gentleman from Arizona.

We do have a disagreement here, as I think most of us know. I obviously will continue to work on this issue.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Washington.

Mr. DICKS. Did the gentleman from Arizona say he was going to withdraw his amendment on Marti?

Mr. FLAKE. Yes.

Mr. DICKS. I was just curious to hear that. Thank you.

Mr. DIAZ-BALART. Again I will continue to work on this issue. Obviously the issue of freedom is something that I think is cherished by this House. There is a history of supporting freedom, and I know we will continue to support freedom. But we will have ample opportunity to debate this and discuss this and other opportunities.

Mr. FLAKE. I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 166 OFFERED BY MR. GUINTA.

Mr. GUINTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available for this Act may be used to enter into, after the date of the enactment of this Act, a Government contract that requires a project labor agreement.

□ 2220

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from New Hampshire (Mr. GUINTA) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. GUINTA. Mr. Chairman, I rise in support of my amendment, a proposed ban on Project Labor Agreements, also known as PLAs.

President Obama signed an Executive order nearly 2 years ago imposing PLAs on Federal construction projects. A PLA mandates that whenever the government pays for a project, union workers must be hired for the job. This stifles competition and inflates the project's cost by steering scarce tax dollars straight into directly union pockets. The previous administration banned PLAs. And according to a study cited by the Cato Institute, the ban

saved taxpayers as much as \$2.6 billion in 2008 alone.

Mr. Chairman, this is a spending reduction bill focused on saving taxpayer dollars to the tune of \$2.6 billion annually. My amendment simply states no government money can be used to pay for any project that requires a PLA. This solves a significant problem. This is not against our unions. It is about providing equal footing between union and nonunion contractors.

Considering the massive debt and deficit we are now struggling under, I feel we can't afford at this point to waste more taxpayer dollars. My goal here is to get more effective and efficient government. This amendment creates a level playing field that encourages fair and open competition for Federal construction contracts funded by this bill.

I reserve the balance of my time.

Ms. DELAURO. I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 3 minutes.

Ms. DELAURO. I yield myself 1 minute.

This amendment prohibits use of funds in this act for any government contract that includes a Project Labor Agreement. The amendment is nothing more than another example of a union-busting Republican agenda.

Project Labor Agreements contribute to the economy and efficiency of Federal construction projects, help keep them on time and on budget. They bring all the contractors and subcontractors to agree to a standard set of conditions from the beginning of the project. And despite all the rhetoric on the other side that PLAs increase the cost of construction projects, there is no evidence for that.

Two years ago, the Economic Policy Institute reviewed a series of studies for and against prevailing wage laws and concluded that there was no adverse impact on government contract costs.

Mr. Chairman, this is nothing else but a distraction. PLAs are nothing new. They have been used on some of the most famous consequential construction projects in our history: the Hoover dam bypass bridge and the projects under the Tennessee Valley Authority just to name a few.

I reserve the balance of my time.

Mr. GUINTA. Mr. Chair, I would add that currently in New Hampshire, my home State, we have a Job Corps center that is slated to be built, \$35 million project, which is going to help up to 500 youth annually in the State of New Hampshire. The PLA is exactly what is stopping this project from occurring. We would like to not only expand the opportunity here in New Hampshire but across the country to get these projects moved forward, do them in a fair and equitable way.

And I also note that our friends from the Associated Builders and Contractors support this amendment, the U.S.

Chamber of Commerce, the National Federation of Independent Businesses, as well as the National Black Chamber of Commerce.

I reserve the balance of my time.

Ms. DELAURO. I yield 1 minute to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding, and I rise in opposition to this amendment.

Contrary to what the author of the amendment has said, there is no requirement in a PLA that you have only union contractors at that. This is a time when you come together pre-project to decide how this project shall be developed, whether there will be a training project involved in this, whether there will be local hires, whether there will be participation by minority and women subcontractors and others on this.

In my area, some of the largest energy projects in the Nation are being built by worldwide companies and being built with Project Labor Agreements. In our cities Project Labor Agreements are used, and the record continues over and over again, on time, done right the first time, and it's a mix of contractors that get accepted.

There is nothing in the Executive order that requires union contractors. There is nothing in the Executive order that requires a PLA. I know, because I tried to get a few, and the administration didn't go there.

So let's not overstate the case here. It encourages them. But the fact is PLAs have worked both on public projects and on private projects very, very well.

Mr. GUINTA. Mr. Chairman, I would simply reiterate that the study pointing to 2008 shows the ban on PLAs saved taxpayers \$2.6 billion. Let's allow all small business owners throughout our country to go after these types of projects. It's fair and it's equitable.

I reserve the balance of my time.

Ms. DELAURO. I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in opposition to this amendment because I believe it's based upon two false premises. The first is that evidence shows that contracts performed under PLAs are not as efficient. The data simply don't exist that show that. And second is the implication that this is somehow a politically connected decision by governments to reward building trades unions.

First of all, it doesn't have to be a union contractor. And second, and I think most importantly, all kinds of nongovernmental users use PLAs: the Disney Corporation, Inland Steel, ARCO, Boeing, Harvard University. These are all institutions and companies that use PLAs because they believe they are a good, sound business judgment.

Why should the Federal Government of the United States be precluded from exercising a similar sound business judgment? This is a poorly thought-out amendment, and the right vote is "no."

Mr. GUINTA. Mr. Chairman, I finally reiterate this proposal is a spending reduction bill to the tune of approximately \$2.6 billion annually in savings. It allows our small business owners and subcontractors to bid on projects across our Nation, get them back to work. I would ask my colleagues to vote in favor of the Guinta amendment.

Ms. RICHARDSON. Mr. Chair, I rise in strong opposition to the Guinta Amendment (#166), which prohibits the government from entering into any contract that requires a project labor agreement (PLA). I oppose the amendment because prohibiting the use of PLA's cannot assure savings to the taxpayers.

Project labor agreements, also known as Community Workforce Agreements are not new and contain several benefits: PLA's normally include a local hire component; PLA's establish and set a fair wage; PLA's avoid labor disputes and construction delays; under PLA's, workers are trained to perform required work safely and correctly.

Mister Chair, a project labor agreement establishes the terms, conditions, and safety standards for workers on construction projects. One of the major advantages of a PLA is that because it is an agreement negotiated prior to construction, there is minimal, if any, disruption in the construction schedule arising from contract disputes. This saves taxpayers money and at the same time providing jobs offering steady employment at livable wages to local communities where the need is greatest.

PLA's establish rigorous safety standards that save time and save lives. There is absolutely no evidence that PLA's increase the cost of construction projects; instead properly trained workers improve product quality which saves taxpayers money.

Finally, Mr. Chair, I urge my colleagues to vote against the Guinta amendment.

Mr. GUINTA. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Mr. GUINTA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GUINTA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire will be postponed.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the gentleman from Vermont.

Mr. WELCH. I thank the gentleman from Washington.

I stand here today to discuss the Yellow Ribbon Program, which is critical

in my home State of Vermont, but it's critical in every State that has returning soldiers from Afghanistan and Iraq.

In Vermont, we have recently welcomed home 1,500 National Guard men and women from a year-long deployment in Afghanistan. The Yellow Ribbon Program, as you know, Mr. Ranking Member, helps deploying and redeploying National Guard and Reserve members and their families when they get home.

Prior to deployment, they educate members and their families in affected communities on what to expect while their loved ones are gone. After deployment, they focus on reconnecting members and their families with service providers such as TRICARE, the Department of Veterans Affairs and Judge Advocate Generals to ensure a clear understanding of the benefits they are entitled to and they need. In addition, combat stress and transition and how members and their families can address these issues are integral to the post-deployment phase.

In Vermont, we have the fourth highest per capita participation rate in the Nation in the National Guard. These are very valuable services that get to the heart of supporting our troops and their families. I hope to work with the subcommittee to ensure that any unmet needs of this program are addressed as expeditiously as possible.

Mr. DICKS. I thank the gentleman from Vermont.

I yield to the chairman of the Defense Subcommittee, our good friend, Mr. YOUNG.

Mr. YOUNG of Florida. Mr. Chairman, in the interest of time, I will simply say we support this program. The former chairman, Mr. DICKS, supports it. The present chairman, Mr. YOUNG, supports it.

The committee added additional funding for the program. Florida National Guard had an extremely large return home from the 53rd Combat Brigade Team. We understand the importance of the program. We support what the gentleman is asking and will continue to work with the gentleman.

□ 2230

Mr. DICKS. I thank the chairman.

I agree that the Yellow Ribbon Program has been a top priority of the subcommittee. We have worked tirelessly to ensure our brave men and women and their families are taken care of when they are serving the Nation. I too will work with the gentleman from Vermont and the gentleman from Florida to ensure the needs of our troops and their families are met.

I yield back the balance of my time.

AMENDMENT NO. 495 OFFERED BY MR. HALL

Mr. HALL. I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following new section:

SEC. 4002. "None of the funds made available by this act may be used to implement, establish, or create a NOAA Climate Service (NCS) as described in the 'Draft NOAA Climate Service Strategic Vision and Framework' published at 75 Fed. Reg. 57739 (September 22, 2010) and updated on 12/20/2010."

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Texas and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HALL. My amendment would prohibit the National Oceanic and Atmospheric Administration, or NOAA, as we call them, from creating or implementing a National Climate Service. The release of the President's FY 2012 budget request this week included a significant reorganization of NOAA, the largest since it became an agency in 1970. This is an action that they took, ignoring congressional requests to cease and desist. The new line office will take vital resources from the Oceanic and Atmospheric Research Office, essentially gutting fundamental research at NOAA and shifting the main focus of the agency to climate. This shift threatens to harm important NOAA activities, such as helping with the restoration of the Gulf of Mexico to pre-spill conditions.

These present day concerns require attention and focus. As it is, this continuing resolution is going to force NOAA to make some official and very difficult decisions with respect to priorities. As a matter of policy, NOAA has not even requested funding for the Climate Service in FY 2011. However, we are aware that implementation of the Climate Service is already underway in the form of significant planning, transitioning, and reorganization of resources. My amendment would ensure that NOAA does not move forward with this reorganization without congressional consideration and approval, specifically from the authorizing as well as the appropriating committees.

My amendment does not cut NOAA's budget and is not an attempt to hinder the agency from providing useful and authoritative information but, rather, to communicate congressional priorities when it comes to public safety and economic prosperity. And they're not above complying with congressional requests. I urge Members to support the amendment.

I reserve the balance of my time.

Mr. FATTAH. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 3 minutes.

Mr. FATTAH. One, this is a budget-neutral reorganization of NOAA. Two, a third of our gross domestic product requires accurate information in terms of climate and weather conditions. And

the third and most important point, this reorganization, this Climate Service would allow the private sector to get data that NOAA is already collecting and use it to better forecast for their activities.

I would like to yield 1 minute to the gentleman from the great State of California, the ranking member on the Agriculture Subcommittee, Mr. FARR.

Mr. FARR. Mr. Chairman, I rise in strong opposition.

If any of you live in coastal communities, you want to oppose this bill. Ocean acidification is a real threat to this Nation. Climate change is happening, and the ocean is where climate is born. The coast of California is seriously considering all of what the rising oceans will do to the economic value of the most valuable coastal property in the United States.

So you don't want to take out the partner in working with State and local governments on these issues. If tourism is in your community, if fishing is in your community and, in fact, educational institutions. Yesterday, hundreds of high school students from all over the United States were here working, showing their science projects on ocean acidification. They won awards from government entities and nonprofit entities. Their future is about studying these issues. This is the kind of program that we want to invest in. Smart technology, smart energy, that is the way we are going to handle this problem in the future. Those are jobs.

"No" on this amendment.

Mr. HALL. I yield 1 minute to the gentleman from Georgia, Dr. BROWN.

Mr. BROWN of Georgia. I thank the chairman.

This is a half-baked idea. The chairman and I have written NOAA over and over again trying to get information. It has not come before our Science Committee. It has not been vetted. It may be a good idea; it may not be.

I ask that Members of this body vote "yes" so that the Science, Space, and Technology Committee can look at this issue, can talk to NOAA, can find out all about it. It's not going to prevent people from getting climate information or weather information. We should not launch out into something when we don't know what the consequences, or even what may be bad consequences, of this might be.

So we need to support this amendment. Please vote "yes" so that the Science Committee can come and totally vet it, find out what NOAA's doing, as we should. We have the jurisdiction in the Science, Space, and Technology Committee, so it's absolutely important for us to do this without NOAA just launching off on its own.

Mr. FATTAH. How much time do I have left?

The Acting CHAIR. The gentleman from Pennsylvania has 1½ minutes remaining.

Mr. FATTAH. Thank you.

This is a budget-neutral reorganization that will allow private business to get data that NOAA has already collected. That's all it is. It's critically important information for those businesses. And a third of our gross domestic product is reliant on good information about climate so that they can have it. It's transparency, it makes sense, and it's budget neutral.

Mrs. DAVIS of California. Mr. Chair, I respect the gentleman's interest in the issues before NOAA.

But I will have to oppose this effort.

Representative HALL's amendment sends the wrong message about the need to meet the growing demands of our nation's businesses and communities for reliable and relevant climate information.

Some of us might disagree on the extent climate change is taking place.

But to discourage research is a big mistake.

Regardless of your opinion, timely and relevant climate information benefits communities, local governments, and businesses.

A significant portion of the success of the U.S. economy depends on accurate weather and climate information.

Local governments in my home region of San Diego are planning for future trends or changes to sea levels—and NOAA's research is critical to their work.

This amendment also sets poor precedent and policy.

NOAA is implementing an internal, budget-neutral organizational structure with the Climate Service office.

Using a budget CR to restructure an agency without input or sufficient debate is questionable.

Major restructuring efforts should be well thought out and involve study.

Let the scientists and the researchers decide what's worthy of their attention.

I ask my colleagues to oppose this amendment.

Mr. FATTAH. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 233 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by division A of this Act may be used for the missile defense program of the Department of Defense.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, my amendment would prohibit funds authorized in H.R. 1 to be used for the missile defense program at the Department of Defense. The amendment does not cut overall defense spending but merely places a limitation on spending on the hapless and hopeless missile defense system.

According to the Congressional Research Service, the U.S. has spent over \$150 billion on ballistic missile defense since 1985, and there is no working, reliable missile defense system to show for all that investment. H.R. 1 dedicates approximately \$10 billion more for ballistic missile defense.

Some have argued that such systems are necessary for national security. In fact, no missile defense system under development has ever passed an unrigged test. According to experts at CRS, the performance in wartime for our newest capabilities is unknown. In December of last year, our ground-based interceptors known as GMDs failed the test again, a test that cost \$100 million.

According to the Union of Concerned Scientists, the United States "is no closer today to being able to effectively defend against long-range ballistic missiles than it was 25 years ago." Missile defense systems are unproven and unworkable. They are worthless as national security.

But even though we have never in 25 years created a missile defense system that worked, our misguided commitment to spending billions on this failed program is having a counterproductive effort with other countries. Both the Bush administration and the Obama administration have mistakenly argued and insisted that the ballistic missile defense system is solely for deterrence and protection against potential future threats. This argument contradicts logic. Missile defense concepts are perceived by both our foes and allies as defensive threats. If we increase our arsenal, we encourage other countries to increase theirs.

I want to conclude by saying that when will Congress act appropriately in response to the record of failure in missile defense? Shouldn't we apply the same standard to missile defense as we apply to our schools and No Child Left Behind? If you can't pass the test, then you lose your funding.

□ 2240

I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. YOUNG of Florida. Mr. Chairman, the Kucinich amendment totally ignores the reality of the real threat against our troops, our allies and our deployed forces. It basically destroys our missile system. And as we know, the enemies and the potential enemies have continued to develop their offensive missiles. We just cannot do this. This is one of those amendments you just can't do.

I would like to yield at this time 1 minute to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. This amendment is so 1980s. It's when Ronald Reagan proposed STAR Wars and the Democrats were opposed, and we're well past that. Missile defense now has total bipartisan support. President Clinton pursued it, President Obama pursued it and both of the Presidents Bush pursued it. We know two things—the threat is real, and the system works. The gentleman from Ohio said this hasn't passed 100 tests. Well, we haven't funded 100 tests. It is absolutely a system that works and is needed.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Could I ask the Chair how much time remains.

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. KUCINICH. I would just like to say in response to my friends that my amendment will correct a bipartisan error and, second, that you can't destroy a missile system that doesn't work.

I will just conclude by saying that Philip Coyle, a former Assistant Secretary of Defense, has said the national missile defense system has become a theology in the United States, not a technology. We may have faith that it works, but we are taught that we have to justify our faith by good works. They don't have any good works connected to this.

Mr. YOUNG of Florida. Mr. Chairman, we're talking about the Patriot missile system, we're talking about the Aegis missile system, and we're talking the Arrow system that we cooperate with Israel for their protection. We're talking about basic defense of our troops in the field who are in harm's way anyway. You just can't do this.

Mr. KUCINICH is my friend. He is not always right. He is not always wrong, but he is wrong tonight. And this is just not something that we can tolerate. Our military would never stand for this. We're not going to approve this amendment, Mr. Chairman.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

AMENDMENT NO. 141 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I rise as the designee of the gentleman from Cali-

fornia (Mr. STARK) to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available by division A of this Act for any account of the Department of Defense (other than accounts listed in subsection (b)) may be used in excess of the amount made available for such account for fiscal year 2008.

(b) The accounts exempted pursuant to this subsection are the following accounts in division A:

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I offer this amendment today along with Mr. STARK, Ms. WOOLSEY, Ms. LORETTA SANCHEZ, Mr. NADLER and Mr. POLIS.

Our amendment would reduce appropriations for the Department of Defense in this bill to fiscal year 2008 levels. If you want to cut domestic spending to 2008 levels, you can't exempt defense.

I want to thank Representative STARK for this amendment and for his leadership in promoting an end to the era of unlimited spending and no accountability at the Pentagon. Unfortunately, this week my colleagues on the other side of the aisle are proposing an economic blueprint that would slash Federal investment in our Nation's infrastructure, education system, health care and programs to meet basic human needs and to create jobs. These cuts, trumpeted as a means of long-term deficit reduction, come at a time of severe economic distress for American families.

Earlier this year, the House passed a resolution to reduce non-security domestic spending to 2008 levels. This amendment gives us a chance to put our money where our mouths are. It simply says that defense spending should be reduced to 2008 levels. If we are serious about getting our fiscal house in order, then we need to apply the same rules, mind you, to defense as non-defense discretionary spending.

I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. YOUNG of Florida. Mr. Chairman, this year we have already done something unusual. We have reduced the defense budget by \$14.8 billion already in this bill. To reduce the defense

funding to 2008 levels would cut over \$50 billion from the DOD—severely impacting both our troops on the ground and jeopardizing national security.

Now, if you want to reduce or cancel training for our troops that are coming home from the war, then you would vote for this amendment. If you want to cancel Navy training exercises, then you would vote for it. If you want to reduce Air Force flight training hours, you would vote for this. If you want to delay or cancel maintenance of aircraft, ships and vehicles, then you would vote for this. If you want to delay important safety and quality-of-life repairs to facilities and barracks, then you would vote for this.

But I don't support any of that. And I don't think most of our colleagues support any of that. And a time of war is not the time to be withdrawing from our national defense capability, the readiness and security of our Nation.

I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I have to express my absolute bafflement at the debate we've been having all week in this Chamber.

My colleagues on the other side of the aisle wax on and on about how we have to restore fiscal discipline and cut all kinds of very necessary programs to the bone. Yet they won't even bring to our debate one of the most costly expenses we have in this country, and that's Afghanistan. This war in Afghanistan has cost us nearly 1,500 American lives and the taxpayers a staggering \$379 billion and counting.

Yet during this debate, the majority, which is enthusiastic in its support for more and more Afghanistan war spending, wants to eliminate a homeless veterans initiative. That's their approach. Send our brave men and women halfway around the world to be chewed up and traumatized, then pull the plug on the support they need when they get home. That's what they call supporting the troops.

We need to cut that expense.

Mr. YOUNG of Florida. Mr. Chairman, can I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman has 1¼ minutes.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the former chairman of the subcommittee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Thank you, Mr. Chairman.

I want to rise in strong opposition to this amendment. First of all, working together on a bipartisan basis for the first time, we cut nearly \$15 billion from the Obama budget request in 2011 for defense, and we did it on a very careful basis.

This amendment would add another \$56 billion to that cut. It would do

damage to all of our acquisition programs. It would threaten the people in Iraq and Afghanistan and our efforts to conduct the global war on terrorism. So, again, I hope that on a very strong bipartisan basis we can reject this amendment.

□ 2250

Ms. LEE. How much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 30 seconds remaining.

Ms. LEE. Let me just say in closing that the bipartisan sustainable defense task force report released last year identified at least \$1 trillion in cuts over the next 10 years without sacrificing our strategic capabilities.

According to the GAO, major weapons programs have suffered from \$300 billion in cost overruns, and in fact, it's time to end this war in Afghanistan. These wars in Afghanistan and Iraq are costing the taxpayers \$1 trillion. We know al Qaeda is not in Afghanistan, and we need to put our money where our mouth is. Cut the defense budget the same way we're talking about cutting non-discretionary.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 109 OFFERED BY MR. GRIFFITH OF VIRGINIA

Mr. GRIFFITH of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in—

(1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled "Enhanced Surface Coal Mining Pending Permit Coordination Procedures", dated June 11, 2009; or

(2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled "Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order", dated April 1, 2010.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011,

the gentleman from Virginia (Mr. GRIFFITH) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GRIFFITH of Virginia. Mr. Chairman, amendment 109 is a timeout on the EPA. The EPA and its guidelines for the water quality coming out of mines issued on April 1, 2010, came up with a conductivity test, a test which did not go through the Administrative Procedures Act, a test which is relying on science which is not yet fully accounted for or reliable. In fact, in the document, in 31 pages, they use words like "expect" and "anticipate" what the science will be on 27 of those 31 pages.

Mr. Chairman, President Johnson had a war on poverty. There are some in my district and in Appalachia who believe that President Obama and his EPA have a war for poverty in the Appalachian region.

That conductivity test is so severe that the distilled water would pass, the Deer Park would pass, the Fiji is just barely going to make it outside of the zone of question, but Evian water that you purchase to drink would not pass. Perrier water that you purchase to drink would not pass. It's not good enough. And Pellegrino is not good enough either.

There is a bumper sticker that is very popular now in my district. It says if you think coal is ugly, wait until you see poverty. There are some who believe—and I think that there are some in Washington who think—that southwest Virginia and other parts of Appalachia should just be a giant park for rich folks to visit, and that those of us who live there, the folks in Washington think, ought to be happy to have the jobs changing the sheets for the rich folks.

Ladies and gentlemen, that is not good enough and this amendment should pass, and we should put a stop to this regulation.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I want to congratulate the gentleman. This amendment is well-deserved, and it's exactly the right thing to do. I appreciate the gentleman taking up the fight to save the jobs in Appalachia—in Virginia and Kentucky, West Virginia, Ohio, and the other States where coal is mined. This administration declared war on coal when they took office and they're trying to carry it out. I appreciate the gentleman carrying the fight.

Mr. GRIFFITH of Virginia. Thank you.

I reserve the remainder of my time, Mr. Chairman.

Mr. MORAN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, this is the second of three amendments designed to kill regulation of mountaintop mining. The amendment would prevent EPA from working with other Federal agencies and mining companies to ensure that mountaintop mining is carried out in a manner that protects public health, the environment, and the economy using the best available science.

Mountaintop surface mining removes entire mountaintops to access the coal underneath but then deposits toxic mining waste in nearby streams. Practices not carried out carefully and responsibly can be devastating to the environment and to local economies.

There's been longtime uncertainty regarding what laws applied, uncertainty about which Federal agencies to work with, and uncertainty about potential liability. This uncertainty was eliminated when Interior, EPA, and the Corps of Engineers agreed to work with mining companies and implement a common procedure for reviewing permits. And it was with the goal of—and I quote—to strengthen the Appalachian regional economy and to lay out common procedures on mountaintop mining.

This memorandum of understanding brought clarity for all the parties—States, mining companies, environmentalists, and Federal agencies—so that mining could move forward. But what we have here is an effort at good government punished by legislators with an ax to grind. Agencies are punished for not working together. Then when they do, we punish them for working together.

Permit reviews will just take longer and the process will be more confusing to companies because this amendment won't change the law. This amendment could extend the mining company's permit process for years and cost them hundreds of thousands of dollars in delays. That's why this amendment should be defeated.

I reserve the balance of my time, Mr. Chairman.

Mr. GRIFFITH of Virginia. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. GRIFFITH of Virginia. Mr. Chairman, this amendment will not bring jobs. It will take our \$60,000-a-year-plus jobs and give us either unemployment or part-time jobs at minimum wage, and what's interesting is, the data that we do have shows that there's a greater biodiversity after mountaintop mining than there was before.

I reserve the remainder of my time.

Mr. MORAN. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. MORAN. Well, the point is we have three agencies responsible for this

permitting function. They weren't necessarily working together. Now, they're working together. We have a memorandum of understanding. They know that their goal is to strengthen the Appalachian regional economy, and to work with all the parties to bring them together. That's what memorandum of understanding says.

This amendment eliminates all the progress that has been achieved. They were attempting to promote good government and a good relationship with the mining companies. It's not going to happen. If this amendment goes through, this amendment kills that memorandum of understanding. The law remains, but they can't cooperate now if this amendment was to pass.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GRIFFITH of Virginia. Mr. Chairman, again, this, if not passed, will bring us unemployment, not a good economy. Thank you.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GRIFFITH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 548 OFFERED BY MR. JONES

Mr. JONES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to develop or approve a new limited access privilege program (as that term is used in section 303A the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a) for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Council.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from North Carolina (Mr. JONES) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. JONES. Mr. Chairman, this amendment would prohibit the Federal Government from spending millions of taxpayers dollars expanding job-destroying catch shares programs in fisheries along the Atlantic seaboard and the Gulf of Mexico.

Mr. Chairman, I have two cosponsors of this legislation. I yield 1 minute to Mr. PALLONE from New Jersey.

Mr. PALLONE. Mr. Chairman, the fishing industry is a crucial part of our

Nation's economy, and catch shares pose a serious threat to the vitality of the fishing industry. Catch shares is a system where fishermen have to buy the right to fish, and only those who buy this right are given the opportunity to catch a portion of fish. I don't believe any fisherman should have to buy the right to go fishing.

□ 2300

What is perhaps most concerning is NOAA's use of important cooperative research and monitoring funds in a carrot-and-stick operation that pressures regional fisheries management councils to adopt catch share programs.

Mr. JONES' amendment would simply prevent NOAA from spending funds to push another restrictive management system before they get the current system right. Despite our calls on NOAA to make programs that gather scientific data and keep fisheries open their priority, NOAA has failed to listen. And that is why I urge my colleagues to support this amendment by Mr. JONES.

Mr. JONES. Mr. Chairman, at this time I would like to yield 1 minute to the gentleman from Massachusetts (Mr. FRANK), also a cosponsor of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, in the Magnuson Act renewal of 2006, we set up a procedure whereby there can be a referendum in each fishery to do the equivalent of catch shares. NOAA's getting around that. There are some places I'm told where people like that.

The procedure under the Magnuson Act whereby they can, by referendum, impose that remains available but it would require the approval of the men and women in the fishery. In much of the east coast, people don't like that. And what NOAA is doing is going around that referendum requirement by a new thing which they call catch shares. They can do the equivalent in another way.

I am particularly puzzled to have in the Obama administration people tell us, Well, it's okay. What it does, of course, is to lead to consolidation. They say it's the same amount of income, but it goes to a small number of larger entities, and the smaller individuals are frozen out. And in the area that I represent, the fishing industry doesn't want it.

So what I hope we would do is—and the gentleman's amendment does not affect that part of the Magnuson Act that would allow referenda, so that when the fishery, where the fishermen like it, they can get a system of quotas, and they can get a system of the transferable quotas. And that's what's in the Magnuson Act, transferable quotas with a referendum because they couldn't—NOAA was insisting on imposing that over the objection of fishermen. They've come up with a new

system called catch shares. That's what we're banning. We leave the referendum process in place.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, these programs put together by the National Oceanic and Atmospheric Administration are designed to replenish diminishing fish stocks. They assign shares to individuals, cooperatives, other fishing communities, because what we have seen that has resulted in depleted fish stocks and overfishing is a race to fish where the concern is that the stock is being depleted. And so they run out to get what's left.

NOAA is trying to intervene and equitably divide up what's left, what we scientifically understand is left, and try to cooperate.

Now, I can understand there are many fishing communities that don't want NOAA's intervention. But NOAA has been successful in ensuring sustainable fisheries and preventing overfishing and creating more stable and lucrative fishing jobs in communities from Alaska to Florida. And they bring a lot of economic and biological benefits. They eliminate what many think are dangerous races to fish, or what are called "derby" conditions, and they improve safety for fishermen.

NOAA seems to know what they're doing. Where they've done it, it's been successful. I think we should look to the experts and understand that we've got to have greater sustainability of our fishing stock.

How much time do I have at this point, Mr. Chairman?

The Acting CHAIR. The gentleman from Virginia has 1½ minutes.

Mr. MORAN. I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding.

I represent a lot of fishermen in the west coast in California and up the west coast all the way up to Alaska. The catch share program has worked very well.

The reason you have it is, one, you only have two systems in fishing—you have a season and you have a limit or quota. The pounding of all of the boats going at the same time regardless of weather is a very risky thing. Now we've given that up to share. We give shares to boats.

So what happens if you're a small fisherman in a small boat, you've got a share. You've got your right. You can go out when you want to. Not just when the weather is really foul and may be dangerous. People like this. It's sustainable. They can get loans on their boats. They know they've got all kinds of certainty that they've never had before.

To wipe this out, it may be uncomfortable in some other communities,

but if you'd much rather direct it, if you want to get mad, do it to those communities because wiping it out this way, you're going to really hurt where it works. And where it works, it works really well. So please oppose this amendment.

Mr. JONES. Mr. Chairman, in closing, I must say this is an east coast issue. That's why you have Mr. PALLONE and Mr. FRANK and myself speaking.

And with that, the fishermen on the east coast need fairness from their government, and this amendment will help give fairness to the commercial and recreational fishermen on the east coast of America.

I yield back the balance of my time.

Mr. MORAN. Well, Mr. Chairman, I can understand where my very good friends are coming from. They represent a lot of professional and very responsible fishermen. And I know they know what they're talking about. On the other hand, NOAA does, too.

And NOAA has been successful. They have been successful from Alaska to Florida in allocating assigned limits to various fishing entities that were at serious risk of losing their fishing stock.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. When you get from Alaska to Florida, don't you have to pass Massachusetts, New Jersey, and North Carolina? Because the three of us think it's a terrible idea.

Mr. MORAN. Reclaiming my time, the point is, NOAA's objective is to sustain the fish supply so that these fishermen will continue to have jobs—not just now but in the future and for their children and grandchildren. That's NOAA's objective. That's why I think we should reject the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 47 OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the study of the

Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111-8).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Thank you, Mr. Chairman.

My amendment would eliminate funding for the Missouri River Authorized Purposes Study, also known as MRAPS.

This \$25 million study was originally earmarked under the guise of a review of the 1944 Flood Control Act and relevant court rulings to determine if current authorized project purposes are contemporary.

MRAPS comes on the heels of another comprehensive \$35 million, 17-year study completed in 2004 that showed that the current authorized purposes are appropriate and do not need to be altered.

For river communities, few issues are as important as water supply, power, and navigation. This study puts in jeopardy the flow of the lower Missouri and Mississippi Rivers, which would have devastating consequences for navigation and transportation along those rivers and result in barriers for agriculture, waterways operations, and every product that depends on the Missouri and the Mississippi Rivers to get to market.

MRAPS is duplicative and wasteful of taxpayer dollars. We've already spent \$35 million to examine the Missouri River Master Manual. After 17 years, hundreds of public meetings, and countless lawsuits, the U.S. Army Corps of Engineers concluded that the current uses of the river are appropriate.

It is careless and irresponsible to conduct another multiyear, multi-million dollar study at taxpayers' expense, particularly given the dire state of our Nation's economy.

□ 2310

Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Chairman, I wholeheartedly support this amendment, which saves taxpayers from funding a duplicate study which is unnecessary, wasteful, and ill-advised.

The Corps of Engineers just completed a 15-year study at a cost of \$35 million. The Missouri River Master Water Control Manual has been published, and businesses, municipalities and utilities have been planning accordingly. There is no need to restudy the issue of the Missouri River again at an additional cost of \$25 million.

Farmers, businesses and cities in Missouri's Fourth Congressional District support this amendment, and I

urge my colleagues to support this commonsense proposal.

Mr. LUETKEMEYER. Mr. Chairman, I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. PASTOR of Arizona. To my colleague from Missouri, I would tell him that the objective of this amendment has pretty much been accomplished. The last funding that occurred for this study was in, I think, 2009, which was an earmark. So now that earmarks have been eliminated in the CR and eliminated for the future, you would not have that funding as a possibility for this study. Also, the administration has not put any money in its budget, so therefore there is no money in the budget. So for all practical purposes, the funding for the study is not going to continue. So therefore, it's very unlikely that the funding level provided in the bill will receive anything more than the amount to close the study.

And I would tell my friend that the reason I oppose it is that this language I think may be unnecessary because it may impact the orderly termination of the study. And that's why I rise in opposition, because I believe since this study, at least in my opinion, has been terminated, that we at least go through an orderly order with the funding that's available so we can have an orderly termination.

I reserve the balance of my time.

Mr. LUETKEMEYER. With all due respect to the gentleman, I would appreciate some certainty, and I think that's what the purpose of this amendment is all about.

You indicate that it's still in existence; it's still being funded. We want it out. We don't want it funded any longer. The purpose of it is duplicative. The study has been done before. And I think it's time that we called a stop to it.

Mr. Chairman, I reserve the balance of my time.

Mr. PASTOR of Arizona. Well, I think I heard the gentleman tell me that the last time the study occurred was in 1944. And because earmarks are no longer the practice and the administration is not providing any funding, it's my belief and my opinion that this study will not go further, and the few dollars that may be left from the former earmark will be used to terminate the study in an orderly fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Chairman, the last study was done, completed in 2004 at a cost of \$35 million. It took 17 years, and now we want to do it again. I don't believe it's appropriate for our taxpayer dollars to be used in this manner.

And with that, I ask for the support of the body.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Again, I would ask my colleagues to vote "no" on this amendment because the objective of the amendment has pretty much been met. There is no funding available to continue it. The few dollars that remain will only be used to terminate the study in an orderly manner. That's the proper way of doing it, and I would ask my colleagues to vote "no" on the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LUETKEMEYER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 149 OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Mr. Chairman, I have another amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used for contributions to the Intergovernmental Panel on Climate Change (IPCC).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, this amendment would prohibit U.S. contributions to the United Nations Intergovernmental Panel on Climate Change, an entity that is fraught with waste and engaged in dubious science. The IPCC advises governments around the world on climate change, and supporters of cap-and-trade legislation have used the questionable science, the findings of the IPCC, as reasons to support onerous legislation.

Criticism of this science intensified over the last 2 years when emails publicly released from a university in England showed that leading global scientists intentionally manipulated climate data and suppressed legitimate arguments in peer-reviewed journals. Researchers were asked to delete and destroy emails so that a small number of climate alarmists could continue to advance their environmental agenda.

Since then, more than 700 acclaimed international scientists have challenged the claims made by the IPCC in

this comprehensive, independent 740-page report. These 700 dissenting scientists represent some of the most respected scientific institutions at home and around the world, including U.S. Departments of Energy and Defense, U.S. Air Force and Navy, NASA, and even the Environmental Protection Agency.

Take, for example, famed Princeton University physicist Dr. Robert Austin, who has published 170 scientific papers and was elected a member of the U.S. National Academy of Sciences. Dr. Austin told a Senate committee that "unfortunately climate science has become political science. It is tragic that some perhaps well-meaning but politically motivated scientists who should know better have whipped up a global frenzy about a phenomena which is statistically questionable at best."

Mr. Chairman, if the families in my district have been able to tighten their belts, then surely the Federal Government can do the same and stop funding an organization that is fraught with waste and abuse. My amendment simply says that no funds in this bill can go toward the IPCC. This would save taxpayers millions of dollars this year and millions of dollars in years to come. In fact, the President has requested an additional \$13 million for the IPCC in his fiscal year 2012 budget request. Our constituents should not have to continue to foot the bill for an organization to keep producing corrupt findings that were used as justification to impose a massive new tax on every American. They deserve better.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 3 minutes.

Mr. WAXMAN. Mr. Chairman, my colleagues, this amendment would eliminate funding to the Intergovernmental Panel on Climate Change, or the IPCC.

The U.S. contributes only \$2.3 million to the IPCC, and our \$2.3 million contribution leverages a global science assessment institution with global outreach and global technical input, a process we could not carry out alone and one that could come to a halt without U.S. support.

Their work on climate change is unparalleled. In its four assessment reports to date, they have brought together thousands of scientists around the world in disciplines ranging from atmospheric science, to forest ecology, to economics to provide objective and policy neutral information. The panel has attracted hundreds of the best U.S. scientists. In fact, a majority of the research that's reviewed is undertaken in U.S. institutions.

The IPCC's work has been lauded by the U.S. Academy of Sciences and by

the InterAcademy Council, a body comprised of the national academies of the world. In fact, in 2007 that organization won the Nobel Prize for its assessment work. This institution is a nonpartisan and technically extraordinarily sound organization.

The Republican majority has already voted to prevent the EPA from using funds to regulate greenhouse gases. Now we're being asked to defund the work of international scientists to learn about the threat.

Now, the assumption, I assume, is that there is no threat and, therefore, let's not study it. I think that is not a wise assumption. This is a very shortsighted proposal to cut these funds. It's like putting our heads in the sand, denying the science, and then stopping the scientists from working because they might come to a different conclusion than the Republican majority's ideology in believing that there is no such problem and therefore we don't need to know about it or do anything about it. If we're not going to do anything here at home, let's at least work internationally to understand the threat and to deal with other countries to combat it.

Mr. Chairman, I reserve the balance of my time.

□ 2320

Mr. LUETKEMEYER. For the last year or two, the International Panel has been funded at the rate of about \$12.5 million per year. The President has it in his FY12 budget at \$13 million. This group has been in the headlines for their activities with regard to how they are trying to tinker with the data that they put out.

Why would we want to fund a group of folks who is nefarious and gives us incorrect information? It's beyond me.

Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I don't understand how the gentleman from Missouri can say that this is a nefarious group of people. After all, these are people who are scientists, who've won the Nobel Prize for their scientific activities.

I used to think that people from Missouri were from the Show-Me State. Now I gather what this gentleman from Missouri is suggesting is "I don't want to know about it." I don't think that is what the position ought to be of the United States Congress. Let's learn the facts and then decide what to do about it but not stop trying to know what the science is behind the global threats.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 569 OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to fund periodic step increases described in Section 5335 of Title V of the United States Code.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from California (Mr. ISSA) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Chairman, President Obama announced a pay freeze. Within his Executive order, he froze all pay he could freeze. The one he could not freeze was step increases. This simple amendment adds to President Obama's 2-year freeze a 7-month freeze for the period he was unable to cover of step increases. Step increases are simply pay increases because you're on the job, period.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. We all agree that we all need to be financially responsible with regard to the Federal budget, but this continuing resolution already substantially reduces funds for every single agency of the government. A freeze in civilian pay for Federal employees is already in effect for 2 years. It prevents cost of living and locality pay increases for the entire Federal workforce, including civilian employees of the Defense Department, although uniformed employees can get raises. If you're a political appointee you can get an increase but not if you're a civil service employee.

Mr. Chairman, a little over a majority of the Federal workforce is eligible for retirement over the next 5 years. We are going to make their lives far more difficult with the restraints on program funding we're putting in this bill, and then we're going to say they're not going to be able to get compensated when we tell them they have to do more with less funding for their agencies? We are going to lose our best and brightest people in the government, and as a result, the American people are going to lose the quality of service they've come to trust and expect.

I reserve the balance of my time.

Mr. ISSA. I continue to reserve the balance of my time.

Mr. MORAN. How much time is remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from Virginia has 1½ minutes remaining.

Mr. MORAN. I yield 1 minute to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I rise in opposition to this amendment.

Timothy McCarthy, who was the Secret Service agent who stopped the bullet that would have killed one of the greatest Presidents we've ever had, Ronald Reagan, would have deserved a step increase.

Dr. Collins, who has mapped the human genome system to be able to deal with pancreatic cancer and breast cancer and who could go outside and get a job anywhere, would deserve a step increase.

The FBI agent who is tracking down and working to find al Qaeda and terrorism and radicalization would deserve a step increase.

Lastly—lastly—some Members of this Congress have employees who have done such a good job—many of them are perhaps on the Appropriations Committee—they would deserve a step increase. If you vote for this, you can never give any of your employees a step increase for the rest of this year.

This is a bad amendment. I urge its defeat.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Chairman, I just want to clear up some facts because I believe, in the effort to try to make a point, people have failed to be quite as accurate as they should be. First of all, as for political appointees, the President has already frozen their pay. Second of all, awards, raises, and bonuses are not limited by this freeze. The fact is, if somebody is meritorious of a raise, award or bonus, he will still be able to get it.

When they say that budgets have been cut, if budgets have been cut, not having this \$500 million in the first year and another \$500 million in the second year will, in fact, allow those budgets to go further.

When they say that these are effectively meritorious, from the Office of Management and Budget of the Obama administration, we have received the figure. It is 99.94 percent of all eligible Federal employees, meaning only six out of every 10,000 employees, failed to get this automatic increase.

This saves over \$500 million in 7 months and over \$700 million the next year. It is consistent with President Obama's freeze, and the freeze is exactly what we're trying to do—give the President what he said in the spirit in which he said it.

I reserve the balance of my time.

Mr. MORAN. With 30 seconds remaining, I think I should let the gentleman from California conclude his remarks.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from California has 1¼ minutes remaining.

Mr. ISSA. Thank you. I won't use it all.

It has been a long night, and the American people are hopefully still watching. As they watch what we are doing here and as they see people coming and crying for the Federal worker, I hope what they realize is that the Federal worker is not losing a day's pay. We are not eliminating Federal workers, and Federal workers will be able to get awards, bonuses, any meritorious increase or promotion. We are simply saying that, for 99.94 percent of all non-uniformed Federal workers, to simply get longevity increases after the President has ordered a pay freeze is disingenuous to the process. We want to be genuine to the President's Executive order and genuine to the process here. The House of Representatives rolled back our funding by 5 percent, and that was a good start; but if we don't do this, we're not even genuinely freezing the pay of our own Federal workforce.

I strongly urge support for this amendment in keeping the promise of the President and the promise to the American people.

I yield back the balance of my time.

Mr. MORAN. I yield 15 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I rise in strong support of the position of our committee in opposition to this amendment, and I want to associate myself with the remarks of Mr. MORAN and Mr. WOLF.

Mr. MORAN. Mr. Chairman, we are the world's superpower, and much of the responsibility for maintaining the status of being that superpower falls on the shoulders of our Federal civil service.

Already, they get about a third less than what they would be getting in the private sector for the same responsibilities. We desperately need the best and the brightest, from all over this country, to serve the American people. If we punish them by limiting their salaries, by making them scapegoats, we are doing a disservice to the American people. Let's not do this. Defeat the amendment.

□ 2330

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. ISSA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 94 OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. No funds made available by this Act may be used to implement—

(1) the decision of the Administrator of the Environmental Protection Agency entitled "Partial Grant and Partial Denial of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent" published in the Federal Register on November 4, 2010 (75 Fed. Reg. 68093 et seq.); or

(2) the decision of the Administrator of the Environmental Protection Agency entitled "Partial Grant of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent" published in the Federal Register on January 26, 2011 (76 Fed. Reg. 4662 et seq.).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, my amendment would simply delay the implementation of the EPA's E15 waivers for the remainder of the fiscal year, which would allow Congress time to address safety concerns related to the higher blend of ethanol gasoline before the EPA puts it in our general fuel supply.

Despite alarming consumer, environmental and economic concerns, the Environmental Protection Agency has approved a 50 percent increase in the amount of corn-based ethanol allowed in gasoline used by cars and light trucks manufactured in the 2001 model year and newer.

This is simply another attempt by the EPA to engineer ethanol mandates and drive ethanol subsidies forward. And, yes, this is a mandate.

The EPA has mandated that we use 36 billion gallons of renewable fuels, like ethanol, annually in our motor engines by 2022 and through incremental steps and backhanded attempts just like this, the EPA is mandating.

The EPA's move from E10 to E15 fuel over the next several months is in effect a backhanded 50 percent increase in the corn ethanol mandate putting consumers, engine makers and gasoline retailers at risk. Gasoline station owners are terrified of how they will comply with this E15 mandate because not all of the existing infrastructure is certified for the fuel. Under the EPA waiver, they will have no liability protections.

Quik Trip, a major gasoline retailer across the Midwest, which is headquartered in my hometown of Tulsa, Oklahoma, offers an uncondi-

tional guarantee on every drop of gasoline they sell. Because of the lack of liability protection, they will be left on the hook if someone puts the wrong blend of gas in the wrong kind of car. That will open up a litigation nightmare.

Why do we want to further mandate a fuel consumers don't want and retailers are afraid to sell? This is a major consumer safety issue that could adversely impact up to 60 percent of cars on the road today.

It is also important to point out the environmental impacts of this as well. The higher a fuel blend like E15, the higher the toxic air pollutant emissions. Since ethanol contains just 66 percent of the energy that gasoline does, E15 will lead to an actual drop in gasoline mileage. The EPA has even said you get 5 percent less fuel economy with E15 than clear gasoline.

The EPA has completely ignored calls from lawmakers, industry, environmental and consumer groups to address important safety issues raised by the 50 percent increase in the ethanol mandate waivers. Putting the brakes on E15 is the right thing to do for the people that we represent.

I ask my colleagues to join me in passing this amendment.

I yield back the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, I yield such time as he may consume to a very thoughtful and informed expert on this issue, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman very much for yielding.

I understand the gentleman from Oklahoma represents oil and the reason that he is doing this, but current government regulations restrict the ethanol blend to 10 percent by volume. Meanwhile, ethanol producers have hit the 10 percent cap and are producing more ethanol than can be used under current restrictions that are in place.

I have to correct the gentleman when he said EPA mandates this. It's Congress, us, that mandated the 36 billion gallons of renewable fuel by 2022. And it's essential, with that mandate from Congress, this is not EPA, that we increase E10 to E15 to continue our investment in renewable fuel for the economy.

Raising the limit will accelerate the use of renewable fuels made in the U.S. We are not importing this oil, Mr. Chairman. We are lessening our dependence on foreign sources of oil and encouraging continued investment and research for advanced biofuels like cellulosic ethanol.

As importantly, raising the limit will grow our economy here in the U.S., create about 136,000 jobs in the United

States. This is oil that we are not importing from overseas and spending billions and billions of dollars with our military to defend the oil coming into this country.

These are good-paying jobs; they are very excellent as far as jobs in rural America. They cannot be outsourced overseas. Science supports E15. It's the most tested fuel in history, with the EPA and the Department of Energy stating that the higher ethanol blend does not harm engine durability nor emissions equipment for vehicles aged 2001 and newer, which represents more than 70 percent of the vehicles on the road today in the United States.

It's clear that science supports the decision. There's no doubt that the E15 blend limit is good for our economy, it's good for our energy independence and everybody talks about all of the above.

This is part of all of the above of energy independence for the United States. It's good for continuing investment in the renewable fuels, energy and for the rural parts of this country that need an awful lot of help these days.

I certainly oppose this amendment.

Mr. MORAN. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman from Virginia has 15 seconds remaining.

Mr. MORAN. I yield the balance of my time to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I want to thank my colleague from Virginia.

For 15 seconds, I want to associate myself with the remarks of my colleague and member of the Energy and Commerce Committee, Mr. SULLIVAN. I think we need to think how we are doing this with ethanol. It costs more. I don't want to import oil either. That's why we need to produce it in our own country.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. SULLIVAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT NO. 216 OFFERED BY MR. MCKINLEY

Mr. MCKINLEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Administrator of the Environmental Protection

Agency to carry out section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, we all should be concerned about the recent actions by the EPA and how it continues to destroy jobs by exceeding its statutory authority as envisioned by Congress. In West Virginia, our State's economy is highly dependent upon the coal and natural gas industries.

On January 13, 2011, the EPA took an unprecedented action by retroactively revoking a lawfully issued 4-year-old permit for the Spruce No. 1 surface mine in Logan County, West Virginia. This permit had been issued by the Secretary of the Army under the Clean Water Act and was approved by the Corps of Engineers in January 2007.

For nearly a decade, the Corps of Engineers worked with the EPA to rigorously review this Spruce mine project before it was approved. The permit was issued after this extensive environmental review, which included a 1,600-page Environmental Impact Statement in which the EPA fully participated and agreed to all terms and conditions included in the authorized permit.

□ 2340

Just to be clear, the EPA had every opportunity to address any concerns and work together with the Corps of Engineers prior to the permit being issued. By giving the EPA the funds to retroactively veto this permit, a dangerous precedent is being set for future job-producing ventures by businesses and industries throughout this country.

These actions by the EPA continue to justify why so many Americans worry about the EPA's relentless war on coal. If the EPA can be allowed to retroactively revoke a permit in West Virginia, they can continue this onslaught wherever water permits exist throughout America. Any entity discharging water is vulnerable to having their permits pulled and will put at risk city sewage treatment plans, farms, mines, steel mills, and chemical plants.

EPA's veto at Spruce mine caused the loss of 253 mining jobs and 298 indirect jobs in West Virginia. In addition, it prevented the investment of nearly \$250 million. The EPA's action has had a chilling effect on many types of companies, all of which rely on the certainty of the permitting process in order to make crucial business planning decisions. It's virtually impossible for companies to take the necessary steps to obtain financing and create

jobs if they must endure the threat of retroactive revocation of the very permits that allow them to do business.

Today, this injustice happened at Spruce mine in West Virginia. Tomorrow, the EPA could very well pull an existing water permit at a steel mill in Indiana, a chemical plant in Texas, a sewage plant in Iowa.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, the gentleman from West Virginia's amendment tries to prohibit EPA from carrying out section 404(c) of the Clean Water Act. It's one more effort to deregulate all aspects of mountaintop mining. Section 404(c) authorizes EPA under especially serious circumstances to pull back permits for dredging and filling with toxic material if they would have a substantially adverse effect upon the quality of water, wildlife, and fishery areas. EPA has only used this 404(c) authority 13 times in the 39 years of the Clean Water Act.

But this amendment and its backers don't want EPA using that authority to prevent the coal industry from polluting the contiguous waters to their mountaintop mining. We know that mountaintop surface mining removes entire mountaintops so that they can get to the coal underneath, but then in the process invariably deposits toxic mining waste in the nearby streams. And then that gets into the public's water supply. It costs substantial sums of money to subsequently clean it, and toxically polluted can be not only devastating to the environment, but devastating to local economies.

Only in the most egregious instances has EPA used this authority. They should have the right to pull permits when companies carelessly and seriously harm the environment. That's EPA's responsibility. It's understandable that mining companies don't want any restriction on their mining, but it's not excusable for this Congress to prevent the EPA from carrying out its lawful responsibilities and not to heed the long-term health impacts on the American people and of the quality of the water in these regions. So I urge the defeat of this amendment, Mr. Chairman.

Mr. Chairman, I think that the body knows where we stand, on the side of responsible environmental preservation and clean water for our children to drink.

At this point, in deference to the chairman of the full committee, I yield what time remains to the gentleman from Kentucky, because I see him standing, and I suspect he wants to be heard on this.

Mr. ROGERS of Kentucky. I appreciate the gentleman's kindness.

Mr. Chairman, I wanted to thank the gentleman from West Virginia for offering this amendment. This retroactive veto of the Spruce mine is the poster child for EPA's regulatory overreach, but there are thousands more permits like this throughout Appalachia that the EPA could put on notice. But coal is not the only industry relying on these 404 permits.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. The EPA's action at Spruce will have severe implications for the agriculture, construction, and transportation sectors because it sets a dangerous precedent that EPA can revoke any permit at any time for any reason, or for no reason.

Mr. Chairman, we need these jobs. And our job-creating industries need regulatory certainty, not more of the same regulatory roulette from the EPA. The gentleman from West Virginia's amendment would inject some certainty into the regulatory environment by stripping the EPA of its authority to retroactively veto existing permits at their whim, with no appeal.

We in Congress need to keep our hand on the reins of this EPA, which is running roughshod over small businesses, family farms, even the constitutional authority of this Congress. I want to thank again the gentleman from West Virginia for offering this amendment, and I hope that we can have the support of all Members of this body.

I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank my colleague, the distinguished chairman of the Appropriations Committee, for yielding, and I rise in support of my colleague from West Virginia's amendment, Mr. MCKINLEY. This particular action in regard to the Spruce permit is an insult to the integrity of the mine-permitting process.

The particular mine in question is located in my congressional district. The permit was negotiated with the EPA in good faith by the coal company over a space of 10 years. The permit was then granted 3 years ago and just recently was revoked by the EPA. It goes against the grain of what I think should be good-faith efforts by coal companies to negotiate with the EPA, recognizing that they can't get all they want in a permit application and therefore some withdrawal, some compromise is necessary. That was done in this particular case in a painstaking process over 10 years, and the permit was granted. Now to have it revoked is indeed an insult to the integrity of the mine permitting process.

The EPA was given authority in the Clean Water Act to weigh in on permitting decisions

of the Corps of Engineers to help ensure a balance between environmental protection and activities like energy development.

In that regard, the EPA could and should be a positive, constructive force. But its methods over the last two years have reformulated the permitting process in ways never envisioned under the law.

It has used its limited legal role to wrest control of the process from the Corps of Engineers where the chief responsibility for 404 permitting legally lies.

Nowhere is this more evident than in EPA's veto of the Mingo-Logan Coal Company's Section 404 permit for its Spruce Fork No. 1 mine.

In 1998, the operator of that mine applied for a permit to construct what was, at the time, the largest surface mine ever attempted. The mine was immediately the target of a lawsuit, of legislative debate, and federal regulatory action.

Over the course of the next several years, the company, the Corps, and the EPA engaged in intensive negotiations. The mine became the subject of an Environmental Impact Statement—the first ever written for a surface mine.

In the end, in January of 2007, as a result of much compromise and revision, an individual 404 permit was awarded by the Army Corps. That was nearly ten years from the date the company first made application.

But on September 3, 2009, the EPA reneged. It sent a letter to the Corps of Engineers asking that the Corps suspend, revoke, or modify that 2-year-old permit—a request the Corps flatly refused. Then the EPA took the further, ground-breaking step of issuing its own veto.

So, under one EPA Administrator, the 404 permit for this mine was approved. Under another Administrator, it was vetoed.

If the EPA can veto this permit—a permit 10 years in the making—not a single, solitary thing stands in the way of this EPA, or some future EPA, should it decide—for whatever reason—to reach back and veto a previously granted permit for coal mining or any other activity. Without some degree of finality, permitting is worthless.

I still believe that achieving balance between energy development and environmental protection is a goal we can and must achieve.

But the EPA must not be allowed to dwell in the mindset that job losses are an inevitable result of protecting the environment. The coal miners of the Appalachian region deserve a fair, clear, and consistent regulatory process.

Toward that end, Mr. Chairman, I join in urging my colleagues to support this amendment to rein in an EPA gone too far.

Mr. ROGERS of Kentucky. I thank the gentleman for his comment.

Mr. Chairman, let us work. Give us the jobs. Give us the jobs.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MCKINLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 217 OFFERED BY MR. MCKINLEY

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Environmental Protection Agency to develop, propose, finalize, implement, administer, or enforce any regulation that identifies or lists fossil fuel combustion waste as hazardous waste subject to regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) or otherwise makes fossil fuel combustion waste subject to regulation under such subtitle.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, I first want to thank my colleague and fellow committee member, CLIFF STEARNS from Florida, for offering a similar amendment. This amendment will specifically bar the use of funds to carry out the regulation of fossil fuel combustion wastes under subtitle C of the Solid Waste Disposal Act. In 2010, the EPA proposed this regulation, and here we are today standing against this emotional reaction triggered by a structurally unstable dam in Tennessee.

What happened there is tragic and should be dealt with by the proper agency regarding the dam's integrity. It should not be used to advance an ideologically motivated agenda regarding the environment.

Let me frame the issue. Fly ash is an unavoidable byproduct of electric power generation using coal. It is captured before being emitted into the atmosphere. The fine grain, dust-like particles are then recycled into concrete mixtures for our roads, our bridges, and buildings. It's an additive in masonry production of concrete blocks and bricks. It's been widely used in drywall panels used in houses, schools, and offices.

□ 2350

The fly ash is even used in agricultural fertilizers and soil amendments. If the EPA were allowed to continue with their plan to designate fly ash as a hazardous material, all of these time-tested energy-saving uses would come to a halt.

The expense of handling the product would increase logarithmically, and so would our electric prices. By increasing

the cost of power, it understandably causes the cost of producing American-made products to increase and put American businesses at another disadvantage against our foreign competition. This EPA rule will be an unmitigated job-killer.

Coal ash use and disposal has been studied by the EPA for over 20 years. The Resource Conservation and Recovery Act directed the EPA to study the "adverse effects on human health and the environment, if any," of current practices for disposal and utilization of fossil fuel combustion wastes. The EPA's conclusion was that these wastes do not warrant regulation under subtitle C. How many more reports need to be conducted by the EPA to show that fly ash is nonhazardous? Enough is enough.

According to various environmental groups, for every ton of cement manufactured, about 6.5 million BTUs of energy are consumed and about 1 ton of carbon dioxide is replaced. If we can replace that 1 ton with fly ash, we could save enough electricity to power an average American home for 24 days and reduce carbon dioxide emissions equal to a 2-month use of an automobile.

What's ironic to me is that even the EPA's headquarters right down the street from us was built with a significant amount of fly ash mixed into the concrete matrix.

The use of fly ash in concrete creates a stronger, lasting product by using less water. In using less water, we further reduce our environmental footprint.

I ask my colleagues to join me today in supporting my amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, this amendment would stop EPA from identifying coal ash as hazardous waste and, therefore, prevent any regulation of that waste. The fact is that coal ash contains dangerous contaminants, such as mercury, cadmium, and arsenic, and we know those can be dangerous to public health. Without further guidance by EPA, this ash will continue to be stored onsite at many large power plants, where it leaches into the groundwater and into nearby streams. EPA has found a number of communities across the country where coal ash has contaminated drinking water sources poisoning people and wildlife.

Through its public rulemaking process, it's been developing a rule. In fact, it has received more than 450,000 public comments. It's had Web-based seminars. It's done everything to get opinion on both sides of this issue. It's currently conducting risk and economic analyses of the options available.

Suspending work on a final regulation isn't going to satisfy anybody. But

it will ensure that you're going to continue to have the coal ash at risk of contaminating drinking water, you are going to create uncertainty for power companies that burn coal, and you are going to eliminate potential markets for coal ash reuse. Potential users are not going to buy it if they think some day it might cause liability. The final EPA rule would eliminate that uncertainty, allow for coal ash to be properly stored and used, and eliminate the risk for health and the environment. That's why the amendment should be defeated.

At this point, I yield the balance of my time to the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the Energy and Commerce Committee.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. WAXMAN. I urge my colleagues to oppose this amendment.

I want to tell you a story. On December 22, 2008, in Kingston, Tennessee, a coal ash impoundment structurally failed, and they released 5.4 million cubic yards of toxic sludge. This sludge blanketed the Emory River and 300 acres of surrounding land, creating a Superfund site that could cost up to \$825 million to remediate. If this coal ash had been stored safely, this tragedy would never have happened. The wastes are dangerous. What EPA has tried to do is to make sure that the hazardous waste is disposed of safely to protect the health of communities.

And I find it somewhat amazing to hear the author of this amendment say that EPA is acting on an ideological agenda. How ideological do you have to be to act when you have an example of a terrible amount of coal ash poisoning areas and threatening drinking water? Is that ideological when they want to make sure that it's safeguarded and disposed of in a proper way? That's not ideological. That's the kind of thing we want EPA to do. So I would urge opposition to this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCKINLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 545 OFFERED BY MR. POMPEO

Mr. POMPEO. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to carry out any of the activities described in section 6A of the Consumer Product Safety Act (15 U.S.C. 2055a).

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Kansas (Mr. POMPEO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. POMPEO. Mr. Chairman, I yield myself 2 minutes.

This amendment is actually pretty straightforward. It's pretty simple. The Consumer Product Safety Improvement Act of 2008 called for the creation of a public consumer information database. And last year, the agency adopted a database rule that fails to uphold the statute. The statute required that the agency not allow materially inaccurate information to be on the publicly available database, and yet the rule, as promulgated, actually requires the agency to post materially inaccurate information. Indeed, it requires the agency to post that material and accurate information within 10 days. This will drive jobs overseas. It will increase the cost for manufacturers and consumers. The National Association of Manufacturers has announced its support for this amendment. The Home Appliance Manufacturers, the American Home Furnishings Alliance, the Consumer Specialty Products Associations all have recognized that this regulation is terribly onerous.

The request of this amendment is very modest. It does not ask that this go away. It just asks for a delay in implementation. It asks for some time for the committee to review this regulation and come up with a regulation that makes sense and is consistent with the statute. So I would urge the support of this amendment.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 10 minutes.

Mr. WAXMAN. I yield myself 2 minutes.

This amendment would deny the Consumer Product Safety Commission the implementation of a searchable public consumer safety information database. Now this database was part of a bill that passed this House by 424-1. We required a database, and CPSC is ready to release this database. It's based on similar successful databases run at the present time by the Food and Drug Administration and the National Highway Traffic Safety Administration. It would allow consumers to report harms associated with consumer products and then to research risks associated with these particular products.

This is exactly what the American people want. They want information.

They have a right to know. And, in fact, every opinion poll indicates this. This amendment is a “keep the consumers in the dark” amendment. Parents want to know if a toy is dangerous. This amendment would take away their right to go to a database that would give them this information.

Now the claims against the database are pretty shocking. The manufacturers say, Well, this is going to be a problem because they're going to put things on the database that are trade secrets or inaccurate.

□ 0000

This is simply not the case. There is a safeguard. In fact, there are safeguards after safeguards to protect manufacturers.

The statute provides more procedural safeguards than any other public database at a Federal agency. Anonymous complaints are not allowed, only safety-related information will be included. Businesses get to see every report of harm before it is placed in the database. They have an opportunity to correct inaccurate information and to provide their own comments.

I reserve the balance of my time.

Mr. POMPEO. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise in support of this amendment. Having voted for the NHTSA Act, I want to say that the intent of this database was to provide consumers with information on dangerous products. Some people have compared the database to the one operated by the National Highway and Traffic Safety Administration. However, the two are very different because NHTSA's database requires much more information about the actual product and is therefore much more reliable.

From a government perspective, we should be concerned that there will be inaccurate information on a “.gov” Web site. And at the end of the day, the most important factor is this: If the database isn't accurate or reliable, it is going to be totally useless for consumers looking to avoid unreliable or dangerous products. It has already cost \$29 million. And I say, if you're going to set up a database, do it right.

We, as a Congress, have a duty to fund things that are in the best interests of the American people, and the CPSC database is not. It should not go live next month with inaccurate information.

I strongly support this amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the ranking member of the subcommittee that has jurisdiction over this issue, the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Chairman, I rise in opposition to the amendment. As part of the Consumer Product Safety Improvement Act, the Consumer Product Safety Commission was

charged with creating a publicly available, searchable database for complaints regarding consumer products. The amendment offered by the gentleman aims to bar the Commission from moving forward with this database.

The Food and Drug Administration and the National Highway Traffic Safety Administration both have publicly available databases for consumers to report harms or potential safety problems about cars and medical products. Those databases don't provide any due process to manufacturers to contest those claims. However, this database provides exhaustive due process, including allowing manufacturers to refute “materially inaccurate” claims and, if found to be inaccurate, have the complaint removed. The Commission database also allows manufacturers to issue a response and have those responses appear along with the consumer complaint.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mr. POMPEO. Mr. Chairman, I yield 15 seconds to my colleague from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I would like to put in the RECORD a letter dated November 23, 2010, on this issue that I sent to the chairman of the U.S. Consumer Product Safety Commission, the Honorable Inez Tenenbaum.

I rise in strong support of the gentleman from Kansas' amendment. He is exactly right on this, and we should support him.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 23, 2010.

HON. INEZ TENENBAUM,
Chairman, U.S. Consumer Product Safety Commission, Bethesda, MD.

DEAR CHAIRMAN TENENBAUM: I am pleased the Commission delayed consideration of a proposed final rule on implementing the Publicly Available Consumer Product Safety Information Database. Implementing this database properly is very important and I write to clarify the intent of Congress when we passed the relevant provisions of the Consumer Product Safety Improvement Act of 2008 (P.L. 110-314). Several provisions of the staff-proposed final rule run contrary to the intent of Congress and the clear and unambiguous language of the Act.

By way of background, the House-passed version (H.R. 4040) of the database provision reported by the Energy and Commerce Committee by a 51-0 vote did not authorize implementation of a database remotely similar to the one set forth in either the Public Law or the proposed final rule. We had bipartisan agreement to evaluate the efficacy of, and only then improve, the Commission's legacy Injury Information Clearinghouse database based on this evaluation. We provided first for an evaluation of the Commission's current injury databases. Following this evaluation, the bill directed the Commission to submit a plan to Congress on the best way to maintain the publicly available information in a searchable Internet database. The bill also directed the Commission to provide its views on whether the database should in-

clude additional information, such as consumer complaints. The bill thus provided for evaluation and another opportunity for Congress to consider the best way of addressing the database. We clearly could have gone further and drafted the bill to require that the database include such information, but we rejected that approach. In fact, the then Committee Chairman and I both opposed—and the Committee rejected—amendments during Committee consideration that would have mandated specific reporting requirements. We shared serious concerns that innocent companies should not suffer reputational harm from slanderous or inaccurate information in the publicly accessible database before the Commission verifies the accuracy of the information. Due process is important and we did not believe the amendment afforded adequate protection to those who could suffer harm from the disclosure of slanderous or inaccurate information.

Similarly, after the Senate passed its bill, the conferees reached a compromise between narrow House and the broader Senate database provisions to specifically balance the interests of consumers and companies. The approach we agreed upon carefully balanced the objectives of making reports of harm available to the public, ensuring the accuracy of the information, and preventing the disclosure of confidential information. The Commission staff proposal does not properly balance these interests and therefore does not comport with the intent of Congress. The proposal provides that the Commission would submit information where a specific product and manufacturer is identified to that manufacturer for review of potentially confidential information and to ascertain the material accuracy of the information. If a company provides evidence proving that either a breach of trade secrets would result from disclosure of the information or that the information is materially inaccurate, the Commission staff would review the evidence. According to the staff proposal, if the Commission cannot complete its review within 10 days, it would publish the information and remove it at a later date if warranted at the conclusion of its investigation. This process would provide little or no protection for confidential information and will encourage the publication of inaccurate and misleading information. Once the information is public, competitors can learn trade secrets and media can disseminate materially inaccurate information with little hope that the error could be rectified in the future. Congress did not intend such a result, and we went to great lengths to provide reasonable protection to manufacturers from the harm that such publication could entail. The Commission must follow the intent of Congress and allow such information to be withheld pending the completion of its investigation into confidentiality and accuracy.

I am also troubled by the proposed final rule's expansion of the list of entities that may submit reports of harm to the database beyond those specifically enumerated in the law. Congress included an exhaustive and exclusive list of those who may submit reports for the database in section 6A(b)(1)(A) of the Act. Specifically, that section provides that the database shall include “Reports of harm relating to the use of consumer products, and other products or substances regulated by the Commission, that are received by the Commission from (i) consumers; (ii) local, State, or Federal government agencies; (iii) health care professionals; (iv) child service providers; and (v) public safety entities.”

In its first draft, the Commission staff sought to create a new category of “others”

not contemplated by Congress, which included but was not limited to attorneys, professional engineers, investigators, non-government organizations (NGOs), consumer advocates, consumer advocacy organizations, and trade associations. In its most recent draft, the staff accepts that Congress enacted an exhaustive and exclusive list of reporters and removed the category of "others." However, the proposal now simply redefines the term "consumers" to include attorneys, investigators, professional engineers, agents of a user of a consumer product, and observers of the consumer products being used. Congress did not anticipate that the Commission would propose a definition of "consumer" that so radically departs from the common definition of consumer. If Congress had intended to expand the universe of reporters to include all of the entities identified in the most recent proposal, we would have made it explicit in the Act.

Finally, the proposal also expands the definition of "public safety entity" to extend beyond federal, state and local law enforcement entities, police, fire, ambulance, emergency medical services, and other public safety officials to now include consumer advocates, NGOs, consumer advocacy organizations and trade associations. Congress did not intend to include these additional entities as is clear by the plain meaning of the text. Accordingly, to comport with Congressional intent, the Commission must strike the expanded definitions of "consumers" and "public safety entity" before it finalizes the rule.

Thank you for the opportunity to clarify the intent of Congress in these matters. I look forward to working with you and the Commission on implementation of the CPSIA.

Sincerely,

JOE BARTON,
Ranking Member.

Mr. WAXMAN. May I inquire of the Chair how much time each side has left?

The Acting CHAIR. The gentleman from California has 7 minutes remaining. The gentleman from Kansas has 7¾ minutes remaining.

Mr. POMPEO. I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY) who authored this particular provision in the consumer product safety legislation.

Mr. MARKEY. I thank the gentleman from California.

This language is going to destroy the early warning system that has been put in place in order to give parents the information they need in order to protect their children. If this amendment passes, it will grant industry's wish to once again make the government its secret partner in crime by keeping reports of serious injury or even death hidden from public view.

In 2000 and again in 2003, the Consumer Product Safety Commission documented cases of children suffering intestinal injuries after swallowing small but powerful magnets that had fallen out of toys. The public didn't know, and the CPSC did nothing. By mid-2005, after more reports of safety concerns associated with the magnets and two

reports of serious, life-threatening injuries, the public still didn't know, and the CPSC still did nothing.

On Thanksgiving Day 2005, 22-month-old Kenny Sweet of Redmond, Washington, died after swallowing magnets that had fallen out of Magnetix toys. It was only after Kenny's death and an additional four hospitalizations that the CPSC finally gave the public an inkling of what was going on. But it actually took until April of 2007—after 7 years of reports of risks, numerous serious injuries and a death—before a full recall of all the products was undertaken. And that is not the only example of deaths and injuries that could have been avoided had parents known the risks to their children.

In all of these cases, we heard the same story. There simply aren't enough resources for the CPSC to quickly and fully investigate every complaint. In 2005, the CPSC investigated only 1 percent.

This is a "no" vote. Otherwise, we are going to see that choking hazards and cribs that kill are once again hidden from public view.

Mr. POMPEO. Mr. Chairman, I urge regulatory sensibility in the support of this amendment, and with that, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, in my last 30 seconds, let me just say this is an issue of the public's right to know. Let this database be available to them so they don't go buy a toy that they could have checked out on a Web site and found out that it was poisonous.

I urge the defeat of this amendment. The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POMPEO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

AMENDMENT NO. 515 OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used for the National Landscape Conservation System.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Utah and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, the NLCS, which is a redundant admin-

istrative system, was codified by legislation. In the 110th session of Congress, the House passed an amended bill which went over to the Senate and died. In the 111th session, the Senate picked up that bill, stripped all the House amendments off and put it into the omnibus lands bill where, without any hearing or debate, it was hidden in the bowels and sent over to us where, once again, we had no hearings, limited debate, none of which was on this particular system.

This redundant system, since I have introduced a resolution to try and streamline the Department of the Interior by streamlining those functions, I have heard some of the most amazing accusations of what would happen if we were to indeed do that, everything from having the sun come up in the west to the immediate beginning of the Mayan calendar.

Ms. BERKLEY. Mr. Chair, I rise in the strongest possible opposition to the Bishop amendment. As is the case with many of the cuts in this bill, and with many of the amendments offered, the goal seems to be to cut just for the sake of cutting. COPS funding? Cut it. Title Ten services for low-income women? Cut it. Head Start? Cut it. The list goes on and on.

I support efforts to reduce the deficit, and in that effort I have voted for some of the amendments offered this week. But the Bishop amendment goes too far, and in fact will have a devastating impact on Southern Nevada and many other communities across the nation that will cost us far more in the long run.

As an example, defunding the entire National Landscape Conservation System will require shutting down the Red Rock Canyon National Conservation Area, the stunningly beautiful natural wonder just outside of Las Vegas. More than one million local families and tourists visit this unique national treasure each year, taking advantage of the 13-mile scenic drive, visitor center, hiking trails, rock climbing, horseback riding, mountain biking and other recreational activities, and bringing valuable tourist revenue to our community as we work to recover from the economic downturn. Funding from the National Landscape Conservation System allows BLM to maintain the roads, trails and visitor center that make Red Rock accessible and that enable people of all ages and abilities to enjoy its beauty year-round. Passage of this amendment would eliminate this essential funding and force the shutdown of this jewel in the Nevada desert.

I strongly encourage the defeat of this short-sighted amendment.

Mr. BISHOP of Utah. With the time that we are at right now and with the further indication that during this session our committee will definitely review this particular administrative system for further investigation, I would ask, with permission of the Chair, to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 0010

AMENDMENT NO. 200 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Center for Consumer Information and Insurance Oversight in the Department of Health and Human Services.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. This amendment would allow that no funding made available in this continuing resolution is to be used to pay for the salary of any officer or employee at the Center for Consumer Information and Insurance Oversight within the Department of Health and Human Services.

The Patient Protection and Affordable Care Act never mentions, never authorizes, never appropriates money to the Center for Consumer Information and Insurance Oversight, formerly known as the Office of Consumer Information and Insurance Oversight. So, without congressional authorization, OCIIO, or now CCIIO, proceeded to hire staff, estimated to be 200 people by the end of last year. They have rented office space in Bethesda.

Tasked with implementing some of the largest and most expensive sections of the Patient Protection and Affordable Care Act by the Secretary of Health and Human Services, this agency began issuing regulations, including those related to State exchanges, medical loss ratio, grandfathered plans, and the granting of waivers to businesses on meeting the requirements of the Affordable Care Act.

Currently, this agency has granted 915 waivers accounting for 2.5 million Americans representing about 1 percent of Americans who have private health insurance.

This agency's operation is outside any definitive boundaries, and eventually drew some criticism, forcing them to be brought back under the jurisdiction of the Center for Medicare and Medicaid Services, effectively making CMS the most powerful health care agency in the universe with jurisdiction over Medicare, Medicaid, the State children's health plan, and now private insurance. This center has been allowed, without congressional authorization, without congressional oversight, to make the decisions that will affect all sectors of the American population.

Without any due diligence or any congressional oversight, no agency or center should be able to obtain funding, carry out their own agenda, implement policy, write regulation, and re-

main largely unchecked. Before any further funding is allowed to be provided by this body, we need to know where the previous funds came from, how the money was spent and fully review their operations.

I reserve the balance of my time.

Ms. DELAURO. I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 3 minutes.

Ms. DELAURO. I yield myself 1½ minutes.

Before we passed the Affordable Care Act, countless Americans would buy coverage they thought was comprehensive only to realize that it had huge gaps once they actually got sick. Even when the plans look similar from the outside, with comparable deductibles, copays, and so-called out-of-pocket limits, they can result in drastically different levels of out-of-pocket medical expenses, which is probably why more than 50 percent of bankruptcies in this country are because of medical debt.

The Affordable Care Act created the Office of Consumer Information and Insurance Oversight to provide better information to consumers, to hold insurers accountable at the Federal level, and help States with oversight responsibility. It requires insurance to provide clear information to consumers on what is really in their policy, such as standard definitions of medical and insurance terms, because hospitalization should mean hospitalization. It requires insurance to disclose data on claims payment policies and practices, claims denial rates, medical loss ratio, and other information so that consumers can make informed choices and so regulators can make sure the rules are followed.

It's also responsible for confirming that the insurance companies get approval to raise rates by more than medical inflation. In short, it dramatically increases transparency and accountability in the health insurance market.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. I yield myself 30 seconds.

Why wouldn't we want consumers to know what they are buying so that they don't go broke, that they get the health care that they need when they are sick?

Quite frankly, what this does is to help keep the big insurers honest, and that's probably why the majority has put the desires of the insurance companies and the interests of the insurance companies before the well-being of the American public.

I reserve the balance of my time.

Mr. BURGESS. Mr. Chairman, what the gentlelady asserts may or may not be true. The fact is we don't know. We never authorized this agency. In a 2,700

page bill, passed in the dead of night on March 23, no authorization for this agency existed, but curiously enough, the head of this agency was actually hired a year ago last Wednesday. The administration knew what they were doing, they bowled right ahead and did it, but they didn't want Congress to know. The authorization language was left out of the bill, and then we forward funded it with direct appropriation. That is why this amendment is necessary. Pull that funding out. Keep those foot soldiers under wraps because in CMS, they are under direct control of a man who has never been confirmed by the United States Senate.

The Acting CHAIR. The time of the gentleman has expired.

Ms. DELAURO. I yield the balance of my time to Mr. PALLONE of New Jersey.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. PALLONE. Mr. Chairman, I respect Dr. BURGESS a great deal, but I have no idea why he would be opposed to having an agency that is essentially putting a check on the insurance companies. The problem is that the insurance companies keep raising rates, they don't show the consumer what the real benefits that they're receiving are, and what we need is more transparency and some way to review these insurance premium rates so that they don't get out of hand.

The fact of the matter is that this agency, working with States, has already had great success. In Connecticut, regulators recently rejected a proposed 20 percent rate increase by Anthem Blue Cross and Blue Shield. In Maine, the State superintendent rejected WellPoint's Empire Blue Cross request to raise rates by 23 percent. Colorado, also, and in California, the review prompted Anthem Blue Cross to withdraw its request for a 39 percent premium increase.

Why are you objecting to us trying to put a check on these insurance companies that keep raising their rates at outrageous levels? That's what this is all about. I oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 482 OFFERED BY MR. HELLER

Mr. HELLER. Mr. Chairman, I have an amendment at the desk, amendment No. 482.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to designate monuments under the Act of June 8, 1906, (commonly known as the "Antiquities Act of 1906"; 16 U.S.C. 431, et seq.).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER. Mr. Chairman, I rise today to offer an amendment with my friend from Idaho (Mr. LABRADOR) to prohibit funds from being used to designate national monuments under the Antiquities Act. Roughly 85 percent of Nevada is federally controlled.

□ 0020

So I am sensitive to any actions that could close access to public lands. New national monuments would limit access, threaten grazing rights, end mineral exploration of mining, and even impact private property. And this is the last thing we need in this dire economy.

A transparent public process that includes input from local officials, communities, and stakeholders for any new Federal land designation is in the best interest of the residents of our public lands communities. That is why I support efforts to require any Antiquities Act actions to have congressional approval. Government that works in the best interest of the people ensures that all stakeholders have a seat at the table.

Examples, such as the Grand Staircase-Escalante National Monument, which in the waning days of the Clinton administration literally obliterated massive economic development with a stroke of a pen, are why I am standing here today. I don't want this to happen in Nevada or anywhere else.

I urge my colleagues to join us to protect communities from the heavy hand of the Federal Government and support our amendment.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, this is a bad amendment. Presidents of both parties have used this act to increase protection to lands and waters that are already U.S. Government controlled. The act has no impact on private lands. It's a law that was passed by a Republican-led Congress and signed by a Republican President, Theodore Roosevelt.

Since then, 15 U.S. Presidents have declared 131 national monuments under the act—eight Republican Presidents, seven Democratic Presidents.

It must be remembered that the lands withdrawn are Federal lands

owned by all Americans—not just the residents of certain States or localities in which they happen to be located. The Nation, not just a single State, has a vital interest in the future of these lands and their unique qualities.

At this point, Mr. Chairman, I would ask how much time I have remaining.

The Acting CHAIR. The gentleman has 2 minutes.

Mr. MORAN. I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding.

This is a bad amendment, and I urge all of my friends to carefully consider it.

Mr. HELLER may have an issue in Nevada, and he says he wants to have legislation to require Congress to make these designations, but that's not what's here today. He's wiping out the money to give the President the ability to make these monuments.

Look it. We just made one in California on the entire coast of California for all the rocks and islands and is probably the largest monument in the United States. It was overwhelmingly endorsed by all of the communities along the coast. Let local governments be involved in these things so they can petition the President.

More Republican Presidents have used this than Democratic Presidents. It affects all of your States. The Grand Canyon was originally a monument before Congress made it a national park.

Taking away this tool in the tool box would just leave these lands fallow. They're BLM lands. They're already owned by the Federal Government. They'd have no use. You can't get into the other activities that the others have.

This is a great tool. Don't throw it away.

Mr. MORAN. Mr. Chairman, I would yield the remaining 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Thank you.

Monument designations do not take non-Federal land. The Antiquities Act only allows monument designations on land the Federal Government already owns.

There is nothing improper about these designations. This authority has been upheld by every court which has reviewed it since 1906.

Monument designations do not lock up resources. Monument designations under the Antiquities Act grandfather valid, existing rights so any mining or other claim existing before the designation can still move forward.

If Members object to the Antiquities Act of 1906, they should file legislation amending the act and then come on over to the Natural Resources Committee. DOC HASTINGS and I will be sitting there waiting for you to testify to make your case to amend the Antiquities Act.

This amendment is based on an extreme ideology that the Federal Gov-

ernment should divest itself of the stunning national treasures managed by the Department of Interior and enjoyed by millions each year.

Vote "no" on this amendment.

The Acting CHAIR. The gentleman from Nevada has 1½ minutes remaining.

Mr. HELLER. Mr. Chairman, I yield the balance of my time to the gentleman from Idaho (Mr. LABRADOR).

Mr. LABRADOR. Mr. Chairman, I rise today with my friend, Mr. HELLER, to join in this great amendment.

Last year an internal document was leaked from the Department of Interior. This document described the administration plans to lock up more than 140 million acres of public lands and designate 14 new national monuments.

It also proposed using its land management authority to sidestep prohibitions on monument designations. When the secret plan was brought to light, the administration backtracked and quickly claimed it had no plans to lock up millions of acres of public lands.

The administration essentially wanted us to forget about how President Clinton used his authority in the dark of the night to lock up millions of acres of land. I can't say for sure that the administration will follow through with that commitment, but I already know that they have betrayed us, and they have betrayed our trust.

Once again, they acted to restrict public land use when Secretary Salazar rolled out a new plan, cooked up in secret, to create a new category of off-limit lands called "Wild Lands."

The actions of this administration have proven to me that it cannot be trusted to possess the authority to designate monuments without congressional oversight, which is why I have joined my friend, Congressman HELLER, in offering this amendment. I urge my colleagues to support this amendment.

Mr. HELLER. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

AMENDMENT NO. 174 OFFERED BY MR. HELLER

Mr. HELLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, after the short title, insert the following new section:

SEC. 4002. None of the funds made available by this Act may be used for the Yucca Mountain Nuclear Waste Repository.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER. Thank you, Mr. Chairman.

Yucca Mountain as a storage location for the Nation's nuclear waste is dead. Even the administration understands that transporting the nuclear waste to a State with no nuclear activity jeopardizes the security of our Nation and is a bad investment of precious taxpayer dollars.

Unfortunately, this bill not only tries to keep the Yucca Mountain project in regulatory limbo, it seeks to block information regarding viable alternatives to Yucca Mountain as a nuclear waste dump.

Yucca Mountain is in my district, and our State has been dealing with this boondoggle project for literally decades. According to the Government Accountability Office, over the past 20 years the proposed site has suffered from gross mismanagement, faulty science and research, contract mismanagement, and, most alarmingly, questions about safety and design of the site and its impacts on its surrounding environment and people.

I am a strong supporter of the need to responsibly develop all of our Nation's energy resources, including nuclear energy. However, the key to my position is the need to be responsible, and continued investment in the storage of nuclear waste at Yucca Mountain does not meet this litmus test.

I continue to be disappointed at the House's insistence of reviving the Yucca Mountain boondoggle. Most recent estimates place the cost of the Yucca Mountain facility at nearly \$100 billion.

□ 0030

Not surprisingly, this estimate seems to increase with each passing year.

Given our current economic climate and our serious debt problems, our Nation cannot afford to continue with this poorly managed project. Congress needs to have a serious discussion about studying reasonable alternatives to Yucca Mountain. If you're concerned about the safety of American citizens and the wise stewardship of tax dollars, then join with me to keep this project out of limbo, acknowledge reality, and move forward on a responsible solution to our Nation's nuclear waste storage issue.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 3 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman's amendment would forbid funds for Yucca Mountain, but its most damaging effect is to stop the Nuclear Regulatory Commission from moving ahead with the Yucca Mountain license, application and review process.

Mr. Chairman, the House has overwhelmingly voted multiple times over the last several years to reject the administration's closure of Yucca. The gentleman's amendment would do nothing but support the administration's political manipulations and it will waste over \$12 billion of ratepayers' money.

At this point, Mr. Chairman, I would like to yield 15 seconds to my ranking member, Mr. PASTOR.

Mr. PASTOR of Arizona. I thank the chairman for yielding.

I oppose this amendment and urge my colleagues to join me.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 45 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in strong opposition to my good friend, Mr. HELLER's, amendment. U.S. taxpayers and electric ratepayers have spent billions of dollars on this project. It is my assumption and my opinion that the Obama administration has acted without authority to close it down. They've certainly acted outside the confines of the Nuclear Waste Policy Act of 1982.

I support the opposition of my good friend from New Jersey and would urge a strong "no" vote on this amendment.

I thank the gentleman for yielding me the time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 45 seconds to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I understand why my good friend from Nevada is offering this; he's representing what he thinks is right for his constituents, and I commend him for that. But the fact of the matter is this is the law of the country, this is the repository, period; yet the Department of Energy, in my view, has been operating outside the law for the last year.

Ratepayers have already spent \$10 billion on this. If we terminate this site, we will have other liabilities—in fact, there are already contractual liabilities of \$2 billion that have been let already—plus the expense, if we have to find another repository, will cost taxpayers further billions of dollars.

So I understand why the gentleman is doing this, I think he is incorrect, and I urge that Members vote against his amendment.

The Acting CHAIR. The gentleman from New Jersey has 1 minute remaining.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman.

My good friend from Nevada does a wonderful job of representing his district and his State. I believe this, however, is a misguided amendment, respectfully.

Mr. Chair, I rise today in opposition to Mr. HELLER's amendment to divert federal funding from the Yucca Mountain Nuclear Waste Repository.

Expanding America's nuclear energy industry is vital to strengthening our energy independence and meeting the growing demand of electricity across the country.

While I understand the intent behind the Congressman's amendment, and I respect Mr. HELLER's defense of his district's interests, I do think it is misguided.

Despite your views on the nuclear repository at Yucca Mountain, it is the law of the land and has been congressionally approved. It would be a mistake to zero out the funding that has been authorized and allocated by Congress for this project.

The Department of Energy is currently litigating Yucca Mountain's license application. The funding in this bill is reserved to answer questions about the merits of the project and will help both sides—those who support the repository as well as those who oppose—make their case.

I look forward to working with the gentleman to advance our mutual interest of advancing new and innovative domestic energy production and research and development on advanced energy technologies.

Mr. VISCLOSKEY. Will the gentleman yield?

I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. Mr. Chairman, I also rise in opposition to this amendment. The fact is there is an appeal taking place before the Nuclear Regulatory Commission. A number of States have filed suit, those suits are going to be in court this spring. This is not an issue we should be deciding tonight. I am strongly opposed to the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I urge Members to vote against Mr. HELLER's amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I'm just going to take a minute here.

I want to say to my colleagues here, I completely agree with my friend from Washington State, Mr. HASTINGS, the chairman of the Natural Resources Committee, that this violates the law of the land. There is no scientific basis

for what is happening here. We have submarines and nuclear power carriers that are offloading waste in Burlington, Washington that go to Idaho that are supposed to go to Yucca Mountain. We made a commitment to the people of Idaho that we would move that waste out of here in the 2025 time frame.

Now this project is being stopped without Congress—I was here when we passed the law, and this is being stopped without Congress changing the law. I think it's a travesty, and we're wasting billions of dollars. We should go ahead and finish this project.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The amendment was rejected.

AMENDMENT NO. 563 OFFERED BY MRS. NOEM

Mrs. NOEM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. No funds made available by this Act may be used to modify the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to coarse particulate matter under section 109 of the Clean Air Act.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentlewoman from South Dakota (Mrs. NOEM) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentlewoman from South Dakota.

Mrs. NOEM. Mr. Chairman, I offer this amendment because I'm concerned about an EPA rule on the National Primary or Secondary Ambient Air Quality Standards that would make the standard for the amount of coarse particulate matter in the air more stringent.

Last summer, the EPA laid the groundwork to regulate dust at an unprecedented level. We must stop the EPA from any regulation of farm dust.

Anyone who has driven a combine through a field or a pickup down a gravel road knows that dust is a part of rural living. Potentially fining farmers and livestock producers who practice good management with new dust regulations would be excessive and extremely detrimental to our Nation's vital agriculture industry.

Mr. Chairman, it's hard to think of something more emblematic of Washington's regulatory overreach than the potential punishment of farmers and livestock producers for kicking up a little dust. Expanding the coarse particulate matter standard on dust would be a burdensome regulation for farmers and ranchers. My amendment would

prohibit the EPA from using any of the funds made available under this act to modify the standard for coarse particulate matter under the Clean Air Act. There is enough uncertainty in farming in rural America. We do not need to add to that uncertainty with the threat of more strict EPA regulations on farm dust.

Farmers are certainly looking for certainty about the future. Burdening them with greater regulations on dust is excessive and unreasonable. For this reason, my amendment is supported by the American Farm Bureau and the National Cattlemen's Beef Association. I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, the Noem amendment would prevent the EPA from updating air pollution standards for dangerous soot pollution. The Clean Air Act requires that EPA revise the limits on this type of harmful pollution when new science tells us it's necessary to protect human health. EPA hasn't changed this standard since 1987. The amendment would tell EPA though—it would require EPA—to ignore the science. If new science has emerged in the last 24 years that shows that soot pollution is more dangerous than we knew 24 years ago, EPA would have to ignore any new scientific findings.

This amendment applies to one dangerous pollutant, coarse materials. They're so small that they get past the respiratory system's natural defenses and they lodge in our lungs. Scientific studies have linked these particles to a variety of serious health problems, including increased respiratory symptoms in children and premature death in people with heart and lung disease.

Why is the majority party so afraid of science? I don't know as much about particulate matter as the scientists at EPA, but I don't really think you do either. It seems to me we ought to defer to the scientists and respect the public's health.

EPA is charged with protecting the public health. They're doing a pretty good job and we ought to let them do it.

Mr. Chairman, I reserve the balance of my time.

Mrs. NOEM. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD).

□ 0040

Mr. CRAWFORD. Like many of my colleagues, I represent a largely rural district. Agriculture is the number one industry in the First District of Arkansas. Farmers there—and across the

country, I might add—are facing tough economic challenges like many other businesses today.

Regardless of the production they are engaged in—poultry, cattle, cotton, rice, soybeans, whatever—the chief complaint of farmers in my district is the continued pressure placed on them by the onerous regulatory burdens of the Environmental Protection Agency. Now under the auspices of “clean air,” the EPA wants to regulate dust.

American farmers produce the safest, cheapest, and most abundant food supply on the planet. There are over 300 million mouths to feed in our country, and less than a million farmers engaged in the process of meeting that demand. Not to mention, global demand is growing exponentially where by the year 2050 there will be a total population of over 9 billion people.

Folks, for centuries, America has led the way in agricultural production, and we will continue to be the leading producers of commodities so long as farmers aren't being stifled by crippling regulations and EPA overreach. Government should be aiding our efforts to lead the way in agricultural production, not hindering them. The regulatory regime must come to realize that our food is grown in the dirt and that, in the process of the production of that food, farmers are going to stir up a little dust.

Mr. MORAN. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. MORAN. I continue to reserve the balance of my time.

Mrs. NOEM. Mr. Chair, I yield the balance of my time to the gentleman from Idaho (Mr. SIMPSON).

The Acting CHAIR. The gentleman from Idaho is recognized for 15 seconds.

Mr. SIMPSON. How much?

The Acting CHAIR. Thirteen seconds.

Mr. SIMPSON. This is a dang good amendment, and it should pass.

The EPA continually claims that they want certainty, but what they are creating is uncertainty. I can tell you that every rancher and every farmer in Idaho and across this Nation is concerned about what the EPA is trying to do with dust regulations and the impact it is going to have on food production.

Pass this amendment regardless of what they say.

Mr. MORAN. Mr. Chairman, I yield the remaining 1½ minutes to the very distinguished ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, you would think that EPA is about to regulate these fine particulate matter for the very first time, but that's not accurate.

PM10 is already regulated because EPA had to set a standard to protect

the public health. These small particulates can get into your lungs, and they can cause increased respiratory symptoms in children, and can cause premature death in people with heart and lung disease, so EPA sets a standard to protect the public health.

What this amendment would do would be to stop EPA from setting a standard that might be tighter if the science dictates it.

Once they set a standard, EPA does not regulate. EPA leaves it to the States to decide how they will meet that standard. EPA is already talking to the stakeholders in the agricultural communities.

In the past, the vast majority of States has not required farms to take any action that would require reductions of this pollution. Instead, States have typically reduced particles from industrial processes. California and Arizona are addressing agricultural pollution by incorporating USDA-approved conservation measures in some areas.

EPA does not target monitoring in rural areas. They are reaching out to their stakeholders. EPA should not be stopped by this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from South Dakota (Mrs. NOEM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from South Dakota will be postponed.

AMENDMENT NO. 430 OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to pay the salary of any officer or employee of the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury who takes any action to specify or define, through regulations, guidelines, or otherwise, essential benefits under section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PITTS. Mr. Chairman, this is a simple, straightforward amendment. This amendment prevents funds from being used by the Department of Health and Human Services to implement rules regarding ObamaCare's essential benefits package.

As if ObamaCare's mandate that everyone must purchase health insurance wasn't enough, the law went one step further. The Federal Government will now tell every single American and business what their health plans must cover. To make matters worse, ObamaCare grants this unprecedented power to a single person. ObamaCare gives this power to the Secretary of Health and Human Services to determine which benefits are essential for patients, affecting every man, woman and child in America—not to mention that, the more benefits that HHS determines to be essential, the higher the premiums will be for coverage, thus increasing the overall cost for small businesses and families across America.

Behind me is a chart of all the new powers granted to the Secretary under ObamaCare. It was meant to be printed on a 5-foot-by-10-foot chart. Even at this size it's difficult to read, but if you have a magnifying glass, you can actually read this.

ObamaCare has nearly 2,000 of the Secretary's shell statements. The new powers of the Secretary are symptomatic of the vast expansion of Federal control that in many cases usurps State authority and limits private sector autonomy, innovations and its ability to function.

This is bureaucracy at its finest, and it is most destructive. The ability to define minimum benefits is just one of many of the new powers, but it is one of the pivotal ones, and it is precisely why we have pointed out that this is a government takeover of the health industry. I believe patients are capable of deciding which health insurance plans best fit their needs, not a government bureaucrat.

For example, the Federal Government shouldn't tell Mormons in Utah that they need to buy coverage for alcohol counseling. Yet Secretary Sebelius is now in a position to do just that—and there are many other ridiculous examples like this.

Former HHS Secretary Leavitt's writing today in the Washington Post perfectly describes the outcome of ObamaCare. He wrote: It puts more power than is prudent into the hands of one person, and it is not an answer to our national health care crisis.

There is too much power in one office.

I urge the House to adopt my amendment and to stop the Federal takeover of personal health care decisions.

The Acting CHAIR. The time of the gentleman has expired.

Ms. DELAURO. I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 3 minutes.

Ms. DELAURO. I must say that I think I'm in the movie "Groundhog Day." How many times do we have to

vote to defund the Affordable Care Act in one day?

Mr. Chairman, this amendment will stop the implementation of essential health benefits. These rules will ensure that a minimum level of quality health coverage will be covered by plans available on the exchanges. We are talking about benefits related to things like hospitalization, emergency services, maternity care, newborn care, mental health care. This ensures that every plan on the exchange meets minimum standards. It protects individuals and small businesses. It allows them to pick out their plans with the confidence that they will be able to get the adequate kinds of coverage that they need.

Why does the majority want to stand between consumers and the information they need?

I urge my colleagues to please oppose this amendment.

I yield my remaining time to the gentleman from New Jersey (Mr. PALLONE).

The Acting CHAIR. The gentleman is recognized for 1¾ minutes.

Mr. PALLONE. The problem for American consumers is that the insurance company gouges them with high premiums and gives them lousy benefits. So all we've been trying to do with health care reform is make it possible for a consumer to get an affordable policy and to have a decent benefits package.

I, for the life of me, don't understand why the Republicans don't want that to happen. Why do they want the consumer not to be able to get affordable insurance or to be able to get decent benefits?

□ 0050

People are amazed because they expect that their insurance policy is going to provide physician care, hospital care, emergency care, prescription drugs, and oftentimes it doesn't even provide all these things. So there should be an essential benefit package.

If you're a big corporation, you can go out and get a nice benefit package for employees, and you can get an affordable policy. But if you're a small business or you're an individual, you can't do it. So all we're doing is trying to level the playing field so that the little guy can get the good benefit package and get the affordable insurance just like the big corporation.

Again, I don't understand why our Republican friends would not want that to happen. And it's just practical. It's just a practical solution here.

If you pass this amendment, then we're going to go back to the same thing again where that average American can't get the good policy and can't get affordable insurance. It's not fair. It's an issue of fairness. So oppose this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 241 OFFERED BY MR. CARNEY

Mr. CARNEY. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used for the Oil and Gas Research and Development Program of the Department of Energy.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Delaware (Mr. CARNEY) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CARNEY. Mr. Chairman, my amendment is simple and straightforward. It would eliminate funding for the \$50 million oil and gas research and development program funded through the Department of Energy's fossil energy R&D account.

This cut, which the President also proposed in his FY12 budget, would save the taxpayers money and end an unnecessary subsidy to the oil and gas industry.

I am proposing elimination of this R&D program because the research is being done and should be done by the industry itself.

Don't just take my word for it. The industry itself is doing the job and says so. There is an ad in today's edition of The Hill newspaper on the back which says, in part, this is placed here by the people of America's oil and natural gas industry; that oil and natural gas companies are leading innovators investing hundreds of billions of dollars in innovative technology and capital projects over the past decade.

We should be using our scarce Federal dollars on clean energy innovation that we need to reduce greenhouse gas emissions, create jobs, and to stay competitive globally.

This continuing resolution would cut over \$2 billion in renewable energy research and development. At a time when we are looking to cut unnecessary spending, the oil and gas R&D program should be on the chopping block as well.

The oil and gas industry has ample resources to develop these technologies without this Federal subsidy. A recent GAO report found that the industry spends over \$2 billion of its own money annually on R&D.

This \$50 million cut to an R&D program for the oil and gas industry is the right way to cut spending, and I urge my colleagues to join me in supporting the amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 3 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment uses a heavy-handed approach in order to shut down important programs at the Department of Energy.

Fossil energy sources supply more than 80 percent of our Nation's total energy. Using these resources more efficiently and more cleanly and developing technologies that can access new domestic sources are extremely important when so much of our energy depends on fossil fuels.

This amendment would stop programs that do just that. For example, it would prevent work like the development of ultra-clean fuels.

There may be some areas of research in which the private sector does not need help, but there are other areas of research which are too risky for industry to take on.

I oppose the amendment.

I am pleased to yield to my ranking, Mr. PASTOR, for any comments he may wish to make.

Mr. PASTOR of Arizona. I thank the chairman for yielding.

Mr. Chairman, I also rise to oppose the amendment.

The amendment prohibits funds from being used for oil and gas research. Without this amendment, the Department of Energy would spend \$38 million during the year. As my chairman points out, fossil fuel sources are and will continue to be a large part of our energy mix.

Given the importance of research and development in this area, it is necessary to improve the efficiency in the environmental cost of fossil fuels. Further, stopping programs mid year, which this would do, results in costs associated with terminating ongoing work.

I am committed to working with the gentleman to review the balance of funding as we move forward, but I cannot support the amendment at this time.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIR. The gentleman from Delaware is recognized for 1 minute.

Mr. CARNEY. Mr. Chairman, my point is that the industry itself is doing this research and development and should do it without a Federal subsidy. I mentioned the full-page ad in today's edition of The Hill newspaper, which says that they are doing this.

We shouldn't be subsidizing an industry that's mature and profitable. We

need to be spending money on renewable energy sources so that we can reduce greenhouse gas emissions. Instead, in this continuing resolution, we're cutting \$2 billion out of research and development for new energy sources.

I don't object to research and development going on for traditional oil and gas industry, but the industry itself ought to be doing that research.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CARNEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CARNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Delaware will be postponed.

AMENDMENT NO. 164 OFFERED BY MR. MULVANEY

Mr. MULVANEY. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) None of the funds made available by this Act for any account may be used in excess of the amount available for such account during fiscal year 2006.

(b) Subsection (a) shall not apply to funds made available—

(1) by division A;

(2) by section 1101(a)(3) and title VI of division B;

(3) by section 1101(a)(6) (with respect to division E of Public Law 111-117) and title X of division B; or

(4) for Israel, by section 1101(a)(6) (with respect to division F of Public Law 111-117) and title XI of division B.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. I want to briefly begin by thanking the Appropriations Committee. I understand the nature of what has been happening here, the size of the taxpayer savings that we have seen over the last 3 days.

But I rise because the debt and the deficit problem facing our Nation are greater than I think most people in this room understand, and certainly most people back home understand. The circumstances demand that we go just a little bit further than we have and that's what this amendment does. It goes just a little bit further.

It takes non-defense discretionary spending back to 2006 levels instead of 2008. That represents an additional 3 percent savings, which on the one hand doesn't sound like that much, but on the other hand actually saves \$134 billion of the \$900 billion worth of deficits

that we will incur between tomorrow and the rest of this year.

Folks have asked me why I have done this, why I have waited 3 years to do it, why we are here at 1 o'clock in the morning to hear this amendment. I am doing it because I feel that most of the folks don't grasp the size of the difficulty. I know that most of the folks in my district don't grasp it yet. And I have been struggling with how to explain to people exactly what a \$1,600 billion deficit means and a \$14,000 billion debt.

This chart, I think, does it better than anything else. This chart is something that we put together using Congressional Budget Office numbers from the base line. This number, very simply, ladies and gentlemen, shows when we will use 100 percent of our revenues, 100 percent of our revenues, to pay our debt.

And that number, using the CBO estimates, is in 2055. This is the equivalent of going back to your family and saying everything that we make will go to pay down the minimum payment on our credit card. And this number is probably too late. The CBO estimates on interest are much lower than we are actually experiencing in the market these days.

The scary part is that if we don't do anything, if we continue business as usual, this will happen. This will happen unless we make dramatic changes to the way that we do business around here.

I heard the gentleman from Virginia earlier today, Mr. MORAN, mention that he thought that H.R. 1 represented an economic death spiral. This, ladies and gentlemen, is an economic death spiral. There is no coming back from a situation where you use all of your money just to pay your debt.

We can and will begin work on this this year in the budget. We can and will continue work on this as we go through the debt ceiling debate. And we can and should keep this in mind with everything that we do. But in my humble opinion, we can start tonight by approving this amendment.

I reserve the balance of my time.

□ 0100

Mr. DICKS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. DICKS. To make cuts back to the 2006 level for defense, homeland security, and veterans affairs would do enormous damage to the country. I mean we would be talking about \$65, \$70 billion in defense, homeland security. And VA would be very substantial as well. I just think of the VA health care benefits that were increased by our Members of Congress working on a bipartisan basis, our former colleague Chet Edwards. We increased health care to take care of the problems asso-

ciated with the veterans coming back and needing post-traumatic disorder, traumatic brain injury, needing all kinds of help.

We have thousands of veterans today who are homeless. So taking these levels back to 2006, in my judgment, would do devastation to this part of the budget. So I urge a "no" vote on this amendment, and I reserve my time.

Mr. MULVANEY. With all due respect to the ranking member, I was not clear. This amendment does not take defense, homeland security, or VA back to 2006 levels. Only non-defense, non-security discretionary spending.

Mr. DICKS. I would yield to the gentleman just to say we had a different description of your amendment. I regret that there were inaccuracies.

But even for the rest of the government, I think the amendment going back to 2006 is too severe. And as the chairman would say, it is an across-the-board cut, give all the authority to OMB. I am with HAL ROGERS, it's not a good idea. Let's defeat the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MULVANEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 377 by Mr. FLAKE of Arizona.

Amendment No. 166 by Mr. GUINTA of New Hampshire.

Amendment No. 495 by Mr. HALL of Texas.

Amendment No. 141 by Ms. LEE of California.

Amendment No. 109 by Mr. GRIFFITH of Virginia.

Amendment No. 548 by Mr. JONES of North Carolina.

Amendment No. 47 by Mr. LUETKEMEYER of Missouri.

Amendment No. 149 by Mr. LUETKEMEYER of Missouri.

Amendment No. 569 by Mr. ISSA of California.

Amendment No. 94 by Mr. SULLIVAN of Oklahoma.

Amendment No. 216 by Mr. MCKINLEY of West Virginia.

Amendment No. 217 by Mr. MCKINLEY of West Virginia.

Amendment No. 545 by Mr. POMPEO of Kansas.

Amendment No. 200 by Mr. BURGESS of Texas.

Amendment No. 482 by Mr. HELLER of Nevada.

Amendment No. 563 by Mrs. NOEM of South Dakota.

Amendment No. 430 by Mr. PITTS of Pennsylvania.

Amendment No. 241 by Mr. CARNEY of Delaware.

Amendment No. 164 by Mr. MULVANEY of South Carolina.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 377 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 158, not voting 14, as follows:

[Roll No. 125]

AYES—261

Adams	Cole	Green, Gene
Akin	Conaway	Griffin (AR)
Alexander	Connolly (VA)	Griffith (VA)
Altmire	Cooper	Grijalva
Amash	Costa	Grimm
Andrews	Courtney	Guinta
Bachmann	Cravaack	Guthrie
Bachus	Crawford	Hall
Barletta	Crowley	Hanna
Bartlett	Cuellar	Harris
Barton (TX)	Culberson	Hastings (FL)
Bass (CA)	Davis (CA)	Hayworth
Becerra	Davis (KY)	Heinrich
Benishek	DeFazio	Heller
Berkley	DeLauro	Hensarling
Berman	Denham	Herger
Biggert	Dent	Higgins
Bilbray	DesJarlais	Hinchey
Bilirakis	Deutch	Huizenga (MI)
Bishop (UT)	Doggett	Hunter
Black	Dold	Hurt
Blackburn	Dreier	Issa
Blumenauer	Duffy	Jenkins
Bono Mack	Duncan (SC)	Johnson, Sam
Boustany	Duncan (TN)	Jordan
Brady (TX)	Ellison	Kelly
Brooks	Ellmers	King (NY)
Broun (GA)	Eshoo	Kingston
Buchanan	Farenthold	Kline
Buerkle	Flake	Labrador
Burgess	Fleischmann	Lamborn
Burton (IN)	Fleming	Lance
Calvert	Flores	Landry
Campbell	Forbes	Lankford
Canseco	Fox	Larson (CT)
Cantor	Frank (MA)	Levin
Capito	Franks (AZ)	Lewis (CA)
Cardoza	Frelinghuysen	Lewis (GA)
Carter	Gallagher	Lipinski
Cassidy	Garrett	LoBiondo
Castor (FL)	Gibson	Loftgren, Zoe
Chabot	Gingrey (GA)	Long
Chaffetz	Gohmert	Lujan
Chandler	Goodlatte	Lummis
Clay	Gosar	Lungren, Daniel
Coble	Gowdy	E.
Coffman (CO)	Granger	Lynch
Cohen	Graves (GA)	Mack

Maloney
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McKeon
McKinley
McMorris
Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Olver
Palazzo
Pascrell
Paulsen
Pearce
Pence
Petri

Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quigley
Rahall
Reed
Reichert
Renacci
Reyes
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Roskam
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schradner
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sherman
Simpson

Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stearns
Stutzman
Sullivan
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Waters
Webster
Weiner
Welch
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—158

Ackerman
Aderholt
Austria
Baca
Baldwin
Barrow
Bass (NH)
Berg
Bishop (GA)
Bishop (NY)
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Camp
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleave
Clyburn
Conyers
Costello
Crenshaw
Critz
Cummings
Davis (IL)
DeGette
Diaz-Balart
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Emerson
Engel
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fortenberry
Fudge

Garamendi
Gardner
Gerlach
Gibbs
Gonzalez
Graves (MO)
Green, Al
Gutierrez
Hanabusa
Harper
Hartzler
Hastings (WA)
Heck
Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Hultgren
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
King (IA)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Loeb sack
Lowey
Lucas
Luetkemeyer
Manzullo
Markey
McIntyre
McNerney

Meehan
Miller (NC)
Moore
Moran
Neal
Noem
Owens
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Platts
Price (NC)
Rangel
Rehberg
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross (AR)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Schakowsky
Schilling
Schmidt
Schock
Schwartz
Scott (VA)
Scott, David
Sewell
Shimkus
Shuler
Sires
Smith (NE)
Stivers
Sutton
Terry
Thompson (MS)
Towns
Tsongas
Turner
Visclosky

Walz (MN)
Wasserman
Schultz

Watt
Waxman
Whitfield

NOT VOTING—14

Giffords
Harman
Herrera Beutler
Himes
Hinojosa

McCarthy (NY)
McCollum
Meeks
Paul
Peters

Quayle
Shuster
Stark
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
One minute remains on this vote.

□ 0127

Messrs. CICILLINE, FINCHER, FARR, REHBERG, and JOHNSON of Ohio changed their vote from “aye” to “no.”

Messrs. LEVIN, McDERMOTT, HIGGINS, FRANK of Massachusetts, ALTMIRE, HUIZENGA of Michigan, BERMAN, TIERNEY, COURTNEY, HARRIS, SERRANO, RAHALL, LARSON of Connecticut, GUTHRIE, HASTINGS of Florida, DEUTCH, MURPHY of Connecticut, LEWIS of Georgia, Ms. ZOE LOFGREN of California, Ms. WATERS, Ms. MATSUI, Ms. DELAURO, and Ms. VELÁZQUEZ changed their vote from “no” to “aye.”

So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT NO. 166 OFFERED BY MR. GUINTA
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. GUINTA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 210, not voting 13, as follows:

[Roll No. 126]

AYES—210

Adams
Aderholt
Akin
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)

Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravack
Crawford

Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)

Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn

Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Rehberg
Renacci
Ribble

Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOES—210

Ackerman
Alexander
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleave
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar

Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchee
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Inslee
Israel
Jackson (IL)

Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)

Nadler	Ruppersberger	Sutton	Gardner	Luetkemeyer	Rogers (MI)	Markey	Quigley	Slaughter
Napolitano	Rush	Thompson (CA)	Garrett	Lummis	Rohrabacher	Matheson	Rangel	Smith (WA)
Neal	Ryan (OH)	Thompson (MS)	Gerlach	Lungren, Daniel	Rokita	Matsui	Reichert	Speier
Olver	Ryan (WI)	Tierney	Gibbs	E.	Rooney	McDermott	Reyes	Sutton
Owens	Sánchez, Linda	Tonko	Gibson	Mack	Ros-Lehtinen	McGovern	Richardson	Thompson (CA)
Pallone	T.	Towns	Gohmert	Manzullo	Roskam	McNerney	Richmond	Thompson (MS)
Pascarell	Sanchez, Loretta	Tsongas	Goodlatte	Marchant	Ross (AR)	Michaud	Rothman (NJ)	Tierney
Pastor (AZ)	Sarbanes	Turner	Gosar	Marino	Ross (FL)	Miller (NC)	Roybal-Allard	Tonko
Payne	Schakowsky	Van Hollen	Gowdy	McCarthy (CA)	Royce	Miller, George	Ruppersberger	Towns
Pelosi	Schiff	Velázquez	Granger	McCaul	Runyan	Moore	Rush	Tsongas
Perlmutter	Schilling	Visclosky	Graves (GA)	McClintock	Ryan (WI)	Moran	Ryan (OH)	Van Hollen
Peterson	Schmidt	Walsh (IL)	Graves (MO)	McCotter	Scalise	Murphy (CT)	Sánchez, Linda	Velázquez
Petri	Schock	Walz (MN)	Griffin (AR)	McHenry	Schilling	Nadler	T.	Visclosky
Pingree (ME)	Schrader	Wasserman	Grimm	McIntyre	Schmidt	Napolitano	Sanchez, Loretta	Walz (MN)
Polis	Schwartz	Schultz	Guinta	McKeon	Schock	Neal	Sarbanes	Wasserman
Price (NC)	Scott (VA)	Waters	Guthrie	McKinley	Schweikert	Olver	Schakowsky	Schultz
Quigley	Scott, David	Watt	Hall	McMorris	Scott (SC)	Owens	Schiff	Watt
Rahall	Serrano	Waxman	Hanna	Rodgers	Scott, Austin	Pallone	Schrader	Waters
Rangel	Sewell	Weiner	Harper	Meehan	Sensenbrenner	Pascarell	Schwartz	Watt
Reichert	Sherman	Welch	Harris	Mica	Sessions	Pastor (AZ)	Scott (VA)	Waxman
Reyes	Shimkus	Whitfield	Hartzler	Miller (FL)	Shimkus	Payne	Scott, David	Weiner
Richardson	Shuler	Woolsey	Hastings (WA)	Miller (MI)	Simpson	Pelosi	Serrano	Welch
Richmond	Sires	Wu	Heck	Miller, Gary	Smith (NE)	Perlmutter	Sewell	Woolsey
Ros-Lehtinen	Slaughter	Yarmuth	Heller	Mulvaney	Smith (NJ)	Pingree (ME)	Sherman	Wu
Ross (AR)	Smith (NJ)	Young (AK)	Hensarling	Murphy (PA)	Smith (TX)	Polis	Shuler	Yarmuth
Rothman (NJ)	Smith (WA)		Herger	Myrick		Price (NC)	Sires	
Roybal-Allard	Speler		Huelskamp	Neugebauer				

NOT VOTING—13

Giffords	McCollum	Shuster
Harman	Meeks	Stark
Herrera Beutler	Paul	Wilson (FL)
Hinojosa	Peters	
McCarthy (NY)	Quayle	

□ 0131

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 495 OFFERED BY MR. HALL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 187, not voting 13, as follows:

[Roll No. 127]

AYES—233

Adams	Broun (GA)	Davis (KY)
Aderholt	Buchanan	Denham
Akin	Bucshon	Dent
Alexander	Buerkle	DesJarlais
Altmire	Burgess	Diaz-Balart
Amash	Burton (IN)	Dold
Austria	Calvert	Dreier
Bachmann	Camp	Duffy
Bachus	Campbell	Duncan (SC)
Barletta	Canseco	Duncan (TN)
Bartlett	Cantor	Ellmers
Barton (TX)	Capito	Emerson
Benishek	Carter	Farenthold
Berg	Cassidy	Fincher
Biggart	Chabot	Fitzpatrick
Bilirakis	Chaffetz	Flake
Bishop (UT)	Coble	Fleischmann
Black	Coffman (CO)	Fleming
Blackburn	Cole	Flores
Bonner	Conaway	Forbes
Boren	Cravaack	Foxx
Boustany	Crawford	Franks (AZ)
Brady (TX)	Crenshaw	Frelinghuysen
Brooks	Culberson	Gallegly

Ackerman	Cooper	Hayworth
Andrews	Costa	Heinrich
Baca	Costello	Herrera Beutler
Baldwin	Courtney	Higgins
Barrow	Critz	Himes
Bass (CA)	Crowley	Hinchey
Bass (NH)	Cuellar	Hirono
Becerra	Cummings	Holden
Berkley	Davis (CA)	Holt
Berman	Davis (IL)	Honda
Bilbray	DeFazio	Hoyer
Bishop (GA)	DeGette	Inslee
Bishop (NY)	DeLauro	Israel
Blumenauer	Deutch	Jackson (IL)
Bono Mack	Dicks	Jackson Lee
Boswell	Dingell	(TX)
Brady (PA)	Doggett	Johnson (GA)
Braley (IA)	Donnelly (IN)	Johnson, E. B.
Brown (FL)	Doyle	Kaptur
Butterfield	Edwards	Keating
Capps	Ellison	Kildee
Capuano	Engel	Kind
Cardoza	Eshoo	Kissell
Carnahan	Farr	Kucinich
Carney	Fattah	Langevin
Carson (IN)	Filner	Larsen (WA)
Castor (FL)	Fortenberry	Larson (CT)
Chandler	Frank (MA)	LaTourette
Chu	Fudge	Lee (CA)
Cicilline	Garamendi	Levin
Clarke (MI)	Gonzalez	Lipinski
Clarke (NY)	Green, Al	Loeb
Clay	Green, Gene	Loeb
Cleaver	Griffith (VA)	Lofgren, Zoe
Clyburn	Grijalva	Lowey
Cohen	Gutierrez	Lujan
Connolly (VA)	Hanabusa	Lynch
Conyers	Hastings (FL)	Maloney

NOES—187

Hayworth	McCollum	Shuster
Heinrich	Meeks	Stark
Herrera Beutler	Paul	Wilson (FL)
Higgins	Peters	
Himes	Quayle	
Hinchey		
Hirono		
Holden		
Holt		
Honda		
Hoyer		
Inslee		
Israel		
Jackson (IL)		
Jackson Lee		
(TX)		
Johnson (GA)		
Johnson, E. B.		
Kaptur		
Keating		
Kildee		
Kind		
Kissell		
Kucinich		
Langevin		
Larsen (WA)		
Larson (CT)		
LaTourette		
Lee (CA)		
Levin		
Lipinski		
Loeb		
Loeb		
Lofgren, Zoe		
Lowey		
Lujan		
Lynch		
Maloney		

NOT VOTING—13

Giffords	McCollum	Shuster
Gingrey (GA)	Meeks	Stark
Harman	Paul	Wilson (FL)
Hinojosa	Peters	
McCarthy (NY)	Quayle	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 0135

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 141 OFFERED BY MS. LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 344, not voting 13, as follows:

[Roll No. 128]

AYES—76

Amash	Edwards	Lewis (GA)
Baldwin	Ellison	Lofgren, Zoe
Bass (CA)	Eshoo	Maloney
Becerra	Fattah	Markey
Blumenauer	Filner	McDermott
Braley (IA)	Frank (MA)	McGovern
Campbell	Fudge	McNerney
Capuano	Grijalva	Miller, George
Chu	Gutierrez	Moore
Cicilline	Hastings (FL)	Nadler
Clarke (NY)	Holt	Napolitano
Clay	Honda	Olver
Cleaver	Inslee	Pallone
Cohen	Jackson (IL)	Payne
Conyers	Jackson Lee	Pelosi
Cummings	(TX)	Pingree (ME)
Davis (IL)	Johnson (IL)	Polis
DeFazio	Johnson, E. B.	Rahall
Doggett	Kucinich	Rangel
Duncan (TN)	Lee (CA)	Rohrabacher

Royce
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Schakowsky

Serrano
Slaughter
Speler
Tierney
Towns
Velázquez

Waters
Watt
Waxman
Weiner
Welch
Woolsey

Richardson
Richmond
Rigell
Rivers
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz

Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi

Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren

Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)

Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (NE)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—344

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Clarke (MI)
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart

Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston

Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loeb sack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble

Giffords
Harman
Harper
Hinojosa
McCarthy (NY)

NOT VOTING—13

McCollum
Meeks
Paul
Peters
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0138

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 109 OFFERED BY MR. GRIFFITH
OF VIRGINIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Virginia (Mr. GRIFFITH) on which further proceedings
were postponed and on which the ayes
prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 235, noes 185,
not voting 13, as follows:

[Roll No. 129]

AYES—235

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishke
Berg
Biggert

Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle

Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)

NOES—185

Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr

Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)

Johnson, E. B.	Napolitano	Scott, David	Boren	Griffith (VA)	Olson	Cuellar	Lance	Richmond
Kaptur	Neal	Serrano	Brady (TX)	Grimm	Owens	Cummings	Landry	Roby
Keating	Oliver	Sewell	Braley (IA)	Guinta	Pallone	Davis (CA)	Larsen (WA)	Rogers (AL)
Kildee	Owens	Sherman	Brown (GA)	Guthrie	Pascarell	Davis (IL)	Lee (CA)	Rothman (NJ)
Kind	Pallone	Shuler	Brown (FL)	Gutierrez	DeGette	DeGette	Lewis (GA)	Roybal-Allard
Kissell	Pascarell	Sires	Buchanan	Hall	Payne	Deutch	Lipinski	Ruppersberger
Kucinich	Pastor (AZ)	Slaughter	Bucshon	Hanna	Pearce	Dicks	Loeb sack	Rush
Lance	Payne	Smith (NJ)	Buerkle	Harper	Pence	Dingell	Loifgren, Zoe	Sanchez, Loretta
Langevin	Pelosi	Smith (WA)	Burgess	Harris	Peterson	Edwards	Lowey	Sarbanes
Larsen (WA)	Perlmutter	Speier	Burton (IN)	Hartzler	Ellison	Ellison	Mack	Scalise
Lee (CA)	Peterson	Sutton	Butterfield	Heck	Engel	Engel	Maloney	Schakowsky
Levin	Pingree (ME)	Thompson (CA)	Calvert	Heller	Eshoo	Eshoo	Markey	Schiff
Lewis (GA)	Polis	Thompson (MS)	Camp	Hensarling	Farr	Farr	Matsui	Schrader
Lipinski	Price (NC)	Tierney	Campbell	Herger	Fattah	Fattah	McDermott	Schwartz
LoBiondo	Quigley	Tonko	Canseco	Herrera Beutler	Filner	Filner	McMorris	Scott (VA)
Loeb sack	Rangel	Towns	Cantor	Holden	Flores	Flores	Rodgers	Scott, David
Loifgren, Zoe	Reichert	Tsongas	Capito	Huelskamp	Fudge	Fudge	McNerney	Serrano
Lowey	Reyes	Van Hollen	Capuano	Huizenga (MI)	Garamendi	Garamendi	Michaud	Sewell
Luján	Richardson	Velázquez	Carnahan	Hultgren	Gonzalez	Gonzalez	Miller (NC)	Sherman
Lynch	Richmond	Visclosky	Carney	Hunter	Grijalva	Grijalva	Miller, George	Shimkus
Maloney	Rothman (NJ)	Walz (MN)	Carter	Hurt	Hanabusa	Hanabusa	Moore	Shuler
Markey	Roybal-Allard	Wasserman	Chabot	Israel	Hastings (FL)	Hastings (FL)	Moran	Slaughter
Matsui	Ruppersberger	Schultz	Chaffetz	Issa	Hastings (WA)	Hastings (WA)	Murphy (CT)	Smith (WA)
McDermott	Rush	Waters	Chandler	Jenkins	Hayworth	Hayworth	Murphy (PA)	Speier
McGovern	Ryan (OH)	Watt	Clay	Johnson (IL)	Heinrich	Heinrich	Nadler	Sutton
McIntyre	Sánchez, Linda	Waxman	Coble	Johnson (OH)	Higgins	Higgins	Napolitano	Thompson (CA)
McNerney	T.	Webster	Coffman (CO)	Johnson, Sam	Himes	Himes	Nunnelee	Thompson (MS)
Michaud	Sanchez, Loretta	Weiner	Cole	Jones	Hinchey	Hinchey	Olver	Tonko
Miller (NC)	Sarbanes	Welch	Conaway	Jordan	Hirono	Hirono	Palazzo	Van Hollen
Miller, George	Schakowsky	Wolf	Costa	Keating	Holt	Holt	Pastor (AZ)	Velázquez
Moore	Schiff	Woolsey	Costello	Kelly	Honda	Honda	Pelosi	Walz (MN)
Moran	Schrader	Wu	Courtney	King (IA)	Hoyer	Hoyer	Perlmutter	Wasserman
Murphy (CT)	Schwartz	Yarmuth	Cravaack	King (NY)	Inslee	Inslee	Pingree (ME)	Schultz
Nadler	Scott (VA)		Crawford	Kingston	Jackson (IL)	Jackson (IL)	Polis	
			Crenshaw	Kinzinger (IL)	Jackson Lee	Jackson Lee	Price (NC)	
			Critz	Kissell	(TX)	(TX)	Quigley	
			Davis (KY)	Kline	Johnson (GA)	Johnson (GA)	Rahall	
			DeFazio	Labrador	Johnson, E. B.	Johnson, E. B.	Rangel	
			Denham	Lamborn	Kaptur	Kaptur	Rehberg	
			Dent	Langevin	Kildee	Kildee	Reichert	
			DesJarlais	Lankford	Kind	Kind	Reyes	
			Diaz-Balart	Larson (CT)	Kucinich	Kucinich	Richardson	
			Doggett	Latham				
			Dold	LaTourette				
			Donnelly (IN)	Latta				
			Doyle	Levin				
			Dreier	Lewis (CA)				
			Duffy	LoBiondo				
			Duncan (SC)	Long				
			Duncan (TN)	Lucas				
			Ellmers	Luetkemeyer				
			Emerson	Luján				
			Farenthold	Lummis				
			Fincher	Lungren, Daniel				
			Fitzpatrick	E.				
			Flake	Lynch				
			Fleischmann	Manzullo				
			Fleming	Marchant				
			Forbes	Marino				
			Fortenberry	Matheson				
			Fox	McCarthy (CA)				
			Frank (MA)	McCaul				
			Franks (AZ)	McClintock				
			Frelinghuysen	McCotter				
			Gallegly	McGovern				
			Gallagher	McHenry				
			Gardner	McIntyre				
			Garrett	McKeon				
			Gerlach	McKinley				
			Gibbs	Meehan				
			Gibson	Mica				
			Gingrey (GA)	Miller (FL)				
			Gohmert	Miller (MI)				
			Goodlatte	Miller, Gary				
			Gosar	Mulvaney				
			Gowdy	Myrick				
			Granger	Neal				
			Graves (GA)	Neugebauer				
			Graves (MO)	Noem				
			Green, Al	Nugent				
			Green, Gene	Nunes				
			Griffin (AR)					

NOT VOTING—13

Giffords	McCollum	Shuster
Harman	Meeks	Stark
Hinojosa	Paul	Wilson (FL)
Larson (CT)	Peters	
McCarthy (NY)	Quayle	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0141

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSON of Connecticut. Mr. Chair, on rollcall No. 129 I was unfortunately detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 548 OFFERED BY MR. JONES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. JONES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 159, not voting 15, as follows:

[Roll No. 130]

AYES—259

Adams	Bachmann	Berg
Akin	Baldwin	Biggart
Altmire	Barletta	Bilirakis
Amash	Bartlett	Bishop (NY)
Andrews	Barton (TX)	Bishop (UT)
Austria	Benishek	Black

Ackerman
Aderholt
Alexander
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brooks
Capps
Cardoza
Carson (IN)

NOES—159

Bishop (GA)
Blackburn
Blumenauer
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brooks
Capps
Cardoza
Carson (IN)

Cassidy
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Crowley

NOT VOTING—15

Conyers	Hinojosa	Peters
Culberson	McCarthy (NY)	Quayle
DeLauro	McCollum	Shuster
Giffords	Meeks	Stark
Harman	Paul	Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0144

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 47 OFFERED BY MR. LUETKEMEYER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 176, not voting 12, as follows:

[Roll No. 131]

AYES—245

Adams	Akin	Altmire
Aderholt	Alexander	Austria

Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishkek
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan
Carter
Cassidy
Chabot
Chaffetz
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger

NOES—176

Ackerman
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berg
Berman
Bishop (GA)

Bishop (NY)
Blumenauer
Boren
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)

Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)

Giffords
Harman
Hinojosa
McCarthy (NY)
Lucas
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)

McCollum
Meeks
Paul
Peters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0147

So the amendment was agreed to.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 149 OFFERED BY MR. LUETKEMEYER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 179, not voting 10, as follows:

Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lujan
Lummis
Lynch
Maloney
Markley
Matsui
McDermott
McGovern
McNerney
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Noem
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel

Quayle
Roybal-Allard
Stark
Wilson (FL)

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishkek
Berg
Biggert
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson

[Roll No. 132]

AYES—244

Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Rohrabacher
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kinstinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes

NOES—179

Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)

Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Carson (IN) Honda
Castor (FL) Hoyer
Chandler Inslee
Chu Israel
Cicilline Jackson (IL)
Clarke (MI) Jackson Lee
Clarke (NY) (TX)
Clay Johnson (GA)
Cohen Johnson, E. B.
Connolly (VA) Kaptur
Conyers Keating
Cooper Kildee
Costa Kind
Courtney Kissell
Critz Kucinich
Crowley Langevin
Cuellar Larsen (WA)
Cummings Larson (CT)
Davis (CA) Lee (CA)
Davis (IL) Levin
DeFazio Lewis (GA)
DeGette Lipinski
DeLauro Loeb sack
Deutch Lofgren, Zoe
Dicks Lowey
Dingell Luján
Doggett Lynch
Donnelly (IN) Maloney
Doyle Markey
Edwards Matheson
Ellison Matsui
Engel McDermott
Eshoo McGovern
Farr McNerney
Fattah Meeks
Filner Michaud
Frank (MA) Miller (NC)
Fudge Miller, George
Garamendi Moore
Gonzalez Moran
Green, Al Murphy (CT)
Green, Gene Nadler
Grijalva Napolitano
Gutierrez Neal
Hanabusa Oliver
Hastings (FL) Owens
Heinrich Pallone
Higgins Pascarell
Himes Pastor (AZ)
Hinchey Payne
Hirono Pelosi
Holden Perlmutter
Holt Pingree (ME)

NOT VOTING—10

Giffords McCollum Stark
Harman Paul Wilson (FL)
Hinojosa Peters
McCarthy (NY) Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 0150

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 569 OFFERED BY MR. ISSA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ISSA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 230, not voting 12, as follows:

[Roll No. 133]

AYES—191

Adams Gosar
Akin Gowdy
Alexander Granger
Amash Graves (GA)
Bachmann Graves (MO)
Bachus Griffin (AR)
Bass (NH) Griffith (VA)
Benishek Guinta
Berg Hall
Biggert Hanna
Bilbray Hartzler
Bilirakis Hastings (WA)
Black Hayworth
Blackburn Heller
Bono Mack Hensarling
Boustany Herger
Brady (TX) Herrera Beutler
Broun (GA) Ribble
Buchanan Huelskamp
Bucshon Huizenga (MI)
Buerkle Hultgren
Burton (IN) Hunter
Calvert Hurt
Camp Issa
Campbell Jenkins
Canseco Johnson (IL)
Cantor Johnson (OH)
Carter Johnson, Sam
Cassidy Jordan
Chabot Kelly
Chaffetz King (IA)
Coble Kingston
Coffman (CO) Kline
Cole Lamborn
Conaway Landry
Cravaack Landford
Crawford Latta
Culberson Lewis (CA)
Denham Long
Dent Lucas
DesJarlais Luetkemeyer
Dold Lummis
Dreier Lungren, Daniel
Duffy E.
Duncan (SC) Mack
Duncan (TN) Manzanillo
Ellmers Marchant
Farenthold McCarthy (CA)
Fincher McCaul
Fitzpatrick McClintock
Flake McHenry
Fleischmann McKeon
Fleming McMorris
Flores Rodgers
Fortenberry Meehan
Fox Mica
Franks (AZ) Miller (FL)
Frelinghuysen Miller (MI)
Gallegly Miller, Gary
Gardner Mulvaney
Garrett Myrick
Gibbs Neugebauer
Gingrey (GA) Noem
Gohmert Nugent
Goodlatte Nunes

NOES—230

Ackerman Boswell
Aderholt Brady (PA)
Altmire Braley (IA)
Andrews Brooks
Austria Brown (FL)
Baca Burgess
Baldwin Butterfield
Barletta Capito
Barrow Capps
Bartlett Capuano
Barton (TX) Cardoza
Bass (CA) Carnahan
Becerra Carney
Berkley Carson (IN)
Berman Castor (FL)
Bishop (GA) Chandler
Bishop (NY) Chu
Bishop (UT) Cicilline
Blumenauer Clarke (MI)
Bonner Clarke (NY)
Boren Clay

Diaz-Balart
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Forbes
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Guthrie
Gutierrez
Hanabusa
Harper
Harris
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCotter
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rigell
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—12

Giffords McCarthy (NY) Platts
Harman McCollum Quayle
Hinojosa Paul Stark
Labrador Peters Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 0153

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PLATTS. Mr. Chair, on rollcall No. 133, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 94 OFFERED BY MR. SULLIVAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 285, noes 136, not voting 12, as follows:

[Roll No. 134]

AYES—285

Ackerman	Fitzpatrick	Marino
Adams	Flake	Matheson
Aderholt	Fleischmann	McCarthy (CA)
Akin	Fleming	McCaul
Alexander	Flores	McClintock
Altmire	Forbes	McCotter
Baca	Fox	McDermott
Bachmann	Frank (MA)	McGovern
Bachus	Franks (AZ)	McHenry
Barletta	Frelinghuysen	McIntyre
Bartlett	Gallegly	McKeon
Barton (TX)	Garrett	McKinley
Bass (NH)	Gibbs	McMorris
Becerra	Gibson	Rodgers
Benishek	Gingrey (GA)	Meehan
Berkley	Gohmert	Mica
Berman	Goodlatte	Michaud
Biggert	Gosar	Miller (FL)
Billbray	Gowdy	Miller (MI)
Bilirakis	Granger	Miller (NC)
Bishop (UT)	Graves (GA)	Miller, Gary
Black	Green, Gene	Moran
Blackburn	Griffin (AR)	Mulvaney
Bonner	Griffith (VA)	Murphy (CT)
Bono Mack	Grijalva	Murphy (PA)
Boren	Grimm	Myrick
Boustany	Guinta	Nadler
Brady (TX)	Guthrie	Neal
Brooks	Hall	Neugebauer
Broun (GA)	Hanna	Nugent
Buchanan	Harper	Nunes
Bucshon	Harris	Nunnelee
Buerkle	Hayworth	Olson
Burgess	Heck	Olver
Burton (IN)	Heinrich	Owens
Calvert	Heller	Palazzo
Campbell	Hensarling	Pascarell
Canseco	Herger	Paulsen
Cantor	Herrera Beutler	Pearce
Capito	Higgins	Pence
Capuano	Himes	Petri
Cardoza	Huizenga (MI)	Pingree (ME)
Carter	Hultgren	Pitts
Cassidy	Hunter	Platts
Chabot	Hurt	Poe (TX)
Chaffetz	Inslee	Pompeo
Chandler	Issa	Posey
Clarke (MI)	Jackson Lee	Price (GA)
Clyburn	(TX)	Quigley
Coble	Jenkins	Rahall
Coffman (CO)	Johnson (OH)	Reed
Cohen	Johnson, Sam	Reichert
Cole	Jordan	Renacci
Conaway	Keating	Reyes
Connolly (VA)	Kelly	Ribble
Conyers	King (NY)	Richardson
Cooper	Kingston	Rigell
Costa	Kissell	Rivera
Courtney	Kline	Roe (TN)
Cravaack	Labrador	Rogers (AL)
Crawford	Lamborn	Rogers (MI)
Cuellar	Lance	Rohrabacher
Culberson	Landry	Rokita
Davis (KY)	Lankford	Rooney
DeFazio	Larsen (WA)	Ros-Lehtinen
Denham	Larson (CT)	Roskam
Dent	LaTourette	Ross (AR)
DesJarlais	Levin	Ross (FL)
Diaz-Balart	Lewis (CA)	Rothman (NJ)
Dingell	Lewis (GA)	Royce
Doggett	LoBiondo	Runyan
Dold	Long	Ruppersberger
Doyle	Lowey	Ryan (OH)
Dreier	Lucas	Ryan (WI)
Duffy	Luján	Sánchez, Linda
Duncan (SC)	Lummis	T.
Duncan (TN)	Lungren, Daniel	Sanchez, Loretta
Ellmers	E.	Sarbanes
Engel	Lynch	Scalise
Farenthold	Mack	Schiff
Fincher	Marchant	Schmidt

Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shuler
Shuster
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speler
Stearns

Stutzman
Sullivan
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Webster

Welch
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 182, not voting 11, as follows:

[Roll No. 135]

AYES—240

Adams	Garrett	Mica
Aderholt	Gibbs	Miller (FL)
Akin	Gibson	Miller (MI)
Alexander	Gingrey (GA)	Miller, Gary
Altmire	Gohmert	Mulvaney
Austria	Goodlatte	Murphy (PA)
Bachmann	Gosar	Myrick
Bachus	Gowdy	Neugebauer
Barletta	Granger	Noem
Bartlett	Graves (GA)	Nugent
Barton (TX)	Graves (MO)	Nunes
Benishek	Griffin (AR)	Nunnelee
Berg	Griffith (VA)	Olson
Biggert	Grimm	Olver
Billbray	Guinta	Palazzo
Bilirakis	Guthrie	Pearce
Bishop (UT)	Gutierrez	Pence
Black	Hall	Peterson
Blackburn	Hanna	Petri
Bonner	Harper	Pitts
Bono Mack	Harris	Platts
Boren	Hartzler	Poe (TX)
Boustany	Hastings (WA)	Pompeo
Brady (TX)	Hayworth	Posey
Brooks	Heck	Price (GA)
Broun (GA)	Heller	Rahall
Buchanan	Hensarling	Reed
Bucshon	Herger	Rehberg
Buerkle	Herrera Beutler	Renacci
Burgess	Holden	Ribble
Burton (IN)	Huelskamp	Rigell
Calvert	Huizenga (MI)	Rivera
Camp	Hultgren	Roby
Campbell	Hunter	Roe (TN)
Canseco	Hurt	Rogers (AL)
Cantor	Issa	Rogers (KY)
Capito	Jenkins	Rogers (MI)
Cardoza	Johnson (OH)	Rohrabacher
Carson (IN)	Johnson, Sam	Rokita
Carter	Jones	Rooney
Cassidy	Jordan	Ros-Lehtinen
Chabot	Kelly	Roskam
Chaffetz	King (IA)	Ross (AR)
Coble	King (NY)	Ross (FL)
Coffman (CO)	Kingston	Royce
Cole	Kinzing (IL)	Runyan
Conaway	Kissell	Ryan (WI)
Costa	Kline	Scalise
Costello	Labrador	Schilling
Crawford	Lamborn	Schmidt
Crenshaw	Lance	Schock
Critz	Landry	Schweikert
Culberson	Lankford	Scott (SC)
Davis (KY)	Latham	Scott, Austin
Denham	Latta	Sensenbrenner
Dent	Lewis (CA)	Sessions
DesJarlais	Long	Shimkus
Diaz-Balart	Lucas	Shuster
Dold	Luetkemeyer	Simpson
Donnelly (IN)	Lummis	Smith (NE)
Dreier	Lungren, Daniel	Smith (TX)
Duffy	E.	Southerland
Duncan (SC)	Mack	Stearns
Duncan (TN)	Manzullo	Stivers
Ellmers	Marchant	Stutzman
Emerson	Marino	Terry
Farenthold	Matheson	Thompson (PA)
Fincher	McCarthy (CA)	Thornberry
Flake	McCaul	Tiberi
Fleischmann	McClintock	Tipton
Fleming	McCotter	Turner
Flores	McHenry	Upton
Fortenberry	McIntyre	Walberg
Fox	McKeon	Walden
Franks (AZ)	McKinley	Walsh (IL)
Frelinghuysen	McMorris	Webster
Gallegly	Rodgers	West
Gardner	Meehan	Westmoreland

NOES—136

Amash
Andrews
Austria
Baldwin
Barrow
Bass (CA)
Berg
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Camp
Capps
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (NY)
Clay
Cleaver
Costello
Crenshaw
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Donnelly (IN)
Edwards
Ellison
Emerson
Eshoo
Farr
Fattah
Finer
Fortenberry

NOT VOTING—12

Giffords
Harman
Hinojosa
Latta
McCarthy (NY)
McCollum
Paul
Peters

Napolitano
Noem
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Polis
Price (NC)
Rehberg
Richmond
Roby
Rogers (KY)
Roybal-Allard
Rush
Schakowsky
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Shimkus
Sires
Smith (NE)
Stivers
Sutton
Terry
Thompson (CA)
Towns
Tsongas
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Whitfield
Wu

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining on this vote.

□ 0156

So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT NO. 216 OFFERED BY MR. MCKINLEY
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

Whitfield
Wilson (SC)
Womack

Woodall
Yoder
Young (AK)

NOES—182

Ackerman
Amash
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Frank (MA)
Fudge

Garamendi
Gerlach
Gonzalez
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowe y
Lujan
Lynch
Maloney
Markey
Matsui
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell

NOT VOTING—11

Giffords
Harman
Hinojosa
McCarthy (NY)

McCollum
Paul
Peters
Quayle

Young (FL)
Young (IN)

Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Waters
Watt
Waxman
Weiner
Welch
Wittman
Wolf
Woolsey
Wu
Yarmuth

ceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 183, not voting 11, as follows:

[Roll No. 136]

AYES—239

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Sherman
Biggart
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake

Fleming
Flores
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)

McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Renacci
Ribble
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souterland
Stearns
Stivers
Stutzman

Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg

Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)

NOES—183

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Cassidy
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Fudge
Garamendi
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowe y
Lujan
Lynch
Maloney
Markey
Matsui
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone

Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rigell
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Slaughter
Smith (NJ)
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—11

Giffords
Harman
Hinojosa
McCarthy (NY)

McCollum
Paul
Peters
Quayle

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 0203

So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT NO. 545 OFFERED BY MR. POMPEO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 0200

Mr. CARSON of Indiana changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 217 OFFERED BY MR. MCKINLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY) on which further pro-

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 187, not voting 12, as follows:

[Roll No. 137]

AYES—234

Adams	Frelinghuysen	McCotter
Aderholt	Gallely	McHenry
Akin	Gardner	McIntyre
Alexander	Garrett	McKeon
Amash	Gibbs	McKinley
Austria	Gibson	McMorris
Bachmann	Gingrey (GA)	Rodgers
Bachus	Gohmert	Meehan
Barletta	Goodlatte	Mica
Bartlett	Gosar	Miller (FL)
Barton (TX)	Gowdy	Miller (MI)
Bass (NH)	Granger	Miller, Gary
Benishek	Graves (GA)	Mulvaney
Berg	Graves (MO)	Murphy (PA)
Biggert	Griffin (AR)	Myrick
Bilbray	Griffith (VA)	Neugebauer
Bilirakis	Grimm	Noem
Bishop (UT)	Guinta	Nugent
Black	Guthrie	Nunes
Blackburn	Hall	Nunnelee
Bonner	Hanna	Olson
Bono Mack	Harper	Palazzo
Boren	Hartzler	Paulsen
Boustany	Hastings (WA)	Pearce
Brady (TX)	Hayworth	Pence
Brooks	Heck	Peterson
Broun (GA)	Heller	Petri
Buchanan	Hensarling	Pitts
Bucshon	Herger	Platts
Buerkle	Herrera Beutler	Poe (TX)
Burgess	Huelskamp	Pompeo
Burton (IN)	Huizenga (MI)	Price (GA)
Calvert	Hultgren	Reed
Camp	Hunter	Rehberg
Campbell	Hurt	Reichert
Canseco	Issa	Renacci
Cantor	Jenkins	Ribble
Capito	Johnson (IL)	Rivera
Cardoza	Johnson (OH)	Roby
Carter	Johnson, Sam	Roe (TN)
Cassidy	Jordan	Rogers (AL)
Chabot	Kelly	Rogers (KY)
Chaffetz	Kind	Rogers (MI)
Coble	King (NY)	Rohrabacher
Coffman (CO)	Kingston	Rokita
Cole	Kinzinger (IL)	Rooney
Conaway	Kissell	Ros-Lehtinen
Cravaack	Kline	Roskam
Crawford	Labrador	Ross (AR)
Crenshaw	Lamborn	Ross (FL)
Culberson	Lance	Royce
Davis (KY)	Landry	Runyan
Denham	Lankford	Ryan (WI)
Dent	Latham	Scalise
DesJarlais	LaTourette	Schilling
Diaz-Balart	Latta	Schmidt
Dold	Lewis (CA)	Schock
Dreier	LoBiondo	Schweikert
Duffy	Long	Scott (SC)
Duncan (SC)	Lucas	Scott, Austin
Duncan (TN)	Luetkemeyer	Sensenbrenner
Ellmers	Lummis	Sessions
Emerson	Lungren, Daniel	Shimkus
Farenthold	E.	Shuler
Fincher	Mack	Shuster
Flake	Manzullo	Simpson
Fleischmann	Marchant	Smith (NE)
Fleming	Marino	Smith (NJ)
Flores	McCarthy (CA)	Smith (TX)
Foxx	McCaul	Southerland
Franks (AZ)	McClintock	Stearns
		Stivers

Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner

NOES—187

Ackerman	Fudge
Altmire	Garamendi
Andrews	Gerlach
Baca	Gonzalez
Baldwin	Green, Al
Barrow	Green, Gene
Bass (CA)	Grijalva
Becerra	Gutierrez
Berkley	Hanabusa
Berman	Harris
Bishop (GA)	Hastings (FL)
Bishop (NY)	Heinrich
Blumenauer	Higgins
Boswell	Himes
Brady (PA)	Hinchey
Braley (IA)	Hirono
Brown (FL)	Holden
Butterfield	Holt
Capps	Honda
Capuano	Hoyer
Carnahan	Inlee
Carney	Israel
Carson (IN)	Jackson (IL)
Castor (FL)	Jackson Lee
Chandler	(TX)
Chu	Johnson (GA)
Cicilline	Johnson, E. B.
Clarke (MI)	Jones
Clarke (NY)	Kaptur
Clay	Keating
Cleaver	Kildee
Clyburn	Kucinich
Cohen	Langevin
Connolly (VA)	Larsen (WA)
Conyers	Larson (CT)
Cooper	Lee (CA)
Costello	Sherman
Courtney	Sires
Critz	Slaughter
Crowley	Smith (WA)
Cueellar	Speier
Cummings	Sutton
Davis (CA)	Thompson (CA)
Davis (IL)	Thompson (MS)
DeFazio	Tierney
DeGette	Tonko
DeLauro	Towns
Deutch	Tsongas
Dicks	Van Hollen
Dingell	Velazquez
Doggett	Visclosky
Donnelly (IN)	Walz (MN)
Doyle	Wasserman
Edwards	Schultz
Ellison	Waters
Engel	Watt
Eshoo	Waxman
Farr	Weiner
Fattah	Welch
Flner	Wittman
Fitzpatrick	Wolf
Forbes	Woolsey
Fortenberry	Wu
Frank (MA)	Yarmuth

NOT VOTING—12

Costa	King (IA)	Peters
Giffords	McCarthy (NY)	Quayle
Harman	McCollum	Stark
Hinojosa	Paul	Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0206

So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT NO. 200 OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 182, not voting 12, as follows:

[Roll No. 138]

AYES—239

Adams	Flores	Mack
Aderholt	Forbes	Manzullo
Akin	Fortenberry	Marino
Alexander	Foxx	McCarthy (CA)
Amash	Franks (AZ)	McCaul
Austria	Frelinghuysen	McClintock
Bachmann	Gallely	McCotter
Bachus	Gardner	McHenry
Barletta	Garrett	McIntyre
Bartlett	Gerlach	McKeon
Barton (TX)	Gibbs	McKinley
Bass (NH)	Gingrey (GA)	McMorris
Benishek	Gohmert	Rodgers
Berg	Goodlatte	Meehan
Biggert	Gosar	Mica
Bilbray	Gowdy	Miller (FL)
Bilirakis	Granger	Miller (MI)
Bishop (UT)	Graves (GA)	Miller, Gary
Black	Graves (MO)	Mulvaney
Blackburn	Griffin (AR)	Murphy (PA)
Bonner	Griffith (VA)	Myrick
Bono Mack	Grimm	Neugebauer
Boren	Guinta	Noem
Boustany	Guthrie	Nugent
Brady (TX)	Hall	Nunes
Brooks	Hanna	Nunnelee
Broun (GA)	Harper	Olson
Buchanan	Harris	Palazzo
Bucshon	Hartzler	Paulsen
Buerkle	Hastings (WA)	Pearce
Burgess	Hayworth	Pence
Burton (IN)	Heck	Petri
Calvert	Heller	Pitts
Camp	Hensarling	Platts
Campbell	Herger	Poe (TX)
Canseco	Herrera Beutler	Pompeo
Cantor	Huelskamp	Posey
Capito	Huizenga (MI)	Price (GA)
Carter	Hultgren	Reed
Cassidy	Hunter	Rehberg
Chabot	Hurt	Reichert
Chaffetz	Issa	Renacci
Coble	Jenkins	Ribble
Coffman (CO)	Johnson (IL)	Rigell
Cole	Johnson (OH)	Rivera
Conaway	Johnson, Sam	Roby
Costa	Jones	Roe (TN)
Cravaack	Jordan	Rogers (AL)
Crawford	Kelly	Rogers (KY)
Crenshaw	King (NY)	Rogers (MI)
Culberson	Kingston	Rohrabacher
Davis (KY)	Kinzinger (IL)	Rokita
Denham	Kline	Rooney
Dent	Labrador	Ros-Lehtinen
DesJarlais	Lamborn	Roskam
Diaz-Balart	Lance	Ross (AR)
Dold	Landry	Ross (FL)
Dreier	Lankford	Royce
Duffy	Latham	Runyan
Duncan (SC)	LaTourette	Ryan (WI)
Duncan (TN)	Latta	Scalise
Ellmers	Lewis (CA)	Schilling
Emerson	LoBiondo	Schmidt
Farenthold	Long	Schock
Fincher	Lucas	Schweikert
Fitzpatrick	Luetkemeyer	Scott (SC)
Flake	Lummis	Scott, Austin
Fleischmann	Lungren, Daniel	Sensenbrenner
Fleming	E.	Sessions

Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry

Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland

NOES—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

NOT VOTING—12

Giffords
Harman
Hinojosa
King (IA)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0209

So the amendment was agreed to.

The result of the vote was announced
as above recorded.

Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

AMENDMENT NO. 482 OFFERED BY MR. HELLER

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Nevada (Mr. HELLER)
on which further proceedings were
postponed and on which the ayes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 209, noes 213,
not voting 11, as follows:

[Roll No. 139]

AYES—209

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachus
Bartlett
Barton (TX)
Benishak
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buckle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
McCotter
McHenry
McKeon
McKinley
McMorris
Franks (AZ)

Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hunter
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Duffy
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers

Thornberry
Tiberi
Turner
Upton
Walberg
Walden

Ackerman
Altmire
Andrews
Baca
Bachmann
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Flores
Fortenberry
Frank (MA)
Frelinghuysen

Walsh (IL)
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall

NOES—213

Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Goodlatte
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler

NOT VOTING—11

Giffords
Harman
Hinojosa
McCarthy (NY)

McCollum
Pallone
Paul
Peters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this
vote.

□ 0212

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 563 OFFERED BY MRS. NOEM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from South Dakota (Mrs. NOEM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 255, noes 168, not voting 10, as follows:

[Roll No. 140]

AYES—255

Adams	Dold	Jordan
Aderholt	Donnelly (IN)	Kelly
Akin	Dreier	King (IA)
Alexander	Duffy	King (NY)
Amash	Duncan (SC)	Kingston
Austria	Duncan (TN)	Kinzinger (IL)
Bachmann	Ellmers	Kissell
Bachus	Emerson	Kline
Barletta	Farenthold	Labrador
Barrow	Fincher	Lamborn
Bartlett	Fitzpatrick	Lance
Barton (TX)	Flake	Landry
Benishkek	Fleischmann	Lankford
Berg	Fleming	Latham
Biggert	Flores	LaTourette
Bilbray	Forbes	Latta
Bilirakis	Fortenberry	Lewis (CA)
Bishop (UT)	Fox	LoBiondo
Black	Franks (AZ)	Loebsack
Blackburn	Frelinghuysen	Long
Bonner	Gallely	Lucas
Bono Mack	Gardner	Luetkemeyer
Boren	Garrett	Lummis
Boswell	Gibbs	Lungren, Daniel
Boustany	Gibson	E.
Brady (TX)	Gingrey (GA)	Mack
Braley (IA)	Gohmert	Manzullo
Brooks	Goodlatte	Marchant
Broun (GA)	Gosar	Marino
Buchanan	Gowdy	Matheson
Bucshon	Granger	McCarthy (CA)
Buerkle	Graves (GA)	McCaul
Burgess	Graves (MO)	McClintock
Burton (IN)	Griffin (AR)	McCotter
Calvert	Griffith (VA)	McHenry
Camp	Grimm	McIntyre
Campbell	Guinta	McKeon
Canseco	Guthrie	McKinley
Cantor	Hall	McMorris
Capito	Hanna	Rodgers
Cardoza	Harper	Meehan
Carter	Harris	Mica
Cassidy	Hartzler	Miller (FL)
Chabot	Hastings (WA)	Miller (MI)
Chaffetz	Hayworth	Miller, Gary
Chandler	Heck	Mulvaney
Coble	Heinrich	Murphy (PA)
Coffman (CO)	Heller	Myrick
Cole	Hensarling	Neugebauer
Conaway	Herger	Noem
Costa	Herrera Beutler	Nugent
Costello	Huelskamp	Nunes
Cravaack	Huizenga (MI)	Nunnelee
Crawford	Hultgren	Olson
Crenshaw	Hunter	Owens
Cuellar	Hurt	Palazzo
Culberson	Issa	Paulsen
Davis (KY)	Jenkins	Pearce
Denham	Johnson (IL)	Pence
Dent	Johnson (OH)	Peterson
DesJarlais	Johnson, Sam	Petri
Diaz-Balart	Jones	Pitts

Poe (TX)	Ryan (WI)
Pompeo	Scalise
Posey	Schilling
Price (GA)	Schmidt
Reed	Schock
Rehberg	Schrader
Renacci	Schweikert
Ribble	Scott (SC)
Rigell	Scott, Austin
Rivera	Sensenbrenner
Roby	Sessions
Roe (TN)	Shimkus
Rogers (AL)	Shuster
Rogers (KY)	Simpson
Rogers (MI)	Smith (NE)
Rohrabacher	Smith (NJ)
Rokita	Smith (TX)
Rooney	Southerland
Ros-Lehtinen	Stearns
Roskam	Stivers
Ross (AR)	Stutzman
Ross (FL)	Sullivan
Royce	Terry
Runyan	Thompson (CA)

NOES—168

Ackerman	Gerlach
Altmire	Gonzalez
Andrews	Green, Al
Baca	Green, Gene
Baldwin	Grijalva
Bass (CA)	Gutierrez
Bass (NH)	Hanabusa
Becerra	Hastings (FL)
Berkley	Higgins
Berman	Himes
Bishop (GA)	Hinche
Bishop (NY)	Hirono
Blumenauer	Holden
Brady (PA)	Holt
Brown (FL)	Honda
Butterfield	Hoyer
Capps	Inslee
Capuano	Israel
Carnahan	Jackson (IL)
Carney	Jackson Lee
Carson (IN)	(TX)
Castor (FL)	Johnson (GA)
Chu	Johnson, E. B.
Cicilline	Kaptur
Clarke (MI)	Keating
Clarke (NY)	Kildee
Clay	Kind
Cleaver	Kucinich
Clyburn	Langevin
Cohen	Larsen (WA)
Connolly (VA)	Larson (CT)
Conyers	Lee (CA)
Cooper	Levin
Courtney	Lewis (GA)
Critz	Lipinski
Crowley	Lofgren, Zoe
Cummings	Lowe
Davis (CA)	Lujan
Davis (IL)	Lynch
DeFazio	Maloney
DeGette	Markey
DeLauro	Matsui
Deutsch	McDermott
Dicks	McGovern
Dingell	McNerney
Doggett	Meeks
Doyle	Michaud
Edwards	Miller (NC)
Ellison	Miller, George
Engel	Moore
Eshoo	Moran
Farr	Murphy (CT)
Fattah	Nadler
Filner	Napolitano
Frank (MA)	Neal
Fudge	Oliver
Garamendi	Pallone
Giffords	McCollum
Harman	Paul
Hinojosa	Peters
McCarthy (NY)	Quayle

NOT VOTING—10

Stark
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

□ 0215

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 430 OFFERED BY MR. PITTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 183, not voting 11, as follows:

[Roll No. 141]

AYES—239

Adams	Duncan (SC)	King (IA)
Aderholt	Duncan (TN)	King (NY)
Akin	Ellmers	Kingston
Alexander	Emerson	Kinzinger (IL)
Altmire	Farenthold	Kline
Amash	Fincher	Labrador
Austria	Fitzpatrick	Lamborn
Bachmann	Flake	Lance
Bachus	Fleischmann	Landry
Barletta	Fleming	Lankford
Bartlett	Flores	Latham
Barton (TX)	Forbes	Latta
Bass (NH)	Fortenberry	Lewis (CA)
Benishkek	Fox	LoBiondo
Berg	Franks (AZ)	Long
Biggert	Frelinghuysen	Lucas
Bilbray	Gallely	Luetkemeyer
Bilirakis	Gardner	Lummis
Bishop (UT)	Garrett	Lungren, Daniel
Black	Gerlach	E.
Blackburn	Gibbs	Mack
Bonner	Gingrey (GA)	Manzullo
Bono Mack	Gohmert	Marino
Boren	Goodlatte	McCarthy (CA)
Boustany	Gosar	McCaul
Brady (TX)	Gowdy	McClintock
Brooks	Granger	McCotter
Broun (GA)	Graves (GA)	McHenry
Buchanan	Graves (MO)	McIntyre
Bucshon	Griffin (AR)	McKeon
Buerkle	Griffith (VA)	McKinley
Burgess	Grimm	McMorris
Burton (IN)	Guinta	Rodgers
Calvert	Guthrie	Meehan
Camp	Hall	Mica
Campbell	Hanna	Miller (FL)
Canseco	Harper	Miller (MI)
Cantor	Harris	Miller, Gary
Capito	Hartzler	Mulvaney
Carter	Hastings (WA)	Murphy (PA)
Cassidy	Hayworth	Myrick
Chabot	Heck	Neugebauer
Chaffetz	Heller	Noem
Coble	Hensarling	Nugent
Coffman (CO)	Herger	Nunes
Cole	Herrera Beutler	Nunnelee
Conaway	Huelskamp	Olson
Cravaack	Huizenga (MI)	Palazzo
Crawford	Hultgren	Paulsen
Crenshaw	Hunter	Pearce
Cuellar	Hurt	Pence
Culberson	Issa	Petri
Dent	Jenkins	Pitts
DesJarlais	Johnson (IL)	Poe (TX)
Diaz-Balart	Johnson (OH)	Pompeo
Dold	Johnson, Sam	Posey
Dreier	Jones	Price (GA)
Duffy	Jordan	Reed
	Kelly	

Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise

NOES—183

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

NOT VOTING—11

Giffords
Harman
Hinojosa
Marchant
McCarthy (NY)
McCollum
Paul
Peters

Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Oliver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Matsui
Van Hollen
Velázquez
Edwards
Ellison
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0218

So the amendment was agreed to.
The result of the vote was announced as above recorded.

AMENDMENT NO. 241 OFFERED BY MR. CARNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Delaware (Mr. CARNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 300, not voting 12, as follows:

[Roll No. 142]

AYES—121

Ackerman
Amash
Andrews
Baldwin
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Cohen
Conyers
Crowley
Davis (CA)
DeFazio
DeLauro
Deutch
Dicks
Doggett
Dold
Edwards
Ellison
Farr
Filner
Fitzpatrick
Frank (MA)
Nadler
Napolitano
Neal
Oliver
Payne
Pelosi
Peterson
Pingree (ME)
Polis
Quigley
Rangel
Roybal-Allard
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Matsui
Van Hollen
Velázquez
Edwards
Ellison
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOES—300

Adams
Aderholt
Akin
Alexander
Berg
Biggart
Billbray
Bilirakis
Bishop (GA)
Bishop (NY)
Barrow
Barton (TX)
Bass (NH)
Benishak
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Brown (FL)

Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clarke (MI)
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (IL)
Davis (KY)
DeGette
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Himes
Hinchey
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Inslee
Israel
Issa
Jackson Lee
Chaffetz
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
Loftgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Scalise
Schilling
Schmidt
Schock
Schwartz
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yoder
Young (AK)

NOT VOTING—12

Giffords	McCollum	Quayle
Harman	Myrick	Stark
Hinojosa	Paul	Wilson (FL)
McCarthy (NY)	Peters	Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0221

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. CANTOR was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. CANTOR. Mr. Chairman, I would say to the Members we have got one more amendment in this series of votes, after which we are looking at a debate time of about 1 hour. So I would advise the Members that it would probably be best to stay close to the Chamber, because we would expect the final series of votes on this bill and for the day to be within 1 hour.

AMENDMENT NO. 164 OFFERED BY MR. MULVANEY

The Acting CHAIR. Without objection, 2-minute voting will resume.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes 328, not voting 12, as follows:

[Roll No. 143]

AYES—93

Akin	Gardner	Marchant
Amash	Garrett	McClintock
Bachmann	Goodlatte	McCotter
Bartlett	Gowdy	McHenry
Billirakis	Graves (GA)	Miller (FL)
Bishop (UT)	Graves (MO)	Mulvaney
Bono Mack	Griffin (AR)	Myrick
Brady (TX)	Griffith (VA)	Neugebauer
Brown (GA)	Harris	Nunes
Buerkle	Heller	Pearce
Burgess	Hensarling	Pence
Burton (IN)	Herger	Poe (TX)
Campbell	Huelskamp	Pompeo
Chabot	Huizenga (MI)	Price (GA)
Chaffetz	Hurt	Reed
Coble	Jenkins	Ribble
Coffman (CO)	Johnson (IL)	Rigell
Denham	Johnson, Sam	Rogers (MI)
Duncan (SC)	Jordan	Rohrabacher
Duncan (TN)	King (IA)	Rokita
Ellmers	Labrador	Royce
Flake	Lamborn	Ryan (WI)
Fleischmann	Landry	Scalise
Fleming	Luetkemeyer	Schmidt
Foxx	Mack	Schweikert
Franks (AZ)	Manzullo	Scott (SC)

Scott, Austin
Sessions
Smith (NE)
Southerland
Stutzman

Terry
Thornberry
Tiberi
Turner
Walberg

Walsh (IL)
Wilson (SC)
Woodall
Young (FL)
Young (IN)

NOES—328

Ackerman
Adams
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks

Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Finler
Fincher
Fitzpatrick
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallagher
Garamendi
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Inslie
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)

Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Long
Lowey
Lucas
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McDermott
Gibbs
McGovern
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Nugent
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam

Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell

Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stearns
Stivers
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Towns
Tsongas

Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
West
Westmoreland
Wittman
Wolf
Womack
Woolsey
Wu
Yarmuth
Yoder
Young (AK)

NOT VOTING—12

Giffords	McCollum	Stark
Harman	Paul	Welch
Hinojosa	Peters	Whitfield
McCarthy (NY)	Quayle	Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 0225

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 255 OFFERED BY MR.

HUELSKAMP

Mr. HUELSKAMP. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____ None of the funds made available by this Act may be used by the National Labor Relations Board to certify the results of an election of a labor organization under section 9(c)(1) of the National Labor Relations Act (29 U.S.C. 159(c)(1)) that is not conducted by secret ballot.

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Kansas (Mr. HUELSKAMP) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. HUELSKAMP. Mr. Chairman, I rise to speak about the importance of protecting America's workers.

My home State of Kansas is one of 22 right-to-work States in which a worker cannot be required to join a union as a condition of employment. This ensures worker freedom, and Card Check poses a direct threat to this freedom.

The last Congress knew that Card Check went against the will of the American people, but the current administration still seems intent on pushing it upon American workers.

To circumvent necessary congressional approval is to attack our representative form of government. If enacted through backdoor administrative paths and without congressional approval, Card Check would eliminate

the use of a secret ballot for union elections.

Mr. Chairman, we have to preserve the use of a secret ballot. It is a fundamental institution of democracy. If the private ballot is eliminated, it opens up a window of opportunity for labor unions to strong-arm workers who are in the unions. Just this week in Wisconsin, we have seen the tactics unions are willing to use when they don't get their way; and we know the administration is encouraging this type of behavior across the country.

After speaking with colleagues, I feel another vehicle would be better for this issue, but I could not pass up the opportunity to address this matter on the floor. So I will withdraw this amendment today, and will look forward to working with my colleagues in the coming days to preserve the rights of American workers.

I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 273 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used to administer the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act.

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

□ 0230

Mr. KING of Iowa. I yield myself 2 minutes.

Mr. Chairman, this amendment that is before the House this evening is an amendment that shuts off the funding within this continuing resolution to what we know as the Davis-Bacon Act.

The Davis-Bacon Act is an old and archaic act that was generated during the Depression era, the early years of the Depression era, in about 1931. It was designed to keep the African American workers out of the trade unions in New York. That's the source of it. I have dealt underneath this law for my working life as a construction contractor, so my hands-on experience with Davis-Bacon, I believe, is as strong as anyone's in this Chamber.

The costs that are added to our construction projects are what we should be thinking about here in this 112th Congress, in this Congress of austerity,

on this night that we've had of cutting spending and cutting spending, and it's this:

According to Heritage Study, the extra wages that are paid out unnecessarily total \$10.9 billion. I have done this study within my own construction company, and have looked at the difference in the cost of the Davis-Bacon Federal wage scale. They will call it "prevailing wage." I will tell you we know it's union scale, mandated by Federal law, and there is no reason for us to adhere to a union scale mandated by Federal law. My numbers show this:

It increases the cost of a project between 8 and 35 percent depending on how much is materials and how much is labor. Other data out there show an increase of 9 to 37 percent. Our numbers match well. The costs of compliance for contractors are over \$190 million a year, and it distorts the relationship between management and labor. We are, Mr. Chairman, in an era where our question becomes this:

Do we want to create jobs or do we want to cost jobs? Do we want to build 4 miles of road under Davis-Bacon or do we want to build five? Do we want to build four schools or do we want to build five? Do we want to have an inflation of wages by an average of 22 percent, which is according to some of the wage and hour studies? Do we want to see the price go up? Do we want to see a construction industry that reduces workers by as much as 25,000 a year in minority workers?

I reserve the balance of my time.

Ms. DeLAURO. I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 20 minutes.

Ms. DeLAURO. I yield myself 2 minutes.

Mr. Chairman, this amendment prohibits the use of funds to administer the wage rate requirements under Davis-Bacon. It is yet another illustration of how the majority is making this continuing resolution a Trojan Horse, filled with ideology that irreparably harms working families.

The Davis-Bacon Act ensures that workers on federally funded government contracts are paid no less than the wages paid for similar work in a community. A simple concept. Former President Bush understood this concept when he reinstated the Davis-Bacon rules for reconstruction contracts in the aftermath of Hurricane Katrina.

Despite the majority's argument, the Davis-Bacon Act has no effect on total costs of construction. Study after study reveals that higher productivity makes up for any additional labor cost, essentially eliminating any cost savings if the law were repealed. If this amendment is enacted into law, we will be cheating workers of a fair wage with no cost savings to show for it.

This amendment is nothing more than an attempt to accelerate a race to the bottom. It is that way of doing business which tells workers in this country "you do not matter; your right to a decent wage does not matter; your dreams and your aspirations to do better and to provide for your family do not matter."

All that counts is the power to extract the cheapest possible cost, the lowest labor cost, in return for the highest possible profit. This does not reflect our values as a Nation and certainly not the values that created America's middle class.

Today, as we face 9 percent unemployment, wages falling, the number of families in poverty growing and increasing costs for just about everything, gutting the law that ensures a decent job and a fair wage for workers is the wrong direction. It is the very future of the middle class that is in jeopardy if we pass amendments like the King amendment and, with it, the idea that a society can act with a shared sense of purpose and with a responsibility to each other.

Vote against this amendment.

I reserve the balance of my time.

Mr. KING of Iowa. I yield myself 30 seconds.

It's a little bit amazing to me that the gentlelady can get so focused on this. I'm the one that should be focused on it in that way and animated. The taxpayers should be animated by this.

They should understand that, when the Federal Government sets union scale and drives the price up and the taxpayers can't afford it, it's not about a race to the bottom. The quality of work for my workers was always there. We take care of our people 12 months out of the year with a benefits package. We're not hiring them out of a union hall for a day, but you make us pay the price as if we were. We uphold our workers. We take care of them. We have the quality there. It's a matter of fact and it's proven, Mr. Chairman.

The Acting CHAIR. The time of the gentleman has expired.

Ms. DeLAURO. I yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I rise to speak against this amendment.

Mr. Chairman, the Davis-Bacon Act requires that workers on federally funded construction projects be paid no less than the wages paid in the community for similar work. It sounds fair. The Davis-Bacon Act prevents the Federal Government, a large influential construction owner, from using precious tax dollars to undercut local wage standards through its investments in construction work.

Those against Davis-Bacon say it drives up costs. Not so. Why don't we deal with facts for a change?

Davis-Bacon has no effect on total costs of construction. Study after

study reveals productivity makes up for any additional labor cost, essentially eliminating any cost savings if the law is repealed. In other words, projects using highly skilled workers often cost less than those using low-wage, low-skilled workers.

Opponents who claim the government could save billions by eliminating Davis-Bacon protections ignore productivity, safety and the act's economic development benefits, which contribute to the real cost effectiveness of Davis-Bacon.

In addition, the Davis-Bacon minimum wage must reflect the rate of contribution to retirement, health insurance, apprenticeship training, and disability insurance. By including fringe benefits and wage calculations, Davis-Bacon delivers health care and pensions for workers on these projects.

Without prevailing wages, investments in training fall; work related injuries increase; pension coverage drops; fewer workers have health care insurance; wages stagnate and even drop over time; and total construction costs are still unchanged.

In fact, the real economic significance of Davis-Bacon wage requirements for federally assisted construction projects is that it maintains community standards by preventing bottom-feeding contractors from driving down construction workers' wages and working conditions.

I urge my colleagues to vote down this amendment.

Mr. Chair, I rise in opposition to the King amendment.

This amendment would strip away Davis-Bacon wage protections in Hawaii and nationwide.

Enacted in 1931, the Davis-Bacon Act ensures that workers on federal construction contracts receive at least the prevailing wage for construction jobs. The Davis-Bacon Act ensures projects are built by skilled and experienced workers who know what they're doing. Prevailing wages and higher-skilled work result in greater productivity and lower cost.

In industries without Davis-Bacon protections, we have seen unscrupulous contractors engage in a "race to the bottom," trying to undercut each other to perform shoddy work, with less-skilled workers, at sub-par wages. These projects often end up costing more in the long run due to repairs, revisions, and delays.

Some claim that Davis-Bacon costs the Federal Government more. On the contrary, studies show that higher-wage workers are more productive, saving hundreds of millions of dollars in the long run.

Construction workers who build highways, homes, or buildings should be able to earn enough to feed their families, put a roof over their heads, and send their kids to college. Beyond just helping workers and their families, prevailing wages improve local economies. Workers spend their income in local businesses and pay local taxes. Workers participate in building trades training programs and health care programs and are not dependent

on benefits from other social programs. One study found that local prevailing wage law generated 2.4 times the economic benefit of the cost of the construction project.

Sadly, this amendment is another example of this bill's consistent attacks on American workers, including the construction workers, teachers, nurses, police officers, and firefighters who are committed to build, educate, heal, and protect communities in Hawaii and throughout our country. Rather than focus on providing good jobs with fair pay, the Republicans are more interested in increasing corporate profits on the backs of American workers.

I strongly support Davis-Bacon protections and oppose this misguided amendment. I urge my colleagues to do the same.

Mr. KING of Iowa. I yield myself 15 seconds to announce to the Chair that I have just been called a "bottom-feeder"—a bottom-feeder for providing 12-months-out-of-the-year work, health care benefits and retirement benefits for my employees.

I take it as an insult, but I am not going to ask to take the lady's words down.

Mr. Chairman, I now yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. It has been said by many that, when one goes to heaven or hell, you have to fly through the Atlanta Airport.

Just yesterday, I was talking to a contractor who is involved in doing the expansion of the Atlanta Airport, of the Hartsfield-Jackson Airport. We were talking about his business and what was going on, and he was complaining to me about the construction costs and the increase that is mandated by Davis-Bacon.

The previous speaker said that it doesn't raise the costs, but that's totally false.

In fact, this contractor told me just yesterday that the increased cost to the people of Atlanta, Georgia, and to the State of Georgia is 40 percent above what it would be if we did not have Davis-Bacon just leering over their heads like a dagger, causing them to have to pay a higher amount of money.

While we are here in tough economic times, we need to look at what the Federal Government is doing to try to increase the costs for our children and our grandchildren so that they have to pay it in the future. Davis-Bacon is one of those laws, antiquated laws, that does cost today's taxpayers a tremendous amount of money, but it's going to cost our children and our grandchildren their future.

The reason it does that is we're spending money we don't have. Davis-Bacon is a culprit in causing the debt of this country, the debt of Atlanta, Georgia, and the debt of the State of Georgia to go higher.

It is time to put Davis-Bacon to rest. It has outlived its usefulness, and we have to vote to stop the spending. Vote "yes" on this amendment.

□ 0240

Ms. DELAURO. I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentlelady for yielding.

I tell this story every time we talk about Davis-Bacon.

Davis and Bacon were Republicans, and what was occurring was that you had out-of-town workers coming into New York City to build a hospital, undercutting the local labor market at a time when a lot of people were out of work. That's what Davis-Bacon is.

Quite frankly, the last test we had on Davis-Bacon was during the hurricanes down in the gulf coast when President Bush suspended it for a period of time. We made the case to him that you weren't saving any money. Not only weren't you saving any money, but you were having workers come in because there weren't the anti-kickback provisions, so the payrolls didn't have to be submitted; and you had a lot of illegal workers coming down who still live in Louisiana, undercutting the local labor market.

So I get that we don't like unions on this side of the aisle. But I've got to tell you, if you look at the labor rates for operating backhoes and everything else in the gentleman's, the author of the amendment, a carpenter makes \$14.45 under Davis-Bacon, and a backhoe operator makes \$14.53.

Quite frankly, Mr. Chairman, I don't want somebody who's operating a backhoe near my house making less than that.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I don't think that anybody would object to paying workers on these projects a real prevailing wage. The problem is that what's called a "prevailing wage" is not the prevailing wage.

I have a friend who does a lot of ornamental ironwork. A lot of these buildings around here he has done. He lives out in Hagerstown. The contracts that he has to put that in require him to pay prevailing wage when he puts it in down here. The same people that install it down here do the work of preparing it out there. This is a good job in Hagerstown, and that's only—what?—about 70 miles from here. When he comes down here to put it in down here, he has to double their pay for the time he's down here.

It's just not prevailing wage, and that's why it's wrong.

Ms. DELAURO. I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank the gentlelady for the time.

Mr. Chairman, when I look at this amendment by Representative KING, it's the closest thing to a jobs bill that

I've seen since January started—and it's disappointing. The reality is that I wish we weren't debating this at nearly 3 o'clock in the morning, because I would love the American people to see that this is what substitutes for a jobs bill in this day and age.

The fact is that this is what the very fight is all about. Do we want to build a robust middle class or do we want to pay people the least we possibly can pay them to keep them desperate and drive wages down to nothing so that we have a very small group of really wealthy people and a vast group of really desperate people who would do anything to work and who could have their unions busted because you've got people who've got to do what they've got to do and cross that line?

This is at the heart of what it's all about.

This is the fight.

Shall we have a middle class and pay people decent wages or shall we continue on this drive to separate and increase wage inequality in this country so that the richest have so much and so that the rest of us just don't have much at all?

Davis-Bacon is good legislation because it strengthens our middle class so that people can actually have a decent quality of life, send their kids to school, be able to send them to college, and have decent retirements. It's about making a strong middle class based on a decent, livable wage.

Mr. KING of Iowa. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. I thank the gentleman from Iowa for bringing this amendment forward.

Mr. Chairman, I just want to share with you a little story that we experienced over the past couple of years with Davis-Bacon. I think that the people we often forget about here when we get into these debates are the taxpayers, themselves. The taxpayers are the ones who have to foot the bill for the wages that Davis-Bacon drives up.

After the stimulus bill was passed a couple of years ago, even though I opposed the idea of what the stimulus bill was going to do, we in our community had been taking the initiative to put in sewer systems around our lakes and our rivers to protect our soil and our resources. After a couple of projects that had already been bid out without Davis-Bacon wages, the company contacted our office and said, Hey, we would like to apply for stimulus dollars to help drive our costs down on these particular projects.

Well, after doing some research, because they did not bid the projects with Davis-Bacon wages, they were ineligible, and therefore were going to be paying higher rates. They were also going to be paying the contractors, themselves, at a lower wage because

they were not eligible for the stimulus money, money which would have put infrastructure into our communities, allowing for the building of long-term assets in our communities. Instead, they were ineligible because they had not bid Davis-Bacon wages.

I think it's very important that we remember the taxpayers, who have to fund these projects because of the higher costs, and I think it's important that we also remember that each community individually recognizes that their labor costs are different and that they shouldn't always be required to deal with Federal standards.

I appreciate the gentleman from Iowa for bringing his amendment forward, and I ask that you support it.

The Acting CHAIR. The gentlewoman from Connecticut has 13½ minutes remaining, and the gentleman from Iowa has 12¼ minutes remaining if they choose to use it all.

Ms. DELAURO. I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. The gentleman from Minnesota really made the point. Here we are at a quarter to 3 in the morning, going after the working people of this country.

In 1932, we didn't have unemployment insurance.

Now, I'm sure your next amendment will be "no money should be spent for unemployment insurance in this country" because that creates that moral hazard where people sit at home and wait for that check to come in, right? They won't go down and look for work. We also had no workers' comp in this country before 1910. If a guy got hurt, they threw him out in the street and got somebody new. We didn't care.

If that's the kind of country you want to go back to, I suppose the next bill you bring out here will be "let's repeal the minimum wage." Why the heck do we have minimum wage? Do you know what the prevailing wage in this city was when this building was built? It was built by slaves. Now, is that where you want to go? What are you after?

The Government of the United States should set a standard of what we want for the working people in this country.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind all Members to direct their comments to the Chair, not to others in the second person.

Mr. KING of Iowa. I yield myself 2 minutes.

I want to point out to the body also, Mr. Chairman, that I have lived under the Davis-Bacon wage scale for years. I've met payroll for 28½ years—over 1,400 consecutive weeks. I've worked for a wage underneath Davis-Bacon wage scales, and I've worked in merit shop operations. I've worked in shops in the wintertime and on construction projects in the field before it froze up,

from the spring to fall. I've been on all sides of this. I've been a laborer on the pipeline. I've been a heavy equipment operator. I've been an owner and I've managed people, and I've watched what Davis-Bacon has done at every single level along the way.

It distorts the relationship between management and labor. It takes away from the individuals the ability or the willingness to contribute to the decision-making process.

□ 0250

When the government comes in and says, "on one side of the road, you're going to pay your laborers \$14 an hour, but on the other side of the road you're going to pay them \$21 an hour, and if they climb in the seat of a motor grader it's going to be \$35 an hour, but if it happens to be a finish machine then it's going to be \$40 an hour," you watch your crews jockeying for the highest paying job there is.

What happens if you sit back at a bird's-eye view?

They will be scrambling over to climb onto the machine that's the least useful but that pays the most money. Then if you go away for a few days, you'll come back and find out they've rolled all the clods, that your wage price has gone up and that you're no longer competitive, and you'll have to go back on the job and essentially get out—this is figuratively speaking—the whip and make sure you crack it so you get people pushing as hard as possible.

It raises the tension, and it takes away a lot of the pleasure of taking pride in your work because now management is pitted against labor, and labor is pitted against labor in jockeying for the highest paying jobs.

This is no way to run a business. It's no way to run a company. It's no way to run a country to think that we here in this Congress should be one of the ones deciding what someone should get paid, or at least writing the rules for it, knowing that it's not prevailing wage but that it's union scale, and it takes 2½ years to get a ruling on what's prevailing wage and what isn't, and so we just don't know what it is for 2½ years.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Iowa has 10¼ minutes remaining. The gentlewoman from Connecticut has 12½ minutes remaining.

Ms. DELAURO. I reserve the balance of my time.

Mr. KING of Iowa. I yield myself the balance of my time.

I will point out that there has been a misunderstanding here with regard to an agreement on the length of this amendment discussion. We'd agreed to take it down to 10 minutes each, but when the announcement was made, I think it was confusing to both sides.

So what I'd like to do is try to wrap up my side of this in 1 minute and yield

to the gentlelady from Connecticut for as much time as she may think is appropriate to consume in order to close, if that would be agreeable. I'm going to move ahead with my part by picking up where I left off.

Mr. Chairman, the inefficiencies that are created by Davis-Bacon are multiplied in the costs that are in the jobs that we do. It is an 8 to 35 percent increase in the overall costs of our construction projects. We need to keep people at work. It means fewer people are working for more money, and it means a more distorted economy and inefficiencies that are built in that completely distort the cost of these wages.

So it is important for us to know that this isn't the first debate before this Congress but that it is the first intense debate that has taken place since the Republican majority took over here in 2011. Back in 1995, some of the cosponsors of the original Davis-Bacon repeal, a similar amendment, were BOEHNER, BARTLETT, COBLE, DREIER, GOODLATTE, HERGER, McKEON, and WOLF.

I would urge adoption of this amendment and a strong vote to cut the funding off to anything that would be enforcing Davis-Bacon wages under this CR.

I yield back the balance of my time.

Ms. DELAURO. I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Members of both parties should oppose this amendment because it rests on three misjudgments.

The first misjudgment is that the wages established by this Davis-Bacon practice are union-imposed wages. The fact of the matter is they are prevailing wages which are determined by a survey of the local marketplace.

The second misjudgment is that it always raises the cost of a construction project. The fact is quite the opposite. When the productivity rises, the value rises; and if you have better performance and fewer errors and the faster completion of a project, productivity rises, and you get more value.

But I think the most important misjudgment is that it is, one more time, the wrong issue at the wrong time. There are a lot of Americans awake at this hour. Thankfully, for them, they're probably not watching this debate, but they're awake at this hour because this has yet been another day and another week and another month with no paycheck, no job and no hope.

What they want us to do is to work together to put them back to work. Yet what we have seen in the last 24 hours is a debate over whether to defund Planned Parenthood, a debate over whether to repeal most of the environmental protections that have taken 40 years to build up in this country, a debate over whether people have the right to know if they're buying safe

toys, and now a debate over whether to repeal a successful labor-management partnership.

It's the wrong amendment at the wrong time.

Vote "no."

Mr. QUIGLEY. Mr. Chair, I rise in opposition to Amendment No. 273, offered by my colleague, Congressman KING.

This amendment's intent is to defund wage law requirements as established by the Davis-Bacon Act.

Davis-Bacon doesn't just help the workers who build our country support their families; it also makes sure that taxpayers get their money's worth.

The Davis-Bacon Act fosters competition based on quality, attracting workers who are more productive, more experienced, and well-trained.

The Federal Government should not be the engine driving the "race to the bottom", and Davis-Bacon helps ensure that public projects do not facilitate low ball bids that undercut the American worker.

Reports show that projects constructed with Davis-Bacon wage provisions are more likely to be completed on time, within budget, and with fewer future repair costs.

Problems arise in projects when you have unskilled workers who are working at the lowest of wages and do not have benefits to support their families. Prevailing wage laws help ensure the best condition for workers, and employees respond by putting their best work forward, benefitting the community and the taxpayer.

Elimination of the Davis-Bacon Act—which stabilizes wages, provides benefits to families, and promotes competition based on quality—would only foster an environment of low bidding, low wages, and poorer quality of work.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 567 OFFERED BY MS. HAYWORTH

Ms. HAYWORTH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used to implement section 1899A of the Social Security Act (42 U.S.C. 1395kkk), as added by section 3403 of the Patient Protection and Affordable Care Act (Public Law 111-148).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentlewoman from New York (Ms. HAYWORTH) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. HAYWORTH. Mr. Chairman, section 3404 of the Patient Protection and Affordable Care Act created the Independent Payment Advisory Board, known by the acronym "IPAB." Beginning in 2014, this 15-member board will be charged with cutting the growth rate of Medicare spending. IPAB is designed as a bureaucracy that will be looking not at how to improve patient care but how to hit an expenditure target.

PPACA limits what IPAB would be able to do to restrict cost growth. For example, IPAB cannot recommend higher cost sharing, or otherwise restrict benefits or eligibility. The primary means of achieving expenditure targets will be to reduce payments to physicians and hospitals. This, in turn, will reduce access to providers—access that Medicare patients need to have—as the providers will find that they will not be able to afford to accept Medicare's reimbursement rates.

Furthermore, Congress ceded a tremendous amount of power to the IPAB. If Members believe that the cuts proposed by IPAB won't work or are too draconian, it will take an affirmative act by future Congresses to overturn its recommendations. This represents an abdication of responsibility by Congress, whose Members are expected to make these decisions, not unelected, unaccountable Federal bureaucrats. Equally troubling, the IPAB bears more than a passing resemblance to the British National Institute for Clinical Excellence, which governs payment for the National Health Service.

From my vantage point as an ophthalmologist, one example will demonstrate why a similarity between IPAB and NICE, which is the ironic acronym for this powerful British entity, should give all of us pause. Up until a couple of years ago, NICE refused to pay for treatment for a form of macular degeneration that led, in most cases, to legal blindness if the sufferer had good vision in the other eye. This is nearly impossible for an American to fathom that a government agency would compel a doctor to, in effect, calmly watch a patient go blind in one eye even though vision-saving treatment was available.

If an unelected board of advisers is compelled to make decisions primarily on the basis of cost, then this is the kind of awful choice our doctors and patients may well be forced to accept; and this is one of many reasons the Affordable Care Act was repealed by the House last month. We honor the goals of this law to allow all Americans to have access to good care with affordable, portable health insurance; but we need to go about achieving those goals while preserving the choice, quality and innovation that Americans expect and deserve.

□ 0300

As we craft alternatives that will honor the best of American medicine, we will best serve our citizens by prohibiting any funding towards the implementation of the Independent Payment Advisory Board.

I strongly urge the support of all Members for the amendment I am sponsoring, and I thank you.

I yield back the balance of my time. Ms. DELAURO. I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 3 minutes.

Ms. DELAURO. Just to make a point, it sounds from the gentlelady like what you want to do is raise the Medicare rates and cut benefits—but let me just get on with this here.

How many times, as I said earlier, do we have to vote on the Affordable Care Act? This long series of “defunding health reform” amendments shows how far the House is straying from a serious legislative process. So far today, the House has passed no fewer than three separate, overlapping and duplicative amendments that prohibit the use of funds to carry out the Affordable Care Act.

First, the House passed the Rehberg amendment: prohibiting the use of funds for this purpose by any agency funded in the Labor-HHS-Education appropriations bill. A few minutes later, the House passed an amendment by Mr. KING: prohibiting the use of funds by any Federal agency for this purpose. A few minutes after that vote, the House passed another amendment by Mr. KING: prohibiting funds to pay the salary of any Federal employee to implement or administer the Affordable Care Act.

The majority party does not like the Affordable Care Act, and would like to cut off all funding for the act's implementation—now that much is clear—but how many times do we need to pass the same prohibition yesterday and today? Will three times be enough or will the House just keep passing more and more amendments, doing essentially the same thing until everyone on the majority's side has satisfied their urge to make clear just how opposed they are to expanding the availability of health care in this country?—which is what the Affordable Care Act is all about.

Instead of this pointless debate, we should be working on what the American public wants. They want us to create jobs. They want us to get this economy going again. They want to make sure that they have jobs, that they're able to send their children to school—and yes, they would like to have health care benefits so that, when they get sick, they will be able to have the kinds of treatment that all of us in this body have by virtue of being Members of the Congress.

We go to the head of the line. They can't get the same kind of care that we get.

Yet, day in and day out over these last several days, we've watched our colleagues on the other side of the aisle do everything they can to deny the American public the opportunity to have the same kind of health care that Members of Congress have.

I urge a “no” vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. HAYWORTH).

The amendment was agreed to.

AMENDMENT NO. 154 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following new section:

SEC. ____ None of the funds made available by this Act may be used to carry out paragraph (11) of section 101 of Public Law 111–226 (124 Stat. 2389).

The Acting CHAIR. Pursuant to the order of the House of February 18, 2011, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 3 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Chairman, I rise in strong support of the Burgess amendment.

Last August, as part of a \$26 billion bailout bill for States, \$10 billion was set aside to be distributed to the States for education. The State of Texas was set to receive \$830 million as part of this education funding. As far as we are concerned, government spending does not create jobs or economic prosperity. Nonetheless, the money was appropriated for all States in the Union.

Yet tucked into this legislation was an amendment that was deliberately and maliciously slipped into it that imposed a restriction on the State of the Texas, and only Texas, so that for Texas to receive the money would force Texas to violate its constitution. The restrictive amendment required that Texas guarantee that spending levels for elementary and secondary education not dip below 2010 levels for 3 years.

This is troubling. To accept the funds, Texas would have to violate its State constitution.

Neither the Governor nor the State government branches are able to make budget decisions that bind future legislatures. This amendment is not about whether or not taxpayers' money will be spent or saved since the funds have already been appropriated. The amend-

ment is about fairness, equal treatment for American taxpayers in one State, and malicious conduct in an arena involving Texas taxpayers and Texas schoolchildren where such legislative conduct is unconscionable.

Ms. DELAURO. I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 3 minutes.

Ms. DELAURO. I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. When Texas received \$3.25 billion in education stimulus funds over the objection of every Texas Republican, Governor Perry played a shell game that left Texas schools not a dime better off than if no Federal aid had come in the first place. That is the only reason that, last summer, all 12 Democratic Texas Members—from CHET EDWARDS to SILVESTRE REYES, from HENRY CUELLAR to GENE GREEN—united, joined together, in offering our Save Our Schools amendment, which is today Federal law.

Tonight's proposal seeks to nullify that protection so that Governor Perry can reach out for another Federal bailout even if it means taking \$830 million away from Texas schoolchildren. Defectively written, this amendment fails to repeal anything. The enforcement funds that it would limit are not in this bill. They are already appropriated. Vote “no” on a very flawed amendment for a failed purpose.

Stop begging Washington for help, Governor. Just sign the application.

Mr. BURGESS. Mr. Chairman, I yield 1 minute to the gentlewoman from Fort Worth, Texas (Ms. GRANGER).

Ms. GRANGER. I know it's late and people are tired, but it's not too late to right a wrong—the wrong that was done was against the schoolchildren of Texas to the tune of \$830 million.

The Congress is asking the Governor of Texas to do something that he is constitutionally unable to do. What is happening to our schools is the same as in many States, but Texas has this extra burden of scrambling to find ways to afford to keep those classrooms open and the teachers there.

What we are asking you to do is to release Texas from this burden that only Texas has which was put on Texas by this Congress, I think unintentionally by most of the people in this Congress. So I would say tonight this is an issue that deals with Texas but that it affects every schoolchild and every teacher in our State.

Ms. DELAURO. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. To my colleagues, what would you do if \$3 billion for education were denied the schoolchildren of Texas or of South Carolina or of California? You'd come to their aid. Nine Democratic Members, lonely Members—all by ourselves—decided to fight for the school

districts of Texas. They called us and asked us for help.

□ 0310

What we did was just ask the Governor to certify that the dollars that we would send them—that had no votes from the Republicans—would be for the schoolchildren of Texas. I will do it tomorrow, yesterday and forever.

Today, our school districts are being cut—six in my district. Houston, Texas, HISD is being cut by \$300 million. Our Governor is going against the funding process of this country. You cannot take and hoard money for children and expect us to sit idly by.

I am proud to be one of nine Democrats who stood up for the children. I ask my colleagues to stand up for us. Let the moneys go to the children and not in the pocket of the Governor of the State of Texas.

This amendment prevents the Department of Education from enforcing language that would ensure Texas school districts receive \$830 million from the Education Jobs Fund that was passed last year. The Texas Delegation fought hard for these funds so that they are distributed to our neediest school districts and provides assurance that Texas will not single out education for disproportionate budget cuts in the next budget cycle.

Mr. Chair, I recently met with several superintendents of school districts in my congressional district about this issue and this is not unique to schools in Houston. In fact over 40 Texas superintendents including: several Houston school districts, Texas Elementary Principals and Supervisors Association, Texas AFT, Texas Association of School Boards, Texas State Teachers Association, Association for Texas Professional Educators, Texas Association of School Administrators, Texas Classroom Teachers Association, requested that the Federal funds sent to the State for education should be released immediately to those districts. Our children deserve the best quality education so they can grow up to obtain good jobs. The Governor simply needs to certify that the 830 million Federal funds will only be used for education. What does this mean in terms of jobs in Texas? This amendment would essentially cut 14,500 teaching jobs in Texas. Republicans continue to say we need to create jobs, and this amendment does the complete opposite while placing our children at a disadvantage. We cannot turn our backs on our children who need a quality education and certainly not turn our backs on our teachers in a time when our economy is fragile and when they need us the most. Let us support our Texas children. Texas is estimated to have a projected deficit of up to \$27 billion and there are plans to cut millions for key programs. It is unacceptable to continue with politics as usual. The Federal dollars will be released upon certification that its only use is for the education of Texas school children.

I urge my colleagues to join me and the thousands of teachers in Texas who are against this anti-Texas amendment and vote against the Burgess amendment and look out for the best interest of our children.

Mr. BURGESS. Mr. Chairman, may I inquire as to the remaining time?

The Acting CHAIR. The gentleman from Texas has 30 seconds remaining. The gentlewoman from Connecticut has 1 minute remaining.

Mr. BURGESS. I yield myself the balance of my time.

We are hearing a lot about \$3.25 billion that was sent to Texas under the stimulus/ARRA funds in 2010–2011. This money was actually appropriated by the Texas State legislature—Texas Senate: 29 ayes, 2 nays; the House: 142 ayes, 2 nays—in a bipartisan fashion. It was not the Governor. It was the State legislature, appropriately, that dealt with this money.

Texas has long prioritized public education funding. From 2000 to 2009, Texas public education spending increased \$9 billion, or 82 percent.

OFFICE OF THE GOVERNOR,

February 18, 2011.

DEAR TEXAS CONGRESSIONAL DELEGATION: The current Education Jobs statute directs me to violate the Texas Constitution by requiring me to commit a certain level of spending on public education in 2011, 2012 and 2013—prior to Texas even adopting our 2012–13 budget. No other state has to make these commitments beyond 2011.

Texas submitted its application to the U.S. Department of Education on September 3, 2010, making every assurance allowed under Texas law. The application was nonetheless rejected. To date, 48 out of 50 states have received their share of Education Jobs funding.

Texas has long prioritized public education funding; from 2000 to 2009 Texas public education spending increased \$9 billion, or 82 percent.

By passing Congressman Burgess' amendment, Congress can help right a wrong, apply equity to Texas, and quickly get \$830 million flowing to Texas schools, teachers and children.

Sincerely,

RICK PERRY,
Governor.

The Acting CHAIR. The time of the gentleman has expired.

Ms. DELAURO. I yield the balance of my time to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentlelady for yielding.

I rise in opposition to Mr. BURGESS' amendment because the State of Texas today is facing a \$27 billion deficit.

Last week, Governor Rick Perry came to Washington to ask our Republican colleagues for an \$830 million bailout—and voilà—we have Mr. BURGESS' amendment. If this amendment passes, it will shortchange our schools and give a huge bailout to Governor Rick Perry.

Last year, as you have heard, he accepted more than \$3 billion in Federal funds, but instead of going and putting that money towards education in Texas, he used it to expand the State's tax surplus rainy day fund.

Today, Mr. BURGESS' amendment would absolutely give Governor Perry a blank check—how good is that?—giving an \$830 million bailout to the same State leadership that robbed Texas children and Texas schools and Texas teachers of that money before.

With that, I ask support to bring down this amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I want to thank my colleague and ranking member from Washington State.

I rise in opposition to this amendment. Representative BURGESS' amendment would endanger the \$830 million already set aside for classrooms and school districts in Texas through the Education Jobs Fund that was passed last August. At a time when our State is facing an almost \$27 billion deficit, these are crucial moneys that can be used immediately to help school districts throughout Texas.

Let me give you a little history.

During the Recovery Act of 2009, Texas received \$12 billion. Of that, \$3.2 billion was supposed to be for public education. Our Governor and the Texas legislature used \$12 billion. Instead of supplementing the current education funding, they used the \$3.2 billion in place of the current education funding. The Governor went all over the country, getting books signed, saying how bad the Federal Government is, but they didn't give back that \$12 billion. They used it to plus-up the rainy day fund that's over \$9 billion right now, and they don't even want to use it.

So, at that time, what the Democratic Members from Texas said was that we want to make sure this \$830 million goes to the schoolchildren of Texas. That's what this would do, and that's what this law does. It would make sure that that money would go to the schoolchildren. It wouldn't get stuck in Austin. It would go down to my Houston school district, the Galena Park School District, which is having to cut its budget right now because it didn't get that \$3.2 billion 2 years ago.

That's why the Burgess amendment should be defeated, Mr. Chairman, and that's why we put this amendment into law. It's in the law now, and I'm proud of it. Let the money go to the school districts instead of to the folks who decided to keep it in the State capital.

Mr. DICKS. I yield 1 minute to the gentleman from Texas.

Mr. ROGERS of Kentucky. I object.

Mr. DICKS. You can't object.

The Acting CHAIR. The gentleman from Washington controls the time for striking the requisite number of words. He is entitled to 5 minutes. He has 2 minutes 45 seconds remaining.

Mr. DICKS. I yield the gentleman 45 seconds.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. DICKS. I yield to the distinguished chairman.

Mr. ROGERS of Kentucky. We bent over backwards to accommodate the

gentleman, but this has gone beyond what we agreed to.

Mr. DICKS. We will finish this up in 45 seconds.

Mr. ROGERS of Kentucky. Would the gentleman yield this gentleman, Mr. BURGESS, 1 minute?

Mr. DICKS. I would be delighted to do that.

I yield 1 minute to the gentleman from Texas.

The Acting CHAIR. The gentleman from Washington cannot yield blocks of time under the five-minute rule.

Mr. DICKS. That's right. I can regain the time under the five-minute rule.

Mr. BURGESS. Mr. Chairman, in the interest of comity, I will yield back any time that was yielded to me. The other side has had plenty of time to talk. We need to vote on this amendment and move on.

Mr. DICKS. I yield to the gentleman from Texas.

Mr. DOGGETT. I thank the gentleman.

I enter in the RECORD the request of education organizations from all over the State of Texas for this amendment and the statements of the Texas delegation last year and again this year.

Governor Perry may have come up here on a book tour for his book "Fed Up," but he's not afraid to ask for second and third helpings of Federal aid even though it takes it away from our schoolchildren.

There is a clear path to getting this money. All the Governor needs to do is to sign a three-page application, like the one he signed to get that \$3.25 billion of aid he used for purposes other than education. Though this is presented as an attempt to repeal our amendment, it does not repeal it. It is a meaningless gesture, though it does cloud up the possibility that some Federal court may suggest that Texas is not entitled to any money.

Let's not shut the door of opportunity to our children. Reject this amendment.

JUNE 22, 2010.

Hon. ARNE DUNCAN,
Secretary, Department of Education, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

Hon. DAVID OBEY,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR SECRETARY DUNCAN, SPEAKER PELOSI, MAJORITY LEADER HOYER, AND CHAIRMAN OBEY: Last year, before the education Stabilization funds were provided to Texas, many of us joined together to urge you to ensure that these funds would increase the funding for Texas schools instead of merely replacing state education funding. Unfortunately, as the legislation was written the State was able to reduce its own obligations to fiscally support public education and supplant those funds with \$3.25 billion of federal stabilization monies. As the Administration

considers additional emergency education funding to save teachers' jobs, we urge you to prevent history from repeating itself and ensure that any funds Texas receives go to help Texas schools, teachers, and students.

We support the legislative language that Members of the Texas Delegation have proposed that would guarantee these emergency federal education funds are actually spent on education in Texas. As drafted, this Texas fix has no impact on any other state and would ensure that the law is implemented as Congress and the Administration intended: to save and create teacher jobs. Specifically, this language includes four provisions that we would like to see included in any emergency education jobs bill:

Limits the additional requirements to states with Texas-sized rainy day funds;

Requires the emergency education jobs funds be distributed to Local Education Agencies within the state according to the Title I-A formula;

Prohibits supplanting of state Title I-type funds with these new emergency federal funds for education jobs; and

Requires maintenance of state primary and secondary education support in FY11, FY12, and FY13 at the current percentage of revenue provided for FY11.

This language does not prohibit cuts to education in Texas's budget, but it does prevent the state from singling out education for more cuts than other budget items due to the influx of funds from the emergency federal monies for education jobs. With Texas facing a serious budget shortfall in the coming biennial budget, the last thing we need to allow is these funds to be diverted to fill non-education gaps in the budget. We hope that you will ensure that Texas school districts do not fall through the legislative cracks this time around.

The Texas superintendents and education organizations listed below are in agreement with this letter and have given permission to add their names in support.

TEXAS SUPERINTENDENTS

(Total of 38 From Across the State of Texas)

Wanda Bamberg, Aldine ISD; Meria Carstarphen, Austin ISD; Jim T. Ramage, Banquete ISD; Jamey Harrison, Bridge City ISD; Brett Springston, Brownsville ISD; Reece Blincoc, Brownwood ISD; Jeff Turner, Coppell ISD; Scott Elliff, Corpus Christi ISD; David Anthony, Cypress-Fairbanks ISD; Michael Hinojosa, Dallas ISD.

Leland Williams, Dickinson ISD; Frances Rocha, Edcouch-Elsa ISD; Bob Wells, Edna ISD; Lorenzo Garcia, El Paso ISD; Melody Johnson, Fort Worth ISD; Paul Clore, Gregory-Portland ISD; Jeremy Lyon, Hays CISD; Terry Grier, Houston ISD; Emilia Castro, Kingsville ISD; A. Marcus Nelson, Laredo ISD.

Michelle Carroll Smith, Lytle ISD; James Ponce, McAllen ISD; Richard A. Middleton, North East ISD; John M. Folks, Northside ISD; John Kuhn, Perrin-Whitt CISD; Sharron L. Doughty, Port Aransas ISD; Alfonso Obregon, Robstown ISD; Robert J. Durón, San Antonio ISD; Mike Quatrini, San Elizario ISD.

Patty Shafer, San Marcos CISD; Greg Gibson, Schertz-Cibolo-Universal City ISD; Rock McNulty, Smithville ISD; Lloyd Verstuyft, Southwest ISD; Robert Santos, United ISD; Joddie W. Witte, Van ISD; Richard Rivera, Weslaco ISD; H. John Fuller, Wylie ISD; Michael Zolkoski, Ysleta ISD.

TEXAS EDUCATION ORGANIZATIONS

(Teachers, Principals, School Boards, and Administrators)

Sandi Borden, Executive Director, Texas Elementary Principals and Supervisors Asso-

ciation; Linda Bridges, President, Texas AFT; James B. Crow, Executive Director, Texas Association of School Boards; Rita Haecker, President, Texas State Teachers Association; Doug Rogers, Executive Director, Association of Texas Professional Educators; Johnny L. Veselka, Executive Director, Texas Association of School Administrators; Brad Willingham, President, Texas Classroom Teachers Association.

TEXAS DEMOCRATIC DELEGATION STATEMENT ON PROTECTION FOR SCHOOLCHILDREN

Last year, we voted for the Economic Recovery Act, which included \$3.25 billion to support local Texas school districts. But instead of using these funds as Congress intended, State Republican Leadership used them to replace state education funding, thereby denying an increase in support for our local school districts.

We want to ensure that any new emergency funds Congress provides for education actually help our Texas schools. We have requested additional protections be incorporated into any Supplemental Appropriations legislation specifically for Texas schoolchildren to ensure local districts actually receive this federal help. These protections will ensure that the \$820 million in new emergency federal funds for education go to preserve teacher jobs throughout the State and meet other local education needs.

These funds would go to local schools as long as the Governor certifies that (1) federal funds are not used merely to replace state education support, and (2) education funding will not be cut proportionally more than any other item in the upcoming Texas General Appropriations Act. This prevents any further shell games with federal education dollars at the expense of local schools districts. This approach has been endorsed by Texas statewide education organizations representing teachers, principals, school boards, school administrators, and nearly 40 superintendents.

A solid education is the foundation on which our economy and our democracy rest. Our support for our local school districts reflects a two-fold understanding: First, local districts know best what the needs of their students, teachers, and administrators are. Second, especially in times of a difficult economy, we need to invest in our schools.

Our language helps ensure local school districts in Texas have the support they need.

Lloyd Doggett; Gene Green; Rubén Hinojosa; Chet Edwards; Henry Cuellar; Charlie Gonzalez; Al Green; Solomon Ortiz; Silvestre Reyes; Eddie Bernice Johnson; Sheila Jackson Lee; and Ciro Rodriguez.

(January, 2011)

TEXAS DEMOCRATIC DELEGATION STATEMENT ON FUNDING FOR TEXAS SCHOOLS

Since the U.S. House of Representatives approved new education legislation that became federal law last August, all that has stood between Texas schools and \$830 million of aid is Governor Rick Perry's signature on a three-page application. More than five months later, the Governor still refuses to turn in even that little bit of homework. With Texas public education continuing to lag in math and science scores while facing a budget crisis, our State has remained one of only two in the entire country, which have not received their share of these new federal education dollars. And these funds should be going where they are needed—to local Texas schools.

Last year, Governor Perry raised previously unmentioned constitutional limitations that allegedly prevented his acting before the Texas Legislature had convened. We

disagreed with that excuse then, and we continue to disagree with it now. But with the Texas Legislature already in session, the Governor has certainly lost his sole stated excuse.

In his own words, the Governor applied for previous emergency federal education funds as part of the Economic Recovery Act “only in concert with State lawmakers while the 2010-2011 budget was being finalized.” Now that the Texas Legislature has consideration of the 2012-2013 budget underway, we respectfully urge the Governor in 2011 to do just what he did in 2009. After working “in concert with state lawmakers,” he should simply sign on the dotted line requesting the \$830 million in federal education funds that remain available a few months longer for local Texas schools.

In 2009, the State used \$3.25 billion emergency education funds only to replace State funding, thereby denying an opportunity to support improvements in the quality of public education. That is why last year, our Delegation acted to prevent history from repeating itself. We worked with Texas superintendents and education organizations representing tens of thousands of Texas teachers, principals, school boards, and school administrators to craft legislative language ensuring this new emergency education funding actually helps Texas schoolchildren.

The additional protections that our Delegation authored simply ensure that federal funds are not once again used only to replace State education support. This new federal law offers Texas State officials the flexibility to cut, maintain, or increase State education support, but prohibits any further shell games with federal education dollars at the expense of our local schools.

Last summer, the Governor Perry told the Department of Education that Texas planned to eventually complete the proper application for these funds, but no such application has been forthcoming. After so long, with so much at stake, Texas students deserve better. We again urge the Governor to sign the three-page application so that our Texas schools will receive the federal aid that Congress has provided to be used solely for public education.

Lloyd Doggett; Gene Green; Rubén Hinojosa; Henry Cuellar; Charlie Gonzalez; Al Green; Silvestre Reyes; Eddie Bernice Johnson; Sheila Jackson Lee.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The gentlelady from Hawaii (Ms. HANABUSA) had an amendment which she is going to withdraw. I want to enter into a very brief colloquy in which she can explain what her

amendment attempted to do, and then we are not going to offer it.

Ms. HANABUSA. I thank the gentleman from Washington for yielding.

Mr. Chairman, the amendment that I had offered and that I am withdrawing has to do with the Native Hawaiian Housing Block Grant.

The reason it is so critical to the people in Hawaii is that it is not like any other block grant. It really fulfills a trust obligation which this Congress created in 1920 by way of the Hawaiian Homes Commission Act. That act recognized that it was necessary to return native Hawaiians to the land for the preservation of their culture, their traditions and their values. What the Native Hawaiian Housing Block Grant did was actually facilitate that. It is a very successful program, nonpartisan in Hawaii, one that our Republican Governor considers to be her legacy and one that has done exactly—exactly—what we want to see these grants do.

Ms. HIRONO. Mr. Chair, I rise today in support of the amendment offered by my colleague Congresswoman COLLEEN HANABUSA that would restore funding for the Native Hawaiian Housing Block Grant program.

The Native Hawaiian Housing Block Grant is an authorized program under title VIII of the Native American Housing Assistance and Self-Determination Act.

The block grant is used to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on Hawaiian Home Lands, which were established in trust by the United States under the Hawaiian Homes Commission Act of 1920.

In 1903, Prince Jonah Kūhiō Kalanianaʻole was elected to serve as Hawaii's delegate to Congress. One of his most notable achievements was the passage of the Hawaiian Homes Commission Act, which set aside some 200,000 acres of land for Native Hawaiians. The reason for the legislation was the landless status of so many Native Hawaiians, who were displaced by newcomers to the islands and became the most disadvantaged population in their native land. Congress passed the Hawaiian Homes Commission Act, which is still in force, in recognition of its responsibility toward Native Hawaiians.

As with other indigenous people, Native Hawaiian views on land tenure were different from that of the newcomers, resulting in loss of much of the land that had been traditionally occupied and cultivated by Native Hawaiians to these newcomers.

Despite the good intentions of the Congress and the State of Hawaii, progress in meeting the goal of delivering land to native Hawaiians was slow. Most of the Hawaiian Homelands were located in areas far from jobs and infrastructure like roads and utilities, were nonexistent. There are currently 23,000 native Hawaiians on the waiting list for residential, farm or ranch lots. Some families have been on the waiting lists for decades.

I want to share the story of the Lincoln family. Aloysius Lincoln first applied for Hawaiian Home Lands in 1949. In 2006, a wait of 57 years, his daughter, Frances Segundo,

claimed a lease for a Department of Hawaiian Home Lands home in Kapolei on the island of Oahu. Frances claimed the lease because her father had unfortunately passed away two years earlier. Frances herself was just a baby when her father signed up for the program.

The \$13 million that the amendment restores to the Native Hawaiian Housing Block Grant program provides the opportunity for Native Hawaiian families to live the dream of homeownership.

The Department of Hawaiian Home Lands (DHHL) is one of the most efficient users of funds provided under the Native American Housing Assistance and Self-Determination Act. The majority of these funds have been used for infrastructure development on Hawaiian Home Lands benefiting low-income residents. DHHL has also been able to use these funds to: Assist families in applying for FHA mortgage insurance and HUD loan guarantees; operate a direct loan program to provide new housing units and improve existing structures; support local housing and housing service providers such as Habitat for Humanity; and initiate highly successful pre- and post-purchase homeownership counseling programs.

I urge my colleagues to support reinstating funding for the successful Native Hawaiian Housing Block Grant program.

Mahalo nui loa (thank you very much).

Mr. DICKS. I appreciate the gentlelady for withdrawing her amendment so we may proceed with the next speaker.

I yield back the balance of my time.

□ 0320

AMENDMENT NO. 540 OFFERED BY MR.

LA TOURETTE

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

DIVISION A—FULL-YEAR CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SECTION 101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for each account, program, project, or activity (including the costs of direct loans and loan guarantees) for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 (division B of Public Law 111-117).

(3) The Department of Defense Appropriations Act, 2010 (Public Law 111-118).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(5) The Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117).

(6) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (division D of Public Law 111–117).

(9) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(10) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–117).

(11) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111–117).

(12) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117).

(13) Section 102(c) (except the last proviso relating to waiver of fees) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund.

(14) The appropriation under the heading “Department of Commerce—United States Patent and Trademark Office” in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111–224).

(b) For purposes of this division, the term “level” means an amount.

(c)(1) Except as provided in paragraphs (2) and (3), the level referred to in subsection (a) shall be, with respect to the amounts appropriated in the appropriations Acts referred to in the following paragraphs of such subsection, including transfers and obligation limitations, equal to the following percentage of such amounts:

- (A) In paragraph (1), 69.18 percent.
- (B) In paragraphs (2) and (14), 79.77 percent.
- (C) In paragraph (3), 101.30 percent.
- (D) In paragraph (4), 89 percent.
- (E) In paragraph (5), 81.25 percent.
- (F) In paragraph (6), 95.26 percent.
- (G) In paragraph (7), 80.94 percent.
- (H) In paragraph (8), 82.66 percent.
- (I) In paragraph (9), 93.69 percent.
- (J) In paragraphs (10) and (13), 71.4 percent.
- (K) In paragraph (11)—

(i) 100 percent, with respect to amounts made available for the Veterans Benefits Administration and the Veterans Health Administration; and

(ii) 96.19 percent, with respect to all other amounts.

(L) In paragraph (12)—

(i) 100 percent, with respect to amounts made available for Israel; and

(ii) 88.08 percent, with respect to all other amounts.

(2) Such level shall not include any amount previously designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(3) Such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 103. Appropriations provided by this division that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 104. Except as otherwise expressly provided in this division, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 101(a) shall continue in effect through the date specified in section 106.

SEC. 105. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 106. Unless otherwise provided for in this division or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this division shall be available through September 30, 2011.

SEC. 107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111–242), shall be charged to the applicable appropriation, fund, or authorization provided by this division.

SEC. 108. Funds appropriated by this division may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 109. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 101 shall be the amounts necessary to maintain program levels under current law and under the authority and conditions provided in the applicable appropriations Acts for fiscal year 2010.

(b) In addition to the amounts otherwise provided by section 101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) “Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners”, for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, \$41,000,000, to remain available until expended.

(2) “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid”, for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, \$86,445,289,000, to remain available until expended.

(3) “Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs”, for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$1,200,000,000, to remain available until expended.

(4) “Department of Health and Human Services, Administration for Children and

Families, Payments to States for Foster Care and Permanency”, for payments to States or other non-Federal entities under title IV–E of the Social Security Act, \$1,850,000,000.

(5) “Social Security Administration, Supplemental Security Income Program”, for benefit payments under title XVI of the Social Security Act, \$13,400,000,000, to remain available until expended.

SEC. 110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress).

SEC. 111. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this division. For purposes of this section, the term “earmark” means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 112. Notwithstanding section 101, none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 113. (a)(1) Notwithstanding section 101, except as provided in paragraph (2), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual’s country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available in this division or any other Act (including division A of this Act) may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 114. (a) Notwithstanding section 101, none of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 115. None of the funds appropriated or otherwise made available by this division or any other Act (including division A of this Act) may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 116. Section 550(b) of Public Law 109-295, as amended by section 550 of Public Law 111-83, shall be applied by substituting the date specified in section 106 of this division for "October 4, 2010".

SEC. 117. Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting the date specified in section 106 of this division for "September 30, 2010".

SEC. 118. (a) Section 1115(d) of Public Law 111-32 shall be applied by substituting the date specified in section 106 of this division for "October 1, 2010".

(b) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting the date specified in section 106 of this division for "October 1, 2010" in paragraph (2).

(c) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting the date specified in section 106 of this division for "October 1, 2010" in paragraph (2).

(d) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting the date specified in section 106 of this division for "October 1, 2010" in subparagraph (B).

SEC. 119. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106 of this division.

SEC. 120. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of: (1) the date specified in section 106 of this division; or (2) the date of the enactment into law of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

DIVISION B—STIMULUS RESCISSIONS

SEC. 201. (a) There are hereby rescinded all unobligated balances remaining available as of February 11, 2011, of the discretionary appropriations provided by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(b) Subsection (a) shall not apply to funds appropriated or otherwise made available to Offices of Inspector General and the Recovery Act Accountability and Transparency Board by division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

SEC. 202. Hereafter, no Federal agency administering funds provided by division A of

the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may provide funding or reimbursement to any entity awarded funds from such Act for the cost associated with physical signage or other advertisement indicating that a project is funded by such Act.

DIVISION C—MISCELLANEOUS PROVISIONS

SPENDING REDUCTION ACCOUNT

SEC. 4001. [Here insert the text of section 4001 in the pending text, as perfected, such that the matter proposed to be inserted under the heading SPENDING REDUCTION ACCOUNT is identical to the matter proposed to be stricken under that heading.]

This Act may be cited as the "Full-Year Continuing Appropriations Act, 2011".

The Acting CHAIR. Pursuant to the order of the House of February 17, 2011, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. I thank the Chair very much.

We have agreed informally that we are going to reduce the time on this to 20 minutes, 10 minutes per side, and I will move expeditiously through it.

There was a little issue with the drafting that will be addressed later in the debate, and I may have a motion at the end of my discussion.

I am honored to be joined in this amendment by Mr. GIBSON and Mr. DENT.

I hate across-the-board cuts. I really don't support across-the-board cuts; but I've got to tell you that this CR, as it currently stands, is the byproduct of the fact that we didn't get any appropriations bills done last year and that we have a deadline of March 4. I don't think the chairman of the full committee likes very much the CR that we are considering. If he did, he wouldn't have been required to write it three times in order to get the bill to the floor.

As for the salient points, the substitute that we are presenting tonight is a deeper cut than the base bill. The base bill is advertised as saving, I believe, \$106 billion. This amendment cuts \$120 billion. It adopts numbers on Defense, MILCON, Homeland, Israel, Gitmo; the earmarks are gone; the stimulus money is back.

To my Republican friends, I would say that, if this debate is really about the number, this is a bigger number, \$120 billion, as opposed to \$100 billion. If it's about social engineering, then you'll vote "no" on this particular amendment.

To my Democratic friends, I say we just can't give speeches about, well, we would like to cut stuff, but we just want to cut this stuff, and we don't want to cut that stuff.

The President's vision of a freeze was a bold strategy in 1995 when I got here. It's a failed strategy in 2011. This particular substitute restores NEA, CPB,

Food for Peace, CDBG, but with shared, across-the-board sacrifice. I would ask our Members to consider it.

I reserve the balance of my time.

Mr. DICKS. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 15 minutes.

Mr. DICKS. Mr. Chairman, it really pains me to not be able to help my friend from Ohio, who is a valued member of the Appropriations Committee, who was an outstanding member of the Interior Subcommittee when I was chairman, and who I enjoy working with very much.

The LaTourette amendment would cut from the FY10 levels: 31 percent from Agriculture; 20 percent from CJS; 11 percent from Energy and Water; 19 percent from Financial Services; 5 percent from Homeland Security; 19 percent from Interior; 17 percent from Labor-HHS; 6 percent from the Legislative Branch; 12 percent from State, Foreign Operations; and 30 percent from Transportation.

Unfortunately, in addition, the amendment fails to incorporate for Afghanistan and Iraq operations provided by section 101(8) of the first continuing resolution. Omitting this provision effectively cuts Department of Defense contingency funding by nearly \$30 billion. As a result, the amendment vastly underfunds DOD requirements for fiscal year 2011. It would preclude effective conduct of operations and put deployed troops at risk.

The amendment would also harm job growth.

For example, in the Transportation, Housing and Urban Development Subcommittee, the LaTourette amendment would cut nearly 30 percent, or more than \$20 billion, from programs and activities under the subcommittee's jurisdiction. This would lead to a part-time air traffic control system by cutting over \$2.8 billion from the FAA operations; cause severe reductions in service and work layoffs for Amtrak; and finally, this amendment would provide fewer resources for transportation safety overnight.

The amendment also leads to the loss of 650,000 vouchers for low-income families, and it cuts nearly \$500 million from homeless assistance programs. In addition, it would threaten the ongoing recovery of the housing market by grossly underfunding the resource needs of the Federal Housing Administration.

The LaTourette amendment would also affect our domestic security by requiring the Department of Homeland Security to lay off crucial staff we have hired over the past 2 years, which includes Border Patrol agents, CBP officers at the ports of entry, ICE investigators along the Southwest border, and Secret Service agents to respond to the heightened threats against the President.

Finally, like other amendments that have already been rejected by this body, the LaTourette amendment puts OMB in charge, concedes the congressional authority on an across-the-board basis, and also takes out all the money in the CR for anomalies.

I urge all Members to reject the LaTourette amendment.

I reserve the balance of my time.

Mr. LATOURETTE. I thank the distinguished ranking member for the kind words. I think your speech has gotten me votes from progressives and conservatives in the same speech, so I appreciate that very much.

I now yield 2 minutes to one of my partners in crime here, a new Member of the House, the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the gentleman for yielding.

This is about jobs, fiscal responsibility and about doing what is right. A \$1.65 trillion deficit. An over \$14 trillion debt. We are on the path to bankruptcy, and we have got to change course.

Now, as someone who until last year was protecting our cherished way of life by serving in the United States Army, I've got to tell you that I don't see this as a partisan issue. Both parties got us into this mess, and we're going to need leadership now to get out. This has become the generational issue of our time, and we need to begin to move towards a balanced budget and fiscal responsibility, and everything needs to be on the table.

My family took the first cut. To lead by example, we're giving back to the U.S. Treasury my pension—that I earned.

This substitute amendment was intended to be a nonpartisan approach to an American issue: cuts across the board; Democratic and Republican priorities treated the same in this CR; rolling back to 2008 levels rather than eliminating programs outright in the CR. There will be time for those kinds of investigations later on in the budget process and in committees where programs can be singled out for deeper potential cuts and long-term structural changes.

As has been pointed out, in the process of writing this, there were some technical issues with it that we regret; but the point of this substitute amendment remains the same, that this is an American issue. We both have to come together to solve this. We're going to have to get our fiscal house in order, and to do that, many steps are going to be necessary, and among them is rolling back spending.

Americans today are wondering whether or not we're going to do the right thing and whether or not we're going to cut that spending and whether or not our best days are in front of us. That choice is up to us—and we will get it right.

Mr. DICKS. I yield 4 minutes to the distinguished chairman of the House Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this amendment. It really is a substitute amendment, and it's an across-the-board cut. This body has spent many late nights all this week debating a yearlong CR which makes targeted spending decisions and weighs the pros and cons of each and every program in the Federal Government, and I think the House has done itself proud this week in that work.

Under an open process, each Member has had the ability to weigh in and make their imprints on the bill through the consideration of literally hundreds of amendments—the embodiment of the democratic ideal. Adoption of this substitute proposal, however, would wipe out everything we've done this whole week. Every amendment adopted would be gone. Every calculated decision would be forgotten. Rather, the amendment would replace our hard-fought spending decisions by taking the easy way out, by making no real decisions at all, by punting the ball to OMB and the bureaucrats instead of making the decisions our electorate elected us to make.

□ 0330

The across-the-board nature of the amendment's cuts provides no opportunity for discretion. It punishes or rewards without regard to merit. For example, under this amendment, the FBI's operations would be cut by \$1.5 billion. A reduction of that magnitude would result in the layoff of thousands of agents, undermining our ability to prevent terrorist attacks and to investigate the most serious Federal crimes.

The amendment fails to include the \$33 billion in DOD emergency funding for troops overseas, which was passed separately last year. The Department of Homeland Security would be cut an additional \$1 billion below H.R. 1, forcing the reduction of Border Patrol agents, ICE agents and active duty Coast Guard personnel.

While activities important to our national security would be unduly cut, other wasteful programs, as well as programs that put a regulatory stranglehold on our economy, are rewarded simply because they exist:

The Census Bureau would continue to receive funding at the decennial FY10 level even though its needs are significantly reduced in FY11, giving the Census Bureau a \$4.5 billion slush fund and no reason for having it.

While H.R. 1 cuts \$3 billion from the EPA and specifically targets that agency's climate change program funds, this amendment would provide the EPA with ample funding to continue in their anti-business regulatory regime.

While some may feel that proportionately distributing cuts will proportionately distribute the sacrifices, they couldn't be more wrong. Instead, the amendment writes a check, and let's the administration fund their priorities while the Congress sits on the sidelines, leaving the American people saddled with the results.

Congress has a responsibility to make tough choices and to provide the oversight of each department and of each program through the power of the purse. The amendment before us abdicates that responsibility.

I urge my colleagues to reject the amendment.

Mr. LATOURETTE. I thank the distinguished chairman for his remarks, and I congratulate him on his hard work this week.

However, I would note that this amendment was in order during the reading of the table of contents, and as a courtesy to the committee, we didn't offer it then. We all could have been home on Tuesday at about 2 o'clock in the afternoon.

It is now my pleasure to yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I want to commend Mr. LATOURETTE and Mr. GIBSON on their efforts in drafting this amendment.

Notwithstanding any technical drafting errors that may affect \$30 billion, I think it is important that we have this discussion.

The intent of this amendment is to help restore funding to programs that have been zeroed out and to then better balance these cuts. Ordinarily, I would agree with the chairman and Mr. LATOURETTE that we would not want to engage in across-the-board cuts; but given where we are in this fiscal year 2011 process, I think we should embrace this policy, better balance these cuts in a way that I think is a bit more equitable, use the fiscal year 2012 appropriations process for oversight to make further revisions, then discuss zeroing out or, in a more discriminating manner, deal with those programs that should be cut even more substantially.

This amendment will help restore programs like LIHEAP, CSBG, CDBG, which are programs that have been substantially reduced, and others that have been zeroed out. So that is why I believe it is important that we adopt this amendment.

Again, I commend Mr. LATOURETTE and Mr. GIBSON for their efforts.

Mr. DICKS. I reserve the balance of my time.

Mr. LATOURETTE. It is now my pleasure to yield 1 minute to a new Member of the House, the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I want to thank Mr. LATOURETTE for his work. I also want to thank the chairman in the appropriations process and also the leadership for being able to come out and

really have an open discussion about what's going on.

The spirit of the amendment wasn't to necessarily pick winners and losers or to zero out programs; and as much as I do not like the idea of across-the-board cuts, I do think that the American public right now is thinking, "How can we tighten our belts?"

The American people have tightened their belts. American businesses have tightened their belts. The Federal Government should be no different. Everything has to be on the table. The Department of Defense has to be on the table. We have to rein that in. We have to rein in every single department, and we know we have to do it without putting people in harm's way.

This technical problem that has just surfaced in the amendment is certainly going to be problematic, but the spirit, the intent, of this amendment was to make sure that we are preserving some of what, I think, many on the other side would consider to be very important programs and what many of the independents in our Nation would consider to be appropriate programs—and important to them.

We want to let the 2012 appropriations process go through the appropriate channels, and we want to make sure we make our cuts at that point in time, so I would just urge my colleagues to keep that in mind as we move forward.

Mr. DICKS. I continue to reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, it is now my pleasure to yield 1 minute to another fine Member, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Chairman, we are now 6 months into our fiscal year, and we have not been able to pass a dozen or more individual appropriations bills within that time. We inherited a spending regime, but we have a mandate from the American people to cut spending. We must do it equitably, fairly and quickly; and I think that Mr. LATOURETTE has come up with an amendment which has a really fair way of doing this:

Don't zero out programs without hearings. Don't pick winners and losers. Don't do this without having the proper hearings and oversight. By reducing our discretionary programs at the same rate across the board, we don't risk alienating future priorities or vulnerable constituencies that may receive funding which is at risk of being terminated.

The chairman of Appropriations and this whole body have done a great job in looking at all of this, and I think we will come out with something that we will all be very proud of. The LaTourrette amendment offers another way to do just that.

Mr. DICKS. I continue to reserve the balance of my time.

Mr. LATOURETTE. May I inquire as to how much time I have left, Mr. Chairman?

The Acting CHAIR. Both the gentleman from Ohio and the gentleman from Washington have 8 minutes remaining.

Mr. LATOURETTE. Which is really 3 minutes remaining. So, if it's all right, I would like to yield 1 minute, and then I will notify the distinguished ranking member that I will take the last 2 minutes and close.

I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), the oldest returning freshman—a freshman in 1995 and again in 2011.

Mr. BASS of New Hampshire. I thank my colleague from Ohio for such a wonderful introduction.

I want to thank the chairman of the Appropriations Committee and the members of the committee for all their hard work.

Cutting programs to zero in the middle of a fiscal year may be good legislative policy, but it isn't really all that practical. We need to address the future size and scope of government in the normal, regular order of the appropriations process. The LaTourrette amendment makes us meet our spending reduction goals, but does it in a way that is simple and is fair and is effective and is practical.

I support the LaTourrette amendment because I think it is "the" vehicle that will actually do what we want to do, which is to cut spending now and then get on with the regular appropriations process, in which we can give these agencies the kind of oversight they need so that we will make the right decisions.

So I urge the support and adoption of the LaTourrette amendment.

Mr. LATOURETTE. I would notify the distinguished ranking member that I'm the last speaker, and I'm going to consume our last 2 minutes—so have at it.

I reserve the balance of my time.

Mr. DICKS. I yield 2 minutes to the gentleman from California (Mr. LEWIS).

□ 0340

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague for yielding me this time.

It has been suggested by more than one person, not just today but also a moment ago, that we are headed towards a cliff in terms of our financial circumstances. It could take our country to bankruptcy and create a circumstance from which we would, perhaps, never come back.

To suggest that this substitute makes sense really baffles me. I've been told by the Speaker that the gentleman from Ohio is a very thoughtful Member and will contribute a great deal to our committee, which he has and is; but across-the-board cutting in an effort to make sense out of our

spending process makes no sense at all. We are elected to look at the whole mix and to pick winners and losers, to decide what programs should be cut significantly, and to decide which ones should be eliminated. Indeed, that is part of our work.

In this substitute, essentially we are taking all the work we've done these last several days and kicking it out the door. These efforts on the amendments were not worth any time at all. We shouldn't have been here these last several days. If this amendment is successful, there is just one thing that it does that is bothersome to me but which illustrates the point:

This amendment would provide \$1 billion below our CR in terms of Homeland Security. That is 2.6 percent lower in funding for those people who are protecting the border. To suggest by way of this substitute that we can eliminate 1,000 of those people who are on the border is ludicrous in my judgment.

Indeed, it is our responsibility to select winners and losers, and this substitute is a waste of our time if we are serious about changing the direction of our country. So I would strongly oppose this substitute.

Mr. LATOURETTE. Mr. Chairman, I have 2 minutes remaining; is that right?

The Acting CHAIR. The gentleman from Ohio has 7 minutes remaining.

Mr. LATOURETTE. Well, I've got 2 minutes, so I'm going to yield myself the balance of my time.

I certainly don't wish to waste anybody's time, but I've sat through a lot of interesting debate over the last 3 or 4 days, and my time has been wasted plenty with silly things like not wanting to pay for the repairs at the White House, but we went through that exercise today.

This was a serious attempt to talk about shared sacrifice and the belief that, in some parts of the country, some programs are more popular than others. So our belief was, if we're going to have shared sacrifice, everybody should be in the game. We shouldn't pick programs the Republicans like and keep them and pick programs that Democrats like and be done with them.

Now, I do want to take one second to talk about this defense number—because I drafted this thing. I'm not the sharpest knife in the drawer, but I've got to tell you that it was never our intent to not carry over the emergency supplemental. The information that we had is that the language included in the substitute did, in fact, by indicating that we were not dealing with emergency spending and referencing section 423 of the supplemental, accomplish that purpose. I'm told by much brighter people than I that we didn't do that, so I apologize for that drafting error.

Having said that, let me tell you, I'm not going to apologize for taking 20

minutes out of 80 hours—or whatever we had here—to talk about the vision of some people on our side who don't think this bill represents shared sacrifice.

In Cleveland, Ohio, people listen to the radio, and some of them like to listen to NPR. We don't think that that should be zeroed out. In Cleveland, Ohio, some people value the arts, and we don't think that there should be a tremendous cut to the National Endowment for the Arts. In Cleveland, Ohio, we build our communities with the Community Development Block Grant, and we don't think it should get a 66 percent cut. As Americans, we happen to value the Food for Peace program, which not only feeds hungry people all across the world, but is really the last bastion, if we're going to talk about jobs around here, the merchant mariner, it's one of that merchant mariner's lifelines for employment.

So I don't make any apologies for taking 20 minutes out of your busy lives to talk about this vision and why some of us wish that both sides would get together, not have the sacred cows that keep us from reaching a conclusion on this thing, and work this thing out.

I guess I'm apologizing for being the last person; but in light of the defense number, I don't want to put my young lambs at risk of some stupid political ad that says they sponsored something that cut \$33 billion from the Defense Department of this great country.

Therefore, Mr. Chairman, I ask unanimous consent that I be permitted to withdraw the amendment.

Mr. PETRI. Mr. Chair, I support the amendment offered by my colleague from Ohio, Representative LATOURETTE.

I do believe the time has come for Congress to address a federal deficit that will exceed \$1 trillion for the third consecutive year.

I do agree that the total dollar amount cut by the underlying bill is appropriate and represents a move toward fiscal responsibility.

The amendment under consideration shows the same commitment to fiscal responsibility; in fact, it cuts more spending than the underlying bill.

Beyond that, the amendment spreads the spending cuts across all non-security federal programs for the remainder of 2011.

No programs are eliminated, and with limited exceptions, no non-security spending is left untouched.

Meeting our financial crisis will entail sacrifice from many quarters, and this amendment shares that sacrifice broadly across our entire discretionary spending budget.

Beyond this year, an across-the-board cut provides a better point of departure for the 2012 appropriations process which will begin shortly.

I urge my colleagues to vote in support of this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 273 by Mr. KING of Iowa.

Amendment No. 154 by Mr. BURGESS of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 273 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 233, not voting 11, as follows:

[Roll No. 144]

AYES—189

Adams	Duncan (TN)	Lamborn
Aderholt	Ellmers	Landry
Akin	Farenthold	Lankford
Amash	Fincher	Latham
Austria	Flake	Latta
Bachmann	Fleischmann	Lewis (CA)
Bachus	Fleming	Long
Barletta	Flores	Lucas
Bartlett	Forbes	Luetkemeyer
Barton (TX)	Fortenberry	Lummis
Bass (NH)	Fox	Lungren, Daniel
Benishek	Franks (AZ)	E.
Berg	Frelinghuysen	Mack
Bilbray	Gallegly	Manzullo
Bilirakis	Gardner	Marchant
Bishop (UT)	Garrett	Marino
Black	Gibbs	McCarthy (CA)
Blackburn	Gingrey (GA)	McCaul
Bonner	Gohmert	McClintock
Bono Mack	Goodlatte	McHenry
Boustany	Gosar	McKeon
Brady (TX)	Gowdy	McMorris
Brooks	Granger	Rodgers
Broun (GA)	Graves (GA)	Mica
Buchanan	Graves (MO)	Miller (FL)
Bucshon	Griffin (AR)	Miller, Gary
Buerkle	Griffith (VA)	Mulvaney
Burgess	Guinta	Myrick
Burton (IN)	Guthrie	Neugebauer
Calvert	Hall	Noem
Camp	Harper	Nugent
Campbell	Harris	Nunes
Canseco	Hartzler	Nunnelee
Cantor	Hastings (WA)	Olson
Carter	Hayworth	Palazzo
Cassidy	Heller	Paulsen
Chabot	Hensarling	Pearce
Chaffetz	Herger	Pence
Coble	Herrera Beutler	Pitts
Coffman (CO)	Huelskamp	Platts
Cole	Huizenga (MI)	Poe (TX)
Conaway	Hunter	Pompeo
Crawford	Hurt	Posey
Crenshaw	Issa	Price (GA)
Culberson	Jenkins	Reed
Davis (KY)	Johnson (OH)	Renacci
Denham	Johnson, Sam	Ribble
Dent	Jordan	Rigell
DesJarlais	King (IA)	Roby
Dreier	Kingston	Roe (TN)
Duffy	Kline	Rogers (AL)
Duncan (SC)	Labrador	Rogers (KY)

Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Scalise
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

NOES—233

Ackerman
Alexander
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Cravaack
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva

Shuster
Simpson
Smith (NE)
Southernland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Walberg

Webster
West
Westmoreland
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Pelosi
Perlmutter
Peterson
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Woolsey
Wu
Yarmuth
Young (AK)

Costello
Giffords
Harman
Hinojosa

NOT VOTING—11

McCollum
Paul
Peters
Quayle

Smith (TX)
Stark
Wilson (FL)

□ 0406

Mr. CARSON of Indiana changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 154 OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 187, not voting 11, as follows:

[Roll No. 145]

AYES—235

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Moran
Schultz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham

Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Rehberg
Reichert
Renacci
Ribble

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)

NOES—187

Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McClintock
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver

Smith (NJ)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Lipinski
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—11

Costello	McCollum	Smith (TX)
Giffords	Paul	Stark
Harman	Peters	Wilson (FL)
Hinojosa	Quayle	

□ 0409

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Texas. Mr. Chair, on rollcall No. 144 and 145, I was unfortunately detained. Had I been present, I would have voted "yes" on both.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Full-Year Continuing Appropriations Act, 2011".

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. CAPITO) having assumed the chair, Mr. THORNBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, and reported the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the Recommendations that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 92, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. HEINRICH. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HEINRICH. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Heinrich moves to recommit H.R. 1 to the Committee on Appropriations with instructions to report the same back to the

House forthwith with the following amendment:

At the end of title VIII of division B, insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Education, Departmental Management, Program Administration", and increasing the amount made available for "Department of Education, Student Financial Assistance" (and the amount made available under such heading for subpart 1 of part A of title IV of the Higher Education Act of 1965), by \$39,000,000.

Mr. ROGERS of Kentucky. Madam Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from New Mexico is recognized for 5 minutes.

Mr. HEINRICH. Madam Speaker, Americans need jobs.

Up until now, Republicans have ignored this problem, and now they're making it worse. Our Nation's large and unsustainable budget deficit is staring us in the face, but it is at critical moments like this when we must approach our Nation's greatest challenges with responsibility and prudence. The approach we take must focus on responsible cuts, which will have a lasting impact on the deficit, not arbitrary short-term cuts to programs that are needed to prepare the next generation of American workers and taxpayers.

Consider the effects of the bill before us on Specialist John Carabillo from my home State of New Mexico. Specialist Carabillo served in the Army for 6 years, and he was deployed to Iraq twice during his service. He then enlisted with the National Guard, and served an additional tour in Iraq.

After returning to New Mexico, Specialist Carabillo decided he wanted to go back to school and earn his degree in IT. The Pell Grant scholarships and GI benefits Specialist Carabillo receives have allowed him to enroll in an associate's program at a vocational school. When he graduates, he hopes to find an IT job at Kirtland Air Force Base.

The Republican bill would cut Specialist Carabillo's Pell Grant scholarship. This cut in his financial aid means that he will have to take fewer courses this year and graduate later, try to take a loan he can't afford or drop out of school.

Specialist Carabillo is not alone.

If students who rely on college aid from the Pell Grant program drop out of school, America runs the risk of dropping out of first place in the world economy.

This motion to recommit would be a downpayment to restore Specialist Carabillo's future. Simply put, this motion to recommit would transfer funds from the Department of Education administration to fund Pell Grant scholarships at the current level.

My amendment to restore these scholarships won't add a penny to the deficit. In fact, this MTR is paid for by cutting salaries and expenses at the Department of Education, which takes it back to fiscal year 2008 levels.

So this motion to recommit calls on the House to make a choice. Do we want responsible, measured spending cuts or reckless ones? Do we want cuts to come at the expense of middle class America or corporate special interests? Do we want a weaker America that cuts education or a stronger America that competes and wins in the global economy? Whose side are we on?

We say: We're on the side of American jobs. We're on the side of American education. We're on the side of working families and their sons and daughters.

I urge my colleagues to vote "yes" on this motion to recommit.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, it is time to vote.

The SPEAKER pro tempore. Does the gentleman withdraw his reservation of the point of order?

Mr. ROGERS of Kentucky. I withdraw my reservation.

The SPEAKER pro tempore. Does any Member rise in opposition to the motion?

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. HEINRICH. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 186, noes 238, not voting 9, as follows:

[Roll No. 146]

AYES—186

Ackerman	Cardoza	Crowley
Altmire	Carnahan	Cuellar
Andrews	Carney	Cummings
Baca	Carson (IN)	Davis (CA)
Baldwin	Castor (FL)	Davis (IL)
Barrow	Chandler	DeFazio
Bass (CA)	Chu	DeGette
Becerra	Cicilline	DeLauro
Berkley	Clarke (MI)	Deutch
Berman	Clarke (NY)	Dicks
Bishop (GA)	Clay	Dingell
Bishop (NY)	Cleaver	Doggett
Blumenauer	Clyburn	Donnelly (IN)
Boren	Cohen	Doyle
Boswell	Connolly (VA)	Edwards
Brady (PA)	Conyers	Ellison
Braley (IA)	Cooper	Engel
Brown (FL)	Costa	Eshoo
Butterfield	Costello	Farr
Capps	Courtney	Fattah
Capuano	Critz	Filner

Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey

NOES—238

Adams
Aderholt
Akin
Alexander
Amash
Austria
Duffy
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Billirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham

Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling

Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Giffords
Harman
Hinojosa

Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
McCollum
Paul
Peters

NOT VOTING—9

□ 0433

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. DICKS was allowed to speak out of order.)

RECOGNIZING JOHN BLAZEY

Mr. DICKS. Madam Speaker, first of all, I want to thank the entire staff of the House Appropriations Committee for the fantastic work that they have done.

No one better exemplifies those qualities than Mr. John Blazey. One of the best moves we made was to steal him away from the Senate Budget Committee.

Next week, Blazey will end his 20-year career with the committee, where he worked on five different subcommittees, and holds the distinction of having been named the Transportation subcommittee staff director at the youngest age. His knowledge of process and substance is matched only by his style and parties.

Blazey—and his elf costume—will be missed.

I yield to the distinguished chairman of the committee.

Mr. ROGERS of Kentucky. Let me associate myself with the remarks of my friend in thanking John Blazey for his long tenure and service here in this great body.

Best wishes for the future.

To all the rest of you, I think you've done yourselves proud this week. I think the House distinguished itself, and I thank you, especially this terrific staff that made all of this happen.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 189, not voting 9, as follows:

[Roll No. 147]

YEAS—235

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggert
Bilbray
Billirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem

NAYS—189

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley

Berman	Green, Gene	Pallone
Bishop (GA)	Grijalva	Pascarell
Bishop (NY)	Gutierrez	Pastor (AZ)
Blumenauer	Hanabusa	Payne
Boren	Hastings (FL)	Pelosi
Boswell	Heinrich	Perlmutter
Brady (PA)	Higgins	Peterson
Braley (IA)	Himes	Pingree (ME)
Brown (FL)	Hinchey	Polis
Butterfield	Hirono	Price (NC)
Campbell	Holden	Quigley
Capps	Holt	Rahall
Capuano	Honda	Rangel
Cardoza	Hoyer	Reyes
Carahan	Inslee	Richardson
Carney	Israel	Richmond
Carson (IN)	Jackson (IL)	Ross (AR)
Castor (FL)	Jackson Lee	Rothman (NJ)
Chandler	(TX)	Roybal-Allard
Chu	Johnson (GA)	Ruppersberger
Cicilline	Johnson, E. B.	Rush
Clarke (MI)	Jones	Ryan (OH)
Clarke (NY)	Kaptur	Sánchez, Linda
Clay	Keating	T.
Cleaver	Kildee	Sanchez, Loretta
Clyburn	Kind	Sarbanes
Cohen	Kissell	Schakowsky
Connolly (VA)	Kucinich	Schiff
Conyers	Langevin	Schrader
Cooper	Larsen (WA)	Schwartz
Costa	Larson (CT)	Scott (VA)
Costello	Lee (CA)	Scott, David
Courtney	Levin	Serrano
Critz	Lewis (GA)	Sewell
Crowley	Lipinski	Sherman
Cuellar	Loeb	Shuler
Cummings	Lofgren, Zoe	Sires
Davis (CA)	Lowey	Slaughter
Davis (IL)	Lujan	Smith (WA)
DeFazio	Lynch	Speier
DeGette	Maloney	Sutton
DeLauro	Markey	Thompson (CA)
Deutch	Matheson	Thompson (MS)
Dicks	Matsui	Tierney
Dingell	McCarthy (NY)	Tonko
Doggett	McDermott	Towns
Donnelly (IN)	McGovern	Tsongas
Doyle	McIntyre	Van Hollen
Edwards	McNerney	Velázquez
Ellison	Meeks	Visclosky
Engel	Michaud	Walz (MN)
Eshoo	Miller (NC)	Wasserman
Farr	Miller, George	Schultz
Fattah	Moore	Waters
Filner	Moran	Watt
Flake	Murphy (CT)	Waxman
Frank (MA)	Nadler	Weiner
Fudge	Napolitano	Welch
Garamendi	Neal	Woolsey
Gonzalez	Olver	Wu
Green, Al	Owens	Yarmuth

NOT VOTING—9

Giffords	McCollum	Quayle
Harman	Paul	Stark
Hinojosa	Peters	Wilson (FL)

□ 0440

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. DAVID SCOTT, Georgia (in lieu of Representative AUSTIN SCOTT of Georgia).

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, House Democratic Leader:

FEBRUARY 18, 2011.

HON. JOHN BOEHNER,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to Section 4(b) of House Resolution 5, 111th Congress, I am writing to appoint the following members to the House Democracy Partnership:

The Honorable Susan Davis of California (in lieu of the Honorable Donald Payne of New Jersey).

The Honorable Gwen Moore of Wisconsin (in lieu of the Honorable Allyson Schwartz of Pennsylvania).

Thank you for your attention to these appointments.

Sincerely,

NANCY PELOSI,
House Democratic Leader.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. QUAYLE (at the request of Mr. BOEHNER) for today and the balance of the week on account of the death of his father-in-law, Mr. Dale Crane.

Ms. MCCOLLUM (at the request of Ms. PELOSI) for today and the balance of the week on account of official travel.

Mr. PETERS (at the request of Ms. PELOSI) for today after 8 p.m. on account of family medical emergency.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 266. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; to the Committee on Natural Resources.

S. 307. An act to designate the Federal Building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the "W. Craig Broadwater Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

S. 365. An act to make a technical amendment to the Education Sciences Reform Act of 2002; to the Committee on Education and the Workforce.

ADJOURNMENT

Mr. DENT. Madam Speaker, pursuant to House Concurrent Resolution 17, 112th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes a.m.), the House adjourned until Monday, February 28, 2011, at 2 p.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

'I, AB, do solemnly swear (or Affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.'

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1	Jo Bonner
2	Martha Roby
3	Mike Rogers
4	Robert B. Aderholt
5	Mo Brooks
6	Spencer Bachus
7	Terri A. Sewell

ALASKA

At Large, Don Young

AMERICAN SAMOA

Delegate, Eni F. H. Faleomavaega

ARIZONA

1	Paul A. Gosar
2	Trent Franks
3	Benjamin Quayle
4	Ed Pastor
5	David Schweikert
6	Jeff Flake
7	Raúl M. Grijalva
8	Gabrielle Giffords

ARKANSAS

1	Eric A. "Rick" Crawford
2	Tim Griffin
3	Steve Womack
4	Mike Ross

CALIFORNIA

1	Mike Thompson
2	Wally Herger
3	Daniel E. Lungren
4	Tom McClintock
5	Doris O. Matsui
6	Lynn C. Woolsey
7	George Miller
8	Nancy Pelosi
9	Barbara Lee
10	John Garamendi
11	Jerry McNerney
12	Jackie Speier
13	Fortney Pete Stark
14	Anna G. Eshoo
15	Michael M. Honda
16	Zoe Lofgren
17	Sam Farr
18	Dennis A. Cardoza
19	Jeff Denham
20	Jim Costa

21 Devin Nunes	4 Henry C. "Hank" Johnson Jr.	2 C. A. Dutch Ruppersberger
22 Kevin McCarthy	5 John Lewis	3 John P. Sarbanes
23 Lois Capps	6 Tom Price	4 Donna F. Edwards
24 Elton Gallegly	7 Rob Woodall	5 Steny H. Hoyer
25 Howard P. "Buck" McKeon	8 Austin Scott	6 Roscoe G. Bartlett
26 David Dreier	9 Tom Graves	7 Elijah E. Cummings
27 Brad Sherman	10 Paul C. Broun	8 Chris Van Hollen
28 Howard L. Berman	11 Phil Gingrey	
29 Adam B. Schiff	12 John Barrow	MASSACHUSETTS
30 Henry A. Waxman	13 David Scott	1 John W. Olver
31 Xavier Becerra		2 Richard E. Neal
32 Judy Chu	GUAM	3 James P. McGovern
33 Karen Bass	Delegate, Madeleine Z. Bordallo	4 Barney Frank
34 Lucille Roybal-Allard	HAWAII	5 Niki Tsongas
35 Maxine Waters	1 Colleen W. Hanabusa	6 John F. Tierney
36 Jane Harman	2 Mazie K. Hirono	7 Edward J. Markey
37 Laura Richardson	IDAHO	8 Michael E. Capuano
38 Grace F. Napolitano	1 Raúl R. Labrador	9 Stephen F. Lynch
39 Linda T. Sánchez	2 Michael K. Simpson	10 William R. Keating
40 Edward R. Royce	ILLINOIS	
41 Jerry Lewis	1 Bobby L. Rush	1 Dan Benishek
42 Gary G. Miller	2 Jesse L. Jackson Jr.	2 Bill Huizenga
43 Joe Baca	3 Daniel Lipinski	3 Justin Amash
44 Ken Calvert	4 Luis V. Gutierrez	4 Dave Camp
45 Mary Bono Mack	5 Mike Quigley	5 Dale E. Kildee
46 Dana Rohrabacher	6 Peter J. Roskam	6 Fred Upton
47 Loretta Sanchez	7 Danny K. Davis	7 Tim Walberg
48 John Campbell	8 Joe Walsh	8 Mike Rogers
49 Darrell E. Issa	9 Janice D. Schakowsky	9 Gary C. Peters
50 Brian P. Bilbray	10 Robert J. Dold	10 Candice S. Miller
51 Bob Filner	11 Adam Kinzinger	11 Thaddeus G. McCotter
52 Duncan Hunter	12 Jerry F. Costello	12 Sander M. Levin
53 Susan A. Davis	13 Judy Biggert	13 Hansen Clarke
	14 Randy Hultgren	14 John Conyers Jr.
COLORADO	15 Timothy V. Johnson	15 John D. Dingell
1 Diana DeGette	16 Donald A. Manzullo	
2 Jared Polis	17 Robert T. Schilling	MINNESOTA
3 Scott R. Tipton	18 Aaron Schock	1 Timothy J. Walz
4 Cory Gardner	19 John Shimkus	2 John Kline
5 Doug Lamborn	INDIANA	3 Erik Paulsen
6 Mike Coffman	1 Peter J. Visclosky	4 Betty McCollum
7 Ed Perlmutter	2 Joe Donnelly	5 Keith Ellison
	3 Marlin A. Stutzman	6 Michele Bachmann
CONNECTICUT	4 Todd Rokita	7 Collin C. Peterson
1 John B. Larson	5 Dan Burton	8 Chip Cravaack
2 Joe Courtney	6 Mike Pence	
3 Rosa L. DeLauro	7 André Carson	MISSISSIPPI
4 James A. Himes	8 Larry Bucshon	1 Alan Nunnelee
5 Christopher S. Murphy	9 Todd C. Young	2 Bennie G. Thompson
		3 Gregg Harper
DELAWARE		4 Steven M. Palazzo
At Large, John C. Carney Jr.	IOWA	
	1 Bruce L. Braley	MISSOURI
DISTRICT OF COLUMBIA	2 David Loebsack	1 Wm. Lacy Clay
Delegate, Eleanor Holmes Norton	3 Leonard L. Boswell	2 W. Todd Akin
FLORIDA	4 Tom Latham	3 Russ Carnahan
1 Jeff Miller	5 Steve King	4 Vicky Hartzler
2 Steve Southerland II	KANSAS	5 Emanuel Cleaver
3 Corrine Brown	1 Tim Huelskamp	6 Sam Graves
4 Ander Crenshaw	2 Lynn Jenkins	7 Billy Long
5 Richard B. Nugent	3 Kevin Yoder	8 Jo Ann Emerson
6 Cliff Stearns	4 Mike Pompeo	9 Blaine Luetkemeyer
7 John L. Mica	KENTUCKY	
8 Daniel Webster	1 Ed Whitfield	MONTANA
9 Gus M. Bilirakis	2 Brett Guthrie	At Large, Denny Rehberg
10 C. W. Bill Young	3 John A. Yarmuth	NEBRASKA
11 Kathy Castor	4 Geoff Davis	1 Jeff Fortenberry
12 Dennis A. Ross	5 Harold Rogers	2 Lee Terry
13 Vern Buchanan	6 Ben Chandler	3 Adrian Smith
14 Connie Mack	LOUISIANA	
15 Bill Posey	1 Steve Scalise	NEVADA
16 Thomas J. Rooney	2 Cedric L. Richmond	1 Shelley Berkley
17 Frederica S. Wilson	3 Jeffrey M. Landry	2 Dean Heller
18 Ileana Ros-Lehtinen	4 John Fleming	3 Joseph J. Heck
19 Theodore E. Deutch	5 Rodney Alexander	NEW HAMPSHIRE
20 Debbie Wasserman Schultz	6 Bill Cassidy	1 Frank C. Guinta
21 Mario Diaz-Balart	7 Charles W. Boustany Jr.	2 Charles F. Bass
22 Allen B. West	MAINE	
23 Alcee L. Hastings	1 Chellie Pingree	NEW JERSEY
24 Sandy Adams	2 Michael H. Michaud	1 Robert E. Andrews
25 David Rivera	MARYLAND	2 Frank A. LoBiondo
GEORGIA	1 Andy Harris	3 Jon Runyan
1 Jack Kingston		4 Christopher H. Smith
2 Sanford D. Bishop Jr.		5 Scott Garrett
3 Lynn A. Westmoreland		6 Frank Pallone Jr.
		7 Leonard Lance

8 Bill Pascrell Jr.
9 Steven R. Rothman
10 Donald M. Payne
11 Rodney P. Frelinghuysen
12 Rush D. Holt
13 Albio Sires

NEW MEXICO

1 Martin Heinrich
2 Stevan Pearce
3 Ben Ray Lujan

NEW YORK

1 Timothy H. Bishop
2 Steve Israel
3 Peter T. King
4 Carolyn McCarthy
5 Gary L. Ackerman
6 Gregory W. Meeks
7 Joseph Crowley
8 Jerrold Nadler
9 Anthony D. Weiner
10 Edolphus Towns
11 Yvette D. Clarke
12 Nydia M. Velázquez
13 Michael G. Grimm
14 Carolyn B. Maloney
15 Charles B. Rangel
16 José E. Serrano
17 Eliot L. Engel
18 Nita M. Lowey
19 Nan A. S. Hayworth
20 Christopher P. Gibson
21 Paul Tonko
22 Maurice D. Hinchey
23 William L. Owens
24 Richard L. Hanna
25 Ann Marie Buerkle
26 Christopher John Lee
27 Brian Higgins
28 Louise McIntosh Slaughter
29 Tom Reed

NORTH CAROLINA

1 G. K. Butterfield
2 Renee L. Ellmers
3 Walter B. Jones
4 David E. Price
5 Virginia Foxx
6 Howard Coble
7 Mike McIntyre
8 Larry Kissell
9 Sue Wilkins Myrick
10 Patrick T. McHenry
11 Heath Shuler
12 Melvin L. Watt
13 Brad Miller

NORTH DAKOTA

At Large, Rick Berg

NORTHERN MARIANA ISLANDS

Delegate, Gregorio Kilili Camacho Sablan

OHIO

1 Steve Chabot
2 Jean Schmidt
3 Michael R. Turner
4 Jim Jordan
5 Robert E. Latta
6 Bill Johnson
7 Steve Austria
8 John A. Boehner
9 Marcy Kaptur
10 Dennis J. Kucinich
11 Marcia L. Fudge
12 Patrick J. Tiberi
13 Betty Sutton
14 Steven C. LaTourette
15 Steve Stivers
16 James B. Renacci
17 Tim Ryan
18 Bob Gibbs

OKLAHOMA

1 John Sullivan
2 Dan Boren
3 Frank D. Lucas

4 Tom Cole
5 James Lankford

OREGON

1 David Wu
2 Greg Walden
3 Earl Blumenauer
4 Peter A. DeFazio
5 Kurt Schrader

PENNSYLVANIA

1 Robert A. Brady
2 Chaka Fattah
3 Mike Kelly
4 Jason Altmire
5 Glenn Thompson
6 Jim Gerlach
7 Patrick Meehan
8 Michael G. Fitzpatrick
9 Bill Shuster
10 Tom Marino
11 Lou Barletta
12 Mark S. Critz
13 Allyson Y. Schwartz
14 Michael F. Doyle
15 Charles W. Dent
16 Joseph R. Pitts
17 Tim Holden
18 Tim Murphy
19 Todd Russell Platts

PUERTO RICO

Resident Commissioner, Pedro R. Pierluisi

RHODE ISLAND

1 David N. Cicilline
2 James R. Langevin

SOUTH CAROLINA

1 Tim Scott
2 Joe Wilson
3 Jeff Duncan
4 Trey Gowdy
5 Mick Mulvaney
6 James E. Clyburn

SOUTH DAKOTA

At Large, Kristi L. Noem

TENNESSEE

1 David P. Roe
2 John J. Duncan Jr.
3 Charles J. "Chuck" Fleischmann
4 Scott DesJarlais
5 Jim Cooper
6 Diane Black
7 Marsha Blackburn
8 Stephen Lee Fincher
9 Steve Cohen

TEXAS

1 Louie Gohmert
2 Ted Poe
3 Sam Johnson
4 Ralph M. Hall
5 Jeb Hensarling
6 Joe Barton
7 John Abney Culberson
8 Kevin Brady
9 Al Green
10 Michael T. McCaul
11 K. Michael Conaway
12 Kay Granger
13 Mac Thornberry
14 Ron Paul
15 Rubén Hinojosa
16 Silvestre Reyes
17 Bill Flores
18 Sheila Jackson Lee
19 Randy Neugebauer
20 Charles A. Gonzalez
21 Lamar Smith
22 Pete Olson
23 Francisco "Quico" Canseco
24 Kenny Marchant
25 Lloyd Doggett
26 Michael C. Burgess
27 Blake Farenthold

28 Henry Cuellar
29 Gene Green
30 Eddie Bernice Johnson
31 John R. Carter
32 Pete Sessions

UTAH

1 Rob Bishop
2 Jim Matheson
3 Jason Chaffetz

VERMONT

At Large, Peter Welch

VIRGIN ISLANDS

Delegate, Donna M. Christensen

VIRGINIA

1 Robert J. Wittman
2 E. Scott Rigell
3 Robert C. "Bobby" Scott
4 J. Randy Forbes
5 Robert Hurt
6 Bob Goodlatte
7 Eric Cantor
8 James P. Moran
9 H. Morgan Griffith
10 Frank R. Wolf
11 Gerald E. Connolly

WASHINGTON

1 Jay Inslee
2 Rick Larsen
3 Jaime Herrera Beutler
4 Doc Hastings
5 Cathy McMorris Rodgers
6 Norman D. Dicks
7 Jim McDermott
8 David G. Reichert
9 Adam Smith

WEST VIRGINIA

1 David B. McKinley
2 Shelley Moore Capito
3 Nick J. Rahall II

WISCONSIN

1 Paul Ryan
2 Tammy Baldwin
3 Ron Kind
4 Gwen Moore
5 F. James Sensenbrenner Jr.
6 Thomas E. Petri
7 Sean P. Duffy
8 Reid J. Ribble

WYOMING

At Large, Cynthia M. Lummis

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information.

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco,

Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., André Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norm Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F.H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck" Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords, Phil Gingrey, Louie Gohmert, Charles A. González, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Guterres, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A.S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. "Buck"

McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNeerney, Patrick Meenan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Olver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J. Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. "Bobby" Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Titton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu, John A. Yarmuth, Kevin Yoder, C.W. Bill Young, Don Young, Todd C. Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

558. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium and Potassium salts of N-alkyl (C8-C18)-beta-iminodipropionic acid; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0098; FRL-8861-9] received January 31, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

559. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2010-0982; FRL-8859-6] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

560. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — n-Octyl alcohol and n-Decyl alcohol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0181; FRL-8860-7] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

561. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — (S,S)-Ethylenediamine Disuccinic Acid Trisodium Salt; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0733; FRL-8860-6] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

562. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2010-0385; FRL-8860-3] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

563. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Isobutane; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0676; FRL-8860-4] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

564. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bispiribac-sodium; Pesticide Tolerances [EPA-HQ-OPP-2009-0796; FRL-8860-2] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

565. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Revocation of Requirements for Full-Size Baby Cribs and Non-Full-Size Baby Cribs received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

566. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Additional Air Quality Designations for the 2006 24-Hour Fine Particle National Ambient Air Quality Standards, 110(k)(6) Correction and Technical Correction Related to Prior Designation, and Decisions Related to the 1997 Air Quality Designations and Classifications for the Annual Fine Particles National Ambient Air Quality Standards [EPA-HQ-OAR-2007-0562; EPA-HQ-OAR-2010-0163; FRL-9261-3] (RIN: 2060-AQ30) received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

567. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination Of Attainment for PM10; Columbia Falls and Libby Non-attainment Areas, Montana [EPA-R08-OAR-2010-0749; FRL-9260-6] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

568. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Revision to Definitions; Construction Permit Program; Regulation 3 [EPA-R08-OAR-2007-1027; FRL-9251-1] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

569. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 2002 Base Year Emissions Inventory, Reasonable Further Progress Plan, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Pennsylvania Portion of the Philadelphia-Wilmington-Atlantic City 1997 8-Hour Moderate Ozone Non-attainment Area [EPA-R03-OAR-2010-0552; FRL-9262-7] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

570. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alaska: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision [EPA-R10-OAR-2010-0921; FRL-9257-1] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

571. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Florida: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R04-RCRA-2010-0810; FRL-9262-2] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

572. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — North Carolina: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R04-RCRA-2009-0962; FRL-9261-9] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Nebraska (for himself and Mr. COSTA):

H.R. 795. A bill to expand small-scale hydropower; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 796. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget and to provide that Social Security contributions are used to protect Social Security solvency by mandating that Trust Fund monies cannot be diverted to create

private accounts; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 797. A bill to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration up to the contribution and benefit base and to remuneration in excess of \$250,000; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. ROONEY, Mr. HINCHEY, Mr. OLVER, Mr. ENGEL, Ms. DELAUNO, Mr. MURPHY of Connecticut, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mr. CRITZ, and Mr. ROTHMAN of New Jersey):

H.R. 798. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AUSTRIA (for himself, Mr. CLAY, Mr. CONNOLLY of Virginia, Mr. BISHOP of Georgia, Ms. RICHARDSON, Ms. FUDGE, Mr. BUTTERFIELD, Ms. SPEIER, Mr. LEWIS of Georgia, Mr. TIBERI, Mr. SABLON, Mrs. SCHMIDT, Mr. ELLISON, Mr. TURNER, Mr. KUCINICH, Mr. LATOURETTE, Mr. DAVIS of Illinois, Ms. MOORE, and Mr. GIBBS):

H.R. 799. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CARTER (for himself, Mr. SHULER, Mr. MCINTYRE, and Mr. GORMERT):

H.R. 800. A bill to make the E-verify program permanent, and to provide for penalties to enforce compliance with the program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRAVAACK (for himself, Mr. BLACKBURN, Mr. PAUL, Mr. WESTMORELAND, and Mr. PETERSON):

H.R. 801. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 802. A bill to direct the Secretary of Veterans Affairs to establish a VetStar Award Program; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 803. A bill to amend title 38, United States Code, to increase vocational rehabilitation and employment assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 804. A bill to amend title 38, United States Code, to clarify the eligibility of certain veterans who serve in support of Operation New Dawn for hospital care, medical services, and nursing home care provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 805. A bill to direct the Secretary of Veterans Affairs to educate certain staff of the Department of Veterans Affairs and to inform veterans about the Injured and Amputee Veterans Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 806. A bill to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 807. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. LEWIS of Georgia, Ms. LEE of California, Ms. MOORE, Mr. POLIS, Ms. BROWN of Florida, Mr. DEFAZIO, Mr. FARR, Ms. NORTON, Mr. OLVER, Mr. SHERMAN, Ms. BALDWIN, and Ms. WOOLSEY):

H.R. 808. A bill to establish a Department of Peace; to the Committee on Oversight and Government Reform, and in addition to the Committees on Foreign Affairs, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 809. A bill to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 810. A bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 811. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to reimburse certain volunteers who provide funeral honors details at the funerals of veterans; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 812. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 813. A bill to amend title 38, United States Code, to reduce the period of time for which a veteran must be totally disabled before the veteran's survivors are eligible for the benefits provided by the Secretary of Veterans Affairs for survivors of certain veterans rated totally disabled at time of death; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 814. A bill to provide Medicare payments to Department of Veterans Affairs medical facilities for items and services provided to Medicare-eligible veterans for non-service-connected conditions; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH (for himself and Mr. COHEN):

H.R. 815. A bill to amend title 18, United States Code, to provide additional aggravating factors for the imposition of the death penalty based on the status of the victim; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. CUELLAR, Mr. BROWN of Georgia, Mr. SMITH of Texas, Mr. MURPHY of Pennsylvania, Mr. GRAVES of Missouri, and Mr. BENISHEK):

H.R. 816. A bill to prevent the Patient Protection and Affordable Care Act from establishing health care provider standards of care in medical malpractice or medical product liability cases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. YOUNG of Alaska, Mr. CHAFFETZ, Mr. MCCLINTOCK, Mr. BISHOP of Utah, Mr. DANIEL E. LUNGREN of California, Mr. REHBERG, and Mr. NUNES):

H.R. 817. A bill to amend the Antiquities Act of 1906 to place additional requirements on the establishment of national monuments under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. MATHESON:

H.R. 818. A bill to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District; to the Committee on Natural Resources.

By Mr. MORAN:

H.R. 819. A bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Ms. BERKLEY, Ms. BROWN of Florida, Mr. HOLT, Mr. MCGOVERN, Mr. CAPUANO, Mr. BARROW, Mr. GUTHRIE, Mr. ROTHMAN of New Jersey, Mr. POLIS, Mr. FILNER, Mr. YARMUTH, Mr. NEAL, Mr. OLVER, Mr. RANGEL, Ms. HIRONO, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. KUCINICH, Ms. FUDGE, Mr. COHEN, Mr. HINOJOSA, Mr. LATHAM, Mrs. CAPPS, Mr. NADLER, and Mr. MCDERMOTT):

H.R. 820. A bill to aid and support pediatric involvement in reading and education; to the Committee on Education and the Workforce.

By Mr. ROSS of Florida:

H.R. 821. A bill to require zero-based budgeting for departments and agencies of the Government; to the Committee on the Budget.

By Mr. STEARNS (for himself and Mr. SHULER):

H.R. 822. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. CARTER (for himself, Mr. COLE, Mr. CULBERSON, Mr. BARTON of Texas, Mr. THORNBERRY, Mr. OLSON, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mr. SESSIONS, Mr. LATHAM, Mr. KING of Iowa, Mr. CONAWAY, Mr. CALVERT, Ms. JENKINS, Mr. DENT, Mr. FLORES, Mr. BUCSHON, Mr. POE of Texas, Mr. BURTON of Indiana, Mr. SIMPSON, Mr. BRADY of Texas, Mrs. SCHMIDT, Mr. LONG, Mr. DUNCAN of South Carolina, Mr. POMPEO, Mr. GIBBS, Mr. FARENTHOLD, Mr. BACHUS, Mr. DUNCAN of Tennessee, Mr. LEWIS of California, Mrs. EMERSON, Mr. REHBERG, Mr. NEUGEBAUER, Mr. ROSS of Arkansas, Mr. BONNER, Mr. KINZINGER of Illinois, Mr. CHAFFETZ, Mr. SENSENBRENNER, Mr. ROKITA, Mr. HERGER, Mr. LATTA, Mrs. LUMMIS, Mr. BOREN, Mr. GUTHRIE, Mr. BROOKS, and Mr. GERLACH):

H.J. Res. 42. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself, Mr. VAN HOLLEN, Mr. HOYER, Mr. CLYBURN, and Mr. DICKS):

H.J. Res. 43. A joint resolution making further continuing appropriations for fiscal year 2011; to the Committee on Appropriations.

By Mr. LIPINSKI (for himself, Mr. MANZULLO, Mr. BARTON of Texas, Ms. BORDALLO, Ms. EDWARDS, Ms. MATSUI, Mr. MCKINLEY, Ms. RICHARDSON, Mr. WU, Mr. TONKO, Mr. HONDA, Ms. FUDGE, Mr. MCNERNEY, Mr. CALVERT, and Mr. HOLT):

H. Res. 104. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. CLAY, Ms. CLARKE of New York, Mr. BISHOP of Georgia, Ms. FUDGE, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. CARSON of Indiana, Ms. JACKSON LEE of Texas, Ms. MOORE, Mr. PAYNE, and Ms. LEE of California):

H. Res. 105. A resolution congratulating Kappa Alpha Psi Fraternity, Inc., on the historic milestone of 100 years of serving local and international communities, maintaining a commitment to the betterment of mankind, and enriching the lives of collegiate men throughout the United States; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. WOLF, Mr. MANZULLO, Mr. RYAN of Ohio, Mr. MURPHY of Connecticut, Mr. MICHAUD, Mr. DINGELL, Mr. CRITZ, Mr. HINCHEY, Mr. LIPINSKI, Ms. SUTTON, Mr. MCGOVERN, and Ms. PINGREE of Maine):

H. Res. 106. A resolution expressing the sense of the House of Representatives that defense systems, including the helicopter fleet used to transport the President of the United States, should not be procured, di-

rectly or indirectly, from an entity controlled, directed, or influenced by the Government of China; to the Committee on Armed Services.

By Mr. KLINE (for himself and Mr. GEORGE MILLER of California):

H. Res. 107. A resolution providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Twelfth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. PELOSI:

H.R. 823. A bill for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 824. A bill for the relief of Daniel Wachira; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT OMITTED FROM THE RECORD OF FEBRUARY 14, 2011

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. JACKSON LEE of Texas:

H.R. 685.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Regulations to Effectuate Powers

Article I, Section 8, Clause 18

The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Nebraska:

H.R. 795.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. DeFAZIO:

H.R. 796.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 2: The Congress shall have Power . . . To borrow Money on the credit of the United States.

By Mr. DEFAZIO:

H.R. 797.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. DEFAZIO:

H.R. 798.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. AUSTRIA:

H.R. 799.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. CARTER:

H.R. 800.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: To establish a uniform Rule of Naturalization.

By Mr. CRAVAACK:

H.R. 801.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. FILNER:

H.R. 802.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

By Mr. FILNER:

H.R. 803.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

By Mr. FILNER:

H.R. 804.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 805.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 806.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 807.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section

8, Clause 18 of the United States Constitution.

By Mr. KUCINICH:

H.R. 808.

Congress has the power to enact this legislation pursuant to the following:

The preamble to the Constitution has the following injunction: "... to promote domestic tranquility . . ." This is the purpose of the bill.

By Mr. FILNER:

H.R. 809.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 810.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 811.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 812.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 813.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. FILNER:

H.R. 814.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. GERLACH:

H.R. 815.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. GINGREY of Georgia:

H.R. 816.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 18, Congress has power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers" when the need exists to clarify existing law.

By Mr. HERGER:

H.R. 817.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

By Mr. MATHESON:

H.R. 818.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MORAN:

H.R. 819.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 and Article 1, Section 9, Clause 7

By Mr. PAYNE:

H.R. 820.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ROSS of Florida:

H.R. 821.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

By Mr. STEARNS:

H.R. 822.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, Commerce Clause

By Ms. PELOSI:

H.R. 823.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 4 of the Constitution provides that Congress shall have power to "establish a uniform Rule of Naturalization". The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. As the Court found in *Galvan v. Press*, 347 U.S. 522, 531 (1954), "that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government." And, as the Court found in *Kleindienst v. Mandel*, 408 U.S. 753, 766 (1972) (quoting *Boutillier v. INS*, 387 U.S. 118, 123 (1967)), "[t]he Court without exception has sustained Congress' 'plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden.'"

By Mr. RANGEL:

H.R. 824. :

Congress has the power to enact this legislation pursuant to the following: Section 8 of Article I of the Constitution.

By Mr. CARTER:

H.J. Res. 42.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. PELOSI:

H.J. Res. 43.

Congress has the power to enact this legislation pursuant to the following:

The principle constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No money shall be drawn from the Treasury, but in consequence of Appropriations made by law . . ." In addition, clause I of section 8 of Article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ." Together these specific Constitutional provisions establish the congressional power

of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. KEATING.
H.R. 5: Mr. MANZULLO.
H.R. 10: Mr. McCOTTER and Mr. JOHNSON of Ohio.

H.R. 24: Mr. ALEXANDER, Mr. WITTMAN, Mr. BOSWELL, Mrs. ELLMERS, Mr. DEFazio, Mr. GINGREY of Georgia, Mr. NADLER, Mr. BURTON of Indiana, Mr. KINZINGER of Illinois, Mr. BILIRAKIS, Mr. GENE GREEN of Texas, Mr. HOLDEN, Mr. LOEBBACH, Mr. FRELINGHUYSEN, Ms. JENKINS, and Mr. LARSON of Connecticut.
H.R. 27: Mr. ENGEL, Mr. DEFazio, Mr. COBLE, Mr. AL GREEN of Texas, Mr. LARSEN of Washington, Ms. CASTOR of Florida, Mr. WU, Mr. SCHIFF, Mr. DUNCAN of Tennessee, Mr. CONYERS, Mr. COOPER, Mr. LATOURETTE, Mr. ADERHOLT, Mr. JOHNSON of Georgia, Ms. ROYBAL-ALLARD, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. CUELLAR, Mr. CROWLEY, Mrs. CAPITO, Mr. GOHMERT, Mr. MARCHANT, Mr. PLATTS, Ms. KAPTUR, Mr. COHEN, Mr. REYES, Mr. RAHALL, Mr. BRADY of Pennsylvania, Mr. ROTHMAN of New Jersey, Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. VAN HOLLEN, Mr. GRIJALVA, Ms. WOOLSEY, Mr. MEEKS, Mr. NADLER, Mr. MICHAUD, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. THOMPSON of California, Mr. INSLER, Mr. LEVIN, Mr. DIAZ-BALART, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. DINGELL, Mr. WALZ of Minnesota, Mr. RYAN of Ohio, Mr. PASCRELL, Mr. ANDREWS, Mr. PALLONE, Mr. CAPUANO, Mr. OLVER, and Mr. HALL.

H.R. 73: Mr. CANSECO, Mr. REYES, Mr. CUELLAR, Mr. MORAN, Mr. PAYNE, Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mr. DAVID SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARENTHOLD, Mr. CONAWAY, Mr. DOGGETT, Mr. CLAY, Ms. LEE of California, Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. CLEAVER, Ms. BASS of California, Mr. FATTAH, Mr. OLSON, Mr. SMITH of Texas, Mr. BARTON of Texas, Mr. HINCHEY, Ms. HIRONO, Mr. STARK, Mr. BERMAN, Ms. PELOSI, Mr. TOWNS, Mr. RUSH, Mr. DAVIS of Illinois, Ms. FUDGE, Ms. RICHARDSON, Ms. CLARKE of New York, Mr. BISHOP of Georgia, Mr. RICHMOND, Ms. CHU, Ms. DELAURO, Mr. YOUNG of Florida, Mr. BRADY of Texas, Mr. GOHMERT, and Mr. DANIEL E. LUNGREN of California.

H.R. 96: Mr. GRIFFITH of Virginia and Mr. CRAVAACK.

H.R. 104: Mr. UPTON and Ms. WILSON of Florida.

H.R. 140: Mr. MILLER of Florida.
H.R. 150: Mr. McCOTTER.
H.R. 191: Mr. LYNCH, Mr. KUCINICH, Mr. YARMUTH, Mr. DOYLE, and Ms. WATERS.

H.R. 198: Mr. SCHOCK.
H.R. 217: Mrs. ROBY.
H.R. 218: Ms. WILSON of Florida.
H.R. 238: Mr. COURTNEY, Mr. KISSELL, Mr. YOUNG of Florida, and Mr. LONG.
H.R. 263: Ms. WILSON of Florida.
H.R. 280: Mr. COFFMAN of Colorado.
H.R. 308: Ms. SCHWARTZ and Mr. SCHIFF.
H.R. 324: Mr. BRADY of Pennsylvania.
H.R. 360: Mr. BOUSTANY and Mr. CULBERSON.

H.R. 401: Ms. WILSON of Florida.
H.R. 412: Ms. JENKINS and Mr. WILSON of South Carolina.

H.R. 436: Mrs. BLACK, Mr. BUCHANAN, Mr. ISSA, Ms. JENKINS, Mr. OLSON, Mr. COFFMAN of Colorado, Mr. GUTHRIE, and Mrs. CAPITO.

H.R. 440: Mr. PETERS.
H.R. 450: Mr. GERLACH and Mr. TIBERI.
H.R. 452: Ms. HAYWORTH, Mr. MCKINLEY, and Mr. MILLER of Florida.

H.R. 456: Mr. GENE GREEN of Texas and Mr. ALTMIRE.

H.R. 458: Mr. STARK and Ms. WILSON of Florida.

H.R. 459: Mr. McCOTTER.
H.R. 484: Ms. WILSON of Florida.
H.R. 509: Mrs. BLACKBURN and Mrs. EMERSON.

H.R. 535: Mr. DONNELLY of Indiana.
H.R. 539: Mr. LARSON of Connecticut.

H.R. 546: Mr. MCCLINTOCK, Mr. ISSA, Mr. POE of Texas, Mr. NUGENT, Mr. LOBIONDO, Mr. LATTI, Mrs. HARTZLER, Ms. SCHAKOWSKY, Mr. GALLEGLY, and Mr. MILLER of Florida.

H.R. 567: Mr. FORBES.
H.R. 609: Mr. DENT.
H.R. 613: Ms. LINDA T. SANCHEZ of California.

H.R. 651: Mr. MCDERMOTT and Mr. FILNER.
H.R. 659: Mr. LONG.

H.R. 674: Mr. COFFMAN of Colorado, Mr. LARSEN of Washington, and Mrs. CAPITO.

H.R. 675: Mr. SMITH of Nebraska.
H.R. 688: Mr. THOMPSON of Mississippi and Ms. LEE of California.

H.R. 689: Mr. CUMMINGS.
H.R. 690: Mr. WILSON of South Carolina, Mr. FARENTHOLD, Ms. HERRERA BEUTLER, Mr. SOUTHERLAND, Mr. BARLETTA, Mr. BACHUS, Mr. YOUNG of Florida, and Mr. FORBES.

H.R. 694: Mr. CICILLINE.
H.R. 704: Mr. WITTMAN.

H.R. 709: Ms. CASTOR of Florida.
H.R. 718: Mr. OWENS, Mr. LANGEVIN, Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. LINDA T. SANCHEZ of California, and Mr. KING of New York.

H.R. 729: Mr. GERLACH, Mr. CONNOLLY of Virginia, and Mrs. NAPOLITANO.

H.R. 736: Mr. HASTINGS of Florida.
H.R. 740: Ms. BERKLEY, Mr. GALLEGLY, Mr. COSTA, Mr. ACKERMAN, Mr. SIRES, Ms. WASSERMAN SCHULTZ, and Mr. SHULER.

H.R. 758: Ms. JENKINS.

H.R. 780: Ms. SLAUGHTER.

H.R. 782: Mr. CRAVAACK.

H.R. 783: Mr. WITTMAN, Mr. SCOTT of Virginia, and Mr. CONNOLLY of Virginia.

H.R. 793: Mr. DENHAM, Mr. CAMPBELL, Mr. DREIER, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Mr. NUNES, and Mr. ROYCE.

H.J. Res. 1: Mr. ROHRABACHER, Mr. TIPTON, and Ms. BUERKLE.

H.J. Res. 2: Mr. HECK, Mr. FITZPATRICK, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. TIPTON, Mr. YOUNG of Florida, Mr. GOSAR, Ms. BUERKLE, and Mr. BARLETTA.

H.J. Res. 13: Mr. ROSS of Florida.

H.J. Res. 37: Mr. BOREN and Mr. PETERSON.

H. Res. 25: Mr. HECK, Mr. MCNERNEY, and Mr. CONAWAY.

H. Res. 60: Mr. DANIEL E. LUNGREN of California, Ms. LORETTA SANCHEZ of California, and Mr. COURTNEY.

H. Res. 81: Ms. NORTON.

H. Res. 88: Ms. BALDWIN, Mr. SCHRADER, Mr. SCOTT of Virginia, Mr. PALLONE, Mr. COHEN, Mr. LANGEVIN, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. WELCH, Ms. ROYBAL-ALLARD, Mr. LYNCH, Mr. MICHAUD, Mr. GRIJALVA, Mr. PASTOR of Arizona, Mr. SIRES, Mr. REYES, Mrs. NAPOLITANO, Ms. SPEIER, Ms. SCHAKOWSKY, Mr. ISRAEL, Ms. WOOLSEY, Ms. HIRONO, Mr. FARR, Mr. BLUMENAUER, Ms. KAPTUR, Mr. WEINER, Mr. MCDERMOTT, Ms. JACKSON LEE of Texas, Ms. WILSON of Florida, Ms. LORETTA SANCHEZ of California, Mr. MEEKS, Mr. WU, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. DICKS, Mr. RUPPERSBERGER, Mr. ISSA, Ms. WATERS, Mr. MCGOVERN, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. RANGEL, Ms. VELÁZQUEZ, Ms. LINDA T. SANCHEZ of California, Mr. BISHOP of New York, Mr. CHANDLER, Mr. HONDA, Mr. DAVID SCOTT of Georgia, Ms. EDWARDS, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. DINGELL, Mr. MILLER of North Carolina, Mr. MATHESON, and Mr. DANIEL E. LUNGREN of California.

H. Res. 90: Mr. GUTIERREZ, Mr. LANGEVIN, Mr. MORAN, Mr. LEWIS of Georgia, Ms. LORETTA SANCHEZ of California, Mr. DAVIS of Illinois, Mr. RUSH, Mr. BISHOP of Georgia, Ms. CLARKE of New York, Mr. RICHMOND, Ms. LEE of California, Mrs. MALONEY, Mr. CLYBURN, Mr. HASTINGS of Florida, Ms. EDWARDS, Mr. TOWNS, Ms. ZOE LOFGREN of California, Ms. PELOSI, Ms. BERKLEY, Mr. GENE GREEN of Texas, Ms. BASS of California, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. LUJÁN, Mr. BACA, Mr. JOHNSON of Georgia, Mr. WALZ of Minnesota, Mr. TONKO, Mr. HIGGINS, Mr. OWENS, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. SMITH of Texas, Mr. FARENTHOLD, Mr. CANSECO, Ms. SEWELL, and Mr. LEVIN.

EXTENSIONS OF REMARKS

INTRODUCING THE INVESTING IN OUR FUTURE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. STARK. Mr. Speaker, I rise today to introduce the Investing in Our Future Act. This bill will discourage speculation in the financial markets, help us shrink the deficit, and help create a better world for future generations.

Today is the Global Day of Action when hundreds of organizations are calling on the world's governments to create financial transactions taxes to generate billions of dollars to help battle the problems that threaten the planet.

Our deficit is now a record \$1.5 trillion. Most suggestions about how to reduce the deficit require cutting government programs and discretionary spending. These kinds of cuts hurt American families and don't stimulate our economy. I propose that we instead shrink our deficit by looking to the currency market.

Every day \$4 trillion in currency is traded by the world's largest financial institutions in the foreign exchange markets. U.S. banks generated \$7 billion in foreign exchange trading revenue in the first three quarters of 2010. Much of this trading is purely speculative. The banks attempt to outguess the market and in turn, destabilize the economy.

The Investing in Our Future Act will place a microtax of just 0.005 percent on the currency trades conducted on or on behalf of U.S. financial institutions. This small tax would not be enough to disrupt the larger currency market but it could decrease speculative trades by as much as 14 percent.

The billions generated by this tax will be divided between deficit reduction and causes that will help us build a better world. Forty percent of revenues would be reserved for deficit reduction.

Ten percent of revenues will go into a Child Care Assistance Trust Fund. These funds will be used for subsidized child care here in the United States, where six out of seven children who qualify for subsidized care do not receive it.

Fifty percent of revenues will be evenly divided between the fight against climate change and world poverty. The Global Change Climate Change Adaptation and Mitigation Trust Fund will receive 25 percent of all revenues. Climate change destabilizes our world because it contributes to extreme weather, food shortages, and poverty. The other 25 percent will go into a Multilateral Global Health Trust Fund. This trust fund will support programs in poor countries that lack adequate medical infrastructure to treat and prevent diseases like malaria, HIV/AIDs and tuberculosis.

By contributing the revenues from this bill toward these causes, we will be investing in a

stable and healthy future for our own country and others across the globe. I urge my colleagues to support the Investing in Our Future Act.

INTRODUCING A RESOLUTION EXPRESSING SUPPORT FOR THE REPUBLIC OF INDIA GAINING A PERMANENT SEAT ON THE UNITED NATIONS SECURITY COUNCIL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise to introduce a resolution in support of the Republic of India gaining a permanent seat on the United Nations Security Council. Addressing a joint session of India's Parliament this past November 8, President Obama said that "the United States not only welcomes India as a rising global power, we fervently support it." I could not agree more. In recent years India has proven to be a solid and supportive ally of the United States. As the international community looks to reform the policies and procedures of the Security Council, no nation deserves a seat at the table more than India.

As the world's most populous democracy—and second most-populous nation—India is an increasingly influential power, not only in its neighborhood in South Asia but also on the world's stage. India is one of the fastest-growing economies in the world, enjoys the second-largest labor force, and is rapidly becoming a major hub for high-tech industry, telecommunications, and automobile manufacturing. As a major export/import nation, India is an important trading partner for dozens of countries around the world.

India has a strategic role in addressing major global security issues, makes its participation in international decisions essential. Having already provided tens of thousands of troops for dozens of UN peacekeeping missions around the world, India has earned a permanent role for itself in security decision-making, global conflict resolution, and questions of war and peace. As a nation which has suffered more casualties from terrorism than almost any other, India's commitment to effective counterterrorism measures is aligned with the United States' goals, and India has proved an indispensable ally with respect to our efforts in South Asia.

Finally, India regularly participates in numerous regional and international organizations, including the G20, the World Trade Organization, the East Asian Summit, and the South Asian Association for Regional Cooperation. India has thus demonstrated a commitment to international dialogue and constructive engagement, and, indeed, enjoys good relations with most countries around the world.

Mr. Speaker, India is already a nation of great influence, respect, ambition, and ability, and a trusted member of the international community. An overwhelming majority of the United Nations General Assembly recently elected India to serve as the Asian regional representative to the Security Council. The permanent membership of the Security Council reflects the reality of global power in the immediate aftermath of World War Two—not today's 21st century reality of rising powers. As President Obama and many other world leaders have pointed out, India deserves a permanent seat on a reformed Security Council, where its voice and clout will be a much-welcomed and much-needed addition to the global security regime. I strongly applaud this effort and urge my colleagues to support this resolution.

HONORING BENEDICT COZZI ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues who have gathered to congratulate Benedict Cozzi as he retires after a career as an operating engineer and union leader that has spanned more than four decades. Ben has been a remarkable presence in Connecticut's labor movement and I, like so many others, consider myself fortunate to have benefitted from his knowledge and friendship.

A native of New Haven, Connecticut, Ben entered Boston University after graduating from high school, but it would be the employment he found during his breaks from school where he would find his calling as an operating engineer and a member of the International Union of Operating Engineers Local 478. He soon left Boston University and spent the next twenty years operating the heavy machinery of the trade—bulldozers, backhoes, graders, loaders, combination machines, and cranes on construction sites throughout Connecticut. It was hard but honest work that Ben enjoyed and he also became increasingly involved with Local 478, serving as the steward on many jobs.

Ben has served on Local 478's Governing Board for more than thirty years. He held the positions of Treasurer, Secretary, Referral Manager, and Business Agent for New Haven and Middlesex Counties before being elected Business Manager—the union's highest elected office and a position which he has held for the last decade. Through it all, and particularly as Business Manager, Ben has fought for the rights of thousands of Connecticut operating

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

engineers, ensuring that they had jobs to go to, fair wages, safe work environments, and secure retirement benefits. His work has held to secure the economic viability of his members and their families.

Ben's leadership in the labor movement extends far beyond Local 478. He has also served as President of both the Connecticut State Building and Construction Trades Council and the Building Construction Trades Council of New Haven as well as Co-Chair of the Connecticut Construction Labor-Management Council, and Vice President of the Connecticut AFL-CIO. His expertise has also been sought out by community boards that directly impact his membership including the New Haven Workforce Alliance and the Construction Workforce Initiative. Ben was also asked to sit on two state boards the Workers' Compensation Advisory Board and the Second Injury Fund Advisory Board.

Ben has also dedicated countless hours to community service, volunteering his time and energies on behalf of a multitude of service organizations in our community. He has served as Chairman of the Board of Easter Seals Goodwill Industries, a Board Member of the Advocacy Council of Yale-New Haven Hospital as well as the Connecticut Yankee Council of the Boy Scouts of America. When a project needs a hands-on approach, Ben is the person you turn to. He assembled a team of 300 to participate in a walk to benefit the American Heart Association, volunteers to build Hannah's Dream—a playground for children with special needs, and has been responsible for coordinating Building Trades volunteers to construct the annual Easter Seal's Fantasy of Lights at Light House Point during the Christmas season. The impact of his community service on the lives of others is incalculable and we cannot thank him enough for all of the generosity and compassion he has shown to those in need.

It is difficult to imagine what Local 478, the Building Trades, and our community will be like without Ben Cozzi. He has been a fixture in the labor movement and in our community for decades. Today, as he celebrates his retirement, I am proud to have this opportunity to extend my sincere thanks and appreciation to him for all of his good work. I have no doubt that even in his retirement, Ben Cozzi will continue to stay involved and make a difference. I extend my very best wishes to him, his wife, Elizabeth; his children, Jennifer and Christopher; as well as their grandchildren, John, Isabelle, and Diego for many more years of health and happiness.

REMEMBERING FRED FOSTER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. WOLF. Mr. Speaker, I bring to the attention of the House the recent passing of an outstanding public servant, civic leader, and local business owner in Front Royal, Virginia. Frederick P. "Fred" Foster died February 7 at age 74.

I had the pleasure of working with Fred on the redevelopment of the Avtex Superfund site

in Front Royal. He was a tireless and passionate advocate for his hometown and county and will be greatly missed.

Mr. Speaker, I submit an article from the Northern Virginia Daily about the life of Fred Foster.

[From the nvdaily.com, Feb. 10, 2011]

FOSTER ACTIVE PART OF SOCIETY

(By Ben Orcutt)

FRONT ROYAL.—Frederick P. "Fred" Foster was remembered on Wednesday as a man who got things done.

Foster, 74, died on Monday at Winchester Medical Center. A jewelry store owner, former town councilman and civic leader, Foster was noted for his ability to tackle issues and see them through.

"Just his determination and vision," said his son, Philip T. "Phil" Foster. "When he saw something that he needed to do or that thought that needed to be done or identified a problem, he had the tenaciousness to see it through."

Phil Foster, 51, said his father had been ill for the past four years and was on dialysis daily. Foster said his father had chronic obstructive pulmonary disease and most likely died of a heart-related ailment.

"We haven't seen a death certificate or anything," Phil Foster said.

Fred Foster opened Fosters Jewelers at 130 E. Main St. in Front Royal in 1984. Phil Foster said he and his father were partners and they opened a second store in Winchester in 1987.

"We're going to miss him," Phil Foster said.

Others said Wednesday they will miss him as well.

Marvin "Cotton" Owens, 72, graduated from Warren County High School in 1956 with Fred Foster. Owens said the two were like brothers for a time and that Fred Foster gave him his first job as a teenager.

"He was one of the leaders in retail in Front Royal for many a year," Owens said of Foster. "There's so many memories. I guess his personality, his good humor. He thought a lot of this town. I don't know how many people knew it. He really thought a lot of Front Royal and wanted to do everything he could to promote Front Royal and make it a better place, especially for businesses."

William P. "Bill" Barnett will second that. Barnett said Foster was an integral part of the Citizens Economic Development Action Committee that tried to help turn around the economy of Warren County years ago.

Foster also was one of the main catalysts behind the redevelopment of the Avtex Superfund site, now known as Royal Phoenix, Barnett said.

"Fred was passionate about Front Royal and Warren County," Barnett said. "His passion was very [infectious]. His enthusiasm and his persistence were very instrumental in making an impact on the community, whether it was while he served on the Town Council or the redevelopment committee. When he decided to get involved in something, he got involved in it 100 percent and just gave everything he had. . . . We're going to miss Fred."

Craig Laird, owner of Royal Oak Computers on Main Street in Front Royal, agreed.

"Fred was a mainstay of Main Street," Laird said. "During the reconstruction of downtown in the mid 1980s, he was affectionately called the mayor of Main Street. He was a dear, dear friend and he will be greatly missed."

As president of Save Our Gateway, Laird also recalled when Foster was a member of

the council in 2003 and deliberately missed meetings to help prevent the panel from having a quorum on a vote on Wal-Mart's commercial rezoning request on Strasburg Road.

"His bravery at standing up for his principles will also be remembered," Laird said.

Even though they were on opposite sides of the Wal-Mart issue, Councilman Hollis L. Tharpe, who served on the panel with Foster for two years, spoke highly of him.

"He was for the citizens," Tharpe said. "I don't think personally he ever had anything on his agenda, but every vote that he took, he took it the way he thought that the citizens would be best served. He was always available to talk to, whether it was town business or personal. He always had that big smile on his face even when he didn't like voting for something that he did."

Jean Plauger, owner of Jean's Jewelers on Main Street, also agreed about Foster's contributions, especially downtown. "A lot of things got done down here definitely because of Fred," she said.

"They call him the godfather of Main, the mayor of Main Street," she said. "Fred had a presence down here."

HONORING TWIN SISTERS HELEN ASHE AND ELLEN TURNER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DUNCAN of Tennessee. Mr. Speaker, I wish today to honor two of the most beloved people in my District.

Twin sisters Helen Ashe and Ellen Turner have been serving the homeless and winning over hearts in the City of Knoxville since they founded the Love Kitchen in 1986.

The Love Kitchen served just 22 meals the day it opened, but 25 years later, it now serves more than 2,000 meals each week to the homeless and homebound.

I have known Helen and Ellen for many years, and they are the kindest, most gracious and selfless people I know.

They live their life by the Love Kitchen's slogan: "Everybody is God's Somebody."

Over the years, their hard work and devotion to the less fortunate stoked the volunteer spirit of one of this Nation's great cities and turned the pair into local celebrities.

As the holidays near, it has become tradition to see Helen and Ellen on local television pleading for help so that no one in need is turned away. And the good people of East Tennessee always deliver, donating supplies and offering volunteers in droves.

In fact, a few years ago my wife Lynn volunteered at the Love Kitchen, and she will never forget the experience.

Helen and Ellen always exercise a remarkable humility, redirecting any deserved attention showered on them back to the Love Kitchen and those it serves.

Today, they were guests on The Oprah Winfrey Show, and I am so thrilled and thankful that Ms. Winfrey took notice of these extraordinary sisters. Now, millions more outside of Tennessee have been touched and hopefully moved to similar community service by their story.

Reflecting on her upbringing as the daughter of a share cropper, Helen told the Knoxville

News Sentinel in 2008, "The three truths daddy taught us were: There is but one Father, and that is the Father in heaven. There is but one race, and that is the human race, and he taught us not to take the last piece of bread from the table, because somebody may come by that is hungry."

Mr. Speaker, I urge my Colleagues and other readers of the RECORD to join me in recognizing Helen Ashe and Ellen Turner for their compassionate, life-long devotion to community service and unwavering faith in God.

On the occasion of their appearance on The Oprah Winfrey Show, I request that the Knoxville News Sentinel article celebrating their service to Knoxville be reprinted in the RECORD below.

[From the Knoxville News Sentinel, Dec. 31, 2008]

DRINNEN: "EVERYBODY IS GOD'S SOMEBODY"
AT THE LOVE KITCHEN
(By Beth Drinnen)

"Everybody is God's Somebody." That's the slogan at The Love Kitchen in East Knoxville, and from the moment you walk in the building, you start to feel it. Complete strangers greeted me with smiles and a couple of "good morning, honey's," as I was wrapped in warm, welcoming hugs by both Helen Ashe and her twin sister, Ellen Turner, founders of The Love Kitchen.

Helen and Ellen were born in Abbeville, S.C. Their parents were share croppers. "We've been working since we were 8 years old," said Helen proudly. "My sister and I used to wash dishes for a contractor. He built a little step so that we could reach the sink easier. We made 50 cents a week," she said as she looked at Ellen and smiled.

The sisters moved to Knoxville in 1946 when they were 18 years old. "That's what our parents gave us as a graduation gift," said Ellen. "Our parents saved up a little bit of money and we were to choose where we wanted to live." They chose Knoxville because their favorite aunt, one of their father's sisters, Eva Icem, lived here.

"The three truths that my Daddy taught us were: There is but one Father, and that is the Father in Heaven. There is but one race, and that is the human race, and he taught us not to take the last piece of bread from the table, because somebody may come by that is hungry," said Helen.

People going hungry had always weighed on Helen's mind. "Every single day I would tell Ellen, 'One day, I'm going to do something about it.'" Ellen nodded her head.

"One night," Helen began, "I had a dream

Ellen quickly interrupted. "No, you let me tell that," she said, her eyes shining. "We got a phone call early one morning," Ellen continued, "And my husband and I were still in bed. He said, 'Honey, Helen's on the phone and I can't understand a word she's saying.' I got on the phone and it was Helen, and honey, she was just babbling away. I said 'Honey, is Al okay?' Al was her husband, and I thought he was dead the way she was carrying on. I said, 'Helen, calm down.' And she said, 'Sis, I had an encounter with God last night. And I'm going to have that feeding program; I'm going to have a place where people can come and get something to eat.'"

Ellen looked proudly at her sister. "And she does," she grinned.

The Love Kitchen first opened its doors in 1986 in the basement of a local church. They eventually moved out of that space and into several more before moving into their cur-

rent location at 2418 Martin Luther King Jr. Ave., in 1994.

The bulk of their ministry involves delivering food to homebound people. The Love Kitchen delivers food each Thursday to approximately 2,200 homes. In addition to the meals they deliver, The Love Kitchen serves breakfast on Wednesday and lunch on Thursday to approximately 40 to 110 people each day. Wednesday afternoons are dedicated to handing out anywhere from 60 to 150 food bags to the homeless or needy in the community. The bags usually contain enough food to last the recipients a week. They also hand out hygiene bags to new patrons at the Kitchen, and recently handed out approximately 300 blankets to the homeless.

If Helen and Ellen are the heart of The Love Kitchen, the volunteers are the lifeblood. Most begin volunteering because they want to help the less fortunate, but wind up staying because they love Helen and Ellen so much. The University of Tennessee's chapter of Phi Gamma Delta Fraternity has been sending volunteers to help pack food bags for the past fifteen years. "It's good to come here and . . . do something nice for someone less fortunate," said volunteer and Phi Gamma Delta Tyler Bowland.

"I like to come to see Helen and Ellen," said volunteer and Phi Gamma Delta Matt Baumgartner, then he laughed. "Seeing what they do here everyday, I think it's a good thing to come and help her out!" He smiled, "They have been a blessing to a lot of people."

RE-INTRODUCTION OF THE EQUITABLE TREATMENT OF INVESTORS ACT

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GARRETT. Mr. Speaker, late in the 111th Congress, I introduced, with co-sponsors, Mr. KING of New York and Ms. ROSENTHAL of Florida, the Equitable Treatment of Investors Act (H.R. 6531). This bill reaffirmed and clarified the key protections for securities investors intended by Congress in the 1970 enactment of the Securities Investor Protection Act (SIPA) and major amendments to that Act in 1978.

Today I reintroduce that legislation with clarifying amendments. The central purpose of the legislation is to reaffirm the original Congressional intent on two key aspects of the administration of SIPA in the liquidation of a bankrupt broker-dealer firm. First, as a general matter, the determination of customer "net equity" shall rely on the final account statement received from the debtor prior to closing, plus any additional supporting documents, such as trade confirmations. Second, and again as a general matter, avoidance actions, or "clawbacks", to recover property transferred to the customer prior to closing shall be prohibited. While I emphasize these clarifications simply reaffirm current law, the actions and interpretations of SIPA being made by the Securities Investor Protection Corporation (SIPC) and the Trustee appointed for the Bernard L. Madoff Investment Securities LLC (BLMIS) liquidation proceeding make the passage of this legislation important and necessary.

In this legislation, there are important exceptions to those two general customer protec-

tions that deny that beneficial treatment to any customer who knew of or was complicit in the fraudulent activity of the debtor and to any customer who, as a registered professional in the securities markets, with the requisite knowledge of these matters, knew or should have known of the debtor's fraudulent activities and failed to notify appropriate regulatory authorities. This portion of the bill's language is meant to assure that SIPC and the receiver-ship Trustee have fully adequate legal powers to act against customers undeserving of SIPA's investor protections.

While this clarifying legislation is intended to have general application to all broker-dealer bankruptcies involving debtor fraud, introduction at this time is directly related to the failure of SIPC and its Trustee to fairly and adequately act to provide statutorily mandated and intended SIPA protections to the several thousand innocent customers defrauded by Bernard Madoff in the operations of his investment advisory and broker-dealer firm, BLMIS. Compounding the grievous shortcomings of SIPC to respond promptly and usefully to these customers' financial plight is the well-documented failures by the SEC and FINRA, the regulatory overseers of BLMIS, to detect and end the Madoff fraud over a period of 25 or more years.

Given the colossal regulatory oversight failure and SIPC neglect in assessing broker-dealer firms at a level commensurate with the dramatic growth of the securities markets and the participating broker-dealer firms, it would be reasonable to expect that SIPC and the SEC would have made exceptional efforts to make a rapid and comprehensive response to the financial needs of the Madoff victims. That has not been the case. Quite the contrary, in fact, has occurred. SIPC has denied protection to over half the accounts at closing, in direct violation of the legal mandates of SIPA as currently in effect; provided full protection to only 25% of accounts; taken nearly two years to pay advances to the limited group deemed eligible; and threatened to claw back funds from roughly 1000 innocent customers.

So that my colleagues may judge for themselves the urgent need for this Congressional intervention, let me highlight key factors supporting this need for action.

The legislative record surrounding the enactments of the 1970 Act and the 1978 amendments is replete with statements from the legislative floor managers, active supporters, committee reports, the Treasury, the SEC, and securities industry spokespeople likening the intended SIPC protection to the bank customer protection offered by the FDIC. Likewise, the legislative history emphasizes protection of all innocent customers from brokerage failure, with particular mention of small, unsophisticated customers, and the need for prompt action by SIPC in payment of advances for relief of individuals, understandably devastated by the sudden loss of key financial assets.

Critically, Congress recognized the need for restoring investor confidence in the financial markets at a time when the financial industry was under tremendous duress and overwhelmed by the paperwork crunch caused by the processing of physical securities. Theft and misplacement of securities, failures of

trade executions, and insolvencies were commonplace. Amidst the backdrop of several popular Ponzi schemes and brokerage failures was SIPC born.

For the customer of a bankrupt broker-dealer firm to qualify for SIPC protection, it is necessary for the customer's account at closing to have a positive "net equity" determined by subtracting any outstanding obligation of the customer to the firm from the amount the firm "owed" the customer. For the forty years of SIPC's existence, it has been the standard practice in making that simple calculation to use the firm's most recent account statement to the customer, usually supported by trade confirmations, if any, relevant to the final statement's presentation of holdings and values. Not surprisingly, this is the outcome required by law. Under the legal regime governing the relationship between brokers and customers, it is indisputable that the broker owes the customer the amount reflected on the customer's account statement. Indeed, in a world where customers and, generally speaking, brokers do not hold physical securities, it could not be any other way.

Given the move away from the possession and trading ownership of actual securities to a "book entry" system based on the essential trust of validity of those account statements, no customer would, therefore, have any reason to believe they would not be protected based upon their account statements and confirmations. In the SIPC receivership for the Madoff firm, however, the practices have been inconsistent with the law and quite different and contrary to the repeated assertions of SIPC and its Trustee, never to the ultimate benefit of the innocent individual customer.

Rather than using the customer's final account statement—consistent with "reasonable expectations" of a customer—the SIPC Trustee has ignored the statutory requirement of SIPA and has devised a "cash-in/cash-out" formulation (CICO) to determine a customer's "net equity". To suggest that the Securities Investor Protection Act would have the effect of denying customers their legal right to rely on their account statement is counterintuitive. This formulation was developed from a position of hindsight once the Trustee, his lawyers, and forensic accountants were inside the Madoff firm and learned that no trades had been made by the firm for customers.

Even though customers had regularly received monthly account statements showing trades and holdings in "real securities" (often blue chips in the Dow 100) that were supported periodically by trade confirmations in those stocks, the Trustee declared that all transactions were "fictitious" and that statutory words such as "owed" and "positions" had no meaning. He further has asserted that in a Ponzi scheme the customer has no basis for "reasonable expectation"—a public utterance which will destroy the public's confidence in our securities markets at odds with SIPA's primary policy objective.

To execute the Trustee's CICO formulation it is necessary to examine every customer account over the entire term of the relationship (for many spanning 20 to 30 years) to sum up total deposits and total withdrawals (without providing any return on investment—even a standard rate). If deposits exceed withdrawals

the customer has a "net equity" and qualifies for SIPC protection under CICO. If withdrawals exceed deposits over the life of the relationship, the customer is declared ineligible for SIPC relief and may be targeted for "clawback" of the net withdrawals.

How, you may ask, could the Trustee ignore the SIPA definition of "net equity" and proceed to institute "clawback" actions? The answer lies in SIPA's incorporation by reference of provisions and powers under the Federal Bankruptcy Code. However, the Bankruptcy Code does not permit "clawbacks" of amounts paid by a broker to a customer to satisfy the broker's legal obligations to the customer—our securities system could not work any other way. Again, SIPC and the Trustee are disregarding the clear body of law to further harm the Madoff victims.

Let us now examine the results of this receivership to date to determine just how equitable its performance has been.

At closing, the approximately 4900 accounts of BLMIS that have filed claims for relief with SIPC had aggregate final statement values of roughly \$57 Billion. Of that 4900, well less than half of those accounts (2053) have been determined eligible for SIPA protection under the Trustee's CICO formulation. Only 1207 of those eligible accounts will receive full SIPA relief benefits—advance payment of \$500,000 and a priority status to the distribution of recovered "customer funds" up to the remaining balance of the CICO-approved claim. 846 of the approved claims will receive advance payments averaging \$200,000; and because the advances fully satisfy the CICO claim these accounts have no priority status with respect to customer funds. 2728 accounts receive no relief (advances or priority status) under SIPA.

These numbers, derived from SIPC responses to the House Financial Services Subcommittee on Capital Markets, portray an outcome distressingly out of step with Congress' intent for SIPA protection.

The overall record of performance in providing investment protection in this case is even worse. The bulk of advance payments to eligible accountholders were distributed in the last quarter of 2010, fully two years after the closing of BLMIS. There is absolutely no way to square that performance with the clear mandate in Section 9(a) of SIPA for "prompt payment" of advances—a mandate which recognized that most customers, victimized by bankruptcy of their broker-dealer, will be in dire need of urgent financial relief.

Now let us turn our attention to the "clawback" suits against innocent customers who over the course of their investment relationship withdrew what they rightly believed to be earnings for normal real life purposes—income to support retirement, payment of Federal, State, and local taxes, helping a child with a home purchase, assisting a grandchild with college costs etc.—only now to find the Trustee demanding a return of some of those disbursements.

What the Trustee now suggests as relief for all the Madoff victims, those who have received no SIPA financial protection (over half) and those receiving inadequate and dilatory relief, is the opportunity to file fraud claims against the "general" bankruptcy estate, when and if assets are assigned to it. For most of

the innocent customers, now in desperate financial condition and fraught with daily anxiety, such relief is temporally distant with challenging prospects for success. In a general bankruptcy proceeding these individuals, many of them aged, will be competing with claimants (financial institutions and the like) with far greater resources and top-line legal representation.

To his credit, the Trustee, with aid provided by the U.S. Attorney's office, has assembled some significant assets from parties complicit with the debtor. The innocent customers of Madoff should without question have the first and priority claim for relief in the distribution of those assets. That is the clear intent of SIPA in establishing claims to "customer funds" before assets move into the general bankruptcy estate. Had the Trustee, at the outset of this receivership, followed historic SIPC practices using customer final statements to determine "net equity", then all of these innocent customers would now be eligible for the distribution of "customer funds" under some equitable plan devised by the Trustee with the approval of the Bankruptcy Court. Moreover, they would be protected and assisted in their distress by full advances from the SIPC Fund, which has the resources to provide such relief.

Two additional matters need to be understood by my colleagues. Because the use of the CICO methodology reduced dramatically the number of customers qualifying for advances from the SIPC Fund (an entity funded by the broker-dealer community and expressly established for the early relief of customers), that Fund has benefited by a savings of over \$1 billion. To make this outcome more unacceptable, the failure to distribute those funds means that customer refund claims to the IRS for "theft losses" will be increased by some \$300 million. Thus the broker-dealer community's responsibility gets passed on to the American taxpayer.

The conduct of this receivership has been pitifully inadequate in fulfilling the protections of the Madoff victims contemplated by Congress in 1970 and 1978. The processes employed by the Trustee, from the standpoint of the typical customer, have been needlessly time consuming and remarkably expensive. In its most recent response to the Capital Markets Subcommittee, SIPC advises that the Trustee, his law firm, and other consultants have been paid some \$288 million over two years and contemplate billing for another \$1 billion over the next four years. All the while, many Madoff victims are scrambling to exist.

It is my earnest hope that an overwhelming majority of my colleagues will join me in supporting this legislation, which is so important, not only for the protection of many innocent investors, but also for encouraging investment going forward, which is critical to the economic renewal our country needs.

**BAD LANGUAGE: ENGLISH-ONLY
BILLS ONCE AGAIN ATTEMPT TO
PENALIZE IMMIGRANTS**

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to submit the following editorial:

BAD LANGUAGE: ENGLISH-ONLY BILLS ONCE AGAIN ATTEMPT TO PENALIZE IMMIGRANTS

[From the Brownsville Herald, Feb. 13, 2011]

Among the various bills offered in Washington and Austin are new efforts to force every US. resident to speak English.

U.S. Rep. Steve King, R-Iowa, has pledged to file an English-only bill in Congress. Similar bills have already been filed in the Texas Legislature.

State Rep. Dennis Bonnen, R-Angleton, has filed legislation to make English the official state language and require that all official business be conducted in that language. Rep. Tim Kleinschmidt, R-Lexington, has offered a bill mandating that driving tests be given only in English.

We doubt that such bills would pass constitutional muster. The First Amendment clearly states that "Congress shall make no law . . . abridging the freedom of speech. . . ." That should include laws limiting the language that people choose to speak.

The nativists who support such legislation forget this country's honorable history of accepting troubled refugees, such from Cuba in 1980, Indochina in the 1970s and various defectors from the Soviet bloc countries throughout the Cold War. It's unreasonable and cruel to accept these people, only to impose our oppressive rules on their behavior.

Language restrictions on driver's tests make little sense, especially in a border state like Texas. Many foreign nationals spend significant amounts of time in this state, whether on business or on vacation. Many of them drive on our streets when they're here. With trade pacts calling for greater access to shipments from other countries, we should encourage people to show proficiency and knowledge of our traffic laws; language restrictions will only discourage people from working to get those licenses.

The ability to conduct business in other languages should be evident to all state lawmakers. More than \$150 billion in goods are traded between Texas and Mexico each year alone. Greater investment and trade coming from Japan, China, and other countries should inspire officials to expand rather than restrict languages that are accepted for legal documents.

Language is not a major problem for this country. Many immigrants come here unable to speak English but, more than 80 percent of their children are fluent in the language. English is the primary language of some 94 percent of their grandchildren.

However, such bills send a clear message to people in other countries: We don't want you here. As America continues to fall behind other countries academically and is losing trade and commerce to other countries, we might be convincing some of the brightest minds to stay home, and benefit their home countries, not the U.S.

We trust majorities of lawmakers will see the folly in these bills.

**HONORING P. MICHAEL FREEMAN,
FIRE CHIEF OF LOS ANGELES
COUNTY**

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mrs. NAPOLITANO. Mr. Speaker, we rise today to honor P. Michael Freeman, our good friend and long time Fire Chief of Los Angeles County. Chief Freeman is retiring after 22 years of service as the Fire Chief and 47 years as a firefighter. His commitment to the Los Angeles community, dedication to his employees, and strong leadership of the department will be greatly missed.

Chief Freeman was born and raised in Los Angeles County. He moved to Dallas and had a 25-year career with the Dallas Fire Department eventually rising to the rank of Acting Fire Chief. During that time, he served our nation honorably in the Army Reserve. It was in 1989 that the Los Angeles County Board of Supervisors made the wise decision to bring Chief Freeman home and make him the eighth Fire Chief of Los Angeles County.

Chief Freeman has been one of the most respected and longest serving public servants in the history of Los Angeles County. He has steadfastly faced the many challenges that come with running a fire department in a county of 10.5 million people, 4,000 square miles, 88 cities, 70 miles of coastline, dense urban areas, towering mountain ranges and deep forests. He has effectively led the fire department through the annual wildfire seasons, overseeing and containing some of the worst wildfires in the history of California in 2003 and 2009. He coordinated the response with other government agencies to the Northridge earthquake and the many other earthquakes that have rocked Los Angeles over the years. He has expertly overseen the daily operations of the department in responding to the multitude of emergencies that arise in an urban environment.

Chief Freeman has improved the department's emergency response capabilities and has been a strong advocate for the department with the federal government. He has worked with Members of Congress to ensure the first responder community has access to the federal resources they need for fire prevention programs, emergency response equipment, and natural disaster preparedness training. He has organized and led the effort to implement a new Los Angeles Regional Interoperable Communications System (LA-RICS). This system will allow first responders throughout the county to communicate effectively on solutions to emergencies ranging from major disasters to day-to-day events.

Chief Freeman has volunteered in numerous roles with the federal government to lend his expertise to improving emergency response services across the nation. He served as chairman of the board of FIRESCOPE and as a member of the Federal Emergency Management Agency's National Urban Search and Rescue (USAR) Advisory Committee. In 2003, he was selected by Secretary Tom Ridge to serve as a member of the U.S. Department of Homeland Security's emergency responder

advisory committee. He also served as chairman of the International Association of Fire Chiefs Terrorism Task Force.

As the economy has weakened and the County has faced major budget challenges, Chief Freeman has done an outstanding job of maintaining the proper staffing, professional service and quick response times that our residents have come to expect. He has managed the many facets of the department well, from emergency medical services to hazardous materials response to the lifeguarding of our many beaches. He has strengthened the department's cooperation and coordination with regional, state and federal emergency response partners. Additionally, Chief Freeman has continuously worked to improve the diversity of the department by hiring more female and minority firefighters.

Chief Freeman implemented many important life safety response programs that are integral to the department's operations today. These include Urban Search and Rescue (USAR), the Canine Search Program, a 24-hour Health Hazardous Materials Division, and the Firehawk Helicopter Program.

Mr. Speaker, as Members of the Los Angeles County delegation, we would like to personally acknowledge and commend P. Michael Freeman for his dedication to the people of Los Angeles. He is a model of the brave, honorable and selfless public servant that is displayed every day by the men and women of the Los Angeles County Fire Department. We are privileged to have worked with Chief Freeman. We ask the House to join us in congratulating Chief Freeman on his many years of service and wish him much success in his future endeavors.

Members who signed: GRACE F. NAPOLITANO, KAREN BASS, HOWARD L. BERMAN, JANE HARMAN, HOWARD P. MCKEON, LAURA RICHARDSON, LUCILLE ROYBAL-ALLARD, ADAM B. SCHIFF, MAXINE WATERS, DAVID DREIER, XAVIER BECERRA, JUDY CHU, KEVIN MCCARTHY, GARY G. MILLER, DANA ROHRBACHER, LINDA T. SANCHEZ, BRAD SHERMAN, HENRY A. WAXMAN.

HONORING R.C. ALEXANDER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mrs. BLACKBURN. Mr. Speaker, business leader Peter Drucker believes, "whenever you see a successful business, someone once made a courageous decision." Mr. Speaker, I rise today to tell you of one successful businessman who lived Drucker's mantra. Born on a working farm in Williamson County, Alexander built an automotive empire in Middle Tennessee. Through humble beginnings to a sprinting end, R.C. Alexander spent his life developing a strong sense of business, family, and community.

Starting with nine employees and single gas station in Murfreesboro, TN, R.C. Alexander grew Alexander Automotive into 22 locations throughout Franklin, Columbia, Murfreesboro, Dickson, and Cookeville. Built upon the tenants of hard work, dedication to community,

and straightforward business models, Alexander Automotive maintained almost 1,000 employees at the time of R.C. Alexander's death. He led not only generations of his own family to excellence, but taught those in his influence of the straightforward business practices that brought him success.

Through service to his community, fidelity to his mission, and dedication to his family, Alexander leaves a behind a lasting tribute to his ideals. I ask my colleagues to join with me in celebrating the legacy of Mr. R.C. Alexander.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,129,889,690,377.50.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,491,463,944,083.70 since then.

This debt and its interest payments we are passing to our children and all future Americans.

TRAGEDY IN KHOJALY, AZERBAIJAN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. SHUSTER. Mr. Speaker, as the Co-Chairman of the House Azerbaijan Caucus, I rise today to bring attention to the tragedy that took place in Khojaly, Azerbaijan, a town and townspeople that were destroyed on February 26, 1992.

Sadly, today there is little attention or interest paid to the plight of Khojaly outside of Azerbaijan. However, one of our greatest strengths as elected officials is the opportunity to bring to light truths that are little known and command recognition. As a friend of Azerbaijan, I am proud to remind my colleagues that we must never forget the tragedy that took place at Khojaly.

At the time, the Khojaly tragedy was widely covered by the international media, including the Boston Globe, Washington Post, New York Times, Financial Times, and many other European and Russian news agencies.

Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the control of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians. With a population of approximately 7,000, Khojaly was one of the largest urban settlements of the Nagorno-Karabakh region of Azerbaijan.

According to Human Rights Watch and other international observers the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. Human Rights

Watch described the Khojaly Massacre as "the largest massacre to date in the conflict" over Nagorno-Karabakh. In a 1993 report, the watchdog group stated "there are no exact figures for the number of Azeri civilians killed because Karabakh Armenian forces gained control of the area after the massacre" and "while it is widely accepted that 200 Azeris were murdered, as many as 500–1,000 may have died."

Newsweek Magazine reported: "Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped."

Time Magazine stated "While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown."

Azerbaijan has been a strong strategic partner and friend of the United States. The tragedy of Khojaly was a crime against humanity and I urge my colleagues to join me in standing with Azerbaijanis as they commemorate this tragedy.

HONORING SYD BYKOFSKY

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DEUTCH. Mr. Speaker, I am honored to rise today to congratulate Syd Bykofsky on his 95th birthday. Born in New York City, Syd has dedicated his life to helping others, and to being a loud and commanding voice for workers' rights.

Syd began his political activism at the age of 14. When he was just 18 years old, Syd solidified his activism by advocating for a 40 hour work week and picketing on behalf of Laundry Workers, Taxi Drivers, and Millinery Workers, to ensure a better work environment for future generations. In his 20s, Syd joined the Workmen's Circle and served locally and nationally in many leadership positions. Since 1993, Syd has been an active member of the Workmen's Circle Florida Regional Board.

Syd continued his political and social activism and in 1965 he marched on Washington with Dr. Martin Luther King, Jr. Syd continued his fight for equal opportunity when he participated in the Selma to Montgomery March for Civil Rights; and, by demonstrating for Memphis Garbage Workers and Nurses in Atlanta, Georgia, Syd's contributions to workers rights expanded over the years.

Even though Syd maintained a busy schedule as a community activist, he always made

time to be involved in the life of his family. Having been the President of both the PTA and the Father's Club of his children's public school, he was a proud and dedicated father to his children. His commitment to his children and the community continued as he became the Vice President of the 61st Precinct Community Council Day Camp. Syd helped organize Marlboro Houses Day Camp, served on the local school board of District 21K in Brooklyn and assisted in opening John Dewey High School for Special Education.

Today, Syd continues to be a part of his family's lives not only with his grandchildren, but also with his great-grandchildren. Syd's activism is sustained by serving on the Executive Board of the Florida Alliance for Retired Americans and as the Director of Brittany C. Kings Point in Florida. This is a wonderful opportunity to honor Syd for his lifetime of activism, and I join his family and friends in congratulating him on this joyous occasion.

Congratulations to Syd and his entire family on his 95th birthday.

HONORING THE LIFE OF CAPTAIN GEORGE MASON WALKER

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. CRENSHAW. Mr. Speaker, Captain George Mason Walker, 82, of Fort McCoy, Florida died Saturday, January 22, 2011. A native of Jacksonville, he lived most of his life in Putnam and Marion Counties.

George M. Walker served his country in both the U.S. Navy during World War II and the U.S. Merchant Marines during peacetime and the Vietnam War. He also served for 15 years as a ship pilot in the Panama Canal.

Captain Walker was a member of First Baptist Church of Orange Springs, Florida. Before his health became frail, he twice weekly could be found walking the Right to Life Abortion Line in Ocala, Florida.

Captain Walker was a Mason, a Shriner and a member of the International Organization of Masters, Mates and Pilots Association.

I commend Captain George M. Walker for his patriotism to his country, devoted service to his church, impressive career history, and life of love and caring concern for his family and fellow man.

IN SUPPORT OF BASIC FREEDOMS AND HUMAN RIGHTS IN THAILAND

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. POE of Texas. Mr. Speaker, last November, the Helsinki Commission on Security and Cooperation in Europe extended an invitation to the former Prime Minister of Thailand Thaksin Shinawatra and a representative from the current Thai government to present testimony at a briefing on the alleged human rights violations that took place in Thailand back in

March 2010 at a legal demonstration resulting in the deaths of at least 80 Thai civilians and the imprisonment of at least 350 other civilians.

Unfortunately, this briefing was postponed until the new Congress convened and a new commission chairman was appointed. Now that the new Congress is here, I hope the Helsinki Commission will re-issue the invitations. I am personally traveling to Thailand next week with my colleague Congressman DANA ROHRBACHER from the House Committee on Foreign Affairs to look into the extent of the alleged human rights violations, including the detainment of over 350 demonstrators by the current Thai government.

It is our intention to meet with representatives from the Thai Government and with opposition leaders to study the current situation. But it is clear that in the wake of the worst violence in decades, the Thai Government needs to hold free and fair elections.

With the recent uprising in Egypt and other parts of the Middle East and Asia by individuals who demand their freedom, Congress needs to be clear that it stands for the basic freedoms and rights of people around the world.

RECOGNIZING U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT
SPECIAL AGENTS ZAPATA AND
AVILA

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, today, I rise to express my sincere condolences about a reprehensible attack on two U.S. Immigration and Customs Enforcement officers earlier this week in Mexico, while driving between Mexico City and Monterrey, Mexico.

I honor the sacrifice of Special Agent Jaime J. Zapata, who lost his life and Special Agent Victor Avila, who is continuing to recover from injuries sustained during the attack.

In 2006, Special Agent Zapata began his career with ICE in Laredo, Texas as part of the Human Smuggling and Trafficking Unit and as a member of the Border Enforcement Security Task Force. At the time of his death, he was detailed to ICE's Attaché office in Mexico City.

Special Agent Zapata began his tenure at the Department of Homeland Security as a U.S. Border Patrol Agent in Yuma, Arizona. Law enforcement and border security were early passions for this Brownsville, Texas native, as he graduated from the University of Texas at Brownsville in 2005 with a Bachelor of Science Degree in Criminal Justice.

I understand that his fellow agent, Special Agent Victor Avila, was injured in the attack and is now recovering in his home. My thoughts and prayers are with Special Agent Victor Avila, and I am hoping and praying for his healthy recovery.

These agents were two of the hundreds of ICE personnel around the globe. Every day, committed agents like Special Agents Zapata

and Avila collaborate with their foreign counterparts to dismantle criminal organizations that pose a border security and law enforcement threat to the United States.

Our Nation is fortunate to have the men and women of the U.S. Immigration and Customs Enforcement keeping us safe and secure. Their bravery and dedication serve as a fine example for all Americans.

I know the Department of Homeland Security and other law enforcement groups are working closely with the authorities in Mexico to ensure that the perpetrators of this attack are identified and brought to justice.

To the family of Special Agent Zapata as well as his ICE brothers and sisters, I offer my deepest sympathies. His sacrifice in service for our country and your family's enormous loss are not, and will not, be forgotten.

And to Special Agent Avila, I join with my colleagues at the Committee on Homeland Security, to express my sincere wish for a full recovery and appreciation for your service to our country.

INTRODUCING A RESOLUTION COM-
MEMORATING FORT LAUDER-
DALE, FLORIDA, ON ITS CENTEN-
NIAL ANNIVERSARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise to introduce a resolution commemorating Fort Lauderdale, Florida, on its centennial anniversary. The city was incorporated on March 27, 1911, but in fact Fort Lauderdale's history goes back much further.

Thousands of years ago the Glades Culture and Tequesta people settled in the area, although the modern history of the area began in the early 1800s with the Seminole Indian Tribe settlements. Conflict arose between the Native Americans and local white planters, leading to a series of wars over several decades. It was during the Second Seminole War, in the 1830s and 1840s, that Major William Lauderdale commanded a detachment of soldiers who built a fort along the New River, forever imprinting his name on the area.

In the late 19th and early 20th centuries, as regional investments in rail, water, and road transportation took off, trading posts and residential neighborhoods grew up in the area, until Fort Lauderdale became a city in 1911. Four years later the city became the seat in the newly-created Broward County.

By World War Two Fort Lauderdale had become a major resort town, shipping port, and military base, where pilots and submarines did battle with German U-boats off the coast of Florida. The postwar period saw Broward become the second largest county in the State, and turned Fort Lauderdale into a major metropolis, commercial hub, and tourist destination.

Today, Fort Lauderdale has over 180,000 residents and ten million annual visitors. Nearby Port Everglades is the third busiest cruise port in the United States, and the city is a global center for yachting, with over 100 mari-

nas and 42,000 yachts. The city's International Boat Show is the third largest in the world.

From pristine beaches and entertainment centers to its economic vitality and transportation network, Fort Lauderdale is a vibrant and livable destination city. The past hundred years have seen unprecedented growth and civic betterment, the outgrowth of suburbs and the rising of skyscrapers. I know that the next hundred years will mark great new achievements in urban development and economic prosperity. I offer my congratulations to the city and its residents on the occasion of Fort Lauderdale's centennial anniversary.

150TH ANNIVERSARY OF THE
START OF CIVIL WAR AND CON-
TRIBUTIONS OF AFRICAN AMERI-
CANS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing the 150th anniversary of the start of the Civil War and the contributions of African Americans in abolishing slavery.

The Association for the Study of African American Life and History, ASALH, selected "African Americans and the Civil War" as its 2011 National Black History theme to show appreciation for the successful efforts of free and enslaved African Americans, during the Civil War, to end slavery. ASALH has issued a statement, which I bring to the Floor:

In 1861, as the United States stood at the brink of Civil War, people of African descent, both enslaved and free persons, waited with a watchful eye. They understood that a war between the North and the South might bring about jubilee—the destruction of slavery and universal freedom. When the Confederacy fired upon Fort Sumter and war ensued, President Abraham Lincoln maintained that the paramount cause was to preserve the Union, not end slavery. Frederick Douglass, the most prominent black leader, opined that regardless of intentions, the war would bring an end to slavery, America's "peculiar institution."

Over the course of the war, the 4 million people of African descent in the United States proved Douglass right. Free and enslaved blacks rallied around the Union flag in the cause of freedom. From the cotton and tobacco fields of the South to the small towns and big cities of the North, nearly 200,000 joined the Grand Army of the Republic and took up arms to destroy the Confederacy. They served as recruiters, soldiers, nurses, and spies, and endured unequal treatment, massacres, and riots as they pursued their quest for freedom and equality. Their record of service speaks for itself, and Americans have never fully realized how their efforts saved the Union.

In honor of the efforts of people of African descent to destroy slavery and inaugurate universal freedom in the United States, the Association for the Study of African American Life and History has selected "African Americans and the Civil War" as the 2011 National Black

History Theme. We urge all Americans to study and reflect on the value of their contributions to the nation."

Mr. Speaker, I ask the House of Representatives to join me in recognizing the 150th Anniversary of the Civil War, and applauding African Americans for their work to abolish slavery and for their contributions toward the equalization among American races.

HONORING MARVIN MANNING

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DEUTCH. Mr. Speaker, I rise today in honor of my friend, Marvin Manning, for his 85th birthday. Born in Ohio, Marvin valiantly served his country during World War II in the United States Navy. Upon returning from his service, Marvin used the G.I. Bill to graduate from The Ohio State University.

In 1987, after serving for years as the Chief Financial Officer for a jewelry company, Marvin retired to South Florida. After the move, Marvin quickly became involved in politics and in the community. Marvin chaired the Dade County Community Coalition, was the Chief Community Advisor for Congressman Bill Lehman, and worked for Senator BILL NELSON's 1990 gubernatorial campaign.

In 1997, Marvin moved from Dade County into Florida's 19th Congressional district. Here, he continued his volunteerism where he has served as President of the Century Village Democratic Club, President of the Century of Boca Raton Umbrella Association, COBRUA, as President of the Yarmouth Association, was on the Half Penney Board, and serves on the Executive Board of the West Boca Community Council.

I, along with much of the South Florida community, am most grateful for Marvin's close work and relationships with our local elected officials. When Hurricane Wilma devastated South Florida, Marvin's hard work, along with the help of former Congressman Robert Wexler, Commissioner Burt Aaronson, and other local officials led to a speedy response which guaranteed that Century Village got the assistance it needed in the aftermath of the storm.

It has been an honor to count Marvin as a colleague, an advisor, and most of all a friend. I would like to congratulate Marvin and his family on his 85th birthday, and I look forward to many more years of working together with Marvin to better the South Florida community.

HONORING ZELPHA (ZEP) MONTGOMERY-WHATLEY THE BUILDER OF "MISS BERNICE'S HOUSE"

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Zelpha (Zep) Montgomery-Whatley, The Builder of "Miss Bernice's House." The Northside Haven Asso-

ciation, Inc., and Miss Bernice's House exist today, primarily because of two women—two Black women of Holmes County, Mississippi. One had great spiritual wisdom, strength and focus; the other, unwavering faith and a strong belief in the power and purpose of God. Their names: Mrs. Bernice Patton Montgomery-Johnson (Miss Bernice) and her elder daughter, Zelpha la'Marr Montgomery-Whatley, who is just called, Zep.

Zep caught her mother's dream to build a house—a great house for people who are sick, homeless, in need of housing and gentle personal care. Zep gave up her life's work of public service where she lived "up North" and having been accepted to the Peace Corps to work in West Africa.

Instead and as God would have it, Zep packed up and moved back home to Holmes County, Mississippi, breaking a long standing vow never to return to Mississippi again! She moved back home, she thought, to help her mother, Miss Bernice, to fulfill a dream to build "a house of help" for poor senior citizens of Holmes County and Mississippi. Miss Bernice convinced her daughter that "back home" was her "Peace Corps" and her "West Africa." Zep said, "Yes," to her mother and has since proclaimed that this is the best, most challenging and rewarding work God has ever assigned to her hands. Her boldness for the "street work" of God—"helping hurting people," is unmatched!

To know Zep Montgomery—to really know her, is to know that she rarely considers the word, "No" as a final answer to any unsolved problem. She says her daddy taught her to "just look for another way." She will push herself and she will push and pull others until "the way is found." This attitude is testimony to the mere existence of Miss Bernice's House—a Personal care/Assisted Living facility, Holmes County's first and only one. When she was told "No," by her local and State governments, she turned to Washington, D.C., and her Congressman. It was understood that "No" was not an answer, nor was it an option. The Federal government responded with an \$800,000 dollar, loan/grant package to build the house envisioned by her mother, who on the day of approval went home to be with the Lord!

Additionally, Zep knew when the mailman had trouble delivering the mail on the wet, muddy road where she lived, she put on her rubber boots and went to see the Holmes County Board of Supervisors. They said it couldn't be done; the road couldn't be built and probably wouldn't be built during the next 20 years! Within 2 years a new paved road was built, including two new concrete bridges for approximately \$500,000 dollars! Again, when the current water system could not accommodate Miss Bernice's House and her community, Zep requested assistance from the local water authority and was told, "No, it couldn't be done." Today, a \$550,000 dollar new water system has been installed for her community and Miss Bernice's House as a direct result of Zep's faith, her tenacity and her hard work.

Zelpha is a professional helper. She believes there is no greater reason for any human being to get up in the morning other than to help another human-being.

Zep proclaims, "I'm in business to help people."

LOWER MISSISSIPPI RIVER MAINTENANCE

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. ALEXANDER. Mr. Speaker, I rise today to address a matter of vital importance to our Nation's business and economic recovery. I am extremely concerned about recent actions by the Army Corps of Engineers and its failure to maintain the Lower Mississippi River deep draft navigation channel. Approximately 60 percent of all U.S. grain exports are shipped from the Mississippi River, and 25 percent of all large commercial bulk ships that arrive in the U.S. come through the mouth of the Mississippi River. U.S. Customs and Border Protection estimates that the river system facilitates between \$85 billion and \$104 billion annually in foreign trade through its district on the Lower Mississippi River. Without immediate maintenance dredging of that channel, domestic transportation costs will significantly increase for a wide range of U.S. products and goods, and many businesses will be placed at a competitive disadvantage for participation in the Nation's export trade.

At this time, the Corps is not meeting navigation channel maintenance requirements, and as a result, the width and depth of the channel has been reduced because of silting in the lower stretches of the river. The maritime transportation capabilities of the waterway are deteriorating rapidly, and river pilots now have imposed operating restrictions on commercial vessels transiting the mouth of the Mississippi River, restrictions that will significantly add costs and delays in the export of American products to international markets. Therefore, I urge the Corps of Engineers to maintain the Lower Mississippi River deep draft navigation channel at a depth and width that will not inhibit transportation on this vital waterway.

LOWER MISSISSIPPI RIVER MAINTENANCE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to address concerns that many of my colleagues have expressed to me regarding maintenance to the Lower Mississippi River deep draft navigation channel. As the Chairman of the House Energy and Water Development Appropriations Subcommittee, I am well aware of the economic benefits provided by the Mississippi River system that connects approximately 30 States in our Nation's heartland with international markets. Accordingly, the Subcommittee works hard to ensure that the Lower Mississippi River deep draft navigation channel is maintained by the Corps to

meet export and import trade and other domestic transportation needs.

As Congress considers the Continuing Resolution for the remainder of Fiscal Year 2011, I want to assure my colleagues that I have provided sufficient flexibility within the \$2,361,000,000 in the operation and maintenance account for the Corps to maintain the Lower Mississippi River deep draft navigation channel to adequately meet our transportation needs. It is our intent that the Corps recognizes the economic importance of navigation on the Lower Mississippi River when allocating these funds.

HONORING BESSIE BAKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Bessie Baker. Could you honestly say that "My house is your house?" Could you honestly say that "I will help you when you need me?" Are you willing to "be there when your neighbor needs you?" Are you willing to "set aside your time to do for others in any situation?" Are you willing to "feed a stranger?"

At the young age of 50, Bessie L. Baker has 3 adult children and 2 teenage children. She continues to make silent sacrifices for others within the community by being reliable, caring, and passionate about those in need. She is always willing to put one foot in front of the other, despite personal struggles and situations that we all face day-to-day. Bessie continues to be involved not only within her family's lives, but also in the lives of others. She is the epitome of selflessness in society as a whole not just today, but everyday.

IN REMEMBRANCE OF CLARENCE HARPER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Clarence Dominic Harper and in honor of his commitment to family, community, and country.

Clarence spent his entire life devoted to his community. In 1930 he was born in Richfield, Ohio, where he would remain and serve for the rest of his life. He left a profound mark on those with whom he lived. The denizens of Richfield will remember Clarence fondly due to his constant support and devotion to the community. Clarence had a great admiration for the natural beauty of Ohio. In fact, during his life he became a self-taught expert on animals native to Northeast Ohio.

Clarence also possessed a strong, vital love for his country. In fact, this Nation will forever be in debt to the years he devoted to serving his Nation during the Korean War.

Most importantly, Clarence was a family man. He spent 55 years of his life with his lov-

ing wife Helene. He was an active role model for his children, Stacy, Gregory, and Mary, for whom he was always a loving and caring father.

Mr. Speaker and colleagues, please join me in remembering Clarence Dominic Harper whose legacy of commitment towards community, country and family is an inspiration. I extend my sincere condolences to his wife, his three children and three grandchildren.

HONORING MARY FRANCES MOORE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the long and distinguished life of Ms. Mary Frances Moore.

For more than twenty years she spent numerous hours campaigning for the person she thought was the best candidate for political position. Whether it was going door to door collecting absentee ballots or campaign at the polls, she was always there. She campaigned for offices of President, Representatives, Supervisors, Mayors and numerous others. If there is ever a political rally, you can count on her to be there.

She represents the many voices, faces and ideas that we may never hear, see, or even understand. She knows what is most beneficial for our town, state and country. She takes her political experience and uses it in a positive manner and that is to provide our citizens the opportunity to be heard by a ballot cast.

To know her is to love her and to be on the opposing side, well, you are in trouble.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Mary Frances Moore for her role in the political arena.

IN RECOGNITION OF THE ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Cleveland Chapter of the Lithuanian American Community's commemoration of the anniversary of the restoration of Lithuania's independence, and the re-establishment of their independence.

On February 16, 1918, the people of Lithuania declared their independence to the world as a distinct country of its own culture and traditions. The state was founded on democratic principles and declared its independence in a peaceful manner. However, Lithuania's freedom was short-lived, as the country and its people were subjected to foreign occupation and conquest by the Nazi Germany regime and the U.S.S.R. during World War II. In 1940, the Soviet Union took control of Lithuania, without the people's consent. This unjust control of a free people

lasted for 50 years. On March 11, 1990, upon the fall of the Soviet Union, the people of Lithuania re-established their independence, and once again, became a sovereign, free state.

The Lithuanian-American Community's Cleveland Chapter has worked to connect the people of Cleveland of Lithuanian descent and to share their rich and vibrant culture with the community. I offer my best wishes for the upcoming celebration of their heritage and their independence.

Mr. Speaker and colleagues, please join me in commemorating the independence of Lithuania and, in wishing the country and its people continued freedom and success.

HONORING MRS. ODA LUE SANDERS GILMORE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the long and distinguished life of Mrs. Oda Lue Sanders Gilmore. Mrs. Oda Lue Sanders Gilmore was born in 1914 in Leake County to Velmon and Maggie Crouther Sanders. Being the eldest of three children, her parents instilled in her the importance of education and having family values, in which she carried and followed throughout her life. She built her life on being a role model to her students by never meeting a stranger and always having an open door to assist anyone. Her motto was "Always walk like you have a purpose in life."

Mrs. Gilmore received her junior high and high school education at Mary Holmes Seminary for Girls in West Point, MS and continued her education at Jackson State College, now Jackson State University, where she received her B.S. in elementary education. Mrs. Gilmore began her teaching career in the rural school system of Leake County, teaching in Tribulation, Pilgrim Rest, Wesley Chapel, and O.E. Jordan Elementary Schools. After teaching the students of Leake County Schools for 46 years, she finally retired in 1978 from Carthage Elementary School. Mrs. Oda married Hollis "Lanky" Gilmore in 1935, in which she joined Wesley Chapel UMC, where she remains a faithful member to date. She has served in many capacities within the church, including secretary, treasurer, nominating committee and Sunday School Teacher. In the United Methodist Women, she has served in various offices, such as President, Vice-President, Treasurer, and secretary on the local, sub-district, and district levels. Mrs. Gilmore served as a delegate to the Mississippi Methodist Conference and, later the Mississippi United Methodist Conference, for over 40 years.

She has also attended national and jurisdictional United Methodist Women conferences in Cincinnati, OH; Raleigh, NC; Philadelphia, PA; and Kansas City, Missouri. Throughout the years, she has received distinguished awards and accolades from various associations and organizations, with the most recent being a 96th birthday card from President Barack and First Lady Michelle Obama.

VETO ANTI-ISRAEL UNITED NATIONS SECURITY COUNCIL RESOLUTION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. ANDREWS. Mr. Speaker, I rise today to call on the Administration to stand with Israel and veto the proposed anti-Israel United Nations Security Council resolution. Any compromise in our support for the State of Israel would be detrimental to efforts to bring peace and prosperity to the Middle East. The United States should veto any resolution that endangers our allies in the region and threatens the future of the peace process. We must stand with Israel and veto this resolution in the United Nations Security Council.

CONGRATULATING KIRK WHALUM FOR RECEIVING THE 2011 GRAMMY AWARD FOR BEST GOSPEL SONG

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. COHEN. Mr. Speaker, I rise today to congratulate jazz saxophonist Kirk Whalum for receiving the 2011 Grammy Award from The Recording Academy for Best Gospel Song. The award winning song, "It's What I Do," is from his album, *The Gospel According to Jazz Chapter III*. Kirk Whalum, a Memphian, is the son of the late Reverend Kenneth Whalum, Sr., and Dr. Rosie Whalum. The Whalum family is known for their musical, spiritual and community involvement in the Memphis area. In addition to receiving the Grammy Award, Mr. Whalum was named the President and Chief Financial Officer of the Memphis-based Soulsville Foundation in April of 2010.

Mr. Whalum has been part of the music community for many years, and it is great to see him be recognized for his tremendous talents. Over the years, he has received multiple Grammy nominations and has won many other awards. He has received two Dove Award nominations, a NAACP Image Awards nomination and has won two Stellar Awards. In addition to his awards, Mr. Whalum has worked with impressive musical artists including Barbara Streisand, Al Jarreau, Luther Vandross, Larry Carlton, Quincy Jones and Whitney Houston.

Kirk Whalum and the Whalum family are no strangers when it comes to community service and musical talent. His father was a prominent minister at Memphis's Olivet Baptist Church and also served two terms on the Memphis City Council. Kirk Whalum's brother, Reverend Kenneth Whalum, Jr., took over their father's post at the Memphis church and is also the father of recognized saxophonist, Kenneth T. Whalum III. Kevin Whalum, the third Whalum brother, is known for his talents as a jazz vocalist. Kirk Whalum's uncle, Hugh "Peanuts" Whalum, is a recognized singer, composer and multi-instrumentalist.

Kirk Whalum is a true ambassador of the city of Memphis. He is doing great things with his new post at the Soulsville Foundation, which oversees the Stax Museum of American Soul Music, the Stax Music Academy and The Soulsville Charter School. Through the Soulsville Foundation, he is able to further enrich the musical talents of the youth in Memphis and serve as a mentor to budding musicians. His dedication to music and musical talent has led him to receive not only many awards but has earned him much deserved accolades from the music community. Mister Speaker, I ask the House to join me in congratulating Kirk Whalum for receiving the 2011 Grammy Award for Best Gospel Song.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent on February 16, 2011. If I were present, I would have voted for the following: Lummis (WY) amendment (No. 193)—rollcall No. 61: no; Moran (VA) amendment (No. 338)—rollcall No. 62: no; Flake (AZ) amendment (No. 376)—rollcall No. 63: no; Pompeo (KS) amendment (No. 376)—rollcall No. 64: no; Reed (NY) amendment (No. 379)—rollcall No. 65: no.

HONORING ROBERT "BOB" WOODSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, Robert "Bob" Woodson, the eighth of nine children, was born in Carroll County, Mississippi, to the late Mamie Dixon Woodson and John Woodson.

During his infant years, Bob's family relocated to Yazoo County, Mississippi. His dad being a sharecropper, Bob was raised on a plantation.

Bob attended a one-room country school from first through eighth grade, then was bused more than 70 miles, one way, to attend high school in Yazoo City. Although a high school was closer to where he lived, busing was used to maintain segregation. After graduating from high school in 1956, Bob was ordered to report for induction into the United States Armed Forces. However, being the only son at home to assist his dad with farming, the plantation owner was able to secure a permanent deferment.

Because of Bob's father's failing health, the family gave up farming to relocate to Jackson in the late 50's. Migrating from an agricultural to an industrial society, his first work experience was a carpenter's helper. Being impatient and discontent, Bob shortly thereafter obtained a job with Swift & Company, where he got his first exposure to the labor movement when he joined the Amalgamated Meat Cutters and Butcher Workers, AFL-CIO.

Because of seasonal work, in July 1959, Bob became employed at Mississippi Products, a furniture manufacture facility, as a finish sprayer. At the time of employment, the United Brotherhood of Carpenters and Joiners (UBCJ of A) of the AFL-CIO was in its initial stages of trying to implement a union organizing campaign. Due to the vicious anti-union climate, Bob became quietly involved trying to convince his fellow workers of the advantages of labor unions.

After 3 years of much agony and frustration to overcome racial hatred promoted by company management, and then Mississippi's Governor Ross Barnett and the entire business community to keep the work force divided; finally in 1963, the United Brotherhood of Carpenters and Joiners of America won an election at Mississippi Products and was certified as bargaining agent for the plant by the National Labor Relations Board, NLRB.

After negotiating a contract, workers were afraid to become union members. Due to the lack of participation within the union by employees, in September of 1965, Bob became employed full-time for the Union for the sole purpose of recruiting workers to become union members. During the first year of his activity, door to door soliciting increased the membership from 20 percent to over 60 percent. For the next 17 years, Bob held the combined positions of vice-president and business agent; and president and business agent of the Local Union. This was the beginning of many firsts for Bob Woodson.

In 1966, Bob was the first black elected to the executive board of the Mississippi AFL-CIO. He participated in civil rights marches, "not out front," but concentrating more on voter registration.

In 1968, Bob was a "Loyalist" delegate to the Democratic National Convention. In 1972, Bob organized the Mississippi A. Philip Randolph Institute, and was named chairman. In 1974, Bob was a delegate to the Historical National Democratic Charter Convention in Kansas City, Kansas. In 1975, Bob was the first black named to the "Regular" Hinds County Democratic Executive Committee. In May 1983, Bob continued his services as an International Representative traveling many thousands of miles on job assignments in several states, including: DC, Georgia, Tennessee, Florida, Arkansas, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Virginia, Maryland, Illinois, New Jersey and Pennsylvania.

During Bob's career of more than 30 years as a full-time Union Representative, he received many hours of specialized academic training provided by the National Labor Relations Board in the George Meany Center for Labor Studies, in the area of contract negotiations, grievance and arbitrations, handling unfair labor practice proceedings and many other labor management relations.

Some of Bob's experiences include: Head Negotiator, Administrator, Fiscal Officer, Labor Management Specialist, OIC Board Chairman, Director of Minority Affairs of Mississippi AFL-CIO for 12 years, president of Mississippi A. Philip Randolph Institute 1972-1979 Program and Evaluation Committee for Jackson Manpower Planning Council, and the list goes on.

Bob was very active and influential in many political campaigns; and has received certificates of appreciation and recognition and several awards for his outstanding services, leadership and contributions to help improve working conditions for all people.

Bob retired in May 1996, as a full-time Union Representative, after more than 30 years of service.

CONGRATULATING MYASIA BURNS
AND CHARLES ORGBON III

HON. ROB WOODALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. WOODALL. Mr. Speaker, I proudly submit this statement congratulating two young people from my district, Miss Myasia Burns and Mr. Charles Orgbon III, who were recently chosen as being among the top youth volunteers in the State of Georgia for 2011 in the 16th annual Prudential Spirit of Community Awards Program.

The Prudential Spirit of Community Program is an annual honor conferred on the most impressive volunteers in each State and the District of Columbia.

Miss Burns, age 17, of Monroe, Georgia, was nominated by her school, Monroe Area High School, for her work in raising more than \$16,000 for the American Cancer Society through the "Team Burns Charitable Foundation," an organization started in memory of Miss Burns' father.

Mr. Orgbon, age 15, of Dacula, Georgia, was nominated by Mill Creek High School for founding "Greening Forward," a national environmental awareness campaign, which he started in 2008.

Both of these individuals possess a servant's heart and a leader's mind. Ms. Burns and Mr. Orgbon should be proud to have been singled out from close to 29,000 volunteers who participated in this year's program. They are not only making a positive impact on our communities, but they are setting the standard for their peers and for future generations of young Americans.

HONORING PATRICK RINEY, SR.

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Patrick Riney, Sr. and to mourn upon his passing at the age of 73.

Born on April 9, 1937, Patrick Riney, Sr. was a man dedicated to his family, his community and his country. He admirably served as a defender of this great nation as a member of the United States Navy.

Regrettably, on February 14, 2011, Patrick Riney, Sr. passed from this earthly world to his eternal reward. He leaves to celebrate his life his beloved wife of more than 48 years, Patricia. Patrick is survived by his children

Patrick, Jr., Shaun, Kelly and Kevin and also leaves the legacy of 12 grandchildren. As he departs this life to join his brothers, the late Raymond and the late Tom in eternity, Patrick Riney, Sr. will be deeply missed by his treasured sister Joan. A benevolent and honorable man, Patrick leaves a lasting imprint on the lives he has touched.

Mr. Speaker, Patrick Riney, Sr. is remembered as a compassionate father, a dedicated husband, an author, a soldier and a friend. Patrick was a man who deeply treasured his family, friends, community and his country. Today, as we bid Patrick Riney, Sr. farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering commitment to his family and his legendary service to our country and community.

HONORING MERDIS ANDERSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, Mrs. Merdis Anderson is a native of Amite County, Gloster, Mississippi, where she was reared by her maternal Grandmother, the late Mrs. Mary B. Spears. She is the devoted and caring wife of Mr. Samuel Charlie Anderson of Lexington, Mississippi, and the proud mother of 2 sons, Shawn Christopher Anderson and Kevin Keith Anderson. She is also the proud grandmother of 6 grandchildren. She is a member of Lebanon Missionary Baptist Church under the Pastorship of Reverend Walter Eskridge Jr., where she serves as Usher Board Leader.

Upon graduating from Amite County Training School in Gloster, Mississippi, Mrs. Anderson attended Mississippi Valley State College, presently, Mississippi Valley State University, where she majored in Social Science with emphasis on Sociology.

After graduating from Mississippi Valley State College in 1970, she worked in the public schools of Amite County for one semester and one summer, where she taught Social Studies and English. In August of 1971, she moved to Detroit, Michigan and worked as a secretary/typist for Ford Motor Company.

Realizing that her calling was to teach, mold, and shape the minds of boys and girls to new heights in the field of education, Mrs. Anderson moved back to Mississippi in June of 1974, and was employed with the Holmes County School District as a full time teacher in September of 1975, at Mileston Elementary School. At Mileston Elementary School, she worked and served in numerous capacities for 15 years before being transferred to Lexington Elementary School, where she taught first grade, fourth grade, and in 1999, she became Lead Teacher where she dedicated her services until October of 2004 after which she left to work at the Holmes County Vocational-Technical Center.

Mrs. Anderson is presently employed at the Holmes County Vocational Technical Center, where she works diligently with the Staff Development Activities, serves as the Student Incentive Chairperson, Character Education

Chairperson, Monthly Bulletin Board Chairperson, Black History Month Activities Chairperson, and Public Relations Coordinator for the center.

Realizing that she could do more to help the boys and girls in Holmes County reach new heights in education and become productive citizens in a global society, she was instrumental in being hired in 2009 by the aggressive, Mrs. Beulah Greer, Director of the Community Learning Center, and Mr. Leslie Greer, CEO of the center, as an English teacher, to work with students in the Summer Camp Program, where learning takes place on a daily basis. Mrs. Anderson sees the Summer Camp Program as a program where the teachers instill in students that, they are somebody, they have a sense of pride, and they can become critical and logical thinkers as they grow into adulthood, facing the challenges that await them in a world of uncertainty. She has worked as a volunteer with the center for almost 2 years.

Mrs. Anderson has taught boys and girls for almost 38 years in the field of education, not for the money that the job brings, but because teaching has given her rewards that cannot be calculated on an adding machine, nor deposited in a bank, but it gives her tangible awards, such as the countenance on a child's face that has learned under her guidance, a pat on the shoulder, and the knowledge of knowing that those vibrant children are enjoying themselves and learning because of her efforts and carefully daily planning.

Her philosophy of teaching is that it takes a special group of people with special skills and dedication to focus on the strengths of children and not their weaknesses. She is a firm believer that all children can learn regardless of their background, and socio-economic status, whether it be by visual, auditory, kinesthetic, tactile, or some other means.

To her family, community and friends, she gives thanks for believing in her, understanding her, and encouraging her in her endeavors as an educator.

"To God be the glory for all that He has done."

NORTHERN NIGHTHAWKS RULE
NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. COBLE. Mr. Speaker, there is an old saying that the "third time's the charm," and that can be applied to Northern Guilford High School, located in the Sixth District of North Carolina, for winning our state's 3-AA State Football Championship in only its third year of existence. The Northern Nighthawks celebrated their first state title when their opponent, Boling Springs Crest, missed a game-tying extra point with 15 seconds remaining, allowing Northern Guilford to escape with a thrilling 21-20 victory.

Northern Guilford survived two second-half goal line stands to capture the state crown. "It was like something you see in a movie," Nighthawks senior quarterback Rocco

Scarfone told the (Greensboro) News & Record. "They could make a movie off this game. It was just surreal how it happened. I couldn't believe it."

One reason it all happened, Mr. Speaker, was the dedication of all involved in the football program and that included the fans and the band. The Northern Nighthawks made it difficult for any team to defeat them this season, thanks in large part to the more than 3,000 fans who packed in to see every home game this past season on the way to a 14-2 record. Many also traveled to distant away games. The team band was also an important part of their championship season, and was affectionately known as the 12th man. Nighthawk Nation followed their team throughout the playoff run, often traveling more than an hour to get to each game.

The Nighthawks were lead by captains Maurice Harris, Alan Hart, Rocco Scarfone, and Stephen Machanic. Along with their teammates Tre' Purcell, Mohamed Khellah, Austin Hoke, Daniel Downing, TJ Logan, Justin Wallace, Nick Jones, Mark Mitchell, Shaheen Lashani, Shaquille Fields, Max Heavner, Burney Sindab, Scooter Mooney, Chris Ripberger, Austin Cooper, Robert Willcox, Rory Bergen, Kyle Wilhelm, Bernard Sindab, TJ Ruff, Austin Coltrane, Alex Hasler, Trevon Cooper, Earl Smith, Wade William Churchill, Jordan Williams, Trevor McKee, Austin Simmons, Ryan Johnston, Bob Hicks, Drew Milot, Max Klietsch, Colin Bearisto, Kamen Smith, Chris Forlano, Sam Parker, Jacob Roberts, Eric Hayes, Brian Iddings, Garrison O'Bryant, Taylor Rumley, Carlos Williams, Josh Moore and Kris Gafford.

Of course, Northern Guilford could not have achieved its state championship without an outstanding coaching staff led by Head Coach Johnny Roscoe and his assistant coaches Brian Thomas, Todd Sharp, Richard Burton, JR Troutman, Ben Hepler, Dovonte Edwards, Chris Shaffer, Justin Davis, and Justin Ollis. Others who were also instrumental in the championship included Jane Roscoe (Mrs. Coach), Kirstin Shepperson (Team Physician), Jan Wyrick (Women's Order Director), Team Managers Chelsea Ray, Taylor Phillips, Sydney Monroe, and Mercedes Wigglesworth, along with film editor Jenna Livingston. Male Manager Perry Johnson and Ball Boy Britt Thomas also contributed to the title.

Congratulations are also warranted for all of those who supported the football program at Northern Guilford High School. Principal Will Laine, Assistant Principals Doug Foutty, Angela Graves and Kris Vecchione, and Athletic Director Brian Thomas all can take pride in the state title.

Again on behalf of the citizens of the Sixth District of North Carolina, we congratulate Northern Guilford High School football team, along with the faculty, staff and excellent fans for their championship season. This team will be remembered for many years as football fans will say, "remember when the Northern Nighthawks made the saying 'the third time's the charm' come true."

EXPLANATION OF ABSENCE FOR OFFICIAL TRAVEL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Ms. McCOLLUM. Mr. Speaker, as a result of the official U.S. House calendar indicating that last votes for today would conclude at 3 p.m. I committed to travel to Sana'a, Yemen at the invitation of the National Defense University's Near East South Asia Center for Strategic Studies to address a conference of senior officials of the Government of Yemen on the subject of establishing a national security strategy. The Department of Defense is paying for my travel to this official event. I have attached the letter of invitation for inclusion in the CONGRESSIONAL RECORD.

My absence means I will not be present to vote on H.R. 1, the continuing resolution that will fund the federal government through September 30, 2011. My opposition to H.R. 1 has been very public and it was my intention to vote against the harmful and ill advised bill that hurts communities, families, and puts America's most vulnerable at even greater risk.

With regard to my amendment to H.R. 1 to prohibit Department of Defense sponsorship of NASCAR, I would have voted in favor.

NATIONAL DEFENSE UNIVERSITY,
NEAR EAST SOUTH ASIA CENTER
FOR STRATEGIC STUDIES,

Washington, DC, January 25, 2010.

HON. BETTY McCOLLUM,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN McCOLLUM: Following up on our fruitful conversation the other day, I would like to invite you to participate as a speaker at a Near East South Asia (NESA) Center for Strategic Studies sponsored National Security Seminar to be held in Sana'a, Yemen on Saturday February 19, 2011.

The seminar will bring together up to 800 Yemeni officials, from ministries of the Yemeni government. In addition, members of the Yemeni parliament will attend and you will be introduced by a senior parliamentarian. Military students from the Military High Academy, a Yemeni version of our National Defense University will also attend. The purpose of the Seminar is to help build strategic capacity on a whole of government basis within the Yemeni government.

As we discussed, I would ask that you participate in a session on bilateral Yemen-U.S. relations. This session will follow remarks by U.S. Ambassador Gerald Feierstein. The Yemeni Bi-Lateral speaker is Dr. Hussein Al-Amri who is a former Yemeni Ambassador to the United Kingdom (1994-2001), a current member of the Shura Council since 2001 and a Professor of modern and contemporary history at Sana'a University. You will have approximately 15 minutes for remarks.

DoD regulation permits us to offer you coach fare air travel, per diem and lodging. The NESA Center contact for support is my Executive Assistant, Ms. Kelly Cure at (202) 685-4127 or curek@ndu.edu.

Your knowledge and insights as a member of Congress and your interest in Yemen will add great value to this important event. I

thank you for your willingness to participate.

Sincerely,

AMBASSADOR JAMES A. LAROCO,
Director, NESA Center.

HONORING WILLIE STEEN BATTLE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Willie Steen Battle. Ms. Battle, born April 17, 1945 to the late Thomas and Virginia Ellis in Flora, Mississippi graduated from East Flora High School in 1964 and furthered her education with an Associate Degree from Hinds Community College.

She is an active member of Fearn's Chapel Free Will Baptist Church where she serves on the Mother Board. She is President of Flora Community for Progress where she volunteers her time with organizing food drives to give baskets to the elderly and disabled during the holidays. She also assists with giving benefit programs to people in the community whose homes have been destroyed by fire. Willie Steen is the mother of three: Tony, Erik and Michael.

HONORING FLORA BUSH STIGLER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the long and distinguished life of Mrs. Flora Bush Stigler. Born June 28, 1935, in Carroll County, Mississippi she was the 9th of 10 children born to the late Charlie and Susie Bush. She attended Ware school in Carroll County and Knox High School in Winona, MS. Upon completing her studies she received a music scholarship in choir from Rust College in Holly Springs, Mississippi. While at Rust College, she majored in education, with a concentration in history. She also did further studies at Mississippi State University. She taught one year in Pelahatchie, MS and twenty-nine years at J. Z. George High School. She retired in 1986. While at J. Z. George, she taught 7th grade history and later taught 11 grade history. Of course, she was known for her no-nonsense atmosphere in the classroom. She carefully cultivated her students' natural abilities while demanding and commanding discipline. She ensured and assured each child that education is and would be the key to success. She retired from education after 30 years of service.

As a member of Helm Chapel Church, she serves diligently as Director of Christian Education and Music Director for both the adult and the youth choir. She also served many years as director of Prater Day Care Center of Helm Chapel CME Church, the first day care center in our area.

In April 2008, she received her Golden Degree from Rust College. She is politically active, serving as County Coordinator for Congressman BENNIE G. THOMPSON, and treasurer of the Carroll County Voters' League. Currently at age 75, she is still working with people in the community by way of managing a state program known as "Meals on Wheels" for seven counties, (Attala, Carroll, Grenada, Holmes, Leflore, Montgomery and Yalobusha) through North Central Planning and Development District.

She is the mother of three daughters, a grandmother of 6, a great grandmother of 7 and a person who never meets a stranger. Today, as in past years, she is known for her community service. She is an "active" and vocal member of the PTO at J. Z. George High School.

RECOGNIZING H. DOUGLAS
CHAFFIN AS THE MICHIGAN
BANKERS ASSOCIATION 2011
BANKER OF THE YEAR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DINGELL. Mr. Speaker, I rise today to recognize H. Douglas Chaffin's being named the Michigan Bankers Association (MBA) 2011 Banker of the Year. Doug serves as the President and CEO of Monroe Bank and Trust (MBT), a locally owned and operated community bank headquartered in Monroe, Michigan. He has been with Monroe Bank and Trust since 2001 and assumed the role of CEO in 2004.

Doug has guided Monroe Bank and Trust with a steady hand through the turmoil of the current recession. In a time of great uncertainty and anxiety, he has led the bank with dignity and grace. Due to his keen instincts, high character and responsible management, Monroe Bank and Trust not only has weathered the financial maelstrom but, unlike its national counterparts, continued without interruption to lend to a community in dire need. Doug's vast knowledge of the financial industry and sage counsel have helped inform me for years, and his expert testimony to the House Subcommittee on Oversight and Investigations of the Committee on Financial Services in November 2009 helped bring a community bank's valuable perspective to the financial regulatory reform debate.

Doug's role in the community extends far beyond the walls of his bank. He is a community leader in every sense. Doug has served as the past chairman of the Michigan Bankers Association. He also serves on the board of directors for the Monroe County Industrial Development Corporation, City of Monroe Downtown Development Authority, The Foundation at Monroe County Community College, and Mercy Memorial Hospital System.

Mr. Speaker, Doug Chaffin has served his bank and his community with distinction and honor. I ask that my colleagues join me in congratulating him on this well deserved recognition.

RECOGNIZING "AMERICAN HEART
MONTH"

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to bring awareness of the increase in cardiovascular diseases in the United States. Since 1963, to urge Americans to join the battle against these diseases, Congress has requested that the President issue an annual proclamation designating February as "American Heart Month." Throughout this month, volunteers, educators, health professionals, community leaders and others will devote time to increase awareness about the number one killer of Americans: Cardiovascular disease. Since 1900 cardiovascular disease has accounted for more deaths than any other major cause of death in the U.S., 1 out of every 3. Every 25 seconds someone has a coronary event and every 40 seconds someone has a stroke. According to the American Heart Association Heart Disease and Stroke Statistics 2010 Update, the estimated direct and indirect costs of CVD for 2010 totaled \$503.2 billion.

Heart disease impacts all ethnic groups, men and women, young and old. Strokes occur more often in women and twice as often in African Americans. Just reported this month at the American Stroke Association conference were statistics showing a 51% increase in strokes in 15-34 year old men and a 17% increase in 15-34 year old women. The average age of a person having a first heart attack is 64.5 for men and 70.3 for women. As overweight and obesity—believed to be the major reasons for these alarming statistics—become more prevalent in our society, the risk of CVD and stroke begins to occur at younger ages.

There are 9 modifiable risk factors for heart disease, 5 of which are related to diet. These include hypertension, abnormal blood lipids, abdominal obesity, diabetes, decreased intake of fruits and vegetables and overconsumption of alcoholic beverages. All of these risk factors could be controlled with healthy eating habits and an active lifestyle.

I am pleased to have the headquarters for the American Dietetic Association (ADA) in my Congressional District. The ADA is the foremost authority in providing nutrition counseling throughout the country. In fact, the more than 71,000 registered dietitians and nutrition professionals who are members support the 'eat right' campaign targeted toward all Americans—young and old. The work that they are doing is making a difference in the fight against heart disease and stroke and is improving the health of our citizens.

Having Medical Nutrition Therapy (MNT) covered by Medicare for beneficiaries diagnosed with hypertension and abnormal blood lipids must happen if we are to have any impact at conquering CVD and its associated deaths. Medical Nutrition Therapy provided by a registered dietitian has been shown to effectively aid in normalizing blood pressure, blood sugar and serum cholesterol levels, while also promoting any necessary weight loss. The lifestyle changes needed to provide the improve-

ments in these risk factors cannot be made by most Americans without the vital assistance of the registered dietitian. By helping people eliminate or improve these risk factors, Medicare will avoid paying for the expensive treatments, procedures and hospitalizations that occur due to a cardiovascular event, thus creating a shift from health "care" to health "prevention".

I commend the American Heart Association and the National Heart, Lung and Blood Institute (NHLBI) for their numerous programs and educational materials made available to the public to help them adapt a healthier lifestyle. Many employers and churches are participating in programs which encourage them to create a culture of physical activity and healthy eating to live longer, heart-healthy lives through walking. The NHLBI program "Healthy Hearts, Healthy Homes", presents important information about a specific risk factor for heart disease, high blood pressure, in a user-friendly and clear manner for Latinos. Several Point-of-Purchase food labeling programs are being used by various grocery stores to help their customers make the healthiest choices.

The 2020 Impact Goal of the American Heart Association states: By 2020, to improve the cardiovascular health of all Americans by 20% while reducing death from cardiovascular diseases and stroke by 20%. It will take all of us working together, encouraging our friends, families and co-workers, to live a healthier lifestyle in order to make this become a reality.

HONORING VONNIE WARE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant Mr. Vonnice Ware. Mr. Ware owns and operates his own cook syrup farm and has raised cattle for the past twenty years. His parents W.H. and Lovie Dier-Ware had nine children. His father was a Blacksmith who owned his own land.

His wife's father, Samuel Mallet, owned and operated his own farm in the Thomastown community where they could hear the bells ringing on the plantation two miles away. His father shod horses for twenty-five cents (.25) a head. The children that lived on the plantation never went to school until it rained. He says, "That's why I say we are just one step from the plantation, because I still meet the same men today who can't read or write."

Out of all the injustice they endured, Vonnice's parents never taught them to hate anyone because of his skin color. His grandparents were Will and Lizer Griffin-Dier. He considered his grandfather his greatest hero and stayed with him when he was a small boy.

Vonnice's grandfather was a Deacon in his church and owned and operated his own farm. He was also a syrup cooker. His grandfather wasn't allowed any kind of benefits because he owned his own land. Vonnice followed in his grandfather's footsteps.

His Aunt Frances Dier taught school 40 years in Leake County. She walked for miles to school since she could not ride the bus because she was black. One day, the bus passed and splashed mud on her; she stepped in the ditch and prayed that one day her people would be able to ride the bus like the white people.

Today, Vonnice Ware is a past TAC (Thomastown Attendance Center) Booster club President of four years. He was also a trustee at Leake Memorial Hospital for two years. He is an active member of the Leake County Voters League.

Vonnice Ware speaks from his heart when he says: "We are thankful for the old freedom fighters that humbled themselves and denied themselves of speaking like they were men or women. They knew what the blacks knew. It was difficult to see "white only" signs up everywhere you go. This hurts my soul to write anymore about it. In order for a young man to succeed, he must do these three things: Believe in God, vote, and know how to spend his money. We have come a long way BUT we still have a long way to go. We must press on."

COMMEMORATING THE 19TH ANNIVERSARY OF THE KHOJALY MASSACRE

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. COHEN. Mr. Speaker, I rise to commemorate the 19th anniversary of the Khojaly massacre by Armenian forces on February 25–26, 1992 in the town of Khojaly in the Nagorno Karabagh region of Azerbaijan. Khojaly, now under the occupation of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians. Khojaly, once the home to 7,000 people, was completely destroyed. Six hundred thirteen people were killed, of which 106 were women, 83 were children and 56 were purported to have been killed with extreme cruelty and torture. In addition, 1,275 people were taken hostage, 150 went missing and 487 people became disabled. Also in the records maintained, 76 of the victims were teenagers, 8 families were wiped out and 25 children lost both of their parents while 130 lost one of their parents. According to Human Rights Watch and other international observers, the Armenian armed forces were reportedly aided by the Russian 366th Motor Rifle Regiment.

At the time, Newsweek magazine reported: "Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped."

As part of the Khojaly population that tried to escape, they encountered violent ambushes that led to abuses, torture, mutilation and

death. The Russian organization, Memorial, stated that 200 Azerbaijani corpses were brought from Khojaly to Agdam within four days.

Time magazine published the following description: "While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly 2 weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown."

The extent of the cruelty of this massacre against women, children and the elderly was unfathomable. Mr. Speaker, Azerbaijan is a strong ally of the United States in an important and complex region of the world. I ask my colleagues to join me and our Azerbaijani friends in commemorating the tragedy that occurred in the town of Khojaly.

HONORING WILLIE BUNTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Willie Bunton, a very instrumental person in the Mayersville community.

Mr. Bunton, Jr. was born on April 29, 1935 to Bertha and Willie Bunton, Sr. He was the son of a sharecropper who left school at the age of 15 to take care of his family because of the death of his father. Mr. Bunton worked tirelessly during the Civil Rights Era to register citizens to vote. He was also instrumental in integrating the schools in Rolling Fork and Mayersville. He met Louise Matthews, who later became his wife, and to this union were born 14 children. He and his wife owned and operated 14 & 1 Quick Stop for several years.

Prior to opening his own business, Mr. Bunton worked with the Delta Opportunity Corporation where he was a job developer and recruiter fulfilling the capacity of job placement for the unemployed. Around this time, Mr. Bunton gained an interest in politics, and then ran for Supervisor-at-Large of District 3 in Issaquena County unsuccessfully. He then filed suit to bring the elections back to the district rather than at-large, and won. He then ran again in a special election in 1972 and won. Mr. Bunton was the 7th black supervisor elected in the state of Mississippi. Mr. Bunton served on the board for 12 years with WWISCAA, served on the board of MACE for 4 years, and was also a member of the Freedom Democratic Party, which was formed because black democrats were not accepted by the regular Democratic Party, which defeated the regular Democratic Party and was seated at the National Democratic Convention. Mr. Bunton also helped to get sufficient water and sewer for the Town of Mayersville, and also had involvement with the corporation of the town. Mr. Bunton was also seriously involved in the Issaquena County Backwater Project.

TRIBUTE TO DON ROBERTSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to recognize Don Robertson of Marietta, Georgia. For over 26 years, Don has been headmaster of The Walker School. Prior to becoming a leader in Marietta, Don had been Assistant Headmaster at a school in Princeton, New Jersey, but we are lucky that he and his family came to Cobb County and for the tremendous assets they have been to our community.

When Don first came to Walker in 1985, the school had 450 students and one building. Today, he leaves the school with a student population of 1,040, 34 acres of land, and more than 1 million square feet of teaching space.

I ask my colleagues to please join me in thanking Don Robertson for his commitment to the education of our Nation's future leaders and the betterment of his community. Don, I wish you the best in the next chapter of your life.

TRIBUTE TO ANDREW MIROLLI

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to congratulate Andrew Mirolli, a young student from Acworth, Georgia, who has been awarded the 2011 Prudential Spirit of Community Award. Andrew's efforts in combating poverty, both in our community and around the world, are truly deserving of this great honor.

Mr. Speaker, Andrew is working to raise money for a local food pantry and a project in Uganda to rebuild a girls' dormitory. So far, he has raised \$12,480. The world is made a better place by selfless service like Andrew has exemplified.

With his receipt of the Prudential Spirit of Community Award, Andrew has been named one of the top youth volunteers in the State of Georgia. I ask my colleagues to join me in congratulating this young man on his achievements.

PERSONAL EXPLANATION

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. SMITH of Nebraska. Mr. Speaker, on February 16, 2011, I missed a vote on the Amendment by Representative POMPEO of Kansas, Number 84.

I would have voted "yea."

TRIBUTE TO MARK WILSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community. Today, I rise to recognize Mark Wilson of Kennesaw, Georgia, who is the founder and CEO of Ryla, Inc.

Mr. Speaker, Ryla is a leading call center solutions provider with expertise in customer contact solutions and business process outsourcing. As owner, Mark utilizes a "Small Yet Big" approach to managing his clients giving each of them the attention a small company can yield yet consistently delivering the results of a larger organization.

I have visited the call center on many occasions and one thing that consistently stands out is that I always see the employees wearing a smile on their faces. It is a credit to Mark that he has created the type of environment that brings out the best in his employees.

I ask my colleagues to please join me in thanking Mark Wilson for his contributions to his community.

TRIBUTE TO MASTER SERGEANT
STERLING T. WIMBERLY**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have had a major impact on their community. Today, I rise to recognize Master Sergeant Sterling T. Wimberly of Dallas, Georgia. MSG Wimberly is currently serving in an Active Guard Reserve role as the Senior Supply NCO for the 78th Aviation Troop Command.

There are over 700 soldiers in this command and because of MSG Wimberly's efforts, expertise, and dedication to Georgia Army National Guard Aviation, all units either passed or exceeded standards this past spring during the Forces Command Aviation Resource Management Survey inspection.

MSG Wimberly has also completed a tour in Afghanistan with a Georgia ARNG Infantry Embedded Training Team. Through this experience—and by participating in pre-mobilization validation training exercises—MSG Wimberly has developed an advanced ability to plan, coordinate, and execute complex logistic/supply operations.

He is an invaluable professional soldier whose dedication to mission accomplishment makes him worthy of recognition as a leader in the community, the National Guard, and our great nation.

I ask my colleagues to join me in thanking Master Sergeant Sterling T. Wimberly for his

service and his commitment to the betterment of his community.

OPPOSITION TO UNITED NATIONS
CRITICISM OF ISRAEL**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. ISRAEL. Mr. Speaker, I am emphatically opposed to using the U.N. to single out Israel for criticism on the issue of settlements, whether that criticism is in the form of a resolution or a statement. Should a resolution criticizing Israel come before the Security Council, the United States should clearly veto it. To the extent that we have disagreements with Israel on policy matters, we should find a way to express those differences in private, just as we would with our other close allies. The Administration has to understand that we stand by our friends through thick and thin.

Let's be clear; the issue isn't settlements; the issue is negotiations. Israel froze settlement construction for ten months last year. Israel has shown it is ready to take risks for peace. The onus is on the Palestinian Authority. If Palestinians object to settlements or oppose building permits—negotiate.

Israel, a friend and ally of the United States, is located in a dangerous neighborhood. Anyone who has recently watched the news or read a newspaper has seen the collapse of multilateral talks on Iran's nuclear weapons program, Hezbollah's successful effort to topple the government of Lebanon, and a wave of unrest spreading throughout the Middle East. Given the threats facing Israel, the long friendship between our two nations, and Israel's strategic importance to the United States, it is critical that the U.S.-Israel relationship is strong at all levels of our government.

The United States is in the middle of a ten-year commitment of military aid to Israel and I hope that the long tradition of strong bipartisan support in Congress to fully fund this commitment, even at a time of fiscal constraint, continues.

TRIBUTE TO FITZ JOHNSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to recognize African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community. Today, I rise to recognize Fitz Johnson of Marietta, Georgia, the owner of Atlanta's professional women's soccer team, the Atlanta Beat.

Already an accomplished businessman and influential Georgian, Fitz brought women's professional soccer to Atlanta in 2010. Mr. Speaker, the hard work and passion that made Fitz a successful business owner are fueling his drive to make the Beat a successful franchise.

Not only did he help Kennesaw State University build the only women's specific soccer stadium in the United States, he is working 15-hour days doing everything from handling ticket sales to janitorial services to build a winner in Atlanta.

I ask my colleagues to please join me in thanking Fitz Johnson for his contributions to his community, and wish him all the best with the Atlanta Beat.

ON THE BIRTH OF GENEVIEVE
FRANCES DALTON**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Sean Dalton and his wife Kathryn Howell Dalton on the birth of their new baby girl, Genevieve Frances Dalton, who was born on Friday, February 4, 2011, at 7:59 p.m. in Alexandria, Virginia. Genevieve was 7 pounds, 10 ounces, and 19 inches long.

I am so excited for this new blessing to the Dalton family and wish them all the best. I want to also congratulate Genevieve's grandparents Brenda and Larry Dalton of Cary, North Carolina, and Dorothy and Stan Howell of Charlotte, North Carolina, on this wonderful new addition to their family.

TRIBUTE TO TECHNICAL
SERGEANT CHARLES SIMPSON**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community. Today, I rise today to recognize Technical Sergeant Charles Simpson of Marietta, Georgia.

Entering service with the Georgia Air National Guard in 2000, TSgt Simpson has held positions as Security Forces Fire Team leader, Radio Transmission Officer, Squad Leader, and as a Drug Demand Reduction Non-Commissioned Officer with the Georgia Counterdrug Task Force. This program educates children in grades K-12 on the dangers of drug use, and I am proud of the work TSgt Simpson has done in affecting the futures of over 55,000 young students in Georgia.

Mr. Speaker, TSgt Simpson has deployed to Iraq in support of Operation Iraqi Freedom and four times to Afghanistan in support of Enduring Freedom. He has been awarded two Air Force Commendation medals, three Air Force Achievement Medals, the Army Achievement Medal, and has recently been selected to advance to the grade of Master Sergeant.

TSgt Simpson displays a "can-do" attitude in his daily duties and is considered by his superiors and peers to be one of the bright stars of the Georgia Air Force National Guard.

I ask my colleagues to please join me in thanking Technical Sergeant Charles Simpson for his service to our nation and his commitment to the betterment of his community.

CONGRATULATING CONGREGATION
NER TAMID ON THE 50th ANNI-
VERSARY OF THEIR FOUNDING

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. ROHRBACHER. Mr. Speaker, 2011 marks the 50th Anniversary of the Founding of Congregation Ner Tamid of South Bay in my congressional district. People of all faiths from throughout the South Bay area of Los Angeles are conveying heartfelt congratulations to all the members and friends of Congregation Ner Tamid on this most auspicious occasion. For five decades Congregation Ner Tamid has upheld a faith-inspired tradition of service in both the South Bay region and beyond. The Congregation's programs for youth, families and seniors cast a bright light of human dignity and compassion across our community.

I also offer a special expression of our esteem to those being honored for their unique and sustaining contributions to Ner Tamid's work in our communities. The people of the South Bay are indebted to the distinguished 50th Anniversary honorees; Ruth & Leo David, Sheil Poucher, Mark Simon and Norm Lefkovich. Each of them deservedly receives the profoundly meaningful recognition of a grateful synagogue family and the community of which Congregation Ner Tamid is such an important part.

The dedicated social responsibility these honorees exemplify is replicated in a hundred programs and projects the rest of the temple members pursue. That is why Congregation Ner Tamid enjoys a valued and respected place in the life and culture of the South Bay region we are fortunate enough to call home.

So, it is with our best wishes that Congregation Ner Tamid of South Bay celebrates their 50th anniversary on March 12, 2011. I am sure the great legacy they have created in these first 50 years will only be stronger and more enduring on the occasion of the Congregation's 100th anniversary!

TRIBUTE TO SHAN COOPER

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to recognize African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community. Today, I rise to recognize Shan Cooper of Marietta, Georgia. Shan serves as the Vice President of Lockheed Martin Aeronautics and General Manager of Lockheed Martin's Marietta facility.

She previously served as the Vice President of Human Resources for Lockheed Martin In-

formation Systems & Global Solutions in Gaithersburg, Maryland and oversees the 8,000 Lockheed employees in Marietta.

Mr. Speaker, Shan has long been an integral part of the Lockheed Martin team, holding various positions in Mississippi, West Virginia, Maryland, and Georgia. We welcome her to Cobb County, and look forward to her contributions to our community.

TRIBUTE TO SIDNEY FORD

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community. Today, I rise to recognize Sidney Ford—who hails from Rome, Georgia—for his work as the Senior Pastor of St. Luke's Ministries, located in Cedartown, Georgia. Pastor Ford is a great asset not only to St. Luke's but also to the greater community where he is a mentor and a person who embodies the sentiment of "giving back."

Recently, Pastor Ford led efforts to improve the community by cleaning up Turner Street Park and turning it into a family friendly zone. Today, the park is a place where friends and neighbors can gather in peace. His dedication not only to his congregation but also to his community is one that deserves recognition and should be emulated.

I ask my colleagues to please join me in thanking Pastor Sidney Ford for his service and his commitment to the betterment of his community.

INTRODUCTION OF THE
THOMASINA E. JORDAN INDIAN
TRIBES OF VIRGINIA FEDERAL
RECOGNITION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. MORAN. Mr. Speaker, today I am introducing the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act. This is the sixth time I have introduced legislation that would grant federal recognition to six Indian tribes in Virginia: the Chickahominy, the Eastern Chickahominy, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond.

Similar measures passed the House and the Senate Indian Affairs Committee during the 110th and 111th Sessions of Congress. Unfortunately, both measures were ultimately defeated when the objections of a few Senators were not overridden.

The impasse in Congress and the demeaning and dysfunctional acknowledgement process at the Bureau of Indian Affairs only compound the grave injustices this legislation seeks to redress. It also compels me to con-

tinue this cause and reintroduce this legislation today. The injustices extend back in time for hundreds of years, back to the establishment of the first permanent English settlement in America at Jamestown. For the Members of these tribes are the descendents of the great Powhatan Confederacy who greeted the English and provided food and assistance that ensured the settlers' early survival.

Four years ago, America celebrated the 400th anniversary of the settlement of Jamestown. But it was not a celebration for Native American descendents of Pocahontas, for they have yet to be recognized by our federal government. Unlike most Native American tribes that were officially recognized when they signed peace treaties with the federal government, Virginia's six Native American tribes made their peace with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and King Charles II. This treaty has been recognized by the Commonwealth of Virginia every year for the past 334 years when the Governor accepts tribute from the tribes in a ceremony now celebrated at the Commonwealth Capitol. I had the honor of attending the one of what I understand is the longest celebrated treaty recognition ceremony in the United States.

The forefathers of the tribal leaders who gather on Thanksgiving in Richmond were the first to welcome the English, and during the first few years of settlement, ensured their survival. Had the tribes not assisted those early settlers, they would not have survived. Time has not been kind to the tribes, however. As was the case for most Native American tribes, as the settlement prospered and grew, the tribes suffered. Those who resisted quickly became subdued, were pushed off their historic lands, and, up through much of the 20th Century, were denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia tribes survived, preserving their heritage and their identity. Their story of survival spans four centuries of racial hostility and coercive state and state-sanctioned actions.

The Virginia tribes' history, however, diverges from that of most Native Americans in two unique ways. The first explains why the Virginia tribes were never recognized by the federal government; the second explains why congressional action is needed today. First, by the time the federal government was established in 1789, the Virginia tribes were in no position to seek recognition. They had already lost control of their land, withdrawn into isolated communities and stripped of most of their rights. Lacking even the rights granted by the English Kings, and our own Bill of Rights, federal recognition was nowhere within their reach.

The second unique circumstance for the Virginia tribes is what they experienced at the hands of the Commonwealth government during the first half of the 20th Century. It has been called "paper genocide." At a time when the federal government granted Native Americans the right to vote, Virginia's elected officials adopted racially hostile laws targeted at those classes of people who did not fit into the dominant white society, and with fanatical efficiency, altered and destroyed the records of Virginia's Native Americans. Virginia's political

elite sought to expunge the records of anyone other than themselves who could hold the claim that they were the descendent of Pocahontas. Pocahontas' marriage to John Rolfe created an uncomfortable circumstance for John Rolfe's descendants who populated Virginia's aristocratic elite and who maintained that all non-whites were part of "the inferior Negroid race."

With great hypocrisy, Virginia's ruling elite pushed policies that culminated with the enactment of the Racial Integrity Act of 1924. This act directed Commonwealth officials, and zealots like Walter Plecker, to destroy Commonwealth and local courthouse records and reclassify in Orwellian fashion all non-whites as "colored." It targeted Native Americans with a vengeance, denying Native Americans in Virginia their identity.

To call oneself a "Native American" in Virginia was to risk a jail sentence of up to one year. In defiance of the law, members of Virginia's tribes traveled out of state to obtain marriage licenses or to serve their country in wartime. The law remained in effect until it was struck down in federal court in 1967. In that intervening period between 1924 and 1967, Commonwealth officials waged a war to destroy all public and many private records that affirmed the existence of Native Americans in Virginia. Historians have affirmed that no other state compares to Virginia's efforts to eradicate its citizens' Indian identity.

All of Virginia's state-recognized tribes have filed petitions with the Bureau of Acknowledgment seeking federal recognition. But it is a very heavy burden the Virginia tribes will have to overcome, and one fraught with complications that officials from the bureau have acknowledged may never be resolved in their lifetime. The acknowledgment process is already expensive, subject to unreasonable delays, and lacking in dignity. Virginia's paper genocide only further complicates these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents and aggravating the injustice already visited upon them.

It was not until 1997, when Governor George Allen signed legislation directing Commonwealth agencies to correct their records, that the tribes were given the opportunity to correct official Commonwealth documents that had deliberately been altered to list them as "colored." The law allows living members of the tribes to correct their records, but the law cannot correct the damage done to past generations or to recover documents that were purposely destroyed during the "Plecker Era."

In 1999, the Virginia General Assembly adopted a resolution calling upon Congress to enact legislation recognizing the Virginia tribes. I am pleased to have honored that request, and beginning in 2000 and in subsequent sessions, Virginia's Senators and I have introduced legislation to recognize the Virginia tribes.

There is no doubt that the Chickahominy, the Eastern Chickahominy, the Monacan, the Nansemond, the Rappahannock and the Upper Mattaponi tribes exist. These tribes have existed on a continuous basis since before the first European settlers stepped foot in America. They are here with us today. But the federal government continues to act as if they do not.

I know there is resistance in Congress to grant any Native American tribe federal recognition. And I can appreciate how the issue of gambling and its economic and moral dimensions has influenced many Members' perspectives on tribal recognition issues. The six Virginia tribes are not seeking federal legislation so that they can build casinos. Under this legislation they cannot engage in gaming. The bill prohibits gambling on their lands. They find gambling offensive to their moral beliefs. They are seeking federal recognition because it is an urgent matter of justice and because elder members of their tribes, who were denied a public education and the economic opportunities available to most Americans, are suffering and should be entitled to the federal health and housing assistance available to federally recognized tribes.

To underscore this point, the legislation includes language that would prevent the tribes from engaging in gaming on their federal land even if everyone else in Virginia were allowed to engage in Class III casino-type gaming.

In the name of decency, fairness and humanity, I urge my colleagues to support this legislation and bring closure to centuries of injustice Virginia's Native American tribes have experienced.

TRIBUTE TO SHELIA ROBINSON

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have had a major impact on their community. Today, I rise to recognize Shelia Robinson of Marietta, Georgia.

Between active duty and service in the Georgia Army National Guard, Shelia spent more than 22 years serving our country and the State of Georgia. From 1995–2005 while in the Guard as a Master Sergeant, she worked in the Counterdrug Program and helped manage an annual budget of \$3 million.

Upon retiring from Active Federal military service, Ms. Robinson worked as the Administrative Assistant for the Director of Georgia's Office of Homeland Security where she gained the respect of numerous state agency heads for her professionalism, courtesy, and overall knowledge.

After three years with Homeland Security, Ms. Robinson returned to the Georgia National Guard in the capacity of Office Manager for the Adjutant General of Georgia.

Mr. Speaker, I ask my colleagues to please join me in thanking Shelia Robinson for her service to our nation and the people of Cobb County.

PERSONAL EXPLANATION

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 17, 2011

Ms. HIRONO. Mr. Speaker, I inadvertently voted "no" on the Price Amendment (#514) to H.R. 1. I meant to vote "yes" for the amendment, which continues waiver provisions enacted for FY2009 and 2010 that enable local communities impacted by the economic downturn to use SAFER grant funds to maintain existing firefighters, re-hire laid off firefighters, and eliminate the local match requirement. I am grateful that it passed by a strong margin despite my error.

HONORING LORRAINE BOCCIO FOR HER OUTSTANDING SERVICE TO HUNTINGTON STATION, NY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. ISRAEL. Mr. Speaker, I rise today to honor someone in my district who has given much to those in need. Lorraine Boccio of Huntington Station, NY, has recently been diagnosed with stage 3 pancreatic cancer and I'd like to take a moment to share some of the good work she has done.

Lorraine works in customer service at a local supermarket but spends her spare time committed to service as well. Every year she collects and mails packages to troops overseas and holds annual events for veterans on Memorial Day and Veterans Day. These events bring out hundreds of veterans and Lorraine conducts the fundraising, planning, and execution of these events. She also attends funerals and wakes of fallen troops on Long Island and collects cards from schoolchildren in the South Huntington School District for veterans.

Lorraine is also fiercely supportive of her local police and fire departments. For the holidays in December 2001, Lorraine collected and distributed food, clothing and toys to all of the children in Huntington who lost a loved one in the September 11 attacks. She takes every opportunity to honor her local police, fire, and EMS workers, including organizing fundraisers, visiting those who are injured, and paying tribute to those who served in the aftermath of the September 11 attacks.

Finally, throughout the year Lorraine organizes food drives, "adopts" families with troubles such as a child with an illness or a house fire, and donates food and supplies to Huntington's Little Animal Shelter.

Lorraine brightens the lives of her neighbors every day while working in customer service at her day job and helps anyone and everyone in need in her community. I wish her all the best for a speedy recovery and hope that the community to which she has given so much supports her in the fight of her life.

SETH KING TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. TIPTON. Mr. Speaker, I would like to stand and pay sincere tribute to the life of Seth King. Sadly the city of Pueblo, Colorado, will have to continue on without the talents and gifts of the revered local legend. Mr. King was a barber and clinical chemist by trade, but he represented much more to the Pueblo community.

The owner and operator of King's Barber shop, Seth King cut hair for 45 years and had a positive effect on the lives of countless individuals. Mr. King moved to Pueblo as a young man from the still segregated south. He wanted to pursue his dream of becoming a clinical chemist, and achieved that goal as he worked for The Colorado Mental Health Institute for 35 years. Mr. King was also a staunch supporter of the Republican Party, and was the first black man to run for the state senate in 1968. Seth King was also an active member of the Catholic Church and The Knights of Columbus. Whether cheering a customer up at the barbershop, or giving his time in faith-based outreach, he spent his lifetime improving the lives of those around him.

Mr. Speaker, Pueblo may have lost a wonderful member of their community, but there is no doubt that the spirit of Seth King's life still reverberates throughout the city. It has been a privilege to stand and pay tribute to Mr. Seth King's accomplished life.

PERSONAL EXPLANATION

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FARENTHOLD. Mr. Speaker, on rollcall No. 84, I missed the vote due to a previously scheduled satellite interview in my district. Had I been present, I would have voted "yes."

HONORING THE LACEY TOWNSHIP
HIGH SCHOOL FOOTBALL TEAM
OF LANOKA HARBOR, NEW JERSEY**HON. JON RUNYAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. RUNYAN. Mr. Speaker, I rise today in recognition of the 2010 New Jersey State Athletic Association's South Jersey Group III Champions: the Lacey Township High School Football Team of Lanoka Harbor, New Jersey.

On December 4, 2010, by an impressive score of 56 to 7, Lacey Township High School defeated Delsea Regional High School in the South Jersey Group III Championship football game. This marks the fourth time in school history that they are the South Jersey Group III Football Champions.

During the championship game, the Lacey Township Lions were able to score seven touchdowns, resulting in 49 points. Senior running back, Jacob Dabal, scored three touchdowns, while senior quarterback, Craig Cicardo, and senior running back, Jarrod Molzon, each scored two touchdowns. The outstanding offensive output of these three young student-athletes helped pave the way to a Lacey Township victory.

Equally extraordinary was the defensive efforts of the Lacey Township Lions. In the championship game, the Lions' defense forced eight turnovers, consisting of three interceptions and five fumbles. One of those fumbles resulted in a touchdown by senior defensive back, Zach Torrell.

The Lacey Township Lions finished their 2010 football season with an undefeated record of 12 wins and 0 losses, its third undefeated season in school history.

I would like to congratulate Lacey Township High School's football coach of 30 years, Coach Lou Virillo, and his entire coaching staff. Through their inspiration and motivation, they enabled these young men to achieve an amazing accomplishment.

I would also like to thank the senior members of the Lacey Township High School Football Team. Their incredible leadership of the Lions this year not only led to another championship title, but also to another undefeated season.

Mister Speaker, I ask you and my colleagues to join me in celebrating the achievement of the Lacey Township High School Football Team in capturing the 2010 NJSIAA South Jersey Group III championship and finishing the year undefeated.

I ask you to join me in celebration with the coaches, players, and student body of Lacey Township High School, as well as the teachers, parents and community members who all made this victory a reality. Finally, I ask you to wish the Lacey Lions continued success in next year's football season.

CHARLES ELLIOTT TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. TIPTON. Mr. Speaker, it brings me great satisfaction to rise and pay tribute to a man whose youthful spirit and exuberance proves that age is just a number. Charles Elliott, of the San Luis Valley, will be inducted into the 2011 class of the Colorado Ski and Snowboard Hall of Fame.

Mr. Elliot began skiing in the early 1930s on a pair of homemade wooden skis he and a friend took to Wolf Creek Pass. From the mid 1930s to the mid 1940s Charles Elliot was a major catalyst and pioneer in the rapid growth of skiing in southwestern Colorado. After serving his country in the U.S. Army Air Corps as a weatherman from 1942–1946, Mr. Elliot returned to skiing in the State he loves, and restarted Wolf Creek Pass skiing operations which had been shut down due to World War II. Charles Elliot then served as ski patrolman and performed that duty so well that he was

given the lifetime badge from the National Ski Patrol. The 98-year-old is now the ranking member of the Grey Wolf Ski Club. Charles Elliot has now been skiing for over 75 years, and at the age of 93, he recorded over 50 days on the slopes. Mr. Elliot's passion for skiing is only matched by his dedication to cultivate the continued growth of his sport.

Mr. Speaker, it is an honor to stand and recognize Mr. Charles Elliot on his induction into the 2011 class of the Colorado Ski and Snowboard Hall of Fame.

IN RECOGNITION OF THE WEST
BLOOMFIELD PUBLIC LIBRARY
RECEIVING A NATIONAL MEDAL
FOR MUSEUM AND LIBRARY
SERVICE**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. PETERS. Mr. Speaker, I rise today to recognize the West Bloomfield Township Library as it is honored by the Institute of Museum and Library Services with a National Medal for Museum and Library Service.

This medal, which was presented to just five libraries nationally in 2010, recognizes the exceptional contributions the West Bloomfield Public Library has made to its surrounding communities. Founded in 1934 as a project of the Keego-Cass Women's Club, the Library's main branch has expanded into a 63,000 square foot state-of-the-art facility with computer access for community residents and public meeting spaces, in addition to an expanded youth area which has allowed the Library to strengthen the depth and breadth of its youth-focused programming.

The National Medal recognized libraries that demonstrate innovative approaches to providing their services to the public, and whose programming focuses on expanding cross-cultural awareness and dialogue. Particularly recognized were two of the Library's programs, the "Grow Up Reading" program and the "Help is Here" initiative. Focused on youth, the "Grow Up Reading" promotes parental involvement in childhood development through development reading skills from birth through third grade, helping children build good fundamental reading comprehension and critical thinking skills. On the adult end of the Library's programming spectrum, the "Help is Here" initiative brings counselors from Oakland Community College and professionals from Jewish Vocational Services together to provide resume critiquing services to community members.

Mr. Speaker, I ask my colleagues to join me today in recognizing the outstanding service the West Bloomfield Public Library provides to its community and congratulating the Library staff on receiving the National Medal for Museum and Library Service.

TRIBUTE TO CORPORAL NATHAN
B. CARSE

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. JORDAN. Mr. Speaker, I rise today to honor the life of a brave Ohio soldier, Corporal Nathan B. Carse, who on February 8 was killed in action near Kandahar Province in Afghanistan.

Nathan was the pride of Allen East High School in Lima, Ohio. He earned degrees from Louisiana State University and Capital University, where he was a standout linebacker for the Capital Crusaders.

Serving a critical role in post-Katrina New Orleans, Nathan left his career in engineering and volunteered to serve his country, entering active military duty in February 2010. He deployed to Afghanistan with the 2nd Engineer Battalion, 176th Engineer Brigade in September 2010.

Nathan is survived by a loving family, including his mom, Janis; his sisters, Kristin and Megan; and four dear nephews.

Those who knew Nathan best described him as a happy, generous, hardworking man whose optimistic attitude brought a smile to people's faces and had a positive impact on their lives.

He courageously served in defense of his family, his community, his state, and his nation. Every American family lives under the blanket of safety he helped provide. For this, our nation owes him and his family a great debt of gratitude.

Nathan will be deeply missed. But the strength of his character, and the courage he demonstrated through his service, will live on.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. HOLT. Mr. Speaker, I ask that the RECORD show that I mistakenly voted in favor of amendment number 192 to H.R. 1 offered by the gentlewoman from Illinois, Mrs. BIGGERT. I am a strong supporter of the Advanced Research Projects Agency—Energy, and I oppose efforts to defund the program.

MAJOR WILLIAM EDWARD ADAMS
TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. TIPTON. Mr. Speaker, it is my sincere honor to stand and pay tribute to a heroic American who was awarded our nation's highest honor for his conspicuous gallantry in the Kontum Province in the Central Highlands of Vietnam. Major William Edward Adams is an inspiration to every citizen of our great nation,

and a reminder to all Americans that some will sacrifice everything to preserve our way of life.

Maj. Adams was born in Casper, Wyoming, and raised in Craig, Colorado. He went to high school in Missouri at the Wentworth Military Academy. He graduated from Colorado State University, where he also met his future wife Sandra Adams. Upon graduation he joined the United States Army. Major Adams was deployed to Vietnam in 1970.

On May 25th, 1971, Maj. Adams willingly volunteered for a helicopter rescue mission that would undoubtedly endanger his lightly armored aircraft and his life. The mission was to fly into a remote fire base that was under heavy attack to pick up three critically wounded soldiers. Maj. Adams was fully aware of the advantageous position of the enemy's formidable anti-aircraft guns; as well as the clear skies that would provide no cover from the imminent barrage. While directing and coordinating fire support from other attack helicopters, Major Adams landed his aircraft and picked up the three wounded soldiers. As he began his return flight, Maj. Adams' helicopter was bombarded with enemy rocket and gunfire. He calmly regained control of the aircraft, and prepared to make an emergency landing, but the helicopter exploded before Maj. Adams could touch down. For these actions, Major William Edward Adams posthumously received the Medal of Honor.

Mr. Speaker, it gives me pride to know that I have fellow countrymen who are capable of such selfless feats of bravery. It has been a true privilege to rise and pay tribute to Maj. William Edward Adams.

PERSONAL EXPLANATION

HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. MULVANEY. Mr. Speaker, on rollcall No. 87, I inadvertently missed the two-minute rollcall No. 87 on February 17, 2011. Had I been present, I would have voted "yes."

NETWORKS WIN LAP DOG AWARD
FOR IGNORING CORRUPTION AT
LIBERAL GROUP

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. SMITH of Texas. Mr. Speaker, ABC, CBS, and NBC are the winners of this week's Media Fairness Caucus "Lap Dog Award" for biased news coverage.

Undercover videos released earlier this month show employees of Planned Parenthood, a taxpayer-funded liberal group, giving advice on how to obtain abortions for underage girls and circumvent sex crime laws.

All three television networks ignored the controversy for an entire week. ABC and NBC still have not devoted any coverage to the story, according to a Lexis-Nexis search.

Can you imagine if it were discovered that a conservative group was willing to aid and

abet the sexual exploitation of minors? It would be all over the news.

The national media should give Americans the facts, not ignore them.

PERSONAL EXPLANATION

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FARENTHOLD. Mr. Speaker, on rollcall No. 85, I missed the vote due to a previously scheduled satellite interview in my district. Had I been present, I would have voted "yes."

A FAREWELL TO THE HOUSE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. HARMAN. Mr. Speaker, my congressional career will close on February 28th, so that the constitutionally required special election to replace me can coincide with a statewide referendum Governor Brown intends to hold later this year. This will save taxpayer money, assure a higher turnout, and most quickly fill the vacancy created by my resignation.

The messages that have flooded my offices since I announced my departure have touched me deeply. The extraordinary honor of a congratulatory statement by President Obama was completely unexpected and absolutely thrilling. But the message I may treasure most came from one of my children. It said, simply: Hon. "Brave Mama."

For 17 years, I have worked my heart out for the people of California's 36th congressional district. I cast votes with which some strongly disagreed—but I have always tried my best to listen, and to lead.

The opportunity awaiting me at the Woodrow Wilson International Center for Scholars is enormous. It is truly a center of excellence, and a place where I believe I can add real value to bipartisan scholarship and policymaking.

But nothing—and I mean nothing—will ever replace the two-decade long journey I have just completed as I sought and won a seat in Congress—my first and only elected office.

I have worked closely with so many of you in committees, in caucuses like the Blue Dogs and New Democrats, and on legislation.

With some here I have visited garden spots like North Korea, Libya, Syria, Afghanistan, Pakistan and Yemen to assess the threats we face. Such foreign travel is, I believe, a wonderful way to build personal, bipartisan friendships—something dearly needed in Congress.

As a lifelong, passionate, bipartisan-in-my-bones Democrat I have been criticized by both sides. But the center is where, in my view, most Americans are—and where, in many cases, the best policy answers are. I will bring that perspective with me to my new post at the Wilson Center.

Let me make two final points. First, over the years I have worked hard to hire and train the

best staff on the planet. We call ourselves "Team Harman" and at annual reunions I marvel at how they and their families have grown. I truly love them, and know how their extraordinary efforts are appreciated by my constituents and other offices.

But second, I always say that I represent the smartest constituents on earth. This is not a joke: they have helped me enormously to do my job well. Sidney and I and our ever-growing family thank them for the milestones and the memories. I may be changing my day job, but not my residence—or my heart.

So, as I conclude my final statement on the floor of this House, I depart with great affection and gratitude to wonderful colleagues, on both sides of the aisle, who have also become wonderful friends.

SAM MCBURNEY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. TIPTON. Mr. Speaker, it brings me great pride to stand and recognize the courageous and patriotic actions of young Sam McBurney. In a display of conviction and principle that was far beyond his years, this 13 year old boy took it upon himself to make sure his Fruita, Colorado, middle school recited the Pledge of Allegiance.

Sam realized that the Pledge of Allegiance was not being said at the start of each school day, and this did not sit well with him. Being the son of a former Marine, Sam has always possessed a profound respect for our nation, and the knowledge that you must stand up for what you believe in. With his beliefs in line, Sam organized events and created a petition to ensure that the Pledge of Allegiance was recited at least once a week at his middle school. After months of hard work and determination, Sam finally gathered enough signatures to convince the school district that our nation's Pledge of Allegiance was a necessary and important part of the school day.

Mr. Speaker, it warms my heart to know that there are young, concerned citizens of our nation that will go to great lengths in an effort to make sure our flag, and all that it stands for, receive its due respect. It has been an honor to rise and pay tribute to Sam McBurney.

IN SUPPORT OF H. RES. 91, CELEBRATING AND ENCOURAGING DIVERSITY IN STEM AND RECOGNIZING THE 40TH ANNIVERSARY OF THE ASSOCIATION FOR WOMEN IN SCIENCE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. MATSUI. Mr. Speaker, I rise today to express my support for H. Res. 91, a resolution celebrating and encouraging diversity in Science, Technology, Education and Mathematics (STEM), and recognizing the 40th anni-

versary of the Association for Women in Science (AWIS).

Science, Technology, Engineering and Math education is vital to our nation's ability to compete in the global marketplace, and ultimately fulfill goals set forth in this Congress and recently outlined by President Obama in his State of the Union Address. In our pursuit to win the future, we must not only ensure that our schools promote math and science, but that all students, especially those from traditionally underrepresented populations, engage in STEM education.

Our nation will continue to require highly educated, well trained professionals to take on the careers of tomorrow, and we must strive to encourage diversity in STEM. America has been at the forefront of the world's technological advances for the last century; contributing to breakthroughs in medicine, engineering, mathematics, chemistry, and numerous other fields. By helping foster a new generation of doctors, nurses, engineers, scientific researchers, and mathematicians, we can continue to contribute to this legacy to the world for generations to come.

Encouraging further investment in STEM education is essential. Over the past year, I have hosted two events that have encouraged women and minorities to consider careers within STEM education. We live in a world of opportunity and America has been at the root of the world's technological and scientific advances for the past century. By helping to foster a new generation of scientists, technologists, engineers and mathematicians, we can continue our legacy for the next hundred years.

The Association for Women in Science has, for 40 years, ensured diversity in STEM, promoting equality for the ever increasing number of women beyond our nation's classrooms; those in the professional STEM workforce. According to the National Science Foundation, in 2006 women accounted for just 23 percent of graduate students in engineering, and made up about 34 percent of the engineering workforce. The Association plays a vital role in inspiring women, ensuring diversity in STEM.

Mr. Speaker, I am happy to support this resolution, to further diversity in STEM, and to recognize the Association for Women in Science for its continued contributions to our nation's future.

WESTMONT LIONS CLUB 75TH ANNIVERSARY

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the members of the Westmont Lions Club as they celebrate the club's 75th year of service in the Village of Westmont.

Chartered on January 8, 1936, the Lions Club is the oldest and one of the most dedicated service organizations in Westmont. Over the past 75 years, the Westmont Lions Club has risen to Helen Keller's challenge to become the "knights of the blind" by setting up several scholarship programs, as well as by

hosting such fundraising events as A Magical Vision Fundraiser.

They have worked very hard to become a pillar of service in my congressional district. I would like to join my colleagues in congratulating the Westmont Lions Club for its 75 years of service to the Village of Westmont and wish them the best in their future endeavors.

PERSONAL EXPLANATION

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FARENTHOLD. Mr. Speaker, on rollcall No. 86 I missed the vote due to a previously scheduled satellite interview in my district. Had I been present, I would have voted "yes."

HONORING MRS. ELLEN WILLIAMS RAGLAND

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant Mrs. Ellen Williams Ragland. Mrs. Ragland got her start in 1929. She grew up in a small rural community in Humphreys County, MS, where she witnessed the implementation of the civil rights movement and watched it unfold victoriously.

Mrs. Ragland married Adam Ragland in 1947. They later moved to Silver City, MS, and had five children. They were black farmers and owners of Semicko's Record Shop.

Mrs. Ragland was hired as a nurse assistant for the black schools in Humphreys County before integration. She picked-up the sick children from school and took them to the doctor in Belzoni, MS. She also worked for Friends of Children of Mississippi as a teacher assistant in 1968.

After the schools were integrated, Mrs. Ragland was hired as a teacher assistant in Humphreys County Public School in 1970. She worked for Humphreys County School District until she retired in 1990.

In 1991, Mrs. Ragland began working as an Entitlement Aid for National Caucus for Black Age. She was very passionate about her job and the people she served, where she often went beyond the call of duty to service their needs. Mrs. Ragland is well respected in the community. She has a pleasant personality that makes people feel comfortable going to her for help.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Ellen Williams Ragland for her dedication to serving others in need.

COMMEMORATING THE SUMGAI
POGROMS AGAINST AZER-
BAIJANI ARMENIANS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. ESHOO. Mr. Speaker, the 26th and 27th of February mark the 23rd anniversary of a violent and horrific attack against Azerbaijani citizens of Armenian descent. The 1988 attacks occurred in the town of Sumgait in Soviet Azerbaijan. Dozens of Armenians were killed, and hundreds more were wounded. During the pogrom, Armenian women and children were raped and people were set on fire and beaten to death while police stood by, unwilling or unable to intervene.

The violence touched off a broader attack against Azerbaijan's ethnic Armenians, ultimately resulting in a war with Nagorno-Karabakh in which tens of thousands of people were killed. The conflict persists and remains unresolved today, as does the military blockade of the Nagorno-Karabakh Republic. The pogroms precipitated a massive refugee situation displacing hundreds of thousands of people, virtually eliminating Azerbaijan's once-significant Armenian population.

Mr. Speaker, as people of conscience, this is a remembrance we must all engage in. For me, it is also a very personal remembrance. My own family members fled the slaughter of the Armenian Genocide under the Ottomans, and when we learned of the massacres against Armenians in 1988, we saw history repeating itself. These vicious acts of murder, targeted at ethnic groups, must be forcefully condemned whenever and wherever we see them. Yet 96 years after the slaughter, Congress has yet to officially recognize the Armenian genocide.

Without our recognition and our forceful condemnation, the cycle of violence will continue. Even today, Christians and other minority groups are being driven from Iraq by extremists, and the once large and diverse ethnic mosaic there is all but eradicated. Without our attention and action by the world community, there is no end in sight.

Today, Mr. Speaker, let us remember the Armenians who lost their lives in Azerbaijan 23 years ago. And then let us take up the work that our principles demand of us, standing united against ethnic violence, discrimination, extremism and brutality, wherever we find them.

MOFFAT COUNTY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Moffat County, located in North-western Colorado. The historic county celebrates its 100th anniversary this month. It stands as a reminder of the pioneering spirit that drove westward expansion and made this country great. It's roughly 14,000 residents are

proud to call Moffat home and eagerly await February 27th, when the county officially celebrates its centennial.

Moffat County is known best for its open space and fossil discoveries, but has a history rooted in western railroad expansion. David Moffat, the man after whom the county was named, made it a point to run his railroad through Craig, the county seat, on its way to Salt Lake City. The railroad became the backbone of the county's economy. It made the area ideal for farming and ranching. Craig, in fact, became the world's largest shipping point for wool in the 1950s. Not long after, oil and natural gas supplies were discovered and further drove growth in both the economy and population of the area.

Mr. Speaker, it is my honor to represent a proud and historic community like that of Moffat County, Colorado. It is no surprise that the hardworking and self-reliant residents of the area have maintained a strong county for 100 years. There is no doubt that those same people will ensure Moffat County survives for another 100 years.

RECOGNIZING THE LIFE OF GWEN-
DOLYN "GWEN" APPELQUIST
MAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of northwest Florida's beloved Gwen Appelquist May.

Mrs. Appelquist was a pioneer in the local business community who used her success and acumen to help support numerous charities and service organizations in the Pensacola community. Mrs. Appelquist worked for nearly 40 years in the real estate business in northwest Florida. She formed her own company, Appelquist and Associates, in 1977, and her tireless work ethic was the key to her success. She was noted for being the first one in the office, often beginning work at 5:00 a.m., and the last to leave.

Her leadership in the business community was unquestioned. She was highly respected and, in 1993, was chosen as chairwoman of the Pensacola Bay Area Chamber of Commerce. The Pensacola Bay Area Chamber of Commerce also awarded her with the Business Leader of the Year Award. She served in leadership positions at a number of local organizations, including co-chairwoman at Covenant Hospice and president of United Way of Escambia County. She also served as a board member for Baptist Hospital and the Council on Aging Foundation.

Mrs. Appelquist was noted for her dedication to her clients; however, her commitment and hard work were best personified by her support for charitable organizations in the northwest Florida community. Retirement was never one of Mrs. Appelquist's goals. Following her career in real estate, Mrs. Appelquist joined the Studer Group, a health care consulting organization, where she

worked as Executive Director of charitable giving.

To some, Gwen Appelquist May will be remembered as a leader in the business community. To others, she will be remembered for her charitable work northwest Florida. To her family, she will always be remembered as a loving and devoted mother and spouse. She was an inspiration to those who knew her, and her service to the Pensacola community is her lasting legacy.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of Gwen Appelquist May. My wife Vicki and I offer our continued prayers for her entire family.

RECOGNIZING ESTELLE
WALLINGFORD

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize someone who has been a valuable asset during her time as an intern in my office, Estelle Wallingford.

Estelle came to my office from Australia as a participant in the Uni-Capitol Washington Internship Programme. Already an accomplished student at the University of Melbourne where she studies Political Science and Philosophy, as well as Economics, she left the Australian summer to join us in DC as winter set in this January. During her time in my office, Estelle has been a quick learner, picking up and understanding the similarities and differences between our U.S. Congress and Australia's Parliament. At the same time, she has excitedly shared her knowledge and culture with my staff, leading them in their first ever celebration of Australia Day.

Estelle's love of Australia and desire to share it with others in the United States was exemplified by her efforts to revive the House's Friends of Australia Caucus. During a project to update a listing of Congressional Member Organizations for my office, she realized that there are caucuses fostering friendship between the United States and a number of other nations, but not one for Australia. I am proud to report that through her efforts to reach out to other Members of Congress and her own embassy, Estelle's vision of the Friends of Australia Caucus is already taking shape.

I join my colleagues in congratulating Estelle Wallingford on her accomplishments during her time in the United States and thank her for her hard work and knowledge she has imparted to me and my staff. I wish her the best in her future endeavors as she returns home, to Australia.

IN RECOGNITION OF WILLIAM T.
SKOWRONSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. KUCINICH. Mr. Speaker, I rise to recognize William T. Skowronski, the Chief of the Northeast District Office of the Ohio Environmental Protection Agency. Bill is retiring on February 24 after 39 years with the OEPA.

Bill Skowronski graduated from Cleveland State University in 1972 with a degree in Mechanical Engineering. He became a Registered Professional Engineer and went on to become District Engineer in the Public Wastewater Control Group; a Supervisor in the Industrial Wastewater Pollution Control Group; and the Manager of the Division of Solid and Hazardous Waste Management, before becoming the District Chief in 1987.

In his long and distinguished career, Bill Skowronski has served on many boards and committees and has received numerous awards for his service. He is an ex officio member of the Northeast Ohio Area-wide Coordinating Agency, Northeast Ohio's Metropolitan Planning Organization; a member of the Greater Cleveland Clean Air Campaign; the Cleveland Harbor Dredge Task Force; the Environmental Health and Safety Technology Advisory Committee of Cuyahoga Community College; and the Advisory Committee for Master of Arts in Environmental Studies at Cleveland State University's Levin College of Urban Affairs, among other boards. He is also a past member of the Greater Cleveland Growth Association's Water/Environmental Committee; Case Western Reserve University's Advisory Committee for the Regional Priorities Project; the St. Clair Superior Neighborhood Development Association Environmental Justice Committee; and the Earth Day Coalition's Sustainable Cleveland Neighborhood Committee, among others. In 1991 Bill received the OEPA Senior Manager of the Year Award and in 2005 received the OEPA George B. Garrett Professionalism Award.

Professional duties aside, Bill is a dedicated sports fan and family man. He plays basketball, soccer, tennis and golf and umpires elementary through high school baseball leagues. He is an avid fan of all Cleveland's professional sports teams and the Ohio State University Buckeyes. In his retirement, Bill looks forward to spending more time with his wife Debra, who recently retired from the North Royalton Board of Education, his three children Keith, Kevin and Kristen, his granddaughter Abigail, and a grandchild on the way.

Mr. Speaker and colleagues, please join me in wishing Bill Skowronski the best in his much deserved retirement.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. GENE GREEN of Texas. Mr. Speaker, while I am adamantly opposed to the EPA

moving forward with regulations on large utilities and refineries in our country, I believe that the Congress should be the decision maker on carbon control issues. That is why I have co-sponsored Rep. CAPITO's bill that would prohibit the EPA from issuing any greenhouse gas emission-related rules or regulations for two years so that the Congress has time to address this issue. A solution can be found for controlling carbon emissions by using nuclear and natural gas to generate electricity and I hope my colleagues on the other side of the aisle will work with me on this to give industry the certainty they need.

PERSONAL EXPLANATION

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FARENTHOLD. Mr. Speaker, on rollcall No. 87, I missed the vote due to a previously scheduled satellite interview in my district. Had I been present, I would have voted "yes."

HONORING SPECIAL AGENT JAIME
J. ZAPATA

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. ADERHOLT. Mr. Speaker, I would like to take this opportunity to express my deepest sorrow about a tragic attack on American law enforcement that happened earlier this week in Mexico.

On Tuesday afternoon, two agents from U.S. Immigration and Customs Enforcement were attacked by unknown individuals while driving between Mexico City and Monterrey, Mexico. Today, I honor the incredible sacrifice of Special Agent Jaime J. Zapata, who lost his life in service of our country.

Special Agent Zapata joined ICE in 2006. He joined one of ICE's offices in Laredo, Texas, where he served on the Human Smuggling and Trafficking Unit, as well as the Border Enforcement Security Task Force. He was most recently detailed to ICE's Attaché office in Mexico City. He began his federal law enforcement career with the Department of Homeland Security as a member of the U.S. Border Patrol in Yuma, Arizona. A native of Brownsville, Texas, Special Agent Zapata graduated from the University of Texas at Brownsville in 2005 with a Bachelor of Science in Criminal Justice.

A second agent who was injured in the attack remains in stable condition. My thoughts and prayers are with him.

These two brave agents gave their all to shield others from harm. They worked tirelessly against dangerous criminal elements. They bravely took dangerous assignments, ultimately making a profound sacrifice.

They were two of the hundreds of ICE personnel around the globe. Honorable agents like these two individuals collaborate with their counterparts in joint efforts to dismantle

transnational criminal organizations. Agents like them give their all day in and day out on fighting money laundering, contraband smuggling, weapons proliferation, forced child labor, human rights violations, intellectual property violations, child exploitation, and human smuggling and trafficking.

An incident like this serves to remind us, as a Nation, how grateful we are for the sacrifices made by these brave men and women every day. The work they do serves to make the public safe and protect the Nation's security.

I know that law enforcement is working closely with the authorities in Mexico to ensure that the perpetrators of this horrible attack are brought to justice as quickly as possible.

In the meantime, I offer my deepest condolences to the family of Special Agent Zapata. He died for a just cause and will forever be remembered as a man of courage and honor.

And a message for the second injured agent: I think I speak for a Nation when I say that I hope, and pray, for your recovery. Words cannot express our thanks for your service.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. BECERRA. Mr. Speaker, yesterday I was unavoidably detained and missed roll call vote 81. If present, I would have voted "no" on rollcall vote 81.

RECOGNIZING DR. LEROY HOOD,
RECIPIENT OF THE FRITZ J. AND
DOLORES H. RUSS PRIZE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise today to honor Dr. Leroy Hood, recipient of the Fritz J. and Dolores H. Russ Prize from the National Academy of Engineering. The Fritz J. and Dolores H. Russ Prize is a prestigious engineering award which was established in 1999 in tribute to the contributions of esteemed engineer Fritz Russ and his wife Dolores Russ. The National Academy of Engineering presents this award every two years to recognize the outstanding achievements made in bioengineering that significantly improve the human condition.

As co-founder of several biotechnology companies in the Puget Sound Region, Dr. Hood advanced research and methods in biology and developed new DNA technologies for biomedicine and forensic science. His groundbreaking work in automation of DNA sequencing earned him this biennium's Fritz J. and Dolores H. Russ Prize. Dr. Hood is a leading scientist in the fields of molecular biotechnology and genomics where his approach to biomedicine has been utilized internationally. He has received many of the foremost awards in his field including the 2004 Biotechnology Heritage Award for his significant

contributions to biotechnology through discovery, innovation, commercialization, and increasing public understanding of biology.

A pioneer of techniques that initiated the Human Genome Project, Dr. Hood is admired for his scientific innovations, his entrepreneurship, and the quality and volume of his research. Having earned his M.D. at Johns Hopkins University, and his Ph.D. at the California Institute of Technology, Dr. Hood inspires young people to follow in his footsteps and study science.

The Seattle Community is exceedingly proud to be home to Dr. Leroy Hood and the Institute for Systems Biology, a pioneering research facility that is doing critical work at the very forefront of biological science.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Dr. Leroy Hood, recipient of the Fritz J. and Dolores H. Russ Prize for his achievements in advancing genetic science.

IN HONOR AND REMEMBRANCE OF
MERCEDES HELEN SPOTTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mercedes Helen Spotts, a loving mother, grandmother, sister and friend. Mrs. Spotts' devotion to public service, and her passionate love for her family and children, has left a lasting impression on countless lives.

Born in Cleveland, Ohio to Helen and John Karpinski, Mrs. Spotts graduated from Notre Dame Academy, and earned associates and bachelor's degrees at Notre Dame College. She also earned her master's and law degrees at Cleveland State University. She was awarded an honorary doctorate from her alma mater, Notre Dame College.

Mrs. Spotts has the honor of being the first female deputy bailiff at the Cleveland Municipal Court. Throughout her career she also served as an appeals court administrator, the second female President of the Cuyahoga County Bar Association, co-founder of the East Side Catholic Shelter and the founding President of Mental Health Services. Because of her dedication, Mrs. Spotts was the recipient of three awards from the Cuyahoga County Bar Association, including the first "Day Weiner" award for public service.

In addition to her formal role as deputy bailiff, Mrs. Spotts was known around the community as the organizer of the annual International Folk Festival in Playhouse Square. She was also an active member of the Dimpled Darlings of Ireland, a tap-dance group that performed for nursing homes and hospitals. Mrs. Spotts was named a "Grand Lady of Pulaski" by the Polonia Foundation and received its annual Heritage Award. She also received the Ellis Island Medal of Honor in 2005.

Mrs. Spotts is survived by her two sons, David and John, her grandson David, and sister, the Honorable Diane Karpinski.

Mr. Speaker and colleagues, please join me in remembering Mercedes Helen Spotts,

whose legacy of professionalism and service to others will not be forgotten.

HONORING THE LIFE OF HAROLD
BROCK

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to recognize the work and generosity of the late Harold Brock of Waterloo, Iowa.

In January, Harold passed away at the age of 96. For decades he was a leader and innovator in the Cedar Valley and State of Iowa. Harold began his career as an engineering apprentice at Ford Motor Company working alongside Henry Ford. He headed tractor engineering at Ford for 20 years, before moving to Iowa to work for John Deere in 1959. Harold became the company's first worldwide director of tractor engineering. Throughout his career he supported multiple community programs including Junior Achievement, Cedar Valley Hospice, and the Grout Museum.

One of his greatest contributions was helping establish the Hawkeye Institute of Technology, which we now know as Hawkeye Community College. Harold's vision, energy, and intelligence enabled Hawkeye to become the premier institution it is today. Thousands of students, families, and businesses are stronger now because of Harold's leadership.

A few months before his death, Harold was featured in the Waterloo Cedar Falls Courier for his work and generosity. In that story he stated he was grateful for the opportunity "to build a better world for people." He wanted to be remembered for contributing to the success of people and the community.

Mr. Speaker, Harold Brock will be remembered for a long and productive life where he truly helped build a better world for people. I rise today to honor his memory and the legacy he's left.

MOVEMENT IS LIFE

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. EDWARDS. Mr. Speaker, arthritis is the number one cause of disability, according to the Centers for Disease Control, CDC, and among the leading reasons for doctor visits and missed work. In addition, the CDC finds that arthritis costs \$128 billion annually in medical costs and lost wages. In September 2010, a national summit on arthritis and musculoskeletal health disparities, "Movement is Life," was held in Bethesda, Maryland. The summit facilitated a national dialogue about musculoskeletal health disparities among women and the largest racial/ethnic minority groups, African Americans and Latinos. The findings of "Movement is Life" show that women, African Americans, and Latinos face more severe osteoarthritis and disability but receive less than optimal access to diagnostic,

medical, and surgical intervention than other demographic groups. These disadvantaged communities also face significant health disparities in chronic diseases such as diabetes, obesity, and heart disease. By promoting early intervention, "Movement is Life" hopes to slow musculoskeletal disease progression, reduce disability, and encourage physical activity and daily movement to improve the overall health of the Nation.

JAMES J. HAGGERTY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. PELOSI. Mr. Speaker, I rise today to honor the life of James J. Haggerty, known affectionately to many of us as "The Big Fella." He was the beloved husband to his cherished Cecelia and proud father of seven: Jeanie, Mauri, James Jr., Matthew, Cecelia, Daniel, and Katie. And he was the doting grandfather to 18.

Jim's life motto was "to those whom much is given, much is expected." He believed strongly in public service, through which he knew he could help people. When his close and dear friend, Bob Casey, became Governor of Pennsylvania, Jim served in his cabinet as Secretary of the Commonwealth and later as his General Counsel.

Jim's life was made full by his big family and many friends. He adored his wife, and he died just 11 days before their 45th wedding anniversary. He was strengthened by his abiding Catholic faith, loved his Irish heritage, and was a loyal Dunmorean.

Jim supported many worthy causes, serving as chairman of the board of the University of Scranton, a member of the board of Scranton Preparatory School, and a staunch champion of the United Way of Lackawanna County. His good works strengthened northeast Pennsylvania.

At his funeral mass, Monsignor Joseph Quinn said of Jim to an overflowing and loving crowd: "God used him to build many bridges along the way, bridges that connect lives."

His grandson, James, called him a man of courage and generosity, saying: "He has taught me the importance of giving back."

As the Scranton Times-Tribune reported, James Jr. said his father epitomized "honesty, integrity, and love" to his family. And he closed with a poem read by Robert F. Kennedy in Lackawanna County in 1964, about Irish freedom fighter Owen Roe O'Neill:

"We're sheep without a shepherd, when the snow shuts out the sky. Oh! Why did you leave us, Owen? Why did you die?"

My husband Paul and I were proud to call the Haggertys our friends for nearly 50 years, and are deeply saddened by Jim's passing. It is a source of great happiness to us that our children and grandchildren are loving friends.

Indeed, so many were proud to call Jim their friend: last Sunday, in Scranton, a line of those who had come to pay their respects to Jim stretched for blocks. As they waited in line for hours, they shared their stories of how Jim Haggerty helped them.

I hope it is a comfort to the Haggerty family, to Celia and to their children and grandchildren, that so many grieve their loss and are praying for them in this sad time.

CONGRATULATING KATHY
STEINHOFF

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. LUETKEMEYER. Mr. Speaker, I ask my colleagues to join me in congratulating Kathy Steinhoff, a math teacher at Jefferson Junior High School in Columbia for receiving the NEA Member Benefits Award for Teaching Excellence on February 11, 2011.

Ms. Steinhoff should be commended for her hard work and dedication to the students in her school district and her community. The NEA Member Benefits Award for Teaching Excellence is a prestigious award, and we are proud she is representing our great state of Missouri and the 9th district. Advancement in the fields of mathematics is integral to the development and competitiveness of America in the future, and I am honored to congratulate Ms. Steinhoff on her outstanding achievement.

Ms. Steinhoff was selected from five finalists to receive the NEA Member Benefits Award for Teaching Excellence. The award recognizes effective teaching skills and advocacy for the educational profession.

Steinhoff won the award for her unique teaching style and the use of technology in her lessons, such as interactive SMART Boards and clickers, to help her eighth- and ninth-grade students. She also uploads podcasts, which record her teaching difficult math problems, so that her students can revisit her lessons later to study. Her innovative teaching style has made her a favorite among students and a leader among her peers.

It is critical for the future of our country that students have access to a quality education. Without excellent teachers, our schools fail our students and communities. Ms. Steinhoff exemplifies what it means to be an excellent teacher, and her dedication to her students and community is worthy of high praise.

I ask that you join me in recognizing Kathy Steinhoff for her excellence in the field of education.

REMEMBERING THE VICTIMS OF
THE KHOJALY TRAGEDY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I wish to recognize the estimated 1,000 civilians who on February 26, 1992 were indiscriminately scalped, tortured, and killed in the town of Khojaly, an Azerbaijani-populated town in Nagorno-Karabakh. Many of us know that post-Soviet conflicts in Eastern Europe and Central Asia led to brutal ethnic cleansing, but few have heard of the

people of Khojaly, who were massacred by Armenian militants. The ethnic cleansing was successful, and the town no longer exists. Although the tragedy received widespread media coverage, since then it has largely been forgotten. I hope that now and every year after this atrocity, we can pray for the victims.

Azerbaijan's Muslim, Christian, and Jewish communities come together against ethnic cleansing at this time of the year, commemorating the lives of the Khojaly victims and calling on the international community to condemn the bloodshed. Their pleas do not fall on deaf ears.

There are still victims of the conflict in the region of Nagorno-Karabakh. Hundreds of thousands of people are displaced, and ethnic cleansing has continued even after 1992.

I have met victims of the Rwandan genocide, who are still healing to this day. I went to Bosnia shortly after the war and saw the effect of ethnic cleansing there. I know what a detrimental effect this can have to a region, in this case even wiping a small town off the map. I recognize that even now, atrocities are occurring in Kashmir and Darfur, and innocent civilians are paying the price while we in the international community have more to do.

Mr. Speaker, I hope that Azerbaijan and Armenia can come to a peaceful resolution of the conflict in Nagorno-Karabakh, and I hope that the civilians suffering right now will soon see an end to ethnic cleansing. The memories of the women, men, and children of Khojaly should propel us to condemn such practices.

RECOGNIZING THE DES MOINES
SOCIAL CLUB

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to recognize the Des Moines Social Club, a not-for-profit venture formed in Iowa around the idea that art can be accessible to everyone.

Since its founding in 2008, the Des Moines Social Club has become a source for art and art education through the Instinct Art Gallery, showcasing local, national and international artists, many educational classes, and weekly programs. They have provided the staff and resources to host public events educating Iowans of all ages about music, dance, theater, and the visual arts.

The folks of the Des Moines Social Club have been strong supporters of projects that benefit the entire community. In the past year, they have expanded to provide just under 300 hours of classes for over 500 students. The fact that nearly 100 volunteers have put in close to 5,000 hours of service, is a true testament to the leadership of the organization and their dedication to fulfill their mission of using the arts as a catalyst for community engagement.

Mr. Speaker, I am proud of what the Des Moines Social Club has done to further the arts. This group of leaders is making the State of Iowa a more vibrant and diverse community.

TWENTY-THIRD ANNIVERSARY OF
THE SUMGAIT MASSACRE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. PALLONE. Mr. Speaker, next week marks the twenty-third anniversary of the Sumgait massacre. I stand today to recognize the massacres in Sumgait, Azerbaijan, and the continued Turkish and Azeri aggression against the Armenian people.

In late February of 1988, during what was supposed to be a period of glasnost and perestroika within the Soviet Union, Armenians, who had been the target of genocide in the early part of the 20th century by the Ottoman government, were under assault by the Azeri authorities in the town of Sumgait in Azerbaijan. This three-day rampage left dozens dead and hundreds injured, many burned alive. Women and minors were abused, scores of apartments were robbed, shops and kiosks were demolished, and thousands of people became refugees.

The Sumgait massacre is but one example in a long line of Azerbaijan's aggression and hostility against the Armenian people. Just two years later, the disappearance of a 450,000 strong Armenian community in Azerbaijan was witnessed. While Azerbaijan claims that events in Baku were about the liberation of Azerbaijani people from the Soviet occupation, the truth is that Mikhail Gorbachev had to send Soviet troops to the Azerbaijani capital to stop the mass killings and deportations of Armenians organized by the Government of Azerbaijan. The unfortunate fact is that the Azerbaijani Government was successful in ethnic cleansing and the mass deportation of the entire Armenian population of Baku.

Despite the attempt by the Government of Azerbaijan to cover up the crimes of Sumgait and Baku, enough brave witnesses came forward to give an accurate account of the offenses. Having survived near annihilation at the hands of the Ottoman Turkish authorities, it is a testament to the indomitable spirit of the Armenian people that they were able to endure and overcome another genocide campaign during the pogroms that took place throughout Azerbaijan, including in its capital city of Baku.

Many Armenians have marked the anniversary of the Sumgait massacre by organizing a march here in Washington from the Embassy of Turkey to the Embassy of Azerbaijan in order to highlight the continued Turkish and Azeri aggression toward the Armenian people. This anniversary reminds us yet again of the historical injustices the Armenian people have faced, and the need for strong U.S. engagement in the region to safeguard Armenia against the aggressive tactics of its neighbors.

Mr. Speaker, I ask that my colleagues stand with me in recognizing this tragic moment in history. Through recognizing the atrocities of the past, we can build a more peaceful future.

PERSONAL EXPLANATION

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. FARENTHOLD. Mr. Speaker, on rollcall No. 88, I missed the vote due to a previously scheduled satellite interview in my district. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FARENTHOLD. Mr. Speaker, on rollcall No. 89, I missed the vote due to a previously scheduled satellite interview in my district. Had I been present, I would have voted "no."

CONGRATULATIONS GORDY
FAMILY**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate my good friend, Thomas Gordy and his wife, Theresa on the birth of their daughter, Trenton Talmadge Gordy. Trenton was born on Tuesday, February 15, 2011, in Manassas, Virginia. She is welcomed home by her sister, Sarah Gordy.

Trenton Talmadge Gordy is seven pounds and one ounce of pride and joy to her loving grandparents, Timmy and Kay Gordy of Monroe, Louisiana, Toni and Michael LeBlanc of Shreveport, Louisiana, and Canoy and Lynn Mayo of West Monroe, Louisiana.

I am so excited for this new blessing to the Gordy family and wish them all the best.

CONGRATULATING THE WINNERS
OF THE MEDAL OF FREEDOM**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise to honor this week's recipients of the Presidential Medal of Freedom, our nation's highest civilian honor. All of the honorees have led extraordinary lives and made enormous contributions in their fields. They come from a range of backgrounds—arts, sports, public service—and have enriched our nation and improved our world.

I particularly want to recognize my friend, Congressman JOHN LEWIS, who received this honor. JOHN has given a lifetime of service to this nation, from his leadership in the Civil Rights Movement to his 26 years as the "Conscience of the Congress." A few years ago, I had the privilege to join JOHN on a trip to Ala-

bama, where we retraced the steps of the courageous civil rights activists who changed the face of America. JOHN's passion has never wavered and he remains a voice for the voiceless—strongly advocating for opportunity for all Americans. I congratulate him on this much-deserved honor and look forward to working with him for many years to come.

TRIBUTE TO REV. SAMUEL R.
HARDMAN, SR.**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to a patriotic American who loved his country and loved the Lord, and dedicated his life to the service of both.

The Rev. Samuel R. Hardman, Sr. passed away on February 10, 2011, at the age of 85. A native of Zephyrhills, Florida, he was a lifelong resident of Magnolia Springs, Alabama.

To anyone who knew Father Sam, it was clear he was passionate about America. At the young age of 17, as the world was embroiled in the Second World War, he eagerly enlisted in the U.S. Navy. He was commissioned a bomb disposal officer at age 19 and served in the South Pacific as the United States battled the Empire of Japan.

After the war, he returned home to attend the Episcopal Seminary in Sewanee, Tennessee, and was ordained a priest in 1950.

With one war behind him, many would have chosen the more comfortable road of civilian life. Yet, Father Sam elected to take a different path. He chose to serve the Lord while at the same time serving his country. He returned to the Navy as a Chaplain, taking him to battlefronts in Korea and Vietnam. Much of his time in uniform was in the service of the U.S. Marine Corps.

Father Sam retired from the Navy as a Captain in 1975 and moved to Magnolia Springs where he served in the Diocese of the Central Gulf Coast for the next 32 years.

Mr. Speaker, Father Sam's uncommon devotion to America and his faith make him a very special man. However, he is all the more special to me as he presided over the marriage ceremony when my wife, Janee, and I were wed on August 15, 1990. We will be forever grateful for his spiritual and fatherly role in our lives and in the lives of countless others who have been parishioners of St. Paul's Episcopal Church in Mobile.

On behalf of all the people who have been touched by Father Sam's life, I wish to extend condolences to his family, including his sons, William, and Samuel, Jr.; sisters, Alfea Thomas, and Mary Lee; 9 grandchildren; 9 great grandchildren, and a host of nieces and nephews and other relatives. You are all in our thoughts and prayers.

THE THIRD TIME IS AS GOOD AS
THE FIRST**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. COBLE. Mr. Speaker, I am sure that fans across the country will have their own opinion, but for my money, I have to say that the best high school football team in the country resides in the Sixth District of North Carolina. I have some facts to back up my opinion.

West Rowan High School owns the nation's longest active football winning streak among all high schools. The Falcons won their 46th consecutive game while capturing their third straight North Carolina 3-A high school football championship. West Rowan's last loss was in Week 2 of the 2008 football season.

The Falcons completed their third straight season of perfection on December 11, 2010, when they defeated Eastern Alamance 34-7 at N.C. State's Carter-Finley Stadium. I must also note that the Sixth District was a double winner in this game because the Eastern Alamance Eagles proved to be a worthy opponent. Eastern Alamance also resides in the Sixth District. So, congratulations to the Falcons and the Eagles for a tremendous 2010 football season.

The way that West Rowan captured this title was special because of the obstacles that had to be overcome in the title bout. It has long been said that defense wins championships and the Falcons are a prime example of this philosophy. In the title game, the star quarterback for the Falcons was knocked out of the game with a concussion requiring a full team effort to capture the state crown. West Rowan and Eastern Alamance battled in a great game, both sides worthy of accolades. The Falcon defense, however, was able to take over in the second half while paving the way for the win. The Falcons define team work and dedication and that starts with the Head Coach Scott Young and all of his assistants.

With many players returning next season, including the offensive and defensive MVPs, the Falcons have vowed to continue their winning streak. On February 3, 2011, I was honored to meet with the team and offer my personal congratulations on another outstanding season.

The players on this championship team are Tyler Stamp, Trey Mashore, Daishon Barger, Odell McBride, Clifford Long, BJ Sherrill, Dinkin Miller, Quentin Sifford, Connor Edwards, Jamarian Mabry, Eric Cowan, Ethan Wansley, Harvey Landy, Taylor Garczynski, Jockaile Burnside, Bertin Suarez, Jarvis Morgan, Dominique Noble, Kendall Hosch, John Dunlap, Darryl Jackson Jr., Andrew Garrison, Trey Cuthbertson, Brandon Ijames, Mack Flanagan, Terence Robinson, Troy Culbertson, Patrick Hampton, Trevor Loudin, Desmond Jackson, Emmanuel Gbunblee, Trey Shepherd, Tacoma McNeely, Cody Eggers, Kiero Cuthbertson, Jacob Tomlin, Logan Stoodley, Jordan Davenport, Terrence Polk, Andre Archie, Matthew Choi, Charles Holloway, Preston Garner, Chad Bailey, Brandon Hansen, Xavier Still, Cody Haire, Hunter Mashburn, Josh Bailey, Jordan Myers, Greg

Dixon, Mike Norman, Rashad Sherrill, Zeke Blackwood, Davon Quarles, Jarius Lewis, Louis Kraft, Hobie Proctor, Jalen Morrow, Ahmed Blackwell, Quinton Phifer, Maurice Warren, Kelly Miller, Keyows Weeks, Justin Teeter, Jovani Alvirer, Daisean Reddick, Ray Bath, Derrick Fortson, Teoz Mauney, and Michael Pinkston.

Every great team needs a great coaching staff, as well as support from their school community. Plaudits must go to Head Coach Scott Young, Assistant Coaches Ed Bowles, Butch Browning, Durwood Bynum, Jeff Chapman, Tim Dixon, Ralph Ellis, Dave Hunt, Lee Linville, Darrell Misenhiemer, Joe Nixon, Kevin Parks Sr., Stevie Williams, James Collins, Zeb Link, and Mark Young. In addition, it should be noted that Scott Young has been honored as the Associated Press Prep Football Coach of the Year for North Carolina.

In addition, we need to congratulate Head Trainer Amber DeDoming along with student trainers J.J. Pangburn, Ashley Gaston and Nicole Barber. Additionally the cameramen Alan Champion and Jonathan Brown, the ball girls Ally Young, Sarah Day and Mary Sobataka and ball boys Bryant Young, Owen White, Marcus Corry and Brandon Wallace, all deserve to be recognized for the total team effort.

Last, but certainly not least, we offer our congratulations to Athletic Director Todd Bell and Principal Dr. Jamie Durant for their support of a national high school football dynasty.

Again on behalf of the Sixth District of North Carolina, we congratulate the West Rowan High School football team, faculty, staff, students, and fans for another history-making season. This team will be remembered for many years to come for its perfection on the field and resilience in securing a third straight North Carolina 3-A state championship.

RECOGNIZING KATHY ICHTER, DIRECTOR OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION UPON HER RETIREMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Kathy Ichter, the Director of the Fairfax County Department of Transportation for her long and dedicated service to the residents of Fairfax County, Virginia, and to wish her well in her retirement. Ms. Ichter started with the County in 1984, and spent 27 years working tirelessly to improve regional transportation. She began as a Transportation Planner, served for twelve years as the Division Chief of the Department's Transportation Planning and Operations Division, and was subsequently appointed as Director of the entire Department in 2005. I was a Member of the Fairfax County Board of Supervisors at that time, and happily supported Ms. Ichter's appointment. Having worked closely with her on many transportation issues over the years, I developed a profound respect for her abilities and dedication.

Ms. Ichter was instrumental in improving all modes of transportation, including roadways,

supporting pedestrian and transit opportunities and implementing innovative alternatives such as telework. While no one transportation project will completely eliminate challenges in urbanized areas, Ms. Ichter's wide-ranging focus provided residents with a number of options for their daily commutes. During her time as Director, she facilitated a partnership with the private sector to expand capacity on the Washington Beltway at no cost to taxpayers, oversaw the final planning and start of construction on extending Metrorail to Dulles Airport—one of our region's most significant transportation improvements, and planned redevelopment for the Tysons Corner area to transform the currently gridlocked urban core into a workable community. In addition, she worked diligently with me when I served as Chairman of the Board to enact two Four-Year Transportation Plans, the first such efforts in Fairfax to develop and implement a comprehensive, long-term transportation strategy.

Throughout her years of service, Ms. Ichter received a number of awards recognizing her efforts and leadership, including the Les Dorson Public Leadership Award in 2004 and the A. Heath Onthank Award, the highest honor awarded to Fairfax County government employees, in 2005.

Mr. Speaker, I ask my colleagues to join me in providing further recognition to Kathy Ichter and thanking her for her years of service to the citizens of Fairfax County and her dedication to improving the National Capital region's transportation challenges.

RECOGNITION OF MR. RAÚL MAGDALENO

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am delighted to congratulate one of my constituents who will be honored for his extraordinary volunteerism leadership in the community. Mr. Raúl Magdaleno will be presented with the MillerCoors 2010 Lider of the Year Award at the Latino Cultural Center in Dallas, Texas on Thursday, February 24, 2011.

Raúl Magdaleno was the one among 12 Hispanic leaders chosen for outstanding contributions to his community through volunteerism at Parents Step Ahead/Padres un Paso Adelante. Mr. Magdaleno was selected through an online public voting campaign hosted from September 15 through October 29, 2010. In compliment to his award, Parents Step Ahead will receive a \$25,000 grant for a community leadership project in collaboration with MillerCoors. The focus of Parents Step Ahead is to encourage parents to participate in their children's education.

Although this is a prestigious award, this is not the first honor bestowed upon this exceptional Dallasite. Mr. Magdaleno is a 2004 recipient of the United States Congressional Gold Medal for his more than 29,000 hours of community service. He has clearly demonstrated his dedication to the Hispanic community and leadership ability to serve those in

need. At present, Mr. Magdaleno oversees the office of Diversity and Community Outreach for Southern Methodist University's Meadows School of the Arts.

Mr. Speaker, I salute Raúl Magdaleno for his remarkable commitment as a servant leader. He is one that our youth across the nation can aspire towards to make this country a better place to live. In his own words, "Perseverance and determination triumphs over any disadvantage life may bring you."

TRIBUTE TO LEONARD METZGER, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. BONNER. Mr. Speaker, I rise to offer tribute to Mr. Leonard Metzger, Jr., a beloved and respected member of the South Alabama business community who recently passed away at the age of 81.

To his many friends, Leonard Metzger was a gentleman, an avid outdoorsman, a devoted businessman and booster of the community.

Born in Mobile in 1929, Mr. Metzger graduated from University Military School, UMS, where he was the 1948 Julius Tutwiler Award recipient. He would later serve on the UMS-Wright Board of Directors for 25 years.

He attended the University of Alabama until he was called home to lead the family clothing business, Metzger's, after the death of his father, Leonard Metzger, Sr.

For three decades, Mr. Metzger guided the store and supervised its expansion. He sold his business interest in the early 1980's and turned his attention to local civic activities, including the Alabama Deep Sea Fishing Rodeo and the Junior Miss Pageant.

Mr. Metzger loved fishing, duck hunting and telling humorous stories as much as he loved making friends.

His contributions to our community in business and civic activities are many and he will be sorely missed.

On behalf of the people of South Alabama, I wish to extend condolences to Mildred, his wife of 36 years; his son, Leonard "Lee"; daughters, Nancy, Peggy and Debbie; stepdaughter, Marty; sister, Clare; 6 grandchildren, and extended family and friends. You are all in our thoughts and prayers.

TRIBUTE TO MR. DAVID M. ALTWEGG

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. TURNER. Mr. Speaker, on the occasion of his retirement from the Department of Defense, I wish to recognize Mr. David M. Altwegg, Rear Admiral (RADM) (Retired) for his more than six decades of dedicated military and federal service to the security of our country. In his most recent assignment, he served as Executive Director at the Missile

Defense Agency, where he advised the Director on issues related to the management and operations of one of the most dynamic organizations within the Department of Defense. Mr. Altwegg has made an enormous contribution to the successful development and fielding of a defensive system to protect this nation, American troops deployed abroad, and our allies and friends from attack by ballistic missiles.

Mr. Altwegg enlisted in the Navy in 1947 and after attending aviation electronics training, he earned a fleet appointment to the United States Naval Academy, earning his commission in 1952. He rose through the ranks as a Surface Warfare Officer where he led sailors and Marines through three decades of distinguished military service, retiring from active duty in 1985. RADM Altwegg's passion to serve this great country led him to continue his federal government service for another quarter century as part of the Senior Executive Service. It is to this nation's benefit that Mr. Altwegg decided to pursue a post-navy career in civil service.

Mr. Speaker, very few individuals demonstrate the passion, patriotism, loyalty and dedication to national security as exemplified by Mr. Altwegg. His accomplishments and leadership over the course of his 24 year senior executive career contributed significantly to the Department of Defense in the areas of complex combat systems development, acquisition reform, and the fielding of a ballistic missile defense capability for the Nation. As a senior executive, he served in positions of increasing responsibility in the Naval Sea Systems Command and the Program Executive Office for Theater Air Defense (later renamed Theater Surface Combatants). He served as the Deputy Assistant Secretary of the Navy for Theater Combat Systems before being assigned to the newly formed Missile Defense Agency where he rose to the position of Executive Director, the senior civilian in this organization.

Mr. Altwegg has been at the forefront of the Department of Defense efforts to improve and streamline the acquisition of complex combat systems for his entire civilian career, but nowhere has he had more direct impact than in his current Missile Defense Agency assignment. He pioneered the portfolio management concept when MDA was formed in 2002 through the consolidation of all Service ballistic missile defense programs under this new Defense Agency. Concurrent with this effort, he revamped the budget development and oversight process for MDA's \$8 billion annual portfolio, and he dramatically improved the detail and applicability of budget documentation for Congress and other national leaders, resulting in bipartisan praise for promoting a much clearer understanding of a very technically complex program of work. His vision for managing disparate systems as a single integrated system, networking air and space surveillance resources to allow the warfighter to take advantage of the full kinematic range of the family of missile defense interceptors, revolutionized the way we think of the DoD Acquisition Model. MDA's early application of spiral development to introduce future capability in blocks became the new lexicon used by the Defense Acquisition University where we train our future acquisition experts.

Mr. Altwegg also championed the re-engineering of the agency's management structure to better administer and support a revolutionary approach to developing and fielding missile defense capabilities. He redefined the Executive Management Council organization around the three core executive management functions of the Director (head of agency, acquisition executive and program manager) improving teamwork, increasing the information flow among senior executives and dramatically reducing decision cycle time. His tireless efforts streamlined staff, improved communication among more than 30 departments, and advanced the interests of the Department of Defense and American taxpayers in more efficiently delivering improved ballistic missile defense capabilities.

Consistent with the President's Quality Management Agenda as set forth in 2002, Mr. Altwegg pushed for better metrics and measures to support all aspects of ballistic missile defense acquisition. When the Office of Management and Budget implemented their Program Assessment Rating Tool (PART), the MDA was included in the first group of government agencies to be reviewed. The MDA earned an unprecedented score of 75 in the first year. This objective assessment by an outside organization was a direct reflection of Mr. Altwegg's ability to set measurable goals for MDA and to communicate a complex strategy and revolutionary spiral acquisition process.

He was also singularly responsible for the agency's implementation of the President's Management Agenda spotlight activity for Budget-Performance Integration, achieving 100 percent integration of the agency's strategic and budgetary goals. He articulated a recurring strategic rhythm where investment, development, testing and fielding decisions are based on periodic reviews of the maturity, progress and balance of the ballistic missile defense portfolio. Strategic decisions on element progress are based on their ability to meet predefined knowledge points as they proceed through development and testing. Mr. Altwegg initiated and deployed an array of earned value and life cycle management tools to optimize MDA knowledge-based decision systems and criteria, and he spearheaded efforts to evaluate and make informed senior leader decisions based upon cost, schedule, performance and relative merit criteria and metrics. He developed and managed numerous data generation and evaluation systems—including MDA's Integrated Program Plan and supporting management systems and activities—to more effectively manage system wide and component level costs and schedules, balance development and fielding priorities and successfully meet block development and fielding goals.

He has been the central figure in planning and responding to the 2005 Base Realignment and Closure (BRAC) commission's recommendations to consolidate missile defense development activities at Redstone Arsenal in Alabama. He has collaborated closely with the Department of Defense, Washington Headquarters Service and Department of the Army staffs to ensure MDA's requirements are fully considered. He has personally championed open communication with the workforce to sur-

vey employee concerns, develop detailed plans for executing the directed realignments and ensure workforce needs are addressed. He has personally met with Huntsville Alabama Chamber of Commerce and coordinated an informative series of presentations to the staff to minimize anxiety and provide information to families, and he established an advanced detachment of support staff to facilitate the transition of services and functions to our new location.

Mr. Altwegg has been a guiding force for the Missile Defense Agency and the prime author of our long-term strategy to strengthen and maximize the flexibility of the nation's missile defense capabilities. He advocated and succeeded in aligning the agencies missile defense programs to achieve a greater degree of mobility through better networked, forward-deployed sensors and interceptors; and additional layers of increasingly capable missile defenses. He stood at the forefront of establishing MDA as a global leader in ballistic missile defense capabilities. In doing so, he has set and enforced an uncompromising standard of excellence and professionalism among the workforce and has created a "core competency" for our national security structure.

He has tirelessly advocated for the responsible use of scarce resources as well as for effective care and professional development of the civilian workforce; and his sustained accomplishments are deserving of special recognition. Mr. Altwegg, thank you for your service and God bless.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FRANKS of Arizona. Mr. Speaker, I missed rollcall vote 64. If I had been present, I would have voted "aye."

HONORING BRUCE TAYLOR

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Bruce Taylor for receiving a Citizen of the Year Award from the Salinas Valley Chamber of Commerce for his contributions to community organizations last year.

Bruce, the founder and CEO of Taylor Farms based in Salinas, contributed to many causes in the Salinas Valley and nationwide, including the Boys & Girls Club of Monterey, Salinas Valley Memorial Hospital, the National Steinbeck Center, and local high schools.

Bruce Taylor is a third generation member of one of the most innovative lettuce grower and producer families in the country. Taylor's father, Ted, successfully implemented novel techniques to wrap and gas lettuce in order to give it a longer shelf life. In 1981, Taylor joined the newest family business, which he

later named Fresh Express, and rose through the ranks quickly to become chairman in 1991 where he led the introduction of "salad in a bag" in grocery stores across the country.

In 1994, he left to start Taylor Farms, which has become the world leader in the production of ready-made salad fixings for the restaurant industry. His new company, which produces fresh-cut vegetables and salads for large foodservice customers such as McDonald's, Subway, and Red Lobster, has \$400 million in annual revenues through nine processing facilities in the United States and Australia.

Lately, Mr. Taylor is repeating his history of renovating landmark business sites in Salinas. With Fresh Express, he helped convert an old Nestle's site into the company's main salad plant. For Taylor Farms, next up is a former Smucker's site. Taylor companies will shortly be operating about 600,000 square feet of commercial space in Salinas. In a time when California is facing high unemployment levels, it is good to see a leader such as Taylor investing in the community.

Mr. Speaker, please join me in honoring Bruce Taylor on his reception of the Citizen of the Year Award from the Salinas Chamber of Commerce and wishing him the utmost success as he continues to serve his community and our Nation.

PERSONAL EXPLANATION

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. PEARCE. Mr. Speaker, on rollcall No. 83, I was unexpectedly engaged and missed rollcall No. 83.

Had I been present, I would have voted "yes."

TRIBUTE TO ALABAMA AUTHOR WINSTON GROOM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. BONNER. Mr. Speaker, I rise to pay tribute to Winston Francis Groom, a southern gentleman of letters and recipient of the 2011 Harper Lee Award for Alabama's Distinguished Writer of the Year.

Winston Groom has brought much credit to our state's literary tradition as both a popular novelist and a renowned author of history. A native of Mobile and the son of a prominent attorney, Winston Groom attended the University of Alabama, where he discovered his true passion for writing. Pursing a degree in English, he served as editor and contributor to university humor and literary magazines.

Like many young men of his time, he would take a detour after college to serve his country in Vietnam, reaching the rank of Captain in the U.S. Army.

His southern heritage and his war time experiences continue to influence both the topics and flavor of his prolific and distinguished writing career.

After his tour of duty in the Vietnam, Winston Groom chose the path of a journalist, laboring for a brief time at the Washington Star, covering the political and court beat. Encouraged by the newspaper's writer-in-residence, Willie Morris, Mr. Groom relocated to New York to make his name in literature.

After publishing his first novel, *Better Times Than These*, in 1978, he followed with *As Summers Die*, in 1980. In 1983, he co-authored with Duncan Spencer *Conversations with the Enemy: The Story of PFC Robert Garwood*. One year later he published the novel, *Only*.

His best known work would be published in 1986, but most of the world would not hear about it until eight years later when Hollywood adapted it to the silver screen. After the movie's 1994 release, Mr. Groom's novel, *Forrest Gump*, sold well over 2.5 million copies and occupied a spot on the New York Times best-seller list for 21 weeks.

The author of 14 books so far, Mr. Groom's other works include *Gone with the Sun*, 1988; *Gumpisms: The Wit and Wisdom of Forrest Gump*; and, *The Bubba Gump Shrimp Co. Cookbook*, both in 1994; *Gump & Co.* in 1995; *Forrest Gump: My Favorite Chocolate Recipes: Mama's Fudge, Cookies, Cakes and Candies*, also in 1995. *Shrouds of Glory: From Atlanta to Nashville: The Last Great Campaign of the Civil War* was also published in 1995. Such a *Pretty Girl*, published in 1999, was followed by *The Crimson Tide: An Illustrated History of Football at the University of Alabama*, in 2000.

His more recent works include *A Storm in Flanders: The Ypres Salient, 1914-1918*, in 2002; *The Year That Tried Men's Souls*, in 2005; and *Patriotic Fire: Andrew Jackson and Jean Laffite at the Battle of New Orleans*, in 2007. His latest work, *Vicksburg 1863*, was published in 2009.

On behalf of the people of Alabama, I wish to congratulate Mr. Groom on the receipt of the 2011 Harper Lee Award, and I join in thanking him for his continued contributions as a great American writer, and wish all the best to him and his lovely wife, Anne-Clinton, and their daughter, Carolina.

THE BELLS OF BALANGIGA: IT IS TIME TO GO HOME

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I recently reintroduced my bill, H. Con. Res. 18, which urges the President to authorize the transfer of ownership to the Philippines of the bells taken in 1901 from the town of Balangiga in the Philippines. The bells are currently displayed at F.E. Warren Air Force Base in Cheyenne, Wyoming.

In the 110 years since the taking of the bells occurred, the citizens of the United States and the Philippines have shared many historic and political ties. The Philippines was a staunch ally of the United States during World War II. Brave Filipino soldiers were drafted into service by President Franklin D. Roosevelt, fought

side-by-side with American soldiers, and were instrumental in the successful outcome of World War II. Filipino soldiers also fought alongside our soldiers on the battlefields of Korea and Vietnam.

Since the independence of the Philippines in 1946, the U.S.-Philippine relationship has been largely one of friendship and cooperation. The Philippines is a republic patterned basically on our own system of government. The Philippines is a valuable trading partner of the U.S. and an ally in the war against terrorism. Approximately 2.9 million Americans are of Filipino descent and close to 250,000 United States citizens reside in the Philippines. The acts of conflict that surrounded the taking of the bells of Balangiga are not consistent with the friendship that is currently an integral part of the relationship between our two nations.

The Republic of the Philippines has repeatedly requested the return of the bells. They are an important symbol to the Filipino people, who wish to have them re-installed in the belfry of the Balangiga Church. I believe that it is time to resolve this situation in order to solidify the bonds between our two nations. My resolution would honor and promote the positive relationship our counties enjoy.

As the years pass, I am confident that relations between our two nations will grow even stronger. To that end, the United States Government which has final disposition over the bells of Balangiga should transfer ownership of the bells to the people of the Philippines as a measure of good will and cooperation.

IN SUPPORT OF FOOD FOR PEACE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FARR. Mr. Speaker, I rise today in strong support of Food for Peace. Over the past 50 years, this essential program has fought hunger and offered hope for some 3 billion people in 150 countries. For less than .05% of our total federal budget, Food for Peace is able to provide emergency food relief, combat famine and starvation, and promote much-needed stability in the most poverty-stricken corners of the world. Without question, food security is global security. Struggles to gain access to food can easily erupt in violence, instability, and health epidemics. Food for Peace's small financial investment in hunger security yields tremendous returns in the form of increased stability in fragile areas, reduced dependence on foreign aid, and increased goodwill towards America.

As the Ranking Member on the House Agriculture Appropriations Subcommittee, I know that Food for Peace is far more than just a helping hand. This program works with communities to promote agricultural development and access to local markets so that food recipients can transform into food producers. Rather than create enduring reliance on U.S. aid, Food for Peace strengthens communities to provide for themselves. In this tight fiscal climate, what better return on our investment could we ask for than decreased dependence

on foreign assistance and increased stability in conflict-prone states?

Yet, my colleagues have made dangerous cuts to this critical capacity-building program. These cuts, which amount to marginal cost-savings, would eliminate support to millions of the world's poorest and hungriest at a time when food prices are rising across the globe. Rather than providing smart investments to uplift these communities, we are ripping away resources and sinking them deeper into an unbreakable cycle of poverty and instability. As our country faces increasing international scrutiny, this is not the face of America that we need to be showing the world.

On behalf of the billions who have been lifted up by Food for Peace and the millions for whom it currently gives hope, I strongly oppose my colleagues' misguided efforts to save a few dollars. America is better than this, and I will never stop fighting to promote our national security through smart international assistance.

SIDING WITH THE PRO-DEMOCRACY MOVEMENT IN IRAN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I recently reintroduced H. Res. 94, Siding with the Pro-Democracy Movement in Iran. This resolution addresses Iran's nuclear threat as Tehran seeks a nuclear weapon in violation of UN Security Council resolutions, has started to enrich uranium to 20 percent, and has plans to build 10 additional uranium enrichment facilities. Moreover, Tehran's continued support for terrorism and its suppression of dissidents require the United States to adopt a new approach.

Over the past year, millions of ordinary Iranians have taken to the streets to participate in anti-government demonstrations, despite growing suppression and risk of arrest, imprisonment and execution. The ruling regime, for its part, has resorted to a brutal campaign of murdering protesters such as Neda Agah Soltan in the streets and in its many gallows. My resolution calls on the U.S. government to side with the Iranian people's endeavors by refraining from a selective approach to Iranian opponents who struggle for democracy and human rights. It invites the Secretary of State to join our British and European allies in ending the blacklisting of Iran's main opposition, the People's Mojahedin Organization of Iran (PMOI) by removing them from the list of Foreign Terrorist Organizations (FTO).

Removing the PMOI from the FTO list is not only the right thing to do, but it also sends the right message to Tehran. The Iranian regime and its President Mahmoud Ahmadinejad have rebuffed offers of negotiations, and stepped up their intransigence in very sphere of contention with the United States, including human rights, the nuclear weapons program and support for terrorism in the region.

In November, I sent a joint bi-partisan letter along with a number of my colleagues to Secretary Clinton. In this letter we brought the resolution to the attention of the Secretary of

State and stated that over 100 House Members have already urged her to delist the PMOI. In our letter, we noted that "Iranian officials should not be seen as exploiting an unjust US designation to further justify imparting their draconian punishments on prisoners of conscience."

The PMOI's continued designation in the US has deadly consequences. I invite my colleagues to support this resolution and send a message to the world that violations of human rights will not be tolerated!

HONORING THE LIFE AND PASSING OF TY KILLEN

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. McKEON. Mr. Speaker, Mr. MCCARTHY and I rise today to honor the life and passing of Ty Killen, a proud veteran of our nation's Armed Forces and a resident of Lancaster, California. Ty's unwavering commitment to her country began during the height of WWII when at 19 years old she joined the military as a Women Airforce Service Pilot (WASP). During this difficult time in our nation's history, this brave group of women selflessly rose to the occasion and supported the war effort by flying thousands of stateside missions for the United States Armed Services. For her service, Ty was recognized and awarded the Congressional Gold Medal last year by the 111th Congress.

Following the war, Ms. Killen moved back to southern California and continued to serve her community as a school teacher in Lancaster. Retiring after 40 years, Ms. Killen's distinguished career continues to have a lasting effect on the community. Ty will surely be missed, and our thoughts and prayers go out to the family, friends, and students who have been moved and inspired by Ty during her life.

KEEP FAMILIES TOGETHER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I rise today to speak about a very important bill that I just reintroduced, the Keeping Families Together Act of 2011 (H.R. 713). This bill would reinstate judicial review to the immigration process, end the practice of automatically detaining productive members of our society for minor crimes they committed years ago and for which they have already served with their sentence, and allow immigrants previously deported to appeal that decision.

This law has allowed stable, long-term families headed by legal immigrants to be torn apart because of minor crimes committed years ago—crimes for which the offender has already served their sentence!

You may recall that a basic legislative attempt to fix this law was passed by the House of Representatives in the 106th Congress, but

it was never taken up by the Senate. The time has come to reverse the unfair so-called "immigration reforms" instituted by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Please join me in supporting this critical legislation to restore justice to our immigration process, by co-sponsoring the Keeping Families Together Act of 2011.

INVEST IN OUR VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I recently learned that the unemployment rate for veterans ages 18–24 in the U.S. is 22 percent, double the rate for civilians, and up from about 14 percent three years ago. This is unacceptable! It is because of this alarming trend that I have recently reintroduced my bill, the Let's Re-Up the Troops-to-Cops Program Act (H.R. 715).

This legislation authorizes grant funds to be used for the Troops-to-Cops Program, a grant program that provides funds to local law enforcement agencies for the hiring of recently separated members of the Armed Forces to serve as law enforcement officers. The Troops-to-Cops program was one of several grant programs available through the Community Oriented Policing Services (COPS) program that was authorized in 1994 under the Violent Crime Control and Law Enforcement Act of 1994 and administered through the U.S. Department of Justice through 1999, when it was disbanded.

Despite an increase in job training programs, employer education efforts and post-9/11 GI Bill improvements, unemployment for veterans is still too high. According to the Department of Veterans Affairs, the root of the problem is lack of experience and ability to effectively translate military skills. Many skills acquired in the military can be transferred to civilian law enforcement and security jobs.

My bill will provide local law enforcement agencies funding to recruit, train and hire honorably discharged members of the Armed Forces to serve as career law enforcement officers. With thousands of troops set to return this year, it is essential that we be prepared to give them an opportunity to serve their communities. I urge all my colleagues to join me in reaffirming our nation's commitment to care for our servicemembers and veterans by supporting this bill.

Our veterans have invested in our country and this legislation invests in our veterans!

HONORING FORTY ACRES AS A NATIONAL HISTORIC LANDMARK

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to Forty Acres in Delano, California, as it is designated as a National Historic Landmark on February 21, 2011, in a

ceremony that will honor the history of this important site and the thousands of farmworkers who created the farmworker movement in the 1960s.

The national significance of Forty Acres is extraordinary in every facet. Through its association with the farmworker movement, as well as with labor, civil rights, environmental and social reform interests, this land and the buildings that sit upon it helped define an important part of twentieth century American history. Acquired in the spring of 1966 by the National Farm Workers Association, Cesar Chavez had a dream for this forty-acre property. This bleak parcel of land would be transformed into a regional service center for farmworkers and an administrative headquarters for the growing union, United Farm Workers of America, which joined National Farm Workers Association, led by Cesar Chavez, and Agricultural Workers Organizing Committee, led by Larry Itliong.

Between 1966 and 1974, farmworkers, aided by an assortment of supporters and volunteers, built four structures on the property: a gasoline station and automotive repair shop, a multi-purpose hall, a health clinic, and a residential building. The structures served not only the needs of the union, but also provided social services for the Chicano and Filipino community—services that were not readily available at that time. Chavez's vision was that Forty Acres would be the first of many service centers where farmworkers would be welcomed and have access to the goods and services that as low-income, migrant workers, they were not always able to receive and obtain. These individuals and their families could purchase gas and food, receive help with automobile repair, banking services, health care, legal assistance, and child care.

Forty Acres was not only the administrative office and the site of the first regional service center of the UFW, but soon after, it also gained a higher level of significance because of two events that received national media attention. In February 1968, in the middle of the Delano Grape Strike, Cesar Chavez announced that he would begin a hunger fast in order to refocus union members on non-violence efforts. Chavez set up a cot at the service station at Forty Acres and fasted for twenty-five days. He drew national attention with this action, and on March 11, 1968, Robert F. Kennedy flew to Delano to visit Chavez at the service station.

The other significant event took place at Forty Acres on July 29, 1970. The growers met with the union leaders in the multi-purpose hall, and after three days of negotiations, signed union contracts, thereby ending the almost five-year table grape strike and providing basic rights to fair wages and benefits, safer working environments, and job security to more than 70,000 farmworkers. Hundreds of union members, supporters, and journalists were present for the culmination of the hard work and dedication of the farmworker movement.

Forty Acres, with its mission-revival style buildings and beautiful grounds, is a piece of American history. The Roy L. Reuther Memorial Building, where the union contracts were signed; the Rodrigo Terronez Memorial Clinic, where farmworkers and their families received necessary medical services; the Pablo

Agbayani Retirement Village, where aging Filipino farmworkers were provided with affordable housing; and the Service Station, where Cesar Chavez began his legendary fast that led to national recognition of the farmworker movement.

Mr. Speaker, I am proud and honored to bring to your attention this important dedication. The inclusion of Forty Acres as a National Historic Landmark guarantees that this site will continue to serve as a symbol of the farmworker movement and a lesson of courage, faith and perseverance in our country's history for future generations.

LET'S TRULY BE COMPASSIONATE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I rise today to speak about a very important bill that I just reintroduced, the Visitors Interested in Strengthening America (VISA) Act of 2011 (H.R. 714). The bill would grant humanitarian visa waivers to children and their parents for one day in order to attend a medical appointment, an education or cultural event.

In the past, the Port Directors at the border had the authority to grant humanitarian visa waivers to certain children and their accompanying parent. Now, children who come without a visa must be turned away. The fee to enter into the United States for 24 hours is an insurmountable amount of money for these poor children and their families. These children pose no threat to our national security. They are merely trying to receive medical treatment or to enjoy a school field trip to one of our Nation's numerous tourist attractions.

This legislation does not affect the number of legal or illegal immigrants living in the United States—the children and accompanying adults visit for one day and then return to their homes. It gives Port Directors the authority to use their discretion, and issue waivers to children that pose no security threat to our country.

This is commonsense legislation that allows us to cultivate relations with our Mexican neighbors, while keeping those who would do us harm out of our country. I urge my colleagues to join me in support of this critical legislation, by cosponsoring the VISA Act.

NORTHERN ILLINOIS UNIVERSITY REMEMBRANCE

HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. HULTGREN. Mr. Speaker, three years ago this week, the community of Northern Illinois University was scarred by an act of senseless violence. The NIU family—including the students, faculty, administration, and alumni—has been a model of perseverance and compassion in the wake of this tragedy and I join the people of DeKalb and my whole district in honoring their resilience and courage.

The five victims of the February 14, 2008 shooting demonstrate how terrible it is when lives and the promise of bright futures are cut short.

Ryanne Mace was an excellent student who liked to knit blankets and baby clothing. Her family said “She was ten thousand times better than the best parts of each of us.”

Gayle Dubowski sang in her high school choir, acted in musicals and loved to draw. “She went out of her way. She was a really sweet and genuine person,” said a friend. “She was so happy, open and serving,” said another friend, “I know that she shone so brightly for God on that campus.”

Catalina Garcia was the youngest daughter of immigrants. They believed education was the path to the American dream and Cati, as she was called, hoped to become a teacher.

Dan Parmenter was a gentle giant. He joined the staff of the Northern Star newspaper and worked hard, received recognition, and was experiencing the satisfaction that comes from doing what you love and doing it well.

Julianne Gehant was an Army Reservist and an aspiring teacher. She loved serving her country and had been deployed to Bosnia before coming to NIU. She wanted to continue to serve in the classroom where she could help young people and be closer to her family.

Every death is a loss, but the deaths of these young people are especially tragic; their lives would have touched and impressed so many others. This week, I join the community of North Illinois University in honoring their memory and I will continue, along with the people of the 14th district, to pray for the families and friends of those who died and support the NIU community as they continue to move forward.

THE FIREFIGHTING INVESTMENT, RENEWAL, AND EMPLOYMENT (FIRE) ACT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I have recently reintroduced the Firefighting Investment, Renewal and Employment (FIRE) Act (H.R. 716). This bill would authorize the Assistance to Firefighters Fire Station Construction Grants for each of the next 5 years, at \$210 million per year.

Our firefighters put their lives on the line each and every day without hesitation. And yet in many of our communities, we have outdated and deteriorating fire stations or simply do not have enough fire and emergency facilities as was found in a study of San Diego County. That is why I am reintroducing the FIRE Act. I urge my colleagues join me in standing up for our firefighters by co-sponsoring this critical legislation.

REPUBLICANS FOLLOW THROUGH ON THE PLEDGE TO AMERICA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I would like to commend the Republican House Leadership for following through on the Pledge to America. While the Democratic legislators in Wisconsin are fleeing from their responsibility, Republicans in Washington are working virtually around the clock into the weekend to create jobs by reducing excessive spending.

In these first few weeks of the 112th Congress, Leadership has navigated the House through a flurry of activity. House Republicans have made good on several campaign promises such as: reducing government spending by cutting Congressional office budgets, stopping unnecessary printing, and repealing Obamacare which the NFIB reports will kill 1.6 million jobs. As Molly K. Hooper wrote in The Hill on Friday, "Democrats like the openness in the GOP House." Leadership has done an extraordinary job in accomplishing much in such a short amount of time to live up to promises and reduce government borrowing to promote private sector job creation.

In conclusion, God Bless our Troops and we will never forget September the 11th in the Global War on Terrorism.

HELP OUR BORDER COMMUNITIES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I rise today to speak about a very important bill that I just introduced, the Save Our Border Communities Act (H.R. 717). The bill would reimburse police, firefighters and other first responders for services associated with U.S. Ports of Entry.

Local law enforcement and first responders are bearing the brunt of protecting our borders. The Federal Government has not reimbursed border towns for border-related incidents and its drain on local police, firefighters and first responders is increasingly unbearable.

In Imperial County, California, the already strained local police department has announced that due to the high volume of border-related requests, it will no longer respond to most calls from the U.S.-Mexico Port of Entry. The local police department stated they cannot afford to process and transport the numerous individuals with out-of-county misdemeanor warrants to the local jail. Now, instead of being brought to justice, these individuals are set free.

It is about time the Federal Government pays its fair share! I urge my colleagues to join me in ensuring all our border communities are fully reimbursed for protecting our nation's borders by supporting the Save Our Border Communities Act.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mrs. BIGGERT. Mr. Speaker, on rollcall No. 69, I was absent. Had I been present, I would have voted "yea".

JUSTICE FOR A VIETNAM VET

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I recently introduced a private bill (H.R. 730) on behalf of a Vietnam War veteran, Fernando Javier Cervantes.

Mr. Cervantes legally entered the United States when he was only 7 years old and has not lived anywhere else since. He has been a legal resident for over 48 years and is married with two children. In 1972, Mr. Cervantes voluntarily enlisted into the United States Army and honorably served during the Vietnam War, earning a National Defense Service Medal. At the time of enlisting and throughout his service, Fernando was told that he would become a U.S. citizen by serving in the Armed Forces. In July 2008 he was surprised to hear that this was not the case and immediately applied for citizenship. Unfortunately, Fernando's application was denied due to a minor drug possession charge that he received during his difficult readjustment period after returning from Vietnam.

Today, Mr. Cervantes is drug-free and is committed to recovery. If deported to Mexico, Mr. Cervantes would not have any familial or community support to recover from his addiction. His entire family resides in the United States as either legal permanent residents or United States citizens. Mr. Cervantes demonstrated permanent allegiance to the United States by voluntarily enlisting into the United States Army and putting his life on the line to make sure we have our freedom. We must allow him the freedom to live in the country he served.

JUSTICE FOR ALUSIA AND LEDIA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I recently introduced a private bill (H.R. 731) on behalf of two extraordinary young women, Alusia and Ledia Zace.

Alusia and Ledia were brought here from Albania by their parents in 1996 when they were 8 and 9 years old. Their fathers' legal bid for political asylum was denied in 2004 due to the incompetence of their lawyer and was deported in 2007. This injustice forced the girls and their mother to care for themselves. With no legal representation, the girls face deportation.

The sisters have excelled academically in the U.S. and are attending university in San Diego. They can neither read nor write their native language and would most certainly be condemned to a life without opportunity should they be forced to return to Albania. The U.S. is their home and they should be given an opportunity to finish college and contribute to the only community they know.

IMPROVE ACCESS TO MEDICARE AND SOCIAL SECURITY BENEFITS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 18, 2011

Mr. FILNER. Mr. Speaker, I recently introduced the Huntington's Disease Parity Act of 2011 (H.R. 718), which would direct the Social Security Administration (SSA) to revise outdated, medically inaccurate criteria for determining Social Security Disability and waive the Medicare two-year waiting period for people disabled by Huntington's Disease (HD).

HD is a devastating, hereditary degenerative brain disorder that causes total physical and mental deterioration. Eventually, every person affected by HD becomes completely dependent on others for care. Today, 30,000 Americans are known to have HD and an additional 200,000 have a fifty percent chance of inheriting the disease from an affected parent. The debilitating symptoms make it challenging, if not impossible, for the person with HD to remain employed, resulting in a loss of income and employer-sponsored health insurance benefits.

REVISE OUTDATED CRITERIA TO IMPROVE ACCESS TO DISABILITY BENEFITS

Due to the SSA's dependence on outdated medical guidelines, individuals experience long delays and multiple denials of critical Social Security benefits, forcing patients to wait years for benefits while HD's destructive cognitive, behavioral and physical symptoms rob the person of their ability to work and live independently. The HD Parity Act directs the Commissioner of SSA, in collaboration with the National Institutes of Health and HD experts, to update the agency's guidelines.

ELIMINATE MEDICARE WAITING PERIOD RATHER THAN ACCEPTING IMPASSE

Access to critical health care is often denied in the early stages of disease due to an individual's inability to work, thereby causing the loss of their employer-based insurance. During the required Medicare two year waiting period, individuals with HD see their physical and mental health deteriorate rapidly necessitating more costly care later.

Passing the Huntington's Disease Parity Act of 2011 will direct the SSA to revise the medically inaccurate criteria used to determine Social Security Disability and eliminate the Medicare two-year waiting period. These two critical reforms will directly impact the welfare and lives of individuals and their families impacted by this rare and devastating disease.

SENATE—Monday, February 28, 2011

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, the gift of each day reminds us of Your love. Make us always thankful for Your loving providence and Your gracious goodness. Guide our lawmakers on the road to unity. Beneath the diversities of gifts and of thought, lead them to seek the harmony of common ground. Infuse them, Lord, with a spirit that will make them quick to listen, slow to speak, and slow to anger, forging new alliances of cooperation. Remind them that without You these challenging days are but sound and fury, devoid of meaning, dignity, and beauty, but in Your radiance, bitterness and disappointments are transformed into sweetness and joy.

We pray this prayer in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Pursuant to the order of the Senate of January 24, 1901, as amended by the order of February 17, 2011, the Senator from Georgia, Mr. ISAKSON, will now read Washington's Farewell Address.

Mr. ISAKSON, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety and am persuaded, whatever partiality may be retained

for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of

these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American,

which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must

derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to

the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and

modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition, to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and

countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and the duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, fomented occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and

constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts

which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes

the animosity of the nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as

possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will

permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take—and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

COMMENDING SENATOR ISAKSON FOR READING WASHINGTON'S FAREWELL ADDRESS

Mr. McCONNELL. First, let me congratulate the Senator from Georgia for his excellent presentation of George Washington's Farewell Address. It has been an important Senate tradition for many years. I thank him for his reading of that for all of us on this important occasion.

BUDGET CUT DEBATE

Mr. McCONNELL. Mr. President, I wish to start by welcoming everyone

back from the recess. It is good to be back. Time away from Washington is an opportunity to step back and measure the priorities of party against those of people who sent us here to make sure they are properly aligned.

As the two parties reengage this week in a debate about our Nation's finances, it is vital that we focus not on mere partisan advantage but on what is right for the Nation. When it comes to the two choices before us of either maintaining an unsustainable status quo on spending or beginning to cut spending, the choice could not be more clear.

This morning's news brought word that a 47-member panel of some of the Nation's top business economists view government overspending as the top threat to our economy. In other words, a majority of those experts think Washington's inability to live within its means is the single greatest threat to our Nation's economic future. This is not a groundbreaking observation. After all, Americans have been telling lawmakers for more than 2 years that business as usual simply will not cut it anymore. They want us to get our fiscal house in order and to start to create the right conditions for private sector job growth. But today's news is further confirmation of the stakes in the debate over spending and that Democrats in Congress need to rethink the approach they have taken up to now.

The message from the November elections is quite clear: Stop spending money we don't have. Yet Democratic leaders persist in defending budgets that do just that well into the future.

Earlier this month, the President unveiled a 10-year budget for the government. At no point in this 10-year projection would the government spend less than it takes in. It does not even try. Just look at the estimates for this year alone. Unless we start to cut this year's projected spending, Washington will spend more than \$1.5 trillion more than it takes in—\$1.5 trillion more than it takes in this year—about \$350 billion more in red ink than we had last year. That is \$350 billion more in red ink than we had last year. Think about that—a \$350 billion increase in deficit spending over last year after an election in which the voters unambiguously said they want us to cut spending and stop adding debt.

Next year, Democrats in Congress want us to do it again. Once again, they plan to spend more than \$1 trillion more than we take in, and the same pattern the year after that. They want to spend hundreds of billions of dollars more than we take in. And on and on.

All of this overspending, of course, just adds to our overall debt. When you add it all up, the numbers are truly staggering. As a result of Democratic budgets, the Federal debt 5 years from now is expected to exceed \$20 trillion—

5 years from now, \$20 trillion. Interest payments alone on that debt will exceed $\frac{1}{2}$ trillion a year. That is just interest payments on the \$20 trillion debt— $\frac{1}{2}$ trillion a year. Talk about a disconnect.

The American people have spent the last 2 years trying to get their own fiscal houses in order. Millions have lost their jobs. Millions more have lost their homes. Meanwhile, what have the Democrats in Washington been up to? On the day the President was sworn into office, the national debt was \$10.6 trillion. In the 25 months since, it has increased by about \$3.5 trillion. And despite a national uprising over this profligacy and an election that represented a wholesale repudiation of it, here is the President's response: Spend more. He calls it investments.

What about Democratic leaders in Congress? Are they reading the writing on the wall? Until this past weekend, they insisted they could not agree to cut a dime in spending—not a dime. Rather than look for ways the two parties can work together to rein in spending, they looked for ways to marginalize those who are working hard to come up with ways to do it. They called anybody who wanted to cut a dime in spending an extremist. I will tell you what is extreme, Mr. President. What is extreme is \$20 trillion in debt. That is what is extreme. Or $\frac{1}{2}$ trillion in interest payments a year is extreme. Refusing to agree to even try to live within your means is extreme.

Tomorrow, the House will have a vote on a 2-week spending bill. This bill represents an effort to change the culture in Washington. It says: Let's start to change the mentality around here. Let's find \$4 billion that all of us can agree to cut and cut it and continue from that good start. Democratic leaders in Congress have resisted even this up until a few days ago. Now they have started to suggest they might be willing to agree to it. This is progress.

This week, Democrats will have the opportunity to show they have gotten the message. They can show they agree the time has come to change the status quo. Less spending, lower debt, reigning in the size and scope of government, that is what is needed. That is how we will create the conditions for private sector job growth.

Democratic leaders in Congress have tried record spending and deficits. What has it gotten us? More than \$3 trillion more in debt and 3 million more jobs lost—\$3 trillion in new debt while we lost 3 million jobs. Democrats have an opportunity this week to show they get it. They have an opportunity to show that the status quo on spending and debt is no longer an option, to turn a corner. A lot depends on how they respond to that opportunity. Will they continue to see what they can get away with or will they finally concede

that the old way of doing business must come to an end?

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period for the transaction of morning business until 3:30 p.m. today. Senators during that period of time will be able to speak for up to 10 minutes each. At 3:30 p.m., we will move to consideration of S. 23, which is the Patent Reform Act. At 4:30 p.m., the Senate will turn to executive session to consider the nominations of Amy Totenberg, of Georgia, to be a U.S. district judge and Steve C. Jones, of Georgia, to be a U.S. district judge. The time until 5:30 p.m. will be equally divided and controlled in the usual form. At 5:30 p.m., Senators should expect a voice vote on confirmation of the Totenberg nomination, to be followed by a rollcall vote on confirmation of the Jones nomination. We hope to complete action on the patent reform bill and consider a continuing resolution during this week's session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period for the transaction of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPENDING

Mr. CORKER. Mr. President, I rise today to talk about our dilemma in the Federal Government. The American people are watching as we try to deal with our spending issues. I know there is a big debate over the 2-week spending issue, an issue where we are trying to cut \$4 billion. Hopefully, some resolve will come to that.

What the American people are seeing is that unless there is some type of gun to our heads or some type of urgent situation in front of us, we do not have the ability in this body to deal with spending issues in a disciplined or courageous way. Everybody understands that, and they understand that the only way we are looking at whatever spending cuts will take place—I know right now there are discussions over what they might be, but the only reason this issue is being addressed is that we have this deadline of government funding ending in the next week.

I know the Presiding Officer is someone who served as a county executive and had to balance budgets each year and had to figure out a way to live within their means. I know that upon arriving here a few months ago, he had to be totally aghast at the fact that we are taking in \$2.2 trillion this year and spending \$3.7 trillion this year. If we put all the discretionary spending we have, if we took every bit of non-mandatory spending or discretionary spending off the table, we still would not have a balanced budget. Everybody in this country knows that where we are is totally out of line. We are spending a little over 24 percent of our country's economic output today. Over the last 40 years, we have spent about 20.6 percent of our country's GDP.

I, along with CLAIRE MCCASKILL from Missouri, have put a bill in place. We have a number of cosponsors. We put in something called the CAP Act. We hope that over the course of this next year—over the course of the next several months—this is a bill that will actually pass. What it does, I think in a very logical way, is it says we are spending at levels relative to our economy today that are out of proportion, and let's go from where we are today to the 4-year average over a 10-year period. Mr. President, you have to agree that this is just a logical thing that gives us time to go from where we are today over the next 10 years to where the country has been, spending relative to our country's output for the last 40 years.

What this also does is it puts Congress in a straitjacket. Again, I think everybody who is watching knows that if we didn't have this CR—this continuing resolution bill—that is ending this week and if government wasn't going to shut down if it wasn't funded, there would be no negotiations taking place right now over spending. We all know that. So this puts in place a straitjacket on Congress—one that is very needed, unfortunately—to take us from here to there over a 10-year period. What happens if we don't meet the requirements of this declining spending relative to our economy is that sequestration comes into play. On a pro-rata basis—based on the relative weight of certain accounts to the overall spending levels, the OMB comes in

and takes from every account of government on a pro-rata basis.

One of the problems we have had in this country is we want to deal with those things that are easy, and that is discretionary spending, in many cases. Nondefense discretionary spending ends up being about \$600 billion, roughly, of the \$3.7 trillion we are spending. Everybody in the world knows there is no way for us to solve our problem by only dealing with discretionary spending. So what this bill would do is put all items on the balance sheet. In other words, it would include all the entitlements.

I don't think there is a person in this body who believes if we continue as we are, if we don't redesign the programs the seniors are counting on—Medicare and Social Security—if we don't redesign these programs so they will be sustained for the long haul, then seniors are not going to have them. So this bill will force us in Congress to deal with designing these programs in such a way they will be here for the long haul. It puts everything on the table. Again, there is not a thinking person in Washington who doesn't know we have to address these issues.

There are a lot of people who say: Well, we cannot do these draconian things right now because we are in the middle of a recession. Hopefully, it looks like it is changing and hopefully changing very rapidly, but these changes would begin from where we are in the year 2013. So we would have a year or so to redesign these programs. We could act in an appropriate way to ensure they were here for the future but also put them in place in a manner that doesn't kill the American taxpayer, and we would cap spending. We have a multiyear averaging process in this bill to make sure, if there is a change in the economy in 1 year, we don't just have this volatile situation, but we would have the ability, 1 year in advance, to know what the appropriate spending levels are. It gives Congress the ability to act upon that throughout the year.

Again, if Congress doesn't act, then 45 days after a year ends, OMB comes in and puts in place something called sequestration—automatically takes money out of these accounts. I think that gives us the impetus to want to make sure we actually act. I don't think there is anybody in Congress who wants OMB coming in and taking money out of accounts. So that would be, in essence, the thing that would give us the sense of urgency we badly need in this body.

This is a problem that exists on both sides of the aisle and that is why I have sought bipartisan support for this bill. I have tried to put something in place that is very logical—I know that is not often the case here—something Americans across the country can understand and also those here in Washington will

see as something that works toward a solution and gets us to where we need to go.

I think all of us understand the demographic changes that are taking place in our country. I think all of us know that over the next 10 years, 20 million more Americans are going to be on Medicare and 20 million more Americans will be on Social Security. We are right on the cusp of that bubble. I am certainly getting ready to be a part of that. The Presiding Officer may not necessarily be there yet, but the point is this is something that has to occur for the good of our country.

So this is called the CAP Act. Again, what it will do is ensure that long after the point in time when the CR window opens and closes, long after the time the debt ceiling vote happens a little later this year—long after those occur and the American people have moved on to other issues and, obviously, Congress has moved on to other issues—we keep in place this fiscal discipline, this straitjacket, to take us where we need to go.

The Presiding Officer and I were in Pakistan and Afghanistan last week, and we witnessed some of the problems we are having there. We also witnessed the brilliance of our men and women in uniform and also many hard-working individuals at the State Department. While those threats are threats we are dealing with that are very important to the American people, I think most of us know the biggest threat today to our country is our inability to deal appropriately with our financial circumstances. I think we all know if we don't deal with that pretty soon, we are going to be putting our country's future in jeopardy. We will be putting in jeopardy the future of these wonderful pages who sit in front of me.

The thing that is fascinating about this issue is, unlike what we saw in Pakistan and in Afghanistan, where we are relying on other people, this is something we can do ourselves. We have 100 percent control over spending in Washington—100 percent control of this is held in the hands of 100 Senators and 435 House Members. This is not something where we are depending on other countries or we are concerned about what might happen elsewhere. This is something we ourselves can deal with.

So what I have tried to put in place, along with CLAIRE MCCASKILL and others—and there are growing numbers of other people who are part of this process—is something that causes us to be responsible to the American people. So I hope others will join this. It is my hope we will do three things: I hope we will vote and pass on cuts in Federal spending today. I hope that will happen over the next short period of time. Whether it is some of the things we are looking at on the CR or maybe it is recommendations that have been put

in place by the President's deficit reduction commission, I hope what we will do as a body is go ahead and vote to pass real cuts now.

Secondarily, what I hope will happen is that we will put in place something like the CAP Act to make sure we continue that fiscal discipline long after people move on to other topics; that we keep that straitjacket in place so we do those things that are, again, responsible not only to this generation but future generations.

Thirdly, I hope we figure out a way, through some type of amendment, to ensure that, on into the future, we have put something in place at the Federal level which causes us to be fiscally responsible in this country. All of us know what it means to have to make choices. All of us have households. Many of us have led cities and States. Many of us have had businesses. We all understand what happens in the real world, and it is something that certainly needs to happen here. That has been sorely lacking for a long time.

So I thank the Chair for the time on the floor today, and I hope to talk about this many more times. I have been doing it, I assure you, throughout the State of Tennessee and in multiple forums in the Senate.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORKER. Mr. President, I had the opportunity to speak with you in the last several moments, and you had a couple questions about the CAP Act that I was just discussing on the floor. The Presiding Officer had some great questions about what it takes to overcome the CAP Act, in the event we were able to pass it.

It is just a 10-page bill. It is very eloquent. It doesn't have a lot of "whereases." It is just a business document that takes us from where we are to where we need to be. But, in essence, to override it, it would take a two-thirds vote. It would take two-thirds of the House and the Senate to actually override or get out of the straitjacket, if you will. There were previous bills, such as Gramm-Rudman and other types of bills that tried to keep Washington fiscally focused, and those bills required 60 votes. So this would be a higher threshold.

So, yes, if there was some type of national emergency and we needed to move beyond this straitjacket for 1 year or 6 months or something like that, a two-thirds vote could do that. I

mean, 67 votes is a pretty tough threshold, and hopefully it is the kind of threshold necessary to keep the kind of discipline in place that we need.

So it is a 10-page bill. Again, it is very eloquent. I think it lays out a solution for us that hopefully will be a part of anything we do over the next several months.

I understand, after talking with the Presiding Officer over the last several days, while traveling to these various countries, that he, along with many of our other colleagues—I know I did myself—came here to solve problems, not to message. In a body such as this, it is tough to solve these kinds of problems, but the only way to do it is to offer a pragmatic solution.

I know there are some people who are interested, sometimes, in messaging. I have tried to offer something that I think will take us from a place that is very much out of line in spending to a place that is more appropriate.

I might also say I thought the President's deficit reduction commission had some very good points as it relates to tax reform. I think all of us are aware of the \$1.2 trillion in tax expenditures that exist.

I was doing an event over the last several days, and a gentleman raised his hand and asked me: What do you mean by tax expenditures? Isn't the money ours until we give it to the Federal Government? Why would you call it a tax expenditure?

I think people realize in our Tax Code there are all kinds of exclusions and subsidies and favored companies and favored this and favored that. If we did away with all of those, there would be \$1.2 trillion we could use to lower everybody's rate, and we could make our Tax Code much more simple. The deficit reduction commission says we could take our corporate rates from where they are down to a level of about 26 percent—somewhere between 23 and 29 percent—and lower everybody's rates individually. I think most Americans, instead of filling out all these forms to see if they benefit from these various subsidies and credits, would much rather know that everybody is on the same playing field; that some favored company is not in a situation where they are more favored than another; that everybody is on the same basis.

I think there has been some good work done there. I hope we are able to take votes on that over the next several months. But there is a very elegant, pragmatic solution that has been offered that would go hand in hand with these types of measures and would cause us, over the next 10 years, to exercise the kind of fiscal discipline this country needs to confront what I think threatens our national security, certainly our economic security, even more than the things we saw on the ground in the Middle East last week.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. VITTER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PATENT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 23, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 23) to amend title 35, United States Code, to provide for patent reform.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Patent Reform Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. First inventor to file.
- Sec. 3. Inventor's oath or declaration.
- Sec. 4. Damages.
- Sec. 5. Post-grant review proceedings.
- Sec. 6. Patent Trial and Appeal Board.
- Sec. 7. Preissuance submissions by third parties.
- Sec. 8. Venue.
- Sec. 9. Fee setting authority.
- Sec. 10. Supplemental examination.
- Sec. 11. Residency of Federal Circuit judges.
- Sec. 12. Micro entity defined.
- Sec. 13. Funding agreements.
- Sec. 14. Tax strategies deemed within the prior art.
- Sec. 15. Best mode requirement.
- Sec. 16. Technical amendments.
- Sec. 17. *Clarification of jurisdiction.*
- Sec. [17]18. Effective date; [rule of construction.]

SEC. 2. FIRST INVENTOR TO FILE.

(a) **DEFINITIONS.**—Section 100 of title 35, United States Code, is amended by adding at the end the following:

“(f) The term ‘inventor’ means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

“(g) The terms ‘joint inventor’ and ‘co-inventor’ mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

“(h) The term ‘joint research agreement’ means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

“(i)(1) The term ‘effective filing date’ of a claimed invention in a patent or application for patent means—

“(A) if subparagraph (B) does not apply, the actual filing date of the patent or the application for the patent containing a claim to the invention; or

“(B) the filing date of the earliest application for which the patent or application is entitled, as to such invention, to a right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c).

“(2) The effective filing date for a claimed invention in an application for reissue or reissued patent shall be determined by deeming the claim to the invention to have been contained in the patent for which reissue was sought.

“(j) The term ‘claimed invention’ means the subject matter defined by a claim in a patent or an application for a patent.”.

(b) **CONDITIONS FOR PATENTABILITY.**—

(1) **IN GENERAL.**—Section 102 of title 35, United States Code, is amended to read as follows:

“§ 102. Conditions for patentability; novelty

“(a) **NOVELTY; PRIOR ART.**—A person shall be entitled to a patent unless—

“(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; or

“(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

“(b) **EXCEPTIONS.**—

“(1) **DISCLOSURES MADE 1 YEAR OR LESS BEFORE THE EFFECTIVE FILING DATE OF THE CLAIMED INVENTION.**—A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

“(A) the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

“(B) the subject matter disclosed had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

“(2) **DISCLOSURES APPEARING IN APPLICATIONS AND PATENTS.**—A disclosure shall not be prior art to a claimed invention under subsection (a)(2) if—

“(A) the subject matter disclosed was obtained directly or indirectly from the inventor or a joint inventor;

“(B) the subject matter disclosed had, before such subject matter was effectively filed under subsection (a)(2), been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

“(C) the subject matter disclosed and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

“(c) **COMMON OWNERSHIP UNDER JOINT RESEARCH AGREEMENTS.**—Subject matter disclosed and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of subsection (b)(2)(C) if—

“(1) the subject matter disclosed was developed and the claimed invention was made by, or on behalf of, 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

“(2) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

“(3) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

“(d) **PATENTS AND PUBLISHED APPLICATIONS EFFECTIVE AS PRIOR ART.**—For purposes of determining whether a patent or application for patent is prior art to a claimed invention under subsection (a)(2), such patent or application shall be considered to have been effectively filed, with respect to any subject matter described in the patent or application—

“(1) if paragraph (2) does not apply, as of the actual filing date of the patent or the application for patent; or

“(2) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.”.

(2) **CONTINUITY OF INTENT UNDER THE CREATE ACT.**—*The enactment of section 102(c) of title 35, United States Code, under the preceding paragraph is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108-453; the “CREATE Act”), the amendments of which are stricken by subsection (c). The United States Patent and Trademark Office shall administer section 102(c) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.*

[2](3) **CONFORMING AMENDMENT.**—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

“102. Conditions for patentability; novelty.”.

(c) **CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.**—Section 103 of title 35, United States Code, is amended to read as follows:

“§ 103. Conditions for patentability; non-obvious subject matter

“A patent for a claimed invention may not be obtained, notwithstanding that the

claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.”.

(d) **REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.**—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) **REPEAL OF STATUTORY INVENTION REGISTRATION.**—

(1) **IN GENERAL.**—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) **REMOVAL OF CROSS REFERENCES.**—Section 111(b)(8) of title 35, United States Code, is amended by striking “sections 115, 131, 135, and 157” and inserting “sections 131 and 135”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect 1 year after the date of the enactment of this Act, and shall apply to any request for a statutory invention registration filed on or after that date.

(f) **EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.**—Section 120 of title 35, United States Code, is amended by striking “which is filed by an inventor or inventors named” and inserting “which names an inventor or joint inventor”.

(g) **CONFORMING AMENDMENTS.**—

(1) **RIGHT OF PRIORITY.**—Section 172 of title 35, United States Code, is amended by striking “and the time specified in section 102(d)”.

(2) **LIMITATION ON REMEDIES.**—Section 287(c)(4) of title 35, United States Code, is amended by striking “the earliest effective filing date of which is prior to” and inserting “which has an effective filing date before”.

(3) **INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.**—Section 363 of title 35, United States Code, is amended by striking “except as otherwise provided in section 102(e) of this title”.

(4) **PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.**—Section 374 of title 35, United States Code, is amended by striking “sections 102(e) and 154(d)” and inserting “section 154(d)”.

(5) **PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.**—The second sentence of section 375(a) of title 35, United States Code, is amended by striking “Subject to section 102(e) of this title, such” and inserting “Such”.

(6) **LIMIT ON RIGHT OF PRIORITY.**—Section 119(a) of title 35, United States Code, is amended by striking “; but no patent shall be granted” and all that follows through “one year prior to such filing”.

(7) **INVENTIONS MADE WITH FEDERAL ASSISTANCE.**—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking “publication, on sale, or public use,” and all that follows through “obtained in the United States” and inserting “the 1-year period referred to in section 102(b) would end before the end of that 2-year period”; and

(ii) by striking “the statutory” and inserting “that 1-year”; and

(B) in paragraph (3), by striking “any statutory bar date that may occur under this

title due to publication, on sale, or public use" and inserting "the expiration of the 1-year period referred to in section 102(b)".

(h) DERIVED PATENTS.—Section 291 of title 35, United States Code, is amended to read as follows:

"§ 291. Derived patents

"(a) IN GENERAL.—The owner of a patent may have relief by civil action against the owner of another patent that claims the same invention and has an earlier effective filing date if the invention claimed in such other patent was derived from the inventor of the invention claimed in the patent owned by the person seeking relief under this section.

"(b) FILING LIMITATION.—An action under this section may only be filed within 1 year after the issuance of the first patent containing a claim to the allegedly derived invention and naming an individual alleged to have derived such invention as the inventor or joint inventor."

(i) DERIVATION PROCEEDINGS.—Section 135 of title 35, United States Code, is amended to read as follows:

"§ 135. Derivation proceedings

"(a) INSTITUTION OF PROCEEDING.—An applicant for patent may file a petition to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an inventor named in an earlier application derived the claimed invention from an inventor named in the petitioner's application and, without authorization, the earlier application claiming such invention was filed. Any such petition may only be filed within 1 year after the first publication of a claim to an invention that is the same or substantially the same as the earlier application's claim to the invention, shall be made under oath, and shall be supported by substantial evidence. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding. The determination by the Director whether to institute a derivation proceeding shall be final and non-appellable.

"(b) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In a derivation proceeding instituted under subsection (a), the Patent Trial and Appeal Board shall determine whether an inventor named in the earlier application derived the claimed invention from an inventor named in the petitioner's application and, without authorization, the earlier application claiming such invention was filed. The Director shall prescribe regulations setting forth standards for the conduct of derivation proceedings.

"(c) DEFERRAL OF DECISION.—The Patent Trial and Appeal Board may defer action on a petition for a derivation proceeding until 3 months after the date on which the Director issues a patent that includes the claimed invention that is the subject of the petition. The Patent Trial and Appeal Board also may defer action on a petition for a derivation proceeding, or stay the proceeding after it has been instituted, until the termination of a proceeding under chapter 30, 31, or 32 involving the patent of the earlier applicant.

"(d) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to claims in an application for patent, shall constitute the final refusal by the Office on those claims. The final decision of the Patent Trial and Appeal Board, if adverse to claims in a patent, shall, if no appeal or other review of the decision has been

or can be taken or had, constitute cancellation of those claims, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation.

"(e) SETTLEMENT.—Parties to a proceeding instituted under subsection (a) may terminate the proceeding by filing a written statement reflecting the agreement of the parties as to the correct inventors of the claimed invention in dispute. Unless the Patent Trial and Appeal Board finds the agreement to be inconsistent with the evidence of record, if any, it shall take action consistent with the agreement. Any written settlement or understanding of the parties shall be filed with the Director. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents or applications, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

"(f) ARBITRATION.—Parties to a proceeding instituted under subsection (a) may, within such time as may be specified by the Director by regulation, determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9, to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Director, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Director from determining the patentability of the claimed inventions involved in the proceeding."

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking "Board of Patent Appeals and Interferences" each place it appears and inserting "Patent Trial and Appeal Board".

(2)(A) Sections 146 and 154 of title 35, United States Code, are each amended—

(i) by striking "an interference" each place it appears and inserting "a derivation proceeding"; and

(ii) by striking "interference" each additional place it appears and inserting "derivation proceeding".

(B) The subparagraph heading for section 154(b)(1)(C) of title 35, United States Code, as amended by this paragraph, is further amended by—

(i) striking "OR" and inserting "OF"; and

(ii) striking "SECURITY ORDER" and inserting "SECURITY ORDERS".

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

"§ 134. Appeal to the Patent Trial and Appeal Board".

(4) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

"§ 146. Civil action in case of derivation proceeding".

(5) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking "INTERFERENCES" and inserting "DERIVATION PROCEEDINGS".

(6) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"6. Patent Trial and Appeal Board."

(7) The items relating to sections 134 and 135 in the table of sections for chapter 12 of

title 35, United States Code, are amended to read as follows:

"134. Appeal to the Patent Trial and Appeal Board.

"135. Derivation proceedings."

(8) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

"146. Civil action in case of derivation proceeding."

(k) FALSE MARKING.—

(1) IN GENERAL.—Section 292 of title 35, United States Code, is amended—

(A) in subsection (a), by adding at the end the following:

"Only the United States may sue for the penalty authorized by this subsection."; and

(B) by striking subsection (b) and inserting the following:

"(b) Any person who has suffered a competitive injury as a result of a violation of this section may file a civil action in a district court of the United States for recovery of damages adequate to compensate for the injury."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to all cases, without exception, pending on or after the date of the enactment of this Act.

(l) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Section 32 of title 35, United States Code, is amended by inserting between the third and fourth sentences the following: "A proceeding under this section shall be commenced not later than the earlier of either 10 years after the date on which the misconduct forming the basis for the proceeding is made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D)."

(2) REPORT TO CONGRESS.—The Director shall provide on a biennial basis to the Judiciary Committees of the Senate and House of Representatives a report providing a short description of incidents made known to an officer or employee of the Office as prescribed in the regulations established under section 2(b)(2)(D) of title 35, United States Code, that reflect substantial evidence of misconduct before the Office but for which the Office was barred from commencing a proceeding under section 32 of title 35, United States Code, by the time limitation established by the fourth sentence of that section.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply in all cases in which the time period for instituting a proceeding under section 32 of title 35, United States Code, had not lapsed prior to the date of the enactment of this Act.

(m) SMALL BUSINESS STUDY.—

(1) DEFINITIONS.—In this subsection—

(A) the term "Chief Counsel" means the Chief Counsel for Advocacy of the Small Business Administration;

(B) the term "General Counsel" means the General Counsel of the United States Patent and Trademark Office; and

(C) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(2) STUDY.—

(A) IN GENERAL.—The Chief Counsel, in consultation with the General Counsel, shall conduct a study of the effects of eliminating the use of dates of invention in determining whether an applicant is entitled to a patent under title 35, United States Code.

(B) AREAS OF STUDY.—The study conducted under subparagraph (A) shall include examination of the effects of eliminating the use of invention dates, including examining—

(i) how the change would affect the ability of small business concerns to obtain patents and their costs of obtaining patents;

(ii) whether the change would create, mitigate, or exacerbate any disadvantage for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns, and whether the change would create any advantages for applicants for patents that are small business concerns relative to applicants for patents that are not small business concerns;

(iii) the cost savings and other potential benefits to small business concerns of the change; and

(iv) the feasibility and costs and benefits to small business concerns of alternative means of determining whether an applicant is entitled to a patent under title 35, United States Code.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Chief Counsel shall submit to the Committee on Small Business and Entrepreneurship and the Committee on the Judiciary of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report regarding the results of the study under paragraph (2).

(n) REPORT ON PRIOR USER RIGHTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director shall report, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, the findings and recommendations of the Director on the operation of prior user rights in selected countries in the industrialized world. The report shall include the following:

(A) A comparison between patent laws of the United States and the laws of other industrialized countries, including members of the European Union and Japan, Canada, and Australia.

(B) An analysis of the effect of prior user rights on innovation rates in the selected countries.

(C) An analysis of the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies.

(D) An analysis of the effect of prior user rights, if any, on small businesses, universities, and individual inventors.

(E) An analysis of legal and constitutional issues, if any, that arise from placing trade secret law in patent law.

(F) An analysis of whether the change to a first-to-file patent system creates a particular need for prior user rights.

(2) CONSULTATION WITH OTHER AGENCIES.—In preparing the report required under paragraph (1), the Director shall consult with the United States Trade Representative, the Secretary of State, and the Attorney General.

(o) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided by this section, the amendments made by this section shall take effect on the date that is 18 months after the date of the enactment of this Act, and shall apply to any application for patent, and to any patent issuing thereon, that contains or contained at any time—

(A) a claim to a claimed invention that has an effective filing date as defined in section 100(i) of title 35, United States Code, that is 18 months or more after the date of the enactment of this Act; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

(2) INTERFERING PATENTS.—The provisions of sections 102(g), 135, and 291 of title 35, United States Code, in effect on the day prior to the date of the enactment of this Act, shall apply to each claim of an application for patent, and any patent issued thereon, for which the amendments made by this section also apply, if such application or patent contains or contained at any time—

(A) a claim to an invention having an effective filing date as defined in section 100(i) of title 35, United States Code, earlier than 18 months after the date of the enactment of this Act; or

(B) a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any patent or application that contains or contained at any time such a claim.

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 of title 35, United States Code, is amended to read as follows:

“§ 115. Inventor's oath or declaration

“(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a) or commences the national stage under section 371 shall include, or be amended to include, the name of the inventor for any invention claimed in the application. Except as otherwise provided in this section, each individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

“(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

“(1) the application was made or was authorized to be made by the affiant or declarant; and

“(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

“(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

“(d) SUBSTITUTE STATEMENT.—

“(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

“(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

“(A) is unable to file the oath or declaration under subsection (a) because the individual—

“(i) is deceased;

“(ii) is under legal incapacity; or

“(iii) cannot be found or reached after diligent effort; or

“(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

“(3) CONTENTS.—A substitute statement under this subsection shall—

“(A) identify the individual with respect to whom the statement applies;

“(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

“(C) contain any additional information, including any showing, required by the Director.

“(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

“(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

“(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—

“(1) EXCEPTION.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and who claims the benefit under section 120, 121, or 365(c) of the filing of an earlier-filed application, if—

“(A) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

“(B) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

“(C) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

“(2) COPIES OF OATHS, DECLARATIONS, STATEMENTS, OR ASSIGNMENTS.—Notwithstanding paragraph (1), the Director may require that a copy of the executed oath or declaration, the substitute statement, or the assignment filed in the earlier-filed application be included in the later-filed application.

“(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

“(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

“(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration meeting the requirements of subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

“(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

“(i) ACKNOWLEDGMENT OF PENALTIES.—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or

imprisonment of not more than 5 years, or both.”.

(2) **RELATIONSHIP TO DIVISIONAL APPLICATIONS.**—Section 121 of title 35, United States Code, is amended by striking “If a divisional application” and all that follows through “inventor.”.

(3) **REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.**—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking “by the applicant” and inserting “or declaration”;

(B) in the heading for paragraph (3), by inserting “OR DECLARATION” after “AND OATH”;

and

(C) by inserting “or declaration” after “and oath” each place it appears.

(4) **CONFORMING AMENDMENT.**—The item relating to section 115 in the table of sections for chapter 11 of title 35, United States Code, is amended to read as follows:

“115. Inventor’s oath or declaration.”.

(b) **FILING BY OTHER THAN INVENTOR.**—

(1) **IN GENERAL.**—Section 118 of title 35, United States Code, is amended to read as follows:

“§ 118. Filing by other than inventor

“A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.”.

(2) **CONFORMING AMENDMENT.**—Section 251 of title 35, United States Code, is amended in the third undesignated paragraph by inserting “or the application for the original patent was filed by the assignee of the entire interest” after “claims of the original patent”.

(c) **SPECIFICATION.**—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “The specification” and inserting “(a) **IN GENERAL.**—The specification”;

(B) by striking “of carrying out his invention” and inserting “or joint inventor of carrying out the invention”;

(2) in the second paragraph—

(A) by striking “The specification” and inserting “(b) **CONCLUSION.**—The specification”;

(B) by striking “applicant regards as his invention” and inserting “inventor or a joint inventor regards as the invention”;

(3) in the third paragraph, by striking “A claim” and inserting “(c) **FORM.**—A claim”;

(4) in the fourth paragraph, by striking “Subject to the following paragraph,” and inserting “(d) **REFERENCE IN DEPENDENT FORMS.**—Subject to subsection (e),”;

(5) in the fifth paragraph, by striking “A claim” and inserting “(e) **REFERENCE IN MULTIPLE DEPENDENT FORM.**—A claim”;

(6) in the last paragraph, by striking “An element” and inserting “(f) **ELEMENT IN CLAIM FOR A COMBINATION.**—An element”.

(d) **CONFORMING AMENDMENTS.**—

(1) Sections 111(b)(1)(A) is amended by striking “the first paragraph of section 112 of this title” and inserting “section 112(a)”.

(2) Section 111(b)(2) is amended by striking “the second through fifth paragraphs of section 112,” and inserting “subsections (b) through (e) of section 112,”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to patent applications that are filed on or after that effective date.

SEC. 4. DAMAGES.

(a) **DAMAGES.**—Section 284 of title 35, United States Code, is amended—

(1) by striking “Upon finding” and inserting the following: “(a) **IN GENERAL.**—Upon finding”;

(2) by striking “fixed by the court” and all that follows through “When the damages” and inserting the following: “fixed by the court. When the damages”;

(3) by striking “shall assess them.” and all that follows through “The court may receive” and inserting the following: “shall assess them. *In either event the court may increase the damages up to 3 times the amount found or assessed. Increased damages under this subsection shall not apply to provisional rights under section 154(d) of this title.* The court may receive”;

(4) by adding at the end the following:

“(b) **PROCEDURE FOR DETERMINING DAMAGES.**—

“(1) **IN GENERAL.**—The court shall identify the methodologies and factors that are relevant to the determination of damages, and the court or jury shall consider only those methodologies and factors relevant to making such determination.

“(2) **DISCLOSURE OF CLAIMS.**—By no later than the entry of the final pretrial order, unless otherwise ordered by the court, the parties shall state, in writing and with particularity, the methodologies and factors the parties propose for instruction to the jury in determining damages under this section, specifying the relevant underlying legal and factual bases for their assertions.

“(3) **SUFFICIENCY OF EVIDENCE.**—Prior to the introduction of any evidence concerning the determination of damages, upon motion of either party or sua sponte, the court shall consider whether one or more of a party’s damages contentions lacks a legally sufficient evidentiary basis. After providing a nonmovant the opportunity to be heard, and after any further proffer of evidence, briefing, or argument that the court may deem appropriate, the court shall identify on the record those methodologies and factors as to which there is a legally sufficient evidentiary basis, and the court or jury shall consider only those methodologies and factors in making the determination of damages under this section. The court shall only permit the introduction of evidence relating to the determination of damages that is relevant to the methodologies and factors that the court determines may be considered in making the damages determination.

“(c) **SEQUENCING.**—Any party may request that a patent-infringement trial be sequenced so that the trier of fact decides questions of the patent’s infringement and validity before the issues of damages and willful infringement are tried to the court or the jury. The court shall grant such a request absent good cause to reject the request, such as the absence of issues of significant damages or infringement and validity. The sequencing of a trial pursuant to this subsection shall not affect other matters, such as the timing of discovery. This subsection does not authorize a party to request that the issues of damages and willful infringement be tried to a jury different than the one that will decide questions of the patent’s infringement and validity.

“(d) **WILLFUL INFRINGEMENT.**—

“(1) **IN GENERAL.**—The court may increase damages up to 3 times the amount found or

assessed if the court or the jury, as the case may be, determines that the infringement of the patent was willful. Increased damages under this subsection shall not apply to provisional rights under section 154(d). Infringement is not willful unless the claimant proves by clear and convincing evidence that the accused infringer’s conduct with respect to the patent was objectively reckless. An accused infringer’s conduct was objectively reckless if the infringer was acting despite an objectively high likelihood that his actions constituted infringement of a valid patent, and this objectively-defined risk was either known or so obvious that it should have been known to the accused infringer.

“(2) **PLEADING STANDARDS.**—A claimant asserting that a patent was infringed willfully shall comply with the pleading requirements set forth under Federal Rule of Civil Procedure 9(b).

“(3) **KNOWLEDGE ALONE INSUFFICIENT.**—Infringement of a patent may not be found to be willful solely on the basis that the infringer had knowledge of the infringed patent.

“(4) **PRE-SUIT NOTIFICATION.**—A claimant seeking to establish willful infringement may not rely on evidence of pre-suit notification of infringement unless that notification identifies with particularity the asserted patent, identifies the product or process accused, and explains with particularity, to the extent possible following a reasonable investigation or inquiry, how the product or process infringes one or more claims of the patent.

“(5) **CLOSE CASE.**—The court shall not increase damages under this subsection if the court determines that there is a close case as to infringement, validity, or enforceability. On the motion of either party, the court shall determine whether a close case as to infringement, validity, or enforceability exists, and the court shall explain its decision. Once the court determines that such a close case exists, the issue of willful infringement shall not thereafter be tried to the jury.

“(6) **ACCRUED DAMAGES.**—If a court or jury finds that the infringement of patent was willful, the court may increase only those damages that accrued after the infringement became willful.”.

(b) **DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.**—Section 273(b)(6) of title 35, United States Code, is amended to read as follows:

“(6) **PERSONAL DEFENSE.**—The defense under this section may be asserted only by the person who performed or caused the performance of the acts necessary to establish the defense as well as any other entity that controls, is controlled by, or is under common control with such person and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates. Notwithstanding the preceding sentence, any person may, on its own behalf, assert a defense based on the exhaustion of rights provided under paragraph (3), including any necessary elements thereof.”.

(c) **VIRTUAL MARKING.**—Section 287(a) of title 35, United States Code, is amended by inserting “, or by fixing thereon the word ‘patent’ or the abbreviation ‘pat.’ together with an address of a posting on the Internet, accessible to the public without charge for accessing the address, that associates the patented article with the number of the patent” before “, or when”.

(d) **ADVICE OF COUNSEL.**—Chapter 29 of title 35, United States Code, is amended by adding at the end the following:

“§ 298. Advice of Counsel

“The failure of an infringer to obtain the advice of counsel with respect to any allegedly infringed patent or the failure of the infringer to present such advice to the court or jury may not be used to prove that the accused infringer willfully infringed the patent or that the infringer intended to induce infringement of the patent.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. 5. POST-GRANT REVIEW PROCEEDINGS.

(a) **INTER PARTES REVIEW.**—Chapter 31 of title 35, United States Code, is amended to read as follows:

“CHAPTER 31—INTER PARTES REVIEW

“Sec.

“311. Inter partes review.

“312. Petitions.

“313. Preliminary response to petition.

“314. Institution of inter partes review.

“315. Relation to other proceedings or actions.

“316. Conduct of inter partes review.

“317. Settlement.

“318. Decision of the board.

“319. Appeal.

“§ 311. Inter partes review

“(a) **IN GENERAL.**—Subject to the provisions of this chapter, a person who is not the patent owner may file with the Office a petition to institute an inter partes review for a patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the review.

“(b) **SCOPE.**—A petitioner in an inter partes review may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

“(c) **FILING DEADLINE.**—A petition for inter partes review shall be filed after the later of either—

“(1) 9 months after the grant of a patent or issuance of a reissue of a patent; or

“(2) if a post-grant review is instituted under chapter 32, the date of the termination of such post-grant review.

“§ 312. Petitions

“(a) **REQUIREMENTS OF PETITION.**—A petition filed under section 311 may be considered only if—

“(1) the petition is accompanied by payment of the fee established by the Director under section 311;

“(2) the petition identifies all real parties in interest;

“(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

“(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

“(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on expert opinions;

“(4) the petition provides such other information as the Director may require by regulation; and

“(5) the petitioner provides copies of any of the documents required under paragraphs (2),

(3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

“(b) **PUBLIC AVAILABILITY.**—As soon as practicable after the receipt of a petition under section 311, the Director shall make the petition available to the public.

“§ 313. Preliminary response to petition

“(a) **PRELIMINARY RESPONSE.**—If an inter partes review petition is filed under section 311, the patent owner shall have the right to file a preliminary response within a time period set by the Director.

“(b) **CONTENT OF RESPONSE.**—A preliminary response to a petition for inter partes review shall set forth reasons why no inter partes review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

“§ 314. Institution of inter partes review

“(a) **THRESHOLD.**—The Director may not authorize an inter partes review to commence unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

“(b) **TIMING.**—The Director shall determine whether to institute an inter partes review under this chapter within 3 months after receiving a preliminary response under section 313 or, if none is filed, within three months after the expiration of the time for filing such a response.

“(c) **NOTICE.**—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a), and shall make such notice available to the public as soon as is practicable. Such notice shall list the date on which the review shall commence.

“(d) **NO APPEAL.**—The determination by the Director whether to institute an inter partes review under this section shall be final and nonappealable.

“§ 315. Relation to other proceedings or actions

“(a) **INFRINGER'S ACTION.**—An inter partes review may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

“(b) **PATENT OWNER'S ACTION.**—An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.

“(b) **PATENT OWNER'S ACTION.**—An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 6 months after the date on which the petitioner, real party in interest, or his privy is served with a complaint alleging infringement of the patent. The time limitation set forth in the preceding sentence shall not apply to a request for joinder under subsection (c).

“(c) **JOINDER.**—If the Director institutes an inter partes review, the Director, in his discretion, may join as a party to that inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

“(d) **MULTIPLE PROCEEDINGS.**—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of an inter

partes review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the inter partes review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding.

“(e) **ESTOPPEL.**—

“(1) **PROCEEDINGS BEFORE THE OFFICE.**—The petitioner in an inter partes review under this chapter, or his real party in interest or privy, may not request or maintain a proceeding before the Office with respect to a claim on any ground that the petitioner raised or reasonably could have raised during an inter partes review of the claim that resulted in a final written decision under section 318(a).

“(2) **CIVIL ACTIONS AND OTHER PROCEEDINGS.**—The petitioner in an inter partes review under this chapter, or his real party in interest or privy, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised or reasonably could have raised during an inter partes review of the claim that resulted in a final written decision under section 318(a).

“§ 316. Conduct of inter partes review

“(a) **REGULATIONS.**—The Director shall prescribe regulations—

“(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal, and such petition or document shall be treated as sealed pending the outcome of the ruling on the motion;

“(2) setting forth the standards for the showing of sufficient grounds to institute a review under section 314(a);

“(3) establishing procedures for the submission of supplemental information after the petition is filed;

“(4) in accordance with section 2(b)(2), establishing and governing inter partes review under this chapter and the relationship of such review to other proceedings under this title;

“(5) setting a time period for requesting joinder under section 315(c);

“(6) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to—

“(A) the deposition of witnesses submitting affidavits or declarations; and

“(B) what is otherwise necessary in the interest of justice;

“(7) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

“(8) providing for protective orders governing the exchange and submission of confidential information;

“(9) allowing the patent owner to file a response to the petition after an inter partes review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

“(10) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to

cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

“(11) providing either party with the right to an oral hearing as part of the proceeding; and

“(12) requiring that the final determination in an inter partes review be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 315(c).

“(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

“(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each proceeding authorized by the Director.

“(d) AMENDMENT OF THE PATENT.—

“(1) IN GENERAL.—During an inter partes review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

“(A) Cancel any challenged patent claim.

“(B) For each challenged claim, propose a reasonable number of substitute claims.

“(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 317, or as permitted by regulations prescribed by the Director.

“(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

“(e) EVIDENTIARY STANDARDS.—In an inter partes review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

“§ 317. Settlement

“(a) IN GENERAL.—An inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the inter partes review is terminated with respect to a petitioner under this section, no estoppel under section 315(e) shall apply to that petitioner. If no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).

“(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an inter partes review under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of the inter partes review as between the parties. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the inter

partes review, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

“§ 318. Decision of the board

“(a) FINAL WRITTEN DECISION.—If an inter partes review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 316(d).

“(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

“§ 319. Appeal

“A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) may appeal the decision pursuant to sections 141 through 144. Any party to the inter partes review shall have the right to be a party to the appeal.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by striking the item relating to chapter 31 and inserting the following:

“31. Inter Partes Review 311.”

(c) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 31 of title 35, United States Code, as amended by subsection (a) of this section.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply to all patents issued before, on, or after the effective date of subsection (a).

(B) EXCEPTION.—The provisions of chapter 31 of title 35, United States Code, as amended by paragraph (3), shall continue to apply to requests for inter partes reexamination that are filed prior to the effective date of subsection (a) as if subsection (a) had not been enacted.

(C) GRADUATED IMPLEMENTATION.—The Director may impose a limit on the number of inter partes reviews that may be instituted during each of the first 4 years following the effective date of subsection (a), provided that such number shall in each year be equivalent to or greater than the number of inter partes reexaminations that are ordered in the last full fiscal year prior to the effective date of subsection (a).

(3) TRANSITION.—

(A) IN GENERAL.—Chapter 31 of title 35, United States Code, is amended—

(i) in section 312—

(I) in subsection (a)—

(aa) in the first sentence, by striking “a substantial new question of patentability affecting any claim of the patent concerned is raised by the request,” and inserting “the information presented in the request shows that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request,”; and

(bb) in the second sentence, by striking “The existence of a substantial new question of patentability” and inserting “A showing that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request”; and

(II) in subsection (c), in the second sentence, by striking “no substantial new question of patentability has been raised,” and inserting “the showing required by subsection (a) has not been made,”; and

(ii) in section 313, by striking “a substantial new question of patentability affecting a claim of the patent is raised” and inserting “it has been shown that there is a reasonable likelihood that the requester would prevail with respect to at least 1 of the claims challenged in the request”.

(B) APPLICATION.—The amendments made by this paragraph shall apply to requests for inter partes reexamination that are filed on or after the date of the enactment of this Act, but prior to the effective date of subsection (a).

(d) POST-GRANT REVIEW.—Part III of title 35, United States Code, is amended by adding at the end the following:

“CHAPTER 32—POST-GRANT REVIEW

“Sec.

“321. Post-grant review.

“322. Petitions.

“323. Preliminary response to petition.

“324. Institution of post-grant review.

“325. Relation to other proceedings or actions.

“326. Conduct of post-grant review.

“327. Settlement.

“328. Decision of the board.

“329. Appeal.

“§ 321. Post-grant review

“(a) IN GENERAL.—Subject to the provisions of this chapter, a person who is not the patent owner may file with the Office a petition to institute a post-grant review for a patent. The Director shall establish, by regulation, fees to be paid by the person requesting the review, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review.

“(b) SCOPE.—A petitioner in a post-grant review may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

“(c) FILING DEADLINE.—A petition for a post-grant review shall be filed not later than 9 months after the grant of the patent or issuance of a reissue patent.

“§ 322. Petitions

“(a) REQUIREMENTS OF PETITION.—A petition filed under section 321 may be considered only if—

“(1) the petition is accompanied by payment of the fee established by the Director under section 321;

“(2) the petition identifies all real parties in interest;

“(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including—

“(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

“(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

“(4) the petition provides such other information as the Director may require by regulation; and

“(5) the petitioner provides copies of any of the documents required under paragraphs (2), (3), and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

“(b) PUBLIC AVAILABILITY.—As soon as practicable after the receipt of a petition under section 321, the Director shall make the petition available to the public.

“§ 323. Preliminary response to petition

“(a) PRELIMINARY RESPONSE.—If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response within 2 months of the filing of the petition.

“(b) CONTENT OF RESPONSE.—A preliminary response to a petition for post-grant review shall set forth reasons why no post-grant review should be instituted based upon the failure of the petition to meet any requirement of this chapter.

“§ 324. Institution of post-grant review

“(a) THRESHOLD.—The Director may not authorize a post-grant review to commence unless the Director determines that the information presented in the petition, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.

“(b) ADDITIONAL GROUNDS.—The determination required under subsection (a) may also be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.

“(c) TIMING.—The Director shall determine whether to institute a post-grant review under this chapter within 3 months after receiving a preliminary response under section 323 or, if none is filed, the expiration of the time for filing such a response.

“(d) NOTICE.—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a) or (b), and shall make such notice available to the public as soon as is practicable. The Director shall make each notice of the institution of a post-grant review available to the public. Such notice shall list the date on which the review shall commence.

“(e) NO APPEAL.—The determination by the Director whether to institute a post-grant review under this section shall be final and nonappealable.

“§ 325. Relation to other proceedings or actions

“(a) INFRINGER'S ACTION.—A post-grant review may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

“(b) PATENT OWNER'S ACTION.—A post-grant review may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.】

“(b) PATENT OWNER'S ACTION.—A post-grant review may not be instituted if the petition requesting the proceeding is filed more than 6 months after the date on which the petitioner, real party in interest, or his privy is served with a complaint alleging infringement of the patent. The time limitation set forth in the preceding sentence shall not apply to a request for joinder under subsection (c).

“(c) JOINDER.—If more than 1 petition for a post-grant review is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants

the institution of a post-grant review under section 324, the Director may consolidate such reviews into a single post-grant review.

“(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review, if another proceeding or matter involving the patent is before the Office, the Director may determine the manner in which the post-grant review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding. In determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.

“(e) ESTOPPEL.—

“(1) PROCEEDINGS BEFORE THE OFFICE.—The petitioner in a post-grant review under this chapter, or his real party in interest or privy, may not request or maintain a proceeding before the Office with respect to a claim on any ground that the petitioner raised or reasonably could have raised during a post-grant review of the claim that resulted in a final written decision under section 328(a).

“(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—The petitioner in a post-grant review under this chapter, or his real party in interest or privy, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised during a post-grant review of the claim that resulted in a final written decision under section 328(a).

“(f) PRELIMINARY INJUNCTIONS.—If a civil action alleging infringement of a patent is filed within 3 months of the grant of the patent, the court may not stay its consideration of the patent owner's motion for a preliminary injunction against infringement of the patent on the basis that a petition for post-grant review has been filed or that such a proceeding has been instituted.

“(g) REISSUE PATENTS.—A post-grant review may not be instituted if the petition requests cancellation of a claim in a reissue patent that is identical to or narrower than a claim in the original patent from which the reissue patent was issued, and the time limitations in section 321(c) would bar filing a petition for a post-grant review for such original patent.

“§ 326. Conduct of post-grant review

“(a) REGULATIONS.—The Director shall prescribe regulations—

“(1) providing that the file of any proceeding under this chapter shall be made available to the public, except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal, and such petition or document shall be treated as sealed pending the outcome of the ruling on the motion;

“(2) setting forth the standards for the showing of sufficient grounds to institute a review under subsections (a) and (b) of section 324;

“(3) establishing procedures for the submission of supplemental information after the petition is filed;

“(4) in accordance with section 2(b)(2), establishing and governing a post-grant review under this chapter and the relationship of such review to other proceedings under this title;

“(5) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding;

“(6) prescribing sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or an unnecessary increase in the cost of the proceeding;

“(7) providing for protective orders governing the exchange and submission of confidential information;

“(8) allowing the patent owner to file a response to the petition after a post-grant review has been instituted, and requiring that the patent owner file with such response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response;

“(9) setting forth standards and procedures for allowing the patent owner to move to amend the patent under subsection (d) to cancel a challenged claim or propose a reasonable number of substitute claims, and ensuring that any information submitted by the patent owner in support of any amendment entered under subsection (d) is made available to the public as part of the prosecution history of the patent;

“(10) providing either party with the right to an oral hearing as part of the proceeding; and

“(11) requiring that the final determination in any post-grant review be issued not later than 1 year after the date on which the Director notices the institution of a proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 325(c).

“(b) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.

“(c) PATENT TRIAL AND APPEAL BOARD.—The Patent Trial and Appeal Board shall, in accordance with section 6, conduct each proceeding authorized by the Director.

“(d) AMENDMENT OF THE PATENT.—

“(1) IN GENERAL.—During a post-grant review instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

“(A) Cancel any challenged patent claim.

“(B) For each challenged claim, propose a reasonable number of substitute claims.

“(2) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 327, or upon the request of the patent owner for good cause shown.

“(3) SCOPE OF CLAIMS.—An amendment under this subsection may not enlarge the scope of the claims of the patent or introduce new matter.

“(e) EVIDENTIARY STANDARDS.—In a post-grant review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.

“§ 327. Settlement

“(a) IN GENERAL.—A post-grant review instituted under this chapter shall be terminated with respect to any petitioner upon

the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed. If the post-grant review is terminated with respect to a petitioner under this section, no estoppel under section 325(e) shall apply to that petitioner. If no petitioner remains in the post-grant review, the Office may terminate the post-grant review or proceed to a final written decision under section 328(a).

“(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review under this section shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office before the termination of the post-grant review as between the parties. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the post-grant review, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

“§ 328. Decision of the board

“(a) FINAL WRITTEN DECISION.—If a post-grant review is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner and any new claim added under section 326(d).

“(b) CERTIFICATE.—If the Patent Trial and Appeal Board issues a final written decision under subsection (a) and the time for appeal has expired or any appeal has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent by operation of the certificate any new or amended claim determined to be patentable.

“§ 329. Appeal

“A party dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 328(a) may appeal the decision pursuant to sections 141 through 144. Any party to the post-grant review shall have the right to be a party to the appeal.”.

(e) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

“32. Post-Grant Review 321.”.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Director shall, not later than the date that is 1 year 18 months after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (d) of this section.

(2) APPLICABILITY.—The amendments made by subsection (d) shall take effect on the date that is [1 year] 18 months after the date of the enactment of this Act and shall apply only to patents issued on or after that date. The Director may impose a limit on the number of post-grant reviews that may be instituted during each of the 4 years following the effective date of subsection (d).

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date of subsection (d) are to proceed, including whether any such interference is to be

dismissed without prejudice to the filing of a petition for a post-grant review under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1). For purposes of an interference that is commenced before the effective date of subsection (d), the Director may deem the Patent Trial and Appeal Board to be the Board of Patent Appeals and Interferences, and may allow the Patent Trial and Appeal Board to conduct any further proceedings in that interference. The authorization to appeal or have remedy from derivation proceedings in sections 141(d) and 146 of title 35, United States Code, and the jurisdiction to entertain appeals from derivation proceedings in section 1295(a)(4)(A) of title 28, United States Code, shall be deemed to extend to final decisions in interferences that are commenced before the effective date of subsection (d) and that are not dismissed pursuant to this paragraph.

(g) CITATION OF PRIOR ART AND WRITTEN STATEMENTS.—

(1) IN GENERAL.—Section 301 of title 35, United States Code, is amended to read as follows:

“§ 301. Citation of prior art and written statements

“(a) IN GENERAL.—Any person at any time may cite to the Office in writing—

“(1) prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent; or

“(2) statements of the patent owner filed in a proceeding before a Federal court or the Office in which the patent owner took a position on the scope of any claim of a particular patent.

“(b) OFFICIAL FILE.—If the person citing prior art or written statements pursuant to subsection (a) explains in writing the pertinence and manner of applying the prior art or written statements to at least 1 claim of the patent, the citation of the prior art or written statements and the explanation thereof shall become a part of the official file of the patent.

“(c) ADDITIONAL INFORMATION.—A party that submits a written statement pursuant to subsection (a)(2) shall include any other documents, pleadings, or evidence from the proceeding in which the statement was filed that addresses the written statement.

“(d) LIMITATIONS.—A written statement submitted pursuant to subsection (a)(2), and additional information submitted pursuant to subsection (c), shall not be considered by the Office for any purpose other than to determine the proper meaning of a patent claim in a proceeding that is ordered or instituted pursuant to section 304, 314, or 324. If any such written statement or additional information is subject to an applicable protective order, it shall be redacted to exclude information that is subject to that order.

“(e) CONFIDENTIALITY.—Upon the written request of the person citing prior art or written statements pursuant to subsection (a), that person's identity shall be excluded from the patent file and kept confidential.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect [1 year] 18 months after the date of the enactment of this Act and shall apply to patents issued before, on, or after that effective date.

(h) REEXAMINATION.—

(1) DETERMINATION BY DIRECTOR.—

(A) IN GENERAL.—Section 303(a) of title 35, United States Code, is amended by striking “section 301 of this title” and inserting “section 301 or 302”.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect [1 year] 18 months after the date of the enactment of this Act and shall apply to patents issued before, on, or after that effective date.

(2) APPEAL.—

(A) IN GENERAL.—Section 306 of title 35, United States Code, is amended by striking “145” and inserting “144”.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect on the date of enactment of this Act and shall apply to appeals of reexaminations that are pending before the Board of Patent Appeals and Interferences or the Patent Trial and Appeal Board on or after the date of the enactment of this Act.

SEC. 6. PATENT TRIAL AND APPEAL BOARD.

(a) COMPOSITION AND DUTIES.—Section 6 of title 35, United States Code, is amended to read as follows:

“§ 6. Patent Trial and Appeal Board

“(a) There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary, in consultation with the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

“(b) The Patent Trial and Appeal Board shall—

“(1) on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a);

“(2) review appeals of reexaminations pursuant to section 134(b);

“(3) conduct derivation proceedings pursuant to section 135; and

“(4) conduct inter partes reviews and post-grant reviews pursuant to chapters 31 and 32.

“(c) Each appeal, derivation proceeding, post-grant review, and inter partes review shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.

“(d) The Secretary of Commerce may, in his discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge. It shall be a defense to a challenge to the appointment of an administrative patent judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.”.

(b) ADMINISTRATIVE APPEALS.—Section 134 of title 35, United States Code, is amended—

(1) in subsection (b), by striking “any reexamination proceeding” and inserting “a reexamination”; and

(2) by striking subsection (c).

(c) CIRCUIT APPEALS.—

(1) IN GENERAL.—Section 141 of title 35, United States Code, is amended to read as follows:

“§ 141. Appeal to the Court of Appeals for the Federal Circuit

“(a) EXAMINATIONS.—An applicant who is dissatisfied with the final decision in an appeal to the Patent Trial and Appeal Board under section 134(a) may appeal the Board’s decision to the United States Court of Appeals for the Federal Circuit. By filing such an appeal, the applicant waives his right to proceed under section 145.

“(b) REEXAMINATIONS.—A patent owner who is dissatisfied with the final decision in an appeal of a reexamination to the Patent Trial and Appeal Board under section 134(b) may appeal the Board’s decision only to the United States Court of Appeals for the Federal Circuit.

“(c) POST-GRANT AND INTER PARTES REVIEWS.—A party to a post-grant or inter partes review who is dissatisfied with the final written decision of the Patent Trial and Appeal Board under section 318(a) or 328(a) may appeal the Board’s decision only to the United States Court of Appeals for the Federal Circuit.

“(d) DERIVATION PROCEEDINGS.—A party to a derivation proceeding who is dissatisfied with the final decision of the Patent Trial and Appeal Board on the proceeding may appeal the decision to the United States Court of Appeals for the Federal Circuit, but such appeal shall be dismissed if any adverse party to such derivation proceeding, within 20 days after the appellant has filed notice of appeal in accordance with section 142, files notice with the Director that the party elects to have all further proceedings conducted as provided in section 146. If the appellant does not, within 30 days after the filing of such notice by the adverse party, file a civil action under section 146, the Board’s decision shall govern the further proceedings in the case.”.

(2) JURISDICTION.—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

“(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, reexaminations, post-grant reviews, and inter partes reviews at the instance of a party who exercised his right to participate in a proceeding before or appeal to the Board, except that an applicant or a party to a derivation proceeding may also have remedy by civil action pursuant to section 145 or 146 of title 35. An appeal under this subparagraph of a decision of the Board with respect to an application or derivation proceeding shall waive the right of such applicant or party to proceed under section 145 or 146 of title 35.”.

(3) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended—

(A) by striking the third sentence and inserting the following: “In an ex parte case, the Director shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all of the issues raised in the appeal. The Director shall have the right to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board in a derivation proceeding under section 135 or in an inter partes or post-grant review under chapter 31 or 32.”; and

(B) by repealing the second of the two identical fourth sentences.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect [1 year] 18 months after the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date, except that—

(1) the extension of jurisdiction to the United States Court of Appeals for the Federal Circuit to entertain appeals of decisions of the Patent Trial and Appeal Board in reexaminations under the amendment made by subsection (c)(2) shall be deemed to take effect on the date of enactment of this Act and shall extend to any decision of the Board of Patent Appeals and Interferences with respect to a reexamination that is entered before, on, or after the date of the enactment of this Act;

(2) the provisions of sections 6, 134, and 141 of title 35, United States Code, in effect on the day prior to the date of the enactment of this Act shall continue to apply to inter partes reexaminations that are requested under section 311 prior to the date that is [1 year] 18 months after the date of the enactment of this Act;

(3) the Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of appeals of inter partes reexaminations that are requested under section 311 prior to the date that is [1 year] 18 months after the date of the enactment of this Act; and

(4) the Director’s right under the last sentence of section 143 of title 35, United States Code, as amended by subsection (c)(3), to intervene in an appeal from a decision entered by the Patent Trial and Appeal Board shall be deemed to extend to inter partes reexaminations that are requested under section 311 prior to the date that is [1 year] 18 months after the date of the enactment of this Act.

SEC. 7. PREISSUANCE SUBMISSIONS BY THIRD PARTIES.

(a) IN GENERAL.—Section 122 of title 35, United States Code, is amended by adding at the end the following:

“(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

“(1) IN GENERAL.—Any third party may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other printed publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

“(A) the date a notice of allowance under section 151 is given or mailed in the application for patent; or

“(B) the later of—

“(i) 6 months after the date on which the application for patent is first published under section 122 by the Office, or

“(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent.

“(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

“(A) set forth a concise description of the asserted relevance of each submitted document;

“(B) be accompanied by such fee as the Director may prescribe; and

“(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to patent applications filed before, on, or after that effective date.

SEC. 8. VENUE.

(a) CHANGE OF VENUE.—Section 1400 of title 28, United States Code, is amended by adding at the end the following:

“(c) CHANGE OF VENUE.—For the convenience of parties and witnesses, in the interest

of justice, a district court shall transfer any civil action arising under any Act of Congress relating to patents upon a showing that the transferee venue is clearly more convenient than the venue in which the civil action is pending.”.

(b) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 21(b)(4) of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”); 15 U.S.C. 1071(b)(4), are each amended by striking “United States District Court for the District of Columbia” each place that term appears and inserting “United States District Court for the Eastern District of Virginia”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to civil actions commenced on or after that date.

SEC. 9. FEE SETTING AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code, or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113), or any other fee established or charged by the Office under any other provision of law, notwithstanding the fee amounts established or charged thereunder, for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

(2) SMALL AND MICRO ENTITIES.—The fees established under paragraph (1) for filing, processing, issuing, and maintaining patent applications and patents shall be reduced by 50 percent with respect to their application to any small entity that qualifies for reduced fees under section 41(h)(1) of title 35, United States Code, and shall be reduced by 75 percent with respect to their application to any micro entity as defined in section 123 of that title.

(3) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after the consultation required under subparagraph (A), may reduce such fees.

(4) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(A) submit to the Patent Public Advisory Committee or the Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final rule setting or adjusting fees under paragraph (1).

(5) PUBLICATION IN THE FEDERAL REGISTER.—

(A) IN GENERAL.—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) RATIONALE.—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) PUBLIC COMMENT PERIOD.—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(6) CONGRESSIONAL COMMENT PERIOD.—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any final rule setting or adjusting fees under paragraph (1). No fee set or adjusted under paragraph (1) shall be effective prior to the end of such 45-day comment period.

(7) RULE OF CONSTRUCTION.—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under title 35, United States Code, or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) FEES FOR PATENT SERVICES.—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005—

(1) in subsections (a), (b), and (c) of section 801, by—

(A) striking “During” and all that follows through “2006, subsection” and inserting “Subsection”; and

(B) striking “shall be administered as though that subsection reads” and inserting “is amended to read”;

(2) in subsection (d) of section 801, by striking “During” and all that follows through “2006, subsection” and inserting “Subsection”; and

(3) in subsection (e) of section 801, by—

(A) striking “During” and all that follows through “2006, subsection” and inserting “Subsection”; and

(B) striking “shall be administered as though that subsection”.

(c) ADJUSTMENT OF TRADEMARK FEES.—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking “During fiscal years 2005, 2006 and 2007”, and inserting “Until such time as the Director sets or adjusts the fees otherwise.”.

(d) EFFECTIVE DATE, APPLICABILITY, AND TRANSITION PROVISIONS.—Division B of Pub-

lic Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking “and shall apply only with respect to the remaining portion of fiscal year 2005, 2006 and 2007”.

(e) STATUTORY AUTHORITY.—Section 41(d)(1)(A) of title 35, United States Code, is amended by striking “, and the Director may not increase any such fee thereafter”.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108-447, including section 801(c) of title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(g) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term “Office” means the United States Patent and Trademark Office.

(3) TRADEMARK ACT OF 1946.—The term “Trademark Act of 1946” means an Act entitled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

(h) ELECTRONIC FILING INCENTIVE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a fee of \$400 shall be established for each application for an original patent, except for a design, plant, or provisional application, that is not filed by electronic means as prescribed by the Director. The fee established by this subsection shall be reduced 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code. All fees paid under this subsection shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

(2) EFFECTIVE DATE.—This subsection shall become effective 60 days after the date of the enactment of this Act.

(i) EFFECTIVE DATE.—Except as provided in subsection (h), the provisions of this section shall take effect upon the date of the enactment of this Act.

SEC. 10. SUPPLEMENTAL EXAMINATION.

(a) IN GENERAL.—Chapter 25 of title 35, United States Code, is amended by adding at the end the following:

“§ 257. Supplemental examinations to consider, reconsider, or correct information

“(a) IN GENERAL.—A patent owner may request supplemental examination of a patent in the Office to consider, reconsider, or correct information believed to be relevant to the patent. Within 3 months of the date a request for supplemental examination meeting the requirements of this section is received, the Director shall conduct the supplemental examination and shall conclude such examination by issuing a certificate indicating whether the information presented in the request raises a substantial new question of patentability.

“(b) REEXAMINATION ORDERED.—If a substantial new question of patentability is raised by 1 or more items of information in the request, the Director shall order reexamination of the patent. The reexamination shall be conducted according to procedures established by chapter 30, except that the patent owner shall not have the right to file a statement pursuant to section 304. During

the reexamination, the Director shall address each substantial new question of patentability identified during the supplemental examination, notwithstanding the limitations therein relating to patents and printed publication or any other provision of chapter 30.

“(c) EFFECT.—

“(1) IN GENERAL.—A patent shall not be held unenforceable on the basis of conduct relating to information that had not been considered, was inadequately considered, or was incorrect in a prior examination of the patent if the information was considered, reconsidered, or corrected during a supplemental examination of the patent. The making of a request under subsection (a), or the absence thereof, shall not be relevant to enforceability of the patent under section 282.

“(2) EXCEPTIONS.—

“(A) PRIOR ALLEGATIONS.—This subsection shall not apply to an allegation pled with particularity, or set forth with particularity in a notice received by the patent owner under section 505(j)(2)(B)(iv)(II) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(B)(iv)(II)), before the date of a supplemental-examination request under subsection (a) to consider, reconsider, or correct information forming the basis for the allegation.

“(B) PATENT ENFORCEMENT ACTIONS.—In an action brought under section 337(a) of the Tariff Act of 1930 (19 U.S.C. 1337(a)), or section 281 of this title, this subsection shall not apply to any defense raised in the action that is based upon information that was considered, reconsidered, or corrected pursuant to a supplemental-examination request under subsection (a) unless the supplemental examination, and any reexamination ordered pursuant to the request, are concluded before the date on which the action is brought.

“(d) FEES AND REGULATIONS.—The Director shall, by regulation, establish fees for the submission of a request for supplemental examination of a patent, and to consider each item of information submitted in the request. If reexamination is ordered pursuant to subsection (a), fees established and applicable to ex parte reexamination proceedings under chapter 30 shall be paid in addition to fees applicable to supplemental examination. The Director shall promulgate regulations governing the form, content, and other requirements of requests for supplemental examination, and establishing procedures for conducting review of information submitted in such requests.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition);

“(2) to limit the authority of the Director to investigate issues of possible misconduct and impose sanctions for misconduct in connection with matters or proceedings before the Office; or

“(3) to limit the authority of the Director to promulgate regulations under chapter 3 relating to sanctions for misconduct by representatives practicing before the Office.”.

(b) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that date.

[SEC. 11. RESIDENCY OF FEDERAL CIRCUIT JUDGES.]

[(a) RESIDENCY.—The second sentence of section 44(c) of title 28, United States Code, is repealed.]

[(b) FACILITIES.—Section 44 of title 28, United States Code, is amended by adding at the end the following:

["(e)(1) The Director of the Administrative Office of the United States Courts shall provide—

["(A) a judge of the Federal judicial circuit who lives within 50 miles of the District of Columbia with appropriate facilities and administrative support services in the District of the District of Columbia; and

["(B) a judge of the Federal judicial circuit who does not live within 50 miles of the District of Columbia with appropriate facilities and administrative support services—

["(i) in the district and division in which that judge resides; or

["(ii) if appropriate facilities are not available in the district and division in which that judge resides, in the district and division closest to the residence of that judge in which such facilities are available, as determined by the Director.

["(2) Nothing in this subsection may be construed to authorize or require the construction of new facilities.".]

SEC. 11. RESIDENCY OF FEDERAL CIRCUIT JUDGES.

(a) *IN GENERAL.*—Section 44(c) of title 28, United States Code, is amended—

(1) by repealing the second sentence; and

(2) in the third sentence, by striking "state" and inserting "State".

(b) *EFFECTIVE DATE.*—This section shall take effect on the date of enactment of this Act.

SEC. 12. MICRO ENTITY DEFINED.

Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

"§ 123. Micro entity defined

"(a) *IN GENERAL.*—For purposes of this title, the term 'micro entity' means an applicant who makes a certification under either subsection (b) or (c).

"(b) *UNASSIGNED APPLICATION.*—For an unassigned application, each applicant shall certify that the applicant—

"(1) qualifies as a small entity, as defined in regulations issued by the Director;

"(2) has not been named on 5 or more previously filed patent applications;

"(3) has not assigned, granted, or conveyed, and is not under an obligation by contract or law to assign, grant, or convey, a license or any other ownership interest in the particular application; and

"(4) does not have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

"(c) *ASSIGNED APPLICATION.*—For an assigned application, each applicant shall certify that the applicant—

"(1) qualifies as a small entity, as defined in regulations issued by the Director, and meets the requirements of subsection (b)(4);

"(2) has not been named on 5 or more previously filed patent applications; and

"(3) has assigned, granted, conveyed, or is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the particular application to an entity that has 5 or fewer employees and that such entity has a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), that does not

exceed 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

"(d) *INCOME LEVEL ADJUSTMENT.*—The gross income levels established under subsections (b) and (c) shall be adjusted by the Director on October 1, 2009, and every year thereafter, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index, as determined by the Secretary of Labor.".

SEC. 13. FUNDING AGREEMENTS.

(a) *IN GENERAL.*—Section 202(c)(7)(E)(i) of title 35, United States Code, is amended—

(1) by striking "75 percent" and inserting "15 percent"; and

(2) by striking "25 percent" and inserting "85 percent".

(b) *EFFECTIVE DATE.*—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to patents issued before, on, or after that date.

SEC. 14. TAX STRATEGIES DEEMED WITHIN THE PRIOR ART.

(a) *IN GENERAL.*—For purposes of evaluating an invention under section 102 or 103 of title 35, United States Code, any strategy for reducing, avoiding, or deferring tax liability, whether known or unknown at the time of the invention or application for patent, shall be deemed insufficient to differentiate a claimed invention from the prior art.

(b) *DEFINITION.*—For purposes of this section, the term "tax liability" refers to any liability for a tax under any Federal, State, or local law, or the law of any foreign jurisdiction, including any statute, rule, regulation, or ordinance that levies, imposes, or assesses such tax liability.

(c) *EFFECTIVE DATE; APPLICABILITY.*—This section shall take effect on the date of enactment of this Act and shall apply to any patent application pending and any patent issued on or after that date.

SEC. 15. BEST MODE REQUIREMENT.

(a) *IN GENERAL.*—Section 282 of title 35, United States Code, is amended in its second undesignated paragraph by striking paragraph (3) and inserting the following:

"(3) Invalidity of the patent or any claim in suit for failure to comply with—

"(A) any requirement of section 112, except that the failure to disclose the best mode shall not be a basis on which any claim of a patent may be canceled or held invalid or otherwise unenforceable; or

"(B) any requirement of section 251.".

(b) *CONFORMING AMENDMENT.*—Sections 119(e)(1) and 120 of title 35, United States Code, are each amended by striking "the first paragraph of section 112 of this title" and inserting "section 112(a) (other than the requirement to disclose the best mode)".

(c) *EFFECTIVE DATE.*—The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to proceedings commenced on or after that date.

SEC. 16. TECHNICAL AMENDMENTS.

(a) *JOINT INVENTIONS.*—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking "When" and inserting "(a) JOINT INVENTIONS.—When";

(2) in the second paragraph, by striking "If a joint inventor" and inserting "(b) OMITTED INVENTOR.—If a joint inventor"; and

(3) in the third paragraph—

(A) by striking "Whenever" and inserting "(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever"; and

(B) by striking "and such error arose without any deceptive intent on his part,".

(b) *FILING OF APPLICATION IN FOREIGN COUNTRY.*—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking "Except when" and inserting "(a) FILING IN FOREIGN COUNTRY.—Except when"; and

(B) by striking "and without deceptive intent";

(2) in the second paragraph, by striking "The term" and inserting "(b) APPLICATION.—The term"; and

(3) in the third paragraph, by striking "The scope" and inserting "(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope".

(c) *FILING WITHOUT A LICENSE.*—Section 185 of title 35, United States Code, is amended by striking "and without deceptive intent".

(d) *REISSUE OF DEFECTIVE PATENTS.*—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking "Whenever" and inserting "(a) *IN GENERAL.*—Whenever"; and

(B) by striking "without any deceptive intention";

(2) in the second paragraph, by striking "The Director" and inserting "(b) MULTIPLE REISSUED PATENTS.—The Director";

(3) in the third paragraph, by striking "The provisions" and inserting "(c) APPLICABILITY OF THIS TITLE.—The provisions"; and

(4) in the last paragraph, by striking "No reissued patent" and inserting "(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent".

(e) *EFFECT OF REISSUE.*—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking "Whenever, without any deceptive intention" and inserting "(a) *IN GENERAL.*—Whenever"; and

(2) in the second paragraph, by striking "in like manner" and inserting "(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),".

(f) *CORRECTION OF NAMED INVENTOR.*—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking "Whenever" and inserting "(a) CORRECTION.—Whenever"; and

(B) by striking "and such error arose without any deceptive intention on his part"; and

(2) in the second paragraph, by striking "The error" and inserting "(b) PATENT VALID IF ERROR CORRECTED.—The error".

(g) *PRESUMPTION OF VALIDITY.*—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking "A patent" and inserting "(a) *IN GENERAL.*—A patent"; and

(B) by striking the third sentence;

(2) in the second undesignated paragraph, by striking "The following" and inserting "(b) DEFENSES.—The following"; and

(3) in the third undesignated paragraph, by striking "In actions" and inserting "(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions".

(h) *ACTION FOR INFRINGEMENT.*—Section 288 of title 35, United States Code, is amended by striking ", without deceptive intention,".

(i) *REVISER'S NOTES.*—

(1) Section 3(e)(2) of title 35, United States Code, is amended by striking "this Act," and inserting "that Act,".

[(2) Section 202(b)(3) of title 35, United States Code, is amended by striking "the section 203(b)" and inserting "section 203(b)".]

(2) Section 202 of title 35, United States Code, is amended—

(A) in subsection (b)(3), by striking “the section 203(b)” and inserting “section 203(b)”;

(B) in subsection (c)(7)—

(i) in subparagraph (D), by striking “except where it proves” and all that follows through “; and” and inserting: “except where it is determined to be infeasible following a reasonable inquiry, a preference in the licensing of subject inventions shall be given to small business firms; and”;

(ii) in subparagraph (E)(i), by striking “as described above in this clause (D);” and inserting “described above in this clause.”

(3) Section 209(d)(1) of title 35, United States Code, is amended by striking “nontransferable” and inserting “non-transferable”.

(4) Section 287(c)(2)(G) of title 35, United States Code, is amended by striking “any state” and inserting “any State”.

(5) Section 371(b) of title 35, United States Code, is amended by striking “of the treaty” and inserting “of the treaty.”

(j) UNNECESSARY REFERENCES.—

(1) IN GENERAL.—Title 35, United States Code, is amended by striking “of this title” each place that term appears.

(2) EXCEPTION.—The amendment made by paragraph (1) shall not apply to the use of such term in the following sections of title 35, United States Code:

(A) Section 1(c).

(B) Section 101.

(C) Subsections (a) and (b) of section 105.

(D) The first instance of the use of such term in section 111(b)(8).

(E) Section 157(a).

(F) Section 161.

(G) Section 164.

(H) Section 171.

(I) Section 251(c), as so designated by this section.

(J) Section 261.

(K) Subsections (g) and (h) of section 271.

(L) Section 287(b)(1).

(M) Section 289.

(N) The first instance of the use of such term in section 375(a).

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act and shall apply to proceedings commenced on or after that effective date.

SEC. 17. CLARIFICATION OF JURISDICTION.

(a) SHORT TITLE.—This section may be cited as the “Intellectual Property Jurisdiction Clarification Act of 2011”.

(b) STATE COURT JURISDICTION.—Section 1338(a) of title 28, United States Code, is amended by striking the second sentence and inserting the following: “No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights.”

(c) COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 1295(a)(1) of title 28, United States Code, is amended to read as follows:

“(1) of an appeal from a final decision of a district court of the United States, the District Court of Guam, the District Court of the Virgin Islands, or the District Court of the Northern Mariana Islands, in any civil action arising under, or in any civil action in which a party has asserted a compulsory counterclaim arising under, any Act of Congress relating to patents or plant variety protection.”

(d) REMOVAL.—

(1) IN GENERAL.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1454. Patent, plant variety protection, and copyright cases

“(a) IN GENERAL.—A civil action in which any party asserts a claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights may be removed to the district court of the United States for the district and division embracing the place where such action is pending.

“(b) SPECIAL RULES.—The removal of an action under this section shall be made in accordance with section 1446 of this chapter, except that if the removal is based solely on this section—

“(1) the action may be removed by any party; and

“(2) the time limitations contained in section 1446(b) may be extended at any time for cause shown.

“(c) REMAND.—If a civil action is removed solely under this section, the district court—

“(1) shall remand all claims that are neither a basis for removal under subsection (a) nor within the original or supplemental jurisdiction of the district court under any Act of Congress; and

“(2) may, under the circumstances specified in section 1367(c), remand any claims within the supplemental jurisdiction of the district court under section 1367.”

(2) CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by adding at the end the following new item:

“1454. Patent, plant variety protection, and copyright cases.”

(e) TRANSFER BY COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—

(1) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1632. Transfer by the Court of Appeals for the Federal Circuit

“When a case is appealed to the Court of Appeals for the Federal Circuit under section 1295(a)(1), and no claim for relief arising under any Act of Congress relating to patents or plant variety protection is the subject of the appeal by any party, the Court of Appeals for the Federal Circuit shall transfer the appeal to the court of appeals for the regional circuit embracing the district from which the appeal has been taken.”

(2) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

“1632. Transfer by the Court of Appeals for the Federal Circuit.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of the enactment of this Act.

SEC. 17. EFFECTIVE DATE; RULE OF CONSTRUCTION.

[(a) EFFECTIVE DATE.]—Except as otherwise provided in this Act, the provisions of this Act shall take effect 1 year after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

[(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.]—The enactment of section 102(c) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108-453; the “CREATE Act”), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(c) of

title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.]

Mr. LEAHY. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; further, that the amended version be considered original text for the purposes of further amendment.

The ACTING PRESIDENT pro tempore. Is there an objection?

Without objection, it is so ordered.

The committee-reported amendments were agreed to.

Mr. LEAHY. Mr. President, the Senate today is turning its attention to a measure that will help create jobs, energize the economy, and promote innovation. The Patent Reform Act, which has also come to be called the America Invents Act, is a key part of any jobs agenda.

We can help unleash innovation and promote American invention, all without adding a penny to the deficit. This is commonsense and bipartisan legislation. During the next few days, the Senate can come together to pass this needed legislation, and do so in a bipartisan manner. It represents the finest traditions of the Senate.

I thank the majority leader for proceeding to this measure, and the Republican leader for his cooperation.

This is a bill that was reported unanimously by the members of the Judiciary Committee. Republicans and Democrats alike recognize that it is important to our country's continued economic recovery, and to our ability to successfully compete in the global economy. America needs a 21st century patent system in order to lead. The last reform of our patent system was nearly 60 years ago, and I think it is about time the patent system caught up with the needs of this country and what the rest of the world has already done.

In his State of the Union Address, President Obama challenged the Nation to out-innovate, out-build, and out-educate. Enacting the America Invents Act is a key to meeting this challenge.

Reforming the Nation's antiquated patent system will promote American innovation, it will create American jobs, and it will grow America's economy. I thank the President and his administration for their help and support for the Leahy-Hatch-Grassley America Invents Act.

Commerce Secretary Locke has been a strong partner in our efforts, and Director Kappos of the Patent and Trademark Office has been an indispensable source of wise counsel.

Innovation drives the Nation's economy, and that entrepreneurial spirit

can only be protected by a patent system that promotes invention and spurs new ideas. We need to reform our patent system so that these innovations can more quickly get to market.

A modernized patent system—one that puts American entrepreneurs on the same playing field as those throughout the world—is a key to that success. This is an idea that cuts across the political spectrum.

Our bipartisan Senate cosponsors include Senator KOHL of Wisconsin, Senator KLOBUCHAR of Minnesota, Senator GILLIBRAND of New York, the distinguished Acting President pro tempore, Senator COONS of Delaware, as well as Senator KYL, the assistant Republican leader, Senator SESSIONS of Alabama, Senator LIEBERMAN of Connecticut, Senator FRANKEN of Minnesota, Senator BLUMENTHAL of Connecticut, and Senator HARKIN of Iowa.

Republicans and Democrats from big States and small, and from all ends of the political spectrum, are coming together to support American innovation.

The Senate Judiciary Committee unanimously approved this legislation on February 3, 2011. But this effort extends back several years. Our current congressional efforts to reform the Nation's patent system began in 2005. Indeed, our bill is the product of years of work and compromise. The Senate Judiciary Committee has reported patent reform legislation to the Senate in each of the last three Congresses. And the House has seen efforts over the same period led by Congressmen LAMAR SMITH of Texas and HOWARD BERMAN of California. The legislation we are considering today, in fact, is structured on the original House bill and contains many of the original provisions.

From the beginning, we each recognized the need for a more effective and efficient patent system, one that improves patent quality and provides incentives for entrepreneurs to create jobs.

A balanced and efficient intellectual property system that rewards invention and promotes innovation through high-quality patents is crucial to our Nation's economic prosperity and job growth. It is how we win the future—by unleashing the American inventive spirit. This bill, the America Invents Act, will allow our inventors and innovators to flourish, and it will do so without adding a penny to the deficit.

Not a dime in taxpayer money is spent on the Patent and Trademark Office reforms. They are all funded by patent fees, not taxes.

The America Invents Act will accomplish three important goals, which have been at the center of the patent reform debate from the beginning: It will improve and harmonize operations at the Patent and Trademark Office; it will improve the quality of patents

that are issued; and it will provide more certainty in litigation.

Particularly, this legislation will transition our Nation's patent system to a first-inventor-to-file system. It will also make changes to improve the quality of patents that are issued, and it will provide the PTO with the resources it needs to work through its backlog.

The America Invents Act provides the tools the PTO needs to separate the inventive wheat from the chaff, to help businesses bring new products to market and create jobs.

This is interesting because this is a piece of legislation that is supported by both business and labor—something we all want to see in this Chamber—including the National Association of Manufacturers, the United Steelworkers, the National Venture Capital Association, the AFL-CIO, the Association of American Universities, and companies representing all sectors of the patent community that have been urging action on patent reform proposals for years.

Innovation has always been at the heart of America and American success. From the founding of our Nation, we recognized the importance of promoting and protecting innovation. The Constitution explicitly grants Congress the power to “promote the progress and science and useful arts, by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries.” It is not a creature of the legislature but an integral part of our Constitution.

The patent system plays a key role in encouraging innovation and bringing new products to market. The discoveries made by American inventors and research institutions, commercialized by our companies, and protected and promoted by our patent laws, have made our system the envy of the world.

In spite of this, a Newsweek study last year found that only 41 percent of Americans believe the United States is staying ahead of China in innovation. A Thompson Reuters analysis has already predicted that China will outpace the United States in patent filings this year.

China has a specific plan not just to overtake the United States in patent applications, but to more than quadruple its patent filings over the next 5 years—all the more reason why we must act now. This is not something that should be delayed. We should act on it. Delaying it is saying we want China to overtake the United States. Moving forward says we want to be competitive.

It is astonishing to consider that China has been modernizing its patent laws and promoting innovation, but the United States has failed to keep pace. I said before, it has been 60 years since we last enacted reform of American patent law. We can no longer wait.

We can no longer remain complacent and expect to stay on top.

In many areas that were highly contentious when the patent reform debate began, the courts have acted. Their decisions reflect the concerns heard in Congress that questionable patents were too easily obtained, too difficult to challenge. The courts have moved the law in a generally positive direction, more closely aligned with the text of the statutes.

More recently, the Federal circuit aggressively moved to constrain runaway damage awards, which plagued the patent system by basing awards on unreliable numbers, untethered to the reality of licensing decisions.

The courts have addressed issues where they can, but in some areas only Congress can take the necessary steps. Our act will both speed the application process and, at the same time, improve patent quality. It will provide the USPTO with the resources it needs to work through its application backlog, while also providing for greater input from third parties to improve the quality of patents issued and that remain in effect.

High quality patents are the key to our economic growth. They benefit both patent owners and users, who can be more confident in the validity of issued patents. Patents of low quality and dubious validity, by contrast, enable patent trolls who extort unreasonable licensing fees from legitimate businesses, and constitute a drag on innovation. Too many dubious patents also unjustly cast doubt on truly high quality patents.

The Department of Commerce issued a report indicating that these reforms will create jobs without adding to the deficit. The Obama administration supports these efforts, as do industries and stakeholders from all sectors of the patent community. Congressional action can no longer be delayed.

Innovation and economic development are not uniquely Democratic or Republican objectives, so we worked together to find the proper balance for America, for our economy, for our inventors, for our consumers.

Thomas Friedman wrote not too long ago in the New York Times that the country which “endows its people with more tools and basic research to invent new goods and services . . . is the one that will not just survive but thrive down the road. . . . We might be able to stimulate our way back to stability, but we can only invent our way back to prosperity.”

I think of the country's first patent, which was issued to a Vermonter, Thomas Jefferson, the Secretary of State, examined the application, and President George Washington signed it.

A recent Judiciary Committee meeting on this measure was on the anniversary of the day Thomas Edison received the historic patent for the principles of his incandescent lamp that

paved the way for the bulb that has illuminated our homes, offices, and venues in our country and around the world.

This week is when the patent was issued for lifesaving improvements to the diver's suit. It was magician Harry Houdini who devised a mechanism that allowed divers in distress to safely escape a diving suit.

So we can smooth the path for more interesting and great American inventions. That is what the bipartisan comprehensive patent reform bill would do.

I wish to recognize in particular the work of Senator HATCH, who is here on the Senate floor—and he has been a longtime partner of mine on intellectual property issues—and Senator GRASSLEY, the ranking Republican on our committee. The bill has also received tremendous input from Senator KYL, Senator KLOBUCHAR, Senator SESSIONS and many others. We are working together, along with those on both sides of the aisle in the House, to reach the goal of improving patent quality and the operations at the PTO, and to address the related unpredictability of litigation that has been harming innovation.

No one claims that ours is a perfect bill. It is a compromise that will make key improvements in the patent system. Over the course of the next couple of days, the Senate will have the opportunity to consider amendments.

Senator COBURN intends to bring an amendment on the use of patent fees. Other Senators who disagree with the move to a first-to-file system may seek to reverse that progress. I urge those Senators that have amendments to come forward, agree to time agreements and proceed without delay.

We should be able to complete action on this bill this week and I would hope by Wednesday night. Then the Senate will need to move on to other important matters. So after a brief period for opening statements to outline the bill and frame the debate, I will call for Senators to come forward with any amendments they may have to the bill. This bill is important and its scheduling comes as no surprise. It was more than 10 days ago that the Senate unanimously agreed to its consideration.

So, let us do our job, and get to the task of considering and completing action on this important bill in order to help create jobs, encourage innovation and promote American invention.

Mr. President, some of the Nation's leading innovators and inventors have expressed strong support for S. 23, the America Invents Act. The Coalition for Patent and Trademark Information Dissemination, whose members are patent and trademark holders, recently wrote to the Senate Judiciary Committee in support of the bill, stating that its members have "an interest in a more efficient system that produces

higher-quality patents and trademarks." The Intellectual Property Owners Association, one of the largest trade associations devoted to intellectual property rights also recently wrote to Senators endorsing important provisions in the bill, including the first-to-file system. I ask that these letters, as well as a statement of support from the Coalition for 21st Century Patent Reform be printed in the RECORD at this time. I also ask that a list of cross-sector manufacturers and innovators that support S. 23 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION FOR PATENT AND TRADEMARK INFORMATION DISSEMINATION,

February 1, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY
Ranking Member, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: The Coalition writes in support of S. 23, the Patent Reform Act of 2011.

Coalition members are information services and workflow solution provider companies that offer value-added patent and trademark information services. Our services are aimed at enabling patent and trademark applicants to find and make available the most relevant information related to their claimed inventions and marks through the data enhancements and state of the art search tools provided. Members also are patent and trademark holders with growing numbers of patent and trademark applications who have an interest in a more efficient system that produces higher-quality patents and trademarks.

Patent quality is directly related to the adequacy of the prior art presented to examiners. When applicants conduct a patentability search and disclose all relevant prior art to examiners, examiners will have a significantly increased likelihood of making the right decision about patentability. A major positive addition to patent law would be the provisions in S. 23 allowing submission of patents or other publications by third parties while applications are still under consideration by the USPTO. This should further add to the prior art made available to the examiner and has the potential to greatly enhance patent quality.

Additionally, we applaud the inclusion of supplemental examination provisions in the bill. This will allow patent holders to request a review of patents where pertinent history or information may have been intentionally omitted in original requests. The inclusion of this provision will further strengthen our laws to prevent unlawful infringement.

We are delighted that a provision disallowing outsourcing of USPTO searches no longer seems to be under consideration. Coalition members believe that the USPTO should be able to contract with private companies to perform searches, whether as part of the PCT process, as is now currently permitted, or possibly for national searches at some future time. USPTO operational flexibility with PCT searches has proven to drastically reduce pendency rates. Achieving quality, speed, and cost-effectiveness in USPTO processes is a goal to encourage.

USPTO management should be empowered to use the best source or sources for searches.

There is one addition to S. 23 that we would hope to see as the legislation advances. Coalition members believe that full disclosure of prior art information to examiners is constrained by concerns about inequitable conduct liability. We urge Congress to reform the inequitable conduct defense in order to remove the disincentive for full disclosure of all prior art.

We appreciate this opportunity to express our positions on patent reform issues, and the members of the Coalition stand ready to work with the Senate Judiciary Committee as it considers patent reform legislation.

Sincerely,

MARLA GROSSMAN,
Executive Director, Coalition for Patent
and Trademark Information Dissemination.

INTELLECTUAL PROPERTY
OWNERS ASSOCIATION,
February 25, 2011.

Re amendments to S. 23, the "Patent Reform Act of 2011"

The Hon. _____
U.S. Senate,
Washington, DC.

DEAR SENATOR _____: Intellectual Property Owners Association (IPO) is pleased that the Senate is planning to proceed with consideration of S. 23, the "Patent Reform Act of 2011."

IPO is one of the largest and most diverse trade associations devoted to intellectual property rights. Our 200 corporate members cover a broad spectrum of U.S. companies in industries ranging from information technology to consumer products to pharmaceuticals and biotechnology.

We wish to give you our advice on amendments that we understand might be offered during consideration of S. 23:

Vote AGAINST any amendment to delete the "first-inventor-to-file" and related provisions in section 2 of the bill. First-inventor-to-file, explained in a 1-page attachment to this letter, is central to modernization and simplification of patent law and is very widely supported by U.S. companies.

Vote FOR any amendment guaranteeing the U.S. Patent and Trademark Office access to all user fees paid to the agency by patent and trademark owners and applicants. Current delays in processing patent applications are totally unacceptable and the result of an underfunded Patent and Trademark Office.

Vote AGAINST any amendment that would interpose substantial barriers to enforcement of validly-granted "business method" patents. IPO supports business method patents that were upheld by the U.S. Supreme Court in the recent Bilski decision.

For more information, please call IPO at 202-507-4500.

Sincerely,

DOUGLAS K. NORMAN,
President.

INTELLECTUAL PROPERTY
OWNERS ASSOCIATION,
February 25, 2011.

FIRST-INVENTOR-TO-FILE IN S. 23, THE
"PATENT REFORM ACT OF 2011"

Section 2 of S. 23 simplifies and modernizes U.S. patent law by awarding the patent to the first of two competing inventors to file in the U.S. Patent and Trademark Office (PTO), a change from the traditional system of awarding the patent, in theory, to the first inventor to invent. First-inventor-to-file in S. 23 has these advantages:

Eliminates costly and slow patent interference proceedings conducted in the PTO

and the courts to determine which inventor was the first to invent.

Creates legal certainty about rights in all patents, the vast majority of which never become entangled in interference proceedings in the first place, but which are still subject to the possibility under current law that another inventor might come forward and seek to invalidate the patent on the ground that this other inventor, who never applied for a patent, was the first to invent.

Encourages both large and small patent applicants to file more quickly in order to establish an early filing date. Early filing leads to early disclosure of technology to the public, enabling other parties to build on and improve the technology. (Applicants who plan to file afterward in other countries already have the incentive to file quickly in the U.S.)

Makes feasible the introduction of post-grant opposition proceedings to improve the quality of patents, by reducing the issues that could be raised in a post-grant proceeding, thereby limiting costs and delay.

Follows up on changes already made by Congress that (1) established inexpensive and easy-to-file provisional patent applications and, (2) in order to comply with treaty obligations, allowed foreign inventors to participate in U.S. patent interference proceedings.

THE COALITION FOR 21ST CENTURY PATENT REFORM

BIPARTISAN EFFORTS MOVE STRONG PATENT REFORM BILL FORWARD IN SENATE—COALITION SUPPORTS COMMITMENT TO IMPROVE PATENT SYSTEM FOR ALL INVENTORS

Washington, DC.—Gary Griswold of the Coalition for 21st Century Patent Reform today released the following statement after the Senate Judiciary Committee overwhelmingly approved S. 23, The Patent Reform Act of 2011. The Coalition appreciates the strong bipartisan support of the bill in the committee and the recognition by the Senators that patent reform will spur innovation and help create jobs across all business sectors.

“Our Coalition is grateful for the bipartisan vote in support of the legislation and the Senators’ hard work to craft legislation that will improve the patent system for all the nation’s innovators. It is very encouraging to have the committee’s overwhelming support for the legislation as it moves to the Senate floor. We recognize Senators will continue to fine-tune the language of the bill and we look forward to working actively with them to address outstanding issues.

The members of our Coalition will be working with other inventors and innovators in the coming weeks to communicate with all Senators as well as members of the House about the importance of this legislation for jobs, promoting innovation, and solidifying our global competitiveness.”

CROSS-SECTOR MANUFACTURERS & INNOVATORS IN SUPPORT OF S. 23

3M, Air Liquide, Air Products, BP, Bridgestone American Holdings, Inc., Cargill, Caterpillar, Coalition for Patent and Trademark Information Dissemination, Coalition for 21st Century Patent Reform, Cummins.

The Dow Chemical Company, DuPont, Eastman Chemical Company, ExxonMobil, General Electric, General Mills, Henkel Corporation, Honeywell, Intellectual Property Owners Association.

Illinois Tool Works, Kodak, Milliken and Company, Monsanto, Northrop Grumman, PepsiCo, Inc., Procter & Gamble, United Technologies, USG Corporation, Weyerhaeuser.

AMENDMENT NO. 114

Mr. LEAHY. Mr. President, as part of the housekeeping measures we have, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 114.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the bill)

On page 1, strike line 5, and insert the following: “‘America Invents Act’”.

On page 79, strike lines 1 through 17, and insert the following:

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Utah on the Senate floor, a man who has worked for years on this issue and has made every effort to keep it bipartisan. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished chairman of the Judiciary Committee. He has been one of the leaders the whole time I have been on that committee with regard to intellectual property issues. It has always been a pleasure to work with him and his staff. They are good people.

This is a particularly important bill. It is only the first step, once we bring it up and hopefully pass it, and then the House will bring up their bill. There are likely to be differences between the two, and we will have to get together in conference to resolve those differences. So those who might have some angst about this particular bill, give it time. We will be working diligently—the distinguished Senator from Vermont, myself, and others, including, of course, our ranking member, Senator GRASSLEY—we will be working diligently to try and resolve these problems and hopefully we will end up with a bill that everybody in this country should recognize as what needs to be done to keep us at the forefront of all technological innovation in this world.

I rise today to express my support for the pending patent reform legislation

before us. As many know, several of my colleagues and I have been working together on this bill for several Congresses. I especially wish to recognize the ongoing efforts of our Judiciary Committee chairman, PAT LEAHY. Over the years he and I have worked tirelessly to bring about long overdue reform to our Nation’s patent system. I also wish to recognize the efforts of the Judiciary Committee ranking member, CHUCK GRASSLEY, as well as many of my Senate colleagues who have been instrumental in forging the compromise before us today which, in my opinion, is the first step in trying to arrive at a final consensus bill.

Similarly, no enumeration would be complete without recognizing the considerable work that has been done by our colleagues over in the House of Representatives. House Judiciary Committee chairman LAMAR SMITH has been a leader on patent reform legislation for many years. His vision, his expertise, and his leadership are highly respected and appreciated by me, by my colleagues as well, and by many throughout the patent community.

I also wish to specifically acknowledge the invaluable contributions of Representatives JOHN CONYERS, HOWARD BERMAN, BOB GOODLATTE, HOWARD COBLE, DARRELL ISSA, and ZOE LOFGREN. They have all been very effective people with regard to these very important issues. They have been stalwarts in underscoring the vital need to reform our patent system. I look forward to seeing the results of their process and working with them to complete this important task.

Most of us are very familiar with the history of patent legislation, but it bears repeating that we have not had meaningful reform to our patent system in well over a half century—not any meaningful reform whatsoever, even though many things have changed during these intervening years—courts have instituted welcome changes to our patent system, a lot of technology has changed, and a lot of innovation has occurred.

I am not going to spend my time today on a history lesson. Instead, I urge everyone to consider not the past, but to look forward to the future, and that future begins with examining our present. The Nation’s current economic situation requires that we take advantage of our ingenuity that has made America the economic envy of the world.

If enacted, the American Invents Act would move the United States to a first-inventor-to-file system, which will create a system that is more transparent, objective, and predictable for the patentee. In addition, transitioning to a first-to-inventor-to-file system will facilitate harmonization with other patent offices across the world and contribute to ongoing work-sharing processes.

The bill will also establish another means to administratively challenge the validity of a patent at the U.S. Patent and Trademark Office, USPTO—creating a cost-effective alternative to formal litigation, which will further enhance our patent system.

Patent owners will be able to improve the quality of their patents through a new supplemental examination process. The bill further prevents patents from being issued on claims for tax strategies and provides fee-setting authority for the USPTO Director to ensure the Office is properly funded.

This bipartisan bill also contains provisions on venue to curb forum shopping; changes to the best mode disclosure requirement; increased incentives for government laboratories to commercialize inventions; restrictions on false marking claims, and removes restrictions on the residency of Federal Circuit judges.

For me, it is pretty simple. Patent reform is more than words on paper. It is about jobs and the positive impact they have on our economy. Chairman LEAHY understands this connection and has wisely named the bill the America Invents Act of 2011.

While we debate this important legislation, it is crucial that we keep the creation of jobs and economic prosperity at the forefront of our thoughts. After all, patents encourage technological advancement by providing incentives to invent, to invest in, and to disclose new technology. Now more than ever we must ensure efficiency and increased quality in the issuance of patents. This, in turn, will create an environment that fosters entrepreneurship and the creation of new jobs, thereby contributing to growth within all sectors of our economy.

If we think about it, one single deployed patent has a ripple effect that works like this: A properly examined patent, promptly issued by the USPTO, creates jobs—jobs that are dedicated to developing and producing new products and services. Unfortunately, the current USPTO backlog now exceeds 700,000 applicants. The sheer volume of the patent applications not only reflects the vibrant, innovative spirit that has made America a worldwide innovative leader in science, education, and technology, but the patent backlog also represents dynamic economic growth waiting to be unleashed. We cannot afford to go down this path any longer. We need to take advantage of this opportunity to expand our economy.

During consideration of the America Invents Act, I encourage my colleagues to be mindful that legislation is rarely without its imperfections, and we have a tremendous chance to take much needed action. To those who believe otherwise, rest assured my intent is to do no harm. But I want the legislative

process to move forward. It is long overdue.

I urge my colleagues to participate in the debate and vote on the amendments they think will strengthen the bill. There are some proposals that I believe merit serious consideration by all of us. At the end of the day, the passage of this bill will update our patent system, help strengthen our economy, and provide a springboard for further improvements to our intellectual property laws.

I have every confidence that we can come together and act in a bipartisan manner. The stakes are simply too high for us not to seize this moment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to speak on S. 23. We probably have a lot of amendments, but right now we are talking about the bill. The America Invents Act is what it is called. I should express my gratitude to those others who have helped so much on this and, quite frankly, more involved on this bill than I have been, including Chairman LEAHY, Senator HATCH, Senator SESSIONS, and Senator KYL.

This is a bipartisan bill. Over the past 5 years or so, the Senate Judiciary Committee has been considering comprehensive patent reform. Chairman LEAHY has engaged Senators on both sides of the aisle as well as a wide range of groups on the outside. His efforts have been pivotal in bringing together diverse views and crafting a reasonable compromise bill. In fact, the bill is supported by a large number of industries and other stakeholders from the U.S. patent community.

I commend the leadership of Chairman LEAHY as well as the leadership of Senator HATCH for getting us to where we are at this point. Intellectual property rights are extremely important to our Nation's economy. An effective and efficient patent system will help promote innovation and technological advancement in America and make life better for us all. An effective and efficient patent system also will help provide stimulus for businesses and obviously generate many new jobs. Everyone agrees we need a well-functioning patent and trademark office within our government so that it can complete its work in a timely manner.

We should find ways to help the Patent and Trademark Office speed up the patent application process and eliminate the current backlog it is experiencing. We should reduce costs and decrease abusive litigation and improve certainty in the patent process and strengthen patent quality. The America Invents Act will help do all of these things.

The bipartisan bill before us will update and upgrade the U.S. patent system. It will enhance transparency and patent quality, and it will ensure that

the Patent and Trademark Office has the tools and funding it needs to cut its backlog and process patent applications more quickly.

The improvements to the patent system contained in our bill will help spur economic prosperity and job creation. I am pleased to support it.

Specifically, the bill would improve patent quality by establishing the opportunity for third parties to submit prior art and other information related to a pending application for consideration by a patent examiner. By allowing prior art to be submitted earlier in the process and explained to the office, patent examiners will be able to issue higher quality patents.

The bill would create a "first window" post-grant opposition proceeding open for 9 months after the grant of a patent. This would allow the Patent and Trademark Office to weed out patents that should not have been issued in the first place.

This new post-grant review process—which was recommended in a 2004 report issued by the National Academy of Sciences—would enable early challenges to patents, but also protect the rights of inventors and patent owners against endless litigation. The reason we want to ensure that the Patent and Trademark Office issues high quality patents is to incentivize investment in truly innovative technological advances and provide more certainty for investors in these inventions.

In addition, the bill would improve the current inter partes administrative process for challenging the validity of a patent. It would establish an adversarial inter partes review, with a higher threshold for initiating a proceeding and procedural safeguards to prevent a challenger from using the process to harass patent owners. It also would include a strengthened estoppel standard to prevent petitioners from raising in a subsequent challenge the same patent issues that were raised or reasonably could have been raised in a prior challenge. The bill would significantly reduce the ability to use post-grant procedures for abusive serial challenges to patents. These new procedures would also provide faster, less costly alternatives to civil litigation to challenge patents.

The bill would institute a gatekeeping role for the court to assess the legal basis for damages and jury instructions. This would provide more certainty in damages calculation and promote uniformity and fairness. The bill also would transition the United States to a first-inventor to file system, simplifying the application process and coordinating it with our trading partners. This change will reduce costs and help improve the competitiveness of American inventors abroad.

Further, the bill would provide fee setting authority for the Patent Trademark Office Director to ensure that the

Patent and Trademark Office is properly funded and can reduce its current backlog of patent applications.

The bill also would mandate a reduction of fees by 50 percent for small entities and 75 percent for micro-entities.

I want to particularly thank Chairman LEAHY for working with me and Senator BAUCUS on a provision that would curtail patents on tax strategies. These patents encumber the ability of taxpayers and their advisers to use the tax law freely, interfering with the voluntary tax compliance system. Tax strategy patents undermine the fairness of the Federal tax system by removing from the public domain ways to satisfy a taxpayer's legal obligations. If firms or individuals hold patents for these strategies, some taxpayers could face fees simply for complying with the Tax Code. Moreover, tax patents provide windfalls to lawyers and patent holders by granting them exclusive rights to use tax loopholes, which could provide some businesses with an unfair advantage in our competitive market system.

Our provision would ensure that all taxpayers will have equal access to strategies to comply with the Tax Code.

This provision was carefully drafted with the help of the Patent and Trademark Office not to cover software preparation and other software, tools or systems used to prepare tax or information returns or manage a taxpayer's finances.

In conclusion, the America Invents Act will protect inventors' rights and encourage innovation and investment in our economy. The bill will improve transparency and third party participation in the patent application review process. This, in turn, will strengthen patent quality and result in more fairness for both patent holders and patent challengers. The bill will institute beneficial changes to the patent process to curb litigation abuses and improve certainty for investors and innovators. It will help companies do business more efficiently on an international basis.

The bill also will enhance operations of the Patent and Trademark Office with administrative reforms and will give the office fee setting authority to reduce backlogs and better manage its business.

I am pleased to support this hard fought bipartisan legislation, and I urge my colleagues to support it as well.

I yield the floor.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Iowa. As I noted before he got on the floor, he has been extremely important in working on this issue.

Mr. President, just so I can have a moment to speak with the Senator from Louisiana, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 112

Mr. VITTER. Mr. President, pursuant to a conversation with the distinguished committee chairman, I ask unanimous consent to temporarily set aside the pending amendment to call up the Toomey-Vitter amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. TOOMEY, proposes an amendment numbered 112.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached)

At the appropriate place, insert the following:

SEC. ____ . FULL FAITH AND CREDIT ACT.

(a) SHORT TITLE.—This section may be cited as the "Full Faith and Credit Act".

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

Mr. VITTER. Mr. President, this Toomey-Vitter amendment is the Full Faith and Credit Act—the concept that has been discussed for several weeks prior to this week. It is very timely, as we are all rightly focused on the spending and debt issue with the Thursday deadline coming up.

No one that I know of wants the government to be shut down in any way, shape, or form. No one that I know of wants any massive, significant disruption. But lots of people that I know of, including many in Louisiana, want us to change business as usual in Washington, starting with spending and debt. This full faith and credit amendment is an important step in that regard. Because of the time limitations in front of us before we move to other pending business at 4:30, I have agreed to come back at a later time to fully lay out this Toomey-Vitter amendment, as well as a second-degree Vitter amendment that I will advance with regard to Social Security.

It is very important to discuss this spending, to put it on the floor and

start this debate with vigor about spending and debt, changing the fiscal policy of this country so that we can get on a more sustainable path. There is only one thing certain about this debate; that is, if we don't change the fiscal path we are on, it will lead to an economic disaster.

I urge us to debate these important proposals immediately, well before the Thursday deadline, and come to a strong, positive resolution. I will be back on the floor soon with Senator TOOMEY to fully explain this amendment, as well as the Vitter second-degree amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we have a unanimous consent agreement at 4:30 p.m. to go to two judicial nominations.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I ask for the regular order.

EXECUTIVE SESSION

NOMINATION OF AMY TOTENBERG TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

NOMINATION OF STEVE C. JONES TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia and Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate, equally and divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. There is both good news and bad news represented by today's debate. The good news is that we begin another week by considering two of President Obama's judicial nominations. With judicial vacancies remaining over 100, nearly half of them judicial emergencies, the Senate's action today on 2 outstanding nominees to fill judicial emergency vacancies in Georgia is much needed.

The bad news is that we did not consider these nominations earlier, and

that we are not considering any of the other 8 judicial nominees awaiting final Senate consideration and confirmation. Two of those nominees, Sue Myerscough and James Shadid, were each nominated to fill emergency vacancies on the Central District of Illinois. Their confirmations would help relieve the chief judge of that district, who is the only active judge in the entire district. Chief Judge McCuskey wrote to Senator DURBIN in November urging the Senate to take action to fill those vacancies, but we did not. Despite the desperate need in that district, neither of these nominations received final Senate votes when they were reported unanimously by the Judiciary Committee last year. Both have now been reported unanimously again, and we should not further delay taking care of this overburdened court and the hard-working Americans who depend on it.

I do thank, in particular, the majority leader for scheduling this time, and also thank the Republican leader for his cooperation. I also commend our ranking Republican on the Judiciary Committee. Senator GRASSLEY has worked with me on each of the judicial nominations that President Obama renominated this January.

All 13 of the judicial nominations that were unanimously reported last year have now been unanimously reported, again, this year. To date, five of those nominations have been confirmed and with the confirmation of Amy Totenberg and Steve Jones, we will have reconsidered and confirmed 7 of those 13 unanimously reported judicial nominees.

The Judiciary Committee has also now considered the renomination of Susan Carney of Connecticut to the Second Circuit and Michael Simon to be a district court judge in Oregon. More than half of the Republicans on the Judiciary Committee voted in favor of those nominations. They should be debated and confirmed without delay, as well.

Working with Senator GRASSLEY, I also expect to be able to move forward with Judiciary Committee consideration of the renominations of two district court nominees, Edward Chen of California and Jack McConnell of Rhode Island, in the next few weeks. The renomination of Goodwin Liu of California to the Ninth Circuit will be reexamined at a Judiciary Committee hearing this week, at the request of our Republican members, and then reconsidered by the committee, as well.

We will be holding our third confirmation hearing of the year this week. It will include Professor Liu and four other judicial nominees from Tennessee, Florida, and New Jersey. At the earlier two hearings we considered eight additional judicial nominees who now await committee approval and Senate consideration. We are holding

hearings every 2 weeks and hope finally to begin to bend the curve and start to lower judicial vacancies across the country.

I also commend the Senator from Iowa for his statement on February 14 during which he urged the Senate to turn the page and not revisit the re-criminations from administrations past. I agree.

The nominees we consider today are both from Georgia. They were both reported unanimously by the Judiciary Committee this year. Actually, they were also reported unanimously by the Judiciary Committee last year. They were among the 19 judicial nominees who were ready to be confirmed by the Senate last year but were not. When there was objection to proceeding last year, the vacancies persisted, the President had to renominate them and the Judiciary Committee had to reconsider their nominations. I expect the Senate will confirm them both tonight. I hope we do so unanimously. Both have the support of their home State Senators. Senators ISAKSON and Senator CHAMBLISS worked with me and with President Obama in connection with these nominations.

While I am encouraged that the Senate is proceeding today, I am disappointed that we did not consider these nominees and other nominees from California, North Carolina, and the District of Columbia before the Presidents Day recess. We used to be able to clear the calendar of nominations before a recess. All six of these judicial nominees were approved unanimously by every Republican and every Democrat on the Judiciary Committee weeks before the recess. When they are considered, I fully expect they will be confirmed unanimously by the Senate. With persistently high judicial vacancies around the country, the Senate should be considering judicial nominations without unnecessary delays. Litigants all over the country are having a hard time getting their cases heard in court because of the high number of vacancies. There are nominees pending on the calendar with unanimous support by both Republicans and Democrats on the Senate Judiciary Committee. We ought to at least vote on these nominations to fill the vacancies.

In fact, when these 2 nominations are confirmed, there will still be nearly 100 Federal judicial vacancies around the country. That is too many and they have persisted for too long. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer, and many others, including the President of the United States, have spoken out and urged the Senate to act.

Nearly one out of every eight Federal judgeships is vacant. That puts at serious risk the ability of Americans all over the country to have a fair hearing in court. The real price being paid for

these unnecessary delays is that the judges who remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion. These delays affect everyone; whether you are a plaintiff, a prosecutor, or a defendant.

Regrettably, the progress we made during the first 2 years of the Bush administration has not been duplicated, and the progress we made over the 8 years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent.

In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. We have not kept up with the rate of attrition, let alone brought the vacancies down. By now they should have been cut in half. Instead, they continue to hover around 100.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with both Democratic and Republican home State Senators to identify superbly qualified consensus nominations.

None of the nominations on the Executive Calendar are controversial. They all have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law. All have demonstrated faithfulness to the Constitution.

During President Bush's first term, his first 4 tumultuous years in office, we proceeded to confirm 205 of his judicial nominations. This was after 60 of President Clinton's nominations had been pocket-filibustered by those on the other side of the aisle. I decided not to continue that trend and we showed good faith in moving 100 of President Bush's nominees in the 17 months that I was chairman. During the remaining 31 months under Republican control, the Senate confirmed another 105 judicial nominations. So far in President Obama's third year in office, the Senate has only been allowed to consider 67 of his Federal circuit and district court nominees.

We remain well short of the benchmark we set during the Bush administration. When we approach it, we can reduce vacancies from the historically high levels at which they have remained throughout the first 3 years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

I have often said that the 100 of us in the Senate stand in the shoes of over 300 million Americans. We owe it to them to do our constitutional duty of voting on the President's nominations to be Federal judges. We owe it to them to make sure that hard-working Americans are able to have their cases heard in our Federal courts.

I know the distinguished Senator from Iowa is going to want to speak and time has been reserved for him. I first yield to the Senator from Pennsylvania on my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY are printed in today's RECORD under "Morning Business.")

Mr. CASEY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today, along with my colleague from Georgia, Senator ISAKSON, to commend to this body the confirmation of two judges who have been nominated by President Obama for the Northern District of Georgia.

First of all, Amy Totenberg is an Atlanta lawyer who certainly has the academic credentials that have prepared her well—a graduate of both Radcliffe College and Harvard and also Harvard Law School. She began law practice in Atlanta in 1977 with the Law Project and then went out on her own for 20 years. During her time as a solo practitioner, she specialized in constitutional rights litigation and also became a well-known arbitrator and mediator, particularly in employment and civil rights cases. She served as a court-appointed monitor and mediator for the U.S. District Court for the District of Columbia and has served as a special master for the U.S. District Court in Maryland on an institutional education reform case. Ms. Totenberg has a wealth of experience on that issue, having served as general counsel to the city of Atlanta's Board of Edu-

cation from 1994 to 1998 and also having served as a part-time municipal court judge in Atlanta for several years. She also has been an adjunct professor at Emory University Law School.

She has been deeply involved in her community. In addition to her legal activities, Ms. Totenberg has been a member of the State Personnel Boards, served as a member of the Governor's Education Reform Commission, and given her time to Hands On Atlanta, the city's largest volunteer service program.

I commend Ms. Totenberg for confirmation today as her name comes before this body.

Steve Jones has been a friend for a long time. He is a guy who, if you had to pick a jurist, you would want to go before whether you are a lawyer, a defendant, or a plaintiff in a civil lawsuit.

Steve Jones is a native of Athens, GA, and attended the University of Georgia both as an undergraduate and as a graduate of the law school. He began his legal career as assistant district attorney before becoming a municipal court judge. In 1995, he was appointed to the superior court bench for the Western Judicial Circuit, which covers both Clarke and Oconee Counties, two of the fastest growing counties in our State. In his capacity as a superior court judge, Steve presided over both criminal and civil cases. He has also supervised the circuit's felony drug court for 6 years.

His list of honors and awards is truly too numerous to mention here for this body, but he has been awarded the State Bar of Georgia's Distinguished Judicial Service Award, Georgia Legal Services Program's Georgia Justice Builder Award, the University of Georgia President's Fulfilling the Dream Award, the Boy Scouts of America Distinguished Citizen Award, the Chief Justice Robert Benham Award for community service beyond official work, and the Julian Bond Humanitarian Award.

He has been very active in the Athens and Clark County communities. Steve is a wonderful person, a great family man, a great community citizen, and an outstanding jurist. He is going to make a truly outstanding district court judge on the northern district court in Atlanta.

I yield to my colleague, Senator ISAKSON.

Mr. ISAKSON. Mr. President, I rise to second the statements made by Senator CHAMBLISS on these two nominees to the northern district of Georgia court, Amy Totenberg and Steve Jones. Amy Totenberg is an attorney, in practice for many years, a judge, an arbitrator, a mediator, and an educator. She brings a wealth of experience to the bench in many areas, not the least of which is personnel law. In fact, during her term of service to the Atlanta

Board of Education in the mid-1990s, I was chairman of the State Board of Education and dealt with the major litigation pieces that went through the system of education in Georgia. I know of her competence, her ability, and the trust her colleagues have in her, and I think she will be an excellent appointee to the northern district of Georgia bench.

Steve Jones is the real deal. He is a terrific individual, one of those people who is so active in trying to make the community better. One example is Clark County in Athens where Steve has been a superior court judge for many years, which is one of the leading and founding drug courts in America, an intervention court that intervenes in those first drug cases when young people are caught for the first time, works with them as an advocate and as a mentor to see to it they never return to drugs and therefore never return to crime. That is just one example of his intensity in trying to make his community better.

He is respected by lawyers throughout the circuit, he is respected by his fellow judges, and he is deeply respected by me as an individual who brings great credit to the State and great credit to the bench.

I urge all our colleagues tonight on the vote for Steve Jones and Amy Totenberg to unanimously support both of those nominees to the northern district of Georgia bench.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are continuing in our cooperative effort to fill vacancies in the Federal judiciary that have been designated as judicial emergencies. Today, the Senate will confirm two more of President Obama's judicial nominees. I am pleased we are moving forward on consensus nominees who will lessen the burden on our overworked courts.

My Republican colleagues and I continue to demonstrate our ability and desire to work with the President and the Democratic majority. We will have confirmed 7 judicial nominees in just 17 short days the Senate has been in session this Congress. We have reported out of committee a total of 15 judicial nominees, or 29 percent of the total nominees submitted. We have already held two hearings in committee on eight judicial nominees, with additional nominees scheduled for a hearing later this week. With this quick and productive pace, we have taken positive action on 55 percent of the judicial nominations sent to the committee this year.

I continue to work with the chairman to ensure all nominees are afforded a fair but thorough process, in a timely manner. I have appreciated the chairman's courtesy as we work together to set schedules and agendas. It

is imperative that the administration work with us, as well, to fill vacancies. I am particularly concerned about those seats designated as judicial emergencies.

We continue to hear about the high judicial vacancy rate. I think the record is clear that the Senate is addressing that issue in vigorous manner. However, I continue to note that the President has failed to submit a nomination for over half of the vacancies. For judicial emergencies, over 57 percent of those seats have no nominee.

The two vacancies we are filling today took some time for a nomination to be sent to the Senate. Both seats became vacant in December 2008, at the end of the Bush administration. It took President Obama over a year to name a nominee for one seat, and nearly a year and a half to nominate for the other seat. So those who are concerned about a high vacancy rate in the Federal judiciary should pay attention to the nomination process, not just Senate confirmations.

I will say a few words about the nominees who are scheduled to have votes today. I thank our leadership for the reasonable arrangement that was reached to consider these nominations.

First, Amy Totenberg is nominated to be a U.S. district court judge for the Northern District of Georgia. She received her A.B., magna cum laude, and her J.D. from Harvard University. Upon graduation, she joined the Law Project as a partner, where she focused on Federal constitutional and employment law. She left the Law Project to become a solo practitioner where she maintained a general civil practice. Ms. Totenberg also served as municipal court judge for Atlanta, and was appointed by the Atlanta Board of Education as the first in-house general counsel for the Atlanta Public School District.

Over the past decade, while maintaining a solo practice, Ms. Totenberg has spent the majority of her time as a special master, monitor, and arbitrator/monitor for the U.S. district courts in Maryland and Washington, DC. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated her "Well-Qualified."

Our second nominee, Steve C. Jones, is also nominated to be a U.S. district judge for the Northern District of Georgia. Judge Jones received his B.B.A. and his J.D. from the University of Georgia.

An experienced jurist, he began his legal career as an assistant district attorney for the Western judicial District of Georgia. In 1993, Judge Jones began service as a municipal court judge for Athens-Clarke County, GA. He was appointed by Governor Zell Miller, in 1995, to serve as a superior court judge for the Western Judicial Circuit. He was subsequently re-elected four times

and is the presiding judge for the Felony Drug Court. Aside from his daily duties to the bench, Judge Jones was appointed by the Georgia Supreme Court to serve on the Judicial Qualifications Commission. He also functioned as its chairman from 2002 to 2006. On and off the bench, Judge Jones has contributed to his community. He has invested time to help Georgia Legal Services, as well as a local anti-poverty initiative, Partners for a Prosperous Athens/OneAthens. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated him "Well-Qualified."

I support these two nominees, and congratulate them for their achievement and public service. I will continue to work with the chairman to move forward on consensus nominees, as we have done with these two nominations.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the nomination of Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia is confirmed.

The question is, Will the Senate advise and consent to the nomination of Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia?

Mr. LEAHY. Mr. President, I understand there has been a request for a rollcall vote on Judge Jones, although I would recommend if we have such it be unanimous. I see the distinguished Senator from Georgia, Mr. ISAKSON, on the floor. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 26 Ex.]

YEAS—90

Alexander	Feinstein	Mikulski
Barrasso	Franken	Moran
Baucus	Graham	Murkowski
Begich	Grassley	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Blumenthal	Hatch	Portman
Blunt	Hoeben	Pryor
Boxer	Hutchinson	Reed
Brown (MA)	Inouye	Reid
Brown (OH)	Isakson	Risch
Burr	Johanns	Roberts
Cantwell	Johnson (SD)	Rubio
Cardin	Johnson (WI)	Sanders
Carper	Kerry	Schumer
Casey	Kirk	Sessions
Chambliss	Klobuchar	Shaheen
Coats	Kohl	Shelby
Coburn	Kyl	Snowe
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Coons	Lee	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Ensign	Menendez	Wicker
Enzi	Merkley	Wyden

NOT VOTING—10

Akaka	Inhofe	Rockefeller
Ayotte	Lieberman	Toomey
Boozman	McCain	
Gillibrand	Paul	

The nomination was confirmed.

The PRESIDING OFFICER. The motions to reconsider are laid on the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

PATENT REFORM ACT OF 2011— Resumed

Mr. LEAHY. Mr. President, I understand that the Senator from Colorado has an amendment that could be disposed of quickly and which is agreeable to both sides.

I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 116

Mr. BENNET. Mr. President, I thank Chairman LEAHY, Senator GRASSLEY, Senator HATCH, and all of the members of the Judiciary Committee for their hard work on patent reform. Moving this bill forward has been a difficult task. I look forward to supporting the bill as we are in the process of amending it and improving it.

This legislation is critical for our economic growth if we are going to rebuild our economy and win the future. We need to make sure our patent system promotes research and development, investment, job creation, and global competitiveness.

This evening, I want to call up two amendments to this legislation that I believe address the need for efficiency and quality at the U.S. Patent and Trademark Office.

Mr. President, I call up amendment No. 116, which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 116.

Mr. BENNET. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination)

On page 86, between lines 8 and 9, insert the following:

(i) **REDUCTION IN FEES FOR SMALL ENTITY PATENTS.**—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike “(i)” and insert “(j)”.

Mr. BENNET. My first amendment, cosponsored by Senator AYOTTE, can help small businesses utilize the Patent Office's Track I program by reducing their fees for participating. Track I allows applicants to get their patent processed more quickly, but the cost can be burdensome for small entities. This amendment would reduce small business costs by 50 percent.

This Track I program will give applicants the opportunity for prioritized examination of a patent within 12 months of its filing date. On average, the pendency period for first action was 25.7 months in 2010 and 35.3 months for final disposition. By moving this process along for small businesses, we will stimulate business activity and create jobs.

The 50-percent discount is in line with other small entity filing fee discounts offered by the Patent and Trademark Office and will ensure startups and smaller inventors will be at a more level playing field in order to take advantage of Track I.

I encourage my colleagues to support my small business amendment at the appropriate time.

Mr. President, I yield to the chairman.

Mr. LEAHY. Mr. President, I appreciate the amendment of the Senator from Colorado. When it comes to a vote, I think it will probably be unanimous. I suspect there will not even be a requirement for a rollcall vote. It does have this mandatory reduction in

fees for small businesses at the Patent Office. I know the Senator is a strong advocate for small business in Colorado. The Patent Office has a backlog of more than 700,000 applications that haven't yet had a first response. This hits small businesses and independent ventures particularly hard because they can least afford a delay in receiving their rights. They have done a lot to reduce that backlog, but they need this legislation to finish it. They have the fast track process, where applicants pay additional fees to cover the costs and the examiners work overtime. Not all small businesses can afford the fast track application fee, and the Senator from Colorado, Mr. BENNET, wisely recognized that not all can afford that.

His amendment will ensure that small businesses and independent vendors will receive a 50-percent reduction in the fee. When the time comes for a vote, I will strongly support the amendment. I suspect both sides will strongly support it. I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. I thank the Senator from Vermont for his leadership and for his kind words about the amendment.

AMENDMENT NO. 117

At this time, I ask unanimous consent to set aside the pending amendment and call up my second amendment, which is currently at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Colorado [Mr. BENNET] proposes an amendment numbered 117.

Mr. BENNET. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish additional USPTO satellite offices)

On page 104, between lines 22 and 23, insert the following:

SEC. 18. SATELLITE OFFICES.

(a) **ESTABLISHMENT.**—Subject to available resources, the Director shall establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) **PURPOSE.**—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) **REQUIRED CONSIDERATIONS.**—In selecting the locale of each satellite office to be established under subsection (a), the Director shall—

(1) ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(d) **PHASE-IN.**—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) **REPORT TO CONGRESS.**—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

(f) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) **PATENT AND TRADEMARK OFFICE.**—The term “Patent and Trademark Office” means the United States Patent and Trademark Office.

On page 104, line 23, strike “SEC. 18.” and insert “SEC. 19.”.

Mr. BENNET. Mr. President, my amendment provides for the establishment of three regional satellite PTO offices in the next 3 years. The Patent and Trademark Office has struggled to hire and retain over 6,000 examiners at a single location in Alexandria, VA. This has resulted in one-third of patent examiners having been with the U.S. Patent and Trademark Office for less than 3 years. Ideally, the Patent and Trademark Office would recruit examiners from all across the country, leveraging regional expertise.

The PTO recently recognized this weakness in our patent infrastructure by announcing an initial satellite pilot in Detroit, MI. My amendment seeks to support this effort and further connect innovators to the U.S. Patent and Trademark Office.

The establishment of satellite offices will help the USPTO to recruit and retain workers from across the country. Regional offices will draw local scientists, engineers, and patent attorneys into the USPTO, which add real-world expertise to the patent review process.

Regional satellite offices will also increase outreach activities and connection to patent filers, enhance the ability of the USPTO to recruit and retain patent examiners, and improve the quality and pendency for patent applications.

Europe currently uses four patent offices as a recruitment tool and is

known for the ability to attract and retain highly qualified examiners. In short, the limitations of our lone patent office are placing our economy at a competitive disadvantage. It is essential, therefore, that we establish satellite offices in locations that will connect innovators and businesses across the country.

I ask Senators to support my amendment at the appropriate time.

Again, I thank the chairman for his leadership, and I look forward to working with him and the rest of this body to craft a good piece of legislation that helps America take the lead in the world's increasingly competitive innovation economy.

Mr. LEAHY. Mr. President, I know the Senator has advocated for satellite offices. His amendment speaks for geographic diversity. Otherwise, every one of us would be asking for one in our State. Vermont, which receives more patents per capita than any other State in the Union, would be asking for one, and so forth. He does not try to tilt the balance in favor of a particular State but he calls for geographic diversity. That is very wise. When the amendment comes to a vote, I will be there to support it.

Mr. President, parliamentary inquiry: What is pending?

The PRESIDING OFFICER. Amendment No. 117.

Mr. LEAHY. Was that set aside so he could introduce his second amendment?

The PRESIDING OFFICER. That is his second amendment.

Mr. LEAHY. That is what is pending now?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 115

Mr. LEE. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 115 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, once the Senator has introduced his amendment and has spoken, will he be willing to set that aside so that other amendments on the patent bill can come up?

Mr. LEE. Yes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 115.

(Purpose: To express the sense of the Senate in support of a balanced budget amendment to the Constitution)

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should pass and the States should agree to

an amendment to the Constitution requiring a Federal balanced budget.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. This is a self-explanatory amendment. I am a supporter of this legislation, the patent reform bill. I also point out that this amendment does not bring about any substantive change to that legislation, nor does it lock anyone into a particular variation of a balanced budget amendment proposal.

I am happy to work out an agreement as to the timing for a possible vote, and I hope we can get to that sometime soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes, with the time to be shared between myself and Senator Risch.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF FORMER SENATOR JAMES A. MCCLURE

Mr. CRAPO. Mr. President, Senator Risch and I are here today—in fact, I note we are joined on the floor by our former colleague Senator Larry Craig—to honor one of Idaho's greatest statesmen who passed away on Saturday. We rise to honor the distinguished life of Senator James A. McClure, a mentor and a dear friend of mine. As I indicated, Senator Craig is here. Senator Craig is the one who followed Senator McClure into the seat in the Senate. We appreciate him making the effort to get here to also share his concerns and condolences, and frankly, to help honor Senator McClure.

I join Senator McClure's wife Louise and their family and friends and all of Idaho in mourning the passing of Senator McClure and honoring his great legacy. His sound guidance, strong advocacy for Idaho, and his personal encouragement will be missed by all of us, but definitely not forgotten.

Throughout his decades of public service, Jim McClure set a standard for public servants that will endure for generations. Senator McClure dedicated much of his life to honorable service to our Nation. At the age of 18, he joined the U.S. Navy and served honorably in World War II. He then returned to Idaho and attended law school at the University of Idaho, worked as a prosecuting attorney for Payette County, and served in the Idaho State Senate. With 6 years in the U.S. House of Representatives, and 18 years in the U.S. Senate, his exemplary service in the Congress spanned 24 years.

His unfailing good will, respect for others, and his essential Western con-

servatism helped him to maintain throughout his life the kind of service that is still the best model for how to engage in today's public policy debates. He was recognized by all as a gentleman but a powerful advocate.

Senator McClure's legacy as a Congressman and a Senator is broad, and on many issues, such as energy and natural resource management, his service to Idaho is historic. Jim utilized his service as chairman of the Senate Committee on Energy and Natural Resources to advocate for Idaho issues and their ideals. He also helped to guide the Senate through his chairmanship of the Senate Republican Conference from 1981 to 1985. Jim worked diligently to achieve solutions to Idaho and national challenges. He also had a forward-thinking focus on fiscal discipline—one that we could well use in the Senate today—and on energy independence, another critical issue which we continue to battle for today. These are critical issues he helped set the foundation for and, frankly, which his wisdom would have helped to solve.

Jim was a friend and a role model for me and I am sure for many others in Idaho and throughout the Nation. His dedication, kind treatment of others, and skillful proactive and principled approach are long going to endure. He will be sorely missed, but his lifetime of accomplishments will be with the people of Idaho forever.

I offer my sympathy and my love to Louise and to the entire McClure family and to Jim's many friends and associates.

Mr. President, I yield the time to Senator Risch.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. Risch. Mr. President, we have come to the floor to mourn the loss of a great statesman in Idaho. Jim McClure was loved uniformly across the State of Idaho and had dedicated his entire life to public service, first as a prosecuting attorney in Payette County, ID, and then, of course, the State senate and Congress—the House of Representatives and then the Senate of the United States.

From a little historical background, Jim McClure, when he was elected to this body, was elected to the Shoup seat. The Shoup seat was first held by Senator Shoup, who was the last territorial Governor of Idaho, the first State Governor of Idaho, and the first Senator to hold that seat. Jim McClure was the ninth person to hold that seat. In the interim, it was held by Borah. Both Shoup and Borah have statues in Statuary Hall.

Prior to my election as the 11th person to hold this seat, the seat was held by our distinguished colleague, Senator Craig, who has joined Senator CRAPO and I on the floor and I am sure joins us in our remarks and condolences to the McClure family.

Jim McClure was a family man. He was truly dedicated to his wife Louise and his children. Back when Jim served here, many of the Members actually moved here as opposed to going home on the weekends, as most of us do today. The McClure family spent a lot of time here. But they did spend their summers—that is when the Senate was out most of the summer—they did spend their summers in Idaho and other times in Idaho.

Jim McClure was very dedicated to a couple important issues, the first one being fiscal. Jim McClure would come back to Idaho and warn about the spending habits this Congress had. In fact, I knew Jim McClure since I was a young prosecutor in the 1960s. I think Jim McClure was the first one I ever heard speak directly about the danger this Congress was leading this country into with its spending habits. Had his advice been followed back then, we would not be, as a country, in the difficulties we are today.

Secondly, Jim's issue was energy. Jim spent time as chairman of the Senate Committee on Energy and Natural Resources. Indeed, I sit on that committee today. Senator Craig sat on it before me, Senator McClure before him, and Senator Jordan before Jim McClure. Indeed, we cannot recall when we did not have anyone from Idaho serving on that committee. Indeed, it was the Shoup seat that has sat on that committee for as long as any of us can remember.

As a testament to the larger-than-life persona that Jim McClure had, the following are named after Jim McClure in Idaho. In 1995, the College of Mines and Earth Resources at the University of Idaho was dedicated as the James A. McClure Hall. In December of 2001, the Federal building and U.S. courthouse in Boise, ID, was renamed for Jim McClure. In 2007, in Moscow, ID, the University of Idaho named their bureau of public affairs research the James A. and Louise McClure Center for Public Policy Research.

All of this recaps in certainly an inadequate way the many things Jim McClure did for the people of Idaho, indeed for the people of America and the people of the world, as he led in the Senate.

I wish to close, briefly, with what I knew about Jim McClure and I think what those of us here knew about Jim McClure and what he is remembered for in the Senate.

In the media today, we see a lot of rancor and we see a lot of arguing and a lot of hostility involved in the political process. If I can say one thing about Jim McClure, it is that what he brought to the entire process was civility. No matter how tough sledding got, no matter how disagreements escalated, Jim McClure always kept it level. He always kept it at a very civil tone, and Jim McClure approached ev-

everything with a gentle sense of humor, which many times diffused things that could have gotten out of hand.

To his family, again, we express our deep condolences, and the people of the State of Idaho mourn today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, Senator RISCH's comments prompted me to think of a time when I was first elected to the House of Representatives. Senator McClure had long been counseling and working with me and helping me to see the kind of civility about which Senator RISCH talked and also that strong, powerful leadership he brought to issues.

When I was first elected to the House of Representatives—I began thinking as Senator RISCH was talking—Jim McClure and Louise invited me to go to dinner. Jim and Louise sat with me for an evening right here in Washington, DC, at a local restaurant. We just talked about politics, about Idaho, about America, about the world, and about how one should lead on issues as they dealt with them in Congress.

I have to tell you, it would take too long to repeat all the lessons I learned that night that were taught to me by Senator McClure as he made that extra step to reach out. I said in my initial remarks he was a mentor and a role model for me. I truly mean that.

I had to add those comments as I thought about that while Senator RISCH was talking.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 78, relative to the death of Senator James A. McClure.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 78) relative to the death of James Albertus McClure, former United States Senator for the State of Idaho.

Mr. CRAPO. Mr. President, I note this resolution was submitted earlier today by Senator RISCH and myself. In fact, our leadership helped in preparing it and bringing it forward. All 100 Senators are cosponsors of this resolution. I think it a fitting tribute to the respect and honor in which Senator James A. McClure is held by this Senate.

Before I ask unanimous consent to take action on the resolution, I ask if Senator RISCH has anything further he wishes to add.

Mr. RISCH. Mr. President, we have gone through the various attributes for which Jim McClure was known. It is a true loss to Idaho and a true loss to the Nation. He was held in such high regard by all Idahoans. I am proud to be the person holding his seat.

He was a cofounder and a charter member of the steering committee on

the Republican side. The steering committee is a group that was brought together to talk about and develop policies from a conservative standpoint for the Nation. It certainly is something that has been very helpful to the Republican Conference over the many years. Senator McClure will be remembered for that, and we certainly thank him for that.

I yield the floor.

Mr. CRAPO. Before I ask unanimous consent, Mr. President, I know Louise and a number of Senator McClure's family and friends are watching. This is a short but meaningful resolution. I believe I should read it in its entirety:

Relative to the death of James Albertus McClure, former United States Senator for the State of Idaho.

Whereas James A. McClure served in the United States Navy during World War II;

Whereas James A. McClure served in the state of Idaho as a prosecuting attorney, a city attorney, a member of the Idaho state Senate, and as a member of the United States House of Representatives;

Whereas James A. McClure served the people of the State of Idaho with distinction for 18 years in the United States Senate;

Whereas James A. McClure served the Senate as Chairman of the Committee on Energy and Natural Resources in the Ninety-seventh through the Ninety-ninth Congresses and Chairman of the Senate Republican Conference in the Ninety-seventh and Ninety-eighth Congresses;

Whereas James A. McClure served his caucus as a founding member and Chairman of the Senate Steering Committee in the Ninety-fourth through Ninety-sixth and Ninety-ninth through One Hundredth Congresses; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James Albertus McClure, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable James Albertus McClure.

Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 78

Whereas James A. McClure served in the United States Navy during World War II;

Whereas James A. McClure served the state of Idaho as a prosecuting attorney, a city attorney, a member of the Idaho state Senate, and as a member of the United States House of Representatives;

Whereas James A. McClure served the people of Idaho with distinction for 18 years in the United States Senate;

Whereas James A. McClure served the Senate as Chairman of the Committee on Energy

and Natural Resources in the Ninety-seventh through Ninety-ninth Congresses and Chairman of the Senate Republican Conference in the Ninety-seventh and Ninety-eighth Congresses;

Whereas James A. McClure served his caucus as a founding member and Chairman of the Senate Steering Committee in the Ninety-fourth through Ninety-sixth and Ninety-ninth through One Hundredth Congresses; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James Albertus McClure, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable James Albertus McClure.

The PRESIDING OFFICER. The Senator from Rhode Island.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. CASEY. Mr. President, I rise to offer a tribute to honor Robert W. Bogle and the Philadelphia Tribune newspaper. Bob Bogle's family and many of his friends are with us in Washington, DC. They traveled from Philadelphia and other parts of our State and beyond to be with us as we pay tribute to his leadership and his commitment to the Philadelphia African-American community and to all the people in the city of Philadelphia and southeast Pennsylvania. I rise as well to honor the role the Philadelphia Tribune, as a leader in the Black press, has played in communities throughout our State.

This is the fifth year I have come to the floor of the Senate to honor a prominent African-American Pennsylvanian as part of the celebration of Black History Month. Bob Bogle today joins the Reverend Leon Sullivan, Judge Leon Higginbotham, former U.S. Transportation Secretary Bill Coleman, and former Pennsylvania Secretary of the Commonwealth C. Delores Tucker in being recognized this month in this way.

Today, I will talk about Bob Bogle and the Philadelphia Tribune and, in a larger sense, the history and the future of the Black press in Pennsylvania and across the country.

From the time Bob was a young child, his life has been inseparable from the Philadelphia Tribune. Bob's

father John Bogle was the advertising director at the Philadelphia Tribune. Bob still reminisces about the playground he lived in, which was much different than the playgrounds in which most children live. As early as age 7, Bob would roam the Tribune building while waiting for his father to finish work. Bertha Godfrey, employed by the Tribune since 1946 and now senior vice president, recalls a young Bob Bogle wandering around curiously, observing the production department and other areas of the production of the Philadelphia Tribune newspaper.

In 1970, Bob Bogle started selling advertising for the Tribune and quickly worked his way up, impressing his colleagues and business associates alike. In 1973, he became advertising director, in 1976 director of marketing, and, by 1983, executive vice president and treasurer, before becoming president and chief executive officer of the Tribune in 1989.

Despite his early exposure to the Tribune, Bob did not initially plan on a career in journalism. He attended Cheyney State College—now Cheyney University—to study sociology, earning a B.A. in urban studies. After it became clear he was going to play a role in the management of the Tribune, he also attended the University of Pennsylvania's Wharton School to study marketing and economics. He has completed courses of study at Temple University and the Rochester Institute of Technology and continues to this day to hone his newspaper expertise by participating in annual workshops in many areas of marketing and advertising and publishing.

Bob has become a role model for Philadelphia African Americans and for the community at large. He served in leadership roles in a wide range of professional, civic, and social organizations. He is chairman of both the Hospitals and Higher Education Facilities Authority of Philadelphia and the Council of Trustees at Cheyney University, and serves as a commissioner of the Delaware River Port Authority. He also serves on the executive committee of the Greater Philadelphia Chamber of Commerce and on the boards of the Mann Music Center for the Performing Arts, the Zoological Society of Philadelphia, the African-American Chamber of Commerce, the Philadelphia Convention and Visitors Bureau, and of course, The Philadelphia Tribune. In 1995 Bob became the first African American to serve on the board of U.S.-Airways Group, one of the Nation's largest airlines. He served two terms as president of the National Newspaper Publishers Association, the nationwide trade association for Black newspapers.

Some of Bob's more recent board affiliations include the Philadelphia Museum of Art Corporate Partners Board, the Pennsylvania Newspaper Association Foundation, the Academy of Vocal

Arts, the Greater Philadelphia Tourism Marketing Corporation and the Historical Society of Pennsylvania. He is also a founder and serves as a convener for the Forum for a Better Pennsylvania, a statewide, private sector leadership organization committed to enhanced civic and economic inclusion for African Americans.

Bob has also been honored for his service and leadership. In 2002, President George W. Bush appointed him to serve as a member of the National Museum of African American History and Culture Commission. In 2000, he received an honorary Doctorate of Humane Letters from Drexel University in Philadelphia. In addition, Bob has been a member of so many organizations too numerous to name.

While he is recognized as a community leader in various realms, it is Bob's role at the Tribune and with the Black press movement that stands out as his life's work.

Today, few question that the right to a free press, as enshrined in the Bill of Rights, applies to all. The right ensures that all Americans can participate in a vigorous and healthy debate necessary for a well-functioning democracy. But when our Constitution was first ratified, as we recall, most African Americans were not recognized as citizens and had few, if any, opportunities for participation in our democracy. It was not until a group of courageous men living in New York gathered some 30 years after the ratification of the Constitution that African Americans finally found an institution where they "could plead their own case," as they said at the time.

In 1827, editors John Brown Russwurm and Samuel Eli Cornish published *Freedom's Journal*, the first Black newspaper in America. The newspaper provided African Americans with a public square of their own, where they could participate in discussions and advocate for African Americans.

As these two distinguished leaders wrote in their first editorial, "Too long have others spoken for us. Too long has the public been deceived by misrepresentations. . . ."

While the *Freedom's Journal* was short-lived, it began what was no less than a revolution. Other Black newspapers arose and began to explore subjects that were previously off-limits in the press of the day. New Black newspapers delved into previously unmentionable hardships in crafting a new identity for free and enslaved African Americans. Topics such as slavery and menial labor were examined by African Americans for African Americans. For the first time in the history of our country, African Americans were able to speak freely through a press of their own. In addition, African Americans could start announcing to the world some of their most precious moments

in life, such as births, anniversaries, deaths, and other family news. The Black Press helped establish a new extended community of African Americans all across the United States.

The Black Press expanded in the years prior to the Civil War, as over 40 publications across the Nation provided African Americans with viewpoints on issues such as immigration to Africa, emancipation in the South of the United States, and, of course, abolition and freedom.

Frederick Douglass was one of the many who published a Black newspaper in which he, like many others, urged African-American men in the North to enlist in the Union Army.

The post-Civil War era saw a period of rapid growth for the Black Press. The first daily newspaper, the New Orleans Tribune, was published in 1864, and newspapers continued to open across the country as African Americans migrated from the South.

By the 1880s, it became obvious that the growing African-American population in Philadelphia, PA, needed a newspaper. Christopher J. Perry filled the void. Following graduation from high school, Mr. Perry moved to Philadelphia to start a newspaper because, he said:

For my people to make progress, they must have a newspaper in which they can speak and speak out against injustice.

Mr. Perry's newspaper, the Philadelphia Tribune, often told a different story from a perspective other than that of the city's traditional newspapers. Mr. Perry and the Philadelphia Tribune quickly established themselves as leaders of the growing African-American community in Philadelphia. The Tribune published stories highlighting Black institutions across Philadelphia that were not reported by the mainstream papers. Mr. Perry championed the causes of the African-American community, from covering important events to offering articles about champions of social and racial equality. Additionally, he provided a forum for African Americans to report on job openings, musical performances, and other happenings within the African-American society.

After Mr. Perry passed away in May of 1921, his children continued the traditions he began in the pages of the Philadelphia Tribune. The second generation of Perrys continued to fight for equality for African Americans. Eugene Washington Rhodes, Mr. Perry's son-in-law, succeeded him as editor. As Dorothy Anderson wrote in a tribute in 1958, "In no year since The Philadelphia Tribune first burst upon the Philadelphia scene was there a single edition which did not press for equal rights, equal opportunities and equal privileges" for the African-American community.

Eugene Rhodes continued to spotlight social issues around the city of

Philadelphia and around the country by focusing on the northern migration during the 1920s and dangerous housing conditions for African Americans in Philadelphia during the 1930s. In addition, he provided much needed support for some of the first African-American politicians in the city of Philadelphia, such as John Asbury and Andrew Stevens, the first African Americans elected to the Pennsylvania House of Representatives. Perhaps most importantly, the Tribune led the fight against segregation in the Philadelphia School District by creating its own legal defense fund and publishing many editorials championing the equality of African Americans.

In 1940, the publisher of the Chicago Defender called a meeting of the major publications which made up the Black Press. He proposed that newspapers form an advocacy group to ensure the long-term survival of the Black Press. The Philadelphia Tribune was one of the newspapers invited to take part, and out of this first conference grew the National Newspaper Publishers Association. Over 200 newspapers are members today, and the association provides vital services to the Black Press so that its members can continue to report on African-American communities and society.

As the current president and CEO of the Philadelphia Tribune, Bob Bogle has continued the tradition of Christopher Perry, while leading the African-American community of Philadelphia into and beyond the 21st century. The Philadelphia Tribune is now the longest operating African-American newspaper in the Nation.

Recognizing Bob's leadership, the National Newspaper Publishers Association has honored the Tribune five times with the Russwurm Award, the association's highest honor for "Best Newspaper in America." The award is named for John B. Russwurm, co-founder, as I mentioned before, of Freedom's Journal in the 1800s.

Recognized as a leading member of the Black Press, Bob Bogle has served two terms as president of the National Newspaper Publishers Association and is credited with increasing awareness of African-American issues, values, and lifestyles. He is also a founding member and president of the African American News and Information Consortium, a group of premier Black newspapers in some of the largest markets in the United States of America.

Finally, Bob continues in his role as ambassador for the city of Philadelphia. He sees race as a leading issue still plaguing our Nation, but he remains relentlessly optimistic. I am quoting Bob here:

I am deeply engaged in the community. I believe that Philadelphia, as the birthplace of America, is the best city in America—it is diverse, it has great size; and our success will come from our collective understanding

of who we are. The Philadelphia Tribune, though it is dedicated to covering the black community, also honors diversity. We have non-African Americans in every area of our business.

Of course, Bob has been not just a leader in the African-American community but a leader in the Philadelphia community at large for many years and especially active in the advancement of young African Americans who live in Philadelphia and the region. He describes his essential philosophy this way:

To be responsible for what you do and be the best at it. We need to account for what we do. Accountability means responsibility and taking pride in your work and doing the best you can.

So says Bob Bogle, and those are good words to live by. They are words we can take to heart and strive every day in our own lives to live by.

So I am honored to be able to offer this tribute today to Bob Bogle, to his team at the Philadelphia Tribune and in a larger sense the history and, most importantly, the future of the African-American press—so-called the Black Press—in the United States. So please join me today in honoring a man of strength, a man of character, accomplishment, and service—Robert W. Bogle of Philadelphia, PA.

CHRISTIAN A. FLEETWOOD

Mr. CARDIN. Mr. President, today I wish to pay tribute to a man of extraordinary strength, moral character, and courage, to end National Black History Month on a high note. Every year, National Black History Month is given a theme; this year's focus rests on the American Civil War, the most divisive and destructive conflict ever witnessed in our great Nation. While many think of the Civil War as a conflict between Whites fought over the condition of African Americans, Blacks fought on both sides of the conflict as well. After Emancipation, the Union Armies fielded dozens of corps of the U.S. Colored Troops, making up approximately 10 percent of the total fighting force fielded by the North, at roughly 180,000 troops. One of those men was named Christian Abraham Fleetwood. His picture rests beside me today.

In many aspects before the war, Fleetwood was already a rare man. Christian A. Fleetwood was born in Baltimore to two free persons of color, Charles and Anna Marie Fleetwood, on July 21, 1840. He was lucky enough to be educated by a wealthy sugar merchant, free of charge, and continued his education with the Maryland Colonization Society, before graduating from the Ashmun Institute, which would later become Lincoln University.

Broadening his education, he travelled to Sierra Leone and Liberia, before returning to the United States to join the Union Army to fight for the freedom of the enslaved. Because of his

education, Fleetwood was promoted to sergeant upon enlisting, and sergeant major just a few days later. As part of the 4th Regiment United States Colored Infantry, he would see action in the Virginia and North Carolina campaigns in the 10th, 18th and 25th Army Corps, and would distinguish himself valorously at Chaffin's Farm, on the outskirts of Richmond, VA, on September 29, 1864.

At the age of 24, SGM Christian Fleetwood stood a mere 5 feet, 4.5 inches tall. Nonetheless, while marching on Confederate fortifications he witnessed Alfred B. Hilton, a fellow soldier, fall wounded while carrying the American flag and the Regimental Standard, which Hilton himself had retrieved from a wounded comrade. Rushing forward under withering fire, Fleetwood and another soldier named Charles Veale caught both banners before they brushed the ground. Now bearing the American flag, Fleetwood carried the attack forward, but retreated once it became clear that the unit did not have sufficient strength to penetrate the defenses. Returning through enemy fire to the reserve line, Fleetwood used his standard to rally a determined group of men and renewed the attack on the battlements.

In a fight where the 4th and 6th Regiments of U.S. Colored Troops sustained casualties reaching 50 percent, Fleetwood refused to give up. For these actions and their contribution to victory at Chaffin's Farm, Fleetwood, along with Veale and Hilton, were awarded the Medal of Honor. Fleetwood's official Medal of Honor citation reads simply: "Seized the colors, after 2 color bearers had been shot down, and bore them nobly through the fight." Every officer in Fleetwood's regiment, all white men, submitted a petition to the War Department to have him commissioned an officer, a sure sign of the respect felt by all who witnessed his gallantry.

The medal is now part of the collection of the Smithsonian's National Museum of American History, and appears in the exhibit entitled "The Price of Freedom." The medal's inclusion in the Smithsonian exhibit is also unique. Fleetwood's daughter Edith Fleetwood donated his medal to the Smithsonian Institute's National Museum in 1948. The Smithsonian accepted the medal, making Christian Fleetwood the first African-American veteran to be so honored.

The Civil War did not call an end to Christian Fleetwood's service, though he was discharged honorably on May 4, 1866. Fleetwood would go on to organize a battalion of the D.C. National Guardsmen, and, in the 1880s, formed Washington, DC's Colored High School Cadet Corps, which counted among its graduates Benjamin O. Davis, Sr., the Nation's first African-American general, and Wesley A. Brown, the first Af-

rican-American graduate of the U.S. Naval Academy.

Christian Fleetwood embodied everything Americans revere. His actions in the 4th Regiment from Baltimore, MD, earned him the military's highest honor. He was selfless, brave, a fierce fighter for the abolition of slavery, and chose to dedicate his free life to service of his country and his community.

TRIBUTE TO TAHIS CASTRO

Mr. REID. Mr. President, I rise today to honor Tahis Castro, who is retiring after 17 years of serving Nevadans as an organizer for the Culinary Workers Union.

Tahis came to Reno from Costa Rica in 1987. In 1994, she cofounded and organized Hotel Employees and Restaurant Employees Local 86, which represented over 900 culinary workers throughout Reno. Since that time, she has helped negotiate improvements in health care benefits, wages, job security, and training for thousands of working families in Nevada.

Tahis has always been a dedicated and tireless promoter of justice, respect, and dignity for all workers. She has been instrumental in the growth of Local 86, which merged with Las Vegas' Culinary Workers Union Local 226 to represent a total of 60,000 workers in Nevada today. In addition, she has served on the executive board of the Nevada State AFL-CIO.

Tahis has also been influential in representing Nevadans in the political sphere. In 2008, she was chosen as one of the State's five delegates to the Electoral College, and she has been instrumental in promoting voter participation among Nevada's Latino citizens.

I am pleased to stand today to commend Tahis for all she has accomplished, and all she will continue to achieve. Along with the Culinary Workers Union, I congratulate Tahis for her concerted effort and her career of dedicated service.

REMEMBERING EARLE B. COMBS

Mr. MCCONNELL. Mr. President, I rise today to honor the remarkable life and career of one of baseball's greatest legends, and a native of the Commonwealth, the late Mr. Earle B. Combs. Known far and wide to fans as the Kentucky Greyhound, the Silver Fox and the Kentucky Colonel, Earle was a prime example of a gentleman who knew the value of hard work and determination.

Earle began his journey to greatness as a child on his father's farm in Pebworth, Owsley County, KY, where he and his siblings would play pickup games with homemade baseballs constructed out of leather and rubber trimmings from old, worn-out shoes and tightly wound string, and bats made with tree limbs found around the

yard. Each spring, when warmer weather came, the rolling hills of farmland and hollows provided Earle with the perfect setting to develop a love for America's pastime.

But, as he grew older, he decided his calling in life was to teach. In 1917, Earle left his hometown of Pebworth to attend Eastern Kentucky State Normal School, now Eastern Kentucky University, and received his teaching certificate in 1919. To help pay for his education, Earle returned to eastern Kentucky to teach in one-room schools in Kentucky towns like Ida May and Levi. That was until destiny had other plans.

In 1918 after a faculty-student baseball game, Earle's abilities caught the eye of Dr. Charles Keith, an Eastern Kentucky State Normal School dean and former pro player, who recommended he try out for Eastern's team. After successfully landing a spot on the team, Earle's talent on the field started to gain him some much-deserved attention. In the summer of 1921, after his last season on Eastern's team, Earle played semiprofessional baseball in several Kentucky towns until he was offered a contract with the Louisville Colonels.

During his 2 years with the Colonels, Earle's miraculous talent earned him his career-long reputation as a line-drive hitter with reckless base-stealing ability. In 1924, this reputation traveled north all the way to New York, where the New York Yankees bought the young and talented Earle for \$50,000.

In the years that followed, Earle became a leadoff hitter for the famed Yankees "Murderers Row," a lineup of the late 1920s and early 1930s, and a member of the 1927 World Championship Yankees team where he played alongside other greats by the names of Babe Ruth and Lou Gehrig. He was errorless in the 16 World Series games in which he played throughout his career, and ended with a career batting average of .325.

Earle retired in 1935 after sustaining a brutal outfield injury the year before, but remained a coach for the Yankees until 1944, during which he trained other baseball greats such as Joe DiMaggio. He was named to the National Baseball Hall of Fame in Cooperstown, NY, in 1970.

Earle coached for several other teams before returning to Madison County where he served as a banking commissioner during Governor A.B. Chandler's second administration and on Eastern Kentucky University's board of regents for 19 years, serving as chairman for 2 of those years. Earle was a leader both on and off the diamond. He was known as a loving family man, a successful businessman, and above all, a true gentleman. He was a devoted father and grandfather and a loyal husband to his childhood sweetheart, the late Ruth Combs.

He valued hard-work and knew the importance of higher education. There is no question that Earle was someone who forever changed the game of baseball, who left an impression on those he taught, and who left a lasting legacy in both his community and throughout the Commonwealth.

The Booneville Sentinel recently published an article introducing a new portrait of the late Earle B. Combs that was hung on the outside of the courthouse in Owsley County, KY, on December 30, 2010. What an honor for this athlete and legend from his hometown and home county. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Booneville Sentinel, Jan. 12, 2011]

EARLE B. COMBS PORTRAIT HUNG AT
COURTHOUSE

(By Rosalind Turner)

Boonesville and Owsley County officials honored one of the community's most famous sons Thursday, December 30 when a portrait of the late Earle B. Combs was hung on the outside of the Owsley County Courthouse.

Earle B. Combs, a native of Pebworth and the son of James Jesse and Nannie (Brandenburg) Combs, was a major league baseball player, a member of the 1929 New York Yankees and was named to the National Baseball Hall of Fame. In 1917, Combs left Owsley at age 17 to pursue a degree in education at Eastern Kentucky Normal School (Eastern Kentucky University). Though he earned his degree in 1919 and taught at one-room schools in Ida May and Levi, he eventually changed his career path to play baseball.

In 1924, he earned a position as the centerfielder and leadoff hitter for the famed New York Yankees "Murderers Row" lineup of the late 1920s and early 1930s, according to the Earle Bryan Combs official website. He was a member of the 1927 World Champion Yankees team, which also featured baseball greats Babe Ruth and Lou Gehrig, and is considered by many to be the greatest team in baseball history.

As the portrait was installed on the side of the courthouse, the outgoing Owsley County Judge-Executive Cale Turner and Booneville Mayor Charles Long were joined by one of Combs' grandsons and two great-grandsons.

"We are so honored," said Craig Combs of Richmond, a grandson with very fond memories of his grandfather. "Thank you so much."

Craig Combs praised Turner, Long and others who were instrumental in seeing the project to fruition. In March, Craig Combs came to Owsley to speak to Holly Shouse's class at Owsley County Elementary School about his grandfather. He said that he was later contacted about the courthouse project and gave his permission for the officials to proceed.

"I was very honored," he said. "I was thrilled that you (the project planners) were going to include grandfather."

Turner said that it has been a long time goal of Mayor Long's to have a portrait in the city honoring the famed baseball player.

"We're tickled to be here and we're tickled that (the community) thought enough of him to put his picture on the side of the courthouse. (It shows) obviously, how proud they

are of grandfather," said Craig Combs, who was accompanied by his sons, John, 17, who plans to study vocal music at the University of Louisville, and Christopher, 22, who played baseball at Madison Central, graduated from the University of Evansville and is currently working on his Ph.D. at the University of Texas in aerospace engineering.

Earle B. Combs has had many honors bestowed upon him, but for his grandson, this one is especially meaningful. "Coming from his hometown and his home county, this is something very special," said Craig Combs. "I appreciate Judge Turner and Mayor Long for being so kind to us when we came down."

Long said he is very pleased to see the community finally honor its famous son with the portrait at the courthouse.

"This has been a dream of Mayor Long's," said Turner. "He has brought it up at numerous meetings."

The portrait by Robert Johnson of Madison Avenue Designs in Georgetown joins other murals at the courthouse depicting important Owsley County scenes.

Turner acknowledged the assistance of Jo'e Short, Kacey Smith and Cassie Hudson, members of the Action Team. These ladies wrote the application to the Flex-E ARC grant program after attending the Brushy Fork Institute at Berea College that got the ball rolling. "This would not have happened without the grant," he said. Additional matching funds for the project came from the Owsley County Fiscal Court, the Owsley County Action Team and Farmer's State Bank.

As a legendary baseball player, businessman and member of the Eastern Kentucky University board of regents, Craig Combs said his grandfather was much respected. However, his grandson remembers more than baseball and business.

"He was just Pop to me," he explained, recalling nights spent with his grandfather and grandmother (Mimi), Ruth McCollum, also a native of Owsley County, on their farm in rural Madison County.

"It was a magical time to grow up and be around them because they cared so much for us. He was just a regular, loving grandfather."

Craig Combs recalls the stories about his grandfather's baseball career and said he became the family's baseball historian.

"It was a wonderful upbringing to be around them. To be their grandson was so special."

Craig Combs said he remembers his grandfather very well. He was 18 when Earle B. Combs passed away. Earle and Ruth Combs had three children. Earle Jr., Charles and Donald Combs. Mrs. Combs died in 1989.

Still a student, Earle Combs started playing baseball at Eastern. That led to playing semi-professional ball in such Kentucky towns as Winchester, High Splint and Lexington. While playing for the Lexington Reos of the Bluegrass League, he drew the attention of the Louisville Cardinals (American Association), where he honed his skill in 1922 and 1923. In 1924, he was a rookie for the New York Yankees, patrolling center field between Babe Ruth and Rob Meusel. The following season, he was installed as the leadoff hitter in the famed "Murderers Row" Yankee lineup. He kept that position for the remaining 11 years of his career. During his career, he batted over .300 nine times, had 200 or more hits three times, paced the American League in triples three times and twice led all AL outfielders in putouts. He had a career batting average of .325. In the outfield, he was known as "swift and sure-hand-

ed," according to the Earle B. Combs official website.

A favorite of Yankee fans, nicknames bestowed upon him included "Kentucky Greyhound," "Silver Fox" and "Kentucky Colonel." After an injury, he retired in 1935 and coached for the team until 1944. The first year he coached, he trained his replacement, Joe DiMaggio. He coached for several other teams before retiring in the mid-1950s and returning to his Madison County farm. He served as Kentucky banking commissioner during Gov. A.B. Chandler's second administration (1955-59). He served on Eastern Kentucky University's board of regents from 1956-1975 and was chairman from 1972-74. A dormitory at EKU (Earle Combs Hall) bears his name and the school gives an athletic scholarship in his honor. He also is a charter member of EKU's Athletics Hall of Fame.

Earle B. Combs was named to the National Baseball Hall of Fame in Cooperstown, NY in 1970. His baseball career included being part of nine World Championships as a player and coach in New York.

Many from Owsley County, including Mayor Long and Judge Turner who watched the portrait go on the courthouse wall, are proud of the numerous honors and accolades bestowed upon this Hall of Fame baseball player. They are also gratified that he found fame for himself while practicing the values he learned growing up in Pebworth in Owsley County, Ky.

FEDERAL EMPLOYEE INCOME TAXES

Mr. COBURN. Mr. President, on February 17, 2011, I introduced a bill that will provide assurance to taxpayers that Federal employees are on equal footing with the American people and are held accountable to the same rules they enforce.

In 2009, the Internal Revenue Service, IRS, found nearly 100,000 civilian Federal employees were delinquent on their Federal income taxes, owing over \$1 billion in unpaid Federal income taxes. When considering retirees and military, more than 282,000 Federal employees owed \$3.3 billion in taxes.

This legislation will save taxpayers at least \$1 billion by requiring the Internal Revenue Service to collect unpaid Federal income taxes from civilian Federal employees.

Federal employees have a clear obligation to pay their Federal income taxes. The very nature of Federal employment and the concept inherent to "public service" demands those being paid by taxpayers to also pay their fair share of taxes. Federal workers should not be exempt from the laws they enforce. In fact, they should lead by example. Failure to do so is an affront to taxpayers and to the rule of law.

Unfortunately, Congress has allowed this abuse of taxpayer dollars to occur throughout the Federal Government and failed to implement the proper safeguards to hold culprits accountable. Considering our national debt recently surpassed \$14 trillion, it is critical Congress quickly pass this legislation. Surely this milestone is a wake-up call for Congress to find ways to get

control of the Federal budget and help get our country back on the right track towards fiscal responsibility.

The bill I recently introduced requires all Federal employees to be current on their Federal income taxes or be fired from their jobs. This is a commonsense bill that most Americans would believe is reasonable, necessary, and likely surprised that it is not already the standard throughout the Federal Government.

It is not the intention of this legislation to single out the majority of Federal employees who work hard and pay their taxes. Instead, the bill would carefully reach only those who have willfully neglected to pay their income taxes and would direct the IRS to only collect money already owed under the Federal Tax Code.

This legislation excludes Federal employees who make oversights in their personal taxes but willfully agree to pay them or are challenging the delinquency in court or through the IRS.

Specifically, it excludes Federal employees from termination if (1) the individual is currently paying the taxes, interest, and penalties owed to IRS under an installment plan; (2) the individual and the IRS have worked out a compromise on the amount of taxes, interest and penalties owed, and the compromise amount agreed upon is being repaid to IRS; (3) the individual has not exhausted his or her right to due process under the law; or (4) the individual filed a joint return and successfully contends he or she should not be fully liable for the taxes, interest, and/or penalties owed because of something the other party to the return did or did not do.

I recently introduced this bipartisan legislation, because Congress has failed to responsibly manage taxpayer dollars and serve in the best interests of the American people. This legislation will provide a solution to level the playing field between Federal employees and the American people when it comes to paying Federal income taxes.

It should be a priority of this Congress to pass this solution as a way to provide equal treatment under the law and to seek out commonsense opportunities that will reduce our national debt. Now is the time for Congress to get a grip on the federal budget and find responsible ways to save in order to preserve the heritage of service and sacrifice that made our country great.

I thank my colleagues for the opportunity to speak in support of this legislation. I ask my colleagues on both sides of the aisle for their support.

COMMITTEE ON FOREIGN RELATIONS RULES OF PROCEDURE

Mr. KERRY. Mr. President, I ask unanimous consent to have printed in the RECORD "Rules of the Committee on Foreign Relations."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The committee also has a responsibility under Senate Rule XXVI.8, which provides that "... each standing committee ... shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) *"Advice and Consent" Clauses.*—The committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal execu-

tive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) *Meetings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Meetings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) *Additional Meetings.*—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the

clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, Selection of Witnesses.*—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may call an equal number of non-governmental witnesses selected by the ranking member to testify at that hearing.

(d) *Public Announcement.*—The committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) *Closed Sessions.*—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such

person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting may be opened by a majority vote of the committee.

(g) *Staff Attendance.*—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings.

Each member of the committee may designate members of his or her personal staff, who hold a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff with a top secret security clearance to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member.

(b) *Business.*—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) *Presentation.*—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However,

written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement. Witnesses appearing on behalf of the executive branch shall provide an additional 100 copies of their statement to the committee.

(d) *Expenses.*—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In

the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes.*—The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) The committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) *Foreign Travel.*—No member of the Committee on Foreign Relations or its staff shall

travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman or the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) *Domestic Travel.*—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) *Personal Staff.*—As a general rule, no more than one member of the personal staff of a member of the committee may travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) *Personal Representatives of the Member (PRM).*—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each member of the committee may designate one personal staff member as the "Personal Representative of the Member."

RULE 12—TRANSCRIPTS

(a) *General.*—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

(b) *Classified or Restricted Transcripts.*—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts, and shall ensure that such transcripts are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts as required by the Senate Security Manual.

(3) Classified transcripts may not leave the committee offices, or SVC-217 of the Capitol Visitors Center, except for the purpose of declassification.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified tran-

scripts. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts.

(A) Members and staff of the committee in the committee offices or in SVC-217 of the Capitol Visitors Center;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in SVC-217 of the Capitol Visitors Center;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in SVC-217 of the Capitol Visitors Center; and

(D) Officials of the executive departments involved in the meeting, in the committee offices or SVC-217 of the Capitol Visitors Center.

(6) Any restrictions imposed upon access to a meeting of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) *Declassification.*—

(1) All noncurrent records of the committee are governed by Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted and consented to the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions

of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) In general, Senators and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their committee responsibilities.

(e) The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) *Responsibilities.*—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except that such part of the staff as is designated minority staff shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Restrictions.*—

(1) The staff shall regard its relationship to the committee as a privileged one, in the na-

ture of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the staff director, or, in the case of minority staff, from the minority staff director. In the case of the staff director and the minority staff director, such advance permission shall be obtained from the chairman or the ranking member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, committee action; and

(C) staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) *Amendment.*—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate standing rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 23, 2011, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, today I ask unanimous consent to have

printed in the RECORD a copy of the rules of procedure of the Permanent Subcommittee on Investigations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member or the approval of a Majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chairman and notice of such approval to the Ranking Minority Member or the Minority counsel. Preliminary inquiries may be undertaken by the Minority staff upon the approval of the Ranking Minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the Ranking Minority Member with notice of such approval to all Members.

No public hearing shall be held if the Minority Members unanimously object, unless the full Committee on Homeland Security and Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with notice to the Ranking Minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of

the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

One-third of the Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that one member of the minority is present.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his or her representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he or she is testifying, of his or her legal rights; *provided, however*, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to ap-

pear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him or her. If the Chairman or designated Member overrules the objection, he or she may refer the matter to the Subcommittee or he or she may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights, shall not be directed at him or her. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her own testimony, whether in public or executive session, shall be made available for inspection by witness or his or her counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and

authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or her or otherwise adversely affect his or her reputation, may (a) request to appear personally before the Subcommittee to testify in his or her own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests the filing of his or her sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his or her sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff members and clerical assistants as he or she deems advisable. The total compensation allocated to such Minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff members shall work under the direction and supervision of the Ranking Minority Member. The Chief Counsel for the Minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is

reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered, for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the produc-

tion of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS—SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERNATIONAL GOVERNMENTAL AFFAIRS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing

Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS—SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from de-

liver to the appropriate offices, unless the Chairman and the Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 28, 2011, the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Contracting Oversight adopted subcommittee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Ad Hoc Subcommittee on Contracting Oversight printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any matters or recommendations. Nothing herein shall be construed to authorize the consideration or reporting of legislation.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or

any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 15, 2011, the Committee on Homeland Security and Governmental Affairs adopted committee rules of procedure.

Consistent with standing rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Committee on Homeland Security and Governmental Affairs printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Chief Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee chief clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present. This subsection shall apply only when at least 72 hours written notice of a session to mark up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a) (1) and (2) of Rule

XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c)

other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. Naming postal facilities. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the Government, or of a corporation or association, the Committee Chairman may rule that representation by

counsel from the Government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the Government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee, provided that the Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall

be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority, or additional views at the time of final Committee approval of a measure or matter shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the foregoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these re-

quirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations
Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the

amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees

prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to pre-hearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104-1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

ADDITIONAL STATEMENTS

TRIBUTE TO LILLY NUTTER

• Mr. LUGAR. Mr. President, today I recognize a remarkable Hoosier, Mrs. Lilly Nutter of Warren, IN, who has worked diligently in her own way to provide a measure of comfort to more than 1,000 servicemembers stationed in Iraq and Afghanistan.

After a career with the Department of Defense that included service in California and at Grissom Air Force Base in my State of Indiana, Mrs. Nutter retired to her husband's hometown of Warren where she is active with the Welcome Wagon, the Chamber of Commerce, the Cancer Society, and the food pantry.

However, I especially admire Mrs. Nutter's work on behalf of our servicemembers. In 2003, Mrs. Nutter was contacted by her grandson Kent Dolasky, who was serving with the U.S. Army in Iraq. Her grandson shared his concern that some of his fellow soldiers did not receive packages from their friends and family during their deployment. Always looking for a new opportunity to help others, Mrs. Nutter got to work collecting candy, toiletries, and other items that would bring a smile to the faces of servicemembers during time away from their loved ones and the comforts of home. Her efforts, however, did not conclude when her grandson and his unit returned home. Since 2003, Mrs. Nutter has worked with her family and friends both in her community and across the country to collect goods that have been assembled into more than 1,000 care packages.

I am hopeful that my fellow Senators will join me in thanking Mrs. Nutter for her remarkable work on behalf of our servicemembers and in recognizing her spirit of care and compassion for those who risk their lives defending our Nation abroad.●

CENTENNIAL ANNIVERSARY OF THE THEODORE ROOSEVELT DAM

• Mr. MCCAIN. Mr. President, on March 18, 2011, the State of Arizona will celebrate the 100 year anniversary of the Theodore Roosevelt Dam. As that day approaches, I wish to recognize how vital this structure has been in unlocking the tremendous economic potential of my State.

In the arid and often unforgiving desert, the Theodore Roosevelt Dam is the central component and crowning achievement of one of the Nation's first water reclamation projects in the West. In 1903, a group of visionary territorial Arizonans banded together to mortgage their lands as debt collateral for a Federal loan to build the Roosevelt Dam. The dam was completed 8 years later, in 1911, and stood as the world's largest masonry dam of its day. Located on the Salt River, it serves as both a water storage system and hydroelectric facility that supplies electricity, drinking water and irrigation water to the downstream communities of metropolitan Phoenix.

Those original landowners, who in 1903 formed the Salt River Valley Water Users Association, had a vision of what could be. Indeed, Roosevelt Dam nurtured and ultimately transformed the Salt River Valley into what

is today. The dam made Phoenix a boom town, and turned the surrounding area into one of fastest-growing regions in the Nation. People came, and with them a strong and vibrant economy grew to attract new businesses fueled by a diverse labor force. Roosevelt Dam literally changed people's ideas about living in the desert. It is a legacy that continues today with the Salt River Project, a power and water utility that continues to provide the infrastructure that feeds the area's economy.

Over the next several decades, the Phoenix area is projected to expand by twice the national rate once again demonstrating the vitality of the community. No other reclamation project in the history of Arizona has stimulated the economic and population boom in the way Roosevelt Dam did once it was completed. For that reason, I am proud to honor its contributions in my State, for the past 100 years and into its next century of service.●

REMEMBERING EVANGELISTO RAMIREZ GARCIA

● Mr. UDALL of New Mexico. Mr. President, last month, my home State of New Mexico lost a great man when Mr. Evangelisto "Evans" Ramirez Garcia, a survivor of the Bataan Death March, passed away at the age of 97. The loss of a hero such as Mr. Garcia is felt not only by New Mexicans but by our entire country—which is forever indebted to those brave men captured in Bataan. I would like to take a few moments to honor him today.

Mr. Garcia's life tells a story of patriotism in its finest form. He served in two wars, earning a Purple Heart, Bronze Star, and POW Medal among other commendations, and continued to support veterans' issues long after he completed his military service.

Cutting his university studies short to enlist in the U.S. Army in 1941, Mr. Garcia and his fellow soldiers stationed in the Philippines played a vital role in the eventual victory of the Allied forces. They gave little merit to their own safety or comfort and helped to slow the Japanese advance, giving Allied troops the time to reorganize and reverse Japan's progress.

Mr. Garcia credited his faith as giving him the spiritual strength to survive the three years of inhumane conditions and atrocities he faced at the hands of his captors—including the 55-mile Bataan Death March.

Mr. Garcia's dedication to his country did not waiver in the following years and he reenlisted in the Army as the Korean war escalated. He served another year before settling down in Santa Fe.

As an active member of the Veterans of Foreign Wars, a regular volunteer at the VA Hospital, and a participant in marches commemorating the Bataan

Death March, Mr. Garcia touched many lives through his continued support of fellow veterans.

For those who knew him it was evident that he was no less devoted in his personal life. He was a loving father, grandfather, and great-grandfather. For his family, it will be the times spent fishing together that they will remember and miss the most.

While Mr. Garcia was a hero to his country, he was a personal hero to two of his grandsons who followed in his footsteps and joined the military themselves.

Let us honor this hero's legacy, and all those who serve our country, by continuing Mr. Garcia's work and supporting those who have made so many sacrifices for our country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on February 18, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 514. An act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

The message also announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. HASTINGS of Florida, Ms. SLAUGHTER of New York, Mr. MCINTYRE of North Carolina, and Mr. COHEN of Tennessee.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representa-

tives to the United States Group of the NATO Parliamentary Assembly: Mr. ROSS of Arkansas, Mr. CHANDLER of Kentucky, Mr. SCOTT of Georgia, and Ms. SCHWARTZ of Pennsylvania.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROCKEFELLER) on Wednesday, February 23, 2011.

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Speaker appointed the following Member of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. DAVID SCOTT of Georgia (in lieu of Mr. AUSTIN SCOTT of Georgia).

MEASURES DISCHARGED

The following resolution was discharged from the Committee on Rules and Administration, and placed on the calendar:

S. Res. 70. An original resolution authorizing expenditures by the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1. An act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-666. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Potassium hypochlorite; Exemption from the Requirement of a Tolerance" (FRL No. 8859-5) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-667. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenoconazole;

Pesticide Tolerances" (FRL No. 8864-9) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-668. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-669. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC-670. A communication from the President of the United States, transmitting, pursuant to law, a report on the national emergency that was declared on February 25, 2011, blocking property and prohibiting certain transactions related to Libya; to the Committee on Banking, Housing, and Urban Affairs.

EC-671. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Fiduciary Duties at Federal Credit Unions; Mergers and Conversions of Insured Credit Unions" (RIN3133-AD40) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-672. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Conversions of Insured Credit Unions" (RIN3133-AD84) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-673. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-674. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination" ((44 CFR Part 67)(Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-675. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District" (FRL No. 9249-3) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-676. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard" (FRL No. 9271-9) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-677. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan for Imperial County, Kern County, and Ventura County Air Pollution Control Districts" (FRL No. 9239-6) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-678. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 9271-5) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-679. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Budget Trading Program; Technical Amendment" (FRL No. 9272-1) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-680. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Identification of Non-Hazardous Secondary Materials That Are Solid Waste" (FRL No. 9273-1) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-681. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters" (FRL No. 9272-8) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-682. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers" (FRL No. 9273-5) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC-683. A communication from the Board of Trustees, National Railroad Retirement

Investment Trust, transmitting, pursuant to law, an annual management report relative to its operations and financial condition; to the Committee on Finance.

EC-684. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs: Requirements for Long-Term Care (LTC) Facilities; Notice of Facility Closure" (RIN0938-AQ09) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Finance.

EC-685. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Children's Health Insurance Program (CHIP); Allotment Methodology and States' Fiscal Years 2009 through 2015 CHIP Allotments" (RIN0938-AP53) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Finance.

EC-686. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—March 2011" (Rev. Rul. 2011-6) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Finance.

EC-687. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Information Security Program" (RIN3072-AC40) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-688. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0018—2011-0021); to the Committee on Foreign Relations.

EC-689. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a quarterly report to Congress relative to the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on Veterans' Affairs.

EC-690. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Update to NFPA 101, Life Safety Code, for State Home Facilities" (RIN2900-AN59) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Veterans' Affairs.

EC-691. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Updating Fire Safety Standards" (RIN2900-AN57) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on Veterans' Affairs.

EC-692. A communication from the Director of Regulation Policy and Management,

Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Copayments for Medications After June 30, 2010" (RIN2900-AN65) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. Res. 79. An original resolution authorizing expenditures by the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Daniel L. Shields III, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Nominee: Daniel Luke Shields, III.

Post: Ambassador to Brunei Darussalam.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: No contributions.

2. Spouse: No contributions.

3. Children and Spouses: Sonali Eileen Saha Shields: No contributions.

4. Parents: Daniel L. Shields, Jr., Helen M. Shields: \$25, 05/08/2010, Republican Party of Pennsylvania; \$25, 10/21/2009, Republican Party of Pennsylvania; \$50, 01/31/2008, Senator John McCain; \$25, 06/18/2007, Senator, John McCain; \$25, 03/21/2007, Senator John McCain 2008; \$25, 10/12/2006, Senator Rick Santorum; \$50, 05/02/2006, Straight Talk America.

5. Grandparents: Daniel L. Shields (deceased), Agnes Shields (deceased), Leo Santry (deceased), Gertrude Santry (deceased): No contributions.

6. Brothers and Spouses: Michael A. Shields, Alison Langley, Gregory T. Shields, Amy Shields: No contributions.

7. Sisters and Spouses: Kathleen A. DeLong, Tod DeLong: No contributions.

*Pamela L. Spratlen, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Nominee Pamela L. Spratlen.

Post: Ambassador to Kyrgyzstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Dr. Thaddeus H. Spratlen and Dr. Lois Price Spratlen—please see addendum.

5. Grandparents: Ora Ferguson Price and Madison Price—deceased. Lela Spratlen and Rev. John B. Spratlen—deceased.

6. Brothers and Spouses: Khalfani Mwamba; spouse, Anita Koyier-Mwamba; Townsend Price-Spratlen.

7. Sisters and Spouses: Patricia Etem—\$250, 2/25/08, Obama for America; spouse, Richard Etem; Paula Mitchell; James Mitchell, deceased.

Federal Campaign Contribution Report—Spratlen Addendum. Political contributions of parents Thaddeus H. and Lois P. Spratlen—combination of Federal, State, Local and National contributions.

2006—amount, date, donee:

T.H. and L.P. Spratlen: \$50, 4/12/06, Democratic National Committee; \$50, 4/12/06, Dem Congressional Campaign Comm.; \$100, 5/15/06, WA State Democratic Party; \$50, 6/19/06, WA State Democratic Party; \$50, 6/19/06, Dem Congressional Campaign Comm.; \$12, 7/17/06, WA State Patrol Officers Association.

2007—T.H. and L.P. Spratlen: \$50, 1/22/07, Democratic National Committee; \$300, 2/20/07, Larry Gossett for King County Council; \$50, 3/4/07, Dem Congressional Campaign Comm.; \$100, 5/10/07, Gregoire for Governor; \$50, 6/25/07, Sally Soriano for School Board; \$200, 7/23/07, Obama for President; \$50, 7/28/07, Dem Congressional Campaign Comm.; \$150, 8/10/07, Bruce Harrell for City Council; \$50, 8/13/07, Dem Congressional Campaign Comm.; \$25, 8/14/07, WA State Law Enforcement Officers; \$200, 8/31/07, Bruce Harrell for City Council; \$300, 10/22/07, Sally Soriano for School Board; \$200, 10/24/07, David Della for City Council; \$500, 12/04/07, Obama for America; \$400, 12/24/07, Obama for America.

2008—T.H. Spratlen: \$400, 1/30/08, Obama for America; \$500, 3/24/08, Obama for America; \$1,000, 8/30/08, Obama for America; \$1,000, 10/17/08, Obama Victory Fund; \$1,000, 10/24/08, Obama for America. L.P. Spratlen: \$500, 2/25/08, Obama for America; \$1,000, 10/28/08, Obama for America. T.H. and L.P. Spratlen: \$50, 3/18/08, Democratic National Committee; \$50, 5/5/08, People for Scott White (State Senate); \$1,000, 6/3/08, Ron Sims for King County Executive; \$50, 6/19/08, Jason Osgood for Secretary of State; \$300, 8/5/08, WA Public Campaign Finance Reform.

2009—T.H. and L.P. Spratlen: \$100, 2/2/09, Democratic National Committee; \$1,000, 2/20/09, Larry Gossett for King County Council; \$100, 3/15/09, People for Nick Licata City Council; \$50, 12/5/09, 46th District Democrats.

2010—T.H. and L.P. Spratlen: \$50, 1/25/10, Adam Kline for State Senate (Dem); \$200, 5/06/10, Randy Gordon for State Senate (Dem); \$50, 6/30/10, Scott White for State Senate (Dem); \$250, 8/06/10, Patty Murray for U.S. Senate (Dem); \$100, 8/27/10, WA State Democratic Central Committee (Dem).

*Sue Kathrine Brown, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Montenegro.

Nominee: SUE KATHRINE BROWN.
Post nominated: U.S. Ambassador to Montenegro.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 0.

2. Spouse: n/a.

3. Children and Spouses: Anthony L. Brown: 0. Tisha M. Pryor: 0. Kevin A. Pryor: 0. Kenneth D. Laryea, Jr.: 0. Justin D. Laryea: 0.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: n/a.

7. Sisters and Spouses: Martha L. Blue: 0.

*David Lee Carden, of New York, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the rank of Ambassador Extraordinary and Plenipotentiary.

Nominee: David Lee Carden.

Post: U.S. Representative to ASEAN.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$500, 10/05/06, Democratic Senatorial Campaign Committee; \$1000, 10/19/06, Whitehouse for Senate; \$2300, 01/23/07, Obama for America; \$1000, 05/04/07, John Hall for Congress; \$1000, 05/05/08, Senate 2008; \$1000, 07/31/08, Hillary Clinton for President; \$5000, 10/16/08, Obama Victory Fund; \$2300, 11/03/08, Obama Victory Fund; \$2400, 09/08/09, Julie Hamos for Congress; \$1000, 09/24/09, Hodes for Senate; \$1000, 07/14/10, Democratic National Committee.

2. Spouse: Rebecca R. Riley: \$2300, 08/08/07, Obama for America; \$210, 03/24/08, Obama for America; \$236.01, 08/20/08, Obama Victory Fund; \$3, 08/29/08, Obama for America.

3. Children and Spouses: Dylan D. Carden: \$2000, 06/11/07, Obama for America. Meredith M. Carden: \$2300, 05/18/07, Obama for America.

*Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Irene Arino de la Rubia and ending with Robert Joseph Faucher, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Ms. LANDRIEU):

S. 416. A bill to develop a strategy for assisting stateless children from North Korea, and for other purposes; to the Committee on Foreign Relations.

By Mr. ENSIGN:

S. 417. A bill to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. CRAPO, Mr. INOUE, Ms. SNOWE, Mr. WYDEN, and Mr. BEGICH):

S. 418. A bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 419. A bill to authorize the Dry-Redwater Regional Water Authority System; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself, Mr. BEGICH, and Mr. JOHNSON of South Dakota):

S. 420. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mrs. HAGAN:

S. 421. A bill to amend the Energy Independence and Security Act of 2007 to require the Secretary of Energy to provide grants for lithium production research and development; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 7. A joint resolution providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 8. A joint resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. REED):

S.J. Res. 9. A joint resolution providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. CORNYN, Mr. WICKER, Ms. MURKOWSKI, Mr. BEGICH, Mr. COCHRAN, Mr. SESSIONS, and Mr. SHELBY):

S. Res. 77. A resolution expressing the sense of the Senate that domestic oil and gas resources are critical to our Nation's security and economy and the Secretary of the Interior should take immediate action to streamline the shallow and deepwater permitting process; to the Committee on Energy and Natural Resources.

By Mr. CRAPO (for himself, Mr. RISCH, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 78. A resolution relative to the death of James Albertus McClure, former United States Senator for the State of Idaho; considered and agreed to.

By Mr. KERRY:

S. Res. 79. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. BARRASSO (for himself and Mr. NELSON of Nebraska):

S. Con. Res. 7. A concurrent resolution supporting the Local Radio Freedom Act; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. BURR, Mrs. HAGAN, Mrs. GILLIBRAND, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, and Mr. LAUTENBERG):

S. Con. Res. 8. A concurrent resolution recognizing women serving in the United States Armed Forces; considered and agreed to.

ADDITIONAL COSPONSORS

S. 23

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 81

At the request of Mr. ISAKSON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 81, a bill to direct unused appropriations for Senate Official Personnel and Office Expense Accounts to

be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 104

At the request of Mr. JOHANNES, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 104, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 239

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 239, a bill to support innovation, and for other purposes.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Delaware (Mr. COONS), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 311

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 344

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from Colorado (Mr. BENNET) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

S. 359

At the request of Mr. JOHANNIS, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Missouri (Mr. BLUNT) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 374

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 374, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 388

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. COONS), the Senator from Iowa

(Mr. HARKIN), the Senator from North Carolina (Mrs. HAGAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Ms. STABENOW) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 388, a bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns.

S. 400

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 400, a bill to amend the Federal Power Act to ensure that rates and charges for electric energy are assessed in proportion to measurable reliability or economic benefit, and for other purposes.

S.J. RES. 5

At the request of Mr. LEE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 5

At the request of Mr. ROCKEFELLER, the names of the Senator from Colorado (Mr. UDALL), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Con. Res. 5, a concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest surviving United States veteran of the First World War.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 77—EXPRESSING THE SENSE OF THE SENATE THAT DOMESTIC OIL AND GAS RESOURCES ARE CRITICAL TO OUR NATION'S SECURITY AND ECONOMY AND THE SECRETARY OF THE INTERIOR SHOULD TAKE IMMEDIATE ACTION TO STREAMLINE THE SHALLOW AND DEEPWATER PERMITTING PROCESS

Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. CORNYN, Mr. WICKER, Ms. MURKOWSKI, Mr. BEGICH, Mr. COCHRAN, Mr. SESSIONS, and Mr. SHELBY) submitted the following resolution;

which was referred to the Committee on Energy and Natural Resources:

S. RES. 77

Whereas the Gulf of Mexico produces about 30 percent of oil in the United States and 10 percent of natural gas in the United States;

Whereas on May 30, 2010, the Department of the Interior enacted a deepwater moratorium which lasted until October 12, 2010;

Whereas more than 400,000 jobs across the Gulf Coast are tied to the offshore drilling industry;

Whereas in 2009, the offshore drilling industry accounted for \$70,000,000,000 in economic value and provided about \$20,000,000,000 in revenue to Federal, State, and local governments through royalties, bonuses, and tax collections;

Whereas the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling recognized the importance of the industry in a report, stating, "the development of offshore energy resources contributes substantially to local economies, supporting businesses small and large and employing tens of thousands of workers";

Whereas the Department of the Interior has issued less than 35 new shallow water permits since the shallow water moratorium was lifted and has failed to issue any new permits for deepwater exploration; and

Whereas as a result of the de facto moratorium, at least 12 rigs (shallow and deepwater) have departed the Gulf of Mexico, and more are expected to follow: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Nation's economy and security depends upon full and immediate restoration of shallow and deepwater drilling operations in the Gulf of Mexico;

(2) the long term economic health of the State of Alaska depends upon the responsible development of the oil and natural gas reserves of the Beaufort and Chukchi Seas; and

(3) the Secretary of the Interior should—

(A) streamline the review and appropriate approval of applications for both shallow and deepwater drilling permits in the Outer Continental Shelf;

(B) take immediate action to provide the shallow and deepwater industry with a completed sample application which meets all of the new safety and environmental regulations for use as a template;

(C) provide written guidance and clarification to applicants regarding new safety requirements; and

(D) provide permit applicants with timely and detailed explanations on any areas of a permit which do not satisfy new requirements.

SENATE RESOLUTION 78—RELATIVE TO THE DEATH OF JAMES ALBERTUS MCCLURE, FORMER UNITED STATES SENATOR FOR THE STATE OF IDAHO

Mr. CRAPO (for himself, Mr. RISCH, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. DEMINT,

Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. REID of Nevada, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas James A. McClure served in the United States Navy during World War II;

Whereas James A. McClure served the state of Idaho as a prosecuting attorney, a state attorney, a member of the Idaho state Senate, and as a member of the United States House of Representatives;

Whereas James A. McClure served the people of Idaho with distinction for 18 years in the United States Senate;

Whereas James A. McClure served the Senate as Chairman of the Committee on Energy and Natural Resources in the Ninety-seventh through Ninety-ninth Congresses and Chairman of the Senate Republican Conference in the Ninety-seventh and Ninety-eighth Congresses;

Whereas James A. McClure served his caucus as a founding member and Chairman of the Senate Steering Committee in the Ninety-fourth through Ninety-sixth and Ninety-ninth through One Hundredth Congresses; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James Albertus McClure, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable James Albertus McClure.

SENATE RESOLUTION 79—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. KERRY submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 79

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$4,393,404, of which amount—

(1) not to exceed \$100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$7,531,549, of which amount—

(1) not to exceed \$100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$3,138,145, of which amount—

(1) not to exceed \$100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE CONCURRENT RESOLUTION 7—SUPPORTING THE LOCAL RADIO FREEDOM ACT

Mr. BARRASSO (for himself and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 7

Whereas the United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades;

Whereas for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio, as such fee would upset the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas committees in the Senate and House of Representatives have previously reported that "the sale of many sound recordings and the careers of many performers have benefitted considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting";

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as on September 11, 2001, and during Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt businesses in the United States, and ultimately the consumers in the United States who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over the air, or on any business for such public performance of sound recordings.

SENATE CONCURRENT RESOLUTION 8—RECOGNIZING WOMEN SERVING IN THE UNITED STATES ARMED FORCES

Mrs. BOXER (for herself, Mr. BURR, Mrs. HAGAN, Mrs. GILLIBRAND, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas women have served with distinction in the United States Armed Forces since the American Revolution and have made significant and lasting contributions to the security of the United States;

Whereas in 2011, women comprise nearly 16 percent of the United States Armed Forces and serve in positions of responsibility in the active and reserve components of the Army, Marine Corps, Navy, Air Force, and Coast Guard, as compared with less than 5 percent in 1976 when women were first integrated into the service academies;

Whereas women serve at the highest levels in the Department of Defense and other governmental organizations contributing to the defense of the United States; and

Whereas the accomplishments of generations of women have contributed to the history of the United States Armed Forces and to the strength of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of women to national defense throughout the history of the United States; and

(2) encourages the people of the United States to honor women who have served and who continue to serve the United States in the United States Armed Forces.

AMENDMENTS SUBMITTED AND PROPOSED

SA 112. Mr. TOOMEY (for himself and Mr. VITTER) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform.

SA 113. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 112 proposed by Mr. TOOMEY (for himself and Mr. VITTER) to the bill S. 23, supra; which was ordered to lie on the table.

SA 114. Mr. LEAHY proposed an amendment to the bill S. 23, supra.

SA 115. Mr. LEE proposed an amendment to the bill S. 23, supra.

SA 116. Mr. BENNET (for himself and Ms. AYOTTE) proposed an amendment to the bill S. 23, supra.

SA 117. Mr. BENNET (for himself and Mr. UDALL of Colorado) proposed an amendment to the bill S. 23, supra.

TEXT OF AMENDMENTS

SA 112. Mr. TOOMEY (for himself and Mr. VITTER) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

At the appropriate place, insert the following:

SEC. _____. FULL FAITH AND CREDIT ACT.

(a) SHORT TITLE.—This section may be cited as the “Full Faith and Credit Act”.

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

SA 113. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 112 proposed by Mr. TOOMEY (for himself and Mr. VITTER) to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(c) PRIORITIZE PAYMENT OF SOCIAL SECURITY BENEFITS.—Notwithstanding subsection (b), in the event that the debt of the United States Government, as so defined, reaches the statutory limit, the authority described in subsection (b) and the authority of the Commissioner of Social Security to pay monthly old-age, survivors’, and disability insurance benefits under title II of the Social Security Act shall be given equal priority over all other obligations incurred by the Government of the United States.

SA 114. Mr. LEAHY proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 1, strike line 5, and insert the following: “‘America Invents Act’”.

On page 79, strike lines 1 through 17, and insert the following:

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

SA 115. Mr. LEE proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should pass and the States should agree to an amendment to the Constitution requiring a Federal balanced budget.

SA 116. Mr. BENNET (for himself and Ms. AYOTTE) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 86, between lines 8 and 9, insert the following:

(i) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike “(i)” and insert “(j)”.

SA 117. Mr. BENNET (for himself and Mr. UDALL or Colorado) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 104, between lines 22 and 23, insert the following:

SEC. 18. SATELLITE OFFICES.

(a) ESTABLISHMENT.—Subject to available resources, the Director shall establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) PURPOSE.—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) REQUIRED CONSIDERATIONS.—In selecting the locale of each satellite office to be established under subsection (a), the Director shall—

(1) ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office’s Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(d) PHASE-IN.—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) REPORT TO CONGRESS.—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

(f) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) PATENT AND TRADEMARK OFFICE.—The term “Patent and Trademark Office” means the United States Patent and Trademark Office.

On page 104, line 23, strike “SEC. 18.” and insert “SEC. 19.”.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, March 1, 2011, at 10 a.m., to conduct a markup of the Omnibus Budget for Senate Committees.

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 28, 2011, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that my DOD fellow, Julius Spain, Francie Powers, and Michael McLaughlin, be allowed to have floor privileges during the reading of Washington's Farewell Address.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Remy Yucel, a detailee in my office from the U.S. Patent and Trademark Office; Ron Rowe, a detailee in my office from the U.S. Secret Service; Ryika Hooshangi, a foreign affairs detailee in my office from the Department of State; LTC Jason Bartolomei, a military fellow in my office from the U.S. Air Force; Paul Williams, a detailee in my office from the Food and Drug Administration; Maureen McLaughlin, a detailee to the Senate Finance Committee from the Federal Communications Commission; and Jesse Baker, a detailee to the Senate Finance Committee from the U.S. Secret Service all be granted the privilege of the floor for the remainder of the first session of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

On Thursday, February 17, 2011, the Senate passed S. 223, as amended, as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “FAA Air Transportation Modernization and Safety Improvement Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

- Sec. 101. Operations.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. Research and development.
- Sec. 104. Airport planning and development and noise compatibility planning and programs.
- Sec. 105. Other aviation programs.
- Sec. 106. Delineation of Next Generation Air Transportation System projects.
- Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

- Sec. 201. Reform of passenger facility charge authority.
- Sec. 202. Passenger facility charge pilot program.
- Sec. 203. Amendments to grant assurances.
- Sec. 204. Government share of project costs.
- Sec. 205. Amendments to allowable costs.
- Sec. 206. Sale of private airport to public sponsor.
- Sec. 207. Government share of certain air project costs.
- Sec. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.
- Sec. 208. Miscellaneous amendments.
- Sec. 209. State block grant program.
- Sec. 210. Airport funding of special studies or reviews.
- Sec. 211. Grant eligibility for assessment of flight procedures.
- Sec. 212. Safety-critical airports.
- Sec. 213. Environmental mitigation demonstration pilot program.
- Sec. 214. Allowable project costs.
- Sec. 215. Glycol recovery vehicles.
- Sec. 216. Research improvement for aircraft.
- Sec. 217. United States Territory minimum guarantee.
- Sec. 218. Merrill Field Airport, Anchorage, Alaska.
- Sec. 219. Release from restrictions.
- Sec. 220. Designation of former military airports.
- Sec. 221. Airport sustainability planning working group.
- Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.
- Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.
- Sec. 224. Use of mineral revenue at certain airports.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

- Sec. 301. Air Traffic Control Modernization Oversight Board.

- Sec. 302. NextGen management.
 - Sec. 303. Facilitation of next generation air traffic services.
 - Sec. 304. Clarification of authority to enter into reimbursable agreements.
 - Sec. 305. Clarification to acquisition reform authority.
 - Sec. 306. Assistance to other aviation authorities.
 - Sec. 307. Presidential rank award program.
 - Sec. 308. Next generation facilities needs assessment.
 - Sec. 309. Next generation air transportation system implementation office.
 - Sec. 310. Definition of air navigation facility.
 - Sec. 311. Improved management of property inventory.
 - Sec. 312. Educational requirements.
 - Sec. 313. FAA personnel management system.
 - Sec. 314. Acceleration of NextGen technologies.
 - Sec. 315. ADS-B development and implementation.
 - Sec. 316. Equipage incentives.
 - Sec. 317. Performance metrics.
 - Sec. 318. Certification standards and resources.
 - Sec. 319. Report on funding for NextGen technology.
 - Sec. 320. Unmanned aerial systems.
 - Sec. 321. Surface Systems Program Office.
 - Sec. 322. Stakeholder coordination.
 - Sec. 323. FAA task force on air traffic control facility conditions.
 - Sec. 324. State ADS-B equipage bank pilot program.
 - Sec. 325. Implementation of Inspector General ATC recommendations.
 - Sec. 326. Semiannual report on status of Greener Skies project.
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- ### TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS
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- Sec. 401. Airline customer service commitment.
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 - Sec. 403. Expansion of DOT airline consumer complaint investigations.
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- Sec. 411. EAS connectivity program.
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 - Sec. 419. Repeal of essential air service local participation program.
 - Sec. 420. Limitation on essential air service to locations that are 90 or more miles away from the nearest medium or large hub airport.

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SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.

Sec. 432. Contract tower program.

Sec. 433. Airfares for members of the Armed Forces.

Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.

Sec. 502. Judicial review of denial of airman certificates.

Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.

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Sec. 505. FAA access to criminal history records or database systems.

Sec. 506. Pilot fatigue.

Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.

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Sec. 509. Clarification of memorandum of understanding with OSHA.

Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.

Sec. 511. Improved safety information.

Sec. 512. Voluntary disclosure reporting process improvements.

Sec. 513. Procedural improvements for inspections.

Sec. 514. Independent review of safety issues.

Sec. 515. National review team.

Sec. 516. FAA Academy improvements.

Sec. 517. Reduction of runway incursions and operational errors.

Sec. 518. Aviation safety whistleblower investigation office.

Sec. 519. Modification of customer service initiative.

Sec. 520. Headquarters review of air transportation oversight system database.

Sec. 521. Inspection of foreign repair stations.

Sec. 522. Non-certificated maintenance providers.

Sec. 523. Use of explosive pest control devices.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. FAA pilot records database.

Sec. 552. Air carrier safety management systems.

Sec. 553. Secretary of Transportation responses to safety recommendations.

Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.

Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.

Sec. 556. Flightcrew member mentoring, professional development, and leadership.

Sec. 557. Flightcrew member screening and qualifications.

Sec. 558. Prohibition on personal use of certain devices on flight deck.

Sec. 559. Safety inspections of regional air carriers.

Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.

Sec. 561. Oversight of pilot training schools.

Sec. 562. Enhanced training for flight attendants and gate agents.

Sec. 563. Definitions.

Sec. 564. Study of air quality in aircraft cabins.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.

Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.

Sec. 603. Production of alternative fuel technology for civilian aircraft.

Sec. 604. Production of clean coal fuel technology for civilian aircraft.

Sec. 605. Research program to improve airfield pavements.

Sec. 606. Wake turbulence, volcanic ash, and weather research.

Sec. 607. Incorporation of unmanned aircraft systems into FAA plans and policies.

Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.

Sec. 609. Pilot program for zero emission airport vehicles.

Sec. 610. Reduction of emissions from airport power sources.

Sec. 611. Siting of windfarms near FAA navigational aides and other assets.

Sec. 612. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.

Sec. 702. Human intervention management study.

Sec. 703. Airport program modifications.

Sec. 704. Miscellaneous program extensions.

Sec. 705. Extension of competitive access reports.

Sec. 706. Update on overflights.

Sec. 707. Technical corrections.

Sec. 708. FAA technical training and staffing.

Sec. 709. Commercial air tour operators in national parks.

Sec. 710. Phaseout of Stage 1 and 2 aircraft.

Sec. 711. Weight restrictions at Teterboro Airport.

Sec. 712. Pilot program for redevelopment of airport properties.

Sec. 713. Transporting musical instruments.

Sec. 714. Recycling plans for airports.

Sec. 715. Disadvantaged Business Enterprise Program adjustments.

Sec. 716. Front line manager staffing.

Sec. 717. Study of helicopter and fixed wing air ambulance services.

Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.

Sec. 719. Study of aeronautical mobile telemetry.

Sec. 720. Flightcrew member pairing and crew resource management techniques.

Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.

Sec. 722. Line check evaluations.

Sec. 723. Report on Newark Liberty Airport air traffic control tower.

Sec. 724. Priority review of construction projects in cold weather States.

Sec. 725. Air-rail codeshare study.

Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.

Sec. 727. Study on aviation fuel prices.

Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.

Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.

Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.

Sec. 731. Technical correction.

Sec. 732. Plan for flying scientific instruments on commercial flights.

Sec. 733. Prohibition against aiming a laser pointer at an aircraft.

Sec. 734. Criminal penalty for unauthorized recording or distribution of security screening images.

Sec. 735. Approval of applications for the security screening opt-out program.

Sec. 736. Conveyance of land to city of Mesquite, Nevada.

Sec. 737. Ronald Reagan Washington National Airport Slots.

Sec. 738. Orphan Earmarks Act.

Sec. 739. Privacy protections for aircraft passenger screening with advanced imaging technology.

Sec. 740. Controlling helicopter noise pollution in residential areas.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

Sec. 800. Amendment of 1986 code.

Sec. 801. Extension of taxes funding airport and airway trust fund.

Sec. 802. Extension of airport and airway trust fund expenditure authority.

Sec. 803. Modification of excise tax on kerosene used in aviation.

Sec. 804. Air traffic control system modernization account.

Sec. 805. Treatment of fractional aircraft ownership programs.

Sec. 806. Termination of exemption for small jet aircraft on nonestablished lines.

Sec. 807. Transparency in passenger tax disclosures.

Sec. 808. Tax-exempt bond financing for fixed-wing emergency medical aircraft.

Sec. 809. Protection of Airport and Airway Trust Fund solvency.

Sec. 810. Rollover of amounts received in airline carrier bankruptcy.

Sec. 811. Application of levy to payments to Federal vendors relating to property.

Sec. 812. Modification of control definition for purposes of section 249.

TITLE IX—BUDGETARY EFFECTS

Sec. 901. Budgetary effects.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

Sec. 1001. Definition.

Sec. 1002. Rescission.

Sec. 1003. Agency wide identification and reports.

TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

Sec. 1101. Repeal of expansion of information reporting requirements.

TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS

Subtitle A—Emergency Medical Service Providers Protection

Sec. 1201. Dale Long Emergency Medical Service Providers Protection Act.

Subtitle B—Liability Protection

Sec. 1211. Short title.

Sec. 1212. Findings and purpose.

Sec. 1213. Liability protection for volunteer pilots that fly for public benefit.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

- “(A) \$9,336,000,000 for fiscal year 2010; and
“(B) \$9,620,000,000 for fiscal year 2011.”.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) \$3,500,000,000 for fiscal year 2010, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

“(2) \$3,600,000,000 for fiscal year 2011, of which \$500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.”.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

- “(1) \$200,000,000 for fiscal year 2010.
“(2) \$206,000,000 for fiscal year 2011.”;

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

“(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

“(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

“(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

“(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

“(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.”.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

- “(1) \$4,000,000,000 for fiscal year 2010; and
“(2) \$4,100,000,000 for fiscal year 2011.”.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking “2007” in subsection (a)(1)(A) and inserting “2011”;

(2) by striking “2007,” in subsection (a)(2) and inserting “2011.”; and

(3) by striking “2007” in subsection (c)(2) and inserting “2011”.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking “and” after the semicolon in paragraph (3);

(2) by striking “defense.” in paragraph (4) and inserting “defense; and”; and

(3) by adding at the end thereof the following:

“(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.”.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

“§ 48105. Airport programs administrative expenses

“Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

- “(1) for fiscal year 2010, \$94,000,000; and
“(2) for fiscal year 2011, \$98,000,000.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses”.

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Administrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

“(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

“(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency’s passenger facility charge program, including—

“(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

“(B) the total amount of program revenue collected by the agency during the period covered by the report;

“(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

“(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

“(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

“(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

“(G) any other information on the program that the Secretary may require.

“(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

“(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

“(i) that the eligible agency provide to air carriers and foreign air carriers operating at

the airport written notice of the planned collection and use of passenger facility charge revenue;

“(ii) that the notice include a full description and justification for a proposed project;

“(iii) that the notice include a detailed financial plan for the proposed project; and

“(iv) that the notice include the proposed level for the passenger facility charge.

“(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term ‘significant business interest’ means an air carrier or foreign air carrier that—

“(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

“(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

“(iii) provides scheduled service at the airport.

“(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

“(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

“(4) PUBLIC NOTICE AND COMMENT.—

“(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

“(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

“(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

“(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency’s Internet website; and

“(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

“(5) OBJECTIONS.—

“(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

“(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

“(C) Not later than 90 days after receiving the eligible agency’s response to a filed objection, the Secretary shall make a determination whether or not to terminate au-

thority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

“(i) the project is not an eligible airport related project;

“(ii) the eligible agency has not complied with the requirements of this section or the Secretary’s implementing regulations in proposing the project;

“(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

“(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

“(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

“(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

“(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

“(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

“(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

“(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

“(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking “FEE” in the heading for paragraph (5) and inserting “CHARGE”; and

(ii) by striking “fee” each place it appears in paragraphs (5) and (6) and inserting “charge”.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking “fee” or “fees” each place either appears and inserting “charge” or “charges”, respectively; and

(ii) by striking “FEE” in the subsection caption for subsection (l), and “FEES” in the subsection captions for subsections (e) and (m), and inserting “CHARGE” and “CHARGES”, respectively.

(C) The caption for section 40117 is amended to read as follows:

“§ 40117. Passenger facility charges”.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

“40117. Passenger facility charges”.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking “subsection (c) of this section to finance a specific” and inserting “subsection (c)(6) of this section to finance an intermodal ground access”; and

(B) by striking “specific” in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

“(2) the project is an eligible airport-related project; and”; and

(D) by striking “each of the specific projects; and” in paragraph (3) and inserting “the project.”; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: “(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.”.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking “long-term”.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) The Secretary may, on complaint of an interested person or on the Secretary’s own initiative, conduct an investigation into an eligible agency’s collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.”.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking “(c)(2)” in paragraph (2) and inserting “(c)(3)”; and

(B) by striking “October 1, 2009.” in paragraph (7) and inserting “the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.”.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking “sponsor” the second place it appears in the first sentence and all that follows and inserting “sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.”.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

“(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not

more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

“(2) COLLECTION REQUIREMENTS.—

“(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

“(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

“(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

“(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.”

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCs.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking “made,” in subsection (a)(16)(D)(ii) and inserting “made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;”;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “purpose,” and inserting the following: “purpose, which includes serving as noise buffer land that may be—

“(I) undeveloped; or

“(II) developed in a way that is compatible with using the land for noise buffering purposes;”;

(ii) in subparagraph (B)(iii), by striking “paid to the Secretary for deposit in the Fund if another eligible project does not exist.” and inserting “reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.”;

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

“(3)(A) A lease by an airport owner or operator of land acquired for a noise compat-

ibility purpose using a grant provided under this subchapter shall not be considered a disposal for purposes of paragraph (2).

“(B) The airport owner or operator may use revenues from a lease described in subparagraph (A) for capital purposes.

“(C) The Administrator of the Federal Aviation Administration shall coordinate with each airport owner or operator to ensure that leases described in subparagraph (A) are consistent with noise buffering purposes.

“(D) The provisions of this paragraph apply to all land acquired before, on, or after the date of the enactment of this paragraph.

“(4) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

“(i) reinvestment in an approved noise compatibility project;

“(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

“(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

“(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

“(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).”

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) **FEDERAL SHARE.—**Section 47109 is amended—

(1) by striking “subsection (b) or subsection (c)” in subsection (a) and inserting “subsection (b), (c), or (e)”; and

(2) by adding at the end the following:

“(e) **SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—**If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.”

(b) **TRANSITIONING AIRPORTS.—**Section 47114(f)(3)(B) is amended by striking “year 2004.” and inserting “years 2010 and 2011.”

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

“(d) **RELOCATION OF AIRPORT-OWNED FACILITIES.—**The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

“(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

“(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

“(3) the Secretary determines that the change is beyond the control of the airport sponsor.”;

(2) by striking “facilities, including fuel farms and hangars,” in subsection (h) and inserting “facilities, as defined by section 47102.”; and

(3) by adding at the end the following:

“(i) **BIRD-DETECTING RADAR SYSTEMS.—**Within 180 days after the date of enactment of the FAA Air Transportation Moderniza-

tion and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made.”

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting “(1)” before “Subsection”; and

(3) by adding at the end thereof the following:

“(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

“(A) the sale is approved by the Secretary;

“(B) funding is provided under this title for the public sponsor's acquisition; and

“(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

“(3) This subsection shall apply to grants issued on or after October 1, 1996.”

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY CHARGES TO CONSTRUCT BICYCLE STORAGE FACILITIES.

Section 40117(a)(3) is amended—

(1) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii);

(2) by striking “The term” and inserting the following:

“(A) **IN GENERAL.—**The term”; and

(3) by adding at the end the following:

“(B) **BICYCLE STORAGE FACILITIES.—**A project to construct a bicycle storage facility may not be considered an eligible airport-related project.”

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) **TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—**Section 47103 is amended—

(1) by striking “each airport to—” in subsection (a) and inserting “the airport system to—”;

(2) by striking “system in the particular area,” in subsection (a)(1) and inserting “system, including connection to the surface transportation network; and”;

(3) by striking “aeronautics; and” in subsection (a)(2) and inserting “aeronautics.”;

(4) by striking subsection (a)(3);

(5) by inserting “and” after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking “operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,” in subsection (b)(2), as redesignated, and inserting “operations”; and

(8) by striking “status of the” in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking “separated from” in paragraph (1)(B) and inserting “discharged or released from active duty in”; and

(2) by adding at the end of paragraph (1) the following:

“(C) ‘Afghanistan-Iraq war veteran’ means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.”;

(3) by striking “veterans and” in paragraph (2) and inserting “veterans, Afghanistan-Iraq war veterans, and”; and

(4) by adding at the end the following:

“(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.”.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking “April 1” and inserting “June 1”; and

(2) by striking paragraphs (1) through (4) and inserting the following:

“(1) a summary of airport development and planning completed;

“(2) a summary of individual grants issued;

“(3) an accounting of discretionary and apportioned funds allocated; and

“(4) the allocation of appropriations; and”.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking “47102(3)(F),” in subsection (a);

(2) by striking “47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140” in subsection (b) and inserting “47102(3)(K) or 47102(3)(L);” and

(3) by striking “40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140,” in subsection (b) and inserting “40117(a)(3)(G), 47102(3)(K), or 47102(3)(L);” and

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking “(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)).”.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking “Airport Capacity Benchmark Report 2001.” in paragraph (2) and inserting “2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report.”; and

(2) by adding at the end thereof the following:

“(7) JOINT USE AIRPORT.—The term ‘joint use airport’ means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.”.

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking “35 percent” in the first sentence and inserting “\$300,000,000”; and

(2) by striking “and” after “47141.”;

(3) by striking “et seq.” and inserting “et seq.”, and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.”; and

(4) by striking “such 35 percent requirement is” in the second sentence and inserting “the requirements of the preceding sentence are”.

(i) USE OF PREVIOUS FISCAL YEAR’S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking “and” after the semicolon in subparagraph (E)(ii);

(2) by striking “airport.” in subparagraph (E)(iii) and inserting “airport; and”; and

(3) by adding at the end of subparagraph (E) the following:

“(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.”;

(4) in subparagraph (G)—

(A) by striking “FISCAL YEAR 2006” in the heading and inserting “FISCAL YEARS 2008 THROUGH 2011”; and

(B) by striking “fiscal year 2006” and inserting “fiscal years 2008 through 2011”; and

(C) by striking clause (i) and inserting the following:

“(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;”;

(D) by striking “2000 or 2001;” in clause (ii) and inserting “2003;”;

(5) by adding at the end thereof the following:

“(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.”.

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

“(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.”.

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking “of—” and all that follows and inserting “of \$520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.”.

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking “regulations” each place it appears in subsection (a) and inserting “guidance”; and

(2) by striking “grant;” in subsection (b)(4) and inserting “grant, including Federal environmental requirements or an agreed upon equivalent;”;

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

“(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.”; and

(4) by adding at the end the following:

“(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).”.

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking “project,” and inserting “project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.”.

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

“(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

“(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

“(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.”.

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking “or” after the semicolon in paragraph (1);

(2) by striking “delays.” in paragraph (2) and inserting “delays; or”; and

(3) by adding at the end the following:

“(3) be critical to the safety of commercial, military, or general aviation in transoceanic flights.”.

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

“§ 47143. Environmental mitigation demonstration pilot program

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

“(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

“(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

“(2) will be implemented by an eligible consortium.

“(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

“(e) MAXIMUM AMOUNT.—Not more than \$2,500,000 may be made available by the Secretary in funds under this section for any single project.

“(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

“(g) DEFINITIONS.—In this section:

“(1) ELIGIBLE CONSORTIUM.—The term ‘eligible consortium’ means a consortium that comprises 2 or more of the following entities:

“(A) Businesses operating in the United States.

“(B) Public or private educational or research organizations located in the United States.

“(C) Entities of State or local governments in the United States.

“(D) Federal laboratories.

“(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ‘environmental mitigation demonstration project’ means a project that—

“(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

“(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

“(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

“(i) practical to implement at or near multiple public use airports; and

“(ii) capable of reducing noise, airport emissions, or water quality impacts in measurable significant amounts.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

“47143. Environmental mitigation demonstration pilot program”.

SECTION 214. ALLOWABLE PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

“(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

“(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

“(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement, including submission of a complete grant application to the appropriate regional or district office of the Federal Aviation Administration;

“(iii) the sponsor notifies the Secretary before authorizing work to commence on the project;

“(iv) the sponsor has an alternative funding source available to fund the project; and

“(v) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds.”

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting “including acquiring glycol recovery vehicles,” after “aircraft.”

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking “and” after the semicolon in paragraph (6);

(2) by striking “aircraft.” in paragraph (7) and inserting “aircraft; and”; and

(3) by adding at the end thereof the following:

“(8) to conduct research to support programs designed to reduce gases and particulates emitted.”

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting “AND ANY UNITED STATES TERRITORY” after “ALASKA” in the subsection heading; and

(2) by adding at the end thereof the following:

“(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.”

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as

Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 219. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

(c) ADDITIONAL RELEASE FROM RESTRICTIONS.—

(1) IN GENERAL.—In addition to any release granted under subsection (a), the Secretary of Transportation may, subject to paragraph (2), grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance numbered 30-82-0048 and dated August 4, 1982, under which the United States conveyed certain land to Doña Ana County, New Mexico, for airport purposes.

(2) CONDITIONS.—Any release granted by the Secretary under paragraph (1) shall be subject to the following conditions:

(A) The County shall agree that in conveying any interest in the land that the United States conveyed to the County by the deed described in paragraph (1), the County shall receive an amount for the interest that is equal to the fair market value.

(B) Any amount received by the County for the conveyance shall be used by the County for the development, improvement, operation, or maintenance of the airport.

SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking “one” and inserting “three” in its place.

SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator;

(2) 5 member organizations representing aviation interests including:

(A) an organization representing airport operators;

(B) an organization representing airport employees;

(C) an organization representing air carriers;

(D) an organization representing airport development and operations experts;

(E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include:

(A) at least one from each of the FAA Regions;

(B) at least 1 large hub;

(C) at least 1 medium hub;

(D) at least 1 small hub;

(E) at least 1 non hub;

(F) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings;

(4) examine and submit recommendations for the industry's next steps with regard to sustainability.

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operations of airports.

(h) No funds may be authorized to carry out this provision.

SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking “; and” and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by

expected savings over the lifecycle of the project.”.

SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) REPORT CONTENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIRPORTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) GENERAL AVIATION AIRPORT.—The term “general aviation airport” means an airport that does not receive scheduled passenger aircraft service.

(b) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) may declare certain revenue derived from or generated by mineral extraction, production, lease or other means at any general aviation airport to be revenue greater than the amount needed to carry out the 5-year projected maintenance needs of the airport in order to comply with the applicable design and safety standards of the Federal Aviation Administration.

(c) USE OF REVENUE.—An airport sponsor that is in compliance with the conditions under subsection (d) may allocate revenue identified by the Administrator under subsection (b) for Federal, State, or local transportation infrastructure projects carried out by the airport sponsor or by a governing body within the geographical limits of the airport sponsor's jurisdiction.

(d) CONDITIONS.—An airport sponsor may not allocate revenue identified by the Administrator under subsection (b) unless the airport sponsor—

(1) enters into a written agreement with the Administrator that sets forth a 5-year capital improvement program for the airport, which—

(A) includes the projected costs for the operation, maintenance, and capacity needs of the airport in order to comply with applicable design and safety standards of the Federal Aviation Administration; and

(B) appropriately adjusts such costs to account for inflation;

(2) agrees in writing—

(A) to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under section 47114 or 47115 of title 49, United States Code, during the 5-year period of the capital improvement plan described in paragraph (1);

(B) to perpetually comply with sections 47107(b) and 47133 of such title, unless granted specific exceptions by the Administrator in accordance with this section; and

(C) to operate the airport as a public-use airport, unless the Administrator specifically grants a request to allow the airport to close; and

(3) complies with all grant assurance obligations in effect as of the date of the enactment of this Act during the 20-year period beginning on the date of enactment of this Act;

(e) COMPLETION OF DETERMINATION.—Not later than 90 days after receiving an airport sponsor's application and requisite supporting documentation to declare that certain mineral revenue is not needed to carry out the 5-year capital improvement program at such airport, the Administrator shall determine whether the airport sponsor's request should be granted. The Administrator may not unreasonably deny an application under this subsection.

(f) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

“(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

“(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

“(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

“(A) the Administrator and a representative from the Department of Defense;

“(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

“(C) 6 members representing aviation interests, as follows:

“(i) 1 representative that is the chief executive officer of an airport.

“(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

“(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

“(iv) 1 representative with extensive operational experience in the general aviation community.

“(v) 1 representative from an aircraft manufacturer.

“(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

“(3) APPOINTMENT AND QUALIFICATIONS.—

“(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

“(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

“(i) management of large service organizations;

“(ii) customer service;

“(iii) management of large procurements;

“(iv) information and communications technology;

“(v) organizational development; and

“(vi) labor relations.

“(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

“(i) 2 shall be appointed for terms of 1 year;

“(ii) 1 shall be appointed for a term of 2 years;

“(iii) 1 shall be appointed for a term of 3 years; and

“(iv) 1 shall be appointed for a term of 4 years.

“(4) FUNCTIONS.—

“(A) IN GENERAL.—The Board shall—

“(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

“(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

“(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

“(iv) approve procurements of air traffic control equipment in excess of \$100,000,000;

“(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

“(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

“(vii) annually review and make recommendations on the NextGen Implementation Plan;

“(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

“(ix) approve the selection of the head of the Joint Planning and Development Office.

“(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

“(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and

personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

“(6) ADMINISTRATIVE MATTERS.—

“(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

“(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

“(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

“(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

“(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

“(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

“(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

“(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

“(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

“(II) to affect any other right or remedy against the United States under applicable law; or

“(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

“(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

“(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

“(ii) does not engage in another business related to aviation or aeronautics; and

“(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

“(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

“(I) COMPENSATION.—No member shall receive any compensation or other benefits from the Federal Government for serving on

the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

“(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

“(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

“(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term ‘air traffic control system’ has the meaning given that term in section 40102(a).”

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

“(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

“(A) promote the safety of life and property;

“(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

“(C) encourage competition and provide services to the largest feasible number of users; and

“(D) take into account the unique role served by general aviation.”.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking “without” in the last sentence and inserting “with or without”.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting “and” after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting “(whether public or private)” in paragraph (1) after “authorities”;

(2) by striking “safety.” in paragraph (1) and inserting “safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.”; and

(3) by striking “appropriation from which expenses were incurred in providing such services.” in paragraph (3) and inserting “appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.”.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (G);

(2) by striking “Board.” in subparagraph (H) and inserting “Board; and”; and

(3) by inserting at the end the following new subparagraph:

“(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

“(i) for purposes of applying such provisions to the personnel management system—

“(I) the term ‘agency’ means the Department of Transportation;

“(II) the term ‘senior executive’ means a Federal Aviation Administration executive;

“(III) the term ‘career appointee’ means a Federal Aviation Administration career executive; and

“(IV) the term ‘senior career employee’ means a Federal Aviation Administration career senior professional;

“(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

“(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.”.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) **FAA CRITERIA FOR FACILITIES REALIGNMENT.**—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator’s recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) **REALIGNMENT RECOMMENDATIONS.**—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) **STUDY BY BOARD.**—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator’s recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) **REVIEW AND RECOMMENDATIONS.**—

(1) Based on its review and analysis of the Administrator’s recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board’s recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) **REALIGNMENT DEFINED.**—In this section, the term “realignment”—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decoupling, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) **IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.**—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting “strategic and cross-agency” after “manage” in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) “The office shall be headed by a Director,

who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.”;

(3) by inserting “(A)” after “(3)” in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

“(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

“(i) carrying out the Department or agency’s Next Generation Air Transportation System implementation activities with the Office;

“(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

“(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

“(C) The head of any such Department or agency shall ensure that—

“(i) the Department’s or agency’s Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

“(ii) the performance of supervisory personnel in that office in carrying out the Department’s or agency’s Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

“(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

“(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

“(II) the budgetary and staff resources committed to the project.

“(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency’s budget request.”;

(5) by striking “beyond those currently included in the Federal Aviation Administration’s operational evolution plan” in subsection (b);

(6) by striking “research and development roadmap” in subsection (b)(3) and inserting “implementation plan”;

(7) by striking “and” after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

“(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and”;

(9) by inserting “and key technologies” after “concepts” in subsection (b)(4);

(10) by striking “users” in subsection (b)(4) and inserting “users, an implementation plan,”;

(11) by adding at the end of subsection (b) the following:

“Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.”; and

(12) by striking “2010.” in subsection (e) and inserting “2011.”.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking “Secretary.” and inserting “Secretary and shall meet at least once each quarter.”.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) runway lighting and airport surface visual and other navigation aids;”;

(2) by striking “weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and” in subparagraph (C) and inserting “aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;”;

(3) by striking “another structure” in subparagraph (D) and inserting “any structure, equipment,”;

(4) by striking “aircraft,” in subparagraph (D) and inserting “aircraft; and”; and

(5) by adding at the end the following:

“(E) buildings, equipment, and systems dedicated to the National Airspace System.”.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking “compensation; and” and inserting “compensation, and the amount received may be credited to the appropriation current when the amount is received; and”.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

“(2) DISPUTE RESOLUTION.—

“(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

“(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by as-

serting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

“(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

“(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.”.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and third parties that have received letters of qualification from the Administration to design and validate required navigation performance flight paths for public use (in this section referred to as “qualified third parties”) that includes the following:

(A) RNP OPERATIONS.—A list of required navigation performance procedures (as defined in FAA order 8260.52(d)) to be developed, certified, and published, and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 137 small, medium, and large hub airports. The Administrator shall clearly identify each required navigation performance operation that is an overlay of an existing instrument flight procedure.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and

operational changes and approvals required to coordinate and to utilize those procedures at each of the airports in subparagraph (A).

(C) IMPLEMENTATION PLAN.—A plan for implementation of those procedures that establishes—

(i) clearly defined budget, schedule, project organization, environmental, and leadership requirements;

(ii) specific implementation and transition steps;

(iii) coordination and communications mechanisms with qualified third parties;

(iv) specific procedures for engaging the appropriate Administration employee groups to ensure that human factors, training and other issues surrounding the adoption of required navigation performance procedures in the en route and terminal environments are addressed;

(v) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System;

(vi) outcome-based performance metrics to measure progress in implementing RNP procedures that reduce fuel burn and emissions;

(vii) a description of the software and database information, such as a current version of the Noise Integrated Routing System or the Integrated Noise Model that the Administration will need to make available to qualified third parties to enable those third parties to design procedures that will meet the broad range of requirements of the Administration;

(viii) lifecycle management for RNP procedures; and

(ix) an expedited validation process that allows an air carrier using a RNP procedure validated by the Administrator at an airport for a specific model of aircraft and equipment to transfer all of the information associated with the use of that procedure to another air carrier for use at the same airport for the same model of aircraft and equipment.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) OTHER AIRPORTS.—

(1) IN GENERAL.—Within one year after the date of enactment of this Act, the Administration shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, aircraft and avionics manufacturers, and qualified third parties, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation, with priority given to those airports where procedures developed, certified, and published under this section will provide the greatest benefits in terms of safety, capacity, fuel burn, and emissions.

(2) SURVEYING OBSTACLES SURROUNDING REGIONAL AIRPORTS.—Not later than 1 year after the date of enactment of that Act, the Administrator, in consultation with the State secretaries of transportation and state, shall identify options and funding mechanisms for surveying obstacles in areas around airports such that can be used as an input to future RNP procedures.

(3) **IMPLEMENTATION SCHEDULE.**—The Administration shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports within 18 months after the date of enactment of this Act;

(B) 50 percent of the procedures at such other airports within 30 months after the date of enactment of this Act;

(C) 75 percent of the procedures at such other airports within 42 months after the date of enactment of this Act; and

(D) 100 percent of the procedures before January 1, 2016.

(c) **ESTABLISHMENT OF PRIORITIES.**—The Administration shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance procedures based on their potential safety, efficiency, and congestion benefits.

(d) **COORDINATED AND EXPEDITED REVIEW.**—Required Navigation Performance and other performance-based navigation procedures developed, certified, published, and implemented under this section that will measurably reduce aircraft emissions and result in an absolute reduction or no net increase in noise levels shall be presumed to have no significant environmental impact and the Administrator shall issue and file a categorical exclusion for such procedures.

(e) **DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.**—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) **IMPROVED PERFORMANCE STANDARDS.**—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS-B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS-B DEVELOPMENT AND IMPLEMENTATION.

(a) **IN GENERAL.**—

(1) **REPORT REQUIRED.**—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representa-

tives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS-B ground station installation goals;

(B) a transition plan for ADS-B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS-B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) **IDENTIFICATION AND MEASUREMENT OF BENEFITS.**—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users, small and medium-sized airports, and general aviation users from deployment of ADS-B and provide an explanation of the metrics used to quantify those benefits.

(b) **RULEMAKINGS.**—

(1) **ADS-B OUT.**—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA-2007-29305; Notice No. 07-15; 72 FR 56947) to issue guidelines and regulations for ADS-B Out technology that—

(i) identify the ADS-B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS-B Out technology not addressed in the initial rulemaking.

(2) **ADS-B IN.**—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS-B In technology that—

(A) identify the ADS-B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) **READINESS VERIFICATION.**—Before the date on which all aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) **USES.**—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS-B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS-B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS-B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

(d) **CONDITIONAL EXTENSION OF DEADLINES FOR EQUIPPING AIRCRAFT WITH ADS-B TECHNOLOGY.**—

(1) **ADS-B OUT.**—In the case that the Administrator fails to complete the initial rulemaking described in subparagraph (A) of subsection (b)(1) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in clause (ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) **ADS-B IN.**—In the case that the Administrator fails to initiate the rulemaking required by paragraph (2) of subsection (b) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rulemaking.

SEC. 316. EQUIPAGE INCENTIVES.

(a) **IN GENERAL.**—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS-B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) **DEADLINE.**—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS-B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) **IN GENERAL.**—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

- (3) fuel burned between key city pairs;
- (4) operations using the advanced procedures implemented under section 314 of this Act;
- (5) average distance flown between key city pairs;
- (6) time between pushing back from the gate and taking off;
- (7) uninterrupted climb or descent;
- (8) average gate arrival delay for all arrivals;
- (9) flown versus filed flight times for key city pairs; and
- (10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) **OPTIMAL BASELINES.**—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) **PUBLICATION.**—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) **ANNUAL PROGRESS REPORT.**—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipment, installation of equipment, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) **CERTIFICATION INTEGRITY.**—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes; and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop—

(A) air traffic requirements for all unmanned aerial systems at the test sites; and

(B) certification and flight standards for nonmilitary unmanned aerial systems at the test sites;

(4) dedicates funding for unmanned aerial systems research and development relating to—

(A) air traffic requirements; and

(B) certification and flight standards for nonmilitary unmanned aerial systems in the National Airspace System;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and nonmilitary unmanned aerial system operations;

(7) ensures that the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for integration into the National Airspace System of safety standards and navigation procedures validated—

(A) under the pilot project created pursuant to paragraph (1); or

(B) through other related research and development activities carried out pursuant to paragraph (4).

(b) **SELECTION OF TEST SITES.**—

(1) **INCREASED NUMBER OF TEST SITES; DEADLINE FOR PILOT PROJECT.**—Notwithstanding subsection (a)(1), the plan developed under subsection (a) shall include a pilot project to integrate unmanned aerial systems into the National Airspace System at 6 test sites in the National Airspace System by December 31, 2012.

(2) **TEST SITE CRITERIA.**—The Administrator of the Federal Aviation Administration shall take into consideration geographical and climate diversity and appropriate facilities in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

(c) **CERTIFICATION AND FLIGHT STANDARDS FOR MILITARY UNMANNED AERIAL SYSTEMS.**—The Secretary of Defense shall establish a process to develop certification and flight standards for military unmanned aerial systems at the test sites referred to in subsection (a)(1).

(d) **CERTIFICATION PROCESS.**—The Administrator of the Federal Aviation Administration shall expedite the approval process for requests for certificates of authorization at test sites referred to in subsection (a)(1).

(e) **REPORT ON SYSTEMS AND DETECTION TECHNIQUES.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aerial vehicles and to validate sensor integration and operation of unmanned aerial systems.

SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.

(a) **IN GENERAL.**—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) **EXPEDITED CERTIFICATION AND UTILIZATION.**—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 322. STAKEHOLDER COORDINATION.

(a) **IN GENERAL.**—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) **PARTICIPATION.**—

(1) **BARGAINING OBLIGATIONS AND RIGHTS.**—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) **CAPACITY AND COMPENSATION.**—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) **REPORT.**—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) **ESTABLISHMENT.**—The Administrator shall establish a special task force to be known as the “FAA Task Force on Air Traffic Control Facility Conditions”.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) **QUALIFICATIONS.**—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, “sick building syndrome,” and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) **TERMS.**—Members shall be appointed for the life of the Task Force.

(4) **VACANCIES.**—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) **TRAVEL EXPENSES.**—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) **CHAIRPERSON.**—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) **TASK FORCE PERSONNEL MATTERS.**—

(1) **STAFF.**—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) **OTHER STAFF AND SUPPORT.**—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) **OBTAINING OFFICIAL DATA.**—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) **DUTIES.**—

(1) **STUDY.**—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees’ ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) **FACILITY CONDITION INDICES.**—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) **RECOMMENDATIONS.**—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) **REPORT.**—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) **IMPLEMENTATION.**—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) **TERMINATION.**—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) **APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 324. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) **IN GENERAL.**—

(1) **COOPERATIVE AGREEMENTS.**—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States

for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) **FUNDING.**—

(1) **SEPARATE ACCOUNT.**—An ADS-B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) **AUTHORIZATION.**—There are authorized to be appropriated to the Secretary \$25,000,000 for each of fiscal years 2010 through 2014.

(c) **FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.**—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) **QUALIFYING PROJECTS.**—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B and related avionics equipage.

(e) **REQUIREMENTS.**—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the

Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) STAFFING ANALYSES AND REPORTS.—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress, the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

SEC. 327. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term “Administration” means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(3) NEXTGEN.—The term “NextGen” means the Next Generation Air Transportation System.

(4) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) FUNDING INSTRUMENT.—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

“§ 41781. Air carrier and airport contingency plans for long on-board tarmac delays

“(a) DEFINITION OF TARMAC DELAY.—The term ‘tarmac delay’ means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

“(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

“(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

“(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

“(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

“(A) adequate food and potable water;

“(B) adequate restroom facilities;

“(C) cabin ventilation and comfortable cabin temperatures; and

“(D) access to necessary medical treatment.

“(2) RIGHT TO DEPLANE.—

“(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

“(B) DELAYS.—

“(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

“(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

“(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

“(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

“(iii) EXCEPTIONS.—This subparagraph shall not apply if—

“(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

“(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

“(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

“(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

“(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

“(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

“(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

“(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.

“(g) APPROVAL.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

“(A) review the initial contingency plans submitted under subsection (b); and

“(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

“(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

“(A) review the plan; and

“(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

“(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

“(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

“(1) including the plan on the Internet Web site of the carrier or airport; or

“(2) disseminating the plan by other means, as determined by the Secretary.

“§ 41782. Air passenger complaints hotline and information

“(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

“(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).”

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

“SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE
“41781. Air carrier and airport contingency plans for long on-board tarmac delays
“41782. Air passenger complaints hotline and information”

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

“(f) CHRONICALLY DELAYED FLIGHTS.—
“(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

“(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

“(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

“(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

“(A) The on-time performance for the flight if the flight is a chronically delayed flight.

“(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

“(3) DEFINITIONS.—In this subsection:

“(A) CHRONICALLY DELAYED FLIGHT.—The term ‘chronically delayed flight’ means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

“(B) CHRONICALLY CANCELED FLIGHT.—The term ‘chronically canceled flight’ means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

- (1) flight cancellations;
- (2) compliance with Federal regulations concerning overbooking seats flights;
- (3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

- (1) air carriers;
- (2) airport operators;
- (3) State or local governments who has expertise in consumer protection matters; and
- (4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

- (1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and
- (2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

- (1) the recommendations made by the advisory committee during the preceding calendar year; and
- (2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rule-making that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to

make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

(1) checked baggage or oversized or heavy baggage;

(2) meals, beverages, or other refreshments;

(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;

(4) purchasing tickets from an airline ticket agent or a travel agency; or

(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

“(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

“(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

“(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

“(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.”

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) IN GENERAL.—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—Section 41712, as amended by this Act, is further amended by adding at the end the following:

“(d) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—

“(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation

on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

“(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

“(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

“(2) TAXES AND FEES DESCRIBED.—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

“(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

“(B) any fees for baggage, seating assignments; and

“(C) operational services that are charged when the ticket is purchased.”.

(c) REGULATIONS.—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations requiring each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the website of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking “may” and inserting “shall”.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2010.” and inserting “September 30, 2013.”.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

(2) by striking “provided.” in subparagraph (C) and inserting “provided;”; and

(3) by adding at the end the following:

“(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

“(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.”.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended to read as follows:

“§ 41745. Conversion of lost eligibility airports

“(a) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

“(b) GRANTS.—A grant under this section—

“(1) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceeding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

“(2) may be used—

“(A) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

“(B) to defray operating expenses, if such use is approved by the Secretary; or

“(C) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

“(c) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this section for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this section.

“(d) LIMITATION.—The sponsor of an airport receiving funding under this section is not eligible for funding under section 41736.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41745 and inserting the following:

“41745. Conversion of lost eligibility airports.”.

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) “Any amount in excess of \$50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.”; and

(2) by striking “\$77,000,000” in paragraph (2) and inserting “\$150,000,000”.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “fashion.” in subparagraph (E) and inserting “fashion; and”; and

(3) by adding at the end the following:

“(F) multiple communities cooperate to submit a region or multistate application to improve air service.”.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended—

(1) by striking “is appropriated” and inserting “are appropriated”; and

(2) by striking “2009” and inserting “2011”.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

“§ 41749. Essential air service for eligible places above per passenger subsidy cap

“(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

“(b) PLACE DESCRIBED.—A place described in this subsection is a place—

“(1) that is otherwise an eligible place; and

“(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

“(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

“(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the per passenger subsidy; and

“(B) the dollar amount allowable for such subsidy under this subchapter.

“(d) COMPENSATION PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

“(e) REVIEW.—

“(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;

“(2) the affected community; and

“(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

“41749. Essential air service for eligible places above per passenger subsidy cap”.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further

amended by adding after section 41749 the following:

“§ 41750. Preferred essential air service

“(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

“(b) PREFERRED AIR CARRIER DESCRIBED.—A preferred air carrier described in this subsection is an air carrier that—

“(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

“(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

“(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

“(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

“(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

“(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

“(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

“(d) COMPENSATION PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

“(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

“(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

“(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

“(e) REVIEW.—

“(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

“(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

“(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

“(1) the Secretary;

“(2) the affected community; and

“(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).”.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

“41750. Preferred essential air service”.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following:

“(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—

“(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

“(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).”.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking “2009” and inserting “2011”.

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

“(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.”.

SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title 49 shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 of title 49, United

States Code, is amended by striking the item relating to section 41747.

SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT ARE 90 OR MORE MILES AWAY FROM THE NEAREST MEDIUM OR LARGE HUB AIRPORT.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(B) is located not less than 90 miles from the nearest medium or large hub airport.”.

(6) The Secretary may waive the requirements of this subsection as a result of geographic characteristics resulting in undue difficulty accessing the nearest medium or large hub airport.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”.

SEC. 421. LIMITATION ON ESSENTIAL AIR SERVICE TO LOCATIONS THAT AVERAGE 10 OR MORE ENPLANEMENTS PER DAY.

(a) IN GENERAL.—Section 41731(a)(1) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i)(I), as redesignated, by inserting “(A)” before “(i)(I)”;

(4) in subparagraph (A)(ii), as redesignated, by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(B) had an average of 10 enplanements per day or more in the most recent calendar year for which enplanement data is available to the Administrator.”.

(b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Section 41731 is amended by adding at the end the following:

“(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Subsection (a)(1)(B) shall not apply with respect to locations in the State of Alaska.”.

(c) WAIVERS.—Such section is further amended by adding at the end the following:

“(d) WAIVERS.—The Administrator may waive subsection (a)(1)(B) with respect to a location if the Administrator determines that the reason the location averages fewer than 10 enplanements per day is not because of inherent issues with the location.”.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

“§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees”;

(2) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d);

(3) by inserting “AND FOREIGN AIR CARRIER” after “CARRIER” in the heading for subsection (d)(2);

(4) by striking “air carrier” each place it appears and inserting “air carrier or foreign air carrier”;

(5) by striking “air carrier’s” each place it appears and inserting “air carrier’s or foreign air carrier’s”;

(6) by striking “air carriers” and inserting “air carriers or foreign air carriers”; and

(7) by striking “(as defined in section 40102 of this title)” in subsection (a) and inserting “(as those terms are defined in section 40102 of this title)”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

“47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees”.

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following:

“(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

“(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.”.

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking “benefit,” and inserting “benefit, with the maximum allowable local cost share capped at 20 percent.”.

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking “and” after “2006.”; and

(2) by striking “2007” and inserting “2007, \$9,500,000 for fiscal year 2010, and \$10,000,000 for fiscal year 2011” after “2007.”; and

(3) by inserting after “paragraph.” the following: “If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.”.

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking “\$1,500,000.” and inserting “\$2,000,000.”.

(e) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

“(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration’s safety management system.”.

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires

members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation’s interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB day-night annual average noise level (DNL), as identified in the Noise Exposure Map Notice published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) LIMITATION.—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

“(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking “section 44709 or” and inserting “section 44703(d), 44709, or”.

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

“(5) RELEASE OF DATA.—

“(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency’s possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

“(i) the certificate containing the requested data has been inactive for 3 years;

“(ii) the owner of record, or the owner of record’s heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

“(iii) the designation of such data as public data will enhance aviation safety.

“(B) In this section, the term ‘engineering data’ means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.”.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking “Beginning 7 years after the date of enactment of this subsection,” in paragraph (1) and inserting “Effective January 1, 2013.”;

(2) by striking “testing” in paragraph (2) and inserting “production”; and

(3) by striking paragraph (3) and inserting the following:

“(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.”.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

“§ 40130. FAA access to criminal history records or databases systems

“(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

“(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

“(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

“(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

“(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

“(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commissioned under the laws of that State has access and in the same manner as such police officer; or

“(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term ‘system of documented criminal justice information’ means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

“40130. FAA access to criminal history records or databases systems”.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled “Aviation Fatigue Management Symposium: Partnerships for Solutions”;

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service

shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new fixed wing aircraft used for emergency medical service operations.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) MINIMUM LANGUAGE SKILLS.—

“(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

“(A) read material written in English and comprehend the information;

“(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

“(C) write incident reports and statements and log entries and statements; and

“(D) carry out written and oral instructions regarding the proper performance of their duties.

“(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.”.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—

(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA-2008-0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

“(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

“(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

“(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

“(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

“(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) LIMITATION.—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

“(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

“(1) ESTABLISHMENT.—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

“(2) DIRECTOR.—

“(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(C) TERM.—The Director shall be appointed for a term of 5 years.

“(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

“(3) COMPLAINTS AND INVESTIGATIONS.—

“(A) AUTHORITY OF DIRECTOR.—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

“(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

“(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

“(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

“(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

“(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

“(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

“(B) summaries of those submissions;

“(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

“(D) summaries of the responses of the Administrator to such recommendations.”.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as “customers”;

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44730. Inspection of foreign repair stations

“(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

“(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

“(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

“(3) require all maintenance safety or maintenance implementation agreements to

provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

“(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

“(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

“(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

“(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

“(3) describe the training provided to inspectors; and

“(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

“(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

“(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

“(e) BIENNIAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

“(f) DEFINITIONS.—In this section:

“(1) PART 121 AIR CARRIER.—The term ‘part 121 air carrier’ means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

“(2) PART 145 REPAIR STATION.—The term ‘part 145 repair station’ means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

“44730. Inspection of foreign repair stations”.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) **REGULATIONS.**—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) **PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.**—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

- (1) a part 121 air carrier;
- (2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;
- (3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) **DEFINITIONS.**—In this section:

(1) **COVERED MAINTENANCE WORK.**—The term “covered maintenance work” means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) **PART 145 REPAIR STATION.**—The term “part 145 repair station” has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that—

(1) describes the use throughout the United States of explosive pest control devices in mitigating bird strikes in flight operations;

(2) evaluates the utility, cost-effectiveness, and safety of using explosive pest control devices in wildlife management; and

(3) evaluates the potential impact on flight safety and operations if explosive pest control devices were made unavailable or more costly during subsequent calendar years.

SUBTITLE B—FLIGHT SAFETY**SEC. 551. FAA PILOT RECORDS DATABASE.**

(a) **RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.**—Section 44703(h) is amended by adding at the end the following:

“(16) **APPLICABILITY.**—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).”

(b) **ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.**—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

“(1) **FAA PILOT RECORDS DATABASE.**—

“(1) **IN GENERAL.**—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

“(2) **PILOT RECORDS DATABASE.**—The Administrator shall establish an electronic database (in this subsection referred to as the ‘database’) containing the following records:

“(A) **FAA RECORDS.**—From the Administrator—

“(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

“(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

“(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

“(B) **AIR CARRIER AND OTHER RECORDS.**—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

“(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

“(I) section 121.683 of title 14, Code of Federal Regulations;

“(II) paragraph (A) of section VI, appendix I, part 121 of such title;

“(III) paragraph (A) of section IV, appendix J, part 121 of such title;

“(IV) section 125.401 of such title; and

“(V) section 135.63(a)(4) of such title; and

“(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

“(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

“(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

“(III) any release from employment or resignation, termination, or disqualification with respect to employment.

“(C) **NATIONAL DRIVER REGISTER RECORDS.**—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

“(3) **WRITTEN CONSENT; RELEASE FROM LIABILITY.**—An air carrier—

“(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

“(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

“(4) **REPORTING.**—

“(A) **REPORTING BY ADMINISTRATOR.**—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

“(B) **REPORTING BY AIR CARRIERS AND OTHER PERSONS.**—

“(i) **IN GENERAL.**—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

“(ii) **DATA TO BE REPORTED.**—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

“(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

“(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

“(5) **REQUIREMENT TO MAINTAIN RECORDS.**—The Administrator—

“(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

“(B) may remove the individual's records from the database after that date.

“(6) **RECEIPT OF CONSENT.**—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

“(7) **RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.**—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

“(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

“(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

“(8) **REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.**—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

“(9) **PRIVACY PROTECTIONS.**—

“(A) **USE OF RECORDS.**—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual

that is not directly involved in the hiring decision.

“(B) DISCLOSURE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to—

“(I) de-identified, summarized information to explain the need for changes in policies and regulations;

“(II) information to correct a condition that compromises safety;

“(III) information to carry out a criminal investigation or prosecution;

“(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

“(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

“(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

“(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

“(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

“(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

“(A) to protect and secure—

“(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

“(ii) the confidentiality of those records; and

“(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

“(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

“(A) the air carrier has made a documented good faith attempt to access the information from the database; and

“(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

“(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

“(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

“(B) TERMS.—The terms established by the Administrator under subparagraph (A) for al-

lowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

“(i) the designated individual has received the written consent of the pilot applicant to access the information; and

“(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

“(14) REGULATIONS.—

“(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

“(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

“(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

“(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

“(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

“(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

“(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting ‘45 days’ for ‘30 days’.”

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking “LIMITATION” and inserting “LIMITATIONS”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “paragraph (2)” and inserting “subsection (h)(2) or (i)(3)”;

(ii) in subparagraph (A) by inserting “or accessing the records of that individual under subsection (i)(1)” before the semicolon; and

(iii) in the matter following subparagraph (D) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(C) in paragraph (2) by striking “subsection (h)” and inserting “subsection (h) or (i)”;

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or who furnished information to the database established under subsection (i)(2)” after “subsection (h)(1)”;

(E) by adding at the end the following:

“(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

“(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

“(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).”

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking “subsection (h)” and inserting “subsection (h) or (i)”.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commercial air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration’s advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120-66 and AC No. 120-82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA’s safety enforcement plan is consistently enforced; and

(2) ensure that the FAA’s safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting “to the National Transportation Safety Board” after “shall give”.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
(2) by inserting after subsection (b) the following:

“(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

“(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

“(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

“(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

“(3) CONTENTS.—

“(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

“(i) a description of the recommendation;

“(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

“(iii) the proposed date for completing the procedures; and

“(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

“(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

“(i) a description of the recommendation; and

“(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.”

(c) IMPLEMENTATION OF NTSB SAFETY RECOMMENDATIONS.—

(1) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration (referred to in this section as the “Administrator”) shall require a detailed inspection of each emergency locator transmitter (referred to in this section as “ELT”) installed in general aviation aircraft operating in the United States to ensure that each ELT is mounted and retained in accordance with the manufacturer’s specifications.

(2) MOUNTING AND RETENTION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

(B) REVISION.—Based on the results of the determination conducted under subparagraph (A), the Administrator shall make any necessary revisions to the requirements and tests referred to in subparagraph (A) to ensure that emergency locator transmitters are properly retained in the event of an airplane accident.

(3) REPORT.—Upon the completion of the revisions required under paragraph (2)(B), the Administrator shall submit a report on the implementation of this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA’s safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Pro-

gram report in making safety recommendations.

(f) WAIVER.—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party’s own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) TRAINING AND TESTING.—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) BEST PRACTICES.—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) CERTIFICATION.—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) REMEDIAL TRAINING PROGRAMS.—

(1) IN GENERAL.—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) AVIATION RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rule-making committee determines appropriate to enhance flightcrew member professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rule-making required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) MINIMUM EXPERIENCE REQUIREMENT.—

(1) IN GENERAL.—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot—

(A) have not less than 800 hours of flight time before serving as a flightcrew member for a part 121 air carrier; and

(B) demonstrate the ability to—

(i) function effectively in a multipilot environment;

(ii) function effectively in an air carrier operational environment;

(iii) function effectively in adverse weather conditions, including icing conditions if the pilot is expected to be operating aircraft in icing conditions;

(iv) function effectively during high altitude operations; and

(v) adhere to the highest professional standards.

(2) HOURS OF FLIGHT EXPERIENCE IN DIFFICULT OPERATIONAL CONDITIONS.—The total number of hours of flight experience required by the Administrator under paragraph (1) for pilots shall include a number of hours of flight experience in difficult operational conditions that may be encountered by an air carrier that the Administrator determines to be sufficient to enable a pilot to operate an aircraft safely in such conditions.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) DEFAULT REQUIREMENTS.—If the Administrator fails to meet the deadline established by subsection (c)(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) DEFINITIONS.—In this section:

(1) FLIGHTCREW MEMBER.—The term "flightcrew member" has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1).

(2) PART 121 AIR CARRIER.—The term "part 121 air carrier" has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

"§ 44731. Use of certain devices on flight deck

"(a) IN GENERAL.—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier or the Federal Aviation Administration.

"(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

"(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—The term 'personal wireless communications device' means a device

through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted."

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking "or" after the semicolon in paragraph (8);

(2) by striking "title." in paragraph (9) and inserting "title; or"; and

(3) by adding at the end the following:

"(10) violate section 44730 of this title or any regulation issued thereunder."

(c) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

"44731. Use of certain devices on flight deck".

(d) REGULATIONS.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rule-making procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

(e) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the cockpit flight crew on commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations about ways to reduce distractions for cockpit flight crews.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air

carriers and flightcrew members of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) IN GENERAL.—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

“§ 44732. Training of flight attendants and gate agents

“(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

“(1) serving alcohol to passengers;

“(2) recognizing intoxicated passengers; and

“(3) dealing with disruptive passengers.

“(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

“(c) DEFINITIONS.—In this section:

“(1) AIR CARRIER.—The term ‘air carrier’ means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

“(2) FLIGHT ATTENDANT.—The term ‘flight attendant’ has the meaning given the term in section 44728(f).

“(3) GATE AGENT.—The term ‘gate agent’ means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

“(4) PASSENGER.—The term ‘passenger’ means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end the following:

“44732. Training of flight attendants and gate agents”.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) AVIATION SAFETY ACTION PROGRAM.—The term “Aviation Safety Action Program” means the program described under Federal Aviation Administration Advisory Circular No. 120-66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator.

(3) AIR CARRIER.—The term “air carrier” has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term “FAA” means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term “Flight Operational Quality Assurance Program” means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term “Line Operations Safety Audit Program” has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120-90.

(7) PART 121 AIR CARRIER.—The term “part 121 air carrier” has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight; and

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 4451(f) is amended—

(1) by striking “establish a 4-year pilot” in paragraph (1) and inserting “maintain an”; and

(2) by inserting “pilot” in paragraph (4) before “program” the first time it appears; and

(3) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program.” in paragraph (4) and inserting “program.”.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than \$15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 4451 of this title, of which not less than \$5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) **PERFORMANCE OBJECTIVES.**—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdB) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) **IN GENERAL.**—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(1)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) **PARTICIPATION IN PROGRAM.**—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) **DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) **ESTABLISHMENT OF RESEARCH PROGRAM.**—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall

establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(1)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) **DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.**—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) **CONTINUATION OF PROGRAM.**—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) **USE OF GRANTS OR COOPERATIVE AGREEMENTS.**—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 607. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) **RESEARCH.**—

(1) **EQUIPMENT.**—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting “unmanned and manned” in subsection (a) after “improve”;

(B) by striking “and” after the semicolon in subsection (b)(7);

(C) by striking “emitted.” in subsection (b)(8) and inserting “emitted; and”;

(D) by adding at the end of subsection (b) the following:

“(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.”.

(2) **HUMAN FACTORS; SIMULATIONS.**—Section 44505(b) is amended—

(A) by striking “and” after the semicolon in paragraph (4);

(B) by striking “programs.” in paragraph (5)(C) and inserting “programs; and”;

(C) by adding at the end thereof the following:

“(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

“(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.”.

(b) **NATIONAL ACADEMY OF SCIENCES ASSESSMENT.**—

(1) **IN GENERAL.**—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) “detect, sense and avoid technologies” with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) **REPORT.**—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) **PILOT PROJECTS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91-57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year "roadmap" for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the "roadmap" annually.

(e) UPDATED POLICY STATEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA-2006-25714.

(f) EXPANDING THE USE OF UAS IN THE ARCTIC.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) SPECIAL RULE FOR MODEL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into FAA plans and policies, including this section, the Administrator shall not promulgate any rules or regulations regarding model aircraft or aircraft being developed as model aircraft if such aircraft is—

(A) flown strictly for recreational, sport, competition, or academic purposes;

(B) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization; and

(C) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program currently administered by a community-based organization.

(2) MODEL AIRCRAFT DEFINED.—For purposes of this subsection, the term "model aircraft" means a nonhuman-carrying (unmanned) radio-controlled aircraft capable of sustained flight in the atmosphere, navigating the airspace and flown within visual line-of-sight of the operator for the exclusive and intended use for sport, recreation, competition, or academic purposes.

(h) DEFINITIONS.—In this section:

(1) ARCTIC.—The term "Arctic" means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) PERMANENT AREAS.—The term "permanent areas" means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking "\$500,000 for fiscal year 2004" and inserting "\$1,000,000 for each of fiscal years 2008 through 2012".

SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

"§ 47136A. Zero emission airport vehicles and infrastructure

"(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120-94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

"(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

"(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded

under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

"(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

"(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources."

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

"47136A. Zero emission airport vehicles and infrastructure".

SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

"§ 47140A. Reduction of emissions from airport power sources

"(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

"(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require."

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

"47140A. Reduction of emissions from airport power sources".

SEC. 611. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) **IN GENERAL.**—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) **REPORT.**—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) **GAO ASSESSMENT.**—

(1) **IN GENERAL.**—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aids associated with that system.

(c) **ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.**—

(1) **GUIDANCE.**—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) **PUBLIC ACCESS TO INFORMATION.**—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator),

the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) **CONSULTATION WITH OTHER FEDERAL AGENCIES.**—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) **REPORTS.**—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATION.**—The term "Administration" means the Federal Aviation Administration.

(2) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(3) **CRITICAL FAA FACILITIES.**—The term "critical FAA facilities" means facilities on which are located navigational aids, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) **WIND FARM.**—The term "wind farm" means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 612. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) **TECHNOLOGY REQUIREMENTS.**—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) **THIRD PARTY LIABILITY.**—Section 44303(b) is amended by striking "December 31, 2009," and inserting "December 31, 2012,".

(b) **EXTENSION OF PROGRAM AUTHORITY.**—Section 44310 is amended by striking "December 31, 2013," and inserting "October 1, 2017,".

(c) **WAR RISK.**—Section 44302(f)(1) is amended—

(1) by striking "September 30, 2009," and inserting "September 30, 2011,"; and

(2) by striking "December 31, 2009," and inserting "December 31, 2011,".

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) **MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.**—Section 47115(j) is amended by striking "2009," and inserting "2011,".

(b) **MIDWAY ISLAND AIRPORT.**—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking "2009," and inserting "2011,".

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) **IN GENERAL.**—Section 45301(b) is amended to read as follows:

“(b) **LIMITATIONS.**—

“(1) **IN GENERAL.**—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

“(2) **ADJUSTMENT OF FEES.**—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In

addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

“(3) **COST DATA.**—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

“(4) **AIRCRAFT ALTITUDE.**—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

“(5) **COSTS DEFINED.**—In this subsection, the term ‘costs’ means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

“(6) **PUBLICATION; COMMENT.**—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.”.

(b) **ADMINISTRATIVE PROVISION.**—Section 45303(c)(2) is amended to read as follows:

“(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and”.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking “section 2302(b), relating to whistleblower protection,” in paragraph (2)(A) and inserting “sections 2301 and 2302,”;

(2) by striking “and” after the semicolon in paragraph (2)(H);

(3) by striking “Plan.” in paragraph (2)(I)(iii) and inserting “Plan.”;

(4) by adding at the end of paragraph (2) the following:

“(J) section 5596, relating to back pay; and

“(K) sections 6381 through 6387, relating to Family and Medical Leave.”; and

(5) by adding at the end of paragraph (3) “Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.”.

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) **REPORT.**—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) **STUDY BY NATIONAL ACADEMY OF SCIENCES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) **CONTENTS.**—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) **REPORT.**—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) **AVIATION SAFETY INSPECTORS.**—

(1) **SAFETY STAFFING MODEL.**—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) **SAFETY INSPECTOR STAFFING.**—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

(d) **ALASKA FLIGHT SERVICE STATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Ad-

ministration and flight service stations operated by contractors.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) **SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.**—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking “Director” each place it appears and inserting “Secretary of the Interior”;

(C) by striking “National Park Service” in subsection (a)(2)(B)(vi) and inserting “Department of the Interior”; and

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking “, in cooperation with” and inserting “and”; and

(bb) by striking “The air tour” and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

“(B) **PROCESS AND APPROVAL.**—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

“(i) developed through a public process that complies with paragraph (4); and

“(ii) approved by the Administrator and the Director.”; and

(IV) by adding at the end the following:

“(D) **EXCEPTION.**—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.”; and

(ii) in paragraph (4)(C), by striking “National Park Service” and inserting “Department of the Interior”.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking “Director” in section 804(b) and inserting “Secretary of the Interior”;

(B) in section 805—

(i) by striking “Director of the National Park Service” in subsection (a) and inserting “Secretary of the Interior”;

(ii) by striking “Director” each place it appears and inserting “Secretary of the Interior”;

(iii) by striking “National Park Service” each place it appears in subsection (b) and inserting “Department of the Interior”;

(iv) by striking “National Park Service” in subsection (d)(2) and inserting “Department of the Interior”; and

(C) in section 807—

(i) by striking “National Park Service” in subsection (a)(1) and inserting “Department of the Interior”; and

(ii) by striking “Director of the National Park Service” in subsection (b) and inserting “Secretary of the Interior”.

(b) **ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.**—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking “and” after the semicolon in subparagraph (B);

(2) by striking “lands.” in subparagraph (C) and inserting “lands; and”; and

(3) by adding at the end the following:

“(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.”.

(C) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

“(I) may allow for modifications of the interim operating authority without further environmental process, if—

“(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

“(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

“(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.”.

(D) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(E) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the

fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(F) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

(G) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(H) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

“§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

“(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

“(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

“(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

“(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

“(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

“(2) to scrap the aircraft;

“(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

“(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

“(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

“(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

“(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

“(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking “47529, or 47530” and inserting “47529, 47530, or 47534”.

(2) Section 47532 is amended by striking “47528–47531” and inserting “47528 through 47531 or 47534”.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2014.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from

taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) **NOISE COMPATIBILITY MEASURES.**—Section 47504(a)(2) is amended—

(1) by striking “and” after the semicolon in subparagraph (D);

(2) by striking “operations.” in subparagraph (E) and inserting “operations; and”;

(3) by adding at the end the following:

“(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.”.

(c) **GRANT REQUIREMENTS.**—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) **DEMONSTRATION GRANTS.**—

(1) **IN GENERAL.**—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) **FEDERAL SHARE.**—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs

of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) **MAXIMUM AMOUNT.**—Not more than \$5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) **EXCEPTION.**—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) **USE OF PASSENGER REVENUE.**—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) **SUNSET.**—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) **REPORT TO CONGRESS.**—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) **IN GENERAL.**—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

“§ 41724. Musical instruments

“(a) **IN GENERAL.**—

“(1) **SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.**—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

“(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

“(B) there is space for such stowage at the time the passenger boards the aircraft.

“(2) **LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.**—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

“(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

“(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

“(C) the instrument can be secured by a seat belt to avoid shifting during flight;

“(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

“(E) the instrument does not obscure any passenger’s view of any illuminated exit, warning, or other informational sign;

“(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

“(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

“(3) **LARGE INSTRUMENTS AS CHECKED BAGGAGE.**—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

“(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

“(B) the weight of the instrument does not exceed 165 pounds.

“(b) **REGULATIONS.**—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

“41724. Musical instruments”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) **AIRPORT PLANNING.**—Section 47102(5) is amended by striking “planning.” and inserting “planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.”.

(b) **MASTER PLAN.**—Section 47106(a) is amended—

(1) by striking “and” in paragraph (4);

(2) by striking “proposed.” in paragraph (5) and inserting “proposed; and”;

(3) by adding at the end the following:

“(6) if the project is for an airport that has an airport master plan, the master plan addresses—

“(A) the feasibility of solid waste recycling at the airport;

“(B) minimizing the generation of solid waste at the airport;

“(C) operation and maintenance requirements;

“(D) the review of waste management contracts;

“(E) the potential for cost savings or the generation of revenue; and

“(F) training and education requirements.”.

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) **PURPOSE.**—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in Federally assisted airport contracts and concessions.

(b) **FINDINGS.**—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news

stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

“(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

“(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

“(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.”.

(d) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

“(e) PERSONAL NET WORTH CAP.—Not later than 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations

shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at \$750,000 in 1989.

“(f) EXCLUSION OF RETIREMENT BENEFITS.—

“(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

“(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

“(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

“(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).”.

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science,

and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) **ADOPTION OF RECOMMENDED POLICY CHANGES.**—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) **PART 135 CERTIFICATE HOLDER DEFINED.**—In this section, the term “part 135 certificate holder” means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) **IN GENERAL.**—Section 49108 is repealed.

(b) **CONFORMING REPEAL.**—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) **STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) **CONSOLIDATION OR ELIMINATION OF REPORTS.**—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) **USE OF ELECTRONIC MEDIA FOR REPORTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) **EXCEPTION.**—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAFFIC CONTROL TOWER.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on the Federal Aviation Administration's plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year after such date of enactment.

SEC. 724. PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 725. AIR-RAIL CODESHARE STUDY.

(a) **CODESHARE STUDY.**—Not later than 180 days after the date of the enactment of this Act, the GAO shall conduct a study of—

(1) the current airline and intercity passenger rail codeshare arrangements;

(2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) **CONSIDERATIONS.**—The study shall consider—

(1) the potential benefits to passengers and costs to taxpayers from the implementation of more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through codesharing arrangements;

(2) airport operations that can improve connectivity to intercity passenger rail facilities and stations.

(c) **REPORT.**—Not later than 1 year after commencing the study required by subsection (a), the Comptroller shall submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any conclusions of the Comptroller resulting from the study.

SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SEC. 727. STUDY ON AVIATION FUEL PRICES.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general. The study shall include the impact of increases in aviation fuel prices on—

- (1) general aviation;
- (2) commercial passenger aviation;
- (3) piston aircraft purchase and use;
- (4) the aviation services industry, including repair and maintenance services;
- (5) aviation manufacturing;
- (6) aviation exports; and
- (7) the use of small airport installations.

(b) **ASSUMPTIONS ABOUT AVIATION FUEL PRICES.**—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Clark County, Nevada.

(2) **PUBLIC LAND.**—The term “public land” means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE $\frac{1}{4}$ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **LAND CONVEYANCE.**—

(1) **IN GENERAL.**—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all

right, title, and interest of the United States in and to the public land.

(2) **DATE ON WHICH CONVEYANCE MAY BE MADE.**—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106-362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **WITHDRAWAL.**—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) **USE.**—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) **IN GENERAL.**—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) **EXEMPTION REQUIREMENTS.**—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) **PACKAGING.**—

(A) **SMALLER CYLINDERS.**—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category 1 shipping container.

(B) **LARGER CYLINDERS.**—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) **OPERATIONAL CONTROLS.**—

(A) **STORAGE; ACCESS TO FIRE EXTINGUISHERS.**—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) **SHIPMENT WITH OTHER HAZARDOUS MATERIALS.**—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM-D materials.

(3) **AIRCRAFT REQUIREMENTS.**—

(A) **AIRCRAFT TYPE.**—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) **PASSENGER-CARRYING AIRCRAFT.**—

(i) **SMALLER CYLINDERS ONLY.**—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) **MAXIMUM NUMBER.**—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) **CARGO AIRCRAFT.**—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) **DEFINITIONS.**—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. parts 106, 107, and 171–180).

SEC. 731. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

“(i) requiring inspections of any container containing a firearm or ammunition; and

“(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.”.

SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) **PLAN DEVELOPMENT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

SEC. 733. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) **OFFENSE.**—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

“§ 39A. Aiming a laser pointer at an aircraft

“(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall

be fined under this title or imprisoned not more than 5 years, or both.

“(b) As used in this section, the term ‘laser pointer’ means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

“(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

“(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

“(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

“(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

“(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

“39A. Aiming a laser pointer at an aircraft.”.

SEC. 734. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING OR DISTRIBUTION OF SECURITY SCREENING IMAGES.

(a) **IN GENERAL.**—Part I of title 18, United States Code, is amended by adding at the end the following:

“CHAPTER 124—UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES

“Sec.

“2731. Criminal penalty for unauthorized recording and distribution of security screening images.

“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RECORDING AND DISTRIBUTION OF SECURITY SCREENING IMAGES.

“(a) **IN GENERAL.**—Except as specifically provided in subsection (b), it shall be unlawful for an individual—

“(1) to photograph or otherwise record an image produced using advanced imaging technology during the screening of an individual at an airport, or upon entry into any building owned or operated by the Federal Government, without express authorization pursuant to a Federal law or regulation; or

“(2) to knowingly distribute any such image to any individual who is not authorized pursuant to a Federal law or regulation to receive the image.

“(b) **EXCEPTION.**—The prohibition under subsection (a) shall not apply to an individual who, while engaged in or on account

of the performance of official duties, distributives, photographs, or otherwise records an image described in subsection (a) during the course of authorized intelligence activities, a Federal, State, or local criminal investigation or prosecution, or other lawful activities by Federal, State, or local authorities, including training for intelligence or law enforcement purposes.

“(c) PENALTY.—An individual who violates the prohibition in subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—In this section, the term ‘advanced imaging technology’—

“(1) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by clothing;

“(2) may include devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’; and

“(3) does not include a device equipped with software that produces a generic representation of the human form instead of a visual image of an individual.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following:

“124. Unauthorized recording and distribution of security screening images 2731”.

SEC. 735. APPROVAL OF APPLICATIONS FOR THE SECURITY SCREENING OPT-OUT PROGRAM.

Section 44920(b) of title 49, United States Code, is amended to read as follows:

“(b) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—Not later than 30 days after receiving an application submitted under subsection (a), the Under Secretary may approve the application.

“(2) RECONSIDERATION OF REJECTED APPLICATIONS.—Not later than 30 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Under Secretary shall reconsider and approve any application to have the screening of passengers and property at an airport carried out by the screening personnel of a qualified private screening company that was submitted under subsection (a) and was pending on any day between January 1, 2011, and February 3, 2011, if Under Secretary determines that the application demonstrates that having the screening of passengers and property carried out by such screening personnel will provide security that is equal to or greater than the level that would be provided by Federal Government personnel.

“(3) REPORT.—If the Under Secretary denies an application submitted under subsection (a), the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the reason for the denial of the application.”.

SEC. 736. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

(a) DEFINITIONS.—

(1) CITY.—The term “city” means the city of Mesquite, Nevada.

(2) MAP.—The term “map” means the map entitled “Mesquite Airport Conveyance” and dated February 6, 2011.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) CONVEYANCE OF LAND TO CITY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the city, without consideration, all right, title, and interest of the United States in and to the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of land managed by the Bureau of Land Management described on the map as “Remnant Parcel”.

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(B) MINOR ERRORS.—The Secretary may correct any minor error in—

- (i) the map; or
- (ii) the legal description.

(C) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(4) COSTS.—The Secretary shall require the city to pay all costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (2).

(5) WITHDRAWAL.—Subject to valid existing rights, until the date of the conveyance under paragraph (1), the parcel of public land described in paragraph (2) is withdrawn from—

(A) location, entry, and patent under the public land mining laws; and

(B) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

(6) REVERSION.—If the land conveyed under paragraph (1) ceases to be used by the city for the purposes described in section 3(f) of Public Law 99-548 (100 Stat. 3061), the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 737. RONALD REAGAN WASHINGTON NATIONAL AIRPORT SLOTS.

(a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—Section 41718 is amended by adding at the end thereof the following:

“(g) ADDITIONAL SLOTS.—

“(1) INITIAL INCREASE IN EXEMPTIONS.—Within 95 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall grant, by order, 24 slot exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on routes between Ronald Reagan Washington National Airport and airports located beyond the perimeter described in section 49109 or, as provided in paragraph (2)(C), airports located within that perimeter, and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(A) provide air transportation with domestic network benefits in areas beyond the perimeter described in section 49109;

“(B) increase competition in multiple markets;

“(C) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109;

“(D) not result in meaningfully increased travel delays;

“(E) enhance options for nonstop travel to and from the beyond-perimeter airports that will be served as a result of those exemptions;

“(F) have a positive impact on the overall level of competition in the markets that will be served as a result of those exemptions; and

“(G) produce public benefits, including the likelihood that the service to airports located beyond the perimeter described in section 49109 will result in lower fares, higher capacity, and a variety of service options.

“(2) NEW ENTRANTS AND LIMITED INCUMBENTS.—Of the exemptions made available under paragraph (1), the Secretary shall make 10 available to limited incumbent air carriers or new entrant air carriers and 14 available to other incumbent air carriers.

“(3) IMPROVED NETWORK SLOTS.—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under this subsection, it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109. The Secretary may not grant more than 2 slot exemptions under paragraph (1) to an air carrier with respect to the same airport, except in the case of an airport serving a metropolitan area with a population of more than 1 million persons.

“(4) CONDITIONS.—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under this subsection shall be subject to the following conditions:

“(A) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(B) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(5) OPERATIONS DEADLINE.—An air carrier granted a slot exemption under this subsection shall commence operations using that slot within 60 days after the date on which the exemption was granted.

“(6) IMPACT STUDY.—Within 17 months after granting the additional exemptions authorized by paragraph (1) the Secretary shall complete a study of the direct effects of the additional exemptions, including the extent to which the additional exemptions have—

“(A) caused congestion problems at the airport;

“(B) had a negative effect on the financial condition of the Metropolitan Washington Airports Authority;

“(C) affected the environment in the area surrounding the airport; and

“(D) resulted in meaningful loss of service to small and medium markets within the perimeter described in section 49109.

“(7) ADDITIONAL EXEMPTIONS.—

“(A) DETERMINATION.—The Secretary shall determine, on the basis of the study required by paragraph (6), whether—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on Ronald Reagan Washington National Airport, Washington Dulles International Airport, or Baltimore/Washington

Thurgood Marshall International Airport; and

“(ii) the granting of additional exemptions under this paragraph may, or may not, reasonably be expected to have a substantial negative effect on any of those airports.

“(B) **AUTHORITY TO GRANT ADDITIONAL EXEMPTIONS.**—Beginning 6 months after the date on which the impact study is concluded, the Secretary may grant up to 8 slot exemptions to incumbent air carriers, in addition to those granted under paragraph (1) of this subsection, if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have not had a substantial negative effect on any of those airports; and

“(ii) the granting of additional exemptions under this subparagraph may not reasonably be expected to have a negative effect on any of those airports.

“(C) **IMPROVED NETWORK SLOTS.**—If an incumbent air carrier (other than a limited incumbent air carrier) that uses a slot for service between Ronald Reagan Washington National Airport and a large hub airport located within the perimeter described in section 49109 is granted an additional exemption under subparagraph (B), it shall, upon receiving the additional exemption, discontinue the use of that slot for such within-perimeter service and operate, in place of such service, service between Ronald Reagan Washington National Airport and an airport located beyond the perimeter described in section 49109.

“(D) **CONDITIONS.**—Beyond-perimeter flight operations carried out by an air carrier using an exemption granted under subparagraph (B) shall be subject to the following conditions:

“(i) An air carrier may not operate a multi-aisle or widebody aircraft in conducting such operations.

“(ii) An air carrier granted an exemption under this subsection is prohibited from selling, trading, leasing, or otherwise transferring the rights to its beyond-perimeter exemptions, except through an air carrier merger or acquisition.

“(E) **ADDITIONAL EXEMPTIONS NOT PERMITTED.**—The Secretary may not grant exemptions in addition to those authorized by paragraph (1) if the Secretary determines that—

“(i) the additional exemptions authorized by paragraph (1) have had a substantial negative effect on any of those airports; or

“(ii) the granting of additional exemptions under subparagraph (B) of this paragraph may reasonably be expected to have a substantial negative effect on 1 or more of those airports.

“(h) **SCHEDULING PRIORITY.**—In administering this section, the Secretary—

“(1) shall afford a scheduling priority to operations conducted by new entrant air carriers and limited incumbent air carriers over operations conducted by other air carriers granted additional slot exemptions under subsection (g) for service to airports located beyond the perimeter described in section 49109; and

“(2) shall afford a scheduling priority to slots currently held by limited incumbent air carriers for service to airports located beyond the perimeter described in section 49109, to the extent necessary to protect viability of such service.”

(b) **HOURLY LIMITATION.**—Section 41718(c)(2) is amended—

(1) by striking “3 operations” and inserting “4 operations”; and

(2) by striking “subsections (a) and (b)” and inserting “under this section”.

(c) **LIMITED INCUMBENT DEFINITION.**—Section 41714(h)(5) is amended—

(1) by inserting “not” after “shall” in subparagraph (B);

(2) by striking “and” after the semicolon in subparagraph (B);

(3) by striking “Administration.” in subparagraph (C) and inserting “Administration; and”; and

(4) by adding at the end the following:

“(D) for purposes of section 41718, an air carrier that holds only slot exemptions”.

(d) **REVENUES AND FEES AT THE METROPOLITAN WASHINGTON AIRPORTS.**—Section 49104(a) is amended by striking paragraph (9) and inserting the following:

“(9) Notwithstanding any other provision of law, revenues derived at either of the Metropolitan Washington Airports, regardless of source, may be used for operating and capital expenses (including debt service, depreciation and amortization) at the other airport.”

SEC. 738. ORPHAN EARMARKS ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Orphan Earmarks Act”.

(b) **UNUSED EARMARKS.**—

(1) **DEFINITION.**—In this subsection, the term “earmark” means the following:

(A) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(B) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

(2) **RESCISSION.**—Any earmark of funds provided for any Federal agency with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the agency head may delay any such rescission if the agency head determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

(3) **IDENTIFICATION AND REPORT.**—

(A) **AGENCY IDENTIFICATION.**—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(B) **ANNUAL REPORT.**—The Director of OMB shall submit to Congress and publicly post on the website of OMB an annual report that includes—

(i) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(ii) the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; and

(iii) a listing and accounting for earmarks provided for Federal agencies scheduled to be rescinded at the end of the current fiscal year.

SEC. 739. PRIVACY PROTECTIONS FOR AIRCRAFT PASSENGER SCREENING WITH ADVANCED IMAGING TECHNOLOGY.

(a) **IN GENERAL.**—Section 44901 is amended by adding at the end the following:

“(1) **LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.**—

“(1) **IN GENERAL.**—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that advanced imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(2) **IMPLEMENTATION OF AUTOMATED TARGET RECOGNITION SOFTWARE.**—Beginning January 1, 2012, all advanced imaging technology used as a primary screening method for passengers shall be equipped with automatic target recognition software.

“(3) **DEFINITIONS.**—In this subsection:

“(A) **ADVANCED IMAGING TECHNOLOGY.**—The term ‘advanced imaging technology’—

“(i) means a device that creates a visual image of an individual showing the surface of the skin beneath clothing and revealing other objects on the body that are covered by the clothing; and

“(ii) includes devices using backscatter x-rays or millimeter waves and devices referred to as ‘whole-body imaging technology’ or ‘body scanning’.

“(B) **AUTOMATIC TARGET RECOGNITION SOFTWARE.**—The term ‘automatic target recognition software’ means software installed on an advanced imaging technology machine that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

“(C) **PRIMARY SCREENING.**—The term ‘primary screening’ means the initial examination of any passenger at an airport checkpoint, including using available screening technologies to detect weapons, explosives, narcotics, or other indications of unlawful action, in order to determine whether to clear the passenger to board an aircraft or to further examine the passenger.”

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than March 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the implementation of section 44901(1) of title 49, United States Code, as added by subsection (a).

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description of all matters the Assistant Secretary considers relevant to the implementation of such section.

(B) The status of the compliance of the Transportation Security Administration with the provisions of such section.

(C) If the Administration is not in full compliance with such provisions—

(i) the reasons for such non-compliance; and

(ii) a timeline depicting when the Assistant Secretary expects the Administration to achieve full compliance.

(3) **SECURITY CLASSIFICATION.**—The report required by paragraph (1) shall be submitted, to the greatest extent practicable, in an unclassified format, with a classified annex, if necessary.

(4) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SEC. 740. CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.

Section 44715 is amended by adding at the end the following:

“(g) **CONTROLLING HELICOPTER NOISE POLLUTION IN RESIDENTIAL AREAS.**—

“(1) **IN GENERAL.**—Notwithstanding section 47502, not later than the date that is 1 year and 90 days after the date of the enactment

of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator of the Federal Aviation Administration shall prescribe—

“(A) standards to measure helicopter noise; and

“(B) regulations to control helicopter noise pollution in residential areas.

“(2) RULEMAKING WITH RESPECT TO REDUCING HELICOPTER NOISE POLLUTION IN NASSAU AND SUFFOLK COUNTIES IN NEW YORK STATE.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and before finalizing the regulations required by paragraph (1), the Administrator shall prescribe regulations with respect to helicopters operating in the counties of Nassau and Suffolk in the State of New York that include—

“(i) requirements with respect to the flight paths and altitudes of helicopters flying over those counties to reduce helicopter noise pollution; and

“(ii) penalties for failing to comply with the requirements described in clause (i).

“(B) APPLICABILITY OF CERTAIN RULEMAKING PROCEDURES.—The requirements of Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review) (or any successor thereto) shall not apply to regulations prescribed under subparagraph (A).

“(3) EXCEPTIONS FOR EMERGENCY, LAW ENFORCEMENT, AND MILITARY HELICOPTERS.—In prescribing standards and regulations under paragraphs (1) and (2), the Administrator may provide for exceptions to any requirements with respect to reducing helicopter noise pollution in residential areas for helicopter activity related to emergency, law enforcement, or military activities.”.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking “March 31, 2011” and inserting “September 30, 2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking “April 1, 2011” in the matter preceding subparagraph (A) and inserting “October 1, 2013”; and

(2) by striking the semicolon at the end of subparagraph (A) and inserting “or the FAA Air Transportation Modernization and Safety Improvement Act;”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking “April 1, 2011” and inserting “October 1, 2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2011.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.”.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

“(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.”.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking “kerosene” and inserting “aviation-grade kerosene”;

(B) by striking “section 4081(a)(2)(A)(iii)” and inserting “section 4081(a)(2)(A)(iv)”, and

(C) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting “other than aviation-grade kerosene” after “kerosene”.

(B) The following provisions are each amended by striking “kerosene” and inserting “aviation-grade kerosene”:

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Subparagraph (D) of section 4081(a)(3) is amended—

(i) by striking “paragraph (2)(C)(i)” in clause (i) and inserting “paragraph (2)(C)”, and

(ii) by striking “paragraph (2)(C)(ii)” in clause (ii) and inserting “paragraph (2)(A)(iv)”.

(D) Paragraph (4) of section 4081(a) is amended—

(i) by striking “KEROSENE” in the heading and inserting “AVIATION-GRADE KEROSENE”, and

(ii) by striking “paragraph (2)(C)(i)” and inserting “paragraph (2)(C)”.

(E) Paragraph (2) of section 4081(d) is amended by striking “(a)(2)(C)(ii)” and inserting “(a)(2)(A)(iv)”.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting “at the rate specified in subsection (a)(2)(A)(iv) thereof” after “section 4081”.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

“(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).”.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking “specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,” and inserting “so imposed”.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended by striking

subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

“(i) is registered under section 4101, and

“(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).”.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (1) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.”.

(4) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 4082(d)(2) is amended by striking “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

(B) Paragraph (4) of section 6427(i) is amended—

(i) by striking “(4)(C) or (5)” and inserting “(4)(B) or (6)”, and

(ii) by striking “, (1)(4)(C)(ii), and (1)(5)” and inserting “and (1)(6)”.

(C) Subsection (1) of section 6427 is amended by striking “DIESEL FUEL AND KEROSENE” in the heading and inserting “DIESEL FUEL, KEROSENE, AND AVIATION FUEL”.

(D) Paragraph (1) of section 6427(l) is amended by striking “paragraph (4)(C)(i)” and inserting “paragraph (4)(B)”.

(E) Paragraph (4) of section 6427(l) is amended—

(i) by striking “KEROSENE USED IN AVIATION” in the heading and inserting “AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION”, and

(ii) in subparagraph (A)—

(I) by striking “kerosene” and inserting “aviation-grade kerosene”,

(II) by striking “KEROSENE USED IN COMMERCIAL AVIATION” in the heading and inserting “IN GENERAL”.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows: “(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and”.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) by striking “(other than subsection (1)(4) thereof)” in paragraph (2), and

(ii) by striking “(other than payments made by reason of paragraph (4) of section 6427(l))” in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Paragraph (4) of section 9503(b) is amended by striking “or” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following new subparagraphs:

“(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

“(F) section 4041(c).”.

(ii) Subsection (c) of section 9503 is amended by striking paragraph (5).

(iii) Subsection (a) of section 9502 is amended—

(I) by striking “appropriated, credited, or paid into” and inserting “appropriated or credited to”, and

(II) by striking “, section 9503(c)(5).”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuels removed, entered, or sold after March 31, 2011.

(f) **FLOOR STOCKS TAX.**—

(1) **IMPOSITION OF TAX.**—In the case of aviation-grade kerosene fuel which is held on April 1, 2011, by any person, there is hereby imposed a floor stocks tax on aviation-grade kerosene equal to—

(A) the tax which would have been imposed before such date on such kerosene had the amendments made by this section been in effect at all times before such date, reduced by

(B) the tax imposed before such date on such kerosene under section 4081 of the Internal Revenue Code of 1986, as in effect on such date.

(2) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(A) **LIABILITY FOR TAX.**—A person holding aviation-grade kerosene on April 1, 2011, shall be liable for such tax.

(B) **TIME AND METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) **TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.**—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **AVIATION-GRADE KEROSENE.**—The term “aviation-grade kerosene” means aviation-grade kerosene as such term is used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) **HELD BY A PERSON.**—Aviation-grade kerosene shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(5) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by paragraph (1) shall not apply to any aviation-grade kerosene held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) **EXCEPTION FOR CERTAIN AMOUNTS OF AVIATION-GRADE KEROSENE.**—

(A) **IN GENERAL.**—No tax shall be imposed by paragraph (1) on any aviation-grade kerosene held on April 1, 2011, by any person if the aggregate amount of such aviation-grade kerosene held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) **EXEMPT AVIATION-GRADE KEROSENE.**—For purposes of subparagraph (A), there shall not be taken into account any aviation-grade kerosene held by any person which is

exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) **CONTROLLED GROUPS.**—For purposes of this subsection—

(i) **CORPORATIONS.**—

(I) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(II) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation-grade kerosene involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) **IN GENERAL.**—Section 9502 is amended by adding at the end the following new subsection:

“(f) **ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—

“(1) **CREATION OF ACCOUNT.**—There is established in the Airport and Airway Trust Fund a separate account to be known as the ‘Air Traffic Control System Modernization Account’ consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

“(2) **TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.**—On October 1, 2011, and annually thereafter the Secretary shall transfer \$400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

“(3) **EXPENDITURES FROM ACCOUNT.**—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).”.

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 9502(d) is amended by striking “Amounts” and inserting “Except as provided in subsection (f), amounts”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) **FUEL SURTAX.**—

(1) **IN GENERAL.**—Subchapter B of chapter 31 is amended by adding at the end the following new section:

“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

“(a) **IN GENERAL.**—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

“(1) registered in the United States, and

“(2) part of a fractional ownership aircraft program.”.

“(b) **AMOUNT OF TAX.**—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

“(c) **FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘fractional ownership aircraft program’ means a program under which—

“(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

“(B) 2 or more airworthy aircraft are part of the program,

“(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

“(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

“(E) there exists a dry-lease aircraft exchange arrangement among all of the fractional owners, and

“(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

“(2) **MINIMUM FRACTIONAL OWNERSHIP INTEREST.**—

“(A) **IN GENERAL.**—The term ‘minimum fractional ownership interest’ means, with respect to each type of aircraft—

“(i) a fractional ownership interest equal to or greater than $\frac{1}{4}$ of at least 1 subsonic, fixed wing or powered lift program aircraft, or

“(ii) a fractional ownership interest equal to or greater than $\frac{1}{32}$ of at least 1 rotorcraft program aircraft.

“(B) **FRACTIONAL OWNERSHIP INTEREST.**—The term ‘fractional ownership interest’ means—

“(i) the ownership of an interest in a program aircraft,

“(ii) the holding of a multi-year leasehold interest in a program aircraft, or

“(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

“(3) **DRY-LEASE AIRCRAFT EXCHANGE.**—The term ‘dry-lease aircraft exchange’ means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

“(d) **TERMINATION.**—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.”.

(2) **CONFORMING AMENDMENT.**—Subsection (e) of section 4082 is amended by inserting “(other than an aircraft described in section 4043(a))” after “an aircraft”.

(3) **TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.**—Subsection (1) of section 9502(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program).”.

(4) **CLERICAL AMENDMENT.**—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.”.

(b) **FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.**—

Subsection (b) of section 4083 is amended by adding at the end the following new sentence: "For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).".

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).".

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after March 31, 2011.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after March 31, 2011.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after March 31, 2011.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET AIRCRAFT ON NON-ESTABLISHED LINES.

(a) IN GENERAL.—the first sentence of section 4281 is amended by inserting "or when such aircraft is a turbine engine powered aircraft" after "an established line".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking "subsection (a) or (b)" in subsection (d), as so redesignated, and inserting "subsection (a), (b), or (c)", and

(3) by inserting after subsection (b) the following new subsection:

"(c) NON-TAX CHARGES.—

"(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), if such amounts are separately disclosed, it shall be unlawful for the disclosure of such amounts to include any amounts not attributable to such taxes.

"(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after March 31, 2011.

SEC. 808. TAX-EXEMPT BOND FINANCING FOR FIXED-WING EMERGENCY MEDICAL AIRCRAFT.

(a) IN GENERAL.—Subsection (e) of section 147 is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to any fixed-wing aircraft equipped for, and exclusively dedicated to providing, acute care emergency medical services (within the meaning of 4261(g)(2))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST FUND SOLVENCY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended by adding at the end the following new sentence: "Unless otherwise provided by this section, for purposes of this paragraph for fiscal year 2012 or 2013, the amount available for making expenditures for such fiscal year shall not exceed 90 percent of the receipts of the Airport and Airway Trust Fund plus interest credited to such Trust Fund for such fiscal year as estimated by the Secretary of the Treasury."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning after September 30, 2011.

SEC. 810. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2012).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline pay-

ment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term "airline payment amount" means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount. The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term "qualified airline employee" means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term "traditional IRA" means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term "Roth IRA" has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

SEC. 811. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking "goods or services" and inserting "property, goods, or services".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 812. MODIFICATION OF CONTROL DEFINITION FOR PURPOSES OF SECTION 249.

(a) IN GENERAL.—Section 249(a) of the Internal Revenue Code of 1986 is amended by striking “, or a corporation in control of, or controlled by,” and inserting “, or a corporation in the same parent-subsidiary controlled group (within the meaning of section 1563(a)(1) as”.

(b) CONFORMING AMENDMENT.—Section 249(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking “subsection (a)—” and all that follows through “The adjusted issue price” and inserting “subsection (a), the adjusted issue price”, and

(2) by striking paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases after the date of the enactment of this Act.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term “earmark” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transpor-

tation scheduled to be rescinded at the end of the current fiscal year.

TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS

SEC. 1101. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$44,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER PILOTS

SUBTITLE A—EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION

SEC. 1201. DALE LONG EMERGENCY MEDICAL SERVICE PROVIDERS PROTECTION ACT.

(a) SHORT TITLE.—This subtitle may be cited as the “Dale Long Emergency Medical Service Providers Protection Act”.

(b) ELIGIBILITY.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a pre-hospital emergency medical response agency;”;

and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking “as a chaplain” and all that follows through the semicolon, and inserting “; or”;

(B) in subparagraph (B)(ii), by striking “or” after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting “; or”;

(D) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”.

(c) OFFSET.—Of the unobligated balances available under the Department of Justice

Assets Forfeiture Fund, \$13,000,000 are permanently cancelled.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply only to injuries sustained on or after June 1, 2009.

SUBTITLE B—LIABILITY PROTECTION

SEC. 1211. SHORT TITLE.

This subtitle may be cited as the “Volunteer Pilot Protection Act of 2011”.

SEC. 1212. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In calendar year 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) PURPOSE.—The purpose of this title is to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

SEC. 1213. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended in subsection (a)(4)—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking “the harm” and inserting “(A) except in the case of subparagraph (B), the harm”;

(3) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(B) the volunteer—

“(i) was operating an aircraft to promote the activities of volunteer pilots that fly for public benefit and to sustain the availability of the services that such volunteers provide, including transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis, and for humanitarian and charitable purposes; and

“(ii) was properly licensed and insured for the operation of such aircraft.”.

REDUCING FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 11, H.R. 359, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to

proceed to Calendar No. 11, H.R. 359, an act to reduce Federal spending and the deficit by terminating taxpayer financing of Presidential election campaigns and party conventions.

Harry Reid, Daniel K. Inouye, Jeff Bingaman, Tom Udall, Kent Conrad, Patrick J. Leahy, Benjamin L. Cardin, Carl Levin, Jack Reed, Kay R. Hagan, Mark R. Warner, Richard J. Durbin, Jeff Merkley, Mark Begich, Al Franken, Bill Nelson, Charles E. Schumer.

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

RECOGNIZING WOMEN SERVING IN THE UNITED STATES ARMED FORCES

Mr. REID. I ask unanimous consent the Senate proceed to S. Con. Res. 8.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) recognizing women serving in the United States Armed Forces.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

Mr. President, before you rule on this, last week they had a very good series on National Public Radio about women in the military. It was really wonderful. It was so full of information. They talked about a woman who had served in the military in World War II. They had a general, a woman, the first four star general to be a woman. The show had a woman who had been in the military in the 1980s and a daughter who is a graduate from West Point now, going to medical school as a result of her military service. It was really terrific.

Of course, the issue the Pentagon is working through, and it is quite difficult, is combat for women. They had one woman there on this program who was awarded the Silver Star for her gallant actions, her heroic actions. She was part of a caravan. It was attacked and she was the hero of the battle. The shooting went on for 45 minutes.

I am very happy to be reading this into the RECORD. I ask the Chair to rule that this is without objection because it certainly is the right thing to do, to recognize women serving in the U.S. Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 8) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 8

Whereas women have served with distinction in the United States Armed Forces since the American Revolution and have made significant and lasting contributions to the security of the United States;

Whereas in 2011, women comprise nearly 16 percent of the United States Armed Forces and serve in positions of responsibility in the active and reserve components of the Army, Marine Corps, Navy, Air Force, and Coast Guard, as compared with less than 5 percent in 1976 when women were first integrated into the service academies;

Whereas women serve at the highest levels in the Department of Defense and other governmental organizations contributing to the defense of the United States; and

Whereas the accomplishments of generations of women have contributed to the history of the United States Armed Forces and to the strength of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of women to national defense throughout the history of the United States; and

(2) encourages the people of the United States to honor women who have served and who continue to serve the United States in the United States Armed Forces.

MEASURE READ THE FIRST TIME—H.R. 1

Mr. REID. There is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Mr. REID. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive the second reading on the next legislative day.

MEASURE DISCHARGED AND PLACED ON CALENDAR—S. RES. 70

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Res. 70, and the resolution be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 1, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, March 1; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; further that the Senate recess from 12:30 to 2:15 to allow for the weekly party caucus lunches; finally, following morning business, the Senate resume consideration of the Patent Reform Act of 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should expect rollcall votes to occur throughout the day in relation to amendments to the patent reform bill. It is a very important piece of legislation. We waited for years to get this on the floor of the Senate. If Senators have amendments, they should move them quickly because we hope to finish this bill very quickly.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order and under the provisions of S. Res. 78 as a further mark of respect to the late former Senator James McClure.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, March 1, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

CARL SHAPIRO, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE CECILIA ELENA ROUSE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID LEWIS BUTTRICK
ALAN CHOUSET
HENRY E. CLOSE III
CALVIN D. DIXON
CLYDE DYSON
THOMAS J. ELBERT, JR.
RANDALL W. ERWIN
RICHARD FITZGERALD
BRYAN S. HOCHHALTER
JOHN P. KENYON
BOYD C. SHORT, JR.
JOHN F. TILLERY
ROBERT D. WARD
THEODORE L. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARTIN D. ADAMSON
 JAMES B. ANDERSON
 MARTIN R. BOOTH
 ROBERT E. BORGER
 WILLIAM J. BRASWELL
 BRIAN K. CLOUSE
 GARY A. COBURN
 DARREN B. DUNCAN
 ELBERT A. FADALLAN
 LANCE K. GIANNONE
 DAVID B. KRUSE
 MARSHALL E. MACCLELLAN
 SHAWN L. MENCHION
 ROBERT J. MONAGLE
 ERIK W. NELSON
 RONALD R. RAGON
 STEVEN R. RICHARDSON
 JOHN G. SACKETT
 HERBERT C. SHAO
 JOHN MARION VON ALMEN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

PAUL L. ROBSON

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

BRIAN M. BOYCE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JAN I. MABY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

JASON K. BURGMAN
 CODY D. WHITTINGTON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LEE A. BURNETT
 ANTHONY J. CANFIELD
 JOHN M. GRAY

To be major

ROBERT A. MARSH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH P. DONNELLY
 JEFF L. FISHER
 RODNEY B. PAINTING
 STEPHEN M. POTTER
 BRUCE D. REED
 RICHARD J. VANARNAM, JR.

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

KEVIN J. MCCANN
 JAMES A. SEVERNSON

To be major

RANDY R. COTE
 TODD O. COULSON
 QUINCY A. GAINES
 MELVIN R. HEMPSTEAD
 FRED W. MILLER
 ANTHONY NELSON
 ERIC C. POSERN
 MATTHEW R. PROVOST
 WILSON R. STERLING
 GORDON E. VINCENT

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

JOHN S. KUTTAS

To be lieutenant colonel

JOHN D. JASINSKI

To be major

CHRISTOPHER T. ALLEN
 JENINE A. BETSCHART
 JOHN W. BLACK
 KEVIN T. BLACK
 BRADLEY A. CARLSON
 DALE B. COPARANIS
 SCOTT F. DREIBELBIS
 PAUL G. HARRELL
 JONATHAN S. HEDGE
 DESIREE J. LEDAN
 TINA M. SCHOENBERGER
 CONRAD A. SCHUPAY
 WESLEY G. WHITE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DOUGLAS L. EDSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DANIEL A. FREILICH

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, February 28, 2011:

THE JUDICIARY

AMY TOTENBERG, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

STEVE C. JONES, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

HOUSE OF REPRESENTATIVES—Monday, February 28, 2011

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LATTA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 28, 2011.

I hereby appoint the Honorable ROBERT E. LATTA, to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Gene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

Lord, in turbulent times throughout our country and the world, may we bring to those who seek peace the loving, uplifting heart that rings through the prayer of St. Francis:

Lord, make me an instrument of Your peace.

Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Minnesota (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CODEL TO THE CENTRAL FRONTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week, I participated in a congressional delegation to visit troops and fact-find in Kuwait, Iraq, Bahrain, and Afghanistan. Immediately upon arrival, we were given an optimistic assessment of democracy in the region by Ambassador Deborah Jones in Kuwait.

America's team in Baghdad, ably led by General Lloyd Austin and Ambassador James Jeffrey, confirmed the transition to an Iraqi lead is working with the professionalism of the Iraqi Army and police. A highlight for me was to meet with the 151st Expeditionary Signal Battalion led by Lieutenant Colonel Richard Wholey of the South Carolina Army National Guard to thank them and their families for their service.

In Bahrain, we met top officials who assured us the reformist Crown Prince is leading negotiations to reduce conflict in this dynamic Persian Gulf ally where we visited the U.S.S. *Lake Champlain's* capable sailors.

In Afghanistan, we saw firsthand in Kandahar the success of President Obama's surge where a surge of 30,000 U.S. troops last year motivated a surge of an additional 70,000 Afghans to fight terrorism. The Kabul team of General David Petraeus and Ambassador Karl Eikenberry are successfully denying terrorists a safe haven to attack American families.

Godspeed to Danielle Simonetti Mauer, a Washington and Lee graduate, as she departs from House service for a new career.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

IN SOLIDARITY WITH AMERICAN WORKERS

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute.)

Ms. MCCOLLUM. Mr. Speaker, I stand today in solidarity with the working men and women of America. There should be no doubt that there is a war going on right now against workers, unions, and middle class Americans who want more jobs.

In Wisconsin, Ohio and here in Congress, workers' rights are under attack by union-busting politicians. It is time for Americans to stand up and fight for

the rights of workers to organize and negotiate for safe working conditions, living wages, and basic benefits.

It is time to stand up and fight against the attacks launched by union-busting Republican Governors and their corporate sponsors. The citizens and legislators of Wisconsin and Ohio who are standing up to the union-busters have the respect and appreciation of millions of Americans.

Thank you for fighting for dignity, respect, freedom and the rights of American workers for today and tomorrow. And in Minnesota and across America, there are freedom-loving citizens who stand in solidarity with our brothers and sisters in Wisconsin and Ohio.

IN HONOR OF FRANK BUCKLES, WORLD WAR I VETERAN

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, today I rise to honor the life of Frank Buckles, who was the last surviving veteran of World War I. Frank Buckles passed away this weekend. He was 110 years old.

I am particularly proud to pay tribute to Mr. Buckles today because of his deep roots and connection to Bucks County, Pennsylvania, which is located in my congressional district, Pennsylvania's Eighth.

Frank Buckles' ancestors first arrived in what was to become the United States in 1702. They settled in Philadelphia; and in 1732, the same year that George Washington was born, Frank's ancestors married into a Quaker family and moved to Bucks County.

Mr. Speaker, with the passing of Frank Buckles, we mourn not just the man who served his country honorably, but we also mourn the passing of an era. His death reminds us of those who have served and those who continue to serve their country in the Armed Forces, and we honor their sacrifices in the name of Frank Buckles.

WISE DEFICIT REDUCTION

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker and Members of the House, 9 days ago there was a frenzy of budget cutting here on the floor, and we are going to resume that process probably tomorrow. I would urge caution for all of us. The

unintended consequences of those budget cuts will come back in many, many ways to harm this Nation.

It was estimated that the CR that was voted out of this House 9 days ago would reduce employment by over 800,000 in the next 6 months—not a good result. We have to think long term here. We need to be wise. Definitely we have to deal with the deficit, and we shall. But we must not do so at the expense of jobs and employment today or at the future opportunities. And specifically, I speak to the issue of research, development and demonstration. There are enormous cuts in that budget in the area of energy research and other necessary research that this country has to have if we are going to stay ahead in the race for the economy and for the future.

THE HUMAN GENOME PROJECT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, just before we left on break, Francis Collins came and talked to a small group of us at the Health Caucus one morning. Francis Collins, of course Dr. Collins, is the director of the National Institutes of Health and the lead of the human genome project in the National Institutes of Health when the human genome was finally solved a little less than a decade ago. Advances in genomics have really been startling, and the project continues to provide much excitement. Over 1,800 genes that cause disease have been discovered. Whole genomes for cancer cells have been mapped. That is remarkable.

The promise this research holds to help those suffering or likely to suffer from diseases or medical conditions is very real. I cannot overstate the significance of these advances. I have no doubt that the field of medicine will be revolutionized.

The technology has certainly evolved since I was a medical student some 40 years ago. Things that I would have never thought imaginable are now clearly within the reach and grasp of today's practitioner. In fact, the young men and women who are medical students and residents today, what a world they will live in. The science is going to be absolutely fantastic. And, indeed, their ability to relieve human suffering is going to be unlike anything that has been known by any generation of physicians that has preceded them.

OBAMACARE'S LOST JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last year we were told that ObamaCare would create

400,000 jobs "almost immediately." We were further told that in the coming years, ObamaCare would create 10 times that amount, 4 million jobs. A year later, we see that those promises are truly hollow.

In his testimony before the House Budget Committee, CBO Director Elmendorf confirmed that the new health care law will reduce employment by 800,000 jobs by the end of the decade. ObamaCare will take away the current insurance plan for millions of Americans, especially those who buy in the individual market or who are in a Medicare Advantage plan. All of these people were promised, "if you like it, you can keep it."

On the campaign trail, the President said he would save every American family \$2,500 a year. Now we know that some American families will be paying an additional \$2,100 a year. How can the Congress stand for this? The only sensible option is to fully repeal ObamaCare and put forward better solutions that don't destroy jobs and health care—real reform for health insurance.

□ 1410

DEFENSE OF MARRIAGE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, while we were gone last week, the United States Department of Justice made an unfortunate decision announcement. They announced that they would no longer defend an act of Congress that was signed into law by President Clinton, that is, the Defense of Marriage Act.

The statement that came out of the Justice Department said that they could find no constitutional basis for defending that law. I recall we had the same thing happen in my home State where then-Attorney General Jerry Brown said he could not defend Proposition 8 which dealt with the definition of marriage.

Having served in that office in California, I can tell you, I defended laws that I disagreed with. I defended laws that I had voted against, and I felt it was my solemn obligation to uphold the Constitution and the laws duly enacted in my State, just as I believe the Attorney General of the United States has that obligation on the Federal level.

It is beyond disappointment. I believe it is a dereliction of duty. To somehow now find that there is no constitutional basis for defending that law is incredible and I think regrettable, and I think we ought to look into it.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, February 22, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I, in my capacity as Custodian of Records for the Office of the Chief Administrative Officer, have been served with a subpoena for documents issued by a grand jury in the County of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIEL J. STRODEL,
Chief Administrative Officer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Jurisdiction and Venue Clarification Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JURISDICTIONAL IMPROVEMENTS

Sec. 101. Treatment of resident aliens.

Sec. 102. Citizenship of corporations and insurance companies with foreign contacts.

Sec. 103. Removal and remand procedures.

Sec. 104. Effective date.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

Sec. 201. Scope and definitions.

Sec. 202. Venue generally.
 Sec. 203. Repeal of section 1392.
 Sec. 204. Change of venue.
 Sec. 205. Effective date.

TITLE I—JURISDICTIONAL IMPROVEMENTS

SEC. 101. TREATMENT OF RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended—

(1) by striking the last sentence; and
 (2) in paragraph (2), by inserting after “foreign state” the following: “, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State”.

SEC. 102. CITIZENSHIP OF CORPORATIONS AND INSURANCE COMPANIES WITH FOREIGN CONTACTS.

Section 1332(c)(1) of title 28, United States Code, is amended—

(1) by striking “any State” and inserting “every State and foreign state”;
 (2) by striking “the State” and inserting “the State or foreign state”; and
 (3) by striking all that follows “party-defendant,” and inserting “such insurer shall be deemed a citizen of—

“(A) every State and foreign state of which the insured is a citizen;

“(B) every State and foreign state by which the insurer has been incorporated; and
 “(C) the State or foreign state where the insurer has its principal place of business; and”.

SEC. 103. REMOVAL AND REMAND PROCEDURES.

(a) ACTIONS REMOVABLE GENERALLY.—Section 1441 of title 28, United States Code, is amended as follows:

(1) The section heading is amended by striking “Actions removable generally” and inserting “Removal of civil actions”.

(2) Subsection (a) is amended—

(A) by striking “(a) Except” and inserting “(a) GENERALLY.—Except”; and
 (B) by striking the last sentence;

(3) Subsection (b) is amended to read as follows:

“(b) REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

“(2) A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”.

(4) Subsection (c) is amended to read as follows:

“(c) JOINDER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.—(1) If a civil action includes—

“(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

“(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute,

the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

“(2) Upon removal of an action described in paragraph (1), the district court shall sever

from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).”.

(5) Subsection (d) is amended by striking “(d) Any” and inserting “(d) ACTIONS AGAINST FOREIGN STATES.—Any”.

(6) Subsection (e) is amended by striking “(e)(1) Notwithstanding” and inserting “(e) MULTIPARTY, MULTIFORUM JURISDICTION.—(1) Notwithstanding”.

(7) Subsection (f) is amended by striking “(f) The court” and inserting “(f) DERIVATIVE REMOVAL JURISDICTION.—The court”.

(b) PROCEDURE FOR REMOVAL OF CIVIL ACTIONS.—Section 1446 of title 28, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

“§ 1446. Procedure for removal of civil actions”.

(2) Subsection (a) is amended—

(A) by striking “(a) A defendant” and inserting “(a) GENERALLY.—A defendant”; and
 (B) by striking “or criminal prosecution”.

(3) Subsection (b) is amended—

(A) by striking “(b) The notice” and inserting “(b) REQUIREMENTS; GENERALLY.—(1) The notice”; and

(B) by striking the second paragraph and inserting the following:

“(2)(A) When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.

“(B) Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.

“(C) If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal.

“(3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.”.

(C) by striking subsection (c) and inserting the following:

“(c) REQUIREMENTS; REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

“(2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—

“(A) the notice of removal may assert the amount in controversy if the initial pleading seeks—

“(i) nonmonetary relief; or

“(ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and

“(B) removal of the action is proper on the basis of an amount in controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

“(3)(A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an ‘other paper’ under subsection (b)(3).

“(B) If the notice of removal is filed more than 1 year after commencement of the action and the district court finds that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).”.

(4) Section 1446 is further amended—

(A) in subsection (d), by striking “(d) Promptly” and inserting “(d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—Promptly”;

(B) by striking “thirty days” each place it appears and inserting “30 days”; and

(C) by striking subsection (e); and

(D) in subsection (f), by striking “(f) With respect” and inserting “(e) COUNTERCLAIM IN 337 PROCEEDING.—With respect”.

(c) PROCEDURE FOR REMOVAL OF CRIMINAL ACTIONS.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1454. Procedure for removal of criminal prosecutions

“(a) NOTICE OF REMOVAL.—A defendant or defendants desiring to remove any criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

“(b) REQUIREMENTS.—(1) A notice of removal of a criminal prosecution shall be filed not later than 30 days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the defendant or defendants leave to file the notice at a later time.

“(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds that exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

“(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

“(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

“(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing

to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

“(c) WRIT OF HABEAS CORPUS.—If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into the marshal’s custody and deliver a copy of the writ to the clerk of such State court.”.

(d) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 89 of title 28, United States Code, is amended—

(A) in the item relating to section 1441, by striking “Actions removable generally” and inserting “Removal of civil actions”;

(B) in the item relating to section 1446, by inserting “of civil actions” after “removal”; and

(C) by adding at the end the following new item:

“1454. Procedure for removal of criminal prosecutions.”.

(2) Section 1453(b) of title 28, United States Code, is amended by striking “1446(b)” and inserting “1446(c)(1)”.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act, and shall apply to any action or prosecution commenced on or after such effective date.

(b) TREATMENT OF CASES REMOVED TO FEDERAL COURT.—For purposes of subsection (a), an action or prosecution commenced in State court and removed to Federal court shall be deemed to commence on the date the action or prosecution was commenced, within the meaning of State law, in State court.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

SEC. 201. SCOPE AND DEFINITIONS.

(a) IN GENERAL.—Chapter 87 of title 28, United States Code, is amended by inserting before section 1391 the following new section:

“§ 1390. Scope

“(a) VENUE DEFINED.—As used in this chapter, the term ‘venue’ refers to the geographic specification of the proper court or courts for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

“(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

“(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 87 of title 28, United States Code, is amended by inserting before the item relating to section 1391 the following new item:

“1390. Scope.”.

SEC. 202. VENUE GENERALLY.

Section 1391 of title 28, United States Code, is amended as follows:

(1) By striking subsections (a) through (d) and inserting the following:

“(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

“(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

“(2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

“(b) VENUE IN GENERAL.—A civil action may be brought in—

“(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

“(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

“(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

“(c) RESIDENCY.—For all venue purposes—

“(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

“(2) an entity with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court’s personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

“(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

“(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.”.

(2) In subsection (e)—

(A) in the first paragraph—

(i) by striking “(1)”, “(2)”, and “(3)” and inserting “(A)”, “(B)”, and “(C)”, respectively; and

(ii) by striking “(e) A civil action” and inserting the following:

“(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

“(1) IN GENERAL.—A civil action”; and

(B) in the second undesignated paragraph by striking “The summons and complaint” and inserting the following:

“(2) SERVICE.—The summons and complaint”.

(3) In subsection (f), by striking “(f) A civil action” and inserting “(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action”.

(4) In subsection (g), by striking “(g) A civil action” and inserting “(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action”.

SEC. 203. REPEAL OF SECTION 1392.

Section 1392 of title 28, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 87 of such title, are repealed.

SEC. 204. CHANGE OF VENUE.

Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: “or to any district or division to which all parties have consented”; and

(2) in subsection (d), by striking “As used in this section,” and inserting “Transfers from a district court of the United States to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands shall not be permitted under this section. As otherwise used in this section.”.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title—

(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) any action that is commenced in a United States district court on or after such effective date; and

(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 394, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank Ranking Member CONYERS, Courts Subcommittee Chairman HOWARD COBLE, Courts Ranking Member COHEN, and former Courts Subcommittee Chairman HANK JOHNSON for cosponsoring the bill.

The Federal Courts Jurisdiction and Venue Clarification Act brings more clarity to the operation of jurisdictional statutes and facilitates the identification of the appropriate State or Federal court where actions should be brought.

Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating underlying litigation. The

contents of this bill are based on recommendations developed and approved by the United States Judicial Conference to address the judiciary's concerns.

This legislation contains a number of revisions to Federal jurisdictional and venue law. Among the changes, the bill clarifies the definition of citizenship for foreign corporations and domestic corporations doing business abroad; separates the removal provisions governing civil cases and those governing criminal cases into two statutes; and creates a general venue statute that unifies the approach to venue in diversity and Federal question cases, while maintaining current venue standards.

Mr. Speaker, I urge Members to support H.R. 394.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 394 is intended to clarify a number of uncertainties and technical flaws in statutory provisions governing Federal court jurisdiction and venue that have come to light in recent years.

The legislation addresses the inefficient rules which judges have identified. These rules have required judges to spend considerable time deliberating jurisdictional issues instead of analyzing the case's facts and applicable laws. In the 111th Congress, we passed similar legislation in the House on a bipartisan basis. Unfortunately, the Senate was unable to pass it before the end of the 111th Congress.

This legislation is based on studies within the judiciary and consultation from academics and legal organizations, including the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the Chamber of Commerce. Additionally, the Judicial Conference of the United States has endorsed this legislation.

I want to thank my friend and sponsor of this bill, Chairman LAMAR SMITH for his continued efforts to strengthen the operations and efficiencies of our Federal judiciary. I urge my colleagues to support this bipartisan legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the H.R. 394, "Federal Courts and Venue Clarification Act of 2011." As a Senior Member of the Judiciary Committee, I am pleased to say that H.R. 394 enjoys strong bipartisan support and completes important work that was commenced during the 111th Congress when we considered and passed this bill in its previous form under H.R. 4113. This legislation has been a priority for Judiciary Chairman LAMAR SMITH, Ranking Member JOHN CONYERS and the many members of this chamber who passed this H.R. 4113 in the 111th Congress. Though, we were able to pass H.R. 4113 in the 111th Congress, the Senate was unable to pass it before the end of the 111th Congress. So today, I am pleased that we have the oppor-

tunity to consider and pass H.R. 394 at an early stage in the 112th Congress and provide our Senate colleagues with ample time to pass it as well.

As an Attorney and former Judge, I cannot overemphasize the importance of providing our federal judges and members of the legal profession with clear guidelines regarding issues of jurisdiction and venue. Providing our federal courts with clear guidelines on what cases they can hear under their jurisdiction and the proper venue for hearing such cases is central to the fair and efficient administration of justice in our democratic nation which is squarely based upon the rule of law. To that end, H.R. 394, the "Federal Courts Jurisdiction and Venue Clarification Act of 2010", is intended to clarify a number of uncertainties and technical flaws in statutory provisions governing federal court jurisdiction and venue that have come to light in recent years. The legislation addresses inefficient rules which judges themselves have identified. These rules have required judges to spend considerable time deliberating jurisdictional issues instead of focusing on analyzing the important facts and laws applicable to the cases before them. H.R. 394 provides guidance and a solution to this problem.

The legislation is based on studies undertaken within the judiciary, and with consultation from academicians and legal organizations, including the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the Chamber of Commerce. Additionally, the Judicial Conference of the United States has endorsed this legislation.

In the 1990s, the Judicial Conference Committee on Federal-State Jurisdiction began to identify recurring problems encountered by litigants and judges in applying certain jurisdictional and venue statutes. Following years of study, and consideration of the American Law Institute's Federal Judicial Code Revision Project (2004), the Committee carefully crafted solutions to these particular areas of confusion, in consultation with law professors. The Conference endorsed those solutions, which this legislation embodies. This Act is necessary to clarify important issues of jurisdiction and venue. The bill is intended to facilitate the administration of justice by bringing more clarity to the operation of jurisdictional and venue statutes, thereby helping to reduce wasteful litigation over certain issues.

Under its Jurisdictional provisions, this bill:

Eliminates the "resident alien proviso" and clarifies that district courts do not have diversity jurisdiction over a claim between a citizen of a state and a permanent resident alien domiciled in the same state;

More clearly defines "citizenship" for foreign corporations and domestic corporations doing business abroad, as well as for direct actions against insurance companies;

Ensures that when a federal question claim is removed along with state law claims that are not within the supplemental jurisdiction of the district court or are otherwise non-removable by statute, the federal question claim will proceed in federal court and such state law claims will be remanded to state court;

Separates the removal provisions governing civil cases and those governing criminal cases

into two separate statutes, as well as grouped together removal provisions relating solely to actions based on diversity jurisdiction for ease of reference by litigants;

Codifies current practice that all defendants must join in or consent to removal in order for the action to be removed to federal court;

Clarifies the provisions governing timeliness of removal by giving each defendant 30 days after service to file a notice of removal, while allowing any earlier-served defendants to consent to the removal by the later-served defendant;

Permits removal of a case after one year if a plaintiff has acted in bad faith in order to prevent a defendant from removing the action; and

Allows information learned through discovery indicating that a claim is worth more than the minimum amount in controversy for diversity to trigger a new 30-day period in which to remove.

Under its Venue & Transfer provisions, this bill:

Sets forth a definition of venue and codifies the scope of venue provisions;

Creates a unified approach to venue in both diversity and federal question cases, while maintaining current venue standards;

Eliminates the outdated "local action" rule, which restricts where certain actions involving real property can be brought;

Clarifies that a person is deemed to reside in the judicial district in which that person is domiciled;

Provides that unincorporated associations will be treated the same as incorporated associations for determining venue, so that they will also be regarded as residents of any district in which they are subject to personal jurisdiction;

Eliminates a venue defense for persons residing outside the United States and grants a venue defense to permanent resident aliens with a domicile in the United States;

Allows cases to be transferred, for the convenience of the parties and witnesses and in the interest of justice, to any district or division to which all parties have consented; and

Clarifies that transfers of cases from United States district courts (Article III courts) to territorial district courts (Article IV courts) are not permissible.

This bill will finally address and resolve jurisdiction and venue issues that have wasted the time of our federal judiciary for years and will help bring about more efficient administration of justice. So, I ask my colleagues to stand with me today and vote in favor of the H.R. 394, "Federal Courts and Venue Clarification Act of 2011."

Mr. JOHNSON of Georgia. I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 394, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 386) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Aircraft Cockpits Against Lasers Act of 2011".

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by inserting after section 39 the following:

"§ 39A. Aiming a laser pointer at an aircraft

"(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

"(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

"(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

"(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

"(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

"(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in

the Senate not less than 90 days before such regulations become final."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

"39A. Aiming a laser pointer at an aircraft."

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 386, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1420

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, the danger of shining a laser beam into someone's eyes is not news. What is news is the ever-increasing number of incidents of laser pointers being directed at the pilots of commercial and law enforcement aircraft.

In 2005, when a similar measure was passed by this body, this emerging threat was estimated at 400 reported incidents over the previous 15 years. By contrast, in 2009, there were almost 1,600 episodes reported. In 2010, there were over 2,800 incidents reported.

As the Airline Pilots Association has stated in its letter of support for this legislation, "The inappropriate use of widely available laser pointers against airborne flight crews represents a genuine and growing safety and security concern. At a minimum, the laser illumination of a cockpit creates a flight crew distraction, and in more serious cases, can result in eye damage and temporary incapacitation."

Mr. Speaker, the danger from shining a laser into the cockpit of any aircraft is truly a tragedy waiting to happen. The ominous prospect of a catastrophe is particularly high during the takeoff and landing stages. Emergency maneuvers to prevent the misperception of midair collisions have also occurred. In one instance, the pilot thought he was

about to strike the warning light on a tower. In another case, the laser beam was thought to be the lights of an approaching aircraft.

Law enforcement pilots, unfortunately, are frequently targeted and have to consider the possibility that they are being illuminated by a laser scope attached to a rifle. Law enforcement pilots have, on occasion, been required to discontinue a response to a crime in progress due to being hit by a laser.

At the same time, it is an unfortunate fact that some Federal prosecutors have declined to pursue cases, believing that the current Destruction of Aircraft statute does not fit the facts of their particular laser cases. Some States have statutes that have been successfully used to address this problem, but many more do not. H.R. 386 specifically addresses shining a laser pointer into an aircraft cockpit and will make aircraft travel safer for pilots and the public.

It is not only the number of laser pointers being aimed at aircraft cockpits that has dramatically increased during the past several years. The power of the current generation of laser-pointer devices has also significantly increased. Their cost, on the other hand, has gone down, making them much more widely available.

The problem of lasers being shown into cockpits is so prevalent that in my area, the Sacramento area, the FBI, the FAA, and the Federal Air Marshal Service have joined with State and local law enforcement in establishing a Laser Strike Working Group. These working groups have also expanded into other areas of the country.

H.R. 386 provides an important tool in our efforts to enhance the safety of air travel. This body passed identical language by a voice vote at the close of the 111th Congress. It is my hope that all Members will join me in supporting this important legislation.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H.R. 386.

This bill establishes criminal penalties for knowingly aiming a laser pointer at an aircraft or in its flight path. Incidents involving lasers aimed at aircraft have raised concerns over the potential threat to aviation safety and national security.

Some are concerned that terrorists might use high-powered lasers to, among other things, incapacitate pilots. There is also concern that laser devices can distract or temporarily incapacitate pilots during critical phases of flight.

Lasers pose a safety hazard to flight operations. Even a brief exposure to a relatively low-powered laser beam can cause discomfort and temporary visual impairment. The visual distractions of

a laser can cause a pilot to become disoriented or to lose situational awareness while flying. Higher powered laser devices can incapacitate pilots and inflict eye injuries when viewed at closer ranges.

In fact, the National Transportation Safety Board documented two cases in which pilots sustained eye injuries and were incapacitated during critical phases of flight. In one of these cases, after a laser was pointed at the pilot's plane, he experienced a burning sensation and tearing in his eyes. A subsequent eye examination revealed multiple flash burns in the pilot's cornea.

These types of incidents happen more and more each year. There were over 2,800 reported incidents of this happening last year, more than double the number of reported incidents from the previous year. Because this is a documented and growing problem and because of the Federal interest in maintaining the safety of our airspace, this bill, unfortunately, is necessary.

I commend the gentleman from California, Representative DAN LUNGREN, for his work on this bill, and I urge my colleagues to support the legislation.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, this is a timely matter. There was a press report just this week that police are trying to find the person who, on Friday morning, pointed a green laser beam both at an airplane and at a news helicopter in the Phoenix area. There have been incidents all around the country. This is not just something that is peculiar to my area; it is something that is increasing in terms of severity and in the number of incidents, so we need to pass this legislation as soon as possible.

I urge my fellow Members to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 386, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL CLARIFICATION ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to

Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Removal Clarification Act of 2011".

SEC. 2. REMOVAL OF CERTAIN LITIGATION TO FEDERAL COURTS.

(a) CLARIFICATION OF INCLUSION OF CERTAIN TYPES OF PROCEEDINGS.—Section 1442 of title 28, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting "that is" after "or criminal prosecution";

(B) by inserting "and that is" after "in a State court"; and

(C) by inserting "or directed to" after "against"; and

(2) by adding at the end the following:

"(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court."

(b) CONFORMING AMENDMENTS.—Section 1442(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "capacity for" and inserting "capacity, for or relating to"; and

(B) by striking "sued"; and

(2) in each of paragraphs (3) and (4), by inserting "or relating to" after "for".

(c) APPLICATION OF TIMING REQUIREMENT.—Section 1446 of title 28, United States Code, is amended by adding at the end the following:

"(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding."

(d) REVIEWABILITY ON APPEAL.—Section 1447(d) of title 28, United States Code, is amended by inserting "1442 or" before "1443".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 368, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, the Removal Clarification Act of 2011, sponsored by the gentleman from Georgia (Mr. JOHNSON), primarily amends section 1442 of title 28 of the U.S. Code. This is a statute that allows Federal officers, under limited conditions, to remove cases filed against them in State court to U.S. District Court for disposition.

The purpose of section 1442 is to deny State courts the power to hold Federal officers criminally or civilly liable for acts allegedly performed in the execution of their Federal duties. This does not mean Federal officers can break the law; rather, it just means that these cases are transferred to U.S. District Court for consideration.

Congress wrote the statute because it deems the right to remove under these conditions essential to the preeminence of the Federal Government on those matters entrusted to it under the Constitution. Federal officers or agents, even Members of Congress, should not be forced to answer in a State forum for conduct asserted in the performance of Federal duties.

The Supreme Court weighed in on this matter long ago. As the Court explained in the case of *Willingham v. Morgan*, the Federal Government can only act through its officers and agents, and they must act within the States. If, when acting and within the scope of their authority, those officers can be arrested and brought to trial in a State court for an alleged offense against the law of the State, yet warranted by the Federal authority they possess; and if the general government is powerless to interfere at once for their protection, the operations of the general government may at any time be arrested at the will of one of its members.

□ 1430

District courts have inconsistently interpreted the statute. Most recently, in March, 2010, the Court of Appeals for the Fifth Circuit upheld a district court ruling in Texas that the Federal removal statute does not apply to a Texas law involving pre-suit discovery.

Because 46 other States have similar laws, the House General Counsel's Office is concerned that more Federal courts will adopt this logic. The problem occurs when a plaintiff who contemplates suit against a Federal officer petitions for discovery without actually filing suit in State court. Many Federal courts now assert that this conduct only anticipates a suit; it is, therefore, not a "cause of action" as contemplated by the Federal removal statute.

The problem is compounded because of a separate Federal statute, section 1447 of title 28. Therein it requires U.S.

district courts to remand any case back to State court if “at any time before final judgment it appears that the district court lacks subject matter jurisdiction.”

Judicial review of remand orders under section 1447 is limited and has no application to suits involving Federal officers and section 1442. So this means remanded cases brought against Federal officers under these conditions cannot find their way back to Federal court, a result that conflicts with the history of the Federal removal and remand statutes.

While we passed a predecessor bill last July, the other body developed minor amendments to clarify the text. These changes were vetted with House Judiciary and we endorse them. The revisions improve the bill in two ways. First, the new language stipulates that only Federal issues are removable to Federal court. And second, the text provides that a 30-day removal “clock” is triggered either by a request for testimony or documents, or an order enforcing such a request.

In addition, the floor version strikes section 3 of H.R. 368. This is superfluous language that references a favorable CBO score inserted in the CONGRESSIONAL RECORD last year in advance of our consideration of the predecessor bill. Section 3 isn’t needed because we have an updated CBO score—also favorable—that applies to this year’s bill.

In closing, I would like to thank Congressman JOHNSON for his hard work on this project, and I would urge my colleagues to support H.R. 368.

Mr. Speaker, I reserve the balance of my time.

Mr. JOHNSON of Georgia. I thank the gentleman from California, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 368, the Removal Clarification Act of 2011, will enable Federal officials to remove cases to Federal court in accordance with the spirit and intent of the Federal officer removal statute, 28 U.S.C. 1442(a). This is a noncontroversial, bipartisan bill. In the 111th Congress, a nearly identical version passed the House under a suspension of the rules and passed the Senate with an amendment by unanimous consent.

Under the Federal officer removal statute, a Federal officer should be able to remove a case from State court to Federal court when it involves the Federal officer’s exercise of his or her official responsibilities. The purpose underlying the Federal officer removal statute is to prevent State litigants from interfering with the Federal Government’s operations. There is, however, some ambiguity as to whether the Federal officer removal statute applies to State pre-suit discovery procedures. More than 40 States have such procedures, which require individuals to be

deposed or respond to discovery requests even when a civil action has not yet been filed. This means that Federal officials can be forced to litigate in State court, undermining the purpose and intent of the Federal officer removal statute.

Courts are split on whether the removal statute applies to pre-suit discovery. Some courts have found that Federal officers cannot remove a proceeding to Federal court when these pre-suit discovery motions are at issue while others have found that such proceedings could be removed. This bill will clarify that Federal officers should be able to remove a proceeding to Federal court any time a legal demand is made for a Federal official’s testimony or documents if the officer’s exercise of his or her official responsibilities was at issue.

The legislation will also allow a Federal officer to appeal a district court’s decision to remand the matter back to the State court, pursuant to 28 U.S.C. 1447. This bill will not result in the removal of the entire State case when a Federal officer is served with a discovery request when the only hook is that a Federal officer has been served with such a discovery request. Rather, the bill we consider today makes clear that “if there is no other basis for removal, only that discovery proceeding may be removed to the district court.”

Finally, the bill makes clear that the timing requirement under 28 U.S.C. 1446 will not be changed, restating the 30-day requirement for removing the case when the judicial order is sought as well as when the judicial order is enforced.

In closing, I would like to thank Chairman SMITH and Ranking Member CONYERS for working with me on this bill, and I urge my colleagues to support this important bipartisan piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, once again I would like to thank the gentleman from Georgia for bringing this bill to the committee and to the floor. I urge my colleagues to support this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the amendment to H.R. 368, “The Removal Clarification Act of 2011.”

“The Removal Clarification Act of 2011” clarifies when a case involving a federal official can be removed from a state court into a federal court. It states that a federal official can remove cases to federal court in accordance with the spirit and intent of the federal officer removal statute. It also makes clear that the federal officer removal statute applies to all federal officials, including officials of the legislative and executive branch of the Federal government.

The purpose of the law is to take from state courts the infeasible power to hold a federal officer or agent criminally or civilly liable for an

act allegedly performed in the execution of their federal duties. This does not mean federal officers can break the law; it just means that these cases are transferred to U.S. district court for consideration. Federal officers or agents, including congressmen, should not be forced to answer for conduct asserted within their federal duties in a state forum that invites local interests or prejudice to color outcomes. In the absence of this constitutional protection, federal officers, including congressmen and women, would be subject to political harassment and federal operations generally would be needlessly hampered.

H.R. 368, introduced by my colleague Rep. HANK JOHNSON of Georgia, is a non-controversial, bipartisan bill that was passed by the House and passed in the Senate with an amendment at the end of the 111th Congress. Just about a month ago, we considered this bill in the House Judiciary Committee, and it received support from my colleagues on both sides of the aisle.

Currently under 28 U.S.C. 1442(a), federal officials are able to remove a case out of state court and into federal court. However under state pre-suit discovery laws, federal officials may be unable to remove the case because a “civil action” has not yet been filed.

H.R. 368 does not make any changes to the underlying removal law. It simply clarifies 28 U.S.C. 1442(a) by including any proceeding to the extent that in such a proceeding, a judicial order, including a subpoena for testimony or documents, is sought or issued.

In my home state of Texas, there was a recent high profile case, *Price v. Johnson*, involving a Texas state legal action taken against Rep. JOHNSON, where the removal to federal court was denied by the U.S. District Court. The Fifth Circuit illustrated the importance of better clarity needed in 28 U.S.C. 1442(a). In the 111th Congress, the Judiciary Committee’s Subcommittee on Courts and Competition Policy found that case law interpreting the removal statute is not just split among the circuits, but within them as well. Therefore, H.R. 368 is a much needed measure to once and for all settle the confusion amongst rulings in the Federal District Courts.

Currently, there are 47 states that have enacted pre-civil suit discovery statutes; H.R. 368 would take into account the operation of these state pre-civil suit discovery statutes and provide clarification to prevent more cases like *Price v. Johnson* from occurring.

H.R. 368 is essential to the integrity and preeminence of the federal government within its realm of authority. This bill will also allow for appeal to the federal court if the district court remands the matter back to the state court and that the federal defense is also still needed for removal.

I ask my colleagues to please join me in supporting H.R. 368, “the Removal Clarification Act of 2011.”

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 368, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 347) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Restricted Buildings and Grounds Improvement Act of 2011".

SEC. 2. RESTRICTED BUILDING OR GROUNDS.

Section 1752 of title 18, United States Code, is amended to read as follows:

"§ 1752. Restricted building or grounds

"(a) Whoever—

"(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

"(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

"(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

"(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so, shall be punished as provided in subsection (b).

"(b) The punishment for a violation of subsection (a) is—

"(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) any person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

"(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

"(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

"(c) In this section—

"(1) the term 'restricted buildings or grounds' means any posted, cordoned off, or otherwise restricted area—

"(A) of the White House or its grounds, or the Vice President's official residence or its grounds;

"(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

"(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

"(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 347 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Florida (Mr. ROONEY), the author of this bill, a distinguished former member of our Judiciary Committee and one who has just gotten over the mourning period because of his beloved Pittsburgh Steelers.

Mr. ROONEY. I thank the gentleman from California.

Mr. Speaker, the United States Secret Service began providing protective services following the assassination of President McKinley in 1901. The Service's protection responsibilities have since expanded to include the First Family, the Vice President, former Presidents, heads of state, and others. The Service also provides protection at special events of national significance. To address this vital responsibility, the Secret Service must anticipate, recognize, and assess threat situations and initiate strategies to eliminate and reduce threats or security vulnerabilities.

A key component of the Service's protection mission is securing the buildings and grounds where those protected work or visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

H.R. 347 ensures that the Secret Service has the ability to secure all necessary areas surrounding restricted buildings and grounds that house our leaders, their families, and foreign heads of state. This bill clarifies section 1752 of title 18, which sets penalties for knowingly entering or remaining in any restricted building or

grounds without the lawful authority to do so.

□ 1440

Currently written, the code does not distinguish between those who are there lawfully, such as Secret Service agents and other authorized staff, and those who are there without permission. This bill does not create any new authorities for the Secret Service and does not restrict the liberties of American citizens. H.R. 347 simply clarifies and improves existing criminal statutes that are necessary for the Secret Service to resolve security issues and implement prevention strategies before tragedy strikes.

This bill will enable the United States Secret Service to continue to deliver the highest level of protective services consistent with their proud tradition. I urge my colleagues to join me in supporting this important legislation.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 347, which will assist the Secret Service in performing their protective duties, and it does include the Pittsburgh Steelers organization in the confines of this legislation.

The role of the Secret Service has expanded greatly since it was created in 1865 to fight the counterfeiting of U.S. currency. The Secret Service became part of the Treasury Department in 1883 and took on many additional investigative responsibilities with respect to safeguarding the payment and financial systems of the United States.

It wasn't until 1894 that the Secret Service first started protecting our Presidents, and that protective role with respect to the President, Vice President, and other dignitaries has grown substantially since that time. The bill before us today will help the Secret Service carry out this protective function.

Current Federal law prohibits individuals from entering or remaining in areas cordoned off as restricted because of protection being provided by the Secret Service. This bill would simply clarify that the prohibition under the existing statute under—excuse me. This bill would simply clarify that the prohibition under the existing statute only applies to those who do not have lawful authority to be in those areas.

The bill also would add the White House and the Vice President's residence to the definition of restricted areas protected under current law.

The men and women of the Secret Service conduct themselves with valor and professionalism while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President and national special security events.

The Secret Service has other important functions which also deserve recognition. For example, the investigative role of the Secret Service has expanded greatly from protecting the currency against counterfeiting to investigating a wide variety of crimes related to this country's financial institutions and credit systems.

I commend the gentleman from Florida, Representative TOM ROONEY, for his work on this bill. I do sympathize with him in his loss. And I urge my colleagues to support H.R. 347.

I yield back the balance of my time. Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would ask all Members to support this reasonable legislation.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 347, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATTA) at 6 o'clock and 30 minutes p.m.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

FEBRUARY 28, 2011.

Hon. JOHN BOEHNER,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I write to inform you that I have notified California Governor Jerry Brown of my resignation from the

House, effective today, to assume the responsibilities of President, Director and Chief Executive Officer of the Woodrow Wilson Center for International Scholars.

The privilege of representing the people of California's 36th Congressional District for 17 years has been an honor without equal. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

JANE HARMAN.

FEBRUARY 28, 2011.

Hon. EDMUND G. BROWN,
Governor of California,
State Capitol, Suite 1173, Sacramento, CA.

DEAR GOVERNOR BROWN: I write to inform you that I will resign my House seat, effective today, to assume the responsibilities of President, Director and Chief Executive Officer of the Wilson Woodrow Center for International Scholars.

The privilege of representing the people of California's 36th Congressional District for 17 years has been an honor without equal. I look forward to working with you to ensure an orderly transition for my successor.

Sincerely,

JANE HARMAN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentlewoman from California (Ms. HARMAN), the whole number of the House is 433.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 44, FURTHER CONTINUING APPROPRIATIONS AMENDMENTS, 2011

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-19) on the resolution (H. Res. 115) providing for consideration of the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 394, H.R. 347, and H.R. 368, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 148]

YEAS—402

Ackerman	Coffman (CO)	Graves (GA)
Adams	Cohen	Graves (MO)
Aderholt	Cole	Green, Al
Akin	Conaway	Green, Gene
Altmire	Connolly (VA)	Griffin (AR)
Amash	Conyers	Griffith (VA)
Andrews	Cooper	Grimm
Austria	Costa	Guinta
Baca	Costello	Guthrie
Bachmann	Courtney	Hall
Bachus	Cravaack	Hanabusa
Baldwin	Crawford	Harper
Barletta	Crenshaw	Harris
Barrow	Critz	Hartzler
Bartlett	Crowley	Hastings (FL)
Barton (TX)	Cuellar	Hastings (WA)
Bass (CA)	Culberson	Hayworth
Bass (NH)	Cummings	Heck
Becerra	Davis (CA)	Heinrich
Benishek	Davis (IL)	Heller
Berg	Davis (KY)	Hensarling
Berkley	DeFazio	Herger
Berman	DeLauro	Herrera Beutler
Biggert	Denham	Higgins
Bilbray	Dent	Himes
Bilirakis	DesJarlais	Hirono
Bishop (GA)	Deutch	Holt
Bishop (NY)	Diaz-Balart	Honda
Bishop (UT)	Dicks	Hoyer
Black	Dingell	Huelskamp
Blackburn	Doggett	Huizenga (MI)
Blumenauer	Dold	Hultgren
Bonner	Donnelly (IN)	Hunter
Bono Mack	Doyle	Hurt
Boren	Dreier	Inslee
Boswell	Duffy	Israel
Boustany	Duncan (SC)	Issa
Brady (PA)	Duncan (TN)	Jackson (IL)
Brady (TX)	Edwards	Jackson Lee
Braley (IA)	Ellison	(TX)
Brooks	Ellmers	Jenkins
Brown (GA)	Emerson	Johnson (GA)
Brown (FL)	Engel	Johnson (IL)
Buchanan	Eshoo	Johnson (OH)
Bucshon	Farr	Johnson, E. B.
Buerkle	Fattah	Johnson, Sam
Burgess	Filner	Kaptur
Burton (IN)	Fincher	Keating
Butterfield	Fitzpatrick	Kelly
Calvert	Flake	Kildee
Camp	Fleischmann	Kind
Campbell	Fleming	King (IA)
Canseco	Flores	King (NY)
Cantor	Fortenberry	Kinzinger (IL)
Capito	Fox	Kissell
Capps	Frank (MA)	Kline
Capuano	Franks (AZ)	Kucinich
Cardoza	Frelinghuysen	Labrador
Carney	Fudge	Lance
Carson (IN)	Gallegly	Landry
Carter	Garamendi	Langevin
Cassidy	Gardner	Lankford
Chabot	Garrett	Larsen (WA)
Chaffetz	Gerlach	Larson (CT)
Chandler	Gibbs	Latham
Chu	Gibson	Latta
Cicilline	Gingrey (GA)	Lee (CA)
Clarke (MI)	Gohmert	Levin
Clarke (NY)	Gonzalez	Lewis (CA)
Clay	Goodlatte	Lewis (GA)
Cleaver	Gosar	Lipinski
Clyburn	Gowdy	LoBiondo
Coble	Granger	Loebuck

Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen

Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott (VA)

Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Berkley
Berman
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Smith (WA)
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble

NOT VOTING—30

Alexander
Carnahan
Castor (FL)
DeGette
Farenthold
Forbes
Giffords
Grijalva
Gutierrez
Hanna

Hinchey
Hinojosa
Holden
Jones
Jordan
Kingston
Lamborn
LaTourette
Marchant
Meeks

Payne
Rohrabacher
Rush
Shuler
Smith (WA)
Tiberi
Towns
Walberg
Wu
Young (FL)

□ 1855

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill (H.R. 347) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 30, as follows:

[Roll No. 149]

YEAS—399

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Smith (WA)
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble

Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Denham
Dent
DesJarlais
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger

Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski

LoBiondo
Loeback
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)

Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schradler
Schwartz
Schweikert
Scott (SC)
Scott (VA)

Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—3

Amash
Carnahan
Castor (FL)
DeGette
Edwards
Farenthold
Forbes
Giffords
Gutierrez
Hanna
Hinchey

Broun (GA)
Hinojosa
Holden
Jones
Jordan
Kingston
Lamborn
LaTourette
Marchant
Meeks
Payne

Paul
Price (GA)
Rohrabacher
Rush
Shuler
Smith (WA)
Tiberi
Towns
Walberg
Wu
Young (FL)

NOT VOTING—30

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL CLARIFICATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 368) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 4, not voting 32, as follows:

[Roll No. 150]

YEAS—396

Ackerman	Chaffetz	Flores
Adams	Chandler	Fortenberry
Aderholt	Chu	Fox
Akin	Cicilline	Frank (MA)
Alexander	Clarke (MI)	Franks (AZ)
Altmire	Clarke (NY)	Frelinghuysen
Andrews	Clay	Fudge
Austria	Cleaver	Galleghy
Baca	Clyburn	Garamendi
Bachmann	Coble	Gardner
Bachus	Coffman (CO)	Garrett
Baldwin	Cohen	Gerlach
Barletta	Cole	Gibbs
Barrow	Conaway	Gibson
Bartlett	Connolly (VA)	Gingrey (GA)
Barton (TX)	Conyers	Gonzalez
Bass (CA)	Cooper	Goodlatte
Bass (NH)	Costa	Gosar
Becerra	Costello	Gowdy
Benishak	Courtney	Granger
Berg	Crawaack	Graves (GA)
Berkley	Crawford	Graves (MO)
Berman	Crenshaw	Green, Al
Biggart	Critz	Green, Gene
Bilbray	Crowley	Griffin (AR)
Bilirakis	Cuellar	Griffith (VA)
Bishop (GA)	Culberson	Grijalva
Bishop (NY)	Cummings	Grimm
Bishop (UT)	Davis (CA)	Guinta
Black	Davis (IL)	Guthrie
Blackburn	Davis (KY)	Hall
Blumenauer	DeFazio	Hanabusa
Bonner	DeLauro	Harper
Bono Mack	Denham	Harris
Boren	Dent	Hartzler
Boswell	DesJarlais	Hastings (FL)
Boustany	Deutch	Hastings (WA)
Brady (PA)	Diaz-Balart	Hayworth
Brady (TX)	Dicks	Heck
Braley (IA)	Dingell	Heinrich
Brooks	Doggett	Hensarling
Brown (FL)	Dold	Herger
Buchanan	Donnelly (IN)	Herrera Beutler
Bucshon	Doyle	Higgins
Buerkle	Dreier	Himes
Burgess	Duffy	Hirono
Burton (IN)	Duncan (SC)	Holt
Butterfield	Duncan (TN)	Honda
Calvert	Edwards	Hoyer
Camp	Ellison	Huelskamp
Campbell	Ellmers	Huizenga (MI)
Canseco	Emerson	Hultgren
Cantor	Engel	Hunter
Capito	Eshoo	Hurt
Capps	Farr	Inslee
Capuano	Fattah	Israel
Cardoza	Filner	Issa
Carney	Fincher	Jackson (IL)
Carson (IN)	Fitzpatrick	Jackson Lee
Carter	Flake	(TX)
Cassidy	Fleischmann	Jenkins
Chabot	Fleming	Johnson (GA)

Johnson (IL)	Murphy (CT)	Schiff
Johnson (OH)	Murphy (PA)	Schilling
Johnson, E. B.	Myrick	Schmidt
Johnson, Sam	Nadler	Schock
Kaptur	Napolitano	Schrader
Kelly	Neal	Schwartz
Kildee	Neugebauer	Schweikert
Kind	Noem	Scott (SC)
King (IA)	Nugent	Scott (VA)
King (NY)	Nunes	Scott, Austin
Kinzing (IL)	Nunnelee	Scott, David
Kissell	Olson	Sensenbrenner
Kline	Olver	Serrano
Kucinich	Owens	Sessions
Labrador	Palazzo	Sewell
Lance	Pallone	Sherman
Landry	Pascrell	Shimkus
Langevin	Pastor (AZ)	Shuster
Lankford	Paulsen	Simpson
Larsen (WA)	Pearce	Sires
Larson (CT)	Pelosi	Slaughter
Latham	Pence	Smith (NE)
Latta	Perlmutter	Smith (NJ)
Lee (CA)	Peters	Smith (TX)
Levin	Peterson	Southerland
Lewis (CA)	Petri	Speier
Lewis (GA)	Pingree (ME)	Stark
Lipinski	Pitts	Stearns
LoBiondo	Platts	Stivers
Loeback	Polis	Stutzman
Lofgren, Zoe	Pompeo	Sullivan
Long	Posey	Sutton
Lowey	Price (GA)	Terry
Lucas	Price (NC)	Thompson (CA)
Luetkemeyer	Quayle	Thompson (MS)
Lujan	Quigley	Thompson (PA)
Lummis	Rahall	Thornberry
Lungren, Daniel E.	Rangel	Tierney
	Reed	Tipton
	Rehberg	Tonko
	Reichert	Tsongas
	Renacci	Turner
	Reyes	Upton
	Ribble	Van Hollen
	Richardson	Velázquez
	Richmond	Visclosky
	Rigell	Walden
	Rivera	Walsh (IL)
	Roby	Walsh (MN)
	Roe (TN)	Wasserman
	Rogers (AL)	Schultz
	Rogers (KY)	Waters
	Rogers (MI)	Watt
	Rokita	Waxman
	Rooney	Webster
	Ros-Lehtinen	Weiner
	Roskam	Welch
	Ross (AR)	West
	Ross (FL)	Westmoreland
	Rothman (NJ)	Whitfield
	Roybal-Allard	Wilson (FL)
	Royce	Wilson (SC)
	Runyan	Wittman
	Ruppersberger	Wolf
	Ryan (OH)	Womack
	Ryan (WI)	Woodall
	Sánchez, Linda T.	Woolsey
	Sanchez, Loretta	Yarmuth
	Sarbanes	Yoder
	Scalise	Young (AK)
	Schakowsky	Young (IN)

NAYS—4

NOT VOTING—32

Amash	McClintock	Poe (TX)
Broun (GA)	Paul	Rohrabacher
		Rush
		Shuler
		Smith (WA)
		Tiberi
		Towns
		Walberg
		Wu
		Young (FL)
Carnahan	Hinojosa	
Castor (FL)	Holden	
DeGette	Jones	
Farenthold	Jordan	
Forbes	Keating	
Giffords	Kingston	
Gohmert	Lamborn	
Gutierrez	LaTourette	
Hanna	Marchant	
Heller	Meeks	
Hinchey	Payne	

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 9, 2011, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE HONORABLE JULIA GILLARD, PRIME MINISTER OF AUSTRALIA

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 9, 2011, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Honorable Julia Gillard, Prime Minister of Australia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

□ 1910

RECOGNIZING RONALD BROWN ON HIS 48 YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to recognize a man who has served the youth of America in the professional service of the Boy Scouts of America. Ronald Brown currently serves as the Area 6 Director of the Northeast Region Boy Scouts of America. Ron retires on April 1 after an astounding 48 years of service.

Ron's BSA career started in 1963 as a District Executive in Birmingham, Alabama. He has served as a Field Director, Camping Director, Director of Support Services, Director of Field Services, Scout Executive, and Area Director. Ron's service has led him from Alabama to posts in Texas, Illinois, New Jersey, Pennsylvania, and even Germany.

Ron received his bachelor of arts degree in mathematics from Miles College in Birmingham, Alabama. He has been a frequent staff member or instructor at jamborees, camp schools and numerous other BSA training events. Ron Brown has served the youth of this Nation through the Boy Scouts of America with great distinction. I wish Ron and his wife Ann all the best in retirement.

Well done, Scouter.

FLORIDA HIGH SPEED RAIL FUNDING

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker and Members of the House, I rise today very disappointed with the Governor of the State of Florida, Rick Scott. Last week, the Governor told Transportation Secretary LaHood that the State of Florida could do without \$2.5 billion in Federal highway funds for rail. This money poses no risk to the people of Florida and would create over 60,000 jobs for Floridians.

Unfortunately, Florida's Governor seems to be much more interested in politics than in creating jobs or improving the transportation system for the great people of Florida. Turning down high speed rail funds would do nothing to bring down Florida's 12 percent unemployment and, in some areas, 15 percent. Indeed, the high speed rail plan for Florida serves as a true example of a successful public-private partnership and, as DOT statistics show, for every \$1 billion we spend in rail, it generates 42,000 permanent jobs.

I urge Governor Scott, who has until this Friday, to change his mind and fulfill his campaign promise of "Let's Get to Work."

CONGRATULATING MINNETONKA GIRLS' HOCKEY TEAM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise to congratulate Minnesota's 2011 AA State girls' hockey champions, the Minnetonka Skippers. In their first ever tournament appearance, the Skippers skated to victory with an impressive 3-2 win over the Edina Hornets.

After nearly three periods of nail-biting action, with 39.6 seconds left on the clock, Amy Peterson scored her second goal of the game solidifying their place in Minnesota hockey history.

Under the direction of Head Coach Eric Johnson, the Skippers ended their season with a remarkable 29 wins, 1 loss and 1 tie.

The message on the team's T-shirt says it best: "All Out. All Game. All Season. All It Takes Is All You've Got." The Minnetonka girls' hockey team gave it their all, all season. Their talent, dedication and passion truly makes the Minnetonka girls' hockey team champions.

Congratulations, Skippers.

REMEMBERING THURGOOD MARSHALL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, today is the last day of Black History Month, a month when we reflect back on African Americans who have contributed so much to our country and our world. One man whose life encapsulates the

African American struggle was Thurgood Marshall. George Stevens produced a play called "Thurgood" at the Kennedy Center. The play has been put to film on HBO. I think it's still available on HBO; at least on demand.

It is the story of a man who was committed to justice. Through the NAACP, he argued *Brown v. Board of Education*, the most significant civil rights case, maybe the most significant Supreme Court case of all time. He became the first African American solicitor general in this country and the first African American Supreme Court justice and served honorably on that court.

He was a man that never forgot where he came from. His responsibility and duty to see that he carried on justice and the fights that he carried with him as an attorney and on the court to see that social justice and America became the country that was promised in the Constitution and in the Declaration of Independence but had not become except through Supreme Court rulings.

Thank God for Thurgood Marshall. I urge everybody to watch George Stevens' production on HBO and learn about this great man's life.

THE BOOK CLOSES FOR THE LAST DOUGHBOY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, we have come to the end of a long chapter in American history. The lone U.S. survivor of World War I, Frank Buckles, has died at the incredible age of 110.

At 16, Frank Buckles lied about his age so he could join the Army in 1917 and go "over there" to fight for the cause of America. He drove an ambulance in World War I in Europe. During World War II, Buckles was captured by the Japanese in the Philippines and held as a prisoner of war for 3 years. Until recently, Buckles continued to drive his tractor on his farm in West Virginia.

It was Buckles' passion to have a memorial built on the Capital Mall to honor all those doughboys that served in the great World War I. We have memorials for the other three major wars of the last century, but not one for World War I.

I met Corporal Buckles when we introduced this legislation that is named in his honor. It is time we build such a memorial, and it is time we also allow Frank Buckles to lie in state in the Capitol Rotunda. History must remember this last patriot of World War I and the 4 million other Americans that served.

And that's just the way it is.

HOUSTON DAY CARE TRAGEDY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, just last week in Houston, Texas, in a private home called Jackie's Day Care, seven babies under 3 years old were subjected to an horrific inferno; a fire. As the caretaker or the owner of this child care facility and as the facts unfold that we believe Federal funding was involved, first there was a representation that she was in the home and had fainted. But over the last 72 hours it was determined that she had gone to the grocery store. Four babies are dead. Two are in a burn unit. And one is fighting for his life in another facility.

I am standing here today—my voice can be heard—to first of all say how many people need day care and have to subject themselves to these kinds of homes. She was 22. Maybe she cared for the children. But right now she has fled the country.

I am asking Ms. Tata to return. I am asking her family members to return so that she can receive justice and so these families can heal. This is not the way to address your responsibility. Four families are burying babies who would have had wonderful futures, who simply attempted to work and have a place safe and secure for them to be. Now they are dead.

Ms. Tata, you're 22 years old. Come back to this country and get in line for the justice you deserve. We are coming after you.

□ 1920

REPUBLICANS' JOBLESS AGENDA

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, we're now going into the 10th week, having been in Congress in session for many days now—we've actually had 7 weeks where we've actually been in Washington working and another several weeks where we've been at home in our districts working—and we haven't seen one single, solitary Republican jobs bill yet.

My question is, when are they going to get to the business the people elected them for? The Republicans ran on a "where are the jobs?" agenda. I remember it ringing in my ears so many weeks ago. And now, here we are 10 weeks in, and they haven't done anything.

Mr. Speaker, I was in my district last week talking to people about jobs and talking about unemployment. I was in the WorkForce Center. I was at job sites talking to people. And I'm telling you, people with jobs are nervous and afraid that they might lose them. And people without them are losing hope.

They are losing houses. They are losing their lives, really.

I implore the majority caucus, Mr. Speaker, to get on the question of jobs and stop this Republican "no jobs" agenda. It's time to bring some jobs bills to the floor and to heed the call of the American people: Jobs now.

HONORING MAYOR RAE CAROLE ARMSTRONG

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the retirement of Mayor Rae Carole Armstrong of the city of Plantation, Florida. Mayor Armstrong has nearly 30 years of distinguished public service working on behalf of the residents of Plantation and the south Florida community, and we will miss her strong leadership.

Since 1999, Ms. Armstrong has served as mayor of Plantation, promoting and fostering small businesses, revitalizing parks and neighborhoods, and generally enriching the local community. As the first female council member in Plantation—a position she held for 16 years—Rae Carole Armstrong was known for supporting athletic groups and engaging in educational partnerships.

Her special ability to work with a broad array of local interests allowed Mayor Armstrong to shepherd the city into the new millennium while maintaining Plantation's close-knit community appeal. Her coalition-building leadership benefited not only the residents of Plantation, but the entire south Florida community.

In that spirit, all of south Florida thanks her for her many years of service, and we wish her great success in her future endeavors. Thank you, Rae Carol.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, it is really an honor for me to join my colleagues in the Congressional Black Caucus here this evening to recognize Black History Month and some of the people who have written that history through their life contribution, but also to talk about how the cuts the Republicans are proposing to everything except taxes for the wealthy threaten to take us back decades, if not centuries, to a place where America was not in her finest hour, a time when the poor, the rural, and the people of color

were denied equal opportunities to education, health care, jobs with decent wages and protections, and the possibility of homeownership. We cannot and must not go back there.

I'd like to invite to start this hour with us a leader in his district in South Carolina, a leader of his faith, of this Congress, and of this country, the assistant minority leader, Congressman JAMES CLYBURN.

Mr. CLYBURN. I thank the gentle lady for yielding me this time, and I want to thank her for organizing this Special Order in honor of Black History Month. But I want to take a few minutes to talk about the future.

Last December, when faced with the prospect that tax rates for the richest 2 percent of Americans would rise to where they were in the 1990s, when we balanced the budget and enjoyed unprecedented prosperity, Republicans decided that extending these unnecessary and unaffordable tax cuts was their number one priority.

As we all remember, they held much-needed relief to the middle class hostage, and they got their tax cut for millionaires and billionaires. According to the Joint Committee on Taxation, this tax is adding \$39 billion to the deficit this year and will add even more next year.

Speaker BOEHNER has said that our national debt is a moral issue, and I agree with him. We need to act to curb our exploding deficits and mounting debt. But Republicans and Democrats have different approaches to the problem. The Republicans' approach is the irresponsible continuing resolution that was passed by this House 10 days ago. Republicans would cut \$600 million from the COPS program and \$256 million from the State and Local Law Enforcement Assistance Program, which would make our streets less safe. Republicans would cut \$75 million from the Legal Services Corporation, which would deny legal services to the victims of domestic violence. Republicans would cut \$53 million from the Food Safety and Inspection Service, which would threaten public health.

Republicans would completely eliminate family planning funding, which would result in more unplanned pregnancies and more abortions. Adding insult to injury, Republicans would cut \$758 million from Women, Infants and Children, which would deny these mothers and children the nutrition they need to begin life on the right track.

Republicans would cut Pell Grants by 15 percent, which would deny young people the opportunity to get a college education. I could go on, but I think you get my point: The cuts in the Republican continuing resolution are shortsighted, counterproductive, and the wrong way to cut the deficit. And the one community, or the communities, that will suffer the most are mi-

nority communities in this country, and that includes the black communities, black students, black mothers, and black infants, as well.

Mark Zandi, the former economic adviser to the McCain campaign, said that these cuts will destroy 700,000 jobs and stall our economic recovery, which would lessen future revenues and further exacerbate the debt problem. And a Goldman Sachs' economist warned that the Republican plan could reduce our Nation's economic growth by 1.5 to 2 percent in the second and third quarters of this year.

□ 1930

Maybe I should amend my previous statement: the cuts in the Republican CR are shortsighted, counterproductive, and may not even cut the deficit.

We need a smarter approach. We need an approach of shared sacrifice, not sacrifice by the most vulnerable. We do need to cut the deficit. But there are different ways to cut the deficit, and I believe the Republicans have chosen the wrong way.

Democrats offer a better approach. We can cut the deficit by at least \$61 billion in such a manner that helps, doesn't hurt, struggling Americans, our economy, and our shared future. First, as I mentioned before, we need to get rid of, once and for all, the tax cuts for the richest 2 percent of Americans. It is too late to save the \$39 billion that we wasted this year, but we could save more than that next year.

Next, I think we need to get rid of special tax preferences for oil and gas companies, many of which were instituted by Republicans the last time they were in the majority. This would save \$44 billion over the next 10 years.

There is no good reason to keep these subsidies in place. The oil companies have said themselves that they don't need them. John Hofmeister, the former CEO of Shell Oil, said on February 11, "In the face of sustained high oil prices it was not an issue—for large companies—of needing the subsidies to entice us into looking for and producing more oil."

Next, Defense Secretary Gates has called for \$78 billion in defense cuts over the next 5 years, saying that these funds can be cut without putting national security at risk. We should listen to him.

I want to thank my friend from the Virgin Islands for allowing me to speak here this evening. I do believe that if we focus on these continuing resolutions that we have been debating, we can have a much better future than the history has been for African Americans in this country.

Mrs. CHRISTENSEN. Thank you, Mr. CLYBURN, and thank you for raising what Zandi reported today. I just want to quote Mark Zandi, the chief economist at Moody's Analytics, who said

today, “Significant government spending restraint is vital, but given the still halting economic recovery, it would be counterproductive for that restraint to begin until the economy is creating enough jobs to bring down the still very high unemployment rate.”

Mr. Speaker, it is my privilege to yield to the immediate past president of the Congressional Black Caucus who led us with great distinction, Congresswoman BARBARA LEE of California.

Ms. LEE. Let me thank the gentlelady for yielding. I also thank you and your staff for coordinating not only this Special Order but each Special Order each and every Monday night, or the first night when we are in session, but especially tonight as we close out Black History Month. This is such an important time for this discussion. I also thank you, Congresswoman CHRISTENSEN, for your visionary and bold leadership as you continue to make history. Truly, you have done remarkable work here in this body.

It is really especially poignant that this year during Black History Month, the Republican leadership has proposed a budget for fiscal year 2011 that will fall most heavily on the backs of the most vulnerable in our society: African Americans, Latinos, and the poor, those who have been shut out of the American Dream.

At a time when we should be remembering and uplifting the accomplishments and contributions of African Americans to the history, culture, civil rights and economy of America, we are literally during this month debating steps that will severely undercut and undermine that legacy.

Can we, Mr. Speaker, cut nearly \$750 million from the special supplemental nutrition program for women, infants and children, the WIC program, while we have a record high unemployment rate throughout our country, but especially among African Americans? We can't do that. The unemployment rate among African Americans is over 15 percent. Many African American women rely on WIC while they seek jobs which we are trying to hopefully create.

How can we cut \$317 million in funding for vital family planning health services provided through a network of clinics throughout the country that serves nearly one in five women? These programs are vital, not just in saving lives through cancer screening, HIV and STD testing and contraceptive services, but for providing a link for the many poor and low-income women in terms of their link to the public health system. Many of these women are African American women.

And how can we cut nearly \$1.1 billion from the Head Start program, which will effectively knock out 200,000 children from participating in this critical early education program which helps provide health, nutritional and

support services to prepare children for school? Many African Americans who were part of the Head Start program are now making history in our country because of this great early childhood education program.

The other side has made it clear that no matter who is impacted by these cuts—women, infants, children, the working poor, people of color, African Americans—their response consists of only three words: So be it.

So be it if 800,000 jobs are lost. So be it if people are put out on the street with no access to homeless assistance grants or temporary housing. So be it if people don't get enough nutritional support or if kids have to go hungry. So be it.

That is not what the civil rights movement was about. We should be working together to build up a nation, instead of tear down the very programs and institutions that have contributed to our Nation's growth and success.

We should be working together to reduce inequality, help the unemployed, and get our economy moving again. Above all, we should be working to create jobs. That's what so many prominent African American leaders have fought for over the years—from those who are well known the world over, like Dr. Martin Luther King, Jr., to people who are sometimes well known just in their own neighborhood.

Tonight there is one person I want to mention who influenced my life and the direction I took, our late beloved former Congresswoman Shirley Anita Chisholm.

In 1968, Congresswoman Shirley Chisholm was the first African American woman elected to Congress, and she was a founding member of the Congressional Black Caucus. We celebrate, this year, 40 years of this great institution in our Congress, the conscience of the Congress.

It is the 42nd anniversary of the election of Congresswoman Chisholm who represented her Brooklyn-based congressional district with grace and distinction for 14 years, earning a reputation as one of the House's most eloquent orators and greatest champions of human rights, social and economic justice.

In 1972, Congresswoman Chisholm again made history when she became the first African American to run for the Presidential nomination of a major party. That campaign captured the imagination of millions and inspired countless individuals to engage in the political process for the first time. And I know for a fact that Congresswoman Shirley Chisholm paved the way for our great President Obama to be able to win the Presidency 2 years ago.

Congresswoman Chisholm was a catalyst for change, giving voice to the overlooked and underrepresented members of our society: people of color, women, children, and the African

American community. And she fought for the unemployed. She fought for those who wanted to work; for those who were seeking the American Dream. I can't help but wonder what she would say right now if she knew this was taking place. I'm sure she does know this is taking place, and I can feel her telling us that we have to fight the good fight because her legacy is so important within the context of creating jobs that we are trying to do for our country.

Later this week, I will be introducing two pieces of legislation to honor the work of Congresswoman Shirley Chisholm. The first would recognize and celebrate the 42nd anniversary of her election to Congress, and the second would call on the Postal Service to issue a commemorative stamp honoring the life and accomplishments of Congresswoman Chisholm. I urge my colleagues on both sides of the aisle to support these bills.

As we work to finalize funding for the 2011 fiscal year, let us remember that budgets are moral documents. And as Congresswoman Chisholm said: “When morality comes up against profit, it is seldom that profit loses.” So we have to stand up for morality.

Reverend Jim Wallis and Sojourners challenged us. They asked us: What would Jesus cut? Programs to help the poor or wasteful weapons systems at the Pentagon? Ending the war in Afghanistan or programs to feed and shelter the poor?

This weekend, once again, I will be participating in the Faith and Politics Civil Rights Pilgrimage. We are going to Selma, Montgomery, and Birmingham, Alabama, the epicenter of the civil rights movement. We will be led by our hero, a warrior, a great civil rights leader, our colleague, Congressman JOHN LEWIS, who sacrificed so much for civil and human rights and economic justice.

I have participated in this pilgrimage many times, and I always feel a sense of gratitude to Congressman LEWIS and to Rosa Parks and to Dr. King, to Shirley Chisholm, to all of those who fought so hard for equality and jobs and freedom.

□ 1940

This year, however, I feel that many of these gains, mind you, that all of our great civil rights leaders fought for are about to be eroded due to the increasing income inequality and the reckless budget cuts, which will gut so much in the way of our country's response to the civil rights movement. So, as Republicans fight us so hard to enact budget cuts that will destroy nearly 800,000 jobs, be assured that, in honoring the legacy of our great black leaders, we will fight back.

Thank you.

Mrs. CHRISTENSEN. Thank you very much, Congresswoman LEE, for

your leadership and for joining us this evening.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, before I recognize the next Member, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to add extraneous material to the subject under discussion this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Now it is my honor to yield to the gentleman from Texas, a person who has long been a fighter for equality, fairness and justice, not only in his own State but for this country, the Honorable AL GREEN of Texas.

Mr. AL GREEN of Texas. Thank you very much, the Honorable DONNA CHRISTENSEN. I appreciate greatly your organizing this opportunity for us to speak this evening on something that is exceedingly important to this country, and that is the history of African Americans in America.

African Americans are no different than any other Americans. We are all the same. There is only one race—the human race.

To a certain extent, I always have some degree of consternation whenever we have a black history celebration or occasion such as this. I have this degree of consternation because I really think we should just have one history, and it really should be American history; but we have these occasions because some of the accomplishments of some Americans have not been properly acknowledged, and as a result, we want to make sure that American history includes the history of all Americans.

So we talk about the history of African Americans, the history of Africans in the Americas—in the United States of America, if you will. Many names come to mind. We always mention Thurgood Marshall. We always mention Rosa Parks. We always mention the great heroes and heroines who have been on the forefront of making America great.

Today, I would just like to mention nameless faces, persons who have never made headlines, who work full time, who take care of the family, who pay taxes, who have never complained by way of a protest, a march. They have done their duty as citizens in this country, and I want them to know that there are those of us who pay attention to the fact that they, too, have made America great. They are nameless faces in the crowd, but they have made a great statement by being honorable, hardworking, law-abiding citizens.

To those who continue to do their duty as citizens, we thank you for what you have done. We want you to know that we who have been honored to

serve in the Congress of the United States of America will not allow the rollback of the clock on many of the programs that are of benefit to all Americans. This will include, of course, those of benefit to African Americans.

We will fight to protect the Department of Education. It means something to have a Department of Education in this country, especially to persons who at one time were lawfully denied the right to get an education. We will fight to protect laws that fight discrimination. Lilly Ledbetter v. Goodyear involved an Anglo lady, but that case had implications far beyond any given ethnic group. We will fight to make sure all persons are treated equally on jobs, and this includes African Americans.

So, to those of you who work in the trenches, who never or who rarely, if ever, complain, I want you to know that there are people in this Congress who are working every day to make sure that your status as an American is always protected and will always be honored. You, too, deserve the rich and noble history associated with you that we associate with Rosa Parks, that we associate with Dr. King, that we associate with Thurgood Marshall. You are as much a part of this history as they are. We honor you and we love you.

God bless you and God bless all Americans. God bless the United States of America.

Mrs. CHRISTENSEN. Thank you, Congressman GREEN.

At this time, I would like to yield to one of our newer Members. We are so pleased that he has joined not only the Congressional Black Caucus but the Congress. He represents New Orleans and brings welcomed insights and energy to the CBC and to the Congress.

Congressman CEDRIC RICHMOND of New Orleans.

Mr. RICHMOND. Mr. Speaker, I would like to thank the distinguished gentlelady from the Virgin Islands, who I have the pleasure of serving with and who has done a remarkable job in planning our hour today, which not only celebrates and reflects but which also charts a path for this future that includes everyone.

As we come to the close of Black History Month, it is appropriate that I remind our leadership and the American people of the sacrifice and determination of great American heroes to make this country a better place and the land of opportunity for all Americans. I would also like to remind our leadership that we don't honor Dr. King because of his dream. We honor him because of his hard work and his dedication in pursuing his dream. His last call was for economic justice.

Here we are in 2011 with a 9.6 percent unemployment rate in this country. However, in the African American community, that unemployment rate is 15.8 percent. We must ask why such a huge gap and what we are going to do

to close that gap and bring unemployment down for everyone. At this time and at this moment, we need King-like determination; we need King-like courage; and we need a King-like vision to create jobs in this country, not more campaign rhetoric.

My colleagues on the other side of the aisle, show me the jobs. Show the American people the jobs.

The continuing resolution that the Republicans offer will not lower the unemployment rate in this country. It will do quite the opposite. The continuing resolution will eliminate 700,000 jobs. If their plan passes, then 700,000 more Americans will face financial uncertainty. That's 700,000 more families who will depend on unemployment benefits to make ends meet. That's 700,000 more families who will turn to safety-net programs to make it through the tough times. That's 700,000 more families who might now face bankruptcy.

Those 700,000 Americans are demanding that we show them the jobs. I am here and willing to do that. I now invite my Republican colleagues to join my colleagues on my side of the aisle to do just what the American people are asking.

The House Speaker recently stated that the deficit is a moral threat to the Nation, and I agree. I would also add that abandoning the 24 million Americans who are unemployed or underemployed is a moral crime. Cutting 700,000 jobs in one fatal swoop is a moral crime. Balancing the budget on the backs of working folks is a moral crime.

Mr. Speaker, this Republican continuing resolution is not only a path to family bankruptcies; it is, in itself, an irresponsible plan that is morally bankrupt.

□ 1950

Mrs. CHRISTENSEN. Thank you, Congressman RICHMOND, for your contribution to this Black History Month Special Order and for pointing out the injustice in H.R. 1 and the proposed stopgap measure for the next 2 weeks.

At this time, I would like to yield to the gentlewoman from Texas, a person much admired by everyone across this country, who represents her district, this Congress, and this country with outstanding distinction, Congresswoman SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady from the Virgin Islands. And I will join the accolades of my fellow colleagues to express my appreciation for her leadership, and as well to thank her for leading this 1-hour on the celebration of African American History Month.

I stand to acknowledge that all of us who have this wonderful heritage—and those who do not, who count African Americans as an integral part of the fabric of American culture and society—should really commemorate the

history of all people—and certainly, in this instance, of African Americans—the entire year because we are a very relevant and elaborate, if you will, part of American history.

I stand in the United States Capitol, which was built by slaves. Today, Congresswoman, I was in Austin, Texas, this morning, at the Texas Black Legislative Caucus where some 2,000 people gathered under the leadership of the Texas Black Legislature chaired by Representative Sylvester Turner and some members, total members of the Texas Black Legislative Caucus, combined of the House and the Senate. They were there to express their commitment to the values of this country and to lobby the State legislators to do the right thing as it relates to education. And I heard a Member stand up and say that the Texas Capitol was built by slaves. Representative Thompson said that. And so, clearly, our history goes everywhere.

And as I spoke, I mentioned Texans like Jack Johnson, the first African American heavyweight champion; Dorie Miller, who won the Naval Cross in World War II, a Texan; Bessie Coleman, the first African American to receive a pilot's license; Heman Sweatt, who was the reason for the establishment of Texas Southern University when African Americans—Negroes—could not go to the University of Texas.

So we have a place in this country, a place in this society. And what we do, as we work in the United States Congress, we have become part of the fabric of this Nation and we fight for all people. And so as we begin this budget fight, it is part of our history that causes us to be part of the challenge to make the right decisions on the continuing resolution and to ask our Republicans to read what Mark Zandi has said, the economic advisor to JOHN MCCAIN—not to President Obama, but to JOHN MCCAIN first—who said clearly that we would lose 700,000 jobs if we move in the direction that they want to move in.

Why do you have to have your way or the highway? Why can't you read the data that says—the fiscal bipartisan commission said there is no value to cutting funding in 2011, that we must work together to cut the funding and work together on how it should be cut in 2012 and 2013; that you actually will lose jobs; and that you will stop the moving of the economy, the rebirth of the economy in its tracks. It doesn't make sense to simply be driven and shackled to campaign promises. It doesn't make sense to be able to speak campaign speeches and yet not understand the distinction of governing.

When you come into this body—yes, we have districts, the Senators have States, but we must realize that we come to govern for all of the people. And so if you stop us in our tracks, you

deny the richness of diversity of people who are in need in this country. You deny the descendants of slaves. You deny the families of soldiers who are on food stamps and are in Iraq and Afghanistan the opportunity to be able to survive. You take some \$758 million from WIC, women and infant children. You deny dollars going to economic development for minority businesses. You cut COPS by 600 or so million dollars. You take away some \$2 billion from programs that would generate economic opportunity. You cut the legal services. And you are obviously not concerned about how we balance this. This is in the middle of the budget year of 2011.

And so this is not befitting of the final day of African American history, a generation of people who came through the Civil War, Reconstruction, Jim Crow, the second reconstruction—which is the civil rights movement. And now they have traveled a journey, being Americans, fighting in wars, and not yet 150 years away from slavery, and here we are fighting to equalize opportunities for all Americans. Because if you cut education, if you cut women and infant children, if you cut small business opportunities, minority and women-owned businesses, you are cutting into the future of this country.

We know this is a lopsided process; 16 to 18 percent of the budget and you're trying to get a way to bring down a \$1 trillion-plus deficit, if you will—trillions-plus deficit. And so my plea in this process as we go forward is to remember some of our heroes. Barbara Jordan was a Member of this body. Her birthday was celebrated on February 25. Her 75th year we are celebrating in Houston. And she reminded us that the people drive the Constitution, but that those of us of African American heritage were not in fact citizens as this Constitution was written, nor did women have an opportunity to vote during that time, but now we come asking that we do work together and that we be reminded of her words, "we the people." And "we the people" includes all people. It is not the Democratic Party, the Republican Party, the tea party. It's all the people doing what is best for all of the people. That's the message of African American history, striving to make America better as we cite these great icons who went against the odds.

I pay tribute, in closing, to Ruth Carroll, who passed just a few days ago, a friend of my dear friends, Dr. Natalie Carroll Dailey and Warren Dailey. As I read her obituary—she'll be funeralized tomorrow—close to 93 years old; born in 1918; born to two parents who died 1 year and 2 years after her birth; raised by grandparents; blinded at a very early age by an ophthalmologist who I guess accidentally put acid in her eyes. And then she had to go to the deaf, dumb, and blind school. She graduated

magna cum laude—it might have been summa if I'm recalling correctly—but she went on to become a premier educator. She went to the University of Denver in Colorado, worked at the University of Texas, places that were segregated, got her graduate degree and became involved in library science, cataloged large libraries; someone who overcame obstacles.

Congresswoman, my tribute tonight is for African Americans who every day overcome obstacles. That is because they believe in the values of this country. And that is because they believe that, through any mountain or any valley, as Martin Luther King told us about the Promised Land, that we could overcome.

I'm asking my colleagues, as we begin to debate this CR, don't look at us as outsiders, people who are always talking of something that you might not understand or comprehend. Look at us as Americans who have a stake in this country, whose history is embedded in this country. Let us work together. Don't lopsided a cut that hurts one population versus the other. Remember, 150 years—minimally—out of slavery, African Americans, new immigrants who are working every day, who are in the United States military.

So let me just thank the gentlelady for yielding, and thank you for allowing me to speak to the warriors who overcame adversity and contributed to this society. My commitment to them is that we will fight for fairness and justice in this House and a way to reduce the deficit, but fight for those who cannot speak for themselves.

I salute African American History Month, and I yield back.

□ 2000

Mrs. CHRISTENSEN. Thank you. And I'm sure they are inspired by the eloquence of your tribute to them.

And before I speak briefly on the proposed 2-week CR, I want to tell my colleagues and my fellow Americans about the first black millionaire. It's my contribution to the Black History Month Special Order this evening. His name was William Alexander Leidesdorff, and he was born in my home island of St. Croix, which was then part of the Danish West Indies. The bicentennial of his birth was celebrated last year.

His family started out poor. He ended up having to go to Denmark to get an education, and he was an immigrant to this country which had not yet bought the Virgin Islands. Yet through education, enterprise, and the opportunity to use that enterprise, he is credited with not only having become the first black millionaire but, more importantly, was named the African Founding Father of California. He also specifically played a major role in the development of the city of San Francisco.

Today, if one is an immigrant, there is no welcome in this country of immigrants, and they are denied access to

programs that would help them to transition into this country.

Today, if one is poor, the cuts in the Republican-passed H.R. 1, the cuts to community programs, health centers, access to higher education, job training, and the support for the health of mothers and babies would ensure that the uneducated, the unhealthy, the jobless, and the poor stay that way. There will be few, if any, Leidesdorffs. Not even a black "thousandaire" if the tea party-led Republican majority has their way.

What has happened to the inalienable right to life, liberty, and the pursuit of happiness? Does the Republican majority plan to cut that, too, out of the Declaration of Independence?

So here we are just 5 days away—4, really—from a government shutdown if we can't agree on how to pay to keep the government open for the next 7 months. The best, the simplest, and the fairest way to do that, in my opinion, in the middle of a fiscal year when departments are carrying out plans and programs to improve and protect the lives of those who live and work in this country is to continue the spending at last year's levels—no increases, just last year's levels. That essentially adds nothing to the deficit, and most importantly, it does not destroy the small gains we have been making in bringing this country out of a deep and painful recession.

Countless reputable economists, like Zandi, who's been quoted frequently here this evening, have told us over and over again now is not the time to cut the spending that's required to stabilize and begin to grow our economy again. If the Republican majority is successful with the cuts they want to make, they will destroy hundreds of thousands of jobs and make the already bad situation that they and President Bush created even worse for the American people who are depending on us to bring them relief.

What's happening is that the majority is pretty much demanding that the rest of us accept \$4 billion in cuts over the next 2 weeks in order to keep the government from shutting down. And they do have the votes, especially in this body.

In that \$4 billion, education takes an over \$500 million cut in funding in just 2 weeks. Some of these programs the President plans to end next year. And while I'm withholding judgment on that decision, ending them now means the people working in those programs may be out of work if these cuts are continued. These programs include school improvement, safe schools, and higher education programs. Other cuts are proposed for reading and literacy programs and some that work to improve academic achievement.

I suspect that these programs really need a "mend but don't end" approach, because we need to improve literacy

and achievement if we are to produce the number of scientists, engineers, and other workers and entrepreneurs this country will need to win the future.

Given the instability in the Middle East and the terrible turn that pirating has taken, can we afford to cut \$245 million in the Homeland Security programs even for just 2 weeks? I don't think so. And I am sure the American people we have sworn to protect don't think so either. Coast Guard operations? Customs and Border Patrol salaries and construction projects? All of that sounds like less security and the possibility of more people out of work to me.

FEMA disaster mitigation grants? Emergency operations money? We were to have 70-mile-per-hour winds here in Washington this evening. Storms and tornadoes will not necessarily stop for 2 weeks because the Republicans have to kowtow to the tea party.

In just 2 weeks, there would be an almost \$200 million cut in HUD neighborhood and economic development grants. Just in the 2 weeks. And almost \$50 million in job training and unemployment services will be cut. With over 9 percent unemployment in many places, some in the double digits, and in the middle of a recession that has shown no mercy to the poor and the middle class, I guess there will be no mercy from this body's leadership either.

I left health for last on this stopgap measure where I count over \$460 million in cuts in these 2 weeks. Close to \$400 million of that comes from the agency that provides services, treatment, and trains health professionals. And if the cuts to WIC and Maternal and Child Health were not enough in H.R. 1, children's programs have again been the targets of cuts, including programs in special education. And there would be a \$6 million cut from the Administration on Aging.

I don't understand it. If we're not placing a priority on taking care of our children and elderly, what kind of country are we?

So I say to my colleagues on the other side of the aisle: This country's in trouble. It's time to end the politics and do not only what the economists tell us we ought to do, but, more importantly, we need to come together and do what is right. These cuts are not right—not for 2 weeks and not for the rest of this year.

We really need to put the welfare of the American people in our country ahead of party politics. The times require it, and our people expect it.

You know, I think we ought to change the word "spending" and call it "investment," because that's what it really is. Investment is something that's understood and supported, and it's what is on the chopping block.

Investing, not just spending for spending's sake, is what Democrats

began to do in the last two Congresses—to invest in health for all Americans, in equal opportunity to a quality education; investing in restoring jobs and building a healthier economy; investing in cleaning up a polluted and unhealthy environment; investing in a better future for us and our children and in a better, stronger, more competitive United States in this world.

We want to win the future.

The Republican agenda looks to the past, not the future. It looks to the past to continue the economic policies that ran our economy into the ground in the first place. It looks to the past to focus on the programs they have long hated: EPA regulations, health care reform that is finally making it possible for many to become insured and secure in that insurance, community programs that help poor areas of our country have a fair shot of just surviving, programs that lift our spirits and call forth our better selves—the arts, the humanities, public broadcasting.

And believe it or not, they're cutting programs like WIC, Head Start, and Maternal and Child Health. We had to fight for these programs every year during the administration of George W. Bush, and so it's no accident that we're fighting for them again.

This whole agenda is not about cutting spending at all. It's a facade for what they are really trying to do; that is, gutting the programs they and their supporters love to hate. And in pursuing this agenda, they are putting the slow recovery that still has to reach urban and rural Main Street in jeopardy, putting us in jeopardy of reverting back to where we started earlier this year, to where their policies took us in 2009, a place that no one wants to go back to.

And my friends, not one thing has this Republican majority done about the biggest crisis facing our country and its families: the economy and jobs.

Talk about the job-killing act of 2011. Well, that was not health care reform, which is actually the biggest job creator we have passed in recent years. The winners in that category clearly are the CR that was forced through this Congress 2 weeks ago and this 2-week stopgap that would cut the Federal budget by \$4 billion.

What we need is a clean CR at 2010 levels to the end of this fiscal year so that we can begin to focus on the 2012 budget, which is the more appropriate place to look at deficit reduction and which is due in less than 2 months.

Let me say a word about what their Governors are doing. It doesn't take 20/20 vision to see that this is a coordinated effort. Unions, which created our middle class in the first place, have always been one of the Republicans' targets. The war against the poor and middle class is not just being fought in

Washington, my friends, but also in the States by Republican Governors.

□ 2010

Lastly, please don't let our Republican colleagues fool anyone into thinking that Social Security or Medicare needs to be addressed as part of our need to reduce the deficit. They do not. But they too have always been in their bull's-eye. We need to do what is necessary to protect them for the future generations.

But colleagues on the other side of the aisle, we have seen some of your plans to weaken these vital programs. But seniors, the disabled, and we Democrats want to make sure that the tea party and the Republicans keep their hands off Social Security and Medicare.

Black history is not just the commemoration of how far African Americans have come, but also how far this country has come. Most importantly, it is a reminder that we both still have more to do and further to go. Today's Republican agenda for this country threatens to erase all of the gains we celebrate this month, to put up roadblocks in our road to progress, roadblocks to a better future for all Americans, and to ensuring that this country we love regains and retains its number one position in the world. It's time to stop the madness and time to work together to continue to build a stronger America, one child, one family, one community at a time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker I rise today to honor Black History Month.

In February of each year, we recognize the many contributions of African Americans throughout this Nation. It brings to life a rich and vibrant history that was all too often left untold.

Although African Americans were an integral part of the founding of this Nation, it was not until the 20th century that they gained any respectable recognition in our history books. Prior to Carter G. Woodson's passionate efforts to write African Americans into the history of the United States, books largely ignored the African American population except in the context of slavery. That is why it is so important that the full history of African Americans continues to be taught and preserved in order that future generations from all reaches of America will understand our rich heritage.

African Americans have made significant contributions throughout history, and it is clear that we continue to build that rich legacy today. As our nation moves forward, we must never forget the great pioneers of scientific innovation, writing, music, philosophy, and politics. Honoring these contributions through Black History Month has allowed us to expand educational opportunities, enhance economic stability, workforce advancement and training, and community involvement.

Today, we find ourselves facing economic uncertainty. However, we must not lose sight of our current accomplishments and continued progress. The current budget proposal led by

Republicans seeks to cut spending without any regard to our economy or the needs of the American people. The proposed budget diminishes our investments in education, job creation, and future innovation. I believe that we can and must do better to serve all Americans. We must fight against immoral and unwise cuts to our budget in order to preserve the heritage of African Americans as well as the United States as a whole.

Black History Month has not only set a precedent by honoring the achievements of African Americans, but it has also paved the way for other nationwide celebrations honoring the contributions of other important races and cultures. Now, we must look to our youth to carry on our history and to create their own legacy.

Long before the election of more than a hundred African Americans to the U.S. Congress, African Americans made a large contribution to our Nation's Capitol by building the Capitol itself as slaves.

Ms. JACKSON LEE of Texas. Mr. Speaker, as the Congresswoman for 18th Congressional District of Texas, I rise with great pride to commemorate this recognition of Black History Month. African Americans from Texas like the pugilist Jack Johnson, the pioneer Bessie Coleman, Congresswoman Barbara C. Jordan, Congressman Mickey Leland, and African Americans from all across this nation have contributed greatly to the rich history of the United States; a country we love so dearly.

I am especially grateful to be among my colleagues in the Congressional Black Caucus as we do our best to honor those who came before us and strive to make this country a better place for all Americans through our work here in Congress, back home in our districts and all across this great nation. As we do so, we must remember that we are part of the great diversity of citizens that make up the fabric of this nation and we must, as African Americans, remember to reach out to all Americans from every race, creed, and color for the common purpose of leaving our country better than we found it for our children and their children's children.

This morning I had the privilege of speaking in Austin, Texas, before the Texas Legislative Black Caucus at its Legislative Summit. Being there in the Capitol built by slaves and speaking before that audience made me realize that we have a reason to celebrate our heritage and our contributions to this great nation. My speech was about African Americans remaining relevant in these changing times. Today as we bring Black History Month to a close, I would like to reflect on the many reasons to celebrate and I issue a call for all of my colleagues to be their best for our country as we continue our legislative work in this chamber.

We have reason to celebrate our heritage: We are relevant.

Barbara C. Jordan knew the importance of remaining relevant when she recited from the preamble to the Constitution and said: "We the people." It is a very eloquent beginning. But when the document was completed . . . I was not included in 'We the People.' I felt somehow for many years that George Washington and Alexander Hamilton just left me out by mistake. But through the process of amendment, interpretation and court decision I

have finally been included in "We, the people."

As redistricting hits full stride this year and the Texas legislature conducts the redrawing of congressional districts, we the people, Black and Brown Texans alike, must stand together and be represented! Our vote must count. Our candidates must be elected. For our cause is the same. A defeat for African Americans is a defeat for Hispanics and a defeat for Hispanics is a defeat for African Americans. This is a unique moment in time to make sure our voices are heard, that our votes count, and that we as African Americans and Hispanics remain relevant.

As a Senior Member of the House Judiciary Committee, Immigration Policy and Enforcement Subcommittee, I see a barrage of immigration hearings that embody a shameful attempt to pit Hispanics against African Americans. This is an outrage! We must not take the bait. The vast majority of economists, and all of the most recent research in the area, confirm that immigrants actually improve the job prospects of U.S. workers. The truth is that, in general, African-Americans and other minorities actually benefit from Immigration. Comprehensive immigration reform that provides a fair path to citizenship combined with investments in our businesses, and investment in our education and job training programs are the only solution. Draconian spending cuts to these programs and dredging up racial scapegoats are not the solution.

As a member of the Congressional Black Caucus, I take pride in my work with the Congressional Hispanic Caucus and serve as an enthusiastic liaison between the two caucuses. As I do so, I am reminded of how my predecessor Congressman Mickey Leland reached out to work with Cesar Chavez as he struggled for better working conditions and dignity for Hispanic workers. He saw the importance of our communities working together in his day and I see it now in mine. African Americans endured the injustice of slavery and servitude and we must remember that history repeats; sometimes it just visits another community in the process. We must cast our fate together.

To remain relevant, we must commit right here and right now to embracing and working with our Hispanic brothers and sisters. Truth be told, our plight is the same and shared progress is our common cause. As Malcolm X said "We are not fighting for integration, nor are we fighting for separation. We are fighting for recognition as human beings. We are fighting for human rights."

In closing, I invoke the words of Dr. Martin Luther King, Jr., truly spoke of remaining relevant when he said "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character." Today, we are closer to achieving that dream. We are relevant. We are "pertinent to the matter at hand." And it is by working together with our Hispanic brothers and sisters that we will remain relevant.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. CANTOR) for today and the balance of the week on account of medical reasons.

Mr. JONES (at the request of Mr. CANTOR) for today on account of illness.

Mr. YOUNG of Florida (at the request of Mr. CANTOR) for today and March 1 on account of attending the wake and funeral of a fallen police officer.

PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON FINANCIAL SERVICES FOR THE 112TH CONGRESS

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,

Washington, DC, February 25, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Herewith, I am submitting the rules of the Committee on Financial Services, as favorably adopted, on January 25, 2011.

Please do not hesitate to contact me or Natalie McGarry of my staff should you need anything further.

Sincerely,

SPENCER BACHUS,
Chairman.

RULE 1. GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the "Committee") and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2. MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least three calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least three calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) At least 24 hours prior to the commencement of a meeting for the markup of legislation, the Chair shall cause the text of such legislation to be made publicly available in electronic form.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee or by the Chair with the concurrence of the ranking minority member.

RULE 3. MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) To the extent feasible, members and witnesses may use the Committee equipment for the purpose of presenting information electronically during a meeting or hearing provided the information is transmitted to the appropriate Committee staff in an appropriate electronic format at least one business day before the meeting or hearing so as to ensure display capacity and quality. The content of all materials must relate to the pending business of the Committee and conform to the rules of the House. The confidentiality of the material will be maintained by the technical staff until its official presentation to the Committee members. For the purposes of maintaining the official records of the committee, printed copies of all materials presented, to the extent practicable, must accompany the presentations.

(6) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In addition to any other requirement of these rules or the Rules of the House, including clause 2(e)(1)(B) of rule XI, the Chair shall make the record of the votes on any question on which a record vote is demanded publicly available for inspection at the offices of the Committee and in electronic form on the Committee's Web site not later than one business day after such vote is taken. Such record shall include in electronic form the text of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting. With respect to any record vote on any motion to report or record vote on any amendment, a record of such votes shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members of the committee present but not voting.

(5) POSTPONED RECORD VOTES.—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote;

(C) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. At the same time the Chair provides the information required by the preceding sentence, the Chair shall also provide to the members of the Committee a final list consisting of the names of each witness who is to appear before the Committee at that hearing. The witness list may not be modified within 24 hours of a hearing, unless the Chair, with the concurrence of the ranking minority member, determines there is good cause for such modification.

(2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant hereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years. Such disclosure statements, with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of five minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on

the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special Procedures

(f)(1)(A) **COMMEMORATIVE MEDALS AND COINS.**—It shall not be in order for the Subcommittee on Domestic Monetary Policy and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is co-sponsored by at least two-thirds of the members of the House.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than five years and not more than twenty five years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) **TESTIMONY OF CERTAIN OFFICIALS.**—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

(B) Notwithstanding subsection (a)(4), at any hearing of the Committee for the purpose of receiving testimony (other than testimony described in clause (i) or (ii) of subparagraph (A)), the Chair may, after consultation with the ranking minority member, limit the duration of opening statements to ten minutes, to be divided between the Chair and Chair of the pertinent sub-

committee, or the Chair's designees, and ten minutes, to be controlled by the ranking minority member, or the ranking minority member's designees. Following such time, the duration for opening statements may be extended by agreement between the Chairman and ranking minority member, to be divided at the discretion of the Chair or ranking minority member. The Chair shall provide that the opening statements for all members of the Committee shall be made a part of the hearing record.

(C) At any hearing of a subcommittee, the Chair of the subcommittee may, in consultation with the ranking minority member of the subcommittee, limit the duration of opening statements to ten minutes, to be divided between the Subcommittee Chair or Chair's designees and ten minutes, to be controlled by the ranking minority member of the Subcommittee or the ranking minority member's designees. Following such time, the duration for opening statements may be extended by agreement between the Chair of the subcommittee and ranking minority member of the subcommittee, to be divided at the discretion of the Chair of the subcommittee or ranking minority member of the subcommittee. The Chair of the subcommittee shall ensure that opening statements for all members shall be made a part of the hearing record.

(D) If the Chair and ranking minority member acting jointly determine that extraordinary circumstances exist necessitating allowing members to make opening statements, subparagraphs (B) or (C), as the case may be, shall not apply to such hearing.

RULE 4. PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members."

(e) The Chair is directed to offer a motion under clause 1 of rule XXII of the Rules of the House whenever the Chair considers it appropriate.

RULE 5. SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be six subcommittees of the Committee as follows:

(A) **SUBCOMMITTEE ON CAPITAL MARKETS AND GOVERNMENT SPONSORED ENTERPRISES.**—The jurisdiction of the Subcommittee on Capital Markets and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities, including business capital formation and venture capital;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) the Securities and Exchange Commission;

(v) secondary market organizations for home mortgages, including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(vi) the Federal Housing Finance Agency; and

(vii) the Federal Home Loan Banks.

(B) SUBCOMMITTEE ON DOMESTIC MONETARY POLICY AND TECHNOLOGY.—The jurisdiction of the Subcommittee on Domestic Monetary Policy and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing; and,

(vi) development of new or alternative forms of currency.

(C) SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) all matters related to the Bureau of Consumer Financial Protection;

(iii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iv) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(v) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(vi) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vii) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(viii) deposit insurance; and

(ix) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) SUBCOMMITTEE ON INSURANCE, HOUSING AND COMMUNITY OPPORTUNITY.—The jurisdiction of the Subcommittee on Insurance, Housing and Community Opportunity includes—

(i) insurance generally; terrorism risk insurance; private mortgage insurance; government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; the Federal Insurance Office;

(ii) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for non-profit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(iii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales; and,

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) SUBCOMMITTEE ON INTERNATIONAL MONETARY POLICY AND TRADE.—The jurisdiction of the Subcommittee on International Monetary Policy and Trade includes—

(i) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(F) SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Com-

mittee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets and Government Sponsored Enterprises shall be comprised of 35 members, 20 elected by the majority caucus and 15 elected by the minority caucus.

(B) The Subcommittee on Domestic Monetary Policy and Technology shall be comprised of 14 members, 8 elected by the majority caucus and 6 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Consumer Credit shall be comprised of 30 members, 17 elected by the majority caucus and 13 elected by the minority caucus.

(D) The Subcommittee on Insurance, Housing and Community Opportunity shall be comprised of 18 members, 10 elected by the majority caucus and 8 elected by the minority caucus.

(E) The Subcommittee on International Monetary Policy and Trade shall be comprised of 14 members, 8 elected by the majority caucus and 6 elected by the minority caucus.

(F) The Subcommittee on Oversight and Investigations shall be comprised of 18 members, 10 elected by the majority caucus and 8 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive

testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6. STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7. BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority

member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8. COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available in electronic form and for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

Audio and Video Coverage of Committee Hearings and Meetings

(c)(1) To the maximum extent feasible, the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings; and,

(2) maintain the recordings of such coverage in a manner that is easily accessible to the public.

RULES OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM FOR THE 112TH CONGRESS

RULE 1—APPLICATION OF RULES

Except where the terms “full committee” and “subcommittee” are specifically referred to, the following rules shall apply to the Committee on Oversight and Government Reform and its subcommittees as well as to the respective chairs and ranking minority members.

RULE 2—MEETINGS

The regular meetings of the full committee shall be held on the second Thursday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee pursuant to the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairs. Every member of the committee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining: (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

RULE 3—QUORUMS

(a) A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one third of the members shall form a quorum for taking any action other than for which the presence of a majority of the committee is otherwise required. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

(b) The chairman of the full committee may, at the request of a subcommittee chair, make a temporary assignment of any member of the full committee to such subcommittee for the purpose of constituting a quorum at and participating in any public hearing by such subcommittee to be held outside of Washington, DC. Members appointed to such temporary positions shall not be voting members. The chairman shall give reasonable notice of such temporary assignment to the ranking minority members of the committee.

RULE 4—COMMITTEE REPORTS

(a) Bills and resolutions approved by the full committee shall be reported by the chairman pursuant to House Rule XIII, clauses 2-4.

(b) A proposed investigative or oversight report shall not be considered in the committee unless the proposed report has been available to the members of the committee

for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in the committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings printed and available to the members of the committee before the consideration of the proposed report in the committee.

(c) Every investigative or oversight report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. If at the time of approval of such a report a member of the committee gives notice of intent to file supplemental, minority, or additional views that member shall be entitled to file such views following House Rule XI, clause 2(1) and Rule XIII, clause 3(a)(1).

(d) Only those investigative or oversight reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5—RECORD VOTES

(a) A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

(b) Pursuant to House Rule XI, clause 2(h)(4), the chairman is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. After consultation with the ranking minority member, the chairman shall take reasonable steps to notify members on the resumption of proceedings on any postponed record vote.

RULE 6—SUBCOMMITTEES; REFERRALS

(a) There shall be seven standing subcommittees with appropriate party ratios. The chairman shall assign members to the subcommittees. Minority party assignments shall be made only with the concurrence of the ranking minority member. The subcommittees shall have the following fixed jurisdictions:

(1) The Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy—Legislative jurisdiction over the federal civil service and the U.S. Postal Service. The Subcommittee also has oversight jurisdiction over labor policy;

(2) The Subcommittee on Government Organization, Efficiency and Financial Management—Legislative jurisdiction over government management and accounting measures, the economy, efficiency, and management of government operations and activities (other than procurement and data standards), federal property, and reorganizations of the executive branch;

(3) The Subcommittee on Health Care, District of Columbia, Census and the National Archives—Legislative jurisdiction over drug policy, the District of Columbia, the Census Bureau, and federal records (including the National Archives and Records Administration and the Presidential Records Act). The subcommittee also has oversight jurisdiction over federal health care policy, food and drug safety, public support for the arts, libraries and museums, criminal justice, and transportation;

(4) The Subcommittee on National Security, Homeland Defense and Foreign Operations—Oversight jurisdiction over national security, homeland security, foreign operations, immigration, and emergency management;

(5) The Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending—Legislative jurisdiction over federal paperwork reduction, data quality, and the Office of Information and Regulatory Affairs. The Subcommittee also has oversight jurisdiction over regulatory affairs, stimulus policy, federal spending, education, agriculture, and communications policy;

(6) The Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs—Oversight jurisdiction over financial and monetary policy, banking, housing, and insurance regulation, financial crisis and rescues, and tax policy; and

(7) The Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform—Legislative jurisdiction over public information, including the Freedom of Information Act and Federal Advisory Committee Act, federal information technology and data standards, procurement and grant reform, the relationship between the federal government and states and municipalities, including unfunded mandates. The subcommittee also has oversight jurisdiction over public broadcasting.

(b) Bills, resolutions, and other matters shall be expeditiously referred by the chairman to subcommittees for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be re-referred or discharged by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement therein.

(c) The chairman and the ranking minority member of the full committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 7—SUBCOMMITTEE SCHEDULING

(a) Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full committee on any measure or matter referred to it.

(b) No subcommittee may meet or hold a hearing at the same time as a meeting or hearing of the full committee.

(c) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the full committee chairman with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of committee meetings or hearings.

(d) Each subcommittee chair shall notify the chairman of any hearing plans at least two weeks before the date of commencement of the hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent the chair is advised thereof, witnesses whom the minority members may request.

RULE 8—STAFF

(a) Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of

the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the committee,

(b) Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he or she may assign.

RULE 9—HEARINGS

(a) A committee member may question witnesses only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 20(2), the five-minute rule shall apply during the questioning of witnesses in a hearing. The chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(b) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(c) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(d) Nothing in paragraph (b) or (c) affects the rights of a member (other than a member designated under paragraph (b)) to question a witness for 5 minutes in accordance with paragraph (a) after the questioning permitted under paragraph (b) or (c). In any extended questioning permitted under paragraph (b) or (c), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff, and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (c) to members.

(e) Hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the Committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

(f) Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance. Witnesses appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years, by the witness or by an entity represented by the witness.

(g) The chairman or any member designated by the chairman may administer oaths to any witness before the committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about

to give is the truth, the whole truth, and nothing but the truth, so help you God?"

RULE—10 COMMITTEE RECORDS, OPEN MEETINGS, TRANSPARENCY

(a) The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the roll call votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

(b) A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

(c) Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with the Rules of the House of Representatives.

(d) The chairman of the full committee shall maintain an official website on behalf of the committee for the purpose of furthering the committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to committee members and other members of the House. To the greatest extent practicable, the chairman shall ensure that committee records are made available on the committee's official website in appropriate formats.

(e) The ranking minority member of the full committee is authorized to maintain a similar official website on behalf of the committee minority for the same purpose, including communicating information about the activities of the minority to committee members and other members of the House.

RULE 11—AUDIO AND VISUAL COVERAGE OF COMMITTEE PROCEEDINGS

(a) An open meeting or hearing of the committee may be covered, in whole or in part, by television broadcast, radio broadcast, internet broadcast, and still photography, unless closed subject to the provisions of House Rules. Any such coverage shall conform to the provisions of House Rule XI, clause 4.

(b) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Oversight and Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(c) Personnel providing coverage of an open meeting or hearing of the committee by internet broadcast, other than through the Committee Broadcast System shall be currently accredited to the Radio and Television Correspondents' Galleries. If the Committee Broadcast System is not available, the chairman may, with the concurrence of the ranking minority member, direct staff to provide coverage in a manner that is fair and nonpartisan and in accordance with House Rule XI, clause 4.

RULE 12—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies af-

fecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee;

(e) Prepare, after consultation with the ranking minority member, a budget for the Committee;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Offer motions under clause 1 of Rule XXII of the Rules of the House (motion to request or agree to a conference) whenever the chairman considers it appropriate.

RULE 13—CONSIDERATION OF CERTAIN BILLS AND RESOLUTIONS

(a) The determination of the subject matter of commemorative stamps and new semi-postal issues is properly for consideration by the Postmaster General and the committee will not give consideration to legislative proposals specifying the subject matter of commemorative stamps and new semi-postal issues. It is suggested that recommendations for the subject matter of stamps be submitted to the Postmaster General.

(b) The consideration of bills designating facilities of the United States Postal Service shall be conducted so as to minimize the time spent on such matters by the committee and the House of Representatives.

(c) The Chairman shall not request to have scheduled any resolution for consideration under suspension of the Rules, which expresses appreciation, commends, congratulates, celebrates, recognizes the accomplishments of, or celebrates the anniversary of, an entity, event, group, individual, institution, team or government program; or acknowledges or recognizes a period of time for such purposes.

RULE 14—PANELS AND TASK FORCES

(a) The chairman of the full committee is authorized to appoint panels or task forces to carry out the duties and functions of the committee.

(b) The chairman and ranking minority member of the full committee may serve as ex-officio members of each panel or task force.

(c) The chairman of any panel or task force shall be appointed by the chairman of the full committee. The ranking minority member of the full committee shall select a ranking minority member for each panel or task force.

(d) The House and committee rules applicable to Subcommittee meetings, hearings, recommendations, and reports shall apply to the meetings, hearings, recommendations, and reports of panels and task forces.

(e) No panel or task force so appointed shall continue in existence for more than six months. A panel or task force so appointed may, upon the expiration of six months, be reappointed by the chairman.

RULE 15—DEPOSITION AUTHORITY

(a) The chairman of the full committee, upon consultation with the ranking minority member of the full committee, may order the taking of depositions, under oath and pursuant to notice or subpoena.

(b) Notices for the taking of depositions shall specify the date, time, and place of ex-

amination (if other than within the committee offices). Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths.

(c) Consultation with the ranking minority member shall include three business days notice before any deposition is taken. All members shall also receive three business days notice that a deposition has been scheduled.

(d) Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, committee staff designated by the chairman or ranking minority member of the full committee, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend.

(e) At least one member of the committee shall be present at each deposition taken by the committee, unless the witness to be deposed agrees in writing to waive this requirement.

(f) A deposition shall be conducted by any member or staff attorney designated by the chairman or ranking minority member. When depositions are conducted by committee staff attorneys, there shall be no more than two committee staff attorneys permitted to question a witness per round. One of the committee staff attorneys shall be designated by the chairman and the other by the ranking minority member. Other committee staff members designated by the chairman or ranking minority member may attend, but may not pose questions to the witness.

(g) Questions in the deposition shall be propounded in rounds, alternating between the majority and minority. A single round shall not exceed 60 minutes per side, unless the members or staff attorneys conducting the deposition agree to a different length of questioning. In each round, a member or committee staff attorney designated by the chairman shall ask questions first, and the member or committee staff attorney designated by the ranking minority member shall ask questions second.

(h) Any objection made during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. The witness may refuse to answer a question only to preserve a privilege. When the witness has objected and refused to answer a question to preserve a privilege, the full committee chairman may rule on any such objection after the deposition has adjourned. If the chairman overrules any such objection and thereby orders a witness to answer any question to which a privilege objection was lodged, such ruling shall be filed with the clerk of the committee and shall be provided to the members and the witness no less than three days before the reconvened deposition. If a member of the committee appeals in writing the ruling of the chairman, the appeal shall be preserved for committee consideration. A deponent who refuses to answer a question after being directed to answer by the chairman in writing may be subject to sanction, except that no sanctions may be imposed if the ruling of the chairman is reversed on appeal.

(i) Committee staff shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chairman. Committee

staff may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

(j) The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the Committee for the Committee's use. The chairman and the ranking minority member of the full committee shall be provided with a copy of the transcripts of the deposition at the same time.

(k) The chairman and ranking minority member of the full committee shall consult regarding the release of depositions. If either objects in writing to a proposed release of a deposition or a portion thereof, the matter shall be promptly referred to the full committee for resolution.

(l) A witness shall not be required to testify unless the witness has been provided with a copy of the committee's rules.

A BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on February 23, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 514. To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.

ADJOURNMENT

Mrs. CHRISTENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 1, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

573. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting of Government Property Lost, Stolen, Damaged, or Destroyed (DFARS Case 2008-D049)

(RIN: 0750-AG64) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

574. A letter from the Deputy Secretary, Department of Defense, transmitting a letter pursuant to section 1033, paragraph 2, sentence 1 of the Ike Skelton National Defense Act for FY 2011; to the Committee on Armed Services.

575. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 49th report prepared pursuant to Section 3204(f) of the Emergency Supplemental Act, 2000; to the Committee on Armed Services.

576. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

577. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Children's Health Insurance Program (CHIP); Allotment Methodology and States' Fiscal Years 2009 through 2015 CHIP Allotments [CMS-2291-F] (RIN: 0938-AP53) received February 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

578. A letter from the Staff Assistant, Department of Transportation, transmitting the Department's "Major" final rule — Federal Motor Vehicle Safety Standards, Ejection Mitigation; Phase-In Reporting Requirements; Incorporation by Reference [Docket No.: NHTSA-2011-004] (RIN: 2127-AK23) received February 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

579. A letter from the Director, Defense Security Cooperation Agency, transmitting the annual report of Military Assistance and Military Exports; to the Committee on Foreign Affairs.

580. A letter from the Director, Defense Security Cooperation Agency, transmitting the FY 2010 report in accordance with the Foreign Assistance Act of 1961, Section 655; to the Committee on Foreign Affairs.

581. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-577, Quarterly Survey of U.S. Direct Investment Abroad-Direct Transactions of U.S. Reporter With Foreign Affiliate [Docket No.: 100202061-0573-02] (RIN: 0691-AA75) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

582. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Report on Compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

583. A letter from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 10-141, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

584. A letter from the Associate Director, Department of Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received January 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

585. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Belarus Sanctions Regulations received January 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

586. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulations; Federal Acquisition Circular 2005-49; Introduction [Docket FAR 2011-0076, Sequence 1] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

587. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Public Access to the Federal Awardee Performance and Integrity Information System [FAC 2005-49; Far Case 2010-016; Docket 2010-0016, Sequence 1] (RIN: 9000-AL94) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

588. A letter from the Director, Office of Acquisition Policy and Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-49; Small Entity Compliance Guide [Docket FAR 2011-0077, Sequence 1] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

589. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Office of the Attorney General; Applicability of the Sex Offender Registration and Notification Act [Docket No.: OAG 117; Order No. 3239-2010] (RIN: 1105-AB22) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2010-0776] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

591. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 49.0 to 50.0, west of Harvey Locks, Bank to Bank, Bayou Blue Pontoon Bridge, Lafourche Parish, LA [Docket No.: USCG-2010-0999] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

592. A letter from the Director, National Legislative Commission, American Legion, transmitting the financial statement and independent audit of The American Legion, proceedings of the 92nd annual National Convention of the American Legion, held in Milwaukee, Wisconsin from August 20-26, 2010 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 112-9); to the Committee on Veterans' Affairs and ordered to be printed.

593. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Airports of Entry or

Departure for Flights To and From Cuba (RIN: 1651-AA86) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

594. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Zone Academy Bond Allocations for 2011 (Rev. Proc. 2011-19) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

595. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2011-4) received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

596. A letter from the Acting Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Revision of Department of Homeland Security Acquisition Regulation (RIN: 1601-AA16) received January 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on January 3, 2011]

Ms. SLAUGHTER: Committee on rules. Survey of Activities of the House Committee on Rules, 111th Congress (Rept. 111-714). Referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on February 22, 2011]

Mr. CAMP: Committee on Ways and Means. H.R. 4. A bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes (Rept. 112-15). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 705. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes; with an amendment (Rept. 112-16). Referred to the Committee of the Whole House on the State of the Union.

[Filed on February 28, 2011]

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 368. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes (Rept. 112-17, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODALL. Committee on Rules. House Resolution 115. Resolution providing for consideration of the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes (Rept. 112-19). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following actions were taken by the

Speaker: The Committee on the Budget discharged from further consideration. H.R. 368 referred to the Committee of the Whole House on the State of the Union.

The Committees on Ways and Means, Natural Resources and the Budget discharged from further consideration. H.R. 662 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 662. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, (Rept. 112-18, Pt. 1); Referred to the Committee on The Budget for a period ending not later than February 28, 2011, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(d), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself and Mr. PETRI):

H.R. 825. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Transportation and Infrastructure.

By Mr. CARTER (for himself and Mr. DOGGETT):

H.R. 826. A bill to direct the Secretary of Defense to establish policies and guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations will receive Active Shooter Training; to the Committee on Armed Services.

By Mr. SCHWEIKERT (for himself, Mr. PASTOR of Arizona, Mr. ISSA, Mr. FILNER, Mr. FLAKE, Mr. WATT, Mr. DANIEL E. LUNGREN of California, Mr. GOSAR, Ms. BERKLEY, and Mr. QUAYLE):

H.R. 827. A bill to amend title 49, United States Code, to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CHAFFETZ:

H.R. 828. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Oversight and Government Reform.

By Mr. CHAFFETZ:

H.R. 829. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for

other purposes; to the Committee on Oversight and Government Reform.

By Mr. DOLD (for himself, Mr. BACHUS, and Mrs. BIGGERT):

H.R. 830. A bill to rescind the unobligated funding for the FHA Refinance Program and to terminate the program; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Ms. CHU, Mr. KILDEE, Mr. KUCINICH, Mr. MCGOVERN, Mr. PAUL, and Mr. TONKO):

H.R. 831. A bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 832. A bill to amend the Public Health Service Act to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess short-term and long-term direct and indirect impacts on the health of oil spill clean-up workers and vulnerable residents resulting from the Deepwater Horizon oil spill, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONAWAY:

H.R. 833. A bill to remove obstacles to legal sales of United States agricultural commodities to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. WU, Mr. KIND, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SCHRADER, Mr. FILNER, Mr. CALVERT, and Ms. BALDWIN):

H.R. 834. A bill to amend the Internal Revenue Code of 1986 to allow eligible veterans to use qualified veterans mortgage bonds to refinance home loans, and for other purposes; to the Committee on Ways and Means.

By Mr. GERLACH (for himself, Mr. FARR, Mrs. CAPPS, and Mr. YOUNG of Florida):

H.R. 835. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. HENSARLING (for himself, Mr. BACHUS, and Mrs. BIGGERT):

H.R. 836. A bill to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program; to the Committee on Financial Services.

By Mr. HINOJOSA:

H.R. 837. A bill to require the Secretary of Veterans Affairs to ensure that the South Texas Veterans Affairs Health Care Center in Harlingen, Texas, includes a full-service Department of Veterans Affairs inpatient health care facility; to the Committee on Veterans' Affairs.

By Mr. KLINE (for himself, Mrs. BACHMANN, Mr. PETERSON, Mr. CRAVAACK, Mr. PETRI, Mr. SENSENBRENNER, and Mrs. MILLER of Michigan):

H.R. 838. A bill to prohibit treatment of gray wolves in Minnesota, Wisconsin, and Michigan as endangered species, and for other purposes; to the Committee on Natural Resources.

By Mr. MCHENRY (for himself, Mr. BACHUS, Mr. HENSARLING, Mrs. BIGGERT, Mr. NEUGEBAUER, Mr. GARRETT, Mr. GRIMM, and Mrs. CAPITO):

H.R. 839. A bill to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis; to the Committee on Financial Services.

By Mr. MURPHY of Pennsylvania (for himself, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CHAFFETZ, Mr. DUNCAN of Tennessee, Mr. FLORES, Mr. HARPER, Mr. LATTI, Mr. LONG, Mr. MCCLINTOCK, Mrs. MYRICK, Mr. RIBBLE, Mr. THOMPSON of Pennsylvania, Mr. WESTMORELAND, Mr. MCKINLEY, Mr. WHITFIELD, Mr. STEARNS, Mr. CASSIDY, Mr. BRADY of Texas, Mr. SCALISE, Mr. BOUSTANY, and Mr. DAVIS of Kentucky):

H.R. 840. A bill to allow the conduct of offshore energy exploration, development, and production operations under drilling permits previously issued by the Minerals Management Service, and for other purposes; to the Committee on Natural Resources.

By Mr. OWENS:

H.R. 841. A bill to amend chapter 2 of title I of the United States Code to establish the style for amending laws; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. BERMAN, and Mr. SHERMAN):

H.R. 842. A bill to allow mandatory nighttime curfews at certain airports, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHOCK (for himself, Mr. BOSWELL, and Mr. GRAVES of Missouri):

H.R. 843. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Transportation and Infrastructure.

By Mr. WELCH:

H.R. 844. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.J. Res. 44. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself and Mr. FILNER):

H. Con. Res. 20. Concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the longest surviving United States veteran of the First World War; to the Committee on House Administration.

By Mr. CONAWAY (for himself, Mr. GENE GREEN of Texas, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mr. BACHUS, Mr. BARTLETT, Mr. BONNER, Mr.

BURTON of Indiana, Mr. CALVERT, Mrs. CAPITO, Mr. COFFMAN of Colorado, Mr. CRENSHAW, Mr. DIAZ-BALART, Mrs. EMERSON, Mr. GERLACH, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. HUELSEKAMP, Ms. JENKINS, Mr. JORDAN, Mr. LATOURETTE, Mr. LAMBORN, Mr. LANCE, Mr. LATTI, Mr. LOBIONDO, Mr. LONG, Mrs. LUMMIS, Mr. MCCAUL, Mrs. MCMORRIS RODGERS, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAUL, Mr. PAULSEN, Mr. PETRI, Mr. POMPEO, Mr. POSEY, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SIMPSON, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TIBERI, Mr. WALDEN, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BOSWELL, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARDOZA, Mr. COURTNEY, Mr. DINGELL, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HOLDEN, Ms. KAPTUR, Mr. KISSELL, Mr. LOEBSACK, Mr. MCINTYRE, Mr. MEEKS, Mr. RANGEL, Mr. ROSS of Arkansas, Mr. RYAN of Ohio, Mr. SARBANES, Mr. SHULER, Mr. HASTINGS of Washington, Mr. CULBERSON, Mr. CARNAHAN, Mr. RUNYAN, Mr. KLINE, Mr. SESSIONS, Mr. ROGERS of Michigan, Mr. MCHENRY, Mr. LATHAM, Ms. FOX, and Mr. CANSECO):

H. Con. Res. 21. Concurrent resolution supporting the Local Radio Freedom Act; to the Committee on the Judiciary.

By Mr. POE of Texas:

H. Con. Res. 22. Concurrent resolution authorizing the use of the rotunda of the Capitol to honor the last surviving United States veteran of the First World War upon his death; to the Committee on House Administration.

By Mrs. CAPITO (for herself, Mr. HANNA, Mr. MCKINLEY, Mr. BURTON of Indiana, Mr. GRIMM, Mr. RAHALL, Mr. CLEAVER, Mrs. MCMORRIS RODGERS, Mr. TOWNS, Mr. BENISHEK, Mr. OLSON, Mr. MILLER of Florida, Ms. BROWN of Florida, Mr. MCHENRY, and Mr. POE of Texas):

H. Con. Res. 23. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the late Frank W. Buckles, the last United States veteran of the First World War, as a tribute to and in recognition of all United States military members who served in the First World War; to the Committee on House Administration.

By Mr. LUCAS:

H. Res. 108. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. HALL (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 109. A resolution providing amounts for the expenses of the Committee on Science, Space, and Technology in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. DREIER (for himself and Ms. SLAUGHTER):

H. Res. 110. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. KING of New York:

H. Res. 111. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H. Res. 112. A resolution providing amounts for the expenses of the Committee on Foreign Affairs in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MILLER of Florida:

H. Res. 113. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MICA (for himself and Mr. RAHALL):

H. Res. 114. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. CAMP (for himself and Mr. LEVIN):

H. Res. 116. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Ms. LINDA T. SANCHEZ of California (for herself and Mr. BACA):

H. Res. 117. A resolution commending Edwin Donald "Duke" Snider; to the Committee on Oversight and Government Reform.

By Mr. BACHUS:

H. Res. 118. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. GRAVES of Missouri:

H. Res. 119. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. HASTINGS of Washington (for himself and Mr. MARKEY):

H. Res. 120. A resolution providing amounts for the expenses of the Committee on Natural Resources in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. ISSA:

H. Res. 121. A resolution providing amounts for the expenses of the Committee on Oversight and Government Reform in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H. Res. 122. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. BRADY of Pennsylvania):

H. Res. 123. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. MCKEON (for himself and Mr. SMITH of Washington):

H. Res. 124. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. ROGERS of Michigan (for himself and Mr. RUPPERSBERGER):

H. Res. 125. A resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. RYAN of Wisconsin:

H. Res. 126. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. SMITH of Texas (for himself and Mr. CONYERS):

H. Res. 127. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Twelfth Congress; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RAHALL:

H.R. 825.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution.

By Mr. CARTER:

H.R. 826.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: The Congress shall have Power To: make Rules for the Government and Regulation of the land and Naval Forces.

By Mr. SCHWEIKERT:

H.R. 827.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 States: [The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes.

By Mr. CHAFFETZ:

H.R. 828.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. CHAFFETZ:

H.R. 829.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. DOLD:

H.R. 830.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Ms. SCHAKOWSKY:

H.R. 831.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mrs. CAPPS:

H.R. 832.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18.

By Mr. CONAWAY:

H.R. 833.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. DAVIS of California:

H.R. 834.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. GERLACH:

H.R. 835.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. HENSARLING:

H.R. 836.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. HINOJOSA:

H.R. 837.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. KLINE:

H.R. 838.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, commonly referred to the "Commerce Clause," of the United States Constitution.

By Mr. MCHENRY:

H.R. 839.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution, under which Congress has the power to regulate commerce among the states.

By Mr. MURPHY of Pennsylvania:

H.R. 840.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to the Congress under Article I, Section 8, Clause 3 of the United States Constitution, and Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. OWENS:

H.R. 841.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2.

By Mr. SCHIFF:

H.R. 842.

Congress has the power to enact this legislation pursuant to the following:

The Valley-Wide Noise Relief Act is constitutional under Article I, Section 8, Clause 3, the Commerce Clause, and Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Valley-Wide Noise Relief Act is constitutionally authorized under the Commerce Clause because the bill regulates aviation, which has a direct impact on commerce between the states. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SCHOCK:

H.R. 843.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, and Amendment X of the United States Constitution.

By Mr. WELCH:

H.R. 844.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have power to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ROGERS of Kentucky:

H.J. Res. 44.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is Clause 7 of Section 9 of Article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. WALBERG, Mr. ROHRBACHER, Mr. AUSTRIA, Mr. ALEXANDER, and Mr. BASS of New Hampshire.

H.R. 27: Ms. WATERS, Mr. BISHOP of Utah, and Ms. EDWARDS.

H.R. 81: Mr. MCCOTTER.

H.R. 99: Mr. SESSIONS.

H.R. 104: Mr. BENISHEK.

H.R. 122: Mr. CARTER.

H.R. 136: Mrs. MCCARTHY of New York.

H.R. 177: Mr. CANSECO.

H.R. 178: Mr. FORBES, Mr. HUNTER, Mr. DEUTCH, Mr. COURTNEY, Mr. BOREN, Ms. JENKINS, Mr. ROGERS of Michigan, Mr. REICHERT, Mr. DOYLE, and Mr. PETERSON.

H.R. 181: Ms. JENKINS.

H.R. 218: Mr. STARK.

H.R. 219: Mr. DUNCAN of Tennessee and Mr. LATOURETTE.

H.R. 261: Mr. ROTHMAN of New Jersey.

H.R. 333: Mr. HECK and Mr. DEUTCH.

H.R. 343: Mr. GOODLATTE.

H.R. 367: Ms. WILSON of Florida.

H.R. 389: Mr. YODER.

H.R. 409: Mrs. BACHMANN and Mr. CUELLAR.

H.R. 412: Mr. OLSON, Mrs. BLACKBURN, Mr. LATHAM, and Mr. STUTZMAN.

H.R. 423: Mr. FORTENBERRY.

H.R. 432: Ms. HIRONO, Mr. HINCHEY, and Mrs. CAPPS.

H.R. 436: Mrs. BLACKBURN, Mr. CASSIDY, Mr. BURGESS, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, Mr. HUNTER, Mr. SCALISE, Mr. KINZINGER of Illinois, Ms. HAYWORTH, Mr. SHIMKUS, Mr. SULLIVAN, Mr. MEEHAN, Mr. PAUL, and Ms. FOX.

H.R. 440: Mrs. MYRICK and Mr. MURPHY of Connecticut.

H.R. 459: Mr. WILSON of South Carolina, Ms. BALDWIN, and Mr. JOHNSON of Illinois.

H.R. 462: Mr. MCCOTTER.

H.R. 470: Mrs. CAPPS and Mr. WAXMAN.

H.R. 478: Mr. KLINE.

H.R. 513: Mr. YODER, Mr. KLINE, Ms. JENKINS, and Mr. HUELSKAMP.

H.R. 548: Mr. WALBERG, Mr. GRIFFIN of Arkansas, and Mr. GARRETT.

H.R. 553: Mr. ELLISON and Mrs. CAPPS.

H.R. 567: Mr. RIGELL.

H.R. 572: Mrs. CAPPS.

H.R. 605: Mr. PETRI.

H.R. 609: Mr. BUCSHON.

H.R. 623: Mr. ELLISON.

H.R. 642: Mr. REHBERG, Mr. HUELSKAMP, Mr. OLSON, Mr. GRIFFITH of Virginia, Mr. RYAN of Wisconsin, Mr. ALTMIRE, Mr. LUCAS, Mr. CULBERSON, and Mr. FORBES.

H.R. 645: Mr. ISSA, Mr. POE of Texas, Mr. BOREN, Mr. ALTMIRE, Mr. MATHESON, and Mr. BROUN of Georgia.

H.R. 661: Mr. ENGEL.

H.R. 676: Mr. ENGEL, Ms. WOOLSEY, and Mr. DAVIS of Illinois.

H.R. 692: Mr. NUGENT, Mr. BURTON of Indiana, Mrs. MYRICK, and Mr. KLINE.

H.R. 695: Mr. DUNCAN of Tennessee.

H.R. 700: Mr. HERGER.

H.R. 704: Mr. KLINE and Mr. JONES.

H.R. 706: Mrs. MALONEY.

H.R. 709: Mr. KUCINICH.

H.R. 733: Mr. MORAN, Mr. HOLT, and Mr. ROSS of Arkansas.

H.R. 734: Mrs. CAPITO.

H.R. 735: Mrs. MYRICK.

H.R. 746: Mr. CONAWAY.

H.R. 763: Mr. RIBBLE.

H.R. 782: Mr. ROSS of Florida, Mr. HUELSKAMP, and Mr. GOWDY.

H.R. 792: Mr. GRIMM.

H.R. 816: Mr. BURGESS.

H.J. Res. 2: Mrs. ADAMS.

H.J. Res. 23: Mr. ROSS of Florida.

H.J. Res. 37: Mr. POMPEO, Mrs. MYRICK, Mr. GARDNER, Mr. PITTS, Mr. CASSIDY, Mr. BILBRAY, Mr. HUELSKAMP, Mr. MURPHY of Pennsylvania, Mr. RIBBLE, Mr. SCHILLING, Mr. PENCE, and Mr. SULLIVAN.

H.J. Res. 42: Mr. TERRY and Mrs. BLACKBURN.

H. Con. Res. 13: Mr. KING of Iowa.

H. Res. 23: Mr. YODER.

H. Res. 34: Mr. CICILLINE.

H. Res. 64: Mr. HONDA and Mr. PETRI.

H. Res. 83: Mr. STARK, Ms. NORTON, Mrs. NAPOLITANO, and Mr. FRANK of Massachusetts.

H. Res. 88: Mr. MANZULLO and Mr. SCHOCK.

H. Res. 95: Mr. COFFMAN of Colorado.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in House Joint Resolution 44 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

H.J. Res. 44, Further Continuing Appropriations Amendments, 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.

EXTENSIONS OF REMARKS

ANNOUNCEMENT OF THE 2011 CONGRESS-BUNDESTAG/BUNDESRAT EXCHANGE

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. BOEHNER. Mr. Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany for ten days from June 24–July 3 of this year. During this ten-day exchange, the delegation will attend meetings with Bundestag/Bundesrat Members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies.

A comparable delegation of German staff members will visit the United States for ten days April 30–May 8 of this year. They will attend similar meetings here in Washington. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Members of the House and Senate who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HC-4, the Capitol, by 5 p.m. on Friday, March 18, 2011.

HONORING DAVID W. GORMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. VAN HOLLEN. Mr. Speaker, I stand today to recognize the outstanding career and accomplishments of my constituent, David W. Gorman. A Vietnam veteran, Mr. Gorman will be remembered as one of the premiere veterans' advocates in American history. On July 1, 2011, he will be retiring as the Executive Director of National Service and Legislative Headquarters of the Disabled American Veterans after four decades of dedicated service.

Mr. Gorman entered the U.S. Army in 1969 and served in the famed "Sky Soldiers" of the 173rd Airborne Brigade during the Vietnam War. After sustaining severe combat injuries that required the amputation of both legs, Mr. Gorman dedicated himself to improving the treatment and welfare of America's veterans and joined the Disabled American Veterans organization.

Mr. Gorman, a life member of the DAV's National Amputation Chapter 76 and Chapter 4, in Wheaton, Maryland, began his professional career with the DAV as a National Service Officer at the Boston National Service Office in 1971. In the years that followed, Mr. Gorman became a venerable ally of American veterans, representing their claims before the Veterans Administration Board of Veterans Appeals. He earned a reputation as one of the nation's foremost experts regarding the VA's complex array of services and programs. Indeed, the DAV's key legislative accomplishments of recent years are largely due to the expertise and diligence of Mr. Gorman and his team.

In 1995, Mr. Gorman was appointed Executive Director of National Service and Legislative Headquarters, a position he has held for over 15 years. As Executive Director, he was the DAV's principal representative and spokesman before Congress, the White House, and the U.S. Department of Veterans

Affairs. His legacy includes his efforts to reform veterans' health care and his contributions to the enactment of the Veterans Health Care Budget Reform and Transparency Act of 2009 and the Caregiver and Veterans Omnibus Health Services Act of 2010.

Mr. Speaker, I congratulate Mr. Gorman on his outstanding accomplishments and thank him for his devoted service to our country and our veterans. I wish him a rewarding and enjoyable retirement with his wife, Paula, his five children and six grandchildren.

IN HONOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. FARR. Mr. Speaker, I rise today in strong support for reinstating funding for the Corporation for National and Community Service. Following the recent votes on the House floor, I urge my colleagues to recognize volunteerism as a historic and valued tradition, and we cannot close the door on millions of Americans who want to serve their country.

As a Returned Peace Corps Volunteer, I know firsthand the expansive value of service. America has an unparalleled history of extending a helping hand to lift up our neighbors in times of need. Now more than ever, we must rebuild our country and strengthen our national spirit through service in our communities.

The Corporation for National and Community Service is one of our country's finest expressions of volunteerism. Through programs like AmeriCorps, Senior Corps, and Learn and Serve America, CNCS creates important opportunities for Americans of all walks of life to offer their brains, brawn, and heart in service to others. I am proud to say that there are 1,117 folks from my district currently serving in CNCS programs. And they are part of a five-million strong corps of volunteers across the country who are dedicating part of their lives to meet our nation's critical needs in education, health, safety, and the environment.

CNCS exemplifies the best of what America has to offer. Senior Corps volunteers have given over 1 billion hours of service as foster grandparents for at-risk youth and companions to the elderly. More than 400,000 Americans have served in AmeriCorps on critical projects ranging from Hurricane Katrina and Deepwater Horizon disaster relief to homelessness and neighborhood revitalization around the country. And well over 1 million high school students have experienced the power of civic engagement through participating in Learn and Serve programs. CNCS' work touches public agencies, schools, national and local non-profits, and faith-based organizations.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Yet despite the critical mass of people wanting to serve and the widespread need for service, my colleagues have chosen to eliminate CNCS from our national budget. This dissonance between supply and demand makes absolutely no sense. For the sake of saving .03% of our total federal budget, my colleagues have taken away the ability for millions of Americans to help their fellow citizens.

Mr. Speaker, I honor the service of my constituents on the Central Coast and Americans across the country. I reject this legislation and will fight to restore robust funding so that we can continue our noble legacy of service to those in need for this and future generations.

IN HONOR AND RECOGNITION OF
THE PARMA HOSPITAL ACUTE
REHABILITATION CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Parma Hospital Acute Rehabilitation Center, a multifaceted medical center that provides the people of Northeast Ohio with comprehensive physical and cognitive rehabilitation of excellent quality.

The staff at Parma Hospital Acute Rehabilitation Center consists of nurses, social workers, dietitians, pharmacists, psychologists/neuropsychologists and physical, occupational and speech therapists. These professionals work together to create individualized treatment plans for each patient they treat. The Center is accredited by the Commission on Accreditation of Rehabilitation (CARF) and consistently exceeds national averages with outstanding outcomes for patients undergoing joint replacement, total knee replacement and hip fracture repair. The Center has also been recognized for its exceptional work with stroke patients.

Mr. Speaker and colleagues, the Parma Hospital Acute Rehabilitation Center is an invaluable resource for patients in Northeast Ohio. Its individualized approach, cooperation with patients' families, and dedication to returning all patients to independent living at the highest possible level of functioning make the Center an excellent source of quality health care for the people of its community.

TRIBUTE TO THE HONORABLE
VANESSA L. GIBSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to recognize a lawmaker from the Bronx whom I admire greatly, the Honorable Vanessa L. Gibson.

Vanessa is a lifelong resident of New York City and a product of its public school system. She graduated from Murray Bergtraum High School for Business Careers in 1997 before

enrolling in the State University of Albany, where she obtained her Bachelor's Degree in Sociology in 2001. During her senior year as an undergraduate, Vanessa was offered an internship with Assemblywoman Aurelia Greene, a Democrat from the Bronx who would become Vanessa's most trusted friend and mentor.

Vanessa worked for Assemblywoman Greene in every capacity; learning the processes of public service from one of the ablest and most respected lawmakers in the state. Vanessa first served as Assemblywoman Greene's Legislative Analyst, with responsibilities that included drafting policies to meet the needs of residents of the 77th Assembly District. She worked with community based organizations and diverse constituencies to promote laws that offered greater protections for renters and people on Section 8, and improved educational opportunities for young people from the Bronx. In 2003, Vanessa was promoted to Bronx Office District Manager, which increased not only her responsibilities but also her prominence within the community. She became the principal liaison to Community Boards 4 and 5, in addition to Secretary of the Bronx Unity Democratic Club.

In May 2009, Vanessa received her Master's Degree in Public Administration from Baruch College, part of the City University of New York, CUNY. Later that year, with support from across the state, Vanessa ran for public office and was elected to a seat in the New York State Assembly, representing the people of the 77th District, who after nearly a decade of service had come to know and respect and trust Vanessa's judgment.

Mr. Speaker, Vanessa L. Gibson earned her public profile through loyalty, hard work, but above all, on the power of her considerable gifts. Her youth and talent have led many to regard her as one for New York's future; but this should not outshine the fact that Vanessa is also one for New York's present. She is among the most promising in a new wave of elected officials in this country; women and men who learned government from the inside and took away its best lessons; lessons of respect for ethics; of honesty in public dealings; and of fidelity to the best interests of one's constituents. Mr. Speaker, I ask that my colleagues join me in recognizing a hugely gifted woman, and someone who carries with her the hopes of thousands of New Yorkers, including myself, The Honorable Vanessa L. Gibson.

TRIBUTE TO MARY ANNE
SUDOVAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention an outstanding individual and a source of inspiration to many, Mrs. Mary Anne Sudovar, who celebrated her 100th birthday on September 18, 2010.

Born in Shelton, CT, in 1910 as Mary Anne Sullivan, she is the oldest of nine children. As a result of her father's job as a construction

foreman in the 1920's, Mary's family was forced to relocate frequently. Consequently, they lived in Massachusetts, North and South Carolina, Virginia, and New Jersey in addition to Connecticut.

Mary's propensity to travel extended outside the United States as well. During her lifetime she has visited France, Egypt, Israel, Rome, and Scotland.

In 1938, Mary was wed to Stephen Sudovar (d. 1998) of Garfield, NJ. Shortly afterwards, the couple moved to Wayne, NJ, where they began to build a life together. Mary and Steve had four children: Marianne, Kathleen, Stephen, and Barbara. Mary has 16 grandchildren and is fortunate enough to also enjoy 16 great-grandchildren with one more on the way.

Mary recalls some of her fondest memories over the past century: walking around Packanack Lake, dancing the Polka with her husband, Steve, storytelling, and relaxing on cool summer evenings.

Today, Mary continues to be the life of the party and constantly has visitors. She serves as a source of inspiration to her soon-to-be 37 person family with her beautiful smile, encouraging words, and upbeat attitude. When asked about the secrets to a long and healthy life, Mary quickly declared, "Hard work and always managing to smile—regardless of the situation."

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing outstanding members of the community like Anne Mary Sudovar.

Mr. Speaker, I ask that you join our colleagues, Mary's family and friends, the residents of Wayne, NJ, and me in congratulating Mary on her 100th birthday.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. HINOJOSA. Mr. Speaker, I regret that I had to return to my district because of the illness and subsequent death of my sister. Had I been present, I would have voted "aye" on rollcall No. 95, 114 and 146 and "nay" on rollcall No. 93, 94, 96–113, 115–145, 147.

IN REMEMBRANCE OF RICHARD
DISTELHORST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Richard Distelhorst, a man who devoted himself to the well being of his community and the nation.

Richard was born on August 24th, 1921 to his loving parents Oscar and Esther Distelhorst. He graduated from Burlington High School in 1939. After graduating he met the love of his life, Virginia. The two married in 1944 and celebrated 60 years together before Virginia's death in 2004. As a young man

Richard enlisted in the Marine Corps and served as a master sergeant in the South Pacific during World War II.

His service and devotion to his local community will be remembered by those who knew him. He was a member of his local Kiwanis Club, a grand knight of the Knights of Columbus and chairman of the local Service Corps of Retired Executives. He also dedicated his time to the Burlington Alliance for Citizen Action.

Richard also possessed a passion for politics. He volunteered countless hours for local grass roots political action. He was an active member of the Des Moines County Democrats and was eventually awarded for his service to them by being inducted in the Des Moines county Democrats Hall of Fame in 2006. He worked tirelessly organizing peace rallies, educating the community about pertinent political issues and assisted with the 2004 Kucinich for President Campaign. Additionally, Richard was an active member and senior advisor of the American Monetary Institute (AMI). The director and co-founder of the AMI referred to Richard as one of "the most knowledgeable Americans regarding the workings of the Federal Reserve system."

Mr. Speaker and colleagues, please rise with me today in honor and remembrance of a passionate and unwavering individual. Richard will forever be remembered for the hard work and dedication that he committed. I extend my sincerest condolences to his son Daniel and his daughter Rita.

USUHS GRADUATES ARE
APPRECIATED

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. WILSON of South Carolina. Mr. Speaker, January's tragedy of the shooting of Congresswoman GABRIELLE GIFFORDS highlighted the military medical education and training of three extraordinary physicians. I would like to recognize these doctors not only for their extraordinary abilities and service during the events in Tucson, but also for the fact they are all alumni of the Uniformed Services University of the Health Sciences at Bethesda, Maryland.

Retired Navy Captain Peter Rhee, serves as chief of trauma at the University Medical Center in Tucson. Dr. Rhee was trained by the USUHS to manage complex wounds under strenuous conditions. Dr. Rhee relied on more than 20 years of military medical experience to perform life-saving procedures in the hours following the tragedy in Tucson. Dr. Rhee's unique abilities helped to save the life of the Congresswoman.

Dr. Rhee was assisted by interim chief of Neurology, Army Colonel Geoffrey Ling. Following the incident in Tucson, Dr. Ling traveled to Afghanistan as part of a brain injury assessment team convened by the Chairman of the Joint Chiefs of Staff. Dr. Ling was accompanied by Dr. Jim Ecklund. Dr. Ecklund is a highly regarded neurosurgeon who has had much experience caring for bullet injuries to the brain and a classmate of Dr. Rhee's at USUHS.

The training provided by the military medical education allowed for these doctors to save the life of Congresswoman GIFFORDS. I am grateful for their service to this country. I know first-hand of the world-class professionalism of USUHS because my second son is a proud graduate after attending the Naval Academy.

In conclusion, God Bless our Troops, and we will never forget September 11th in the Global War on Terrorism.

LEWIS "LUIGI" WAITES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. TERRY. Mr. Speaker, I rise today to posthumously honor the extraordinary talents and accomplishments of the legendary percussionist/vibraphonist Mr. Lewis "Luigi" Waites.

Luigi was born July 10, 1927, in Omaha, Nebraska. He began playing drums at age 12 and soon after began playing local nightclubs around Omaha. While Luigi served in the U.S. Army at Camp Lee, Virginia, he met jazz drummer Elvin Jones, who gave him further drum instruction.

Over his long career, Luigi shared the stage with jazz legends such as Ella Fitzgerald, Dizzy Gillespie, Lionel Hampton, and Sarah Vaughan. He was a tireless musician; appearing weekly at a local tavern, Mr. Toad's, since 1975. In addition, he helped organize performances for the Omaha Summer Arts Festival.

Beyond his acclaim as a musician, Luigi was known for his generosity, openness and selflessness on-stage and off. As a teacher and mentor to fellow musicians, he encouraged individuals to explore their creativity and expanded their skills as evidenced by The Contemporaries, a youth drill team and drum corps he organized.

Waites' accolades include being named the Nebraska Art Council's artist of the year for 2006. In the same year, he received a lifetime achievement award at the Omaha Entertainment and Arts Award ceremony. He was inducted into the Omaha Black Music Hall of Fame in 2005. After thousands of performances through several decades, Luigi died peacefully on Tuesday, April 6, 2010 at the age of 82. A family man, he was the father of 6 children, 8 grandchildren, and 13 great-grandchildren at the time of his passing.

As we celebrate Black History month, we recognize the immense contributions African Americans have made to this country—from innovations in science and technology to accomplishments in the arts and culture that have benefited us all. Luigi's legacy as an artist and teacher deserves our thanks and applause.

23RD ANNIVERSARY OF THE POGROM AGAINST ARMENIANS LIVING IN SUMGAI, AZERBAIJAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate the tragic massacre of Armenian civilians at the hands of the Azerbaijani regime. Next week will mark the twenty-third anniversary of the pogrom against Armenians living in the town of Sumgait, Azerbaijan. The 3-day massacre in the winter of 1988 resulted in the deaths of scores of Armenians, many of whom were burnt to death after being brutally beaten and tortured. Hundreds of others were wounded. Women and girls were brutally raped. The carnage created thousands of ethnic Armenian refugees, who had to leave everything behind to be looted or destroyed, including their homes, cars and businesses. The Sumgait Pogroms were part of an organized pattern, and were preceded by a wave of anti-Armenian rallies throughout Azerbaijan, which culminated in the 1990 Pogroms in Baku, Azerbaijan's capital city.

These crimes were never adequately prosecuted by Azerbaijan authorities. Many who organized or participated in the bloodshed have gone on to serve in high positions on the Azeri government. For example, in the days leading up to the Sumgait massacres, a leader of the Communist Party of Azerbaijan, Hidayat Orujev, warned Armenians in Sumgait: "If you do not stop campaigning for the unification of Nagorno Karabakh with Armenia, if you don't sober up, 100,000 Azeris from neighboring districts will break into your houses, torch your apartments, rape your women, and kill your children." Orujev later became the State Advisor for Ethnic Policy to former Azeri President Heidar Aliyev.

Despite efforts by the Government of Azerbaijan to cover up the events of February 1988, survivors of the pogrom have come forward with their stories. They told of enraged mobs, which threw furniture, refrigerators, television sets and beds from apartment balconies and set them afire. Armenians were dragged from their apartments. If they tried to run and escape, the mob attacked them with metal rods, knives and hatchets before the victims were thrown into the fire. One witness said of a victim, "He was still moving, trying to escape from fire, but five young men were pushing him back into the fire with metal rods." Others told of Interior Ministry troops, who stood by doing nothing.

The Sumgait massacres led to wider reprisals against Azerbaijan's ethnic minority, resulting in the virtual disappearance of Azerbaijan's 450,000-strong Armenian community, and culminating in the war launched against the people of Nagorno Karabakh. That war resulted in almost 30,000 dead on both sides and created more than one million refugees in both Armenia and Azerbaijan.

A cease-fire agreement was brokered in 1994 and remains in place. However, Azerbaijan's ongoing war-mongering, recent cease-fire violations, and dramatic escalation of its military budget threaten to destabilize the

Nagorno Karabakh peace talks. It is my hope that a just and peaceful resolution can be found that takes into account Nagorno Karabakh's right to self determination.

Mr. Speaker, just as we cannot allow the first genocide of the twentieth century to fade into history, the memory of the victims of Sumgait must not be forgotten either.

IN HONOR OF SISTER MARY ANN
FLANNERY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Sister Mary Ann Flannery to acknowledge her receipt of the Walks of Life award from the Irish American Archives Society. Sister Flannery has always been a valuable asset to her community and her devotion to serving others is praiseworthy.

Sister Flannery grew up on the East side of Cleveland and graduated from Hoban-Dominican High School. After college she began teaching at Lumen Cordium High School and Notre Dame College. Following her time as a teacher she became an active member in local organizations that focused on social justice issues for the community. She became director of Parma's Jesuit Retreat House, making her the first female director of the oldest retreat center in the nation. In addition to her community involvement, she is also a consistent freelance writer. Her work appears in the Cleveland Plain Dealer and several other publications.

Prior to receiving this award, Sister Flannery also received an award from the Siena Heights University Alumni Association for her relentless efforts to improve her community, her successful tenure as a teacher and her concern for social issues around the globe.

Mr. Speaker and colleagues, please join me in honoring the accomplishments of Sister Flannery. She is a valuable asset to the Cleveland community, and has shown that she possesses a gift for assisting others, no matter what their circumstances.

TRIBUTE TO MS. DOROTHY
DESUZIA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to pay tribute to a woman who for forty years has made the well-being of her surrounding community her personal responsibility, Ms. Dorothy DeSuzia.

Dorothy was born and raised in New York City and attended public schools as a child. Her father was a native New Yorker and her mother migrated to the U.S. from the West Indies. In 1965 Dorothy moved into a newly constructed, 1,852 unit apartment complex in the Bronx known as Concourse Village. Dorothy

was among the first tenants to move in, and describes the development during those years as a "beautiful" space with a great diversity of residents.

Today, Concourse Village is a model of urban homeownership in New York City; but we must not forget that the earliest residents of Concourse Village, including Dorothy, actually fought and won the right to become shareholders. Dorothy helped lead the campaign to have stock certificates awarded to residents of Concourse Village back in the late 1970s; prior to this, no one living in Concourse Village owned their home. Then in 1981, after a prolonged effort led by Dorothy and a dedicated group of residents, stock certificates were finally awarded and the first shareholder Board of Directors was formed. Dorothy served on the first board and three years later, in 1984, she was elected President of the Board of Directors at Concourse Village; a position she held until 1990. She rejoined the Board of Directors six years later in 1996 and remains a board member to this day.

Dorothy has held every position of leadership at Concourse Village, from floor captain to Board President. Her record of transparency and fair dealing has earned her, above all, the trust of her fellow shareholders; and it is safe to say that she has been involved in nearly every major capital and quality of life improvement at the development for the past four decades; including the creation of "Special Adults," Concourse Village's senior citizen program which plans trips and creates a place for seniors to congregate and feel welcome. All of this, however, comes on top of a 38 year career with the former New York Telephone Company, NYTel, now Bell Atlantic/Verizon, from which Dorothy retired in 1992.

Mr. Speaker, if one considers the number of individuals and families who have lived in Concourse Village or have close ties there; and of that number, how many enjoyed a safe, nurturing place to grow up or knew the joy of homeownership since 1981, one can begin to grasp just how impactful Dorothy DeSuzia has been in this community. Her commitment has made the lives of thousands of Bronx residents more enjoyable and more secure. I ask that my colleagues join me in paying tribute to a kind and decent and brave woman whose contributions will not soon be forgotten, Ms. Dorothy DeSuzia.

HONORING THE LIFE OF MRS.
DORIS BOWEN ELLICK

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Mrs. Doris Bowen Ellick, who died on February 16, 2011 at the age of 78. Mrs. Ellick was a dedicated public servant and a pillar in Palm Beach County. Mrs. Ellick stands apart as an exemplary citizen and living testimony to compassion, dedication, and selfless generosity.

Mrs. Ellick was born on May 23, 1932 to the late Elder Sam and Janie Ross Bowens in Wacissa, Florida. She was formally educated

in the public schools of Jefferson County Florida. In 1948, the Bowens family relocated to Belle Glade, Florida. Mrs. Ellick later graduated from Everglades Vocational High School.

For 23 years, Mrs. Ellick worked in the Palm Beach County School System as a teacher's assistant. While there, she was effectively a mentor, godmother, grandmother, encourager, and comforter to many. After retiring from Palm Beach County School System, Mrs. Ellick continued her passion for public service as a foster mother. In this capacity, she opened her home for the community and homeless.

While working as an educator, she met the love of her life, Alford Ellick. The couple wedded on April 7, 1951. From this union was born 8 children: Bernard, Alfred, Charles, Terris, Gerald, Reginald, Christopher, and Kenneth. She was irrefutably a devoted wife and mother.

Mrs. Ellick was also an active member of the Inspirational Church of God where she served on the Board of Directors and Board of Trustees for a number of years, and was officially ordained as one of the Mothers of the church.

In addition to working enthusiastically in her church, Mrs. Ellick devoted a majority of her time to her family. Invariably, she could be found with her children, grandchildren, great grandchildren, and extended family.

For her commitment to her family, her community, and her nation, it is with great privilege that I honor the life of Mrs. Ellick and extend my deepest condolences to her friends and family.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Roll-call vote 142, on agreeing to the Carney of Delaware Amendment, No. 241—H.R. 1: Making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, I would have voted "no."

IN HONOR OF CHRIS COBURN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Chris Coburn to acknowledge his receipt of the Walks of Life Award from the Irish American Archive Society. Chris has been a tremendous asset to the Cleveland community. In fact, the Cleveland Plain Dealer recently hailed Chris as "a pioneer in tech-based economic development, rugby lover and fifth-generation Clevelanders."

Chris served as the executive director of Cleveland Clinic Innovations, leading a team whose main goal is commercial viability for inventions developed by the scientists and doctors of the Cleveland Clinic. These inventions have the potential to create products that may extend lives and mend genes. His work at the Clinic has boosted economic development and growth for Northeast Ohio.

In honor of his Irish roots, he also ensured that 20 percent of Ireland's cardiologists received the world renowned training at the Cleveland Clinic. Other accomplishments of Chris' include being the former Vice President and General Manager of Battelle Memorial Institution and Director of the U.S. Enrichment Corp.

Mr. Speaker and colleagues, Chris Coburn is truly a valuable asset to Northeast Ohio. Through various innovations and achievements, he has proven himself to be one of Cleveland's most valuable citizens.

HONORING MAYOR RAY JENKINS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following:

Whereas, we are saddened by the untimely death of Mayor Ray Jenkins because our lives have been touched by the life of this one man . . . who gave of himself in order for others to stand; and

Whereas, Mayor Ray Jenkins' work is present in Doraville, Georgia for all to see, being one of Doraville's favorite sons; and

Whereas, this highly effective public servant was elected as Mayor of the city of Doraville in 2003 and again in 2007; and

Whereas, he gave of himself, his time, his talent and his life as he served our nation in the U.S. Navy, with two tours during the Korean Conflict and served in the U.S. Postal Service until his retirement in 1986; and

Whereas, Mayor Jenkins was a husband, a father, a grandfather, a friend and a man of great integrity who remained true to the uplifting of our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a special recognition on Mayor Ray Jenkins for his leadership, friendship and service to all of the citizens of Georgia and throughout the Nation as a citizen of great worth and so noted distinction;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby attest to the 112th Congress of the United States that Mayor Ray Jenkins of Doraville, DeKalb County, Georgia is deemed worthy and deserving of this "Congressional Recognition" by declaring; Mayor Ray Jenkins, U.S. Citizen of Distinction, in the 4th Congressional District.

Proclaimed, this 7th day of February, 2011.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,137,541,098,872.71.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,501,115,352,578.90 since then.

This debt and its interest payments we are passing to our children and all future Americans.

IN HONOR OF AIDA MCCAMMON

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. CARSON of Indiana. Mr. Speaker, today I rise to recognize Aida McCammon for her dedicated service to the Latino community in Indiana.

As Co-Founder and Chief Executive Officer for the Indiana Latino Institute, Aida McCammon has worked tirelessly on behalf of new immigrants in Indiana to expand their access to higher education and health care services. Her passion for improving the lives of immigrants pays tribute to this great nation's long-held tradition of embracing people from all parts of the world. I applaud Ms. McCammon for her bold leadership over the past twenty five years.

Today, I ask my colleagues to join me in honoring Aida McCammon for her distinguished efforts in the 7th Congressional District of Indiana. Her dedication serves as an example to all Americans.

IN HONOR OF PATRICIA ANN GAUGHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Patricia Anne Gaughan to acknowledge her receipt of the Walks of Life award from the Irish American Archives Society. Patricia's focus on civic duty and national allegiance is admirable.

Patricia graduated from Notre Dame Law School in 1978 and soon began her career in law. Initially, she worked as an assistant Cuyahoga County prosecutor. In 1983 she began to handle high profile cases as the first female in the Major Trial Division. In 1986 she secured the position of Cuyahoga County Common Pleas judge, and in 1994, Senator John Glenn nominated her for the U.S. District Court for the Northern District of Ohio. By 2007, U.S. Supreme Court Chief Justice John

Roberts selected her for appointment to the Judicial Conference Committee on Federal-State Jurisdiction.

Within the community, Patricia serves as a Director of Magnificat Catholic High School and the St. John Medical Center Community Board. She is also on the Ursuline College Legal Studies Advisory Board. Patricia is a loving mother who lives with her husband Roger, and her son and daughter in Rocky River, Ohio.

Mr. Speaker and colleagues, please join me in honoring Patricia Gaughan, who has devoted her life to the rule of law and service to her country. Her life has been marked by accomplishment after accomplishment. It is an honor to recognize her as an invaluable asset to the Cleveland community.

TRIBUTE TO MR. LEROY RICHARD ARCHIBLE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to offer praise and thanks to a man I have known for more than forty years; a man who first learned about service during the Korean War as a United States Marine; and then spent the next half century in service to his community in the Bronx. I speak of a man of action as well as conscience, but most of all, a trusted friend, Mr. Leroy Richard Archible.

Mr. Archible, better known as "Arch," was born in Memphis, Tennessee in July 1931. He attended high school in Louisville, Kentucky, before enlisting in the United States Marines. Arch served in the Marines for 10 years, from 1950–1960; and in Korea from 1951–1953. A decorated soldier, Arch was awarded the Korean Service Medal with 4 Bronze Stars, the National Defense Service Medal, a Korean President Unit Citation, a United Nations Service Medal, and a Good Conduct Medal with 2 Bronze Stars.

After his discharge, Arch migrated to the Bronx, New York. His community involvement began as a Youth Employment Counselor and Sports Director at the Morrisania Youth and Community Services Center. He joined Community Board 3 and was appointed 1st Vice Chairperson, in addition to Chairperson of the Parks and Recreation and Historical Research Committees. Arch has worked for the Mayor's Office Of Veterans Affairs under the Honorable Abe Beame; and served on the Institutional Review Board of Bronx Lebanon Hospital Center. Most recently, Arch was appointed by the Governor of New York to serve on the statewide Veterans Affairs Commission.

In addition, for the better part of three decades, Arch has acted as a local historian of African American history in the Bronx. He has traveled across the borough archiving stories and historical documents which help to illustrate the African American experience in the Bronx, beginning from the early 20th century. This preservation work has always been carried out at Arch's own expense, to insure this important legacy is not lost.

It is Arch's work with the community of veterans, however, for which he is most well known. Three years ago, Arch helped to lead an effort to have the remains of a Congressional Medal of Honor recipient from the Bronx given proper burial at Arlington National Cemetery. Cornelius H. Charlton was posthumously awarded our nation's highest military honor for bravery during the Korean War. He was killed in 1951 but his body was not laid to rest at Arlington. In November 2008, Arch, along with members of Sgt. Charlton's family and several veterans from the Bronx VA, oversaw the reintering of Sgt. Charlton's body into Arlington National Cemetery. As a result, Arch and the dedicated group who championed this effort formed The Friends of Charlton Garden, a Bronx-based 501(c)3 not-for-profit organization that advocates for veterans affairs. Arch serves as Co-Chair of The Friends of Charlton Garden, and is a member of several other veterans groups, including The American Legion Mitchell-Royal Post 1905, and the Bronx Chapter of the National Association of Black Veterans.

Mr. Speaker, after so many years of helping others, Leroy Archible has earned the gratitude of more people than he could possibly know. If you were to ask him, however, Arch would tell you that his proudest moments have come as a husband to Ella, a father, and as a grandfather. Arch has been the heartbeat of so much good during his life; he is accomplished in work; respected among peers; and brave in all things. Mr. Speaker, I ask that my colleagues join me in paying tribute to Mr. Leroy Richard Archible.

HONORING THE EMBASSY OF TURKEY AND THE ERTEGUN FAMILY FOR THEIR CONTRIBUTION TO JAZZ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. CONYERS. Mr. Speaker, a recent Washington Post article examined the Embassy of Turkey's role in promoting jazz in America. Former Turkish Ambassador Mehmet Munir Ertegun and his sons Ahmet and Nesuhi Ertegun were instrumental in raising the profile of jazz in the 1930s and 40s in the District of Columbia.

While growing up in Washington, DC, Ahmet Ertegun and his brother, Nesuhi, disregarded the racial barriers that divided the city and the country and hosted jam sessions at the Turkish Embassy. Many notable jazz artists performed, including Lester Young, Benny Carter, Meade Lux Lewis, Leadbelly, and members of the Count Basie and Ellington bands. On a recent visit to the Embassy, Ambassador Tan showed me a picture of Dr. Martin Luther King at the embassy with jazz musicians.

Later in his life, Ertegun went on to found Atlantic Records in 1947 as a record label for gospel, jazz and R&B music with partner Herb Abramson. His brother eventually joined the firm and created one of the most successful independent labels in American history.

Many renowned artists joined Atlantic Records such as Ray Charles, Ruth Brown, LaVern Baker, the Drifters, the Coasters, Aretha Franklin and Led Zeppelin. Other artists shaped by Ertegun include John Coltrane, Stevie Wonder, and Mick Jagger.

Asked by the Slate magazine on his legacy, Ertegun responded, "I'd be happy if people said that I did a little bit to raise the dignity and recognition of the greatness of African-American music."

On Friday, February 4th, in acknowledgment of Black History Month, Namik Tan, the Republic of Turkey's current ambassador to the United States, announced a series of six concerts at the Turkish Ambassador's residence to highlight the unique role the Embassy played in the promotion of jazz music and racial integration and acceptance in our Nation's capitol. The first concert will be tomorrow and it will feature the Orrin Evans Trio.

As we conclude Black History month, I would like to pay tribute to the contributions of the former Turkish Ambassador Mehmet Munir Ertegun and his sons Ahmet and Nesuhi Ertegun and to their contributions to bringing jazz to the world.

A STIRRING MOMENT IN JAZZ HISTORY TO ECHO IN TURKISH EMBASSY

(By J. Freedom du Lac)

The ghosts are jamming again.

They're playing that hot jazz in the Turkish Embassy's old Sheridan Circle mansion, just as they did in the 1930s and '40s, when the ambassador's boys, Ahmet and Nesuhi Ertegun, were always inviting their favorite musicians over to hang and blow and thump. The informal, integrated gatherings achieved near-mythic status—"Washington's most famous private jam sessions," jazz journalist Bill Gottlieb called them in *The Washington Post* in 1943—and then they evaporated into history.

"So many people don't know about it," said Namik Tan, Turkey's current ambassador. He's in the mansion's second-floor music parlor, envisioning Lester Young sitting in the wood-paneled room, coaxing those light, airy notes out of his tenor saxophone. Or maybe it's Benny Carter, making his alto sax sing. And aren't those the cats from Duke Ellington's band—Johnny Hodges, Harry Carney, Barney Bigard—on deck to play?

"Just try to scan back and imagine sitting here and listening to those great jazz musicians play," Tan said.

On Friday, in a nod to Black History Month, Tan will announce a series of six invitation-only concerts at his palatial residence just off Embassy Row. The first, March 1, will feature pianist Orrin Evans. Jazz at Lincoln Center, on whose board Ahmet Ertegun served, is curating the series, which Tan conceived to highlight the mansion's past as one of Washington's most exclusive—and unlikely—jazz venues.

These will be much more formal affairs than the jam sessions hosted by the brothers: Ahmet, who founded Atlantic Records and produced some of R&B's greatest sides; and Nesuhi, who ran the jazz department at Atlantic and produced classic records for John Coltrane, Ray Charles, Bobby Darin and Roberta Flack.

But any jazz is notable at 1606 23rd St. NW, where the Erteguns proudly flouted the conventions of segregated Washington by welcoming black musicians through the front

door. This was done, as Ahmet Ertegun liked to point out, much to the consternation of "outraged Southern senators," who complained to his father, Ambassador Mehmet Munir Ertegun, about the practice.

"I thought it would be wise to rebuild the historical image of the Turkish Embassy residence as a center for jazz and jazz fans," Tan said. "People should be aware of the historical significance of this house and of Ahmet and Nesuhi Ertegun. They made a good place for Turkey in the hearts and minds of the black community here and in the music community around the United States and elsewhere."

The Ertegun boys were already hard-core swing buffs by the time their father was named Turkey's ambassador to Washington in 1934, when Nesuhi was 17 and Ahmet was 11.

Upon landing in America, the young Turks dived headlong into the heart of the District's hopping jazz scene, frequenting the Howard Theatre, a mecca of black entertainment, to hear Ellington and other favorites. "I got my education in music at the Howard," Ahmet later declared.

The Erteguns began promoting concerts, too—at the Jewish Community Center, the National Press Club and elsewhere—partly because they so loved the music but also out of a sense of social responsibility. "You can't imagine how segregated Washington was at that time," Nesuhi told *The Post* in 1979, a decade before his death. "Blacks and whites couldn't sit together in most places. So we put on concerts. . . . Jazz was our weapon for social action."

They regularly invited musicians back to the embassy. The typical gathering began with a meal served by servants in tuxedos. Then came the sweetest dessert for hard-core swing fans.

"Nesuhi and I made the most out of the extra-territorial situation offered by the embassy by inviting musicians who'd played in town the night before over for Sunday lunch," Ahmet recalled in his 2001 book, *What'd I Say: The Atlantic Story*. "They all loved the idea of having lunch at an embassy, particularly one as well-appointed and in such grand surroundings as the Turkish embassy in Washington. After lunch, jam sessions would inevitably develop."

If there's a record of the artists who visited the Erteguns, the embassy hasn't been able to find it. Based on interviews with the brothers, Gottlieb's columns in *The Post* and photos at the Library of Congress, though, the cumulative guest list probably included Young, Carter, boogie-woogie pianist Meade Lux Lewis, blues giant Leadbelly, and members of the Count Basie and Ellington bands.

You can feel it when you set foot in the place, said Washington jazzman and educator Davey Yarborough, who performed at the residence in October in what Tan called "a practice for the series."

"You feel the history coming up the steps," Yarborough said. "There's a sense of energy, a sense of ancestry that you get to absorb. If Lester Young played here, his spirit is still here, and he might guide me through a breakthrough on my instrument—like, 'Here, let me show you what it really felt like.'"

To Nesuhi Ertegun, watching Ellington's band jamming at the mansion "was one of the biggest thrills of my life," he told *The Post* in 1979.

The music, he said, seemed to go over well with others, too. "I remember once there was an embassy party, and I was having some musicians over at the same time. We

were really getting kind of loud, and I was worried that maybe the people outside could hear us. At about that time, my father peered in and said, 'Can you leave the door open? That music sounds awfully good.'"

**HONORING JOHN H. WELSH ON
THE OCCASION OF HIS RETIREMENT**

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to honor John Welsh, who will retire this year after four decades of service in hospital administration. Since obtaining his Master of Health Administration from the University of Missouri in 1971, John has been committed to ensuring the strength of the health institutions he has worked at and to providing the highest level quality of care for patients.

John has most recently served as the President of Rumford Hospital in Rumford, Maine. Rumford is a small mill town of just under 5,000. Under John's leadership, Rumford Hospital has provided top quality health care and other services to the residents of Rumford and beyond.

The Rumford Hospital is a vital part of the community. Not only does the hospital provide quality healthcare to Rumford and many of the surrounding rural towns, but it also is the leading job creator for the area. Under John's leadership, the Rumford Hospital has been able to offer many services that had formerly been unavailable to the citizens of the region. These services include LifeFlight Helicopter service and an Oncology Suite.

Recently, Rumford Hospital named their new building in honor of John as thanks for his many years of service. The building includes a new operating room and nursing unit with up-to-date equipment and furnishings. It is incredibly important for the rural communities of the Rumford area to know that they have access to quality care so close to home. This assurance would not be possible without John Welsh.

John has also gone beyond his work at Rumford Hospital and played an important role in the State's health care system. John's many contributions include serving as Chairman of the Maine Hospital Association Board and as the Maine American College of Health Care Executives Regent.

Mr. Speaker, I ask you to join me in thanking John Welsh for his tremendous contributions and service to the people of Rumford and the State of Maine.

IN HONOR OF RICHARD F. COYNE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Richard F. Coyne to acknowledge his receipt of the Walks of Life Award from the Irish American Archive Society.

Richard is a valuable asset to the Cleveland community. Without him, Cleveland would not have one its most prestigious landmarks: the Great Lakes Science Center. Richard was chosen specifically to spearhead the construction of the Science Center twenty years ago. As a result of his know-how and expertise, the project was completed both on time and under budget. The Great Lakes Science Center is one of the largest interactive science museums in the country.

Now retired from management duties at the Science Center, Richard continues to assist and advise other enterprises. He is an active member of the leadership board at the Cleveland Clinic's Glickman Urological and Kidney Institute and has been chairman of the endowment board at St. Ann Catholic Church.

Mr. Speaker and colleagues, Cleveland, Ohio is blessed to have such an honorable and hardworking man as a member of its community. His dedication has vastly improved Cleveland and the city will forever be in Richard's debt.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. GRAVES of Missouri. Mr. Speaker, during consideration of H.R. 1, I voted "yea" on rollcall No. 101 when it was my intent to vote "nay." I am writing to request that this position be noted in the RECORD.

In addition, I wish the RECORD to reflect that I would have voted "yea" on rollcall No. 81.

KHOJALY TRAGEDY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mrs. MYRICK. Mr. Speaker, I rise today to recognize a tragedy that occurred 19 years ago in Azerbaijan.

Between February 25–26, 1992, hundreds of innocent civilians were killed in what's known as the Khojaly Tragedy. During this tragedy, ". . . it is widely accepted that 200 Azeris were murdered, as many as 500–1,000 may have died," according to a report released by Human Rights Watch in 1993.

Azerbaijan is a strong ally of the U.S., especially during this time of uncertainty in the Middle East. We grieve with its people as we remember the victims of the Khojaly Tragedy.

**64TH COMMEMORATION OF
TAIWAN'S "2-28" MASSACRE**

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. GARRETT. Mr. Speaker, I rise today to observe the 64th commemoration of Taiwan's

"2-28" Massacre. The massacre was an anti-government uprising in Taiwan that began on February 28, 1947 and was violently suppressed by the Chinese Nationalist government over the following weeks. Estimates of the number of deaths vary from ten thousand to thirty thousand.

The massacre began when Taiwanese citizens confronted Chinese Nationalist troops that had beaten and arrested an elderly woman. In the weeks that followed, the Republic of China sent soldiers to capture and execute unarmed civilians—innocent doctors, lawyers, and students that were guilty of only wanting a more free and independent government. Over the following four decades, the Chinese Nationalists continued to rule Taiwan with an iron fist under Martial Law that was not lifted until 1987.

However, through this daunting experience, a bigger and brighter Taiwan is beginning to emerge. In the over half-century since these events, we have seen a Taiwan that struggled for independence under an authoritarian regime, now have a thriving and pluralistic democracy. While they are still fighting for sovereignty from China, since 2000 the Taiwanese have made strides to control their own destiny, and have transitioned between ruling parties based on the will of its citizens on multiple occasions.

Mr. Speaker, I urge other Members to join me today in commemorating this important historical event.

**HONORING DETECTIVE ROGER
CASTILLO**

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today with a heavy heart as I mourn the loss of Detective Roger Castillo, an officer with the Miami-Dade Police. Detective Castillo was a patriot dedicated to upholding and defending the rule of law. He was a man of great courage, conviction, and passion who lived a wonderfully fulfilling life surrounded by a loving family, close friends and admiring colleagues.

Detective Castillo was born on September 29, 1969 in Miami Beach, Florida. He graduated from Southwest High School in 1987 and began his law enforcement career with the Miami-Dade Police Department as a Public Service Aide in 1989. In 1992, he graduated from the police academy and was assigned to the North Operations Division serving the Miami Lakes and Northside Districts. In 1995, Detective Castillo was assigned to the Police Operations Bureau (POB). After a short time in POB, he joined the Court Services Bureau until his transfer to the Warrants Bureau, Felony Apprehension Unit in 2004.

In an effort to keep our community safe, in 2007, Detective Castillo transferred to the Strategic and Specialized Investigations Bureau, Career Criminal Section. He always displayed a positive attitude towards the Miami-Dade Police Department and a level of professionalism like no other.

I mourn alongside the loving family of Detective Castillo, and honor his wife Debbie and

children Anthony, Michael, and Bryan. During this difficult time, we will pray for the well-being of the Castillo family.

Detective Castillo's death does not represent an end to his legacy, for his spirit and good deeds live on. His colleagues, friends, and family cherish his legacy as a brave defender of our community.

IN HONOR OF RICHARD CLARK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Richard Clark to acknowledge his receipt of the Walks of Life award from the Irish American Archives Society. Richard has been of immense value to the community and his achievements are certainly praiseworthy.

Mr. Clark's time spent as the principal of St. Ignatius High School marked an era of vast improvements to the school. Attendance rose annually by 300 students under his leadership. During his twelve years as principal, St. Ignatius reaped the benefits of a new intramural gym, a new 400 seat place of worship and a complete remodeling of its classrooms.

After leaving St. Ignatius High School, Richard founded an entirely new high school in Cleveland, Saint Martin de Porres. The mission of this school is "to transform urban Cleveland one student at a time." Richard can be proud of his many accomplishments. Of the 190 students who graduated from St. Martin de Porres, all were accepted into college.

Mr. Speaker and colleagues, Cleveland is proud to have such a motivated and good-willed individual giving back to the community. Richard's accomplishments have improved the lives of hundreds of young individuals seeking education and opportunity.

GOLDEN HOTEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor the Golden Hotel Bridgewater Grill and owners Burt and Andria Lewis for receiving the Business of the Year award from the Golden Chamber of Commerce.

This award is given to an outstanding chamber member that has contributed substantially to the Chamber of Commerce community.

The Golden Hotel Bridgewater Grill has become a business known to travelers throughout Golden, Denver, Colorado and the Western Region. This property is the first solar powered hotel in Golden. Owners Burt and Andria Lewis state "This was an easy decision for us; we are consistently trying to enhance our green practices and what better way to do so than by going solar".

The award winning Golden business has a huge presence in participation and involve-

ment in the Golden community. The property is also very well known for its many charitable donations.

I extend my deepest congratulations and appreciation for the Golden Hotel and Bridgewater Grill and owners Burt and Andria Lewis for this well deserved recognition by the Golden Chamber of Commerce. I have no doubt their appreciation to community has made our community a better place for all of us to live.

IN HONOR OF BARNEY F. HAJIRO'S PASSING

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to honor Private Barney F. Hajiro, Medal of Honor recipient. On January 21, 2011, Private Hajiro passed away in Honolulu, Hawaii at the age of 94.

Barney Hajiro was born in Hawaii in 1941 to Japanese immigrant parents. Shortly after the attack on Pearl Harbor, Barney was drafted into the U.S. Army. In 1943, he volunteered to join the 442d Regimental Combat Team composed of second-generation Japanese-Americans and was then sent to Europe to fight the Germans in Italy and France. While fighting in France, the 442d Regiment was called upon to rescue the Texas 36th Division that had been cut off and surrounded by Germans for over a week, earning its nickname the "Lost Battalion." Private Hajiro and his comrades encountered a dangerous and challenging undertaking as the German troops relentlessly fired at the American soldiers from uphill.

When ordered to attack, Barney fearlessly charged ahead up the hill, later referred to as "Suicide Hill" towards the heavily fortified enemy position, exposing himself to intense enemy fire, while constantly taking aim at multiple enemy strongholds. He fearlessly met fire with fire and single-handedly destroyed two machine gun nests and killed two enemy snipers. As a result of Private Hajiro's heroic actions, the attack was successful. Private Hajiro's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit upon him and the United States Army.

Mr. Speaker, I ask my colleagues to join me in expressing our deepest and most sincere gratitude for the service of Private Barney Hajiro, and honoring the memory and lasting legacy of this brave and selfless United States soldier. May we all strive to be as bold and as dedicated servants of our country as Private Barney Hajiro.

INTRODUCING THE VETERANS HOME LOAN REFINANCE OPPORTUNITY ACT OF 2011

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Veterans Home Loan

Refinance Opportunity Act of 2011. This bipartisan legislation improves the federal Qualified Veterans Mortgage Bonds (QVMB) program to allow eligible states to use tax-free bond proceeds to refinance the home mortgages of our military veterans.

This legislation is necessary during our troubled economic times. QVMB home loan financing was not available to newly discharged veterans returning home from Iraq and Afghanistan until passage of the Heroes Earning Assistance Relief Tax Act of 2008 (H.R. 6081) in the 110th Congress.

Prior to 2008, some veterans may have taken out adjustable-rate mortgages (ARM) to purchase a home during the real estate boom earlier in the decade. It is only fair to them that they have the same opportunity as newly discharged veterans to take advantage of the low-interest, fixed rate mortgages available through QVMB financing.

For some veterans with a costly ARM or interest-only mortgage, this legislation could prevent a foreclosure.

Finally, Mr. Speaker, this legislation includes an inflation index to ensure the QVMB veterans home loan program remains viable in the future.

I urge passage of the Veterans Home Loan Refinance Opportunity Act.

DENNIS EGGE MEYER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Bob List and Dennis Eggemeyer for receiving the Charlie O'Brien award from the Golden Chamber of Commerce.

This award goes to members who are well respected within the organization and are motivated by an unselfish desire to contribute to the community for the betterment of greater Golden.

Bob and Dennis were members of Mayor Jacob Smith's committee "Summit on Sustaining Golden's Retail Economy". An idea acted upon was Golden's First Friday Street Fair. The main purpose of this idea was to bring people to historic downtown Golden to see and experience a good time with hopes they will return on a regular basis.

Bob and Dennis faced several obstacles in their research but never gave up their pursuit of putting this event together. With cooperation from many groups, the obstacles were worked out and the success story can now be told.

In the summer of 2010 there were five street fairs bringing crowds estimated to be at least two thousand per event, residents having fun meeting and networking. The only negative to report is "there should be more of these street fairs throughout the year" which has been taken under advisement.

I extend my deepest congratulation and gratitude to Bob List and Dennis Eggemeyer for this well deserved recognition by the Golden Chamber of Commerce. Thank you for making our community a better place for all of us to live.

RECOGNIZING THE 23RD ANNIVERSARY OF MASSACRES AGAINST ARMENIANS IN SUMGAIT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. COSTA. Mr. Speaker, on behalf of the thousands of Armenian Americans in my congressional district, I rise to remember the evening of February 27, 1988, when a three-day rampage began against Christian Armenian civilians living in Sumgait, Soviet Azerbaijan. Armenian civilians were at the mercy of Azerbaijani rioters, who murdered, raped, and maimed Armenians, throwing women and children from windows and burning victims alive. Soviet authorities, who had prohibited journalists from entering the area and had instituted a press blackout, estimated over 30 individuals had been killed and over 200 injured, but others estimated hundreds were murdered.

In the days before the massacre, Armenians in Nagorno Karabakh had been peacefully demonstrating against decades of Soviet Azerbaijani repression and discrimination. Many believed the resulting massacres were officially sanctioned to send a message to Armenians to stop challenging Soviet Azerbaijani authorities.

Within months of the Sumgait massacres, the U.S. Senate unanimously passed Amendment 2690 to the FY 1989 Foreign Operations Appropriations bill (H.R. 4782) in July 1988, concerning the Karabakh conflict and calling on the Soviet government to "respect the legitimate aspirations of the Armenian people." The amendment also noted that "dozens of Armenians have been killed and hundreds injured during the recent unrests."

The anniversary of this horrifying instance of violence serves as a reminder that the United States must stand with those around the globe engaged in peaceful demonstrations against repression and human rights abuses.

"THE QUALITY OF A PERSON'S LIFE IS IN DIRECT PROPORTION TO THEIR COMMITMENT TO EXCELLENCE, REGARDLESS OF THEIR CHOSEN FIELD OF ENDEAVOR"—VINCE LOMBARDI—

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. KIND. Mr. Speaker, I rise today to honor the World Champions, winners of Super Bowl XLV, The Green Bay Packers of Title Town. I ask that this poem penned in honor and remembrance of them by Albert Caswell be placed in the RECORD.

THE PACK IS BACK, AND HOW!

In this game of old,
upon these hardened fields of frozen tundras
so . . .
But came the birth,
of one of the NFL's greatest teams to be behold . . .
of most hallowed Green and Gold!

Were born,
The Green Bay Packers of such fame known
so,
because of their Championships,
the name Title Town they now so own!
As the only Professional team across this nation,

in any sport, who is so owned by. . .
"WE The People" this fine equation!
As The Legend Vince Lombardi,
"so ruled The Lombardi Nation" . . .
and his most hallowed teams, virtually defined . . .
the very definition of what the word football means!

And from this Title Town so came,
the very first two Super Bowls win to claim,
as a Starr was born who in The Hall now remains!

As it was not too long before,
when a man named Brett went Favre . . .
and gave to this Title Town again,
another Super Bowl win once more!
As then later in later years,
a new kid in town as so appeared . . .
like The Young Man to Montana Man,
now Brett to Rogers, both had to stand!
Back to Back! Man to Man!
Replacing an Icon . . . as Rogers knew,
he'd have to go "The Longest Yard" to live that dream!

And now the stage was set,
in Super Bowl XVL so yet . . . clash of the Titans,
Pittsburgh and Green Bay, who would survive?

Would Steel bend, or Cheese give way?
As it was these two early teams,
that so helped give the NFL its great name!
As the two rode into Texas for the game,
for this up and coming war,
as a shootout at the OK Corral for sure!
But, only one team . . .
can so wear that most hallowed crown,
that of World Champions of so renown . . .
and hold that Lombardi Trophy up high,
up so very proud!

As it was to be,
the young gun versus the proven one . . . Big Ben,
and the new Kid Rocket Rogers with cannons,
blazing both ones!
Who would win, and Be The Best?
But, Aaron could not spell the word DOUBT,
even if you spotted him the first five letters no less!

And still another great question lie here so!
Which is greater, Cheese or Steel . . . yo?
As so soon, 111,000 viewers would know!
As The Pack had something to prove,
with so many players on the DL . . .
they had their own Special Mash Unit too!
While, it did not take long,

before Rogers threw strong . . .
and hit Jody with a 29 TD . . .
As he put a Full Nelson on the Pittsburgh D!
Then, in the Nick of time . . .
Big money Collins,
cashed in his own private Benjamins,
intercepting, a 37 yd return crossing the goal line!

As on that very same play,
Kemoeatu, gave Big Ben "The Kemo Treatment",
running over him, showing him The Packer Way!

Already you could so see, in disbelief . . .
as all over those powerful Pittsburgh Steelers,
some Rust was starting form, starting to creep!

As, Matthews 52 cried out . . .
you better get the trainer quick . . .

and get some Rustoleum on that,
or your all going to be eating cheese!
And then after a Steelers field goal,
Big Ben was Bushwhacked by Jarrett so,
with an interception . . . as man that was cold!

Then, using Laser Technology,
for a TD to Jennings so sweet . . .
as Rogers drilled a rope for 7yds,
that exploded oh so very brilliantly!
As it looked like Polamalu number 43,
and all of the entire Steelers football team,
were having a bad hair day indeed,
yea it was not looking very pretty!
When, suddenly before the half time,
Hines Ward, had something else in mind . . .
a great TD, reinforcing The Steel you see!
As it was at the end of a 77yd drive,
once again Big Ben came alive,
because the great one earlier,
Woodson, got hurt breaking up a play as he dived!

But Pittsburgh apparently,
liked what they served at the halftime show,
helping them grow those Black Eyed Peas so!
Scoring a touchdown on five consecutive runs,
from the 50yd line where it all begun . . .
as Mendenhall scored with an 8yd TD, this one!

The Steelers were bent,
but not yet broken . . . until Matthews,
molded Mendenhall into human Clay,
with his fumble so, Captain Crunch had spoken!

And with the game on the line,
Rocket Rogers say "Roger That",
yea one more time!
Living Large, with a 55yd drive into a TD!
As once again, on Jennings looked so splendidly,
with an 8yd throw . . . the man's got speed,
telling all of those Terrible Towels . . . to eat cheese!

As somehow again, The Tower of Big Ben
. . .
struck one more time, in the end zone to Wallace . . .

who is too, was built for speed!
But, the coolest of cool . . .
as Rogers nerves of steel ruled!
Driving down the field,
for a Masonic Moment as he would not yield!
With Crosby, on the road to victory . . .
As he made the kick,
the Steelers were getting sick,
and needed a drive, as those terrible towels began to cry!

But time ran out on Big Ben,
as Rogers cried it's time for the belt my friends . . .

feel my disease,
as the price of steel began to descend!
As The Black and Yellow, turned to jell-O . . .

turned to jell-o . . . and The Mighty Packer's D,
put their stamp of Wiscousin Cheese . . . on them!

While, somewhere up in Heaven,
an Angel named Lombardi cries,
"The Pack is Back,
we're on Top!" now with tear in his eye!
It was a heck of a game, as records were broken . . .
as over 111,000 people watched what was spoken!

The word TEAM, what McCarthy was invoking!

As he, had a lot legends to live up to . . .
and some tough shoes to fill, along the way!
But, now he's shown the nation what he can do!

It was one heck of year, as against all odds . . .

a new World's Champion been named,
just like the old Lombardi team's so true!
Against all odds, in the way they were led,
from The Coach on down . . . what it said,
as a new Star who was found, "Rogers That"
Yea, once again THE PACK IS BACK,
AT THE VERY TOP OF THE PACK . . .
ALL IN THAT GREAT TITLE TOWN!
And in the end, the Nation found!
That Cheese is far stronger than Steel!
So don't look back, were gaining on you
now!
Were only two away from six,
in this hallowed Title Town!
Football God's, The Pack Is Back, And How!

CRAIG BAKER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Craig Baker for receiving the Golden Chamber of Commerce Ambassador of the Year award.

Craig has been very active in promoting the Golden Chamber of Commerce in several ways. Attending ribbon cuttings, grand openings, ground breakings and mentoring new chamber members. Craig's attitude is positive, enthusiastic, and infectious.

As a member of the Golden Chamber of Commerce, Craig has been very active with the Golden Saturday Farmers market. Arriving at 5:00 a.m. for seventeen Saturday's, helping set up Chamber activities. His peer's consider him the most efficient storage arranger ever. He can fit many items in a very small space.

I extend my deepest congratulations to Craig Baker for his well deserved recognition by the Golden Chamber of Commerce. I have no doubt he will extend the same dedication and character in all his future accomplishments.

HONORING OFFICER AMANDA
HAWORTH

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise in sadness over the tragic loss of Officer Amanda Haworth. Officer Haworth was a patriot dedicated to upholding and defending the rule of law. She served above and beyond the call of duty as an officer with the Miami-Dade County Police Department.

Officer Haworth was born on August 5, 1966, and graduated from Miami Sunset High School in 1984. She joined the Miami-Dade Police Department in October 1988. Upon graduating from the police academy, she was assigned to the Northside Station. Her dedication to her duties encouraged her to further her career, later transferring to the Warrants Bureau, Felony Apprehension Unit in 1994.

Her initiative and tenacity to keep our community safe inspired her to transfer to the Strategic and Specialized Investigations Bureau, Career Criminal Section in January of

2003. Her professionalism and dedication to her profession earned her respect and admiration within the law enforcement community.

Officer Haworth's life and legacy remind us of the noble commitment of public service. Although we lost her too soon, her memory will forever live on in the lives of her family and colleagues in the law enforcement community.

Officer Haworth leaves behind a legacy of achievement and inspiration, for she was an example of what genuine caring and unrelenting commitment can accomplish. She gave tirelessly for the benefit of those around her and will be sorely missed. My thoughts and prayers are with the Haworth family, her sons Austin Haworth and Jason Mitchell, her life partner Sgt. Rosie Diaz, and her loving parents, Robert Haworth and Susanne Miller.

HONORING THE TOWN OF LUBEC,
MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the town of Lubec, Maine as it celebrates its bicentennial this year.

For two hundred years, America's day has begun in Lubec, its Quoddy Head Light having long been touted as the easternmost point in the contiguous United States. Situated next to President Franklin Roosevelt's beloved Campobello Island on the Bay of Fundy, Lubec is a small town of just under 2,500 hard-working Mainers.

Lubec has always been associated with the sea, not just due to its proximity, but for its industry as well. In 1797, the first herring was cured by smoke in Lubec, ensuring that the town would become a leader in smoked herring production. Later, Lubec would become a leader in sardine canning, creating jobs and opportunities for communities in the Down East. Today, fishing is still a major part of the local economy.

The town has also been at the forefront of American history. As the Civil War raged, 200 soldiers left Lubec to defend the Union. 26 made the ultimate sacrifice and did not return home. Despite being closer to Canada than any other part of the nation, nearly one in twelve residents in Lubec fought to ensure that the rest of the nation would stand united.

While the days of the canneries and smokehouses have come and gone, Lubec stands firm and strong as it heads into its next century. With its beautiful coastline and wonderful outdoor opportunities, people from across the nation continue to travel to Lubec each year and recognize the strength of its community.

Mr. Speaker, please join me in wishing all the citizens of Lubec well on this monumental and joyous occasion.

BOB LIST

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Bob List and Dennis Eggemeyer for receiving the Charlie O'Brien award from the Golden Chamber of Commerce.

This award goes to members who are well respected within the organization and are motivated by an unselfish desire to contribute to the community for the betterment of greater Golden.

Bob and Dennis were members of Mayor Jacob Smith's committee "Summit on Sustaining Golden's Retail Economy". An idea acted upon was Golden's First Friday Street Fair. The main purpose of this idea was to bring people to historic downtown Golden to see and experience a good time with hopes they will return on a regular basis.

Bob and Dennis faced several obstacles in their research but never gave up their pursuit of putting this event together. With cooperation from many groups, the obstacles were worked out and the success story can now be told.

In the summer of 2010 there were five street fairs bringing crowds estimated to be at least two thousand per event, residents having fun meeting and networking. The only negative to report is "there should be more of these street fairs throughout the year" which has been taken under advisement.

I extend my deepest congratulation and gratitude to Bob List and Dennis Eggemeyer for this well deserved recognition by the Golden Chamber of Commerce. Thank you for making our community a better place for all of us to live.

GENE HAYNES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. TERRY. Mr. Speaker, it is my pleasure to rise during Black History Month to remember the important contributions African Americans have made to our nation and to honor the extraordinary people who continue to help shape my community of Omaha and our great nation. Today, I would like to pay special tribute to Gene R. Haynes, one of the thousands of successful and talented African Americans in the Second Congressional District of Nebraska.

Gene Haynes grew up poor and in segregated schools in the South. His three older brothers moved to Omaha for packing-house work to help put him through college. After college, Mr. Haynes followed his family to Omaha and along with his wife, Annie Haynes, began teaching in 1967.

He went on to become the principal of Omaha North High Magnet School and an inspirational leader in the community. He is known for being a hands on and motivational educator who has contributed greatly to the

school's development Dedicated to preparing students for their role in a highly technological and global society, he oversaw the complete renovation of the building's infrastructure and the addition of 30,000 square feet of facilities focusing on technology, mathematics, science and engineering.

During his time at North, Haynes has been part of a number of creative programs designed to empower students, engage parents and bring the business community into the school.

In addition to his loyal service to his students, Gene Haynes is active in several local, state, and national organizations. He has been an integral part of The North Omaha Project Impact, Urban League of Nebraska, Fellowship of Christian Athletes, National Association of Secondary School Principals, and the Pacesetter Scholarship Committee.

I am proud to recognize and honor this highly-esteemed and dedicated educator for nearly a half century of service to the Omaha community.

TRIBUTE TO JULIE TATTI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an outstanding American, Julie Tatti, who will be recognized on Monday, February 28, 2011, by the Department for Persons with Disabilities (DPD) for her many years of dedicated service to her community. She will be retiring from the role of Executive Director, but she has another important distinction—having been with the DPD for nearly 40 years, she is also its longest tenured staff member.

It is only fitting that she be honored in this, the permanent record of the greatest democracy ever known, for she has brought joy and comfort to many others through her efforts.

Julie was born on April 8, 1948 in Jersey City, to Catharine and Stephen Feehan. She grew up in Bergenfield, NJ and graduated from St. John's Elementary School and the Academy of the Holy Angels. She continued her education, going on to earn a bachelors' degree from the College of St. Elizabeth and a Masters' degree in Special Education from William Paterson University.

She began her service at the Department for Persons with Disabilities nearly four decades ago, working as a counselor and life-guard at Camp Alexander, the agency's summer camp for the disabled, and then, in 1973, as the coordinator of Special Religious Education. She was responsible for organizing religious education programs for children and adults with disabilities. She went on to become the Director of Wayne House, the second home operated by the DPD.

As the agency grew, Julie transitioned into an administrative role, serving as Associate Executive Director until December 1, 2007 when she was appointed Executive Director. For Julie though, this has not just been a career, but a ministry that has allowed her to achieve spiritual growth and fulfillment through her faith.

Julie has been a dedicated leader and an inspiration to all of the DPD staff members and residents. Julie has truly led by example and has been an active volunteer within the agency for years. She is always there with a helping hand and an ability to assist all involved in the DPD. The agency's programs, as well as the residents and her co-workers, have all thrived under her guidance and through her efforts.

Julie Tatti will always be an important part of the DPD family and her loving impact will always be felt by all who live and work there. Although she is leaving her position as Executive Director, I know her commitment will continue and that she looks forward to having more time to spend with her husband Lou Tatti (who she met in 1972 while working at Camp Alexander), and family, including the residents for whom she cares so much.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Julie Tatti.

Mr. Speaker, I ask that you join our colleagues, the Department for Persons with Disabilities, all of its' residents and volunteers, Julie's family and friends, and me in recognizing Julie Tatti's outstanding service to her community.

TRIBUTE TO MR. DEMETRIUS MCCORD

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. SERRANO. Mr. Speaker, in honor of Black History Month 2011, I rise today to recognize a man who cares deeply about equality in our society, Mr. Demetrius McCord.

Demetrius is a lifelong resident of the Bronx, New York, who for several years has worked to further the interests of lesbian, gay, bisexual and transgender (LGBT) Americans. Demetrius is currently the Deputy Executive Director of the Bronx Community Pride Center (BCPC), the borough's only exclusive LGBT service-oriented agency. He holds a Bachelor of Arts degree from the University of Scranton and Juris Doctor from Albany Law School of Union University. Prior to his current role, Demetrius served as the BCPC's Director of Development, tasked with enlarging the institution's capacity and donor base. He organizes public forums and community programming across the city; and among his more recent public victories, Demetrius has been instrumental to the success of the annual Bronx Pride Festival.

In addition to his work with the BCPC, Demetrius is the Funding Chair for the annual People of Color Summit, which is sponsored, in part, by the New York State LGBT Health and Human Services Network, a coalition of over fifty LGBT-supportive nonprofit organizations that provide health and social services to LGBT New Yorkers and their families. Demetrius also serves on the Board of the Gay and Lesbian Dominican Empowerment Organization (GALDE), a grassroots organization that

serves the city's Dominican and Latino LGBT communities.

Mr. Speaker, not only does Demetrius' work support members of the LGBT community across the city, he helps to articulate why the rights and liberties of LGBT Americans must be equal to anyone else. His work brings us nearer to those principals upon which our nation was founded; of fairness and decency and equality under the law. I am therefore very proud to ask that my colleagues join me in recognizing a young man who aspires to make his community stronger and his country more perfect, Mr. Demetrius McCord.

BARB WARDEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Barb Warden for receiving the Golden Chamber of Commerce Civic award.

This award is given each year to an organization of individuals that have contributed greatly to the quality of life in Golden.

Barb Warden is known to be a behind the scenes kind of person, but her ability to be on the front lines of communication has brought her to the front of the pack. In February 2007, Barb had the vision to create and build www.golden.com. Her main reason to build this website was to promote small businesses and cultural organizations. Today this website is receiving over half million hits a month and growing. "When folks want to know what to do, where to shop, what's happening in Golden, they search on www.golden.com."

More than 30 businesses, non-profit organizations and government agencies have had their websites built by Table Mountain Web Design, the official name of Barb's company.

I extend my deepest congratulations to Barb Warden for this well deserved recognition by the Golden Chamber of commerce. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PAYING TRIBUTE TO SERGEANT MAJOR OF THE ARMY KENNETH O. PRESTON'S 35 YEARS OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Sergeant Major of the Army Kenneth O. Preston for his extraordinary dedication to duty and service to the United States of America. Sergeant Major Preston, the 13th Sergeant Major of the Army, will retire from active military duty in March after 35 distinguished years of service to the United States Army.

Sergeant Major of the Army Preston is a native of Mount Savage, Maryland and was born in February 1957. He entered the Army in

June of 1975 as a Cavalry Scout, hoping to save enough money for college to become an architect. After serving his first enlistment, he and his family decided to pursue a career in the Army. He has served in every enlisted leadership position including cavalry scout, Platoon Sergeant, First Sergeant, tank commander, and Command Sergeant Major. He was selected as the Command Sergeant Major of the 1st Armored Division and V Corps in Germany. Prior to his current assignment, he was the Command Sergeant Major for Combined Joint Task Force 7 during Operation Iraqi Freedom and was instrumental in executing the invasion into Iraq.

Kenneth Preston has been awarded numerous personal awards and decorations during his career. The Legion of Merit Medal (with oak leaf cluster), the Bronze Star Medal, the Meritorious Service Medal (with three oak leaf clusters), the Joint Service Commendation Medal, the Army Commendation Medal (with three oak leaf clusters), the Army Achievement Medal (with two oak leaf clusters), the Army Good Conduct Medal (with silver knot and three bronze knots), the National Defense Service Ribbon (with one bronze service star), the Southwest Asia Service Medal, the Kosovo Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Non-Commissioned Officer Professional Development Ribbon (with award numeral 4), the Army Service Ribbon, the Overseas Ribbons (with award numeral four), the NATO Medal, the Kuwait Liberation Medal (Government of Kuwait), the Joint Meritorious Unit Award (with oak leaf cluster), the Army Meritorious Unit Commendation, and the Department of the Army Staff Badge.

Mr. Speaker, It has been a pleasure to work closely with Sergeant Major Preston over the last seven years of his career as he has served in the highest enlisted position attainable in the Army. He has proven himself to be a tremendous wartime leader who demonstrated unselfish devotion to the Nation and the soldiers he leads. He has been a friend and trusted advisor to my colleagues and I on the Appropriations Committee as he worked tirelessly to restore balance to a force stressed by the demands of the war on terrorism. He was instrumental in significantly improving our Soldiers' uniform, equipment—and most importantly—professional Non-Commissioned Officer Education System. The impact of his efforts will benefit the Army for decades to come. His personal leadership contributed to building the most professional Non-Commissioned Officer Corps in the world. As the highest enlisted Soldier, he ensured our Soldiers remained true to the core Army Values: Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage. His focus on adherence to discipline and high upkeep of Army standards have led to the successful execution of wars in Iraq and Afghanistan.

Sergeant Major of the Army Preston and Chief of the Staff of the Army General George Casey Jr. worked together tirelessly to increase support for families by implementing the Army Family Covenant and the Army Community Covenant to expand and improve services and raise awareness about the

unique challenges military families face. His observations and advice to the Army leadership have impacted the decisions to implement the most comprehensive transformation of the Army since World War II, building versatile and modular units capable of conducting a full-spectrum of operations.

This Non-Commissioned Officer has continued the traditions of the Best Warrior Competition that was introduced in 2002. He ensured that Soldiers from any military occupational specialty, male or female, could compete and win. The motivation, discipline and focus of these competitors, from across the Army, is a direct result of his presence, support and leadership.

Sergeant Major of the Army Preston's most important contribution was through his direct involvement with the Non-Commissioned Officer Professional Development Education System. He oversaw the greatest transformation of the Non-Commissioned Officer Education System since its advent. He encouraged distributed learning, allowing Soldiers the capability of taking classes online, affording them more time at home with their families. The Advanced and Senior Leader Courses are now closer in line with what our leaders require in Afghanistan and Iraq. With the introduction of the Structured Self-Development online module system, Soldiers are ensured the best training and education.

Kenneth Preston is an American hero who has been selfless in his service to the Nation through war, peace, and personal trial. His performance and accomplishments throughout his long and distinguished career have left a legacy of training, professional education, and care for families that is without equal. When history looks back at the 13th Sergeant Major of the Army, it will be clear that his abilities as a trainer, leader and senior enlisted advisor were a fitting tribute to the professionalism of the best Non-Commissioned Officer Corps in the world.

Mr. Speaker, On behalf of a grateful Nation, I join my colleagues today in saying thank you to Sergeant Major of the Army Kenneth O. Preston for his extraordinary dedication to duty and service to this country throughout his distinguished career in the United States Army and we wish him all the best in his well-deserved retirement.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. McINTYRE. Mr. Speaker, during rollcall vote Number 92 (Kline Amendment No. 214) on H.R. 1, I mistakenly recorded my vote as "no" when I should have voted "yes."

HONORING WILLIAM THEODORE
"BILL" KIRBY

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life and legacy of William Theodore "Bill" Kirby.

Off of Triangle Road in Mariposa County, CA, is Kirby Peak. The peak is named in honor of Bill's 1933 volunteer effort to save this land from a forest fire. As the firemen worked to contain the fire, their resupply line was stretched due to the tough terrain. Bill, a teenager at the time, volunteered to work with others in the pack crew. He led a mule train to the fire with much needed supplies for the firemen and assisted in the firefight.

Like many in his generation, Bill came when called to serve the war effort. He spent World War II aboard the SS *Marcus Daly*—a merchant marine ship. The *Daly* was not only one of the first ships into the Philippines, but also received the Merchant Marine Gallant Ship Citation Ribbon. Bill himself received a personal citation for his bravery after the *Daly* was attacked.

Following the war Bill returned to Merced and founded, along with his father and brother, Kirby Manufacturing, a maker of farm machinery and equipment. Kirby Manufacturing has expanded into a global producer and was the first American manufacturer to sell farm equipment to China following normalization. Kirby equipment is also used to load and maintain Air Force One.

Even while running a multinational manufacturer, Bill found a way to be a pillar of our community. He was a Scoutmaster, an Elk, and a Mason. He served as President of the Merced County Chamber of Commerce, the Merced County Fair Board, and the Merced County Historical Society. As a testament to his influence, every year people around the community participate in "The Bill Kirby Annual Historical Society BBQ."

Mr. Speaker, please join me in honoring Bill Kirby and his many contributions to California and the Nation. May we keep him and those he left behind in our hearts and prayers.

PERSONAL EXPLANATION

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. PETERS. Mr. Speaker, due to a family medical emergency, I had to return to Michigan on the evening of February 18. I was unable to be present to cast my vote on a series of amendments to H.R. 1, as well as on final passage of this bill. I wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 104, I would have voted "no."

Had I been present for rollcall No. 105, I would have voted "no."

Had I been present for rollcall No. 106, I would have voted "no."

Had I been present for rollcall No. 107, I would have voted "no."
 Had I been present for rollcall No. 108, I would have voted "no."
 Had I been present for rollcall No. 109, I would have voted "aye."
 Had I been present for rollcall No. 110, I would have voted "no."
 Had I been present for rollcall No. 111, I would have voted "no."
 Had I been present for rollcall No. 112, I would have voted "no."
 Had I been present for rollcall No. 113, I would have voted "no."
 Had I been present for rollcall No. 114, I would have voted "aye."
 Had I been present for rollcall No. 115, I would have voted "no."
 Had I been present for rollcall No. 116, I would have voted "aye."
 Had I been present for rollcall No. 117, I would have voted "aye."
 Had I been present for rollcall No. 118, I would have voted "no."
 Had I been present for rollcall No. 119, I would have voted "no."
 Had I been present for rollcall No. 120, I would have voted "no."
 Had I been present for rollcall No. 121, I would have voted "no."
 Had I been present for rollcall No. 122, I would have voted "no."
 Had I been present for rollcall No. 123, I would have voted "no."
 Had I been present for rollcall No. 124, I would have voted "aye."
 Had I been present for rollcall No. 125, I would have voted "aye."
 Had I been present for rollcall No. 126, I would have voted "no."
 Had I been present for rollcall No. 127, I would have voted "no."
 Had I been present for rollcall No. 128, I would have voted "no."
 Had I been present for rollcall No. 129, I would have voted "no."
 Had I been present for rollcall No. 130, I would have voted "no."
 Had I been present for rollcall No. 131, I would have voted "aye."
 Had I been present for rollcall No. 132, I would have voted "no."
 Had I been present for rollcall No. 133, I would have voted "no."
 Had I been present for rollcall No. 134, I would have voted "aye."
 Had I been present for rollcall No. 135, I would have voted "no."
 Had I been present for rollcall No. 136, I would have voted "no."
 Had I been present for rollcall No. 137, I would have voted "no."
 Had I been present for rollcall No. 138, I would have voted "no."
 Had I been present for rollcall No. 139, I would have voted "no."
 Had I been present for rollcall No. 140, I would have voted "no."
 Had I been present for rollcall No. 141, I would have voted "no."
 Had I been present for rollcall No. 142, I would have voted "aye."
 Had I been present for rollcall No. 143, I would have voted "no."
 Had I been present for rollcall No. 144, I would have voted "no."

Had I been present for rollcall No. 145, I would have voted "no."

Had I been present for rollcall No. 146, the Democratic Motion to Recommit H.R. 1, I would have voted "aye."

Had I been present for rollcall No. 147, Final Passage of H.R. 1, I would have voted "no." While I believe deficit reduction must be a top priority for Congress, and I have introduced legislation that would trim tens of billions of dollars from our deficits over the coming years, I believe H.R. 1 makes extreme cuts that put continued economic recovery and job creation at risk. Even if successfully enacted, H.R. 1 would only cut our projected deficit for fiscal year 2011 by about 4 percent. What is really needed is a comprehensive, long term deficit reduction plan that gets our fiscal house in order while maintaining programs that create jobs and keep us competitive in the global marketplace.

DISCOVERY

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Mr. OLSON. Mr. Speaker, I submit the following:

Discovery!
 This, her final quest!
 As on this your final voyage, now so left
 As through the years, as you went forth with all of your best!
 To new worlds, with all of your dreams unfurled
 Daring so boldly, but To Be The Best!
 And to all of those lives lost, and all those most swollen tears . . . this cost!
 Who to us the very meaning of courage, so taught!
 Space!
 The Final Frontier!
 Hurdling through space, but on the edge the very edge of death as wrought!
 All in your most heroic quests!
 As have, all of your most courageous hearts and souls . . . so here no less!
 Hearts and souls!
 Who, all of you our very futures hold!
 To Discovery!
 These mysteries and answers, that we have so left!
 To new worlds, and new distant shores!
 To Discover To Move So Gallantly Forth, To Explore!
 As have you, and all of yours!
 And all of those, fine women and men....
 Who have so helped, so helped all of you up to send....
 To send, all up in outer space!
 All but to so save this, this the human race!
 As upon you, most courageous explorers all our futures so depend!
 For only through you can we so learn, and grow and to new heights so ascend!
 For as long as we have such Brave Heart's as yours, who so heroically so go forth!
 And reach for the stars!
 Who So Go Forth, to new worlds and far away most distance shores!
 To Discover, what so lies left
 All out there, on but that very edge that edge of death!

To all of Man and Womankind, to so bless!
 God Speed, to all of you on this your most final heroic quest!
 All in this your final voyage final journey no less!

To Discover!
 As to new heights, as your most magnificent souls so crest!
 To Discovery, and all of its gifts!

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. WOOLSEY. Mr. Speaker, on February 18, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 94. Had I been present I would have voted: Rollcall No. 94: no—Young of Alaska Amendment No. 533.

PRESIDENT OBAMA'S DECISION TO STOP DEFENDING DOMA

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 2011

Ms. FOXX. Mr. Speaker, President Obama's decision to halt the federal government's defense of a congressionally enacted law, the Defense of Marriage Act, is a great disappointment. When the Attorney General and President of the United States take it upon themselves to determine which laws are worth defending and which are not, they are undermining the law-making role of Congress and the law-reviewing role of the courts. There is a reason it's called judicial review, not executive review.

The President should not be picking and choosing which laws to enforce. If Congress passes a law and the courts have not deemed it unconstitutional, it is the executive branch's responsibility to defend and uphold that law, whether or not the chief executive agrees with the premise of that law. To do otherwise sets a very bad precedent.

Plus, this raises questions about the President's insistence on moving forward with last year's health care overhaul law. After all, unlike DOMA, this law has already been deemed unconstitutional by more than one federal judge.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 1, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 2

9:30 a.m.

Foreign Relations

To hold hearings to examine national security and foreign policy priorities in the fiscal year 2012 International Affairs Budget.

SD-106

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Energy.

SD-608

Commerce, Science, and Transportation

To hold hearings to examine the future of American manufacturing, focusing on maintaining America's competitive edge.

SR-253

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of the Interior.

SD-366

Finance

To hold hearings to examine preventing health care fraud, focusing on new tools and approaches to combat old challenges.

SD-215

Health, Education, Labor, and Pensions

To hold hearings to examine improving employment opportunities for people with intellectual disabilities.

SD-430

Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Homeland Security.

SD-138

Homeland Security and Governmental Affairs

To hold hearings to examine eliminating bottlenecks, focusing on streamlining the nominations process.

SD-342

Judiciary

To hold hearings to examine helping law enforcement find missing children.

SD-226

10:30 a.m.

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2012.

SR-418

2 p.m.

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for

the Department of State and Foreign Operations.

SD-192

Aging

To hold hearings to examine ending elder abuse, neglect and financial exploitation.

SD-106

2:30 p.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Environmental Protection Agency.

SD-406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine preventing abuse of the Military's Tuition Assistance Program.

SD-342

3 p.m.

Judiciary

To hold hearings to examine the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Kevin Hunter Sharp, to be United States District Judge for the Middle District of Tennessee, Roy Bale Dalton, Jr., to be United States District Judge for the Middle District of Florida, and Claire C. Cecchi, and Esther Salas, both to be United States District Judge for the District of New Jersey.

SD-226

MARCH 3

9:30 a.m.

Armed Services

To hold hearings to examine the nomination of General Martin E. Dempsey, USA for reappointment to the grade of general and to be Chief of Staff, United States Army, Department of Defense.

SD-106

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the USDA Forest Service.

SD-366

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Transportation.

SD-608

Judiciary

Business meeting to consider S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, S. 49, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, S. 222, to limit investor and homeowner losses in foreclosures, and the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Mae A. D'Agostino, to be United States District Judge for the Northern District of New York, Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of Cali-

fornia, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia, and Timothy J. Feighery, of New York, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice.

SD-226

Small Business and Entrepreneurship

To hold hearings to examine exploring minority access to capital and contracting opportunities.

SR-428A

Appropriations

Transportation and Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Housing and Urban Development.

SD-138

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold an oversight hearing to examine the implementation of Title VII of the "Wall Street Reform and Consumer Protection Act".

SR-328A

Foreign Relations

To hold hearings to examine navigating a turbulent global economy, focusing on implications for the United States.

SD-419

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Office of the Architect of the Capitol, and the Office of Compliance.

SD-138

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

MARCH 4

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for February 2011.

SH-216

MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.

SD-G50

Veterans' Affairs

To hold joint hearings to examine the legislative presentation from Veterans of Foreign Wars.

345, Cannon Building

10 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine State Department training, focusing on investing in the workforce to address 21st century challenges.

SD-342

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Transportation.

SR-253

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, Executive Office of the President.

SD-342

MARCH 9

10 a.m.

Finance

To hold hearings to examine the President's 2011 trade agenda.

SD-215

2:15 p.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Federal Highway Administration.

SD-406

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine new tools for curbing waste and fraud in Medicare and Medicaid.

SD-342

MARCH 16

9:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations from AMVETS, Jewish War Veterans, Military Officers Association of America, Gold Star Wives, Blinded Veterans Association, Non Commissioned Officers Association, Iraq and Afghanistan Veterans of America, Fleet Reserve Association.

SDG-50

MARCH 30

10:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations from Paralyzed Veterans of America, Air Force Sergeants Association, Military Order of the Purple Heart, National Association of State Directors of Veterans Affairs, Wounded Warrior Project, Vietnam Veterans of America, The Retired Enlisted Association, American Ex-Prisoners of War.

SD-106

MARCH 31

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Army in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.

SD-G50

APRIL 12

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH-219 following the open session.

SD-106

SENATE—Tuesday, March 1, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of time and eternity, we come to You not because we are perfect but because we trust Your mercy and kindness. By Your grace, we are able to triumph over evil, living no longer for ourselves alone but for You. Give our Senators a vision of the goals that produce righteousness, honor, justice, understanding, and peace. Empower them to serve the less fortunate, to bear the burdens of freedom, and to labor for Your glory. Lord, help them to know the constancy of Your presence, to give primacy to prayer as they work. Give them the gifts of Your light and love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business for an hour. Senators will be permitted to speak for up to 10 minutes each during that period of time. The majority will control the first 30 minutes and the Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of S. 23, the patent reform bill. The Senate will recess from 12:30 until 2:15 to allow for our weekly caucus meetings. Senators should expect rollcall votes in relation to amendments to the patent reform bill throughout the day.

ORDER OF PROCEDURE

I ask unanimous consent that Senator TOOMEY of Pennsylvania be permitted to speak as in morning business at 2:15 p.m. today for up to 15 minutes in order to deliver his maiden speech in the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 1

Mr. REID. Madam President, I understand that H.R. 1 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Mr. REID. I object to any further proceedings on H.R. 1 at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

ISSUES OF THE DAY

Mr. REID. Madam President, we have before us today an extremely important piece of legislation. It is called the America Invents Act of 2011. The reason I emphasize 2011 is because it has been almost 60 years since we had the last meaningful reforms of the Nation's patent system. We have tried on many occasions in recent years to get this bill on the Senate floor. The Judiciary Committee has reported out a number of bills over the years, and we have taken no action here on the Senate floor for a number of reasons. But it is now on the floor. There are a cou-

ple of issues to which our attention will be directed.

I have received calls from a number of Senators who have amendments they want to offer that are in relation to this bill, only two of which I think are really meaningful, but I am sure there are others. I hope we can move through this. One of the first amendments filed is one that has nothing to do with patent reform, and we will dispose of that.

I think it is important to understand that this bill, if we do it right, will create millions of jobs. Some estimates suggest literally millions of new jobs could be created through this reform. Not every patent creates a job or generates economic value. Some are worth thousands of jobs. Jack Kilby's 1959 patent for the semiconductor is an example of that, as well as Steve Wozniak's patent for a personal computer in 1979. So it is impossible to predict how many new jobs or even industries may lie buried within the Patent Office backlog, but there are thousands of backlogged patent applications there that we have to dispose of. I hope we can work toward getting this done.

We have issues the Republican leader and I have worked on to move forward, and the first issue at hand that deals with funding the government is the CR. We are looking to try to figure out a way to do the short-term CR. The President has said—and we will hear this from him rather than from us—that we can't continue to have these short-term CRs, so we are working to see if we can find a way of funding the government in the foreseeable future. The way that is going to be done is on a bipartisan basis. We hope that will be the case. No one benefits from a shutdown of the government, partial or otherwise.

I look forward to our work on this bill. Until we have something to work on—the House is going to pass a short-term CR today. Until we actually have something to work on, we need to focus our attention on this patent bill which is so very important. I have introduced a revenue measure that we could work off of. We also have—and I just rule XIV'd—a second reading on a matter for the continuing resolution. It is H.R. 1, the one that comes from the House. I think it is pretty clear that won't pass, but it shows we are trying to move forward. The House is going to act on something today. I have placed my revenue measure on the floor, indicating to the Republican leader my intentions of moving forward on that. So it is important that we work together to get this done. The current funding

for the government runs out this Friday.

I look forward to everyone working hard on the patent bill. When we are in a position to move forward on funding the government past March 4, we will move forward on that just as rapidly as we can, and we know we have to do it this week.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PLAYING BY THE RULES

Mr. McCONNELL. Madam President, later today the House of Representatives will take an important vote. At bottom, it is a vote on whether lawmakers in Washington should continue to be exempt from the rules.

Over the past 2 years, millions of Americans have lost jobs and homes. Tragically, many have stopped looking for work altogether. They think the situation won't improve. When one considers how Democrats in Washington have responded to this historic jobs crisis, it is no wonder. For 2 years, Democrats in Washington have pushed one proposal after another that has kept the economy from growing and stifled the creation of good private sector jobs. They have tried to tax energy consumption. They have picked winners and losers in industry. They have handcuffed small business owners with a mountain of stifling regulations, including a health care bill that non-partisan experts predict could lead to hundreds of thousands of more lost jobs. Earlier this month, at a time when economists say rising gas prices could delay an economic recovery even longer, Democrats proposed—get this—a change in the current tax laws that would amount to a new tax on everyone who drives a car or truck in America—a minivan tax.

While the American people have been begging lawmakers to remove the burdens of government so they can do the work of growing the economy and creating private sector jobs, Democrats in Washington have been focused single-mindedly on growing government instead. In order to do it, they have basically exempted themselves from the rules. They have said that while the rest of the country has had to tighten its belt in a down economy, Washington can continue on its spending binge in order to grow the government. They have said that while American families have had to pay off their credit cards, Washington can continue to rack up debt. They have said that while most Americans struggle to make ends meet, they don't have to. That is what this afternoon's vote in the House is all about.

This bill should not be controversial. It has only become controversial because Democratic leaders in Congress have resisted every effort—every effort—to rein in their spending bills. This bill proposes to cut spending for the next 2 weeks by \$4 billion, and they have fought it tooth and nail. They refuse to admit that Washington has a spending problem. But the verdict is in. For 2 years, Democrats in Washington have spent trillions more than we had in the Treasury. And if expanding the size and scope of government was the goal, it was a big success. But if helping the economy and helping people find jobs was the goal, it has been a disaster. What has \$3 trillion more in debt gotten us? Three million more lost jobs.

Tonight's vote is an opportunity for House Democrats to admit the status quo isn't working. It is a chance to take a small first step toward growing the economy and helping create jobs. Then, later this week, Democrats in the Senate will have the same opportunity to show that they get it. Americans are watching. They want us to acknowledge that we need to play by the same rules they do. They want us to tighten our belts, too, and show we are in this together.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from California.

ECONOMIC RECOVERY

Mrs. BOXER. Thank you very much. Senator REID has told me I have 30 minutes, so I will start that at this time.

We are in a very difficult time right now because we are getting out of the deepest recession since the Great Depression. If we go back and look at the headlines when our President was inaugurated, we see the pace of job loss and we see what happened to credit and we see what happened to the auto industry and we see what happened to the stock market—we eventually lost about 50 percent from its highs. We are now in a situation where we have this economic recovery starting, but the jobs are not coming as fast as we want.

We don't want to do anything which threatens that economic recovery, which threatens our families and threatens the middle class. This is not the time to hurt the middle class. What we see in Wisconsin is the middle class finally saying to the Governor there: Look, be fair to us. We are willing to give up pay, we are willing to pay more for our benefits, but don't destroy our ability to have a say in our lives.

So as this economic recovery plays out, we have to deal with deficits that have come about because of this terrible recession, fewer revenues coming in to the Federal Government, more people calling on programs to help them with unemployment insurance and food stamps and things they need to stay alive. We have to deal with our deficit, there is no question about that. We have to do it like grownups. We have to do it with common sense. We don't want to take a meat ax to this recovery and wind up losing jobs, jobs, jobs.

This last election was all about jobs. I was out there, so I can tell you. My Republican opponent, every day, said: Senator BOXER, where are the jobs? Where are the jobs? That was a legitimate question. I answered it this way: It is taking too long to get these jobs back where they should be, but I am going to fight every day for jobs. When I see a proposal that will threaten jobs, I am going to talk about it.

I am going to get to the Republican proposal for the rest of this year, the 2011 budget proposal, which experts such as Mark Zandi, a Republican expert who advised Republican candidates—he advised JOHN MCCAIN. He said, as well as Goldman Sachs, that if you pass the Republican budget plan, you endanger 700,000 jobs. So what do we do? We have to cut spending, yes. We have to do it wisely. We have to sit together and discuss it, not say: My way or the highway; here is the bill, don't talk to me.

I think it is important, as we hear the majority leader address his comments to the Democratic side, to address some comments to the Republican side. When George Bush was elected President, President Bill Clinton handed him a \$236 billion budget surplus. I am proud to say I served at that time, and I voted for the Democratic budget, the Clinton budget.

What did it accomplish? Quite a bit. Not only a balanced budget but a surplus. There were those on the other side calling for an amendment to the Constitution for a balanced budget. We said: We don't need an amendment; we just need to balance the budget in a wise way, and we did it. We cut out unnecessary spending, but we invested where it created jobs. Guess what. We said to the upper income people of \$1 million or more: You have to pay your fair share. They were willing and able to do it, and we created not only surpluses in the Federal Government but 23 million new jobs.

Let me say that again. We created a surplus—not only a balanced budget surplus but 23 million new jobs. Now the Republicans take over, and when George Bush leaves office, he created 1 million jobs in 8 years, compared to 23 million. Guess what. He left us a \$1.3 trillion deficit. I say to my friends here, he left the wars off budget, so it was even way higher than that. He didn't put the two wars on the budget.

President Obama, last year, created more jobs than George Bush did. President Obama created, in 2010, 1.1 million new jobs. So the new jobs under President Obama in 2010 equal the net jobs of George Bush after 8 years. President Obama inherited a \$1.3 trillion deficit from George Bush, who created that from a surplus. It is important we follow this. George Bush created 1 million jobs net compared to 23 million jobs under Bill Clinton, and President Obama inherited the worst recession since the Great Depression—700,000 jobs a month lost, panic on Wall Street, you name it, the auto industry going out. We would have been the only leader in the industrialized world not to have an auto industry.

It is fair to say things have stabilized. The auto industry had the best year in a long time. The money we loaned to the banks has been paid back. But we have more to do. The deficit is up to \$1.6 trillion now because the wars are now on the budget, because we still haven't made up for the revenues we lost, and the jobs are coming back too slowly.

This is where we stand. We have to pass a budget for the remainder of this year, and Democrats are saying let's do it wisely. We will cut, cut, cut, and we have a list of cuts we can go over. We cut \$40 billion from the President's 2011 budget. The Republicans cut \$100 billion from the President's budget. So, surely, between the 40 we cut and the \$100 billion they cut, we can meet and solve this problem. I would like us to do it right now—sit down in good faith and get it done and scratch any of the cuts that hurt our children, scratch the cuts that hurt our women's health, scratch the cuts that are essentially political—I will go into those later—and come up with the cuts that don't threaten hundreds of thousands of jobs.

Here is the deal. There is still talk and fear about a government shutdown. Every time we think we have passed the point, there comes another article. Today in the Washington Post there is this article. I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 2011]

WITH GOVERNMENT SHUTDOWN LOOMING,
FRESHMEN ARE THE WILD CARDS

(By David A. Farenthold and Philip Rucker)

In just two months, a freshman class of Republicans has found a way to run the House.

These 87 new members—who otherwise might have become foot soldiers for party bosses, or jittery pawns of their home-town tea party groups—have instead coalesced into a bloc with its own ideas and a headstrong sense of its muscle.

As Republicans and Democrats try to cut a short-term budget deal this week—and a more permanent one in coming weeks—the freshmen are the wild card. They have the power to derail the whole process. Again.

But even their own leaders don't know if they will.

The freshmen's willingness to do things their way stems from their hyper-confident vision of themselves, revealed in interviews in recent days with more than 30 members of the group. Many described their job as a "calling," a sense that their grandchildren, their country or their God needed them to make hard decisions to right the government's finances.

"We may be the last opportunity," said Rep. Michael G. Grimm (N.Y.), a former FBI agent.

But now, the difficult part.

In the escalating budget fight—and other battles to come—the freshmen will face the capital's hardest kind of decision: how to compromise on the issue they care about the most.

How much ground will the freshmen give before they defy the Senate and risk a government shutdown?

"I don't know," Rep. Joe Walsh (Ill.) said when asked how the newcomers would react if the Democratic-controlled Senate offered a spending bill with fewer cuts than theirs. "I don't know. I don't know. And I think most freshmen don't know."

This class of Republican freshmen—the largest for either party in at least six decades—includes nine women and 78 men. Their views are not all the same: Some have called for a more nuanced approach to spending cuts, while others have insisted that the House's bare-bones budget was not bare enough.

Many can recount the moment they realized they were mad enough to run for Congress.

Rep. Alan Nunnelee (Miss.) said that he was happy as a state legislator, and that he had resisted previous efforts to draft him as a candidate. Then, on March 27, 2009, he learned he was going to be a grandfather.

"What I saw happening in Washington really was endangering the freedom" his new grandson would have, Nunnelee said. "I had a moral obligation to do something about it."

Rep. Blake Farenthold (Tex.) was a talk-radio host, one of more than three dozen freshmen who had never held an elected office.

"I really feel like I was called to run for office at this time," he said. "A whole bunch of things all came together at once. . . . I can't credit that to anything but divine intervention."

With that kind of back story, the freshmen said they wouldn't play the role of Congress's rookies. Instead of being taught by longtime lawmakers, many said, they wanted to teach.

"When you say, 'We need to listen to the American people,' that's us," said Rep. Kevin Yoder (Kan.), a former state legislator.

This group—which represents about one-third of the Republicans in the House—showed its muscle last month, in a series of private meetings with House Speaker John A. Boehner (Ohio) and other GOP leaders.

At issue was how deep to cut spending in a "continuing resolution" to fund the government for the remaining seven months of this fiscal year. During the midterm campaign, Republicans had pledged to cut \$100 billion over a year.

But the leadership presented a number equal to seven-twelfths of \$100 billion.

The math worked. But, freshmen say, the politics didn't.

"We felt like we told the people that we would do \$100 billion," said Rep. Trey Gowdy (S.C.), a former prosecutor. "And when you start using the words 'pro-rata' or 'There's seven months left in the budget'—as a prosecutor, when you're explaining, you're losing."

The leadership agreed, without much of a fight, and went back to make additional reductions. In Congress's world of tradition and seniority, the tail had officially wagged the dog.

But from here on out, it will be harder to be Congress's heroes.

Many of the freshmen say they want to consider changes to Medicare, Social Security and other entitlement programs, which have been political land mines in the past. And Senate Democrats and the White House probably will stop many of their proposals cold.

"We may not make it. Honestly. It may blow up in our face as well," said Rep. James Lankford (Okla.), who previously directed a Christian youth camp. "At some point, somebody's going to stand up and say, 'We cannot keep doing this.'"

This is a key part of the story the freshmen tell about themselves: that they don't mind turning some people off, or even losing reelection.

"I cannot tell you how liberating it is," Gowdy said. "The job just doesn't mean that much to me. I'm loyal to my word, and in the end I think that's what I'll be judged on."

But the election is still 21 months away. In that time, historians say, the freshmen will find it more and more difficult to hold on to their sense of exceptionalism—that they can be in Washington, but not of it.

"Their principal vulnerability is that—having been elected—they will be seen as politicians. No matter what. By definition, they are politicians," said Ross K. Baker of Rutgers University. Baker said that means making complicated decisions that are hard to explain to voters.

"The alternative, of course, is to be voices in the wilderness," Baker said—uncompromised, but also irrelevant.

But the fallout from their hard decisions will not come just at the election.

Last week, as freshmen went home to their districts for town hall meetings, Rep. Robert T. Schilling (Ill.) could already feel it in the pit of his stomach.

"He who turns a blind eye will get many a curse," said an angry Clara Caldwell, 81, quoting Proverbs at Schilling's town hall meeting in Moline, Ill. She was criticizing him for voting to cut funding for Head Start programs.

Last year, Schilling was making pies at Saint Giuseppe's Heavenly Pizza, the restaurant he owns just a few blocks away. On this night, he received applause and criticism from a standing-room crowd. Schilling tried reasoning with the critics: "Lots of people say, 'We need cuts.' But everybody in the room says, 'Don't cut my stuff.'"

He tried conciliation, on the subject of an Amtrak project in the district, which he'd voted to cut. "The Amtrak will probably end up happening someday," Schilling said.

And he tried, in a quiet way, to ask for sympathy. "The stress that's out there is just unbelievable," he said, meaning in Washington.

It isn't just in Washington. "Your stomach kind of knots. Your mouth's dry. I went through a whole bottle of water in there," Schilling said after the town hall meeting, walking to his car. Good to get used to it, he said. "It's not going to get any better. We're on a mission."

Mrs. BOXER. It says this on the front page: "With shutdown looming, GOP freshmen are wild cards." When you ask the Republican Members of the House where this is going, they say they don't know. The government could shut down; we don't know. Later, I will go into what happened the last time the government shut down. I will not do that at this moment.

I talked to Senator CASEY, my good colleague and a great leader in the Senate, about an anomaly in the law that protects Members of Congress from getting their pay shut down in the case of a government shutdown, when the vast majority of Federal workers will not get paid. He and I agree there is something wrong with this system. It is not fair. If we fail to keep this government operating, which is our basic responsibility, to keep the checks flowing to Social Security recipients, to veterans with disabilities, to make sure we don't harm the private sector contractors and workers—if we don't do that, we don't deserve to get our pay.

We put together a bill that says, in the case of a government shutdown, Members of Congress and the President must be treated the same way as other Federal employees—and, by the way, not get back our pay retroactively. It touched a chord with several colleagues. We have the bill written, and we have sent it to the Republican side and the Democratic side. My understanding is, it has passed the Democratic side via hotline, and the Republicans are looking at it now. The cosponsors are Senators BOXER, CASEY, MANCHIN, TESTER, NELSON of Nebraska, BENNET, WARNER, WYDEN, COONS, HARKIN, HAGAN, MENENDEZ, STABENOW, MERKLEY, and ROCKEFELLER.

We feel we have the support of the people. We are hopeful we will avert a government shutdown because it is bad

for our country, bad for our families, bad for our States, and there is no need to have one. But if we do have one, we don't want to have Members of Congress go home, get their pay, and not even have to pay a price or sacrifice or anything else while other families are sacrificing. We hope our Republican friends will agree with us and, if they do, we are going to send it over tonight. We are not asking unanimous consent now, but we will at 4 o'clock. If they can go forward, we will send this over to Speaker BOEHNER in the hopes it will breeze through the House.

In case of a government shutdown, which we hope will be averted, we hope we are treated the same as Federal employees and that we are not getting our paychecks when others are not.

With that, I will yield the floor to Senator CASEY for as long as he would like.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I wish to take a couple moments to express my gratitude, and I think people across the country—if we can get this done—will express their gratitude as well. At a time when the economy is still recovering—and there is good news that the recovery is moving at a faster rate than it was 1 year ago or certainly than 6 months ago. I wish to talk about that for a moment.

I express my gratitude to Senator BOXER for her leadership on this issue. All we are saying together—as she did in the mid-1990s, when this came up at the time of that shutdown—is, Members of Congress have to play by the same rules as everyone else who depends upon the Federal Government for a program or their pay; that we will play by the same rules. I commend Senator BOXER for her leadership, as she demonstrated all those years ago, when at the time it passed, but it was taken out in a conference committee. I believe, if Members of Congress are going to be deciding whether the government continues to operate or whether it shuts down, they have to play by the same set of rules.

I mentioned the economy because this has a direct connection to why we are discussing this today. We have, as I said, a recovering economy. In Pennsylvania, there is data to show that. I know in California the unemployment rate has been high. It was high for a long period of time in Pennsylvania. It is still high but, in a relative sense, lower than a lot of places. We are at 8.5 percent in our State. That translates into 538,000 people out of work, which is an incredibly high number. I will say this. That number was higher this past summer. We were approaching 600,000 people out of work. We were below 540,000 at last count. I hope we are still moving in that direction when we see the monthly numbers again.

We have a recovering economy. We also have very high deficits and debt. The American people are worried about that, justifiably. I have no doubt that when we continue to work together in the Senate—and I hope it happens in the House as well—we can come to a consensus about the 2011 budget, which is where most of the attention is now, and the 2012 budget but also, longer term, about how we pay for essential services, create jobs, and reduce deficit and debt.

Along the way, if Members of Congress are going to vote for a shutdown, they should not be paid their salary while that shutdown is in effect. It is about basic values such as accountability, not having one set of rules for Members of Congress and another set of rules for the American people. It is also about playing by the rules. We have to play by the same rules that we vote to attach to what happens in the Federal Government. Finally, I think it is about restoring or beginning to restore some of the basic trust we hope the American people will have in their government. That trust, that faith that keeps our democracy together, can be badly broken if we have Members of Congress who vote for a shutdown but are still getting their pay after the shutdown is in effect.

Finally, it is about a basic value called fairness. People expect us to be fair. We cannot say to the American people that a Member of Congress is voting to shut down the government, with all the implications of that and the instability that would create, but then in the same breath say we still want to get the pay we have as Federal employees. So it is good accountability, trust, and fairness.

I commend Senator BOXER for, once again, showing the leadership she demonstrated in the mid-1990s on this issue and again making it very clear we are going to do everything we can to live by the same rules. If there is a shutdown, our pay should be shut down.

With that, I yield the floor.

Mrs. BOXER. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. Twelve minutes 45 seconds remain.

Mrs. BOXER. I thank the Senator from Pennsylvania for working hard on this piece of legislation. It is very simple.

No budget, no pay. That is it. We cannot have no function of government more important than passing a budget and keeping us going. The people have a right to expect that we will do our work.

Social Security checks, if there is a shutdown, may not arrive on time. Veterans may not receive the benefits they have earned. Passports may not be issued. Superfund sites will not be cleaned up, and those are dangerous. Oil wells should be inspected. We see

what happens when we do not do the functions of government; we pay, our people pay. Export licenses must be granted. Troops must be paid. Failing to keep the government open because of politics or because no one wants to listen to the other side and meet in the middle is a failure. All we are saying is treat Members of Congress and the President the same as other Federal employees. And no retroactive, back pay either.

The bigger issue is the one I touched on; that is, what is the right way to approach this deficit problem. Clearly, we have to do it responsibly. Clearly, the American people want us to reduce this deficit. I want to reduce it. I have to say very proudly, not only did we reduce it under Bill Clinton but we had surpluses. This is the only time we ever had a surplus—a Democratic administration. OK? That is it. I do not need lectures from the other side of the aisle. Show me a time when they balanced the budget. They do not have one to show me.

They can show me the record under George W. Bush and George Herbert Walker Bush: deficits, deficits, deficits, deficits. And under George Bush, job losses. Over the entire 8 years, there were 1 million net new jobs compared to 23 million under Bill Clinton. What a record.

Let's do this the way we know it should be done, which is a balanced approach. Cut spending where it is wasteful, where it is useless, where it is dumb to spend money. Spend it where it makes sense—on our kids.

The things my colleagues in the House did without one Democratic vote are shocking. The experts tell us we could lose between 700,000 and 1 million jobs—between 700,000 and 1 million jobs—if we go with their package. They need to sit and talk with us. Let's reason together.

They cut \$100 billion off the President's budget. We have already cut \$40 billion. Let's meet in the middle. But let's not threaten as many as 1 million jobs.

Moody's estimates their budget would destroy 700,000 jobs. Goldman Sachs says their plan would cut economic growth by as much as 2 percent by the end of the year. It is inconceivable, after they ran around in this last election saying: Where are the jobs? Where are the jobs?—that is all I heard. And it was a good point. But it is inconceivable they would turn their backs on jobs and now focus on the deficit as if that is the only issue we have to worry about.

Again, when President Obama took office, the economy was heading off a cliff. I will never forget the Republican Secretary of the Treasury, Hank Paulson, looking straight in my eyes—and that was hard because he is 7 feet tall and I am a little under 5 feet; he is not 7 feet tall, but to me he looks like

7 feet tall—and saying: Senator, capitalism is on the brink of collapse. We may see the collapse of capitalism.

I remember back to the debates when one of my Republican colleagues suggested nationalizing the banks. President Obama said: No, we are not going there. We are going to have to figure out a way. Yes, we did lend them money and it was an awful vote and I hated every minute of it. The banks paid back every penny.

The auto industry—oh, my colleagues said, we cannot help the auto industry. Oh, yes, we did. We did not want to be the only Western Power that did not have an automobile industry. It is important to our national defense. We stabilized the auto industry, we have stabilized the financial industry, we approved tax cuts for the middle class, and we made investments in infrastructure.

Yes, it is true, George Bush took a big surplus and turned it into a \$1.3 trillion deficit. The deficit now is \$1.6 trillion as we struggle out of this economic mire and put the wars on the budget.

By the way, ending the wars in Afghanistan and Iraq over 10 years could get us \$1.1 trillion. I have not heard any of my Republican friends go there at all with that. We need to do that. They are just looking at one small part of the budget.

I have to tell you from my heart what I think they did over there. They cut \$100 billion off the President's budget. We cut \$41 billion off the President's budget. This is what they did: I believe they used deficit reduction as an excuse to carry out political vendettas against the Environmental Protection Agency. They not only took a meat axe to that budget, but they ordered the EPA—they said they cannot protect families from pollution from cement plants. They cannot do that. That means our people will be exposed to mercury. They said they cannot enforce the Clean Air Act when it comes to carbon pollution. Imagine, they do not dare just come here and say: Let's repeal the Clean Air Act. They go around the back door using the budget as a political vendetta tool.

They said: Let's stop our improvements in food safety. I have to say, not one person in my home State ever came up to me—I do not care if they are Republican, Independent, or Democrat—and said: Senator, the two things I want when you get back is to give me dirty air and give me poisoned food. I need more contamination in my food.

I cannot believe this. We just did a great bill, and they slashed the money for food safety. Tell me how that makes America stronger. Tell me, when we know how many people die of illness from contaminated food.

They did a political vendetta against family planning, which is going to lead to more abortions if it goes through. It

is not going to go through because we are not going to let them stop ensuring that American women in this day and age—they are not going to tell my people in California they cannot have access to contraception. Yet they cut every penny from Planned Parenthood in a clear, I believe, unconstitutional political vendetta.

Madam President, 5 million men and women get the services of Planned Parenthood. They get tested for STDs, AIDS, cancer screenings—all of that. And a lot of women use Planned Parenthood clinics as their first line of health care. This is 2011. We are not going back to the dark days when women died because they did not have health care. We cannot. We cannot do it.

Drop the political vendettas. Come to the table and let's find the cuts that make sense. Put a little more faith in your Democratic colleagues since we are the only ones who balanced the budget and created a surplus and 23 million jobs. I do not need to hear lectures about that. They can talk all they want. The last balanced budget was under Bill Clinton. The last surplus was under Bill Clinton. The last great economic growth was under Bill Clinton.

Our President gets it. That is why he tackles this deficit over a period of time and gets it down to \$600 billion by 2015. Maybe we can do more. I am ready to do more, and we will do more if we have an economic recovery. We will not if we lose another 1 million jobs and have another 1 million people getting help from us rather than having jobs and keeping their homes.

What other vendettas? This one, the Corporation for Public Broadcasting. Somebody said that 4 hours of the war in Afghanistan would be equal to the cut they made to public broadcasting—4 hours of the war in Afghanistan. America should be proud of the Corporation for Public Broadcasting. We go toe to toe with the BBC. Great Britain funds 100 percent of the BBC. We fund 15 percent of public broadcasting. But now they want to zero it out. A vendetta against Elmo.

They have a vendetta against health reform. The President is right. In our bill we say the States can do another plan. Let's push that up to 2014. Do not go back to the days when 62 percent of all bankruptcies were linked to a health care crisis.

Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. There is 1 minute 45 seconds remaining.

Mrs. BOXER. Madam President, they have a vendetta against clean energy. I guess they want to keep dependence on foreign oil. I do not and my people do not. We do not enjoy \$5-a-gallon gas, which is where it is heading maybe because of the unrest in the Middle East.

We need alternatives—clean cars, cars that go 50, 60 miles a gallon or do not need any gas at all. Oh, they cut that.

They cut Head Start. Our little kids will not have Head Start. What are they doing? It makes no sense. Every dollar we put into early childhood education saves \$10. What are they doing? And Pell grants.

There are so many other ways to proceed. Do you know, if we just looked at the tax loopholes given to corporations who ship jobs overseas, it is over \$140 billion over 10 years? Let's take a look at that. Let's take a look at the billionaires. Why do we have to ask little kids to give up a slot in Head Start and get that Head Start they need? Why do we have to ask our teenagers to give up on going to college? That is what their budget does for no reason at all.

Let's avert a government shutdown by coming together. I am willing to move in their direction. They have to be willing to move to mine. Again, they cut \$100 billion off the President's budget. We cut \$40 billion. Let's meet in the middle.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. Madam President, I ask unanimous consent for 30 more seconds, and then I will yield to my friend.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, in conclusion, let's meet in the middle. Let's put this 2011 budget issue behind us quickly. Let's move on to long-term deficit reduction and job creation. If we fail, let's not get paid for our work here.

This afternoon I will be back to ask unanimous consent: No budget, no pay. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I appreciate the comments of my friend, the Senator from California. We have to be serious about the country's debt. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, says the debt is our biggest national security threat.

Anyone in my State who looks at what we are spending in Washington is astonished. We are spending, this year, \$3.7 trillion. We are collecting \$2.2 trillion. The House of Representatives has said: Let's take a step—a serious step—toward dealing with that debt. I applaud them for that. That number is a number that we on the Republican side try to support in the Senate. We might have our own priorities within that reduced number, but we need to get serious about the entire problem of America's debt.

It also goes directly to the problem of jobs we have in our country today. The last Democratic Congress and the President's policies have thrown a big wet blanket on private sector job cre-

ation in America. One of the biggest parts of the wet blanket is the big debt. According to economists, it costs us 1 million jobs a year. The big debt creates the potential for higher interest rates. That makes it harder to create jobs. It soaks up capital. It could be used to create jobs. It creates uncertainty. It creates a lack of confidence.

There is a lot of spirit in this Senate to find a consensus on how to deal with the debt. I want to be one who does that. I look forward to a serious discussion of those efforts.

A NEW MARSHALL PLAN FOR THE MIDDLE EAST

Mr. ALEXANDER. Madam President, in Jerusalem last week during a private meeting with U.S. Senators, the Prime Minister of Israel suggested creating a new Marshall Plan to help the people of Middle Eastern countries who are struggling to gain more freedom. I was one of the Senators in that meeting.

In one important way, Prime Minister Benjamin Netanyahu's proposal is different from the plan that helped rebuild Western Europe after World War II. Its funding would not come from the U.S. Government but from private gifts and foundations worldwide. Instead of the money going for rebuilding bombed out industrial plants and roads as it did after World War II, it would more likely be spent in the Middle East now on schools, on health clinics, and on clean water.

Fundamentally, though, the plans are very similar. Both GEN George C. Marshall in 1947 and Prime Minister Netanyahu today proposed helping adversaries as well as allies. Both aim to relieve hunger, poverty, desperation, and chaos. Both proposals are based squarely on self-interest, as antidotes to the spread of philosophies unfriendly to democracy: communism in the case of postwar Europe and militant Islam in the Middle East today.

In both cases, applicants for the money would write their own plans. In 1948, 16 nations met in Paris to develop the Marshall plan. President Truman then submitted it for approval to the Congress. Most of the money was distributed by grants that did not have to be repaid.

The first Marshall plan was short term, from 1948 to 1952, and so should be this new Marshall plan. The goal is not to create dependencies but to help people stand on their own.

There are some important differences between the idea of the Marshall plan after World War II and Prime Minister Netanyahu's proposal for the Middle East. The new Middle East Marshall plan would cost much less. The original Marshall plan spent between \$115 billion and \$130 billion in today's dollars over those 4 years. If a Middle Eastern plan carefully distributed a few billion

dollars over 5 years it could have an enormous impact.

The Marshall plan started out after World War II buying food and fuel and ended up rebuilding bombed-out industrial plants, roads, and other infrastructure. In addition to schools and clinics, a Middle Eastern Marshall plan is more likely to spend money on, for example, a corps of young people who are paid a subsistence wage to strengthen their own country.

Marshall plan money went to 16 European governments. Money for a Middle Eastern plan should probably be distributed through non-governmental organizations.

After World War II, there was a clear effort to impose on Europe and Japan the American model. We should have learned by now that the path to democracy in the Middle East is more likely to be uniquely Middle Eastern. The original Marshall plan was paid for mostly by United States taxpayers. Money for this new plan should come from around the world, mostly from private gifts.

The first Marshall plan was used mostly for purchase of goods from the United States. Today, those goods would be purchased from around the world.

What are the next steps? First, a coalition of foundations should step forward and announce its willingness to consider proposals from Egypt and other Middle Eastern countries that would assist a transition to a more democratic form of government.

Second, the first grants should be quickly approved, probably to non-governmental organizations already in place. The original Marshall plan moved slowly. In this age of instant communication, freedom fighters expect immediate results. Some evidence of improvement in their lives could help sustain a movement toward democracy against the lure of militant Islam.

An early State Department memorandum compared General Marshall's proposal to a flying saucer: "Nobody knows what it looks like, how big it is, or whether it really exists." Prime Minister Netanyahu's proposal also is usefully vague, with details to be filled in later by applicants for grants. But shouldn't it be enough simply to propose helping people struggling for freedom based upon the hard-eyed belief that their success will benefit other Democratic countries, including the United States and Israel?

TRIBUTE TO DAVID KEARNS

Mr. ALEXANDER. Madam President, in Rochester, NY, today and tomorrow, family and friends are celebrating the life of David Kearns, who died a few days ago at age 80.

David Kearns was the former chief executive officer of the Xerox Corporation who, during the 1980s, led that corporation to win back the copying market from the Japanese. Along the way, he found time to become America's most effective business leader who was a champion of education reform, especially for pushing new technology into schools. He served as Deputy Education Secretary under the first President Bush while I was the Secretary of Education in 1991, 1992 and 1993.

I remember first meeting David Kearns in 1990, when I was president of the University of Tennessee and had my office in Knoxville. He came into my office, and on the way he said hello to every single person in the outer office, and every single other person he met while I was there. And he remembered every single one of their names. I didn't forget that, and they didn't forget him. When David Kearns left the University of Tennessee from that visit I bought his book about education reform and read it.

Later that year, President Bush called me and asked me to become his Education Secretary. I asked the President if I could put together my own team, subject to his approval, and then if we could put together our own plan, subject to his approval. Those were two of the smartest questions I ever asked, because that meant I didn't have to go through the White House staff to get the team cleared or the policy cleared. I could go directly to the President. And as soon as I had that permission, I called David Kearns and asked him if he would be willing to be the Deputy Secretary of Education in the U.S. Department of Education.

I knew it would be hard to persuade him to do so. He was at the peak of his career. He had just retired as one of America's best known business leaders. His friends said: Why in the world would you go into the government and subject yourself to all that abuse and take a secondary position in a minor department? I asked President Bush to call David Kearns and recruit him, and he did, appealing to his patriotism. They both served in World War II.

David had such a passion for education, he came on board, and it was terrific that he did. It was a privilege to work with such an accomplished executive. Employees in the Department of Education loved having him around. Having him there helped recruit a distinguished team of leaders for the Department and we put together what we thought, over 2 years, was a pretty impressive program working with President Bush.

Some of the ideas sound very familiar today, especially to former Governors. One idea was break-the-mold schools. Today we call them charter schools, or start-from-scratch schools. The thought was to have one in each congressional district—535 of them—

funded by \$1 million of seed money from the Federal Government.

To support those schools, we created a new American Schools Development Corporation, and with David's leadership raised \$70 million in private capital for that. That attracted hundreds of design teams from around the country with ideas for how to create better schools. President Bush hosted a number of America's business leaders at Camp David to help make that happen.

We worked with Diane Ravitch to create an effort to implement standards for the national education goals that President Bush had helped to set in 1987 with the Nation's Governors. These were the goals for math, science, history, English, and geography, and we took important steps toward that. Today, the common standards States are adopting owe some of their beginnings to those efforts.

We established commissions to look at extending the school day. We pushed for technology in the schools. The President proposed in 1992 a GI bill for kids, which would give scholarships to poor kids so they could choose any school, public or private or religious, so they could have more of the same choices of good schools that kids with money had.

By the time we left in 1993, every State in America had their own version of America 2000—it was Tennessee 2000 or New Hampshire 2000 or Kansas 2000—moving toward the educational goals community by community. None of that would have happened without David Kearns' enthusiasm, skill, and leadership.

In 1992, during a riot over Rodney King in Los Angeles, President Bush sent David to represent him. David had a strong background in civil rights. While he was there, he telephoned me and said: This is the hardest phone call I have ever had to make. I have cancer. He had just discovered he had cancer of the sinus. When he came back, he had an operation and the operation gradually destroyed his eyesight.

That was 20 years ago, but it didn't stop David Kearns. During that time, he created the Kearns Center for Leadership at the University of Rochester, where he graduated and served as trustee for many years. Then to help him get around, because he couldn't see, or could barely see, he invited a young man each year to go with him and help him see and do what he needed to do. For those young men—nearly 20 over the last 20 years—that has been a remarkable opportunity to be in the presence of one of America's great mentors at an early stage in their lives.

Everyone who knew David Kearns admired him and loved him. A few days ago, I spoke with Shirley Kearns, David's wife of 56 years, and reminded her of what she already knows: how much David's friendship meant to me. Honey

and I will be thinking of them today and tomorrow in Rochester. We will be thinking about Shirley, their 4 daughters, 2 sons, and 18 grandchildren.

For me, one story sums up David Kearns' life better than others. I think back to 1995, when I was in Utah. I was trying to persuade Republicans that I was their natural nominee for President of the United States. I wasn't successful in that, but I was enthusiastic about it. I had made to a Republican group what I thought was an especially good speech. During the speech, I talked about my work in the U.S. Department of Education and I talked about David Kearns—about his leadership and about how he helped do all the things I have just mentioned. After the speech, an enthusiastic Republican lady came up to me and said: That was a wonderful speech. Thank you very much, I said. Now I know who should be President, she said. Well, thank you, I said. She smiled and said: David Kearns. That was the opinion that she and I and almost everyone who met him had of David Kearns, whose 80 years in this country have been very special.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Madam President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are.

Mr. BURR. I thank the Presiding Officer.

REMEMBERING FRANK BUCKLES

Mr. BURR. Madam President, I wish to take a moment in this Chamber to honor the passing of the last doughboy, Mr. Frank Buckles, the last of those World War I veterans. Mr. Buckles was America's last living World War I veteran and he died Sunday in West Virginia. His death came 1 month after his 110th birthday, which he celebrated on February 1 with his family.

Frank Buckles was dedicated to serving his country at all cost. He enlisted in the U.S. Army when he was only 16 years old. Throughout the Great War, Mr. Buckles proved himself to be a brave soldier. He served on the RMS *Carpathia*, drove ambulances and motorcycles in France and England, and escorted prisoners of war back to Germany.

Mr. Buckles lived to see our country at war several more times in his life. He even survived as a prisoner of war during World War II. He had been captured while working for a shipping company in the Philippines.

As a soldier and as a civilian, Mr. Buckles lived a life defined by hard work, love of country, and a sense of duty to his fellow citizens. His passing marks the loss of a generation that shared those same values, a generation

that built America into the country it is today. My thoughts go out to his family.

It is also important we recognize that Mr. Buckles' death is an important moment for all of America. Our country should come together to honor Mr. Buckles and an entire generation that has done so much to build a world where democracy and freedom are celebrated values. This is the reason that I cosponsor, with my colleague from West Virginia, Senator ROCKEFELLER, a resolution I hope our colleagues will support unanimously, to allow this last in a generation of heroes to be recognized by the Congress of the United States, either in a service or by lying in honor in the Rotunda, a privilege that is held for very few but one that I think rises to the occasion of the last hero of a generation, an individual and a generation that played such a part in the values of this country. We will have an opportunity to celebrate the life of this man, but, more importantly, to cherish the fruits of his commitment to those freedoms and those liberties that are protected still today. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PATENT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 23, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 23) to amend title 35, United States Code, to provide for patent reform.

Pending:

Leahy amendment No. 114, to improve the bill.

Vitter/Toomey amendment No. 112, to require that the government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

Bennet amendment No. 116, to reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination.

Bennet amendment No. 117, to establish additional USPTO satellite offices.

Lee amendment No. 115, to express the sense of the Senate in support of a balanced budget amendment to the Constitution.

Mr. LEAHY. Madam President, yesterday the Senate began debating the

America Invents Act. We adopted the committee amendments, and we proceeded to have five additional amendments offered to the bill. This morning I will be offering a managers' amendment, along with the distinguished Senator from Iowa, Mr. GRASSLEY, that incorporates additional improvements being made at the suggestions of Senator COBURN, Senator SCHUMER, Senator COONS, Senator BENNET, and others.

When we adopt this managers' amendment, I believe we will move very close to a consensus bill the Senate can and should pass to help create good jobs, encourage innovation, and strengthen our recovery and economy.

I ask unanimous consent to have printed in the RECORD the Statement of Administration Policy from the Obama administration and the Edward Wyatt article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 23—PATENT REFORM ACT OF 2011

(Sen. Leahy, D-Vermont, and 11 cosponsors, Feb. 28, 2011)

The Administration supports Senate passage of S. 23. As a whole, this bill represents a fair, balanced, and necessary effort to improve patent quality, enable greater work sharing between the United States Patent and Trademark Office (USPTO) and other countries, improve service to patent applicants and the public at the USPTO, and offer productive alternatives to costly and complex litigation.

By moving the United States to a first-to-file system, the bill simplifies the process of acquiring rights. This essential provision will reduce legal costs, improve fairness, and support U.S. innovators seeking to market their products and services in a global marketplace. Further, by providing authority for the USPTO to establish and adjust its fees to reflect changes in costs, demand, and workload, the bill would enhance productivity—reducing delay in the patent application process—and ensure full cost recovery at no taxpayer expense. Senate passage of this bill is consistent with the Administration's commitment to support and encourage innovation that leads to improved competitiveness, economic prosperity, and job growth—without adding a penny to the deficit.

Finally, the Administration understands that several stakeholders have suggested that the provisions on damages and venue are no longer needed in the legislation in light of recent court decisions in these areas. The Administration would not object to removal of these provisions from the final version of the legislation.

The Administration looks forward to continuing to work with the Congress to craft patent reform legislation that reflects sound policy and meets the needs of the Nation's innovators.

U.S. SETS 21ST-CENTURY GOAL: BUILDING A BETTER PATENT OFFICE

(By Edward Wyatt, Feb. 20, 2011)

WASHINGTON.—President Obama, who emphasizes American innovation, says modernizing the federal Patent and Trademark Office is crucial to "winning the future." So at a time when a quarter of patent applications

come from California, and many of those from Silicon Valley, the patent office is opening its first satellite office—in Detroit.

That is only one of the signs that have many critics saying that the office has its head firmly in the 20th century, if not the 19th.

Only in the last three years has the office begun to accept a majority of its applications in digital form. Mr. Obama astonished a group of technology executives last year when he described how the office has to print some applications filed by computer and scan them into another, incompatible computer system.

"There is no company I know of that would have permitted its information technology to get into the state we're in," David J. Kappos, who 18 months ago became director of the Patent and Trademark Office and undersecretary of commerce for intellectual property, said in a recent interview. "If it had, the C.E.O. would have been fired, the board would have been thrown out, and you would have had shareholder lawsuits."

Once patent applications are in the system, they sit—for years. The patent office's pipeline is so clogged it takes two years for an inventor to get an initial ruling, and an additional year or more before a patent is finally issued.

The delays and inefficiencies are more than a nuisance for inventors. Patentable ideas are the basis for many start-up companies and small businesses. Venture capitalists often require start-ups to have a patent before offering financing. That means that patent delays cost jobs, slow the economy and threaten the ability of American companies to compete with foreign businesses.

Much of the patent office's decline has occurred in the last 13 years, as the Internet age created a surge in applications. In 1997, 2.25 patents were pending for every one issued. By 2008, that rate had nearly tripled, to 6.6 patents pending for every one issued. The figure fell below six last year.

Though the office's ranks of patent examiners and its budget have increased by about 25 percent in the last five years, that has not been enough to keep up with a flood of applications—which grew to more than 2,000 a day last year, for a total of 509,000, from 950 a day in 1997.

The office, like a few other corners of the government, has long paid its way, thanks to application and maintenance fees. That income—\$2.1 billion last year—has made it an inviting target for Congress, which over the last 20 years has diverted a total of \$800 million to other uses, rather than letting the office invest the money in its operations.

Applications have also become far more complex, said Douglas K. Norman, president of the Intellectual Property Owners Association, a trade group mainly of large technology and manufacturing companies.

"When I was a young patent lawyer, a patent application would be 20 to 25 pages and have 10 to 15 claims," Mr. Norman said. A claim is the part of the patent that defines what is protected. "Now they run hundreds of pages, with hundreds, and sometimes thousands, of claims."

Lost in the scrutiny of the office's logjam, however, was the fact that the number of patents issued reached a record last year—more than 209,000, or 29 percent more than the average of 162,000 a year over the previous four years. Rejections also hit a high of 258,000—not a measure of quality, Mr. Kappos said, but a sign of greater efficiency.

Between the backlog of 700,000 patents awaiting their first action by an examiner

and the 500,000 patents that are in process, a total of 1.2 million applications are pending.

Sitting in his suburban Virginia office, not far from a model of the light bulb Edison presented for patent in November 1879 (which was approved two and a half months later), Mr. Kappos proudly ticked off figures that he said proved the agency was heading in the right direction.

The backlog has actually declined about 10 percent from a peak of 770,000 at the end of 2008.

"We were able to work a 13-month year last year," he said, referring to the productivity increase in 2010 over 2009. "We are processing a far larger workload with the same number of examiners."

Still, Mr. Kappos wants to add more than 1,000 examiners in each of the next two years, a 30 percent increase. Mr. Obama's 2012 budget calls for a 28 percent increase in spending, to \$2.7 billion, over 2010. In two consecutive sessions, Congress has defeated a bill that would allow the patent office to keep all of the fees it collects. While another similar effort is under way, a big staffing increase will not be easy in a climate of cuts.

Mr. Kappos, a former electrical engineer and lawyer who joined the patent office in 2009 after 27 years at I.B.M., has improved relations with the union representing patent examiners. He and the union agreed on performance evaluation measures last year, the first time in 50 years that the yardsticks had been revised.

"I give David Kappos a good deal of credit for seeing where the problems have been and being willing to address them," said Robert D. Budens, president of the union, the Patent Office Professional Association. "I think it's a little early to see the full extent of the changes. But we have seen an increase in morale and a decrease in attrition, which is now almost the lowest it's been since I came here" in 1990.

Patent applications come from all over the United States, and the office has forgone satellite offices—until now. Last year, the office announced it would put about 100 examiners in Detroit. Some prominent lawmakers from Michigan have worked on patent issues, including Representative John Conyers Jr., a Detroit Democrat who, when the decision was made, was chairman of the House Judiciary Committee, which oversees patents.

Mr. Kappos said he chose Detroit because it had large communities of patent lawyers and agents, nearby universities and transportation centers, and relatively low costs of living and real estate. "Detroit has long been an innovation center," he said. "It's undervalued, and that is where we want to invest." He said it would also attract a work force with more varied skills.

Mr. Kappos is also pushing an initiative that would charge patent applicants a higher fee to guarantee that their applications will receive a ruling within a year. But that initiative and others are not enough, said Paul R. Michel, who recently retired as chief judge for the United States Court of Appeals for the Federal Circuit in Washington, the main forum for patent appeals.

"The office can't be made efficient in 18 months without a vast increase in finances," said Mr. Michel, who has made evangelizing for an overhaul of the office a pet cause. "Small efficiency improvements will only make a small difference in the problem."

Mr. LEAHY. I thank all of those with the administration who worked on the matter, and particularly Secretary Locke, Director Kappos of the Patent and Trademark Office, and former Sec-

retary Daley, now Chief of Staff at the White House.

The statement describes the bill as representing a fair, balanced, and necessary effort to improve patent quality. It concludes: "Senate passage of this bill is consistent with the Administration's commitment to support and encourage innovation that leads to improved competitiveness, economic prosperity, and job growth—without adding a penny to the deficit."

It also notes that transition to a first-to-file system simplifies the process of acquiring rights and describes it as an "essential provision [to] reduce legal costs, improve fairness, and support U.S. innovators seeking to market their products and services in a global marketplace."

I agree. I believe it should help small and independent inventors. On President's Day, just over a week ago, the New York Times included an article on its front page entitled "U.S. Sets 21st-Century Goal: Building a Better Patent Office."

That is what we are trying to do with our bill, the bipartisan Leahy-Grassley-Hatch Patent Reform Act or, as it has become known, the America Invents Act. We have to reform our patent office and our patent laws. They have not been updated for 60 years. We have to help to create good jobs, encourage innovation, and strengthen our economy.

The reporter notes the growth in patent applications to more than 2,000 a day last year. That is not a typographical error—2,000 a day last year. A record 209,000 patents were issued in 2010. But there remains a backlog of 700,000 patents awaiting initial action at the U.S. Patent and Trademark Office, and another 500,000 being processed. That is 1.2 million applications in the pipeline. Among them could be the next medical miracle, the next energy breakthrough, the next leap in computing ability, the next killer app. We should all do what we can to help PTO Director Kappos and the dedicated women and men of the PTO to modernize and reform.

It makes no sense that it takes 2 years for an inventor to get an initial ruling on his or her patent application, then another year or more to get the patent.

As New York Times reporter Edward Wyatt notes:

The delays and inefficiencies are more than a nuisance for inventors. . . . [P]atent delays cost jobs, slow the economy, and threaten the ability of American companies to compete with foreign businesses.

We are not going to be the leader we are today if we allow that to continue. But the Senate has before it bipartisan legislation that can lead to long-needed improvements in our patent laws and system. We should be focused on it and moving ahead to pass it without delay. It is a measure that can help fa-

cilitate invention, innovation, and job creation, and do so in the private sector. This can help everyone from startups and small businesses to our largest cutting-edge companies.

This is the time for the Senate to serve the interests of the American people by concentrating on the important legislation before us. We should not be distracted. It is a bipartisan bill. We should not be diverted into extraneous issues but focus our debate on those few amendments that Senators feel need to be debated to perfect this bill and which are germane to this bill.

I mentioned in my opening statement the anticipated amendment on fee diversion. I appreciate the efforts of the Senator from Oklahoma to end patent fee diversion. It is a reform that Senator HATCH and I have long supported. I appreciated him working with me and withholding his amendment during committee consideration. So we are incorporating his amendment in the managers' amendment.

We also incorporate in the managers' amendment an amendment from Senator SCHUMER that concerns business method patents. We provide a process for their reexamination by the Patent and Trademark Office. This would also improve patent quality.

We incorporate suggestions from Senator BENNET and Senator COONS to remove certain damages and venue provisions that are no longer necessary in light of recent court decisions. The administration noted in its statement that it would not object to the removal of these provisions.

Senator BENNET came forward last night with sound amendments that he explained. They are included in this amendment, along with the change to the definition of a "microentity" made at the suggestion of the majority leader, and my amendment to conform the name of the legislation to the America Invents Act. I hope we adopt this amendment without delay.

I understand there may be Senators who do not agree with the first-to-file reform to update and simplify our system. If they intend to bring an amendment, they should do so without delay. We should be able to complete action on this bill today or tomorrow. Then the Senate can turn its full attention to another important matter, the funding resolution needed to be enacted this week by Congress. What we should not do is delay or sacrifice the job-creating potential of this bill to a side debate about the debt limit or whether we amend the Constitution of the United States. Those are debates I will be happy to have in their own right. We must not allow other countries around the world to have such a competitive advantage because we are too slow in moving on this bill.

The bipartisan American Invents Act is too important to be turned into a mere vehicle to launch speeches and

debates about pet causes. It is not the bill to have debates about whether if the United States were to reach its debt ceiling, the government should favor paying creditors such as China before meeting its other obligations to the American people.

That theoretical debate has nothing to do with the patent reforms in this bill, and there will be a bill that you can have the debate on if you want. In fact, this bill is one that does not spend taxpayers' money or raise the debt one dollar. Accordingly, I will ask the support of our lead Republican sponsors and the bipartisan Senate leadership to promptly table extraneous amendments so we can complete our work on this legislation and serve the interests of the American people.

I have a managers' amendment. I described part of it already. I will send it to the desk and ask unanimous consent that the pending amendments be set aside and this be considered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

AMENDMENT NO. 121

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. GRASSLEY and Mr. KYL, proposes an amendment numbered 121.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.") Mr. LEAHY. I ask for agreement on the managers' amendment.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. TESTER.) The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection—

Mr. LEAHY. Reserving the right to object—I would ask if the distinguished Senator could hold off—

The PRESIDING OFFICER. The Senator cannot reserve.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I understand Senator DEMINT will be offering an amendment in the first degree which will require setting aside the managers' amendment. My understanding is, once he has done that, we will then set aside his amendment and go back to the managers' amendment.

I yield to the distinguished Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 113, AS MODIFIED

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up amendment No. 113, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for Mr. VITTER, proposes an amendment numbered 113, as modified.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that the Government give equal priority to payment of social security benefits and payment of all obligations on the debt held by the public in the event that the debt limit is reached)

At the appropriate place add the following:

(c) PRIORITIZE PAYMENT OF SOCIAL SECURITY BENEFITS.—Notwithstanding subsection (b), in the event that the debt of the United States Government, as so defined, reaches the statutory limit, the authority described in subsection (b) and the authority of the Commissioner of Social Security to pay monthly old-age, survivors', and disability insurance benefits under title II of the Social Security Act shall be given equal priority over all other obligations incurred by the Government of the United States.

Mr. DEMINT. I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment now be set aside and that the managers' amendment be the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I rise today to speak to the America Invents Act. To put it simply, this bill, the America Invents Act, is about creating jobs. It is about protecting and promoting American ingenuity and giving American ideas the opportunity to become American products. The America Invents Act is about restoring Amer-

ican competitiveness and leadership in our global economy.

America has been at the forefront of global innovation throughout our Nation's great history. We invented the lightning rod, the cotton gin, the mechanical reaper and thresher. Thomas Edison, perhaps the most noted American inventor, invented the electric light, electric power transmission, the motion picture camera, the phonograph, and x-ray photography. The transistor, carbon fiber, GPS, Kevlar, recombinant DNA, the personal computer, and the Internet are all American inventions as well. Even more recently, American companies have invented the iPod and the iPhone and the Segway.

Inventors in Delaware and across America are right now working on critical advances in wind turbines, fuel cell technology, and electric cars. These technical innovations and so many others have improved our standard of living and spurred job growth, giving rise to entire industries that would not have been possible without the advancements of applied science.

I believe innovation will be key to reigniting the American manufacturing sector as well.

As low-skilled jobs have moved offshore, the only solution is to create highly skilled jobs here to replace them. These jobs will be founded on American ideas and advancements.

In today's high tech world, however, the cost of innovation can be high. In my home State of Delaware, DuPont invests about \$1.3 billion annually in research and development. Nationwide, according to the Organization for Economic Cooperation and Development, U.S. companies invest over \$370 billion in R&D each year. In the pharmaceutical industry, which is also important to my home State, experts estimate that each new drug requires an initial investment of between \$800 million and \$2 billion.

Innovation is absolutely critical to the continued growth of our Nation.

Our Founding Fathers recognized that investment in innovation will not occur without a system of patent rights to allow inventors to reap the fruits of their labor, and they placed with the Congress the authority to provide for the issuance of patent rights.

Article 1, section 8, clause 8 states that Congress shall have the power:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

However complicated applied sciences were in 1836, when Congress established the forerunner to the U.S. Patent and Trademark Office, they are infinitely more complicated today. Never has PTO been more central to ensuring that the system of nationwide patents contemplated by our Founding Fathers is possible today. PTO must

have clear, objective guidelines that enable an applicant to predict whether his or her application will be approved. That application process must move expeditiously. At the end of that process, when PTO issues a patent, the inventor and the industry must have confidence that the patent is of good quality and will provide good defense against future challenges.

In recent years, however, PTO has fallen short of these objectives. Today, a patent applicant must wait over 2 years before an examiner first picks up that application. Two years. At this moment, more than 700,000 applications simply sit at PTO awaiting consideration. Each one of those applications represents an idea that could create a job or 10 jobs or 100 or 1,000. If you file a patent application at PTO today, you can expect to wait just over 3½ years for an initial disposition. Should PTO make an error in their examination, it would take about 3 more years to appeal it.

In a world in which startup companies depend on patents to secure venture capital and other funding, these times are just too long. While PTO Director Kappos has achieved some success and has begun to right the ship at PTO, he simply cannot accomplish acceptable reform without our action.

The America Invents Act takes a number of steps to improve the efficiency with which this country handles patents, all of them designed to make the U.S. more competitive in the global economy.

First, the America Invents Act will give PTO the tools it needs to address the unacceptably long backlog of patent applications. In February 2009, despite an increasing need for qualified patent examiners, PTO instituted a hiring freeze. PTO is a user-fee supported organization and so it should be able to pass through the costs of staffing needs to patent applicants. This bill would finally give the PTO the authority to set its own fees rather than having to wait for an act of Congress to do so.

Another source of the backlog is the issue of patent fee diversion. Currently, the fees paid by applicants for the purpose of funding the costs of patent examination can be diverted away from PTO to the Treasury without justification. Patent fee diversion cripples the ability of PTO to do its job and is essentially a tax on innovation. In the past 20 years, more than \$800 million have been diverted from PTO and though in recent years almost no money has been diverted thanks to the determined leadership of my colleague, Senator MIKULSKI, PTO funding should never depend on shifting political fortunes. Even in times of political favor, the mere possibility of fee diversion is harmful because it robs PTO of the ability to plan with confidence that a varying workload will be matched by funding.

This bill does not currently address the issue of patent fee diversion, but that is something that I and others are working to change. Ending fee diversion is perhaps the single most effective thing that we can do to empower PTO to reduce the patent backlog over the long term. That is why I look forward to supporting Dr. COBURN's amendment, which would ensure that PTO has access to the fees that it charges, subject to continuing congressional oversight, of course.

The second thing the America Invents Act does to make the United States more competitive is to improve the predictability and accuracy of the patent examination process. By transitioning to a "first to file" system, this bill brings the U.S. into line with the rest of the world. Under "first to file," PTO's task of determining the priority of a patent application will be more straightforward because patent priority will depend on objective, public facts, rather than on secret files. To smaller inventors who are concerned that "first to file" will allow large companies to beat them out in a race to the patent office, this bill contains important protections for all inventors. Even under "first to file," an inventor's patent priority is protected for a year if he or she is the first to publicly disclose an invention.

Not only does the America Invents Act make the patent process fairer to inventors, but it will actually improve the quality of patents issued by the PTO by leveraging the knowledge of outside parties. This bill permits third parties to provide submissions regarding prior art before a patent is issued, enhancing the ability of examiners to determine whether an application is for a truly innovative idea worthy of the protection of a patent.

The bill takes another step toward improving patent quality by changing the way the issuance of patents can be challenged. The America Invents Act introduces a 9-month post-grant review process during which third parties can challenge a patent on any grounds. When you combine the new pre-issuance submission process and the new post-grant review process, what you get is a more rigorous and more thorough vetting of patent applications.

We will get stronger, higher quality patents because of the America Invents Act.

Chairman LEAHY, along with his Republican cosponsors Senators HATCH, KYL and SESSIONS, deserve enormous credit for the bill that was reported unanimously by the Judiciary committee just 4 weeks ago. The America Invents Act reflects years of hard-fought negotiations between the affected stakeholders.

At a time when bipartisanship is too frequently a platitude than actual process, it should be noted that the

America Invents Act shares wide bipartisan support. Senators from both parties worked together on the bill we consider today, and both sides of the aisle should be proud of what we accomplished.

I applaud Leaders REID and MCCONNELL for their commitment to the open amendment process. Despite the broad agreements that have been reached so far, the Senate can and should consider suggestions to change the bill. I know that I will support Dr. COBURN's amendment on fee diversion. I also hope that the Senate will accept an amendment that I have filed which would remove the section of the bill dealing with venue.

While venue-shopping is a serious problem, the current language in the bill risks stunting the development of case law, which has begun to address the problem of plaintiffs' manufacturing venue in districts that have a reputation of being hospitable for patent suits. In fact, companies such as Oracle and HP, while they initially supported legislative reform of venue, now fear that this provision will do more harm than good. I look forward to debating all of these amendments in the future.

Let me conclude my remarks on S. 23 by renewing my call to my fellow Senators to carefully consider and support this legislation. The America Invents Act is complicated and the subject matter may seem daunting, but I believe it is critical to protecting American innovation and defending American competitiveness.

The playing field for economic innovation has never been more crowded. The United States faces rivals growing in strength and number, which is why our government should be encouraging innovation, not stifling it.

The America Invents Act will create jobs in Delaware and throughout the United States by removing some of the administrative roadblocks currently preventing inventors from becoming successful entrepreneurs. This bill will improve the speed, quality and reliability of the Patent and Trademark Office and it will ensure that America retains its place in the world as the leader of invention and innovative thinking.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 123

Mr. KIRK. Mr. President, I ask unanimous consent to set aside the pending amendment and call up the Kirk-Pryor amendment No. 123.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, and I do not intend to object, my understanding is the Senator from Illinois will offer his amendment and then will not object to his amendment then being set aside and we go back to the managers' amendment; is that correct?

Mr. KIRK. That is correct.

Mr. LEAHY. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. KIRK], for himself and Mr. PRYOR, proposes an amendment numbered 123.

Mr. KIRK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a fast lane for small businesses within the U.S. Patent and Trademark Office to receive information and support regarding patent filing issues)

On page 104, between lines 22 and 23, insert the following:

SEC. 18. PATENT OMBUDSMAN PROGRAM FOR SMALL BUSINESS CONCERNS.

Subject to available resources, the Director may establish in the United States Patent and Trademark Office a Patent Ombudsman Program. The duties of the Program's staff shall include providing support and services relating to patent filings to small business concerns.

Mr. KIRK. Mr. President, the Kirk-Pryor amendment seeks to assist some of our greatest innovators by providing a fast lane within the U.S. Patent and Trademark Office for small businesses to receive information and assistance regarding their patent applications.

Small businesses are the economic engine of the American economy. According to the Small Business Administration, small businesses employ just over half of all private sector employees and create over 50 percent of our nonfarm GDP. Illinois alone is home to 258,000 small employers and more than 885,000 self-employers.

Small businesses are helping to lead the way on American innovation. These firms produce 13 times more patents per employee than large patenting firms, and their patents are twice as likely to be among the most cited among all patents. Small business breakthroughs led to the development of airplanes, FM radio, and the personal computer. Unfortunately, the share of small-entity patents is declining, according to a New York University researcher.

While S. 23 takes great strides in reforming our patent system, it can still be daunting for a small business owner or inventor to obtain a patent. In many instances, the value of a patent is what keeps that new small business afloat.

It is vital for America's future competitiveness, her economic growth, and

her job creation that these innovators spend their time developing new products and processes that will build our future, not wading through government redtape. Our amendment would help small firms navigate the bureaucracy by establishing the U.S. Patent and Trademark Office Ombudsman Program to assist small businesses with their patent filing issues. The provision was first conceived as part of the Small Business Bill of Rights, which I introduced in the House, to expand employment and help small businesses grow. The Small Business Bill of Rights and this amendment are endorsed by the National Federation of Independent Business. I am proud to have this as part of a 10-point plan to be considered here in the Senate.

I wish to thank Senator MARK PRYOR of Arkansas, who is the lead Democratic cosponsor of this amendment. He is a strong and consistent supporter of small business, and I appreciate his partnership on this important program. I also thank Chairman LEAHY and Ranking Member GRASSLEY and their staffs for working with us on this amendment and for preserving this critical legislation.

Our Founding Fathers recognized the importance of a strong patent system that protects and incentivizes innovators. I look forward to supporting S. 23, which will provide strong intellectual property rights to further our technological advancement.

In sum, we should help foster innovation by protecting innovators, especially small business men and women, and I urge adoption of the amendment. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 121

Mr. LEAHY. Mr. President, I thank the Senator from Illinois for his contribution to this effort.

I ask unanimous consent that we set aside the Kirk-Pryor amendment and go back to the pending business, which is the managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand there will be another Senator who will come down and speak, and in the meantime I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the distinguished Senator from Michigan, Ms. STABENOW, be recognized as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

(The remarks of Ms. STABENOW are printed in today's RECORD under "Morning Business.")

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

**PATENT REFORM ACT OF 2011—
Continued**

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, it is a great privilege and honor for me to be able to represent the big, wonderful, diverse Commonwealth of Pennsylvania in the Senate. Pennsylvania is a wonderful State. It has a terrific range of great attributes. It has big, bustling cities such as Philadelphia and Pittsburgh at opposite ends; has all throughout the Commonwealth beautiful, historical boroughs such as Emmaus and Gettysburg. We go from the banks of the Delaware all the way to the shores of Lake Erie.

In a State this big, of course, we have a wide range of very vital industries. We have old industries that we have had for a long time and are still very important employers: agriculture, coal, steel, and many others. We are a big manufacturing State, manufacturing goods of all kinds. We have a huge service sector, especially in the fields of education, medicine, finance, tourism, and many others. We have some relatively new and very exciting industries in our Commonwealth that I am very hopeful will lead to an acceleration of job growth soon. I am thinking in particular of the natural gas and the Marcellus shale. I am thinking of the life sciences, all across the Commonwealth, especially in greater Philadelphia and greater Pittsburgh as well as in points in between. The medical device sector and pharmaceutical industries are offering some of the most exciting opportunities for economic growth anywhere in the Commonwealth.

So when I think about the diversity and the strength of our Commonwealth, I am convinced that Pennsylvania's best days are ahead of us.

That said, despite all of the underlying strengths and advantages we have, we have an economy that is struggling. We have job creation that is far too slow. As I said repeatedly throughout my campaign for the Senate seat and as I have said since then, I think there are two vital priorities that we need to focus on first and foremost here in Washington. The first is economic growth and the job creation

that comes with it, and the second is restoring fiscal discipline to a government that has lost all sense of fiscal discipline. These two, of course, are closely related. We will never have the kind of job growth we need and we deserve until we get our fiscal house in order.

But I look at them as separate issues. I think they should be at the top of our priority list. I am absolutely convinced we can have terrific economic growth, terrific job growth. We can have the prosperity we have been looking for.

In fact, it is actually inevitable if the Federal Government follows the right policies, remembering first and foremost that prosperity comes from the private sector, it does not come from government itself, but that government creates an environment in which the private sector can thrive and create the jobs we so badly need. I would argue that the government does that by doing four things and doing them well.

The first is to make sure we have a legal system that respects property rights, because the clear title and ownership and ability to use private property is the cornerstone of a free enterprise system.

It requires, second, that the government establish sensible regulations that are not excessive, because excessive regulation—and frankly we have seen a lot of excessive regulation recently—too much regulation always has unintended consequences that curb our ability to create the jobs we need.

A third thing a government always needs to do is provide a stable currency, sound money, because debasing one's currency is the way to ruin, not the way to prosperity.

Fourth, governments need to live within their means. They cannot be spending too much money and they cannot have taxes at too high a level.

It is so important that government spending remain limited and, frankly, much less than we have today, for several reasons. One, of course, government spending is the political allocation of capital rather than the allocation of free people and a free economy. The political allocation is always less efficient than that of men and women engaging in free enterprise.

Secondly, the reason too much spending is problematic is because it ultimately always has to be paid for with higher taxes. Higher taxes clearly impede economic growth and prevent job creation. They do that in many ways, not the least of which is diminishing the incentives to make investments, to take risks, to launch new enterprises, to hire new workers.

I would argue that of these four priorities, the government is not doing such a great job. The failure is most egregious when it comes to the level of spending that has recently developed in this town. The recent surge in spending

amounts to about a 25-percent increase in the size of the government virtually overnight.

The government is now spending—this Federal Government alone—fully 25 percent of our entire economic output. Frankly, this huge surge in spending has not worked. The unemployment rate has stayed near to 10 percent, our deficits are now over \$1½ trillion in a single year. That is more than 10 percent of our entire economy.

Of course, when you run annual deficits where you are spending more than you bring in, that shortfall is made up for with new borrowings. So we have been adding to our debt at what I think is an alarming pace. I would argue that this mounting debt is already today costing us job growth. It is costing us jobs because it creates a tremendous uncertainty in our economic future when we are not on a sustainable fiscal path. That uncertainty itself discourages entrepreneurs and job creators from doing the kinds of things we need.

The risks are very real. History is replete with examples of countries that have accumulated too much debt. Frankly, it never ends well. Very often it leads to very high rates of inflation. It can lead to much higher interest rates, which can have a crippling effect on job growth. It can even lead to financial disruptions which can be very harmful, as we have recently seen.

With the recent acceleration in the size of our deficits and the increase in our debts, we are now rapidly closing in on the statutory limit to the amount of money that the Federal Government is permitted to borrow under law. That is an amount of over \$14 trillion, but the truth is we are rapidly closing in on that limit. We will get there fairly soon.

The administration has suggested that we ought to, here in Congress, vote to raise that limit with no conditions attached. I have to tell you I think it is a very bad idea. This brings to mind the case of a family that is routinely living beyond their means. They routinely are spending more than their income and making up for the difference by running up to the limit on their credit cards. When this family reaches the limit on all of the credit cards they have, who thinks it is a good idea to give them another credit card?

I think most folks in Pennsylvania think it is probably time to reexamine the spending and look at the real problem that has gotten the family in this situation. I think that is where we are as a government. I think we need to fundamentally reexamine the spending we have been engaged in.

I will say clearly, I think failure to raise the debt limit promptly upon reaching it is not optimal and it would be very disruptive. I hope that does not come to pass. But I happen to think the most irresponsible thing we could

do is simply raise this debt limit and run up even more debt without making changes to the problems that got us into this fix.

Specifically what I think we need to do is have real cuts in spending—now, not later, not at some distant hypothetical point in time in the future but now. That is one.

Second, I think we need real reform in the spending process, reform in the way Congress goes about its business, because the process is part of what has gotten us here.

I wish to see a balanced budget amendment, one with real teeth, one that requires our books to be balanced, one that limits the total spending to a reasonable percentage of our economy, and one that makes it harder to raise taxes. I think that would be a very good development. But that will take several years, at best, if we can get that implemented. Of course, all of the States have to agree.

In the meantime, I would hope we could have statutory spending caps, limits to how much the Federal Government can spend, and a mechanism that would redress the problem if for some reason we exceeded those limits.

As we have had this debate over whether we should attach these conditions to raising the debt limit, some have suggested this is a very dangerous discussion to have, because failure to immediately raise the debt limit, some have suggested, amounts to a default on our Treasury securities, on the borrowings we have already incurred.

That is not true. I think it is irresponsible to suggest that. The fact is the ongoing revenue from taxes that will be collected whether or not we immediately raise the debt limit—the ongoing revenue is more than 10 times all the money needed to stay current on our debt service. In fact, in the last 20 years, there have been four occasions when we have reached the debt limit without immediately raising it, and we never defaulted on our debt. This country never will. So I do not think we should have a discussion about something that is not going to happen. But since some in the administration have raised the specter of a default, I have introduced legislation that would clearly take that risk off the table entirely. My bill is called the Full Faith and Credit Act. It simply says, in the event we reach the debt limit without having raised it, it instructs the Treasury to make sure the debt service is the top priority. This guarantees that we would not default on our Treasuries, we would not create a financial crisis of any kind, and maybe, more importantly, it would be a great reassurance to the millions of Americans who have lent this government their money, the millions of Americans who hold Treasury bonds in their IRAs, their 401(k)s, their pension plans.

The retirees who live in Allentown, PA, who have lived modestly, saved

money, and with their retirement savings have invested in the U.S. Treasury, I think those folks deserve the peace of mind of knowing that the first priority is going to make sure we honor the obligations and stay current on our debts.

I want to take a moment to thank Senator VITTER, because yesterday he came down to the floor and introduced my legislation as an amendment to the current patent reform bill. I hope we will be able to soon pass my amendment. I hope we will soon get to a vote here on the Senate floor. The real reason is, I want to remove this false specter of a default on our debt, so we can have an honest debate over how we are going to get spending under control—what kind of spending cuts we are going to have right now, and what kind of reforms we are going to make to the process going forward.

I do not think we can kick this can down the road anymore. We have been doing that for a long time. As I said earlier, it never ends well when governments continue taking on too much debt. Nobody here that I know wants to see a government shutdown. Nobody wants to see the disruption that would come from failing to raise the debt limit at some point. But nor can we proceed with business as usual.

All across Pennsylvania I hear every day when I am back home how important it is that this government learn to live within its means as Pennsylvania businesses and families have done.

Let me close by saying I still remain absolutely convinced we can have a terrific economic recovery. We can have a booming economic growth and the tremendous job creation that goes with it. It is overdue, but it can still arrive if we pass the kind of policies that create the right environment.

I am convinced the 21st century will be another great American century and Pennsylvania will be at the forefront.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I want to extend my congratulations to the Senator from Pennsylvania for his initial speech, including his comments about his important amendment, which is actually pending to the patent bill which hopefully we will have an opportunity to vote on in the very near future.

I yield the floor.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am soon going to ask for a vote on the Leahy-

Grassley-Kyl managers' amendment. It resolves a number of issues in the bill, including fee diversion and business method patents damages, venue issues. Senators COBURN, SCHUMER, BENNET, WHITEHOUSE, COONS, and others worked with us on those issues. I would like to vote on that and then go to the amendment offered yesterday by Senator BENNET on satellite patent offices, with a modification, as well as the modified amendment offered by Senator KIRK and Senator PRYOR on ombudsman. If we can do that, we can get much of this finished. But while I am waiting for the—just so everybody will know, I am going to ask for a vote on that very soon. But I am waiting for the ranking member to come back.

I see the distinguished senior Senator from Minnesota, and I yield to her.

Ms. KLOBUCHAR. Mr. President, first, I commend Chairman LEAHY and the entire Judiciary Committee for their work on this bill. The chairman has endured so many ups and downs and different versions, and we would not be here today if not for him.

I rise to speak in support of the America Invents Act, a bill to overhaul our patent system, which plays such a critical role in our economy. It is one of the main reasons America has been able to maintain its competitive edge.

The Commerce Department estimates that up to 75 percent of the economic growth in our Nation since World War II is due to technological innovation—innovation made possible by a patent system that protects the rights to that innovation.

I have seen the importance and success of the patent system firsthand in Minnesota, which has brought the world everything from the pacemaker to the Post-it note. In Minnesota, we know how important the patent system is to our economy. We rank sixth in the Nation in patents per capita and have the second highest number of medical device patents over the last 5 years. Companies such as 3M, Ecolab, and Medtronic are well-known leaders in innovation, but Minnesota also supports innovative small businesses such as NVE Corporation and Arizant Healthcare. We are now first per capita, in fact, for Fortune 500 companies in our State, and that is in large part because of innovation. So many of these companies started small, invented products, and got patents which were protected. People weren't copying their products, and they were able to grow and produce jobs in our country.

Having a patent system that works for small business is particularly critical to creating jobs in America. But our patent laws haven't had a major update since 1952. The system is outdated and has become a burden on our innovators and entrepreneurs. Because of these outdated laws, the Patent and Trademark Office faces a backlog of over 700,000 patent applications and too

often issues low-quality patents. One of these 700,000 patents may be the next implantable pacemaker or new therapy for fighting cancer, but it just sits in that backlog.

Our current system also seems stacked against small entrepreneurs. I have spoken to small business owners and entrepreneurs across our State of Minnesota who are concerned with the high cost and uncertainty of protecting their inventions. For example, under the current system, when two patents are filed around the same time for the same invention, the applicants must go through an arduous and expensive process called an interference to determine which applicant will be awarded the patent. Small inventors rarely, if ever, win interference proceedings because the rules for interference are often stacked in favor of companies with deep pockets. This needs to change.

Our current patent system also ignores the realities of the information age in which we live.

In 1952, back when the patent bill came about, the world wasn't as interconnected as it is today. There was no Internet. People didn't share information the way they do in this modern age. They had party telephone lines then. In 1952, most publicly available information about technology could be found in either patents or scientific publications. So patent examiners only had to look to a few sources to determine if the technology described in a patent application was both novel and nonobvious.

Today, as we all know, there is a vast amount of information readily available everywhere you look.

It is unrealistic to believe a patent examiner would know all of the places to look for this information, and even if the examiner knew where to look, it is unlikely he or she would have the time to search all of these nooks and crannies. The people who know where to look are the other scientists and innovators who also work in the field. But current law doesn't allow participation by third parties in the patent application process despite the fact that third parties are often in the best position to challenge a patent application. Without the benefit of this outside expertise, an examiner might grant a patent for technology that simply isn't a true invention—it is simply not an actual invention—and these low-quality patents clog the system and hinder true innovation.

Our Nation can't afford to slow innovation anymore. While China is investing billions in its medical technology sector, we are still bickering about regulations. While India encourages invention and entrepreneurship, we are still giving our innovators the runaround, playing a game of red light/green light with the R&D tax credit.

America can no longer afford to be a country that churns money and shuffles paper, a country that consumes, imports, and spends its way through huge trade deficits. We need to be a nation that makes things again, that invents stuff, that exports to the world, a country where you can walk into any store on any street in any neighborhood, purchase the best goods, and be able to turn it over and see the words "Made in the USA."

In the words of New York Times columnist and Minnesota native Tom Friedman, we need to be focusing on "nation building in our own Nation." Well, as innovators and entrepreneurs across Minnesota have told me, our country needs to spawn more of them. The America Invents Act would do just that.

First, the American Invents Act increases the speed and certainty of the patent application process by transitioning our patent system from a first-to-invent system to a first-inventor-to-file system. This change to a first-inventor-to-file system will increase predictability by creating brighter lines to guide patent applicants and Patent Office examiners. By simply using the filing date of an application to determine the true inventor, the bill increases the speed of the patent application process, while rewarding novel, cutting-edge innovations.

To help guide investors and inventors, this bill allows them to search the public record to discover with more certainty whether their idea is patentable, helping eliminate duplication and streamlining the system. At the same time, the bill still provides a safe harbor of a year for inventors to go out and market their inventions before having to file for their patents. This grace period is one of the reasons our Nation's top research universities, such as the University of Minnesota, support this bill. The grace period protects professors who discuss their inventions with colleagues or publish them in journals before filing their patent application. The grace period will encourage cross-pollination of ideas and eliminate concerns about discussing inventions with others before a patent application is actually filed.

Moreover, this legislation helps to ensure that only true inventions receive protection under our laws. By allowing third parties to provide information to the patent examiner, the America Invents Act helps bridge the information gap between the patent application and existing knowledge.

The legislation also provides a modernized, streamlined mechanism for third parties who want to challenge recently issued, low-quality patents that should never have been issued in the first place. Eliminating these potentially trivial patents will help the entire patent system by improving certainty for both users and inventors.

The legislation will also improve the patent system by granting the U.S. Patent and Trademark Office the authority to set and adjust its own fees. Allowing the Office to set its own fees will give it the resources to reduce the current backlog and devote greater resources to each patent that is reviewed to ensure higher quality patents.

The fee-setting authority is why IBM, one of the most innovative companies around—by the way, the host of the "Jeopardy"-winning Watson—well, the IBM facility there that actually developed Watson was in Rochester, MN. In fact, IBM, which has its facilities in Rochester and the Twin Cities, as well as many other places in this country, was granted a record 5,896 patents in 2010. IBM supports this bill. It allows the Patent Office to set its own fees and run itself like a business, and that is good for companies such as IBM, as well as for small entrepreneurs.

Mr. President, as chair of the Subcommittee on Competitiveness, Innovation, and Export Promotion, I have been focused on ways to promote innovation and growth in the 21st century. Stakeholders from across the spectrum agree that this bill is a necessary step to ensure that the United States remains a world leader in developing innovative products that bring prosperity and happiness to those in our country. Globalization and technological advancement have changed our economy. This legislation will ensure that our patent system truly rewards innovation in the 21st century. Our patent system has to be as sophisticated as those who are inventing these products and those who at times are trying to steal their ideas. That is what this is about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 121, AS MODIFIED

Mr. LEAHY. Mr. President, we have the Leahy-Grassley managers' amendment at the desk. I have a modification to it. I ask that the amendment be so modified.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 1, strike line 5, and insert the following: "America Invents Act".

On page 9, line 8, strike "1 year" and insert "18 months".

On page 32, strike line 12 and all that follows through page 35, line 2, and insert the following:

SEC. 4. VIRTUAL MARKING AND ADVICE OF COUNSEL.

On page 37, line 1, strike "(b)" and insert "(a)".

On page 37, line 20, strike "(c)" and insert "(b)".

On page 38, line 3, strike "(d)" and insert "(c)".

On page 38, line 13, strike "(e)" and insert "(d)".

On page 57, strike lines 17 through 23, and insert the following:

"(b) PRELIMINARY INJUNCTIONS.—If a civil action alleging infringement of a patent is filed within 3 months of the grant of the patent, the court may not stay its consideration of the patent owner's motion for a preliminary injunction against infringement of the patent on the basis that a petition for post-grant review has been filed or that such a proceeding has been instituted."

On page 59, strike lines 13 through 19.

On page 59, line 20, strike "(g)" and insert "(f)".

On page 65, line 21, strike "18 months" and insert "1 year".

On page 66, line 3, strike "18 months" and insert "1 year".

On page 66, lines 4 and 5, strike "and shall apply only to patents issued on or after that date." and insert "and, except as provided in section 18 and in paragraph (3), shall apply only to patents that are described in section 2(o)(1)."

On page 66, line 8, after the period insert the following: "During the 4 year period following the effective date of subsections (a) and (d), the Director may, in his discretion, continue to apply the provisions of chapter 31 of title 35, United States Code, as amended by paragraph (3), as if subsection (a) had not been enacted to such proceedings instituted under section 314 (as amended by subsection (a)) or under section 324 as are instituted only on the basis of prior art consisting of patents and printed publications."

On page 69, line 2, strike "18 months" and insert "1 year".

On page 69, line 14, strike "18 months" and insert "1 year".

On page 74, line 22, strike "18 months" and insert "1 year".

On page 75, line 16, strike "18 months" and insert "1 year".

On page 75, line 22, strike "18 months" and insert "1 year".

On page 76, line 5, strike "18 months" and insert "1 year".

On page 77, strike line 23 and all that follows through page 78, line 6.

On page 78, line 7, strike "(b)" and insert "(a)".

On page 78, line 20, strike "(c)" and insert "(b)".

On page 79, strike lines 1 through 17, and insert the following:

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

On page 79, lines 19–21, strike "filing, processing, issuing, and maintaining patent applications and patents" and insert: "filing, searching, examining, issuing, appealing, and maintaining patent applications and patents".

On page 86, between lines 8 and 9, insert the following:

(i) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the

prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike “(i)” and insert “(j)”.

On page 91, between lines 14 and 15, insert the following:

(b) NO PROVISION OF FACILITIES AUTHORIZED.—The repeal made by the amendment in subsection (a)(1) shall not be construed to authorize the provision of any court facilities or administrative support services outside of the District of Columbia.

On page 91, line 15, strike “(b)” and insert “(c)”.

On page 91, line 23, strike “under either subsection” and all that follows through “shall certify” on page 92, line 2.

On page 92, line 7, before the semicolon insert the following: “, not including applications filed in another country, provisional applications under section 111(b), or international applications filed under the treaty defined in section 351(a) for which the basic national fee under section 41(a) was not paid”.

On page 92, between lines 7 and 8, insert the following:

“(3) did not in the prior calendar year have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 3 times the most recently reported median household income, as reported by the Bureau of Census; and”.

On page 92, strike lines 8 through 25.

On page 93, line 1, strike “(3) has not assigned, granted, conveyed, or is” and insert “(4) has not assigned, granted, conveyed, and is not”.

On page 93, lines 4 and 5, strike “has 5 or fewer employees and that such entity has” and insert “had”.

On page 93, line 7, strike “that does” and all that follows through line 11, and insert the following: “exceeding 3 times the most recently reported median household income, as reported by the Bureau of the Census, in the calendar year preceding the calendar year in which the fee is being paid, other than an entity of higher education where the applicant is not an employee, a relative of an employee, or have any affiliation with the entity of higher education.”.

On page 93, strike lines 12 through 17, and insert the following:

“(b) APPLICATIONS RESULTING FROM PRIOR EMPLOYMENT.—An applicant is not considered to be named on a previously filed application for purposes of subsection (a)(2) if the applicant has assigned, or is under an obligation by contract or law to assign, all ownership rights in the application as the result of the applicant’s previous employment.

“(c) FOREIGN CURRENCY EXCHANGE RATE.—If an applicant’s or entity’s gross income in the preceding year is not in United States dollars, the average currency exchange rate, as reported by the Internal Revenue Service, during the preceding year shall be used to determine whether the applicant’s or entity’s gross income exceeds the threshold specified in paragraphs (3) or (4) of subsection (a).”.

On page 94, between lines 18 and 19, insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that other business methods are patentable or that other business-method patents are valid.

On page 94, line 19, strike “(c)” and insert “(d)”.

On page 103, between lines 11 and 12, insert the following:

“(c) DERIVATIVE JURISDICTION NOT REQUIRED.—The court to which a civil action is

removed under this section is not precluded from hearing and determining any claim in such civil action because the State court from which such civil action is removed did not have jurisdiction over that claim.”.

On page 103, line 12, strike “(c)” and insert “(d)”.

On page 105, between lines 22 and 23, insert the following:

SEC. 18. TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section language is expressed in terms of a section or chapter, the reference shall be considered to be made to that section or chapter in title 35, United States Code.

(b) TRANSITIONAL PROGRAM.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall issue regulations establishing and implementing a transitional post-grant review proceeding for review of the validity of covered business-method patents. The transitional proceeding implemented pursuant to this subsection shall be regarded as, and shall employ the standards and procedures of, a post-grant review under chapter 32, subject to the following exceptions and qualifications:

(A) Section 321(c) and subsections (e)(2), (f), and (g) of section 325 shall not apply to a transitional proceeding.

(B) A person may not file a petition for a transitional proceeding with respect to a covered business-method patent unless the person or his real party in interest has been sued for infringement of the patent or has been charged with infringement under that patent.

(C) A petitioner in a transitional proceeding who challenges the validity of 1 or more claims in a covered business-method patent on a ground raised under section 102 or 103 as in effect on the day prior to the date of enactment of this Act may support such ground only on the basis of—

(i) prior art that is described by section 102(a) (as in effect on the day prior to the date of enactment of this Act); or

(ii) prior art that—

(I) discloses the invention more than 1 year prior to the date of the application for patent in the United States; and

(II) would be described by section 102(a) (as in effect on the day prior to the date of enactment of this Act) if the disclosure had been made by another before the invention thereof by the applicant for patent.

(D) The petitioner in a transitional proceeding, or his real party in interest, may not assert either in a civil action arising in whole or in part under section 1338 of title 28, United States Code, or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised during a transitional proceeding that resulted in a final written decision.

(E) The Director may institute a transitional proceeding only for a patent that is a covered business-method patent.

(2) EFFECTIVE DATE.—The regulations issued pursuant to paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply to all covered business-method patents issued before, on, or after such date of enactment, except that the regulations shall not apply to a patent described in the first sentence of section 5(f)(2) of this Act during the period that a petition for post-grant review of that patent would satisfy the requirements of section 321(c).

(3) SUNSET.—

(A) IN GENERAL.—This subsection, and the regulations issued pursuant to this subsection, are repealed effective on the date that is 4 years after the date that the regulations issued pursuant to paragraph (1) take effect.

(B) APPLICABILITY.—Notwithstanding subparagraph (A), this subsection and the regulations implemented pursuant to this subsection shall continue to apply to any petition for a transitional proceeding that is filed prior to the date that this subsection is repealed pursuant to subparagraph (A).

(c) REQUEST FOR STAY.—

(1) IN GENERAL.—If a party seeks a stay of a civil action alleging infringement of a patent under section 281 in relation to a transitional proceeding for that patent, the court shall decide whether to enter a stay based on—

(A) whether a stay, or the denial thereof, will simplify the issues in question and streamline the trial;

(B) whether discovery is complete and whether a trial date has been set;

(C) whether a stay, or the denial thereof, would unduly prejudice the nonmoving party or present a clear tactical advantage for the moving party; and

(D) whether a stay, or the denial thereof, will reduce the burden of litigation on the parties and on the court.

(2) REVIEW.—A party may take an immediate interlocutory appeal from a district court’s decision under paragraph (1). The United States Court of Appeals for the Federal Circuit shall review the district court’s decision to ensure consistent application of established precedent, and such review may be de novo.

(d) DEFINITION.—For purposes of this section, the term “covered business method patent” means a patent that claims a method or corresponding apparatus for performing data processing operations utilized in the practice, administration, or management of a financial product or service, except that the term shall not include patents for technological inventions. Solely for the purpose of implementing the transitional proceeding authorized by this subsection, the Director shall prescribe regulations for determining whether a patent is for a technological invention.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending or interpreting categories of patent-eligible subject matter set forth under section 101.

SEC. 19. TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.

(a) AUTHORITY TO COVER CERTAIN TRAVEL RELATED EXPENSES.—Section 2(b)(11) of title 35, United States Code, is amended by inserting “, and the Office is authorized to expend funds to cover the subsistence expenses and travel-related expenses, including per diem, lodging costs, and transportation costs, of non-federal employees attending such programs” after “world”.

(b) PAYMENT OF ADMINISTRATIVE JUDGES.—Section 3(b) of title 35, United States Code, is amended by adding at the end the following:

“(6) ADMINISTRATIVE PATENT JUDGES AND ADMINISTRATIVE TRADEMARK JUDGES.—The Director has the authority to fix the rate of basic pay for the administrative patent judges appointed pursuant to section 6 of this title and the administrative trademark judges appointed pursuant to section 17 of the Trademark Act of 1946 (15 U.S.C. 1067) at not greater than the rate of basic pay payable for Level III of the Executive Schedule. The payment of a rate of basic pay under

this paragraph shall not be subject to the pay limitation of section 5306(e) or 5373 of title 5.”.

SEC. 20. PATENT AND TRADEMARK OFFICE FUNDING.

(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) **FUND.**—The term “Fund” means the public enterprise revolving fund established under subsection (c).

(3) **OFFICE.**—The term “Office” means the United States Patent and Trademark Office.

(4) **TRADEMARK ACT OF 1946.**—The term “Trademark Act of 1946” means an Act entitled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”).

(5) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary of Commerce for Intellectual Property.

(b) **FUNDING.**—

(1) **IN GENERAL.**—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking “Patent and Trademark Office Appropriation Account” and inserting “United States Patent and Trademark Office Public Enterprise Fund”; and

(B) in subsection (c), in the first sentence—

(i) by striking “To the extent” and all that follows through “fees” and inserting “Fees”; and

(ii) by striking “shall be collected by and shall be available to the Director” and inserting “shall be collected by the Director and shall be available until expended”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2011; or

(B) the first day of the first fiscal year that begins after the date of the enactment of this Act.

(c) **USPTO REVOLVING FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund to be known as the “United States Patent and Trademark Office Public Enterprise Fund”. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) **DERIVATION OF RESOURCES.**—There shall be deposited into the Fund on or after the effective date of subsection (b)(1)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund, provided, however, that no funds collected pursuant to section 9(h) of this Act or section 1(a)(2) of Public Law 111-45 shall be deposited in the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(3) **EXPENSES.**—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued

operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(d) **ANNUAL REPORT.**—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (f).

(e) **ANNUAL SPENDING PLAN.**—

(1) **IN GENERAL.**—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) **CONTENTS.**—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) **AUDIT.**—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) **BUDGET.**—The Fund shall prepare and submit each year to the President a business-type budget in a manner, and before a date, as the President prescribes by regulation for the budget program.

On page 105, line 23, strike “**SEC. 18.**” and insert “**SEC. 21.**”.

At the end, add the following:

SEC. 22. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. LEAHY. Mr. President, we are prepared to go to a rollcall vote on this right now. I don’t see the ranking member. As a courtesy, I am willing to wait a few more minutes before calling for the vote. While we are waiting for my friend, the distinguished Senator from Iowa, I will note that what we are talking about is bipartisan legislation; it is supported by both business and labor.

People ask whether Congress can work together and whether, with all the problems facing America, Republicans and Democrats can come together to get work done, make things work, and do things that can make America stronger and more competitive in the world. This is a bill that does that. That is why we have a broad group of cosponsors in both parties across the political spectrum. It enables us to actually do something.

We have a decades-old patent system, which may have made sense in the time when you had patents that might not be superseded by new inventions for years. Now they can be superseded the day they come in. That is why we have 700,000 patents applications waiting to be processed. It is also why countries such as China and others are beginning to surpass us in their innovation, because we have been slow to catch up. We are in a situation where we are unable to compete with the rest of the industrialized nations. Their patent laws are ahead of ours. So this is a case where we in America have a chance to catch up. We do it without adding a cent to the deficit, but we also create jobs. Every major manufacturer in this country and inventors have said this is where we will create jobs.

I look at it, of course, with the point of view that my little State of Vermont on a per capita basis has more patents than any other State. We even had more than some States larger than ours. The distinguished Presiding Officer comes from a State that has spent a great deal of time and effort on innovation and is one of the leaders in the number of patents, especially in the high-tech area, in this country. But the patents don’t help us compete unless we are able to move with them. We in Vermont have a long history of innovation and invention. The first patent in the United States was signed by George Washington after being cleared by Thomas Jefferson and granted to a Vermonter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. LEE. Mr. President, I rise to speak on an issue that is very important to me. The immediate subject I am going to address is an amendment I am going to propose to our pending patent reform legislation. This amendment calls upon the Senate to get the sense of the Senate that we need a balanced budget amendment to the U.S. Constitution.

As I prepared for this day, I reviewed the maiden speeches of a number of

Senators who served in this august body, and I have seen a consistent theme in the speeches that have been given over the course of the last 50 or 60 years. Over and over, they address spending. These issues have spilled over, Congress after Congress, until the point we have reached today, the point at which our national debt stands at an astounding figure, close to \$15 trillion.

As I like to say, \$15 trillion is a lot of money. A lot of people do not make \$15 trillion in a whole year. Even when you divide \$15 trillion by 300 million Americans, you are left with a figure of about \$50,000 a head. This is not an inconsequential number.

This is not a problem any of us created. It is a problem each of us inherited. Yet it is a problem I think none of us wants to leave to our successors. It is a problem that requires us to do something different than we have done in the past, and by this I mean I think we need procedural, structural, and indeed constitutional reform. We need to put Congress in a straitjacket because we have been unwilling or unable in the past to make the difficult spending decisions that have to be made.

In the past, there has been a great debate between, on the one hand, some Republicans who have been unwilling to cut some programs, to consider in any context cuts in the area of, say, national defense; you have had others, perhaps from the other party, who have been unwilling to consider any cuts to any entitlement program. But we are now faced with a scenario in which both sides of the aisle can understand that our perpetual deficit spending habit places in jeopardy every single aspect of the operations of the Federal Government.

To paint one scenario, I would like to point out that the budget projections produced by the White House just a couple weeks ago predicted, based on a fairly optimistic set of projections, that over the next 10 years we will acquire enough new debt that, when added to our existing debt, will cause us to be spending almost \$1 trillion every single year just on interest on our national debt. To put that in perspective, \$1 trillion is more than we currently spend on Social Security in an entire year. It is more than we currently spend on Medicare and Medicaid combined in an entire year. It is significantly more than we spend on national defense in any year. This \$1 trillion number is one that could actually be much larger if some of these projections turn out not to be correct.

We now face a moment when both liberals and conservatives, Republicans and Democrats, regardless of what they most want to protect in their Federal Government, have to realize that what we most want to protect is placed in grave jeopardy by our current spending practices.

I am troubled by the fact that as we approach debate surrounding a con-

tinuing resolution this week, a continuing resolution that is likely to operate for just a few weeks to keep the Government funded, we are still talking about adding, on an annualized basis, to our national debt at a rate exceeding \$1.5 trillion a year. I think the American people deserve better. I know they demand better.

Some of the things we saw in the 2010 election cycle portend something much greater for what we are going to see in the 2012 election cycle. The polls support the fact that what we can see from the 2010 election cycle is that Americans want Congress to balance its budget. They want us to do something more than just talking about it. They want us to put ourselves in a straitjacket.

Benjamin Franklin used to say: He will cheat without scruple who can without fear. I think the congressional corollary to that might be that Congress, which can continue to engage in perpetual deficit spending, will continue to do so unless or until they are held accountable by the people or required by that Congress to put itself in a straitjacket. That is the straitjacket we need. That is why I am proposing this amendment so, at a minimum, before this patent reform legislation, which I support wholeheartedly, moves forward, we can all agree as Members of this body that we need a constitutional amendment to keep us from doing what is slowly killing the economy of the United States and gradually mounting a severe challenge, an existential threat to every Federal program that currently exists.

I invite each of my colleagues to vote for and support this amendment and to support S.J. Res. 5, a constitutional amendment I along with Senator KYL have proposed that would put Congress in this type of straitjacket.

Here is, in essence, what S.J. Res. 5 says: If adopted by Congress by the requisite two-thirds margins in both Houses and approved by the States, three-fourths of them as required by article V of the Constitution, it would tell Congress it may not spend more than it receives in a given year, it may not spend more than 18 percent of GDP in a year, it may not raise taxes, and it may not raise the national debt ceiling without a two-thirds supermajority vote in both Houses of Congress. That is the kind of permanent binding constitutional measure I think we need in order to protect the government programs we value so highly and upon which 300 million Americans have come to depend, in one way or another.

I urge each of my colleagues to support this amendment and to support S.J. Res. 5.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I rise today to speak on the Patent Reform Act of 2011, which I understand will be retitled as the "America Invents Act."

When this bill was marked up in the Judiciary Committee in 2007 and again in 2009, I voted against it, and I submitted minority views to the committee report for the bill. In the 2009 committee report, Senators Russ Feingold and TOM COBURN joined me in identifying a set of issues that we felt needed to be addressed before the bill was ready for consideration by the full Senate. Chief among these were concerns about the bill's system of postissuance administrative review of patents. Senior career staff at the Patent Office had expressed deep misgivings about the office's ability to administer this system. In response, at the conclusion of the 2009 mark up, Chairman LEAHY pledged to invite the Patent Office to work with the committee to address these concerns and to try to develop a system that the office would be able to administer.

Chairman LEAHY carried through on his pledge and held those meetings later that year. As a result, important changes were made to the bill, eventually resulting in a managers' amendment that was announced in 2010 by Chairman LEAHY and then-Ranking Member SESSIONS. The 2010 managers' amendment, which is also the basis of the present bill, substantially addressed all of the concerns that Senators Feingold and COBURN and I raised in the 2009 Minority Report. As a result, I became a cosponsor of that amendment, and am proud to cosponsor and support the bill that is before us today.

I will take a few moments today to describe the key changes that led to the 2010 breakthrough on this bill. But first, I would like to address an important aspect of the bill that has recently become the subject of some controversy. This is the bill's change to a first-inventor-to-file patent system.

About two-thirds of the present bill has never been controversial and has been included in all of the various iterations of this bill ever since the first patent reform act was introduced in 2005 by Mr. LAMAR SMITH, who was then the chairman of the House Intellectual Property Subcommittee. Mr. SMITH's 2005 bill, H.R. 2795, included the following proposals: it switched the United States from a first-to-invent patent system to a first-inventor-to-file system. The Smith bill enacted chapter 32 of title 35, creating a first-window, post-grant opposition procedure. It authorized third parties to submit and explain relevant prior art to the Patent Office with respect to an application before a patent is issued. The

Smith bill amended the inventor's oath, and expanded the rights of assignees to prosecute a patent application under section 118. And it also eliminated subjective elements from the patent code, and included the first proposal for creating derivation proceedings. All of these elements of Mr. SMITH's original 2005 bill are retained in the bill that is before us today, and are, in fact, the most important parts of the bill. And, until recently, these provisions had not proven controversial.

After the announcement of the 2010 managers' amendment, however, members of the Judiciary Committee began to hear more from critics of the bill's move to a first-to-file system. Under current law's first-to-invent system, a patent applicant or owner has priority against other patents or applications, or against invalidating prior art, if he conceived of his invention before the other inventor conceived of his invention or before the prior art was disclosed. Under the first-to-file system, by contrast, the same priority is determined by when the application for patent was filed. Whichever inventor files first has priority, and third-party prior art is measured against the filing date, and is invalidating if it disclosed the invention before the date when the application was filed, rather than the date when the invention was conceived.

In commentary that was published on Sunday, February 27, Mr. Gene Quinn, the writer of the IP Watchdog Web site, made some worthy points about the present bill's proposed move to a first-to-file system. Responding to critics of first to file, Mr. Quinn first noted that: in practical effect, we already have a first inventor to file system. For example, since the start of fiscal year 2005 on October 1, 2004, there have been over 2.9 million patent applications filed and only 502 Interferences decided. An Interference Proceeding occurs when multiple inventors file an application claiming the same invention, and is the hallmark of a first to invent system On top of the paltry 502 Interferences over nearly 7 years, a grand total of 1 independent inventor managed to demonstrate they were the first to invent, and a grand total of 35 small entities were even involved in an Interference.

In other words, as Mr. Quinn notes, although the first-to-invent system is supposed to help the little guy, over the last seven years, only one independent inventor has managed to win an interference contest and secure the benefits of the first to invent system. And again, this is out of nearly 3 million patent applications filed over this period.

Mr. Quinn's comments also debunk the notion that an interference proceeding is a viable means of securing first-to-invent rights for independent and other small inventors. He notes that:

On top of this, the independent inventors and small entities, those typically viewed as benefiting from the current first to invent system, realistically could never benefit from such a system. To prevail as the first to invent and second to file, you must prevail in an Interference proceeding, and according to 2005 data from the AIPLA, the average cost through an interference is over \$600,000. So let's not kid ourselves, the first to invent system cannot be used by independent inventors in any real, logical or intellectually honest way, as supported by the reality of the numbers above. . . . [F]irst to invent is largely a "feel good" approach to patents where the underdog at least has a chance, if they happen to have \$600,000 in disposable income to invest on the crap-shoot that is an Interference proceeding.

Obviously, the parties that are likely to take advantage of a system that costs more than half a million dollars to utilize are not likely to be small and independent inventors. Indeed, it is typically major corporations that invoke and prevail in interference proceedings. The very cost of the proceeding alone effectively ensures that it is these larger parties that benefit from this system. In many cases, small inventors such as start ups and universities simply cannot afford to participate in an interference, and they surrender their rights once a well-funded party starts such a proceeding.

Mr. Quinn's article also responded to critics who allege that the present bill eliminates the grace period for patent applications. The grace period is the one-year period prior to filing when the inventor may disclose his invention without giving up his right to patent. Mr. Quinn quotes the very language of this bill, and draws the obvious conclusion:

Regardless of the disinformation that is widespread, the currently proposed S. 23 does, in fact, have a grace period. The grace period would be quite different than what we have now and would not extend to all third party activities, but many of the horror stories say that if someone learns of your invention from you and beats you to the Patent Office, they will get the patent. That is simply flat wrong.

Mr. Quinn is, of course, referring to the bill's proposed section 102(b). Under paragraph (1)(A) of that section, disclosures made by the inventor, or someone who got the information from the inventor, less than 1 year before the application is filed do not count as prior art. And under paragraph (1)(B), during the 1-year period before the application is filed, if the inventor publicly discloses his invention, no subsequently disclosed prior art, regardless of whether it is derived from the inventor, can count as prior art and invalidate the patent. This effectively creates a "first to publish" rule that protects those inventors who choose to disclose their invention. An inventor who publishes his invention, or discloses it at a trade show or academic conference, or otherwise makes it publicly available, has an absolute right to priority if he files an application with-

in one year of his disclosure. No application effectively filed after his disclosure, and no prior art disclosed after his disclosure, can defeat his application for patent.

These rules are highly protective of inventors, especially those who share their inventions with the interested public but still file a patent application within a year. These rules are also clear, objective, and transparent. They create unambiguous guidelines for inventors. An inventor who wishes to keep his invention secret must file an application promptly, before another person discloses the invention to the public. And an inventor can also share his invention with others. If his activities make the invention publicly available, he must file an application within a year, but his disclosures also prevents any subsequently disclosed prior art from taking away his right to patent. The bill's proposed section 102 also creates clear guidelines for those who practice in a technology. To figure out if a patent is valid against prior art, all that a manufacturer needs to do is look at the patent's filing date and figure out whether the inventor publicly disclosed the invention. If prior art disclosed the invention to the public before the filing date, or if the inventor disclosed the invention within a year of filing but the prior art predates that disclosure, then the invention is invalid. And if not, the patent is valid against a prior-art challenge.

Some critics of the first-to-file system also argue that it will be expensive for inventors because they will be forced to rush to file a completed application, rather than being able to rely on their invention date and take their time to complete an application. These critics generally ignore the possibility of filing a provisional application, which requires only a written description of the invention and how to make it. Once a provisional application is filed, the inventor has a year to file a completed application. Currently, filing a provisional application costs \$220 for a large entity, and \$110 for a small entity.

One of Mr. Quinn's earlier columns, on November 7, 2009, effectively rebuts the notion that relying on invention dates offers inventors any substantial advantage over simply filing a provisional application. As he notes:

If you rely on first to invent and are operating at all responsibly you are keeping an invention notebook that will meet evidentiary burdens if and when it is necessary to demonstrate conception prior to the conception of the party who was first to file. . . .

[Y]our invention notebook or invention record will detail, describe, identify and date conception so that others skilled in the art will be able to look at the notebook/record and understand what you did, what you knew, and come to the believe that you did in fact appreciate what you had. If you have this, you have provable conception. If you have provable and identifiable conception,

you also have a disclosure that informs and supports the invention. . . . [And] [i]f the notebook probably demonstrates conception, then it can be filed as a provisional patent application at least for the purpose of staking a claim to the conception that is detailed with enough specificity to later support an argument in a first to invent regime.

In other words, the showing that an inventor must make in a provisional application is effectively the same showing that he would have to make to prove his invention date under the first-to-invent system. A small inventor operating under first-to-invent rules already must keep independently-validated notebooks that show when he conceived of his invention. Under first-to-file rules, the only additional steps that the same inventor must take are writing down the same things that his notebooks are supposed to prove filing that writing with the Patent Office, and paying a \$110 fee.

Once the possibility of filing a provisional application is considered, along with this bill's enhanced grace period, it should be clear that the first-to-file system will not be at all onerous for small inventors. And once one considers the bill's clean, clear rules for prior art and priority dates, its elimination of subjective elements in patent law, its new proceeding to correct patents, and its elimination of current patent-forfeiture pitfalls that trap legally unwary inventors, it is clear that this bill will benefit inventors both large and small.

Allow me to also take a moment to briefly describe the concerns that Senators Feingold and COBURN and I raised in our 2009 Minority Report, and how the present bill addresses those concerns.

Senators Feingold and COBURN and I proposed that the bill impose a higher threshold showing for instituting an inter partes, or post-grant review. This had long been a top priority for the Patent Office, both under the previous administration and under the current one. The Patent Office made clear that a higher threshold is necessary to weed out marginal challenges and preserve the office's own resources, and that a higher threshold would also force parties to front-load their cases, allowing these proceedings to be resolved more quickly. The present bill imposes higher thresholds, requiring a reasonable likelihood of invalidity for inter partes review, and more-likely-than-not invalidity for post-grant review.

Senators Feingold and COBURN and I also recommended that the Patent Office be allowed to operate inter partes reexamination as an adjudicative proceeding, where the burden of proof is on the challenger and the office simply decides whether the challenger has met his burden. The present bill makes this change, repealing requirements that inter partes be run on an examinational model and allowing the PTO to adopt an adjudicative model.

The 2009 Minority Report also recommended that the bill restrict serial administrative challenges to patents and require coordination of these proceedings with litigation. We also called for limiting use of ex parte reexamination to patent owners, noting that allowing three different avenues for administrative attack on patents invites serial challenges. The present bill does coordinate inter partes and post-grant review with litigation, barring use of these proceedings if the challenger seeks a declaratory judgment that a patent is invalid, and setting a time limit for seeking inter partes review if the petitioner or related parties is sued for infringement of the patent. The present bill does not, however, bar the use of ex parte reexamination by third parties. The Patent Office and others persuaded me that these proceedings operate reasonably well in most cases and are not an undue burden on patent owners. The present bill does, however, impose limits on serial challenges that will also restrict the use of ex parte reexamination. The bill's enhanced administrative estoppel will effectively bar a third party or related parties from invoking ex parte reexamination against a patent if that third party has already employed post-grant or inter partes review against that patent. Also, the bill allows the Patent Office to reject any request for a proceeding, including a request for ex parte reexamination, if the same or substantially the same prior art or arguments previously were presented to the Office with respect to that patent.

Senators Feingold and COBURN and I also recommended that the PTO be allowed to delay implementation of post-grant review if the office lacks the resources to implement that new proceeding. The present bill includes a number of safeguards that are the product of discussions with the PTO. Among other things, the present bill authorizes a ramp-up period, allowing the office to limit the number of proceedings that can be implemented during the first 4 years after the new proceeding becomes effective.

The 2009 Minority Report also recommended that treble damages be preserved as a meaningful deterrent to willful or calculated infringement of a patent. The present bill does so, eliminating the restrictive three-buckets approach and broad safe harbors that appeared in the bill in 2009. The report also recommended that the bill remove subjective elements from patent law, such as the various deceptive-intent elements throughout the code and the patent-forfeiture doctrines. The present bill effectively makes both changes. In fact, the 2007 bill had already been modified in mark up to eliminate the patent forfeiture doctrines, a point elucidated in that year's committee report and confirmed by a review of the relevant caselaw.

This last point should also help address a question that Mr. Quinn raised in his column on Sunday regarding proposed section 102(b)'s use of the word "disclosure," and whether it covers public use or sale activities of the inventor. I would have thought that the meaning of the word would be clear: a disclosure is something that makes the invention available to the public—the same test applied by section 102(a) to define the scope of relevant prior art. And "available to the public" means the same thing that "publicly accessible" does in the context of a publication. Subject matter makes an invention publicly accessible or available if an interested person who is skilled in the field could, through reasonable diligence, find the subject matter and understand the invention from it. Obviously, Congress would not create a grace period that is narrower in scope than the relevant prior art. Thus for example, under this bill, any activity by the inventor that would constitute prior art under section 102(a)(1) would also invoke the grace period under section 102(b)(1). As a result, the inventor would be protected against his own activities so long as he files within a year, and under the bill's "first to publish" provisions, he would also be protected by any other person's disclosure of the invention, regardless of whether he could prove that the other person derived the invention from him.

The present bill is the product of almost a decade of hard work, including three Judiciary Committee mark ups, and the untold hours of work by Mr. SMITH and other members of the House of Representatives that led to the introduction of the Patent Reform Act of 2005, the foundation of today's bill. This is a bill that will protect our heritage of innovation while updating the patent system for the current century. It will fix problems with current administrative proceedings, create new means for improving patent quality, and will generally move us toward a patent system that is objective, transparent, clear, and fair to all parties. I look forward to the Senate's passage of this bill and its enactment into law.

I ask unanimous consent that Mr. Gene Quinn's columns of February 27, 2011, and November 7, 2009, with corrections of a few typos and enhancements of punctuation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE TO VOTE ON PATENT REFORM, FIRST TO FILE FIGHT LOOMS

(By Gene Quinn, President & Founder of IPWatchdog, Inc., Feb. 27, 2011)

It appears as if the time has finally arrived for an up or down vote on patent reform in the United States Senate. It has been widely reported that the full Senate will take up patent reform upon returning from recess this week, and it is now believed by many on the inside that the Senate will take up patent reform on Monday, February 28, 2011, the

first day back. Some are even anticipating that the Senate will vote on patent reform bill S. 23 late in the day on Monday, February 28, 2011. See "Crunch Time: Call Your Senators on Patent Reform." That would seem exceptionally quick, particularly given the rancorous issues and Amendments still to be presented, but nothing will surprise me.

As we get closer to a vote in the Senate the rhetoric of those for and against patent reform is heating up to a fever pitch. The big fight, once again, is over first to file, with battle lines drawn that run extremely deep. Senator Diane Feinstein (D-CA) is expected to file an Amendment stripping the first to file provisions, which could be supported by Senate Majority Leader Harry Reid (D-NV).

Before tackling the first to file issue I would like to point out that regardless of whether first to file is supported or opposed,

everyone, and I do mean everyone, unanimously agrees that the USPTO should be allowed to keep the fees it collects to reinvest in the agency and to do the work promised. An overwhelming majority also seem to support giving the USPTO fee setting authority. Fee setting authority is present in S. 23 (see Section 9) and Senator Tom Coburn plans to introduce an Amendment that would once and for all eliminate fee diversion and let the USPTO keep the fees it collects. So while there is argument about first to file, hopefully we won't lose sight of the fact that most everyone is on the same team relating to fixing the USPTO.

With respect to first to file, in practical effect, we already have a first inventor to file system. For example, since the start of fiscal year 2005 on October 1, 2004, there have been over 2.9 million patent applications filed and only 502 Interferences decided. An Inter-

ference Proceeding occurs when multiple inventors file an application claiming the same invention, and is the hallmark of a first to invent system because it is possible in the United States to file a patent application second and then be awarded the patent if the second to file can demonstrate they were the first to invent. On top of the paltry 502 Interferences over nearly 7 years a grand total of 1 independent inventor managed to demonstrate they were the first to invent, and a grand total of 35 small entities were even involved in an Interference. A small entity can be an independent inventor, university, non-profit or a company with 500 or fewer employees. Thus, we have a de facto first to file system and the "first to invent" system that supposedly favors independent inventors is overwhelmingly dominated by large companies with over 500 employees. See chart below.

	2005	2006	2007	2008	2009	2010	2011*	Total
Filings	381797	417453	468330	496886	486499	509367	153997	2914329
Allowances	151077	162509	184376	182556	190122	233127	93390	1197157
Interferences decided	96	107	95	74	63	50	17	502
Junior party winners	18	15	21	25	14	17	3	113
Small entity winners	7	2	3	6	1	5	1	25
Independent Inventor winners	0	0	1	0	0	0	0	1
Small Entity losers	1	2	2	2	1	2	0	10

On top of this, the independent inventors and small entities, those typically viewed as benefiting from the current first to invent system, realistically could never benefit from such a system. To prevail as the first to invent and second to file you must prevail in an Interference proceeding, and according to 2005 data from the AIPLA the average cost through an interference is over \$600,000. So let's not kid ourselves, the first to invent system cannot be used by independent inventors in any real, logical or intellectually honest way, as supported by the reality of the numbers above. So first to invent is largely a "feel good" approach to patents where the underdog at least has a chance, if they happen to have \$600,000 in disposable income to invest on the crap-shoot that is an Interference proceeding.

I will acknowledge, however, that one of the best arguments I have seen against first to file was prepared by Hank Nothhaft, President & CEO of Tessera and a frequent contributor to IPWatchdog.com. In his op-ed in The Hill Hank concludes by asking: "Why risk that by weakening the incentives for startups?" As I can point to the fact that we have a de facto first to file system already, Hank and others can say—so why the need for change? I readily acknowledge that the small "c" conservative thing to do, which I normally promote, would be to do nothing and keep the status quo. That is a fine argument, but it would keep the USPTO devoting precious resources on a complex Interference system that really mirrors a first to file system anyway. Of course, if patent reform gives the USPTO fee setting authority and an end to fee diversion, then the resources problem isn't nearly the concern and Congress could layer on responsibilities for the Patent Office and Team Kappos could deliver and still reduce the backlog.

Some others who challenge the first to file changes in the patent reform bill say the Interference analysis above is misplaced because first to file is not about whether the first to invent will obtain the patent. As illogical as that sounds, they have a point. Notice, however, that the Interference data does clearly demonstrate there is no need whatsoever for a first to invent system in

the United States. Thus, many who challenge the first to file system don't seem to question that first to file is acceptable, but they do not like the loss of the familiar 12 month grace period.

The truth is, however, that relying on a 12 month grace period is extremely dangerous, but it does have its place. As Bryan Lord correctly explains in "Crunch Time: Call Your Senators on Patent Reform," many start-up companies rely on the grace period, which is critical "to companies that rely upon external collaborations or have comparatively limited resources." There is absolutely no argument with the fact that a grace period does factor into the equation for small businesses and start-up companies that are strapped for cash and already need to make choices about how much, and which, innovations to protect. I also like Lord's questioning the rush to harmonize. I always like to point out that harmonization is fine, but why can't we do what makes for a good system and not just what everyone else does. Let's harmonize what the world does better and let's lobby the world to adopt what our system clearly gets right.

Having said all of this, there is absolutely no reason why we cannot move from a first to invent system to a first inventor to file system that would still retain a real and substantial grace period and still retain the right for patent applicants to swear behind references to demonstrate an earlier date of invention, at least with respect to pieces of prior art that are not the progeny of earlier filed patent applications.

Regardless of the disinformation that is widespread, the currently proposed S. 23 does, in fact, have a grace period. The grace period would be quite different than what we have now and would not extend to all third party activities, but many of the horror stories say that if someone learns of your invention from you and beats you to the Patent Office, they will get the patent. That is simply flat wrong.

As it stands now, the currently proposed 102 in S. 23 says, in relevant part:

§102. CONDITIONS FOR PATENTABILITY; NOVELTY

(a) NOVELTY; PRIOR ART.—A person shall be entitled to a patent unless—

(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; or

(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

(b) EXCEPTIONS.—

(1) DISCLOSURES MADE 1 YEAR OR LESS BEFORE THE EFFECTIVE FILING DATE OF THE CLAIMED INVENTION.—A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

(A) the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

(B) the subject matter disclosed had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

Looking at the proposed 102(b), it becomes clear that despite the claims of critics, there is a grace period within S. 23. I find it sad, yet amusing, that some who challenge the bill simply refuse to quote 102(b), and even outright claim "there is no grace period." Obviously, there is a grace period.

The proposed 102(b) seeks to eliminate from the universe of prior art disclosures made by the inventor or which owe their substance to the inventor. So if the inventor discloses his or her invention less than a year before filing a patent application, the patent can still be awarded. If someone learns of the invention from the inventor and discloses less than a year before filing a patent application, the patent can likewise still be awarded. What is notably missing here are several things. First, a definition for "disclosure." Second, an exception that

applies to third-party activities where the third party acted without learning of information from the inventor but yet did not file a first application themselves. So the grace period set up by proposed 102(b) excepts disclosures (whatever they are) made by or through an inventor less than 1 year before the inventor files, but does not extend to disclosures (whatever they are) made by others less than 1 year before the inventor files.

The proposed 102(b) is a departure from the current law of novelty. Nevertheless, it is simply wrong to claim there is no grace period in an attempt to manipulate independent inventors, small businesses and others to support elimination of first to file.

In any event, under the current 102(b), a patent applicant is entitled to a patent unless—the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States . . .

Under current 102(b) an inventor can create their own bar to patentability as a result of activity such as publication, public use in the U.S. or sale in the U.S. if it occurs more than 1 year before a U.S. patent application is filed. A bar can likewise be created if a third party, either known or unknown to the inventor, engages in the same activity more than one year before a U.S. patent application is filed. What this necessarily means, and has long been interpreted to mean, is that a patent can be awarded so long as the invention has not been patented, published, on public use in the U.S. or on sale in the U.S. for more than 1 year. The current 102(b) provides a solid grace period that applies across the board, the proposed 102(b) does not.

Independent inventors and start-ups are rightly concerned about whether they will be able to enjoy a grace period relative to third party activities. They are rightly concerned to wonder whether the term “disclosure” in 102(b) would mean that the exception applied to their own public use or sale activities, which is anything but clear. Inventors and start-ups are also rightly concerned about whether they will be able to swear behind and prove prior inventorship relative to prior art not associated with an earlier filed patent application. In short, I see no reason why we cannot have a first inventor to file system that does away with Interference proceedings, awards patents to the first inventor who files a patent application, but which also preserves a 12 month grace period under current law.

Of course, if first to file as stated in 102(b) becomes the law of the land, it will encourage independent inventors to do exactly what they should do, which is file patent applications earlier in the process. I hear the most ridiculous strategies from independent inventors who almost universally don't understand the requirements to prove they were the first to invent, see “Much Ado About Nothing,” so a simpler system that they can understand will no doubt benefit them. Small businesses and start-ups should likewise file earlier in the process, and frankly that is why there is so much opposition to first to file.

Small businesses and start-up companies do need a grace period to try and figure out what to pursue, and the proposed grace period should keep much of the law in its place [but] will not be as widespread as currently enjoyed. While resources are always limited with start-ups, I think they incorrectly argue that there is an over-burdensome cost

in terms of both money and time associated with filing provisional patent applications to preliminarily protect rights. In fact, I have offered to demonstrate just how the preparation and filing of streamlined provisional patent applications can be accomplished to many of those making the argument that it is too costly and time consuming to prepare quality provisional patent applications. As yet I have had no takers. So if cost and time are such concerns, why aren't they willing to consider a better, faster, cheaper way?

I think Bryan Lord's call to reach out to your Senators is absolutely the right thing to do. Get involved and be heard!

MUCH ADO ABOUT NOTHING OVER FIRST TO FILE

(By Gene Quinn, President & Founder of IPWatchdog, Inc., Nov. 7, 2009)

Just about 24 hours ago I posted an article relating to my changing position with respect to first to file, and already there is something of a firestorm. I understand there are those who feel I have abandoned them and adopted a naive view of the world. But excuse me for recognizing the new tone and identifiable actions taking place at 600 Dulany Street. Yes, I have been an ardent supporter of first to invent for years, but I have been questioning my views for some time, as I speak with attorneys, inventors and others. Then several things recently caused me to realize the benefits of first to file for the independent inventor community, and then I heard USPTO Director David Kappos explain that in 2007 only 7 cases were decided in favor of an individual who invented first and filed second. Kappos explained, “we already have a de facto first to file system.” All this arguing for 7 cases? Cases where once the rule changes, behaviors will change to the point where some, perhaps most, or even all of those 7 cases will never happen again because everyone will know they need to file rather than wait. On top of that, it is inarguably good, correct, legally sound and business-appropriate advice to file sooner rather than later.

In a spirited comment chain associated with the aforementioned first to file article many supporters of first to invent are coming out in force, and they don't even realize they are making arguments that hardly support their position and in fact support the exact opposite position. I would like to address several here.

First, it seems that many believe it is not appropriate to file provisional patent applications because many of the applications that are filed are inadequate and insufficient. It has been brought up that an appropriate and good provisional patent application needs to be identical to a nonprovisional patent application, perhaps without having been spell-checked. Obviously this is a gross overstatement of the law, and not correct. It is true that a provisional patent application needs to be as complete as a nonprovisional patent application in terms of disclosure, but nothing more. There are no formalities that need to be met, and it is the substance that matters. Nonprovisional patent applications exalt form over substance in large part, but a good provisional patent application needs to focus on substance. Whatever someone of skill in the art would understand to be described and disclosed has been described and disclosed. So those who think they need to write a nonprovisional patent application and file it as a provisional are overstating, don't understand the law or have not developed a sophisticated strategy. But don't vilify those who do understand the law, busi-

ness realities and have developed fundamentally sound strategies.

Second, there seems to be a belief that first to invent can be relied upon while provisional patent applications are inappropriate to rely upon if an invention matters. But what exactly does this mean? If you rely on first to invent and are operating at all responsibly you are keeping an invention notebook that will meet evidentiary burdens if and when it is necessary to demonstrate conception prior to the conception of the party who was first to file. You are also keeping an invention record that will demonstrate diligence as well, but let's focus on the substance of what is in the notebook or record for a moment. Appropriate notebooks and/or invention records will be able to identify conception and when it occurs. Of course you never want to box yourself in when you present evidence to say a date certain was the date of conception, but you had better have an appropriate record for if and when it does matter, as it did in *Oka v. Youssefeyeh*, where the senior party and junior party both were able to prove the same date of conception. Ultimately the Federal Circuit said any ties go to the senior party, so it is not fanciful to identify an oddball fact pattern where actual dates matter. Here is a real case, and given the extremely limited number of interference proceedings even one case is a statistically relevant sample.

Now, if you are relying on first to invent and keeping the records that you should be keeping, your invention notebook or invention record will detail, describe, identify and date conception so that others skilled in the art will be able to look at the notebook/record and understand what you did, what you knew, and come to the believe that you did in fact appreciate what you had. If you have this, you have provable conception. If you have provable and identifiable conception, you also have a disclosure that informs and supports the invention. It is pure folly to suggest that a provisional patent application, albeit perhaps not as formally structured as a nonprovisional patent application, is a waste of time but also believe that the cryptic notes of an engineer or scientist are superior and even preferable. If the notebook provably demonstrates conception then it can be filed as a provisional patent application at least for the purpose of staking a claim to the conception that is detailed with enough specificity to later support an argument in a first to invent regime.

Finally, let me address the matter of what gets included in a typical invention notebook or invention record. It is almost unbelievable for me to hear patent attorneys state that they prefer the notes of inventors, scientists and engineers with respect to detailing and describing conception over a provisional patent application. Every patent attorney and patent agent knows the level of detail that is provided by inventors, even those who work for large corporations. The invention disclosures are as a rule laughably inadequate. One paragraph passes for a “complete” explanation of the invention. The truth is that patent attorneys are typically given very little from an inventor at the beginning of the process. In fact, inventors give such little information that at times the true inventor on the patent application that is actually filed should really be the patent attorney, not the inventor. That is obviously not always the case, but this is the big joke in the patent attorney community. Getting information from inventors is a little like herding cats. They are creative and they understand their invention, and

they seem to universally believe that cryptic information ought to suffice. Remember, the goal is not to explain the invention so that the inventor understands, the goal is to explain the invention so that those who are not the inventor understand.

It borders on the absurd to prefer cryptic invention notes and invention records over provisional patent applications that are drafted by an attorney or agent who understands the legal requirements for providing an enabling disclosure that also satisfies the written description requirement. It also strikes me as particularly odd to say that those with nothing more than an idea will not have any time to figure out the particulars required to describe their invention. Why exactly are we worried that those without an invention may be impacted by first to file? They are already negatively impacted under first to invent because they have not yet invented and have no conception.

Most are undoubtedly familiar with the 80-20 rule, which goes something like this—it takes 20% of the time to complete 80% of the project, and the remaining 20% of the project takes 80% of the time to complete. That is true certainly with respect to software, which is my area of expertise, and it is true for many other areas of invention. It also happens to be true for writing patent applications as well, at least if you think outside the box and adopt a business friendly approach to writing patent applications, mining inventions, and identifying open space that can be filed. I realize that somewhere between 70-80% of patent attorneys and patent agents start by writing the claims, and then write the specification. I do it the other way, and I can't for the life of me understand those who write claims first. It is not wrong, just a different approach, but not the way I think.

I write text and then translate into claim language, which I find much easier to do. By doing this, and starting with a thorough patent search, patentability assessment, some mapping, and working with the inventor to continually refine understanding of what is most unique compared with the prior art, I am able to identify the base target, describe it in English, layer on specifics that take the form of alternative embodiments and versions and ultimately create an extraordinarily detailed specification that will support a multitude of claims. To do this takes about 20% of the time. The remaining 80% of the time is spent explaining how hip bone 15 is connected to thigh bone 18, writing sets of claims, and going back to continue to expand upon the disclosure to continually mine new areas and expand scope. I do not support filing crappy provisional patent applications, and it doesn't mean that a provisional patent application cooperatively created between inventor and patent attorney is "easy to get around" or at all inferior compared to an invention notebook or invention record.

Stop looking at first to file as a curse. It is an opportunity for inventors, small businesses and start-ups that are willing to see opportunity rather than obstacles. Venture capitalists who are savvy and willing to explore new methods and models for protecting early-stage technologies will be handsomely rewarded. Savvy independent inventors, closely held businesses and businesses that are ordered to take direction from venture capitalists or lose funding will clean up, and clean up big. And for crying out loud, when only 7 cases out of nearly 500,000 applications a year change as a result of first to file versus first to invent, there is no way that first to file will cripple the economy or cost jobs.

Mr. KYL. I would urge my colleagues to fully participate in this debate, come to the floor with any questions or comments they have, and at the end of this process Chairman LEAHY will finally be rewarded with a bill that will bear his imprimatur and support, a bill that will be extraordinarily important to the future well-being of the people of the United States of America.

Mr. LEAHY. Mr. President, the Senator has been involved in this right from the beginning. We have worked at having a bill that would be in the best interests of the Senate under both Republicans and Democrats across the political spectrum. We have worked very closely together.

We run the risk of countries in Asia and Europe out-innovating the United States, and the patent systems in other countries are well ahead of us. If we want to compete, as I know the Senator from Arizona does, and I know I do, we want to have the best tools to compete. I believe Americans can compete with any country in the world, but they should at least have the tools to do it and be able to play—it becomes almost a cliché, but we have to play on a level playing field. This will allow us to do that.

I compliment the Senator from Arizona for the way he has worked in his constant efforts in the committee, the public meetings, but that is the tip of the iceberg; it is the hundreds of hours of behind-the-scenes working to reach where we are. So I hope sometime in the next few minutes or so we can at least vote on the managers' package and then get going with the bill, because this is something that can be voted on, can be passed. We have been working, as the Senator from Arizona knows, very closely with our counterparts in the other body. I know Chairman SMITH would like to move quickly. We could have a bill on the President's desk in a relatively short time.

I thank the Senator for his kind words.

Mr. KYL. I thank the chairman of the committee.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 112

Mr. VITTER. Madam President, I ask for regular order on the Vitter amendment.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

Mr. LEAHY. Madam President, I thought the amendment pending is the managers' amendment.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has just called for the regular order with respect to his amendment.

AMENDMENT NO. 112, AS MODIFIED

Mr. VITTER. Madam President, I now send a modification to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ . FULL FAITH AND CREDIT ACT.

(a) SHORT TITLE.—This section may be cited as the "Full Faith and Credit Act".

(b) PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY THE PUBLIC.—In the event that the debt of the United States Government, as defined in section 3101 of title 31, United States Code, reaches the statutory limit, the authority of the Department of the Treasury provided in section 3123 of title 31, United States Code, to pay with legal tender the principal and interest on debt held by the public shall take priority over all other obligations incurred by the Government of the United States.

(c) PRIORITIZE PAYMENT OF SOCIAL SECURITY BENEFITS.—Notwithstanding subsection (b), in the event that the debt of the United States Government, as so defined, reaches the statutory limit, the authority described in subsection (b) and the authority of the Commissioner of Social Security to pay monthly old-age, survivors', and disability insurance benefits under title II of the Social Security Act shall be given equal priority over all other obligations incurred by the Government of the United States.

Mr. VITTER. Madam President, I will be happy to explain the context to the chairman of the committee.

This modification simply merges what was previously a separate Toomey amendment and a separate Vitter amendment. We had hoped to have votes on those as a first-degree and second-degree amendment. That wasn't possible, so this is a merged amendment. Let me explain what this amendment does.

The basis of this amendment is Senator TOOMEY's Full Faith and Credit Act. It is very important. It simply says if we ever as a country reach our debt ceiling, then even if we go beyond the debt ceiling, we will use all the tools available to the Treasury Secretary to continue for as long as possible to pay to make good on U.S. debt, we are not going to immediately default on U.S. debt.

There have been a lot of scare tactics, in my opinion, suggesting that if we ever reach that day of bumping up against our statutory debt ceiling, the very next day, the very next hour, the United States would default on its debt—not make good on our obligations of the U.S. Treasury. That isn't true. It doesn't have to be true. This important reform will ensure that it is not true. We get far more revenue into the U.S. Treasury than has to be spent simply to service the debt. So the underlying Toomey bill, which is the heart of this amendment, says we will make good on those obligations. They will be the top priority.

The original Vitter amendment, which is now merged together with the Toomey amendment, says the exact same thing with regard to Social Security payments. I am sure we would all agree that seniors on fixed incomes depend on their Social Security checks. So the Vitter part of this now merged Toomey-Vitter amendment says we

will honor Social Security payments in the same status as debt payments and we will use Federal revenues first for those purposes before we do anything else. What that means is, if we ever do bump up on the debt ceiling, we would not stop Social Security checks the next day. We would not stop Social Security checks the next month. We could have many weeks—probably a few months—honoring all of those commitments in the areas of Social Security and debt on U.S. Treasury notes.

So that is the purpose of this now merged Toomey-Vitter amendment. We are not suggesting that it is necessarily a good idea to bump up the debt ceiling. We are saying, Let's all take a deep breath, let's not use scare tactics, let's not use hysteria, and let's plan ahead.

What we hope will be the outcome is that we will not only deal with the debt ceiling in a responsible way, but before that, we will also deal with our underlying fiscal crisis in a responsible way. We will make real and serious budget reforms to get on a fiscally sustainable path which we are clearly not on right now.

This morning Senator TOOMEY and I were in the Banking Committee hearing where Chairman Ben Bernanke of the Federal Reserve testified. Chairman Bernanke said again, as he has numerous times over the last year and more, that the fiscal path we are on as a Federal Government is completely unsustainable. He also said that is the single biggest long-term threat to our economy, and he also said while it is a long-term problem, it could manifest itself in serious negative consequences in the short term. So this could rattle our economy and even begin to create an economic crisis—who knows when—possibly in the short term.

So the clock is ticking and we need serious budget reform, and this combined Toomey-Vitter amendment would take the hysteria out of the discussion and hopefully urge us to take concrete action on that serious budget reform before it is too late.

With that, I wish to yield to my distinguished colleague from Pennsylvania.

Mr. LEAHY. Madam President, before he does that, would the Senator yield for a question?

Mr. VITTER. Yes.

Mr. LEAHY. The Senator from Louisiana has been talking about amendment No. 112. Does that mean you are withdrawing 113?

Mr. VITTER. Yes. We will be seeking a single vote on the amendment, as modified.

Mr. LEAHY. So am I correct that amendment No. 113 is withdrawn?

The ACTING PRESIDENT pro tempore. It is not withdrawn at this time.

Mr. VITTER. First of all, as I understand it, it has been modified, so it has become—

Mr. LEAHY. You modified No. 112. I didn't know what you wanted to do with amendment No. 113.

Mr. VITTER. If I could yield to my colleague from Pennsylvania, I think he can help answer the question. But to clarify from my point of view, we are seeking a vote—a single vote, which I think we are very close to locking in—on the new modified amendment, which is a combination of the separate Vitter and Toomey amendments.

Mr. TOOMEY. Madam President, I thank my colleague for yielding. I would say that as soon as we can work out the specifics with the staff, that is exactly the intention that Senator VITTER and I came to. So a single vote on the merger of two amendments.

I would take a moment to thank Senator VITTER for his help. Senator VITTER was kind enough to offer the text of my legislation as an amendment to the patent reform bill. What he is adding is suggesting that the legislation should require the Treasury to prioritize not only the debt service so we can avoid under all circumstances a default by the U.S. Government, but also making sure Social Security payments get the priority they deserve.

The fact is, in the unlikely—and I would say certainly unfortunate—event that we were to reach the debt limit without having raised it, the Federal Government would still take in more than enough revenue to pay all of the interest service on the debt and all Social Security benefits. It is entirely manageable from an operational and functional point of view. Total revenue to the government from taxes alone is on the order of 70 percent of all expected expenditures. Debt service is only about 6 percent.

I appreciate the help of the Senator from Louisiana. By combining this, what we do—if we can pass this legislation, which I hope we will—is take off the table the specter of a default. We can take off the table the specter of any senior citizen not getting their Social Security payment. What we can then do is have an honest discussion about how are we going to reform a process that has gotten us into this fix—gotten us to the point where we are running a deficit of 10 percent of GDP, where our total debt is screaming toward totally unsustainable levels.

I can tell my colleagues, the folks in Pennsylvania know very well we cannot continue living beyond our means as this government has been. I see this as a very constructive, important opportunity to begin to have this discussion about how we are going to get this process under control.

I appreciate the help from Senator VITTER, and I yield.

Mr. VITTER. Madam President, I thank my distinguished colleague. Again, this amendment, as modified, simply says that if we were ever to reach the statutory debt limit for the

Federal Government, then revenue coming in would go first to service two things: Social Security checks and interest on the Federal debt. So that would not be put in jeopardy for months down the line.

The purpose of this amendment is to try to take, quite frankly, some of the scare tactics and some of the hysteria out of the debate and to urge us to act. None of us wants to bump up on the debt ceiling. None of us is advocating that. What we are advocating is to take action now, real serious budget reform, to put us on a more fiscally sustainable path. We need to do that now. That is why we came to the floor with these concerns on the patent bill. We need to do that now. We need to act now. We need to get on a fiscally sustainable path now. The clock is ticking, as Chairman Bernanke reminded us before the Banking Committee this morning.

With that, I look forward to locking in a vote on this matter, and in the consent that establishes that, we will be happy to withdraw the other amendment and simply have one vote on the now combined Toomey-Vitter amendment.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Madam President, I wish to thank the chairman of the committee for his work on this patent bill. I still have a few small problems with it, but I am extremely grateful for his consideration of our amendment. Most people don't understand there are no tax dollars taken from the general fund for the Patent Office. It is all fees paid when you file a patent or a trademark or a copyright. Unfortunately, over the last 10, 15 years, \$800 million of those fees have not been left at the Patent Office. They have been taken and used somewhere else. So when you pay a fee for a patent, that money isn't going to pay for the examination of the patent.

Right now, we find ourselves with 718,000 patents waiting for first action. If I file a patent today, what we will see is that 26 months from now my patent will have first action—the first reading by an examiner.

If we want to create jobs and stay on top of the world in terms of innovation, we cannot allow that process to continue. So what the amendment does is say we are not going to take the money people use to pay for a patent application and spend it somewhere else; we are actually going to spend it on patent applications. That is what it was set up for.

Quite frankly, it is immoral to take money for a specific purpose for advantaging an American company or inventor or a university and not apply that money for the intended purpose under the statute. Although this is controversial, most Americans would think, if you are paying \$10 on a toll road, the money is going to keep the toll road up. Yet we haven't been doing that with the Patent Office.

We are in trouble not because of our Patent Office but because we have not enforced intellectual property rights owned by Americans around the world. So as we work on getting a patent bill and blending it with whatever the House passes, it is as important—again, I thank the chairman because he was kind enough to have a hearing on the intellectual property for us, in terms of its enforcement.

There are two key points for American innovation to bring jobs to America. One is when you get a good idea and have an ability to get it patented and can defend the patent. The other side of that is to enforce that patent throughout the world with our own Justice Department, in terms of our State Department and in terms of the intellectual property rights.

It is amazing how much of our intellectual property is being stolen by China today. I wish to relate a conversation I had with their Secretary of Commerce—their equivalent to ours—in China 3 years ago. I asked him about intellectual property rights. He was bold in his statement to say: We are not going to honor them. We are a developing nation and you would not have honored them either—even though they are a signatory to the World Trade Organization. It is important we understand whom we are dealing with—people who will cheat and steal intellectual property from America. Fixing the patent apparatus will help us get there, but it is just as important to have tough laws on our books that create sanctions on nations that do not honor intellectual property.

Again, this is a simple, straightforward, moral response to an immoral act: collecting fees for something and not spending it on that, which has put us behind the curve. This will bring us back. We have a wonderful new Director, over the last 18 months, in the Patent Office. It is being run better than ever. They are catching up. But last year we took \$53 million of the fees that were for patents and spent it elsewhere. What this amendment does is stop that.

It may come to a time in this bill that we allow the Patent Office to set their fees. It will come to a time when we have to say: Wait a minute. You are charging too much. You have to be more efficient.

We don't do anything with oversight. We still have the oversight capability

of all the Appropriations Committees. We have the ability to change this in the future in terms of their fee setting. If we do the proper oversight, we will spring forward with tremendous new technology that is protected and enable that capital expenditure that was spent to get that technology to flourish in terms of American jobs.

Again, I thank the chairman. He worked with me judiciously. It has been a pleasure to work with him. I thank him for his efforts on my behalf and that of the American inventors in this country.

Mr. LEAHY. Madam President, the Senator raised some questions with me, both in committee and out of the committee, with respect to each other's positions. I appreciate his work in the committee to expedite getting the bill out of the committee. Like him, I believe it is extraordinarily important to level the playing to allow American innovators to compete in the world and within our country. I compliment the Senator and, as he knows, I have included his proposal in the managers' amendment because I thought it was a good proposal.

Madam President, I ask unanimous consent that the time until 5 p.m. be for debate on the Leahy-Grassley amendment No. 121, as modified, which I believe is pending, and the Vitter for Toomey amendment No. 112, as modified, en bloc, and divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the Leahy-Grassley amendment No. 121, as modified; that upon disposition of the Leahy-Grassley amendment, the Senate vote in relation to the Vitter for Toomey amendment No. 112, as modified; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; and that there be no amendments in order to any of the amendments listed in this agreement prior to the vote; further, that the Vitter amendment No. 113, as modified, be withdrawn.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I would like to express my strong sup-

port for Senator COBURN's proposal to end Patent and Trademark Office fee diversion. It is a commonsense, entrepreneur friendly solution to many of the problems plaguing the Patent and Trademark Office.

Over the years, we have heard numerous complaints from constituents about the long time it takes the Patent and Trademark Office to review patent applications and render a final disposition. It is my understanding that in most cases, it takes almost 3 years for the Patent and Trademark Office to make a final decision on an application which can be costly to the applicant.

We have also heard from Patent and Trademark Office officials about the difficulties that have arisen because of their lack of control over the agency's funding model. There are 1.2 million patent applications currently pending at the Patent and Trademark Office but not enough resources to tackle the workload. The patent application backlog situation, while improving, is still a significant problem.

Senator COBURN's proposal strikes at the heart of both of these concerns by creating a revolving fund at the Treasury Department where patent and trademark fees that are paid to the Patent and Trademark Office are directly allocated back to the office. That way those funds can be utilized in a fashion most beneficial to inventors, small businesses, and academic institutions.

At his confirmation hearing in 2009, Patent and Trademark Office Director David Kappos told the Judiciary Committee that one of the most immediate challenges facing the office was "the need for a stable and sustainable funding model." The financial crisis affecting the Patent and Trademark Office is a direct result of its current funding structure. The Patent and Trademark Office receives no taxpayer funds—it is solely funded by patent and trademark user fees. Yet, those fees are not deposited within the Patent and Trademark Office. They are instead diverted to the Treasury Department, forcing the Patent and Trademark Office to ask for funds generated by their own office to be appropriated back to them.

The Patent and Trademark Office often requests lower than the amount generated by patent and trademark fees, which results in any extra fees being diverted by Congress to address "general revenue purposes." In fact, since 1992, Congress has diverted more than \$750 million from the Patent and Trademark Office.

For example, as recent as 2007, 12 million user-fee generated dollars were diverted from the Patent and Trademark Office for "other purposes." With 1.2 million patent applications pending—735,000 of which are simply waiting for a patent examiner to take a first action—it is clear that the Patent and Trademark Office is in dire need of

those funds. I believe those fees belong to the Patent and Trademark Office and are needed by their offices to make the patent and trademark process more accessible and efficient for America's innovators.

By ending fee diversion and allowing the Patent and Trademark Office to structure its own funding model, resources would be directly allocated to areas of most concern for both the Patent and Trademark Office and American innovators. The Coburn proposal does both, and ensures that the ever expanding backlog of unexamined patent applications and the timeframe for actual examination would be addressed in an efficient manner. It is time for Congress to take action and allow the Patent and Trademark Office to control the user fees that we think they deserve so they can effectively serve our Nation's inventors and small businesses.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that the quorum call be equally charged to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEMBERS' PAY

Mrs. BOXER. Madam President, I think the managers are aware that I am going to make a unanimous consent request shortly on a bill that deals with Members' pay in the event of a government shutdown. I have been told we are waiting to see—there is apparently one objection on the Republican side. If we can clear it, then this will be passed. If not, then I will be back later to make the same request.

I say to my friend from Vermont and my friend from Iowa that I support the managers' package. It is terrific. One of the things in there is a Coburn-Boxer amendment that would keep the patent fees in the Patent Office. I am so glad the chairman sees it that way because we have such a tremendous backlog.

I will be happy to yield to my friend.

Mr. LEAHY. Madam President, I wish to ask a question about the proposal that the Senator from California will make on pay, which is fine with me. Can we not have an alternative in the bill that we give the money to charity so somebody would actually see it? This would be one one-hundred thousandth of 1 percent, according to the Treasury. The last time we had a shutdown, I just voluntarily gave \$4,000, \$5,000 to charity. Would it not make a lot more sense, and actually people might get some benefit from it, especially places such as homeless shelters? They are going to be hurt by a government shutdown. Why not do something where they would get the money directly?

Mrs. BOXER. That is a good idea. The reason I have done it this way is because I am trying to say that we in the Senate and in the House have an obligation to keep the government running, and we should be treated just like other Federal employees. That is the simplicity of this legislation. We cannot force a Member to give money to charity.

Mr. LEAHY. We could, actually, by saying either return it to the Treasury or give an equal amount to charity and file with the Secretary of the Senate to which charity they gave it.

Mrs. BOXER. Again, that is treating us differently than other Federal employees. That would be a tax writeoff.

Mr. LEAHY. Not if one gives the full amount.

Mrs. BOXER. It is a tax writeoff to give to charity. All I am saying is that is certainly another option if my friend wanted to change it.

I just think it is simple. We just want to be treated the same as other Federal employees, and that is how I have structured it.

I spoke about this issue this morning. I wrote this bill with the support of CASEY, MANCHIN, TESTER, NELSON of Nebraska, BENNET, WARNER, WYDEN, COONS, HARKIN, HAGAN, MENENDEZ, STABENOW, MERKLEY, and ROCKEFELLER. There is a growing consensus that we want to avoid a shutdown at any cost. I am hoping we will avoid it. There could come a moment where it is forced upon us. There are lots of stories—who will get the blame for this, that, and the other. To me, that is not important. What is important to me is that we sacrifice—we in the Senate and in the House as well.

I am hopeful that if we get this done and send this over to Speaker BOEHNER that he will get it through his body over there, and we can get this done and send it to the President. It impacts the President too. We say the President cannot get paid either because the deal is we have to work with the President to come up with a compromise.

Senator LEAHY has a good suggestion. Some people might like that op-

tion better. I believe this should be kept very simple; that in the case of a government shutdown we are treated the same way as other Federal employees. The reason we have to do this is Members of Congress and the President are paid by separate statute rather than by the annual appropriations process. We have to pass a separate statute on this issue. It is a very simple bill.

Again, I hope we never have to come to this, where we have any type of a shutdown. Maybe this bill will make some colleagues who believe they will be protected from sacrifice realize it is painful. It is painful for a lot of people. Certainly, it would be painful if somebody on Social Security or disability cannot get their payment. It is painful if veterans who are on disability do not get their check. It is certainly painful if a citizen is planning a trip and cannot get a passport. It is painful if Superfund sites cannot be cleaned up. It is painful if there is, God forbid, an oil well explosion because we did not have people there to inspect the oil well.

For our business people who are government contractors it is painful if they do not get paid. Export licenses must be granted, and our troops should be paid. So there is no reason why we should shut down this government, and I am very hopeful we will have unanimous consent to do it.

I have a parliamentary inquiry to ask the Chair: Is it true that we no longer have secret objections here; that a person has to identify themselves if they are objecting?

The ACTING PRESIDENT pro tempore. There are provisions that address people objecting to unanimous consent requests.

Mrs. BOXER. So would I be correct if I said that if someone objects, we would know who that individual is so we can speak with that individual? You said there are provisions. Could you be more specific about that?

The ACTING PRESIDENT pro tempore. If the Senator will hold for a minute.

Mrs. BOXER. Certainly.

The ACTING PRESIDENT pro tempore. We will get the provision and read it to you.

Mr. LEAHY. While the Senator is waiting for that, if I might ask the Senator a question.

Article 2 of the Constitution says:

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall be elected.

Would the Senator's amendment be constitutional under that provision? And remember that we voted to increase the pay of the President when President Clinton—if I could have the attention of the Senator—

Mrs. BOXER. I know this issue, yes.

Mr. LEAHY. Between the time when President Clinton was in office, but it did not take effect until President George W. Bush came in and it doubled the salary for President Bush but not President Clinton. How do you, by statute, change, even for a matter of days, a Presidential salary? Doesn't it violate article 2 of the Constitution?

Mrs. BOXER. We did check this with legal counsel, and they told us that the legislation, as drafted, does not increase or diminish the annual salary of the President. It withholds pay during a shutdown or failure to raise the debt ceiling.

There are definitely standing questions, and we are told that only the President would be able to challenge this legislation in a court of law.

Mr. LEAHY. But you are saying that even though it goes directly against the Constitution, which says his compensation shall neither be increased nor diminished during the period for which he shall be elected, that unless he objected—well, by the same token, why couldn't we raise the pay of a President unless he objected?

Mrs. BOXER. Well, I will repeat what I said. This legislation—

Mr. LEAHY. It seems to be a total violation of the Constitution.

Mrs. BOXER. This legislation, as drafted, does not increase or decrease the salary. If you withhold it, and if the President felt that was a violation, he himself would have to challenge it.

Mr. LEAHY. But we have some responsibility in this body to actually pass laws that are constitutional. It would, if there were a shutdown, and if upon a per-diem basis his salary was decreased, why isn't that de facto a violation of the Constitution?

Mrs. BOXER. Because we are not changing—diminishing—his salary.

Mr. LEAHY. Of course you are.

Mrs. BOXER. It is only in the case of an extraordinary event—a government shutdown.

Mr. LEAHY. The Constitution doesn't say anything about an extraordinary event.

Mrs. BOXER. The Senator may oppose it.

Mr. LEAHY. That is not my question.

Mrs. BOXER. I will repeat. We don't diminish, we withhold it during a period of a government shutdown or a failure to raise the debt ceiling. There is a reason we do it. It is very rare we have a government shutdown, but, in my view, and in the view of the cosponsors, this is a major function of our body and of the President—to avert a government shutdown. We don't think it is fair to treat some people differently than others. If other Federal employees are going to get their pay cut and your Social Security recipients don't get their checks, we think the Congress and the President ought to have a bite taken out of their pay as well.

Mr. LEAHY. I don't disagree with anything the Senator is saying, but how do you get—it would be like reducing a judge's salary. The Constitution specifically prohibits that. You say it is not reducing, but of course it is. If you say we are shut down 5 days, take whatever percentage 5 days of the President's annual salary is, you withhold it—you are not going to give it back when the government comes back into service—you have decreased his salary.

I am not suggesting not doing it for the Congress, but I don't see how—I am not sure what kind of example we set if we pass a piece of legislation which on the face of it violates the Constitution. I am not talking about Members of Congress. As I said, the last time we had a shutdown I took whatever was my amount and added it to the thousands and thousands of dollars I give every year to charity. I added it to that. But in this case, you go against article 2 by decreasing the President's salary.

Mrs. BOXER. No, we do not.

Mr. LEAHY. Of course you do.

Mrs. BOXER. We are not changing a penny of the President's pay. What we are saying is, in the event of a government shutdown, he will be treated the same way other Federal employees are treated and be treated in the same way we are treated. He can determine if he wants to challenge this in a court of law.

We hope we don't ever face this. So we are not in any way changing his salary. We hope never to have to use this.

Mr. LEAHY. So is the Senator saying we set the right example by passing a bill which, on the face of it, violates the Constitution, but it is okay unless somebody challenges it?

Mrs. BOXER. No, I am not. I will reiterate again what I said, which is this: We do not increase or decrease the President's pay.

Mr. LEAHY. You just cut it for those days.

Mrs. BOXER. Can I finish? I let you talk. Now I think I have a turn. I don't have a legal degree, my friend has. It is common sense. It seems to me it is a question of fairness. Those of us who are responsible for keeping this government open—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. Then I will finish this thought.

We are responsible to keep this government open. If we fail to do that, we ought to be punished.

I am going to make a unanimous consent request at this time, and I understand there is an objection.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I have just been told a Republican colleague objects to this. I don't understand why. I don't think it is a constitutional objection. I don't know the reason.

The ACTING PRESIDENT pro tempore. The Senator is out of time.

Mrs. BOXER. Madam President, I ask unanimous consent to make my request.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. On behalf of Senator COBURN, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. BOXER. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator does not have enough time under her control to suggest the absence of a quorum.

The Senator from Louisiana.

Mr. VITTER. Madam President, I rise in strong support of the Toomey-Vitter amendment, which we will vote on in the series of two votes starting at 5 p.m. The idea behind the Toomey-Vitter amendment is very simple. It says if we ever reach the debt ceiling, the government, as a top first priority, will use revenue to pay two things: first, proper interest payments on our U.S. Government debt; and secondly, Social Security checks to seniors.

The motivation behind this amendment is simple. First, those two things should be legitimately a top priority. No one should want the U.S. Government to default on its debt and no one should want the immediate stoppage, or the stoppage at any time, of Social Security checks to seniors. So first, it is legitimate to rank those two functions as an absolute top priority.

The second motivation behind this amendment is to take some of these scare tactics and hysteria out of this debate. Too many people, in my opinion, have been saying if we ever reach the debt ceiling, the next day all Social Security checks will stop and all payments will stop on U.S. Treasury bills—on government debt. That is not true. There is no reason it has to be true. This amendment, when passed into law, will ensure it is not true. It will ensure we look at this situation with focus and calmness and not hysteria and scare tactics.

The goal, I am certain—and I know it is for Senator TOOMEY, my distinguished colleague from Pennsylvania—is not that we not default on our debt and not that we reach the debt ceiling, but it is that we take strong, responsible action well ahead of any threatened event to put us on a fiscally sustainable path.

Just this morning, both Senator TOOMEY and I were in a hearing of the

Senate Banking Committee and the witness—the only witness—was Ben Bernanke, Chairman of the Board of Governors of the Federal Reserve. He said very clearly several things directly pertinent to this discussion. First, he said we are on a fiscally unsustainable path. Our budget situation is absolutely unsustainable. Second, he said that is the biggest long-term threat to our economy—the biggest threat. Third, he said that although it is a long-term problem, it could create a short-term crisis. It could create a crisis that could hit immediately, at any time. So we need to act and we need to act strongly.

Madam President, I yield time to the distinguished Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I want say I object to the Vitter-Toomey bill. I am not going to pay China before I pay people.

The ACTING PRESIDENT pro tempore. The Senator has no time. The Senator's time has expired.

Mrs. BOXER. I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. I ask unanimous consent to speak to make a unanimous consent request.

Mr. VITTER. Madam President, I think I control the floor and I yield to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. Is there objection to the Senator's request for unanimous consent to make a unanimous consent request?

Mr. VITTER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. BOXER. I want an answer, please, to my question: Can people object to a unanimous consent request without saying who they are, No. 1? And No. 2, what is the parliamentary procedure here?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana objected to the unanimous consent request on behalf of the Senator from Oklahoma, Senator COBURN. The Senator from Louisiana objected to the extension of the unanimous consent request for additional time on his own behalf.

Mrs. BOXER. So it is the Senator from Oklahoma, Senator COBURN, who objects to the bill we have that would say we don't get paid in the case of a shutdown; is that correct? Senator COBURN is objecting to that?

The ACTING PRESIDENT pro tempore. That is the Chair's understanding.

All time remaining is under control of the minority.

Mrs. BOXER. Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I wish to thank Senator VITTER for yielding his time and for his help on this effort. I want to be very clear. First, I am not aware of anybody in this body or anybody I know who wants to see a government shutdown. I am not aware of anybody who wants to see the disruption that would result from failing to raise the debt ceiling at the appropriate time. But I also feel strongly it is critical we take this opportunity to begin to address the structural problems we have.

The fact is we have a burden of debt right now that is costing us jobs in this country today. The uncertainty it creates, the cost of financing this, the question of whether and for how long we can roll this over, the extent to which inflation becomes a problem, all of these risk factors are already weighing on our economy and our ability to create jobs now. For the future, it is an even bigger risk.

Senator VITTER and I have taken this step so we can have an honest discussion about how we are going to bring this spending under control and the process reforms we are going to make so we can hopefully get off this unsustainable path and get on a sustainable trajectory for the economic growth we need. That is ultimately what this measure is all about. It simply says that in the event we reach the debt limit without having raised it first—and let's face it, we have been there before. This has happened in the past. In the last 20 years, it has happened on several occasions. So it is entirely possible that, despite the best efforts of those of us who want to avoid it, it could happen again.

If it were to happen again, we want to make sure that we have no default on our debt, that interest is paid, and that Social Security checks go to the recipients as they should. There will be plenty of resources from ongoing tax revenue to make sure that happens, and anything less would be very irresponsible.

I urge my colleagues to vote in favor of this amendment.

DAMAGES LANGUAGE

Mrs. FEINSTEIN. Madam President, I commend the chairman of the Judiciary Committee for his hard work in putting together this managers' amendment and building consensus for this bill. Part of the managers' amendment strikes most of section 4 of the bill, relating to damages. As the chairman knows, I worked very hard on the "gatekeeper" damages language in this section of the bill. That language represented a compromise between high-technology companies, many located in my State of California, which believed that the law relating to patent damages needed reform, and other interests, including universities, biotech,

pharmaceutical companies, and small inventors, who were greatly concerned that the preferred solution of the high-technology companies, namely apportionment of damages, would be destructive to the value of patents. However, since then, the courts have further developed the law relating to damages, so I understand that the chairman proposes to now strike the gatekeeper damages language from the bill.

Mr. LEAHY. Yes, the Senator is correct. I thank her for her hard work in putting together the gatekeeper damages language with Senator Specter and myself in committee last Congress. It was instrumental in helping to move this bill forward. However, as the Senator from California recognizes, the courts have advanced the law regarding damages since then. For example, in *Uniloc USA, Inc. v. Microsoft Corp.*, decided just this year, the Federal Circuit held that expert testimony regarding a "rule of thumb" for allocating profits between a patent user and a patent owner did not meet the Daubert test for expert testimony, and was inadmissible. And in *Lucent Technologies Corp. v. Gateway, Inc.*, the Federal Circuit found that no rational jury could have concluded a "tiny feature of one part of a much larger software program with numerous features . . . appear[ing] to account for the overwhelming majority of consumer demand" was worth an 8% royalty." This represented a new, greater level of review for jury damages assessment. In light of cases like these, it no longer appears necessary for this bill to contain language regarding the assessment of damages.

Mrs. FEINSTEIN. Yes, many businesses in my State agree. I also believe that if the bill remains silent on damages, as the managers' amendment would do, that no harm will be done to the value of patents, which is so important for encouraging innovation. Is it the chairman's intention, in future discussions with the House of Representatives, to continue to have the bill remain silent on damages?

Mr. LEAHY. Yes, it is. The courts have been making good progress in developing the law in this area, and I do not believe patent reform legislation should interfere with this progress. Should the House propose or pass some language on damages, I will certainly consult with the Senator from California to obtain her views on that language.

Mrs. FEINSTEIN. I thank the chairman, very much, for his consideration.

The PRESIDING OFFICER (Mr. CASEY). All time has expired.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the Leahy-Grassley-Kyl, et al., managers' amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—97

Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hatch	Portman
Blumenthal	Hoeben	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kerry	Schumer
Carper	Kirk	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Snowe
Coats	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Toomey
Conrad	Lee	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lugar	Warner
Crapo	Manchin	Webb
DeMint	McCain	Whitehouse
Durbin	McCaskill	Wicker
Ensign	McConnell	Wyden
Enzi	Menendez	
Feinstein	Merkley	

NAYS—2

Mikulski

Shelby

NOT VOTING—1

Akaka

The amendment (No. 121) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent for 1 minute equally divided for each side to explain this next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the next amendment is Vitter amendment No. 112, which potentially says the United States must pay its interest debt and Social Security benefits before it makes any other government obligations. I think that is a bad idea. That would bring economic chaos to our country. If we default, we default.

Just because the bondholders in China would get priority over our troops overseas or get priority over tax refunds does not mean we are not in default. Besides, it is bad policy anyway. This amendment would bring chaos. If we were ever to get to the point of

being unable to raise our debt, it would bring chaos to pay the Chinese bondholders first before we pay anybody else. That is the wrong thing to do.

I do not think we want to get into a situation where we are going to tell the American people they are second to foreign investors. I strongly urge that this amendment be defeated. At the appropriate time I will move to table the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, if I can take the minute to rebut my colleague, first of all, it is true it would be very disruptive and there would be some chaos if we had a shutdown or if we eventually failed to raise the debt limit. This amendment, of course, does not cause that. This amendment, in fact, is designed precisely to prevent the kind of chaos that might otherwise ensue by simply ensuring that under no circumstances whatsoever would the United States Government default on its debt.

I think we all agree that the last thing we should ever tolerate would be a situation in which the United States Government would default on our debt. The chaos that would result from that would be devastating. So this is an amendment that says, in the event the debt limit is not raised when we reach it—and, by the way, we have been there before, so it is not inconceivable—that we would make sure we, under no circumstances, would default on the debt.

Because Senator VITTER offered a modification to this amendment, essentially the merger of these amendments ensures that Social Security payments would also go out. By the way, there is more than sufficient revenue from ongoing taxes to ensure that could be done. So in the interests of avoiding the chaos of an actual default, I think this absolutely should occur.

By the way, I think it is also important to note that a majority of all of the debt issued by this government is held by Americans. They are held by senior citizens who live in Allentown, PA, and who have saved their whole life and invested that savings in U.S. Treasury securities.

I think it is very important that we send the message to them that even if we are not able to get our work done and raise the debt limit, as I hope we will at the appropriate time, we certainly would not default on the debt they hold.

I yield the floor.

VOTE ON AMENDMENT NO. 112

Mr. BAUCUS. Mr. President, I move to table the Vitter-Toomey amendment No. 112, as modified, and ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

The PRESIDING OFFICER. Are there any other senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—52

Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	
Hagan	Nelson (NE)	

NAYS—47

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Brown (MA)	Hoeben	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	
DeMint	McCaIn	

NOT VOTING—1

Akaka

The motion was agreed to.

Mr. LEAHY. I want to thank all Senators for supporting adoption of the Leahy-Grassley-Kyl managers' amendment. This consensus amendment is a compromise that resolves a number of the key outstanding issues in the bill, including fee diversion, business method patents, damages and venue. I want to take a moment to discuss the importance of these provisions.

First, the provisions in this managers' amendment that end fee diversion from the PTO are supported by all corners of the patent community. Today, users fund 100 percent of the PTO's operations. The PTO does not take a dime of taxpayer money. For all of the improvements that this legislation makes to our patent system, the Patent Office will always be hindered if it cannot retain the funds it generates to more adequately plan for its future. Today, as we ask our Patent Office to unleash the best in innovation from our businesses, our Patent Office does not have the funding to do the same for itself. Ending fee diversion will better equip the patent office with the resources to tackle the complexities of the 21st century.

Second, the managers' amendment creates a temporary proceeding at the Patent Office to reexamine certain business method patents. I appreciate the work that Senator SCHUMER has done on this issue, and the provisions included in the managers' amendment represents a middle-ground that bridges a divide on this issue between the financial and tech communities that reside in all of our States.

Third, the managers' amendment strikes provisions on damages and venue. Removing these provisions addresses recent concerns voiced by certain Members of the House, and raised by the high-tech community.

Finally, this managers' amendment wraps in Senator BENNET's previously offered amendment to provide a 50-percent reduction in fees for small business accelerated patent applications at the PTO, as well as some technical amendments. This break for small businesses, which drive innovation and create jobs, will better enable them to compete with the demands of the 21st century.

As we return to the America Invents Act, I encourage any Senator who has a germane amendment to come and debate it now. This is bipartisan legislation that our economy desperately needs. It will allow the PTO to function, and our inventors and innovators to flourish. If any other Senators have amendments, this is the time. We need to move on to other pressing matters as soon as we complete work on this bill.

Mr. BENNET. Mr. President, I would like to speak briefly on my amendment to strike the damages and venue provisions from this legislation. I thank the chairman and committee for working with my office on this important amendment and incorporating it into the managers' amendment.

I know the committee has been working tirelessly to address concerns with this bill, and I applaud their efforts for trying to build consensus.

As I discussed yesterday, I believe a well-functioning patent system is critical for our economic growth. The reforms in this legislation will promote innovation and create jobs.

In my State alone, nearly 20,000 patent applications have been granted between the years 2000 and 2009. These applications have created the foundation for our clean energy economy and emerging tech and bio industries.

Small inventors start new Colorado companies, and more established companies are able to expand their operations in a very competitive, knowledge-based economy.

An efficient and high-quality U.S. Patent and Trademark Office is essential to maintaining American leadership in innovation. The improvements to the patent system in this bill will help us grow new industries and will help cure the backlog and delay that

has stunted the ability of inventors to patent their ideas.

Right now, the average pendency period for a patent application is 36 months. That is unacceptable if we are to compete with the rest of the world. This doesn't even account for those patents that have been tied up in years of litigation after they are granted.

This is why we need to ensure that patent owners have certainty. Consistency, uniformity, and fairness are essential to innovation.

Prolonged litigation and legal uncertainty only serve to stifle the incentive to innovate. We need clarity and efficient review by the courts to make sure we don't have a system where patents are tied up for years. Likewise, we also need to make sure there is a fair outcome where there is an infringement. Those whose rights are infringed have every right to take their case to court and receive the appropriate damages.

This is why I introduced my amendment on damages and venue. We need more certainty for patent owners, and I think portions of the bill may not do enough in this regard, in the face of litigation. In fact, the venue and damages portions of the bill may actually generate more uncertainty, not less.

The Federal Circuit Court of Appeals has made significant progress on damages and venue issues. The courts are moving in the right direction, and I believe it is wiser to allow this process to run its course than to add a new layer of laws that could only serve to confuse patent litigants. So in my view, congressional intervention on damages and venue is not needed at this time.

I would like to close by again thanking the chairman for his leadership and willingness to take into account the views of others on these important issues.

The PRESIDING OFFICER. The Senator from California is recognized.

PROHIBITING MEMBERS OF CONGRESS AND THE PRESIDENT FROM RECEIVING PAY DURING GOVERNMENT SHUTDOWNS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of S. 388 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 388) to prohibit Members of Congress and the President from receiving pay during Government shutdowns.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. Mr. President, I ask unanimous consent that the bill be

read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 388) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON PAY DURING GOVERNMENT SHUTDOWN.

(a) IN GENERAL.—Members of Congress and the President shall not receive basic pay for any period in which—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached.

(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited in accordance with subsection (a) may be paid retroactively.

Mrs. BOXER. Mr. President, in 1 minute or less, I thank the occupant of the Chair very much for his strong cosponsorship of this bill, along with other colleagues.

Basically, we are saying that if we fail to keep this government open, or to lift the debt ceiling, we Members of Congress should not receive our pay. It is pretty straightforward.

I thank Senator COBURN. He had objected earlier. He backed off of his objection. He will make his own case for the RECORD.

He is making the case that Federal employees, such as nurses, or Superfund cleanup workers, or Border Patrol agents never get 1 penny of reimbursement or back pay. I think that is, in essence, unfair, if we have a government shutdown, to put it on the backs of the middle-class people who don't want to stay home; they want to work. I am glad he is allowing this to move forward.

We certainly will now ask our friends on the other side of the Capitol and Speaker BOEHNER to take this bill up post haste and get it going. Let's avoid a shutdown but make it clear that if there is one, we are going to take our lumps just like other Federal workers. I hope this will help avert a shutdown.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

PATENT REFORM ACT OF 2011— Continued

AMENDMENT NO. 124

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the

pending business and I call up amendment No. 124, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 124.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for prioritized examination for technologies important to American competitiveness)

On page 104, strike line 23, and insert the following:

SEC. 18. PRIORITY EXAMINATION FOR TECHNOLOGIES IMPORTANT TO AMERICAN COMPETITIVENESS.

Section 2(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) in subparagraph (F), by striking the semicolon and inserting “; and”; and

(3) by adding at the end the following:

“(G) may, subject to any conditions prescribed by the Director and at the request of the patent applicant, provide for prioritization of examination of applications for products, processes, or technologies that are important to the national economy or national competitiveness, such as green technologies designed to foster renewable energy, clean energy, biofuels or bio-based products, agricultural sustainability, environmental quality, energy conservation, or energy efficiency, without recovering the aggregate extra cost of providing such prioritization, notwithstanding section 41 or any other provision of law;”.

SEC. 19. EFFECTIVE DATE.

Mr. MENENDEZ. Mr. President, the goal of the patent reform legislation is to incentivize investment in the American economy, to create jobs, and allow this great country to continue to win in the global marketplace.

The amendment I am offering here today would do just that. It would incentivize innovation and investment by prioritizing patents that are vital to the American economy and American competitiveness. It will enable us, in essence, to incentivize that innovation by creating that prioritizing.

My amendment would allow the Patent Office to prioritize patent applications that are vital to our national interests.

Specifically, the amendment says the Patent Office Director may prioritize the examination of applications for technologies that are important to the national economy or national competitiveness, such as green technologies designed to foster renewable energy, clean energy, biofuels, agricultural sustainability, environmental quality, conservation, or energy efficiency.

Currently, the Patent Office runs a green technology pilot program. An application for green technologies may be fast-tracked, leading to an expedited decision. This fast-track process is re-

served for a small number of applications that are vitally important, so it has little to no adverse impact on other patent applications.

Currently, the patent process is rather lengthy. Patent decisions regularly take 2 to 3 years for a final decision. Our country is at risk of having vital new technologies buried in a sea of paperwork at the Patent Office. We want to make sure patents that are important to our national economy are fast-tracked rather than sidelined.

The goal here is to create jobs at home. We have to make sure the Patent Office has the resources and ability to prioritize patents that do just that—create jobs, incentivize investment, and support innovation. The Patent Office supports this amendment because they need the tools to make sure this bill reaches its intended goal of improving America's economy.

This amendment will create green jobs and support America's transformation to a self-sustaining economy that, among other things, is not reliant on foreign oil.

It is vitally important we do our best to ensure that all Americans have good-paying jobs and that we secure our Nation's economic future.

I ask my colleagues to support this amendment. It codifies an existing, successful program at the Patent Office. It is good commonsense policy that can help America propel forward in the 21st century.

Mr. WHITEHOUSE. Mr. President, I rise today to speak about the America Invents Act of 2011. As we all know, innovation, hard work, and ingenuity long have been the fuel of the American dream. This bill will make much needed improvements to our patent system to unleash the full power of American innovation once again. I am proud to be a cosponsor.

Before I speak in more detail about the importance of this bill, I would like to recognize the hard work of Senator LEAHY, the chairman of the Judiciary Committee. He long has sought to change our patent system from a drag on innovation into a driver of innovation. Chairman LEAHY has led bipartisan negotiations on this bill, seeking input from all segments of the American intellectual property community. I applaud his work with Senator GRASSLEY, Senator HATCH, and others of our colleagues in bringing this much needed legislation to the floor.

I take particular interest in this bill because of Rhode Island's long and proud history of innovation, from the birth of the American industrial revolution to the high-tech entrepreneurs leading our State forward today. An area has developed in Providence, for example, that is rightfully known by the nickname “the Knowledge District” for its remarkable innovation. We need to take every opportunity to support such work across our Nation.

Make no mistake, this legislation will drive innovation and create high-quality jobs. It will secure the foundations of new small businesses, encourage the discoveries made every day in our universities, and allow American companies to continue to lead the world in technology, medicine, and mechanical science.

Patent reform may be complicated, but these are not abstract issues. In my conversations with innovators in Rhode Island, it has become clear to me that the problems in our patent system are real and need to be fixed. Fail to do so and we will pay the price in jobs and international competitiveness.

Perhaps the most consistent concern I have heard back home has related to delays in the issuance of patents. Massive backlogs of patent applications persist at the Patent and Trademark Office, causing years of uncertainty over whether an innovator in fact has secured intellectual property rights in his or her invention. We have to fix this problem. Innovators in Rhode Island and elsewhere in this country must be able to gain patent protection for their inventions within a reasonable timeframe. Uncertainty and delay in patent protection will dampen and frustrate innovation.

The America Invents Act takes on this problem by allowing the Patent and Trademark Office discretion to set its own fees. Coupled with exceptions that will ensure low fees for small businesses, this provision will enable the Patent and Trademark Office to better manage its resources and reduce examination times.

I also support Senator COBURN's amendment to restrict fee-diversion and enable the Patent and Trademark Office, which does not depend at all on taxpayer funding, to be properly resourced with examiners who can work through the patent application backlog. This provision raises issues beyond the jurisdiction of the Judiciary Committee and as a result was not considered previously, but I trust it will win the support of our colleagues on the floor. I am glad that this provision has been included in the managers' amendment, of which I am a cosponsor.

My conversations with Rhode Island inventors also made clear that the fear of protracted litigation also dampens innovation. Unfortunately, numerous poor-quality patents have issued in recent years, resulting in seemingly endless litigation that casts a cloud over patent ownership. Administrative processes that should serve as an alternative to litigation also have broken down, resulting in further delay, cost, and confusion.

The America Invents Act will take on these problems by ensuring that higher quality patents issue in the future. This will produce less litigation

and create greater incentives for innovators to commit the effort and resources to create the next big idea. Similarly, the bill will improve administrative processes so that disputes over patents can be resolved quickly and cheaply without patents being tied up for years in expensive litigation.

This body must not pass up this chance to enhance innovation and energize our economy. We must see this bill through the Senate, and we must work with the House to see it passed promptly into law. It is true that the bill is a compromise and may not reflect all of everyone's priorities. Improvements to the bill may still be possible. To that end, I expect a productive debate on the floor and a constructive dialog with the House. I look forward to continuing to work with the chairman, my colleagues, and all interested parties to craft a bill that generates the broadest consensus possible.

But we must not lose sight of the need for action. Our patent system has gone 60 years without improvements. It needs repair. Now is the time to energize our innovation economy, to create jobs, and to secure continuing American leadership in the fields of medicine, science, and technology. Hard work and ingenuity long have been the backbone of this country. Let's not get in their way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA INVENTS ACT

Mr. SCHUMER. Mr. President, I rise to speak in support of the America Invents Act generally and about the

managers' amendment specifically. The America Invents Act, also known as the patent reform bill, has been pending for many years and has been the subject of extensive debate, negotiation, and revisions. In its current draft, it does much needed good to help protect the American innovation economy by updating and modernizing our patent system.

The patent system in the United States is designed to protect innovation and inventions and investment. But over the last several decades, the Patent and Trademark Office has become bogged down and overburdened by inefficient process and outdated law. The result is a heavy burden on the innovative work that is the engine of our economy.

I wish to commend Senator LEAHY. He has gone the extra mile for this bill for many years. I am proud and glad he is seeing his work come to fruition as we finally debate the bill on the floor. Passage of the bill is in sight. I also wish to commend the ranking member of the Judiciary Committee, Senator GRASSLEY, who worked with him, as well as Senator KYL, who has taken a leading role on the Republican side, for their hard work in crafting a bill that effectively modernizes the patent system, while paying attention to the many and varied demands different sectors of the economy exert upon it.

I am particularly pleased the chairman has decided to adopt the Schumer-Kyl amendment on business method patents into the managers' amendment. It is a critical change that this bill finally begins to address the scourge of business method patents currently plaguing the financial sector. Business method patents are anathema to the protection the patent system provides because they apply not to novel products or services but to abstract and common concepts of how to do business.

Often, business method patents are issued for practices that have been in widespread use in the financial industry for years, such as check imaging or one-click checkout. Because of the nature of the financial services industry, those practices aren't identifiable by the PTO as prior art and bad patents are issued. The holders of business method patents then attempt to extract settlements from the banks by suing them in plaintiff-friendly courts and tying them up in years of extremely costly litigation.

This is not a small problem. Around 11,000 new applications for patents on business methods are filed every year, and financial patents are being litigated almost 30 times more than patents as a whole. This is not right, it is not fair, and it is taking desperately needed money and energy out of the economy and putting it into the hands of a few litigants. So I am very pleased Congress is going to fight it.

The Schumer-Kyl amendment, which was included in the managers' package we just adopted, will allow companies that are the target of one of these frivolous business method patent lawsuits to go back to the PTO and demonstrate, with the appropriate prior art, that the patent shouldn't have been issued in the first place. That way bad patents can be knocked out in an efficient administrative proceeding, avoiding costly litigation.

One of the most critical elements of this amendment has to do with the stay of litigation while review of the patent is pending at the PTO. The amendment includes a four-factor test for the granting of a stay that places a very heavy thumb on the scale in favor of the stay. Indeed, the test requires the court to ask whether a stay would reduce the burden of the litigation on the parties and the court. Since the entire purpose of the transitional program at the PTO is to reduce the burden of litigation, it is nearly impossible to imagine a scenario in which a district court would not issue a stay.

In response to concerns that earlier versions of the amendment were too broad, we have modified it so it is narrowly targeted. We want to make sure to capture the business method patents which are at the heart of the problem and avoid any collateral circumstances.

In conclusion, I believe the amendment takes an important step in the direction of eliminating the kinds of frivolous lawsuits the jurisprudence on business method patents have allowed. I am very grateful to the chairman and the ranking member, Senator KYL, and I support the managers' amendment and the America Invents Act as a whole.

Finally, I would like to say a few words about Senator COBURN's proposal on fee diversion. I think his idea, which is incorporated in the managers' amendment, makes a lot of sense; that is, to let the PTO keep the fees they charge so they are self-funded and we don't have to spend taxpayer money to fund them every year.

Last year, when we were debating the Wall Street reform bill, Senator JACK REED and I made a similar proposal for the SEC, which ultimately didn't make it into the final bill. I just wanted to take this time to make a few points about this commonsense proposal.

First, for the last 15 years, the SEC hasn't spent a dime of taxpayer money. For 15 years, the SEC has had no impact on the deficit. This is because Congress, in 1996, amended the securities laws to provide that 100 percent of the SEC's funding comes from registration and filing fees charged by the Commission.

Second, even though the SEC collects more in fees every year than it spends, the amount of the SEC's annual budget is determined by Congress, which has

continually shortchanged the SEC. The SEC's budget has been in the crosshairs for years, and their funding has been so inadequate that they have been compromised in their ability to pursue their core mission.

Third, the budget proposal in the House would continue the short-changing of the SEC, cutting \$40 million from its existing budget at a time when it needs resources more than ever.

Finally, a word about the current demands on the SEC. We gave that agency significant new responsibilities under the Dodd-Frank Act, in particular to oversee the previously unregulated derivative markets. That is an enormous undertaking that everybody agrees is necessary after seeing the role that unregulated derivatives played in the financial crisis.

In closing, I would strongly suggest to my colleagues that if self-funding makes sense for the PTO, it makes sense for the SEC. I am not going to call up my amendment now or my bill now, but I urge my colleagues to support this commonsense proposal Senator REED and I are pushing and ensure it gets a full hearing in the Senate.

I thank the Chair for his time and attention.

COMMITTEE ON APPROPRIATIONS RULES OF PROCEDURE

Mr. INOUE. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 112th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator COCHRAN, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE APPROPRIATIONS COMMITTEE RULES— 112TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the rules of procedure of the Committee on Armed Services be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

1. REGULAR MEETING DAY.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. ADDITIONAL MEETINGS.—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. SPECIAL MEETINGS.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. OPEN MEETINGS.—Each meeting of the Committee, or any subcommittee thereof,

including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. PRESIDING OFFICER.—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. QUORUM.—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. PROXY VOTING.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any

member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. ANNOUNCEMENT OF VOTES.—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. SUBPOENAS.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. HEARINGS.—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. NOMINATIONS.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. REAL PROPERTY TRANSACTIONS.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than \$50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. LEGISLATIVE CALENDAR.—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. POWERS AND DUTIES OF SUBCOMMITTEES.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

YOUTH ART MONTH

Mr. JOHNSON of South Dakota. Mr. President, today I recognize Youth Art Month and congratulate Samantha Kenaston of Mitchell, SD, on designing the winning State entry for the national student flag design program. Each March, the Council for Art Education sponsors National Youth Art Month. I appreciate the importance of arts education for children of all ages and am pleased with the work being

done across South Dakota to promote and spotlight student artwork.

This year marks the 50th anniversary of National Youth Art Month. This month, schools across our country will partner with local businesses and communities to support the arts and display students' art work. In South Dakota, the Dakota Discovery Museum in Mitchell, the Aberdeen Recreation and Culture Center, and Presentation College in Aberdeen are just a few of the partners that will be hosting galleries and shows to display the artwork of South Dakota's many talented student artists.

This is the first year South Dakota has participated in the Youth Art Month flag design competition. Students from across our State designed flags to creatively represent the essence of our great State. I congratulate Samantha "Sam" Kenaston on designing the winning flag for the inaugural South Dakota Youth Art Month flag design competition. Sam is a seventh grade student at Mitchell Middle School. According to Sam's teacher, Ms. Renee Berg, Sam is a talented student and art is her favorite class. Sam also has a love for animals, which is often reflected in her artwork, and she aspires to become a veterinarian when she grows up.

Sam's winning flag features a drawing of a pheasant, the State bird of South Dakota. Sam's flag will be displayed on March 9, 2011, at a ceremony in Washington, DC, to honor the winners of the State flag competition, and her flag will then be displayed in Seattle, WA, at the National Art Education Conference.

As a member of the Senate Cultural Caucus, I recognize the importance of promoting arts and humanities in our communities and schools. I am pleased that Youth Art Month activities in South Dakota and across our country are highlighting the importance of art for our children's education. I am proud of Sam and the many talented student artists in our State.

REMEMBERING SEAN PATRICK MCGEE

Ms. STABENOW. Mr. President, I come to the floor with the hardest speech I have ever made, to pay tribute to Sean Patrick McGee, a member of my staff who passed away suddenly over the weekend at the very young age of 26.

There really are no words to describe the tragedy of losing somebody so young, especially someone like Sean, who was so smart and so filled with promise. His death is painful for all of us who knew him, but the way he lived his life is really a source of hope and inspiration for us.

Every single day, Sean worked hard to help others. Before coming to my office, he was a congressional liaison at

the American Legion Auxiliary, where he was an advocate for veterans, servicemembers, and their families. He joined my team in April of 2009, and quickly impressed everyone with his work ethic and his dedication. It didn't take long before he was promoted and took on additional responsibilities, working on some of the most difficult and complex issues that in which we have been involved.

He was really the heart of my staff working on finance issues. He spent a lot of time with retirees who lost their pensions when our auto companies went through bankruptcy, and he talked with them all the time to keep them updated on what we were doing to help. He took the lead on housing issues, working with families whose dreams were shattered when their homes were lost to foreclosure. He spent his final days working on an amendment that I cosponsored to help retired pilots who lost their pensions when the airline they worked for went bankrupt. He was so proud that we were able to include that amendment in the Federal Aviation Administration bill.

During our work last year on the Small Business Jobs Act, Sean's help was absolutely invaluable. He put together information for small business owners letting them know how to take advantage of the new law. He grew up in Farmington Hills, MI, and he was a very important part of our team working on issues related to the automobile industry, so critical for Michigan's future and for our economy.

He took great pride in his work for our great State. Through hard work and service, he achieved the rank of Eagle Scout—the highest rank in scouting. When he applied for a job in our office he wrote, "At a young age, I was volunteering to do community . . . service in Metro Detroit to better the community and that work shaped my desire to serve Michigan." And he served Michigan well.

In college, he secured a coveted internship in the office of the Governor, working in constituent services. After graduation, he worked on a congressional campaign and for Senator LEVIN's campaign, always willing to lend a hand and make a difference.

What really stands out about Sean is how good he was with people. On Capitol Hill, patience is sometimes a rare commodity, but Sean had more than enough to go around. When everyone was running a mile a minute, Sean was a beacon of calm. When his coworkers were stressed to the point of breaking, Sean could diffuse it with a wonderful one-liner that brought everything back into context.

He was also an amazing friend and had a quiet, charming sense of humor. His favorite day of the week was when the cafeteria served chicken wings. He would get a group together and go

down to lunch on "wing day"—he looked forward to that day all week long.

Sean McGee was a young man who brightened so many of our days, and he will be terribly missed.

I offer my sincerest condolences to his parents Tom and Sharon, to his brother Tom, and to his girlfriend of many years, Katie Kulpa, whom Sean loved so much. Sean was a gift to all of us, and we will always be thankful for the precious time we had with him.

Next Tuesday would have been Sean's 27th birthday. It is hard to believe we won't be able to celebrate with him. But we can honor him by living our lives as he did.

William Penn, one of the founders of our great Nation, said, "I expect to pass through life but once. If therefore, there be any kindness I can show, or any good thing I can do to any fellow being, let me do it now, and not defer or neglect it, as I shall not pass this way again."

That is how Sean lived his life, and that was the gift that he gave to all of us who knew him.

ADDITIONAL STATEMENTS

TRIBUTE TO VICTORIA MALOCH

• Mr. BOOZMAN. Mr. President, today I recognize Victoria Maloch from Magnolia, AR, for being selected for participation in the annual United States Senate Youth Program.

Created in 1962, the United States Senate Youth was organized to encourage an understanding of our government with an emphasis of how its three branches work and how elected officials work for their constituents and create policies that impact our Nation and the world. The weeklong visit to Washington, DC, allows students to meet and interact with lawmakers, appointed officials and staff who are involved in crafting legislation and making decisions that influence our laws.

This program brings together some of our Nations top youth leaders, like Victoria, who show a commitment to public service. An outstanding student at Emerson High School, Victoria excels both in and out of the classroom.

She serves as president of the 4-H Club and Future Farmers of America; vice president of Arkansas Junior Brangus Breeders Association; secretary of the Science Club and captain of Quiz Bowl. Victoria is a member of the Beta club, Future Business Leaders of America, and Family Career and Community Leaders of America. She was a People-to-People ambassador and volunteers in her community with the Youth Advisory Council and Today's Youth Tomorrow's Leaders program. Victoria plans to attend the University of Arkansas and continue her education in law school.

Victoria is very deserving of this honor. I congratulate her for her determination, dedication, and service and encourage her growth as a leader.●

30TH ANNIVERSARY OF MARIN AGRICULTURAL LAND TRUST

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 30th anniversary of Marin Agricultural Land Trust, MALT. Located in Marin County, CA, MALT was the first land trust in the United States to focus explicitly on farmland preservation. Since its founding in 1980, MALT has successfully protected more than 41,800 acres of California's land on 66 family ranches and farms.

Thirty years ago, in response to a changing economy and increasing urban expansion, biologist Phyllis Faber and dairywoman Ellen Straus recognized that in order to preserve Marin's 150-year-old tradition of family farming and protect the county's tremendous natural resources, ranchers and environmentalists would need to work together. Phyllis and Ellen co-founded MALT, bringing together a diverse coalition of ranchers and environmentalists who came together to pursue their vision for conserving Marin's pristine farmlands. By providing an alternative to the sale of farmland, MALT has protected thousands of acres of open grasslands, fertile floodplains, oak woodlands, and mixed evergreen forests that would otherwise have been sold or developed.

Working in areas stretching from the salt marshes of Tomales Bay to the Douglas-fir forest crowning Hicks Mountain, MALT continues to be an environmental and community leader. In addition to establishing easements, MALT runs a variety of stewardship and educational programs, including its Farm Field Studies Program in which more than 1,700 students from 35 schools recently participated. MALT also coordinates hikes and tours, giving residents opportunities to explore and experience Marin's stunning agricultural landscapes first hand.

MALT is also doing its part to reduce greenhouse gases and integrate the agriculture industry into the fight against climate change. As a founding member of the Marin Carbon Project, MALT is working with project partners in an attempt to sequester carbon in Marin's rangeland soil using agricultural management strategies.

Due to the dedicated efforts of its 5,000 members, staff, volunteers, funders, and partner agencies, MALT has helped revitalize local agriculture while preserving the ecological value of the land. Each year, Marin County produces millions of dollars in livestock, livestock products, feed, and crops, without diminishing the county's biological vitality.

Over the past year, despite difficult economic times, MALT achieved permanent protection for a goat dairy, a small-scale sheep ranch, and a grade A Holstein dairy that has been in operation since 1933. These crucial projects were funded through a combination of grants from public agencies and donations from private individuals.

The Marin Agricultural Land Trust's vision and commitment to protecting California's ecological, environmental, and agricultural endowment should be commended. Please join me in congratulating MALT for its three decades of hard work and wishing MALT much more success in the years to come. I look forward to future generations having the opportunity to enjoy Marin County's rich agricultural tradition and natural beauty.●

REMEMBERING FRED HILL

● Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of a very special man, Frederick "Fred" Hill of Sonoma County, who died on February 9, 2011. He was 75 years old.

Fred Hill was a man of many talents and will be fondly remembered for his diverse work in the literary world. Born in Philadelphia, PA, Fred went on to attend Brown University. Following graduation, Fred served in the Army before getting a job as a travelling textbook salesman with Knopf. He later worked for Little, Brown as a Western States salesman and then as head of the company's international division. Throughout this transformative time of travel and networking, Fred realized his gift: he loved writers, he loved publishers, and he was uniquely gifted in his ability to interact with and explain one to the other.

Fred relocated to the San Francisco Bay area in the late 1970s. In 1979, after 5 years as general manager at Sierra Club Books, he rented an office on Union Street and opened his own agency, which is now run by his business partner, Bonnie Nadell. Fred remained on Union Street, in one office or another, until he decided to move his business to Glen Ellen, where he resided with his partner, Peter Gilliam.

The job of a literary agent is all encompassing, as their success depends on their client's success. Authors bestow a great deal of trust to their agents, and I know personally that Fred Hill was an outstanding agent. He was able to be encouraging and yet be critical where warranted.

Fred worked diligently to advance the products and interests of his clients, and could always be counted on to excite virtually anyone about a client's book. Fred's clients ranged from best-selling novelist Richard North Patterson to nonfiction writer Michael Murphy. He also worked with an extensive list of food writers, including

Carol Field, Hubert Keller, David Lebovitz, and Gerald Hirigoyen.

Those who knew Fred Hill recognized him as a uniquely innovative and brilliant man. His work in the literary world will be remembered fondly by all those whose lives he touched. He will be deeply missed.

Fred is survived by his partner of 31 years, Peter Gilliam.●

TRIBUTE TO SUE ROUST

● Mr. JOHNSON of South Dakota. Mr. President, today I recognize a devoted and dedicated public servant in my home State of South Dakota. Sue Roust has served as Minnehaha County auditor for five terms and is retiring.

During her tenure of public service in Minnehaha County, the number of registered voters in the county has grown from 75,000 to over 108,000. She has effectively managed 24 county elections as well as Sioux Falls city and school elections. In total, she has overseen the counting of over 1.3 million ballots.

Additionally, Sue manages the accounting functions for the county. During her 20 years of service, the county budget has quadrupled. She has provided oversight and counsel on a number of important issues impacting the county. She has also utilized her position as county auditor to educate the general public on numerous issues. She has maintained a high level of professionalism and commitment to community service during her two decades of service.

In addition to her elected service, Sue has served in various leadership capacities for many community organizations, including the PTA, Boy Scouts, Girl Scouts, United Way, the Sioux Falls Washington High School Booster Club, the Dow Rummel Village board of trustees, the Sioux Falls Business and Professional Women, and the First Congregational Church. She currently serves on the board of Here4Youth, an organization which provides day care and out-of-school care to children ages 3-21 with a special emphasis on children with special needs.

I commend Sue for her great dedication and commitment to the people of Minnehaha County and the State of South Dakota. She can take great pride in her service. I want to wish Sue and her family all the best in retirement and good luck in all future endeavors.●

TRIBUTE TO THE DOLAN-JUSTICE FAMILY

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to the Dolan-Justice family on the 100th anniversary of owning the Grant County Review of Milbank, SD. This occasion highlights the Dolan-Justice family commitment to the newspaper

industry and to the Grant County community.

On February 11, 1911, 24-year-old William S. Dolan acquired the Grant County Review. This started a 46-year adventure as editor of the small town weekly newspaper. In a time with virtually no access to television or radio, the local newspaper was the only source of news for small town South Dakota. With no experience in news media, William quickly learned the ropes. The Grant County Review became a family affair. William's wife, Christine Olson, was a trusted adviser to the paper, and his sister-in-law, Victoria Olson, even set the type on the linograph machine by hand. While other surrounding newspapers folded, William's accounting background and hard work enabled the Grant County Review to continue through the 20th century. A fierce rivalry began between the Grant County Review and the Herald Review, pitting each paper against each other for advertisers and breaking news stories. Often Dolan and the editor of the Herald Review would trade blows in the editorial section of their papers.

Sticking with the family tradition for journalism, William's daughter Phyllis pursued a journalism degree at South Dakota State University and the University of Minnesota. She then came back to write for the paper and help her father run the day-to-day activities. The family paper soon hired a printer, Clarence Justice. Clarence worked for many papers before coming to the Grant County Review, including the Miller Gazette, the Interlakes Daily, and the Miller Press. After William S. Dolan passed away, his family took over operation of the Grant County Review, with his wife Christine served as the new publisher, and his daughter Phyllis as the new editor.

William always fought for small business and rural farmers, and served as the president for the Board of Regents, overseeing South Dakota's public universities. In 1962, William S. Dolan was elected to the South Dakota Newspaper Hall of Fame. In 1982, Phyllis was elected as the first female president of the South Dakota Press Association, and in 1988 she joined her father in the South Dakota Newspaper Hall of Fame. Phyllis' boundary breaking honors serve as an inspiration to women in journalism. Clarence and Phyllis both received distinguished service awards for their work in journalism for the South Dakota Newspaper Association. In 1997, the Grant County Review received the distinguished Bishop Dudley award from the Diocese of Sioux Falls, for Clarence and Phyllis' dedication to integrity and religious values. The Grant County Review has the largest readership of any weekly newspaper in the State. This achievement highlights the incredible devotion this family and the paper's employees have to the responsibility of disseminating the news.

I am proud to honor the Dolan-Justice family on reaching this hallmark, and on being reliable, responsible members of the journalism community.●

MESSAGES FROM THE HOUSE

At 10:40 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that that House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 347. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

H.R. 368. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

H.R. 386. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

H.R. 394. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

At 5:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H. J. Res. 44. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 347. An act to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

H.R. 368. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; to the Committee on the Judiciary.

H.R. 386. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

H.R. 394. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1. An act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-693. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Mechanical Fitting Failure Reporting Requirements" (RIN2137-AE60) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-694. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Limiting the Use of Electronic Devices by Highway" (RIN2137-AE63) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-695. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Enhanced Enforcement Authority Procedures" (RIN2137-AE13) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-696. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Security Zones; San Francisco Bay, Delta Ports, Monterey Bay and Humboldt Bay, CA" (Docket No. USCG-2010-0721) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-697. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Long Island Sound" (Docket No. USCG-2008-0171) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-698. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sacramento New Year's Eve, Fireworks Display, Sacramento, CA" ((RIN1625-AA00) (Docket No. USCG-2010-1079)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-699. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD" ((RIN1625-AA00) (Docket No. USCG-2010-076)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-700. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Richardson Ash Scattering by

Fireworks, San Francisco, CA" ((RIN1625-AA00) (Docket No. USCG-2010-0902)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-701. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gulf Intracoastal Waterway, Mile Marker 49.0 to 50.0, West of Harvey Locks, Bank to Bank, Bayou Blue Pontoon Bridge, Lafourche Parish, LA" ((RIN1625-AA00) (Docket No. USCG-2010-0999)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-702. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA" ((RIN1625-AA11) (Docket No. USCG-2008-0747)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-703. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL; Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA11 and RIN1625-AA00) (Docket No. USCG-2010-1054)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-704. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Protection for Whistleblowers in the Coast Guard" ((RIN1625-AB33) (Docket No. USCG-2009-0239)) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-705. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Scallop Access Area to Limited Access General Category (LAGO) Individual Fishing Quota (IFQ) Scallop Vessels" (RIN0648-XA171) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC-706. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of Expired Federal Aviation Administration Regulations and References" ((RIN2120-AA66) (Docket No. FAA-2011-0092)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-707. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Expired Federal

Aviation Administration Regulations and References" ((RIN2120-AA66) (Docket No. FAA-2011-0092)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-708. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Muncie, IN" ((RIN2120-AA66) (Docket No. FAA-2010-1032)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-709. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Martinsville, IN" ((RIN2120-AA66) (Docket No. FAA-2010-1031)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-710. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class B Airspace; Cleveland, OH" ((RIN2120-AA66) (Docket No. FAA-2009-0514)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-711. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Platinum, AK" ((RIN2120-AA66) (Docket No. FAA-2010-1105)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-712. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Barrow, AK" ((RIN2120-AA66) (Docket No. FAA-2010-0722)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-713. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Savoonga, AK" ((RIN2120-AA66) (Docket No. FAA-2010-1103)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-714. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0068)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-715. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Payments in Support of Emergencies and Contingency Operations" ((RIN0750-AF51) (DFARS Case 2009-D020)) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Armed Services.

EC-716. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Preservation of Tooling for Major Defense Acquisition Programs" ((RIN0750-AG45) (DFARS Case 2008-D042)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Armed Services.

EC-717. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to overseas ship repairs; to the Committee on Armed Services.

EC-718. A communication from the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to Title 10, U.S. Code 2464 requiring notification of Congress the first time a weapon system or other item of military equipment is determined to be a commercial item; to the Committee on Armed Services.

EC-719. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-720. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Armed Services.

EC-721. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-7923)) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-722. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-02010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-723. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transfer and Reorganization of Bank Secrecy Act Regulations—Technical Amendment" (RIN1506-AA92) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-724. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital—Temporary Increase" (RIN2590-AA01) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-725. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC-726. A communication from the Chief, Branch of Foreign Species, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing Seven Brazilian Bird Species as Endangered Throughout Their Range" (RIN1018-AV74) received in the Office of the President of the Senate on February 16, 2011; to the Committee on Environment and Public Works.

EC-727. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendment to the Definition of Fuel-Burning Equipment" (FRL No. 9268-2) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Environment and Public Works.

EC-728. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "License and Certificate of Compliance Terms" (RIN3150-AI09) received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2011; to the Committee on Environment and Public Works.

EC-729. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Model Application and Safety Evaluation for Plant-Specific Adoption of TSTF-423, Revision 1 'Technical Specifications End States, NEDC-32988-A'" (NUREG-1433 and NUREG-1434) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2011; to the Committee on Environment and Public Works.

EC-730. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Minimum Interest Rate" (31 CFR Part 356) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Finance.

EC-731. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's processing of continuing disability reviews for fiscal year 2009; to the Committee on Finance.

EC-732. A communication from the President of the United States of America, transmitting, pursuant to law the Economic Report of the President together with the 2011 Annual Report of the Council of Economic Advisers; to the Joint Economic Committee.

EC-733. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of October 20, 2010 through December 20, 2010; to the Committee on Foreign Relations.

EC-734. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Fiscal Year 2010 Annual Report on U.S. Government Assistance to and Cooperative Activities with Eurasia; to the Committee on Foreign Relations.

EC-735. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-736. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-737. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; General and Plastic Surgery Devices; Classification of Contact Cooling System for Aesthetic Use" ((21 CFR Part 878) (Docket No. FDA-2010-D-0645)) received during adjournment of the Senate in the Office of the President of the Senate on February 24, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-738. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual Report to Congress on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures; to the Committee on Health, Education, Labor, and Pensions.

EC-739. A communication from the Secretary of Education, transmitting, pursuant to law, the Fiscal Year 2010 Annual Performance Report; to the Committee on Health, Education, Labor, and Pensions.

EC-740. A communication from the Director of Legal Affairs and Policy, Office of the Federal Register, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Regulations Affecting Publication of the United States Government Manual" (A.G. Order No. 3252-2011) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-741. A communication from the Secretary of Energy, transmitting, pursuant to law, the Fiscal Year 2010 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-742. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to

law, the report of a rule entitled "Appeal Authority when Researcher Privileges are Revoked" (RIN3095-AB69) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-743. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Definition of Tulsa County, Oklahoma, and Angelina County, Texas, to Non-appropriated Fund Federal Wage System Wage Areas" (RIN3206-AM22) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-744. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the Shreveport, LA; Texarkana, TX; Milwaukee, WI; and Southwestern Wisconsin Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AM28) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-745. A communication from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the General/Trust Fund Financial Statements for Fiscal Year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-746. A communication from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the Fiscal Year 2010 Performance Accountability Report and Financial Statements; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 81. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN:

S. 422. A bill to improve consumer access to passenger vehicle loss data held by insurers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 423. A bill to amend title 38, United States Code, to provide authority for retroactive effective date for awards of disability compensation in connection with applications that are fully-developed at submittal, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER (for himself, Mr. ROBERTS, and Mr. CONRAD):

S. 424. A bill to amend title XVIII of the Social Security Act to preserve access to

ambulance services under the Medicare program; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Ms. STABENOW, Mr. ISAKSON, Mr. CASEY, and Mr. JOHANNIS):

S. 425. A bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BROWN of Ohio, and Ms. MIKULSKI):

S. 426. A bill to strengthen student achievement and graduation rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children and youth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mr. ENSIGN):

S. 427. A bill to withdraw certain land located in Clark County, Nevada, from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL:

S. 428. A bill to establish the Office of the Inspector General of the Senate; to the Committee on Rules and Administration.

By Mrs. MCCASKILL:

S. 429. A bill to improve the reporting requirements relating to foreign travel by members of Congress and the use of foreign currency; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KIRK (for himself and Mr. DURBIN):

S. Res. 80. A resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. Res. 81. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013; from the Committee on Rules and Administration; placed on the calendar.

By Mr. PAUL:

S. Res. 82. A resolution to provide sufficient time for legislation to be read; to the Committee on Rules and Administration.

By Mr. REED (for himself and Ms. COLLINS):

S. Res. 83. A resolution designating March 2, 2011, as "Read Across America Day"; considered and agreed to.

By Mr. CASEY (for himself, Mr. BURR, Mr. BROWN of Ohio, Mr. MENENDEZ, Mr. CARDIN, Mr. LEAHY, Mrs. BOXER, Mrs. HAGAN, Mrs. GILLIBRAND, Mr. MANCHIN, Mr. UDALL of New Mexico, and Mr. LAUTENBERG):

S. Res. 84. A resolution expressing support for internal rebuilding, resettlement, and reconciliation within Sri Lanka that are

necessary to ensure a lasting peace; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LAUTENBERG, Mr. DURBIN, Mrs. GILLIBRAND, Mr. SANDERS, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. CASEY, Mr. WYDEN, and Mr. CARDIN):

S. Res. 85. A resolution strongly condemning the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms, and for other purposes; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Mr. WARNER, Ms. MIKULSKI, Mr. RUBIO, Mr. BURR, Ms. SNOWE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. BLUNT, Mr. RISCH, Mr. LEVIN, Mr. MCCAIN, and Mr. SHELBY):

S. Res. 86. A resolution recognizing the Defense Intelligence Agency on its 50th Anniversary; to the Select Committee on Intelligence.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 23

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

S. 202

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 219

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 248

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 249

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 249, a bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to any gray wolf (*Canis lupus*).

S. 255

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 255, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

S. 294

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 294, a bill to enhance early care and education.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 388

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 388, a bill to prohibit Members of Congress and the President from receiving pay during Government shutdowns.

S. 414

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. CON. RES. 4

At the request of Mr. SCHUMER, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 20

At the request of Mr. JOHANNES, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately

approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

S. RES. 47

At the request of Mr. ROBERTS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. Res. 47, a resolution recognizing the importance of biosecurity and agrodefense in the United States.

AMENDMENT NO. 112

At the request of Mr. VITTER, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of amendment No. 112 proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 116

At the request of Mr. BENNET, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 116 proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 427. A bill to withdraw certain land located in Clark County, Nevada, from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Sloan Hills Withdrawal Act of 2010.

For nearly a decade, there has been heated debate over a proposal to permit a sand and gravel mine on public lands next door to a Henderson community with over 13,000 residents—many of whom are retired seniors. Local citizens have voiced serious safety and community health concerns about the mine. I have listened to their concerns and share their opposition to the mine.

That is why I am re-introducing legislation to stop the development of the proposed 640-acre gravel pit by withdrawing the area from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral materials. This legislation ensures the safety of Nevadans and puts an end to this proposed mining operation once and for all.

The opposition to the proposed gravel mine is overwhelming. I have received petitions with thousands—literally thousands—of signatures from people who are up in arms over the proposed gravel mine because of its potential effect on the health of residents and the

toll that operations would have on an otherwise peaceful community. The project would be located on federal land, so local governments are limited in their ability to influence the outcome of the Sloan Hills proposal. It is clear, though, that the location envisioned for this project is not in the best interests of our community.

Despite strong local opposition, the Bureau of Land Management has undertaken an evaluation of the proposed gravel operation at Sloan Hills. If approved, the resulting mine would blast rock, crush gravel, kick up dust, and consume precious water resources up to twenty-four hours a day, every day, for thirty years. This would all be done just a stone's throw away from peaceful Henderson neighborhoods. Residents are justifiably worried that this project will reduce their home values, harm their health, and impact their overall quality of life.

Most troublesome to Henderson residents are large clouds of fine particulate matter that would be generated by mining activities at the Sloan Hills site. This dust pollution, kicked up by the proposed gravel operation, could exacerbate air quality challenges in the Las Vegas Valley and would be particularly troublesome for the nearby, age-restricted communities—home to many seniors already suffering from respiratory problems.

This bill is important to me and to the people of southern Nevada. I want to thank Steve Sisolak, vice chair of the Clark County Commission, for all his hard work championing this issue in Southern Nevada. Keeping our communities safe, healthy, and livable is critical.

I appreciate your help and I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy Committee to move this legislation forward in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sloan Hills Withdrawal Act".

SEC. 2. WITHDRAWAL OF SLOAN HILLS AREA OF CLARK COUNTY, NEVADA.

(a) DEFINITION OF FEDERAL LAND.—In this section, the term "Federal land" means the land identified as the "Withdrawal Zone" on the map entitled "Sloan Hills Withdrawal Area" and dated February 24, 2011.

(b) WITHDRAWAL.—Subject to valid rights in existence on the date of introduction of this Act, the Federal land is withdrawn from all forms of—

(1) location, entry, and patent under the mining laws; and

(2) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 80—CONDEMNING THE GOVERNMENT OF IRAN FOR ITS STATE-SPONSORED PERSECUTION OF ITS BAHAI MINORITY AND ITS CONTINUED VIOLATION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Mr. KIRK (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 80

Whereas, in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, 2008, and 2009, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas the 2010 Department of State International Religious Freedom Report stated, "Since the 1979 Islamic Revolution, more than 200 Baha'is have been killed, and many have faced regular raids and confiscation of property.";

Whereas the 2009 Department of State Human Rights Report stated, "The government [of Iran] continued to repress Baha'is and prevent them from meeting in homes to worship. It banned them from government and military leadership posts, the social pension system, and public schools and universities unless they concealed their faith.";

Whereas, on October 15, 2010, the United Nations Secretary-General issued a special report on human rights in Iran, stating that "the Baha'i, who comprise the country's largest non-Muslim religious minority, face multiple forms of discrimination and harassment, including denial of employment, Government benefits and access to higher education";

Whereas, on December 21, 2010, the United Nations General Assembly adopted a resolution (A/RES/65/226) noting "serious ongoing and recurring human rights violations" in Iran, including against the Baha'i community;

Whereas, in November 2007, the Ministry of Information of Iran in Shiraz jailed Baha'is Ms. Raha Sabet, 33, Mr. Sasan Taqva, 32, and Ms. Haleh Roohi, 29, for educating underprivileged children, and gave them 4-year prison terms;

Whereas Ms. Sabet remains imprisoned in Iran;

Whereas Ms. Sabet, Mr. Taqva, and Ms. Roohi were targeted solely on the basis of their religion;

Whereas, in March and May of 2008, intelligence officials of the Government of Iran in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the coordinating group for the Baha'i community in Iran;

Whereas, in August 2010, the Revolutionary Court in Tehran sentenced the 7 Baha'i leaders to 20-year prison terms on charges of "spying for Israel, insulting religious sanc-

titles, propaganda against the regime and spreading corruption on earth";

Whereas the lawyer for these 7 leaders, Mrs. Shirin Ebadi, the Nobel Laureate, has been denied all access to the prisoners and their files;

Whereas these 7 Baha'i leaders were targeted solely on the basis of their religion;

Whereas, in February 2011, the Revolutionary Court in Tehran sentenced human rights activist and follower of the Baha'i faith, Navid Khanjani, to a 12-year prison term on charges of "propaganda against the regime by publishing news, reports, and interviews with foreign TV and radio," among others;

Whereas the Government of Iran is party to the International Covenants on Human Rights; and

Whereas the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) authorizes the President and the Secretary of State to impose sanctions on "the officials of the Government of Iran and other individuals who are responsible for continuing and severe violations of human rights and religious freedom in Iran": Now, therefore, be it

Resolved, That the Senate

(1) condemns the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders and all other prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, and Mr. Navid Khanjani;

(3) calls on the President and Secretary of State, in cooperation with the international community, to immediately condemn the Government of Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, and Mr. Navid Khanjani; and

(4) urges the President and Secretary of State to utilize all available measures, such as those available under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 and Executive Order 13553, to sanction officials of the Government of Iran and other individuals directly responsible for egregious human rights violations in Iran, including against the Baha'i community.

Mr. KIRK. Mr. President, today I rise to introduce a bipartisan resolution with my colleague Senator DURBIN condemning the government of Iran for its state-sponsored persecution of the Baha'i minority.

Founded in Iran in 1844, the Baha'i faith now has more than 5 million adherents in 236 countries and territories. The Baha'is comprise the largest religious minority in Iran.

The Baha'is preach tolerance, diversity and equality. Yet since the Islamic Revolution of 1979, the Baha'is have faced brutal and unrelenting persecution in Iran. According to the U.S. State Department, more than 200 Baha'is have been killed since 1979.

The Baha'is are regularly denied employment, access to higher education, and face multiple forms of discrimination and harassment.

In August 2010, the Iranian government sentenced seven leaders of Iran's Baha'i community to 20-year prison terms on charges of "spying for Israel, insulting religious sanctities, propaganda against the regime and spreading corruption on earth." Their lawyer has been denied all access to the Baha'i prisoners and their files. Last month, the Revolutionary Court in Tehran sentenced a Baha'i human rights activist, Navid Khanjani, to a 12-year prison term on charges that included "propaganda against the regime by publishing news, reports, and interviews with foreign TV and radio."

The United States and the international community need to act now.

The bipartisan resolution condemns the Iranian regime's continued persecution of its Baha'i minority, calls on the regime to release Baha'i political prisoners and urges President Obama and Secretary Clinton to designate Iranian officials and other individuals directly responsible for egregious human rights violations in Iran.

The plight of Baha'is in Iran should be deeply personal to all Americans. I call on the administration to elevate human rights in Iran, including the plight of Iranian Baha'is, to the top of the international agenda.

SENATE RESOLUTION 81—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2011, THROUGH SEPTEMBER 30, 2011, AND OCTOBER 1, 2011, THROUGH SEPTEMBER 30, 2012, AND OCTOBER 1, 2012, THROUGH FEBRUARY 28, 2013

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 81

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2011, through September 30, 2011, in the aggregate of \$70,790,674, for the period October 1, 2011, through September 30, 2012, in the aggregate of \$121,355,435, and for the period October 1, 2012, through February 28, 2013, in the aggregate of \$50,564,763, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2011, through September 30, 2011, for the period October 1, 2011,

through September 30, 2012, and for the period October 1, 2012, through February 28, 2013, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$2,800,079, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$4,800,136, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$2,000,057, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,749,869, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$8,142,634, of which amount—

(1) not to exceed \$80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,392,765, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,304,188, of which amount—

(1) not to exceed \$11,667, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,378,606, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,074,419, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,489,241, of which amount—

(1) not to exceed \$35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$21,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,695,840, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$36,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,206,599, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,636,433, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,948,171, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,311,738, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$3,924,299.

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$6,727,369.

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$2,803,070.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$3,612,391, of which amount—

(1) not to exceed \$4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$6,192,669, of which amount—

(1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$2,580,278, of which amount—

(1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$5,333,808, of which amount—

(1) not to exceed \$17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$9,143,671, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,809,862, of which amount—

(1) not to exceed \$12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,393,404, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,531,549, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,138,145, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$6,115,313, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$10,483,393, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,368,081, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$6,902,759, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$11,833,302, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,930,543, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) **INVESTIGATIONS.**—

(1) **IN GENERAL.**—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) **EXTENT OF INQUIRIES.**—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) **SPECIAL COMMITTEE AUTHORITY.**—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2011, through February 28, 2013, is authorized, in its, his, hers, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 73, agreed to March 10, 2009 (111th Congress) are authorized to continue.

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.**—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$6,684,239, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2012 PERIOD.**—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$11,458,695, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.**—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$4,774,457, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,840,717, of which amount—

(1) not to exceed \$43,750, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$7,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$3,155,515, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,314,798, of which amount—

(1) not to exceed \$31,250, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule

XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,732,860, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$2,970,617, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,237,755, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,602,238, of which amount—

(1) not to exceed \$59,000, may be expended for the procurement of the services of indi-

vidual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$2,746,693, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,144,455, of which amount—

(1) not to exceed \$42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,937,114, of which amount—

(1) not to exceed \$117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$3,320,767, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012,

through February 28, 2013, expenses of the committee under this section shall not exceed \$1,383,653, of which amount—

(1) not to exceed \$85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$4,249,113, of which amount—

(1) not to exceed \$37,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$7,284,194, of which amount—

(1) not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$3,035,081, of which amount—

(1) not to exceed \$27,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section,

the Committee on Indian Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed \$1,482,609, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed \$2,541,614, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed \$1,059,007, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account “Expenses of Inquiries and Investigations” appropriated by the legislative branch appropriation Acts for fiscal years 2011, 2012, and 2013, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$4,375,000, shall be available for the period March 1, 2011, through September 30, 2011;

(2) an amount not to exceed \$7,500,000, shall be available for the period October 1, 2011, through September 30, 2012; and

(3) an amount not to exceed \$3,125,000, shall be available for the period October 1, 2012, through February 28, 2013.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

SENATE RESOLUTION 82—TO PROVIDE SUFFICIENT TIME FOR LEGISLATION TO BE READ

Mr. PAUL submitted the following resolution; which was referred to the Committee on Rules and Administration

S. RES. 82

Resolved, That (a) it shall not be in order for the Senate to consider any bill, resolution, message, conference report, amendment, treaty, or any other measure or matter until 1 session day has passed since introduction for every 20 pages included in the measure or matter in the usual form plus 1 session day for any number of remaining pages less than 20 in the usual form.

(b)(1) Any Senator may raise a point of order that any bill, resolution, message, conference report, amendment, treaty, or any other measure or matter is not in order under subsection (a). No motion to table the point of order shall be in order.

(2) Any Senator may move to waive a point of order raised under paragraph (1) by an affirmative yea and nay vote of two-thirds of the Senators duly chosen and sworn. All motions to waive under this subparagraph shall be debatable collectively for not to exceed 3 hours equally divided between the Senator raising the point for order and the Senator moving to waive the point of order or their designees. A motion to waive the point of order shall not be amendable.

(3) This resolution is enacted pursuant to the power granted to each House of Congress to determine the Rules of its Proceedings in clause 2 of section 5 of Article I of the Constitution of the United States.

SENATE RESOLUTION 83—DESIGNATING MARCH 2, 2011, AS “READ ACROSS AMERICA DAY”

Mr. REED of Rhode Island (for himself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 83

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and providing additional resources for reading assistance, including through the programs authorized in the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) and through annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, as a day to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2011, as “Read Across America Day”;

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 14th anniversary of “Read Across America Day”;

(4) encourages parents to read with their children for at least 30 minutes on “Read

Across America Day'' in honor of the commitment of the Senate to building a nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 84—EXPRESSING SUPPORT FOR INTERNAL REBUILDING, RESETTLEMENT, AND RECONCILIATION WITHIN SRI LANKA THAT ARE NECESSARY TO ENSURE A LASTING PEACE

Mr. CASEY (for himself, Mr. BURR, Mr. BROWN of Ohio, Mr. MENENDEZ, Mr. CARDIN, Mr. LEAHY, Mrs. BOXER, Mrs. HAGAN, Mrs. GILLIBRAND, Mr. MANCHIN, Mr. UDALL of New Mexico, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas May 19, 2010, marked the one-year anniversary of the end of the 26-year conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka;

Whereas the Government of Sri Lanka established a Lessons Learned and Reconciliation Commission (LLRC) to report whether any person, group, or institution directly or indirectly bears responsibility for incidents that occurred between February 2002 and May 2009 and to recommend measures to prevent the recurrence of such incidents in the future and promote further national unity and reconciliation among all communities;

Whereas United Nations Secretary-General Ban Ki-moon appointed a panel of experts, including Marzuki Darusman, the former attorney general of Indonesia; Yazmin Sooka, a member of South Africa's Truth and Reconciliation Commission; and Steven Ratner, a lawyer in the United States specializing in human rights and international law, to advise the Secretary-General on the implementation of the commitment of the Government of Sri Lanka to human rights accountability;

Whereas the Government of Sri Lanka expressed its commitment to addressing the needs of all ethnic groups and has recognized, in the past, the necessity of a political settlement and reconciliation for a peaceful and just society;

Whereas the United States Government has yet to develop a comprehensive United States policy toward Sri Lanka that reflects the broad range of human rights, national security, and economic interests; and

Whereas progress on domestic and international investigations into reports of war crimes, crimes against humanity, and other human rights violations during the conflict and promoting reconciliation would facilitate enhanced United States engagement and investment in Sri Lanka: Now, therefore, be it

Resolved, That the Senate—

(1) commends United Nations Secretary-General Ban Ki-moon for creating the three-person panel to advise the Secretary-General on the implementation of the commitment of the Government of Sri Lanka to human rights accountability;

(2) calls on the Government of Sri Lanka, the international community, and the United Nations to establish an independent international accountability mechanism to look into reports of war crimes, crimes

against humanity, and other human rights violations committed by both sides during and after the war in Sri Lanka and to make recommendations regarding accountability;

(3) calls on the Government of Sri Lanka to allow humanitarian organizations, aid agencies, journalists, and international human rights groups greater freedom of movement, including in internally-displaced persons camps; and

(4) calls upon the President to develop a comprehensive policy towards Sri Lanka that reflects United States interests, including respect for human rights, democracy and the rule of law, economic interests, and security interests.

SENATE RESOLUTION 85—STRONGLY CONDEMNING THE GROSS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS IN LIBYA, INCLUDING VIOLENT ATTACKS ON PROTESTERS DEMANDING DEMOCRATIC REFORMS, AND FOR OTHER PURPOSES

Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LAUTENBERG, Mr. DURBIN, Mrs. GILLIBRAND, Mr. SANDERS, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. CASEY, Mr. WYDEN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 85

Whereas Muammar Gadhafi and his regime have engaged in gross and systematic violations of human rights, including violent attacks on protesters demanding democratic reforms, that have killed thousands of people;

Whereas Muammar Gadhafi, his sons and supporters have instigated and authorized violent attacks on Libyan protesters using warplanes, helicopters, snipers and soldiers and continue to threaten the life and well-being of any person voicing opposition to the Gadhafi regime;

Whereas the United Nations Security Council and the international community have condemned the violence and use of force against civilians in Libya and on February 26, 2011, the United Nations Security Council unanimously agreed to refer the ongoing situation in Libya to the International Criminal Court, impose an arms embargo on the Libyan Arab Jamahiriya, including the provision of mercenary personnel, freeze the financial assets of Muammar Gadhafi and certain family members, and impose a travel ban on Gadhafi, certain family members and senior advisors;

Whereas Muammar Gadhafi has ruled Libya for more than 40 years by banning and brutally opposing any individual or group opposing the ideology of his 1969 revolution, criminalizing the peaceful exercise of expression and association, refusing to permit independent journalists' and lawyers' organizations, and engaging in torture and extrajudicial executions, including the 1,200 detainees killed in Abu Salim Prison in June 1996;

Whereas Libya took formal responsibility for the terrorist attack that brought down Pan Am Flight 103 over Lockerbie, Scotland, killing 270 people, 189 of whom were U.S. citizens and high-ranking Libyan officials have indicated that Muammar Gadhafi personally ordered the attack; and

Whereas Libya was elected to the United Nations Human Rights Council on May 13, 2010 for a period of 3 years, sending a demor-

alizing message of indifference to the families of the victims of Pan Am flight 103 and Libyan citizens that have endured repression, arbitrary arrest, enforced disappearance or physical assault in their struggle to obtain basic human and civil rights: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the courage of the Libyan people in standing up against the brutal dictatorship of Muammar Gadhafi and for demanding democratic reforms, transparent governance, and respect for basic human and civil rights;

(2) strongly condemns the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms;

(3) calls on Muammar Gadhafi to desist from further violence, recognize the Libyan people's demand for democratic change, resign his position and permit a peaceful transition to democracy governed by respect for human and civil rights and the right of the people to choose their government in free and fair elections;

(4) calls on the Gadhafi regime to immediately release persons that have been arbitrarily detained, to cease the intimidation, harassment and detention of peaceful protestors, human rights defenders and journalists, to ensure civilian safety, and to guarantee access to human rights and humanitarian organizations;

(5) welcomes the unanimous vote of the United Nations Security Council on resolution 1970 referring the situation in Libya to the International Criminal Court, imposing an arms embargo on the Libyan Arab Jamahiriya, freezing the assets of Gadhafi and family members, and banning international travel by Gadhafi, members of his family, and senior advisors;

(6) urges the Gadhafi regime to abide by United Nations Security Council Resolution 1970 and ensure the safety of foreign nationals and their assets, and to facilitate the departure of those wishing to leave the country as well as the safe passage of humanitarian and medical supplies, humanitarian agencies and workers, into Libya in order to assist the Libyan people;

(7) urges the United Nations Security Council to take such further action as may be necessary to protect civilians in Libya from attack, including the possible imposition of a no-fly zone over Libyan territory;

(8) welcomes the African Union's condemnation of the "disproportionate use of force in Libya" and urges the Union to take action to address the human rights crisis in Libya and to ensure that member states, particularly those bordering Libya, are in full compliance with the arms embargo imposed by United Nations Security Council Resolution 1970 against the Libyan Arab Jamahiriya, including the ban on the provision of armed mercenary personnel;

(9) welcomes the decision of the United Nations Human Rights Council to recommend Libya's suspension from the Council and urges the United Nations General Assembly to vote to suspend Libya's rights of membership in the Council;

(10) welcomes the attendance of Secretary of State Clinton at the United Nations Human Rights Council meeting in Geneva and 1) urges the Council's assumption of a country mandate for Libya that employs a Special Rapporteur on the human rights situation in Libya and 2) urges the U.S. Ambassador to the United Nations to advocate for improving United Nations Human Rights Council membership criteria at the next

United Nations General Assembly in New York City to exclude gross and systematic violators of human rights; and

(11) welcomes the outreach that has begun by the United States Government to Libyan opposition figures and supports an orderly, irreversible transition to a legitimate democratic government in Libya.

SENATE RESOLUTION 86—RECOGNIZING THE DEFENSE INTELLIGENCE AGENCY ON ITS 50TH ANNIVERSARY

Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Mr. WARNER, Ms. MIKULSKI, Mr. RUBIO, Mr. BURR, Ms. SNOWE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. BLUNT, Mr. RISCH, Mr. LEVIN, Mr. MCCAIN, and Mr. SHELBY) submitted the following resolution; which was referred to the Select Committee on Intelligence:

S. RES. 86

Whereas, the Defense Intelligence Agency was created in 1961 as the United States lead military intelligence organization, approved by Secretary of Defense Robert McNamara on July 5, 1961, and activated on October 1, 1961;

Whereas, with military and civilian employees worldwide, the Defense Intelligence Agency produces military intelligence to warfighters and policymakers in the Department of Defense and the intelligence community, to support United States military planning, operations, and weapon systems acquisition;

Whereas the Defense Intelligence Agency possesses a diverse and expeditionary workforce that conducts all-source analysis, intelligence collection, and information technology infrastructure support around the world;

Whereas the Defense Intelligence Agency plays a critical role within the Department of Defense, the combatant commands, the intelligence community, and the Defense Intelligence Enterprise through the Defense Attaché System, Defense Counterintelligence and HUMINT Center, National Defense Intelligence College, National Media Exploitation Center, and National Center for Credibility Assessment;

Whereas the Defense Intelligence Agency leads the defense all-source analytic community including the Directorate for Analysis and four specialized centers known as the Underground Facility Analysis Center, the National Center for Medical Intelligence, the Joint Intelligence Task Force-Combating Terrorism, and the Missile and Space Intelligence Center, as well as synchronizes the analytic efforts of the Army National Ground Intelligence Center, Office of Naval Intelligence, Air Force National Air and Space Intelligence Center, Marine Corps Intelligence Activity, and ten United States combatant command intelligence centers;

Whereas the Defense Intelligence Agency has throughout its history provided intelligence support to United States policy makers and military commanders in both war and peacetime during significant national security events including the Cuban Missile Crisis, the Vietnam conflict, the Cold War and its aftermath, operations against state-sponsored terrorist organizations, Operation Desert Storm, and in support of United States military and coalition operations in Somalia, the former Yugoslavia, and Haiti;

Whereas, since the terrorist attacks of September 11, 2001, the men and women of

the Defense Intelligence Agency have worked diligently to deter, detect, and prevent acts of terror by providing intelligence support to United States and coalition forces in support of the Global War on Terror, Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom; and

Whereas the Defense Intelligence Agency and subordinate organizations within the Agency have been awarded seven Joint Meritorious Unit Awards reflecting the distinctive accomplishments of the personnel assigned to the Defense Intelligence Agency: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the men and women of the Defense Intelligence Agency on the occasion of the Agency's 50th Anniversary;

(2) honors the heroic sacrifice of the employees of the Defense Intelligence Agency who have given their lives, or have been wounded or injured, in the service of the United States during the past 50 years; and

(3) expresses gratitude to all the men and women of the Defense Intelligence Agency for their past and continued efforts to provide timely and accurate intelligence support to deliver overwhelming advantage to our warfighters, defense planners, and defense and national security policymakers in the defense and security of the United States.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a resolution honoring the Defense Intelligence Agency on the occasion of its 50th anniversary this year.

I am joined by Senators CHAMBLISS, WARNER, MIKULSKI, RUBIO, BURR, SNOWE, BILL NELSON, ROCKEFELLER, BLUNT, RISCH, LEVIN, MCCAIN, and SHELBY on this resolution and I would like to thank them for their support.

Created in 1961, the Defense Intelligence Agency, known as "DIA," provides intelligence on important national security questions such as foreign military intentions and capabilities. The agency supports military commanders and policymakers throughout the U.S. Government.

In fact, as Chairman of the Senate Select Committee on Intelligence, I regularly review DIA intelligence products. The DIA produces a daily set of classified intelligence products, called the Defense Intelligence Digest, which is provided to our Committee each morning. The agency also produces longer reports on foreign military capabilities, strategic reviews, and other issues of interest to defense and other policymakers.

But producing finished intelligence analysis is only one of DIA's missions. Employing a diverse workforce of military and civilian intelligence professionals, DIA conducts all-source analysis, intelligence collection, and information technology infrastructure support worldwide.

DIA's responsibilities inside the Department of Defense and across the Intelligence Community have grown significantly over the years. The agency today is responsible for the Defense Attaché System, the Defense Counterintelligence and HUMINT Center, the

National Defense Intelligence College, the National Media Exploitation Center, the National Center for Credibility Assessment and four specialized centers: the Underground Facility Analysis Center, the National Center for Medical Intelligence, the Joint Intelligence Task Force-Combating Terrorism and the Missile and Space Intelligence Center.

DIA also oversees intelligence analysis throughout the Department of Defense, including analytic work performed at the Army National Ground Intelligence Center, the Office of Naval Intelligence, the Air Force National Air and the Space Intelligence Center, the Marine Corps Intelligence Activity, and ten U.S. combatant command intelligence operations centers.

Over the last 50 years, the intelligence collected and analyzed by the men and women of DIA has informed the Nation's civilian and military leaders during crises and conflicts—from the Cold War to the current struggle against international terrorism. DIA has played a vital role in collecting, analyzing, and producing intelligence required to defend the Nation while also supporting U.S. military operations worldwide.

During the past 5 decades, DIA has transformed in response to evolving national security threats. From the Cuban Missile Crisis and the Vietnam conflict, to the first Gulf War, DIA's efforts have focused on understanding and, if necessary, defeating state-sponsored militaries while also providing strategic warning and preventing strategic surprise.

Since the 9/11 terrorist attacks in New York and Washington almost ten years ago, DIA has responded to the asymmetric threat posed by transnational terrorist groups such as al-Qaeda by pushing more analytic and collection capabilities forward in direct support of our military forces in Iraq, Afghanistan, and elsewhere. Today the agency is more forward deployed with soldiers on the battlefield than at any time in its history.

As Chairman of the Senate Select Committee on Intelligence, I receive frequent briefings from DIA personnel. Their depth of knowledge and expertise on foreign military intentions and capabilities has been impressive.

I've met twice within the past few weeks with the current DIA Director, Lieutenant General Ronald Burgess. He, like his predecessors, presents the facts like he sees them and manages to serve the Intelligence Community and the Department of Defense with skill and integrity.

I am keenly aware of the many sacrifices our intelligence professionals make to help defend our Nation and I am pleased that this resolution pays tribute to the DIA workforce and the DIA employees who have given their lives, or have been wounded or injured, in the line of service.

Because of the nature of intelligence and the need for secrecy, we in Congress often are understandably reluctant to draw unnecessary attention to our intelligence services and the vital and sometimes dangerous work they do to protect our Nation. However, at this important 50th anniversary, it is appropriate to reflect on DIA's history of important contributions while also honoring its professionals, past and present.

I ask my colleagues to join me in congratulating the men and women of DIA as they celebrate their legacy and forge their future.

Mr. CHAMBLISS. Mr. President, I rise today to talk about the Defense Intelligence Agency and a resolution that Chairman FEINSTEIN and I have introduced in honor of DIA's 50th Anniversary. The Defense Intelligence Agency is an integral part of the Department of Defense, our combatant commands, and the intelligence community. I want to congratulate the Agency and its employees on the approaching 50th Anniversary.

The Defense Intelligence Agency was established in 1961 under Secretary of Defense, Robert McNamara following a national debate on defense reorganization after World War II. McNamara, acting on recommendations of a Joint Study Group appointed by President Eisenhower, created the DIA to consolidate and integrate military intelligence efforts. DIA began operations on October 1, 1961 with only a handful of employees in borrowed office space in the Pentagon.

Shortly after its inception, DIA was thrust into the Cold War where DIA's analysts played a key role in the discovery of ballistic missiles in Cuba. However, the fledgling agency faced several early hurdles in the 60's including the Vietnam War and the Soviet Union's invasion of Czechoslovakia. In the 70's and 80's, DIA focused much of its attention on providing intelligence on the Soviet Union, but was finally coming of age as it was assigned support responsibilities to our combatant commanders under the Goldwater-Nichols Defense Reorganization Act. The 90's brought Operation DESERT STORM and bolstered DIA's mission as a Combat Support Agency with U.S. and United Nations forces in places such as Somalia, Rwanda, former Yugoslavia, and Kosovo.

The emergence of radical Islamic movements such as al-Qaida and the terrorist attacks of September 11th have ushered in a new era of integration and cooperation in military intelligence. The intelligence community has faced significant challenges and reorganization in recent years, but DIA has stepped up to meet these challenges head-on.

DIA has worked diligently to deter, detect, and prevent acts of terror by providing intelligence to U.S. and coa-

lition forces in support of the Global War on Terror, Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom.

Today, DIA has over 16,000 employees worldwide and has become an integral part of the Department of Defense and the intelligence community. I want to thank them for their service to our country and all that they do for our warfighters, planners, and policymakers. I am sure that all of my colleagues will join me in congratulating them on their upcoming 50th Anniversary.

AMENDMENTS SUBMITTED AND PROPOSED

SA 118. Mr. BENNET (for himself, Mr. BROWN of Massachusetts, Mr. RISCH, Mr. COONS, Mr. BINGAMAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table.

SA 119. Mr. BENNET (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 120. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 121. Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. KYL, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 23, supra.

SA 122. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 123. Mr. KIRK (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 23, supra.

SA 124. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 23, supra.

SA 125. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 126. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 127. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 128. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 129. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 130. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 131. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 132. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 118. Mr. BENNET (for himself, Mr. BROWN of Massachusetts, Mr. RISCH, Mr. COONS, Mr. BINGAMAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 32, line 12, strike "**DAMAGES**" and insert "**DEFENSES; EVIDENTIARY REQUIREMENTS**".

On page 32, strike line 13 and all that follows through page 35, line 2.

On page 37, line 1, strike "(b)" and insert "(a)".

On page 37, line 20, strike "(c)" and insert "(b)".

On page 38, line 3, strike "(d)" and insert "(c)".

On page 38, line 13, strike "(e)" and insert "(d)".

On page 77, strike line 23 and all that follows through page 78, line 6.

On page 78, line 7, strike "(b)" and insert "(a)".

On page 78, line 20, strike "(c)" and insert "(b)".

SA 119. Mr. BENNET (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 104, between lines 22 and 23, insert the following:

SEC. 18. TELEVISION ACCESS.

(a) **SHORT TITLE.**—This section may be cited as the "Four Corners Television Access Act of 2011".

(b) **SATELLITE CARRIAGE OF CERTAIN TELEVISION BROADCAST SIGNALS.**—Section 122(a)(4)(C) of title 17, United States Code, is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "In the case of that State" and inserting the following:

"(i) In the case of that State"; and

(3) by inserting before clause (ii) (as so redesignated by paragraph (2)) the following:

"(i) In the case of that State in which are located 2 counties that—

"(I) are located in the 44th largest designated market area for the year 2008 according to Nielsen Media Research; and

"(II) had a combined total of 27,540 television households, according to the *Nielsen DMA Market Atlas* by Nielsen Media Research for 2008,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2008."

(c) **CABLE CARRIAGE OF CERTAIN TELEVISION BROADCAST SIGNAL.**—Section 341 of Communications Act of 1934 (47 U.S.C. 341) is amended by adding at the end the following:

"(c) **RULE OF CONSTRUCTION.**—

"(1) **SIGNIFICANTLY VIEWED.**—Each television broadcast station broadcasting in the designated market area of a State capital is deemed significantly viewed in a covered county within the meaning of section 76.54 of

title 47, Code of Federal Regulations, for purposes of the carriage and retransmission of the signals of such broadcast station by a cable system, translator, or other multi-channel video programming distributor.

“(2) RETRANSMISSION PERMITTED.—Notwithstanding the provisions of section 325(b), a cable system, translator, or other multi-channel video programming distributor may retransmit the signal of any television broadcast station described in paragraph (1) within a covered county.

“(3) DEFINITION OF COVERED COUNTY.—For purposes of this subsection, a county is a covered county if—

“(A) it is 1 of 2 counties located in the 44th largest designated market area for the year 2008 according to Nielsen Media Research; and

“(B) it had a combined total of 27,540 television households, according to the *Nielsen DMA Market Atlas* by Nielsen Media Research for 2008.”

On page 104, line 23, strike “SEC. 18.” and insert “SEC. 19.”

SA 120. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 104, between lines 22 and 23, insert the following:

SEC. 18. PATENT OMBUDSMAN PROGRAM FOR SMALL BUSINESS CONCERNS.

There is established in the United States Patent and Trademark Office a Patent Ombudsman Program. The duties of the Program's staff shall include providing support and services relating to patent filings to small business concerns.

SA 121. Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. KYL, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 1, strike line 5, and insert the following: “‘America Invents Act’”.

On page 9, line 8, strike “1 year” and insert “18 months”.

On page 32, strike line 12 and all that follows through page 35, line 2, and insert the following:

SEC. 4. VIRTUAL MARKING AND ADVICE OF COUNSEL.

On page 37, line 1, strike “(b)” and insert “(a)”.

On page 37, line 20, strike “(c)” and insert “(b)”.

On page 38, line 3, strike “(d)” and insert “(c)”.

On page 38, line 13, strike “(e)” and insert “(d)”.

On page 57, strike lines 17 through 23, and insert the following:

“(b) PRELIMINARY INJUNCTIONS.—If a civil action alleging infringement of a patent is filed within 3 months of the grant of the patent, the court may not stay its consideration of the patent owner's motion for a preliminary injunction against infringement of the patent on the basis that a petition for post-grant review has been filed or that such a proceeding has been instituted.”

On page 59, strike lines 13 through 19.

On page 59, line 20, strike “(g)” and insert “(f)”.

On page 65, line 21, strike “18 months” and insert “1 year”.

On page 66, line 3, strike “18 months” and insert “1 year”.

On page 66, lines 4 and 5, strike “and shall apply only to patents issued on or after that date.” and insert “and, except as provided in section 18 and in paragraph (3), shall apply only to patents that are described in section 2(o)(1).”

On page 66, line 8, after the period insert the following: “During the 4 year period following the effective date of subsections (a) and (d), the Director may, in his discretion, continue to apply the provisions of chapter 31 of title 35, United States Code, as amended by paragraph (3), as if subsection (a) had not been enacted to such proceedings instituted under section 314 (as amended by subsection (a)) or under section 324 as are instituted only on the basis of prior art consisting of patents and printed publications.”

On page 69, line 2, strike “18 months” and insert “1 year”.

On page 69, line 14, strike “18 months” and insert “1 year”.

On page 74, line 22, strike “18 months” and insert “1 year”.

On page 75, line 16, strike “18 months” and insert “1 year”.

On page 75, line 22, strike “18 months” and insert “1 year”.

On page 76, line 5, strike “18 months” and insert “1 year”.

On page 77, strike line 23 and all that follows through page 78, line 6.

On page 78, line 7, strike “(b)” and insert “(a)”.

On page 78, line 20, strike “(c)” and insert “(b)”.

On page 79, strike lines 1 through 17, and insert the following:

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established, authorized, or charged under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), notwithstanding the fee amounts established, authorized, or charged thereunder, for all services performed by or materials furnished by, the Office, provided that patent and trademark fee amounts are in the aggregate set to recover the estimated cost to the Office for processing, activities, services, and materials relating to patents and trademarks, respectively, including proportionate shares of the administrative costs of the Office.

On page 79, lines 19–21, strike “filing, processing, issuing, and maintaining patent applications and patents” and insert: “filing, searching, examining, issuing, appealing, and maintaining patent applications and patents”.

On page 86, between lines 8 and 9, insert the following:

(i) REDUCTION IN FEES FOR SMALL ENTITY PATENTS.—The Director shall reduce fees for providing prioritized examination of utility and plant patent applications by 50 percent for small entities that qualify for reduced fees under section 41(h)(1) of title 35, United States Code, so long as the fees of the prioritized examination program are set to recover the estimated cost of the program.

On page 86, line 9, strike “(i)” and insert “(j)”.

On page 91, between lines 14 and 15, insert the following:

(b) NO PROVISION OF FACILITIES AUTHORIZED.—The repeal made by the amendment in subsection (a)(1) shall not be construed to authorize the provision of any court facilities or administrative support services outside of the District of Columbia.

On page 91, line 15, strike “(b)” and insert “(c)”.

On page 91, line 23, strike “under either subsection” and all that follows through “shall certify” on page 92, line 2.

On page 92, line 7, before the semicolon insert the following: “, not including applications filed in another country, provisional applications under section 111(b), or international applications filed under the treaty defined in section 351(a) for which the basic national fee under section 41(a) was not paid”.

On page 92, between lines 7 and 8, insert the following:

“(3) did not in the prior calendar year have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 3 times the most recently reported median household income, as reported by the Bureau of Census; and”.

On page 92, strike lines 8 through 25.

On page 93, line 1, strike “(3) has not assigned, granted, conveyed, or is” and insert “(4) has not assigned, granted, conveyed, and is not”.

On page 93, lines 4 and 5, strike “has 5 or fewer employees and that such entity has” and insert “had”.

On page 93, line 7, strike “that does” and all that follows through line 11, and insert the following: “exceeding 3 times the most recently reported median household income, as reported by the Bureau of the Census, in the calendar year preceding the calendar year in which the fee is being paid, other than an entity of higher education where the applicant is not an employee, a relative of an employee, or have any affiliation with the entity of higher education.”

On page 93, strike lines 12 through 17, and insert the following:

“(b) APPLICATIONS RESULTING FROM PRIOR EMPLOYMENT.—An applicant is not considered to be named on a previously filed application for purposes of subsection (a)(2) if the applicant has assigned, or is under an obligation by contract or law to assign, all ownership rights in the application as the result of the applicant's previous employment.

“(c) FOREIGN CURRENCY EXCHANGE RATE.—If an applicant's or entity's gross income in the preceding year is not in United States dollars, the average currency exchange rate, as reported by the Internal Revenue Service, during the preceding year shall be used to determine whether the applicant's or entity's gross income exceeds the threshold specified in paragraphs (3) or (4) of subsection (a).”

On page 94, between lines 18 and 19, insert the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that other business methods are patentable or that other business-method patents are valid.

On page 94, line 19, strike “(c)” and insert “(d)”.

On page 103, between lines 11 and 12, insert the following:

“(c) DERIVATIVE JURISDICTION NOT REQUIRED.—The court to which a civil action is removed under this section is not precluded from hearing and determining any claim in such civil action because the State court from which such civil action is removed did not have jurisdiction over that claim.”

On page 103, line 12, strike “(c)” and insert “(d)”.

On page 105, between lines 22 and 23, insert the following:

SEC. 18. TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

(a) REFERENCES.—Except as otherwise expressly provided, wherever in this section

language is expressed in terms of a section or chapter, the reference shall be considered to be made to that section or chapter in title 35, United States Code.

(b) TRANSITIONAL PROGRAM.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall issue regulations establishing and implementing a transitional post-grant review proceeding for review of the validity of covered business-method patents. The transitional proceeding implemented pursuant to this subsection shall be regarded as, and shall employ the standards and procedures of, a post-grant review under chapter 32, subject to the following exceptions and qualifications:

(A) Section 321(c) and subsections (e)(2), (f), and (g) of section 325 shall not apply to a transitional proceeding.

(B) A person may not file a petition for a transitional proceeding with respect to a covered business-method patent unless the person or his real party in interest has been sued for infringement of the patent or has been charged with infringement under that patent.

(C) A petitioner in a transitional proceeding who challenges the validity of 1 or more claims in a covered business-method patent on a ground raised under section 102 or 103 as in effect on the day prior to the date of enactment of this Act may support such ground only on the basis of—

(i) prior art that is described by section 102(a) (as in effect on the day prior to the date of enactment of this Act); or

(ii) prior art that—

(I) discloses the invention more than 1 year prior to the date of the application for patent in the United States; and

(II) would be described by section 102(a) (as in effect on the day prior to the date of enactment of this Act) if the disclosure had been made by another before the invention thereof by the applicant for patent.

(D) The petitioner in a transitional proceeding, or his real party in interest, may not assert either in a civil action arising in whole or in part under section 1338 of title 28, United States Code, or in a proceeding before the International Trade Commission that a claim in a patent is invalid on any ground that the petitioner raised during a transitional proceeding that resulted in a final written decision.

(E) The Director may institute a transitional proceeding only for a patent that is a covered business-method patent.

(2) EFFECTIVE DATE.—The regulations issued pursuant to paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply to all covered business-method patents issued before, on, or after such date of enactment, except that the regulations shall not apply to a patent described in the first sentence of section 5(f)(2) of this Act during the period that a petition for post-grant review of that patent would satisfy the requirements of section 321(c).

(3) SUNSET.—

(A) IN GENERAL.—This subsection, and the regulations issued pursuant to this subsection, are repealed effective on the date that is 4 years after the date that the regulations issued pursuant to paragraph (1) take effect.

(B) APPLICABILITY.—Notwithstanding subparagraph (A), this subsection and the regulations implemented pursuant to this subsection shall continue to apply to any petition for a transitional proceeding that is filed prior to the date that this subsection is repealed pursuant to subparagraph (A).

(c) REQUEST FOR STAY.—

(1) IN GENERAL.—If a party seeks a stay of a civil action alleging infringement of a patent under section 281 in relation to a transitional proceeding for that patent, the court shall decide whether to enter a stay based on—

(A) whether a stay, or the denial thereof, will simplify the issues in question and streamline the trial;

(B) whether discovery is complete and whether a trial date has been set;

(C) whether a stay, or the denial thereof, would unduly prejudice the nonmoving party or present a clear tactical advantage for the moving party; and

(D) whether a stay, or the denial thereof, will reduce the burden of litigation on the parties and on the court.

(2) REVIEW.—A party may take an immediate interlocutory appeal from a district court's decision under paragraph (1). The United States Court of Appeals for the Federal Circuit shall review the district court's decision to ensure consistent application of established precedent.

(d) DEFINITION.—For purposes of this section, the term “covered business method patent” means a patent that claims a method or corresponding apparatus for performing data processing operations utilized in the practice, administration, or management of a financial product or service, except that the term shall not include patents for technological inventions. Solely for the purpose of implementing the transitional proceeding authorized by this subsection, the Director shall prescribe regulations for determining whether a patent is for a technological invention.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as amending or interpreting categories of patent-eligible subject matter set forth under section 101.

SEC. 19. TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.

(a) AUTHORITY TO COVER CERTAIN TRAVEL RELATED EXPENSES.—Section 2(b)(11) of title 35, United States Code, is amended by inserting “, and the Office is authorized to expend funds to cover the subsistence expenses and travel-related expenses, including per diem, lodging costs, and transportation costs, of non-federal employees attending such programs” after “world”.

(b) PAYMENT OF ADMINISTRATIVE JUDGES.—Section 3(b) of title 35, United States Code, is amended by adding at the end the following:

“(6) ADMINISTRATIVE PATENT JUDGES AND ADMINISTRATIVE TRADEMARK JUDGES.—The Director has the authority to fix the rate of basic pay for the administrative patent judges appointed pursuant to section 6 of this title and the administrative trademark judges appointed pursuant to section 17 of the Trademark Act of 1946 (15 U.S.C. 1067) at not greater than the rate of basic pay payable for Level III of the Executive Schedule. The payment of a rate of basic pay under this paragraph shall not be subject to the pay limitation of section 5306(e) or 5373 of title 5.”

SEC. 20. PATENT AND TRADEMARK OFFICE FUNDING.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) FUND.—The term “Fund” means the public enterprise revolving fund established under subsection (c).

(3) OFFICE.—The term “Office” means the United States Patent and Trademark Office.

(4) TRADEMARK ACT OF 1946.—The term “Trademark Act of 1946” means an Act entitled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”).

(5) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Intellectual Property.

(b) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking “Patent and Trademark Office Appropriation Account” and inserting “United States Patent and Trademark Office Public Enterprise Fund”; and

(B) in subsection (c), in the first sentence—

(i) by striking “To the extent” and all that follows through “fees” and inserting “Fees”; and

(ii) by striking “shall be collected by and shall be available to the Director” and inserting “shall be collected by the Director and shall be available until expended”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2011; or

(B) the first day of the first fiscal year that begins after the date of the enactment of this Act.

(c) USPTO REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the “United States Patent and Trademark Office Public Enterprise Fund”. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) DERIVATION OF RESOURCES.—There shall be deposited into the Fund on or after the effective date of subsection (b)(1)—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund, provided, however, that no funds collected pursuant to section 9(h) of this Act or section 1(a)(2) of Public Law 111-45 shall be deposited in the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(3) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office relating to patents and trademarks, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(d) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (f).

(e) **ANNUAL SPENDING PLAN.**—

(1) **IN GENERAL.**—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) **CONTENTS.**—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) **AUDIT.**—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) **BUDGET.**—The Fund shall prepare and submit each year to the President a business-type budget in a manner, and before a date, as the President prescribes by regulation for the budget program.

On page 105, line 23, strike “**SEC. 18.**” and insert “**SEC. 21.**”.

At the end, add the following:

SEC. 22. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 122. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 77, strike line 23 and all that follows through page 78, line 6.

On page 78, line 7, strike “(b)” and insert “(a)”.

On page 78, line 20, strike “(c)” and insert “(b)”.

SA 123. Mr. KIRK (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 104, between lines 22 and 23, insert the following:

SEC. 18. PATENT OMBUDSMAN PROGRAM FOR SMALL BUSINESS CONCERNS.

Subject to available resources, the Director may establish in the United States Patent and Trademark Office a Patent Ombudsman Program. The duties of the Program’s staff shall include providing support and services relating to patent filings to small business concerns.

SA 124. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 104, strike line 23, and insert the following:

SEC. 18. PRIORITY EXAMINATION FOR TECHNOLOGIES IMPORTANT TO AMERICAN COMPETITIVENESS.

Section 2(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) in subparagraph (F), by striking the semicolon and inserting “; and”; and

(3) by adding at the end the following:

“(G) may, subject to any conditions prescribed by the Director and at the request of the patent applicant, provide for prioritization of examination of applications for products, processes, or technologies that are important to the national economy or national competitiveness, such as green technologies designed to foster renewable energy, clean energy, biofuels or bio-based products, agricultural sustainability, environmental quality, energy conservation, or energy efficiency, without recovering the aggregate extra cost of providing such prioritization, notwithstanding section 41 or any other provision of law;”.

SEC. 19. EFFECTIVE DATE.

SA 125. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 104, strike line 23, and insert the following:

SEC. 18. COMPLIANCE WITH CERTAIN ORDERS OF THE FEDERAL COMMUNICATIONS COMMISSION.

Section 1498 of title 28, United States Code, is amended by adding at the end the following:

“(f) Whenever, after the date of enactment of this subsection, a wireless carrier is alleged to infringe a patent or copyright not previously licensed as a means to comply with an order or directive of the Federal Communications Commission concerning enhanced 911 services, then that alleged infringement shall be construed as a use or manufacture for the United States for purposes of this section.”.

SEC. 19. EFFECTIVE DATE.

SA 126. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 104, strike line 23 and insert the following:

SEC. 18. DESIGNATION OF DETROIT SATELLITE OFFICE.

(a) **DESIGNATION.**—The satellite office of the United States Patent and Trademark Of-

fice to be located in Detroit, Michigan shall be known and designated as the “Elijah J. McCoy United States Patent and Trademark Office”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the satellite office of the United States Patent and Trademark Office to be located in Detroit, Michigan referred to in subsection (a) shall be deemed to be a reference to the “Elijah J. McCoy United States Patent and Trademark Office”.

SEC. 19. EFFECTIVE DATE.

SA 127. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 94, between lines 18 and 19, insert the following:

(c) **EXCLUSION.**—This section does not apply to tax preparation computer software or financial management computer software that is novel and nonobvious as computer software.

On page 94, line 19, strike “(c)” and insert “(d)”.

SA 128. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 104, between lines 22 and 23, insert the following:

SEC. 18. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.

Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”.

SA 129. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 42, line 19, strike “6 months” and insert “1 year”.

SA 130. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 38, strike line 17 and all that follows through page 53, line 12.

SA 131. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 79, line 18, strike “AND MICRO ENTITIES.” and insert “, MICRO ENTITIES, HBCUS, AND OTHER MINORITY-SERVING INSTITUTIONS.”

On page 80, line 2, strike the period and insert “and to any eligible institution defined

in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q).”.

SA 132. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 20, strike line 11 and all that follows through “(iv)” on line 14, and insert the following:

(iii) the effects of the change on small business concerns owned and controlled by women, as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), and small business concerns owned and controlled by socially and economically disadvantaged individuals, as that term is defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C));

(iv) the cost savings and other potential benefits to small business concerns of the change; and

(v)

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 8, 2010, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Peter B. Lyons, to be an Assistant Secretary of Energy (Nuclear Energy).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler or Amanda Kelly.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 10, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes, and S. 395, the Better Use of Light Bulbs Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Al Stayman or Abigail Campbell.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 1, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 1, 2011, at 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m., to conduct a committee hearing entitled “Semi-annual Monetary Policy Report to Congress.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled “How Did We Get Here? Changes in the Law and Tax Environment Since the Tax Reform Act of 1986.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m., to hold a hearing entitled “Breaking the Cycle of North Korean Provocations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 1, 2011. The committee will meet in room 345 of the Cannon House Office Building beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 1, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 1, 2011, at 10 a.m., to conduct a hearing entitled, “Examination of Public Relations Contracts at the General Services Administration's Heartland Region.”

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 44

Mr. SCHUMER. Mr. President, I ask unanimous consent that at 11 a.m. on Wednesday, March 2, the Senate proceed to the immediate consideration of H.J. Res. 44, the 2-week continuing resolution which was received from the House and is at the desk; that the Senate then proceed to a vote on the passage of H.J. Res. 44, with no intervening action or debate; further, that the cloture motion on the motion to proceed to Calendar No. 11, H.R. 359, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

READ ACROSS AMERICA DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 83 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 83) designating March 2, 2011 as “Read Across America Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon

the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 83) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 83

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and providing additional resources for reading assistance, including through the programs authorized in the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) and through annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, as a day to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2011, as “Read Across America Day”;

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) honors the 14th anniversary of “Read Across America Day”;

(4) encourages parents to read with their children for at least 30 minutes on “Read Across America Day” in honor of the commitment of the Senate to building a nation of readers; and

(5) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SUPPORTING RECONCILIATION WITHIN SRI LANKA

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 84, a resolution introduced earlier today by Senator CASEY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 84) expressing support for internal rebuilding, resettlement, and reconciliation within Sri Lanka that are necessary to assure a lasting peace.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas May 19, 2010, marked the one-year anniversary of the end of the 26-year conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka;

Whereas the Government of Sri Lanka established a Lessons Learned and Reconciliation Commission (LLRC) to report whether any person, group, or institution directly or indirectly bears responsibility for incidents that occurred between February 2002 and May 2009 and to recommend measures to prevent the recurrence of such incidents in the future and promote further national unity and reconciliation among all communities;

Whereas United Nations Secretary-General Ban Ki-moon appointed a panel of experts, including Marzuki Darusman, the former attorney general of Indonesia; Yazmin Sooka, a member of South Africa's Truth and Reconciliation Commission; and Steven Ratner, a lawyer in the United States specializing in human rights and international law, to advise the Secretary-General on the implementation of the commitment of the Government of Sri Lanka to human rights accountability;

Whereas the Government of Sri Lanka expressed its commitment to addressing the needs of all ethnic groups and has recognized, in the past, the necessity of a political settlement and reconciliation for a peaceful and just society;

Whereas the United States Government has yet to develop a comprehensive United States policy toward Sri Lanka that reflects the broad range of human rights, national security, and economic interests; and

Whereas progress on domestic and international investigations into reports of war crimes, crimes against humanity, and other human rights violations during the conflict and promoting reconciliation would facilitate enhanced United States engagement and investment in Sri Lanka: Now, therefore, be it

Resolved, That the Senate—

(1) commends United Nations Secretary-General Ban Ki-moon for creating the three-person panel to advise the Secretary-General on the implementation of the commitment of the Government of Sri Lanka to human rights accountability;

(2) calls on the Government of Sri Lanka, the international community, and the United Nations to establish an independent international accountability mechanism to look into reports of war crimes, crimes against humanity, and other human rights violations committed by both sides during and after the war in Sri Lanka and to make recommendations regarding accountability;

(3) calls on the Government of Sri Lanka to allow humanitarian organizations, aid agencies, journalists, and international human rights groups greater freedom of movement, including in internally-displaced persons camps; and

(4) calls upon the President to develop a comprehensive policy towards Sri Lanka that reflects United States interests, including respect for human rights, democracy and the rule of law, economic interests, and security interests.

CONDEMNING VIOLATIONS OF HUMAN RIGHTS IN LIBYA

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 85, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 85) strongly condemning the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 85) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 85

Whereas Muammar Gadhafi and his regime have engaged in gross and systematic violations of human rights, including violent attacks on protesters demanding democratic reforms, that have killed thousands of people;

Whereas Muammar Gadhafi, his sons and supporters have instigated and authorized violent attacks on Libyan protesters using warplanes, helicopters, snipers and soldiers and continue to threaten the life and well-being of any person voicing opposition to the Gadhafi regime;

Whereas the United Nations Security Council and the international community have condemned the violence and use of force against civilians in Libya and on February 26, 2011, the United Nations Security Council unanimously agreed to refer the ongoing situation in Libya to the International Criminal Court, impose an arms embargo on the Libyan Arab Jamahiriya, including the provision of mercenary personnel, freeze the financial assets of Muammar Gadhafi and certain family members, and impose a travel ban on Gadhafi, certain family members and senior advisors;

Whereas Muammar Gadhafi has ruled Libya for more than 40 years by banning and brutally opposing any individual or group opposing the ideology of his 1969 revolution, criminalizing the peaceful exercise of expression and association, refusing to permit independent journalists' and lawyers' organizations, and engaging in torture and extrajudicial executions, including the 1,200 detainees killed in Abu Salim Prison in June 1996;

Whereas Libya took formal responsibility for the terrorist attack that brought down Pan Am Flight 103 over Lockerbie, Scotland, killing 270 people, 189 of whom were U.S. citizens and high-ranking Libyan officials have indicated that Muammar Gadhafi personally ordered the attack; and

Whereas Libya was elected to the United Nations Human Rights Council on May 13,

2010 for a period of 3 years, sending a demoralizing message of indifference to the families of the victims of Pan Am flight 103 and Libyan citizens that have endured repression, arbitrary arrest, enforced disappearance or physical assault in their struggle to obtain basic human and civil rights: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the courage of the Libyan people in standing up against the brutal dictatorship of Muammar Gadhafi and for demanding democratic reforms, transparent governance, and respect for basic human and civil rights;

(2) strongly condemns the gross and systematic violations of human rights in Libya, including violent attacks on protesters demanding democratic reforms;

(3) calls on Muammar Gadhafi to desist from further violence, recognize the Libyan people's demand for democratic change, resign his position and permit a peaceful transition to democracy governed by respect for human and civil rights and the right of the people to choose their government in free and fair elections;

(4) calls on the Gadhafi regime to immediately release persons that have been arbitrarily detained, to cease the intimidation, harassment and detention of peaceful protesters, human rights defenders and journalists, to ensure civilian safety, and to guarantee access to human rights and humanitarian organizations;

(5) welcomes the unanimous vote of the United Nations Security Council on resolution 1970 referring the situation in Libya to the International Criminal Court, imposing an arms embargo on the Libyan Arab Jamahiriya, freezing the assets of Gadhafi and family members, and banning international travel by Gadhafi, members of his family, and senior advisors;

(6) urges the Gadhafi regime to abide by United Nations Security Council Resolution 1970 and ensure the safety of foreign nationals and their assets, and to facilitate the departure of those wishing to leave the country as well as the safe passage of humanitarian and medical supplies, humanitarian agencies and workers, into Libya in order to assist the Libyan people;

(7) urges the United Nations Security Council to take such further action as may be necessary to protect civilians in Libya from attack, including the possible imposition of a no-fly zone over Libyan territory;

(8) welcomes the African Union's condemnation of the "disproportionate use of force in Libya" and urges the Union to take action to address the human rights crisis in Libya and to ensure that member states, particularly those bordering Libya, are in full compliance with the arms embargo imposed by United Nations Security Council Resolution 1970 against the Libyan Arab Jamahiriya, including the ban on the provision of armed mercenary personnel;

(9) welcomes the decision of the United Nations Human Rights Council to recommend Libya's suspension from the Council and urges the United Nations General Assembly to vote to suspend Libya's rights of membership in the Council;

(10) welcomes the attendance of Secretary of State Clinton at the United Nations Human Rights Council meeting in Geneva and 1) urges the Council's assumption of a country mandate for Libya that employs a Special Rapporteur on the human rights situation in Libya and 2) urges the U.S. Ambassador to the United Nations to advocate for improving United Nations Human Rights Council membership criteria at the next United Nations General Assembly in New York City to exclude gross and systematic violators of human rights; and

(11) welcomes the outreach that has begun by the United States Government to Libyan opposition figures and supports an orderly, irreversible transition to a legitimate democratic government in Libya.

ORDERS FOR WEDNESDAY, MARCH 2, 2011

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 2; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later

in the day; that following any leader remarks, there be a period of morning business until 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes, and the remaining time until 11 a.m. equally controlled and divided between the two leaders or their designees, with the majority controlling the final half; further, following morning business, the Senate proceed to the consideration of H.J. Res. 44, the 2-week continuing resolution, as provided for under the previous order; and, finally, upon disposition of the CR, the Senate resume consideration of S. 23, the America Invents Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCHUMER. Mr. President, Senators should expect the first vote of the day to begin at approximately 11 a.m. That vote will be on the passage of the 2-week continuing resolution. Additional rollcall votes are expected to occur throughout the day in relation to the amendments to the America Invents Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Wednesday, March 2, 2011, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, March 1, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 1, 2011.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

GREAT THINGS HAPPENING IN CHATTANOOGA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. FLEISCHMANN) for 5 minutes.

Mr. FLEISCHMANN. Mr. Speaker, I rise today to take this moment to bring your attention to some exciting developments from my hometown of Chattanooga, Tennessee. For those of you who haven't heard, Chattanooga has undergone incredible transformation over the past several years; and, now, the story of our progress is making news across the globe.

A few decades ago, Chattanooga's economy was dwindling. Legacy companies were closing. Local manufacturers were folding in the face of global competition. We were even said to have the dirtiest air in America.

Today, Chattanooga is a place that has attracted more than \$4 billion in new investment during the recent recession. It is a place that has the fastest residential Internet service in the United States, and Chattanooga is a place that one national publication called the region with "the greatest economic growth potential" in America.

In August, the buzz about Chattanooga brought an economic and social development think tank to our city for a firsthand look. The group—called the Intelligent Community Forum—studies 21st-century growth within the global community. It looks at cities that are leveraging 21st-century infrastructure to create jobs and foster innovation. After spending a few days in Chattanooga, the Intelligent Community Forum confirmed something we have known for a long while: big things are happening in our community.

What the Intelligent Community Forum saw during its trip to Chattanooga, and has learned about us since, recently led them to name our community as one of the seven smartest cities in the world. We are now running for the number one spot.

The awards for top designation go to cities that are using information and communications technology to move every sector of their community ahead. These cities are leaders, and to be counted among them means you are growing in ways the rest of the world is not.

The Intelligent Community Forum is saying Chattanooga is a place to watch. What they see in our community is what I want to talk to you about today.

The same Chattanooga that once lagged behind the rest of the Nation is moving ahead. We're receiving praise from all sides for generating growth in an adverse economy and for maintaining an outstanding quality of life in the process. Chattanooga now offers the fastest residential Internet service in the United States and is one of only a handful of cities in the world that runs at 1,000 megabits per second. And the Electric Power Board, our city's local electric utility, has installed a fiber-optic network that uses smart meters to process real-time information and adjust transmissions according to the needs of individual homes. All 170,000 homes in EPB's service area benefit from this technology.

But Chattanooga's strides in broadband and digital inclusion are just part of the picture. Chattanooga was one of the first cities to come out of the recession, thanks in part to a strong business community. Coordinated efforts between nonprofit organizations are driving small-company formation. The Chattanooga-area chamber of commerce runs one of America's largest business incubators, with 60 companies employing more than 500 people under one roof.

These are just a few examples of the way Chattanooga is setting itself apart from the rest of the world. Every leap we make ahead underscores the forces that are fueling our progress: vision and collaboration. These are exactly the qualities the Intelligent Community Forum looks at in a number one city.

I would like to congratulate Chattanooga for the recognition it is earning, and I hope you will join me in supporting our quest to become the Most Intelligent Community for 2011. Great things are happening in Chattanooga right now; and, Mr. Speaker, a lot more are expected to come.

HONORING PEACE CORPS ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. FARR) for 5 minutes.

Mr. FARR. Mr. Speaker, I rise today to honor the 50th anniversary of the Peace Corps and the nearly quarter million people who have served in the Peace Corps in the name of peace.

Fifty years ago, John F. Kennedy signed the executive order creating the Peace Corps, and the significance of this executive order reverberated around the world. At that moment in our history, America was in the throes of a Cold War, and the international community viewed our great Nation with increasing cynicism.

Amidst this global tension, the Peace Corps showed the world the enduring values of peace, commitment to national service, and an optimism that had been eclipsed in the Cold War and World War II.

Under the masterful direction of Sargent Shriver, the Peace Corps' ranks swelled to 15,000 volunteers in 44 developing countries within the first 5 years of existence.

I was one of those early recruits. Right after college, I found myself in Peace Corps training and ended up in a poor barrio in Medellin, Colombia. I saw the grinding cycles of poverty that left so many men, women, and children without hope. I committed then to work to end the culture of poverty. It is in no small part because of that experience in the Peace Corps that I am standing here today in the well of the United States Congress.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FARR. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I would simply like to join in congratulating my friend for his extraordinary service in the Peace Corps. He not only served at that time, but he continues to share that experience with us today; and as we focus on countries that are dealing with difficulty all around the world, the expansion of the Peace Corps is something that has been very important and recognizing the 50th anniversary is something that I am happy to join my colleague in doing.

Mr. FARR. Thank you, Mr. DREIER, and I appreciate your support as well.

Over the past 50 years, through war and conflict, the Peace Corps has shown the world the hopeful, uplifting side of America that reflects our fundamental ideas of peace, service and grass-roots development. That great legacy continues today. At this moment, 8,655 volunteers are serving in 76 developing countries around the world.

□ 1010

I am proud to say that 25 of those volunteers are from my district. Among them is Gabe LaHue, who was the valedictorian at Aptos High School. He then went on to study plant sciences at Cornell. Just 4 months after graduating summa cum laude from college, Gabe entered into the Peace Corps in Paraguay to serve in an agricultural role there. Right now, Gabe is working shoulder to shoulder with community members in eastern Paraguay on rural agricultural development. Like many Peace Corps volunteers, Gabe's service ripples out far beyond one single project. He also helped to start a composting initiative, teaches English, and is working to set a library up and get it running.

There are others, like Ashley Burke from Marina, who is teaching English at an orphanage in Rwanda; and there is James Staples from Pacific, who is working on sustainable rural tourism in Guatemala.

Gabe, Ashley, and James are powerful ambassadors who have committed 2 years of their lives to serving America's best values abroad. The American taxpayers reap a huge return on their investment in this remarkable program. To date, more than 20 countries have requested Peace Corps volunteers, and other countries want an increase in the number of volunteers allocated to them.

The Peace Corps is able to build this goodwill on a shoestring budget. Dollar for dollar, Peace Corps volunteers are one of our most effective ambassadors of international development and diplomacy. In fact, the Peace Corps amounts to, roughly, 1 percent of our total Federal budget. For the cost of sending one soldier to Afghanistan, the Peace Corps can send 13 volunteers to developing countries to serve U.S. interests in the name of peace. In the midst of our tight budget climate, the

Peace Corps is one of the most low-cost, high-return tools in our foreign policy toolbox.

In honor of the 50th anniversary of the Peace Corps, I am proud to join my fellow returned Peace Corps volunteers, who are TOM PETRI, MIKE HONDA and JOHN GARAMENDI—all Members of Congress—to introduce a bipartisan bill to establish a commemorative work in the District of Columbia to recognize the founding of the Peace Corps, which will be at no expense to the U.S. taxpayer.

This bill, which passed the House by voice vote last Congress, commemorates the creation of a unique form of public service that promotes peace through people-to-people diplomacy and cross-cultural understanding, and it doesn't cost the taxpayers a single penny. I urge my congressional colleagues to honor America's commitment to peace by supporting the swift passage of this timely legislation.

So today, as we mark a significant milestone in America's history, I urge each of you to join me in honoring your constituents who have served in and who are supporting the Peace Corps funding so that we can usher in the next generation of Americans who want to serve this country in the name of peace.

SECURE ACT INTRODUCTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, currently, U.S. families spend about \$1 billion per day on imported oil. We import about 1.6 billion barrels from politically unstable nations with a corresponding instability in prices, which influences our dollars, our economy, and sometimes our soldiers having to look at defending these areas.

We are currently losing 220,000 barrels per day in domestic production because of the administration's moratorium on Gulf of Mexico oil rigs. This also means the government is losing almost \$1.4 billion in revenue that we so sorely need. Keep in mind that each one cent increase in the price of gasoline costs American families \$1 billion per year. That's money that is not going into our economy. Because 60 percent of our oil comes from foreign countries, it is money that is going into other economies.

Now, while this moratorium is taking place, at least 12 rigs have already departed from the gulf, some not to return, as they move these rigs to operate in other countries, which can cost \$1 million a day. Four more are considering leaving. That's 6,000 jobs in jeopardy. Currently, more than 30 drilling rigs in the Gulf of Mexico are idle; and even though the administration is now allowing just one of those rigs to move

forward with exploration, all other exploration is still off limits with something of a permitorium, as they're looking at their permits all over again.

That is why yesterday I introduced the Safe Exploration Coming from Underwater Reserves of Energy Act, or the SECURE Act. This bill allows all of those Gulf of Mexico drilling permits to move safely forward, those which have already been approved by regulators. Keep in mind, all of these have been reviewed thoroughly. It takes a lot of time to do that, and they all follow strict regulations. There are no shortcuts on safety, and there is no bypassing environmental regulations. Quite frankly, I trust our environmental regulations to protect the environment more so than those of other countries.

What we have from the lost production of the domestic oil industry means we are increasingly dependent on those unstable foreign regimes to meet our needs, which puts our economy at risk should another spike in oil prices occur like the one we have now. Add to this and punctuate this with the recent unrest in Libya, Egypt, Bahrain, Yemen, and whatever country may come next, which helps point out a lot of our vulnerability: the vulnerability of what happens if the Suez Canal is closed down even for a short period of time; the vulnerability that comes if Libyan oil production declines; the vulnerability that comes with Iran and its use of oil revenue to put pressure on other nations to support their efforts to develop nuclear weapons, their threats to Israel and their threats to dominate the Mideast.

The cost of an arms race in the Mideast and an arms race in the world with new nuclear weapons far surpasses anything we can imagine—as are the revenues we can get from oil.

So I ask my colleagues to join me in supporting this bill, the SECURE Act, so we can secure our own energy future, so we can lower gas prices, so we can create thousands of jobs right here at home: from drilling on these rigs, from developing the pipe, from building the rigs, from so many other supply chains of what we have in this Nation to do this, and above all, so we keep our domestic oil at home rather than pay for our own dollars to go to other nations.

We can drill for our oil and our own jobs, and we can boost our own economy; or we can continue to be dependent on unstable nations, rising prices and, sadly, paying for both sides of the war on terror. It is a sobering thought for Americans to think that every time they go to put gasoline in their tanks they're funding both sides of the war on terror.

That alone should be enough to make us change our approach. That alone should be enough to say let's use our oil and our resources instead of proping up the economies of other nations.

That alone should be something that motivates us to make sure we are working on these issues. Hopefully, that means we can melt this moratorium on our own domestic oil production.

The choice is ours. I hope all of my colleagues will choose to support jobs of the United States of America as opposed to supporting those dollars that are just going to other countries.

EAT THE FUTURE OR LOSE THE FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Mr. Speaker, by recklessly slashing more than \$60 billion from the budget, the Republican majority is trying to assume the mantle of fiscal responsibility. Yes, fiscal. Sometimes we in politics have problems with pronunciations, and sometimes we have problems with concepts. There are two "fiscals." There is the "fiscal" dealing with dollars, F-I-S-C-A-L, and there is the "physical," P-H-Y-S-I-C-A-L. They are trying to assume the mantle of fiscal responsibility.

Within the \$60 billion, there are certainly some cuts that should be made that would be cost effective, and there are other cuts that weren't made that should have been made from the Defense Department, farm subsidies and other places. Many of the programs that were cut or that were severely underfunded are programs that have a significant financial return. In fact, many of these underfunded or eliminated programs actually save the government far more money than they cost.

Penny wise and pound foolish.

So the Republican claims that they are saving the Federal Government more than \$60 billion is simply untrue. Yes, they are eliminating \$60 billion from the budget, but in reality they are increasing the deficit in other areas that do not appear in the budget—or certainly not this year.

As Paul Krugman would say: Eat the future or lose the future. They're not concerned about the future. It's about today; and if it's the future, it's the 2012 election.

The problem is that the Republicans' so-called "budget hawks" fail to look at this holistically. The only costs they see are numbers on a page that they want to hold up as talking points.

□ 1020

This slide shows some of the cuts. The Food and Drug Administration received funding \$241 million below 2010 and \$400 million below the administration's 2011 budget request. That's the Food and Drug Administration. Remember thalidomide babies? Remember Fen-Phen? Remember the problems with meat, chicken, poultry, and spinach?

Food Safety and Inspection Service: It makes cuts of \$88 million below the 2010 funding levels and \$107 million below the administration's 2011 budget request.

The National Institutes of Health: Cuts appropriations for the NIH by \$1.6 billion below FY 2010 and \$2.5 billion below the President's budget. You know the National Institutes of Health—they're trying to find cures for Alzheimer's and Parkinson's and diabetes and cancer. Oh, let's cut them by \$1.6 billion.

Clean drinking water: The Republican bill slashes the Clean Water and Drinking Water State Revolving Fund by 56 percent. EPA: The bill includes an undesignated \$300 million rescission to EPA.

Medicare: Cuts appropriations for the Centers for Medicare and Medicaid Services by \$458 million below fiscal year 2010 and \$634 million below the President's budget request.

However, what they failed to consider are the benefits associated with these costs, many of which generally exceed the cost. And by failing to consider money saved, the Republicans are increasing the deficit and increasing cost.

Nowhere is this failure in fiscal policy more apparent than when it comes to the physical health of the American people. The Republican's continuing resolution will increase the deficit dramatically as a result of unseen health care costs associated with the degradation of the air we breathe, the water we drink, and the food we eat.

Now the physical impact of the Republican cuts. The FDA: \$241 million. The Republican majority is working to undo this historic improvement and reduce food safety by cutting FDA's food safety programs by about \$241 million. In the United States, an estimated 76 million people get sick each year with food-borne illnesses and 5,000 die, according to the U.S. Centers for Disease Control and Prevention. All of the medical costs and economic losses associated with food-borne illnesses add up to a staggering price of \$152 billion, says the Pew Charitable Trusts. By slashing funding from the FDA's food safety programs, more and more people will get sick, and the \$152 billion annual pricetag is going to climb even higher. That doesn't sound like a responsible physical or fiscal policy to me.

Clean water: Although more than 70 percent of the Earth is covered in water, only about 1 percent of all the water on the planet is safe to drink. H.R. 1 will reduce that 1 percent by allowing major corporations and developers to pump toxins into our water, and by failing to invest in the necessary infrastructure to maintain, treat, and deliver safe drinking water. It reduces the Drinking Water State Revolving Fund by 56 percent, a pro-

gram that leverages significant private finances by providing low and no-interest loans to States to fund drinking water infrastructure improvement projects.

Leaking pipes and deteriorating mains lead to costly bacteria contamination and cause chronic health problems to thousands of Americans.

As you can see, the physical health of our Nation is being threatened, not just the fiscal health. We need to be concerned about the physical health of our children and be concerned about how the long-term effects of this will be.

A TRIBUTE TO CONGRESSMAN STEVE HORN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, the week before last, just before we adjourned, we got the sad news of the passing of our good friend and former colleague Congressman Steve Horn.

Steve Horn was without a doubt one of the most intelligent and accomplished Members to ever serve in this body, and at the same time, Mr. Speaker, he was one of the kindest and most decent Members. He got his bachelor's degree from Stanford University, his master's from Harvard, and went back and got his Ph.D. at Stanford University. He served in strategic intelligence in the early 1950s in the U.S. Army Reserve, and then he got involved in public service in a big way. He served in the Eisenhower administration, and he went on to become legislative assistant to California Senator Tom Kuchel.

From that point forward, he dedicated himself to public service, and he expanded that greatly. He got into education, and for nearly two decades, from 1970 to 1988, he served as president of the California State University at Long Beach. During that period of time, he was named one of the 100 most effective college presidents in the country.

Mr. Speaker, then he joined us here as a Member of Congress, serving for five terms. He was an individual who spent a great deal of time and effort focusing on issues. In fact, one of the great stories about Steve Horn I heard from his former staff member, who I'm happy to say when he left came to work for me, Alisa Do, who was his legislative assistant, now my legislative director—she told me of how they would often be looking for Congressman Horn. There were votes taking place here in the House, and he was over in the Library of Congress, didn't have a pager with him—we didn't have BlackBerrys at the time. And yet he was over there in the library studying, trying to get more and more information and develop his knowledge.

He also was someone who never hesitated to go against the grain. He served

on the Government Operations Committee—government reform was a priority for him—and Transportation. He represented the Long Beach area, and he understood that 40 percent of the goods going to and from the consumers and workers of the United States go through the ports of Long Beach and Los Angeles, and he was always dedicated to ensuring that that was a very high priority. And he had this great focus on reforming and improving the operations of the Federal Government.

Mr. Speaker, he was an institutionalist. He loved this body, understanding that the deliberative nature of service here and of our work is very important and can't be forgotten.

Steve leaves his wonderful wife, Nini—they were married for 57 years—two children, and one grandchild. And I've got to say that I miss his advice, counsel, friendship, and camaraderie.

I would now like to, in the spirit of bipartisanship, yield to my friend from Manhattan (Mrs. MALONEY), who served with him on the Government Reform Committee.

Mrs. MALONEY. I thank the gentleman.

I rise in tribute to Representative Steve Horn. He was a thoughtful, dedicated, honorable man who built his record on bipartisan cooperation and commitment to good government.

He was a legislator's legislator. He was deeply committed to doing the right thing, writing the right bill, getting it passed. And he was also a very good friend of mine. He came with his wife and visited me in my home in New York. I went to visit him in his district, the district that he loved and was totally dedicated to.

During his 10 years of service here in the House of Representatives we worked together on the Oversight and Government Reform Committee. He chaired the Subcommittee on Government Management, Information and Technology for 6 years, and I was the ranking member with him. So not only was he dedicated to running government better, saving taxpayers money, but he also legislated and passed many important bills.

He helped me pass a bill that I authored, the Nazi War Crimes Disclosure Act, which we worked on together for roughly 7 years—it took us that long to pass it. A book has been written about that process and the bill, and what it has done to help in problem-solving now as we confront delicate issues going forward.

□ 1030

The first hearing on the Debbie Smith bill, which has been called the most important anti-rape bill in the history of our country, was in his committee where Debbie Smith testified about her rape, the fact that no one was reacting to it. And this whole effort, including that hearing that he

chaired, was made into a movie called "A Life Interrupted" and how DNA has been used to put rapists behind bars.

He was a dedicated, wonderful person. He also chaired the Arts Caucus and worked hard for its funding.

In a time when we talk about bipartisanship, Steve Horn was the real deal: a bipartisan problem-solver. He wanted to get the problems solved. He wanted to help this country, help his community. He was devoted to his wife and two children and grandchild. He was just a great guy.

Mr. DREIER. I thank my friend for her very thoughtful contribution.

Mr. Speaker, I just want to say that our thoughts and prayers are with Nini and their wonderful family.

FOOD SECURITY IS NATIONAL SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, at the end of January, the United Nations reported that the cost of basic food commodities—basic grains, vegetable oils, sugar—were at their highest levels since the U.N. created this index in 1990.

Two weeks ago, World Bank President Robert Zoellick announced that the Bank's food price index shows food prices are now 29 percent higher than they were a year ago. Zoellick warned the G-20 to put food first when they next meet.

The World Bank estimates that these recent food price spikes have pushed about 44 million people into extreme poverty. That's under \$1.25 a day.

This is a global security crisis.

The lack of food security contributes to political instability. Food was a primary reason people first took to the streets in Tunisia. Food and poverty were right at the top of the list in the squares of Egypt right next to the call for political freedom.

In 2007 to 2008, the last global food crisis, there were major food riots in nearly 40 countries. In May 2008, my fellow cochair of the House Hunger Caucus, Congresswoman Jo ANN EMERSON, and I were briefed by the GAO about the lack of coordination and continuity in U.S. food and development programs. We started calling for a comprehensive approach to address global hunger and food insecurity.

Now, thanks in large part to the efforts and leadership of Secretary of State Hillary Clinton and USAID Director Raj Shah, the U.S. Government responded to that call and, over a 2-year period of time, initiated a comprehensive, government-wide approach to reduce global hunger and increase nutrition and food security—not because it feels good, not even because it's the right and moral thing to do,

but because it's in our national security and economic interest to make countries' food secure, more productive, healthier, and more stable.

This strategy is known as the Global Hunger and Food Security Initiative. It includes our bilateral programs and efforts with other governments and multilateral institutions. To be successful, everyone has to pitch in.

Feed the Future is the signature program of the U.S. strategy. It works with small farmers and governments to increase agricultural production and strengthen local and regional markets in order to reduce hunger and grow economies.

Other key elements include the McGovern-Dole Food for Education and Child Nutrition Program that brings kids to school and keeps them there by making sure that they get at least one nutritious meal each day at school. This program has proven to be especially effective in convincing families to send their daughters to school.

And finally, there is our Food for Peace Program, which provides food to millions of women, children, and men caught in life-threatening situations brought on by natural disasters, war, and internal conflict. This program provides U.S.-grown commodities and locally purchased foods that literally keep people trying to survive in the world's most dangerous situations alive.

Mr. Speaker, I have never heard anyone say that they would like to see more hunger in the world, that they would like to see children too weak from hunger to be able to learn, or young girls forced to work long hours because they no longer are being fed at school. But that's exactly what the budget cuts that passed the House 1 week ago would do.

The House cut \$800 million out of the food aid budget and over 40 percent from the development assistance, which is where Feed the Future is funded. If these shortsighted and, quite frankly, callous cuts are allowed to stand, we would literally be taking the food out of the mouths of over 2 million children. We would be depriving over 18 million people the food that keeps them alive in Haiti, Darfur, Afghanistan, Guatemala, Ethiopia, Kenya, and elsewhere. We would be turning our backs on countries where we made commitments to help boost the production of their own small farmers so they could finally free themselves of having to depend on U.S. and international food aid to feed their own people.

Enough, Mr. Speaker, enough.

This isn't a question of charity. It's an issue of national security, of what happens when desperate people can't find or afford food, and the anger that comes from people who see no future for their children except poverty and death.

I ask President Obama to stand up for his programs and fight for them. I ask the White House to hold a global summit on hunger, nutrition, and food security. I ask the media to wake up and grasp the consequences of these shortsighted cuts. And I ask my colleagues on both sides of the aisle to fund these programs so they can be successful. It really is a matter of life and death.

[From the New York Times, Feb. 24, 2011.]

THE FOOD CRISIS

Food prices are soaring to record levels, threatening many developing countries with mass hunger and political instability. Finance ministers of the Group of 20 leading economies discussed the problem at a meeting in Paris last week, but for all of their expressed concern, most are already breaking their promises to help.

After the last sharp price spike in 2008, the G-20 promised to invest \$22 billion over three years to help vulnerable countries boost food production. To date, the World Bank fund that is supposed to administer this money has received less than \$400 million.

Food prices are now higher than their 2008 peak, driven by rising demand in developing countries and volatile weather, including drought in Russia and Ukraine and a dry spell in North China that threatens the crop of the world's largest wheat producer. The World Bank says the spike has pushed 44 million people into extreme poverty just since June.

In 2008, 30 countries had food riots. That has not happened, at least not yet. Sub-Saharan Africa, in particular, has benefited from improved agricultural productivity. The United Nations Food and Agriculture Organization warns that Mozambique, Uganda, Mali, Niger and Somalia are extremely vulnerable to instability because of rising prices, along with Kyrgyzstan and Tajikistan in Asia, and Haiti, Guatemala, Bolivia and Honduras in Latin America.

Misguided government policies could make matters worse. Some countries are stockpiling food. When India did that last year, food ended up rotting in storages. Others are imposing agricultural export bans, which discourages investment in production. The world's wealthier nations must press them to rethink these policies and back that up with real help.

The Obama administration has proposed worthy initiatives, but even when Democrats controlled Congress it had a hard time getting the money. The administration pledged \$3.5 billion to the G-20 effort. So far, it has delivered only \$66.6 million to the World Bank fund.

It is now asking for \$408 million for the fund—part of a \$1.64 billion request for its Feed the Future initiative, which aims to bolster poor countries' food production capabilities. Congressional Republicans are determined to hack as much as they can out of foreign aid. The continuing resolution passed by the House cuts \$800 million out of the food aid budget—bringing it down to about \$1 billion, roughly where it was in 2001.

The White House needs to push back hard. This isn't a question of charity. It is an issue of life or death for millions of people. And the hard truth is that if the United States doesn't keep its word, no one else will.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from

North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, last week Secretary of Defense Gates spoke at West Point, and I would like to quote one comment from his speech:

"In my opinion, any future Defense Secretary who advises the President to again send a big American land army into Asia or into the Middle East or Africa should 'have his head examined,' as General MacArthur so delicately put it" years ago.

Again, this is Secretary Gates. I have great respect for Secretary Gates. I think he is one of the true outstanding Secretaries of Defense this country has ever had.

Mr. Speaker, the reason I'm here today, I bring a photograph of a flag-draped coffin—it's called a transfer case—being escorted off a plane at Dover Air Force Base.

Mr. Speaker, it is time to bring our troops home. They have been in Afghanistan for over 10 years. I would also say it is time that this Congress met its constitutional responsibility to debate war and whether we should be there or bring our troops home.

In recent weeks, I was very concerned to hear our government and military leaders saying that it could be 2014 before we start significantly downsizing our troops in Afghanistan. Mr. Speaker, that brings to my mind trips to Walter Reed in Bethesda. So I will ask this question:

How many more young men and women must lose their legs, their lives for a corrupt government that history has proven will never be changed? Why should they be dying and losing their legs for Karzai, who doesn't even know that we're his friends? It makes no sense.

I will quote a highly decorated retired military general who has been advising me on Afghanistan for the past year:

"What is the end state we are looking to achieve? What are the measures of effectiveness? What is our exit strategy? Same old questions, no answers. What do we say to the mother and father, the wife of the last marine killed to support a corrupt government and corrupt leader in a war that can't be won?"

Mr. Speaker, these are words from a general that fought in Vietnam for this country, that reached the highest he could in the branch of service where he served.

Mr. Speaker, as you know, I represent the Third District of North Carolina, the home of Camp Lejeune Marine Base. Recently, I was with a marine who has served this Nation for years. He shares my concern about getting out of Afghanistan. So I asked this marine if he would write me a letter, and this is what he wrote:

"Congressman JONES, I am writing this letter to express my concern over

the current Afghanistan war. I am a retired Marine officer with 31-plus years of active duty. I retired in 2004 due to service limitations or I am sure I would have been on my third or fourth deployment by now to a war that has gone on for too long."

I will go to the end, Mr. Speaker, of his letter to me:

"The Afghanistan war has no end state for us. I urge you to make contact with all of the current and newly elected men and women to Congress and ask them to end this war and bring our young men and women home. If any of my comments will assist in this effort, you are welcome to use them and my name."

His name is Dennis G. Adams, Lieutenant Colonel, Retired, United States Marine Corps.

Mr. Speaker, before I close, I want to remind those on the floor of the House today that I hope, if you haven't had the chance, that you will go to Walter Reed in Bethesda to see the young men and women that will never walk again, to see the young men and women that maybe will not ever think properly again because of PTSD and TBI.

And I want to remember the young soldier, 22 years old, a private in the United States Army, who before I walked in the room, the escort, Major Mack, said to me: This soldier has no body parts below his waist. They've all been blown away.

□ 1040

So, Mr. Speaker, it's time for the Congress to meet its responsibility and demand a debate on the floor of the House about bringing our troops home from Afghanistan.

Mr. Speaker, in closing, as I always do, as I look at this beautiful photograph of a soldier who gave his life for this country and the escort team, God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, please hold in Your loving arms the families who have given a child dying for freedom in Afghanistan and Iraq.

God bless the House and Senate that we will do what is right in Your eyes for today's generation and tomorrow's generation. I ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God.

And three times I will ask, God, please, God, please, God, please continue to bless America.

RECENT FISCAL HISTORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, first I want to congratulate the gentleman from North Carolina for the remarks he just made. He is a Republican and I am a Democrat, but I will tell you this:

We are friends, and we work together. And he is one of the most conscientious Members of this House, who follows his conscience and his moral values in making decisions. He gave a very moving and important speech on the floor today. I thank the gentleman, Mr. JONES, from North Carolina.

Mr. Speaker, when I come to the floor to speak about our country's recent fiscal history, I am often told there is no point in looking back. But Majority Leader CANTOR got it entirely right when he wrote this: "The future will not be won by repeating the mistakes of the past." The future will not be won by repeating the mistakes of the past. Unfortunately, however, we are proceeding on a path that shows little inclination to live by those words.

Once again, our Republican colleagues are using the language of fiscal responsibility, but pursuing policies of fiscal irresponsibility. Our colleagues across the aisle trumpet the \$100 billion in domestic discretionary spending they voted to cut from our budget. However, their actions belie those words. Their very first action in this new Congress was to approve policies, a rule package, that would provide for borrowing an additional \$5 trillion, unpaid for. Their budget policy would give us the worst of both worlds.

On the one hand, they failed to take on the real fiscal challenges. And, very frankly, there is blame to share across this Chamber, Republicans and Democrats, for failing to take on those challenges. But the policies they're pursuing would even make our situation worse. On the other hand, the cuts they do make are taken out of vital investments that would grow our economy and create jobs. As I will mention later on, some 700,000 to 800,000 jobs over the next 18 months, it is projected, would be cost by the adoption of their policies. This combination is not new. It is a repeat of Republican fiscal policy in the past.

Let's look at the evidence. First of all on deficits, what this chart shows is everything below this line is a deficit. Everything above this line is a surplus. Obviously, what you want is the deficit going down into surplus. What you don't want is going from surplus into deficit. You will notice that the Reagan administration, Reagan-Bush, are noted in this first red quadrant, and the Clinton administration going from deep debt to surplus, then the Bush administration going from surplus into deep debt. And the Obama administration trying to get out of the extraordinarily tanking, receding economic status, invested in bringing us out, and now we see us coming out.

It shows how the fiscally responsible policies adopted under President Clinton took us into surplus. It unfortunately shows that when we reversed those policies in 2001, we then went

back into deep deficits. We all know how those predictions that Republicans made when we adopted this economic program, for which none of the Republicans in the House or the Senate voted for, they said economic catastrophe would occur. That was their analysis. That was their economic prediction. In fact, exactly the opposite happened, and we created 22 million new jobs for Americans. This deficit chart also shows how our record surplus was squandered during the Bush administration.

The second chart I want to show you talks about government spending. We have to cut spending. We all know that. We all talk about it. But let's look at who actually did cut government spending.

Again, government spending was up and down, but at a rate higher than it was under the Clinton administration where spending, as a percentage of our gross domestic product, almost without exception, went down. So when we talk about spending, we have a record of restraining and cutting spending. In fact, that was a partnership, frankly, because Republicans agreed to make compromises with the Democratic President.

However, when they controlled the Presidency, the House, and the Senate, you will see that spending went up sharply once again. Again we see government spending as a percentage of the economy rising under President Bush, and after the emergency measures needed to respond to the recession, starting to come down after the recession was ameliorated.

Real median wages. I want to show this chart as well. Because, after all, these are nice statistics, but what does it do for people? What is the impact on them? Real median wages sort of stuck. And I will end with this and complete the rest of my statement later, Mr. Speaker. But you will see that median wages under President Clinton's administration went up, and then they were flat. And they are going up again now under President Obama. Too slowly to be sure.

Mr. Speaker, I will continue these remarks, because if we do not learn from the past, if we repeat the failed policies of yesterday, our people will not be well served.

IMPROVING THE ECONOMIC ENVIRONMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. QUAYLE) for 5 minutes.

Mr. QUAYLE. Mr. Speaker, a little more than a week ago this House passed a continuing resolution with \$100 billion in spending cuts. Not only was this an important step towards reining in our Nation's paralyzing deficits, it also sent a clear signal to job creators that House Republicans are

determined to foster an economic environment where certainty and confidence can return to the marketplace.

When a young family looks for a new neighborhood, they examine a variety of factors. They might ask about how safe it is. They might want to know about the school system or whether their neighbors are friendly. The broader question being: What is the environment like?

Job creators take a similar approach when they decide whether it's safe to invest capital, expand their businesses, and hire new workers in America. Just as a family is not going to choose a neighborhood with overflowing sewers and a high crime rate, a business owner is not going to expand and invest in an economic environment marred by debt-fueled uncertainty that will increase the costs to run their business. After all, deficits are just deferred tax payments that eventually come due.

We must ensure that America is the most attractive and safest place to start a business, take risks, and invest capital. It is essential that we send a clear signal to American businesses that both parties are committed to removing the barriers to job growth and economic development.

□ 1050

Republicans believe—and I would argue the American public believes—that cutting spending is a crucial step in that process.

Yesterday, Mark Zandi released a study which argued that the Republican spending cut plan would cost jobs. I am sure Mr. Zandi is a nice enough person, but in recent years, he hasn't seen a spending increase he didn't like. He was the Democrats' go-to guy when they were looking for an economist to endorse the stimulus, and he even endorsed a second stimulus package after the initial \$1 trillion package was signed into law. So before my Democrat colleagues start touting Mr. Zandi's report, I suggest they look at his record on the so-called stimulus.

By merely debating spending cuts for the past few weeks, this body engaged in a process that many feared was obsolete. Some have said Republicans are trying to cut too much, others, that we are not cutting enough; and, indeed, we still have a long way to go to get our deficits and debt under control.

But what no one can dispute, Mr. Speaker, is the fact that we are serious about cutting spending. In addition to the \$100 billion in cuts Republicans have offered over the next year, we have also made clear that our upcoming budget will include serious, commonsense entitlement reforms.

All of these efforts have one goal in mind: producing an environment conducive to economic growth and job creation. House Republicans are doing what we were sent here to do, and that's precisely what our job creators

need: clarity and decisive leadership from their government, not mixed messages and delayed action.

MILLIONS OF ORDINARY PEOPLE RISING UP IN PUBLIC ASSEMBLIES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, across the world we witness millions of ordinary people rising up in public assemblies, many at risk to their own lives speaking out for a better life for all. From Madison to Misurata, from Cairo to Columbus, courageous people are taking a stand for justice for the many, not just the few.

Another giant rally is planned today in Columbus, Ohio, where Republican Governor John Kasich, the son of public workers, is systematically attacking the hard-earned collective bargaining rights of our State public workers, policemen, firefighters, teachers and other public sector workers. He even called an Ohio policeman an idiot and was forced to apologize. That is his priority, not job creation, not education, not economic development, but attacking workers. That is why thousands of people will converge on the State's capital again today to call him out on his extreme right-wing agenda.

The public outcry started in Wisconsin, given its long history of progressivism. Americans have begun to rise up to prevent more harm being done to our way of life, more attacks on our jobs, more threats to the standard of living of our middle class, more cuts in wages and benefits of hard-working families. The movement is spreading, just as the democracy movement is spreading across Northern Africa and the Middle East.

Just as we watch freedom rising in Egypt, Libya, Tunisia and beyond, we watched the spectacle of America's Governors trying to dictate to citizens who earn, on average, \$24,000 and aren't even eligible for Social Security, but receive about \$900 a month in average public employee retirement benefits, that they should sacrifice even more to balance State budgets.

No, they don't deserve to be made scapegoats for their States' budget problems, and they don't deserve to be put on the front lines of the battle to save workers' rights; but they are there, nonetheless, and they deserve our support. We are all Wisconsinites. We are all Buckeyes. We are all Hoosiers. We have to stand together united for America, for the good of many, not just the few.

If John Kasich wants to look for scapegoats, perhaps he should draw upon his experience with Lehman Brothers. Maybe he should look into his Rolodex for some of his cronies from Wall Street who helped bankroll his campaign. Because the real culprits

who have caused the real deep, economic harm to our Nation are watching gleefully on the sidelines as our friends and neighbors try to protect their livelihoods.

Wall Street's greed caused the financial crisis. That greed triggered lower State and local revenues with the devaluation of housing and rampant foreclosures. Yet the Wall Street titans who stole our home equity, our annuities, our pension accounts remain scot free of any real attention or prosecution.

I have a message to our Governors: blame Wall Street, not Main Street. When six megabanks control two-thirds of the banking system of our country, when corporate profits are at record highs, yet ordinary workers are being asked to empty their pockets to balance State budgets, something is really out of kilter in America. When GE and Exxon don't pay taxes and Wall Street executives walk away with huge bonuses while home foreclosures increase, what's seriously out of balance in America is the distribution of political power in this country.

In Ohio, the brothers and sisters of the heroes of 9/11, our firefighters and police, are being asked to give away their rights as free American citizens at the bargaining table for wages and benefits. Our Governor wants to abolish middle class prevailing wages, same in Wisconsin. Any nation that loses labor rights loses democracy.

What's at stake in our Nation is more than wages. What's at stake is liberty for all and opportunity for all. Governor Walker, it wasn't the firefighters in Madison that robbed Main Street and stole our home equity. You might ask your friends, the Koch brothers, about that.

Governor Kasich, it wasn't the teachers in Ohio who financed the shipping of our jobs offshore through NAFTA. You voted for it, and your buddies on Wall Street rammed it through Congress.

And, Governor Daniels, it wasn't your public sector workers that created the biggest financial bubble in U.S. history and then jumped ship when it burst, letting everyone else go down. That was created by the policies of George W. Bush, where you served as director of the OMB while the Federal budget deficit exploded.

I salute America's workers who are fighting for the middle class and our way of life. The whole world is watching.

After the American people win their battles in Madison, in Columbus, in Indianapolis, I hope they take the fight to Wall Street and get our money back. That's who has it.

BORDER WAR CONTINUES—NO END IN SIGHT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the border war continues, and there is no end in sight. This week, President Calderon of Mexico is coming back to Washington D.C. He is going to meet with our President. It will be interesting to see if he continues to blame America for his problems.

You remember the last time he was here, he stood here on the House floor and dressed us down as Members of the United States House of Representatives, blaming us for his problems, blaming us for the corruption, blaming us for the drugs that are in Mexico, blaming us for the violence in Mexico, blaming the folks in Arizona for trying to protect their own border. I wonder if he will continue the blame game.

The problem is the situation is worse, not only on the border, but in Mexico. Corruption along the border with Mexican law enforcement continues, even though the Mexican military is doing a fairly good job of reining in the drug cartels.

And he blames the United States for the guns that are in Mexico. You must remember, Mr. Speaker, just some of the guns that go to Mexico are from the United States. Guns from all over the world end up in Mexico. There are a lot of reasons for that. One of those is Mexico doesn't protect its borders any better than we do.

People throughout the world know if you can get to Mexico by any means, whether you want to bring contraband, drugs, guns or people, you can eventually get into the United States. Mexico, like the United States, doesn't have operational control of the mutual border between the United States.

Even the General Accountability Office, who are the people who keep up with statistics, made this report recently, that on the United States border with Mexico, only 44 percent of the border is under the control of the United States and only 15 percent is airtight.

So who controls the other 56 percent of the U.S. border with Mexico? If it's not the United States, it's not Mexico, who controls it? We don't know. Probably the outlaws, the drug cartels. They are the ones that have operational control of both sides of the border because the situation on the border continues to get worse.

Mexico doesn't protect its border from people going into Mexico from any direction, and the United States doesn't protect its border adequately to keep drugs and violence from coming into the United States.

□ 1100

Unfortunately, this is continuing to get worse. Last year, 65 Americans were killed in Mexico, and to my knowledge, none of those cases was solved. You see, Mexico has a terrible record of solving crimes not only against Americans, but against Mexican nationals. Over 3,000 people were

killed in Juarez last year. That's more people than were killed in Afghanistan last year. It is a serious, violent situation.

And will it continue to come across the border? Some say, oh, it won't come to America. Let me give you one statistic. The 16 border counties in Texas that border Mexico, on any given day, about 35 percent to 40 percent of the people they have in their jails are foreign nationals charged with crimes in the United States. These are not immigration violations. These are crimes, some of them violent crimes—35 percent to 40 percent. So the crime is already pouring over because people can go back and forth across the U.S.-Mexican border at will because there are parts of the border that no one controls.

In fact, the situation is so bad this year that the Texas Department of Public Safety today has made a statement telling young people about spring break. And here is what they say: "Various crime problems exist in many popular resort areas of Mexico such as Acapulco and Cancun, and crimes against U.S. citizens often go unpunished."

"The safety message is simple: avoid traveling to Mexico during spring break and stay alive." So, we are even being warned not to let your kids go to Mexico during spring break because it is not safe.

So what do we do about this? Well, there was raids recently this week because of an ICE agent that was killed in Mexico. Raids were made in the United States, and 676 drug cartel members were arrested, \$12 million was seized, lots of drugs and lots of guns. And it's a point that we need to understand as citizens, that the drug cartels operate in Mexico, but they operate in the United States as well. They bring those drugs to other gang members throughout the cities of America, and they sell those wares here in the United States. So the crime does occur on both sides of the border. And we need to understand that.

It is important that we deal in reality and understand that the border is a war zone. A Texas Ranger once told me, he said, "Congressman POE, after dark on the Texas-Mexican border, it gets western." Those days need to end. We need to put the National Guard on the border and secure the border. It will protect the United States and Mexico. And that's just the way it is.

WE STAND WITH OHIO WORKERS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. SUTTON) for 5 minutes.

Ms. SUTTON. Mr. Speaker, today people from across Ohio are gathering at the Statehouse in Columbus. They are gathering to speak up for workers and the middle class in this country.

Last Tuesday, I went to Columbus and joined our brothers and sisters in our fight to protect the right of public employees to have a voice at the negotiating table. And as we gathered to oppose Senate bill 5, that backward effort of Governor Kasich and his Republican friends in the State legislature to eliminate collective bargaining, I was struck by the weight of the moment and by the weight of this fight. But I was inspired, too—inspired to see thousands of people from across the State coming together to protest the radical measures that the Republicans were proposing.

Though we can't be there today physically, we are there with those who gather at the Statehouse, and we stand with them from our place here in our Nation's capital. Last week, we were there shoulder to shoulder, people in common purpose, standing up for working families, standing together in the fight for the promise of the middle class.

The unfair, backward-thinking attack on Ohio's firefighters, police, teachers, nurses, and other dedicated public employees must be stopped. And I'm proud to be standing with Ohioans that are fair-minded as we fight for progress, not for a return to old ways. Instead of pursuing this draconian measure attacking Ohio's working families, lawmakers at every level of government should be focused on the critical priority of getting people back to work instead of engaging in attacks on those who have chosen to teach our children, protect our communities, and keep us safe.

Everyone should be working to strengthen our economy and create jobs. That, in turn, would generate the revenue we need to fairly compensate our public employees with the wages and the benefits which they have been promised and they have earned. The focus of all officials, as I said, across all levels of government, should be on creating jobs, not taking more from our workers. It was not our workers who drove the economy off the cliff. It was not our workers in Ohio. It was not the workers in Wisconsin. But it seems that the Republicans just can't stop themselves. Similar efforts to disempower working families and the middle class are occurring right here in Washington.

It is not just collective bargaining for public employees that they're after. Two weeks ago, Republicans tried to pass a measure in Congress to prohibit the paying of prevailing wages and to stop local project labor agreements, which would put a hard hit on our trades people. They even tried to eliminate the National Labor Relations Board, the very board that exists as a referee to make sure that our workers get a fair shake.

Yet they have not offered any job creation bills. And at the same time

they are not creating jobs, they are defunding programs that have real benefits: their refusal to expand the trade adjustment assistance that helped workers who were displaced because of the trade policies that they pursued; the refusal of some to extend unemployment benefits to those who are out of a job through no fault of their own. At the same time they are working to not create jobs, they are also giving no assistance to those who are left without a job. It's issues like these that make it so important that we keep our heads up in Ohio.

And to all of those who are out there in Ohio and across the country fighting this fight, it's an important fight, and what you do matters. It's important that we speak up and be heard so that the issues that matter to us so very deeply are well sounded. We have to stand together and work together and fight forward.

Using the deficit as an excuse, there are those who are trying to convince the American people that a more fair economy would result in a much less efficient economy. But fairness and efficiency are not mutually exclusive. Using the deficit as an excuse to give a disproportionate hit to workers or unions is not the way to go.

I would hope that the Republicans, both at the State level as well as here in Congress, would join with us to focus on what we really need to do, and that is to create jobs. And I would hope that they would stop the misguided attack on workers and the middle class.

THE IMPERIAL PRESIDENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Mr. Speaker, I rise to challenge this body, and I hope that my message is well received. This Nation was founded on the rules of the Constitution, not the opinions of Republicans and Democrats. Our decisions are judged in the light of the traditions of the past and the precedent that it sets for the future and the future generation.

Mr. Speaker, according to our Constitution, a President cannot pick and choose which parts of the law he prefers. The executive branch does not write the law nor choose the law. It enforces the law. The basic function of every President is to enforce the law. Every executive branch agency has its foundation in a short and clear statement from the Constitution stating this: He—that means the President—shall take care that the law be faithfully executed.

A President can petition for laws to be changed. He can complain about a law. He can encourage passage of new law. But he cannot just ignore the law or write new law. Only the courts can

throw out a law, and only Congress can write a law. The President and the Department of Justice cannot unilaterally decide not to enforce the Defense of Marriage Act.

For decades, the Congress has been donating their constitutional powers to the executive branch by giving increased rulemaking authority to the different agencies. Our agencies now write rules that look more like legislation than regulation. We have allowed people to serve in "Cabinet lite" level positions without Senate approval. We have exponentially increased the budget for White House staff. And now the President wants to set a new precedent that he alone can determine which laws he likes and he does not like. With this action, the President has invented a retroactive veto on all previous Presidents and all previous congressional acts.

It is ultimately ironic that the executive branch states that several lower courts have rejected the Defense of Marriage Act as unconstitutional, so they are accepting the lower court rulings over a higher court. In the past year, the health care law was ruled unconstitutional, but the Federal Government is pressing forward. The administration was instructed by the courts to lift the drilling moratorium in the gulf, but they stalled.

□ 1110

It is apparent that this administration is bent on placing its political preferences ahead of the courts, ahead of the legislative branch, and the majority of the American people.

Both parties need to understand the precedent that's being set by the President's choosing to not enforce the Defense of Marriage Act. My Democrat friends should imagine for a moment, what if when a Republican President takes the oath and he instructs HHS and all other agencies not to enforce ObamaCare, though it's the law of the land, because some lower court rejected it? They would be outraged, rightfully so, because currently it is the law of the land. A President cannot just unilaterally throw it aside.

Before this conversation is spun as a partisan issue, let me remind everyone, though, that the Defense of Marriage Act passed the House and the Senate by a wide bipartisan majority and was signed into law by a Democrat President. This is not only a slap in the face to our constitutional system; it is a slap to Republicans and Democrats who expressed the will of their districts and States on an issue that has been settled in law.

The people spoke through Congress, and one person, even a President, cannot undermine the will of the people. At least not in the America that I grew up in.

I do not think we will fully understand the implications of this action if

we allow it to stand. We must not act partisan now and regret it later. This is not the way to deal with the gay marriage debate, for the President to just sweep it aside and say, "I will not enforce the law."

Many in this Chamber are well aware of my traditional view of marriage and my Biblical world view. I am unashamed of my personal faith in Jesus Christ. I believe that words have meaning, though, and that the meaning of marriage is the union of a man and a woman. The Defense of Marriage Act codified that definition in law, representing the belief of a majority of Americans.

This issue is well beyond faith, though, or a social issue or even a political issue. Marriage is now not only the center of a national debate, it's now the center of a constitutional debate.

Weeks ago some members of the press suggested that Republicans would ignore the budget and focus on social issues. I find it ironic now that the President has submitted a budget that will raise the national debt to \$26 trillion, by his own numbers, and he has decided to change the national debate from fiscal issues to social issues and gay marriage.

As a Congress, we cannot demand of the executive branch, which is a co-equal branch of government. But I believe we must require the executive branch to fulfill its oath of office and constitutional requirement to faithfully execute the laws of the United States.

COLLECTIVE BARGAINING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Mr. Speaker, I rise today to express my strong opposition to attempts by the Republican Governor of Ohio to undermine collective bargaining for Ohio's public employees.

Ohio Senate bill 5 is a measure currently under consideration by the Ohio General Assembly that would strip State workers of collective bargaining rights. I firmly support the right of public employees to collectively negotiate. Who are we as a Nation when we tell our firefighters and our police officers and other public protectors that they should have no say in their working conditions? Does a teacher's experience or education have no economic value? Ohio's proposed legislation is less about fiscal responsibility than an overt political attack on public workers who speak with a collective voice.

As labor battles erupt in State capitals around the Nation, a majority of Americans say they oppose efforts to weaken the collective bargaining rights of public employee unions. According to the latest New York Times/CBS News poll, Americans are against

cutting the pay or benefits of public workers to reduce State budget deficits.

We shouldn't forget, Mr. Speaker, the benefits that collective bargaining offers. For almost 28 years, collective bargaining has reduced labor strife, it has reduced the likelihood of strikes, improved training and productivity among public employees, created a sense of job security, and it is fair. It is fair to all working people.

The repeal of collective bargaining will do nothing to balance the budget. Nine percent of the State's budget is for State employees. So just as an example, if we fired every State employee in Ohio, it would save us only \$2 billion, leaving the State without vital services, and there would still be a \$6 billion deficit. Since this does not address the budget deficit, it is clear that anti-worker forces are using this to harm middle-income workers and to kill jobs.

I would like to share a observation with you that was from a former President of the United States, and I quote:

"Republicans stand foursquare for the American home—but not for housing. They are strong for labor—but they are stronger for restricting labor's rights. They favor minimum wage—the smaller the minimum wage, the better. They endorse educational opportunity for all—but they won't spend money for teachers or for schools. They think modern medical care and hospitals are fine—for people who can afford them. That is the philosophy of the masters of the Republican Party."

These are the words of President Harry Truman, and they were spoken in 1948. These words ring as true today as they did in 1948. We have made too many advances over the past generations, and Americans should not be forced to choose between a job and their rights.

We cannot and should not return to the days when public workers had limited rights to bargain. The middle class was created and has been sustained by collective bargaining and other labor protections. The public sector is about working families. Rolling back these rights will hurt the middle-income wage earners of this country and will hurt America.

Ohio needs jobs, not a partisan victory. I urge members of the Ohio General Assembly to deliberate with care and avoid rushing to adopt a measure that weakens our middle class, weakens our State, and costs us jobs.

HIGH-SPEED RAIL FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. BROWN) for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker and Members of the House, I rise today as the ranking member on the Transportation Subcommittee on Railroads.

I have been on this committee for over 19 years. I serve on Transportation because it's one of the most bipartisan committees in the House.

I have got to tell you I am very, very disappointed with Florida Governor Rick Scott. Last week, the Governor told Secretary of Transportation Ray LaHood that the State of Florida can do without the \$2.5 billion for Federal highway rail funding. That's \$2.5 billion, and 90 percent of the project is funded with Federal tax dollars. That's money that Floridians sent to Washington that we are sending back to Florida, gasoline tax money, not money from any foreign source, by the way.

In addition, it didn't just happen. We worked on it, bipartisan, for years. In fact, in 1980 Bob Graham appointed me to a committee to work on high-speed rail in Florida. Over 30 years we worked on it. And let me just tell you 90 percent of the funding would put over 60,000 Floridians to work. It's 90 percent of the funding. Is the other 10 percent there? Absolutely. The private sector has indicated that they would put the 10 percent there.

□ 1120

I have model trains in front of me today. We have over eight companies committed to high-speed rail. In fact, we started the rail system in Florida in this country, the Florida Flagler. In this country, we started the rail system, and now we are the caboose; and they don't use cabooses anymore.

But all of our partners, the Chinese, the French, eight different countries want to be our partners. They have indicated that they would put up the 10 percent because they want to have the first right of refusal to go from Orlando to Miami. And everybody knows that's the money maker. Well, why is the first portion that the State of Florida applied for and the legislature in Florida came to the Congress and asked us to be partners, why was that first leg the first leg? Because all of the environmental issues have been resolved. In other words, we could put rail in Florida tomorrow if this contract went out.

Florida has 12 percent unemployment—12 percent—and in my area 15 percent. The Governor says that he's not a politician—and I agree with him—but he says he's a businessman. What businessman would walk away from 90 percent funding? So, 90 percent funding, and you're a businessman? Well, he's concerned about Florida being left with the 10 percent. Well, if you're a businessman, then you know attorneys. They can write it any way you want to make sure that we can protect the people of Florida. So that's not the issue. Money is not the issue. Liability is not the issue.

This is the worst kind of politics I've seen since I've been elected. It's a sad state of affairs. The Governor says let's

get to work. I agree with you, Mr. Governor, but you have to be working on something. You have to have some projects. Infrastructure is what put America to work.

What projects do you have, Mr. Governor, in your budget? You say: Well, I want this money. I think it would be better used for ports. What's in your budget? Ports. Florida has 14 ports. We compete with other States. So what is in your budget that is going to put Floridians to work? You come and say: I want another lane on I-4. Well, anybody who lives in Orlando or visits Orlando knows another lane will not help us. We have eight lanes.

I just returned Monday from Salt Lake City, Utah, where we lost the money. A few years ago, money for Orlando went to Salt Lake City, Utah, and they run trains every day, move 40,000 people a day by rail. That's Salt Lake City, Utah. And so the money that we have appropriated this Friday will go to some other State. It will go to New York or California or Salt Lake City, Utah, or some other place. We are going to have rail in this country.

What happens when failure is not an option? We must make sure that we work together to put Floridians to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to others in the second person.

RESPECTING THE AMERICAN WORKER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. RYAN) for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, a few years back towards the end of my grandfather's life—he was a steelworker for about 40 years—and towards the end of his life, he couldn't drive anymore. I had the pleasure one day of taking him shopping. In Ohio, and where I come from in Niles, shopping is an art form; so we had to go to a certain place for the meat and a certain place for the cheese and a certain place for something that was on sale somewhere else. So I got to spend the day with my grandpa. We had to go and get something, and he said we should go to a certain store.

I said: Well, Grandpa, Giant Eagle is right here. We can just go right here.

He said: We can't go there.

I said: Why not? It's right here.

He said: The meat cutters are on strike and we can't cross the picket line.

He didn't go to Giant Eagle out of respect for the worker, out of respect for the situation that those workers were in at that grocery store.

And the issue that we are talking about in Ohio and in Wisconsin is an issue of respect for the average worker in the United States of America. And for us to somehow try to obscure the issue and blame workers, firefighters who go into burning buildings while we are all running out of them, police officers who we call up when we are in trouble, or teachers who we ask in many instances to spend more time with our kids than we do, somehow push the blame of the major financial meltdown that happened because of Wall Street recklessness, blame the teachers for that and ask them to go out and get rid of their right to stick together and determine what size of classroom, how many kids are in their classroom is ridiculous.

And at the same time, in Ohio, we have the top person who works for the current administration get a \$40,000 pay increase from what the last Governor was paying, and the secretaries and the people in the mail room get a cut. And the firefighters and the police and the teachers get a cut.

While all of this is going on in Ohio, they want to cut the estate tax for the wealthiest people who live in the State of Ohio and ask the teacher to make the sacrifice. This is disrespectful and unfair to the workers in the State of Ohio.

If we want to have a 21st century America where we compete with the globe, where we compete as 300 million people, compete with 1.3 billion people in China, over a billion people in India, and we are going to tell our teachers that they can't be treated with respect, how are we going to get good teachers to come into the teaching profession when they are going to be the foil for all of the problems we have in our country?

When we ask them to take our kids who have lice, who haven't eaten today, who are hungry, who have a domestic violence issue in their family—these children all go before our teachers—and we are going to say that they don't have a right to bargain, a right to come together to say what size their class is? We are going to pull their pensions from them? This is not right. This is not right, and we need to get back to where we were when my grandfather was around.

We realize the world is different and we have to compete globally, but the issue is: Are we going to respect work in the United States of America? Are we going to respect the workers in the United States of America? While all these fat cats have gotten off scot free, we turn around and tell the workers in Ohio and Wisconsin and Indiana and the Big 10 Conference: You've got to take the hit.

It is unfair and it is disrespectful and it is not an American value.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 28 minutes a.m.), the House stood in recess until noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Pastor Alisa Lasater Willoo, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Ever-Present God, we know You by many names, but most striking, You know us and each person we represent by name and with love. Thank You.

God who heals, we pray for the full restoration of Representative GIFFORDS and for the personal struggles of each person here. Remind us that You have the power and desire to heal each wound we carry into this Chamber.

Uniting God, give us the wisdom to understand how to work together for the plight of Your people in need. Save us from ourselves and surprise us with shared solutions for the problems Your children face.

God of all, we represent not only those who have our ear, but those who have no voice. So let us not raise our hands to vote without bowing our hearts to Your will. Through Your love that changes the world, we pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DUNCAN of Tennessee. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DUNCAN of Tennessee. Mr. Speaker, I object to the vote on the

ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee (Mr. DUNCAN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN of Tennessee led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THANKING PAT KELLY FOR HER 54 YEARS OF SERVICE TO THE HOUSE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. What helps make the People's House so special is its people. Every day, the staff members here give their time and energy not just doing the job, but fulfilling the mission of keeping this body closest to the American people.

Members come and go, but some dedicated public servants connect the House's history to its future. Pat Kelly is a shining example of this.

Like many Americans, Pat joined the family business right out of college. She went to work for her mother, Congresswoman Edna Kelly, who was the first woman to represent Brooklyn. Pat went on to serve as a legislative assistant for other members of the New York delegation and the Rules Committee.

For more than 30 years now, Pat has had a bird's-eye view of the House as editor of the Daily Digest of the CONGRESSIONAL RECORD. The Digest serves as the "table of contents" for each day's proceedings on the House floor and in all of the committees. And Pat's job is a daily feat of precision—and patience—that requires pulling together information from dozens of offices. And I know all of Pat's colleagues admire her thoughtfulness and attention to detail.

Today she is retiring after 54 years of service to this institution. And it's clear that Pat has not merely recorded the House's history—she's been a rich part of it, too.

When the House paid tribute to Edna Kelly in 1998, Pat was quoted as saying of her mother that she was a great person to emulate. Well, let the same be said of Pat, and may all current and future public servants be inspired by her example.

Pat, we're sorry to see you go. On behalf of all the Members of the House

and staff, thank you for the dedication to this institution, and thank you for your service.

HONORING PAT KELLY

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I am pleased to join the Speaker of the House to honor a committed public servant, a woman of this House, a key thread in the fabric of the congressional staff, who retires today after 54 years of service: Pat Kelly. Fifty-four years of service.

Since arriving as a committee staffer in 1957, Pat Kelly has worked behind the scenes on behalf of the American people—never asking for recognition, never looking for the limelight.

The daughter of Congresswoman Edna Kelly, Pat said she came to Washington because, in her words, "I just felt the urge to do something." And for more than half a century, she did far more than her fair share.

Pat Kelly has served in many roles on Capitol Hill. In all, she helped Members to do their jobs and worked tirelessly on issues important to her and critical to our country's future.

Few issues played a larger role for her than the fight for women's rights. In 1962, she helped her mother pass the first equal pay bill and watched with pride as President John F. Kennedy signed it into law.

As a legislative aide to former Congresswoman Martha Griffiths, Pat fought for the Equal Rights Amendment—continuing the march for equality, advancing the cause of justice for all women. Thank you, Pat. We're all in your debt.

Through it all, whether the legislation succeeded or failed, she stood by a simple mantra: "It's important for women to be involved."

For the past 22 years she has served as editor of the House Daily Digest, tracking committee activities and getting the word out on what's happening on Capitol Hill. In that role she has noted, "I've been through the turnover to Republicans and back to Democrats, and tried to help each and every one of them do their jobs."

Helping others do their jobs, working in a bipartisan way—this was the essence of Pat Kelly's career and service.

Pat Kelly's 54 years serving the House of Representatives is a reflection of her own dedication to Congress and the country, and represents the commitment, devotion to duty, and passion for service of all of our congressional staffers.

Thank you, Pat, for giving so much to the House, for all of your work, and for fulfilling your promise to "do something" for all Americans.

Yes, I join the Speaker in saying you will be missed. We are sorry that you

are leaving. We wish you much success and, with deep gratitude, send you our love and best wishes.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 78

In the Senate of the United States, February 28, 2011.

Whereas James A. McClure served in the United States Navy during World War II;

Whereas James A. McClure served the state of Idaho as a prosecuting attorney, a city attorney, a member of the Idaho state Senate, and as a member of the United States House of Representatives;

Whereas James A. McClure served the people of Idaho with distinction for 18 years in the United States Senate;

Whereas James A. McClure served the Senate as Chairman of the Committee on Energy and Natural Resources in the Ninety-seventh through Ninety-ninth Congresses and Chairman of the Senate Republican Conference in the Ninety-seventh and Ninety-eighth Congresses;

Whereas James A. McClure served his caucus as a founding member and Chairman of the Senate Steering Committee in the Ninety-fourth through Ninety-sixth and Ninety-ninth through One Hundredth Congresses: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James Albertus McClure, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable James Albertus McClure.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 8. Concurrent resolution recognizing women serving in the United States Armed Forces.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK). The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

□ 1210

REPEAL 1099 RULE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, one of the many egregious and punitive parts of ObamaCare is the burdensome 1099 rule, a paperwork regulation that forces millions of busi-

nesses to file a 1099 tax form each time they spend over \$600 per vendor. The National Association for the Self-Employed reports that those companies with 10 or fewer employees, their paperwork burden is going to jump from an average of two per year to roughly 27 per year, a whopping 1,250 percent paperwork increase.

Main Street mom-and-pop shops don't need the added costs of more regulatory requirements at a time when their efforts are rightly focused on just staying in business. It's jobs we are protecting. It's time to repeal the 1099 rule right now.

THE TIME TO GOVERN IS NOW

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, the time to govern is now. The reckless continuing resolution that Republicans passed 2 weeks ago is an abject failure of leadership. In the race for ever-increasing and arbitrary cuts, they demonstrated on a party-line vote that they know the cost of everything and the value of nothing.

Moody's Analytics said their approach would cost 700,000 jobs. The Economic Policy Institute said it would cost 800,000 jobs. Goldman Sachs said it would lower economic growth by 2 percent and increase unemployment by 1 percent. Even the conservative Club for Growth called it a mistake, stating, "Cutting spending is important, but economic growth is even more important."

Mr. Speaker, I ask that all of us, Republicans and Democrats, negotiate in good faith, in a bipartisan manner to pass a fiscally responsible CR that reduces deficits without sacrificing economic growth, that prioritizes investments in our economy that support American competitiveness without costing jobs. Let's pass a continuing resolution that strengthens the economy and creates jobs for all Americans.

INCREASE DOMESTIC OIL PRODUCTION

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, last Tuesday the top front-page story in USA Today said gas will soon hit \$5 a gallon. If it does, it will really slow our recovery, and some think it could lead to another recession. It will really hurt the already hurting small towns and rural areas because their people on average have to drive farther distances to go to work.

Environmentalists want gas to go much higher so people will drive less; but if gas goes to \$5 a gallon or even

higher, it will hurt a lot of poor and lower-income and working people. I know most environmentalists come from very wealthy or upper-income families, and I know they will say we don't have enough oil to drill our way out of this problem; but if we would at least start producing a little more oil, it would be harder for other countries to keep raising their prices.

President Clinton vetoed drilling in ANWR in the mid-nineties, stopping a million more barrels a day from being produced here. When environmental radicals stop more domestic oil production, it helps foreign energy producers, but it really hurts middle- and lower-income Americans.

THE REPUBLICAN BUDGET

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, Congress should be focusing on creating jobs, helping middle class families, and lowering the deficit with intelligent spending cuts—and I say with "intelligent" spending cuts. But instead, we're headed towards a devastating government shutdown.

Policy experts from across the political spectrum all agree the Republican budget will result in more job losses, I state more job losses, and more suffering of our families. Senator McCain's chief economic adviser estimates that the Republican budget will lead to 700,000 jobs being lost. Even Wall Street firms like Goldman Sachs say the budget plan will cause our economy to shrink by 2 percent.

In my district, teachers, police officers, firefighters who are set to lose their jobs deserve better. I say they deserve better. The time to play politics with our budget is over. I urge my Republican friends to break free from the extremists in their party. Let's work together. Let's work together on a real plan to create jobs and strengthen our economy.

HONORING FRANK BUCKLES

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to honor the life and legacy of Mr. Frank Buckles, the sole surviving U.S. World War I veteran who passed away on Sunday at the age of 110 in his hometown of Charles Town, West Virginia. Inspired by his love of his country and a desire to serve, Frank entered the Army at the age of 16. He served in England and France during the war, first as a car and ambulance driver, and later as an escort for returning German POWs.

During World War II, he was held as a prisoner of war in the Philippines for

39 months. He has been recognized as a true American patriot and awarded numerous medals. I have met Frank on several occasions. He was a constituent of my district, and I was always inspired by his sense of humility and hope.

He represents the very best of this country: service, determination, and patriotism. He has lived through some of the most historic events in our American history, from the Great Depression to two world wars, to the invention of the Internet, reminding us of the immense progress, yet change, that we have seen in this Nation.

For years, Frank had dedicated his life to ensuring his fellow doughboys received proper national recognition. I hope this Congress will honor the legacy of Frank Buckles and the legacy of all those who fought in the War to End All Wars by paying tribute to them with a national memorial. Let Frank's legacy remind us of the service and sacrifice all veterans make in the name of protecting America and all for which she stands.

Our thoughts and prayers go to the Buckles family.

GOP SPENDING PLAN

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. So be it. That's what Republicans are saying to 700,000 American workers who will be needless casualties of their gutting and slashing funding bill.

So be it. That's the Republican attitude to a government shutdown if they don't force more cuts, destroying more jobs.

So be it. That's the Republican message to one out of every eleven Americans struggling to find work.

The GOP continuing resolution does nothing to create jobs. In fact, it takes a step backward, weakening our economic recovery. Of course, I shouldn't be surprised. Over the last 8 weeks since the Republicans took over control of the House, they haven't created a single job. What's worse, they haven't even put a single jobs bill on the House floor.

So while Republicans say so be it, I say stop the war on working families and show me the jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members not to wear communicative badges while under recognition.

JOBS, JOBS, JOBS

(Ms. LORETTA SANCHEZ of California asked and was given permission

to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Jobs, jobs, jobs. That's what people back home want—jobs. Everybody I know wants a job. People stand in line, they want a job. And so now we are at this crucial deadline, and the Republicans want to shut down the government because their strategy for this year is just to gut everything, everything, anything, 700,000 jobs, 800,000 jobs, depends who you are talking to. If you are talking to the Moody's person, it's 700,000. If you're talking to the Economic Institute, it's 800,000.

So while they concentrate on eliminating jobs, I believe most of us here, Democrats, are working hard to understand what's an investment, how do we help people to get their next job? Where do they get their education? Where do they get their training? How about building the high-speed rail, for example, in California, to create jobs? I think Republicans need to get back to work.

□ 1220

MAKE IT IN AMERICA

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, while today we are debating how we can address public needs with fewer and fewer public dollars, I am here to bring good news on how this Congress, this past Congress, invested our tax dollars to help save jobs.

The new General Motors, which I proudly represent, recently announced a new financial milestone: four consecutive quarters of profitability. That's not only good for GM and its shareholders but also for its employees, the majority of whom will receive profit sharing of over \$4,000 each.

What that shows is that when this Congress works with our President to invest in U.S. manufacturing, that helps all of us to "make it in America."

GETTING BACK TO BUSINESS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today with serious concerns about the lack of a true jobs plan from the Republican majority as we seek to tackle our spending challenges.

And as the race continues to find the next deepest cut, just who are the real losers? It seems to be the hardest hit. It's middle class families, our children, our seniors, our students, and women. This war on working families must end. Our people are our greatest asset.

In order to move our country out of this recession, we must invest in their

success. My colleagues on the other side of the aisle are moving forward with yet another dangerous spending bill, one that continues to give rewards to the most successful among us and literally guts the initiatives most meaningful to middle class families.

The work of reducing our deficit and controlling spending is, no doubt, hard. The fact of the matter is that we have to cut spending, but we have to do it responsibly.

As we seek to make a compromise this week, let's remember that we cannot cut what makes us competitive and what helps us innovate, succeed in the global economy and, ultimately, create jobs.

AN ECONOMY THAT WORKS FOR EVERYBODY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the richest 1 percent of Americans now control one-third of our Nation's income, 120 percent more than they did 30 years ago.

CEOs now earn hundreds of times what the average worker does. Wall Street profits are up 720 percent since 2007, and corporate taxes are at their lowest point since the fifties. All things considered, the wealthiest Americans are doing pretty well, much better than the rest of the country, in fact.

So you would think that after all these gains, the super rich—a handful of Americans who control fully a third of our economy—would understandably be asked to help as we try to bring our fiscal house back into order. But the Republican spending plan does none of this. It puts the burden of cuts solely on the shoulders of working families, those already struggling to make ends meet and provide for their families. The Republican plan spares the richest Americans from even the slightest inconvenience.

They have proposed to slash the budgets for programs that help seniors heat their homes, help low-income women find a doctor, and help millions of American students access job training or affordable college or health care. This is a reckless plan. We need to reject it and instead work to create an economy that works for everybody, and not just a wealthy few.

PLANNED PARENTHOOD

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, there are smart cuts and there are dumb cuts. The majority's continuing resolution, the reception it has received, suggests that it's full of dumb cuts. It has been

rejected by pretty much everybody. Outright rejection to concerned hilarity is how it's been greeted by investment banks, by economists, by people who think about this stuff.

But there is something worse than a dumb cut, and that's a counter-productive cut. In a misguided effort to reduce the number of abortions in this country, the Republican majority zeroed out title X funding for Planned Parenthood.

I have a Planned Parenthood office down the hall from my congressional office in Bridgeport. I see women coming through there mainly to learn about birth control, to be responsible about their reproductive lives, to be tested for STDs.

Remember, 3 percent of Planned Parenthood's activities is abortion. There are estimates that zeroing out title X, which the majority has done, will cause 400,000 more abortions in this country. That's counterproductive, it's wrong, and I would urge this House to reject a very bad idea.

A TIME FOR HOPE, NOT FEAR

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today in solidarity with the people of various Arab countries that have risen up to throw off the yoke of tyranny that has oppressed them for too long. Mr. Speaker, now is the time for us to let our idealism trump our cynicism; a time for hope, not fear.

I understand that there are people who are worried about the realpolitik of how developments might lead to changes in the world, but most Americans, Mr. Speaker, have deep and abiding sympathy for any who have democratic aspirations across the world.

We support, as a country, the aspirations of all people to be heard in their government. The only just government is one that governs by the consent of the governed. For too long, Mr. Speaker, too many Arabs and too many people across the world have suffered under unresponsive and tyrannical leaders; and now is a time for hope, to change that and create a new Middle East that better supports democratic values.

BRINGING JOBS BACK

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, I recently surveyed my constituents and asked them what they thought I should spend my time on in 2011. No surprise, they said jobs; create jobs.

Fifteen million Americans without work today, and what does the Repub-

lican continuing resolution do? It is going to add another 700,000 jobs lost in America, by Mark Zandi, the fine economist who was the adviser to JOHN MCCAIN when he was running for President, 700,000 jobs.

So why would they do this? You've got to scratch your head. The reason why they want to do this is because they only win if the economy is down, if there are more jobs lost. So their whole approach is not to be Americans but to be Republicans.

I say: Republicans, join us in being Americans first. Let's create a job-seeking engine. Let's create jobs in this country, not take them away.

HONORING PAT KELLY

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, a democracy is not beautiful edifices or beautiful buildings or even words written on paper. A democracy's foundation is the people. Today we pay tribute to the retirement of Pat Kelly, someone who has really helped our democracy thrive.

For 54 years, she has been one of the people that, anonymously and without much fanfare, has made sure that this democracy, whose very foundation is the longest continually maintained journal in the world, kept running. She did it as a proud daughter of Brooklyn, and she comes from a truly patriotic family.

Her mother was a Member of Congress, as the Speaker and minority leader have pointed out. Her grandfather, William Kelly, was the Postmaster General of Brooklyn. I was proud to kind of make quasi-association with Pat when I was in the city council and I got some funds to fix up Kelly Playground, where so many of us enjoyed Brooklyn.

You know, it really is true that many of us as Members of Congress blithely come through here. We cast our votes. We give our speeches. And it's easy for us to forget that this democracy is not about us. It's about the participation of citizenry and, of course, the hard work of so many people that make this institution so grand.

Pat Kelly is such a person. She is an institution unto herself. She will be missed around here, but I can tell you she will not be forgotten. We will remember her for her charm, her smile, her grace, and the way with which she did her job.

So to her family, the entire Kelly family, from all of the people from her home borough of Brooklyn, I want to say to her, congratulations on her retirement. She will be missed.

WILL WE CONTINUE TO GROW OUR ECONOMY?

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, a 2-week extension to fund the government may prevent a shutdown, but it will not change the fact that a serious choice lies before this Congress.

Will 2011 be a year in which we continue to grow our economy, a year that builds on the over 1 million private sector jobs created in 2010, or will it be remembered as the year extremists ignored the warnings of world-class economists at Moody's Analytics and Goldman Sachs and allowed our economy to shrink by over 700,000 jobs?

Will 2011 be a year in which we prepare America's children to compete in a global economy, or will it be the year that right-wing extremists and Congress defied common sense, cutting Pell Grants, blaming teachers for the deficit, and punishing struggling school districts across America for a financial crisis they did not cause?

In 2 weeks, these choices will once again come before this Congress. I implore the Republican leadership to seize this opportunity, not for partisan gain but for America's gain. Let's reduce the deficit in a way that does not jeopardize our recovery and make 2011 a year we move forward instead of backwards.

□ 1230

DOMESTIC ENERGY PRODUCTION

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, when I returned to Illinois last week, I talked to my constituents, and the refrain I heard over and over was their frustration and concern about the pain they're feeling at the gas pump. And it's not just hurting them. It is threatening to damage our economy. It's already a weak economy, and it is damaging it even worse.

At this moment, the average cost of a gallon of gas in my home State of Illinois is over \$3.50—more than 10 cents higher than the national average. These prices are unseasonably high, hitting Illinoisans and Americans hard in their already-thinned pocketbooks and threatening our economy's tenuous recovery.

It's clear that Congress must act to protect our constituents from even higher gas prices by expanding our Nation's domestic energy production. More energy production here at home would not only reduce the cost of gas, putting money back in the wallets of every American; it would also create the kind of good-paying jobs that so many people need and will help get our economy running again.

Creating jobs, saving our constituents money, and helping the economy should be bipartisan goals, and we can achieve them by expanding American energy production. I hope we come together to accomplish these goals in the weeks and months ahead.

FURTHER CONTINUING APPROPRIATIONS AMENDMENTS, 2011

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 115

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Colorado (Mr. POLIS), pending which time I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, House Resolution 115 provides a closed rule for consideration of H.J. Res. 44. This bill would fund the government through March 18 and reduce federal spending by \$4 billion over the remainder of the fiscal year. The measure cuts \$2.7 billion in earmarks from Energy and Water, Labor-HHS, Transportation-HUD, Homeland Security, and Legislative Branch appropriations, but most importantly, this measure averts a government shutdown and allows the Senate time to continue to consider H.R. 1, the bill that we successfully passed in this Chamber just 1 week ago.

Mr. Speaker, on that bill, we had roughly 50 hours of debate from both sides of the aisle, debate that ran late into the night that allowed the House

to work its will for the first time in a long time. And the end result was that continuing resolution, H.R. 1, that now sits idly in the Senate.

This resolution today, this rule today, which I urge Members to strongly support, will allow for the 2-week extension of Federal funding to allow the Senate time to seriously consider this bill, again, H.R. 1, the first bill in a long time on which the House has had a chance to work its will.

I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, in 4 days, the Federal Government will run out of money. We must ask ourselves, how did we get into this dire situation where we are 4 days away from critical Federal services being closed and our Federal Government being unable to meet its obligations.

Today we are racing the clock to avoid this shutdown in large part because we have squandered the past 2 weeks debating H.R. 1, a ridiculous spending bill that contained some cuts so extreme it had no realistic chance of ever being passed into law and left other areas of the budget that both sides have generally agreed need to be cut untouched. H.R. 1 also had every bit of social legislation from the Republican majority, including gutting the ability of EPA to protect our air and our water and defunding Planned Parenthood and family planning, so that it had a threat of a Presidential veto and faces no realistic prospects of passage in the Senate.

So rather than working with Democrats in the House and Senate to craft a real long-term CR that would preserve the gains of our economy and invest in our future, Republicans have squandered the past few weeks to pass their out-of-touch and unrealistic spending bill that would prove devastating to our economy, our safety, our health, and, yes, our values.

Their draconian spending bill would destroy 700,000 jobs, according to Mark Zandi, chief economist at Moody's and former adviser to Senator JOHN MCCAIN. And as Goldman Sachs said, their long-term CR would "stall the economic recovery and reduce U.S. economic growth." In fact, just this morning more than 300 economists from across the country warned against the massive GOP spending bill, stating that, "as economists, we believe it is shortsighted to make budget cuts that eliminate necessary investments in our human capital, our infrastructure, and the next generation of scientific and technological advances. These cuts threaten our economy's long-term economic competitiveness."

Mr. Speaker, today's continuing resolution meets our shared goal of preventing a Federal Government shutdown, but at what cost? And for how long? We are committed to reducing

the deficit beginning with an aggressive attack on waste, fraud, and abuse. Every Member in this body owes it to our constituents to responsibly cut spending and balance the budget without sacrificing jobs or weakening our economy.

Time and time again, the Republican leadership has told us that they want to proceed in an open and transparent fashion, and yet here we are again, facing another closed rule, shutting down amendments from both sides and stifling the legislative process and good cost-cutting ideas from both sides of the aisle. In fact, yesterday in the Rules Committee, my colleagues took a party-line vote to block an amendment from the top ranking member on the Appropriations Committee, Mr. DICKS. Mr. DICKS' amendment would have cut more funds than the Republican bill and, at the same time, restored funds for education programs.

In the spirit of the urgent need for cost-cutting and balancing the deficit, I think this body should consider ideas from both sides of the table and allow a rule that allows for discussion of the Dicks amendment and other ideas to cut costs even further than this CR allows.

This CR may succeed in keeping the government open from March 5 through March 18, which I think we all agree is necessary. But we also all know that 2 weeks is not nearly enough time to negotiate a long-term solution to the enormous spending challenges we face, especially when the Constitution guarantees the President 10 of those days to decide whether to sign or veto the bill.

The other side had discussed, at the end of last session, the need to have stability with regard to what kind of taxes people and businesses can expect over time. And at the end of last session, we passed a bill that set predictability for 2 years so people and businesses know what their taxes will be. Well, the other side of that coin is we need predictability and stability around appropriations and the general activities of government. It is stifling to the economy and stifling to job creation for people to be uncertain as to whether the largest enterprise in our country, the Federal Government, will or won't be solvent in 4 days' time.

This is my third year in Congress and already the fourth time I've managed a rule on a short-term CR. The shortened timeline set out by this CR sets the stage for a devastating shutdown crisis every 2 weeks that will bring legislating to a standstill, impede hopes of long-term economic growth, and create enormous overhang on the markets because of this great uncertainty that is of our own creation.

□ 1240

We are also undermining, through this CR, Mr. Speaker, investments in

our own future. Take the cuts to literacy programs, for example.

Building an excellent public education system that ensures that each and every child has an opportunity to succeed is the most important investment we can make in our Nation's future and developing our human capital which helps keep America competitive. This is an investment that I have spent much of my life to support and achieve—on the State Board of Education, as a founder of a charter school, and now here in Congress.

What we see now, however, from the proposed short-term CR is the elimination of the Striving Readers Fund, which supports literacy for students from preschool through 12th grade. With American students' reading scores stagnating for the past 30 years, this proposal makes no sense.

Striving Readers is the only targeted Federal literacy funding for preschool through 12th grade. And particularly at a time of State and local budgets cuts, these resources are more important than ever.

Now, we can agree that Striving Readers should be improved. In fact, I am working, along with Congressman YARMUTH, to provide the LEARN Act, which would ensure that teachers and students have innovative strategies and data-backed tools to improve reading and writing. The administration's proposal would build on the progress of the Striving Readers program.

President Obama said in his State of the Union address: It's not just about how we cut, but what we cut. Republicans have mistakenly claimed that the administration also wants to eliminate Striving Readers, but they neglect to mention that the administration's 2012 budget proposes instead to revise, improve Striving Readers. The goal is not to reduce and eliminate Federal support for literacy; it is to consolidate and make more efficient Federal support for literacy, to strengthen literacy performance expectations, scale up innovative methods of teaching reading, writing, and language arts.

In fact, nearly all States, 44, have applied for the first \$10 million in the Striving Readers allocation that was available and have developed State literacy plans as a result. My home State of Colorado has been awarded \$150,000 for these important projects.

Literacy is the foundation of learning. It is the gateway to other content areas that are increasingly important in the global society, like science and math. Destroying the foundation of literacy is cutting off our Nation's own legs. Education is an investment in our future. By pulling the rug out from under our schools and children, Republicans seem willing to sacrifice our future prospects as a Nation. Education is how America can reclaim our edge in job creation, bring jobs back to our shores, become better business leaders,

and provide a livable wage for working families.

We all agree that cuts must be made. But as the Romans said, *caveat emptor*, may the buyer beware. By agreeing to cuts in repeated short-term CRs, we run the risk of opening the door to a spending agenda that arbitrarily kills jobs, hurts our communities, completely undermines education reform, and we do nothing to promote the stability of the Federal Government that markets require to allow businesses to thrive and grow.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say to my friend, I could not agree with him more. We must ask ourselves: How did we get here? How did we get here? I have been on the job for 60 days, but the fiscal year began back on October 1 of 2010. How did we get here?

We got here because the work of the people's House didn't get done last year, and I regret that. Candidly, I'm not sure how. I hear so many folks talk about the partisanship in the Congress and the partisanship in Washington, DC, and people can't get things done because of the partisanship. But, of course, last year Democrats controlled the House, the Senate, and the Presidency. And yet we still sit here today without a budget, without the appropriations that the speaker knows we need for the government to continue its operations.

How did we get here? I don't know. But I know this: Nobody elected me in November to come up here and point the finger of blame. They elected me to work with my friend to clean up this mess. Irrespective of how we got here, we have to move forward.

I have to say, because I was at home for the past week with my constituents working through these very same issues we are talking about today, the question I got over and over and over again is: Rob, that is a great start, but let's do more. That's a great start, but let's do more.

You know, getting started is what is hard. It is hard to get started. Over and over again we have heard our friends on both sides of the aisle say: You know, this program, it can be fixed. It can be fixed.

I wonder if we will have a day here where we can start from a blank sheet, just a blank sheet, and say: What is it that is worth borrowing from our children for? What is it that is worth increasing our children's credit card balance for? What is it that is worth mortgaging our children's future for?

Let me just say to my friend, because I know he has a great passion for education, and it is a passion I very much respect, I have the great fortune of coming from the part of the world called Gwinnett County, Georgia. And Gwinnett County was the recipient of the Broad Prize for the single best

urban education school district in America. We made it as a finalist 2 years ago, but last year we won. And we won in spite of Federal Government intervention—not because of it, in spite of it. We won because, as a community, we got together back in 1996 and said there is a better way. What can we do to enable our children to succeed better?

We were doing standardized testing in Gwinnett County before standardized testing was in vogue because we knew we had to have a way to measure. We knew we had to have a way to sort out what works and what doesn't. Well, folks, we need some of that standardized testing here on Capitol Hill: What works and what doesn't?

And there are a lot of things that aren't working. Not only do we need to get the bad out of the budget, we've got to decide that we're going to choose between good and good, between good and good because every school group I spoke to over our district workweek is a school group from whose future we are borrowing, whose future we are mortgaging over and over and over again.

It has to be said that the House worked its will in an unprecedented fashion, an unprecedented fashion. Mr. Speaker, I don't say that lightly. I mean never, never before in modern times has the House worked its will on a continuing appropriations bill the way it did last week. Again, I don't care whose fault it is. I don't care why we couldn't get it done last October. I don't care why we couldn't get it done in November. I don't care why we couldn't get it done in December. What I care about is we have an opportunity to get it done, and we did that last week.

The House worked its will, and we had some winners and we had some losers. I voted for a number of amendments that failed. I didn't get everything that I wanted in that bill. I know my friend from Colorado didn't get everything he wanted in that bill, but the House worked its will, Mr. Speaker, with unprecedented openness, and H.R. 1 was the result.

Well, I asked my staff to call over to the Senate before I came down here. I wanted to find out exactly how much debate the Senate had been putting in on H.R. 1. Of course, we debated it for almost 50 hours. We went through the night on a couple of nights. We wanted to make sure that the entire House had an opportunity to be involved. My staff tells me, Mr. Speaker, not a moment. Not a moment.

I hear the sense of urgency from my friend from Colorado that we have to take action; this is no way to run a government. I think he is right. I think cleaning up this mess means passing a single continuing resolution that gets us through to the end of the fiscal

year. For Pete's sake, the Appropriations Committee is already taking testimony to try to get us into the 2012 budget cycle. This is leftover work that simply didn't get done last Congress. Not one second has been spent on the Senate side, Mr. Speaker, from what my staff tells me. Not one second has been spent considering a bill on which the entire United States House of Representatives worked its will; a bill that was the only open process that this House has seen on a continuing resolution; a bill that allowed Members from both sides of the aisle to come down here to the House floor and represent their constituents back home by doing exactly what my friend from Colorado is suggesting—trying to make good cuts, trying to make those things, present those things on the House floor that make the most sense to folks back home.

Well, Mr. Speaker, we are where we are. No one wants the Senate to act expeditiously on the work of the people's House more than I do. But given that not one moment has been dedicated to that, we have to come down here and fund the government one more time. It is the responsible thing to do. It is the responsible thing to do.

The better thing to do would be to act on H.R. 1, which the House passed last week with the support of Members in this body. But now, we have to come down here and extend for 2 weeks to give us time to finish those negotiations with the Senate side. And if that is not enough time, I suspect we will be back down here again. My friend from Colorado and I will be back down here in this well doing this same thing.

But it is no way to run the government, Mr. Speaker. It is no way to run the government. This is just what we have to do while we wait on the Senate to take up that bill on which the House worked its will last week.

I reserve the balance of my time.

Mr. POLIS. I yield myself 30 seconds.

The gentleman from Georgia said let us do more to save money, and yet this rule shuts down the process and doesn't allow amendments from the minority, including one by Mr. DICKS that saved over \$1 billion and would have reduced the deficit by over \$500 million. And yet again, through this closed rule, we are unable to do more, thanks to this restrictive rule by the Republican majority.

I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I rise in opposition to the rule and the underlying bill, House Joint Resolution 44.

This bill is just another part of the reckless Republican no-jobs agenda. Instead of focusing on creating jobs, Republicans are trying to cut nearly 1 million jobs across the country. Republicans have been in control of the House for now more than 2 months. They have been in control of the House

for now more than 2 months, and they have failed to bring up a single bill to create a single job.

□ 1250

I mean, they haven't done just a poor job. They haven't done anything. This bill is just a mini-version of a larger Republican drive that America soundly rejected a week ago. I am absolutely against starting down a series of short-term cuts, of short-term CRs, that result in a bleed of the American middle class. This is death by 1,000 cuts—a slow bleed.

As Speaker BOEHNER stated earlier this week before the National Religious Broadcasters convention, "If they won't eat the whole loaf at one time," he said of the Democrats, "we'll make them eat it one slice at a time."

This is what this short-term CR is all about, one slice at a time, with the goal of shoving a whole loaf down the throats of the American people. The American people don't want the Republican layoffs. They want jobs.

Let's be clear. The bill before us today is just one more fight in this battle to keep American jobs. It's the same job cuts that Republicans passed a week ago. This is just a 2-week version of it. The Republicans' reckless "so be it" attitude on spending destroys jobs that threaten America's economy. You don't have to take my word for it. All you have to do is read the report released by the chief economist at Moody's, Mark Zandi, if you want to know about the Republicans' "no jobs agenda" CR, which would cut 700,000 jobs by year's end if they make us eat one slice at a time and which would reduce economic growth.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. ELLISON. Let me quote economist Mark Zandi directly: "While long-term government spending restraint is vital and laying out a credible path toward that restraint very desirable, too much cutting too soon would be counterproductive."

The economy is adding about 100,000 to 150,000 jobs a month; but until that number reaches about 200,000 on a monthly basis, "imposing additional government spending cuts before this has happened would be taking an unnecessary chance with the recovery."

Mr. WOODALL. I yield myself such time as I may consume.

Mr. Speaker, to put these cuts in perspective, because, again, we have to get started somewhere, there is not going to be a speaker who stands up here today who doesn't speak out in favor of fiscal restraint. The questions are: When do we start? How much do we do?

Compare the bill that's before us today, which is the continuing resolution to fund the government for 2 weeks and is adding about \$4 billion in

cuts, to the bill we passed last week, which had \$100 billion of cuts in it. Now put that \$100 billion of cuts in perspective.

Let's take the average American family who has to go out and buy groceries. That family has a 31-day grocery bill. Knowing that you've got to go out and buy 31 days' worth of groceries, what we're asking of the American people is to cut 1 day out. We're going to tell you now that we're going to cut 1 day out, and we need you to stretch your 30-days' worth of groceries into 31.

Mr. Speaker, that doesn't seem that draconian. In fact, it doesn't seem draconian at all. It seems like what American families are doing over and over and over again in the recession that we've been battling.

When we talk about these jobs numbers, these are the same jobs numbers about which folks said, If only you'll put your children in debt to the tune of another \$1.5 trillion, we'll get unemployment down under 8 percent. It's the same economist who said, Well, it didn't work the first year, but what if we do it the second year? If we put you in debt to the tune of \$1.6 trillion, in addition to the 1.5, in addition to the 1.3 the year before, then we're going to get unemployment back down under 8 percent.

Those jobs didn't materialize because the Federal Government can't create jobs. We can destroy jobs—we can and we do—but we can't create jobs. Our young entrepreneurs create those jobs. The business owners in our communities create those jobs. We destroy jobs, but we cannot create jobs. That is what this continuing resolution is a recognition of, Mr. Speaker: that the government can absolutely get out of the way. We're not going to hear today about the numbers of jobs that will be lost if the EPA continues to classify carbon dioxide as a pollutant and hamstring the American economy in a way that no other economy on this planet is hamstrung. We're not going to hear those jobs numbers. H.R. 1 would solve that, and we have to get started somewhere.

Mr. Speaker, I take no pride of authorship. I'm just a participant in H.R. 1 as it passed the House, as the House worked its will, as Democratic amendments passed and as Republican amendments passed. I wish we'd been governing the right way and that this had been done back on October 1. We passed that continuing resolution, and it's unclear to me why there was no open process there. We passed the second one in December and then the third one in December.

Again, the openness that this House has seen in this 112th Congress is absolutely unprecedented.

Now, I know my friend from Colorado is a strong supporter of CBO and of the work that CBO does. I couldn't agree

with him more. Then when Mr. DICKS came before the committee last night with an amendment that would cut even more, as someone who believes we need to cut more, I was incredibly enthusiastic about that. My understanding was that CBO hadn't had a chance to score that amendment, that there was no scoring to be had, and so we couldn't tell whether or not this was going to cut or whether or not this was going to add or how the spend rates were going to sort themselves out, because it came at the very last minute.

Yet what didn't come at the last minute was the opportunity for the minority to offer a substitute. The Speaker reached out to the minority to say if you were interested in offering the same continuing resolution that you had offered before, which was going to freeze funding—and we've heard that a lot. Let's just freeze things. We don't want to cut anything, and we don't want to be draconian—the majority would have absolutely made that in order.

Again, the House could work its will, but my understanding is that that offer was turned down and that folks were not interested in offering that substitute. I would have been a proud “no” vote on that substitute, but I still believe, as the gentleman from Colorado said, openness in the process yields a better result.

This brings me full circle, Mr. Speaker, to H.R. 1, which is the single continuing resolution that has had more openness in the process than any other continuing resolution this House has ever considered. It led to the best process, and it led to the best outcome. This is the bill that sits in the United States Senate today, that could be acted on today, that would fund the government and provide the certainty that we need today through the end of the fiscal year, which is on September 30.

So when we're talking about certainty, and I absolutely believe that our economy needs certainty, it is the government that's creating the uncertainty. We are creating the uncertainty. We have historically created the uncertainty. We have an opportunity with H.R. 1 to eliminate that uncertainty for the rest of the fiscal year and to get back to doing what this House always should have been doing, which is considering appropriations bills under regular order.

Candidly, I hope my friends on the Democratic side of the aisle are throwing down that gauntlet today. I hope they're saying, You know, ROB, it's not easy to lead. It's not easy to move bills through regular order.

I want that opportunity to try. I want an opportunity to do it the right way. If we can move H.R. 1 through the Senate and onto the President's desk, we can then come together with the

same kind of open process that we began 2 weeks ago to consider all of the appropriations bills and to make the priorities that this House chooses to make priorities, not the last Congress, not two Congresses ago, not President Obama in his first year, not President Bush in his last term—but this House today, together. What are our priorities?

As soon as we move this continuing resolution behind us, Mr. Speaker, we can begin to focus on those priorities, which is where the true work of the House is intended to be.

With that, I reserve the balance of my time.

Mr. POLIS. I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I like the gentleman from Georgia. He's a nice guy. But I have to say that his story about what actually happened here is not exactly accurate.

Mr. Speaker, the fact of the matter is when the Democrats were in charge in the last Congress, we did have an omnibus appropriations bill, but it was the Senate Republicans who refused to provide the votes, because, as you know, you need a supermajority in the Senate.

Then he talked about how he was glad to be home last week. I was glad to be home last week too, and I got a lot of input, but we should have been working here and not moving up so perilously close to these deadlines where the government could actually shut down. My fear is that we're just going to be kicking the can down the road every 2 weeks, every 2 weeks, facing another possible government shutdown. As the gentleman from Colorado said, that creates economic uncertainty and is not good for the economy.

□ 1300

Now, I just wanted to comment on the gentleman from Georgia. I was glad that I finally heard him use the word “jobs” and talk about jobs because that's the problem here. This H.R. 1 that he talks about we know is going to destroy jobs—various accounts, 700,000, 800,000 jobs that will be destroyed or will be eliminated, not just because the government isn't paying for the jobs, but because it doesn't invest in the future.

If you listened to what President Obama said in his State of the Union address, he said that the government has a role. The gentleman from Georgia says the government should get out of the way. Well, I don't agree with that. We need to make wise investments in our future, in our education programs—which this cuts—in our research and development for the future, in infrastructure so that we can have roads and highways and mass transit so that commerce can continue and we can grow the economy.

That is what's wrong with H.R. 1 and this larger bill that the Republicans have put forward. And, of course, the Senate can't take up the bill the way it is because they know it will destroy jobs and cripple the economy.

So what I ask of my Republican colleagues is go out there, sit down with the Senate Democrats, sit down with the House Democrats. Don't just say take it or leave this bill that we know has such draconian cuts and doesn't do anything to invest in America's future. We can't continue down this road. We've got to work together.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I associate myself with the gentleman from New Jersey's comments. We absolutely have to work together. It's a great source of pride for me that I've only been on the job 60 days and we've already seen more working together than this House has allowed in the past 4 years combined. Understand that, understand that as we're working on this appropriations bill, as we're working through this appropriations process, that 2 weeks ago you saw more openness and working together in this Chamber—right here, right here in the people's House—more working together than you had seen in the previous 4 years combined.

Can we do more? I say to the gentleman from New Jersey, I think we can, and I look forward to being a partner and making that happen. But to say that what is sitting on the desk in the Senate is the product of take-it-or-leave-it legislating could not be further from the truth. It's the furthest from take-it-or-leave-it legislating that the House has seen in 4 years. Arguably, it's the furthest thing from take-it-or-leave-it legislating that the House has seen on continuing appropriations bills in modern time.

So when we talk about where we are and where we're going, we have to ask that question of, why are we characterizing this as a process that's broken? Why are we characterizing H.R. 1 as something that doesn't work? Why isn't H.R. 1 the very best, the very best, given the makeup of this House, given our collective intellect and wisdom? Why isn't H.R. 1 the very best that we can do? Because when the process is open and everyone gets to participate, it ought to bring out our very best.

And I'll say to the gentleman from New Jersey, he has some of the lowest gas prices in the country. I enjoy traveling through his great State. Every time I go through, not only do I get full-service gasoline, I get it for the best prices in the country.

Gas prices are up 25 cents a gallon in Gwinnett County, where I come from; 25 cents a gallon in the past 10 days. We have economic crises in this country; we have economic challenges in this country; but spending more government resources is not the answer.

We have about a \$15 trillion economy. Even with a \$3.5 trillion Federal budget, the Federal player is small, small—8.5 cents of every dollar in education in Georgia comes from the Federal Government. The rest comes from exactly where you expect it to come from, local communities and State governments. We have to get the government out of the way.

And if you're worried about uncertainty, as I am, if you share our concern about uncertainty, then let's pass H.R. 1. Let's be done. Let's be done with this 2 weeks, 4 weeks, 6 weeks, 12 weeks. Let's get us through the end of the year. Let's finish the job that we should have gotten done last year. Let's put it behind us, and let's start that new open process again. And it's one that I look forward to joining my colleagues in.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself 30 seconds to respond.

H.R. 1 cannot be looked at as a serious budget document. Now, it's not about the cuts—\$61 billion, \$70 billion, we can come to a number that we can agree. And by the way, you can't come to a serious number without making sure that defense is also on the table. But what we have with H.R. 1 is a bill that loads up every piece of the far-right social agenda in one bill, from restricting a woman's right to choose, to preventing government from protecting the air we breathe and the water we drink. So if we want to have a discussion about a serious budget document and serious cuts, that's one thing. If we want to have a far-right dream list, that's another.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS), the ranking member of the Appropriations Committee.

Mr. DICKS. Mr. Speaker, the CR disproportionately cuts education, especially literacy efforts. David Brooks, not known as a left-wing journalist, writes in the New York Times column today: "If you look across the country, you see education financing getting sliced often in the most thoughtless and destructive ways. In Washington, the Republicans who designed the cuts for this fiscal year seem to have done no serious policy evaluation."

Last night, I asked the Rules Committee to make in order an amendment restoring education cuts. The amendment cut \$1 billion from the Census in money that wasn't needed, applying most of that to offset education spending, and the remainder went to further reducing the deficit below the levels in the CR before us. The Rules Committee chose not to make that amendment in order, and therefore I oppose the rule.

But to talk to the gentleman, I spent 8 years on the staff of the other body, and this is my 35th year in the House of Representatives. Nobody ever gets ev-

erything they want: This is a process where the House passes a bill, it goes to the Senate, and then we have a conference committee or the Senate sends the bill back to us. Both sides meet and work out their differences. There is give and take, there is compromise, and that is the way this process works.

And I also want to say to the gentleman, and to your side, remember it was the Democratic Congress and the House Senate and Mr. Obama signing the \$41 billion cut from the Obama FY11 budget. It was the Democrats that did it. We had one Republican vote. And I just want to remind you, that was done in December in a lame duck session, which turned out to be a very effective lame duck session; and in that bill we made cuts across the board in all these areas.

So I want to make it clear we are also for deficit reduction, but what I am concerned about—and I know the gentleman is very sincere, I can tell that, I know you believe in every word that you are saying—but the biggest problem with that is what the effect will be on our economy. Mark Zandi of Moody's says, it will cost us 400,000 jobs in 2011, 700,000 jobs in 2012. Goldman Sachs, who I don't normally quote, they say that this could cut 1.5 to 2 percent of gross domestic product. That could mean the loss of 2.4 million jobs over the next 2 years. That's not what you want to do.

You're trying to reduce the deficit, and the way you reduce the deficit is put people back to work. You get them back to work, and they pay their taxes in and the deficit comes down, the unemployment rate comes down. If you do the wrong thing and make draconian cuts at the same time that the States are cutting \$125 billion from their budgets, the impact of those two things—\$61 billion and the \$125 billion—could have a very devastating effect on the economy and hurt a lot of programs needlessly because it's going to be counterproductive. I just hope that you think about that.

There isn't any economic theory that I've ever heard of called "cut and grow."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. DICKS. So, again, it was the Democratic Congress that cut the \$41 billion. And every reputable economist says what you did in H.R. 1 is going to have a negative effect on the economy. And so I hope you all think carefully about what you're about to do.

Again, it takes compromise. You've got to work with the other body to come up with a reasonable solution here, or we're going to have problems with a government shutdown. And you can say whatever you want, but we don't need the government shutting down when we're in two wars, a war in

Afghanistan and a war in Iraq, and a global war on terror. We don't need to shut the government down.

□ 1310

Mr. WOODALL. Mr. Speaker, I yield myself 30 seconds only to say that's why we're here today, as the gentleman knows, so that there is no government shutdown. And I could not be more proud that we're here taking that responsibility exactly as seriously as it is.

It's very difficult to have a conversation about jobs when we have carbon regs coming down the pipe that will destroy jobs and we have financial regulations coming down the pipe that will destroy jobs and we have health care regs coming down the pipe that will destroy jobs over and over again. My folks are saying "enough."

With that, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee, the gentleman that I give credit to for giving us the most open process on a continuing resolution that we've seen in modern times.

Mr. DICKS. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from Washington.

Mr. DICKS. That was a good process. I appreciate what you all did in having an open rule. I applaud Chairman ROGERS and Chairman DREIER. That is the right thing to do. It was appreciated on both sides of the aisle.

Mr. WOODALL. And we could not have done it without your support.

Mr. DICKS. I did my best to help.

Mr. DREIER. Mr. Speaker, let me just say, I was going to begin by saying that both my colleagues, Mr. ROGERS and Mr. DICKS, did an absolutely phenomenal job at taking on the responsibility that is thrust on them when we have an open amendment process.

The people who go through the greatest challenge are those who have to defend the bill and be here for hours and hours and hours. And as we all know, we had 162 amendments considered on the House floor during those days that led up to before adjournment week before last. And we worked into the morning on every occasion. That means after midnight. I mean, I guess we adjourned at 2 or 3 on some of those days. I was sound asleep then, I have to admit. But you guys were working very, very hard, Mr. Speaker. And I want to thank them.

And I was pleased that those in the minority did recognize that doing what we did was unprecedented. Never before has a continuing resolution been considered under the process that we've had. At best, it's been a structured rule, which is what we had two decades ago, and both political parties had had usually a closed rule for the consideration of continuing resolutions up to

that point. So I do believe that we have come together with, as Mr. WOODALL has said, a package that included amendments from both sides of the aisle as we proceed with this.

Now, I was tickled also to hear my friend talk about the fact that \$41 billion in cuts were made under Democratic leadership. The fact that both sides of the aisle are now talking about and bragging about ways to cut spending is, I think, a very encouraging sign, because that is the message. That's the message that Mr. WOODALL was just offering. The constant expansion of government is, in fact, counterproductive in our quest to create jobs and get the economy moving.

Now, we had this exchange last night in the Rules Committee—yesterday afternoon in the Rules Committee, Mr. Speaker, in which we were talking about Mark Zandi and the Goldman Sachs projections as far as bringing about spending reductions.

And I brought to the fore one of the most brilliant economists I know, John Taylor, who is at the Hoover Institution of Stanford University, former undersecretary of the Treasury for International Affairs, a very good personal friend of mine. His son used to work in our office. He's serving in the United States Marine Corps. And I've got to say, Mr. Speaker, that John Taylor, in responding to the Zandi quote, made it very clear that the notion of not bringing about spending reductions would in fact exacerbate the economic challenges that we have. And the bottom line is: The best way for us to get our economy growing is to ensure that people can keep more of their hard-earned money and to restrict the kind of control that the Federal Government has continued to thrust on individuals.

I'd be happy to yield to my friend if he would like to share one of those quotes.

Mr. DICKS. Let me just make a brief comment.

And I do applaud the gentleman from California as chairman of the Rules Committee for giving, for working out that modified open rule.

Just let me, on the point about Mr. Taylor at Stanford, Stanford's a very good school. My son graduated from it, and I'm quite proud of that.

A letter signed by 300 of America's leading economists makes the argument that cutting investments this quickly will undermine growth. Among the original signers from Stanford alone: Kenneth Arrow, Martin Carnoy, Paul David, Mordecai Kurz, Roger Noll, and Gavin Wright.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I would say to my friend I think what we've just shown is that the proverbial economists say on one hand, on the other hand.

The fact is not every economist agrees on this notion, but a statement has been made. And, in fact, my friend

made it upstairs, and that is, he said when he was quoting Mark Zandi, that everyone, basically every economist—and that is what I inferred from the statement—came to this conclusion. And my point in actually referencing Professor Taylor is that there is disagreement on it.

I happen to come down on the side, personally, of Mr. Taylor. I think it's important for us, just because we want to all encourage individual initiative and responsibility, to do everything that we can to reduce the size and scope and reach of government—and that's what the goal of H.R. 1 is—so that we can get the economy growing. And I believe that more incentives by reducing that tax and regulatory burden will create jobs, because we do share that goal. I mean, I'm convinced that everyone wants to do that.

But this notion, I mean I've heard commentators saying that somehow that Republicans in saying that we might see a reduction in the number of Federal Government jobs, that we're not for job creation. We want people to have good, long-term jobs in the private sector, and that's our goal here.

This rule is a standard rule. I should say at the outset that we wanted to have this not a closed rule but a modified closed rule. And I know my friend was concerned that his amendment that he testified on behalf of in the Rules Committee wasn't made in order. But I will tell you that we did, from the very beginning, say to the minority leader, Ms. PELOSI, that she, when having introduced on February 18 her substitute proposal that basically kept spending at 2010 levels, that we would have made that in order and it would have made it a modified closed rule that we had offered, so we did do that.

We are where we are. Ensuring that we don't go through a government shutdown is something that Chairman ROGERS and I know Mr. DICKS and all of us in leadership positions, rank-and-file Members alike, want to avoid, and that's why we've got this 2-week package that's before us. I hope the Senate will act so that we can do that, and then do what we all want to make sure happens, and that is have a negotiated agreement that will get to where we need to be.

So I thank my friend for his management of this rule just as he managed the last open rule.

Mr. DICKS. Will the gentleman yield?

Mr. DREIER. And before I yield back, I guess I should yield to the ranking member.

Mr. DICKS. I just want to say one brief word.

I applaud these modified open rules. And on the regular bills on appropriations, we hope—Mr. ROGERS and I have been in contact, we're going to get these bills done in a timely way. And we want open rules, and we want to be

able to have these unanimous consent agreements after the bills have been on the floor for a while in order to narrow the amendments and then to get these things done in a timely fashion. And I think that it's going to take the cooperation of all of the Members to be able to do that.

Mr. DREIER. If I could reclaim my time, I will say the gentleman is absolutely right, Mr. Speaker. We want to have something that we haven't had in the last couple of years, and that is an open amendment process when it comes to the regular appropriations bills. And Mr. ROGERS and I have been discussing that at length and will continue to.

And I believe that the best way to deal with this is for not leadership but for the floor managers to come together and work out an agreement on that.

Mr. POLIS. I yield myself 30 seconds to respond.

I join the gentleman from Washington in praising the gentleman from California, the chair of the Rules Committee, with regard to the modified open process that this body was able to undertake.

But again, with regard to this particular bill before us, what the gentleman from California said is that the Democrats would be allowed to offer an amendment that would spend more but not allowed to offer a substitute amendment that would spend less. The Democrats, in fact, don't have a desire to offer forward a substitute amendment that spends more. We do have a desire to offer a substitute amendment that Mr. DICKS came forward that does spend less. The rule doesn't allow for that.

With that, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker and ladies and gentlemen of the House, let's take the next 2 weeks to try to work together to do the right thing for the American people.

□ 1320

I believe that the right thing for the American people is to come up with a budget plan that sensibly reduces spending but does not put American jobs at risk. What do I mean by this? What do we mean by this? Let me give you an example.

I think that a policy that says that oil companies, which made \$77 billion in profit last year alone, can drill on federally owned property that's offshore and not pay anything in royalties to the American taxpayer is wasteful, and we should stop it. I think provisions that say that there are tax loopholes for companies that outsource jobs out of our country are wasteful, and we should stop them. Let's get rid of those things from our budget.

But let's not follow the reckless plan of the majority that says in education,

let's cut funding for 10,000 reading tutors and math coaches. In education, let's cut funding for 7,000 teachers of autistic children, children with a learning disability. In border security, let's cut funding that's used to pay the people who board ships and inspect containers that come into this country to make sure they don't have dirty bombs in them. In public safety, let's not cut funding that will lay off police officers and firefighters in towns around our country. In health care, let's not cancel hundreds, if not thousands of research grants, where our best researchers are working on cures for cancer, or dementia, or diabetes. These are reckless cuts.

The problem with the Republican plan is not just that it disrupts the United States Government; the problem with the Republican plan is it disrupts the United States economy. And this is why the leading economist for JOHN MCCAIN's Presidential campaign of 2 years ago says this plan the Republicans are offering will cost 700,000 jobs. That's why the largest investment bank in the country, in a nonpolitical way, says that this Republican plan will cut in half the economic growth the country is counting on for this year.

Let's not disrupt jobs in this country. Let's cut wasteful spending. Let's go after corporate welfare, not special education. Let's go after oil company giveaways, not Head Start. Let's get back to the business of debating job creation in the private sector in our country, not defunding Planned Parenthood.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. There are 15 million unemployed Americans as we meet here this afternoon. Let us resolve in the next 2 weeks to put their interests first, to sensibly reduce spending where we can, to invest in education and health care where we must, and get on with the people's business.

Mr. WOODALL. Mr. Speaker, I yield myself 10 seconds just to invite my friend from New Jersey to join me on H.R. 25, the Fair Tax Act. Not only will it create jobs in this country, it's the only bill in Congress that will eliminate every single corporate piece of welfare, loophole, tax exception, credit, so on and so on, because none of them need a nickel of it.

I reserve the balance of my time.

Mr. POLIS. I yield 20 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I would ask the gentleman what the sales tax rate would be on his fair tax proposal on American families for buying something?

Mr. WOODALL. Given that it eliminates the payroll tax, which is the largest tax 80 percent of American families pay—

Mr. ANDREWS. What is the sales tax rate?

Mr. WOODALL. Twenty-three percent.

Mr. ANDREWS. Twenty-three percent on every purchase.

Mr. WOODALL. Less than what you're paying now.

Mr. POLIS. I yield 2 minutes to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition to the rule on this continuing resolution that the Republicans have brought forward. Why? Number one, it's for 14 days. Can you imagine one of the most powerful economies in this country and we are talking about doing kind of in a pause mode for 14 days? That's not very responsible.

But let's get to the specifics of why I am opposed to this. This CR would slash \$340 million for construction jobs for projects of the Army Corps. Now, I just heard the previous speaker talk about private jobs. Are we prepared to say that this government, we don't think there should be any Federal Government jobs? So are you to tell me that in my district, where I have two ports, the largest ports in the Nation, that we don't need to do dredging, that we can just have ships run afoul? I mean, how are we going to continue our economy?

I support cuts. If you check my record, you will see that I have supported many of the initiatives that have been brought forward. But they need to be thoughtful, and they need to make sense. A few others that concern me greatly: A slash of \$20 million to the Department of Homeland Security. What are we thinking here? Haven't we learned anything from Hurricane Katrina or 9/11? That we would suggest a cut, \$103 million of FEMA State and local programs that would provide grants to avoid disasters and how we prepare for them. Cut \$129 million from higher education.

I would ask, what is this 14 days about? We have talked about that we are prepared, everyone's going to come here and make these cuts. Well, let's have a real civil discussion, and let's build upon last week, but let's not do it on the backs of the American people. There is waste that can be addressed. And I look forward to supporting those initiatives. But this 14-day pause button is the wrong way, and I am opposed to it.

Mr. WOODALL. I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to this rule and to this bill. This CR is further proof that the majority does not care about the unemployment crisis. This really is a question of our morality as a Nation.

Are we going to eat a loaf of bread that is spotted with the mold of conservatism and so-called fiscal responsibility, or are we going to bring to our children a loaf of bread that is healthy, whole wheat, and good for America? This bill represents a loaf of bread. And I might point out the Speaker yesterday or a few days ago said something about, well, if they don't want to eat the whole loaf of bread at one time, then I am going to make them eat it one slice at a time. Well, every slice is speckled with mold of this old-fashioned, old way of thinking that got us into this problem that we are in now.

What we have done is given the keys to the car that they drove into the ditch back to them, and now we are forced to eat bread in that car, moldy bread in that car that is going nowhere but down.

Mark Zandi said 700,000 jobs would be lost if we do it the way that these Republicans who cannot drive, if we allow them to do that. And I am simply looking ahead for my children and for my grandchildren and my great-grandchildren. I cannot in good faith go along with this.

Mr. WOODALL. I continue to reserve the balance of my time.

Mr. POLIS. I would like to inquire if the other side has any remaining speakers.

Mr. WOODALL. I am the final speaker.

Mr. POLIS. I yield myself as much time as remains.

Mr. Speaker, we all share the goal of reducing the deficit. But if we are serious about deficit reduction, we need to look at defense as one of the line items. I am a member of the Spending Cuts and Deficit Reduction Working Group, and I have worked with my colleagues to identify more than \$70 billion in savings that could be used for deficit reduction.

If Republicans truly claim to be committed to deficit reduction, then why, as they cut millions from programs like Even Start and LEAP, do they spare defense spending? The short term CR carries forward the 2010 defense budget, but the policies, priorities, and levels proposed for 2010 no longer apply. Our current military expenditures support bloated troop levels and bases across Europe that quite frankly, Mr. Speaker, are relics of a bygone era. Rather than fighting the demons of the past, we need to focus on the very real threats of the present and future.

□ 1330

Who are we fighting? The Nazis, the Soviets, the French? It's time for us to rethink our defense spending. It's clear that the current strategy is one that we cannot afford.

The expenditures in Afghanistan are \$100 billion. It's been estimated that there is only, at most, 100 al Qaeda operatives in Afghanistan. That's a

spending level of \$1 billion per al Qaeda operative in Afghanistan. Most of al Qaeda's operations have moved across the border to Pakistan, and they have also gained a foothold in Yemen. Meanwhile, we are bogged down in a costly war with no clear end game.

Let's get serious about balancing the budget. Let's find savings in every agency, including the Department of Defense. Until we get serious about controlling defense spending, the largest component of the discretionary budget, we will never achieve our goals of reducing the deficit.

This CR claims to only cut earmarks, but in reality we are playing a shell game. This continuing resolution states that earmarks have no legal effect, which means that agencies have not been funding these programs. It means the Department of Homeland Security, for example, will have \$264 million less to prepare and respond to threats and disasters and protect our ports.

Two weeks ago, Mr. Speaker, Members from both sides of the aisle proposed amendments to enact even more cuts. My friend from New York (Mr. NADLER) proposed cutting funding to Afghanistan so that we could have a responsible withdrawal, saving \$90 billion. My friend from Arizona (Mr. FLAKE) proposed a very reasonable cut to the Department of Defense's operation and maintenance budget so that we could get rid of funding for unneeded boards and commissions.

I have also heard from many of my Republican friends that we want to go back to 2008 levels. Well, my colleagues from California, Mr. STARK and Ms. LEE, proposed to do just that with the defense budget. Let's get real on deficit reduction and lead the way with real cuts that actually balance the budget.

The President is proposing real change for public education through funding for the Investing in Innovation and Early Learning Challenge funds. We see none of these solutions in the proposed CR. As we look to agree on a budget for the rest of the fiscal year, it's critical that we have meaningful resources for our public schools, particularly at a time when they are under increasing budget pressure from districts and State cutbacks. Education of our children in their youngest years is a research-proven return on investment.

We have no second or third chance with kids. They are only young once. By ending literacy support for our children and restricting proven school improvements in repeated short-term CRs, we run the risk of opening the door to a spending agenda that eliminates jobs.

Mr. Speaker, it is critical that we give the markets and businesses the predictability that they need with regard to the ongoing operations of government. A 2-week continuing resolu-

tion simply fails to do that. We will be back before this body, again, to do it again regardless of the outcome today. But I hope, Mr. Speaker, that we can work across the aisle to put together a real long-term solution to keep the Federal Government open.

I yield back the balance of my time. Mr. WOODALL. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Georgia has 3¾ minutes remaining.

Mr. WOODALL. Mr. Speaker, we are here today for one reason and one reason only, and that's to provide ample time for the Senate to consider H.R. 1, to keep the doors of the Federal Government open, to keep important services being dispensed, to keep the government of America on track for 2 more weeks while the Senate takes time.

I will associate myself with the gentleman from Washington when he says we can't always get what we want. I sadly haven't gotten what I wanted so far, and I am prepared to get even less of what I want going forward. But I don't mind telling you I don't know how we are going to get to what any of us want if folks don't even start considering the bill.

This was our very best shot. It was our very best work product. Whether you love it or whether you hate it, it was the most openly produced work product in continuing resolution history. And there it sits, and there it sits, almost 10 days now with no advancement whatsoever.

Mr. Speaker, I hope these 2 weeks are enough. I recognize the caution that my friend from Colorado suggests that we may be back here one more time doing this again. I hope this is the last time that we will be here.

But I know this: I know we can't continue to mortgage our children's future while we wait. I know we can't fiddle while Rome burns. So we have passed, we have presented this continuing resolution with cuts there to prevent our children's future from continuing to be mortgaged.

As I spoke with school groups across the district last week—and I share my friend from Colorado's passion for education—I asked them to turn on C-SPAN this week, because I said it doesn't matter who stands up, whether they stand up on the left or the right, or whether they speak from the well or from the leadership table, they will tell you that the reason they are there today is for you, is for you, the children. It's for your future that they are there on the floor of that House.

I believe that. I believe that in everyone's heart they are here to make sure that tomorrow's generation does better than today's generation. I would just say, Mr. Speaker, that if there are schoolchildren out there watching

today, perhaps they will pick up the phone and they will give us a call and let us know exactly which one of us is on the right track, because I know it's all about them that we do what we do.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 241, nays 179, not voting 12, as follows:

[Roll No. 151]

YEAS—241

Adams	Duncan (TN)	Kinzing (IL)
Aderholt	Ellmers	Kissell
Akin	Emerson	Kline
Alexander	Farenthold	Labrador
Altmire	Fincher	Lamborn
Amash	Fitzpatrick	Lance
Austria	Flake	Landry
Bachmann	Fleischmann	Lankford
Bachus	Fleming	Latham
Barletta	Flores	LaTourette
Bartlett	Forbes	Latta
Barton (TX)	Fortenberry	Lewis (CA)
Bass (NH)	Fox	LoBiondo
Benishek	Franks (AZ)	Long
Berg	Frelinghuysen	Lucas
Biggart	Galleghy	Luetkemeyer
Bilbray	Gardner	Lummis
Bilirakis	Garrett	Lungren, Daniel
Bishop (UT)	Gerlach	E.
Black	Gibbs	Mack
Blackburn	Gibson	Manzullo
Bono Mack	Gingrey (GA)	Marino
Boren	Gohmert	McCarthy (CA)
Boustany	Goodlatte	McCauley
Brady (TX)	Gosar	McClintock
Brooks	Gowdy	McCotter
Broun (GA)	Granger	McHenry
Buchanan	Graves (GA)	McKeon
Bucshon	Graves (MO)	McKinley
Buerkle	Griffin (AR)	McMorris
Burgess	Griffith (VA)	Rodgers
Burton (IN)	Grimm	Meehan
Calvert	Guinta	Mica
Camp	Guthrie	Miller (FL)
Campbell	Hall	Miller (MI)
Canseco	Harper	Miller, Gary
Cantor	Harris	Mulvaney
Capito	Hartzler	Murphy (PA)
Cardoza	Hastings (WA)	Myrick
Carter	Hayworth	Neugebauer
Cassidy	Heck	Noem
Chabot	Heller	Nugent
Chaffetz	Hensarling	Nunes
Coble	Herger	Nunnelee
Coffman (CO)	Herrera Beutler	Olson
Cole	Huizenga (MI)	Palazzo
Conaway	Hultgren	Paul
Costa	Hunter	Paulsen
Cravaack	Hurt	Pearce
Crawford	Issa	Pence
Crenshaw	Jenkins	Peterson
Culberson	Johnson (IL)	Petri
Davis (KY)	Johnson (OH)	Pitts
Denham	Johnson, Sam	Platts
Dent	Jones	Poe (TX)
DesJarlais	Jordan	Pompeo
Dold	Kelly	Posey
Dreier	King (IA)	Price (GA)
Duffy	King (NY)	Quayle
Duncan (SC)	Kingston	Reed

Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise

Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry

NAYS—179

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al

NOT VOTING—12

Bonner
Castor (FL)
DeGette
Diaz-Balart

□ 1359

Messrs. BRADY of Pennsylvania,
THOMPSON of Mississippi, RAHALL,
DAVIS of Illinois, and PASCRELL

Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sánchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

changed their vote from “yea” to
“nay.”

Mr. KINZINGER of Illinois changed
his vote from “nay” to “yea.”

So the previous question was ordered.
The result of the vote was announced
as above recorded.

The SPEAKER pro tempore. The
question is on the resolution.

The question was taken; and the
Speaker pro tempore announced that
the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I
demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a
5-minute vote.

The vote was taken by electronic de-
vice, and there were—yeas 251, nays
170, not voting 11, as follows:

[Roll No. 152]

YEAS—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishke
Berg
Biggart
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher

Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette

Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner

NAYS—170

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez

NOT VOTING—11

Bonner
Castor (FL)
Connolly (VA)
DeGette

□ 1405

Ms. WATERS changed her vote from
“yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced
as above recorded.

A motion to reconsider was laid on
the table.

Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)

Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Holt
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Levin
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the rule, I call up the joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H. J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended—

(1) by striking the date specified in section 106(3) and inserting “March 18, 2011”; and

(2) by adding after section 166, as added by the Continuing Appropriations Amendments, 2011 (section 1 of Public Law 111-322), the following new sections:

“SEC. 167. The amounts described in paragraphs (1) and (2) of section 114 of this Act are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

“SEC. 168. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this Act. For purposes of this section, the term ‘earmark’ means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

“SEC. 169. The first and third paragraphs under the heading ‘Rural Development Programs—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program’ in Public Law 111-80 shall not apply to funds appropriated by this Act.

“SEC. 170. Notwithstanding section 101, amounts are provided for ‘Corps of Engineers—Civil—Investigations’ at a rate for operations of \$104,000,000.

“SEC. 171. Notwithstanding section 101, amounts are provided for ‘Corps of Engineers—Civil—Construction’ at a rate for operations of \$1,690,000,000: *Provided*, That all of the provisos under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 172. Notwithstanding section 101, amounts are provided for ‘Corps of Engineers—Civil—Mississippi River and Tributaries’ at a rate for operations of \$260,000,000: *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 173. Notwithstanding section 101, amounts are provided for ‘Corps of Engineers—Civil—Operation and Maintenance’ at a rate for operations of \$2,361,000,000.

“SEC. 174. Notwithstanding section 101, amounts are provided for ‘Department of the Interior—Bureau of Reclamation—Water and Related Resources’ at a rate for operations of \$913,580,000: *Provided*, That the fifth proviso (regarding the San Gabriel Basin Restoration Fund) and seventh proviso (regarding the Milk River Project) under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 175. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy’ at a rate for operations of \$1,950,370,000: *Provided*, That all of the provisos under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 176. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability’ at a rate for operations of \$158,910,000: *Provided*, That all of the provisos under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 177. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Nuclear Energy’ at a rate for operations of \$784,140,000: *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 178. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Fossil Energy Research and Development’ at a rate for operations of \$635,530,000: *Provided*, That the second proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 179. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Energy Programs—Science’ at a rate for operations of \$4,826,820,000: *Provided*, That all of the provisos under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 180. The last proviso under the heading ‘Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities’ in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 181. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation’ at a rate for operations of \$2,136,460,000: *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 182. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator’ at a rate for operations of \$407,750,000: *Provided*, That the last proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 183. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Environmental and Other Defense Activities—Defense Environmental Cleanup’ at a rate for operations of \$5,209,031,000, of which \$33,700,000 shall be transferred to the ‘Uranium Enrichment Decontamination and Decommissioning Fund’: *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 184. Notwithstanding section 101, amounts are provided for ‘Department of Energy—Environmental and Other Defense Activities—Other Defense Activities’ at a rate for operations of \$844,470,000: *Provided*, That the proviso under such heading in Public Law 111-85 shall not apply to funds appropriated by this Act.

“SEC. 185. Notwithstanding section 101, amounts are provided for ‘Independent Agencies—Election Assistance Commission—Elec-

tion Reform Programs’ at a rate for operations of \$0.

“SEC. 186. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Office of the Under Secretary for Management’ at a rate for operations of \$253,190,000.

“SEC. 187. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Customs and Border Protection—Salaries and Expenses’ at a rate for operations of \$8,063,913,000.

“SEC. 188. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—U.S. Customs and Border Protection—Construction and Facilities Management’ at a rate for operations of \$276,370,000.

“SEC. 189. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Transportation Security Administration—Aviation Security’ at a rate for operations of \$5,212,790,000: *Provided*, That the amounts included under such heading in Public Law 111-83 shall be applied to funds appropriated by this Act as follows: by substituting ‘\$5,212,790,000’ for ‘\$5,214,040,000’; by substituting ‘\$4,356,826,000’ for ‘\$4,358,076,000’; by substituting ‘\$1,115,156,000’ for ‘\$1,116,406,000’; by substituting \$777,050,000 for \$778,300,000; and by substituting ‘\$3,112,790,000’ for ‘\$3,114,040,000’.

“SEC. 190. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Coast Guard—Operating Expenses’ at a rate for operations of \$6,801,791,000: *Provided*, That section 157 of this Act shall be applied by substituting ‘\$17,880,000’ for ‘\$21,880,000’, and without regard to ‘and ‘Coast Guard, Alteration of Bridges’.

“SEC. 191. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Coast Guard—Acquisition, Construction, and Improvements’ at a rate for operations of \$1,519,980,000.

“SEC. 192. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Coast Guard—Alteration of Bridges’ at a rate for operations of \$0.

“SEC. 193. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—National Protection and Programs Directorate—Infrastructure Protection and Information Security’ at a rate for operations of \$879,816,000.

“SEC. 194. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Office of Health Affairs’ at a rate for operations of \$134,250,000.

“SEC. 195. Notwithstanding section 101, amounts are provided for ‘Department of Homeland Security—Federal Emergency Management Agency—State and Local Programs’ at a rate for operations of \$2,912,558,000: *Provided*, That the amounts included under such heading in Public Law 111-83 shall be applied to funds appropriated by this Act as follows: in paragraph (12), by substituting ‘\$12,554,000’ for ‘\$60,000,000’ and by substituting ‘\$0’ for each subsequent amount in such paragraph; in paragraph (13), by substituting ‘\$212,500,000’ for ‘\$267,200,000’; in paragraph (13)(A), by substituting ‘\$114,000,000’ for ‘\$164,500,000’; in paragraph (13)(B), by substituting ‘\$0’ for ‘\$1,700,000’; and in paragraph (13)(C), by substituting ‘\$0’ for ‘\$3,000,000’: *Provided further*, That 4.5 percent of the amount provided for ‘Federal Emergency Management Agency—State and Local Programs’ by this Act shall be transferred to ‘Federal Emergency Management Agency—Management and Administration’ for program administration.

"SEC. 196. Notwithstanding section 101, amounts are provided for 'Department of Homeland Security—Federal Emergency Management Agency—National Predisaster Mitigation Fund' at a rate for operations of \$75,364,000.

"SEC. 197. Notwithstanding section 101, amounts are provided for 'Department of Homeland Security—Science and Technology—Research, Development, Acquisition, and Operations' at a rate for operations of \$821,906,000.

"SEC. 198. Sections 541 and 545 of Public Law 111–83 (123 Stat. 2176) shall have no force or effect.

"SEC. 199. Notwithstanding section 101, amounts are provided for 'Smithsonian Institution—Legacy Fund' at a rate for operations of \$0.

"SEC. 200. Notwithstanding section 101, amounts are provided for 'Department of Labor—Employment and Training Administration—Training and Employment Services' at a rate for operations of \$3,779,641,000, of which \$340,154,000 shall be for national activities described in paragraph (3) under such heading in division D of Public Law 111–117: *Provided*, That the amounts included for national activities under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act as follows: by substituting '\$44,561,000' for '\$93,450,000' and by substituting '\$0' for '\$48,889,000'.

"SEC. 201. Notwithstanding section 101, amounts are provided for 'Department of Labor—Mine Safety and Health Administration—Salaries and Expenses' at a rate for operations of \$355,843,000: *Provided*, That the amounts included under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting '\$0' for '\$1,450,000'.

"SEC. 202. Notwithstanding section 101, amounts are provided for 'Department of Labor—Departmental Management' at a rate for operations of \$314,827,000: *Provided*, That the amounts included under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting '\$0' for '\$40,000,000'.

"SEC. 203. Notwithstanding section 101, amounts are provided for 'Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services' at a rate for operations of \$7,076,520,000: *Provided*, That the eighteenth, nineteenth, and twenty-second provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 204. Notwithstanding section 101, amounts are provided for 'Department of Health and Human Services—Centers for Disease Control and Prevention—Disease Control, Research, and Training' at a rate for operations of \$6,369,767,000: *Provided*, That the amount included before the first proviso under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting '\$0' for '\$20,620,000'.

"SEC. 205. Notwithstanding section 101, amounts are provided for 'Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Substance Abuse and Mental Health Services' at a rate for operations of \$3,417,106,000: *Provided*, That the amount included before the first proviso under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting '\$0' for '\$14,518,000'.

"SEC. 206. Notwithstanding section 101, amounts are transferred from the Federal

Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund for 'Department of Health and Human Services—Centers for Medicare and Medicaid Services—Program Management' at a rate for operations of \$3,467,142,000: *Provided*, That the sixth proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 207. Notwithstanding section 101, amounts are provided for 'Department of Health and Human Services—Administration for Children and Families—Payments to States for the Child Care and Development Block Grant' at a rate for operations of \$2,126,081,000: *Provided*, That the amount included in the first proviso under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting '\$0' for '\$1,000,000'.

"SEC. 208. Notwithstanding section 101, amounts are provided for 'Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs' at a rate for operations of \$9,293,747,000: *Provided*, That the fifteenth proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 209. Notwithstanding section 101, amounts are provided for 'Department of Health and Human Services—Administration on Aging, Aging Services Programs' at a rate for operations of \$1,510,323,000: *Provided*, That the first proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 210. Notwithstanding section 101, amounts are provided for 'Department of Health and Human Services—Office of the Secretary—General Departmental Management' at a rate for operations of \$491,727,000: *Provided*, That the seventh proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 211. Notwithstanding section 101, amounts are provided for 'Department of Education—Education for the Disadvantaged' at a rate for operations of \$15,598,212,000, of which \$4,638,056,000 shall become available on July 1, 2011, and remain available through September 30, 2012: *Provided*, That the tenth, eleventh and twelfth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 212. Notwithstanding section 101, amounts are provided for 'Department of Education—School Improvement Programs' at a rate for operations of \$5,223,444,000, of which \$3,358,993,000 shall become available on July 1, 2011, and remain available through September 30, 2012: *Provided*, That of such amounts, no funds shall be available for activities authorized under part Z of title VIII of the Higher Education Act of 1965: *Provided further*, That the second, third, and thirteenth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 213. Notwithstanding section 101, amounts are provided for 'Department of Education—Innovation and Improvement' at a rate for operations of \$1,160,480,000, of which no funds shall be available for activities authorized under subpart 5 of part A of title II, section 1504 of the Elementary and Secondary Education Act of 1965 ('ESEA'), or part F of title VIII of the Higher Education Act of 1965, and \$499,222,000 shall be for part D of title V of the ESEA: *Provided*, That the first, fourth, and fifth provisos under such heading in division D of Public Law 111–117

shall not apply to funds appropriated by this Act.

"SEC. 214. Notwithstanding section 101, amounts are provided for 'Department of Education—Safe Schools and Citizenship Education' at a rate for operations of \$361,398,000, of which, notwithstanding section 2343(b) of the ESEA, \$2,578,000 is for the continuation costs of awards made on a competitive basis under section 2345 of the ESEA: *Provided*, That the third proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 215. Notwithstanding section 101, amounts are provided for 'Department of Education—Special Education' at a rate for operations of \$12,564,953,000, of which \$3,726,354,000 shall become available on July 1, 2011, and remain available through September 30, 2012: *Provided*, That the first and second provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 216. Notwithstanding section 101, amounts are provided for 'Department of Education—Rehabilitation Services and Disability Research' at a rate for operations of \$3,501,766,000: *Provided*, That the second proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 217. Notwithstanding section 101, amounts are provided for 'Department of Education—Career, Technical, and Adult Education' at a rate for operations of \$1,928,447,000, of which \$1,137,447,000 shall become available on July 1, 2011, and remain available through September 30, 2012 and no funds shall be available for activities authorized under subpart 4 of part D of title V of the ESEA: *Provided*, That the seventh and eighth provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 218. Notwithstanding sections 101 and 164, amounts are provided for 'Department of Education—Student Financial Assistance' at a rate for operations of \$24,899,957,000, of which \$23,162,000,000 shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 and no funds shall be available for activities authorized under subpart 4 of part A of title IV of such Act: *Provided*, That the maximum Pell Grant for which a student shall be eligible during award year 2011–2012 shall be \$4,860.

"SEC. 219. Notwithstanding section 101, amounts are provided for 'Department of Education—Higher Education' at a rate for operations of \$2,126,935,000, of which no funds shall be available for activities authorized under section 1543 of the Higher Education Amendments of 1992 or section 117 of the Carl D. Perkins Career and Technical Education Act of 2006: *Provided*, That the thirteenth proviso under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

"SEC. 220. Notwithstanding section 101, amounts are provided for 'Institute of Museum and Library Services—Office of Museum and Library Services: Grants and Administration' at a rate for operations of \$265,869,000: *Provided*, That the amounts included under such heading in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting '\$0' for '\$16,382,000'.

"SEC. 221. Notwithstanding section 101, amounts are provided for 'Library of Congress—Salaries and Expenses' at a rate for operations of \$445,951,000, of which \$0 shall be

for the operations described in the seventh proviso under this heading in Public Law 111-68.

"SEC. 222. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Highway Administration—Surface Transportation Priorities' at a rate for operations of \$0.

"SEC. 223. Notwithstanding section 101, no funds are provided for activities described in section 122 of title I of division A of Public Law 111-117.

"SEC. 224. Notwithstanding section 101, section 186 of title I of division A of Public Law 111-117 shall not apply to funds appropriated by this Act.

"SEC. 225. Notwithstanding section 101, amounts are provided for 'Department of Transportation—Federal Railroad Administration—Rail Line Relocation and Improvement Program' at a rate for operations of \$10,012,800.

"SEC. 226. Notwithstanding section 101, amounts are provided for 'Department of Housing and Urban Development—Community Planning and Development—Community Development Fund' at a rate for operations of \$4,255,068,480, of which \$0 shall be for grants for the Economic Development Initiative (EDI), and \$0 shall be for neighborhood initiatives: *Provided*, That the second and third paragraphs under such heading in title II of division A of Public Law 111-117 shall not apply to funds appropriated by this Act."

This joint resolution may be cited as the "Further Continuing Appropriations Amendments, 2011".

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to House Resolution 115, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.J. Res. 44, the fiscal year 2011 Further Continuing Appropriations resolution.

This temporary CR is an extra special effort by the majority Republicans to avoid a government shutdown that could otherwise occur on March 4, when the current funding resolution expires. This temporary CR contains funding to allow all government agencies and programs to continue at the current rate of spending for the next 2 weeks until March 18, 2011, while reducing spending by \$4 billion through several spending cuts and program terminations. These cuts reflect this Republican majority's continued commitment to significantly reduce spending, to rein in the Nation's exploding deficits and debt, and to help our economy continue on the road to recovery.

Madam Speaker, a government shutdown would halt critical and necessary services and programs that Americans across the country rely on, and it is not what our constituents expect or demand.

□ 1410

I would have greatly preferred that the Senate act on the hard-fought and

thoughtfully crafted funding legislation that the House passed almost 2 weeks ago which saves the taxpayers \$100 billion compared to the President's request, but it's clear that the Senate needs more time. So this short-term CR will provide an additional 2 weeks by cutting spending to show our continued resolve to get our Nation's fiscal house in order.

The bill before us terminates eight programs for a savings of about \$1.24 billion. These eight programs were all targeted for elimination in the President's budget request and have also been part of proposed cuts in the past in the House and the Senate by Members of both parties. These eight programs include: Election Assistance Grants, the Broadband Direct Loan Subsidy, the Smithsonian Institution Legacy Fund, the Striving Readers program, the LEAP program, Even Start, Smaller Learning Communities, and a one-time highway funding addition.

In addition, the bill also eliminates more than \$2.7 billion in funding previously reserved for earmarks, eliminations that the House, the Senate, and the White House have all called for this year. The earmark funding cuts in this legislation come from Energy and Water; Homeland Security; Labor, Health and Human Services; legislative branch; and Transportation, Housing and Urban Development program accounts.

This legislation will represent the second of many appropriations bills this year that will significantly reduce spending, continuing a pattern of cuts that will help put our Nation's budget back in balance and stop the dangerous spiral of unsustainable deficits and debt.

It is my hope that this CR can be passed quickly and that the President will sign it before the March 4 deadline. This legislation should garner broad support today, given the short time-frame for action and given the fact that these spending cuts have received previous bipartisan support by Members of the House and Senate as well as the White House.

Madam Speaker, we're now 5 months into the current fiscal year and it's critically important that we complete this budget process so that we can turn our attention quickly to passing funding bills for fiscal year 2012. It is high time we start looking forward instead of constantly looking back to clean up past mistakes and inaction. We must move forward quickly in regular order, passing bills on time in an open and transparent fashion to avoid these budget uncertainties in the future.

Madam Speaker, this is one more step that we have to take to get our fiscal house in order. While this isn't a perfect or an easy process, it is essential that we pass this bill, avoid a government shutdown, and continue to work on a long-term solution to com-

plete this long overdue funding process. Our constituents expect and deserve no less.

I reserve the balance of my time.

Mr. DICKS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we will consider a short-term continuing resolution that will allow the essential functions of our government to continue beyond March 4, the date on which the current continuing resolution will expire.

With no final agreement on the spending levels for the current fiscal year, this measure is necessary in order to avoid a government shutdown, something I believe we should all want to do. I think that 2 weeks is not enough time to reach an agreement on H.R. 1 with the other body, and I'm afraid we're going to be back here doing this again.

Now, when the House approved H.R. 1 last month, despite the overwhelming opposition of the Democratic Caucus, it was clear to me that gaining agreement on a compromise version of a full-year continuing resolution would be very difficult, at least before the expiration of the current CR. We opposed H.R. 1 because we believe it would have the effect of slamming on the fiscal brakes too abruptly, resulting in higher unemployment and threatening our Nation's economic recovery.

There is no dispute that cutting Federal spending too deeply and too quickly before the economy has fully recovered risks slowing growth and losing jobs. Moody's estimates that H.R. 1 would reduce real growth in 2011 by 0.5 percent, meaning 400,000 fewer jobs in 2011 and 700,000 fewer jobs by the end of 2012. The Economic Policy Institute projected job losses near 800,000. Goldman Sachs predicts that H.R. 1 would slow economic growth by about 1.5 to 2 percentage points, which translates into the American economy losing up to 2.4 million jobs.

So the recovery of our economy and the reduction of unemployment should be our paramount concern at this time.

I said during the debate on H.R. 1 earlier this month, and I will repeat today, that I believe the approach to deficit reduction that has been adopted by the Republican majority here in the House is far too narrow and too focused on the smallest segment of spending in the budget. It is a risky strategy based on the specious concept of cut and grow, which of course has no basis in sound economic theory.

So where does this leave us? We are now 6 months into the current fiscal year, FY11, and hearings with regard to the fiscal year 2012 budget have begun in both the Budget Committee and the Appropriations Committee.

H.R. 1 is clearly not acceptable to the other body, nor would it be acceptable to the President, whose signature is necessary before any funding bill can

become law. What the President has already proposed for the coming year—a budget freeze at last year's level—remains, in my judgment, the best and most effective way to reduce the deficit and to support recovery in major sectors of our economy. In fact, we have already adopted a freeze at FY10 levels in the continuing resolution that we are currently operating under.

Democrats approved the CR in December with only one Republican vote, which represents a reduction of \$41 billion from the levels sought by the President in his FY 2011 budget request. This is a significant reduction in the deficit, and a significant part of that came from defense. I want to repeat this. The \$41 billion cut from the Obama FY11 budget was passed in a CR by the Democratic House and Democratic Senate and signed into law by the Democratic President with only one Republican vote.

We are now on the verge of an expiring CR, and we are considering another version that extends the time to resolve the differences by only 2 weeks.

I take the chairman at his word that neither he nor his leadership is interested in shutting down the operation of the Federal Government by declaring a stalemate in these appropriations deliberations. I will concede that it is disconcerting to me and others on our side to read the Speaker's comments this week that would seem to imply that there is a strategy of passing shorter term appropriation bills, with further and further and further cuts 2 weeks at a time.

□ 1420

We were concerned by his statement that seemed to indicate a plan for a piecemeal approach to future spending cuts. He said, "If they won't eat the whole loaf at one time, we'll make them eat it one slice at a time."

I believe we need to set aside these political machinations and get serious about finishing up work on the fiscal year 2011 budget. I will be the first to admit that it is because the Democrats didn't pass our bills last year that we're here working on this. So we have responsibility, too, and that's one of the reasons why we were so eager to engage Chairman ROGERS in trying to get this open rule, to work through the amendments, get a unanimous consent agreement—to help move this process forward because I personally feel we have some responsibility here.

And I think it is obvious that we are going to need more than the 2 weeks to get from here to there.

Now, I appreciate the desire of the gentleman from Kentucky to encourage the Members of his caucus to enter into serious negotiations with the other body with the hope of completing work by March 18.

But in a conference—I've been in conferences for 34 years as a Member and

8 years before that as a staffer—nobody gets everything they want. It's a process of compromise. You work out the differences between the two positions.

So I'm proud of the fact that we start with a cut of \$41 billion that was enacted by the Democratic Congress in December during a very successful lame duck session.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. I yield myself 30 seconds.

The gentleman, who is my friend, mentioned the economists and their opinion of H.R. 1, the budget-cutting bill we passed a couple of weeks ago.

The best source that I think of, right off, is Ben Bernanke, Chairman of the Federal Reserve, who has said H.R. 1 would have no negligible harmful impact on the economy. And if the Chairman of the Federal Reserve says that, I tend to believe him.

Now I yield 3 minutes to the chairman of the Energy and Water Subcommittee on our committee, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I rise in support of this continuing resolution. It's a reasonable and a thoughtful path forward to avoid a potential government shutdown.

Madam Speaker, the American people have made two things perfectly clear: First, they want their government to stay up and running; and, secondly, they want us to cut spending. We need to do both.

Like many of us, I would have greatly preferred that the Senate act on H.R. 1, the 7-month continuing resolution that we debated for over 90 hours that included, indeed, the largest spending reductions in the history of any Congress.

Ten days ago, this committee and this House took the President's budget and cut it by over \$100 billion, terminating dozens of government programs in the process. And in a city where President Reagan once said "A government bureau is the nearest thing to eternal life we'll ever see on this Earth," that's quite an accomplishment.

Madam Speaker, the resolution we have before us today is a simple stop-gap measure to provide more time for negotiations to develop a funding bill for the rest of the current fiscal year. It's temporary and it must pass to keep the government open beyond Friday.

This bill contains \$4 billion in savings including just under a billion from programs under the jurisdiction of my committee, Energy and Water Development. These savings are found purely from eliminating earmarks inserted by Congress in the fiscal year 2010 bill.

As with other spending reductions in this temporary bill, the committee has taken great pains to include only savings that both parties and both Chambers support. Both the House and Sen-

ate have sworn off earmarks for fiscal year 2011, so these reductions should not be controversial.

My colleagues, we must move this resolution. We need it to provide time to continue negotiations to complete the important work that should have been done by the last Congress—which passed no appropriations bills.

Madam Speaker, I repeat: The American people have made it clear. They want their government to stay open for business. They also want us to cut spending. Let's do it. Let's move ahead. This resolution needs to be passed.

Mr. DICKS. Madam Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), who is also the ranking Democratic member on Health and Human Services.

Ms. DELAURO. I thank the gentleman.

Madam Speaker, I rise in opposition to this 14-day continuing resolution. The House majority is threatening to close down the government. This is brinkmanship. Their desire to engage in brinkmanship damages our economy and creates uncertainty for businesses and families.

Make no mistake, the proposed budget cuts will cost jobs, 700,000 jobs by the end of 2012, according to economist Mark Zandi, who, in fact, was the chief economist for Senator JOHN MCCAIN in his Presidential bid.

Let me be clear. I am very supportive of the removal of earmarks in this resolution. They should be cut. We understand the need for deficit reduction. The question is where do we start?

Our first priority should be to go after waste and special interest spending: \$40 billion to the oil industry which we are providing today, \$40 billion. What about the almost \$8 billion to multinational corporations who take their jobs overseas? And, yes, what about the \$8 billion in agricultural subsidies?

It is too bad that cutting these special interest subsidies is not the priority of the majority's resolution. Instead, this budget makes deep and reckless cuts in the areas that most impact middle class and working families.

Of the \$4 billion in immediate cuts put forward by this 14-day resolution, \$1.4 billion comes out of Education, Health and Human Services, and out of training programs. And, yes, almost a billion dollars, a quarter of the cuts, comes out of education. Education should be one of the last places we look to cut the budget, not the first.

Yes, these cuts could be achieved by eliminating four programs proposed for termination by the President, as well as eliminating funding associated with earmarks last year. But these are not the President's proposals. While he would cut some education programs, he would then reinvest those savings in other education programs considered

more effective. This resolution just wipes out the funding.

This resolution severely cuts efforts to reduce illiteracy, which is a serious national problem for economic, as well as human, reasons. The largest program targeted, Striving Readers, represents a consolidation and reorganization of literacy programs that was just launched in 2010. Why would the Republican majority think it is responsible to strip away funding to improve literacy in this country before it even has a chance to work?

I'm particularly concerned and disappointed by the elimination of Even Start. Even Start is about breaking the cycle of poverty and illiteracy by improving educational opportunities for families. I do not agree with the President's assessment that it should be terminated, and I do not support its elimination in this resolution. This is an effective and a critical program that should be allowed to continue.

I'm not the only one concerned by the consequences of this reckless budget. Three hundred leading economists have signed a letter to the President noting how these spending cuts will diminish our economic competitiveness. Goldman Sachs reported to its investors that the Republican budget will slash economic growth by 2 percent of our economic growth. That would send the unemployment numbers back over 10 percent.

Americans want us to craft a budget for the remainder of the year that creates jobs, reduces the deficit, and strengthens the economy.

□ 1430

Do we start with slashing special interests and waste like the \$40 billion that we are providing in subsidies to the oil companies? And last time any of us looked, they were doing pretty well. They don't need any subsidies. Or do we start by cutting the things that help the middle class, which help our businesses, and working families with children and with seniors?

This resolution increases unemployment. It will hurt our economic recovery. And I urge my colleagues to oppose this reckless resolution.

Mr. ROGERS of Kentucky. I yield 2 minutes to the chairman of the Agriculture Subcommittee on Appropriations, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the chairman for the time.

Madam Speaker, I want to make three very important points right off the bat:

Number one, our debt is almost at 95 percent of the GDP. It's the highest debt we have ever had in history. Last year alone the deficit was \$1.5 trillion. We are borrowing 40 cents for every \$1 that we spend. Now, if you and I were doing that in our households or our business was doing it or anybody else,

you would say, okay, we've got to change our spending habits. But somehow there are those in Congress who think that we can continue to defy the laws of gravity. We have got to get our house in order.

Number two, why are we here? We are here because the Democrats last year did not pass a budget, did not pass appropriation bills, and did not complete their work on fiscal year 2011. That's what we're doing. We are trying to clean up the mess that was left to us. And in doing that, we are mindful of our financial situation and trying to reduce some of the spending.

Number three, let me say this. This bill was passed with an open rule. Indeed, I believe we had 127 votes on different amendments. Democrats and Republicans offered a myriad of amendments. Now, for those who are complaining on the floor today that they don't like these cuts, why didn't they offer their amendments on the floor a couple of weeks ago? That would have been the way to do this. Now, the chairman and the Speaker have committed to have open rules throughout this process this year, and so there will be a lot of opportunities to go after some of these programs. And some of the ones that are mentioned, I think I will support those cuts. But I just want to emphasize that everyone has had a bite of this apple.

Finally, let me just say this, Madam Speaker. The Zandi report comes from an economist, a political economist we might say, who was the same person who told us the stimulus bill would work, the stimulus bill would keep us from going to 8 percent unemployment. We reached 10 percent. I don't think we need to listen to any more of his advice.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Kentucky. I yield the gentleman an additional 30 seconds.

Mr. KINGSTON. I thank the chairman.

I just want to say that I don't think that Mr. Zandi has any more credibility. We have already spent \$800 billion on his advice that the stimulus program would work, and it did not work.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Is the gentleman aware that Ben Bernanke, the Chairman of the Federal Reserve, now says that H.R. 1 would have no harmful effect on the economy?

Mr. KINGSTON. I have heard that. And I understand there is something like 150 other economists who have signed a letter to that effect that was led by John Taylor, who is an economist as well.

Mr. ROGERS of Kentucky. And that cutting spending and reducing the def-

icit will give confidence to the business community to hire people and put people to work.

Mr. KINGSTON. I thank the chairman.

Mr. DICKS. I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE), one of our distinguished Members.

Ms. JACKSON LEE of Texas. Let me thank the ranking member of the Appropriations Committee and let me thank the chairperson. I sometimes have a slip of tongue, Mr. DICKS, and call you "chairman," but I thank you very much for this opportunity.

I want to just try to give a procedural class here today. The procedural class is that this document is a placeholder. I would hesitate to call it a fake document, but that is what it is.

As I left my constituency, the last words I heard were, "Don't you all shut down the government." And I am glad that Mr. DICKS worked hard to submit his amendment in the Rules Committee. It's unfortunate that the wise men and women didn't have a majority. The Republicans would not yield to a thoughtful amendment by Mr. DICKS.

But this is a 2-week document. We know how old, and what—many of us have seen a 2-week-old baby. That's what this is: a 2-week document so we can do the right thing.

It needs to be very clear that before we left in the 110th Congress, Democrats had already cut \$41 billion. Now, many say we didn't have a budget. We had a budget, but we had no compromise, no reconciliation, no fairness, no concern about the American people.

Now we have spent 3 months, March 1, doing nothing, and not one bill creates a job. Goldman Sachs, I know that there is a critique on Goldman Sachs, but you can't discount the independent, objective assessment of them saying that in the CR that was passed a week ago 700,000 to 800,000 jobs would be lost.

Mark Zandi was the economist and adviser to JOHN MCCAIN. I am not sure what politics he has, but he is not in a political office today. And he provides us with an independent assessment that the CR that we voted on, which the Senate would not agree to, would cost us 800,000 jobs. This document will go nowhere.

Unfortunately, the \$4 billion that is cut out of here, and a litany of other unfortunate cuts, is only temporary. I want to live to fight another day. We all want to be able to respond to the needs of this country in deficit reduction and a fair budget. But we could have had a clean CR, and we would have reasonably sat down and made right decisions.

Most economists have said that cutting the government in the middle of a budget year is ineffective. The bipartisan fiscal commission said: Project to 2012 and 2013; don't cut 2011.

It's important for the American people to know this is in the midst of your budget year. So Pell Grants for students who are in college right now, who have already gotten an amount rendered to them, operating on maybe a \$1,000 grant to finish out in May, what we're doing is cutting them in the midst.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DICKS. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. That's what was voted on a week ago. What we're doing now is to recognize that people who govern are responsible for making sure the doors of this government stay open.

I care about homeland security as a member of the Homeland Security Committee. I care about the DEA task force fighting drug cartels. I care about children getting education, health care, the environment.

So let me just say this. We're doing this because we believe in the American people, but don't you for a moment think that this document is worth anything. We've got to get to business and fight for the American people and preserve education. That's what Democrats stand for, and that's what we'll fight for.

Madam Speaker, I rise today in support for H.J. Res. 44, the Continuing Resolution (CR) to make further continuing appropriations for Fiscal Year 2011 to keep our Federal Government open through March 18, 2011.

Though I have serious reservations about this CR offered by my Republican colleagues, I absolutely refuse to let our Federal Government close on my watch. Allowing the Federal Government to close while this nation continues to recover from its economic downturn does no good for anyone. Closure of the Federal Government at this juncture would deal a crushing blow to the people all over the United States who are looking to Congress to do its part in bringing about much-needed economic relief and to get this country back on course.

Moreover, states all around this nation are in the midst of recovering from their own economic crises. The closure of the federal government would deal them a crushing blow. Worse still, it would only serve to increase the hardship and suffering visited upon the citizens of those states. We must remember that these citizens are also our constituents and we must not let unfettered zeal to make spending cuts blind us to the point where we allow cuts to the funding necessary for economic recovery.

This insufficient, fake CR contains many horrible cuts to important programs. It unjustly heaves a heavy weight upon the backs of the American people who should not be made to bear this burden. These cuts include but are not limited to:

- Critical Education Funding at All Levels from Head Start to Higher Education
- Health and Human Services Funding
- Energy Funding
- Critical Transportation Funding
- Military and Veteran's Affairs Funding

Science and Technology and NASA Funding

However, this is only a two-week CR and the critical funding it cuts can be recouped and restored. I look forward to fighting hard over the next two weeks to restore this crucial funding. The cuts contained in this CR squarely impact the people and programs we need to support the most in order to bring about job creation and sustained economic growth. I am committed to doing all that I can to restore these funds while making fiscally responsible, well deliberated appropriations for funding the Federal Government for the remainder of Fiscal Year 2011. I urge my colleagues to join me in this commitment.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 3 minutes to the chairman of the Homeland Security Subcommittee on Appropriations, the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Thank you, Mr. Chairman, for yielding this time to me.

Madam Speaker, as has been pointed out, 2 weeks ago this Chamber voted emphatically to cut spending and to right-size our government. This CR that's before us today is a necessary stopgap that will keep the government operating until we can finalize an agreement on those spending cuts that was contained in H.R. 1.

The homeland security sections of the CR before us today strikes the right balance between funding priority programs that are essential to our Nation's security and, at the same time, keeping our discretionary spending in check. This CR cuts over \$264 million in earmarks from the Department of Homeland Security's budget, while at the same time sustaining the current staffing levels of our frontline operating agencies like Border Patrol, CBP, ICE, and the Coast Guard, proof that we can cut spending and fund these functions of government that are truly vital.

As I said 2 weeks ago on this floor, the Department of Homeland Security is not immune from fiscal discipline, and no program or agency is beyond the belt-tightening that our government so desperately needs.

□ 1440

By implementing these cuts, we are not choosing between homeland security and fiscal responsibility. Both are serious national security issues that must be dealt with immediately. Through a series of prudent choices, this CR achieves both.

Madam Speaker, this CR is a reasonable first step in addressing our government's fiscal crisis. There is absolutely no reason why the President or our colleagues in the Senate cannot support these overdue spending cuts. The American people are demanding no less.

Mr. DICKS. I yield myself 1 minute.

You know, as I have said here today, everyone is in favor of doing deficit reduction. We want to do it in a way that

won't hurt the economy. What I am concerned about is that if we have this large cut and then the States and local governments cut \$125 billion at the same time, we will have about \$185 billion of cuts, and that is going to cause a decline in economic growth.

I mean, it is basic economics. The way you get the deficit down is get people back to work, get people jobs, get them back to work. When the economy is as fragile as it is, it's a question of timing.

What the commission members said is don't do it in 2011; do it in 2012 and 2013 and then deal with the entire budget, deal with the entitlements, deal with the taxes, do the whole thing. Do the budget agreement that we all know we have to do, and that's going to take bipartisanship. That's going to take both parties, the President and the Senate and the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield myself 1 additional minute.

We are going to have to get together and work out an agreement and come out together and support it in order to get this through. This is what we did with Bob Dole and Tip O'Neill and Ronald Reagan.

So, this can be done, but we have to have everything on the table. Again, I worry about the 2 week Continuing Resolution. I think that's a bit ambitious.

Again, I want to point out to my colleagues that it was the Democratic House and Senate and President who passed the bill, the CR that cut \$41 billion from Obama's FY 2011 request, \$41 billion.

So I want to make sure you all don't forget that. I am going to try to continue to remind you of that fact.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 3 minutes to the chairman of the Labor-HHS subcommittee on appropriations, the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Chairman ROGERS.

Madam Speaker, I rise to express my deep frustration with this extension. Here we go again, debating another continuing resolution. I am starting to feel like Bill Murray in "Groundhog Day." In that movie, the main character wakes up every morning to relive the same day again and again. He never moves forward because he is stuck on Groundhog Day.

Last year, Republicans in the House put the country on notice that we would try to reduce spending by \$100 billion this year. The Senate knew, and the American people knew, and they gave us a substantial majority in the House.

We worked responsibly and openly on a continuing resolution to meet that goal. After considering scores of

amendments and engaging in long days of thoughtful debate, we succeeded. In response, the Senate majority leader summarily dismissed our good-faith efforts and recessed the Senate for a week.

Despite giving us an unprecedented 3 years of trillion-dollar deficits, the majority leader dismissed our efforts to reduce spending less than 2 percent from the total fiscal 2011 budget.

In the interest of continuing our work on behalf of the American taxpayer and finding some common ground, Republicans are offering this 2-week extension, another continuing resolution made necessary only because the Democrat leadership refused to adopt a budget last year. It is like Groundhog Day all over again.

During this short extension we propose to save \$4 billion—too much for Senator REID. He suggests a freeze on spending for 30 days while he contemplates our proposal. The national debt will increase another \$136 billion during that time.

This is part of a big stall. Keep stalling. Keep implementing unaffordable health care entitlement programs. Keep threatening, keep spending, all the while ignoring the will of the people.

But the growing \$14.5 trillion national debt is dragging our country into economic ruin, and a looming health care law with \$2.5 trillion in new spending, when fully implemented, is about to bury us. And make no mistake, I am not happy that funding for the implementation of health care law continues in this continuing resolution.

At some point soon, before it is too late, the majority leader and his Democrat colleagues need to meaningfully address our spending problem. Unfortunately, all indications are that our good-faith effort to find common ground with this 2-week extension will not bring the Senate to the table to negotiate.

The President and the Senate majority hold the balance of power in Washington D.C., but they stand against the majority of Americans.

I will support this measure, but I have been pushed to my limit. "Groundhog Day" may have been an entertaining movie, but it shouldn't be the basis for a system of government. It's time for the Senate to get to work.

Mr. DICKS. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Washington has 13 minutes remaining and the gentleman from Kentucky has 15½ minutes remaining.

Mr. DICKS. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Madam Speaker, I hope that we are beginning to usher in in the next 2 weeks a season of compromise on this very important question before the country. I hope and I am confident that Chairman ROGERS and Mr. DICKS are capable of striking a very sound compromise for the people of our country.

Here is where we are. When the fiscal year began on October 1, there were a series of resolutions that said let's live under the budget that spent what last year spent, and we have lived under that budget until this time. That budget saves \$41 billion below what the administration asked for last February.

The majority, about 10 days ago, passed a bill that said it wants to spend \$100 billion less than what was proposed by the administration last February. Now, logical people would say that we are very well on the way to a sensible compromise.

We are on track to save \$41 billion below what was requested. The majority wishes to spend \$100 billion less than that.

I am certain that talented legislators like the chairman, like Mr. DICKS, left to their own devices and leadership, can find a way to have us strike a middle ground for the rest of the fiscal year. I am hoping that this is the last one of these temporary extensions we have so that those who rely upon the continuing funding of government departments—vendors, employees, and institutions—will be able to do so.

I think it's fertile for a good compromise, and I certainly hope the House reaches it.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the chairman for yielding.

Madam Speaker, I rise today in support of this short-term continuing resolution, which must be passed this week to avoid a shutdown of many important programs and services.

Our first priority today is job growth. That's why we are putting into place policies that will stop the runaway spending here in Washington and help bring more certainty to our financial and business markets to grow our economy and create long-term sustainable jobs.

Last week, I had the opportunity to visit the largest single site employer in the State of Ohio, Wright-Patterson Air Force Base, and I was told that if the government shuts down that thousands of people may be asked not to come to work. If we don't pass this short-term CR, this is one place that would surely suffer from a shutdown, which is responsible for numerous national defense programs that depend on continued funding.

Without funding, programs like this across the country will not get off the ground in a timely manner, may incur programmatic delays and costs, jeopardize

the national defense programs they support, and put thousands of jobs, including small businesses, on the line. We must do the responsible thing and pass this short-term resolution, which will buy us time to find a long-term solution to our budget crisis.

Madam Speaker, people across America, and especially in Ohio, have spoken very clearly that Washington needs to cut spending.

□ 1450

Nobody said these cuts were going to be easy, but they are absolutely essential to help put our country back on a fiscally sustainable path that will create jobs and strengthen our economy for future generations.

With the leadership of Chairman ROGERS, this House has already passed a CR to help protect national defense, but in addition to that made more than \$100 billion in cuts; and when we pass this short-term CR, we will have passed another \$4 billion in cuts. It's time for the Senate to do their job and pass a CR. I urge my colleagues to join me in supporting this short-term CR and show that we're listening to the American people by passing a CR that includes substantive cuts and will put us on a fiscally sustainable path forward.

Mr. DICKS. I yield 1 minute to the distinguished Democratic leader and former Speaker, the gentlelady from California, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding time and for presenting the Dicks substitute, which was not allowed to come to the floor, but nonetheless I salute him for his leadership in that regard.

Madam Speaker, Members of Congress agree, I think, on two things today: that we must move this process forward so that government does not shut down, and that we must reduce the deficit. As we do that, we must create jobs and strengthen the middle class. That is someplace where we may have some separation, because as the distinguished ranking member, Mr. DICKS, has said earlier, in December of 2010, congressional Democrats and the President of the United States cut spending by \$41 billion—\$41 billion. On that day in December, only one Republican voted for those cuts—only one.

February, 2 months later, Republicans passed a spending bill that does not create jobs but, in fact, has been said to destroy 700,000 jobs. That's approximately 100,000 jobs a week since we passed our "cut it" bill.

February 2011, Republicans passed the same spending bill that reduces U.S. economic growth by 1½ to 2 percent. Now some have questioned, Is it really as much as 700,000 jobs? Is it really as much as 1½ to 2 percent? But no one questions whether there will be job loss or whether there will be a slowing down of our economic growth among serious economists.

We are going in the wrong direction. How fast may be the question. But we are going in the wrong direction. That is why it's very important for us to proceed with great care and great caution here because, again, we have the opportunity to create jobs, to strengthen the middle class, and to do so in a way that is fiscally sound.

When I hear our colleagues talk about the deficit and the immorality of a big deficit—and I completely agree that we owe it to our children and our grandchildren not to leave them a debt—but all this talk about deficit is what we have, as Democrats, taken the lead on for decades.

Do you remember—because many of you were here at the time—that when President Clinton became President he inherited an enormous debt? He instituted pay-as-you-go, we had an economic agreement that was passed in the Congress, and the deficit began to reduce to a path of \$5.6 trillion in surplus. Another President Bush took office; pay-as-you-go went out the window; and, again, the turnaround into growing deficits.

So for all of this talk about the immorality of deficits, where were you when those deficits were instituted in the late eighties? Some of you were here. In the 2000s, many of you were here. And, again, we have to take our country on a path of deficit reduction. Many of you were here when the tax cuts for the high end were implemented, creating no jobs, except increasing our deficit, sending the bill to our children and the credit to the Chinese Government.

How about when we did the prescription drug bill, giving away the store to the pharmaceutical industry and the price tag to our children by increasing the deficit? How about two wars, unpaid-for wars? God knows we will do anything to protect and defend our people. And I would hope that everybody subscribes to that. Why would we have tax cuts for people at the highest end? Why wouldn't they pay their fair share of protecting the American people and American interests and their interest wherever they may exist in the world?

And so we had in the 8 years of President Bush's administration a complete reversal, an \$11 trillion swing, \$5.6 trillion in surplus to nearly \$5 trillion in debt.

And now people are saying it is an immorality to have national debt and to have these deficits. We thoroughly agree. And that's why, once again, we must take our country down a path of deficit reduction, but to do so in a way that is job creating and strengthening of the middle class.

As I said, in December 2010 Democrats cut \$41 billion in spending. Only one Republican voted for that. February 2011, Republicans passed a spending bill that could destroy 700,000 jobs

and reduce and slow down our GDP, our gross domestic product, by 1.5 to 2 percent. If you want to say it's going to slow down less than that, it's still going in the wrong direction.

I commented on Mr. DICKS' proposal because in the bill that we have before us, we have a situation where the Republicans have stripped the bill of important initiatives to the education of our children. In fact, President Obama made some of those cuts, too; but he didn't do it in a way that hurt the children.

What we debate today undermines our future by stripping support for some pressing educational challenges without redirecting those critical resources to meet the educational needs of our children. What Mr. DICKS proposed would have reversed that. He would have eliminated those educational programs in a way, as did the President, in the context of a comprehensive budget that also redirected funds to other initiatives addressing these needs.

If we do not, as a Congress, understand that education is essential, is key to all of our success—key to all of our success—then, frankly, the American people are way ahead of us on that. That's why I asked when we debated the bill before the break to see a quarter of a million children thrown off Head Start and many teachers fired alongside that, is that a smart cut? Sure, we have to tighten our belt. But let's do it, again, in a very smart way.

I just want to know where everybody was in the days when this deficit grew in the 8 years of the Bush administration. That's why we're in the situation we are in today. That's why we must, again, make some very difficult decisions.

So what is before us today is for the short term. It is saying, let's just keep the government open 2 weeks so we use that time to do the right thing and so we use that time to have a reality check—a reality check—on how we got these deficits in the first place. Tax cuts at the highest end do not create jobs but increase the deficit and are not the appropriate path to deficit reduction. Cutting education and therefore the innovation that goes with it and the strength of our children and affecting our economy is not the way to do it.

Many people here have met much experience on the way to do it, and they sit on both sides of the aisle. So let's get through this today, recognizing the challenge that we have, understanding that this bill before us is not a good one, but it's not final.

□ 1500

And when we come together, we need to meet the three criteria: Does it create jobs? Does it strengthen the middle class? Does it reduce the deficit? Because all of those who say that it is im-

moral for us to grow the deficit and pass those bills on to our children and grandchildren are right. I just don't want them to ignore the fact that we got here a certain way, and please do not ask us to go down that path again with the sanctimonious attitude that it is a morality for us to do exactly the same thing again, ignoring again the tremendous, tremendous suffering of the American people and their need for jobs, ignoring the aspirations of our children and their need for education by making the cuts that are in here without them rechanneling to a better place.

This is as serious a debate that we can have in the Congress of the United States because it affects our children and their future, because the deficits have gotten so far out of hand.

I am very proud of the fact that 30 years ago—in 1982, 29 years ago—when Democrats gathered in Philadelphia for a midterm conference, pay-as-you-go was placed on the agenda, passed as a resolution, and became part of the Democratic platform. Fiscal responsibility is a part of who we are. Our Blue Dog Coalition has had this as their mantra: pay as you go. Do not add to the deficit. If we all share that view, we should all be able to come together because the numbers will add up or they will not add up, and the bill for sure will be sent to our children and grandchildren.

Some of you have children; some of you have children and grandchildren. Would you ever dream of sending them a bill for a personal expense? If you were to leave them anything, would you leave them a bill? We cannot leave the children of America with any bills for any fiscal deficit either. It wouldn't be the right thing to do. But in order for us to do the right thing, it is time for a serious reality check, and that is the opportunity Mr. DICKS was giving us today. The Rules Committee rejected that. I hope that in the weeks ahead, depending on what happens here today, we can move on with it so we can spend whatever time it takes to do it right. Nothing less is at stake than the economic security of our country, the well-being of our children and the confidence that the American people have in what we are sent here to do for them.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself 1 minute to point out to the body that over the last 2 years, the Congress went on a spending spree and increased spending by 84 percent in just 2 years. You ran the deficit up; the annual deficit, now two in a row, trillion-dollar-plus deficits per year, record breaking. We have never had that before. You ran the debt up to where now we are bouncing against the ceiling and the Congress will be called upon to increase the debt ceiling.

There were no appropriations bills passed last year at all. Thus that's why we are here today. So let's talk about the spending spree that we're trying to slow down and stop, Madam Speaker, with this bill.

I yield 3 minutes to the gentleman from Georgia (Mr. GRAVES), a member of our committee.

Mr. GRAVES of Georgia. Madam Speaker, I appreciate the chairman clarifying some things we just heard because I was at a loss thinking I was going to need much more than 3 minutes to rewrite some of what we just heard there and correct the historical account of the last several years.

We've heard the lamenting and wailing today from the other side of the aisle. It is amazing to hear about why we are here? Why are we in this position today?

We are hearing government shutdown from the Democrats. You're not hearing that from the Republicans. You're hearing no, we have to cut spending and reduce the size of government. But we hear we're at the brink, we're about to shut down government, and we have to wonder: Why are we here?

Well, the chairman brought it up so eloquently just a minute ago. When they were in the leadership last year, and it wasn't that long ago, 1 year ago, they had the opportunity. They had the opportunity to pass their own budget. They didn't do it.

So instead, they passed a CR. The CR went for 4 or 5 weeks. It wasn't enough. Let's do another one because again, they couldn't pass a budget. They passed another CR for 2 more weeks. Again, it wasn't quite enough. So let's go 3 days because we don't know now to pass a budget nor have an appropriations meeting. And then, yet again, let's pass another one for just over 2 months. That is why we are here today. That is why the Republicans are stepping up and leading. That is why the Republicans passed a CR a few weeks ago cutting a hundred billion dollars. But yet again the Democrats, they do not want to step up and lead at this time in our Nation.

So here we are again, the chairman of appropriations and the Republicans have stepped up and said it is time to lead. So \$2 billion a week in cuts, yes, that is what we are proposing. Should it be more? Sure it should be more.

To those who have said we were cutting the wrong programs, I assure you, you'll have your chance to cut those programs because, again, we will be cutting more.

So this measure, hopefully it will pass both Chambers, and we will avert the government shutdown. And the question is then: What happens next? The American people want to know that.

Well, I want the American people to know this: that there are more spending cuts on the way. Now, some of my

colleagues on the other side will say, we don't need to cut spending. In fact, we have heard that. We've heard that they want to freeze spending instead, which is akin to tying a brick to the accelerator of this vehicle that is going off the cliff when we need to take our foot off that accelerator. Again, it is the status quo that we hear from the other side.

We heard a minute ago from the leader of the Democrats, the former Speaker, and her quote was: They took the lead in deficits.

Oh, is she so right. In fact, they have led 3 straight years of deficit spending, consecutive years, trillion-dollar deficits, and now a \$14 trillion debt. What leadership that is.

The status quo is unacceptable. The American people deserve so much more. So today, let's stop that threat of a government shutdown, and let's save the taxpayers \$4 billion. Let's come back and let's save them billions upon billions more. But let's get ready because deeper spending cuts are necessary. And as we saw from that Government Accountability report, duplicative programs exist.

Madam Speaker, it is time to eliminate some of those programs, continue eliminating portions of this government, and get this fiscal house back on track.

Mr. DICKS. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the Democratic whip and former majority leader, who will help correct the record.

Mr. HOYER. I thank the gentleman for yielding.

I have now heard and watched on television and I have been on the floor with two members from Georgia, both of whom are brand new to this body who were talking about the history. Well, I want to tell my friend from Georgia a little bit of history. I have been here 30 years. I have served some 20 of those years under Republican Presidents. Every one of them has run a deficit of \$100 billion or more. In fact, during that cumulative period of 30 years, notwithstanding the Obama administration, and I will discuss that in a second, Mr. Reagan, Mr. Bush I, and Mr. Bush II ran deficits of over \$6 trillion that they signed the bills to spend. Over \$6 trillion. Bill Clinton was President for 8 years. The last 4 years, we didn't raise the debt at all, unlike every one of the Republican administrations, where we raised it on a regular basis. Not at all during the last administration, the last 4 years of Mr. Clinton's administration, and he ran—the only President in your lifetime, and very frankly mine, and I may be twice as old as you are—a \$62.9 billion surplus. Look it up. No argument.

But let me say something. Irrespective of who is responsible, we are responsible for fixing it. Republicans and

Democrats. The American people know that we have a crisis confronting us. They know there is no option other than to deal with this realistically. I would call everybody's attention in this body—Republican, Democrat, liberal, conservatives—to an article written by David Brooks today in *The New York Times*. Read it. Read it. David Brooks is a conservative columnist of the *New York Times*. We all ought to read this and take it to heart. I called it to my caucus' attention this morning.

Our deep debt is a serious danger to our economy, to our future, and our children's opportunities. The American people want us to bring the debt down. They said so very loudly. And I doubt there is a Member who disagrees.

□ 1510

Democrats believe that spending cuts are part of the solution. Let there be no mistake. We need to cut spending, but we also believe that those cuts must be smart and targeted, not pegged to an arbitrary number.

One of your staffers, when you put the Pledge to America, came forth with a figure of \$100 billion. That's a nice round figure; \$100 billion sounds good. It's good PR. It's good spin—\$100 billion. Read David Brooks. No analysis was given to that figure. No hearings were held on that figure. Nobody could testify on the cuts that were proposed to reach that figure.

We have to cut the spending. We can do without some spending, not the vital investments, however, that are helping to grow our economy, that are helping our private sector innovate and creating the jobs of the future.

During the Clinton administration, I will tell my young friend from Georgia there were 22 million new jobs. During the Bush administration, we lost 8 million jobs. A 30 million job turnaround. That's why there was so much spending of which Mr. ROGERS spoke. And \$700 billion of that, of course, was asked for by the Bush Presidency, Secretary Paulson and Mr. Bernanke, so that we didn't fall into a depression for the first time since Herbert Hoover. This President has been trying to bring us out and, frankly, is succeeding.

Unfortunately, Republicans passed a spending bill full of shortsighted and indiscriminate cuts. Do we need cuts? Yes. Do we need shortsighted and indiscriminate cuts? No. Just over a week ago, you would cut billions in energy and medical research, kick 200,000 children out of Head Start, make college more expensive, and stop 21st-century infrastructure projects in 40 States. That's what Mr. Zandi is talking about. That's what Goldman Sachs is talking about. Cuts like these could cripple America's competitiveness and job growth.

According to Moody's Analytics chief economist Mark Zandi, who advised

Senator MCCAIN's Presidential campaign, Republicans' cuts would cost America a total of 700,000 jobs. The Economic Policy Institute puts it at 800,000.

Rather than such job-destroying policies, both of us, both parties, need to come together and reason together. Frankly, the American public doesn't care who works with whom. They just want it to work. This is no way to fund the largest enterprise in the world—on 14-day cycles. The gentleman criticized us for doing it, and we should have been criticized.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 1 minute.

Mr. HOYER. Let me tell my friend what he didn't mention: One of the reasons we did it was that we couldn't get 60 votes in the United States Senate in order to move a bill forward.

Keeping our government running is vital to our economy. None of us should want to shut down the government. It is also vital to the millions who rely on government every day. The sooner we can agree on a long-term package of smart cuts, not reckless, arbitrary, job-destroying cuts, the sooner we can stop funding the government in disruptive 2-week increments. The gentleman was correct that we ought not to do that. We need to pass a 7-month funding so that government and all who rely on the government, who work for the government, and who have contracts with the government can rely on some certainty.

You've talked a lot about certainty on your side of the aisle. You're absolutely right, we need certainty. The business community needs certainty. Individuals need certainty, and the government needs certainty.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. HOYER. Rather than passing 2-week continuing resolutions, I urge Republicans and Democrats to work together on a long-term solution—in this case, "long term" is 7 months—to reduce spending, to try to balance our budget, and to try to bring rationality to this process. We cannot, my friends on the Republican side of the aisle and the Democratic side of the aisle, continue to look at 15 percent of the budget and expect us to get to where we need to be from where we now are.

Mr. ROGERS of Kentucky. Madam Speaker, may I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 9½ minutes remaining, and the gentleman from Washington has 4 minutes remaining.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to a brand-new member of the committee, the gentleman from Kansas (Mr. YODER).

Mr. YODER. Madam Speaker, we can debate today who is at fault for the crisis we are in; but I think we have an agreement, which is, with record spending, deficits and accumulated debt, coupled with 20 months straight of 9 percent unemployment, it is time for us to get serious about the crushing effect of a runaway debt on this economy.

As Speaker BOEHNER said, "Just like a bankrupt business can't create jobs, a bankrupt country can't create jobs."

Small business owners, individuals and families now find themselves at the mercy of this debt that we as a government have recklessly accumulated. It's not Democrats or Republicans. It's those families and individuals and business owners who are the real casualties of this government spending spree. So now we must choose a pathway. We are at a crossroads: reasonable spending reductions and keeping the government open or heading towards devastating tax increases and crushing deficits.

The tax increases that would be needed to actually alleviate these bloated deficits would wipe out individuals, families and businesses. According to the CRS, current income tax rates would need to double across the board to close the expected deficits of this administration. You can't create jobs under these devastating taxes. We must reduce spending.

We have a choice as the American people. We can choose prosperity; we can choose lower taxes; and we can choose reduced debt. Or we can go other the other direction and choose record-breaking deficits, historic taxes and devastation all across this country.

Madam Speaker, we have a choice to make today, and it is my hope the Members of this body will choose to keep the government open, will choose to begin making modest reductions, and will pass this necessary resolution to begin the pathway towards prosperity again in this country.

Mr. DICKS. I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the chairman for yielding.

Madam Speaker, last November, the people I represent in Virginia's Fifth District sent an urgent message that America must make a bold departure from the status quo and put a stop to the out-of-control spending that has come to define Washington over the past 2 years. No longer can we continue on the path of unchecked, reckless spending that has crippled our economy and has left us with a massive \$14 trillion in debt, \$1.6 trillion in deficit spending, and an unacceptably high unemployment rate.

Last year, the 111th Congress completely failed in its fundamental re-

sponsibility to adopt a budget for the American people. Remarkably, they have punted that responsibility and have kept the Federal Government operating over the last 5 months by adopting continuing resolutions.

Fortunately, the new 112th Congress has accepted this responsibility to clean up the mess of the last Congress. Indeed, the House of Representatives, Republicans and Democrats, worked late into the night last week to get a proposal to the Senate that recognizes the critical need to adopt a budget while cutting a historic \$100 billion in spending for the rest of this fiscal year.

After 5 months of failed leadership by Senate Democrats, we now find they need more time. This is truly unbelievable. Over the past week, back home in the Fifth District, I was reminded again and again by my constituents that now is the time for leadership, not for excuses.

While the House takes up another resolution today that will continue to temporarily fund the government while keeping our commitment to the people to cut an additional \$4 billion in spending, it is critical that the Senate join us to produce a responsible funding resolution that makes the cuts necessary to get our fiscal house in order. For the sake of the next generation of Americans, we must act, and we must act now to secure our future.

Mr. DICKS. I yield 2 minutes to the ranking member and former chairman of the Interior and Environment Appropriations Subcommittee, the gentleman from Virginia, JIM MORAN.

Mr. MORAN. Madam Speaker, so many of our brand-new colleagues seem to have run on the thesis that government can't be the solution to any of your problems, rather that "it" is the problem, that it can't be counted upon to help people, that it can't even be counted upon to invest in America's long-term interests. It seems as though, now that they've been elected, they're doing everything they can to prove themselves to be right.

This is no way to run a government. A 2-week CR?

Now, we don't have any great problem with the components of this CR except for the fact that it's 2 weeks.

□ 1520

It should be a 7-month CR. In fact, we should really tackle the appropriations bills themselves. But if it's a 7-month CR, it shouldn't be a dump truck of legislation that includes in it virtually every controversial issue that this Congress has dealt with over the last 20, 30 years.

My good friend from Kentucky, the chairman of the committee, will recall that quaint phrase that we would deploy in committee, that this amendment is not in order because it constitutes legislating on an appropriations bill. Well, we legislated everything. This bill has more poison pills in

it than Rasputin's medicine cabinet. Everything is thrown in here, and it was thrown in in the middle of the night. You know, bills that we had considered carefully in committee that had come to the floor, that they were debated carefully and then resolved, and yet sometimes in a 10-minute debate those bills were dispensed with. That's not the way an appropriations bill should be brought to the floor. It ought to be a clean, continuing resolution if we're going to do a CR.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. MORAN. The fact is we know we can do this. We can get a good appropriation bill. We can make surgical cuts and we can agree on those surgical cuts. But let's not try to put together a dump truck that includes in it every possible controversial issue that we know we can't resolve. That's not in the long-term best interest of the American people, and, in fact, it ought to be an embarrassment to our appropriations process.

So I would hope that we would vote against this continuing resolution simply because it's only a 2-week CR. We can do better.

Mr. ROGERS of Kentucky. Madam Speaker, I wish they had done better last year and passed one appropriations bill.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 44, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Madam Speaker, I yield 3 minutes to the chairman of the MilCon and VA Subcommittee on Appropriations, the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Madam Speaker, I first would like to yield to my colleague from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Madam Speaker, I have to take a moment here to, I guess, comment back on the distinguished whip's comments a minute ago.

It's great that he pointed out his knowledge of history and his years of experience here, and he's right about a few things. He talked about the years of Bill Clinton and the spending cuts and the deficit reduction and debt reduction, all those kinds of things. He's absolutely right. But he didn't tell you the rest of the story, and that is the Republicans took the majority in 1995 and were part of that process, in leading through the legislative process not through the executive process.

And then he talked about George Bush and the 8 million job losses. And if you look back, if you look at the rest of the story on that again, that starts in about 2006 and 2007 and 2008. And if we think about who was in charge at the time, yes, it was the distinguished whip, who was the leader at the time, and the former Speaker. So they were right. They were right about history, but they weren't telling the whole story, and that is that the Republicans were leading during those difficult times and providing the spending cuts when necessary.

To the gentleman a minute ago who said government is not the solution, you're absolutely right. And to finish that quote from Ronald Reagan, more so, it is the problem.

Mr. CULBERSON. Reclaiming my time, Madam Speaker, I think it's important to remember that the people of America spoke decisively in the November election. It was as clear a referendum on the direction that President Obama and Speaker PELOSI were taking the Nation as we could have, and the Nation decisively rejected the agenda that Speaker PELOSI and President Obama were promoting.

The spending that Chairman ROGERS spoke about was out of control over these last several years. I know in the time I served under President Bush I voted against about \$2.6 trillion of new spending under President Bush. And in just the last 2 years, under President Obama and Speaker PELOSI, my staff calculates I've had to vote against about \$7.6 trillion in spending under President Obama. I know that the level of spending under President Bush was higher than it should have been, but it has absolutely gone vertical under President Obama.

The country decisively rejected the direction that President Obama was taking the Nation. The country elected this new majority to cut spending, to repeal ObamaCare, and to put the Nation back on track towards a balanced budget, and that's what this appropriations bill does. In this 2-week period, we're doing our best at every opportunity, on every occasion. Chairman ROGERS and all of us are working to cut spending and to get the Federal Government out of our pockets, off our backs, and out of our lives.

Mr. DICKS. Will the gentleman yield?

Mr. CULBERSON. I am happy to yield to the distinguished gentleman from Washington.

Mr. DICKS. I was just glad to hear the litany of these things that you voted against. Are you still for those Civil War battlefields?

Mr. CULBERSON. Reclaiming my time, there are a few core functions the government has to do, and I'll tell you that national defense, for example, we've protected the Pentagon and national security. We've protected the in-

vestments in medical and scientific research and in law enforcement. And you will find on every bill that we present we're going to work to cut spending in every possible way.

Mr. DICKS. Madam Speaker, I yield myself such time as I may consume.

I think this has been a very spirited debate in the best traditions of the House. I want to point out a few facts to again correct the RECORD.

First of all, the American Recovery and Reinvestment Act probably brought down the unemployment rate from 12 or 13 percent to 9.5 percent. We would have a 12.5 percent unemployment rate today if it weren't for the American Recovery Act.

The only deficit that has been cut around here was the \$41 billion that was done by the Democrats and enacted in December and passed to March 4.

Now, again, we did not get our work done. Mr. ROGERS and I are going to get the work done. But again, gentlemen and ladies, it's the economy. You've got to put people back to work. And if the net impact of what you do, the cuts you make are to throw people out of work, to cause the economy to stumble and stop the recovery and increase unemployment, then the deficit will go up.

The only way you get this better is to drive down unemployment, get people working, get businesses producing, get the revenues coming in. That will do it. But what the best economists in this country say is your medicine is not going to cure the patient. It could well harm the patient and cause things to get worse, not better. So that's why some people believe it's a timing issue.

And yet, again, I want you to know, we will work together in these next 2 weeks. We've got to get this thing resolved.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. May I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 3 minutes remaining.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself the balance of my time.

Let's be clear what it is we're voting on here today. This is a short-term, 2-week CR. It cuts \$4 billion, a little over \$4 billion in spending that both parties have agreed to in the past, both bodies in the House and Senate have agreed to in the past, and agreed to by the White House.

So what are we talking about here? This is a 2-week extension. It's about as clean as you can make it. And, oh, by the way, speaking about that bill we passed 2 weeks ago, H.R. 1, that cuts \$61 billion off of current spending, Ben Bernanke, Chairman of the Federal Reserve, said as late as today that that bill will have no harmful effect on the

economy. I don't know that there's a bigger, better source on the economy than the Chairman of the Federal Reserve, and he says no problem.

Now, what the Democrats want to do, Madam Speaker—this is pretty simple—they want to freeze spending. They want to freeze spending at the biggest bloated level we've ever had.

□ 1530

They increased spending 84 percent over the last 2 years. Now they want to freeze and they'll go no higher. Well, it's bloated. We want to take it back down to where it's reasonable, where we can live with it. So we don't want another \$1.7 trillion-a-year deficit like they've had the last year and, before that, something approaching that.

So I ask Members to vote for this short-term CR, to give us time to work with the other body on H.R. 1 to find out what their position is, about which we have no idea at this moment. They haven't acted. And so to avert a close-down of the government, which is what we're after here, we want to give the Senate time to look at H.R. 1 and tell us what their position is so we can have a conversation about it. And, frankly, 2 weeks is plenty of time, plenty of time in the House. I know the Senate works a bit more slowly, but 2 weeks should be plenty.

So, Madam Speaker, I urge Members to vote for this reasonable, fair, budget-cutting extension of the time to shut down the government. Vote "yes" and keep the government operating.

Mr. VAN HOLLEN. Madam Speaker, today's legislation proposes to extend Federal Government operations for an additional two weeks while cutting roughly \$4 billion in spending from FY 2011, if the proposed cuts are ultimately extended for the rest of the fiscal year.

Democrats understand the need to get serious about our deficits and debt, but we also understand the difference between making smart, deliberate cuts to spending while maintaining targeted investments that create jobs, grow our economy and strengthen our international competitiveness. In that regard, I am especially disappointed that the majority did not make in order an amendment offered by ranking Member DICKS, which would have restored some of the education cuts in today's bill by finding the necessary savings in unused Census funds. It seems to me those are the kinds of distinctions, priorities and choices this body should be able and willing to make.

Furthermore, based on our experience with H.R. 1, I am concerned that the majority is ignoring the explicit advice of two fiscal commissions and a growing chorus of bipartisan commentators warning that we must not in the guise of fiscal discipline cut so indiscriminately, so fast that we sabotage job creation and weaken our ongoing economic recovery.

Madam Speaker, sooner rather than later, we need to come to a final agreement on federal spending for the rest of FY 2011. That agreement should chart a credible course towards long term fiscal sustainability while

making the kinds of investments that will allow us to win the future in the 21st century.

Mrs. LOWEY. Madam Speaker, I agree with my colleagues on the other side of the aisle that we must get our fiscal house in order. That is why Democrats sought to cut more than \$40 billion from the President's 2011 budget request in December. We have a responsibility to our constituents to evaluate every program and determine whether it merits taxpayer funding.

Although I will vote for it, I do not support every cut in the underlying bill. We must make targeted reductions that make our government more efficient while prioritizing critical investments in innovation if we are to remain a global leader. Instead of reducing our deficit by eliminating education programs, we should find savings by ending taxpayer-funded subsidies to large oil companies, which fleece taxpayers of tens of billions of dollars.

However, it is imperative that Congress do everything it can, and reach common ground whenever possible, to avoid a government shutdown. We cannot allow for the possibility of seniors going without Social Security checks or veterans losing access to the health benefits they have earned.

The seven month continuing resolution the House passed in February is a dangerous bill that would create not a single job, hurt federal programs essential to economic growth, and compromise our security. We must adopt this short-term continuing resolution to keep the government operating while we negotiate spending for the remainder of the fiscal year that will continue economic growth.

Mr. KUCINICH. Madam Speaker, I rise in opposition to H.J. Res. 44, a short-term continuing resolution (CR) for one simple reason. It continues the wars in Afghanistan and Iraq.

Yesterday, nine Afghan children between the ages of nine and fifteen were killed by a NATO strike after being mistaken for insurgents. General Petraeus issued an apology and promised to investigate the killings. According to the New York Times, news of their deaths sparked anti-U.S. protests. They were killed in the Pech Valley, an area of Afghanistan once considered vital to U.S. military strategy, that the U.S. military will soon be withdrawing from after a realization that our presence was destabilizing the area. Our presence in Afghanistan is destabilizing the country as a whole, not just in the Pech Valley.

We can no longer ignore such incidents as just a part of the reality of war. It is time to end the wars in Iraq and Afghanistan that have only undermined U.S. national and economic security.

Mr. ROGERS of Kentucky. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 115, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KEATING. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. KEATING. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Keating moves to recommit the joint resolution H. J. Res. 44 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 18, line 21, strike the quotation marks and final period.

Page 18, after line 21, insert the following: "SEC. 227. For the period beginning on the date of the enactment of the Further Continuing Appropriations Amendments, 2011 and ending on the date specified in section 106(3) of this Act, no major integrated oil company (as defined in section 167(h)(5)(B) of the Internal Revenue Code of 1986) shall be eligible for any tax benefit or relief under the following provisions of such Code to the extent attributable to such period:

"(1) Section 43.

"(2) Section 45I.

"(3) Section 469 with respect to working interests in oil and gas property.

"(4) Sections 613 and 613A, with respect to percentage depletion for oil and gas.

"(5) Section 199 with respect to income derived from the production of oil and gas.

For purposes of this section, the amount of any tax benefit or relief for any taxable year shall be treated as attributable to the period described in the preceding sentence in the same ratio that the portion of such period which is part of such taxable year bears to the entire taxable year."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts is recognized for 5 minutes in support of his motion.

Mr. KEATING. Madam Speaker, I rise to offer this motion to recommit which I believe will greatly improve our fiscal health and ensure that we're responsible to all taxpayer dollars and the taxpayers of this great Nation.

We all agree—all of us, Republicans and Democrats alike—that cuts in wasteful spending are vital to our country's future. The decision that stands before us is whether we should adopt reckless cuts to some of our most important programs or not: education cuts, cuts to college scholarships, reading teachers, Head Start.

As a D.A. for the last decade, I know the effects of cuts to police officers and firefighters, and I know what they mean to our public safety. Reckless cuts: cuts to border protection, cuts to the hubs of cybersecurity research so that we can better protect ourselves in our infrastructure, cuts in cancer research and other life-saving ventures of the National Institute of Health.

It's worth repeating that Moody's chief economic expert, Mark Zandi, the former adviser to the McCain for President campaign, just this week estimated that the reckless Republican cuts will cost our country 700,000 jobs. Investment groups estimate that the

reckless cuts will cut the economy by a growth this year of almost one-half.

Our alternative? Our alternative is an alternative of sensible spending cuts. In this motion, we're offering such a sensible spending cut.

Let's stop sending taxpayers' money to the most profitable companies in the world. The time is now to stop subsidizing the largest oil companies. I think it shocks every American taxpayer to know that they're required to fork out over \$40 billion in subsidies over the next decade to the most economically profitable of companies—especially as oil soars to a hundred dollars per barrel. My constituents in Plymouth, Massachusetts, are paying almost \$3.50 per gallon and have had enough. Even ex-Shell CEO John Hofmeister says enough is enough. He said, "With high oil prices, such subsidies are not necessary."

So let's put a stop to this welfare program for Big Oil right now. Cuts to police, cuts to fire, cuts to cancer research, cuts to border security, cuts to reading teachers—or oil subsidies to the most profitable of companies.

I urge my colleagues to vote "yes" on this motion to recommit.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I rise in opposition to the gentleman's motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. If I understand the gentleman's motion correctly, it would, for a 2-week period, attempt to change the Tax Code to single out resource companies and increase their costs of doing business. This misguided policy can only lead to higher energy prices, continued reliance on foreign oil, and economic hardship that hampers job creation.

At a time when gasoline is currently approaching \$4 a gallon around the country and when our resources are being threatened by the instability in the Middle East, we should be encouraging domestic energy production—not cutting it down.

We're talking about a 2-week continuing resolution to keep the government running past Friday, reduce spending, and avoid a government shutdown. This is neither the time nor the place to inject an unrelated job-crushing, controversial rider to the CR that will absolutely hinder its chance of passing in the Senate before this Friday when the current CR expires.

I urge defeat of this ill-advised motion.

I now yield to the gentleman from Idaho (Mr. SIMPSON), chairman of the Interior Subcommittee Appropriations.

Mr. SIMPSON. I thank the chairman for yielding.

Madam Speaker, if this wasn't such a serious subject that we're discussing here, the Federal budget and how we're going to fund it for the next 2 weeks, it would almost be funny.

Almost every Member of the Democratic Party that has stood up and talked about this CR has said something like this—even the sponsor of this motion said something along these lines: Democrats know we have to reduce spending. Democrats want to reduce spending. Yet the very first time they have a chance to vote to reduce spending, reductions that the administration agrees with in its 2012 budget and eliminating earmarks, the Democrats vote "no"? It's strange but true.

In fact, instead of cutting spending, they propose to increase revenue. Or increase taxes.

In this fragile economy with energy prices rising, we should be encouraging more energy and gas development and production in the United States. We need more supply, not less supply. This would reduce the supply.

Oil prices are rising again; and with the wave of unrest in the Middle East and North Africa, there are fears that we could soon see a return to \$4 or \$5 gas in the United States this summer.

□ 1540

The moratorium put in place following the Deepwater Horizon accident was lifted last fall by the administration; but the administration has issued just one deepwater permit in the gulf, and that was issued just yesterday. The Federal judge called this de facto deepwater drilling moratorium unreasonable, unacceptable, and unjustifiable.

The public will have no patience for more delays, more excuses, and higher taxes if gas prices continue to rise, especially when we have untapped resources here in the United States not being utilized. We need to be encouraging more production in this country, not discouraging production in this country.

Oil and gas from Federal lands, both onshore and offshore, provide an important energy source and domestic jobs and billions of dollars of revenue to the United States. This is a job-killing proposal. This is an issue that needs to be addressed carefully and in great detail. A rush to impose new taxes and fees through a motion to recommit is hasty and unwise. We ought to let the committees of jurisdiction address this issue. I strongly, in the strongest terms, encourage my colleagues to vote against this ill-conceived motion to recommit.

Mr. ROGERS of Kentucky. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. KEATING. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the joint resolution, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 176, nays 249, not voting 7, as follows:

[Roll No. 153]

YEAS—176

Ackerman	Gutierrez	Payne
Andrews	Hanabusa	Pelosi
Baca	Hastings (FL)	Perlmutter
Baldwin	Heinrich	Peters
Bass (CA)	Higgins	Pingree (ME)
Becerra	Himes	Polis
Berkley	Hinchey	Price (NC)
Berman	Hirono	Quigley
Bishop (GA)	Holden	Rahall
Bishop (NY)	Holt	Rangel
Blumenauer	Honda	Reyes
Boswell	Hoyer	Richardson
Brady (PA)	Inslee	Richmond
Braley (IA)	Israel	Rothman (NJ)
Brown (FL)	Jackson (IL)	Roybal-Allard
Butterfield	Jackson Lee	Ruppersberger
Capps	(TX)	Rush
Capuano	Johnson (GA)	Ryan (OH)
Carnahan	Johnson, E. B.	Sánchez, Linda
Carney	Kaptur	T.
Carson (IN)	Keating	Sanchez, Loretta
Chu	Kildee	Sarbanes
Ciциlline	Kind	Schakowsky
Clarke (MI)	Kissell	Schiff
Clarke (NY)	Kucinich	Schrader
Clay	Langevin	Schwartz
Cleaver	Larsen (WA)	Scott (VA)
Clyburn	Larson (CT)	Scott, David
Cohen	Lee (CA)	Serrano
Connolly (VA)	Levin	Sewell
Conyers	Lewis (GA)	Sherman
Cooper	Lipinski	Shuler
Costello	Loebuck	Sires
Courtney	Lofgren, Zoe	Slaughter
Critz	Lowe	Smith (WA)
Crowley	Lujan	Speier
Cummings	Lynch	Stark
Davis (CA)	Maloney	Sutton
Davis (IL)	Markey	Thompson (CA)
DeFazio	Matsui	Thompson (MS)
DeGette	McCarthy (NY)	Tierney
DeLauro	McCollum	Tonko
Deutch	McDermott	Towns
Dicks	McGovern	Tsongas
Dingell	McIntyre	Van Hollen
Doggett	McNerney	Velázquez
Donnelly (IN)	Meeks	Visclosky
Doyle	Michaud	Walz (MN)
Edwards	Miller (NC)	Wasserman
Ellison	Miller, George	Schultz
Engel	Moore	Waters
Eshoo	Moran	Watt
Farr	Murphy (CT)	Waxman
Fattah	Nadler	Weiner
Filner	Napolitano	Welch
Frank (MA)	Neal	Wilson (FL)
Fudge	Olver	Woolsey
Garamendi	Pallone	Wu
Green, Al	Pascrell	Yarmuth
Grijalva	Pastor (AZ)	

NAYS—249

Adams	Biggart	Burgess
Aderholt	Bilbray	Burton (IN)
Akin	Bilirakis	Calvert
Alexander	Bishop (UT)	Camp
Altmire	Black	Campbell
Amash	Blackburn	Canseco
Austria	Bonner	Cantor
Bachmann	Bono Mack	Cardoza
Bachus	Boren	Carter
Barletta	Boustany	Cassidy
Barrow	Brady (TX)	Chabot
Bartlett	Brooks	Chaffetz
Barton (TX)	Broun (GA)	Chandler
Bass (NH)	Buchanan	Coble
Benishek	Bucshon	Coffman (CO)
Berg	Buerkle	Cole

Conaway
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt

Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Peterson
Pence
Petersen
Pitts
Platts
Poe (TX)
Pompeo

Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio

NOT VOTING—7

Capito
Castor (FL)
Giffords

Hanna
Hinojosa
Marchant

Young (FL)

□ 1605

Ms. HERRERA BEUTLER, Messrs. GRAVES of Georgia, CHANDLER, and SMITH of Nebraska changed their vote from “yea” to “nay.”

Messrs. CLARKE of Michigan, CARNEY, LEWIS of Georgia, SCHIFF, TIERNEY, and Ms. KAPTUR changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Kentucky. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 335, noes 91, not voting 6, as follows:

[Roll No. 154]

AYES—335

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Austria
Baca
Bachus
Bartletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishhek
Berg
Berkley
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brady (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
DeFazio

DeGette
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee

Israel
Issa
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
LoGegly
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
DeLauro
Edwards
Ellison
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gohmert
Grijalva
Gutierrez

Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita

Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Ryan (WI)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)

Smith (WA)
Southernland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Tsongas
Turner
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOES—91

Amash
Andrews
Bachmann
Baldwin
Bass (CA)
Becerra
Berman
Brown (FL)
Capuano
Carson (IN)
Chu
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Conyers
Cummings
Davis (IL)
DeLauro
Edwards
Ellison
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gohmert
Grijalva
Gutierrez

Hanabusa
Hastings (FL)
Hinchey
Hirono
Honda
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
King (IA)
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Lynch
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Miller, George
Moore
Nadler
Napolitano
Neal
Oliver
Pallone
Pascrell

Paul
Payne
Pelosi
Rangel
Richardson
Richmond
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Schakowsky
Serrano
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Velázquez
Vislosky
Wasserman
Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Castor (FL)
Giffords

Hanna
Hinojosa

Marchant
Young (FL)

□ 1614

Ms. WATERS changed her vote from “aye” to “no.”

Mr. COSTELLO changed his vote from “no” to “aye.”

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the

Journal, which the Chair will put *de novo*.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

□ 1620

CONGRATULATING THE PENN STATE IFC/PANHELLENIC DANCE MARATHON

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, the Penn State IFC/Panhellenic Dance Marathon, referred to as THON, is a yearlong effort to raise funds and awareness for the fight against pediatric cancer. THON is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event.

Since 1977, THON has raised more than \$78 million for The Four Diamonds Fund at the Penn State Hershey Children's Hospital. This year, THON 2012 took place from February 17–19. At this year's event, Penn State York broke its own record, raising \$17,160.71, the largest amount that has ever been raised for THON, and it made it to the top 10 in fundraisers among the Penn State campuses.

THON has helped so many families through The Four Diamonds Fund, and this critical support for pediatric cancer research has enabled some pediatric cancer survival rates to increase to nearly 90 percent.

I want to congratulate the Penn State University IFC/Panhellenic Dance Marathon on its continued success in support of The Four Diamonds Fund and for their amazing, record-breaking total for this year's event.

DEAD BABIES DESERVE JUSTICE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, yesterday I came to the floor of the House, and I think I was genuinely pleading with my colleagues in responding to the tragedy of an incident that occurred last Thursday, when a person who was supposed to have been attending to seven babies under 3 years old now has been found allegedly to have left to have gone grocery shopping, to have come back to a grease fire in the kitchen, and to have found that four babies, 3 and under, were killed.

Two are now in the burn unit. These are possibly babies supported by Federal funding for child care—by someone

22 years old and licensed by the State of Texas. In all we do to provide funding for desperate parents, can we at least expect the criteria to be reasonable?

Now we have the District Attorney's Office indicating that they can't find the suspect, that he has fled because they waited 3 days to file any charges against someone who was responsible for four dead babies. We understand they have asked the U.S. Marshal. We don't even know whether they have asked the State Department to help.

It is a crying shame, and I am getting to the bottom of it. Dead babies deserve justice.

SHERIFFS ON THE BORDER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, it has been 5 months since David Hartley was brutally murdered by pirates on Falcon Lake. His body remains missing, and those responsible for this border murder remain at large.

Shamefully, the only American peace officer apparently still working on this case is Sheriff Sigi Gonzalez of Zapata County. He has identified four of the seven shooters as Zeta Cartel members.

At least there's still somebody on the case.

The local sheriffs cannot do the job that they are supposed to do of protecting their counties while doing the Federal Government's job of protecting the border as well. Sixty-five Americans were murdered in Mexico last year, and not one case has been solved. Unfortunately, some of the Mexican border law enforcement personnel are in cahoots with the drug cartels. That relationship breeds incompetence and corruption.

Until the FBI, the State Department and Homeland Security get fully engaged in the murders of Americans in Mexico, it will be the responsibility of local sheriffs to keep the peace on the border.

And that's just the way it is.

THE STATE OF OUR ECONOMY

(Mr. BARLETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLETTA. Mr. Speaker, last week I had a chance to gain feedback from my neighbors in Pennsylvania's 11th Congressional District, and what I heard should concern us all.

From my "Home to House" town hall forum to the numerous meetings I held all over the district, my constituents are deeply concerned with the state of our economy and its effect on our communities.

Just one week after I submitted an amendment to restore \$42 million to

the Community Development Fund, I had the chance to get a firsthand look at some of the food banks and after-school programs that benefit from this critical resource. I also had the opportunity to hear from many who share my apprehension about spending reductions to the Low Income Home Energy Assistance Program, LIHEAP. I learned that 3,036 requests for LIHEAP grants were received from Wilkes-Barre and Hazleton in the past 2 months alone.

I thank all of those who have made the effort to share their thoughts and concerns with me, and I look forward to receiving more feedback in the future.

TURN THIS SHIP AROUND

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, imagine in your own household if, for every dollar you spent, 40 cents was borrowed. Obviously, you would sit down with your family at the kitchen table and say, Okay, for every dollar we spend, 40 cents is borrowed. We're going to have to change our purchasing habits.

That's what American families do; that's what farmers do; that's what small businesses do each and every day. Yet, for some reason, the U.S. Congress thinks it can defy gravity and not worry about this deficit, which is now \$1.5 trillion. The debt is nearly 90 percent of the GDP, and we owe much of this money to China.

We have got to make tough decisions. It is not time for partisan politics. We need to come together as Democrats and Republicans and do what American families, farmers and small businesses do every day, every year. We need to reduce spending and turn this ship around.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 662, SURFACE TRANSPORTATION EXTENSION ACT OF 2011

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112–20) on the resolution (H. Res. 128) providing for consideration of the bill (H.R. 662) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, COMPREHENSIVE 1099 TAXPAYER PROTECTION AND REPAYMENT OF EXCHANGE SUBSIDY OVERPAYMENTS ACT OF 2011

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112-21) on the resolution (H. Res. 129) providing for consideration of the bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE DOCTORS CAUCUS

The SPEAKER pro tempore (Mr. GRIFFITH of Virginia). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank Speaker BOEHNER and my leadership for giving me an opportunity and my colleagues an opportunity during this next hour to talk about something that, yes, indeed, is still fresh on everybody's minds.

That is, of course, the passage on March 23, 2010, almost a year ago now, of something that some might affectionately refer to as ObamaCare, I guess officially we would say the Patient Protection and Affordable Care Act. Some people struggle with the acronym of PAPA Care. Whatever you call it, this health care reform act that was passed last year is something that a preponderance of the American people have been and continue to be opposed to.

Mr. Speaker, as the designee of the majority, I am taking this opportunity during this hour to talk a little bit more specifically about why we feel the way we feel, why the American people—why our constituents—keep telling us even a year later they are still worried about it and are opposed to it after President Obama signed the Patient Protection and Affordable Care Act into law. I think the bill number was 3590. That's what we're going to be spending our time on here in the next hour. We will be discussing that issue.

□ 1630

I have a number of my colleagues, Mr. Speaker, who are members of the GOP House Doctors Caucus. Now, in that Doctors Caucus, we have all health care providers—not all M.D.s, a lot of M.D.s, but we also have some dentists. We have a clinical Ph.D. psychologist, and now, with our new freshman class, we have three registered nurses on our side of the aisle, Mr. Speaker. So the Republican GOP Doc-

tors Caucus is growing, growing almost double in the 112th Congress as compared to the 111th. So many of my colleagues in the Doctors Caucus will be part of this discussion.

I would like to point out to my colleagues on both sides of the aisle a couple of slides before yielding time to the other members of the Doctors Caucus. This first slide that I'm pointing out to you—GOP Doctors Caucus, of course—“ObamaCare hurts States and patients.”

I know that a lot of the discussion today will be about the strain that certain provisions of this bill place on our 50 States, not just my home State of Georgia. I do want to talk a little bit about that and the strain that my Governor and the members of the Georgia General Assembly are experiencing in trying to balance a budget when they have all this added requirement under the sections pertaining to Medicaid. So that's what I mean when I say in this slide the GOP Doctors Caucus feels that ObamaCare hurts States, and certainly potentially hurts patients.

I'd ask my colleagues to also—again, on both sides of the aisle, because our purpose here is to inform. We're not to be overly critical, but I think it's very important that we state the facts as we see them, as we know them.

In this slide a little bit further to my left, “ObamaCare,” it says, if you can't see it, “You can have whatever you like as long as the boss approves it.” And the boss, if you remember from that pretty popular TV series “The Dukes of Hazzard,” that would be Boss Hogg. Now, if you're wondering who I'm referencing in regard to “the boss,” I'm referencing the Federal Government, Mr. Speaker, not any individual, but the Federal Government.

It was said many times in the markup of this bill and the lead-up to this bill—which, as I say, we call ObamaCare—“You can have whatever you like as long as the boss approves it.” And just in this year alone, the boss—and the boss in this instance happens to be Secretary Sebelius and the Department of Health and Human Services—has had to grant—now listen to this, my colleagues—has had to grant 733 waivers to make sure that this pledge of “if you like what you have you can keep it”; otherwise, without those waivers, you couldn't—733 of them.

So this is what we're going to talk about tonight, and I thank my colleagues for being on the floor and joining with me.

At this point, one of the members of the GOP Doctors Caucus, in his second term, a gastroenterologist of a number of years practicing in Louisiana, my good friend, Representative and Doctor BILL CASSIDY.

Mr. CASSIDY. Thank you, Dr. GINGREY.

Now, Dr. GINGREY, I'm struck. Sometimes folks think that when we speak

about health care, we're only speaking about health care. That seems kind of a simplistic statement. But let's think about it.

Right now, States are having these huge budget crises. We see in Wisconsin where there's a protest. We see in some States where there may be as much as a \$10 billion budget deficit. In my State of Louisiana, there is a \$1 billion to \$2 billion budget deficit. And if you think about this a little bit deeply, you understand that this can be related to health care.

Now, specifically, for Medicaid. Medicaid, for those watching who are unfamiliar with it, is a combined program in which the State puts up some money and the Federal Government puts up some of the money, and with this it is used to care for the elderly, for pregnant women, for children, typically people of low income. Well, as it turns out, it is this program which is bankrupting the States. In a State, if you're paying this amount for health care and this amount for roads and this amount for education, as the amount for health care increases, you either raise taxes or you decrease spending on the other areas. Now, as it turns out, this has had tremendous impact.

Today, the Governor of Massachusetts came and spoke to one of our committees regarding the impact of their health care program, which is very similar to the bill just passed last Congress, in Massachusetts, and I was struck by what a nice view he gave. If you heard Governor Patrick speak—I didn't have a chance to ask him questions, but if you heard him speak, there's no problems with it whatsoever. But as I logged on and, say, read the Boston Globe, I learned different things.

First, I learned that Massachusetts, which has already implemented a program like this, the amount of money spent on health care has gone from 21 percent of the State budget in the year 2000 to 37 percent now. So from 21 percent to 37 percent is the amount the State of Massachusetts is now spending on health care. Well, you can only imagine the crowd-out effect that has on spending for other issues.

Well, the Governor again, as he went on and praised their program, said that there has been no problems paying for it. Well, as it turns out, and according to the paper, there's about a \$1.5 billion to \$2 billion shortfall in the Massachusetts budget. And in Massachusetts, the Governor of Massachusetts has said that the Medicaid spending is unsustainable. Hmm, that's different. So this is, if you will, the beta version of the Affordable Care Act—or as I call it, the unaffordable care act. This is the beta version of it, but it gives us an idea of what our future is going to be like.

Now, in order to deal with these costs—again, I'm quoting the Globe—it

says that “most recently dental benefits have been slashed for hundreds of thousands of Massachusetts Medicaid patients and they have lost access to their dentists.”

Now, by the way, the goals of health care reform are to provide affordable, quality health care that is accessible to all; but if you can't afford it, you eventually lose access. And I think what we found in Massachusetts is that the inability to afford is, of course, decreasing access. And it's not just the fact that these folks lost access to their dentists. Last year, folks who are recent immigrants to the United States who have been enrolled upon Medicaid in Massachusetts were disenrolled. So, if you will, this Massachusetts Medicaid program that has grown from 21 percent of the Massachusetts budget to 37 percent and still growing, now the cost is being controlled by denying access.

Now, we also mentioned a third goal of health care reform, which is quality care. You know, there's actually now concerns about the quality of health care afforded by Medicaid. If you will, there's a study recently reported in the Archives of Surgery in which someone looked at the outcomes of patients covered by Medicaid, Medicare, private insurance, or uninsured. As it turns out, they say, of all four groups, the cost and length of stay associated with Medicaid was longer than the rest.

Also, mortality rates—now, that's a way to say how many people die. Mortality rates associated with uninsured, Medicare, private insurance, and Medicaid was highest for Medicaid. So if you had Medicaid, you had a higher death rate from your hospitalization than if you're on private insurance, if you're on Medicare, and if you're uninsured.

Now, it's so counterintuitive that being on Medicaid is worse than being uninsured in terms of outcomes. Clearly, this is an issue that has to be studied further, but it certainly calls into question the very premise of using Medicaid as the basis for health care reform.

Just to make a point, under the Affordable Care Act—or the unaffordable care act—many people are insured; 20 million Americans are put on Medicaid as a way for them to be now insured.

□ 1640

And yet if we see that it's bankrupting States, it's clearly not affordable. If we see that because it's not affordable States are now denying access to care, as is the case in Massachusetts, and the care that is provided is of problematic quality, we can say to ourselves that this is not the basis for reform. It's like the antithesis of reform.

So I will yield back to you, Dr. GINGREY, just pointing out that this not only involves health care but also

involves our ability as a State to afford other things, like roads and education. And to use that State government-Federal Government program as a basis for reform does not serve patients, does not serve the States.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana, Mr. Speaker.

At this time, I want to yield a little bit of time to our colleague, a freshmen Member, a new member of the Doctors Caucus, a registered nurse from the great State of North Carolina, RENEE ELLMERS. Representative ELLMERS has worked in a medical practice with her husband, who is an M.D., and we look forward to her comments.

And at this time, I yield as much time as she may use to RENEE ELLMERS.

Mrs. ELLMERS. Thank you.

I'd like to just contribute a little bit more on the overall burden that ObamaCare places on our States in covering patients on Medicaid.

As we've seen, this has grown, especially with the recession and the undue costs to our States' budgets to provide Medicaid at no cost sharing from the patients. I think that this is a key issue. It's basically free health care for those individuals at taxpayer expense. And it's just a huge strain on our States' budgets, as my colleague has pointed out.

One of the key factors—and very important, certainly very important in health care—are the preventative mandates. Certainly preventative medicine is a way that we can all heal, that we can all be looking for those issues that can down the road prevent excessive costs. But such things as no copays or deductibles for colonoscopies, mammograms, such things like this is there again, an undue cost to our States at taxpayer expense. It's just too much of a burden.

You know, I want to help everyone. I think that everyone should be able to have health care. As we know, if you pull up to an emergency room in any hospital across the country, you will receive health care. So the misnomer that there are those individuals who are not receiving health care is really an untrue statement.

Now, of course, you're going to receive a bill for that care. And I think that just as if you go to the grocery store and you have your cart full of groceries when you check out, you have to pay for it. It's the same thing with health care. Health care is a business, and someone has to pay for it.

But when we continuously pass this cost on to our taxpayers and, of course, our State budgets, it is just unbelievably difficult; and, of course, that is what ObamaCare does. It increases the number of patients on Medicaid, and it is just an unsustainable cost.

Mr. GINGREY of Georgia. If the gentleman would let me reclaim my time

for just a second, and then I will yield back to her.

Colleagues, look at this first slide again, the heading, “Who Is the Boss?” And of course we've already talked about Boss Hogg. And I said at the outset, the Federal Government is the boss. But there are one, two, three, four, five bullet points under that. And this is really what Representative ELLMERS is referring to in regard to the Federal Government putting all of these mandates onto the State budgets.

159 new boards, agencies, and commissions created by ObamaCare to support the boss, the government—159 new boards. Sixteen thousand new IRS agents help the boss, the government, enforce the new law. That's a report from the House Ways and Means Committee.

The Secretary of Health and Human Services, Kathleen Sebelius, under this law, this 2,400-page monstrosity, is given broad new powers to run ObamaCare—rulemaking, regulatory authority. No wonder the doctors and their patients are scared to death.

And then, of course, the new Director of CMS, the Committee on Medicare and Medicaid Services, Dr. Donald Berwick, a brilliant man, a Harvard-trained doctor, M.D., written several books. Unfortunately, in those books, Mr. Speaker, he talks about rationing of care. This is a paraphrase of a quote: It's not if we ration; it's how we ration.

And, again, these are the things that we have great fear of.

The CBO actually, in this last bullet point, Congressional Budget Office, nonpartisan, says it will cost between \$5 billion and \$10 billion just to hire all of these new employees needing to help the boss, the government, run ObamaCare.

Mrs. ELLMERS. I would like to expand on some of the points that you're making there.

We're basically talking about the same issues, and we can see what an increase in costs this is going to be and how incredibly difficult it would be to put this in place. And, you know, this isn't yet another situation where the good intentions and well-meaning intentions that are put forward to help this situation are just truly not the answer.

You know, basically, how do we increase the access to health care coverage? Medicaid is not the route to take. There again, it passes too much cost on to our States and it is not—it is an imperfect situation. And I'll expand a little bit on the Congressional Budget Office numbers.

Very conservative estimates indicate Federal spending for Medicaid is expected to reach \$427 billion by 2019. And the Congressional Budget Office notes the program will consume more than 4 percent of GDP by 2050.

You know, one of the unintended consequences to this—you know, we

were talking about some of these bad situations, poor outcomes. One of the things that we're seeing right now, unfortunately, in health care as we move into this transition into ObamaCare is the decrease in Medicaid reimbursements to physicians. They're not very good to begin with, and I would say that that's probably going to decrease to doctors and hospitals as we decrease the reimbursement to hospitals especially.

This will basically—we were talking about the possibility of rationing of care and knowing that this is down the line and the quotes, of course, that we see from Centers for Medicare & Medicaid. But basically what we're seeing here is that physicians will be forced to have to stop taking Medicaid patients.

As we all know, physician offices are businesses. They're small business owners. They have staff that they have to pay. They have payroll that they have to meet. And, unfortunately, when faced with a situation like this—we're already seeing it with Medicare as well; physicians, you know, having to dial back on the number of Medicare and Medicaid patients that they're seeing. This ultimately will not help the situation and get that health care for the American public that we're looking for.

If this is the answer—well, let's just say it's not the answer. We're creating another problem with this solution. And once again, how will we deal with that down the road, with these incredibly large numbers of costs that we're passing on to our taxpayers?

Mr. GINGREY of Georgia. Reclaiming my time, Mr. Speaker, again, I thank the gentlewoman from North Carolina and hope she'll stay with us during the remaining portion of the hour, and I'd like to yield additional time to her later in the hour.

At this time, I would like to yield to another freshman Member, another physician Member, Mr. Speaker, and also I'm proud that he is a member now of the House GOP Doctors Caucus. And I will yield time now to my good friend from Indiana, Dr. LARRY BUCSHON.

Mr. BUCSHON. Thank you, Dr. GINGREY.

Mr. Speaker, I rise today to talk about how ObamaCare will hurt my State and ultimately hurt my patients. And I would like to start with an example of the Medicaid program.

As a cardiothoracic surgeon in Evansville, Indiana, I see a lot of patients from neighboring States because we're right in the corner next to Illinois and Kentucky.

□ 1650

Many of these patients are Medicaid patients and, without treatment, face grave results. However, every year the Illinois Medicaid program runs out of money in September, October. They don't have enough money to fund the

entire year. And what does that mean? That means that without denying any patients care that they need and deserve, my practice was forced to delay billing to the Medicaid system of Illinois. And then once the new fiscal year came into play, about 50 percent of those claims were subsequently denied by Illinois Medicaid. So those patients that came over for our services, they don't have quality health insurance, Mr. Speaker.

Some physicians in my community don't even bother to bill the Medicaid program in some States at all. This is an example of the broken Medicaid system, a system that has many issues focusing on the access to quality health care. And it was said earlier you see the outcome difference between Medicaid and private insurance patients because we have an access and quality problem with these patients, a system that ObamaCare will break even more by adding millions of Americans to the States' Medicaid rolls. It's estimated that this may cost the State of Indiana as much as \$3.6 billion to cover these folks.

From Indiana we have an innovative and effective solution, and that's called the Healthy Indiana Plan. Beginning in January 2008, uninsured Hoosiers between the ages of 19 and 64 started enrolling in this plan, a consumer-driven health care plan. The Healthy Indiana Plan operates on an 1115 demonstration waiver from CMS, the Center for Medicare and Medicaid Services. Due to the program's success, the State of Indiana would like to use the Healthy Indiana Plan as a coverage vehicle for the newly eligible population under ObamaCare. This has been requested by my State Department of Health and Human Services, but to this point we have not heard a response about whether this will be possible. And I am hoping that we get a response in the positive direction because this is a great program.

The plan is for citizens that earn less than 200 percent of the Federal poverty level and works on a sliding scale for individual contributions, based on the ability to pay, that cannot exceed more than 5 percent of his or her gross family income. Each participant is enrolled in a health savings account valued at about \$1,100, and will not make copays except for non-emergency use of the emergency room. And believe it or not, this program reimburses providers at a Medicare, not Medicaid, level. This gives citizens a financial incentive to adopt healthy lifestyles and personal responsibility to make their own health care decisions.

Healthy Indiana Plan is an innovative, market-based, consumer-driven plan that is working. In a recent survey, 94 percent of Healthy Indiana Plan participants are satisfied with the program, and 99 percent indicated they would re-enroll. There is data in the

fact sheet that I have included in the CONGRESSIONAL RECORD showing the success of this plan both for patients and for the State of Indiana.

It's a commonsense, market-based solution to a broken Medicaid system that ObamaCare does nothing to fix, but only further burdens my State, and all States, and will ultimately continue to hurt patients' access to quality health care in America. So I would urge everyone to review what the State of Indiana has done with its Healthy Indiana Plan.

With that, Dr. GINGREY, I thank you.

The Healthy Indiana Plan is a consumer-driven health care plan for uninsured Hoosiers between the ages of 19–64. The program began enrollment in January 2008, and operates under an 1115 demonstration waiver from the Centers for Medicare and Medicaid services (CMS). During the first two years of the program, HIP served 61,797 Hoosiers.

WHO IS COVERED?

HIP is for uninsured Hoosier adults between the ages of 19–64. Parents or caretaker relatives of children in the Hoosier Healthwise (CHIP) program are likely candidates for HIP.

Eligibility Requirements: 1. Earn less than 200% of the federal poverty level (FPL). A single adult earning less than \$20,000 or families of four earning less than \$40,000 likely meet the basic financial requirements. 2. No access to employer sponsored health insurance coverage. 3. Uninsured for the previous six months.

PLAN STRUCTURE

A POWER (Health Savings Account) Account valued at \$1,100 per adult. Contributions to the account are made by the State and each participant (based on ability to pay). No participant pays more than 5% of his/her gross family income.

Sliding scale for individual contributions (based on % of gross family income): 0–100% FPL: 2%; 100%–125% FPL: 3%; 125%–150% FPL: 4%; 150%–200% FPL: 4.5%–5% (Caretaker relatives/parental adults in this income bracket contribute 4.5%, and the childless adults contribute 5%).

No co-pays except for non emergency use of the ED.

Providers are reimbursed at Medicare, not Medicaid, rates.

PLAN BENEFITS

A basic commercial benefits package, once annual medical costs exceed \$1,100.

Coverage for preventive services up to \$500 a year at no cost to participants.

Services include: physician services, prescriptions, diagnostic exams, home health services, outpatient hospital, inpatient hospital, hospice, preventive services, family planning, and case and disease management.

Mental health coverage is similar to coverage for physical health, and includes substance abuse treatment, inpatient, outpatient, and drugs.

HIP does not cover vision or dental. HIP also does not cover pregnancy services, as these services are available through the existing Medicaid program.

WHY A POWER (HSA) ACCOUNT?

Personal Wellness and Responsibility (POWER) Accounts give participants a financial incentive to adopt healthy behaviors that keep them out of the doctor's office. When they do seek health care, participants will seek price and quality transparency so they can make value conscious decisions.

If all age and gender appropriate preventive services are completed, all (State and individual) remaining POWER Account funds will rollover to offset the following year's contribution. If preventive services are not completed, only the individual's prorated contribution (not the State's portion) to the account rolls over.

PROGRAM RESULTS & PERSONAL RESPONSIBILITY

HIP members, in general, have demonstrated the personal responsibility emphasized by the program.

Lower ER Use: Some HIP members do not make POWER account contributions due to CMS income-counting guidelines. HIP members required to make POWER account contributions: 9% decrease in ER use in 3 months; 15% decrease in ER use after 6 months. HIP members not required to make POWER account contributions: Initial 5% decline in ER use after 3 months; no additional decline in ER use.

High Generic Drug Utilization:

HIP generic drug utilization: 80%; comparable commercial population: 65%.

High Use of Preventative Care: 76% of HIP members received their required annual physical in the first year of the program. Use of preventive services was significantly higher than the traditional Medicaid population in Indiana: 445.4 well care visits per 1,000 (HIP caretaker adults); 281.8 well care visits per 1,000 (HIP childless adults); 195.2 well care visits per 1,000 (Indiana Medicaid adults).

Strong Personal Responsibility: 97% of members made their required POWER account contributions during program year one. Individuals can be removed from the program for failure to make POWER Account contributions within 45 days. Once removed from the program, an individual may not re-enroll for 12 months.

High Member Satisfaction: 94% of HIP participants surveyed said they are satisfied with the program, and 99% of respondents indicated that they would re-enroll in the program.

IMPACT OF THE AFFORDABLE CARE ACT

The Affordable Care Act maintenance of effort requirements turned HIP into an entitlement program for adults. Despite funding limitations (HIP was funded through an increase in the cigarette tax), the State cannot limit the number of parental enrollees. Therefore, the State is not currently enrolling childless adults on the wait list.

Due to the success of the program, the State would like to use HIP as the coverage vehicle for the newly eligible population. Indiana has asked for direction from CMS (May letter to Cindy Mann) and has not received any official guidance.

The success of the program depends on its innovative market-based, consumer-driven structure. There is concern about whether or not CMS will allow the program to continue in its current form.

For more information: www.HIP.in.gov.

Mr. GINGREY of Georgia. I think, Mr. Speaker, the good doctor is pointing out some things that our colleagues on both sides of the aisle and the American people need to understand. This plan that was just described to us by Representative BUCSHON, the Healthy Indiana Plan, it's so typical of what the States are capable of doing, Mr. Speaker, if they're allowed to do that.

But we have great concerns, and when I say "we," I am talking about

the governors of all 50 States, be they Republican or Democrat, and the territories, to be told by the boss, again, that, no, you can't be an incubation center, you cannot be innovative in regard to developing a health care plan for those who can't afford to purchase health insurance on their own and they qualify for safety-net programs like the Federal-State shared program Medicaid.

And the States, Indiana, my own State of Georgia, Governor Herbert testified before the Energy and Commerce Committee today in regard to what he is doing in Utah. In fact, they had already set up exchanges at the State level 5 or 6 years ago, long before this Patient Protection and Affordable Care Act even was on the drawing board.

But when you have things in the bill, when the boss writes a section of the bill that says States, it doesn't matter that you have to balance your budget, we don't at the Federal level, but we're going to dictate to you that you're going to have to start covering Medicaid constituency up to 138 percent of the Federal poverty level. We're going to put that into law. That's part of this new law ObamaCare. And you have no choice. Now, we're going to give you a little breathing room, and we're going to say it's not going to start for a couple of years, indeed January of 2014 you have got to expand your Medicaid rolls from the typical State covers 100 percent of the Federal poverty level. This goes up to 138 percent of the Federal poverty level.

And the boss says, well, we'll pay all of it with Federal dollars for the first couple years, but we're going to phase that out. And then, oh, yes, guess what happens, the boss adds eventually at the end of the day \$60 billion to State Medicaid costs. And also there is a section in the bill, Mr. Speaker, that tells the States, and it's called maintenance of effort, you can't change one thing that you currently do in your Medicaid program to prepare yourself for this tsunami. If you're covering today 185 percent of the Federal poverty level, you can't all of a sudden say, well, gosh, you know, we're going to have to lower that to 150 percent and put some oats away and get ready for that real rainy day in 2014.

We heard from another governor today in that hearing—there were three—Governor Deval Patrick of Massachusetts was one, and Governor Haley Barbour from Mississippi, Mr. Speaker, was the other. And Governor Barbour was saying that a couple of years ago he instituted a program in the State of Mississippi that would make sure that people that were on the Medicaid program were eligible, that they deserved to be there. They weren't eating somebody else's lunch, as the expression would go. They weren't illegal immigrants. Their income wasn't too high to make them eligible for this safety-net program.

And of course, Mr. Speaker, as we all know, thank goodness, income from year to year can get better. We're still waiting for that to happen. I think ObamaCare and some of these other policies that we're seeing over the last 4 years is preventing that from happening. So Governor Barbour would make people come and face to face verify that they were still eligible from year to year. As I understand it, this rule, this maintenance of effort would prohibit—he has already done it in Mississippi—but in any other State, as an example, to make sure your rolls were clean and were you covering the people that were eligible and that really needed that care.

□ 1700

This is the kind of thing that we are dealing with, and why we are talking about this tonight and why we are talking about it so passionately.

Mr. Speaker, I yield to my colleague from Tennessee, Representative DIANE BLACK, another new Member, a delightful new Member, also assuming leadership positions and going to do a great job here in the House.

Mrs. BLACK. Thank you.

Mr. Speaker, I rise today as a registered nurse who worked in emergency rooms and caring for patients. I also rise as a former member of the Tennessee General Assembly who saw firsthand the devastating effects of TennCare on our State and was a part of the group, of the effort, to dismantle it.

Finally, I rise today as a representative of the Sixth District of Tennessee, where my constituents have told me over and over how they do not want ObamaCare bankrupting our Nation and getting between them and the doctor.

Mr. Speaker, I know that the health care industry, and I know that the new health care law, is not the solution to our problem. Pretty soon, the health care law will be the problem. I know this because for many of us in Tennessee, the President's new health care law is like a bad dream all over again.

And let me tell you what I mean. Tennessee was the pilot project for universal health care and the experiment was called TennCare. Put simply, the experiment failed.

After TennCare passed, we watched the cost grow exponentially, and those of us in the legislature knew that if we did not do something, TennCare was going to bankrupt our State and, much like ObamaCare, the sheer size of TennCare was more than government could handle. The government could not perform all of the functions of the medical insurance industry. Promises of care and access were made, and promises were far beyond what our State could possibly do.

It didn't take long before TennCare became riddled with waste and fraud

and abuse. I can remember talking with people who had gone from doctor to doctor and specialist to specialist using TennCare to fill more than 50 prescriptions. Yes, 50 prescriptions is what they would put in front of me and tell me that TennCare was paying for, and it was all on the taxpayer's dime.

TennCare became the monster that even the creators could not control. Today, TennCare is gutted, only available to a small group of people, and Tennessee has been brought back from the brink of bankruptcy.

Last month, Republican Governors wrote to ask the administration to "waive the bill's costly mandates and grant States the authority to choose benefit rules that meet the specific needs of their citizens." The Governors were asking for commonsense solutions like waiving provisions that punished consumer-driven plans like the most popular plan and the cost-effective plan of health care savings accounts. Give the States the ability to do what States can do best, and that is to determine what's best for them.

But the President shows no sign of granting States some flexibility in how they will apply ObamaCare. And only yesterday, President Obama said he is supporting letting the States propose their own health care plans by 2014. However, that would be only if he will not change the mandates for the States in the current law.

So in one side of his speech he says, yes, he will allow some flexibility. On the other side he says, there still must be certain mandates.

Mr. GINGREY of Georgia. If the gentlewoman would yield, it is kind of like you can keep what you like until you can't. That's what we are seeing, and that's why, as I pointed out earlier, that 733 waivers, just this year in 2011, had been grant happened by Secretary Sebelius to try to fulfill that promise, but they can't do it. They can't keep up with it. There is a need for a new waiver every day.

Mrs. BLACK. Dr. GINGREY, as you said, States will still be forced to comply with benefit levels and mandates that are set by Federal bureaucrats, not by the States themselves. That certainly doesn't give States rights.

Secretary of Health and Human Services Kathleen Sebelius has already said that if the State were to propose its own plan that they will be forced to provide comprehensive, comprehensive coverage, and that coverage will be defined by government. So much for being able to keep your plan or for the States to make a determination on what plan best suits them.

Now President Obama wants every State to live through its own version of TennCare. With ballooning budgets for each State and no way to curb their health care costs that will cripple the States during a time of already strapped budgets, it's simply unacceptable.

Mr. GINGREY of Georgia. I would say it's unconscionable and unacceptable.

Mrs. BLACK. We averted this disaster in Tennessee by dissolving TennCare and now, as a Member of Congress, I will work to stop this financial and fiscal disaster that ObamaCare will bring to our Nation. This health care law must be replaced, and I believe this House can do it.

Mr. GINGREY of Georgia. I thank the gentlewoman from Tennessee. I failed to mention, of course, that she is also a part of our GOP House Doctors Caucus and, as she pointed out, a registered nurse for many years in a great Volunteer State, so we appreciate Representative BLACK being with us tonight.

Before I yield to our next speaker I wanted to, Mr. Speaker, go back to this current chart. I wish I had brought a magic marker. I didn't. But I circled this, I guess, third bullet point because I think it's really telling in regard to what's happened at the State level as a consequence of the provisions of ObamaCare.

And this bullet point says the boss, the Government, the boss prohibits 16 million patients from buying private insurance by trapping them in Medicaid, and that's really what they have done, Mr. Speaker. By expanding the Medicaid eligibility from 100 percent of Federal poverty to 138, that means that a lot of the folks out there today who are uninsured can't afford health insurance; they are not eligible, they are not poor enough, if you will, to be eligible for their safety net program known as Medicaid.

In the Federal Government, the boss comes along with this idea of letting people buy their health insurance in an exchange in each State, maybe over the Internet. If they are low income, then they get a Federal subsidy, not a Federal-State subsidy, but a Federal subsidy.

Well, clearly as the Democratic majority and President Obama were crafting this thing, they figured out, well, you know, if we can shift more of these people into the Medicaid program where the States have to pick up some of the tab, then we will get them off our back. You know, we will lower the cost. We will make this thing work.

Unfortunately, the poor States, and they are poor, all have to balance their budgets, and the Federal Government doesn't. That's why we owe \$13.4 trillion, and now they are even talking about us wanting to raise the debt ceiling so we can borrow some more money. It's a smoke and mirrors game, maybe even a Ponzi scheme, in my opinion, Mr. Speaker.

Mr. Speaker, at this time, I want to yield to another member of our GOP House Doctors Caucus, the gentleman from west Tennessee. I don't know whether the area is called Pell Mell or

Pall Mall—maybe he will describe it to us when he stands to speak—but I am talking about a fine physician, a family practitioner, Dr. SCOTT DESJARLAIS.

Mr. DESJARLAIS. Thank you, Dr. GINGREY. I hail from Marion County, which is South Pittsburg, would be the hometown.

Before coming to Congress I had the opportunity to serve the people in Tennessee as a primary care physician. In 1994 Tennessee embarked on an experiment with the Medicaid program, which became known as TennCare. Unfortunately, it never accomplished its goal of improving on the flawed Medicaid system.

□ 1710

To the contrary, it became a breeding ground for waste, fraud, abuse and inefficiency. I witnessed the frustration of my patients, my staff and myself as we struggled to combat this bureaucratic web that forced us to spend time navigating administrative hurdles rather than focusing on quality care.

Another problem that rapidly evolved was over-utilization of the system. Often, only one family member was ill, but other family members were requesting to be seen simply because it was more convenient than making other arrangements for the non-ill member, such as children, to be cared for elsewhere. This also became, and continues to be, a problem in the emergency rooms. There is no cost difference to the patients, so there is no disincentive to utilize the ER for non-emergent care. In fact, this is a national problem, with up to 80 percent of ER visits being deemed nonemergent. This leads to much longer wait times in emergency rooms for those patients who are critically ill. It should also be noted that ER visits are obviously much more expensive than office visits, further driving up the cost unnecessarily.

A simple solution to improving the problem of over-utilization would be implementing a nominal copay system in which office visits cost something like \$5 per visit and ER visits might cost \$20. This simple step would likely have far-reaching effects to reduce costs, over-utilization, and thus increase availability of care for those who need it. We should see TennCare as a warning of the many problems that a government-run health care model creates.

There are certainly issues with our Nation's health care system that need to be addressed, and the GOP Doctors Caucus has no shortage of good ideas on how to make health care more affordable and expand coverage. But what we stand firm in saying is that ObamaCare is not the answer to the problem, but, rather, it creates an even bigger problem.

Mr. GINGREY of Georgia. I thank the gentleman from Tennessee, and I

thank him for making sure that I know exactly what county and counties he represents. I know it's a great State and a great part of the State, and we are very proud of the good doctor.

At this time, I want to yield to another freshman member of their class of 87 strong. It's a fantastic class, Mr. Speaker. We are awfully proud of each and every one of the new Members, but especially those who have that health care background, that experience to come to this body, to this Chamber and to this town and bring some professional expertise. We don't have all the answers, Mr. Speaker. And I'm proud of these physician colleagues of mine because they're not know-it-alls, but they know what they know and they know it well.

At this point, I would like to yield time to the gentlewoman from New York, an ophthalmologist, Dr. NAN HAYWORTH.

Ms. HAYWORTH. Thank you, Mr. Chairman.

I observed, sir, that you have brought a sign to the floor that talks about stealing America's liberty. One of the fundamental problems that I perceive, and I'm not alone in this, but in this entire scheme, if you will, that is represented by the Affordable Care Act, as it has been called, is that there was a failure to understand the very nature of American medical care. When it's at its best, and we recognize—every colleague of mine, all of my Republican and medical colleagues have also appreciated certainly that we want to see all Americans have access to good, affordable care and to have affordable, portable health insurance. That's not in dispute. So we honor those goals. But the means by which the ACA endeavors to achieve those goals go against the grain of the American culture. Our culture is one that has always allowed us to choose, that has allowed us to pursue, in terms of our medical care, the very best that the world has to offer in terms of innovation and quality, motivation, incentive to invent and to do better. The American medical consumer, our patients, expect no less than the best, nor should they receive anything less than the best.

That's a very different way of thinking about care in a consumer society than is the case in so many other systems around the world that were cited as exemplars when the ACA was being formulated. We do not have, I can tell you from my experience with patients who have had care, who have lived in Europe for variable periods of time, some Americans who have spent sojourns in Europe because of business obligations and working with colleagues from Europe, historically it is rather a different model than we have here. American doctors are accustomed to jumping and doing and doing all they can and doing it fast, and my colleagues can certainly attest to that.

It's a little bit different sometimes overseas. They have a different kind of medical culture. Patients don't expect quite as much. It's not the same sort of thing that we have here. And indeed, that is consonant with the fact that there isn't any other country's dream necessarily as there is an American Dream. My mother is from England. She came to this country in 1948 because she was very distressed by national health care. There is no British dream. There is not necessarily a German dream or Japanese dream. But there is an American Dream.

Mr. GINGREY of Georgia. If the gentlewoman will yield, Mr. Speaker, what the gentlewoman from New York is referencing is something that I have heard from people in other countries that have government health insurance. And they say, well, I'm real happy with my government health insurance. And I know what's going on over here. And I'm thinking, my goodness gracious, you're happy? What are you happy about? Well, you get to see the doctor within 5 minutes, and you always come out with at least three prescriptions.

Now, if that's the definition of success, Mr. Speaker and my colleagues, that's not what American, good old U.S.A. medicine is all about. It's time, quality time, spent with that doctor, and maybe no prescriptions.

Ms. HAYWORTH. Thank you, and precisely the point that I'm agreeing on with you and that I think we all have driven to philosophically is that we need to have solutions that empower our doctors, our patients and our providers to do all of them, to have the best and to do the best. And consumer-based solutions are possible. Our Doctors Caucus is working very hard on providing those ideas. Real liability reform has to be part of this. We cannot possibly continue as we have been. That was a glaring omission from the ACA.

In addition, we need to recognize, appreciate and act upon the knowledge that our medical care can cost less. We do need to pay attention to costs, but we need to empower our patients, our doctors and our providers to use their best judgment, not empower something like the Independent Payment Advisory Board to make those decisions for us. That is a very dangerous thing and something that Americans will find very distressing and disturbing. And the inevitable result of the ACA is that, and you can trace it out, but we will end up having less choice. The government will make decisions for us. They will be decisions we don't like. We need our consumers and our providers to be able to make those decisions.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlewoman from New York, and I appreciate her time.

If my clock watching is accurate, I think we may have 8 to 10 minutes re-

maining, and I will try to conclude. I would like to see if my colleagues would like to weigh in with additional comments. We do have time if any of those that are still on the floor would like to bring some more enlightenment into this subject.

I yield to the gentlewoman from North Carolina.

Mrs. ELLMERS. Thank you, Mr. Chairman.

I think we've come to the point now where we do need to discuss that ObamaCare is not the answer. We have all discussed this over and over again. I would say that it's probably a good reason that I was elected because I ran on repealing it—that and cutting taxes and cutting spending. And it all ties in together.

Those of us who are in health care have been aware of the need for reform for quite some time. I think any of us can say that we've seen the costs increase. We've seen the cost of health care insurance increase. And yet we've all felt that our hands were tied. We didn't know how to address it. The bureaucratic system, as my colleagues have pointed out, just dealing with billing and trying to get the care for patients alone can just take over your office.

□ 1720

We have seen these things. We know there are problems that exist, but we all agree that it needs to be a patient-centered, doctor-nurse-patient relationship that we have to be putting forward. And it has to be in the private sector. There are ways to do this. There is a role for government in it, especially when we are talking about Medicare, Medicaid, and those who are unfortunate. We want everyone to have health care. But there are ways we can address it.

It is not a health care crisis; it is a crisis of culture. We have to change the culture that we are dealing with. We want everyone to have affordable health care, and there are simple solutions we can put in place to do that.

Mr. GINGREY of Georgia. I am so glad that I called on the gentlewoman from North Carolina and she brought up this point, colleagues, because what RENEE ELLMERS just said is absolutely the truth. We are not on this side of the aisle, and those Democrats who agree with us, we are not opposed to reforming the health insurance industry, to eliminating abusive practices such as canceling policies after the fact or denying children with preexisting conditions, and that is exactly what the gentlewoman from North Carolina was referencing.

The pledge to repeal ObamaCare is because in our humble opinion it is too bad to fix. That doesn't mean that when we replace it, and we may have to do it piece by piece, bit by bit, that we don't incorporate some of the things in

there that most people would agree are good, like allowing youngsters, young adults, Mr. Speaker, to stay on the health insurance policy of their parents until they are 26 years old. With this economy and the destruction of jobs because of bailouts and stimulus, trillions of dollars that don't work, unfortunately, our young college graduates have no job to go to; otherwise, they would have health insurance from their place of work. So they darn well need to stay on their parents' policy until they are 26, and maybe until they are 36 if we don't quite get our act together and quit spending and get this economy going.

Let me yield quickly to the gentleman from Tennessee, Dr. ROE, my OB-GYN colleague from Tennessee.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

When I came, as we all did, doctors, physicians tend to look at a problem. When a patient comes in, the first thing we ask them, Dr. GINGREY: Why are you here today? It is a fairly obvious question. It is called the chief complaint.

When I came to Washington, D.C., I asked the same thing about the American health care system. I said: What is the problem with the American health care system? I thought there were probably three.

Number one, it was too expensive. The cost of health care had skyrocketed way above inflation so it is way too expensive to come see a doctor or go to the hospital.

The second issue I saw you just brought up was that there was a segment of our population that didn't have access to affordable health insurance coverage. These are not the very poor who had access in my State to TennCare or in other States to Medicaid, but these are folks who are out working. Maybe they are a carpenter and their wife stays at home. Or maybe they have a job, a small business, where they can't afford it. So there was that segment that didn't have it.

Lastly, there is a liability crisis in America. Our friends on the other side, our trial lawyer friends can tend to say that is not the case, but let me give you a personal example. When I started my medical practice, probably about the same time you did, Dr. GINGREY, it cost \$360. That was the first baby I delivered in 1977 that I got paid for. I was out of the Army and out of my training, \$360. My first year's salary was \$32,000. That is what I made my first year in practice. I delivered 260 babies that year; a lot of babies. The next year I was up to \$60,000 a year. My malpractice was \$4,000 a year. When I came to Congress 2 years ago, the malpractice in Tennessee for an obstetrician was \$74,000. And there is no value that we get, that patients get from that. We will go into that when we have another hour.

But the thing about the ObamaCare plan that bothered me was it did nothing to bend the cost curve. If you looked at this and if you look at plans that have been out there in the past, Medicare, for instance, came on board in 1965 as a \$3 billion program; \$3 billion in 1965.

The estimators, there was no Congressional Budget Office then or folks who make these estimates, but the government estimators at that time said in 25 years this will be a \$15 billion program. The actual number was over \$100 billion. And today it is over \$500 billion.

In Tennessee, we noticed we had the same problem 20 years ago. We have been through all of this before. Unfortunately, no one here chose to listen to us in our Doctors Caucus. We said we had lack of access and we had prices rising back in the 1990s, the early 1990s, exactly the same debate that we are having today except today it is more severe than it was.

We spent \$2.6 billion on TennCare in 1993. In 2004, 2005, just 10 budget years later, it was up to \$8.5 billion. The cost had tripled.

So when you see these cost estimates—and remember that the same CBO, and these are good folks. I'm not pointing the finger at them. It is very hard to do what they do. They are given a set of data. They crunch the numbers and they hand them to us. They only missed this year's budget deficit by \$400 billion in 1 year. So I am to stand here and believe, looking at these other examples I have just given you, that this is going to be budget neutral in 10 years? There is no way it will be.

I know we have a lot to discuss. I'm sorry I was a little late. I had some folks from the great University of Tennessee in my office to see. I look forward to continuing this discussion.

Mr. GINGREY of Georgia. Dr. ROE, we appreciate you being with us. I know the time is rapidly coming to a close.

But, Mr. Speaker, I guess the last slide basically says it all, cuts right to the chase: ObamaCare steals Americans' liberty. Our forefathers intended certain basic rights—life, liberty, pursuit of happiness—to be inalienable—that means can't be taken away from you—and consider them self-evident and universal.

ObamaCare lets the boss steal liberty from every American by forcing them to buy health insurance whether they want it or need it or not. We can encourage them to have it and try to make it possible and affordable. But to force them to do it, the next thing we know, everybody will be eating broccoli by government edict because it is healthy, it is healthy food. They are going to have a hard time getting me to eat broccoli.

But I am telling you the judge in Florida, Judge Vincent, and the judge

in the Commonwealth of Virginia, Judge Hudson, they got it right. We need expedited processing of those suits so the Supreme Court will tell the American people this is unconstitutional and will not stand.

With that, Mr. Speaker, I yield back the balance of my time.

50TH ANNIVERSARY OF THE PEACE CORPS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Madam Speaker, today, March 1, marks the 50th anniversary of the United States Peace Corps. In 1961, President John F. Kennedy, together with Sargent Shriver, established the most remarkable, long-lasting, and incredibly successful United States Peace Corps. On the announcement of the establishment of the Peace Corps, countries around the world clamored to have Americans of all ages come to their country and assist in the economic development of those countries.

To date, over 200,000 Americans have followed that call to service and have served in over 130 countries. Today, some 77 countries have Peace Corps volunteers and another 20 countries request the presence of Peace Corps volunteers.

My wife, Patti, and I are proud returned Peace Corps volunteers. Joining me today to celebrate this 50th anniversary are two other returned Peace Corps volunteers. And together with SAM FARR, who unfortunately cannot join us this evening, we comprise the four Members of Congress who are returned Peace Corps volunteers.

□ 1730

I would like to call upon my colleague from California, MIKE HONDA, to join us here to express his own experiences of his work here in Congress and how his Peace Corps experiences may have reflected upon his work.

MIKE, if you'll join us.

Mr. HONDA. Thank you, JOHN.

As a returned Peace Corps volunteer, I rise to recognize the work of the Peace Corps on its 50th anniversary. The Peace Corps has played an instrumental role in establishing prosperous foreign relations while fostering cross-cultural understandings. Countries from all over the globe celebrate the contributions of the Peace Corps and look forward with anticipation to its continued growth.

In representing the Ethiopian Caucus here, I was in Ethiopia a couple of years ago and traveled extensively through Ethiopia during the 8 days I was there. I ran across some folks in the upper part of Ethiopia, and we

talked about the Peace Corps. Immediately, a lot of the young people there brightened up, and asked, Do you know GARAMENDI? It was at that moment I remembered that our colleague GARAMENDI had served in Ethiopia. What struck me the most were the memories of people and the fact that we touched them in their youth. The influence that we had on the young people in the different countries had stayed with them, and they have become leaders in their own right in the countries in which we served. The same happened in El Salvador. I'm sure the same happened in Somalia where our other colleagues had served their time.

The Peace Corps provides a unique opportunity for volunteers to help some of the most impoverished people in the world, work that changes their global perspectives.

I had met another person at Stanford University. He was a visiting scholar. He was not much more than 5-foot 1-inch, articulate in English and Spanish, who said that he was an aberration of statistical probability. In saying that, he meant that he was a young boy in the mountains of Peru and that it was a Peace Corps volunteer who had touched his life, who had allowed him to learn more about himself and his country, which pushed him to learn English. Because of the Peace Corps volunteers, he was able to go to school.

His name was Alejandro Toledo. He became the President of Peru. Now he is a visiting scholar and is also looking at running again and perhaps serving his country. He not only serves his country; he serves all people of this world by the fact that he was able to express the idea that he was probably an aberration of statistical probability and that he had attained a position on the global stage, a leadership position, because of Peace Corps volunteers.

This story is replicated over and over again with the over 195,000 volunteers who have served. Yet I just want to pay special attention to Sargent Shriver, the person who made the selfless commitment and took the visionary leadership in creating a pioneering organization that provided opportunities for young people and that provided them opportunities to grow in themselves. Filling Sargent Shriver's shoes will always be difficult.

President Clinton was right when he said that never has America had a stronger warrior for peace and against poverty than Sargent Shriver. Sargent Shriver, himself, said it best when he said that the Peace Corps represents some, if not all, of the best virtues of this society. It stands for everything that America has ever stood for. It stands for everything we believe in and hope to achieve in this world.

So I want to thank my colleague for putting this together. I want to thank my friend Mr. PETRI, on the other side of the aisle, for his friendship. We say

"the other side of the aisle," but I think that the aisle does not exist with our relationships and with our commonality within the Peace Corps.

The Peace Corps allowed me to grow up. The Peace Corps allowed me to believe in myself. The Peace Corps was responsible for my being here today to be able to speak fervently and hopefully convincingly in encouraging other young people to serve this country through the Peace Corps. It will be 2 years that you will never ever regret—years I would never exchange for 10 years of regular life in this country.

I thank you.

Mr. GARAMENDI. Congressman MIKE HONDA, thank you so very, very much.

Let me now turn to my colleague on the Republican side, TOM PETRI, who also served.

TOM, if you could share some of your experiences with us.

Mr. PETRI. Yes, I am delighted to have the opportunity to join with my colleagues in recognizing the 50th anniversary of the founding of the Peace Corps.

It was my pleasure some 25 years ago to work with the fellow whose picture is up by the podium, Sargent Shriver, on some of the arrangements for the 25th anniversary of the Peace Corps. They'd had a gala reunion and a program at the Kennedy Center with such luminaries at that time as Harry Belafonte and many others. It was a memorable occasion.

Sargent Shriver, of course, was a great leader in many different areas. I met him in a reception line awhile back. He didn't really much like, though, that I'd said, So great to meet Arnold Schwarzenegger's father-in-law. He really didn't want to be known as Arnold Schwarzenegger's father-in-law. He wanted to be known, and is known, as the most dynamic director of the Peace Corps and for many others of his works—with Mrs. Shriver on the Special Olympics and for a variety of other good works that he did with his life.

We all have our Peace Corps experiences. I had the opportunity to serve in the neighboring country to Ethiopia, which was Somalia—a troubled place now. It was a great experience, though. People ask about the Peace Corps, and I always say that one of the things you have to remember about the Peace Corps is that you get a lot more out of it than you really give. You're serving other people, but you're learning. You're learning about another culture; and at the same time, you're learning about your own country and your own experiences because of the points of contrast.

What a wonderful thing it is that America has now tens of thousands of people who have served in the Peace Corps, who have returned and who now are working in every walk of life—working in international organiza-

tions, working in business organizations, knowing different cultures, knowing different languages—thereby providing a dimension to our own national life that we would otherwise not have if we did not have people who had had the experience of serving in the Peace Corps.

There is one other thing. I still can remember the quizzical but interested reaction that so many people in Somalia or, I'm sure, anywhere in the world had: Who are you? Why are you doing it? Explain that to me again.

The spirit was kind of catching, and they would participate in all kinds of little volunteer activities and things that they hadn't necessarily thought of doing themselves.

Of course, the Peace Corps volunteers are not representatives of the American Government. They are representatives of the American people. That was always emphasized very, very strongly to all of us as part of our Peace Corps training. The way we were living was among the people, not behind these diplomatic bunkers that we sometimes see in the world today. You're experiencing life in the country in which you're serving.

One thing, just as an example, is that Peace Corps volunteers, of course, do their assignments, but they're also people who do volunteer work of one kind or another. One of the big hits was when I was in Mogadishu in the Peace Corps. I was with two other people who were Peace Corps lawyers at that time, and there were about 50, 60 people who were teachers. Some were community health workers, and some were community school construction workers. They would come to Mogadishu for a couple days off, for vacation time, when school was down, that kind of thing.

□ 1740

And five or six of them got together and started playing some American young people's music. And the next thing you know they were invited to a restaurant in Mogadishu. Crowds of hundreds of people gathered, and it was the sensation of the town for a couple weeks. Of course they couldn't be paid for doing this sort of thing, but they might have gotten a couple of free meals from the restaurant and that kind of thing. What a wonderful, sort of natural way of building bridges. The people in this country had never really seen something like this. They weren't on a tour for any of these international shows, and they just thought it was the most wonderful thing to see live music played by American Peace Corps volunteers. And that was the face of America that they were presenting in this country, and it was one that I think has served our Nation very well.

So thank you again for giving me the opportunity to participate in this Special Order that you've organized to

mark the 50th anniversary of the United States Peace Corps.

Mr. GARAMENDI. TOM, thank you so very much for your experiences. What year were you in Somalia?

MR. PETRI. I was in Somalia in 1966-67.

Mr. GARAMENDI. Those were the same years that Patti and I were in Ethiopia, and we served in the far western part of Ethiopia in a very small town.

Mr. PETRI. We were there during the peaceful years between the two countries. The Peace Corps had been in Somalia and then had been pulled out because war erupted between Ethiopia and Somalia. The people on the Horn of Africa have very close and great respect for each other but also a strong rivalry. It's a very interesting thing to learn about.

Mr. GARAMENDI. Well, that's exactly the case. And it's not unusual to find wars going on. But as MIKE HONDA was talking about the President of Peru, who started his climb up the economic and educational ladder as a result of his experience with a Peace Corps teacher in Peru, the same thing happens in the countries in which you and I and other Peace Corps volunteers serve.

I recall in 1999-2000, when the war broke out between Ethiopia and Eritrea, a group of us became interlocutors trying to figure out how to get these two countries to settle up. And because we were able to stand on the shoulders of so many Peace Corps volunteers that had served in those countries, we were able to meet with the President of Eritrea and the Prime Minister of Ethiopia in two separate meetings and just talk to them about peace, about why they were fighting, why this war was going on that killed nearly 100,000 soldiers at that point. And it turned out that they were willing to talk to us. The reason was that in their high schools they were taught by Peace Corps volunteers, and they had this trust. They knew we didn't represent the American Government. They knew that we were there searching for peace as we had when we were volunteers. It turned out that those conversations led to the essence of the settlement of that war, the peace treaty.

And I'll never forget a day when—actually, a gentleman who's here in the gallery at the moment, Chic Dambach was one of our team, and another fellow, Mike McCaskey, who was then the president of the Chicago Bears, he was part of our team. We sat down with the foreign minister of Ethiopia, and we were talking about where we served in the Peace Corps and Mike was saying he served in the northern part of the country. And the foreign minister said, what school? And Mike described the school. It turned out that Mike was the teacher for the foreign minister, and

immediately there was a connection. That connection then led to the meeting that we had with Meles and the conversation that ultimately led to a peace treaty. Our role was ended, but the African Union carried on.

Those are the relationships that count. We never know when they're going to materialize. It's quite possible that the people that you taught may one day be the leaders in Somalia once again. And these are the foundations upon which the Peace Corps breeds.

Thank you so very much for joining us. I know that you have another appointment that you need to get to. But the experience of a Peace Corps—and my wife, when she was the associate director of the Peace Corps, would often say that a Peace Corps volunteer leaves to search for peace and returns, and throughout one's life, continues that process. Our work here in Congress is part of that. Thank you so very much for your service and joining us this evening.

Mr. PETRI. Thank you for organizing this occasion.

Mr. GARAMENDI. The interest in the Peace Corps is not just shared by those of us who are return volunteers; it's also served, and the interest is found, by others.

I'd like to invite here to the well a colleague of mine from California, Congresswoman LOIS CAPPS, who represents the Santa Barbara area up into Santa Maria. Would you care to join us? Thank you so very much for doing so.

Mrs. CAPPS. I thank my colleague, Mr. GARAMENDI, for inviting me to join him here and for bringing the likeness of Sargent Shriver, the first director, so that I can stand next to him and pay tribute to him as I am speaking about the importance of the Peace Corps as I have experienced it.

This is such an important anniversary, the 50th anniversary of the founding of the Peace Corps—actually, this day, apparently, that's what you mentioned in your remarks, Mr. GARAMENDI. And you were joined by two Members of Congress who probably were influenced to become Members of Congress by—in fact, one, Mr. HONDA, just spoke, and he said it's because of his experiences in the Peace Corps he could say honestly that that's why he is now serving in Congress. And I've heard others of our colleagues say that as well. And both Mr. HONDA and Mr. PETRI speak eloquently, as you do, Mr. GARAMENDI, about the effect of this experience on you. And I have seen it firsthand from friends of mine.

I don't think it's possible to say enough positive about this wonderful organization. So having a Special Order this evening is an opportunity for us all to come together and celebrate the commitment of the United States Congress to communities around the world as they experience,

through volunteerism, through ordinary citizens of this country who volunteer to share in the life and experience of a culture different from their own. As the Peace Corps celebrates its 50th anniversary, it's clear that this work that our citizens and volunteers have done is never more important than we see today, and also more relevant to what's going on in the world today.

I am very proud to represent a congressional district, the 23rd in California, with a very active Returned Peace Corps Volunteers community. The alumni association numbers well over 150 members and they are active in our community. And I know firsthand also, knowing several of them—many of them—that the community has been strengthened because of their experiences in the Peace Corps, and they readily testify to that.

And at the University of California in Santa Barbara, my home town, this campus consistently ranks towards the top of U.S. colleges and universities for volunteer recruitment among its young graduates. When I have the opportunity to meet with folks from the Peace Corps administrative office, the first thing they always mention when they find out where I'm from is the high concentration of former and future volunteers from my congressional district. And so I know that on the south and central coast of California, with these alumni living and working among us, the importance of service, community, and open mindedness, values that the Peace Corps holds dear, these have influenced the way our civic life is conducted in our country as these Returned Peace Corps Volunteers bring their experiences in their service abroad back to their home communities and places of business. It's a win-win on both sides of whatever body it is that separates us from our countries around the world.

There is an institute on my campus that I'll reference, it's named for my husband, but it's called the Capps Center for the Study of Faith, Ethics and Public Policy. They sponsored an event—in fact, they had a series of events this past fall celebrating the 50th anniversary of the Peace Corps. And on one of those occasions it was a privilege to welcome Aaron Williams, who is the National Peace Corps Director, to Santa Barbara, and in doing so to pay tribute to the Peace Corps. But also, the Capps Center invited three former Peace Corps volunteers to honor their service, but also to invite them to form a panel discussion so the rest of us could listen and respond and have questions about their own experiences. One of them was Sarah Chayes, who is a former NPR, National Public Radio, correspondent. She is a prominent author and founder of the Arghand Cooperative in Kandahar, Afghanistan. She spoke of her early experiences in the formation of the Peace

Corps. She served in Morocco from 1984 to 1996.

Also present to be recognized and also to participate in the discussion was Gordon Radley. He is the former president of Lucasfilm. He served in Malawi from 1968 to 1970 and then again in western Samoa in 1979 and 1980.

□ 1750

The third person who spoke—I just acknowledge these people because they're examples of community leaders in the country who were influenced so tremendously by their experience in Peace Corps. One whom I know well, because he's a constituent of ours in the congressional district but also with his service, is Thomas Tighe. He is the President and CEO of a very influential organization called Direct Relief International, which provides emergency services, disaster aid to countries around the world. It's headquartered in Santa Barbara. And before Tom came to this position, he served as the Peace Corps associate general counsel and was the chief of staff and COO of the Peace Corps. He, himself, served in Thailand from 1986 to 1988.

I mentioned these three because now the Library of Congress is collecting these stories from previous volunteers, and I think it's a great idea that the anecdotes and vignettes that Peace Corps volunteers remember so poignantly from their time of service can be woven into the Library of Congress archives and there for permanent record.

Some of us in Congress, Mr. GARAMENDI, are old enough to remember the passion and enthusiasm from these 50 years ago when President Kennedy announced the creation of the Corps, the idea that Americans from all different backgrounds and walks of life would have an opportunity to work for and to learn from other cultures. You know, in that time, that was a fairly radical concept. But I marvel—don't you?—at how far we have come.

Since 1961 when the first volunteers went abroad, nearly 200,000 volunteers have served in over—in 139 countries around the world. These are talented and selfless Americans who have made lasting contributions in agriculture, in business development, in sustainable infrastructure, in education, in health, in combatting HIV and AIDS, in working to protect the environment around the world. Collectively, each volunteer's work represents a legacy of service that has become such a significant part of America's history and the positive image that we have abroad.

I know that Mr. FARR is going to speak probably after me, and he has just joined the group. He and I are part of an organization here in Congress which has some connections to the Peace Corps. It's called the House Democracy Partnership. And last week we traveled actually literally around

the world. One of the places we were, one of our partner countries whose parliament we work with closely is the country of Indonesia.

For many years, the Peace Corps was not there. And now, just this past year, volunteers have been welcomed back. We had the chance to meet these active volunteers as we have met during visits to other countries with our work in the House Democracy Partnerships. Some of the countries are Malawi and Indonesia, and we've taken gifts. Sometimes occasionally we'll have a constituent serving there, so a family will ask us to bring some item that this person has wanted.

It was because of Mr. FARR's insistence that we invite four of the current volunteers. They've just come back, the presence of Peace Corps in the country. I know, Mr. FARR, I hope you'll expand upon this. The four had dinner with us who were visiting. Here we were in Surabaya, a coastal community in a large city actually in Indonesia, and these four young people who are teaching English as a second language in the high schools in the region came and shared some of their stories with us. It moved me then as it has over the years as I've heard these stories. And to see these young faces—not all Peace Corps volunteers are young, I know that. But these are young people who just were caught with zeal and enthusiasm with what they were doing.

During times of both war and peace, our volunteers through Peace Corps have exemplified some of the best qualities that this country has to offer the world: generosity, tolerance, hard work, ingenuity, friendship, and compassion. They have exhibited critical attention to detail and an unwavering commitment to sustainable development. These are talented people who really are a beacon of the goodwill that we want our country to stand for.

So I'm offering tonight, and I'm standing right next to the likeness of Sargent Shriver, as I offer my sincerest congratulations to the Peace Corps on its 50th anniversary that we all join in celebration.

I want to take the opportunity to encourage anyone who is thinking about it to serve either abroad or find a way in one's own community to serve with this kind of volunteerism.

I appreciate the leadership you've shown, Mr. GARAMENDI, in calling us together. I want to thank you and my colleagues in Congress who add so much to your service as colleagues of mine by this history that you share. You can add this to the kind of Peace Corps volunteerism that you did when you were younger, and it is a spirit that I know has never left you.

So I got a signal from Mr. GARAMENDI, and it is really a tribute, because Mr. FARR is a dear friend but also my neighboring congressional district Representative, and he never

misses an opportunity, whether he's at home or abroad, to bring up the topic of serving in the Peace Corps. And how fitting this evening, Mr. FARR, that you are here to add your words to and your stories to this celebration.

I'm going to yield the floor, if it is okay with Mr. GARAMENDI, right directly to you.

Mr. FARR. Thank you very much, Congresswoman LOIS CAPPS. I'm so fond of you and the service you give in your wonderful district, the Santa Barbara and San Luis Obispo County coastlines.

Yes, I was with Congresswoman CAPPS last week when we hosted, in Surabaya, dinner with Peace Corps volunteers. And what struck me is, one, some of their assignments were much tougher than the one I had in a barrio in Medellin, Colombia, back in the 1960s, that women live with Muslim families because Indonesia is the largest Muslim country in the world. They teach in schools.

Very interesting how, and essentially progressive even, those Muslim schools were, allowing the American women not to have to be covered and to essentially be themselves and represent this country, and how fond the students are of their teachers and the faculty of the teachers. So Peace Corps was there.

And it's interesting that, as we pay tribute on the 50th anniversary, there's no age limit to joining the Peace Corps. We're in, I think, 77 countries now. We're about half our full size. We once were 15,000 volunteers. We're down to 7,000. Growing. Congressman GARAMENDI and myself and others have been working to try to increase the Peace Corps budget because it's the only thing that's standing in the way between more volunteers being overseas.

There's 20 countries that want Peace Corps. There's 20,000 people that apply to the Peace Corps. And there's only, every year, about half of 7,000, so about 4,000, 3,500 jobs available. So only one in three or four ever can get a chance to get accepted, and that's not fair. And we need to double the size of Peace Corps.

And lastly on that point is that it costs, I think it's for every soldier we sent to Afghanistan, we could send 12 Peace Corps volunteers abroad. So we really get a good bang for our buck.

Why I rise tonight and I will try to be quick before I give it back to Mr. GARAMENDI is to, on behalf of all four of us who are returned Peace Corps volunteers now serving in Congress, we circulated a letter asking the President of the United States to issue a proclamation honoring the 50th anniversary of the Peace Corps. It was signed by 136 Members of Congress.

Today, on the 50th anniversary of the Peace Corps, the President of the United States said the following:

"In 1961, President John F. Kennedy signed an Executive order establishing

the Peace Corps”—remember, Executive order. It wasn't done by a congressional act; it was a Presidential act—“establishing the Peace Corps, forever changing the way Americans see the world and the world sees us.

□ 1800

“Today, one of President Kennedy's most enduring legacies can be found in the over 200,000 current and returned Peace Corps volunteers who have collectively given over a half a century of service to the cause of peace. On its 50th anniversary, the United States Peace Corps remains an enduring symbol of our Nation's commitment to encouraging progress, creating opportunity, and fostering mutual respect and understanding throughout the world.

“Over the past five decades, Peace Corps volunteers have served in nearly 140 countries, bringing a wealth of practical assistance to those working to build better lives for themselves and their communities. From the first group of volunteers to arrive in Ghana and Tanzania in August of 1961, they have been emissaries of hope and goodwill to the far corners of the world, strengthening the ties of friendship between the people of the United States and those of other countries.

“Living and working alongside those they serve, volunteers help address changing and complex global needs in education, health, HIV/AIDS, business and information technology, agriculture, environmental protection, and youth development. With each village that now has access to clean water, each young woman who has received an education, and each family empowered to prevent disease because of the service of a Peace Corps volunteer, President Kennedy's noble vision lives on.

“In our increasingly interconnected world, the mission of the Peace Corps is more relevant today than ever. Returned volunteers, enriched by their experiences overseas, bring a deeper understanding of other cultures and traditions back to their homes here in the United States. The lasting accomplishments of the Peace Corps continue to strengthen the partnerships with leaders in countries around the world.

“This year, we also mourn the loss and pay tribute to the extraordinary life of Sargent Shriver, the founding director of the Peace Corps. The impact of his decades of public service will echo forever in countless places across the globe that have been touched by the Peace Corps.

“On this anniversary, we honor the men and women from across the country who have carried forward our Nation's finest tradition of service, and we rededicate ourselves to fulfilling the dream and continuing the work of all those who aspire and yearn for peace.

“Now, therefore, I, Barack Obama, President of the United States of

America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby claim March 1, 2011, as the 50th Anniversary of the Peace Corps. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities that honor the Peace Corps and its volunteers, past and present, for their many contributions to the cause of global peace and friendship.

“In witness whereof, I have hereunto set my hand this 28th day of February, in the year of our Lord 2011, and of the Independence of the United States of America the 235th. Barack Obama.”

So in that honor I am very pleased that my colleague and friend from California, JOHN GARAMENDI, has asked us to pay tribute to the Peace Corps on its 50th anniversary. And I yield to my good colleague, who had the wisdom to set up this moment of special order.

Mr. GARAMENDI. SAM, if there was wisdom it was because you suggested it. Don't run off. I would like to ask you a couple of questions about your service.

SAM, the President's words were very touching to me, and I know they were to you, because we were part of the Peace Corps, and we still are, not so much because of our role here in Congress, but rather because once you are a Peace Corps volunteer you never leave the service of peace. Talk to me about where you served and the work that you did as a Peace Corps volunteer.

Mr. FARR. JOHN, I went into the Peace Corps right after graduating from college in 1963. I knew I wanted to be called for that service. I had done Air Force ROTC in college, and I worked overseas for a cousin who had a factory in Argentina. It was my cross-cultural experience. And I realized that once I got bitten by wanting to see other languages and other cultures, that when the Peace Corps was announced, that's what I would do. And I thought when I left the Peace Corps—when I went in, I thought when I leave I will probably come back and be a high school biology teacher.

My background had been in science. And I went to do urban community development, which just means we were listening to what we call the felt needs of very poor people in a very poor barrio that didn't have any water or lights. And we were taught, and it was very interesting, because it's been probably one of the best teachings I have ever had in my life is don't go down there and just tell them what you want do based on your values, because you are going to be in a country that doesn't have infrastructure. Your main thought and idea will be about cleanliness because you haven't lived in dirt before. And you don't have garbage pickup and you don't have that infrastructure. Don't let your values not allow you—open your eyes and your

ears and listen. Look before you leap. And that was really great advice, because I think in politics you really do have to be a good listener.

So we listened to the community, and what they wanted to do was first build a soccer field. I thought that's odd. I played soccer, but I have no idea of the dimensions of a field. I don't know how you do this. It didn't matter. It was just like, okay, they need a motivational force. I am there. I said, okay, how do we do this? Got some shovels, got some picks. Where do you want to do it? And we did it. What was interesting is they had never worked together in a community project. So the teachings there were community development, how do you get together. And from there on we went to build schools, and we put in sewers, all by hand by the way.

And we had to go downtown to the municipal government to get the sewer pipes and to get bags of cement. So that petitioning of government, going down, and a long story but quickly, it woke me up to thinking I am in another country, I can't vote here. I am petitioning government. I won't be able to vote for or against it. We have got poverty in America. The book had come out, “The Other America,” which showed there was a lot of poverty in the United States. Why don't I go home and petition my own government to right wrongs? And here I am in the United States Congress.

Mr. GARAMENDI. Before you arrived here, you spent many years in the California legislature, where I had the privilege of working with you. You started the discussion about your own Peace Corps experience by answering the call to action, President Kennedy's very famous call: Ask not what your country can do for you, but what you can do for your country. I know that for you and for myself, and even more so for my wife Patti—

Mr. FARR. You did it even more so, because you were married, you were a rock star athlete out of California, you were at the University of California Berkeley. And to be married and to take that risk, sort of walking away from what was just the ideal life to go off to Ethiopia must have been an incredible pull.

Mr. GARAMENDI. Certainly the pull personally, but much more important than that was the pull that Patti exerted upon me. I had an opportunity to play professional football, but turned that down to get married and to spend a 2-year honeymoon in the far western part of Ethiopia, where there was no running water, and we literally lived in a wattle, which is a mud-walled home with a corrugated tin roof and an out-house out back. And it turned out to be the most marvelous honeymoon, and it's still going on now some almost 46 years later. So it was a beautiful opportunity for us to serve.

And then the rest of what you said is a Peace Corps volunteer never leaves a life of service. We transform it into many, many ways. LOIS CAPPS talked about three or four examples from her own district of returned Peace Corps volunteers and the way they inserted themselves into their communities for service, and in one case international food.

Mr. FARR. Would you share for me, I got here a little late, maybe you already did, but I think you did one of the most remarkable diplomatic missions ever in being asked to come back to Ethiopia with some colleagues of the Peace Corps by the president of the country to see if you could help to settle the dispute with neighboring Eritrea. And as I recall, it was a band of Peace Corps volunteers that put that peace agreement together.

□ 1810

Mr. GARAMENDI. Well, it really speaks to the thousands of Peace Corps volunteers that worked in Ethiopia and Eritrea. In the late nineties, a war broke out between those two countries.

There is, here in Washington today, well over 100,000 people from Ethiopia and Eritrea. They were getting riled up and choosing sides. Those of us that served in Ethiopia, together with Chic Dambach, who is here in the gallery, set out to try to get these people here in the Washington area to work towards peace rather than to get into an argument amongst themselves over which country was right or wrong. From there we very quickly found ourselves invited to travel to both Ethiopia and Eritrea, where we were able to meet with the heads of state.

In both cases, the team that was assembled, there were five of us, myself, I was then just leaving Federal Government service as the Deputy Secretary of the Interior. Mr. Dambach had just left the Returned Peace Corps Volunteer Association, the National Returned Peace Corps Volunteer Association, a Federal appellate court judge who had served in Ethiopia who was then on the bench in Arizona in the Ninth Circuit; Mike McCaskey, who was then the president of the Chicago Bears; and another fellow who was deeply involved in African relief issues.

We journeyed and we sat down and met with first the President of Eritrea and had a 3-hour conversation with him about the war and why the war was underway, what his goals were.

We then traveled to Addis Ababa, Ethiopia, where we met first with the foreign minister of Ethiopia, who actually was a student of Mike McCaskey. They talked about it, and there was this bond that was immediately established between them.

Shortly thereafter, the foreign minister arranged a meeting with Prime Minister Meles, and, again, we spent nearly 3 hours with him asking him

about the war from his perspective, what there was. It came to the five of us that there was a way to find peace, that there was a path that could bridge these differences that these two countries had that at that point had resulted in nearly 100,000 soldiers, both Ethiopia and Eritrean, having been killed in that war.

We turned that information over to the Organization of African Unity, which was then working towards some sort of a settlement. And, shortly thereafter, within a couple of months, the basic elements of the peace treaty were developed, and they were based upon the work that we had done. There was some more back and forth that took place. But our team was invited to Algeria for the signing of the ceremony of peace.

So the work for peace really never ends, and I know you are doing it here in Congress.

Mr. FARR. It's one thing to be a Peace Corps volunteer. It is one thing to bring two nations at war together living in peace because you are Peace Corps volunteers. I think that's a great tribute. You mentioned Chic Dambach. He was a student of mine when he was going into volunteer service in the Peace Corps in Colombia.

It seems that you and I have developed a great fondness for Chic. Maybe he is more important than either of us because he has been so instrumental in your life and what happened in Ethiopia and Eritrea, and was instrumental in my life in Colombia. I am glad he is here tonight because he really is part of the Peace Corps legacy.

Mr. GARAMENDI. There is another example of an individual who has dedicated his life to peace. He now heads up an organization that is a consortium of nongovernment organizations that are dedicated to searching for peace in countries around the world and trying to resolve disputes before they come to war.

We would just be derelict in our duty if we didn't make a heavy-duty pitch here for people to join the Peace Corps.

Everywhere I go on campuses, people, the young men and women that are graduating, and older people—I think 7 percent of the volunteers today are over 50 years of age. The next election may give us an opportunity to return to the Peace Corps. Who knows what will come of that.

But whatever your age is, the Peace Corps offers you an opportunity to serve.

Mr. FARR. I would also like to mention that we could use a lot more Peace Corps volunteers because of these countries that want us. They want us to come in for the first time, they want us to grow. Vietnam is interested in getting the Peace Corps.

We were just in East Timor. They were there. We were pulled out due to unrest. They are now in peace. They

want them back. Surabaya in Indonesia, there are, I think, 18 volunteers there now. They could grow that to hundreds of volunteers. The country wants it.

But the one thing we have to do here in Congress is give them more money. Frankly, I want to really salute the President of the United States, because in these tough fiscal times, where everything else has to be cut back, this year he has asked Congress to give the Peace Corps more money than we gave them last year, and that's one of the bounce-up programs.

We have gotten strong bipartisan support on this, and hopefully in this Congress, which is going to be mostly a cut, squeeze, and trim Congress, we don't throw the baby out with the bath water, as you said. What an incredible opportunity at a time when peace might be breaking out in the Middle East. They are going to need a lot of this. They are going to need a lot of community development.

You are going to need people to understand. I mean, I could go on for hours at what I just saw in East Timor where women had, three, four, five babies in houses with no electricity, mud floors, before anyone got to them and said, you know, you need to go through a prenatal discussion and some postnatal treatment. Even in that poverty, what they are just trying to do is sequence the babies so they won't be born so quickly one next to another because there is a high risk of low birth rate.

You know who is there right on the ground doing that—that is what the Peace Corps does. So the need, the war on poverty never ends.

The war, or the path to peace, the process for peace, as we have seen hopefully breaking out in the Middle East, that we can get a democratic society, they are all going to need teachers, and as we need them here at home we need them abroad. Teachers and not just traditional reading, writing, and arithmetic but teachings of health care and HIV prevention and so on. And I know you and Patti have dedicated your lives to that work and what a wonderful way to celebrate on this 50th anniversary.

Mr. GARAMENDI. And as you were talking about Peace Corps volunteers working with young families, our son and daughter served in Paraguay in the Peace Corps, and her work was precisely that, working with her families in her community in Paraguay. They were also in a rural area working on family health on the issues of raising children, healthy children, and providing them with information about how they could better take care of their families and have a better life.

Our son was involved in community development work. Our two daughters also served in the Peace Corps, and for young men and women, and others who

are not so young, the Peace Corps offers an incredible opportunity to serve the world, serve this country, and to serve the needs of individuals in a one-on-one relationship in some 77 countries now, and hopefully with a small increase in the Peace Corps budget, which stands just at \$400 million.

You issued, you gave a statistic earlier in your discussion that is really, I think, important. For every soldier that we send to Afghanistan, we could send 13 Americans somewhere in the world to work on the issues of poverty, the issues of education, social development, societal development, and peace. So it's a 13-1 ratio, a great investment.

Aaron Williams is the current Peace Corps director. He was a volunteer in the Dominican Republic from 1967 to 1970, served 3 years.

Mr. FARR. He met his wife there too. They are happily married. So some Peace Corps volunteers come home with new families.

Mr. GARAMENDI. There are many, many opportunities that the Peace Corps develops and yes, indeed, they can come home with a new family or wife. You are quite correct about Aaron.

There are 8,655 volunteers, as of today, serving in 77 countries, urban, rural, in all kinds of work. Just some of the statistics are, I think, interesting; education, 37 percent. We were teachers and community development. Actually, Patti and I were involved in the smallpox eradication program, Ethiopia being one of the last countries to eradicate smallpox.

Health, HIV/AIDS, was 22 percent. Business. Do you want to be a graduate of Harvard Business School and really get some experience? Fourteen percent of the volunteers do that.

Mr. FARR. We had small business development in Colombia. There was also a whole bunch of people working on educational television, which the country was implementing and needed teachers who knew how to do that, and technicians on how to run the studios and set it all up.

□ 1820

We also had architects helping design public facilities and parks. You don't work on your own. You work with host country counterparts who are professionals like you are.

Mr. GARAMENDI. I have a great example of this. A television reporter, a cameraman in the San Francisco Bay area, is about to retire; and every time I see him, he says, I'm going to go in the Peace Corps. And I say, have you gone online, peacecorps.gov, to put your application in? He says, no. And I said, well, the next time I see you, I want you to tell me that you have your application in. He wants to take his knowledge of reporting and television camera work overseas to work with countries that are developing their own

media for the purposes of providing that foundation for a democratic society. And he would be terrific. He's a great reporter.

Mr. FARR. I think that's very important. One of the things I did today, because I was in the same conversation that you were having, somebody asked me about it who was my age and wanted to know whether he could go in the Peace Corps. And I said, go look up the Peace Corps on the Internet.

Not only that. It shows every one of those countries, 77 countries, and what jobs are in that country. You can go out and look around the world and see the country you want to go to and find a job that you think you're qualified to do, and that gives you a motivation to do that. Also, not all Peace Corps volunteers live in mud huts. If you're teaching in a university or in a school in an urban area, you could be in a much more comfortable, middle class setting than people out—the image of sleeping in a hammock in a mud hut. So it's all kinds of opportunities, just depending on the skill sets of you, the individual, and the needs of the host country.

We are always there as a guest being asked by the country to be there, and we do the jobs they ask us to do. And, frankly, I think we have enough innovation, as you and I found out, that sometimes if the job isn't working exactly as they described, you just look around and see what else is needed and adapt yourself. That's a lot of fun. That's a lot of creativity and I think a lot of satisfaction for the volunteer.

Mr. GARAMENDI. SAM, we're just about out of time.

Today, March 1, 2011, marks the 50th anniversary, the 50th birthday of the United States Peace Corps. It's been an incredible organization all of these years. Over 200,000 Americans have served, both young and old, in some 139 countries. And so for all of those out there that want to do something very, very special with their life, well, you can Google it or you can go directly to peacecorps.gov. Put your application in and see what the toughest job you ever loved will bring to you.

Congressman SAM FARR, thank you so very much for joining me this evening, for TOM PETRI and MIKE HONDA, the four of us who are in Congress that were—that remain—Peace Corps volunteers, and for LOIS CAPPS joining us and giving her perspective, a very big “thank you.”

Mr. FARR. Happy birthday.

Mr. GARAMENDI. Happy birthday, Peace Corps.

50TH ANNIVERSARY OF THE PEACE CORPS
BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA
A PROCLAMATION

In 1961, President John F. Kennedy signed an Executive Order establishing the Peace Corps, forever changing the way America sees the world and the world sees us. Today,

one of President Kennedy's most enduring legacies can be found in the over 200,000 current and returned Peace Corps Volunteers who have collectively given over a half century of service to the cause of peace. On its 50th anniversary, the United States Peace Corps remains an enduring symbol of our Nation's commitment to encouraging progress, creating opportunity, and fostering mutual respect and understanding throughout the world.

Over the past five decades, Peace Corps Volunteers have served in nearly 140 countries, bringing a wealth of practical assistance to those working to build better lives for themselves and their communities. From the first group of volunteers to arrive in Ghana and Tanzania in August 1961, they have been emissaries of hope and goodwill to the far corners of our world, strengthening the ties of friendship between the people of the United States and those of other countries.

Living and working alongside those they serve, volunteers help address changing and complex global needs in education, health and HIV/AIDS, business and information technology, agriculture, environmental protection, and youth development. With each village that now has access to clean water, each young woman who has received an education, and each family empowered to prevent disease because of the service of a Peace Corps Volunteer, President Kennedy's noble vision lives on.

In our increasingly interconnected world, the mission of the Peace Corps is more relevant today than ever. Returned volunteers, enriched by their experiences overseas, bring a deeper understanding of other cultures and traditions back to their home communities in the United States. The lasting accomplishments of the Peace Corps continue to strengthen partnerships with leaders and countries around the world. This year, we also mourn the loss and pay tribute to the extraordinary life of Sargent Shriver, the founding director of the Peace Corps. The impact of his decades of public service will echo forever in countless places across the globe that have been touched by the Peace Corps.

On this anniversary, we honor the men and women from across the country who have carried forward our Nation's finest tradition of service, and we rededicate ourselves to fulfilling the dream and continuing the work of all those who aspire and yearn for peace.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 1, 2011, as the 50th Anniversary of the Peace Corps. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities that honor the Peace Corps and its volunteers, past and present, for their many contributions to the cause of global peace and friendship.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty eighth day of February, in the year of our Lord two thousand eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

BARACK OBAMA.

PUTTING OUR NATION ON THE RIGHT TRACK

The SPEAKER pro tempore (Mrs. BLACK). Under the Speaker's announced policy of January 5, 2011, the

gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Madam Speaker, the gentleman from Iowa is pleased to be recognized to address you here on the floor of the House, and I want to express my disappointment in the gentlemen who spoke before me. I usually come here to pick up my material for rebuttal. And as I listened to you talk about your affection for the Peace Corps, I didn't come up with a single thing that I seek to rebut here tonight.

So I'll go off on the subject matter that I came to address, Madam Speaker, and that is the situation where we are in this country today with debt and deficit and the growth in government and the things that we must do to turn this country back around and put it on the right track.

This House here this afternoon voted to pass a continuing resolution that has within it an aggregate of about \$4.1 billion in cuts over a 2-week period of time that if you multiply or extrapolate that out to the end of the fiscal year, it comes in that neighborhood of about \$61 billion in cuts which arguably holds the reductions in place. But it did specifically go in and make the cuts in areas where the President had recommended those cuts. It dialed down the contention and tried to find a way to find a solution and a resolution. A list of the President's recommendations I have, but I don't think I'm going to take the time or the trouble, Madam Speaker, to read them into the RECORD. I'll just say that it suffices to show that a number in the neighborhood of \$2.7 billion would be to earmark savings, and the termination of programs saving is about \$1.25 billion, so we get to that number that's just slightly more than \$4 billion.

It's perhaps a victory. It's perhaps a success. It's perhaps a temporary one. I think most likely that it is. These cuts that were offered here today will, most likely, be met with an agreement down on the other end of the Capitol building in the Senate that is run by Majority Leader HARRY REID of Nevada. I think I saw some language in this appropriations bill that might directly affect him. That might be what helps convince him as well.

Madam Speaker, this is a short-term piece that was designed to be a period of time that would allow the Senate to mull over the House position, which is H.R. 1. H.R. 1 is the bill that has the highest priority for the Speaker of the House. It's been traditionally the case. And 2 weeks ago, this Congress negotiated, debated, and offered amendments. Some 500 to 600 amendments were filed. Nearly 200 of them were debated and voted upon. And many of them that went in were cuts in spending or prohibitions from using that spending to implement certain policies that have been since rejected by this Congress.

And, Madam Speaker, we need to remember that there was an election last November 2 of 2010. And to quote the President of the United States, he famously said after the election of November, 2008: We had an election, and we won, which means that he dictates the policy. Well, Madam Speaker, to the President of the United States, I would say, we had an election November 2. You didn't win that one, Mr. President. In fact, you declared it to be a "shellacking." It was a shellacking.

And the Republicans won the majority in this House by huge numbers. We're looking today at 87 new freshman Republicans and nine freshman Democrats, to give you a sense of the poor proportionality, or the disproportionality. The seats that were picked up have dramatically changed. The gavels all changed hands in the House of Representatives. The agenda changed. It has gone from an agenda that has been driven under the speakership of NANCY PELOSI for 4 years, of an agenda of accelerating spending, increasing government and pushing socialized medicine—which is what I have long declared ObamaCare to be. That doesn't shock anybody, Madam Speaker. It is common vernacular out in the central part of the United States at a minimum.

And so we saw this push to grow government. We saw the President participate in, as a United States Senator, and accelerate his efforts as the President of the United States in the government take-over, first promoting a \$700 billion TARP bailout program that was designed to pick up toxic assets that could have been far better picked up by the private sector if he would have just identified them and we would have exempted capital gains taxes on the profits that would be made. We would have seen private money go in and pick up these toxic mortgages in a large way and be managed—managed for a better result that would have kept more people in their homes. The list of good things goes on that might have happened had we had more free market solutions and less government intervention.

□ 1830

But that \$700 billion TARP plan was a mistake, in my view, Madam Speaker. And behind that came the call for the economic stimulus plan which was \$787.5 billion that rolled up to around \$816 billion for the economic stimulus plan. Not all of it was spent, but it was to keep unemployment below 8 percent. We know that it sailed up into the upper 9 percentile, 9.7 and above. It has dialed down now to around 9. But we have a lot of people who have given up and stopped trying.

It is clear that the stimulus plan didn't stimulate the economy at all in the way that it was described or the way it was promised to us, but it surely

added to the debt. We have seen about \$3 trillion in unnecessary spending driven by this President. We have watched as proud companies went into hock to the Federal Government and found the Federal Government engaged in managing some of those companies.

Three large investment banks were taken over by the Federal Government, at least by the power of management or influence—AIG, the insurance company, over \$180 billion that flowed into AIG to protect other investors that had an interest in AIG, the insurance company, or in policies that they had offered that were guaranteeing the return on mortgage-backed securities, Madam Speaker. So there is \$180 billion there. Three large investment banks and AIG, the insurance company.

We saw Fannie Mae and Freddie Mac transition from quasi-government to government, to taxpayer guaranteed, stepping in to play a role in the majority of the mortgage loans in the United States, guaranteed by the taxpayers.

I recall standing on this floor, the floor of the House of Representatives, October 26, 2005, listening to the most immediate past chairman of the Financial Services Committee arguing that he was never going to participate in bailing out Fannie and Freddie. And if anyone was considering buying stock in either one, they should not do so under the consideration that BARNEY FRANK from Massachusetts would be engaged in bailing them out. And so he later became chairman of the committee, and that's what happened.

We saw Dodd-Frank become law, which gives the Federal Government massive regulatory control over the financial institutions in America. We saw the government, the White House, takeover of General Motors and Chrysler. And we saw ObamaCare pass, which I have declared to be the nationalization of our skin and everything inside it. And by the way, it includes a 10 percent tax on the outside if you go to the tanning salon. That is over 51 percent of our economy swallowed up by the Obama administration and supported by the Pelosi House and the Reid Senate.

And we come to this point where America can't take it anymore, Madam Speaker. We can't take it anymore. And all over the world they know that too much spending has put America in debt. It has put our currency in question. It has put our economy in an unstable position, and it guarantees that we will be in a long, drawn-out recovery because we have the overspending. We have the debt to service, which is pay the interest. And then we also have to eventually pay off the principal. And we are borrowing from the Chinese and begging them. And we are borrowing money from the Saudis and begging them. Yes, it affects our foreign policy. We are watching a foreign policy that is a conflagration in the Middle East.

Country after country is blowing up and seeking to throw off the yoke of its long-term dictatorship ruler and replace it with—we are not sure what their ideals are, but they have hit the end of their patience line.

So here we are. Here we are with a continuing resolution that the government is operating on today that was negotiated and passed here in the House and in the Senate in December. It extended the funding for the government over until March 4 of this year; midnight, March 4, which is somewhere around Friday night, I think. Maybe Thursday night.

So there has been an action here on the floor to pass a continuing resolution to do temporary stopgap funding to keep the government running for another 2 weeks, up until March 18. And that CR has now been messaged to the Senate. And the Senate can decide if they want to take it up tomorrow or the next day, get it to the President's desk. If the President signs the CR, the government keeps running; if the President doesn't, the government shuts down.

I am watching as my colleagues seem to think that there is one data point of message for them to learn from, that because there was a government shutdown in 1995, it was one that was pushed for by Republicans, it was driven by Republicans. They wanted to face President Clinton down and insisted that they pass a balanced budget and to get to a balanced budget. In spite of all of the things that happened in 1995 and in early 1996, that was the result, Madam Speaker. They shortly had a balanced budget, and that balanced budget came a lot sooner than it would have otherwise and it lasted at least until such time we were hit by September 11 and the calamity that sent this America into an overspending binge.

I think we could have faced the calamity of September 11 without having to blow our budget in the way we did, but that is not what happened. But what did happen in 1995, if that is the only data point, I want to make this point, Madam Speaker. First of all, there are thousands and thousands of students all over America who are studying political science. Some of them are watching tonight. Some of them are reading in the paper the things that we say and we do, and they are analyzing it. They are listening to their professors analyze what goes on here in Congress, and they are listening to the instruction of the rules, the standards, the axioms that come from certain data points along the line of continuum of political history. And that one data point on that line of continuum of political history is the government shutdown of 1995, and some of it drug over into very early 1996, and the argument is that House Republicans lost that because they had to

concede their position to the President and to the Senate.

Well, it is a fact that the House had to concede. They did concede. It is also a fact that the Republicans that controlled the Senate at the time passed a unanimous consent agreement to go ahead and spend the money that was demanded by Bill Clinton and send it over here to the House. The House was in a position where they couldn't push that chain back uphill and President Clinton and the Senate got their way and imposed it over the House.

But I will still say that there is not a dime that can be spent by the Federal Government if the House of Representatives insists that it not be spent. We have to concede and go along with it at some point, or it won't be spent. And the negotiating position that was there for the House Republicans in 1995 was one that was marginally stronger because they had at least a majority in the Senate. That is the difference in the dynamics. But it was also about \$300 billion, as I recall, on Medicare spending.

So whenever you put down a dollar figure and you try to stand on that as a principle, it is a different stance than if you put something that is principle down and stand on it. For example, whether we are going to spend \$300 billion on Medicare in 1995, or 250 or 200 or 150 or 100 or no more, you will lose or gain people along that line of that continuum. If you want to cut Medicare by \$350 billion, you would lose some people that might be with you at 300. And if you move the line up \$400 billion, 450, you lose some people who might have been with you at 350 or 400.

Money is something that there is a sliding scale. You cannot find a principle there that you can stand on. It is like going to an auction and seeing something that you want. And maybe you go to the auction and you decide I want to buy a bicycle and I am willing to pay \$100 for that bicycle. If you go to the auction and the auctioneer is crying out he has a bid for \$100, now he wants \$101, do you pay that extra \$1 and go home with the bicycle, something to show for it? Or do you say, no, that was my principle. My principle was I am not going to spend more than \$100.

Well, some people live by that principle. I do, occasionally. But it is not a principle that is tied to anything that is definable from a sense of right and wrong. It is a percentage scale. If \$100 was the right number, it is only 1 percent wrong to pay \$101. If you get it for \$99, do you have any more virtue? No, you just got a bargain from what you anticipated.

But when you stand on a principle, it is a different story. The principle here that is better for the House to stand on than the principle of the \$300 billion in 1995 is the principle that we must not be funding ObamaCare willfully with

appropriations bills here in the House. We must not do so because every Republican and a handful of Democrats, and there will be more, voted to repeal ObamaCare.

We passed the repeal and sent it over to HARRY REID. Furthermore, now that that has happened, every Republican, with H.R. 1, has voted to shut off any funding that can be used to implement or enforce ObamaCare. That is also a fact. They are principled votes. They are not votes that are measured on the dollar figure. In fact, most people who voted in that fashion didn't know how much money it actually saved us for voting to repeal ObamaCare.

And it is hard for me to take a position on that. I'll just say that the chairman of the Budget Committee, PAUL RYAN, has used the words about \$2.6 trillion is the spending that is saved by repealing ObamaCare.

That is the best number we have, and I don't disagree with that. I accept that number, but it is hard to come down to something and then argue are we doing it because of the money savings. Did we vote to repeal ObamaCare because it would stop the spending of \$2.6 trillion? I think not, Madam Speaker.

□ 1840

I think it's part of it. It's part of the equation—and we can't afford it—but there are many other principles. The most important one is: ObamaCare takes American liberty, and puts it into the hands of government to manage our, I'll say, the second most sovereign thing we have, which is our bodies and our health.

That's what's wrong with ObamaCare; it's a matter of principle. It's the takings of American liberty that must be stopped. No, we can't afford it, and it's money that's better spent by doctor-patient relationships and by individuals making decisions on their health insurance and moving on down the line with those conservative principles. We need to stand on principle.

We have this opportunity here in this 112th Congress to stand on principle. The stance needs to be that we will not vote to fund ObamaCare. I'm going to add to this that neither shall we vote to fund Planned Parenthood, and I shall be looking for ways to unfund every other entity like them that promotes abortion or provides abortion as a matter of practice in their facilities. Planned Parenthood has invested in promiscuity, but that's a longer discussion than I will engage in tonight, Madam Speaker.

I do think these two issues are tied very closely together going forward in that ObamaCare funding must be shut off, and we cannot be asking our Members to vote again to appropriate funds that can be used to fund ObamaCare. Some will be saying we didn't have

ObamaCare funding in this short-term CR, just as they said there wasn't ObamaCare funding in the CR that passed at the end of December that takes us to the 4th of March, but here is the answer to this:

There are at least 21 different components to ObamaCare that are beneficiaries of funding that go into the various departments. There is no prohibition for that money going into or for being used to implement or to force ObamaCare. There are at least 21 different areas. Then when you look at the money that's in there, we discover altogether the automatic appropriations. There was something like \$4.9 billion for the balance of this year that was automatically appropriated. That's not prohibited in this CR. We didn't get it into H.R. 1, actually, either. But the 21 programs are there, and the money is there for them. I can roll those into the RECORD, Madam Speaker, but there is another component to this that is a blanket component:

It is language in ObamaCare that gives the authority to the Secretary of Health and Human Services, Kathleen Sebelius, to do intradepartmental transfers so that she can use that money to implement and force ObamaCare at her discretion. We failed to shut that language off, too.

So this appropriations bill that passed today, H.J. Res. 44, the 2-week CR, has 21 places in it that could fund ObamaCare, and it still allows for the Secretary of Health and Human Services to take intradepartmental transfers to use at her discretion, at will, which funds ObamaCare.

Then the Pence language, the Pence amendment that he has worked on so valiantly and for so long to shut off all funding to Planned Parenthood, was passed by this House in H.R. 1. It became a component of the position of the House that was delivered here at about 4:30 on a Saturday morning, a week ago last Saturday morning.

Those components, I believe, need to be part of everything we do going forward. I will stand and promote those, and I will stand with those who will stand for life. I simplify it when I say the Pence language shuts off funding to Planned Parenthood, but there are other components that also were left out.

One is the Dornan amendment, which prohibits funding for abortions in D.C. There is the Mexico City policy that shuts off funding to abortions in foreign lands, which we've always done, which is not part of it. The international population control and planning fund gets money still, along with Planned Parenthood.

This is what has taken place, Madam Speaker, in this short-term CR. Boy, it's hard for many Members to vote for it. They want to be team players, and I appreciate that sentiment. From my standpoint, I have an obligation to my

constituents and to God and country to do the best job I can to serve, and it goes in the opposite order: God, country. Constituents are right up there with country. Sometimes the best interests of my district are not always going to be the best interests of America. I haven't had that conflict that I can articulate yet, but if that comes, I'm pretty confident my constituents will understand the priority.

We have to do the right thing for the long term for our country, and the right thing is for us to stand on principle and to shut off this funding to ObamaCare, to shut off this funding to Planned Parenthood, to make sure that we are standing on solid, moral, principled ground so that we have a firm place from which we can then negotiate those things that are negotiable with the Senate, which, by the way, is a proxy for the President of the United States. So, if it can be negotiated with the Senate, it's also negotiated, in my view, with the President.

In a moment, I'm going to look forward to yielding to my friend from Texas, who has just arrived on the floor, but I want to also add this:

For weeks now, the Democrats in the House and the Democrats in the Senate have been clamoring for a government shutdown. They seem to be determined to shut the government down. They seem to think that, if there's a government shutdown, they're going to win that debate, and they're going to maybe pick up seats in the House and pick up seats in the Senate, and they'll be able to impose their government growth/government spending/expansion of debt proposals that they've been pushing for the last 4 years, which have failed and which the American people have rejected.

We should not be deluded into believing that Democrats somehow want to go through this period of fiscal austerity. They want to drive this spending up, and they want to have more excuses for increasing taxes. If government grows and taxes grow, at some point the taxes grow to the point where they consume everything, and then those business entities that I talked about being taken over by this White House become the small part of a long list of business entities that are taken over.

I've spoken of this before. On the Web site, the Socialist Web site, they say: We don't want to nationalize everything like the Communists. We're just Socialists. We only want to nationalize the Fortune 500 companies. Thanks a lot. Give the barber, the butcher, the baker, and the candlestick maker some relief. Thanks a lot for that. They want to manage the Fortune 500 companies "for the benefit of the people affected by them."

That's the unions.

The President handed shares in General Motors and Chrysler over to the

unions, who had no skin in the game, no equity invested, but he handed the shares over to them anyway. It's right off the Socialist Web site, and the Progressives that are left in this Congress adhere to the agenda of the Socialists, which is on the Web site.

But Democrats who are clamoring for a shutdown fail to understand that the American people are more sophisticated today than they were in 1995. They've seen this movie before, and they fear it ends with Republicans giving in to the demands of tax consumers. I have that same fear, but I'm encouraging all of us on this side of the aisle and those discerning Democrats who remain—and there are some—to join with us in putting an end to ObamaCare, in putting an end to funding for Planned Parenthood, in putting an end to overspending.

Let's get serious about real cuts. Let's get serious about holding the line. When every Republican in the House voted to repeal ObamaCare and when every Republican voted to unfund ObamaCare, then, by golly, that's our obligation. That's what we must do. That's what we shall do.

Madam Speaker, I'd be happy to yield to the gentleman from Texas, my friend Judge GOHMERT.

Mr. GOHMERT. I thank my friend from Iowa.

I've been listening to your well-thought-out comments. This is a serious time, not just in American history but in world history; and it's a little difficult to get beat up from our friends from the other side of the aisle over what's going on right now over a continuing resolution when there is one reason we're doing any continuing resolution—they didn't do their job last year. This was supposed to have been done last year. They didn't do it. Why?

I guess they were concerned if people saw exactly a budget that's required by law, but that wasn't done last year—they just ignored that—just like the President is now going to ignore the Defense of Marriage Act. I didn't know Presidents could pick and choose the laws that were duly passed and signed into law and just say, We don't choose to defend that anymore.

But to get beat up by people across the aisle over what's going on is a little tough to take, because they didn't do their job, and now we're having to do it.

□ 1850

And then to further get beat up over spending issues because we're trying to cut spending.

I know my friend from Iowa, as I did, voted "no" on the CR today because it didn't continue the hard-fought battle that was won in H.R. 1, where we were defunding ObamaCare. But I recall in 2005, 2006, my first term in Congress, getting beat up—figuratively speaking—by my friends across the aisle because they said, rightfully, we were

spending too much money and that we were going to run \$100 billion to \$200 billion in deficit over the amount we were going to receive in, and that that was irresponsible. Well, they were right. We shouldn't have been spending \$100 to \$200 billion more than we were getting in in 2005 and 2006. They said we were spending too much, they were right. And what happened in November of 2006? They promised they would get the spending under control if they were given the majority, they got the majority, and they immediately started spending more than we had spent.

And so here we are after a Democratic President gets elected promising hope and change, and people didn't realize that the change was going to be the few pennies left in their pockets after this government was spending so much and leaving little that banks can loan for new businesses and small businesses to hire people. So the economy is struggling. I mean, this government has sucked up all the capital that there is to create jobs and to get the economy going.

So one of the things that has troubled me is hearing people complaining about wanting to cut hundreds of billions of dollars—in fact, trying to cut \$1.5 trillion of the President's proposed \$3.65 trillion budget, \$3.7 trillion. We're only supposed to get in about \$2.16 trillion total of all Federal revenue, and this President's proposing a budget that's \$1.65 trillion more than that.

So I keep wondering, since our Democratic friends across the aisle were beating up on us in 2006 for spending too much money, what would be wrong with saying not cut \$100 billion, but cut \$1.65 trillion, and let's get back to where we were in 2006. That was only \$200 billion over what we were receiving. The Democrats were right: Republicans were spending too much money in 2005 and 2006. What would be wrong with going back to that budget? And yet here there's all this rancor over just cutting \$100 billion. And the President's talking \$1.65 trillion more than we received in?

I don't know if my friend from Iowa noticed, but 2 weeks ago when the President came out with his absolutely irresponsible budget that was going to spend \$1.65 trillion more than we brought in—not the \$160 billion more that we got beat up for spending more than, but 10 times that, \$1.65 trillion—I noticed in the paper the next day that the Chinese were selling off some of their U.S. bonds, some of the debt from our country. Well, it immediately came to my mind, if I were China and I were holding our debt, and I saw that the President of the United States, despite making almost daily speeches about how we're getting spending under control—it would be irresponsible, he says, not to get spending under control—and then he reveals his budget and it's spending \$150 billion

more than he did last year, I'd start selling off our debt too. I would be thinking these people are so crazy.

I mean, the dollar is the reserve currency of the world. Nations around the world have been advising us as friends, look, you don't realize what you're doing, but people are getting ready to dump the dollar as a reserve currency for one reason—well, two reasons: One, a lot of them are jealous, but number two, we're being irresponsible with our economy and with our spending. And so I couldn't help but vote "no" today on the CR with my friend from Iowa.

I also heard a lady yesterday talking about 30 people had lost their jobs because of ObamaCare and what this administration is doing. I've heard from people who are extremely upset back in Texas who have lost their health care just because ObamaCare has been passed. I've talked to doctors who have said, I'm done, I can't play these games anymore. I have not saved as much money as I had hoped before I retire, but I'm done. And they're giving up the medical practice. I talked to a doctor just this morning who said the very same thing.

It just keeps bringing back: If you care about people, if you care about them having jobs, if you care about their self-respect that comes when they have a meaningful job, earn their own keep instead of having the government luring them into indentured servitude status where they are servants of the government and just running around wherever they can find a government that will hand them a check and demanding checks, America deserves better.

There are people that have given that last full measure of devotion to make sure that freedom existed around here, not freedom to go begging the government for a check, not freedom to go begging the government for health care, to pass some law that we're going to take someone's money that they earned, they don't want to give up, and force them to spend on people who don't want to work. We owe them better than we've been doing.

And so when we hear our friends talking about how we shouldn't even have to go through this process, I couldn't agree more. If they had done their job, if they had cut spending instead of putting the dollar in jeopardy, putting our economy in jeopardy, then they're right, we shouldn't have to be going through this. But we have got to defund ObamaCare before too many more people lose their health care and end up having rationed care. I heard about more doctors today who are no longer taking Medicare or Medicaid. We owe all of the people across this country better than what they've gotten in the last 6 years, and what they've sure been getting the last 2 years.

These are dire circumstances, and we just can't keep this going. I mean, we

are really in serious trouble. And I know my friend knows that or he wouldn't be spending his time here when he could be doing so many other things. But I appreciate my friend from Iowa more than he could possibly know. I appreciate his courageous stands, and I look forward—I can't really say that. I don't look forward to the battles ahead, but I look forward to having a friend as we go through them.

□ 1900

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas. He sparked some things in my mind that in about the 6 minutes we may have, a little bit of dialogue with regard to that.

One point that I wanted to make about what's going on with the strategy on ObamaCare is that I've spoken significantly about how this House has voted to repeal it, this House has voted to shut off the funding to it at every single opportunity.

And if there's a strategy out there that says we're going to do death to ObamaCare by a thousand cuts, I'd ask those folks that are concerned about a real showdown with the President on ObamaCare to think about what really happened not so much in the 1995 shutdown, which I said earlier I don't think is applicable under these circumstances. There's a better issue to understand.

And that is in 1998 when the impeachment of President Clinton was brought up, when America found out about what was going on in the Oval Office and in the room next to the Oval Office in too stark of detail for the children of America to be so rushed in to the birds and the bees discussion in the way that they were, Madam Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KING of Iowa. Madam Speaker, I apologize. I didn't hear your gavel earlier.

So even though it's abrupt, I am happy to yield back the balance of my time.

WHAT CAUSED THE FAILING ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from California (Ms. SPEIER) is recognized for 30 minutes.

Ms. SPEIER. Thank you, Madam Speaker, and I appreciate the opportunity this evening to talk about something that we're not talking much about right now. We talk about the loss of jobs, the unemployment. But what really caused it?

You know, a few weeks ago the Financial Crisis Inquiry Commission actually submitted its report to Congress. The good news is that it's on the best seller list. The bad news is that I

am fearful that it's going to be gathering dust in the Chamber here and throughout this building because in this document it speaks volumes about why we are sitting where we are today; why our economy has tanked; why there are 15 million people unemployed in this country; and why there are 4 million people who now have been foreclosed on, and another 4 million who are underwater relative to their mortgages.

So this evening I am joined by the distinguished member from the Financial Services Committee, my good friend from the State of North Carolina, who is a powerful voice on consumer protection and the financial crisis that we've endured. And we're going to spend the next half hour just talking about it.

Well, first and foremost, what was this commission? This commission was a bipartisan, independent 10-member committee composed of private citizens with experience in economics, finance, housing, market regulation. They held 19 public hearings in affected communities across this country including Washington, New York, Miami, Sacramento, Las Vegas, and Bakersfield; 115 witnesses appeared before the commission in sworn public hearings, including leading figures in the crisis.

In addition, the commission interviewed over 300 people, virtually all of the key players in the financial collapse, including Angelo Mozilo of Countrywide, Richard Fuld of Lehman, and Joe Cassano of AIG Financial Products Division, and examined thousands of documents—all of which are posted on the Web. A totally transparent process.

And the single most important statement they made was this crisis could have been avoided.

Now, they gave just a few examples. The Securities and Exchange Commission could have required more capital and halted risky practices at the big investment banks, but they did not. The Federal Reserve Bank of New York and other regulators could have clamped down on CitiGroup's excesses in the run-up to the crisis. They did not. Policymakers and regulators could have stopped the runaway mortgage securitization train. And they did not.

So this document has line and verse of what went wrong. But one of the most telling parts deals with the mortgage fraud, and I would like to just put this up.

How many executives have been held accountable for their actions in this financial crisis?

As you can see, two have been criminally charged. There have been zero convictions, zero sent to prison.

Well, what happened when the savings and loan crisis occurred in this country decades ago?

The results there were much different: 1,188 were criminally charged, 915 were convicted, and 582 went to

prison. Convictions included more than 260 thrift CEOs and senior executives including, of course, the famous Mr. Keating.

So it is very important for us tonight and through the next year or two to not only study this document but to put it to paper. By "put it to paper," I mean legislate around it.

Now the Dodd bill is an incredible effort in that regard. The Dodd-Frank effort was one that we were successful in moving through; but as this report points out, there were powers that many of these regulators already had but chose not to use.

Now, the second poster talks about mortgage fraud; and the compelling information in the report that I think is important to point out is that, again, there were people that were looking at the problem and saying, Wait a minute, we need to do something about this. One in particular was the Deputy Director of the FBI who began to look at this issue and thought something is wrong here.

According to the FBI, 80 percent of the cases of fraud involves insiders. So if there was fraud being exercised in the mortgage industry, it was coming from the inside. FBI Assistant Director Chris Swecker began noticing a rise in mortgage fraud back in 1999 and in 2002 led a successful criminal prosecution against the owner of Beneficial Mortgage in your State, my dear friend from North Carolina, for selling fraudulent loans to Fannie Mae.

First Beneficial repurchased the fraudulent loans from Fannie but then proceeded to resell them to Ginnie Mae without any interference from Fannie. Fannie later paid \$7.5 million in restitution to the government for allowing the sale.

Assistant Director Swecker told a congressional committee in 2004 that if fraudulent mortgage practices became unrestrained and systematic, it would ultimately place financial institutions at risk and have adverse effects on the stock market. Boy, was he prescient or what?

So here is an interesting chart that shows how we've seen an increase in fraud reports at financial institutions.

Now, these are really undervalued. They're probably five times higher because many institutions do not actually report like they should. But what is even more disturbing is that while the number of mortgage frauds have increased, the number of actual prosecutions have slowed down. So as we are trying to kind of somehow come to some understanding of why this all happened and how do we make sure it doesn't happen again, if we don't have enforcement tools, if we don't have those who have the enforcement tools seeking to go after the mortgage fraud, then in all likelihood it will continue to happen.

So I know that my good friend from North Carolina is interested in weigh-

ing in on this issue. I think that as we discuss this issue, it's important to know, one, that there are enforcement tools, but they have to be used.

I yield to my good friend.

Mr. MILLER of North Carolina. Thank you, and thank you for organizing this Special Order tonight to talk about an issue that we should not turn our attention from because we need to remember how we got here if we're going to figure out how to get out and how to make sure we don't get here again. This has been the worst economy since the Great Depression, and we need to make sure that the mistakes that got us here are mistakes we avoid in the future.

Our colleagues across the aisle have said the great issue in American politics now is between those who want big government and those who want small government.

□ 1910

The real issue is which side government is on; and for too long, government has not been on the side of working and middle class families who are trying to make an honest living, who are trying to support themselves, support their families, do the right thing, do something useful with their lives. Government has been on the side of people who were trying to make a killing by getting themselves into a position where they can take advantage of the economy, where they can extract money, they can loot the economy, is what economists called rent-seeking, doing nothing particularly useful, but just taking a piece of other people's productive work.

There has been a lot of gloating in the last little bit about how successful the financial rescue has been, and by many measures it has been. The banks have not actually collapsed; the financial system didn't collapse. We did not have a Great Depression, as painful as this has been, but the financial collapse and the rescue profoundly offended Americans' sense of justice, and it offended my sense of justice.

What led to the financial collapse was not some perfect storm of unforeseeable macroeconomic forces and this weird combination of events that no one could possibly have seen. It really was the result, as the FCIC report concluded, it was not just preventable; it was the result of blame-worthy conduct that we should never have allowed to happen.

I first got involved in this issue, not knowing it would result eventually in a financial crisis, through working on the issue of mortgages, knowing that the mortgages were terrible for consumers, for homeowners. And the way that they had been portrayed, as a good-faith effort by the financial system to try to make home ownership available to people who could not otherwise afford it, was completely different from what was really going on with subprime mortgages.

There was an explosive growth of subprime mortgages. They grew from 8 percent of all mortgages in 2003 to 28 percent in 2006. That is enormous growth in just 3 short years. And they certainly were not about helping people buy homes who otherwise could not have afforded home ownership.

In fact, every study that has looked at it has concluded the great majority of people who got subprime loans qualified for prime loans. They got cheated. They got steered into loans that obviously were not in their interest. They weren't about helping people into home ownership.

In fact, subprime was almost entirely a creature of refinances. Seventy percent, even during that 2003 to 2006 period, 70 percent were refinances. People already owned their homes, but they needed to borrow money. Some of them lived beyond their means, there is no doubt about it. Some of them were using the equity in their home as an ATM machine. But the fact is for the last generation the means of middle class families have not been enough. Americans, as the economy has grown, as the Nation has prospered, that prosperity has not been widely shared as it has been in the past.

And so when Americans got into trouble, when they needed to borrow money from somewhere, when someone in the family got sick, when someone lost their job, when they went through a divorce, when they needed to borrow money, the only way they could borrow money was to borrow it against their home, to refinance their home. Seventy percent of subprime loans were refinances. And again, the great majority. The Wall Street Journal estimated 55 percent, most of the other estimates have been more than that, were people who qualified for prime mortgages.

Ninety percent were not fixed rate, 30-year mortgages. They had a quick reset after just 2 or 3 years. So they were 2/28s or 3/27s. Most people who got those loans did not even know that. They did not know that the initial mortgage payment that they had to make, monthly payment, was going to be subject to a very quick increase. And the increase after just a couple of years was generally 30 to 50 percent a month. To get out of the mortgage, the great, great majority had to pay a prepayment penalty, usually like 3 percent of the outstanding balance of the mortgage.

Now, those were not mortgages that were designed to help middle class families. Those were mortgages designed to take the equity in their home, to strip them of the equity of their home as house prices were going up. There was never any thought that they really would be able to pay off those mortgages over the course of 30 years and then invite their friends and family over to have a ceremony where they would burn their mortgages, as earlier

generations of Americans had done. They were mortgages that had the effect of trapping people in debt and taking from them the equity in their home and making sure that that ended up in the pockets of the financial sector, not in the pockets of the middle class families.

Other practices in that last decade that should never have happened, overdraft fees. Now, overdraft fees serve a useful purpose. In another generation, we used the criminal laws to prosecute people who wrote bad checks. There are a lot of perfectly honest folks who got themselves in just a little bit of trouble, or didn't balance their checkbooks, who ended up with prosecutions for writing bad checks. But overdraft fees became a source of profit for banks. A typical overdraft fee would be 40 bucks. The biggest banks actually developed what was called "fee harvesting software."

If you had an overdraft agreement, and you had one unless you specifically asked not to have one, and you went to an ATM machine and you asked for your balance, it wouldn't actually tell how much you had in your account. It would say "funds available." That meant how much your balance was plus what they would allow in overdraft fees.

And they would run the bills through in a way that would maximize your overdraft fees. So if you were like a lot of people and you got to the end of the month and there was more month than there was paycheck, and you went to the ATM, and you had a hundred bucks in your account, and you went to the ATM machine and you took out 20, and then you took out another 20, and then you made a \$20 purchase, and then another \$20 purchase with your debit card, and then maybe a \$15 purchase, and then you wrote a \$100 check or a \$105 check, the banks would put the \$105 check through first, putting you over your limit, charging you a \$40 overdraft fee on that and the 20, the 20, the 20, the 20, and the 15. Now, that's just crooked. And that was legal.

Ms. SPEIER, my colleague from California, has pointed out the lack of prosecutions. But perhaps the greatest scandal of this financial crisis is what was legal; not that illegality was blinked at, but what was legal in all of this.

We have now passed legislation that should reform much of this, but we have to stick to it to make sure that those reforms are enforced, they are given meaning, and that the regulators do not fall into that tendency to be controlled by the people they are supposed to be looking after. They are supposed to be the cop on the block, and they have to exercise independent judgment on behalf of the American people.

We need to make sure these reforms work because we cannot allow what happened in the last decade. It truly of-

fended Americans' sense of justice, that the people who caused it have come out unscathed. Not only have they not been criminally prosecuted, but they are now back to making the same kind of bonuses they made before. And the people who have suffered, suffered the most, are the working and middle class families who got trapped in those mortgages, or who lost their jobs, or even people who had good mortgages have now seen the value of their homes collapse. And with the loss of the value of their home, one in four people with mortgages now are underwater, owe more on their home than their home is worth.

With that, they have seen the loss of their life savings. That is the life savings for most middle class families, the equity in their home. So of course people have a knot in their stomach. They have a knot in their stomach about whether they're going to keep their jobs. They have a knot in their stomach over what they really own in the world when they have seen the value of their home collapse in the way that it has.

So I thank the gentlelady from California for organizing this Special Order so that we can call attention again to the kind of misconduct, the kind of corrupt, rent-seeking looting of the economy that we have seen in the last decade that got us to where we are.

Ms. SPEIER. I thank the gentleman. Reclaiming my time, you know, you had said earlier that our friends on the other side of the aisle were bemoaning the big government; and yet if any of the records that have been established by this commission are really studied, without the kind of government to do the kind of investigation and enforcement, then we are setting ourselves up for another financial crisis.

□ 1920

Mr. MILLER of North Carolina. I am reminded of one of my favorite quotes from Will Rogers, who is responsible for many of my favorite quotes, that in the New Deal, even after the financial collapse, even after the stock market collapse and the revelation of all of the conduct that had led to that stock market collapse, the securities industry fought tooth and nail. Wall Street fought tooth and nail the regulation of the securities markets, the stock markets.

Will Rogers said, "The boys on Wall Street don't want a cop on their block." Well, they still don't. They still do not want someone standing between them and the kinds of profits that they made in the last decade.

Ms. SPEIER. You know, you are absolutely right, and so is Will Rogers. I think that it's important for us to communicate to the American people that while we don't want bloated government, we want to make sure that there is a government that has the cop on the street.

Look at the savings and loan crisis and those who were criminally charged and those who were convicted and those who went to prison. The FBI deputy director at the time, John Pistole, testified before Congress and said that there were a thousand people working on the S&L crisis at its height within the FBI, a thousand people.

That compares to about 240 agents working on the mortgage fraud cases last year. So, you see, no numbers in terms of convictions, and you can see that if you don't have cops on the beat, then you are going to have people that are going to take advantage, that are not going to follow the rules, and that, frankly, will not be charged nor convicted for their crimes.

I am reminded, too, that during much of this review by the commission they talked about the action that some regulators did take in 2005 where they weren't willing to actually take action against the banks, but they did issue what they called was a nonbinding guidance. The guidance was to recommend the banks consider a borrower's ability to make the loan payment when the rate adjusted.

What a lightbulb going off. I mean, why wouldn't that be naturally part of the process when you were going to assess whether someone could carry the loan, to see whether or not they could carry the loan after the rate adjusted? But as you pointed out, they were all interested in the yield spread. They were all interested in churning. They were all interested in securitizing these loans and making more and more money. So it wasn't about making sure people could actually pay for the loans moving forward.

I see we have been joined by another colleague. Welcome. I yield to the gentleman from New Jersey.

Mr. PASCRELL. I didn't come to speak on this issue tonight but another issue, but I can't help but look at the graphic message that's right there in front of everybody, in front of the country, about the financial, Great Recession, depression—who was charged and how many were convicted. This is a very, very, very sad omen.

If we go back into the nineties and into the first decade of this century, very, very specific, as we understood what was going to come, you need to have a Justice Department that's willing to stand up and fight the very people who many times fund our campaigns.

Now, if you can't say it, then you shouldn't be here.

AIG is a perfect example. They became the poster child of everything that was going wrong in our financial institutions. But AIG, in 2003 and 2005—rather, 2003 and 2005, got what are called deferred prosecutions. Deferred prosecutions to me are the very center, the very apex of what is corrupt about those moneylenders in the temple.

Now, what is AIG all about? They made and packaged many of these financial deals that we read about it for so many years. And people look at this and they read about it. They may not know all the specific definitions about every one of these packages, these financial products, as they were called, but they do understand that nobody ever pays for anything, and nobody ever is held accountable.

So how can people, the average person who is struggling, particularly now, see it's all right when things are going well, the AIGs become simply a fault, a sand pebble on the beach of our brains.

But the fact of the matter is, when things get tough, then you will wonder where this money is going. Because money doesn't disappear into the ocean, it doesn't disappear into the atmosphere, into the sky. It goes somewhere and it winds up in someone's pocket. It's simple one-on-one mathematics, beyond the course.

When you look at deferred prosecutions and how many corporations got deferred prosecutions, where the government said, where the Justice Department said, look, if you straighten out and fly right, and we will have a Federal monitor there to make sure that you don't do the financial practices that you did before, then we will let you go. No one will be prosecuted, and no one will be taken to task, and no one will go to trial, and no one will, therefore, ever be convicted. My friend, it did not work with AIG, and it hasn't worked with any of the large corporations.

You know what? I don't blame one party for this. We were part of the situation as well, and until we stand and tell the truth about our own implications in this thing, this is never going to be changed.

People want to be confident in their government and their Justice Department, to get to those people who made money on the backs of the working men and women of this country.

Ms. SPEIER. The gentleman from North Carolina.

Mr. MILLER of North Carolina. Thank you very much. I think we all struggle with what phrase to use to describe the people that have been hurt by this. I think we use the words, the phrase working and middle class families, sometimes we say ordinary people. Sometimes we say regular people. But the phrase that keeps coming to me is people who are trying to make an honest living.

And I think my model for that was my own parents. I am a child of the middle class. My father worked for the post office. He managed, at the end of his life, he worked for the post office almost all of his life, almost all of his working life. He died in 1965. At the end of his life, when I was 12, he was a manager of a neighborhood branch of the post office.

After that I saw my mother support me on her own as a widow, when I was 12 forward. I remember my law school graduation, my mother trembling. I thought that she was overcome with pride since my generation was the first in our family to go to college. She later admitted to my sister that she had actually, after my father died, prayed that if her youngest, me, could just get through school, He could take her at any time. So she was expecting to be struck down at any moment and was trying to negotiate a new deal with God.

I am deeply offended by the suggestion that my parents, both of whom were public employees, my father worked for the post office, my mother was a bookkeeper for the local school system, were not making a contribution to society, that they were taking, that they were takers and not givers. I saw how hard they worked to do right by me and to do right by the people who were paying their salaries.

I am deeply offended by the arguments that public employees are people who are taking from our society and not giving back. The idea that they are takers, and the people who came up with this stuff, are the ones doing something useful to society, that they are the ones who are making a valuable contribution, offends me deeply.

Ms. SPEIER. It offends me as well.

As we conclude this half hour, I just want to say to our colleagues that this commission report must not gather dust. This commission report has got to be read by everyone, particularly our colleagues on the other side, and that we have got to take it to heart.

One of the points they make in this report was that \$2.7 billion was spent by the financial services industry over 10 years to lobby all of us, and another \$1 billion was given out in contributions to Members of Congress.

□ 1930

So, it's no surprise that the enforcement hasn't been as strong as it should be. Thank you for sharing this half hour with me, and let's hope that we can continue to shed light on this issue.

GUN VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 30 minutes.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. McCARTHY of New York. I want to talk tonight a little bit about, number one, why I even came to Congress and why I'm up here tonight talking about gun violence. I just want to give you a little history. On December 7, 1993, a deranged man named Colin Ferguson got on the Long Island Railroad train and changed my life and that of many others forever. As the train pulled into Merillon Avenue in Garden City, he took out a handgun and opened fire on those passengers in the train. He killed six people, including my husband. He injured 19, including my son, who was shot in the head at close range. Thankfully, my son did survive. And while it has been a difficult struggle for him, he has a rich life now with a wife and two children. I consider them my miracles. And I'm very grateful that he did survive.

What I did after that incident was become an advocate for reducing gun violence in this country, to see if I could help others not have to go through the same pain that my family and the other families of the Long Island Railroad massacre went through. As often happens when you become an advocate for a cause, any cause, that led me to work with elected officials and the government to try to change policies that I thought were hurting the American people.

And also as often happens when I discovered that there was only so much you could do outside the government, I ran for office myself. I was never a very political person, but I believed so strongly in this cause that people saw and gave me the chance to be their Congresswoman. The Members of this body embraced me also. That was in 1996. Even though I work hard on other issues like the economy and education, I'm still fighting that this struggle to reduce gun violence is the same battle I had back in 1993 and on.

So let's go fast forward now. From 1993 to January 8 of 2011, on that fateful day in Arizona, six lives were stolen from us, and 13 of our fellow Americans were injured, including one of our own, Congresswoman GABBY GIFFORDS. Certainly it hit home for all of us, and it sends a chill down all of our spines. I know I'll never forget that day. The shootings had eerie similarities to our own incident in 1993. Six people were killed and over a dozen injured. Like my son, GABBY was shot in the head at close range. Like my son, she's looking like she's making a wonderful recovery. And we're all rooting for her.

There are a couple more similarities that bear mentioning. In both the shootings, the gunmen used high-capacity magazines that allowed them to maximize their carnage; and in both shootings, the gunman was tackled by unarmed witnesses while they stopped the shooting when he was trying to reload.

I ran for office and entered government to make a difference. I came to Congress to make our lives safer. I have a legislative proposal that I think should reduce the casualties in that supermarket parking lot on January 8.

H.R. 308 is a bill to ban high-capacity magazines like the ones used in Arizona and on the Long Island Railroad. These are devices designed to hold more than 10 rounds of ammunition and feed them into a gun. The State law in my State, New York, have already banned magazines holding more than 10 bullets, and that was also the Federal law between 1994 and 2004. So we know that there's precedent for this law on a State and a Federal level. There is no question about its constitutionality.

Unfortunately, most States, like Arizona, don't have limit on high-capacity magazines. This is what allowed the shooter to just walk into a common store and buy the weapon he did right off the shelf. This is a reasonable, commonsense bill that makes accommodations for public safety and gun owners' rights. This includes exemptions for our law enforcements and our military as well for testing purposes or for security guards looking after nuclear facilities.

As I noted, often shooters are tackled and stopped when they run out of bullets in a magazine and stop to reload. That was the case for my family in 1993, and that was the case of Arizona. Maybe if the shooter in Arizona had fewer bullets in the magazine, we wouldn't have had the carnage that we saw. Fewer people would have died. Fewer people would have been injured. We would be looking at one less funeral or a few less life-changing injuries.

Immediately after the shooting in Arizona, there was a lot of talk just about by everyone about putting partisanship and politics aside and working together for the common good. I see this bill as an opportunity to do that. This is not a partisan bill. There is no Democrat or Republican way to become a victim of gun violence. And there is no Democratic or Republican way to reduce it. In the absence of a perfect, nonviolent society, we must make laws to protect the public.

This is a very simple bill, a bill about our public health and our safety. We also have a moral imperative to protect innocent and law-abiding Americans from the threat of dangerous weapons in the wrong hands. In America, we believe in life, liberty and the pursuit of happiness. To me, life, liberty and the pursuit of happiness include being able to go grocery shopping on a Saturday or attend a public event on a Saturday afternoon without being gunned down.

This bill does not take away anyone's right to own a gun. Let me make that very, very clear. This bill does nothing to take away anyone's right to own a

gun. I believe in this Second Amendment, and I support law-abiding hunters and sportsmen. But common sense dictates there is no need for the kinds of devices that this bill is addressing other than for killing as many people as possible in the shortest possible time.

Almost 100,000 people a year are shot in this country, suicides, homicides, accidental deaths and on and on. That's over 260 people a day. Every single one of those people have families and friends. Think of how many millions of Americans are affected by gun violence every single year. I want to remind us all that we can help lower these awful statistics. We can help save lives, and we can help prevent lives from being shattered.

Now, this bill is getting more and more support every single day. We have over 90 cosponsors in the House and 10 in the Senate. And every day there's another newspaper editorial or a columnist supporting this bill. There are a lot of coalitions, organizations, and leaders out there working to support this bill to reduce gun violence in our country—the Brady Campaign to Prevent Gun Violence; the Violence Policy Center; the Coalition to Stop Gun Violence; New Yorkers Against Gun Violence; New York City Mayor Michael Bloomberg; the United States Conference of Mayors; Philadelphia Mayor Michael Nutter; Richard Aborn, who was a former president of Brady; Mothers Against Guns; Faiths United to Prevent Gun Violence; States United to Prevent Gun Violence; and many, many more.

Even pro-gun conservatives like Vice President Dick Cheney say that it would be reasonable to discuss reinstating the restriction that was in the assault weapons bill and to do away with the large magazines.

□ 1940

We are also hearing word that President Obama will publicly address the issue of gun violence soon. We don't know whether he will talk about this bill or other measures that I also support, like strengthening our background check system, or closing the gun show loophole, which allows you to buy guns at gun shows without a background check.

But the good news is that people across the country are uniting in an effort to do something to reduce gun violence. I think one of the most important things I can do while I'm here with you is to ask for your help and ask the American people for their help.

We all saw recently from the world events the kind of change that you can make happen when you have the power of the people behind you. And certainly we have done this before. We have come together as a Nation, Democrat and Republican, to pass sensible gun laws in order to save lives and reduce

injuries. If you are not a cosponsor on this legislation yet, please become one. If you are still not sure if you want to support this legislation or not, please feel free to talk to me or anyone on staff. Go on my Web site and read the bill. Basically, this is a very narrow bill.

Finally, no matter what we do, whether you support this bill or not, please let's look at ourselves in the mirror and ask ourselves: After the shooting in Arizona, will we sit by helplessly and do absolutely nothing or will we do everything we can to save lives and protect innocent people for the future?

I want to thank you again for listening to me tonight, and I want to say that even if we can save one life, one life, with all of our efforts, than to me it has been well worth it.

My good friend and colleague from New Jersey, BILL PASCRELL, who has been outspoken on this issue for many, many years, I appreciate him being with me tonight.

Mr. PASCRELL. I appreciate the gentlelady for yielding. Madam Speaker, it is good to see you in the seat this evening.

I support the Second Amendment. I was lucky enough to come into this Congress with my friend from New York, CAROLYN MCCARTHY. She has been a champion for the issue against gun violence.

I am proud to be here tonight supporting her legislation, H.R. 308, the Large Capacity Ammunition Feeding Device Act. The McCarthy bill will reinstate the ban on large capacity ammunition feeding devices that existed for quite some time, from 1994 to 2004, as the gentlelady from Long Island has said.

As has already been stated, this bill bans the sale or transfer of high capacity magazines, those holding more than 10 rounds, by non-law enforcement civilians. I state that right now, Madam Speaker, to make it very, very clear, this is an issue close to my heart because I came to this Congress in January 1997 pledging my support to defend law enforcement officials throughout the United States of America.

Many times those who illegally have these guns or have illegal guns, many times they are better armed than our police forces. Just think about it? When we raise our hands, if we are fortunate enough to be elected or re-elected, we swear to uphold the Constitution of the United States and life, liberty, and the pursuit of happiness, as you heard the gentlewoman just mention. Part of that pledge, or a reflection of that pledge, is how we treat our law enforcement officials besides just patting them on the back. So we want to not only have a law enforcement person, a police officer out there who is well equipped, who is well trained, but is in a better position to

defend us than those who seek to destroy property or limb.

It does not make sense. The failure of Congress in recent years to shoulder the ultimate responsibility of safeguarding our communities from gun violence is inexcusable. This is not rhetoric. This is common sense. These magazines, which contain so many bullets that can kill so many people, have no place in our towns, have no place in our cities.

The tragedy in Arizona was a gut-wrenching reminder of what can happen when these weapons are legally available. We are not suggesting taking guns away from anyone who legally possesses them, and I can't emphasize that enough. And I know those who are very close to the gun community are very suspect of anything that will lead to a graduated taking of guns away from the people. That has never been the intent of the gentlelady from Long Island, and certainly that is not my intent whatsoever. And that is not simply an assuaging of the argument; that is the fact. This is not about guns. This is about reason. This is about sanity. This is about peace of mind.

That tragedy will always remain in our minds. Our sister is hurting, and we pray for her recovery. The perpetrator of that heinous crime fired 32 bullets in only 16 seconds. He killed 6 people and injured 13. That did not happen that long ago, and yet, it is out of the country's culture mind. It is not there. It is not discussed. It is almost as if it didn't happen.

Some people have said that it is not the gun but the person who commits the act of violence. While that may be the case, the shooter was taken down while reloading his weapon after those 32 bullets. If there had been fewer bullets in the magazine, he may have been thwarted earlier, saving other lives.

So we are talking about this magazine that we want to take out of anyone's hands. We are talking about potential. We are talking about possibilities. We are talking about risk, and giving more of a chance to protect ourselves. And for a police officer, if a police officer was there, could have been in the crowd, should have been—all valued lives. And those are not the only numbers that are chilling.

Nearly 100,000 people are killed by guns every year. Over 260 people will be killed today by a gun. This results in \$100 billion annually in medical, security, and criminal justice costs. There is a reason that local enforcement and the U.S. Conference of Mayors supports this legislation: Because the ban worked when it was in effect for those 10 years. If it didn't work, we wouldn't be here tonight. Records show that while the Federal assault weapons ban was in effect, the number of high capacity magazines collected by police fell dramatically.

This is a return to the same standard we have in many States, including my

home State of New Jersey, and the law of the land from 1994 to 2004. There is no question that it is constitutional. This is not a Republican or a Democratic issue. Let's not make it that. This is not about taking all guns away from law-abiding citizens. It has nothing to do with that, either. This is about saving lives. And right now we pray for our own buddy, our own sister, who was just here not too long ago. Where is she? I didn't see her the last few days. She's healing. We thank God she is in the position to heal.

We can do something about this reckless nonsense without violating the Constitution of the United States of America which we have all pledged to adhere to.

I yield back to the gentlelady from Long Island, and I thank you, Madam Speaker.

Mrs. MCCARTHY of New York. And I thank my good friend.

You know, a lot of times there is a lot of propaganda out there that gun owners don't want to go anywhere with this, but the support for this bill and gun restrictions in general, from organizations and members of the media, are also reflected in public polls.

The Mayors Against Illegal Guns showed that almost 60 percent of all Americans and even 49 percent of gun owners support this bill.

A public policy poll found that 55 percent of the people in Arizona, a State where gun rights are dearly cherished, support more restrictions on guns.

A USA Today poll found that a majority of Americans do support stricter gun controls.

Here is one of the issues that we face all of the time: That the American people support what we are trying to do, but we are not hearing their voices. And I think that is something that the American people can do to make a difference.

I also want to note that Arizona and the Long Island Railroad are not the only recent incidents in which high capacity magazines were used. In Manchester, Connecticut, at a beer distributor, on August 3, 2010, a shooter with a large magazine killed eight and wounded two.

Fort Hood, we all remember that day: November 5, 2009. The shooter killed 13 and wounded 34.

□ 1950

Northern Illinois University on February 14, 2008: The shooter killed five and wounded 21.

Virginia Tech, right here in our neighborhood, on April 16: The shooter killed 32 and wounded 17.

We can go on and on and on, all the way back to Columbine High School, where the shooter killed 13—13 students and teachers—and wounded 23.

Going back to California, a shooter killed eight and wounded six. At Luby's Cafeteria in Texas, the shooter killed 23 and wounded 20.

These were all done by large capacity clips.

My colleague, Congressman PASCARELL, talked about health care. My son was shot 17 years ago. His medical bills within a couple of years were over \$1 million, but there is the pain that he still has to go through every single day, which our friend GABBY is going to have to go through just to be able to do normal day things: tie your shoes, get dressed. My colleague mentioned \$100 billion a year in health care costs.

We know that we can't save every life. I know that. I spent over 30 years as a nurse. I couldn't save every life, but we sure did our best to do everything that we possibly could to make a difference. That's why I stand here tonight and talk about why I feel so passionately about this. Unless you're a victim, unless you're a family member or a friend who has lost a loved one or someone who was injured, it's very hard to describe the pain that goes on for many, many, many years. For those who survive, there is not only the mental trauma that they go through; there is also the physical trauma that they go through, which some will carry for the rest of their lives.

Again, I say there are supporters, and I want to read off a few. They're mainly from newspapers across the country. Here in Congress, everybody talks about red States and blue States. Yet these are States that have people in them. We can disagree, certainly, on where we're going on certain issues, but there are newspapers around the country and editorial boards, which usually would not support any kind of gun legislation, that say it's time, that it's time to have a debate on how we reduce gun violence in this country.

The New York Times reads: As lawmakers in Washington engage this week in moments of silence and tributes to Representative GIFFORDS and the other casualties, they should realize that they have the power—we have the power—to reduce the number of these sorts of horrors and the pain and suffering.

The Daily News noted that the shooter in Arizona squeezed the trigger again, again, again, and again—over 32 times—and that's just the half of it—as blood flowed and as people screamed and dropped to the ground.

Where I live on Long Island, we have gun violence. It's a suburban area, but unfortunately so many guns and large magazine clips are coming into our communities, and they're bringing with them death and pain. I know gun control of any sort is a tough sell in Congress these days, but commonsense restrictions should be enacted as such large capacity clips play such an obvious role in turning angry outbreaks of violence into massacres.

The Washington Post reads: Lawmakers should also endorse the sensible legislation introduced by myself

to outlaw the sales of high-capacity ammunition clips that enabled Mr. Loughner to shoot some 30 bullets in a matter of seconds. A drug abuse history or not, no one, in my opinion, should be able to have the possession of a weapon that could so easily and senselessly be used to slaughter so many of our citizens, our neighbors, in such a short period of time.

The Seattle Times, The Denver Post, The Salt Lake Tribune, the Charlotte Observer, the Louisville, Kentucky Courier-Journal, and The Tennessean are all basically saying it's time to look at reducing the violence that is in our cities, our communities, our towns. One of the ways we can do that is by getting rid of the large capacity clips.

The Arizona Daily Star noted that no one outside of law enforcement and the military needs to fire 30-plus rounds without interruption. Hunters do not. Neither do target shooters or those who carry guns for self-defense.

Let me remind people that a gun that anyone uses that has a clip will still have 10 bullets and one in the chamber. That's 11 bullets that someone can use for self-defense. There is no question that fewer people would have been killed and injured on January 8 if the shooter had possessed a magazine with a capacity of just 10 rounds.

Gail Collins said Congress should have an actual debate about Representative MCCARTHY's bill to reduce gun violence.

Even traditional, conservative, pro-gun advocate Nick Kristof talks about the contrast of guns with automobiles. He turned it upside down to argue that, in reality—and this is true—for a long time, motor vehicles were dangerous, but slowly, slowly we made them quite safe. The trade-off is that we have modestly curbed individual freedom, but we can save tens of thousands of lives every year. That's a model for how we should approach guns and a public health concern.

I talked about individual leaders who support H.R. 308. It is a long list, and many people have stood up: Mayor Bloomberg from New York City, my great city; Philadelphia Mayor Michael Nutter, another member of Mayors Against Illegal Guns, also expressed support; I had mentioned Vice President Dick Cheney, of all people, who said it would be appropriate to reinstate a ban on high-capacity magazines like we had before.

Other public officials and individuals around the country also support this bill: The New York Police Department said that a legislative solution to eliminating extended magazines would be best; the President of the Alabama Sheriffs' Association is a supporter; the Minneapolis police chief is a supporter; the Palm Beach County commissioner; the Montana Secretary of State; President Bob Brown, an NRA member and hunter who owns 18 guns, supports my

legislation; the nurse who treated Ronald Reagan after he was shot supports this; the fiancée and family of Gabe Zimmerman, one of our own staffers who was killed in Arizona, support this bill.

You mentioned our police officers, BILL. If anybody would be interested, we've had more police officers killed since January of this year until now than we've had in the last number of years. We say that we are there for our police officers. You were a mayor, and I know you stood by your police officers. I know that police officers around the country know when they're facing these large capacity clips and they're outgunned, as they were when we passed the assault weapons bill.

So, BILL, I know you are where I am, and I thank you for the support that you have given me, because we did come in together, but it's people like yourself who are willing to speak out.

Mr. PASCARELL. Will the gentle lady yield?

Mrs. MCCARTHY of New York. Please.

Mr. PASCARELL. Madam Speaker, I would like you to take back to your side—and I'll take back to my side—that I know this has been a great leverage issue for the Republican Party. It has been a third rail for the Democratic Party. We were told basically, in so many words, to stay away from it. Look, let's lay our cards on the table.

I think that this is something we can agree to come together on common ground and be a little bit more reasonable about our approach.

I thank you, Congresswoman MCCARTHY, for leading the way, as usual. You know I will always be there in support of what I think is very important legislation for the sanity of our country.

Mrs. MCCARTHY of New York. And I thank you again.

I just want to remind the American people who might be listening tonight, I need your help. I can do the battles here. It's so easy to email your Member of Congress or your Senator to say it's time to get rid of the large magazines, because there is no place in America anymore that is safe. This can happen anytime, any place. So I thank you for listening to me tonight, and I thank my friend for standing here with me and talking about it.

I will say, in closing, it's 17 years since the incident happened to my family. There is not a day that goes by that I don't remember what happened, and that's why I continue to fight for this issue. I don't want another family to go through the pain. I don't want to see another person die. I don't want to see someone injured for the rest of their life, and to fight those battles.

Ms. ESHOO. Madam Speaker, in the wake of the horrible tragedy in Arizona, Members of Congress were united in condemning the violence. We expressed our prayers and hopes for the recovery of our colleague, Congresswoman GABRIELLE GIFFORDS, and the others

injured in the attack, and we praised the heroic actions of ordinary Americans on that day.

But for our words to have meaning, Madam Speaker, we also must act.

I'm proud to join Representative CAROLYN MCCARTHY in introducing the Large Capacity Ammunition Feeding Device Act, to eliminate access to clips that enable the kind of shooting spree that took place in Arizona. No one can say that the ability to shoot more than ten times—without pausing to reload—makes our cities or our citizens any safer. The Assault Weapons Ban of 1994 addressed this issue, but perversely, by allowing it to expire in 2004, we lost critical ground.

The importance of the ban was tangible in each of our communities. When I first came to Congress, East Palo Alto, a city in my district, bore the awful distinction of being the "Murder Capital of the Country." Today, the crime rate has subsided. The ability to take these murderous assault weapons off the street played a major role in that turnaround, and we should not turn back the clock.

Madam Speaker, we all honor our Constitution and the Second Amendment. I, however, see no connection between the primitive muskets our Founding Fathers contemplated and the sophisticated, deadly weapons that plague our streets today. The United States continues to have the most per-capita gun deaths of any developed nation. This is not a symbol of our freedom. It's a capacity to kill, and this must not eclipse our capacity to care. I urge my colleagues to join me in supporting this sensible gun legislation which we are grateful to Representative MCCARTHY for authoring to better protect our communities.

Mr. VAN HOLLEN. Madam Speaker, I rise to join the vast majority of Americans, on both sides of the gun debate, who want a safe and sensible gun policy for their families and for the United States of America.

In the aftermath of the recent tragedy in Tucson, one eminently reasonable place to start—one place where gun rights advocates and gun control advocates should be able to find common ground—is the Large Capacity Ammunition Feeding Device Act (H.R. 308), introduced by my colleague Rep. CAROLYN MCCARTHY (D-NY).

H.R. 308 is not about gun control. Instead, it's about commonsense ammunition control. The Large Capacity Ammunition Feeding Device Act sets aside all of the historically contentious debate around gun ownership and instead asks every American a very simple question: Is it really necessary for non-law enforcement civilians to have access to high capacity, 33-round magazines like the one Jared Lee Loughner used to shoot our colleague GABBY GIFFORDS and his other victims in Tucson?

I would submit that it is not. And I would further submit that the overwhelming majority of Americans and law abiding gun owners would agree that it is not. Consistent with that commonsense conclusion, the Large Capacity Ammunition Feeding Device Act would simply ban the sale or transfer of high-capacity magazines holding more than ten rounds. Law enforcement records show that the number of high capacity magazines retrieved by police at crime scenes dropped significantly the last time this kind of restriction was in effect, and

common sense tells you that smaller magazines with less bullets will lead to less fatalities and injuries during these kinds of horrific attacks.

Madam Speaker, this is not a partisan issue. This is an American issue. The Large Capacity Ammunition Feeding Device Act is a commonsense step all of us can and should take to eliminate the senseless threat posed by these high capacity magazines while protecting the legitimate rights of law-abiding gun owners.

I thank Congresswoman MCCARTHY for her leadership on this issue.

Mrs. MCCARTHY of New York. Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARCHANT (at the request of Mr. CANTOR) for today on account of personal reasons.

SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 8. Concurrent resolution recognizing women serving in the United States Armed Forces; to the Committee on Armed Services.

ADJOURNMENT

Mrs. MCCARTHY of New York. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 2, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

597. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2010 Tariff-Rate Quota Year received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

598. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mefenoxam; Pesticide Tolerances [EPA-HQ-OPP-2009-0713; FRL-8855-1] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

599. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-7913] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

600. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-7917] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

601. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No.: FEMA-7784] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

602. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-7915] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

603. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No.: FEMA-D-7581] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

604. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No.: FEMA-P-7650] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

605. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

606. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-7933] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

607. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-7923] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

608. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-7921] received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

609. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

610. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

611. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

612. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Orderly Liquidation Authority Provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

613. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Unlimited Coverage for Non-interest-Bearing Transaction Accounts; Inclusion of Interest on Lawyers Trust Accounts (RIN: 3064-AD37) received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

614. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Designated Reserve Ratio (RIN: 3064-AD69) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

615. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No.: FDA-2000-N-0011] received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

616. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of One-year Extension for Attaining the 1997 8-Hour Ozone Standard for the New Jersey Portion of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area [EPA-R02-OAR-2010-0688; FRL-9255-5] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

617. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of One-year Extension for Attaining the 1997 8-Hour Ozone Standard for the Delaware, Maryland, and Pennsylvania Portions of the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area [EPA-R03-OAR-2010-0574; FRL-9251-7] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

618. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Re-Issuance of the Prevention of Significant Deterioration Applicability Determination for the Carlsbad Energy Center Project, Carlsbad, CA [EPA-R09-OAR-2011-0024; FRL-9256-9] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

619. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standard [EPA-R05-OAR-2009-0731; FRL-9250-6] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

620. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado;

Revisons to Regulation 1 [EPA-R08-OAR-2007-1033; A-1-FRL-9209-3] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

621. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions, and Update of Appendices [EPA-R03-OAR-2010-0882; FRL-9255-9] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

622. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Flat Wood Paneling Coatings [EPA-R03-OAR-2010-0788; FRL-9256-2] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

623. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Simplified Network Application Processing System, On-line Registration and Account Maintenance [Docket No.: 100826397-1059-02] (RIN: 0694-AE98) received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

624. A letter from the Assistant Director for Policy, Department of the Treasury, transmitting the Department's final rule — Iranian Human Rights Abuses Sanctions Regulations received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

625. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Revised Jurisdictional Thresholds for Section 8 of the Clayton Act received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

626. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Revised Jurisdictional Thresholds for Section 7a of The Clayton Act received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

627. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Charter Rules for Foreign Direct Air Carriers [Docket No.: OST-2002-11741] (RIN: 2105-AD38) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

628. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Canadian Charter Air Taxi Operators [OST Docket No.: 2006-25691] (RIN: 2105-AD58) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

629. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Debarment and Suspension (Nonprocurement) Requirements [Docket No.: OST-2005-22602] (RIN: 2105-AD46) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

630. A letter from the Senior Regulations Analyst, Department of Transportation,

transmitting the Department's final rule — Review of Data Filed by Certificated or Commuter Air Carriers to Support Continuing Fitness Determinations Involving Citizenship Issues [Docket No.: OST-2003-15759] (RIN: 2105-AD25) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

631. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Display of Joint Operations in Carrier-Owned Computer Reservations Systems Regulations (Part 256) [Docket No.: OST-2005-20826] (RIN: 2105-AD44) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

632. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Transportation for Individuals With Disabilities; Adoption of New Accessibility Standards [Docket No.: OST-2006-26035] (RIN: 2105-AC86) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

633. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Disadvantaged Business Enterprise: Program Improvements [Docket No.: OST-2010-0118] (RIN: 2105-AD75) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

634. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Update of Regulatory References to Technical Standards [Docket No.: PHMSA-05-21253; Amdt. Nos. 192-103, 193-19, and 195-86] (RIN: 2137-AD68) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

635. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Integrity Management Program Modifications and Clarifications [Docket No.: PHMSA-04-18938; Amdt. Nos. 192-104, 195-87] (RIN: 2137-AE07) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

636. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs [Docket No.: OST-2010-0021] (RIN: 2105-AD76) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

637. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket: OST-2008-0184] (RIN: 2105-AD67) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

638. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information [Docket: OST-2008-0184] (RIN: OST 2105-AD67) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

639. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Clean Fuels Grant Program [Docket No.: FTA-2006-24708] (RIN: 2132-AA91) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

640. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Procedures for Non-Evidential Alcohol Screening Devices [Docket: OST-2007-26828] (RIN: 2105-AD64) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

641. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket: OST-2007-26828] (RIN: 2105-AD64) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

642. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Information Technology (IT) Security (RIN: 2700-AD46) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

643. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Department's final rule — Government Property (RIN: 2700-AD37) received January 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

644. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Disclosure of Medical Information to the Surrogate of a Patient Who Lacks Decision-Making Capacity (RIN: 2900-AN88) received February 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

645. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Time for Payment of Certain Excise Taxes, and Quarterly Excise Tax Payments for Small Alcohol Excise Taxpayers [Docket No.: TTB-2011-0001; T.D. TTB-89; Re: Notice No. 115; T.D. ATF-365; T.D. TTB-41; ATF Notice No. 813 and TTB Notice No. 56] (RIN: 1513-AB43) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

646. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Revision of American Viticultural Area Regulations [Docket No.: TTB-2007-0068; T.D. TTB-90; Re: Notice Nos. 78 and 80] (RIN: 1513-AB39) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

647. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Technical Corrections to the TTB Regulations [Docket No.: TTB-2011-0003; T.D. TTB-91] (RIN: 1513-AB69) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

648. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Correction to Revenue Procedure 2011-8 User Fee Schedule (Announcement 2011-8) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

649. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Repub. Rev. Proc. 2010-8 (Rev. Proc. 2010-8) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

650. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2011 [Notice 2011-8] received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

651. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Time and Manner for Electing Capital Asset Treatment for Certain Self-Created Musical Works [TD 9514] (RIN: 1545-BG34) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

652. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Biodiesel and Alternative Fuels; Claims for 2010; Excise Tax [Notice 2011-10] received January 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

653. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Repub. Rev. Proc. 2010-6 (Rev. Proc. 2011-6) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

654. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Repub. Rev. Proc. 2010-5 (Rev. Proc. 2011-5) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

655. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Repub. Rev. Proc. 2010-4 (Rev. Proc. 2011-4) received February 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

656. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Land Border Carrier Initiative Program [Docket No.: USCBP-2006-0132] (RIN: 1651-AA68) received February 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 128. A resolution providing for consideration of the bill (H.R. 662) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the

Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs (Rept. 112-20). Referred to the House Calendar.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 129. A resolution providing for consideration of the bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes (Rept. 112-21). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG:

H.R. 845. A bill to prohibit the further extension or establishment of national monuments in Montana, except by express authorization of Congress, and for other purposes; to the Committee on Natural Resources.

By Mr. LABRADOR:

H.R. 846. A bill to prohibit the further extension or establishment of national monuments in Idaho, except by express authorization of Congress, and for other purposes; to the Committee on Natural Resources.

By Ms. JENKINS (for herself, Mr. POMPEO, Mr. YODER, Mr. SCHIFF, Mr. ROSKAM, Mr. HUELSKAMP, Mr. TIBERI, Mrs. CAPITO, and Mr. PLATTS):

H.R. 847. A bill to amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER:

H.R. 848. A bill to require the Forest Service to accommodate, to the extent consistent with the management objectives and limitations applicable to the National Forest System lands at issue, individuals with mobility disabilities who need to use a power-driven mobility device for reasonable access to such lands; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. LAMBORN, Mr. PAUL, Mr. POE of Texas, and Mr. BROUN of Georgia):

H.R. 849. A bill to provide for the repeal of the phase out of incandescent light bulbs unless the Comptroller General makes certain specific findings; to the Committee on Energy and Commerce.

By Mrs. BACHMANN (for herself, Mr. DUFFY, and Mr. KIND):

H.R. 850. A bill to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; to the Committee on Natural Resources.

By Mr. BRALEY of Iowa:

H.R. 851. A bill to amend the Internal Revenue Code of 1986 to extend certain renewable fuel tax incentives and to repeal fossil

fuel subsidies for large oil companies; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. CULBERSON):

H.R. 852. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Ways and Means.

By Mr. CARSON of Indiana:

H.R. 853. A bill to amend the Elementary and Secondary Education Act of 1965 to award grants to eligible entities to establish, expand, or support school-based mentoring programs to assist at-risk middle school students with the transition from middle school to high school; to the Committee on Education and the Workforce.

By Mr. FARR (for himself, Ms. BALDWIN, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. CAPPS, Mr. CAPUANO, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mr. COURTNEY, Mr. DEFAZIO, Ms. EDWARDS, Mr. GARAMENDI, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HIMES, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBACK, Mrs. MALONEY, Mr. MARKEY, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MORAN, Mr. MURPHY of Connecticut, Mr. PAYNE, Mr. PETRI, Ms. PINGREE of Maine, Mr. PLATTS, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. SABLAN, Ms. SCHAKOWSKY, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Ms. WOOLSEY, Ms. CLARKE of New York, Ms. ESHOO, Ms. MATSUI, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. DREIER, Ms. MOORE, Mr. FATTAH, Mr. OLVER, Ms. ZOE LOFGREN of California, and Mrs. DAVIS of California):

H.R. 854. A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 855. A bill to withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock Valley from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER (for himself and Mr. HECK):

H.R. 856. A bill to withdraw certain land located in Clark County, Nevada, from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Natural Resources.

By Ms. HIRONO:

H.R. 857. A bill to amend title XIX of the Social Security Act to provide 100 percent FMAP under Medicaid for medical assistance provided to Native Hawaiians by a Native Hawaiian health care system or a federally-qualified health center; to the Committee on Energy and Commerce.

By Ms. HIRONO:

H.R. 858. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

By Ms. HIRONO:

H.R. 859. A bill to amend part B of title XVIII of the Social Security Act to provide coverage for the shingles vaccine under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. REICHERT, and Ms. BERKLEY):

H.R. 860. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself, Mr. BACHUS, Mrs. BIGGERT, and Mr. GARRETT):

H.R. 861. A bill to rescind the third round of funding for the Neighborhood Stabilization Program and to terminate the program; to the Committee on Financial Services.

By Mr. MURPHY of Connecticut (for himself and Mr. WEINER):

H.R. 862. A bill to apply to the justices of the Supreme Court the Code of Conduct for United States Judges, to establish certain procedures with respect to the recusal of justices, and for other purposes; to the Committee on the Judiciary.

By Mr. PIERLUISI (for himself and Mr. DIAZ-BALART):

H.R. 863. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to authorize State educational agencies and local educational agencies to carry out teacher exchanges; to the Committee on Education and the Workforce.

By Mr. VAN HOLLEN:

H.R. 864. A bill to require full funding of part A of title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

By Mr. WALZ of Minnesota (for himself and Mr. ROE of Tennessee):

H.R. 865. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. PALLONE):

H.R. 866. A bill to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. BACA:

H. Res. 130. A resolution expressing support for designation of the fourth Friday of March as "Cesar E. Chavez Day"; to the Committee on Education and the Workforce.

By Mr. BONNER:

H. Res. 131. A resolution providing amounts for the expenses of the Committee on Ethics in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mrs. CHRISTENSEN:

H. Res. 132. A resolution expressing the need to raise awareness and promote capacity building to strategically address the lionfish invasion in the Atlantic Ocean; to the Committee on Natural Resources.

By Mrs. DAVIS of California (for herself and Mrs. BIGGERT):

H. Res. 133. A resolution encouraging Americans to recognize March 2, 2011 as "Read Across America Day"; to the Committee on Education and the Workforce.

By Mr. DOLD (for himself, Mr. LIPINSKI, and Mr. SHERMAN):

H. Res. 134. A resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights; to the Committee on Foreign Affairs.

By Mr. PETERS (for himself and Mr. HIMES):

H. Res. 135. A resolution requiring the posting of information on the disbursements made during each session of Congress from the Members' Representational Allowance on official public Internet sites of the House of Representatives, and for other purposes; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. REHBERG:

H.R. 845.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

The specific Constitutional Authority cited here is not intended and should not be construed to be exclusive of any other general or specific Constitutional Authority that is otherwise applicable.

By Mr. LABRADOR:

H.R. 846.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

The specific Constitutional Authority cited here is not intended and should not be construed to be exclusive of any other general or specific Constitutional Authority that is otherwise applicable.

By Ms. JENKINS:

H.R. 847.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ALEXANDER:

H.R. 848.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mrs. BACHMANN:

H.R. 849.

Congress has the power to enact this legislation pursuant to the following:

This bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mrs. BACHMANN:

H.R. 850.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BRALEY of Iowa:

H.R. 851.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. BURGESS:

H.R. 852.

Congress has the power to enact this legislation pursuant to the following:

The attached legislation, the United States War Bonds Act of 2011, falls within Congress' enumerated power to raise revenue for the common defense of the nation pursuant to Article I, Section 8, Clause 1.

By Mr. CARSON of Indiana:

H.R. 853.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of Section 9 of Article I of the Constitution, Clause 1 of Section 8 of Article I of the Constitution, and Clause 18 of Section 8 of Article I of the Constitution.

By Mr. FARR:

H.R. 854.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8; Article IV, Section 3.

By Mr. GRIJALVA:

H.R. 855.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2, relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. HELLER:

H.R. 856.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3: The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

By Ms. HIRONO:

H.R. 857.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Article I, Section 8, Clause 18: "The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Ms. HIRONO:

H.R. 858.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 9: Article I: "The Congress shall have Power to constitute Tribunals inferior to the supreme Court."

Article III, Section 1: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

By Ms. HIRONO:

H.R. 859.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Article I, Section 8, Clause 3: "The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. LARSON of Connecticut:

H.R. 860.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8—Powers of Congress: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.

By Mr. GARY G. MILLER of California:

H.R. 861.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. MURPHY of Connecticut:

H.R. 862.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8.

By Mr. PIERLUISI:

H.R. 863.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution,

and to make all laws which shall be necessary and proper for carrying into execution such power as enumerated in Article I, Section 8, Clause 18.

By Mr. VAN HOLLEN:

H.R. 864.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. WALZ of Minnesota:

H.R. 865.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Section 8 of Article I of the United States Constitution.

By Mr. WHITFIELD:

H.R. 866.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. OLSON and Mr. KINZINGER of Illinois.

H.R. 23: Ms. ESHOO, Mr. MICA, and Mr. HONDA.

H.R. 24: Mr. MCINTYRE, Mr. MORAN, Mr. McCAUL, Ms. LEE of California, Mr. VAN HOLLEN, Ms. WOOLSEY, Mrs. BACHMANN, Mr. BUTTERFIELD, Mr. BRALEY of Iowa, Mr. CASIDY, Mr. CARSON of Indiana, Mr. COFFMAN of Colorado, Mr. BUCHANAN, Mr. GRAVES of Missouri, Ms. HIRONO, Mr. KIND, Mr. KISSELL, Mr. TURNER, Ms. NORTON, Mr. PAUL, Mr. AUSTRIA, Mr. MICHAUD, Mr. POSEY, Mr. RUSH, Mr. HONDA, Mr. WOLF, and Mr. LATTI.

H.R. 58: Mr. DIAZ-BALART and Mr. WITTMAN.

H.R. 91: Mr. GOODLATTE, Mr. REED, Mr. SENSENBRENNER, and Mr. MURPHY of Pennsylvania.

H.R. 100: Mr. MARCHANT and Mr. ROYCE.

H.R. 127: Mr. LANKFORD.

H.R. 140: Mr. GRAVES of Missouri.

H.R. 198: Mr. HUNTER.

H.R. 217: Mr. ROGERS of Michigan.

H.R. 303: Mr. DOYLE, Mr. WITTMAN, Mr. BARTLETT, Mr. GOODLATTE, and Mr. PETERSON.

H.R. 308: Mr. PALLONE, Ms. LORETTA SANCHEZ of California, and Mr. JOHNSON of Georgia.

H.R. 329: Mr. OWENS.

H.R. 333: Mr. JONES.

H.R. 358: Mr. LANDRY.

H.R. 399: Mr. ROSKAM.

H.R. 402: Mr. HINCHEY.

H.R. 412: Mr. LANDRY and Mr. RIBBLE.

H.R. 436: Mr. BUCSHON, Mr. HECK, Mr. MARINO, and Mr. WHITFIELD.

H.R. 452: Mr. CAPUANO and Mr. GRIMM.

H.R. 456: Mr. ROGERS of Alabama.

H.R. 459: Mr. GOODLATTE and Mr. GIBSON.

H.R. 476: Mr. HASTINGS of Washington, Mr. CULBERSON, Mr. MCCOTTER, and Mrs. NOEM.

H.R. 483: Mr. SHULER.

H.R. 487: Ms. LINDA T. SANCHEZ of California and Mr. KILDEE.

H.R. 495: Mr. GRIMM.

H.R. 509: Mr. LATTI and Mr. PAULSEN.

H.R. 544: Ms. BROWN of Florida, Mr. WALZ of Minnesota, and Ms. LINDA T. SANCHEZ of California.

H.R. 546: Mr. AUSTRIA, Mr. YOUNG of Alaska, Mr. WALDEN, Mr. SHUSTER, Mrs. BACHMANN, Mr. ISRAEL, Mr. GRAVES of Missouri, and Ms. SEWELL.

H.R. 547: Mr. DUNCAN of Tennessee and Mr. MCKINLEY.

H.R. 548: Mr. GOODLATTE.

H.R. 595: Mr. WALBERG, Mr. GRIMM, and Mr. MILLER of Florida.

H.R. 615: Mr. MCCOTTER.

H.R. 634: Mr. BURTON of Indiana.

H.R. 657: Mr. GINGREY of Georgia.

H.R. 672: Mr. MILLER of Florida, Mr. POSEY, Mr. SULLIVAN, and Mr. GOHMERT.

H.R. 674: Mr. HELLER, Mr. YOUNG of Alaska, Mr. GERLACH, Mr. JONES, Mr. GRAVES of Missouri, Mr. CANSECO, Mr. FORTENBERRY, Mr. MCCOTTER, and Mr. ROSS of Florida.

H.R. 675: Mrs. BLACK and Mr. BECERRA.

H.R. 690: Mr. LANDRY.

H.R. 692: Mr. MARCHANT, Mr. KING of Iowa, and Mr. JONES.

H.R. 695: Mr. CAMPBELL.

H.R. 706: Mr. ISRAEL and Mr. KING of New York.

H.R. 735: Mr. KING of Iowa, Mr. COBLE, Mr. HERGER, Mr. DUNCAN of Tennessee, and Mr. CANSECO.

H.R. 755: Mr. CONYERS.

H.R. 759: Mr. REHBERG.

H.R. 764: Mr. LEWIS of California, Mr. SAM JOHNSON of Texas, and Mr. OLSON.

H.R. 769: Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Ms. BORDALLO.

H.R. 772: Mr. WATT and Mr. MCGOVERN.

H.R. 798: Mr. JACKSON of Illinois, Mr. FILNER, Ms. HIRONO, and Mr. ISRAEL.

H.R. 801: Mrs. BACHMANN.

H.R. 808: Mr. HONDA and Ms. JACKSON LEE of Texas.

H.R. 819: Mr. PETERS, Mr. VAN HOLLEN, Ms. MCCOLLUM, Mr. DEFazio, and Mr. LOEBSACK.

H.R. 820: Ms. ROYBAL-ALLARD, Mr. PETERSON, Mr. CARNAHAN, Mr. MATHESON, Mr. JACKSON of Illinois, Ms. NORTON, and Mr. RAHALL.

H.R. 837: Mr. CUELLAR.

H.J. Res. 2: Mr. PALAZZO.

H.J. Res. 37: Mr. GRIFFITH of Virginia, Mr. CARTER, Mr. BUCHANAN, Mr. PAUL, Mr. BURTON of Indiana, Mr. WESTMORELAND, and Mr. HARPER.

H. Con. Res. 3: Mr. YODER.

H. Res. 20: Ms. ROYBAL-ALLARD.

H. Res. 44: Mr. BOREN, Mr. SIMPSON, and Mr. TIPTON.

H. Res. 46: Ms. MCCOLLUM.

H. Res. 81: Mr. FILNER.

H. Res. 86: Mr. DENHAM.

H. Res. 106: Mr. SCHOCK.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. MICA

The amendment I will offer to H.R. 662, the Surface Transportation Extension Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. GRIMM. Mr. Speaker, on rollcall No. 92 I inadvertently voted "no." I intended to vote "yes."

ALAMOSA HIGH SCHOOL TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize the Alamosa High School wrestling team and coach Gary Ramstetter. Alamosa's Mean Moose claimed their first Class 3A state wrestling title, with eight wrestlers placing in the top four and an individual title won by Darin Sisneros. It was Mr. Ramstetter's eighth state title with the school, and earned him Coach of the Year honors.

Alamosa finished the tournament with a commanding 178 points, the closest competitor scoring only 122½. The victory represents a true team effort with every wrestler fighting for every point. Mr. Sisneros' individual title is also the 48th won by a student during coach Ramstetter's 30 year tenure, a testament to the hard work and motivation of both men.

Mr. Speaker, I congratulate Alamosa's wrestling team and their legendary coach. Under his expert guidance, I have no doubt that Alamosa can win many more state titles and continue its legacy of success both in the classroom and on the mat.

TRIBUTE TO MAURA PAT KELLY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize the long and distinguished career of a good friend and public servant of this House, Mrs. Maura "Pat" Kelly. Pat's roots in our home state of New York run as deep as the mark she leaves on this institution after fifty-three years of service. I was honored to attend Pat's retirement ceremony last month and at which our distinguished chaplain, the Reverend Daniel P. Coughlin, delivered the following prayer that I proudly submit on his behalf.

PRAYER FOR PAT KELLY'S RECEPTION
TUESDAY, FEBRUARY 15, 2011, REV. DANIEL P.
COUGHLIN

Holy Triune God, Father, Son and Holy Spirit, with all the angels and saints we

praise You, with all the Irish legends and leprechauns we stand before You.

As we celebrate the life and service of Maura "Pat" Kelly this day, we do so with honor and humor, memories and best wishes. To this noble institution throughout the years she has always brought a feminine touch, a New York touch, and a touch of the Irish.

We thank You, Lord, for giving her years of health and happiness, work and colleagues, bosses and crosses, as well as love of this institution of Congress inherited from her mother, ever changing through the years and never fully understood or appreciated by the American people she served.

May the daily public service hardly noticed, now be duly rewarded. Grant her energy and peace, friendship and satisfaction for years to come.

As she takes leave of us, may she find even greater love and faith around every bend in the road ahead. As long as she keeps smiling the world will smile back at her. And she shall never be forgotten or walk alone, Lord. For Your smile will forever call her upward and onward even though she has stolen from us all, Lord. As the old tune tells it: her Irish eyes have stolen our hearts away.

AWARDING A CONGRESSIONAL GOLD MEDAL TO THE WORLD WAR II MEMBERS OF THE CIVIL AIR PATROL

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. FILNER. Mr. Speaker, I recently reintroduced H.R. 719, which will award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

During World War II, the volunteer members of the Civil Air Patrol—civilian men and women ranging in age from 19 to 81—provided extraordinary public and combat services at a critical time of need for the nation.

Civil Air Patrol members used their own aircraft to perform a myriad of essential tasks for the military and the entire country, including attacks on enemy submarines off the Atlantic coast and the Gulf of Mexico.

The Civil Air Patrol was established on December 1, 1941, one week before the attack on Pearl Harbor. After performing exemplary service in WWII, the Civil Air Patrol was chartered by Congress as a non-profit, public service organization and in 1948 as the Auxiliary of the United States Air Force.

The Civil Air Patrol was initially mobilized in response to a massive German Navy submarine offensive off the east coast of the United States that targeted oil tankers and other critical shipping.

As 52 tankers were sunk by enemy submarines between January and March 1942 alone, neither the Navy nor Army had suffi-

cient resources to patrol and protect the coastline—threatening the entire war effort.

The Civil Air Patrol Coastal Patrol undertook the challenge of protecting our sea lanes and supporting the military's efforts at this critical time. From March 1942 until August 1943, more than 40,000 volunteers at 21 Civil Air Patrol bases stretching from Maine to Texas coordinated thousands of patrols, investigations, and convoy missions.

Heroic Civil Air Patrol Coastal Patrol aircrews were responsible for attacking 57 submarines—destroying or damaging two—as well as reporting nearly 200 submarine positions, 17 floating mines, and 91 vessels and 363 survivors in distress.

In addition to the work of its Coastal Patrol, the Civil Air Patrol also established itself as a vital wartime service to the military, states, and communities across the nation.

These brave volunteers engaged in an impressive array of missions including border patrol, forest fire patrol, courier flights for mail and urgent deliveries, emergency transportation of personnel, search and rescue, and various military support duties. Overall, during the war the Civil Air Patrol undertook tens of thousands of missions and logged hundreds of thousands of flight hours in defense of our country.

The Civil Air Patrol's WWII service came at the high cost of 64 fatalities and 150 aircraft lost. Indeed, the courage and sacrifice of the estimated 200,000 civilians in the Civil Air Patrol exemplifies the spirit and dedication of an entire generation who were willing to risk their lives for America and the cause of freedom.

In recognition of this remarkable volunteer service and commendable record, H.R. 719 will award a single gold medal collectively in honor of the WWII members of the Civil Air Patrol.

I urge my colleagues to join me in honoring the valuable wartime service rendered by the civilian volunteers of the Civil Air Patrol by supporting this legislation.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. JORDAN. Mr. Speaker, I was absent from the House Floor during last night's rollcall votes on H.R. 394, H.R. 347, and H.R. 368. Had I been present, I would have voted in favor of each of those bills.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MOGOTE CHURCH TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to recognize the Mogote Church, Margie Garcia and the committee responsible for the church's restoration. They were presented the Stephen H. Hart Award from the Colorado Historical Society this year for their efforts to repair the historic landmark.

The Mogote Church was erected in 1895 by a group of Presbyterian missionaries and local Hispanic residents. Despite the risk of excommunication by the Catholic Church, they still founded a new congregation in Colorado's San Luis Valley. It fell into disrepair, however, and ceased to provide services by 1965. After years of increasing dilapidation, the campaign to restore the church began in 1999. With over a decade of work put into the project, it was completed, and once again became a functioning church. Hundreds of descendants of the original parishioners traveled to the church to attend the reopening and celebrate a historical Colorado landmark.

It is my hope that the efforts taken by this church's community inspire others to take the same initiative in their own. The Mogote church will represent the actions of a proud community for years to come and as such, Mr. Speaker, I feel it is fitting that this body recognizes those who took charge in restoring a Colorado landmark.

HONORING THE CONGRESSIONAL
SERVICE OF PAT KELLY**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. MORAN. Mr. Speaker, I rise today to honor Maura Patricia Kelly on her retirement as a congressional aide after an astounding 53 and 1/2 years of decorated service.

Patricia Kelly was born on June 5, 1934 in Brooklyn, New York. She is the daughter of Edward Kelly, a New York City Court Justice, and Edna F. Kelly, a former Member of the United States House of Representatives. "Pat" as she is affectionately known, describes her childhood as an exciting and loving time. As she made her way from the Marymount High School in New York City to Marymount College in Tarrytown, New York, Pat learned the importance of receiving a quality education. She graduated with honors in 1955 with a bachelor's degree in Political Science and History.

Pat's family has a long history of public service that started with her grandfather, William E. Kelly, who was appointed by President Woodrow Wilson to be Postmaster of Brooklyn, New York. After college, Pat quickly joined the family business, getting her feet wet in politics by helping her mother, Edna, get elected to the congressional district that represented Brooklyn, New York. Pat began her congressional career as a research analyst for the

House Committee on Un-American Activities and shortly thereafter, began her service as a legislative assistant to Members of Congress Edna F. Kelly, Martha W. Griffiths, and Matthew F. McHugh. Pat then assumed the role of legislative assistant to the House Rules Committee. In 1979, Pat took the position of Editor of the House Daily Digest, in the Office of the Clerk, where she was required to interact regularly with its 21 standing committees and two select committees. Pat held this position until her retirement on March 1, 2011—becoming one of the longest serving employees ever to work for the U.S. House of Representatives.

Pat cites her mother Edna as the catalyst behind her decision to devote her life to public service. When asked about her mother, Pat often uses words like: hard working, passionate, honest, dedicated, principled and always congenial. Pat says that many members and staff in the House often referred to her mother as "Madam Protocol." Everyone who knows Pat knows that "the apple did not fall far from the tree." Pat and her mother not only loved the House but they loved helping people in and outside it.

In 1976, Pat was named Roll Call's "Congressional Staffer of the Year." That same year she was chosen as the President of the Congressional Staff Club. More recently, she was honored for her years of outstanding service to the House. Over her career, Pat was fortunate to work on many pieces of landmark legislation including the Equal Pay Act and the Equal Rights Amendment.

We wish Pat well in retirement and will always remember her efforts to make this institution run more efficiently in the service of the American people.

IN CELEBRATION OF BEATRICE
COHEN'S 100TH BIRTHDAY**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. ACKERMAN. Mr. Speaker, I rise today to celebrate the 100th birthday of Beatrice Isabel Cohen, the pride of New York State.

Born on February 24, 1911, in Bronx, New York, Bee grew up with a deep love and appreciation for her family, community and country. Forced to obtain employment as a teenager due to the loss of her father, she secured a job with a women's coat manufacturer at the age of 16 to help support her family, while also excelling as a champion amateur handball player. Five years later, she married her boss, Max Cohen, and continued to work by his side for more than 50 years. Bee and Max raised two sons, Joseph and Ronald.

Friends and family of Bee would tell you that she always looks at the good in people. Her uplifting attitude is contagious, and has spread to her family, friends and neighbors—many of whom, and their parents, were not even born when Bee moved into her current apartment on the West Side of Manhattan shortly after World War II.

In Bee's 100 years, she has lived through some of the most precariously challenging, ex-

ultant and remarkable eras. Yet, she has always kept up with the culture of the times. As a child, she listened to a crystal radio; today she views international programming on a plasma television with stereo sound. She has been a pillar of reliability to her entire family by showing love, warmth and guidance to her two sons, two grandsons and their wives, five great-grandchildren, and her many nieces and nephews.

For her devotion to her family and her country, I ask my colleagues in the United States House of Representatives to please rise and join me in honoring Beatrice Isabel Cohen on the occasion of her 100th birthday.

BRETT BRUNNER TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Brett Brunner of Dolores, Colorado, for his exceptional performance as a cadet of the United States Air Force Academy. Mr. Brunner recently was named the Cadet Wing Outstanding 3rd Class Cadet of Fall Semester 2010, which is awarded to the most impressive cadet for each class. Academics, athletics and military duties are all considered before the recipient is selected from a list of about 1,200 cadets.

Mr. Brunner excelled in every category. He owns a 3.8 GPA as a civil engineering major at the Academy. In addition, he is on the skydiving team working towards a jump master position so that he can teach others how to skydive. Physically, he is also a top performer, missing out on a perfect score by mere points. As a high school baseball and wrestling star he showed the capacity for leadership at a young age. His ability to lead has clearly translated to his undergraduate pursuits as Mr. Brunner inspires those around him to achieve their best by striving towards perfection himself.

Mr. Speaker, I join the U.S. Air Force Academy in recognizing Brett Brunner for his outstanding achievements and quiet leadership at one of the country's top institutions.

PERSONAL EXPLANATION

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. FARENTHOLD. Mr. Speaker, on rollcall Nos. 148, 149, and 150, I missed the vote due to transportation delays. Flights out of Corpus Christi were delayed, causing me to miss my connect in Houston.

Had I been present, I would have voted "yes."

NEVER FORGET OUR VIETNAM
VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. FILNER. Mr. Speaker, I have just reintroduced legislation intended to honor the service and sacrifice of many of the members of the United States Armed Forces who fought in Vietnam, the "In Memory Medal for Forgotten Veterans Act" (H.R. 540).

Those so recognized are veterans who have died as a result of their service in the Vietnam war but who do not meet the criteria for inclusion on The Wall of the Vietnam War Memorial in Washington, DC. The Vietnam Veterans Memorial Fund has a program called "In Memory" which has raised money for a plaque that has been placed near The Wall. The plaque honors "those who served in the Vietnam War and later died as a result of their service." No names are on the plaque, but all names are kept in the "In Memory Book" at a kiosk near The Wall, and families can order a copy.

My bill adds to this recognition by presenting the families of these veterans with a medal, to be known as the "Jesus (Chuchi) Salgado Medal" to be issued by the Secretary of Defense. Chuchi Salgado was an outstanding individual who lived in my congressional district, whose exposure to Agent Orange ultimately led to his death. His relatives continue to live in my district.

Because of the boundaries that have been set for the names to be placed on The Wall, Chuchi and many, many other Vietnam veterans are not honored in this manner. Now, with new veterans coming back from Iraq and Afghanistan, we are all taking a second look and a closer look at how veterans from past wars have been treated. While we must care for our newest veterans, we must also take this opportunity to do right by veterans of Vietnam, along with those of other past wars and conflicts.

I invite my colleagues to join with me in honoring these veterans. It is critical that we remember those who have fought so gallantly and sacrificed their lives for our freedom!

RAY WRIGHT AND DOUG SHRIVER
TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. TIPTON. Mr. Speaker, I would like to take this opportunity to recognize Ray Wright and Doug Shriver of Alamosa, Colorado, for their agricultural, educational and commercial efforts to conserve and protect the state of Colorado. Both men recently passed away due to a tragic accident, a loss for both my state and this country.

Doug Shriver served on a number of boards and committees while he simultaneously volunteered for other commissions. Among other pursuits, he was the vice chair of the Rio

Grande Roundtable, the director and president of the Rio Grande Water Users Association as well as director of the Lariat Ditch Company. He also served as a board member for the Colorado Ground Water Commission.

Ray Wright was also integral in conservation in Colorado and an avid supporter of the State's agri-business. Mr. Wright was a long-time farmer and leader in the effort to protect water rights. One of his most important contributions was developing a locally controlled mechanism designed to protect water rights. It's success translated to much larger districts as well, and ensures Colorado's future water rights.

In memory of both men, their colleagues created The Shriver/Wright Agricultural Endowment, which supports the agri-business program at Adams State College in Alamosa. The endowment provides scholarships and other forms of support for the school. Water rights will continue to be a vital issue in the Southwest part of the country and the work done by Mr. Wright, Mr. Shriver and the young people who follow them will be of great importance.

Given the invaluable contributions Doug Shriver and Ray Wright made to the state of Colorado, I feel it is fitting that this body recognizes them for their lifetime of service.

INTRODUCTION OF A BILL TO CONVERT THE FOURTH TEMPORARY JUDGESHIP FOR THE DISTRICT OF HAWAII TO PERMANENT JUDGESHIP STATUS

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. HIRONO. Mr. Speaker, I rise today to reintroduce a bill that would convert the fourth temporary judgeship for the District of Hawaii to permanent judgeship status.

The fourth temporary judgeship for the District of Hawaii was created in 1990 by Public Law 101-650. Although the judges appointed to temporary judgeships have lifetime appointments, legislation creating temporary judgeships usually specifies that the first vacancy in the district cannot be filled after a certain date. In the 1990 bill, this time frame was determined to be ten years after each temporary judgeship was filled. That meant that Hawaii could not fill a temporary vacancy occurring after October 2004.

Currently, the District of Hawaii has four active judges. However, if any of these judges become inactive, by taking senior status or otherwise, the district will not be able to replace that judge because of the ten-year limitation, which has long passed. This would place a great burden on not only the three remaining active judges, but also on the litigants themselves, especially civil litigants. Due to the right to speedy trial, felony cases regularly bump civil trials off the calendar, leading to long delays to get to court for civil litigants. Civil cases include disputes involving personal injury, civil rights, the environment, business, and other non-criminal matters.

I look forward to working with my colleagues on this and other initiatives that will address

our need for additional federal judgeships across the country.

Mahalo nui loa (thank you very much).

PROVIDE SUPPORT TO MEMBERS OF THE IRANIAN BAHAI COMMUNITY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. COSTELLO. Mr. Speaker, I rise today in support of international religious freedom and to voice my concern for the seven Baha'i leaders, known as the Yaran, who were unjustly convicted by the Iranian regime and sentenced to 10 years in prison for their religious beliefs.

As documented by years of reported abuse and discrimination by the U.S. State Department, the United Nations, and other international organizations, government respect for religious freedom and human rights in Iran is steadily declining. According to the State Department's 2010 International Religious Freedom report, since the 1979 Islamic Revolution over 200 Baha'is have been killed, many have been imprisoned, and thousands more have faced regular discrimination and public admonishment by the Iranian government.

Government rhetoric and actions create an oppressive environment for religious minorities in Iran, particularly the Baha'i, and instances such as the incarceration of the Yaran provide ample evidence of this. As a member of the Tom Lantos Human Rights Commission, my colleagues and I have worked to bring attention to these injustices and hold human rights violators accountable. The Iranian Baha'i are deeply devoted to peace and unity and their bravery in the face of injustice encourages others to work for universal human rights.

Mr. Speaker, the U.S. government and the international community must continue to speak out against these oppressive acts. I call on my colleagues in Congress to join me in denouncing the imprisonment of the Yaran and partner with the international community to insist Iran release these individuals, strengthen the basic rights of their citizens, and provide an environment in which individuals can express their religion without fear of persecution or intimidation.

LUIS NAZARIO TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. TIPTON. Mr. Speaker, I rise today to commend Luis Nazario of Pueblo, Colorado, for pioneering the use of technology in education. Mr. Nazario became a leader among Colorado's community colleges and online education programs before use of the internet for teaching purposes was popular.

As an English teacher, Mr. Nazario has been commended not only by his school, Pueblo Community College, but also by the

Colorado Community College System at large. Students have broader access to educational tools both in the classroom and online in large part because of his efforts. Colorado stresses the importance of education for all of its citizens and Mr. Nazario is an example of innovation in that pursuit.

Mr. Nazario graduated from Inter American University in Puerto Rico with a degree in English Literature. He emigrated to the United States to receive his master's degree as a teacher of English to other languages from New York University. He then moved to Colorado to begin teaching in the state's community college system. Mr. Nazario continues to teach English and foster learning among students who speak English as a second language in Colorado.

Mr. Speaker, I am honored to recognize Luis Nazario for his exceptional commitment to the emerging presence of technology in education. I thank him for dedicating himself to education and reaching out to Colorado's youth.

RECOGNIZING DEPUTY MAYOR
GERALDINE TOUSANT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. VISCLOSKY. Mr. Speaker, I am honored to stand before you and my colleagues today to recognize Deputy Mayor Geraldine Tousant. Geraldine has served the city of Gary for many years and for her efforts, she was honored at an event celebrating her 50 years of service to the city on Saturday, August 14, 2010, at the Gary City Hall. Her complete dedication and endless enthusiasm put forth toward her community have allowed her the opportunity to enrich the lives of countless people.

Geraldine was born in Ensley, Alabama, and moved to the city of Gary when she was three years old. She graduated from Gary Roosevelt High School in 1957, and soon after married the late Marshall Tousant. The couple was happily married for nearly 51 years. Geraldine has three children and is the proud grandmother of five. Amidst her time in office, Geraldine courageously battled breast cancer, and I am happy to report that she is a twenty-year cancer survivor.

Geraldine began her service to the city of Gary in 1960 at the age of twenty-one. She started out as a clerk-typist in the city's Department of Redevelopment. Working her way through the Department's ranks, Geraldine eventually became Director of the Department of Redevelopment. On February 14, 2003, Geraldine was recognized by former Mayor Scott King for her commitment to the people of Gary as he appointed her Deputy Mayor of the city of Gary.

Impressively, Geraldine has worked for seven mayors during her 50 years of service to the city: George Chacharis, my father John Visclosky, A. Martin Katz, Richard G. Hatcher, Thomas Barnes, Scott King, and current Mayor Rudy Clay. Throughout her many years of service, Geraldine has accomplished many

impressive tasks, including handling the management and demolition of structures attained in other city agencies and computerizing the city's utility billings and payments.

Today, Geraldine is 71 years young and has no plans to retire anytime soon. Geraldine has said, "I hope my 50 years with the city of Gary have been a role model for other employees." Without a doubt, she has been just that.

Mr. Speaker, Deputy Mayor Geraldine Tousant has always given her time and efforts selflessly and has truly been an inspiration to so many people throughout the years. We have all been enriched because of her lifetime commitment serving others, particularly those most in need. I respectfully ask that you and my other distinguished colleagues join me in commending Geraldine on her 50 years of service to the city of Gary.

CELEBRATING 100TH ANNIVERSARY OF ANNA MARIA PIER

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. BUCHANAN. Mr. Speaker, I rise today to celebrate the 100th anniversary of the construction of the Anna Maria Pier in Florida's 13th Congressional District.

In 1911, Will Bean, the son of the first Anna Maria Island homesteader, George Emerson, had a 776 foot pier constructed by the Anna Maria Beach Development Company at the foot of Pine Avenue.

The pier has been in continuous use since then by hundreds of thousands of residents, fishermen, boaters and tourists. In fact, the pier has been named the number one tourist attraction in Manatee County by the Bradenton Area Convention and Visitors Bureau.

In 1928, the pier was acquired by the City of Anna Maria, which provides for its maintenance.

In 2008, the Anna Maria City Commission designated the pier as an historic structure and added the pier to the Florida Master Site File.

This year, the Mayor of the City of Anna Maria proclaimed May 14, 2011, as the Centennial Celebration Day to commemorate the 100th anniversary of the Anna Maria City Pier's construction.

I join the City of Anna Maria in the centennial celebration of this important landmark.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. DeLAURO. Mr. Speaker, I was unavoidably detained and so I missed the rollcall vote on amendment 548 to "H.R. 1—Fiscal Year Continuing Appropriations Act for FY2011." Had I been present, I would have voted "no."

Additionally, I inadvertently cast a "no" vote during the rollcall vote on amendment 94 to "H.R. 1—Fiscal Year Continuing Appropria-

tions Act for FY2011." I would like to change my vote on the amendment to "yea."

NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING ACT (NASPER)

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. WHITFIELD. Mr. Speaker, I rise today to speak about legislation I have introduced that will reinforce our Nation's commitment to combating prescription drug abuse by reauthorizing the National All Schedules Prescription Electronic Reporting Act, NASPER, for three additional years.

On August 11, 2005, NASPER was signed into law to assist States in combating prescription drug abuse of controlled substances, through prescription drug monitoring programs, PDMPs. NASPER is administered by the Department of Health and Human Services, HHS, and provides grants to States to establish and improve prescription drug monitoring programs.

Just last week, the head of the Office of National Drug Control Policy, ONDCP, Gil Kerlikowske, embarked on a three-day visit to Kentucky where he saw firsthand the significant problems with prescription pill abuse, an issue many in my district struggle with. It's estimated that 82 Kentuckians die each month as a result of overdoses. Nationwide there were more than 27,000 deaths from prescription drug overdoses in 2007, a number that has risen five-fold since 1990. These statistics are unacceptable and a testament that more must be done.

While Kentucky has made great strides through its PDMP and collaboration between the public and private sector, illicit drugs continue to flow across our borders from States without PDMPs, such as Florida. Last Wednesday, law enforcement officials from the U.S. Drug Enforcement Administration, DEA, conducted a massive raid in South Florida arresting 20, including five doctors, after a year-long investigation involving trafficking of prescription pills. What's more concerning is the recent decision by the Governor of Florida to repeal funding for the creation of a PDMP approved by the State legislature in 2009.

By reauthorizing the NASPER program we will ensure States have the support they need to address prescription drug abuse by making NASPER grants available for planning purposes as well as for "establishing, improving, and maintaining" their programs. Through these grants, States will be given resources to help prevent patients from doctor shopping and abusing prescription drugs. This also will help to ensure that appropriate law enforcement, regulatory and State professional licensing authorities have access to prescription history information for the purposes of investigating drug diversion and errant prescriber/pharmacist prescribing and dispensing practices.

I urge my colleagues to join me in supporting this vital piece of legislation and to push for swift passage in the House.

INDIAN AMERICAN CULTURAL
CENTER 9TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Indian American Cultural Center of NWHRC will be celebrating its 9th anniversary by hosting a gala dinner and banquet on Saturday, March 5, 2011, at the Halls of Saint George, in Schererville, Indiana.

The Indian American Cultural Center, which opened on March 9, 2002, was established with the following goal in mind: to foster peace and harmony amongst the people of Northwest Indiana by showcasing their cultural heritage and creating spiritual awareness in both youth and adults, as well as to engage in various charitable events, both nationally and locally. Since its inception, the Indian American Cultural Center has been instrumental in educating Northwest Indiana's citizens on the traditions and customs of the Indian heritage.

The members of the Indian American Cultural Center of NWHRC are to be commended, not only for their commitment to preserving tradition, but also for their commitment to making improvements that benefit all mankind. Proceeds from this year's gala, which throughout the years has demonstrated the immense generosity of its attendees and organizers, will go to support the Carmelite Home for Girls. In the past, proceeds from the gala have gone to such noble causes as cancer research, educational scholarships, the American Red Cross, and tsunami relief, as well as to victims of Hurricane Katrina and the earthquake in Kashmir, India.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the board and members of the Indian American Cultural Center of NWHRC for their outstanding contributions to society. Their commitment to improving the quality of life for the people of Northwest Indiana and throughout the world is truly inspirational and should be recognized and commended.

HONORING TERRELL LIONS CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. HENSARLING. Mr. Speaker, I rise today to recognize the outstanding service that the Terrell Lions Club provides the communities in Kaufman County, Texas.

Lions Club International was founded in 1917 in Chicago to aid the blind and visually impaired. The Terrell Lions Club was founded on February 28, 1921 and was one of the first chartered in Texas.

Since that time, the Terrell Lions Club created the Lions Club Park in 1948 on sixteen acres of land for the National Guard Armory, as well as two community tennis courts.

The Terrell Lions work to eradicate blindness by providing free vision screenings, eye

examinations and glasses for the needy, as well as promoting the Lions Eye Bank.

Lions contribute time, talent and resources to the Texas Lions Club Camp in Kerrville, which provides free residential camping experiences for children with physical disabilities, Type 1 diabetes and cancer.

This organization provides an invaluable service to those in the community who truly need assistance. Over the years, thousands of individuals and families have been blessed by the men and women of the Terrell Lions Club.

As the Congressman for the Fifth District of Texas, I am pleased today to recognize the Terrell Lions Club for their 90 years of service to Kaufman County. To all the men and women who give of their time and efforts so generously, on behalf of all the constituents of the Fifth District, I would like to extend our most sincere gratitude.

HONORING ITASCA FIRE CHIEF
JAMES D. MACARTHUR

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today in recognition of the long and distinguished service of James D. MacArthur on the occasion of his retirement. On March 31st of this year, Mr. MacArthur will conclude his loyal service as Fire Chief of the Itasca Fire Protection District.

Chief MacArthur has served the community for a total of 38 years, including 8 years as Fire Chief of the Itasca Fire Protection District No. 1 and 15 years as Fire Chief of the Elk Grove Village Fire Department.

Throughout his career, his extraordinary leadership has earned him great respect among colleagues and members of the community. He has held many noteworthy positions, including President of the Illinois Fire Chiefs Association and the Metropolitan Fire Chiefs Association. Along with other members of the Illinois fire service task force, Chief MacArthur assisted in the Louisiana response and relief efforts following Hurricane Katrina.

Time and time again, Chief MacArthur has exhibited the characteristics this line of duty necessitates: enormous sacrifice and courage.

Mr. Speaker and distinguished colleagues, please join me in celebrating this special occasion and wishing him every happiness in the well deserved respite of his retirement.

CENTRAL RANKIN RELAY FOR
LIFE

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. HARPER. Mr. Speaker, Rankin County, Mississippi advocates with the American Cancer Society Relay for Life will host their annual "Paint the Towns Purple" walk on April 1, 2011 at Shiloh Park in Brandon.

Relay for Life is the signature event of the American Cancer Society and celebrates can-

cer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer. According to the American Cancer Society, in 2010, 14,330 individuals were diagnosed with cancer in my home State of Mississippi, and regrettably, this deadly disease claimed the lives of 6,060 Mississippians last year.

Today, I rise to recognize the Central Rankin Relay for Life in their efforts to rid America of this tragic illness. May their efforts of saving lives and creating a world with less cancer and more birthdays be an overwhelming success.

EXPRESSING CONCERN ABOUT THE
TREATMENT OF BAHAI'S IN IRAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to express concern about the treatment of Baha'is in Iran. Recent reports suggest that the seven Baha'i leaders convicted last August have been transferred to more dangerous areas of the prison in which they are being held. Additionally, a series of arrests of Baha'i adherents began in Isfahan on February 13th. The fate of those individuals is currently unknown, but these arrests suggest that the Iranian government is continuing its persecution of members of the Baha'i faith.

Freedom of religion is a basic human right. The United States has always been committed to defending religious freedom around the globe. The world must be vocal in its condemnation of the mistreatment of the Baha'i people at the hands of a brutal government.

I urge the Iranian government to release all those whom it has imprisoned solely because of their religious beliefs, and to treat all of its religious minorities with tolerance.

PERSONAL EXPLANATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. WITTMAN. Mr. Speaker, due to a family emergency I unfortunately missed a series of votes on February 17, 2011, which included roll call votes number 67 through 79.

If I had been present, I would have voted "yes" or "aye" on rollcall vote number 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, and 79.

If I had been present, I would have voted "no" or "nay" on rollcall vote number 71.

IN RECOGNITION OF ROSENBERG
FOUNDATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. SPEIER. Mr. Speaker, I rise to congratulate the Rosenberg Foundation on the occasion of its 75th Anniversary.

For three quarters of a century, the Rosenberg Foundation has committed itself to achieving social and economic justice for the people of California.

The Rosenberg Foundation was established in 1935 by a group of relatives and business associates who were designated as trustees in the will of Max L. Rosenberg, a San Francisco businessman and philanthropist.

Throughout its history, the Foundation has set forth on a mission of expanding opportunity to all Californians. It has distributed more than 2,800 grants totaling nearly \$80 million to regional, statewide and national organizations advocating for social, economic and civic justice in the state.

These grants have focused on California's most vulnerable communities, from those in rural areas to women to minorities to children. Today, the Foundation is spearheading innovative solutions for tackling issues such as immigrant rights, justice for farm workers, sentencing reform and economic disparity.

For these efforts, the Rosenberg Foundation has been recognized with many prestigious awards. In 1997, it won the Outstanding Foundation Award from the Association of Fundraising Professionals. In 2003, it was one of three foundations to receive the Paul Ylvisaker Award for Public Policy Engagement by the Council on Foundations.

As our nation emerges from this historic recession and inequality continues to rise, groups like the Rosenberg Foundation will play a critical role in helping all Californians realize their share of the American Dream. The Foundation understands that people aren't looking for a handout, but a hand up.

Mr. Speaker, I thank the Rosenberg Foundation and its dedicated staff for their extraordinary contributions to the people of California during the last 75 years. I have no doubt we will be celebrating many more anniversaries in the future.

RECOGNIZING THE IMPORTANCE OF THE RETIRED SENIOR AND VOLUNTEER PROGRAM

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. SCHWARTZ. Mr. Speaker, I rise today to recognize the importance and necessity of senior care programs such as the Retired Senior and Volunteer Program (RSVP). Philadelphia's RSVP is based in the Jewish Community Center Klein Branch and currently enlists about 600 volunteers. The program offers much-needed community services as well as an opportunity for seniors to volunteer their time. RSVP provides important volunteer services such as tutoring, food for Meals on Wheels and assistance with tax preparation. The following article from the Philadelphia Daily News illustrates the importance of programs like RSVP and the need for our continued support of their worthy accomplishments.

[From the Philadelphia Daily News, Feb. 7, 2011]

SENIORS, LIFE'S CALLING YOU. SEND YOUR RSVP

(By Stu Bykofsky)

DON'T TRUST anyone under 30.

Maybe reversing the infamous (and bigoted) catchphrase from the '60s is overdoing it.

But while many cultures, equating experience with knowledge, revere elders, here in the U.S. of A. we lionize "youth" (even while watching the reading and math scores of our "youth" fall, like tokens into a fare box).

Baby Boomers who cranked up the social-revolution line are now in the Social Security line.

In addition to the vast financial wealth that the Boomers piled up, they (and their elders) also collected a warehouse of wisdom, which some of them like to share.

Motivated older adults—55 and up—form the backbone of RSVP—the Retired Senior and Volunteer Program, a 40-year-old national agency which in Philly operates from the Klein JCC, in the Far Northeast.

Klein has about 600 RSVP volunteers. Some are way above 55, like Harold and Libby Yaffe, the 93-year-old married couple who come in to serve lunches.

"The only way we can do what we do is through volunteers," says Marcia Gross, RSVP project director, as she shows me around the lowslung Klein JCC at 10100 Jamison Ave. Gross is a woman of a certain age with no hard edges, a smiling round face framed by light-brown hair.

There are lots of underutilized or bored retirees, and a lot of programs that need help but can't afford to hire people, Gross says. You don't have to be Einstein to connect two dots.

When some people hear "volunteer," for free, they hit the exits. Better people see service to others as a benefit to society—and to themselves.

"I have to have something to do in the morning and I love every minute of it," says widowed Center City grandmother Laurette Feltoon, who admits to "65-plus."

For the last 13 years, she's been taking her master's in psychology (she had a private practice in marital and premarital counseling) and volunteering, every day, as a mediator in Municipal Court's Dispute Resolution Program.

The city and the warring parties get the benefit of her decades of experience, while Feltoon has a place to go and a mission to accomplish.

Dots connected. Win-win. Volunteers go only to nonprofit agencies, says Gross, ranging from the American Red Cross (blood-mobile aides) to WHYY-TV (special events, begathons).

Sure, there are expected needs for people who can do data entry and fill clerical roles, make weekly visits to the homebound, tutor students or prepare food for Meals on Wheels.

But there are less-conventional volunteer options, such as tax preparation, historical research, ushering at local theaters, guiding tours at Independence National Historical Park or the Philadelphia Zoo, and providing immigration assistance. For those better with their hands than their mouths, RSVP uses people to drive vans, walk dogs at the PSPCA, stock food pantries, knit, garden and provide minor home repairs.

If you don't know whether you have a useful skill, Gross says, "Come in and we may suggest something you hadn't thought of." Anyone with computer literacy is needed, and RSVP is looking for people to teach financial literacy.

Retiring after 42 years working on the railroad, Norm Feldman wanted a new challenge.

The Tacony resident, a volunteer at the Clean Air Council for 27 years, has become

an expert in indoor air pollution and radon. The octogenarian volunteers Wednesdays, and takes emergency calls at home, goes out to talk to schools and community groups on other days.

He took some EPA training, but mostly learned on the job, and is so much an expert that he gets calls from county health departments. "Even professional people have problems and they can't get answers from the city, state or federal government," Feldman says, because most law deals with outside air. He's the man on the inside.

After Sunny, his beloved wife of 51 years, died four years ago, Ike Silverberg was depressed, even suicidal. He tried some shrinks, but it didn't help. The 85-year-old still misses Sunny like hell, but RSVP gave him a new life.

Mondays and Fridays, mornings and afternoons, he's at the Delaware Valley Veterans' Home, pushing a beverage cart, making sure the vets are hydrated. He's happy doing it because the vets are appreciative.

His Tuesdays and Wednesdays are very different. He drives from his Rhawnhurst home to Mayfair Elementary, where he sits with eight first-graders at a round table. Everyone reads in turn and Ike challenges them on spelling. The great-grandfather of seven loves kids, so this is a treat for him.

Wednesdays the chatty former construction worker, salesman and bagel-baker reads with third-graders at the JCC. All the volunteering keeps him out of "that house," as he refers to his formerly happy, now lonely home.

Getting out into the world is a benefit to volunteers, says Gross. According to a poll, she says, the No. 1 reason people give for not volunteering is: "No one asks them."

RSVP is asking.

PERSONAL EXPLANATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. FORBES. Mr. Speaker, if I had been present on February 28, 2011, I would have voted "yes" on H.R. 394, H.R. 347, and H.R. 368.

RECOGNIZING THE 23RD ANNIVERSARY OF SUMGAIT MASSACRES

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. SPEIER. Mr. Speaker, I rise to acknowledge the 23rd anniversary of the vicious attacks against Armenians in Sumgait, Azerbaijan.

Dozens of Armenians were killed. Hundreds were injured. Women, including young girls, were raped.

Apartments were robbed, cars were burned, and local businesses were destroyed.

According to testimony reviewed by the Supreme Court of the USSR: "Tenants were dragged from their apartments. If they tried to run and escape, the mob attacked them. The mob used metal rods, knives and hatchets, after which bodies were thrown into the fire."

But shockingly most of the Azeris who committed these horrific acts and their accomplices in government were not brought to justice.

The Sumgait Massacres are part of a long and disgraceful history of violence against the Armenian people.

It is long past time for the United States to officially recognize the Armenian genocide. This anniversary should serve as a reminder that we can stay silent no more.

Let's take this moment to remember all those who lost their lives at Sumgait and pledge to prevent ethnic cleansing from occurring anywhere in the future.

IN REMEMBRANCE OF MR. GABOR
PAPP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Gabor Papp, a man who was devoted to preserving and celebrating Hungarian culture and language.

In 1915, Mr. Papp was born in Mamarossziget, Hungary. He earned his law degree at the University of Debrecen before moving to Cleveland after World War II. In 1951, Mr. Papp began working as a draftsman at Lucas Machine Tool Co. and Acme-Cleveland Corp.

In 1958, Mr. Papp founded the Hungarian School at St. Emeric Catholic Church, serving as its principal and director for 27 years. The Hungarian school teaches both children and adults about Hungarian language and culture. He also served as an officer at the United Hungarian Fund, where he spearheaded philanthropic efforts for scholarships, disaster recovery, and many other programs. Mr. Papp was also a volunteer at the Senior Ethnic Find of Cleveland. As a result of his dedication to the community he was honored by numerous government officials throughout his life.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mr. Gabor Papp, a true leader. Mr. Papp's devotion to the Hungarian community of Cleveland was admirable and irreplaceable. I extend my sincerest condolences to his wife of 64 years, Katalin; his daughters, Eva, Klara, Gabrielle, and Susan; and his many grandchildren, nieces, and nephews.

INTRODUCTION OF THE SHINGLES
PREVENTION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. HIRONO. Mr. Speaker, I rise today to reintroduce the Shingles Prevention Act.

Many of us have had shingles or know of others, especially over the age of 60, who have. In 2006 a new vaccine was created that prevents occurrence of shingles or dramatically reduces the symptoms and pain of shingles.

Experts agree that adults over the age of 60 should receive this immunization.

Half of us will experience shingles by the time we are 80. Shingles is a painful skin rash often accompanied by fever, headache, chills, and upset stomach. What is more pressing is that one in five shingles patients will endure post-herpetic neuralgia—severe pain lasting much longer than the rash itself. The pain can be so intolerable that patients are housebound, and there have been cases of suicide from the disease. Shingles is most common among seniors because the immune system wanes with age, making Medicare beneficiaries the best candidates for the vaccine.

Since its development in 2006, the shingles vaccine has been recommended for adults 60 years or older by the Centers for Disease Control. However, current Medicare Part D coverage of the vaccine is insufficient. Not all beneficiaries are enrolled in Part D or another drug prescription plan. More important, seniors are facing high out-of-pocket costs due to a lack of coordination among doctors, pharmacies, and Part D plans. For example, there is no established direct billing method between doctors and plans for Part D vaccines. Because of this, beneficiaries typically must pay the full price up front, which results in out-of-pocket costs that limit access to those that need the vaccine the most—our seniors.

The billing problem, the resulting low utilization of the vaccine, and costly storage requirements are enough to keep many doctors from stocking the vaccine. When doctors do not stock, beneficiaries' only alternative is to obtain the vaccine from pharmacists. But many states do not allow pharmacies to administer Part D vaccines, so the beneficiary has to take the vial from the pharmacy back to the physician office. Thus, a senior who is thinking about getting vaccinated would have to go first to the doctor's office for a consult, then to the pharmacist, then back to the doctor for the shot.

Not surprisingly, many seniors are not getting immunized against shingles. This low utilization rate contributes to the half a billion dollars of treatment costs per year and, for hundreds of thousands of seniors, many weeks spent suffering from a disease that could have been prevented. The Shingles Prevention Act will move shingles vaccine coverage to Part B—thus treating it in the same manner as the flu vaccine under Medicare, simplifying the process for physicians and beneficiaries, and lessening the cost burden for our seniors. This is a common sense and cost effective way to increase access to high quality health care for our seniors, and I look forward to working with my colleagues to ensure its passage.

Maalo nui loa (thank you very much).

IN RECOGNITION OF THE MANY
ACCOMPLISHMENTS OF RUTH
GRUBER, AN AMERICAN JOURNALIST,
PHOTOGRAPHER, WRITER AND HUMANITARIAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Ruth Gruber, an extraordinary

woman whose life's work has made her an icon and a role model. Over the course of her long and active life, she has been a groundbreaking journalist and photographer, a brilliant scholar, an exceptional writer and a compassionate government official. Most of all, she is a humanitarian whose leadership and intellect helped save thousands of lives.

Ms. Gruber received the American Spirit Award from The Common Good (TCG) on February 3, 2011. In addition, TCG will be screening Ahead of Time, a 2009 documentary about Ms. Gruber's life. Under the leadership of the dynamic Patricia Duff, TCG is a non-profit, non-partisan organization that strives to inspire broad participation in our democracy through the free exchange of ideas and civil dialogue.

Born in Brooklyn in 1911, Ruth Gruber studied at the University of Cologne in Germany where, at the age of twenty, she received her Ph.D. Her dissertation on Virginia Woolf made her the youngest Ph.D. in the world, earning her international headlines and a movie star's welcome when she returned to the United States.

Ms. Gruber returned to the United States where she became a journalist. In 1935, she won a fellowship to write a study of women under fascism, communism, and democracy. The first journalist to enter the Soviet Arctic, she published her experiences in the book, *I Went to the Soviet Arctic*. In 1941, after reading her book, Secretary of the Interior Harold L. Ickes sent Ms. Gruber as his field representative to make a social and economic study of Alaska. Her reports were forwarded to President Franklin D. Roosevelt and played a major role in shaping American policies in Alaska and the Aleutian Islands, which were then on the frontlines of World War II. Among other things, her reports documented the strong work ethic of African-American soldiers.

When Ms. Gruber returned to Washington, Ickes appointed her his special assistant, a position she held for five years. When President Roosevelt decided to accept a thousand European immigrants in the midst of World War II and the Holocaust, Secretary Harold Ickes asked her to escort the refugees to the United States. Largely but not entirely Jewish, the 984 refugees who were chosen to make the journey came from all over Europe. The refugees were permitted into the country with the idea that they would return home following the war's end. Following their arrival in New York harbor on August 3, 1944, they were kept segregated on an old army base in Oswego, New York. Ms. Gruber served as their liaison with the outside world. When the end of the war came, Ms. Gruber lobbied the President and Congress, with the help of Catholic, Jewish and Protestant clergy and other advocates, and convinced them to allow the refugees to stay in America.

Following the war, Ms. Gruber became a foreign correspondent for the Herald Tribune. In 1947, the New York Post asked her to cover the Anglo-American Committee of Inquiry on Palestine, which was formed to consider what to do with the Jewish Holocaust survivors who could not return home. She traveled to the displaced persons camps, covered the Nuremberg trials, and met with Zionist leaders in the Middle East. In 1947, while

covering the Middle East for the Herald Tribune, she learned of the British refusal to allow the Exodus, a former cruise ship crammed with 4,500 refugees, to land in Haifa. The British loaded the survivors onto several boats and sent them first to Marseilles and then to Germany. Ms. Gruber was permitted to travel with the refugees from Marseilles to Germany as the pool reporter. Her dispatches, later collected in the book, *Exodus 1947: The Ship That Launched a Nation*, introduced the world to desperation and determination of the survivors. Her iconic photograph of refugees on board the ship under a flag bearing the British Union Jack overlaid with a Nazi swastika became Life Magazine's photo of the week and was reproduced around the world.

Ms. Gruber continued to work as a foreign correspondent until 1966, and has continued to write books up to the present day. In 1985, Ms. Gruber witnessed another exodus—she traveled to isolated Jewish villages to aid in the rescue of the Ethiopian Jews. She chronicled her experiences in *Rescue: The Exodus of the Ethiopian Jews*. In 1998, she received a Lifetime Achievement Award from her peers in the American Society of Journalists and Authors as “a pioneering journalist and author whose books chronicle the most important events of the twentieth century.” When asked the secret of her success, she said: “Have dreams, have visions and let no obstacle stop you.”

Ms. Gruber was married twice, first to Philip H. Michaels and, after his death, to Henry Rosner. In 1952, at age forty-one, she gave birth to her first child, Celia; her son, David, was born in 1954.

Mr. Speaker, I ask my distinguished colleagues to join me in recognizing the remarkable career and achievements of Ruth Gruber, an indefatigable journalist, activist and humanitarian.

SAMIL MOVEMENT ANNIVERSARY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize the 92nd anniversary of the March 1st Movement also known as the Samil Movement. Today commemorates the start of Korea's independence movement from Japanese colonization and on March 1, 1919, the people of Korea united to fight for their freedom. For 35 years, the people of Korea were denied their identity as they were violently discriminated against by the Japanese government and were forced to repress its culture on their own land.

March 1 is a day of great proclamation as it was the first step to Korea gaining its independence and liberty. Although the Korean Peninsula remains divided, today we recognize the Koreans who fought courageously to defend their land, people and heritage.

Today, the Republic of Korea is one of America's closest economic and military allies in Northeast Asia. South Korea is our 7th largest trading partner and our close relations are signified by our ongoing military cooperation in

the region. South Korea remains a dynamic technological inspiration and a vital partner of the international community. As United States and South Korea continue our partnership and friendship, we must also continue to strive for the independence of the people of North Korea and look at ways to address the ongoing security threats from North Korea.

As the Congresswoman of the 47th District of California, I represent one of the most vibrant Korean-American communities in the United States. And I would like to celebrate with them and the people of Korea on this honorable day of Korea's independence.

IN HONOR OF THE 50TH ANNIVERSARY OF THE HOLY TRINITY BAPTIST CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Holy Trinity Baptist Church of Cleveland, on the occasion of its 50th anniversary. Known as “the Church with the Upward Look and the Forward Step,” this church has served the surrounding community since 1961.

The congregation of Holy Trinity Baptist Church had humble beginnings; for the first four years of its existence it was housed at the Old Crown Theater on Cleveland's east side. In 1965, it moved to its current location on East 131st Street. Throughout its history, Holy Trinity has provided numerous services to its members and the surrounding community. The congregation has an active connection with Haiti, where they built a church and have fostered children. Closer to home, they have hosted nutritional, tutoring, and Head Start programs for their community. Holy Trinity Baptist Church was the first church in Cleveland to offer certified classes in Bible Study.

Mr. Speaker and Colleagues, please join me in recognition and celebration of Holy Trinity Baptist Church's 50th anniversary. Holy Trinity Baptist Church has been a vibrant part of the Cleveland community for fifty years, and through its service and outreach programs, has touched many lives. I send my congratulations to Reverend Chelton C. Flanagan and Reverend Dr. Henry J. Payden, Sr., along with the 700 members of the church on this joyous occasion.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. WASSERMAN SCHULTZ. Mr. Speaker, just yesterday I stood with parents of young children in Davie, Florida who attend early education classes at Crayons Child Care Center.

We spoke about how vital early education is in the development of children.

How early education increases high school graduation rates, and how 50 years of solid

research has shown that early education is shown to reduce crime and delinquency.

We spoke about how early education in minority and lower income communities helps to narrow the achievement gap and lifts future generations out of poverty.

And how, for every dollar spent in early education, our communities yield up to a \$7 return on our investment.

Unfortunately, though, we weren't there to highlight the success of early education, we were there to highlight something that borders on insanity.

Insanity because just over a week ago, this body made the largest cut to education in our Nation's history.

Now, we all understand that our Nation needs to cut spending.

But the society that balances its budget on the backs of its children should not be surprised when the spine of its future is broken.

Davie is a long way from where we stand here today in Washington.

And sometimes it is easy for Members to overlook, or to not understand how what happens here in the Capitol means out in the real world.

That is why I stand here today.

I stand here because the parents I met with cannot stand here and tell you, Mr. Speaker, what these cuts will mean to their children.

Should the cuts to early education funding that were passed in H.R. 1 stand, some of the children at Crayons Child Care will no longer be able to attend early education.

And if students are forced to leave their early education classes there will be teachers at Crayons Child Care that will lose their job.

Laying off teachers and dimming the future of America's children is no way to balance the budget.

These children are 2, 3, 4 years old.

They didn't run up the debt and deficit of our country, but the response from Republicans in the House of Representatives was that they would pay for it.

Republicans preserved tax credits for oil, gas, and chemical companies; they cut Head Start funding.

They preserved tax credits for the coal industry, but they cut Early Education funding.

The parents I met with yesterday in Davie are just a handful of the 9,148 children in Florida that will lose their early education classes if these cuts are to stand.

That just doesn't make sense.

HONORING CAPTAIN LAVERNE SING, THE FIRST FEMALE AFRICAN-AMERICAN FIREFIGHTER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Captain Laverne Sing, the State of Mississippi's first African-American female firefighter. Captain Sing not only broke down years of historical barriers, but also provided safety and security for the citizens of the City of Greenville, Mississippi, for many selfless years.

Known as a Delta Pioneer, Captain Sing was born January 16, 1944, in Washington County, Mississippi, to a family of five sisters and four brothers. She worked numerous occupations leading up to her heroic role as a firefighter including telecommunications operator, medical service driver and dispatcher, and as Greenville's first female security officer for the Greenville Public School District.

Captain Sing reported for duty in June 1979 to her community as the first African-American female firefighter in Greenville without allowing prejudice to get in her way. Her selfless acts in fire prevention and safety have resulted in the preservation of countless lives and incalculable amounts of property. Captain Sing's goals as a firefighter were to save lives, save property, and protect the environment. She met these objectives every day not only in the firehouse and on the scene but in her daily life. Her hard work and expert knowledge led to her rapid promotion from a recruit to Captain of the Greenville Firehouse. Putting herself in harm's way to save precious lives, Captain Sing courageously ran into burning buildings and structures when others were running out. Once inside a burning building, Captain Sing used the right hand search pattern technique and immediately began scouring for and removing trapped occupants by following closely along the room's walls and performing the search until everyone in the structure was safely out.

Captain Sing has always displayed a commitment to excellence even in the face of unthinkable danger. Her acts of gallantry, perseverance and pride exemplify a character that has allowed her to grow and prosper. As Captain for the Greenville Fire Department, she was a leader in the firehouse and at times performed dispatch services for both the fire and police department. She volunteered her time as a public relations officer for the fire department where she presented programs in community schools, daycare centers and nursing homes that educated numerous persons both on escaping a fire and what actions to take when faced with safety hazards.

In 1990 and 1991, Captain Sing served the community as a volunteer for the Salvation Army and the Mississippi Firefighters Memorial Burn Center. A decorated firefighter, Captain Sing has received many honors including the Department's Outstanding Performance Award and the Flame Award from the Greenville Chamber of Commerce. As a firefighter, Captain Sing worked through many grueling academic courses including her national certification in level Fire Fighter One, numerous safety programs and Cardiopulmonary Resuscitation, CPR, training through the American Red Cross.

Captain Sing's exceptional performance of her duties and her barrier-breaking accomplishments has been recognized at events during Black History Month, by churches, associations and community groups. In 1992, upon the passing of the brother committed to her care for 18 years, Captain Sing, felt the call to be close to her family and resigned after over a decade of gallant service to the Greenville Fire Department.

Captain Sing is a proud member of Serene Lodge 20th Century Temple Daughters of Elks and a faithful servant of our Lord and Savior

Jesus Christ at the Grace Outreach Church pastored by Rev. Ruben Lewis. She is the proud mother of three children, Remelda, Demetria and Lawrence Sing. Currently, she devotes her time to children in the Greenville Public School System.

Captain Sing is recognized by the Black Women in Fire Service as the State of Mississippi's first African-American firefighter and as a leader of the African-American women firefighters in the United States of America.

Mr. Speaker, please join me in saluting Captain Laverne Sing, the first female African-American Firefighter in the State of Mississippi for your dedicated service in fire safety and prevention.

TRUE COST OF H.R. 1

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. COHEN. Mr. Speaker, by recklessly slashing more than \$60 billion from the budget, the majority is trying to assume the mantle of fiscal responsibility. They claim that \$60 billion in cuts creates \$60 billion in savings and deficit reduction. But this claim is simply untrue, for many of the underfunded or eliminated programs actually save the government far more money than they cost. These cuts are penny wise but pound foolish. By eliminating funding for these cost saving programs, the majority is not reducing spending; they are increasing it.

As New York Times columnist Paul Krugman said, the majority's cuts are designed to eat the future by cutting spending in a way that undermines the nation's health and long-term prospects. Nowhere is this failure in fiscal policy more apparent than when it comes to the physical health of the American people. H.R. 1 cuts \$60 billion in Fiscal Year 2011 spending, but it increases the deficit dramatically as a result of unseen healthcare costs associated with the degradation of the food we eat, water we drink, and air we breathe. Moreover, H.R. 1 slashes the National Institute of Health's funding for research to find cures for diseases such as Alzheimer's, Parkinson's, diabetes, and cancer.

I believe that it is morally objectionable to leverage our physical health for perceived short-term fiscal and political health. But that is exactly what H.R. 1 does. It allows the majority to fulfill a political promise made during the last campaign. But in doing so, the majority is undermining the long-term health of our citizens and our country by:

Cutting funds for the Food and Drug Administration by \$241 million below 2010 and \$400 million below the Administration's 2011 budget request.

Cutting funds for the Food Safety and Inspection Service by \$88 million below 2010 funding levels and \$107 million below the Administration's 2011 budget request.

Cutting appropriations for the National Institutes of Health by \$1.6 billion below FY 2010 and \$2.5 billion below the President's budget.

Cutting funds for the Clean Water and Drinking Water State Revolving Fund by 56 percent.

Cutting funds for the Environmental Protection Agency by \$3 billion, a nearly 30 percent cut from spending in 2010 and the largest percentage cut in EPA's overall budget in 30 years.

Cutting appropriations for the Centers for Medicare and Medicaid Services by \$458 million below FY 2010 and \$634 million below the President's budget request.

These fiscal cuts have severe physical impacts on the American people and jeopardize the health and well-being of our children. H.R. 1 cuts funding for the Food and Drug Administration's ability to test and regulate medical drugs. It is counterintuitive to think that drugs that people take to cure illnesses may actually create more health problems than they solve. But that is an unfortunate experience that many Americans know all too well. For instance, thousands of Americans took the weight loss drug Fen-phen only to find out years later that it caused severe heart problems and had killed people who had taken the drug for only a short period. The sad truth is that Fen-phen is only one example of a drug that did not undergo the necessary FDA testing and scrutiny, and H.R. 1 will ensure that many more medical drugs receive similar inadequate levels of review. Cutting spending for testing and regulating drugs does not seem like smart fiscal or physical policy to me. It is eating our future.

I believe it is important for parents to be confident that the food they feed their children is making them healthier and not killing them. Unfortunately that is not the case. In the last year alone, we have had food recalls for spinach, peanuts, chicken, eggs, and dozens of other foods. It was not long ago that millions of Americans were combing through their pantries throwing away anything containing peanut butter. This feverish action was a result of a salmonella contamination that claimed the lives of 8 individuals and poisoned more than 500 Americans in 43 states, half of which were children. And it was only a few years ago that E. coli in spinach was responsible for 5 deaths and more than 200 hospitalizations.

The American people deserve better. They deserve the peace of mind of knowing the food they eat and feed their children is safe. But by slashing millions of dollars for the Food Safety and Inspection Service, H.R. 1 denies the American people that peace of mind. In 2010 alone, an estimated 76 million people got sick with foodborne illness and 5,000 individuals died because of the food they ate, according to the U.S. Centers for Disease Control and Prevention. Cutting spending that would prevent many of these deaths and illnesses is not fiscally or physically responsible. It is eating our future.

The irony of H.R. 1 is that not only does it make the American people sicker, but it dramatically cuts funding for the National Institutes of Health (NIH) to develop cures for diseases, instances of which will increase as a result of H.R. 1's attack on safe food, water, and air. The NIH conducts cutting edge research to cure the diseases that plague millions of Americans, from infants to seniors. Nearly every American has watched a friend or loved one fight Alzheimer's, Parkinson's, or cancer or has fought one of these life-threatening battles first-hand. For years, Congress

has provided NIH the necessary tools to help people win these battles. But H.R. 1 stops NIH in its tracks by cutting funding for research that would save American lives. That does not seem like smart fiscal or physical policy to me. It is eating our future.

Although more than 70 percent of the earth is covered in water, only about 1 percent of all the water on the planet is safe to drink. H.R. 1 would reduce that 1 percent by allowing major corporations and developers to pump toxins into our water and by failing to invest in the necessary infrastructure to maintain, treat, and deliver safe drinking water. H.R. 1 reduces the Drinking Water State Revolving Fund by 56 percent, a program that provides low and no-interest loans to states to fund drinking water infrastructure improvement projects. Already too many Americans are suffering from lead poisoning and chronic diarrhea as a result of antiquated infrastructure. We cannot afford to exacerbate the rate of these serious health threats by cutting funding to maintain and repair our water infrastructure. Doing so, does not seem like smart fiscal or physical policy to me. It is eating our future.

H.R. 1 eliminates several million dollars of funding for EPA to implement revised standards for the amount of mercury, lead, and other toxic air pollutants that cement plants across the country can emit into the air we breathe. These revised standards will safeguard the American people from breathing air that will harm their brains, hearts, lungs, and livers. But H.R. 1 strips EPA of any funding to implement this life-saving standard.

Mercury and lead target the developing brains of children and can cause devastating brain damage and death. Millions of American children already suffer from debilitating asthma and brain damage as a result of the dirty air they breathe. H.R. 1 does not try to clean the air; it makes the air even dirtier and exposes more children to air that will impact their health for the rest of their life or in some cases kill them.

According to EPA, these standards will save more than 2,500 lives a year and prevent 50,000 new cases of asthma and respiratory symptoms. But H.R. 1 cuts these funds. That does not seem like smart fiscal or physical policy to me. It is eating our future.

H.R. 1 will also increase the number of individuals in hospitals and doctors' offices as a result of illnesses related to polluted air, dirty water, and bacteria-filled food. And the kicker is that H.R. 1 will make these medical trips more expensive for these individuals and for the government. By eliminating funding for critical components of the Affordable Care Act, millions of Americans will not have access to affordable insurance to cover their respiratory medications to remedy the polluted air they breathe. Parents will have to pay out of pocket—if they can pay at all—for the treatment their children receive thanks to the E. coli in the hamburger they had for dinner. And seniors will no longer have access to free preventative care visits, which are imperative to detect possible ailments caused by inhaling harmful toxins with every breath.

Worse than any of these medical costs is the heartache associated with the tens of thousands of deaths that will occur as a result of the dirtier air, water, and food every Amer-

ican will be consuming thanks to H.R. 1. It is clear that the American people will not be able to afford these costs, so this financial burden will continue to increase our deficit. That does not seem like smart fiscal or physical policy. It is eating our future.

The Republican majority is touting H.R. 1 as a fiscally responsible budget. Sure it looks nice on paper when you take the \$60 billion dollars in cuts as \$60 billions in savings. But by looking a bit deeper into the programs being cut, one can recognize that many of these cuts will end up costing the federal government billions of dollars. Not to mention that H.R. 1 will reduce the physical health and wellness of millions of Americans.

I urge the majority to go back to the drawing board and create a truly cost-saving budget that looks at cost holistically. I encourage them to create a budget that not only restores the fiscal health of this nation but the physical health as well. And I strongly recommend that we develop a budget that wins the future rather than eats it.

IN REMEMBRANCE OF MR. BILL
KELLEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Bill Kelley, the former director of the Cleveland Aquarium who was known for his ingenuity and creativity.

Bill Kelley was born in 1917 in Elyria, Ohio. From a very early age, he had a deep interest in science, and enjoyed building telescopes and crystal radios. In 1954, after serving as an interpreter for the Army in World War II, he worked to convert a small bathhouse in Gordon Park into Cleveland's first aquarium.

Mr. Kelley was well-known for his innovation. He invented special filters and developed an additive that could be added to tap water to make it habitable for salt-water fish. He travelled to Chicago and the Amazon to secure unique specimens for Cleveland's collection. He went on to head aquariums in Niagara Falls and Mystic, Connecticut.

A true renaissance man, Mr. Kelley's expertise was far from limited to sea life. He was also a fellow of Great Britain's Gemological Society and was known for developing a method to strengthen fragile opals and for founding Opals, Inc. He also served as associate director of the Cleveland Museum of Natural History.

Mr. Speaker and colleagues, please rise with me today in honor and remembrance of a passionate and unwavering individual. Mr. Kelley will be remembered for his many contributions to the sciences and for his hard work and dedication. I extend my sincerest condolences to his wife, Lois; his brother, Carl; and his sister, Jean.

INTRODUCTION OF THE NATIVE
HAWAIIAN MEDICAID COVERAGE
ACT OF 2011

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Ms. HIRONO. Mr. Speaker, I rise today to reintroduce the Native Hawaiian Medicaid Coverage Act of 2011. This legislation is a companion to S. 36, which was introduced earlier this year by Senator DANIEL K. INOUE.

This legislation would allow for 100 percent coverage under the Federal Medicaid Assistance Percent, FMAP, formula for Native Hawaiians who are Medicaid eligible and access care from Federally Qualified Health Centers or through the Native Hawaiian Health Care System.

Native Hawaiians, like American Indians and Alaska Natives, are an indigenous, native people. Currently, states receive a 100 percent FMAP reimbursement for health care services provided through Indian Health Services facilities. The bill I am introducing today would bring parity in the treatment of our country's Native peoples.

Congress has previously recognized the unique and historical relationship between the United States and the indigenous people of Hawaii. I ask for my colleagues continued support for the health and wellbeing of Native Hawaiians.

Mahalo (thank you).

MILITARY HONORS FOR
VETERANS' FUNERALS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. FILNER. Mr. Speaker and colleagues, I rise today to speak about a bill that I have just reintroduced, "Providing Military Honors for our Nation's Heroes Act" (H.R. 545), to reimburse expenses of volunteers who provide military funeral honors at veterans' funerals.

Because thousands of service members are deployed in Iraq and Afghanistan while thousands of World War II and Korean War veterans die each day, there is simply not enough military to provide a proper seven-person honors detail for these funerals. Some families of veterans have had to "make do" with a CD playing "Taps." I am saddened by this outrageous situation and determined to provide proper military funeral honors for all families who request them.

This bill will allow reimbursement to volunteers from members of veterans' service organizations (VSOs) and other organizations approved by the Secretary of the Department of Veterans' Affairs (VA). Transportation costs and other expenses, such as cleaning uniforms, incurred in providing funeral honors details will be reimbursed. A second change will allow reimbursement to details that are requested by funeral homes and the VA, as well as the Department of Defense, the current practice.

Currently, members of VSOs and other volunteers can assist the military by providing a color guard, pallbearers, a bugler or firing party, but the law does not address ceremonies in which VSOs render honors without military representation. My bill will allow volunteers to be reimbursed even when no military person is a part of the honor guard. This change will increase the number of honors details available to families. I urge my colleagues to support this bill.

REGARDING THE 50TH ANNIVERSARY OF THE PEACE CORPS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. VAN HOLLEN. Mr. Speaker, today I rise in recognition of the 50th anniversary of the Peace Corps and to honor the memory of its founder Sargent Shriver.

The Peace Corps was created in 1961 to encourage Americans to travel abroad as am-

bassadors of good will and to engage other cultures in pursuit of world peace and mutual understanding. For 50 years, Peace Corps volunteers have helped to sow the seeds of friendship around the globe through their industry and enthusiastic service. Today, the Peace Corps endures as a living reminder of the spirit and dedication of Sargent Shriver, who was a tireless crusader for peace and justice, willing to lend a hand wherever one was needed, and building institutions like the Peace Corps that will carry on well into the future.